CONGRESSIONAL RECORD:

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THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SIXTH CONGRESS, FIRST SESSION.

VOLUME XXXIII.

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VOLUME XXXIII, PART II

CONGRESSIONAL RECORD,

FIFTY-SIXTH CONGRESS, FIRST SESSION.

Mr. BENTON. I do not so understand.
Mr. HILL. Then it is useless to raise it to $250.
Mr. BENTON. I understand it to be $250 income.
Mr. HILL. Is it net income or gross income?
Mr. BENTON. I understand it to be gross income.
Mr. HILL. It seems to me the Pension Committee ought to scan that legislation carefully in order to see that it is beneficial in its results.
Mr. MAHON. The Commissioner of Pensions says that it means net income.
Mr. BARNEY. Mr. Chairman, a few words only in closing this debate. In reply to the gentleman from Connecticut, I will say that as I understand it has always been the rule of the Pension Department in deciding upon widows' claims to estimate the net income and not the gross income. In my judgment no other rule would be just or a reasonable construction of the law.
Mr. HILL. That is what I want to know.
Mr. BARNEY. And I understand that if the bill which has passed the Senate shall pass this House and become a law, providing for an increase of that limit of income to $250, that will relate also to net income and not to gross income.
Mr. RAY of New York. There is no doubt about that.
Mr. BARNEY. The law of June, 1890, under which widows receive pensions, provided that if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died or shall die leaving a widow without any other means of support than her daily labor, she shall have a pension of $8 a month.
The Pension Department, under that law, ruled, and I think every lawyer will say that the ruling was a reasonable construction of the law, that if the widow's income does not exceed the amount of a yearly pension—that is, $96—she can receive this pension, but that if it is more than that she can not. Now, a bill has recently passed the Senate increasing that limit to $250, and I trust it will very speedily pass this House and become a law. And I might say right here that the Pension Commissioner told us that he made his estimate for the fiscal year 1901 anticipatory of that law, providing a sufficient amount to pay the claims which would come in under and by virtue of that law. I hope that is a sufficient answer to the gentleman.
Now, Mr. Chairman, just a few words more, and we will close this debate. I must say that I am somewhat weary of hearing suggestions made here from time to time that the pension roll of the United States ought to be a roll of honor, thus at least insinuating that at present it is not. In my humble judgment, the pension roll of the United States to-day is and always has been a roll of honor, the grandest record of brave and patriotic soldiery that the world has ever known.
When we remember that there are nearly a million of names upon this roll, we will not wonder that a few unworthy names are placed there, but this latter class are so very few that they can not be said to affect the character of the whole; and there is no class more ready and willing to purge the roll of the few unworthy ones than the old veterans themselves.
Neither do I like to hear gentlemen upon this floor or elsewhere speak of pensions as gratuities and charities doled out by the Government to its old soldiers. No; these old veterans, whose heads are growing gray and whose shoulders are being bowed with the weight of years, reenforced by the privations and hardships of war, are not objects of charity!
They have earned, and honestly earned, as but few men in the history of the world ever earned money, every dollar which this nation is paying them in the way of pensions. Their services and sacrifices and the services and sacrifices of their comrades who fell upon the field of battle kept the stars upon our flag and preserved us as a nation, and we are only paying them a part of their honest dues when we appropriate this money.
Of all the millions of money which this Congress necessarily and very properly appropriates every year I do not think one appropriation contains less of fraud and more in proportion of money honestly earned and justly due than this pension appropriation bill.
That is all I desire to say, and if no other gentleman desires to be heard further in general debate, I call for the reading of the bill under the five-minute rule.
The bill was read at length.
Mr. BARNEY. I now move that the committee rise and report the bill to the House with the recommendation that it do pass.
Mr. ROBINSON of Indiana. Mr. Chairman, I do not think all the printed portion of this bill was read.
The CHAIRMAN. It has been read.
Mr. ROBINSON of Indiana. I find a portion of this bill which seems to be in a note. That is a portion of the bill, I understand?
Mr. BARNEY. Oh, no.
Mr. ROBINSON of Indiana. Then I do not understand the purpose of printing it in the bill.
Mr. BARNEY. It is for the information of the House, in order to show what the expenditures have been heretofore, but is no part of the bill.
The motion that the committee rise was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6627), and had directed him to report the same back to the House without amendment and with the recommendation that the bill do pass.
Mr. MAHON. Mr. Speaker, I ask unanimous consent to insert this amendment, which I think we will all agree to. I will have it read for information.
The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the consideration of an amendment, which will be read for the information of the House.
The Clerk read as follows:

Insert, in line 2, page 3, after word "dollars," the following: "*Provided*, That the Commissioner of Pensions shall furnish all necessary blanks to claimants, and that said Commissioner may, in his discretion, refuse to pay the fee to attorney of record when he is satisfied that said attorney failed to prepare the case under his or her personal supervision and did not discharge his full duty to claimant."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and the question is on agreeing to the amendment.
The amendment was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.
On motion of Mr. BARNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO PRINT.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that permission may be granted to those who have addressed the Committee of the Whole House on the state of the Union on this bill to extend their remarks in the RECORD within five days.
The SPEAKER. The gentleman from Georgia asks unanimous consent that gentlemen who have addressed the Committee of the Whole House on the state of the Union on this bill may have leave to extend their remarks for five days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

COMMITTEE ASSIGNMENTS.

The SPEAKER. The gentleman from Tennessee [Mr. GAINES] desires to resign as a member of the Committee on Elections No. 2. Without objection, that request will be granted.
There was no objection.
The following committee assignments were announced:
Mr. SNODGRASS to the Committee on Elections No. 2.
Mr. GAYLE to the Committee on Public Buildings and Grounds.
Mr. BARNEY. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; and accordingly (at 4 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:
A letter from the Secretary of the Treasury, recommending a new light-house tender for use on the lower Mississippi River—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Orange River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.
A letter from Hamilton & Colbert, transmitting the annual report of the Georgetown Barge, Dock, Elevator and Railway Company—to the Committee on the District of Columbia, and ordered to be printed.
A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Adeline M. Willis against the United States—to the Committee on War Claims, and ordered to be printed.
A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lytle A. Rather, administrator of estate of John Oswald, against the United States—to the Committee on War Claims, and ordered to be printed.
A letter from the Secretary of War, transmitting, with a letter from the Quartermaster-General of the Army, a draft of a bill relating to the erection of public buildings at Fort Dupont, Del.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4602) to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes, reported the same without amendment, accompanied by a report (No. 77); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5491) to amend section 4843 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 78); which said bill and report were referred to the House Calendar.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the resolution of the House (H. Res. 101) requesting the Secretary of War to furnish correspondence and reports pertaining to proposed power canal projected by the Michigan-Lake Superior Power Company, reported the same without amendment, accompanied by a report (No. 79); which said resolution and report were referred to the House Calendar.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the resolution of the House (H. Res. 69) directing the Commissioners of the District of Columbia to furnish information as to right and title by which any railroad corporation occupy and use Government grounds within the District of Columbia, reported the same with amendment, accompanied by a report (No. 80); which said resolution and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 5454) to purchase a painting of the several ships of the United States Navy known as the "Squadron of Evolution" and entitled "Peace," reported the same without amendment, accompanied by a report (No. 81); which said bill and report were referred to the Committe of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 404) to preserve the grave of Gen. Daniel Morgan and erect a monument over the same, reported the same without amendment, accompanied by a report (No. 82); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 50) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann, reported the same without amendment, accompanied by a report (No. 83); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. THROPP, from the Committee on Claims, to which was referred the bill of the House (H. R. 1605) for the relief of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 76); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5677) for the relief of Edward Tweed—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 6728) granting an increase of pension to Esek B. Chandler—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 6872) to print the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

By Mr. SHAFROTH: A bill (H. R. 6873) to increase the limit of cost for the purchase of site and erection of a public building thereon at Leadville, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. CAPRON: A bill (H. R. 6874) to create an additional life-saving district and authorizing certain changes in the serial numbers of existing districts—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: A bill (H. R. 6875) to authorize needed repairs of the graveled or macadamized road, and the replanting of trees, from the city of Fort Scott, Kans., to the national cemetery near said city—to the Committee on Military Affairs.

By Mr. KNOX: A bill (H. R. 6876) providing for the transfer to Post 39, Grand Army of the Republic, certain guns now in possession of Battery C, Massachusetts Volunteer Militia—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: A bill (H. R. 6877) to amend section 3949 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: A bill (H. R. 6878) to reduce the duty on printing paper to 2 per cent ad valorem—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 6879) to provide for the employment of women nurses in military hospitals of the Army—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 6880) to place on the free list all manufactured products where the articles may be controlled by trusts or combinations of capital—to the Committee on Ways and Means.

By Mr. EDDY: A bill (H. R. 6881) for the relief of settlers upon the lands within the grant of the Northern Pacific Railroad Company—to the Committee on the Public Lands.

By Mr. GARDNER of New Jersey: A bill (H. R. 6882) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the United States or any Territory or the District of Columbia—to the Committee on Labor.

By Mr. PAYNE: A bill (H. R. 6883) to extend the laws relating to customs and internal revenue over the island of Puerto Rico ceded to the United States—to the Committee on Ways and Means.

By Mr. BRANTLEY: A bill (H. R. 6884) to provide for circuit and district courts of the United States at Valdosta, Ga., and to transfer certain counties from the northern to the southern district in said State—to the Committee on the Judiciary.

By Mr. ROBINSON of Nebraska: A bill (H. R. 6956) to provide for the erection of a public building at Norfolk, in the State of Nebraska—to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 127) for the relief of Capt. Andrew Miller's company, of St. Genevieve, Mo.—to the Committee on Pensions.

By Mr. HEMENWAY: A joint resolution (H. J. Res. 128) authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A resolution (H. Res. 102) to continue the employment of John Tate as page in the press gallery of the House—to the Committee on Accounts.

By Mr. RICHARDSON: A resolution (H. Res. 103) directing the Secretary of the Treasury to furnish House of Representatives with receipts from the war-revenue law of 1898—to the Committee on Ways and Means.

By Mr. LEVY: A resolution (H. Res. 104) relative to the cost of the war with Spain—to the Committee on Ways and Means.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 105) relative to the sailors of the Spanish war having appointments in public offices—to the Committee on Reform in the Civil Service.

By Mr. DALZELL: A resolution (H. Res. 106) relative to dams in the Ohio and Allegheny rivers—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 6885) granting an increase of pension to Horace B. Durant—to the Committee on Invalid Pensions.

By Mr. BELLAMY: A bill (H. R. 6886) for the relief of John L. Cantwell, of Wilmington, N. C.—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 6887) for the relief of John T. Phillips—to the Committee on War Claims.

By Mr. CLAYTON of New York: A bill (H. R. 6888) to remove the charge of desertion against the name of Samuel Demby—to the Committee on Military Affairs.

By Mr. CALDWELL: A bill (H. R. 6889) for the relief of R. H. Shropshire—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 6890) granting an increase

of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 6891) to grant a pension to David S. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6892) granting an increase of pension to Mrs. Kate O. Phillips—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 6893) allowing Charles A. Moody and Albert Berg to commute their homestead entries—to the Committee on the Public Lands.

By Mr. FLYNN: A bill (H. R. 6894) granting pension to H. Myers—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 6895) granting a pension to David L. Rathburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6896) granting a pension to Rachael E. Edwards—to the Committee on Pensions.

Also, a bill (H. R. 6897) granting a pension to Eliza Power—to the Committee on Pensions.

Also, a bill (H. R. 6898) for the relief of S. W. Fountain—to the Committee on Claims.

Also, a bill (H. R. 6899) granting a pension to Martin Essex—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 6900) granting an increase of pension to Benjamin F. Kurtz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6901) removing charge of desertion from military record of Martin Mehaffey—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 6902) granting pension to Mrs. Lydia A. Tryon—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 6903) for the relief of William Ludgate—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 6904) granting an increase of pension to John L. Finley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6905) granting an increase of pension to Chauncey Bates—to the Committee on Invalid Pensions.

By Mr. LEVY (by request): A bill (H. R. 6906) to amend the military record of James C. Howard—to the Committee on Military Affairs.

By Mr. LITTAUER: A bill (H. R. 6907) for the relief of Kate A. Hill—to the Committee on Claims.

Also, a bill (H. R. 6908) granting a pension to Mrs. Ellen Hardin Walworth—to the Committee on Pensions.

By Mr. MAHON: A bill (H. R. 6909) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain—to the Committee on War Claims.

By Mr. METCALF: A bill (H. R. 6910) granting a pension to John A. Robinson—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 6911) granting an increase of pension to James R. Sawtell—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: A bill (H. R. 6912) granting a pension to Joseph E. Hood—to the Committee on Invalid Pensions.

By Mr. MULLER: A bill (H. R. 6913) for the relief of James Supple—to the Committee on Naval Affairs.

By Mr. NEVILLE: A bill (H. R. 6914) granting a pension to Elliott Loomis, of Gibbon, in the State of Nebraska—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6915) granting a pension to William C. Wilson, of Kearney, in the State of Nebraska—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6916) granting a pension to Mary L. Underhill, of Brokenbow, Nebr.—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 6917) for the relief of T. P. Salyer, of Lawrence County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 6918) for the relief of William G. Gardner—to the Committee on Military Affairs.

Also, a bill (H. R. 6919) granting an increase of pension to John Blanchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6920) for the relief of William T. Moore—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 6921) granting an increase of pension to Gustav Reinecker, of Alexandria, Va.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6922) for the relief of F. M. Brabham—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 6923) granting a pension to Peter J. Osterhaus, a major-general in the Union Army in the late rebellion—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 6924) granting a pension to Frances Marilla Buell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6925) granting an honorable discharge to G. G. Martin, late lieutenant-colonel First United States Colored Troops—to the Committee on Military Affairs.

Also, a bill (H. R. 6926) granting pension to Orin A. Carpenter—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 6927) for the relief of Thomas Caldwell—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 6928) granting a pension to Philip Schrier—to the Committee on Pensions.

By Mr. SHAFROTH: A bill (H. R. 6929) granting an increase of pension to James G. Hartzell, of Golden, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6930) granting an increase of pension to James Stonehocker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6931) granting an increase of pension to Edward P. Pitkin—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 6932) for the relief of John G. Winckler—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: A bill (H. R. 6933) to pension Susan Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6934) to pension Priscilla Soule—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6935) to pension William W. Myers—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 6936) for the relief of Mary J. Maxey, widow of J. J. Maxey, deceased—to the Committee on War Claims.

By Mr. STEWART of Wisconsin: A bill (H. R. 6937) to remove the charge of desertion from the military record of Peter Baker—to the Committee on Military Affairs.

By Mr. THROPP: A bill (H. R. 6938) for the relief of the Society of the United Brethren in Christ, of Tyrone, Pa.—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 6939) correcting the military record of William H. Davis—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 6940) to remit the sentence of general court-martial against Franklin J. Myers, late private, Company C, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 6941) to remove the charge of desertion from George W. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 6942) granting a pension to John W. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6943) granting a pension to Martha Loveland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6944) granting a pension to M. A. Mullen, widow of the late D. A. Mullen, second lieutenant, Ninety-eighth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6945) granting a pension to Elizabeth L. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6946) granting a pension to John A. Levens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6947) to grant Alonzo C. Rembaugh, late private, Company C, Seventy-first Regiment Pennsylvania Volunteers, a pension—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6948) to remove the charge of desertion from the record of Henry Laddy—to the Committee on Military Affairs.

Also, a bill (H. R. 6949) to increase the pension of George D. Fitch, late assistant surgeon, Second Regiment New Jersey Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6950) granting a pension to Cornelia S. Sherve—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6951) for the relief of Jeremiah Eltz—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 6952) to pension Carrie P. Dale, widow—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 6953) for the removal of the charge of desertion now standing against Furman D. Lee—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 6954) for the relief of Decatur Hamlin—to the Committee on War Claims.

By Mr. GREEN of Pennsylvania: A bill (H. R. 6955) granting a pension to Catharine A. Schwunger—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of Hancock Command, No. 1, Union Veterans' Union, protesting against the passage of House bill No. 3899—to the Committee on Agriculture.

By Mr. BARTHOLDT: Resolutions of the Horse Breeders' Association of Missouri, in favor of the pure-food bill—to the Committee on Agriculture.

By Mr. BELL: Petitions of post-office clerks at Canon City, Colo., and citizens of Grand Junction, Colo., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Olathe, Colo., against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. BROSIUS: Resolutions of farmers' institutes of New Holland, Quarryville, and Gap, Pa., and the Agricultural and Horticultural Society of Lancaster, Pa., urging legislation in aid of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. CATCHINGS: Petition of Antonia Q. Lovell and others, for compensation for use of their real estate occupied by the Army, and evidence—to the Committee on War Claims.

By Mr. COWHERD: Papers to accompany bill for the relief of Decatur Hamlin—to the Committee on War Claims.

By Mr. DALZELL: Papers to accompany House bill granting a pension to David S. Taylor—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase the pension of Mrs. Kate O. Phillips—to the Committee on Invalid Pensions.

By Mr. FITZGERALD of Massachusetts: Resolution of the Central Labor Union of Washington, D. C., in opposition to section 3 of House bill No. 5486—to the Committee on the Census.

Also, resolution of the Springfield, Mass., Board of Trade, favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of the employees of the Yankton, S. Dak., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, evidence to accompany House bill No. 1944, for the relief of Eli C. Walton—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Memorial of the New York Chamber of Commerce, in favor of the increase of coast artillery—to the Committee on Military Affairs.

Also, resolutions of the Philadelphia Board of Trade, favoring the appointment of a commission to study and report upon the industrial and commercial conditions of China—to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania: Petition of C. I. Miller and others, of Reading, Pa., against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. GRIFFITH: Papers and amendment relating to House bill No. 6327, for the payment of certain claims of John Schierling, administrator of the estate of Gallus Kerchner, deceased—to the Committee on Claims.

By Mr. GROSVENOR: Petition of citizens of Meigs County, Ohio, in favor of rural free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, papers in support of House bill for the relief of Eliza Power—to the Committee on Pensions.

Also, paper to accompany House bill for the relief of Rachel E. Edwards—to the Committee on Pensions.

Also, papers to accompany House bill for the relief of David L. Rathbun—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of S. W. Fountain—to the Committee on Claims.

By Mr. HAUGEN: Protests of citizens of Locust, churches of Volga City, and the faculty of Charles City College, all in the State of Iowa, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. HAWLEY: Petition of post-office clerks at Galveston, Tex., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Papers to accompany House bill No. 5385, referring to the Court of Claims a certain claim for the use of hook attachments for firearms—to the Committee on Claims.

By Mr. LOUDENSLAGER: Petitions of W. C. Cattell and others, of Wenonah, N. J., and James S. Fenton, of Pennsgrove, N. J., favoring the establishment of postal savings banks—to the Committee on Banking and Currency.

By Mr. NEVILLE: Paper to accompany House bill granting a pension to Mary L. Underhill—to the Committee on Invalid Pensions.

By Mr. RIDGELY: Resolutions adopted at a meeting of the mayor and councilmen of Baxter Springs, Kans.; Baxter Post, No. 123, Grand Army of the Republic, of Baxter Springs, and letter of Samuel H. Smith, for an appropriation for the improvement of a public highway from River street, Baxter Springs, to the national cemetery, west of the city—to the Committee on Appropriations.

Also, petition of Thomas Caldwell, praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Papers to accompany House bill granting an increase of pension to Gustav Rienecker, of Alexandria, Va.—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Papers to accompany bill granting a pension to Philip Schrier—to the Committee on Pensions.

By Mr. SMALL: Petition of S. M. Beasley, of Carricut County, J. B. Etheridge, and many citizens of North Carolina, relating to surfmen of the United States life-saving station—to the Committee on the Merchant Marine and Fisheries.

By Mr. SNODGRASS: Petition of Mary J. Maxey, widow of J. J. Maxey, deceased, for reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. STEWART of Wisconsin: Resolutions of California Citrus Growers' Tariff Committee, against the reduction of tariff rates on citrus fruits as proposed in pending reciprocity treaties—to the Committee on Ways and Means.

By Mr. THROPP: Papers to accompany House bill relating to the claim of the United Brethren Church of Christ, in Tyrone, Pa.—to the Committee on War Claims.

By Mr. WRIGHT: Petitions of 12 railway postal clerks and 11 citizens of the Fifteenth Congressional district of Pennsylvania, to reclassify railway postal clerks and prescribe their salaries—to the Committee on the Post-Office and Post-Roads.

Also, petition of post-office clerks at Towanda, Pa., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG of Pennsylvania: Petition of druggists of the Thirty-seventh Ward, Philadelphia, Pa., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 20, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1933. An act to provide an American register for the steam whaler *Bowhead;*

S. 255. An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho, and making appropriations to carry the same into effect; and

S. 1484. An act to authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone.

THE CASE OF BRIGHAM H. ROBERTS, REPRESENTATIVE FROM UTAH.

Mr. TAYLER of Ohio. Mr. Speaker, I present the report of the Special Committee on the Case of Brigham H. Roberts, together with a resolution pertaining thereto, and I give notice that I will call it up on Tuesday next.

The SPEAKER. The gentleman from Ohio presents a privileged report on the case of Brigham H. Roberts, and gives notice that he will call the same up for consideration on Tuesday next. The Clerk will read the title of the report.

The Clerk read as follows:

Mr. TAYLER of Ohio, from the Special Committee on the Case of Brigham H. Roberts, Representative-elect from the State of Utah, presents the following report.

The SPEAKER. The report will be printed and placed upon the House Calendar.

Mr. LITTLEFIELD. Mr. Speaker, I beg leave to submit the views of the minority.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that 5,000 copies of the report, with the views of the minority, be printed for the use of the House.

The SPEAKER. The views of the minority will be printed with the report of the majority. The gentleman from Ohio asks that 5,000 copies of the report of the majority and minority views be printed for the use of the House.

Mr. LACEY. I suggest to the gentleman if it would not be well to have the resolution and that of the minority, whatever it may be, printed in the RECORD?

Mr. TAYLER of Ohio. I see no reason why that should not be done.

Mr. RICHARDSON. I would suggest to the gentleman from Ohio and the House whether it would not be better to have the copies of the views of the majority and the minority printed and put in the folding room for distribution instead of the document room, so that they will be apportioned to members.

The SPEAKER. The gentleman from Ohio asks unanimous consent that there be printed 5,000 copies of the report of the majority and the views of the minority, and that the copies shall be distributed to members through the folding room of the House.

Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The following is the resolution in the majority report:

Resolved, That under the facts and circumstances of this case Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and that the seat to which he was elected is hereby declared vacant.

ROBERT W. TAYLER.
CHARLES B. LANDIS.
PAGE MORRIS.
ROMEO H. FREER.
SMITH McPHERSON.
SAMUEL W. T. LANHAM.
ROBERT W. MIERS.

The following is the resolution submitted in the views of the minority:

Resolved, That Brigham H. Roberts, having been duly elected a Representative in the Fifty-sixth Congress from the State of Utah, with the qualifications requisite for admission to the House as such, is entitled, as a constitutional right, to take the oath of office prescribed for members-elect, his status as a polygamist, unlawfully cohabiting with plural wives, affording constitutional ground for expulsion, but not for exclusion from the House.

And if the House shall hold with us and swear in Mr. Roberts as a member, we shall, as soon as recognition can be had, offer a resolution to expel him as a polygamist, unlawfully cohabiting with plural wives.

C. E. LITTLEFIELD.
DAVID A. DE ARMOND.

ADMISSION OF SEÑOR ALFARO TO WEST POINT MILITARY ACADEMY.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Chair would like to say to members of the House that in these matters where requests are made for unanimous consent the House should be in order, so that all members may hear what the requests are and understand the matters proposed. The gentleman from Iowa is recognized.

Mr. HULL. I will say, Mr. Speaker, that this is a resolution sent by the Secretary of State, after consultation with the Secretary of War, simply granting to the Republic of Ecuador the right to send a cadet to the Military Academy at West Point without expense to the Government of the United States, a courtesy that has been always granted to any republic asking for that privilege.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 129) authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Olmedo Alfaro, of Ecuador.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to permit Olmedo Alfaro, of Ecuador, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Alfaro the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. RICHARDSON. I want to ask the gentleman from Iowa if this is in the usual form?

Mr. HULL. It is in the usual form and in the form that the Secretary of State has always sent it to the House.

Mr. RICHARDSON. I supposed it was.

Mr. MERCER. Mr. Speaker, I would like to ask the gentleman from Iowa if it has ever been customary heretofore under such circumstances to make cadets take an oath that they will not take up arms against the Government of the United States.

Mr. HULL. I think there is nothing of that kind. It suspends the conditions of admission, and admits them as a friendly act to a neighboring Republic, and they can go back to their country absolutely free to serve their country.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 4602) to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes.

Be it enacted, etc., That the Chicago, Rock Island and Pacific Railway Company, a corporation created under and by virtue of the laws of the States of Illinois and Iowa, be, and the same is hereby, empowered to survey, locate, construct, and maintain a railway, telegraph, and telephone line through the Fort Reno and Fort Sill military reservations in the Territory of Oklahoma, upon such a line as shall be determined and approved by the Secretary of War.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said Fort Reno and Fort Sill military reservations and a right to take and use a strip of land in each of said reservations 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, with the right to use such additional ground when cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion shall revert to the United States, from which the same shall have been taken.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which has just been read. Is there objection?

Mr. PAYNE. Reserving all rights, Mr. Speaker, I want to ask the gentleman if the bill has been reported from any committee?

Mr. HULL. It has been unanimously reported from the Committee on Military Affairs. The Secretary of War reported that there could be no objection to its passage. The House some time ago passed a bill authorizing the right of way through the Territory of Oklahoma, and the road was constructed until it reached this reservation, when they found that the mere grant of way through a Territory covers no right of way through a military reservation, and they are held up for that reason.

Mr. COX. I object.

Mr. HULL. I hope the gentleman will not do that. After a full hearing, the committee were unanimously in favor of it. It can do no possible harm.

The SPEAKER. Objection is made by the gentleman from Tennessee [Mr. COX].

DRY DOCKS AT LEAGUE ISLAND AND MARE ISLAND.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1484) to authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the provisions of "An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes," approved May 4, 1898, relating to the construction of dry docks, as modified by "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, are hereby further modified so that the Secretary of the Navy may, in his discretion, contract for the construction of the dry docks at League Island, Pa., and at Mare Island, Cal., in addition to those at Boston, Mass., and Portsmouth, N. H., to be built of concrete and stone, and in such case the limit of cost of the dry docks for Mare Island, Cal., and League Island, Pa., is so far modified that the total additional increased cost for the two dry docks aforesaid shall not in the aggregate exceed $700,000.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, I hope we may have order. In view of the fact that this is a request for unanimous consent, and involves a considerable sum of money, I should like an explanation of the reason for it.

The SPEAKER. The House will be in order. Gentlemen will cease conversation and resume their seats. There is no more important duty for members than to watch these requests for unanimous consent, and order is absolutely essential to the discharge of that duty. The gentleman from Tennessee——

Mr. RICHARDSON. I stated, Mr. Speaker, that this being a request for unanimous consent, and involving the expenditure of quite a large sum of money, I think we ought to have some clear explanation of the necessity for the measure and some statement as to the necessity for passing it at this time. Why is it emergent? Why can it not wait until the regular course of legislation?

Mr. LOUDENSLAGER. Mr. Speaker, I will say for the benefit of the members of the House that the Senate bill is exactly in the language of a bill that has been considered by the Naval Committee of the House and reported to the House. The report is unanimous.

The urgency for this legislation is stated in the report of the Secretary of the Navy, and I think I can, in a few words, show to the House the necessity for it.

The act of 1898 authorized the construction of four timber dry docks, but left it discretionary with the Secretary of the Navy to have one of those dry docks built of concrete and stone. He exercised that discretionary power, and selected the one to be located at Boston as the one to be constructed of concrete and stone. The appropriation bill for 1900 so far modified the act of 1898 as to give the Secretary of the Navy discretionary power to select one of the remaining three dry docks to be constructed of concrete and stone, and he selected the one to be located at Portsmouth, N. H., to be so constructed, leaving the other two, one located at League Island, Pa., and one to be located at Mare Island, Cal., to be constructed of timber rather than of concrete and stone.

It may be well to say to the members of the House that in the consideration given by the committee to this matter in 1898 they took extensive testimony and were unanimously of the opinion that concrete and stone dry docks were the best that could be built, but for reasons of economy considered that the timber dry docks were advisable. They were led to that conclusion from the facts submitted to them as to the relative cost of the two kinds of dry docks. They believed that a stone dry dock of the dimensions asked for would cost from a million and three-quarters to to two millions and a quarter of dollars. However, the facts of the case are that since then proposals have been asked for by the Secretary of the Navy, and the dry dock at Boston has been contracted for at a cost of $1,013,000, and the one at Portsmouth, N. H., has been contracted for at a cost of $1,089,000.

Mr. RICHARDSON. Will the gentleman allow me to ask him when these wooden dry docks were ordered?

Mr. LOUDENSLAGER. In 1898. The cost of these two stone dry docks will be $2,102,000, or about the amount that was supposed by the committee at that time to be necessary for the construction of one dry dock. The Secretary of the Navy, being compelled to follow out the instructions of the act of 1898, has submitted proposals and received bids for the construction of these two dry docks of timber, the one to be located at League Island and the other at Mare Island, but there is a clause in each contract which specifies that these dry docks may be changed from timber to concrete if the Secretary of the Navy be authorized to do so, and that no damage shall occur to the Government by virtue of that change, and no increased cost, except such as may be determined by a board of naval officers, three of whom shall be engineers. Now, these contracts having been entered into, the Secretary of the Navy being anxious that the change shall be made, and the Naval Committee, who have given this matter consideration, believing that it is for the best interests of the Government and the most economical, have asked that this legislation be passed in order that the change may be made, so as not to make any increased cost to the Government by virtue of the delay.

If any other information is desired, I shall be glad to furnish it. I might add that, believing some of the members might feel that there might be some cause for damage or expense to the Government by virtue of the contracts having been entered into, I have obtained and have in my possession a letter from the contractors, in answer to one that I sent to them, wherein they state that no work has been performed and no materials furnished for these contracts save such work and materials as would be necessary to enter into the construction of the docks whether they be built of timber or of stone, and hence no damage can come to the Government, nor do they ask for any compensation by virtue of the change, except so much as will come by reason of the change in the kind of material, from wood to concrete and stone.

Mr. FOSS. I should like to ask the gentleman to state, for the benefit of the House, the time within which this change in the contracts must be made. That would show the urgency of this legislation at this time.

Mr. LOUDENSLAGER. This change is desired to be made before the 13th day of February next, and that is the necessity for this legislation now. While some of the members thought it best to let it come in on the regular appropriation bill, I can say that it will cost the Government no more, nor will the money be expended any sooner, by the passage of the resolution at this time. The only object of this legislation is to enable the Secretary of the Navy to make the changes and modify the contract so as to provide for building the dry docks of concrete and stone and to make that change before any delay shall be occasioned which will be a ground for expense or cost to the Government.

Mr. RICHARDSON. I could not catch the gentleman's statement as to the additional expense which is to be imposed on the Government by reason of the change which the gentleman seeks.

Mr. LOUDENSLAGER. No additional expense, except for the difference in the material furnished.

Mr. RICHARDSON. How much is that? About how much is the increase in this expense by reason of this error or mistake in the Department, or in the legislation of 1898? How much additional expense is to be imposed on the Government by the change or modification now contemplated?

Mr. LOUDENSLAGER. The limit of the increase of cost is $350,000. The original limit was $825,000. The present cost of the two stone dry docks already contracted for at Boston and at Portsmouth is $1,089,000 and $1,013,000, respectively. The dry docks at Portsmouth and Boston are of the same size and to be constructed in the same manner, but the less cost of the dry dock at Portsmouth is due to the fact that it is located nearer the quarries from which the stone is furnished; hence the cost of the delivery of the raw material is not so great. Now, these two contracts can not cost more than the limit fixed, and the increase in the limit is $350,000. The Department, however, believe that they can be built for $1,100,000 or less.

Mr. RICHARDSON. If I understand the gentleman, this report now made is concurred in by the minority members of the committee as well as the majority.

Mr. LOUDENSLAGER. That is correct, and it is concurred in by the Senate committee and unanimously passed by the Senate.

Mr. DE VRIES. As I understand it, nothing has been expended by way of construction on the wooden docks, and therefore this change from wood to stone involves no loss in money whatsoever to the Government, because no damage has been done. It means simply an increase of expenditure to secure a better dock, without the loss of a cent to the Government.

Mr. RICHARDSON. It is to correct an error made, I suppose, by the Department, in 1898, in recommending wooden docks instead of stone docks. So far as I am concerned, Mr. Speaker, I have no objection to the consideration of the bill. I understand some gentlemen of the minority of the committee desire to give expression to their views when the measure is under consideration, but I imagine there will be no objection to considering it.

The SPEAKER. The Chair would like to know of the gentleman from New Jersey if he desires the consideration of the Senate bill?

Mr. LOUDENSLAGER. I do.

The SPEAKER. Is there objection to the present consideration of the Senate bill? [After a pause.] The Chair hears none, and the question is on the third reading of the bill.

Mr. WHEELER of Kentucky. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER of Kentucky. Ought we not to vote to adopt the amendment to the bill before we proceed further? There is an amendment to the bill.

Mr. LOUDENSLAGER. I would just say for the benefit of the gentleman from Kentucky, who is my colleague on the committee, that the Senate bill embodies the amendment made by the House committee.

Mr. WHEELER of Kentucky. The amendment agreed on in the committee?

Mr. LOUDENSLAGER. It is exactly the same. It is in the Senate bill, and it disposes of the legislation.

Mr. WHEELER of Kentucky. The Clerk in reading the bill read it as originally reported from the Senate, and then read it as amended in the Senate?

Mr. LOUDENSLAGER. He may have read the House bill as amended in the committee. The Senate bill is the House bill as it was amended in the committee. I compared it, with my clerk.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent that the House bill on the same subject lie on the table.

There was no objection, and it was so ordered.

Mr. LOUDENSLAGER. I ask unanimous consent that the report from the House committee and a letter from the contractors be printed with my remarks in the RECORD, so that the facts may be fully known.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to supplement his remarks by the printing of the report and a certain letter. Is there objection? [After a pause.] The Chair hears none.

The report and letter referred to are as follows:

DRY DOCKS AT LEAGUE ISLAND, PA., AND MARE ISLAND, CAL.

Mr. LOUDENSLAGER, from the Committee on Naval Affairs, submitted the following report:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 4026) to authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone, beg leave to submit the following report:

The Secretary of the Navy, urging the speedy consideration and passage of this bill, submitted the following:

NAVY DEPARTMENT,
Washington, D. C., January 8, 1900.

SIR: I have the honor to state that the Chief of the Bureau of Yards and Docks reports in relation to the proposed change of material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone, that the condition of the work under the contracts for these docks is such "that it would be practicable to make a change in the construction without modifying the work already done or involving any increase of cost because of the abandonment of the work already done. The change proposed in the bill (H. R. 4026) should be made because of the advantages to the Government of the construction contemplated. A dry dock constructed of stone and concrete is greatly superior to one of timber, because of its permanence."

Reporting further in the premises, the Chief of the Bureau referred to has submitted the following, viz:

"Dry docks built of timber are found by the Government's experience to be structures of a temporary character, requiring very extensive repairs after the lapse of a few years, and frequently these repairs amount to a reconstruction of the work, while dry docks of stone or concrete masonry are permanent structures, requiring very slight repairs. The frequent repairs to timber dry docks are very disadvantageous, because extensive repairs or renewals throw the dry dock out of use for long periods of time, which results in very great inconvenience to the naval service when, as at the present time, the number of dry docks in the Navy is very small, and particularly

when the urgent need of their services, as in time of war, would render such unreliable dry docks intolerable. The experience of the Government has shown that while slight repairs to a timber dry dock can be made without serious interruption in their use, the extensive repairs which are inevitable after the lapse of comparatively few years take them out of service for docking vessels for long periods of time. The masonry dry docks, on the contrary, require very slight and infrequent repairs, and these do not take them out of service for docking ships. In only a single instance in the naval service has a masonry dry dock been thrown out of service for any considerable time on account of repairs.

"Again, the peculiar and dangerous failures to which large and deep timber dry docks such as used in the Navy are liable involve great risk to very costly vessels, and, indeed, in some instances to the lives of those employed in the docks. The timber becomes decayed, and the construction is such that its hold upon the earth, which is never great, is liable to be much lessened from the removal or loosening of the soil due to leakage, and both conspire to render its resistance to the hydrostatic pressure, which is always present, precarious. When failure occurs it is liable to involve vital parts of the structure and to be extensive in its limits, and therein lies the great danger of extensive and costly injury to the dock and to what it may contain. Risks of this kind are not inherent in masonry dry docks.

"While the first cost of a timber dry dock is much less than that of one of masonry, the ultimate cost is greater. To keep a timber dry dock in good repair and safe condition requires large outlays after the lapse of a few years, and almost complete renewal takes place before many have elapsed. The timber dry docks belonging to the Navy, of which we now have six, the oldest being only ten years of age, are proving to be very costly structures to maintain, far exceeding in this respect the masonry docks. In the past ten years the Navy has spent upon the four of its timber dry docks in use from four to ten years for current repairs to those portions distinctive of timber dry docks eight times as much as has been spent similarly upon its four masonry dry docks during the same period, and this comparison excludes the extraordinary repairs to timber dock No. 3 at the New York Navy-Yard, which failed immediately after its acceptance, and those of large extent in progress upon timber dock No. 2 at New York and upon the timber dock at League Island, Pa.

"The stone and concrete docks can be built in a period of time little greater than that consumed in constructing timber dry docks.

"Altogether, the superiority of masonry dry docks for the naval service over those of timber is so manifest in the matters of permanence, safety, cost, and readiness for service at all times, and so fully proven in its experience, that the Bureau strongly hopes that Congress will authorize the modification contemplated in this bill."

The Department concurs fully in the foregoing, and accordingly commends the bill to the favorable consideration of the committee. In this connection attention is invited to the views of the Department, as contained in my annual report to the President for the fiscal year ending June 30 last, page 38, on this subject, and to the extended remarks of the Chief of the Bureau of Yards and Docks thereon in his annual report to the Department for the same period, page 37 et seq. (marked copies herewith).

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Acting Chairman Committee on Naval Affairs,
House of Representatives.

In view of the above facts, and the further fact that the contracts for the building of these two dry docks contain a clause which permits the Government to change and modify the plans and specifications, as well as the contract, so that said dry docks shall be constructed as concrete and stone dry docks instead of as timber dry docks, without any loss or damage to the Government by reason of such change, and that such additional cost as may be allowed the contractor for the change of material used in such construction shall be determined by a board of officers, of whom at least three shall be civil engineers of the Navy, and approved by the Bureau of Yards and Docks, your committee recommend that said bill do pass with an amendment as follows:

On page 2, in line 5, after the word "not," insert the words "in the aggregate."

THE SHOREHAM,
Washington, D. C., January 18, 1900.

DEAR SIR: In answer to your letter of January 17, making certain inquiries as to the status of the contracts for building dry docks for the Government at League Island, Pa., and at Mare Island, Cal., I have to say that the situation in regard to these contracts is substantially as indicated in your letter.

On the League Island dock at Philadelphia no work whatever has been commenced other than the delivery of some material, which material would be required in its construction even if it be changed to concrete and stone. This change from timber to masonry was contemplated when the contract was entered into, and a clause was inserted in the contract giving the Government the option of making the change in case the same was authorized by Congress, and fixing the value of the same by a board of Government engineers to be appointed by the Secretary of the Navy, three of whom are to be civil engineers. Therefore the Government will sustain no loss by reason of this change.

In regard to the status of the Mare Island dock, no material has been delivered that will not be required in the dock, even if the change be made. Practically nothing has been done on the Mare Island dock except the excavation for the same, which would be required in any event. Therefore no loss will accrue by reason of this change. Neither will the changes in either instance cause any delay for which the Government will have to award the contractor any compensation, if the change is made without unreasonable delay.

Yours, respectfully,

ATLANTIC, GULF AND PACIFIC COMPANY,
By J. McMULLEN.

Hon. H. C. LOUDENSLAGER,
House of Representatives, Washington, D. C.

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY.

Mr. HULL. Mr. Speaker, I understand the gentleman from Tennessee [Mr. COX] withdraws his objection to the bill (H. R. 4602) to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes. I again ask unanimous consent for the consideration of the bill.

The SPEAKER. Is there objection to the present consideration of the bill referred to?

Mr. LENTZ. I may want to object. I reserve the right to object until I hear an explanation from the gentleman from Iowa.

Mr. HULL. Mr. Speaker, as I said before, this bill is supplementary to legislation had by the House and by Congress granting a right of way to the Rock Island Railroad through the Territory of Oklahoma. The Congress of the United States believed that they had given ample power to the road to construct this road through the entire Territory; but on the line of road there are two large military reservations, and the Secretary of War held that Congress had not given in the general law the right of way through those reservations, and that he could not give it except as authorized by the Congress of the United States.

The bill follows in its language substantially the same terms as originally the bill passed by Congress. It grants 100 feet right of way; it grants 300 feet where the stations are located. I want to say to the House that the right of way and the stations must be approved by the Secretary of War before they can locate the stations or locate their right of way. The War Department has reserved to itself the entire control of the road as it goes through these reservations, and the Secretary of War reported the bill back to us with the statement that there could be no objection to the passage of the bill. My idea is that it simply enables the people living on each side of these reservations to have a road built into their communities, and that Congress would gladly grant them that power. I yield a minute to my friend from Oklahoma.

Mr. SNODGRASS. I would like to ask the gentleman a question.

Mr. HULL. Will you wait a minute until the gentleman from Oklahoma makes a statement? And then, if necessary, I will yield for a question.

Mr. FLYNN. Mr. Speaker, it was always customary until last Congress, whenever a railroad desired to build through the Indian or Oklahoma Territory, there being so much of Indian reservations and allotments, to come to Congress for the right of way. These requests became so numerous—in fact, almost every morning unanimous consent was asked to pass some special right of way bill—that Congress took up the subject and passed a general bill which gave the authority to grant this right to the Interior Department, subject to such rules and regulations as they might make. I was unaware until this bill was introduced that the authority did not also include military reservations. Now, the situation out there is this: Here is a railroad that has built in my Territory during the last year probably a hundred miles of road. They are up against a military reservation, which they must traverse in order to reach the State of Texas.

The War Department holds that the general act—and I am confident that it was an oversight on the part of Congress—failed to confer authority on the Department officers to approve a right of way across a military reservation, and consequently there has been nothing left but to come to Congress and ask it to grant a right of way across that reservation. Now, I desire to say further that the custom until two years ago was to grant 300 feet right of way. Congress saw fit to cut that down and limited it to 100 feet, except at points where stations were located and where switches were necessary. There it was provided—and this bill follows that precedent exactly—that there should be a right of way of 300 feet; but before they can even take that, the matter must be passed upon, maps filed, and receive the approval, in addition to this act, of the Secretary of War. Now, if there is any question the gentleman desires to ask, I will yield to him.

Mr. SNODGRASS. When was this legislation passed that has been referred to?

Mr. FLYNN. In the Fifty-fifth Congress.

Mr. SNODGRASS. What guaranties have we that this road will build this way if the right of way is granted?

Mr. HULL. It has already built to the reservation.

Mr. FLYNN. And when the road is built it will develop this country. There is no question but what they will build it if this bill is passed.

Mr. SNODGRASS. Have you any security that they will build it?

Mr. FLYNN. If they do not build it the people of the Territory are the losers. There is no doubt but that the road will be built if you give them the right of way.

Mr. CURTIS. The character of the road—the Chicago, Rock Island and Pacific—is proof enough that they will build the road.

Mr. SNODGRASS. They may build the road, but I am opposed to granting these valuable privileges unless they can give some bond or security that the road will be built.

Mr. FLYNN. They have built as far as they can without this grant.

Mr. CURTIS. They never would come here and ask for the passage of this bill unless they intended to build the road.

Mr. HULL. There has never been a bond put up that a road would build if a right of way was granted. In this case the road has put up something of a bond by building the road up to the line

of the reservation. They believed that they could build through the reservation under the general authority given them by Congress, but they were stopped at the reservation by the War Department. The War Department recommends us to pass this bill and give them the power to build through the reservation, after they have complied with the requirements of the Department by filing the maps and after they have received the approval of the Department on the lines adopted.

Mr. SNODGRASS. Is any power reserved in the Department to refuse to grant the privilege of building the road?

The SPEAKER (rapping for order). There is so much confusion on the floor that gentlemen can not be heard. Will gentlemen please take their seats?

Mr. SNODGRASS. I was asking the gentleman if there was any regulations adopted by the Department that secured any guaranty that they would build and occupy the privilege that we are asked to grant.

Mr. FLYNN. All I can say is this: The fact that they are up to the reservation and have made arrangements to build through the adjacent district in Texas, the district of the gentleman who stands before me [Mr. STEPHENS], shows that a corporation like this would not ask for a right of way unless they intended to carry it out.

Mr. HULL. They could not hold it nor transfer it.

Mr. SNODGRASS. Could they not hold it indefinitely?

Mr. CURTIS. No; there is a limit in the act.

Mr. STEPHENS of Texas. There is a limit in the general act?

Mr. FLYNN. Yes.

Mr. SHEPPARD. I object, Mr. Speaker.

Mr. STEPHENS of Texas. I hope the gentleman from Texas will not object. This is a very important matter to my State.

Mr. SHEPPARD. Why do you want to give them a right of way 300 feet wide?

Mr. STEPHENS of Texas. Because it is necessary where they are to put in stations and switches. It only gives 150 feet on each side of the center.

Mr. BURKE of Texas. I want to ask the gentleman from Iowa a question. How far does the right of way extend through the Government reservation?

Mr. HULL. I can not answer that, but about 3 miles, I am informed. It is only through the military reservation. All else is already granted.

Mr. BURKE of Texas. Does it protect the interests of the Government in this reservation of 300 feet? Suppose they should strike a coal mine or a mine of gilsonite.

Mr. HULL. It does not give them 300 feet for a right of way, but only 100 feet, with 300 feet at stations, and gives the Secretary of War absolute control over it and a veto of the whole thing.

Mr. BURKE of Texas. It simply gives an easement over the Government land?

Mr. HULL. That is all, and provides that it reverts to the Government if it is not occupied.

Mr. LENTZ. I want to know something about the size of these two reservations.

Mr. HULL. I can not give it exactly.

Mr. FLYNN. One is 3 miles by 10, and the other I do not know the size of. In all these Indian reservations they reserved an area anywhere from about 2 miles square to 5 miles square for military posts when the Indians were bad down in that country. The only ones left are this one at Fort Sill and this one at Fort Reno. They are about 3 to 5 miles square.

Mr. LENTZ. I want to know a little more about this 300 feet wide right of way. It says not to exceed 3,000 feet in length. How many are there and why should they be 300 feet wide; why not 200 feet wide, and why should not the language be "not to exceed 3,000 feet in length," and why should not that be determined by the Secretary of War?

Mr. HULL. It is all determined by the Secretary of War. If the gentleman will read lines 9 and 10 of the bill, he will see that it gives the Secretary of War absolute control of it. If you have no station on the reservation, there will only be 100 feet right of way. Stations may be necessary for the Government, and they may require it. There will probably be but one station.

Mr. LENTZ. I do not object to the station, but I would like to know how many stations they are going to put there.

Mr. HULL. There will probably be but one.

Mr. LENTZ. I should like to see the language of this bill. We have no copies of it.

Mr. FLYNN. All that I can say about this matter is from past experience——

Mr. LENTZ. Well, I shall object unless you show me the bill itself.

Mr. HULL. This bill was considered by the Committee on Military Affairs, of which the gentleman from Ohio is a member, and the reason he does not understand anything about the bill is because he did not attend the meeting of the committee. I stated to the Speaker that it has the unanimous indorsement of the Committee on Military Affairs, including every Democrat, and of every Republican on the committee. I did not intend to mislead the Speaker when I stated that.

Mr. LENTZ. I know the gentleman did not intend to mislead anybody, and it is not a political question.

Mr. HULL. Not at all.

Mr. LENTZ. But I want to know how many 3,000-foot strips you can get under this bill?

Mr. CURTIS. Under the general law they are limited to one station in 8 miles.

Mr. SLAYDEN. Mr. Speaker, there is no doubt but what this is merely for the purpose of enabling them to construct railway stations at such convenient points as is usual in the building of a railway. There is nothing unusual in this matter.

Mr. LENTZ. I want to see what that limitation is. [After examining the bill.] Mr. Speaker, I have no further objection.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

REGENT OF THE SMITHSONIAN INSTITUTION.

Mr. McCLEARY. Mr. Speaker, by direction of the Committee on the Library, I ask unanimous consent for the present consideration of Senate joint resolution No. 52, to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a Senate joint resolution which the Clerk will report.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, caused by the death of William Preston Johnston, of Louisiana, shall be filled by the appointment of Richard Olney, a resident of Massachusetts.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. RICHARDSON. I want to ask the gentleman from Minnesota a question. I understand this is unanimously reported by the committee.

Mr. McCLEARY. Unanimously reported by the Library Committee.

Mr. HITT. And I will say to the gentleman that the Regents of the Smithsonian Institution, as far as I have been able to consult them, are all desirous that this resolution pass immediately, as the annual meeting is approaching.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McCLEARY, a motion to reconsider the last vote was laid on the table.

MICHIGAN-LAKE SUPERIOR POWER CANAL.

Mr. BURTON. Mr. Speaker, I desire to call up House resolution No. 101, reported by the Committee on Rivers and Harbors, and calling for information from the Secretary of War.

The SPEAKER. The Clerk will report the resolution.

The resolution was read, as follows:

Resolved, That the Secretary of War be requested, if not incompatible with the public interests, to furnish to the House of Representatives all correspondence and reports now on file in the War Department pertaining to the proposed power canal projected by the Michigan-Lake Superior Power Company and intended to be constructed in the State of Michigan, from Lake Superior, above St. Marys Rapids, to a point below said rapids.

The resolution was agreed to.

CERTAIN CLAIMANTS IN UNITED STATES COURTS.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That no suit shall abate or be affected by the act of June 27, 1898, entitled "An act to amend sections 1 and 2 of the act of March 3, 1887," which was pending in any circuit court of appeals, circuit or district court of the United States at the time of the passsage of said act; and all such suits which have been dismissed by reason of said act shall be restored to their places in such courts and proceeded with as if the same had not been enacted.

With the following amendments recommended by the Committee on the Judiciary:

In line 7, after the word "any," insert the words "circuit court of appeals."

On page 2, in line 1, after the word "enacted," insert the words: "and time within which an appeal or writ of error may be taken or prosecuted in any case affected by this act is hereby extended six months from the passage hereof."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. We should like to hear a statement about it.

Mr. RICHARDSON. I should like to have an explanation from the chairman of the Judiciary Committee.

Mr. RAY of New York. This bill is unanimously reported from the Committee on the Judiciary, and the necessity for the law is: In 1898 we passed a bill taking jurisdiction from the circuit and district courts of the United States of certain claims against the Government made by officers of the Government, and relegating all such claimants to the Court of Claims. In doing that we had no purpose to abate or discontinue pending suits where the claimants had already gone into court, filed their bills, and commenced their action, and in some cases had obtained judgment. In construing the law to which I have referred, the question was raised that the passage of the act relegating these claimants to the Court of Claims had the effect to abate and throw out of court actions then pending. There has been a diversity of holdings in the United States courts on this question. In some places it is held that these actions were abated and could not be further prosecuted, while in other circuits or districts it has been held that such actions were not abated under this act and that they can be prosecuted.

So, in some localities the claimants have been getting their judgments and in others they have been thrown out of court. This matter being brought to our attention and to the attention of the Attorney-General of the United States, he recommended this legislation, and all the members of the Judiciary Committee are united in the opinion that it was not intended that the amendment referred to should have the effect to abate suits which had already been commenced. The Attorney-General of the United States says that when he recommended the legislation he had no such purpose, and his letter is appended to the report of the committee, in which he favors this legislation. The Democrats and Republicans on the committee are united as to the necessity, propriety, and justice of this bill.

Mr. RICHARDSON. Has the bill been regularly reported?

Mr. RAY of New York. Oh, certainly, and the report has been printed and is now in the hands of the Clerk.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

OFFICERS OF STEAM VESSELS.

Mr. MINOR. Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to ask unanimous consent for the present consideration of the bill (H. R. 1040) to amend section 4445 of Title XII of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That section 4445, of Title LII, of the Revised Statutes be, and is hereby, amended by adding thereto the following paragraphs:

"Every applicant for license as either master, mate, pilot, or engineer under the provisions of this title shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

"Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be deemed guilty of perjury.

"Every licensed, master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this title shall, for every such offense, upon conviction, be punished by a fine of not more than $500 and by imprisonment at hard labor for a term not exceeding three years."

SEC. 2. That this act shall take effect immediately.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. RICHARDSON. Mr. Speaker, we should like to have some explanation of the necessity for taking this bill up out of order. Why can not it wait its regular course?

Mr. MINOR. Mr. Speaker, this is unanimously reported from the Committee on Merchant Marine and Fisheries. The object sought is to correct an evil and a defect in the law as applied to those officers who must obtain licenses, like captains, mates, and engineers. The Treasury Department, under the provisions of existing law, provide a blank for each applicant to fill out and state therein his experience in his own particular line of duty. It has been found that a great many applicants for licenses fill out these blanks with false statements, claiming to have had a number of years' experience, when the truth is that no such experience has been had. We are unable at present to reach the offenders, for the reason that the inspectors of steamships have never been vested with the power to administer that kind of an oath.

Now, we desire to invest the inspectors with that power and then to punish the violators of that law, because, as the gentleman from Tennessee will understand, the value of the services of these applicants for licenses depends largely on the experience of the men applying for them. If a man has not had the experience that is set forth in his application, then he ought not to be licensed and can not be, under the law.

Mr. WHEELER of Kentucky. Will the gentleman allow me to ask him a question?

Mr. MINOR. Yes.

Mr. WHEELER of Kentucky. This provision is applicable to the rivers of the United States as well as to other navigable waters, is it not?

Mr. MINOR. So far as pilots and engineers are licensed by the Federal Government.

Mr. WHEELER of Kentucky. Now, does not the gentleman think the penalty prescribed for misstating the facts in regard to one's experience is somewhat severe? Permit me to call your attention to the fact that on some of the rivers of the United States it requires no very high degree of intelligence to act as pilot or engineer. On some of the rivers of the country men are accustomed to ply those rivers with limited experience as pilots and engineers in charge of very small craft; and to prescribe a maximum penalty of three years in prison and a maximum fine of $500 is a little severe. I happen to know something about that class of citizens, living in a large river district, and I do not think that you ought to send a man to the penitentiary for a mere misstatement of facts. It occurs to me that the penalty is too severe.

Mr. MINOR. The penalty ought to be severe. But in reply to your question, I would say this, that in my judgment it is a grave offense for an applicant for this license, for the purpose of procuring such a license, to go before the inspector of steamboats and make an affidavit to a complete falsehood, and then, securing the license, and his employer having confidence in his ability, which confidence is based upon his statement of experience, puts in his charge hundreds of precious lives that go down on the rivers as well as on the lakes.

Mr. WHEELER of Kentucky. Just a moment, if you please. Does not the gentleman understand that often small craft, tugs and boats with a very small amount of steam pressure, do not require men of much ability as pilots and engineers, who will not be permitted to have a license if they carry passengers at all, and they may ply up one of these small rivers only 50 or 75 miles, and have very few passengers?

Mr. HULL. If he only plies a short distance, would he need a license at all?

Mr. WHEELER of Kentucky. Every man has to have a license to carry passengers at all; and I will say to the gentleman, if he lives in a district where there are large rivers, he knows that there are hundreds of little craft plying short distances that do not carry more than 50 passengers in a year.

Mr. MINOR. I would say that I have no doubt that the punishment would be imposed in accordance with the gravity of the offense.

Mr. WHEELER of Kentucky. I have practiced too much before Federal courts not to know what granting such power means.

Mr. MINOR. It has come to the attention of the Inspector-General, whose letter I have, that there are many such cases, and he condemns them and recommends the passage of this bill.

Mr. WHEELER of Kentucky. I believe in the merits of the bill, but the penalty is too severe.

Mr. MINOR. The Law Department of this Government recommends it. There is absolutely no opposition to this bill from one end of the United States to the other. In my judgment, it ought to pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WHEELER of Kentucky. I object, unless the gentleman will consent to an amendment reducing the penalty.

The SPEAKER. Objection is made.

LYNCHING AND MOB VIOLENCE.

Mr. WHITE. Mr. Speaker, I hold in my hand a petition of 2,413 names of citizens of the United States, asking for national legislation against the crime of lynching and mob violence. I ask that the heading of the petition be read and that, accompanied by the bill I have drafted, it be referred to the Committee on the Judiciary. I ask that the heading of the petition be read.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the heading of a petition against lynching be read. The Chair will say to the gentleman from North Carolina that he has the right to introduce the bill.

Mr. RICHARDSON. I think it ought to take the regular course of all other petitions and memorials.

The SPEAKER. Objection is made by the gentleman from Tennessee.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SPIGHT indefinitely, on account of important business.

THE LATE HON. LORENZO DANFORD.

The SPEAKER. The hour of 1 o'clock has arrived, the time set by the special order for memorial services on the death of the late Mr. DANFORD, of Ohio.

Mr. GILL. Mr. Speaker, I offer the resolutions which I send to the desk.

The clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for paying tributes to the memory of Hon. LORENZO DANFORD, late a member of the House of Representatives from the State of Ohio.

Resolved, That, as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That a copy of these resolutions be transmitted to the family of the deceased.

Ordered, That the Clerk communicate these resolutions to the Senate.

Mr. GILL. Mr. Speaker, it is in the presence of death and in the contemplation of his handiwork that the kinship of all humanity is most forcibly manifest to every thoughtful mind. Can it be other than a useful and humanizing experience to all that live to thus receive a new and most emphatic impress of the great truth of the brotherhood of man? The divine laws of kindness and of charity can not be too often freshened up in our hearts, and their timely exercise toward the living, both as an opportunity and as an obligation, should be earnestly resolved upon each time that we pay our loving and tearful tributes to the revered but unresponsive dead.

At such times the thoughts of the exalted should tend toward humility, and the lowly may lift his head to a higher level in the absolute assurance of a universal ultimate equality. For though the carved marble and the laurel wreath may be placed, and justly, over one, and the modest slab and a solitary flower may be the only mark that love can give to the resting place of another, yet beneath the token of remembrance in either case the silent lips, the pulseless heart, and the rigid clay are in every essential identical. Both, as they lie there prostrate, have been stripped of every possession, whether material, intellectual, or spiritual, and to neither is there anything left beyond the equal hope of a common resurrection morning. Surely some such thought as this justifies the poet when he exclaims:

O fading honors of the dead!
O high ambitions, lowly laid!

The full consciousness of this thought is borne in upon us in a striking manner if we but pause an instant to consider the sad havoc wrought by the fell destroyer during the past year in the ranks of those who have won fame in widely different walks of life. By so doing we can learn afresh the truth that the great Leveler grants no favors, but that high and low, rich and poor, youth and age, alike must obey the summons to that "unknown silent shore." Thus, even he who held the great office of Vice-President of the United States was not exempt from the chilling blast, and when the genial Hobart heard the summons, "Weary wanderer, come," he was, notwithstanding the showering tears of a nation bereaved, laid away in the bosom of our common mother earth, with the throng of undistinguished dead, to sleep the same dreamless sleep.

This House can not escape the universal experience, and to-day the work of legislation halts once again to permit the performance of the sad duty of paying our tributes of honor and respect to the memory of yet another of its members who has passed away in the last year.

Were it not that LORENZO DANFORD was my immediate predecessor as the Representative of my district on this floor, I would prefer to sit silent and listen to others more able to speak in fitting language of my dear and honored friend; but conscious as I am of the exalted place he held in the hearts of the people whom I have the honor to represent, I should, even in the absence of the custom of this House calling for my participation in the proceedings of this hour, feel that I had disregarded their wishes should I permit this occasion to pass without attempting to give expression to their high appreciation of his character and their love for his memory.

Not in years has a sorrow so universal pervaded the homes of the Sixteenth district of Ohio as that which followed the announcement on June 19, 1899, that LORENZO DANFORD was dead. Everywhere throughout the district the news came as a stroke of personal sorrow to all, and on the streets, in the factories, on the farms, and wherever men are wont to congregate were heard mingled expressions of keenest sorrow and regret. When I recall the faces of his friends shadowed o'er with thoughts of parting and the eloquent tears that sprang unbidden to the eye, I am reminded that no poor sentiment of mine can thrill the chords of love with such majesty and power as did his simple story, for each could say:

His life was gentle, and the elements
So mix'd in him, that Nature might stand up
And say to all the world, "This was a man!"

Born on a farm in Washington Township, Belmont County, Ohio, October 18, 1829, he was fortunate in living through the most magnificent period of opportunity which the history of this nation presents. Breathing the free air of country life and intellectually expanding under the educational influences of his teachers and the ready knowledge of his father, he was soon able to comprehend the fateful trend of the political movements of the times and to intelligently play his part in the great drama of human affairs.

Beginning at the period of his majority, a time of great activity had set in along all lines of progress, not only in the sphere of politics, but also in the field of industrial advancement. Territorial acquisitions had extended the boundaries of our nation from ocean to ocean; property qualifications had been superseded by manhood suffrage; the isolated settler, in his humble cottage, was now the peer of any in the land; canals had brought the West into closer connection with the East and opened the markets for the surplus products of the farms; the Mexican war fired his youthful blood with martial valor, while the great discussion over slavery thrilled his soul with freedom's highest and noblest impulses.

He received a common-school education; attended college at Waynesburg, Pa., for two years, studied law, and was admitted to the bar in 1854. The people of his native county early recognized the characteristics which later were to carry him to higher positions of activity and responsibility by choosing him successively in 1857 and 1859 as prosecuting attorney; but ere his second term had expired, vehement discussion of the burning question of that hour had given way to a passionate appeal to the arbitrament of force, and the booming cannon heralded the first act in history's greatest tragedy.

In that hour of his country's peril he did not hesitate to sacrifice all upon its altar, and resigning his office, he enlisted for three months as private in the Seventeenth Ohio Volunteer Infantry. Upon the expiration of his service he returned home and assisted in raising a company of the Fifteenth Ohio Volunteer Infantry, of which he was chosen second lieutenant, and later was promoted for bravery upon the field of battle to be first lieutenant and captain. He was one of the nation's heroes who sustained his country's honor upon the bloody fields of Shiloh, Stones River, Chickamauga, Resaca, Kenesaw Mountain, and many others.

Owing to failing health he resigned his commission in 1864 and returned to his native county. The sterling qualities which had so successfully carried him through his early career were manifest in the richer and more conspicuous triumphs of his later years. Devoting himself assiduously to the practice of law, he soon became the leading advocate of the eastern Ohio bar, and step by step won the esteem and confidence not only of the people but also of his professional brethren. He was eminently fitted for forensic triumphs, and was in a most remarkable degree successful in obtaining favorable decisions in his jury cases.

Tall and graceful, with keen eye and massive head, a commanding presence and a most musical voice, he was an orator who carried conviction to the minds of his hearers, his clear logic and burning eloquence often enabling him to sway his auditors at will. Nor was this power exerted in the court room alone, for he was one of the most forceful and pleasing speakers who ever graced the political forum of his native State, and even in this Hall he has won notable triumphs in the arena of debate, of which, and of other details of his work in Congress, his friends and associates still serving here are in a position to speak more fully and satisfactorily than I can.

In 1864 he was a member of the electoral college of Ohio, and in 1892 he was again a member and president of same. In 1872 he was a candidate for the Republican nomination for Congress from the Sixteenth Ohio district, and his personal popularity was so great that he was successful in his campaign over the intrepid and eloquent John A. Bingham, who enjoyed a national reputation as a brilliant statesman and scholar. Although the task before him was difficult, yet so well did he perform the arduous duties of his new trust that the people ratified the choice of that convention by reelecting him to Congress in 1874 and again in 1876.

Retiring from political life in 1879, he resumed the practice of law. His reputation as a powerful advocate was so well established that hardly a case of any importance was tried in his native county upon which he was not employed as attorney for one side or the other. Although in many heated contests, he never took an unfair advantage of a witness or an opponent, for, although intellectually combative and persistent in opposition, he was always generous to an adversary, and the kindness of his disposition was never more apparent than in the skill which he displayed in eliciting needed information. Always alert, active, and forceful in behalf of a client, his high sense of honor prevented him

from falling into the tricks of a mere pettifogger, and he was consequently respected and admired even by his bitterest opponent. Just and dignified in his demeanor, he was a man of warm impulses, and his generous heart was large enough to carry within its sympathies all classes of men. To those who knew him well he was unassuming and confiding, and he was at all times absolutely steadfast in his friendships.

Reentering politics in 1894, he became a candidate for Congress, and after a heated contest was nominated for that high position and elected by a large majority. Appointed by Speaker Reed chairman of the Immigration Committee, he displayed unusual breadth and ability in the discussions arising out of the intricate and difficult problems coming within the scope of the work of that committee. He was reelected in 1896 and in 1898, but ere the Fifty-sixth Congress began its labors his spirit had taken its flight to the God who gave it.

In 1858 he was married to Annie H. Cook, of Jefferson County, and as a result of this union three sons were born—William, John, and Thomas—the first and last of whom still survive. His wife dying in 1867, he was again married in 1870 to Mary M. Allen, their only child being Carrie Lee, now a nurse in the Philippine Islands.

The proximate cause of his death was the exposure to which he was subjected in attending the funeral of his father, Samuel Danford, and his constitution, already weakened by disease, was unable to withstand the insidious attacks of la grippe which followed. Though he fought in the sick room with the same vim and determination he had always displayed, yet slowly but surely the tide of his life ebbed away. Surrounded by kind and sympathetic friends who forestalled his every wish, his mind wandered again to the scenes of his childhood, and he longed for the hills and vales, the simplicity and purity of country life.

Loving hands removed him to the home of his cousin, John Sidebottom, a few miles from his own home, at St. Clairsville, where, surrounded by peace and plenty, and subject to the gentle ministrations of his devoted daughter, Carrie Lee, the hourglass slowly ran its course, with hope freshening as renewed strength seemed to summon back the old fire and vigor, and anon giving way to despair, as the hectic flush faded, leaving the patient weaker than before, until at last, on a beautiful day in June, the morning sunrise seemed to flood his countenance with a strange, new light, and ere the evening shadows gathered Death's finger touched him and he fell asleep.

To describe him whom we honor to-day as merely an ordinary man would be to do his memory a great injustice; to say that he was a very great man, as that term is generally understood, would be fulsome flattery; but measured by the standard of purposes well and earnestly accomplished Captain DANFORD was truly great, for by faithful and honorable conduct in public and private life he won the confidence, esteem, and love of those who knew him best, and in their hearts his name will ever be written, like Abou Ben Adhem, as one who loved his fellow-man.

Mr. DANFORD was a man of action as well as a man of thought, and having that valuable possession generally termed "good common sense," he was clear and practical in his views of affairs, and it was needless to be in doubt as to his position upon any public question. He was frank in all that he did. He was faithful in every sphere of life, public as well as private, and whether as soldier or as civilian fidelity to his duty always characterized his conduct. He was a patriot in the best and broadest sense of that term, intensely loyal to his country. He loved the Republic because it meant a sovereignty under organized law, able and ready to give back to its citizens a full return for all services demanded of them—"a republic with iron in its blood."

He loved his country for its devotion to human rights and its adherence to every pledge of public faith, and he gloried in its onward march of freedom and in its progressive spirit. He had unlimited faith in its imperishable vitality, power, and purpose to protect and rule the American Continent. Mr. Speaker, our friend lives in all that is deathless; the physical body is laid away under the sod of the valley, but those qualities of soul which manifested themselves in devotion to God and country, in kindness and love to neighbors and friends, and in fidelity to truth and honesty of purpose in life, will bear his memory upon the bosom of everlasting remembrance. There is so much to be said that is good of him, and with such justice, that I feel entirely free to say that I do not wish to be understood as claiming that he was a perfect man.

Being only mortal, he had, like all of us, many faults, toward which he was even more severe than his most censorious critic; but when we think of the superabundance of his many virtues, all else melts away into insignificance.

It is also to be said that there was a sad minor strain of sorrow running through his life which brought to him a degree of suffering that at times gave his face that tenderly pathetic look which is born of irremediable heartache; but he complained not, and bore his cross manfully. Truly, in this, it must be admitted, there was after all nothing so very exceptional; for where is the life that is ideal, or in which the stream of happiness or even of satisfaction flows smoothly without the murmering rapids or even the thundering cataract at some point?

And here, not alone in contemplation of the facts in the life of Captain DANFORD, but referring to what I am sure is the too common experience of most mortals as to the painful contrast between the prospect and the retrospect of this life, I will venture to recall a vivid word picture by an eloquent tongue, in which there is very much of consolation to soften its somber shadows. He says:

> The loves and friendships of individuals partaking of the frail character of human life are brief and uncertain. The experiences of human life may be shortly summed up: A little loving and a good deal of sorrowing; some bright hopes and many bitter disappointments; some gorgeous Thursdays, when the skies are bright and the heavens blue, when Providence, bending over us in blessing, glads the heart almost to madness; many dismal Fridays, when the smoke of torment beclouds the mind and undying sorrows gnaw upon the heart; some high ambitions and many Waterloo defeats, until the heart becomes like the charnel house, filled with dead affections, embalmed in holy but sorrowful memories; and then the cord is loosened, the golden bowl is broken, the individual life—a cloud, a vapor—passeth away.

As Captain DANFORD sank into his last sleep some one inquired as to his comfort, and he replied, "All is well." Let us believe that at the dawning of the morning in the New Jerusalem he found a richer, fuller realization of his words than earth could give and was able to say, with Longfellow:

> There is no death! What seems so is transition;
> This life of mortal breath
> Is but a suburb of the life elysian,
> Whose portal we call Death.

Mr. McCALL. Mr. Speaker, it was not my fortune to know LORENZO DANFORD before he became a member of this House, so that I did not have that intimate personal acquaintance with him which would justify me in making any extended remarks on this occasion. I would say, however, that in some of the work here, and especially the work which he as a member was most interested in, I was closely associated with him. He was chairman of the Committee on Immigration, of which I was a member, and I had occasion in the work of that committee to know him somewhat intimately, and especially to know something of the way in which he performed his public duty.

I was impressed with the great care and conscientiousness with which he did his work. He was, as members know, a firm believer in the policy of restricting immigration. He gave a great deal of his time while a member of this House and a great deal of ability as well to that single subject; he made the most elaborate preparation upon it, and it was an occasion of sorrow to him that he did not finally secure the passage of the bill he had so long advocated. His successor in this body has feelingly alluded to the sorrow which he appeared to have suffered. Very likely he had his full share, but he showed no sign of being consumed with vain regret over what had gone by, but he kept his face turned manfully toward the future, and did his utmost upon each new condition and to solve each new problem as it arose. He was an able and devoted Representative and a true friend, and in the presence of those who knew him well, and especially the members from the great State which he served and which he loved, I wish to add my word and pay my tribute to his worth and to his memory.

Mr. KERR. Mr. Speaker, I shall undertake no eulogium upon the life and career of my dead colleague, but I want to leave upon the record a few words in remembrance of an old friend.

The statesmen of Ohio naturally divide into two classes and into two periods—those who precede and those who follow the days which marked Garfield's greatest fame. To this observation one exception should be noted. John Sherman belonged to both of these periods. His public career was respectable before Corwin's brilliant sun went toward its setting, and it was national and distinguished before the first gun of the civil war was fired, and in the end as it was longer so was it greater than that of any Ohioan. In practical statesmanship and in constructing legislation John Sherman has no peer among Ohio statesmen, living or dead.

In the days preceding Garfield, with one exception, John A. Bingham was the greatest orator Ohio had produced. Yet, when this great man was in full possession of his resplendent powers, "while his shadow still was falling toward the west," the people of his district took from him his seat in this House and gave it to LORENZO DANFORD. No ordinary man could have wrested from this old commoner of Ohio his seat in Congress.

When Captain DANFORD was first elected to Congress he was in the meridian of a splendid physical and mental manhood. His people had been contributing to the public service such men as Stanton and Stanbery and Bingham, and with these men was he measured and weighed. Those of us who knew him best as he was in his latter service here, somewhat burdened with years, his physical and mental strength weakened by infirmities, and the gloom of a constitutional melancholy thickening toward the end,

can but little appreciate the strength and virility of the man during his service with such parliamentary giants as Blaine and Garfield and Hill and Randolph Tucker.

Mr. DANFORD'S experience has been duplicated hundreds, perhaps thousands, of times in the history of this body. He had many of the elements of greatness, and had his service been continuous, and a public career the concentrated and consecrated purpose of his life, he would have taken high rank in the House, but he was a lawyer, the profession his sure and certain staff; office was secondary or incidental. With him, as in all such cases, and they are the rule, his professional achievements were modified by his public career and his public career interrupted by the demands of his profession.

If I could extract from his combination of qualities the predominant one, I would say that it was his modesty. He shrank from making himself conspicuous, and it was only in the discharge of duty that he put himself in positions attracting attention or notice. Modesty has spoiled many a career and doomed many men of talent and aptitude to obscurity. But after all this quality in public men has its compensations. It escapes notoriety, which is worse than obscurity; against it the javelins of envy are seldom thrown; it escapes jealousy's poisoned fangs, and when life's fitful fever has burned out it rests as well and sleeps as sound as the head that has worn a crown.

I remember well the first time I saw LORENZO DANFORD; it was back in the seventies and among his old comrades of the Fifteenth Ohio. It was at a camp fire, and there he was at his best. I recall him now as he was then, strong, rugged, standing firmly upon the ground, perfectly at home among the men who had endured with him the dangers and hardships of war, my ideal of a citizen soldier, and, withal, in referring to those who had succumbed to the hurricane of battle, as tender as a mother.

He was modest even about his service in the civil war, long and distinguished as it was. I have talked to him many times about it—about his regiment, many of whose soldiers went from my district—and the only thing I now recall about it all with which he connected himself conspicuously was his paternal care and watchfulness over a younger brother who was in his command.

With a father's care and affection he shielded this young brother from the rude blasts of war; and when we are weighed and the credit given for balances, it will not be our performances in the larger sphere and more conspicuous relations of public life which will weigh most to our advantage or discomfiture, but rather in the narrow circle of family and friendship will the reckoning be made.

Mr. DANFORD was an eminent lawyer at the Ohio bar and in his section. When politics or public duty did not subtract from his professional efforts, he commanded one side or the other of every important case. He had a rugged, homely way of stating propositions of law and fact, and, with a reputation for honesty and candor, at a country bar and before country juries he won his cases, which, after all, is the best measure and test of the success or failure of a professional career.

But, Mr. Speaker, I do not dwell upon my colleague as a statesman, a lawyer, or a public man.

I knew him best in the relations of friendship, and as a friend I pay his memory this modest tribute; I lay upon his grave a flower of remembrance.

[Mr. WEAVER addressed the House. See Appendix.]
[Mr. LYBRAND addressed the House. See Appendix.]
[Mr. VAN VOORHIS addressed the House. See Appendix.]
[Mr. BROWN addressed the House. See Appendix.]
[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. GROSVENOR. Mr. Speaker, I desire to ask leave to extend my remarks in the RECORD, and I will couple with that a request that all members of the House who speak on this occasion may have authority to extend their remarks in the RECORD.

The SPEAKER pro tempore (Mr. EDDY). The gentleman from Ohio asks unanimous consent that he and others who address the House on this occasion may have leave to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. TAYLER of Ohio. Mr. Speaker, I would be unmindful of the obligation imposed by a long acquaintance with LORENZO DANFORD, and of the high regard which I entertained and often expressed of his character and ability, if I did not take this opportunity to bear public testimony to that regard. The eminence of his early career at the bar and his effective and patriotic services as a soldier during the civil war brought him prominence and reputation among the people of Ohio many years ago, and that prominence and that reputation were emphasized and taken into a larger field by his election to Congress in 1872. We honor him because he deserves to be honored. He was honest as the sun; as free from cant or buncombe or hypocrisy as an absolutely simple, straightforward, and fearless character could possibly be.

I think, with my colleague [Mr. KERR], that his most engaging and conspicuous characteristic was his modesty. I never knew a man who had been so successful in everything he undertook, and who possessed in so large degree the capacity of bringing success in this body, who was so utterly lost to any sense of vanity or self-seeking or pushing himself into prominence. He was essentially, and like a youth or a girl, modest and simple. He wasted neither words nor action. He always aimed at the heart of the controversy and always reached it.

The years, full of usefulness and honor, came to him, and he died after a life well spent, mourned by all who knew him, and entered into a well-deserved rest, leaving behind him a legacy of good will and good deeds which will long survive.

[Mr. LENTZ addressed the House. See Appendix.]

Mr. NORTON of Ohio. Mr. Speaker, it is well that we should pause amid the exciting scenes of legislative action to thus pay tribute to the memory of one who but lately mingled with us in the conduct of affairs, whose voice was so recently heard in this Chamber, and whose wise counsels aided in the deliberations of Congress.

We are told that man was made in the image and likeness of the Almighty, and, sir, the man whose memory we cherish to-day exemplified in his spirit and in his life that man may be godlike.

My personal acquaintance with LORENZO DANFORD was not intimate nor my association with him extended, but my knowledge of his public life and of his private character has come to me through a long series of years, beginning a third of a century ago on the battlefield of Stone River, where he performed a hero's part in the discharge of his duty. From that time I have followed his career with admiring gaze. No man living in the State of Ohio and caring to know aught of its public men could remain ignorant of the valor, the ability, the virtues, and the beautiful life of LORENZO DANFORD. Soon after the close of the civil war I met him in the congregation of the boys who had been in the field; and although I then was young and he in the prime of his young manhood, knowing so well that he was one who had distinguished himself in the cause of his country and defense of its honor, I gave him my profoundest respect, if not my love.

Later in life my association with him was always in the field of political contention, and I was not often permitted to meet him save when the air was charged even to bitterness with partisan feeling, but I always found in him an honest advocate for what he believed to be right. I always found him not only able and courageous, but always absolutely fair and courteous; and although in our political discussions we differed, yet when we closed I never did, and no man ever could, leave LORENZO DANFORD without respect for and admiration of him.

When I came to this House I sought to know him better, and in my seeking, as well as from those who came closer in contact with him, I was more than ever convinced that he was a manly man. He was braver than most men gave him credit for. A man ladened with sorrow and disease in life, rising bright above them and always appearing among his fellows with cheerful smile and kind words upon his lips, moving about ever with kind and far-seeing counsel, is deserving of more sympathy than he who is in full enjoyment of physical health and strength.

There was that about him that can only be characterized in a sense as womanly. "Kind as a woman" is a frequent expression, and in his character there was that trait which may be called womanly kindness, a kindness that did not need to be drawn out by some great emergency, but welled up from the fountain of his heart at all times, wherever his daily walk led him, and communicated itself to every one he met.

His life was a benediction to his fellow-men; his death a universal loss. Not alone do his own people and home mourn, but over his native State a wave of sadness rolled, extending in widening circles until it covered every State whose Representatives sat in this Chamber with him.

It is often said that after the death of a man we sometimes carry to the extreme our praise of him. We know that in the grave lies buried all resentments. We know that it is easier to speak kindly of one that is gone from us than for the one who remains; but, Mr. Speaker, from the profoundest depths of my heart comes the belief that not one word has been uttered here to-day in commemoration of the life, character, and virtues of our departed friend that is not true and is fully warranted. I believe that around the grave of LORENZO DANFORD, from all who knew him, will gather for time and eternity clusters of memories of respect, honor, and love that will never die.

[Mr. MCDOWELL addressed the House. See Appendix.]
[Mr. GORDON addressed the House. See Appendix.]

The SPEAKER pro tempore. The question is on the adoption of the resolutions offered by the gentleman from Ohio.

The resolutions were unanimously agreed to; and accordingly (at 2 o'clock and 6 minutes p. m.) the House adjourned until Monday, January 22, 1900, at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a statement of amounts due certain newspapers for publishing advertisements for recruits, fuel, horses, etc., for the Army—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report on the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Navy, recommending the transfer of the appropriation for the improvement of Pearl Harbor, Hawaii, to the jurisdiction of the Navy Department—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 124) providing for the erection of a monument at Put in Bay, Ohio, commemorative of Commodore Oliver Hazard Perry and those who participated in the naval battle of Lake Erie on the 10th day of September, 1813, reported the same without amendment, accompanied by a report (No. 84); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 911) to amend section 1176 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 87); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of joint resolution and bill of the following titles; which were thereupon referred as follows:

Joint resolution (H. J. Res. 60) directing the presentation of a first-class life-saving medal to Lieut. Fidelio S. Carter, United States Navy—Committee on the Library discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 4710) for the relief of Josephus Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUD: A bill (H. R. 6957) to revise and codify the laws, both civil and criminal, relating to the Post-Office Department and postal service, and to amend the same, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: A bill (H. R. 6958) to amend sections 5398, 5399, and 5406 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. SNODGRASS: A bill (H. R. 6959) to amend an act approved January 5, 1893, entitled "An act granting increase of pension to soldiers of the Mexican war in certain cases," so as to extend the provisions of said act to all Mexican soldiers pensionable under law—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R 6960) in relation to the service-pension act—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 6961) for the establishment of a military post at the Falls of the Ohio—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 6962) to establish a steam fog-signal station at the entrance to Holland Harbor, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: A bill (H. R. 6963) for the protection of all citizens of the United States against mob violence, and the penalty for breaking such laws—to the Committee on the Judiciary.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6964) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899—to the Committee on Rivers and Harbors.

By Mr. LAMB: A bill (H. R. 6965) to prescribe the number of chaplains in the Regular and Volunteer Armies and fix their salaries and allowances—to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H. R. 6966) to increase the efficiency of the Navy by the purchase of submarine boats of the *Holland* type for coast and harbor defense—to the Committee on Naval Affairs.

By Mr. McLAIN: A bill (H. R. 6967) making an appropriation for dredging a channel from Ship Island Harbor to Gulfport, Miss.—to the Committee on Rivers and Harbors.

By Mr. BELLAMY: A bill (H. R. 6968) to provide for a clerk of the district and circuit courts of the United States held in Charlotte, N. C.—to the Committee on the Judiciary.

By Mr. McLAIN: A bill (H. R. 6969) making an appropriation for the purpose of dredging a channel from Ship Island Harbor to Biloxi, Miss.—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: A joint resolution (H. J. Res. 130) to provide for the purchase of the painting by J. Walker, representing the capture of the City of Mexico, September 13, 1847—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ATWATER: A bill (H. R. 6970) for the relief of C. H. Dupree, son of John G. Dupree, deceased—to the Committee on War Claims.

By Mr. BANKHEAD: A bill (H. R. 6971) to refer the claim against the United States of J. M. Huston to the Court of Claims—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 6972) to increase the pension of David J. Newman—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 6973) for the relief of Leonard W. Carpenter—to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 6974) for the relief of Platte County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 6975) for the relief of the Presbyterian Church and Masonic lodge of Platte City, Mo.—to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 6976) for the relief of I. W. Whiteley—to the Committee on Claims.

By Mr. GRIFFITH: A bill (H. R. 6977) for the relief of David Alexander—to the Committee on Military Affairs.

Also, a bill (H. R. 6978) granting a medal to Mortimer S. Longwood—to the Committee on Military Affairs.

Also, a bill (H. R. 6979) granting a pension to Louisa White, of Greensburg, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6980) granting a pension to Emily J. Smith, of Switzerland County, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6981) removing the charge of desertion against Daniel Lock, of Markland, Switzerland County, Ind.—to the Committee on Military Affairs.

Also, a bill (H. R. 6982) granting a pension to John Clarkson—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 6983) for the relief of George W. Bromley, of Frederick County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 6984) for the relief of William Mason, of Frederick County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 6985) for the relief of John N. Bell, of Frederick County, Va.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 6986) granting a pension to Perry Dunton—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 6987) for the relief of John C. Webb—to the Committee on Military Affairs.

By Mr. KLUTTZ (by request): A bill (H. R. 6988) for the relief of John F. Foard—to the Committee on War Claims.

By Mr. KLEBERG: A bill (H. R. 6989) granting a pension to Philip Barnhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6990) granting a pension to Patrick O'Donnell—to the Committee on Pensions.

By Mr. KNOX: A bill (H. R. 6991) to remove the charge of desertion from the record of Lawrence Kennedy—to the Committee on Naval Affairs.

By Mr. LLOYD: A bill (H. R. 6992) to increase the pension of Edward W. Nortoni—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 6993) to correct the military record of William Phillips—to the Committee on Military Affairs.

Also, a bill (H. R. 6994) to pension Mary A. Lawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6995) to pension Catharine Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6996) to correct the military record of Charles H. Jessup—to the Committee on Military Affairs.

Also, a bill (H. R. 6997) to increase pension of Mrs. Josephine H. Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6998) to correct the military record of Harvey Williams—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: A bill (H. R. 6999) granting an increase of pension to Louisa Meloy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7000) granting an increase of pension to James A. J. Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7001) granting a pension to John H. Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7002) granting a pension to Mary G. Edmondson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7003) granting an increase of pension to Thomas A. Queen—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 7004) restoring to the pension roll the name of Penelope Morton—to the Committee on Invalid Pensions.

By Mr. PIERCE of Tennessee: A bill (H. R. 7005) for the relief of Elam Cooper, of Lauderdale County, Tenn.—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 7006) granting an increase of pension to Isaac D. Wade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7007) granting an increase of pension to Caroline M. Botts—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 7008) granting a pension to Louise Donath—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 7009) for the relief of John M. Taylor—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 7010) to increase the pension of Elwin A. Scutt—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 7011) for the relief of William Foy and Mrs. H. B. Lane, of North Carolina—to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 7012) to increase the pension of Emma C. Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7013) to remove the charge of desertion from the record of Michael J. Dowling, Company C, Fourth Ohio Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7014) to remove the charge of desertion from the record of Robert Pratt—to the Committee on Military Affairs.

Also, a bill (H. R. 7015) to remove the charge of desertion from the record of Spencer D. Gleason—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Protest of the Evangelical Lutheran Synod of Maryland, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. ATWATER: Papers relating to the claim of John G. Dupree, of Wake County, N. C.—to the Committee on War Claims.

Also, petition of C. H. Dupree, son of John G. Dupree, deceased, for reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of the Philadelphia Maritime Exchange, favoring the passage of House bill No. 5067, concerning the boarding of vessels—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Philadelphia Board of Trade, favoring the appointment of a commission to study and report upon the industrial and commercial conditions of China—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Board of Trade, requesting the passage of the shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRENNER: Petition of post-office clerks at Dayton, Ohio, favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of post-office clerks at Waterville, Me., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Petition of citizens of the Second Congressional district of Rhode Island, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

Also, petition of railway postal clerks of Rhode Island, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVEY: Petitions of post-office clerks at New Orleans, La., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIOTT: Petition of J. Heyward Thayer and other employees of the Charleston, S. C., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petition of survivors of the Seventh Indiana Infantry, to accompany House bill asking that a medal of honor be conferred upon Mortimer S. Longwood—to the Committee on Military Affairs.

Also, petition of Louisa White, to accompany bill granting a pension to her as dependent daughter of Giles E. White, late captain Company A, Sixty-eighth Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. GROW (by request): Petition of the Woman's Suffrage Association of Pennsylvania, favoring a sixteenth amendment to the Constitution, granting suffrage to women, etc.—to the Committee on the Judiciary.

By Mr. HAUGEN: Petitions of H. H. Beach, N. E. Thorn, W. M. Lemen, W. E. Hoyt, and others, and of the First Presbyterian Church of Oelwein, Iowa, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

Also, resolutions of the First Regiment, Hancock Command, Union Veterans' Union, Army of the Potomac, protesting against the passage of House bill No. 3988—to the Committee on Agriculture.

By Mr. LONG: Petition of George H. Thomas Regiment, No. 2, Union Veterans' Union, of Wichita, Kans., protesting against the passage of House bill No. 3988—to the Committee on Agriculture.

By Mr. McLAIN (by request): Petition of the Mississippi Woman Suffrage Association, Mrs. Hala Hammond Butt, president, for a sixteenth amendment to the Constitution, prohibiting disfranchisement on account of sex—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Paper in support of House bill for the relief of Thomas A. Queen—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Louisa Meloy, widow of James A. Meloy, of Company A, Eighty-second Indiana Volunteers—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of James A. J. Ball—to the Committee on Invalid Pensions.

By Mr. PUGH: Papers to accompany House bill No. 6528, for the relief of W. H. Copley—to the Committee on Invalid Pensions.

Also, paper in support of House bill No. 6534, to correct the military record of James H. C. Mann—to the Committee on Military Affairs.

Also, papers in support of House bill No. 6533 to correct the military record of Gabriel R. Bartley—to the Committee on Military Affairs.

Also, evidence to accompany House bill No. 6532, for the relief of Thomas H. Stapleton—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 6531, for the relief of Robert Ross—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 6529, for the relief of James C. Brickley—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 3868, for the relief of Martin Lunsford—to the Committee on Military Affairs.

By Mr. RAY of New York: Papers to accompany House bill to increase the pension of Caroline M. Botts, widow of Capt. Randolph Botts—to the Committee on Invalid Pensions.

Also, petitions of citizens of Lincklaen Center, Sanford, and Groton, N. Y., for the passage of a bill relating to dairy food and products—to the Committee on Agriculture.

By Mr. RICHARDSON: Petition of James Skinner and others, favoring the passage of a bill for the establishment of a national military park on the battlefield of Stone River, Rutherford County, Tenn.—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of the Wayne Knitting Mills, of Fort Wayne, Ind., against the French reciprocity treaty—to the Committee on Ways and Means.

By Mr. SHOWALTER: Petition of druggists of Butler, Pa., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. SPERRY: Petition of druggists of Waterbury, Conn., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. STEWART of New York: Petition of manufacturers and citizens of Catskill, N. Y., in favor of an appropriation for dredging and removing obstructions in the navigable portion of the Catskill Creek in New York—to the Committee on Rivers and Harbors.

By Mr. VAN VOORHIS: Resolutions of the Citizens League of Zanesville, Ohio, for the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of 32 citizens of the Fifteenth Congressional district of Ohio, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. WHITE: Petition of 2,413 citizens of Massachusetts, urging legislation making lynching and mob violence a crime against the United States, providing penalties therefor, and for the creation of a central detective bureau at Washington, with branch offices in various sections of the country, to collect and transmit information of the movements of such lawless bodies—to the Committee on the Judiciary.

SENATE.

MONDAY, *January 22, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. TILLMAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

CREDENTIALS.

The PRESIDENT pro tempore laid before the Senate the credentials of WILLIAM V. SULLIVAN, chosen by the legislature of Mississippi a Senator from that State for the unexpired term ending March 3, 1901; which were read, and ordered to be filed.

IMPROVEMENT OF PEARL HARBOR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting information relative to the appropriation of $100,000 for improving Pearl Harbor, Hawaii, in accordance with the report submitted by Rear-Admiral Walker, United States Navy, June 11, 1894, and suggesting the desirability of transferring that appropriation to the jurisdiction of the Navy Department; which was referred to the Committee on Commerce, and ordered to be printed.

NEVADA STATE CLAIM.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a statement from the Auditor for the War Department relative to the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war; which, on motion of Mr. STEWART, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE BUREAU OF ANIMAL INDUSTRY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting the annual report of the operations of the Bureau of Animal Industry for the fiscal year ended June 30, 1899; which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

ESTATE OF FELIX ROBERTS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Adele Virginia Spangler, administratrix de bonis non of the estate of Felix Robert *vs.* The United States; which was referred to the Committee on Claims, and ordered to be printed.

PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of December 20, 1899, an itemized statement of all the real estate in the District of Columbia exempt from taxation, together with a reference to the statute under the authority of which such property has been exempted from taxation; also an itemized statement of all the real property in the District of Columbia acquired by the United States and the District government since the year 1893, inclusive; also an itemized statement indicating the property upon which the payments for construction and maintenance of sidewalks has been refused; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

URGENT DEFICIENCY APPROPRIATION ACT OF MARCH 9, 1898.

The PRESIDENT pro tempore laid before the Senate a report from the Auditor for the Treasury Department, transmitting, in response to a resolution of the 8th instant, an itemized statement of expenditures for allotments made to the Treasury Department from appropriations made by act of Congress approved March 9, 1898, entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes," covering the accounts settled in his office; which was referred to the Committee on Appropriations, and ordered to be printed.

REVENUE-CUTTER SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the chief of the division of the Revenue-Cutter Service, requesting that of the unexpended balance for expenses of the Revenue-Cutter Service for the fiscal year 1898 the sum of $100,000 be reappropriated and made available in the urgent deficiency appropriation bill for the service of the current fiscal year; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MILITIA OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, requesting that the unexpended balance of the appropriation for rifle practice and matches for the militia of the District of Columbia for the fiscal year 1899, amounting to $708.61, be made available in the urgent deficiency appropriation bill for the fiscal year 1900; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY APPROPRIATIONS FOR INTERIOR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting urgent deficiency estimates of appropriations required for the service of the Interior Department, amounting to $37,214.50; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting estimates of deficiencies in appropriations under the control of the Board of Managers of the National Home for Disabled Volunteer Soldiers; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS OF COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, a list of judgments, amounting to $27,730.22, rendered by the Court of Claims and requiring an appropriation for their payment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1484) to authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone.

The message also announced that the House had passed the joint resolution (S. R. 52) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4602) to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes;

A bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1897;

A bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901; and

A joint resolution (H. J. Res. 129) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Olmedo Alfaro, of Ecuador.

The message also transmitted the resolutions of the House adopted as a tribute to the memory of Hon. LORENZO DANFORD, deceased, late a member of the House of Representatives from Ohio.

PETITIONS AND MEMORIALS.

Mr. SIMON. I present the petition of H. W. Corbett, president of the Home for Destitute Children, and sundry other citizens of Portland, Oreg., praying for a modification of the present Federal tax on legacies and bequests to colleges and benevolent and religious societies. I ask that the petition be printed in the RECORD, and referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned respectfully petition the Congress to amend paragraph 5, section 29, of "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, by adding thereto the following:

"*And further provided*, That where the body corporate entitled to any beneficial interest in such property shall be a religious, charitable, or educational corporation the duty or tax shall be at the same rate as that imposed on such property passing to the lineal issue to the person who died possessed of such property."

Your petitioners are all religious, charitable, or educational corporations engaged in performing works and disbursing funds for the public welfare solely and not in any manner for private profit or gain. This amendment is asked for the following, among other, reasons:

(1) It has always been the policy of the Government to exempt from taxation religious, charitable, and educational institutions, on account of their meritorious nature and the fact that they relieve the Government of burdens which it would otherwise have to bear.

(2) The present tax compels such institutions as your petitioners to pay as high a tax as bodies corporate engaged in business for private gain.

(3) The present tax places a premium on cutting off legacies to such institutions as your petitioners and operates to close an important source of revenue, which in the past has been one of the chief means of obtaining funds for the work to be performed, the rate of taxation being six and two-thirds times as great as that levied on legacies to lineal issues.

(4) The present tax defeats itself as it discourages legacies, and hence fails as a source of revenue to the Government as well as to your petitioners.

Mr. SIMON. I present a petition, signed by sundry property owners and taxpayers of the county of Tillamook, Oreg., praying that an appropriation be made for the improvement of the Nehalem River in that county. I ask that the petition be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives
of the United States in Congress convened:

Your petitioners, citizens of the State of Oregon and property owners and taxpayers of the county of Tillamook, of said State, respectfully petition Congress of the United States for an appropriation of money, and for such measures as may be deemed proper, for the improvement at the mouth of the Nehalem River in said county.

We, the undersigned, being familiar with the resources of said county and the requirements essential and needful, respectfully represent:

That said Nehalem River drains a large and fertile region, rich in coal, farm and dairy products, and inexhaustible timber.

That large and varied enterprises, such as sawmills, canneries of various kinds, stock raising, dairies, etc., are established in said county, particularly along the region above the mouth of said river, and that these, and more to be established, are but waiting for the opportunities the improvement asked for would afford for developments of vast importance to the people and the State.

That there is now an established coal field of sufficient depth for economic mining in Lower Nehalem is further evidenced by the United States Geological report, by Prof. G. S. Diller, of the years 1895 and 1896.

That the region referred to is one of the richest in the State in natural resources, and that the Nehalem River is the principal water course, affording among the inlets the most easy and convenient access to and by the commercial world by sea, and is therefore the river first requiring such attention.

That the mouth of said river now divides into two distinct channels, causing the waters to divide or spread in such manner as to not afford sufficient depth in either of said channels for the convenient entrance into said bay and river by ocean ships and steamers.

That this inconvenience greatly retards development, and that the improvement asked for, if made, would afford commercial opportunities and insure results immeasurably greater than the cost of making such improvement.

That said improvement may be made by closing one of said channels by means of a jetty or dike, which, by causing the waters to flow in but one of said channels, would secure sufficient depth for all navigable purposes.

That said jetty or dike may be built with ease and at comparatively small cost, the needed material being near at hand, close by said channels; and that the cost of building such jetty or dike would hardly exceed the sum of $15,000 or $25,000.

Wherefore, in praying for this appropriation for said improvement, we feel that our request is reasonable and just; that, in view of the urgent need and the commercial opportunities it would afford, the cost is but small; and that the granting of such appropriation will meet with approval of the people and the gratitude of your petitioners and all our citizens.

Mr. PLATT of New York presented a petition of the drug-trade section of the New York Board of Trade and Transportation, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented petitions of 139 railway mail clerks of New York City, 104 railway mail clerks of Buffalo, and sundry railway mail clerks of Cortland and Madison, all in the State of New York, praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented sundry petitions of railway mail clerks of Boston, Wakefield, Cambridge, Lawrence, Lynn, Medford, Dorchester, Haverhill, Ware, and Jamaica Plain, all in the State of Massachusetts, praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of J. J. Pike & Co., of Chelsea; C. S. Hamlin and sundry other citizens of Boston, and of the Omega Chemical Company, of Boston, all in the State of Massachusetts, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented the petition of Mary A. Livermore, president of the Woman Suffrage Association of Melrose, Mass., praying for the adoption of a sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented the petition of Salome Merritt, president of the National Woman Suffrage Association of Massachusetts, praying that the women of the new island possessions be granted equal rights with men; which was referred to the Select Committee on Woman Suffrage.

Mr. MCMILLAN presented a petition of the common council of Detroit, Mich., praying for the construction of a railway bridge across the Detroit River at that city; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Alabama, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a petition of sundry railway mail clerks of Laramie, Wyo., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented sundry petitions of citizens of Manistee, Escanaba, Muskegon, and Three Rivers, all in the State of Michigan, praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER. I present a letter, in the nature of a petition, from Albert B. Guyton, secretary of the North Carolina Letter Carriers' Association, of Winston-Salem, N. C., praying for the passage of House bill 4911, to increase the pay of letter carriers. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. ALDRICH presented the petition of W. A. Reynolds and 75 other citizens of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. MASON presented a petition of sundry railway mail clerks of Rock Island, Ill., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the petition of Mary A. Livermore, president, and Henry B. Blackwell, secretary, of the Massachusetts Woman Suffrage Association, praying that the equality of political rights be granted the women of Hawaii and the other islands over which Congress has control; which was referred to the Select Committee on Woman Suffrage.

Mr. COCKRELL presented a petition of sundry soldiers of Capt. James M. Dennis's Company, Osage and Maries County militia, of Missouri, praying that they be placed on the pension roll; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MCBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 101) for the relief of Clinton F. Pulsifer, of the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 194) providing for a monument to mark the site of the Fort Phil Kearny massacre, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 739) for the relief of the estate of George W. Lawrence, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park, reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 1533) granting a pension to David Carroll, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes, reported it with amendments.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (S. R. 36) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina, reported it without amendment, and submitted a report thereon.

Mr. MASON, from the Committee on Commerce, to whom was referred the bill (S. 2176) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 1489) granting an increase of pension to Robert C. Rogers, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL. I am directed by the Committee on Pensions, to whom was referred the bill (S. 492) granting an increase of pension to William Carothers, to ask to be discharged from its further consideration. I move that the bill be postponed indefinitely, the claimant having died and no right descending to any heir.

The motion was agreed to.

ASSISTANT CLERK TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FORAKER on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Puerto Rico be, and it is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,800 per annum, until otherwise provided by law.

INDEX TO PRIVATE CLAIMS.

Mr. PLATT of New York, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the usual number of the index to private claims, from the 4th day of March, 1891, and up to the 4th day of March, 1899, inclusive, prepared under direction of the Committee on Claims, in compliance with a resolution of the Senate of June 10, 1898, be printed.

PRACTICE OF POLYGAMY, ETC.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the resolution submitted by the Senator from Utah [Mr. RAWLINS] December 6, 1899, to report it with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Be it resolved by the Senate of the United States, That the Committee on the Judiciary is hereby instructed to inquire into and to report to the Senate—

First. To what extent polygamy is practiced or polygamous marriages entered into in the United States or in places over which they have jurisdiction.

Second. Have polygamists or persons reputed to have more than one wife been elected to office by the people of Utah; and if so, has such election been for the purpose of encouraging polygamy or in violation of any compact between said State and the United States?

Third. Have polygamists or persons reputed to have more than one wife been appointed to office by the President, by and with the advice and consent of the Senate, or in cases where the concurrence of the Senate is not required; and if so, have such appointments been made in aid of polygamy or in violation of the compact between the United States and the State of Utah with reference to that subject?

Fourth. What, if any, steps should be taken or measures enacted for the prevention of polygamy in the United States and in places over which they have jurisdiction?

Mr. HOAR. The Committee on the Judiciary recommends striking out the second and third paragraphs and adopting the first and last paragraphs. I ask for the adoption of the amendment. There is no necessity to read it again.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out paragraphs 2 and 3, as follows.

Mr. HOAR. I suppose it is not necessary to read the paragraphs again.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Committee on the Judiciary is hereby instructed to inquire into and to report to the Senate—

First. To what extent polygamy is practiced or polygamous marriages entered into in the United States or in places over which they have jurisdiction.

Second. What, if any, steps should be taken or measures enacted for the prevention of polygamy in the United States and in places over which they have jurisdiction?

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 2577) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2578) for the relief of Eliza M. Abbott; which was read twice by its title, and referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 2579) for the relief of Mrs. Harriet A. Ferguson; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 2580) granting an increase of pension to William Strain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 2581) to incorporate the National White Cross of America, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULBERSON introduced a bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River; to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2583) providing for enlarging the public building at Dallas, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 2584) for the relief of Mary E. McDonald;

A bill (S. 2585) for the relief of J. V. Davis;

A bill (S. 2586) to give the Court of Claims of the United States jurisdiction of the claims of the Alexandria and Washington Railroad Company and others against the United States for compensation for the use and occupation of the railroad of said company by the United States or the military authorities thereof; and

A bill (S. 2587) for the relief of the heirs of Valorous G. Austin, deceased.

Mr. McBRIDE introduced a bill (S. 2588) to amend an act entitled "An act granting pensions to the survivors of Gray's Battalion, Arkansas Volunteers," approved February 17, 1897; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2589) for the relief of W. N. Hedden; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2590) for the relief of John P. Clark; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2591) to correct the military record of Cyrus E. Burnett; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. THURSTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2592) granting a pension to Joseph A. Dudgeon;

A bill (S. 2593) granting a pension to Henry Bowerman;

A bill (S. 2594) granting an increase of pension to William McBrien;

A bill (S. 2595) granting an increase of pension to George W. Patterson;

A bill (S. 2596) granting a pension to W. P. Snowden;

A bill (S. 2597) granting a pension to Owen E. Davidson (with an accompanying paper);

A bill (S. 2598) granting a pension to Alden B. Thompson (with accompanying papers);

A bill (S. 2599) granting an increase of pension to George M. Ireland (with accompanying papers); and

A bill (S. 2600) granting an increase of pension to Charles Allen (with accompanying papers).

Mr. THURSTON introduced a bill (S. 2601) providing for an additional district judge in the district of Nebraska; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2602) to remove the charge of desertion standing against John Daley; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2603) for the relief of L. B. Shepherd; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS (by request) introduced a bill (S. 2604) to revive and amend and extend the act of Congress of August 15, 1876, to encourage and promote telegraphic communications between America and Asia, across the Pacific Ocean, from the western shores of the United States to the Hawaiian Islands, to Japan and China; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HOAR introduced a bill (S. 2605) granting an increase of pension to Elijah Gay; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2606) to amend sections 5398, 5399, and 5406, Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURROWS introduced a bill (S. 2607) granting a pension to Emily Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2608) to provide for and

create a judicial district in the State of Michigan, to be designated as the northeastern district of Michigan, and for the appointment of a district judge and other officers therein, and for the holding of courts therein; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2609) to transfer certain old records of the city of Washington from the custody of the Commissioners of the District of Columbia to that of the Chief of Engineers, United States Army; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WARREN introduced a bill (S. 2610) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2611) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 2612) to remove the charge of desertion against Frederick Schulte or Schuldt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 2613) for the relief of Jacob Falwell; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2614) to grant a pension to Miss Eva Turner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 2615) for the relief of Joseph Loudermilk; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2616) for the relief of J. W. and J. P. Hall; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2617) to abolish the office of justice of the peace within and for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2618) granting a pension to William H. Winans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHILTON introduced a bill (S. 2619) to amend section 29 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898; which was read twice by its title, and referred to the Committee on Finance.

Mr. ALDRICH introduced a bill (S. 2620) granting a pension to Mary A. Steere; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2621) granting an increase of pension to Charles Frye; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2622) granting a pension to Maria A. Thompson; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mrs. Maria A. Thompson, widow of Dr. Charles A. Thompson, surgeon Thirteenth Illinois and Ninetieth Illinois Volunteer Infantry, with affidavit of herself, and of Dr. R. E. Young, and of F. W. Roer and T. W. Towles, and of Dr. J. F. Thorpe, with a letter from the Pension Office. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PLATT of New York introduced a joint resolution (S. R. 71) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Foreign Relations.

Mr. PRITCHARD introduced a joint resolution (S. R. 72) authorizing the President of the United States to appoint David Bagley as an additional cadet at the Naval Academy, Annapolis, Md.; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STEWART submitted an amendment proposing an appropriation of $463,441.97 to reimburse the State of Nevada for moneys advanced in aid of the suppression of the war of the rebellion, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MASON submitted an amendment proposing to fix the salary of the chief clerk, office of the First Assistant Postmaster-General, at $2,500 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing an appropriation of $10,000 for printing in book form reports of the committee on awards of the World's Columbian Commission on special subjects, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

LAKE TAHOE NATIONAL PARK.

On motion of Mr. STEWART, it was

Ordered, That 500 extra copies of S. 2320, "to set apart certain lands in the States of California and Nevada as a public park and forest reservation, to be known as the Lake Tahoe National Park, and for other purposes," be printed for the use of the Senate.

TRANSACTIONS WITH NATIONAL CITY BANK, OF NEW YORK.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Whereas the report of the Secretary of the Treasury in answer to the Senate resolution of inquiry of January 4, 1900, is not complete in all respects and fails to transmit to the Senate copies of certain correspondence between the Secretary of the Treasury and the officials of the National City Bank, of New York: Therefore, be it

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate copies of all letters and the substance of any conversation or agreement he may have written or had with A. B. Hepburn, of the National City Bank, of New York, in reply to a letter from Mr. Hepburn to him, dated June 5, 1897; also copies of any letters, communications, agreements, papers, and documents between the Treasury Department and the National City Bank, of New York, within the period embraced between June 5, 1897, and October 27, 1897; also copies of any letters, communications, agreements, papers, documents, or conversation between the Secretary of the Treasury or his subordinate officers or officials and the officials of the National City Bank, of New York, or the officials of the National City Bank and the Secretary of the Treasury or his subordinates, in reference to the letter from the Secretary of the Treasury to James Stillman, president of the National City Bank, of New York, of December 21, 1897, in which the Secretary of the Treasury wrote, "I have yours of the 20th instant, and note your suggestions as to a conference with Mr. Morgan in relation to the Treasury deposits in the national bank depositaries of New York."

And the Secretary of the Treasury is further directed to transmit to the Senate copies of any letters, agreements, communications, papers, documents, or other information in his possession or in the possession of the Treasury Department respecting the conference between the Secretary of the Treasury and James Stillman, president of the National City Bank, J. Pierpont Morgan, of New York, and any other person or persons with whom he conferred in Philadelphia, as mentioned in his letter to James Stillman, president of the National City Bank, of New York, of December 21, 1897; and also whether or not the conference resulted in any agreement or understanding in regard to depositing Government moneys in the national-bank depositaries in the city of New York; whether or not any record was kept in the Treasury Department of telephonic or telegraphic communications between the Secretary of the Treasury or his subordinate officers and the officials of the National City Bank, of New York City, and if so, what agreement and understanding was arrived at by means of these telephonic, telegraphic, or other communications; whether or not the Secretary of the Treasury knew or had reason to believe that the Government funds deposited in the National City Bank, of New York, were used with a view of causing a liquidation of speculative stocks, as mentioned in the letter of James Stillman to the Hon. Lyman J. Gage of April 8, 1899, and whether or not the Secretary of the Treasury or any of his subordinates had any correspondence, telegraphic or telephonic, or otherwise, or any agreements, documents, papers, or conversation with the officials of the National City Bank, of New York, between the period embraced from April 28, 1898, to June 2, 1898; September 19, 1898, to October 29, 1898; August 26, 1899, to December 19, 1899; and if so, let him accompany his response to this resolution with copies thereof. And the Secretary of the Treasury is further directed to inform the Senate of the amount of United States bonds held in trust by the Treasury Department for the Standard Oil Company, of the city of New York, to secure Government deposits for the National City Bank, of New York City, and upon what dates these bonds were assigned and the amount thereof now or at any time held by the Government of the United States for the Standard Oil Company.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. Let it go over and be printed.

The PRESIDENT pro tempore. It will be printed and go over under the rule.

Mr. ALLEN. Has objection been made to present consideration?

The PRESIDENT pro tempore. Objection has been made.

GETTYSBURG NATIONAL PARK.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate how far the act of Congress of February 11, 1895, which "authorized and directed the Secretary of War to acquire such lands in the vicinity of Gettysburg not exceeding in area the parcels of land shown on the map prepared by Maj. Gen. Daniel E. Sickles and now on file in the office of the Secretary of War, which were occupied by the infantry, cavalry, and artillery on the 1st, 2d, and 3d days of July, 1863, and such other adjacent lands as he may deem necessary to preserve the important topographical features of the battlefield," has been carried out, how much of the land indicated has been secured, how much money the commissioners of the Gettysburg National Park have expended on account of their salaries and otherwise, and the value of the improvements in said park turned over to the United States Government by the several States, and to inform the Senate what additional legislation, if any, is necessary to carry out the provisions of the said act of February 11, 1895.

REPORT ON COPPER RIVER EXPLORATION EXPEDITION.

Mr. ELKINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska.

Mr. ELKINS submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska, transmitted by the Secretary of War, of which 1,500 shall be for the use of the Senate, 2,500 for the use of the House of Representatives, and 1,000 for distribution by the War Department.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

Mr. CLAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to furnish to the Senate a report from H. L. Marinden, an engineer of the Coast and Geodetic Survey, recently detailed by him to survey the outer bar of Brunswick, Ga., showing the amount of work done on said bar since his last report, its cost and its value to the Government, and an estimate as to the annual cost of maintaining the channel across said outer bar.

EXPENDITURE OF WAR APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate:

In response to the resolution of the Senate of January 8, 1900, asking for information as to what portion of the $50,000,000 appropriated by Congress under the act approved March 9, 1898, was expended by or under direction of the Department of State, I transmit herewith a detailed statement from the Secretary of State.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, January 22, 1900.

HOUSE BILLS REFERRED.

The bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1897, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

The bill (H. R. 4602) to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes; and

A joint resolution (H. J. Res. 129) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Olmedo Alfaro, of Ecuador.

POLICY REGARDING THE PHILIPPINE ISLANDS.

Mr. CLAY. Last Thursday my colleague [Mr. BACON] gave notice that he would on next Wednesday call up Senate joint resolution 45, introduced by himself, declaring the purpose of the United States with reference to the Philippine Islands, with a view of submitting some remarks thereon. I received a message from my colleague this morning stating that he has been called home for providential reasons and can not be here next Wednesday. I give notice for him that on Tuesday of next week, immediately after the morning business has been completed, he will call up the same joint resolution for the purpose of submitting some remarks.

RIGHT OF SUFFRAGE IN NORTH CAROLINA.

Mr. PRITCHARD. I desire to call up Senate resolution No. 68 and ask that it be read.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution submitted on the 8th instant by the Senator from North Carolina [Mr. PRITCHARD] relative to the violation of the fourteenth and fifteenth amendments to the Constitution of the United States, which will be read.

The Secretary read the resolution submitted by Mr. PRITCHARD on the 8th instant, as follows:

Resolved, That an enactment, by constitution or otherwise, by any State which confers the right to vote upon any of its citizens because of their descent from certain persons or classes of persons, and excludes other citizens because they are not descended from such persons or classes of persons, having all other qualifications prescribed by law, in the opinion of the Senate, is in violation of the fourteenth and fifteenth amendments to the Constitution of the United States and of a fundamental principle of our republican form of government.

Mr. PRITCHARD. Mr. President, I have carefully considered the speech of the honorable Senator from Alabama on the pending resolution. He has discussed the questions at issue with great adroitness, and has displayed that splendid ability which he brings to bear upon all the important questions that come before this body for consideration.

The distinguished Senator undertakes to show that this body does not have jurisdiction of the questions involved in the resolution, and in the next breath he insists that it relates to a question which in his judgment is now before the country for solution by popular suffrage. He says that it is a question which can not be repressed or evaded in the coming election. In dealing with this particular phase of the question, he says:

To refuse now to consider this question is to draw the country into a vortex of angry and dangerous excitement, such as seriously endangered the Republic in 1876 and 1877.

I heartily concur in the opinion that the question does involve the peace and welfare of the nation and the stability of our institutions. It does seem to me that no more important question will be presented for our consideration during the present session of Congress.

Article IV, section 4, of the Constitution of the United States provides as follows:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

In reading the foregoing provision of the Constitution it will be observed that it is the duty of the United States to guarantee to each State a republican form of government. The language of the Constitution is mandatory, plain, and unequivocal. When the members of this body took the oath of office, among other things, they agreed to maintain the Constitution of the United States. However, the honorable Senator does not entertain this view as to the amendments in question. He says:

The question of the protection of the suffrage of the negro against discrimination under the laws is the only one in reference to which the Constitution gives specific plenary and discretionary power to Congress, to be exercised by appropriate legislation or to be declined if Congress refuses to exercise the power. It is not mandatory, and no man can be conscience bound to exercise the power if he feels that it would imperil the country. In the fourteenth amendment the power to reject the negro vote is admitted in favor of the States, and this right is nowhere taken away.

If the right thus given to the States is taken away by the fifteenth amendment, as I do not believe that it is, the power of Congress over the subject is again repeated separately in that amendment, and it stands as the sole authority to deal with the subject, to be exercised at the discretion of Congress. It may be that a power is given to Congress to deprive the State of the right reserved in the fourteenth amendment; but if so, it is only a power, and Congress is not bound to use it.

Unquestionably this legislative power is political and is not judicial, and it conveys no vested right in the negro race to vote that can stand against the power of Congress to permit a State to disqualify them by refusing to proceed to enforce their demand for the ballot.

Mr. President, this is indeed a startling declaration in view of the plain language contained in the amendments in question. According to the Senator's contention, we can violate the fourteenth and fifteenth amendments with impunity, provided it becomes necessary to do so in order to perpetuate Democratic rule in the South. This sounds to me very much like the doctrine that was taught by Calhoun in his time. In other words, it is nullification pure and simple. That section of the fourteenth amendment which relates to the representation of States in the electoral college and in the House of Representatives relates solely to the instances wherein the States, acting within the scope of their authority, see fit to deny the right of suffrage to any citizens residing therein in a manner so as to not discriminate against other citizens similarly situated on account of race, color, or previous condition of servitude. In discussing this phase of the question, Mr. Blaine, in his Twenty Years of Congress, says:

The adoption of the fifteenth amendment seriously modified the effect and potency of the second section of the fourteenth amendment. Under that section a State could exclude the negro from the right of suffrage if willing to accept the penalty of the proportional loss of representation in Congress which the exclusion of the colored population from the basis of apportionment would entail. But the fifteenth amendment took away absolutely from the State the power to exclude the negro from suffrage, and therefore the second section of the fourteenth amendment can refer only to those other disqualifications, never likely to be applied, by which a State might lessen her voting population by basing the right of suffrage on the ownership of real estate, or on the possession of a fixed income, or upon a certain degree of education, or upon nativity or religious creed. It is still in the power of the States to apply any one of these tests or all of them, if willing to hazard the penalty prescribed in the fourteenth amendment.

This is a complete answer to the statement made by the Senator from Alabama and leaves no doubt as to the proper construction to be placed upon the amendments.

In view of the fact that this resolution relates to the question as to whether or not the Constitution of the United States has been violated by constitutional enactment by certain States, about which we may be called upon at any time to legislate, I assume that no one will controvert the proposition that this body has jurisdiction of the subject to which it relates. In considering the question the inquiry naturally arises as to whether or not any State has adopted as a part of its constitution or by legislative enactment done that which is calculated to deprive any of its citizens of the privileges to which they are entitled under the Constitution of the United States. I am prepared to show that a number of States have attempted, by constitutional enactment, to deprive a certain class of citizens residing therein of privileges that are vouchsafed

to them by the fourteenth and fifteenth amendments to the Constitution.

The State of Louisiana has already adopted as an amendment to her constitution a provision which is in contravention of the fourteenth and fifteenth amendments to the Constitution of the United States, in that it discriminates against a certain class of citizens of that State to such an extent as to deprive them of the privileges that are guaranteed to other citizens who are similarly situated. There are other States that have adopted provisions that are equally repugnant to the amendments in question.

I call attention to the fact that the Democratic party in the State which I have the honor in part to represent is attempting to secure the adoption of a proposition to amend our constitution that is in many respects similar to the one which has been adopted by the people of the State of Louisiana.

The Constitution of the United States is not only intended for our guidance as representatives of the people, but it is consigned to the care and keeping of the Congress of the United States, and it is the duty of every member of this body to guard with zealous care each of its provisions and at all times to see that the principles enunciated therein are maintained and upheld in the spirit in which they were adopted.

Recognizing this fact, and realizing the responsibility that rests upon me as a member of this body, I feel that I would be recreant to the trust reposed in me were I to remain silent and without protest permit the Democratic party of North Carolina to adopt a policy that will ultimately result in the curtailment of our representation in the House of Representatives and in the electoral college. What is it that enables the States of New York, Ohio, Pennsylvania, Indiana, and Illinois to exert such a wonderful influence in the House of Representatives? Is it not due to their numerical strength in that body? The greater the numerical strength of a State in the House of Representatives the greater influence that State will be able to exercise in our national councils.

The State which I have the honor in part to represent is one that is rich in undeveloped resources. It has greater possibilities than any other Southern State. I point with pride to the fact that more cotton factories were established in North Carolina, under the benign influence of Republican legislation during the last year, than in any other Southern State. This is but an earnest of what we can do in the future if we are accorded that nurture and encouragement to which we are entitled as one of the great States of the Union.

How are we to secure needful legislation? Certainly not by the curtailment of our representation in the House of Representatives; and in this connection I wish to be plainly understood. I am a Southerner, I sympathize with the Southern people, and I will do everything in my power to prevent the adoption of any legislation that is calculated and intended to lessen the power and influence of the State of North Carolina. And while discussing this particular phase of the question I desire to call attention to a fact that has probably escaped the attention of many of the people of the South, and that is that the fourteenth amendment, among other things, provides:

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

This section of the fourteenth amendment clearly makes it the duty of Congress in the apportionment of representation to base the same upon the numerical strength of each State as shown by the number of votes therein cast. And it only remains for Congress to ascertain the facts as to any particular State in order to deprive that State of representation in proportion to the number of citizens denied the right of suffrage.

It is generally understood that the Republican party forced negro suffrage upon the South. This proposition is erroneous. I am prepared to show that the Democratic party of the South is in a great measure responsible for the enfranchisement of the negro. It will be remembered that the Howard amendment, which among other things provided that the Southern States should resume representation in Congress, did not undertake to place any restriction upon the States with respect to the elective franchise. It only undertook to fix the status of citizenship in each State in the Union, and, among other safeguards, provided that as long as the negro was denied the right to vote he should not be counted in the Federal enumeration.

The Howard amendment was rejected by all of the Southern States with the exception of Tennessee. The legislature of North Carolina, which was overwhelmingly Democratic at that time, voted almost unanimously to reject it. I do not propose to discuss the question as to whether or not the adoption of the fifteenth amendment was the proper course to pursue at that time. That question has been settled by the people of the United States, and the fifteenth amendment is as much a part of the Constitution of the United States as any other amendment thereto. I find by an examination of the legislative journals of my State that ex-Senator Thomas J. Jarvis, a leading Democrat, together with the Hon. James L. Robinson, who was at one time elected lieutenant-governor of North Carolina by the Democratic party, Thomas M. Argo, W. W. Greer, P. Hodnett, T. C. Humphreys, J. A. Kelly, J. A. Mason, W. P. Welsh, R. D. Whitley, W. L. Lord, L. A. Mason, and J. W. Osborne, all Democrats, voted for the ratification of the fifteenth amendment.

If these distinguished Democrats at a time when the colored race had just been emancipated and was in a helpless state of ignorance thought it wise and proper that they should exercise the right of suffrage, I assume that I am right in contending, after a lapse of thirty years, that it is our duty as representatives of the American people to use all means in our power to secure the proper enforcement of the fifteenth amendment.

If the Senator from Alabama is right in his contention that the negro is not entitled to exercise the elective franchise, the Democratic party should have the manhood to propose the abrogation of the fifteenth amendment. This would raise the issue for which my distinguished friend contends and would afford the people of the United States an opportunity to pass upon the question—the only lawful method by which the colored people can be deprived of the rights which are now guaranteed to them by said amendment.

Judge Story, in his great work on the Constitution, said: "What is to become of the constitutions of government if they are to rest not upon the plain import of their words, but upon conjectural enlargements and restrictions, to suit the temporary passions and interests of the day?" Let us never forget that our constitutions of government are solemn instruments, addressed to the common sense of the people, and designed to fix and perpetuate their rights and liberties. They are not to be frittered away to please the demagogues of the day; they are not to be violated to gratify the ambitions of political leaders—they are to speak in the same voice now and forever. They are no man's private interpretation. They are ordained by the will of the people, and can be changed only by the sovereign command of the people.

And until the majority of the American people shall decree the abrogation of that amendment, the States are powerless by constitutional enactment or otherwise to do that which is a discrimination against any class of people residing therein, on account of race, color, or previous condition of servitude.

I consider the proposed amendment to the constitution of the State of North Carolina as the most important question that we have been called upon to deal with since the war. The right of suffrage is one that is prized very highly by the people of the United States. It is a historical fact that those who have once enjoyed the high privilege of the elective franchise are loath to yield it without a struggle. The constitution of 1868 of North Carolina was framed by the Republican party, and among other things it contained a provision which guarantees free suffrage to the rich, the poor, the illiterate, and the educated alike. Its adoption marked an era of encouragement to the common people of the State.

Theretofore there had existed a deep-seated prejudice against the poor and illiterate white man as a result of the system of slavery which had done so much to degrade the poor man and to discourage those who earn their living by manual labor. This section of our constitution is consonant with the fourteenth and fifteenth amendments. Justice Swaine in the slaughterhouse cases, in referring to these amendments, among other things, said: "Fairly construed, these amendments may be said to rise to the dignity of a new Magna Charta."

There is to-day a manifest disposition to invade the liberty of the individual and to ignore the rights of property—a disposition which is concealed under many pretexts, and referring to which Mr. Guthrie, in his work on the fourteenth amendment, on page 30, says:

This tendency, bred of envy and discontent and the thirst for organic change—call it socialism or communism, or what you will—is the grave danger of the present, and it threatens humiliation and disaster. In this tendency lies the difficult problem which we of this generation must prepare to face and to solve. Much is to be dreaded and guarded against in the despotism of the majority wielding and abusing the power of legislation and ignorantly or intentionally undermining the foundation of the Constitution itself.

This is a correct portrayal of the conduct of those who seek to deprive the citizens of North Carolina of the rights that are guaranteed to them by the Constitution of the United States. There has never been a moment since the adoption of the constitution in 1868 when it has not been the intention of the leaders of the Democratic party to do all in their power, if the opportunity should present itself, to amend our constitution so as to restrict the right of suffrage, and, if possible, prevent the poor and illiterate white people of that State from exercising that privilege.

It has been contended all the while by the Republican party that, in the event of the Democratic party being permitted again to control our affairs, it would attempt eventually to so amend

the constitution as to exclude the poor and illiterate people of both races from the enjoyment of the privilege guaranteed them by the constitution of 1868.

On the other hand, the Democrats have strenuously denied that such was their intention, and, in doing so, have ridiculed the charges made by Republicans. During the last campaign Mr. Simmons, chairman of the Democratic executive committee, devoted a good deal of his time in attempting to convince the people that his party was not inclined to restrict the right of suffrage. I call attention to the following interview which Mr. Simmons gave out on the 25th of September of that year, published in the Raleigh News and Observer, one of the leading Democratic newspapers of the State:

For the past twenty years or more just before every election the Republican speakers, at their midnight meetings, have been in the habit of telling the negro that if the Democrats came into power their right to vote would be taken away from them. After the Democrats came into power in this State they always had some reason to give the credulous beings why the Democrats had not disfranchised them as they had before predicted.

First, they told them that if the Democrats got the State government they would disfranchise them. The Democrats got the State government and did not disfranchise them. Then they told them that if the Democrats elected a President they would disfranchise them. The Democrats elected a President and did not disfranchise them. Then they told them if the Democrats got control of Congress they would disfranchise them. The Democrats got control of Congress and did not disfranchise them. All along the honest white man of the State laughed at these lies and marveled that the negro did not have sense enough to see that he was being duped.

Finally, the negro himself began to see through the trick. He had seen the Democrats in full power in the State for twenty-odd years, and had learned through experience that that party did not propose to disfranchise him, and he, too, began to laugh at these lies, and finally refused to be frightened by their rot any longer. So the old Republican scarecrow had to be pulled down and put away.

I also call attention to the following statement contained in an address issued and signed by the Democratic members of the legislature of North Carolina in 1870:

In the last contest in this State the principal issue was upon the question of colored suffrage and civil rights of the colored race. That matter has been decided upon a solemn appeal by the people of the United States. The guaranty of their rights has now become a part of the Constitution. To that Constitution we have ever been willing to defer; to the laws made in pursuance of it we yield and ever have yielded a ready obedience.

The reconstruction acts of Congress, with the civil and political rights they confer on the colored race, we regard as a finality; we accept them in good faith. We are one of the States of the Union. Let us seek to forget the bitterness of the past, to build up the places made waste by the unfortunate war, and to promote the harmony and prosperity of all sections of our great country.

The colored man now enjoys the same political and civil rights as the white man. We accept his status as fixed by the constitution of this State and United States in good faith. We regard it as a final settlement of the question. It now becomes our duty as good citizens to elevate him morally and intellectually.

The foregoing is a portion of the address in question, which was dated on the 26th of March, 1870, and signed by the following gentlemen, who were Democrats, members of the legislature:

Thomas J. Jarvis, of Tyrrell; H. C. Jones, of Mecklenburg; C. T. Murphy, of Sampson; F. N Strudwick, of Orange; J. A. Moore, of Caldwell; Plato Durham, of Cleveland; J. A. Moore, of Alamance; R. P. Matheson, of Alexander; John L. Smith, of Alleghany; J. H. Davis, of Carteret; Philip Hodnett, of Caswell; Joshua Barnes, of Wilson; J. Scott, of Onslow; J. W. Graham, of Orange; C. Melchor, of Cabarrus; A. M. Robbins, of Rowan; J. M. McLaughlin, of Iredell; L. A. Mason, of Gaston; R. S. Beal; of Caldwell; W. L. Love, of Jackson; B. P. High, of Columbus; W. T. Ferebee, of Camden; T. C. Humphries, of Currituck; J. A. Kelly, of Davie; J. C. McMillan, of Duplin; W. E. Armstrong, of Duplin; John Gatling, of Gates; B. C. Williams, of Harnett; W. P. Welsh, of Haywood; Tilman Farrow, of Hyde; T. A. Nicholson, of Iredell; G. F. Dardson, of Iredell; E. M. Painter, of Jackson; J. L. Robinson, of Macon; R. D. Whitley, of Mecklenburg; W. W. Grier, of Mecklenburg; W. W. Bodie, of Nash; Frank Thompson, of Onslow; T. M. Argo, of Orange; J. Hawkins, of Rowan; J. M. Shaver, of Rowan; J. C. Williams, of Sampson; J. W. Clayton, of Transylvania; D. E. Smith, of Wayne; David Pruitt, of Vancey; J. O. Hicks, of Clay.

This was the position taken by the Democrats in 1870, and when the question arose during the last campaign in North Carolina as to whether or not the Democrats sought to restrict the right of suffrage, the Democratic executive committee of that State printed the address in question in full in the Democratic campaign book, beginning on page 8. In order to allay this apprehension the executive committee of that party issued a supplement to their handbook entitled: "Comments by the State Democratic Committee on the handbook issued by the People's Party State Executive Committee."

On page 18 of the supplement, in discussing the question as to whether or not they proposed to disfranchise any of the voters in that State, among other things I find the following:

It is the poor man's party. Nine-tenths of its members are poor men. How utterly absurd, then, is the false charge that the Republicans are trumping up to deceive the unwary. In order to give some color to it, they quote something from a Yankee newspaper, whose owners and editors are, we have always understood, Republicans, that Gen. W. R. Cox, who lives in Washington, told a reporter if the Democrats succeeded they would disfranchise the ignorant negro. But General Cox publishes over his own name a declaration that he never said that and never said anything like it, for he well knew that if even the Democrats should succeed and should have control of the legislature they would be powerless to disfranchise anybody. The Constitution forbids it.

The Constitution gives the right of suffrage to all male persons over 21 years of age not disqualified by crime, and the legislature can not add or take away a letter from that. That can only be done by the people themselves, and the Democrats will never submit any proposition to the people to take from a man his right to vote. No Democrat has ever proposed such a thing. The charge is only intended to mislead, to deceive, and to make political capital. It is entirely false. There is not a Democratic convention that would not spit upon the man who might make such a proposition. There is not a Democratic candidate for office who would not pledge himself most solemnly against it. There is not a man who has any respect for his word who would make such a charge. It is, we learn, made by some radicals, but our people know the character of these men. They have no self-respect, and nobody else respects them. They are not entitled to the respect of people, because they do not respect themselves. It is wonderful how low down some people can get in political matters; with what unblushing effrontery they can invent falsehoods, until they become like the "organized" being referred to in the Populist Handbook.

The Wilmington Messenger, a Democratic organ, on the 18th of September, 1898, contained the following as part of an editorial:

The most stupid lie of the campaign is the Populist lie put out by the Skinner and Thompson gang and slyly repeated by the black radicals, the bald-faced lie that if the Democrats should carry the State they would disfranchise the negroes. If they desired it ever so much, they have no power to effect it. The lie is so stupid that it could not have been started and repeated but for the profound ignorance of the niggers generally. If they knew anything they would know that North Carolina has no power under Heaven to abridge the political rights and to deprive of the privilege of voting the negroes any more than the whites. The franchise is a right secured under the Constitution of the United States, and it takes the same power to abrogate the right as to confer, to repeal a law as to make it. So it is all bosh and falsehood to try and bewilder and befool the poor, ignorant negroes in the way it has done. It is pitiful and mean to so work up them by lying and deception. Their right to vote is as absolutely secure as the white man's right to vote.

As we stated yesterday, the three amendments to the Constitution introduced and adopted soon after the war fixed the status of the negroes as citizens equal with that of the whites in their rights. The only way to rid the country of the negro ballot is by the same means and processes that were gone through with to enfranchise him in his stolid and stupid condition. So it is a lie out of whole cloth when the dirty tricksters imposed upon the ignorant, credulous negroes by telling them that a Democratic victory means depriving them of the right to vote.

The foregoing statements indicate the kind of campaign that was conducted by the Democratic party in North Carolina at the last election. The statement contained in the supplement reminds one very much of the declaration of the Apostle Peter on a certain occasion when he was about to betray our Saviour. It does seem to me that the statements ought to be treated as a solemn pledge made by the Democratic party of North Carolina to the people of that State with respect to the question of suffrage.

At that time we were in the midst of a most exciting campaign. The Democratic executive committee realized full well that unless it made a full and complete denial of the allegations that were being made by the Republicans against them that the voters of that State would again repudiate them. There has never been a more binding and solemn contract entered into by any political party than when a majority of the people of North Carolina voted the Democratic ticket with the assurance from its committee that there was no foundation for the statement that either white or colored would be deprived of the right of suffrage in the event of their party being successful. They even went so far as to characterize the Republicans as not being entitled to respect, and with inventing falsehoods, hoping thereby to convince the people that there was not the slightest foundation for the allegation that they proposed to disfranchise any citizen of that State. They sought to show that it was absurd to even intimate that the Democracy of North Carolina would favor the abridgment of the right of suffrage in the slightest degree, and in order to remove all doubt as to the sincerity of their professions they called attention to the fact that the Constitution (meaning thereby the Constitution of the United States) would not permit them to do that which the Republicans were alleging they would do in the event they should succeed. They said, among other things:

There is not a Democratic convention that would not spit upon the man who would attempt to make such a proposition.

What proposition? The proposition to submit to the people a proposed amendment to the Constitution which should have for its object the disfranchisement of the negro. It was not only the Democratic committee that made these pledges, but almost every Democratic candidate for the legislature made solemn pledges to the voters in their respective counties that, if elected, they would oppose any and all measures that might be presented for the disfranchisement of any class of our citizens.

I do not wish to be understood as saying that every Democratic leader in North Carolina has been guilty of duplicity in dealing with our people, because there are several honorable exceptions; and notably among these was my distinguished predecessor, the late Senator Vance, who was respected and admired by all parties for his honesty and strict integrity. So long as he remained at the helm of the Democratic party in North Carolina all attempts to disfranchise the poor and illiterate classes of both races were futile. I am informed that on one occasion, when it was proposed by that element of the Democratic party which now dominates its actions to pass an election law which would enable them by manipulation to thwart the will of the majority of the people, he went in person to the city of Raleigh and, by his wonderful influence, prevented the consummation of the conspiracy to deprive the people of their liberties. In this connection I call attention to

the following statement, to which he gave utterance in his speech delivered in the Senate of the United States on the 7th of April, 1881. Among other things he said:

The black people of my State have the same patriotism that we claim to have; they have the same pride in the character and the reputation and the prosperity of the Old North State that we claim to have; and when they came before the exodus committee they showed as much determination to maintain the good character and the good name of the land of their birth as the white people did, and they would do it now if you would let them alone. We have no objection to universal suffrage; we have no objection to the black people voting; we are willing for them to vote, and we are willing for them to continue to vote just as long as anybody else votes. They are improving daily; they are far more qualified to vote now than they were when you first gave them the suffrage; they are acquiring property, and they are acquiring intelligence; and, what is more, they are acquiring good feeling for the people of North Carolina; and the worst thing you can do, Senators, for the comfort and for the advancement of the black race, whose destiny you pretend to have so much at heart, is to step between them and their white neighbors of the South again, proclaiming that they are not now receiving their rights at the ballot box or in the courts or elsewhere. It is not true. It is alleged simply for the purposes of party aggrandizement.

It is a remarkable fact that the moment Senator Vance passed away the element of the Democratic party which had been held in check by his influence at once asserted itself and assumed control of the party machinery in that State.

If we are to profit by the lessons taught by the election methods in the States of South Carolina, Louisiana, and Mississippi, we are justified in the assumption that the adoption of the proposed amendment in North Carolina will sound the death knell to the aspirations of every Zeb. Vance Democrat in the State. While the proposed amendment is intended to crush out the principles of Republicanism, it is likewise intended to eliminate those who entertain the liberal views of the late Senator Vance, as well as those who are not willing to submit to the dictation of the machine.

Notwithstanding the many pledges made by the Democrats in order to induce the citizens of that State to vote for them, and thereby enable them to obtain control of the legislature, we are confronted with a proposition to amend our constitution, which, if adopted, will, in my judgment, disfranchise the poor and illiterate classes of both races. They were not content with submitting this proposition under the fair and impartial election law which had been enacted by a legislature consisting of Republicans and Populists, and under which they had so recently obtained control of the legislature, but, in order to carry into effect the scheme of disfranchisement of the unfortunate classes of our people to whom it refers, they enacted an election law which is framed with the sole view of manipulating our elections so as to thwart the will of the people, and thereby enable them to do that which the people would never consent to if given a fair opportunity of expressing their views at the ballot box and having the same recorded as expressed.

In order that we may have an intelligent conception as to the proposition which is submitted, I call attention to Article VI, section 1, of the constitution of North Carolina, which it is proposed to abrogate, which reads as follows:

Art. VI, sec. 1. Qualifications of an elector. Every male person born in the United States and every male person who has been naturalized, 21 years old or upwards, who shall have resided in the State twelve months next preceding the election and ninety days in the county in which he offers to vote, shall be deemed an elector; but no person who, upon conviction or confession in open court, shall be adjudged guilty of felony or any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

It will be observed that the foregoing article is in harmony with the fourteenth and fifteenth amendments to the Constitution of the United States, which read as follows:

Art. XIV, sec. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without the due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * * * *

Art. XV, sec. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

It was expressly agreed at the time North Carolina was readmitted into the Union that the people of our State should retain a provision in its constitution in harmony with the provisions of the fifteenth amendment to the Constitution of the United States, and in order that there may be no mistake about the matter I call attention to the following provision contained in the enabling act, which was passed on the 25th day of June, 1868:

That each of the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida shall be entitled and admitted to representation in Congress as a State of the Union when the legislature of such State shall have duly ratified the amendment of the Constitution of the United States proposed by the Thirty-ninth Congress, and known as Article XIV, upon the following fundamental conditions: That the constitution of neither of the said States shall ever be so amended or changed as to deprive any citizen or class of citizens of the United States of a right to vote in said State who are entitled to vote by the constitution thereof, herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said States.

The foregoing is plain and explicit, and leaves no doubt as to the precise conditions upon which the Southern States were readmitted into the Union. While it does not affect this controversy in a strictly legal sense, at the same time it clearly indicates the nature of the compact which was to be observed by the people of our State as the condition upon which the State was readmitted into the Union.

It may be contended by some that this enactment is the product of a Republican Congress and that a majority of the people of North Carolina never consented to its provision. The Republicans of that State gave their assent to it when they voted to ratify the adoption of the fourteenth and fifteenth amendments to the Constitution of the United States, and the Democrats, through their representatives who were members of the legislature in 1870, gave their assent to it when they issued the address to which I have heretofore referred.

Notwithstanding the provisions of the fourteenth and fifteenth amendments to the Constitution of the United States, together with the compact which was entered into when the enabling act was adopted, the legislature has submitted, among other things, certain sections as part of the amendment which is intended to be made to the constitution of North Carolina. I will ask the Secretary to read sections 4 and 5.

Mr. MASON. Of the proposed amendment?

Mr. PRITCHARD. Yes; of the proposed amendment.

Mr. MASON. Proposed by the legislature?

Mr. PRITCHARD. Yes, sir; and submitted to the people for ratification.

The Secretary read as follows:

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language; and before he shall be entitled to vote shall have paid, on or before the 1st day of March of the year in which he proposes to vote, his poll tax, as prescribed by law, for the previous year. Poll taxes shall be a lien only on assessed property, and no process shall issue to enforce the collection of the same, except against assessed property.

SEC. 5. No male person who was on January 1, 1867, or at any time prior thereto entitled to vote under the laws of any State in the United States, wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in the State by reason of his failure to possess the educational qualifications prescribed in section 4 of this article: *Provided*, He shall have registered in accordance with the terms of this section prior to December 1, 1908. The general assembly shall provide for a permanent record of all persons who register under this section on or before November 1, 1908; and all such persons shall be entitled to register and vote at all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, Such persons shall have paid their poll taxes, as required by law.

Mr. PRITCHARD. It is a historical fact, of which the courts will take judicial notice, that in the year 1867 the colored people were not entitled to vote. It is contended by the honorable Senator from Alabama that section five of the amendment which is proposed to our constitution is not repugnant to the fifteenth amendment to the Constitution of the United States, in that there is nothing on the face of the amendment which in plain terms proposes to exclude the colored race from the exercise of the elective franchise. This contention is not warranted by the facts in the case. It is true that there is no provision in section five which in so many words declares that those of African descent shall not be entitled to vote, but there is a provision in that section which attempts to confer the right of suffrage upon those whose ancestors were entitled to vote in the year 1867, which can only be construed as an effort to exclude all citizens from the enjoyment of that right who were not entitled to vote in that year.

In order that we may be able to place an intelligent construction upon the proposed amendment and correctly determine as to whether or not it is in conflict with the Constitution of the United States, it is necessary to carefully ascertain the true intent and meaning of the fifteenth amendment. It is evident that the framers of the fifteenth amendment had but one object in view, and that was to embody in the Constitution of the United States a guarantee that there should be no discrimination on the part of any State against any class of people on account of race, color, or previous condition of servitude. The framers of the fifteenth amendment had in mind that race of people which had just been emancipated from slavery, and in order that there might be no cavil as to the true intent and meaning of said amendment, they not only provided that the right to vote should not be denied on account of race or color, but they went a step further and provided that no one should be denied the right on account of "previous condition of servitude." I call upon my Democratic friends to show me a single individual who, while in a condition of servitude, was entitled to vote. All will admit that no one had that right while in such condition. Therefore, the proposed amendment is as much in conflict with this clause of the fifteenth amendment as it would be with other portions of the amendment if it had declared that no one of African descent should be entitled to vote.

In this connection I call attention to the case of the United States *vs.* Reese, to be found in 92 United States Reports, on page 214, Chief Justice Waite, in discussing the questions at issue in that case, and referring to the intent and meaning of the fifteenth amendment, among other things said:

The fifteenth amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not. If citizens of one race, having certain qualifications, are permitted by the law to vote, those of another having the same qualifications must be. Previous to this amendment there was no constitutional guarantee against this discrimination. Now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude.

This construction by the Supreme Court of the United States leaves no doubt as to the real intent and meaning of the fifteenth amendment, but I do not rely solely on the decision of the Supreme Court of the United States. The supreme court of North Carolina has rendered a decision in the case of Riggsbee *vs.* Town, of Durham, reported in 94 North Carolina Reports, on page 800, which involves the principle in question. This was a case wherein the legislature sought, by enactment, to levy a tax on the property of the white people for the purpose of maintaining white schools, and likewise on the property of the colored people for the purpose of maintaining colored schools. Chief Justice Smith, in rendering the opinion of the court, among other things said:

It matters not however regular and free from objection may be the prescribed method of levying the taxes, if, when collected, those paid by one race are to be separated and applied exclusively to the schools in which children of that race are taught, and the same discrimination in the disposition of the fund is made, as if the taxes had been raised by separate and distinct assessments on the races. It is true, as was ruled by the judge, the present assessment is uniform, and not obnoxious to one of the objections considered in the case referred to, but the essential objection remains, that there is "discrimination in favor or to the prejudice of" one of the races (Const., art. 9, par. 2), which renders the enforcement of the tax for such proposition illegal.

Mr. BUTLER. That was a Democratic court.

Mr. PRITCHARD. Yes; that was a Democratic court.

The foregoing construction which has been placed on article 9, section 2, of our constitution is to the effect that funds that were raised by taxing the property of white people can not be applied to the education of the white children to the exclusion of the colored children, on the ground that it would be discrimination in favor of, or to the prejudice of one of, the races. Is it not reasonable to infer that it will likewise be held to be a discrimination against the colored race to attempt to confer upon a certain class of our people the right of suffrage to the exclusion of the colored race, when the fifteenth amendment provides that there shall be no discrimination against any class of people on account of race, color, or previous condition of servitude, in much plainer language than that of article 9, section 2, of our State constitution.

Also in the case of Preuit *vs.* Commission, 94 N. C., page 719, Chief Justice Smith says:

It is not therefore every distinction dependent upon race, color, or previous condition of servitude that comes in conflict with the Federal Constitution, but only when it produces inequality in right or interests; and when this is the result the State legislation from which it flows is rendered inoperative. When the same essential privileges are secured to all, such legislation is valid and rests in the sound discretion and views of public policy of those who make the law.

It will be observed that the opinions rendered by the supreme court of North Carolina are in harmony with the opinions of the Supreme Court of the United States as to the right of a State legislature, by enactment, to discriminate against any class of people similarly situated on account of race, color, or previous condition of servitude. As my colleague suggested a while ago, I call attention to the fact that this court at that time was composed exclusively of Democrats.

It is also contended by some that the proposed amendment contains identically the same provisions that are to be found in the amendment to the constitution of the State of Massachusetts. The statement is without foundation, as will appear by an examination of the Massachusetts constitution. The amendment to the Massachusetts constitution to which they refer reads as follows:

Art. XX. No person shall have the right to vote, or be eligible to office, under the constitution of this Commonwealth who shall not be able to read the constitution in the English language and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upward at the time this amendment shall take effect.

There is no similarity between the amendment to the constitution of Massachusetts and the proposed amendment to the constitution of North Carolina. The amendment to the constitution of Massachusetts requires all parties to be able to read and write as a condition precedent to a right to vote; the only exceptions being those who are physically incapacitated to comply with the requirements, those who were at the time of the adoption of said amendment entitled to vote, and those who had attained the age of 60 years, and were therefore presumed to have reached that point where they were practically incapacitated from learning to read and write the English language. There is nothing in the exceptions that can be construed so as to exclude any race of people from its operations. It is a provision which affects all races alike, and does not conflict with the fifteenth amendment in the slightest degree.

It is different with the proviso which accompanies the amendment to the constitution of North Carolina, in which it is provided that all those whose ancestors were entitled to vote in the year 1867 shall not be required to comply with the educational requirements of the amendment as a condition precedent to the right to vote. It is plain that it is an attempt to deprive the colored race of the right to vote, which is now guaranteed them by the fifteenth amendment to the Constitution of the United States.

Mr. CHANDLER. I will ask the Senator if he knows why the date January 1, 1867, was fixed?

Mr. PRITCHARD. It was fixed, I understand, with a view of caring for the white men of the State who were entitled to vote at that time.

Mr. CHANDLER. That being the date of the reconstruction acts of Congress which gave the right to the colored people to vote?

Mr. PRITCHARD. Yes, sir. You will remember that the fifteenth amendment was not ratified by the several States and the result announced until about the 20th of March, 1870, I believe it was. In 1867 they were not entitled to vote.

Mr. MASON. That is, the ancestor of the black man was not entitled to vote?

Mr. PRITCHARD. No, sir.

Mr. MASON. But the ancestor of the white man was?

Mr. PRITCHARD. Yes.

Mr. MASON. Regardless of any qualifications?

Mr. PRITCHARD. Yes.

Mr. MONEY. Will the Senator from North Carolina permit me to ask him a question?

Mr. PRITCHARD. Yes, sir.

Mr. MONEY. I did not intend to do so but for the two questions put by the Senator from New Hampshire and the Senator from Illinois. I understood the Senator from North Carolina to say that the descendants of those who could vote in 1867 were entitled to vote under the proposed amendment. That is your proposition?

Mr. PRITCHARD. That is what the proposed amendment provides.

Mr. MONEY. They are not compelled to comply with the requirements of section 4 of the proposed amendment?

Mr. PRITCHARD. The way the constitutional amendment was read at the desk was that those who voted at that time——

Mr. MONEY. Or prior to that time.

Mr. PRITCHARD. Yes.

Mr. MONEY. Either in North Carolina or in any other State.

Mr. PRITCHARD. Yes.

Mr. MONEY. Does not the Senator from North Carolina know that up to 1835 the colored people did vote and there must be in that State a great many descendants of such people; and is it not quite likely that many colored people under the amendment will be able to vote? I only ask that question in view of the two questions which have been asked.

Mr. CHANDLER. If the Senator from North Carolina will allow me, I will ask a question so that he can answer it with the question of the Senator from Mississippi. The question is whether that language was not intended by the framers to mean white people alone?

Mr. PRITCHARD. I so understand it.

In reply to the question propounded by my distinguished friend, the Senator from Mississippi, I desire to say that while it is true that the colored people were entitled to vote in North Carolina prior to 1835——

Mr. BUTLER. That is, free negroes.

Mr. PRITCHARD. Free negroes; it is also true that in the Dred Scott decision the court decided that they were not citizens of the United States; and I further call attention to the fact that you may eliminate the word "color" and the word "race" and the proposed amendment is still in violation of the fifteenth amendment, which expressly provides against discrimination on account of "previous condition of servitude."

I ask the Senator from Mississippi when he comes to make his speech to show me a single individual in any State in this Union who was entitled to vote while in a condition of servitude.

Mr. MONEY. Does the Senator from North Carolina desire that I shall answer him now?

Mr. PRITCHARD. The Senator can answer it any time he desires, but I would rather go on now. I will be delighted to hear from him at any time, however.

It is unfair to attempt a comparison between North Carolina

and Massachusetts, when it is well known that Massachusetts has all the while had the best public-school system of any State in the Union, while ours has been weak and inefficient. At the close of the late civil war the soldier from the State of Massachusetts returned to a home of peace and plenty, where his children had enjoyed uninterruptedly the benefits of the public school, while, on the other hand, the Confederate soldier returned to a home of desolation and ruin, to find that his children had been denied the privilege that had been enjoyed by the children of Massachusetts.

The Massachusetts soldier, if diseased or wounded, was granted a pension by a generous Government for service rendered in its behalf; the Southern soldier, if diseased or wounded, was called upon to face the struggle for life in his pitiable and destitute condition, and the only ones who aided him were the children of his household, who at that time ought to have been in the public schools learning to read and write, and as a result they were unable to obtain an education. It is now proposed by the leaders of the Democratic party that his children and their descendants shall be denied the right of suffrage because of their inability to read and write the constitution in the English language.

Mr. CAFFERY. Will the Senator from North Carolina permit me to ask him a question?

Mr. PRITCHARD. Certainly.

Mr. CAFFERY. The fifth section of the amendment proposed for adoption by the people of North Carolina provides virtually that all white men who could vote on or before the 1st of January, 1867, their sons and grandsons, shall be entitled to vote under the suffrage amendment, notwithstanding that they do not possess the qualifications required by the fourth section. Now, would not that qualify the illiterate white people whom he says this ordinance would deprive of the right of suffrage?

Mr. PRITCHARD. It would, provided the Supreme Court of the United States should decide that section 5 is constitutional. I will discuss that phase of the question later on.

The Senator from Alabama contends that the Mississippi case has practically settled the question in favor of the proposed amendment. The case in question is Williams *vs.* State of Mississippi, reported in 170 United States Reports, page 213. In that case the syllabus reads as follows:

> The equal protection of the laws is not denied by a State constitution and laws which make no discrimination against the colored race in terms, but which grants a discretion to certain officers, which can be used to the abridgment of the rights of colored persons to vote and serve on juries, when it is not shown that their actual administration is evil, but only that evil is possible under them.

The case is one wherein the defendant, who was indicted on a charge of murder, moved to quash the bill of indictment on the ground that the section of the act under which the grand jury had been summoned and charged was unconstitutional and repugnant to the letter and spirit of the Constitution of the United States of America, fourteenth amendment thereof, in that colored men were not permitted to serve on the grand jury. It will be observed by reading the facts as stated in that case that there was no discrimination against the colored race in terms, and it was not shown that the administration of the provisions was of such a character as to exclude the colored race from voting.

The constitution of Mississippi provides, section 244 of article 12, that:

> On and after the 1st day of January, 1892, every elector shall, in addition to the qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him or give a reasonable interpretation thereof.

This provision on its face applies to all races of that State alike, and there is nothing contained therein that undertakes to classify its citizens, and the only possible harm that could come to any particular race in consequence thereof would be the evil administration of the same, and at the time the case in question was heard it was not shown that there had been an improper administration of the law; that no valid objection can be raised to said amendment until it shall appear to the court that its provisions are administered to the detriment of the colored race.

Justice McKenna, in discussing the case at bar, among other things said:

> It can not be said, therefore, that the denial of the equal protection of the law arises primarily from the constitution and laws of Mississippi, nor is there any sufficient allegation of an evil and discriminating administration of them. The only allegation is "by granting a discretion to the said officers," as mentioned in the several sections of the constitution of the State and the statute of the State adopted under the said constitution, the use of which discretion can be and has been used by said officers in the said Washington County to the end complained of, to wit, the abridgment of the elective franchise of the colored voters of Washington County, and such citizens are denied the right to be selected as such jurors to serve in the circuit court of the county, and that this denial to them of the right of equal protection and benefits of the law of the State of Mississippi on account of their color and race, resulting from the exercise of the discretion partial to the white citizens, is in accordance with the purpose and intent of the framers of the present constitution of said State.

The case in question was decided solely on what appeared in the constitution, and there was no evidence that there had been an evil administration of its provisions. In this connection I call attention to what Justice Matthews, among other things, said in the case of Yick Wo *vs.* Hopkins Sheriff, 118 U. S., 356:

> Though the law itself is fair on its face and impartial in appearance, yet if it is applied and administered with an evil eye and unequal hand, so as to practically make unjust and illegal discrimination between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

These principles of interpretation have been sustained in Henderson *vs.* Mayor of New York (Henderson *vs.* Wickham), 92 U. S., 259; Chy Lung *vs.* Freeman, 92 U. S., 275; Ex parte Virginia, 100 U. S., 339; Neal *vs.* Delaware, 103 U. S., 370, and Soon Hing *vs.* Crowley, 133 U. S., 703.

Here is an explicit statement by Justice Matthews which declares that although a law may be fair on its face and impartial in appearance, yet if it is capable of being administered "with an evil eye or an unequal hand," so as to discriminate between persons similarly situated, that the denial of guaranteed rights is violative of the spirit and letter of the Constitution. Will any one deny that the proposed amendment is capable of being administered "with an evil eye and unequal hand?"

In commenting on the foregoing statement Justice McKenna said, page 225:

> This comment is not applicable to the constitution of Mississippi and its statutes. They do on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them.

According to the quotations which I make, it is apparent that the decision in the Mississippi case can not be taken as having the slightest bearing on the proposed amendment for two reasons: First, there is nothing in the constitution of Mississippi which proposes to classify the citizens of that State, or which can be construed, in a spirit of fairness so as to exclude any race from the operation of its provisions. Secondly, it was not shown in that case that there had been an improper administration of its provisions which had resulted in an injury to any particular race of people in that State.

However, I am of the opinion that if the amendment to the constitution of Mississippi is enforced with a view to disfranchising the colored people of that State, and if it should be made to appear to the court that its provisions are administered with "an evil eye and unequal hand," in that event it would be in conflict with the Constitution of the United States.

There is much in the proposed amendment which is calculated to create apprehension and alarm on the part of the illiterate and poor white people of North Carolina, as well as the colored race. It is a carefully prepared and well-devised scheme by which it is sought to forever prevent the common people of North Carolina from participating in the management and control of her affairs. While it is pretended by those who advocate the proposed amendment that its object is to secure white supremacy, at the same time there lurks beneath the surface a purpose to disfranchise thousands of our citizens, both white and colored, and thereby enable a certain class in our State to hold the offices and enjoy the emoluments of the same.

The proposition which they propose to submit is an attempt to confer the right of suffrage by inheritance, a plan which is repugnant to every principle of the organic law of the land, and one which ignores all that is sacred and dear to a free and independent people. If it were possible to enforce this unwise provision, it would sooner or later result in the complete overthrow of that republican form of government to which we are entitled under the Constitution of the United States.

There are perils attending the submission of this amendment which, in my judgment, can not be escaped by the poor and illiterate white people of North Carolina, and in order that I may be fully understood when I make this declaration I call attention to the fact that in the event the Supreme Court of the United States should decide that the ancestor and grandfather clause of the proposed amendment is unconstitutional, there is danger that they may go a step further and decide that the educational and poll-tax qualifications can properly be segregated from the other provisions, and thereby permitted to become a part of the organic law of our State, and as such apply to all classes and races of people alike, and as a result thousands of white farmers and laboring men would be disfranchised and denied the rights for which their ancestors fought at Kings Mountain and Guilford Court-House.

My distinguished friend from Alabama, in attempting to defend the action of the Democracy of North Carolina, failed to consider this important phase of the question. The fact that he did not undertake to show that there was no danger of section 5 being declared unconstitutional by the Supreme Court and at the same time section 4 permitted to become part of our organic law is conclusive to my mind that he realizes that there is grave doubt about the result, to say the least of it, and his silence on this subject is enough within itself to alarm every illiterate white man in that State.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. PRITCHARD. Certainly.

Mr. TILLMAN. If I understood the Senator in the remark he has just made, he is afraid of some possible decision of the Supreme Court on this question when it reaches it.

Mr. PRITCHARD. If we should ever get one I fear that it will disfranchise both races.

Mr. TILLMAN. If you succeed in defeating the amendment before the people next summer, of course it will never get there; but if you do not, will it not be time enough for us to consider this proposition when it reaches us in the regular order of our affairs, when some Senator appears here elected under it, or when the other end of the Capitol shall have taken it up in the election of a Representative?

Mr. PRITCHARD. Are you through?

Mr. TILLMAN. That is question enough. If you will answer that it will satisfy us all, I think.

Mr. PRITCHARD. Mr. President, among other things it is our duty to uphold and maintain the Constitution of the United States, and I know of no better employment that we can engage in than to do that which will prevent the violation of the plain language of the Constitution of the United States. I do not think that the proposed amendment to our Constitution will be adopted by the people of my State if we get a fair election, but I want to say to the Senator now that if the election methods are applied in my State that have been applied in other Southern States, we shall have no opportunity whatever to be heard at the ballot box, and it is for that reason that I want to call the attention of the country at large to this proposed attempt to disfranchise not only the colored men of my State, but the poor white men as well.

However, Mr. President, it is contended by some of the Democratic leaders that sections 4 and 5 of the proposed amendment will either stand or fall together, and that the Supreme Court does not have the power in dealing with this question to segregate the objectionable or unconstitutional part from that which is not in conflict with the Constitution. This is an erroneous idea, and in order that there may be no doubt about the question I call attention to the following statement of Chief Justice Fuller in the income-tax cases recently decided by the Supreme Court of the United States:

> It is elementary that the same statute may be in part constitutional and in part unconstitutional, and if the parts are wholly independent of each other, that which is constitutional may stand while that which is unconstitutional will be rejected.

This case will be found in 158 U. S. Reports, page 635.

I also call attention to the case of Riggsbee *vs.* Town of Durham, 94 N. C., page 800; Johnson *vs.* Winslow, 63 N. C., page 553.

The question then arises, Does section 4 depend upon section 5 in any respect for its validity? In other words, is it not complete within itself, and does it not give full expression to the legislative will without referring to section 5? I shall assume that the advocates of the proposed amendment, if they should ever reach the courts, will take the position that there is no discrimination in the proposed amendment, and that therefore it does not conflict with the fifteenth amendment.

They will be compelled to take this position in order to obtain standing in any court, and when they once admit that it was not the intention of the legislature to discriminate against any race of people the court will have no difficulty in arriving at the conclusion that section 4 is complete within itself, because it certainly provides for that which the advocates of the proposed amendment say was the object of those who framed it. What was the object of the legislature if there was no discrimination meant? Was it not to restrict and qualify suffrage? Such being the case, does not the fourth section restrict and qualify suffrage by requiring all the citizens of North Carolina to be able to read and write the Constitution in the English language and pay a poll tax as a condition precedent to the right to vote? Can there be any doubt as to the construction that the court will place upon the proposed amendment?

Mr. President, in addition to the dangers already pointed out, there is another to which I desire to call attention. It will be observed by reading section 5 that the last proviso therein contained reads as follows:

> Provided such persons shall have paid their poll tax as required by law.

That is to say, the grandfather clause will not avail those citizens who, in consequence of poverty and misfortune, are unable to pay their poll tax on or before the 1st of March in the year in which they propose to vote, as provided in section 4 of the proposed amendment. This clause, if adopted, will disfranchise many of the best people of our State. There are hundreds of good citizens to be found in every county of North Carolina who do not pay their poll tax promptly on or before the 1st day of March, owing to some misfortune over which they have no control. It is only the rich class of people, and those who are engaged in business in the towns and cities, who can promptly pay their poll tax on or before the 1st day of March of each election year.

I am informed that the framers of the amendment, after they had inserted the educational qualification, became alarmed lest our poor people should all learn to read and write, and in order to render it more difficult for that class of people to exercise the right of suffrage it was provided that they should not only be able to read and write any section of the Constitution in the English language, but it was also provided that they must pay their poll tax on or before the 1st day of March. Why fix the 1st day of March? And why was it that they failed to fix the day of election as the time on or before which citizens should be required to pay their poll tax? Can it be possible that it occurred to them that if more time was given our people that it might enable them to realize on their crops, or by hard labor earn enough money and pay their poll tax and thereby qualify themselves to exercise the right of franchise?

In order that you may fully understand and appreciate the result of the proposed amendment, it is necessary for each citizen of North Carolina to answer this question: How many men in your voting precinct, if called upon to-morrow to write any section of the Constitution in the English language, from dictation, would be able to correctly write the same, and if they should succeed in doing so, how many are able to pay their tax promptly on or before the 1st day of March in each election year?

During the late civil war there were no property or educational qualifications required of those who were called upon to fight for the Confederacy, neither were there any educational or property qualifications required of the brave and patriotic North Carolina boys who responded so nobly to the call of their country during the war with Spain. Many of the brave boys who faced the shot and shell during the war with Spain were unable to read and write, and I am informed that an examination of the muster rolls discloses the fact that not a member of the legislature which submitted the proposed amendment participated in that struggle. It is not the first time in history that an attempt has been made by the rich and educated to cast reflection upon the illiterate class.

After the battle of Cowpens the British officer, Tarleton, in conversation with Mrs. Wiley Jones, of North Carolina, observed: "You appear to think very highly of Colonel Washington; and yet I have been told that he is so ignorant a fellow that he can hardly write his own name." "It may be the case," she readily replied, "but no man better than yourself, Colonel, can testify that he knows how to make his mark." It was in the battle of Cowpens that Colonel Washington had wounded Tarleton in the hand, and which caused Mrs. Jones to make the pointed retort.

Some of the best people in my State, owing to circumstances over which they had no control, are unable to read and write, but they know how to make their marks, and many of them have acquired what might be termed large fortunes; and in almost every instance they are people of high character and standing, with sufficient intelligence to vote on any of the great questions that may be submitted to the American people for their consideration. I want to suggest to those gentlemen who, like Tarleton, would cast reflection upon them and deprive them of their liberty as Tarleton proposed, that they must not forget the fact that although they may not be able to read and write they can make their marks when it comes to the question of depriving them of their liberties, for which their ancestors fought at Cowpens. It is the poor and illiterate classes of our people who perform the greater portion of the public duties required by the State.

In time of peace they are required to pay poll tax and work the roads, and in time of war they sacrifice their health and risk their lives in defense of our people. The State of North Carolina has not afforded her citizens proper educational facilities in the past, and as a result we have a large per cent of illiteracy; and the Democratic party, having been in control of the State for a greater portion of the time since the war, is responsible for this deplorable condition of affairs, and it is cruel and inhuman in the leaders of that party to attempt to punish our people for that which they can not help.

In this connection I call attention to the following letter written by Prof. C. H. Mebane, superintendent of public instruction of the State of North Carolina. This letter clearly indicates the deplorable condition of the public-school system in North Carolina. Among other things it discloses the fact that 23 per cent of the white population are unable to read and write.

Mr. TELLER. Is that a recent letter?

Mr. PRITCHARD. Yes, sir; it was dated just the other day. I have not the date of it, but it is quite a recent letter.

We can not hope to reduce the percentage of illiteracy of that State in any appreciable degree with our present school facilities between now and December, 1908, the period at which time it is provided the proposed amendment shall apply to white as well as colored people.

Mr. Mebane, in his letter, says:

> In reply to your letter, will say as to illiteracy I can only give you the figures taken from the Census Reports of 1890, which are as follows:
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> Illiteracy of the whole population of North Carolina, 36 per cent. Illiteracy of white population, 23 per cent. Illiteracy of colored population, 60 per cent. Percentage of school children in North Carolina according to Educational Report of this Department, enrolled in schools was in 1898, 62⅔ white

and 64 7/10 colored. Percentage of school population in average attendance on school was in 1898, white, 34 7/10; colored, 32 2/3 per cent. Average length of school terms in weeks or days was in 1898, whites, 14½ weeks, or 71 days; for colored, 12½ weeks, or 64 days. Total expenditure for schools for the school year ending June 30, 1899, was $936,801. Number of insolvent white polls was 20,076. Number of insolvent colored polls was 18,233.

Massachusetts has about nine and one-half months of public school. Their term for the entire State will average this. In North Carolina the term will only average about three and one-half months.

We spend $336,000 for three and one-half months school, and this pays only a salary to teachers of an average of about $25 per month.

Even at the low prices paid teachers, in order to make our term equal to that of Massachusetts, we would have to spend more than three times as much as we do now.

It has been boldly proclaimed by Chairman Simmons and other leaders of the Democratic party that the proposed amendment will not, if adopted, disfranchise a single white voter in the State of North Carolina. May I ask those gentlemen what is to become of that unfortunate class of our white people who are unable to pay their poll tax and in consequence thereof have been placed on the insolvent list? The fact that they are unable, by sickness, poverty, or otherwise, to pay their poll tax should not be taken advantage of by the lawmakers of our State for the purpose of degrading them in the estimation of the public in consequence of their poverty.

I know of many citizens whose names are on the insolvent list whose character and standing is as good in every respect as that of the gentlemen who have submitted the proposed amendment to the constitution of our State, and I, for one, will never give my consent to a proposition which has for its object the humiliation and degradation of those unfortunate people.

This does not include the many hundreds and thousands who by neglect or oversight fail to pay their poll tax so far in advance as the 1st of March.

The PRESIDENT pro tempore. The Senator from North Carolina will suspend one moment, while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. SPOONER. I ask that the regular order be laid aside temporarily, in order that the Senator from North Carolina may conclude his speech.

The PRESIDENT pro tempore. The Senator from Wisconsin asks that the regular order may be temporarily laid aside, in order that the Senator from North Carolina may proceed with his speech. Is there objection? The Chair hears none, and the Senator from North Carolina will proceed.

Mr. PRITCHARD. Mr. President, the Democrats of North Carolina attempt to justify their actions in regard to the proposed amendment by asserting that they fear negro domination. According to the census of 1890 our population was 1,617,947, and of that population only 562,000 were negroes; and I am sure that if a census could be taken at this time it would disclose the fact that the white people outnumber the negro in a greater proportion than they did in 1890. According to the census of 1890 the whites outnumbered the negroes more than two to one, and no intelligent citizen can be induced to believe that two white North Carolinians are in danger of being dominated by one negro.

It is absurd to contend that there is any danger of negro domination in North Carolina. In the very nature of things it can not be. From the earliest dawn of civilization to this good hour the great white race has given to the world its history, its philosophy, its laws, its government, and its Christianity, and it will continue to do so. The colored people of my State in the main are conservative and well behaved. They have never acted offensively, nor have they shown a disposition to interfere with the white people in the management of the State's affairs. It is true that there are some exceptions, but in no instance has the conduct of the negro been of such a nature as to challenge the serious consideration of the white people. I take it that no one will seriously contend that there is or ever was the slightest danger of the State government of North Carolina being dominated or controlled by the colored people.

It has often been contended by the Democrats that there are not more than 30,000 white Republicans in North Carolina. I have made a careful poll of the white Republicans in the State, and I am prepared to show by documentary evidence that can not be contradicted that there are over 60,000 white Republican voters in that State. I do not believe that there are to-day more than 100,000 colored voters in the State, and I am sure that at the last election not more than 80,000 colored people voted for the cooperative ticket. I do not undertake to say that the remainder of the colored people voted the Democratic ticket, but I do say that hundreds of them were compelled to vote the Democratic ticket by intimidation and violence, their votes in many cases being counted for the Democrats when actually cast for the Republican candidates, and quite a number were prevented from voting at all.

The Democratic party in North Carolina is inconsistent in criticising the Republicans for having recognized the colored people by giving them office, in view of the fact that it has in many instances preferred colored people to white men when they thought that such a policy would enable them to control the election. The first coalition movement that was arranged in North Carolina was entered into between the negroes of Craven County on the one part and the Democratic party of that county on the other part.

There are 97 counties in North Carolina, of which number there are 12 counties, according to the census of 1890, wherein the colored people are in the majority, and not one of them has been dominated or controlled by the colored people.

In most of the twelve counties in North Carolina in which the negroes are in the majority the Democrats elected their legislative and county tickets at the last election. Take, for instance, the county of Halifax, wherein there is a majority of 1,420 negroes over the combined white vote; the Democratic party secured a majority in that county for the legislative and county candidates. Now, one of two things is certain—they either failed to count the votes that were cast for the Republican ticket in that county or the negroes voted the Democratic ticket. I do not care which horn of the dilemma my Democratic friends may choose to take, but I will assume that they acted honestly and will say that the majority of the negroes in that county voted the Democratic ticket. Such being the case, it does seem to me that the cry of negro domination is ludicrous in the extreme.

There are about 50,000 negroes in North Carolina who can read and write, and will be entitled to vote in the event the proposed amendment is adopted, provided they can pay their poll tax on or before the 1st day of March in each election year.

Mr. President, the old-fashioned cornfield hand belongs to the class of colored people that will be disfranchised under the proposed amendment. It was he who remained at home during the late civil war and cared for the white women and children while his master was in the army fighting to forge the chains of slavery closer about his limbs. His devotion to the white women and children of the South during that terrible ordeal is without a precedent in the history of the world.

There is not a single instance, in so far as I am informed, wherein the slave betrayed the trust that was reposed in him by his master, who had practically left him in charge of his affairs during his absence. It was the faithful old colored servant who followed his master on the bloody field of battle and who was ever ready and willing to sacrifice his life for his master's ease and comfort. It is that class of people who are now deserted by the very men who received such splendid service at their hands.

In speaking of this class of colored people the late lamented Grady, in his famous speech in Boston, said:

> What of the negro? This of him: I want no better friend than the black boy who was raised by my side and who is now trudging patiently, with downcast eyes and shambling figure, through his lonely way of life. I want no sweeter music than the crooning of my old "mammy," now dead and gone to rest, as I heard it as she held me in her loving arms, and bending her old black face above me stole the cares from my brain and led me smiling into sleep. I want no truer soul than that which moved the trusty slave, who for four years, while my father fought with the armies that barred his freedom, slept every night at my mother's chamber door, holding her and her children as safe as if her husband stood guard, and ready to lay down his humble life on her threshold. History has no parallel to the faith kept by the negro in the South during the war.
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> Often 500 negroes to a single white man, and yet through those dusky throngs women and children walked in safety, and the unprotected homes rested in peace. Unmarshaled the black battalion marched patiently to the fields in the morning, to feed armies their idleness would have starved, and gathered anxiously at the big house to "hear the news from marster," though conscious that his victories made their chains enduring. Everywhere humble and kindly; the rough companion of the little ones; the observant friend; the silent sentry in his lowly cabin; the shrewd counselor; and when the dead came home, a mourner at the open grave. A thousand torches would have disbanded every Southern army, but not one was lighted.
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> When the master, going to a war in which slavery was involved, said to his slave, "I leave my home and loved ones in your charge," the tenderness between man and master stood disclosed. And when the slave held that charge sacred through storm and temptation, he gave new meaning to faith and loyalty.
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> I rejoice that when freedom came to him, after years of waiting, it was all the sweeter because the black hands from which the shackles fell were stainless of a single crime against the helpless ones confided to his care.

Mr. President, some of our Democratic friends justify their conduct by the assertion that the negro is inferior to the white man, and that therefore he is not entitled to the enjoyment of the rights guaranteed by the fifteenth amendment; and in the next breath they are compelled to admit that on and after the 1st day of December, 1908, it is the purpose of the proposed amendment to place the unfortunate white man in the same category that they now propose to place the illiterate and poor colored man. In other words, on and after December, 1908, all white men who are unable to read and write are to be placed upon a level with the colored man, who, they contend, is a degraded being. The proposed amendment will not in the slightest degree affect the race question. The Democrats will always contend that there is a race question so long as any number of negroes vote against the Democratic party.

While I contend that it is the duty of every white and colored voter in the State who is in favor of a republican form of government to vote against the proposed amendment, at the same time I am of the opinion that in the event the white Republicans and the Democrats of that State will show their magnanimity and patriotism by defeating the proposed amendment, and it is highly probable it will result in a division of the colored vote, and thereby preclude the possibility of racial prejudice interfering with the fair consideration of public questions in that section. As I have already stated, the proposed amendment will not exclude all the colored race, and so long as the Democrats can have a pretense for the contention that the colored race casts a solid vote for the cause of Republicanism, so long will the demagogue take advantage of that fact in order to make political capital for his party.

In the face of the fact that many colored people have voted the Democratic ticket in the past and that thousands of their votes have been counted for that party by unscrupulous election officials, it is loudly proclaimed by Chairman Simmons that the Democratic party is a white man's party. I am informed that quite a number of colored voters are ready and willing to openly espouse the cause of Democracy, and once they adopt such a policy the mask under which the Democracy has been parading heretofore will be withdrawn, and when it is, it will disclose the fact that the Democrats are not now and have never been entitled to the distinction of being the white man's party.

Mr. President, the Senator from Alabama undertakes to convey the idea that the Democratic party of the South is the white man's party. In this connection I call attention to the following statement, which I take from a speech of the Senator from Nebraska [Mr. ALLEN], delivered on the 12th day of February, 1895, in this body. In referring to the black counties and the election methods in Alabama, among other things, he said:

> There, Mr. President, is the seat of the fraud. It is capable of proof beyond all question and beyond all doubt that in many of these counties, where from three to five thousand, and in many instances 6,000, votes were returned in favor of the Democratic candidate, Mr. Oates, there were not registered 1,000 voters. In some instances but very few; in many instances the vote returned exceeding the vote for the county by 200 per cent or relatively so. So by this system of manipulation and fraud in what is known as the black belt, the Populists, Jeffersonian Democrats, and Republicans having carried, I think, almost two-thirds of the white counties; by controlling the election machinery in the black belt, counties where the colored people stayed away from the registration board, and where they stayed away from the polls to a very great extent, the entire result of the honest vote cast in that State in the white counties was overcome by this system of political rapine and fraud.
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> Mr. President, what effect does this have? It overturns the republican form of government and makes it a hiss and a by word, a snare, and a delusion.

This statement was deliberately made by the distinguished Senator from Nebraska after having carefully investigated the sworn testimony of leading citizens of that State, and is, I presume, a fair statement of the conditions that then existed in Alabama. I am informed that at the last Congressional election in the State of Alabama, in some of the Congressional districts the Democrats, according to the election returns, were defeated in the white counties and had to rely on the black counties in those districts for the majorities on which their certificates of election are based. As a notable instance, I call attention to the Fourth district of Alabama.

In that district it will be found from an examination of the records that, taking the white counties in the district, Mr. Aldrich, the contestant, had a clear majority of 816 votes, and that in the county of Dallas, wherein there is a negro majority over the combined white vote of 6,385, the contestee received 2,046 majority. According to the logic of the Senator from Alabama, and assuming that there were no frauds perpetrated in the county of Dallas, we are irresistibly forced to the conclusion that the Democratic party in that district is the negro party.

Mr. PETTUS. Will the Senator allow me?

Mr. PRITCHARD. Certainly.

Mr. PETTUS. Will he also include in his information the fact that the man who ran for Congress on the Republican ticket gave orders that the negroes should not vote, and that they did not vote?

Mr. PRITCHARD. I am not advised as to that.

Mr. PETTUS. Well, that is the fact.

Mr. PRITCHARD. Mr. President, I am not advised as to that particular matter, but it is a peculiar fact that in all these colored counties in Alabama and elsewhere our Democratic friends succeed in getting a majority every time. I do not know how they do it, but they work it out some how or other by some kind of rule.

Mr. PETTUS. Will the Senator allow a further interruption?

Mr. PRITCHARD. Certainly.

Mr. PETTUS. Does the Senator know that in Dallas County, which he speaks of, there are 7,000 colored voters and only about 2,500 white men, and as the order was given to the colored men by the Republican candidate not to vote in that election, the man who was elected did not get 3,000 votes altogether?

Mr. PRITCHARD. Mr. President, I am not advised as to that matter, but I understand a number of white people there voted for Mr. Aldrich. However, I am not prepared to contest that question.

Mr. PETTUS. I should be very much obliged to the Senator if he would speak of what he knows and not of these vulgar reports.

Mr. PRITCHARD. I have been speaking from the records taken from the sworn testimony of as good citizens as live in Alabama.

If the Democratic party of the South is sincere in its professions that it only desires to perpetuate white supremacy, why is it that these unlawful and unconstitutional methods are invoked in the black belt for the purpose of overcoming the result of the vote in the white counties? Take the State of North Carolina, for instance, and in almost every instance where there are but few colored men you will find an overwhelming majority for the Republican party. In the county of Mitchell, where there are only 45 colored votes, the Republican majority is 1,300.

Take the county of Madison, in which I reside, where there are only about 62 colored voters in the entire county, and you will find a majority of over 800 for the Republican ticket—a county in which the Democrats have not been able to elect a county officer for about twenty-two years, with the exception of a few constables and justices of the peace. The cry of negro domination has not only been used against those of us who have advocated the principles of Republicanism, but it has been used with as much energy and more intensity against the Democrats who have joined what is known as the Populist party. In the campaign of 1894 the Populists of North Carolina were denounced with more bitterness by the Democratic orators than had ever been used by them in denouncing the Republicans previous to that date. They were accused of being negro lovers and a black-and-tan crowd, just as the Democrats had abused the Republicans theretofore.

Mr. President, the wave of prosperity and the general revival of business that is now pervading every nook and corner of the United States, and which is as much in evidence in our beautiful Southland as in any other section of this country, together with the fact that the Spanish war has once more reunited our country and fired the Southern heart with renewed ardor and patriotism, and prompted them with a desire to sustain President McKinley in his efforts to bring to a speedy termination the war that is now being waged in the Philippines, has alarmed the leaders of the Democracy and caused them to resort to the agitation of the race question, in order, as they think, to blind the Southern people to such an extent as to prevent them from considering the splendid results that have followed in the wake of Republican legislation.

I make this statement after mature deliberation, and I am prepared to demonstrate to the satisfaction of anyone that such is the case. There are some people in North Carolina who are honestly of the opinion that the proposed amendment will only affect the colored people, and that its adoption will settle the race question. These gentlemen are honest in their opinions, but they are sadly mistaken in believing that the Democrats will ever cease to yell "Nigger," and to ostracize those who advocate Republicanism, if by doing so they can induce one citizen to vote for the Democratic party.

Take many of the Southern States as illustrations. The negro has no voice in the control or management of the affairs of state; but in the face of that fact the South Carolina Republicans are still denounced as belonging to the "nigger party," and will be denounced as such as long as they tamely submit to the inhuman treatment which is accorded them by the leaders of the Democracy.

Mr. TILLMAN. Will the Senator from North Carolina allow me right there?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield?

Mr. PRITCHARD. Yes, sir.

Mr. TILLMAN. When in a Southern State negro postmasters are forced on the people, and at the North there are no negro postmasters, how can we separate the negro from the Republican party when the Republican Administration will not let us forget that they are doing those things?

Mr. PRITCHARD. There it is again, Mr. President. You might read the Ten Commandments to my distinguished friend from South Carolina and he would yell "negro" back at you. [Laughter.]

Mr. TILLMAN. If you read the thirteenth, fourteenth, and fifteenth amendments at me I certainly should yell "nigger" back at you, because they are chock-full of "nigger," and nothing else.

Mr. PRITCHARD. That is exactly right. I am accustomed to that kind of talk. When we say that a protective tariff is the proper thing to have and undertake to show to the people that the Democratic party is opposed to it, they only answer by yelling "negro" at us. When we say we ought to hold the Philippines, they will answer by saying "negro," and when we say the people ought to rule and control their own affairs, they yell "negro" back at us; and that is the only answer we are able to get. [Laughter.]

Mr. TILLMAN. We do not say "negro," but we say "nigger."

Mr. PRITCHARD. The Senator may adopt that pronunciation if he desires. It is purely a matter of taste. [Laughter.]

Mr. TILLMAN. I am merely speaking of the facts and you are drawing on your imagination.

Mr. PRITCHARD. I am speaking of facts, and that is what hurts some people. They do not like to hear the facts.

It is a well-known fact that many Southern States have, by indirection, completely ignored the fifteenth amendment. The motive which has prompted this policy was a determination to perpetuate Democratic rule in the South at all hazards. Not only has there been a well-defined policy on the part of the Democratic party of the South to deprive the colored man of his vote, but the leaders of the party have been equally determined in their efforts to restore the rule of the classes, and thereby prevent the great common people from participating in the control and management of public affairs. This policy has caused that class of people to lose interest in public questions to a great extent, and as a result, the farming and laboring classes are ignored and all of the political power is being centered in the cities and towns.

There has been a gradual encroachment of the rights of Southern Republicans since the election of 1876, and while the methods that have been used in those States have not heretofore been invoked in North Carolina, I am sorry to say that we are at last called upon to face the same propositions which have been presented to the Republicans of the Southern States to which I have heretofore referred.

Mr. MONEY. Will the Senator excuse me if I interrupt him for a moment? I was not paying close attention and did not catch what he was reading from the proofs there. Did the Senator name the States?

Mr. PRITCHARD. No, sir; I did not, but I am going to refer to some States in a few moments in which the Senator will probably be interested.

In the beginning, in those States, the Democrats claimed that their policy was only to rid the States of negro domination, and they solemnly declared that they did not propose to disfranchise any white man; but in the light of the recent election returns we are irresistibly forced to the conclusion that the real intent and effect of the Democratic methods in those States, as well as in North Carolina, is to restore the rule of the classes and to ignore the masses.

I find by an examination of the public records that in the State of Louisiana there were in 1898 149,975 white people who were 21 years of age and upward and entitled to vote, and by an examination of the Congressional election returns of that year I find that the entire Democratic vote of that State was 27,453 and the total opposition vote was 5,429, which makes the total vote cast for that year 32,882. Admitting that none but white people voted, we are confronted with the astounding fact that there were 117,000 white voters in that State who, for some cause or other, did not exercise the right of suffrage. In South Carolina there were in 1898 about 117,000 white voters and 154,000 colored voters.

The Congressional election returns for that State in 1898, as taken from the World Almanac, show that there were 29,027 cast for the Democratic candidates and 2,804 for the opposing candidates, and assuming that all those who voted were white men, we find that over 86,000 white men, for some cause or other, were prevented from exercising the right of suffrage.

Mr. TILLMAN. Will the Senator allow me to explain that?

Mr. PRITCHARD. With pleasure.

Mr. TILLMAN. I will do it with a great deal of pleasure, and without a particle of doubt on your part or that of anybody else as to my explanation being true. Under our new State constitution (which is patterned after that of Massachusetts, requiring an educational qualification and enlarging the suffrage by giving the ballot to an illiterate who pays on $300, and which had the Mississippi clause in it, but which no longer has, because we limited its operation to three years) we have about 14,000 registered negro voters and about 98,000 or 100,000 white registered voters. Our fight is in the Democratic primaries for the nominations, and in those primaries we usually cast about 80 to 90 per cent of our vote. There is no opposition, no Republican party in South Carolina, except a little machine which sends delegates to the national convention of the Republican party and controls the patronage; and those delegates, when there is any struggle for the nomination between Republican candidates, live on the money which they get for their votes.

Mr. PRITCHARD. Mr. President——

Mr. TILLMAN. Let me get through.

Mr. PRITCHARD. I did not yield for a speech.

Mr. TILLMAN. I am merely explaining why it is that the white vote, the regular vote, in November substantially registers the action of the Democratic primaries in July. Therefore, when he says we suppress the white vote the Senator does not know what he is talking about, or else he misstates the facts.

Mr. PRITCHARD. I am quoting from the record, and the record shows that in South Carolina there were 86,000 white men who, for some cause or other, did not vote at the last election. That is what the record says about it.

In Mississippi, in the year 1898, 134,000 white men were entitled to vote at the Congressional elections, but the returns show that there were 22,365 votes cast for the Democratic candidate and 4,822 for the opposition, which makes the total vote cast in that State 27,187, and assuming that only white men voted, we find that 87,436 white voters, who were entitled to cast their ballots, for some cause or other did not vote.

And in order that you may have some idea as to whether or not our Southern people are inclined to exercise the elective franchise when afforded an opportunity to do so, I call attention to the fact that in North Carolina in the year 1898, out of a voting population of 380,000, there were 337,960 votes cast under a fair election law, which was enacted by a legislature composed of Republicans and Populists. These figures clearly indicate that the white people of the States of South Carolina, Louisiana, and Mississippi, by some means or other, were prevented from exercising the elective franchise.

This is only accounted for in one of two ways: One is that the elections were conducted in such a manner as to prevent them from voting, and the other is that they were ignored by the leaders of the Democracy in these States to such an extent as to discourage them, which always results in a spirit of indifference on the part of those ignored.

Mr. MONEY. Will the Senator from North Carolina permit me for a moment?

The PRESIDENT pro tempore. Does the Senator yield?

Mr. PRITCHARD. I should like to get through with my remarks.

Mr. MONEY. I am very reluctant to interrupt the Senator at that point; but if he wants to know how this happened, I will make reply in substantially the same manner as the Senator from South Carolina [Mr. TILLMAN] has done, that the nomination of the primary convention settles the whole business. The opposition is so small that the votes of the parties interested in the nominating convention and in the nominating primaries are really conclusive of the contest. That is the fact, and the conclusion which the Senator draws, while he no doubt thinks it is perfectly logical, is not so by any means.

On the contrary, there has never been a contest in Mississippi in which any fraud or violence on our part has been charged by anybody. The facts show and the records of the House of Representatives show that a Democrat who was elected by what was considered a fraudulent election was unseated by a Democratic House and a colored man put in his place, and the Democrat who was unseated immediately joined the Republican party because he said the Democrats did not stand by him.

I want to say that in another contested-election case in that House, in which it was alleged that certain means were exerted to keep the colored people from the polls, a Republican committee seated the Democratic contestee, and there has not yet been a contest made that has been successful in a Congressional case, although a number of elections have been held since that constitution went into effect; and before that time there had never been any charge of fraud, intimidation, or violence.

Mr. CHANDLER. Will the Senator from North Carolina allow me to ask the Senator from Mississippi a question?

Mr. PRITCHARD. I yield to the Senator.

Mr. CHANDLER. I ask the Senator from Mississippi whether there was an election in Mississippi last year?

Mr. MONEY. I presume there was. There were elections in most of the States.

Mr. CHANDLER. Will the Senator examine his mind and tell me whether he knows?

Mr. MONEY. Oh, yes; I will say there was an election there, if you simply want information, because I am willing to give the Senator information at any time.

Mr. CHANDLER. The population of Mississippi is 1,300,000. The vote last year in Mississippi was, Democrat 42,273, Populist 6,097. Why is it that the voters of Mississippi do not take any more interest in their elections?

Mr. MONEY. The Senator was hunting up a little mischief instead of listening to what I said to the Senator from North Carolina [Mr. PRITCHARD].

Mr. CHANDLER. I shall be very glad to hear it again.

Mr. MONEY. The truth of the business is the Senator from New Hampshire knows very well he does not hear what is said by anybody. He is usually hunting up a point on somebody, and I am just as much afraid of him as I am of a monkey turned loose in a powder magazine with a box of matches. I am always expecting mischief from the Senator.

Mr. CHANDLER. Is that all the explanation the Senator is going to make of the small vote in Mississippi?

Mr. MONEY. I thought I had already made the explanation;

but if the Senator has not heard it I will repeat it if the Senator from North Carolina will allow me.

Mr. CHANDLER. I should like to know why the people in Mississippi take so little interest in the elections there?

Mr. MONEY. Would the Senator rather continue questioning me, or will he allow me to answer?

Mr. CHANDLER. I was afraid, from the personal remarks the Senator was making about me, that he was not going to answer the question.

Mr. MONEY. The Senator knows very well I regard him with the greatest kindness and respect, but it is certainly not out of place if I use a simile which is recognized by the Senate; and I am just as likely to be a victim of the Senator's wit as anybody else, as I have been, I believe, once before.

Mr. CHANDLER. I am listening to the Senator.

Mr. MONEY. Very well. Last year there was an election in my State for officers from governor down to constable, except for members of the other House. There was a hot contest in the State. There were two Senators to be elected by the legislature, and a governor of the State was to be elected. In fact, elections were held for all the offices in the State, and the contest was waged at the primaries. The voters in the counties turned out at the primaries, and the nominees of the convention were chosen by a smaller vote than they received in the primaries, because the opposition was so small that nobody thought it worth while to quit fishing or plowing or anything else to go to the polls to vote. The Senator does not consider that the votes cast in the primaries practically settle the question. When the people are called upon to select delegates to the convention they express their wishes as to the selection of the nominees, and the people turned out when the real question was to be decided; that is, as to who should be the nominees. The election was simply a ratification of the action of the people held prior to the convention.

Mr. CHANDLER. Mr. President, I understand the Senator's answer, and I believe it to be a correct statement of the fact. It shows that in Mississippi and one or two other States that I will not mention——

Mr. TILLMAN. And South Carolina as well.

Mr. CHANDLER. Because, if I do, I shall have more than one Senator upon the floor talking to me at the same time—politics has been reduced to a contest in the Democratic primaries.

Mr. MONEY. Very much in the same way that it has been with the Republicans in the State of Massachusetts.

Mr. CHANDLER. In the Democratic white primaries; and the black voters in those States have been absolutely excluded from any participation whatever in politics, either in the primaries or at the regular elections by the people. That is the situation; I do not deny it. [Laughter].

Mr. PRITCHARD. I believe I shall proceed, Mr. President.

In reply to my distinguished friend from Mississippi [Mr. MONEY], I desire to say that his statement of the case within itself is enough to convince anyone that there is not that fair consideration of public questions in the State of Mississippi which should be accorded to people residing in that State. If I understand the Senator correctly, those who attend primaries have the power to absolutely name the individuals who are to fill the offices. To all intents and purposes you had just as well let your primaries settle the matter, and not have the formality of an election.

If this policy is persisted in by the Democratic leaders in the South, the day is not far distant when only those who hold office and those who expect to run for office will participate in the management of the governmental affairs in that section.

I call attention to the fact that in those States wherein these unconstitutional methods have been invoked it has been rendered impossible to secure a fair discussion and consideration of the great public questions that command the attention of the American people and of the arraignment of any public abuses that naturally result from the rule of the machine at the bar of public reason.

Mr. MONEY. Mr. President, will the Senator from North Carolina excuse me for a moment?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield?

Mr. PRITCHARD. I should like to proceed with my remarks.

The PRESIDENT pro tempore. The Senator from North Carolina declines to yield.

Mr. MONEY. I want to call the Senator's attention to his use of the words "unconstitutional methods." We do not know of any such methods in Mississippi, and I beg the Senator to exclude Mississippi from the statement, for we have not resorted to unconstitutional methods there.

Mr. PRITCHARD. I have been informed that in the State of Mississippi unconstitutional methods have been invoked in order to give the Democratic party the majority which it claims in that State. I am informed also that while the constitution of Mississippi is fair on its face, it has been administered, as was said in the case of Yick Wo vs. Hopkins, "with an evil eye and an unequal hand."

Before the war it was the slave owners and the aristocratic classes who dominated the politics of the Southern States, and we are rapidly drifting to a point where only the favored few will be given political preferment. It is, indeed, a sad day for republican institutions when the majority of the people for any cause fail to vote on the great questions of the hour. It is a fact that the blight known as dry rot on the limbs of trees will eventually reach the trunks and result in their destruction; and it is equally true that in a republican form of government, where any part of the government fails to perform its functions, it is only a question of time when the citizens of that State will lose interest in public affairs, and, as a result of the corrupt influences that naturally thrive under such conditions, will culminate in the complete overthrow of its republican institutions.

We have heard a great deal of late about the Goebel election law, enacted by the legislature of the State of Kentucky, but after a careful comparison of the Goebel election law with the one which was passed by the Democratic legislature of North Carolina at its last session, I do not hesitate to say that our election law is in every respect a more unjust and discriminating measure than the Kentucky statute. Section 11 clothes the registrars of the election with a judicial discretion to be exercised in passing upon the qualifications of applicants for registration, and many of the qualifications enumerated in said section are not to be found in that section of our State constitution which contains the prescribed qualifications of an elector.

This section was drawn for the express purpose of enabling the unscrupulous election registrar to deprive the citizens of the State of the rights that are vouchsafed to them by the constitution of the State of North Carolina as well as of the Constitution of the United States.

The idea of requiring the voter to prove his age and date of birth by two creditable witnesses! There are not half a dozen members of this body, if called upon by one of those registrars to prove by two creditable witnesses that they were born on a certain day, would be able to comply with its provision. It was enacted solely with a view of depriving those who might oppose the Democratic party of the rights which are guaranteed them by the Constitution.

Mr. President, unless I am badly mistaken, the people of North Carolina will never submit to the enforcement of such an outrageous and infamous law. The people of that State are noted for their conservatism, and it affords me pleasure to state that the statute in question does not reflect the honest sentiment of a majority of the Democratic party. It was conceived and enacted by the self-constituted leaders whose chief desire was to secure their own preferment regardless of the effect that it might have on the fortunes of the good citizens of that section.

I regard the proposed amendment as an attempt to legalize the fraudulent methods and practices of the Democratic party that have obtained in the conduct and control of elections in the past.

Take the election law in connection with the proposed amendment, and you will have no difficulty in divining the true intent and purpose of the Democratic party in submitting this proposition to the people.

Mr. ALLEN. If the Senator will allow me a moment, I wish to inquire if he is referring to a violation of the Constitution of the United States?

Mr. PRITCHARD. In reply to my distinguished friend from Nebraska, I desire to say that I am referring to an amendment which is proposed to our State constitution, restricting the right of suffrage.

Mr. ALLEN. Would not such a restriction be in violation of the Constitution of the United States?

Mr. PRITCHARD. It certainly would be, if I am correct in the views I entertain in reference to the question.

Mr. ALLEN. It seems to me that to adopt such an amendment to a State constitution would be a violation of the Federal Constitution.

Mr. PRITCHARD. In reply to the Senator's question, I desire to say that I do not think it is the purpose of a majority of the people of the State of North Carolina so to do, but the Democratic party of that State has submitted an amendment of that kind.

Mr. ALLEN. Such an amendment would be declared by the courts to be in violation of the spirit or the letter of the Federal Constitution.

Mr. PRITCHARD. Mr. President, I have great confidence in the patriotism of the people of North Carolina, and I do not believe that they will ever permit such an unjust proposition to become a part of the constitution of our State.

The Republican party can not afford to fold its hands and permit the Democratic party to again secure political ascendency in the nation by resorting to such unrepublican and unconstitutional methods. No public question is ever properly settled until

it is settled in accordance with the principles of justice, and while the Democracy of the South has apparently been having its own way since 1876, it has at last reached that point where every move which it may make in the future looking to the deprivation of the voters of the South of those rights to which they are entitled will be promptly met. Some of the Democratic newspapers in my State are attempting to construe my action in this respect to mean an attack upon the State which I have the honor, in part, to represent. The statement is false and without foundation and is made for the purpose of preventing the people from giving to this subject that careful consideration to which it is entitled.

I am indebted to the people of North Carolina for all that I am. I stand ready and willing on any and all occasions to defend her good name when assailed. If the people of North Carolina had been consulted in regard to the proposed amendment, it would not have been submitted to them for their consideration. A more loyal, devoted, and patriotic people are not to be found in any State of this Union. The resolution was introduced for the purpose of calling the attention of the country at large to the iniquitous scheme which had been proposed by the leaders of the Democracy of that State for the purpose of enabling that party to retain control of our affairs regardless of the will of the majority of our people.

North Carolinians have always done their duty in every great emergency in which they have been called upon to act, and if the people in that State are given an opportunity to express themselves freely at the ballot box at the next election, they will consign to oblivion those who now seek to do that which can only result in great injury to the welfare of our people, and which will impede the rapid strides we are now making in our industrial development.

Mr. President, I understand that a number of my Democratic friends in the Senate desire to discuss this question, and I therefore ask unanimous consent that the resolution may lie upon the table.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHANDLER. Mr. President, I do not object; but I myself desire, in connection with this resolution, at some time to submit a few remarks, occasioned by the extraordinary speech of the senior Senator from Alabama [Mr. MORGAN] on the 8th of January. I should go on to-day were I not informed that the Senator from Washington [Mr. TURNER] prefers to speak; and therefore I give notice that I shall make those remarks to-morrow after the Senator from Louisiana [Mr. MCENERY] has spoken upon the resolution of the Senator from North Carolina [Mr. PRITCHARD].

POLICY REGARDING THE PHILIPPINES.

Mr. TURNER. I ask the Chair to lay before the Senate the joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution indicated by the Senator from Washington, which will be read.

The joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands was read, as follows:

Resolved, etc., That the Government and people of the United States have not waged the recent war with Spain for conquest and for the acquisition of foreign territory, but solely for the purposes set forth in the resolution of Congress making the declaration of war, the acquisition of such small tracts of land or harbors as may be necessary for governmental purposes being not deemed inconsistent with the same.

SEC. 2. That in demanding and in receiving the cession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain permanent dominion over the same as a part of the territory of the United States, or to permanently incorporate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government; and the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands.

SEC. 3. That the United States, having accepted the cession of the Philippine Islands from Spain, and having by force of arms overthrown all organized authority and opposition to the authority of the United States therein, the duty and obligation rest upon the United States to restore peace and maintain order throughout the same; to protect in said islands the enjoyment of life and property and the pursuit of lawful avocations; and to continue such protection until the power and duty to maintain said protection shall have been transferred and intrusted by the United States to a government of the people of said islands deemed capable and worthy to exercise said power and discharge said duty.

SEC. 4. That when armed resistance to the authority of the United States shall have ceased within said islands, and peace and order shall have been restored therein, it is the purpose and intention of the United States, so soon thereafter as the same can be practically and safely accomplished, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be thereafter independently exercised and controlled by themselves, it being the design of the United States to accord to the people of said islands the same measure of liberty and independence which have been pledged by the Congress of the United States to the people of Cuba.

SEC. 5. That when a stable government shall, by the method aforesaid, have been duly formed and erected in said islands, competent and worthy, in the judgment of the United States, to exercise the powers of an independent government and to preserve peace and maintain order within its jurisdiction, it is the purpose and intention of the United States, reserving to themselves only such harbors and tracts of land as may be needed for coaling stations or other governmental purposes, to transfer to said government, upon terms which shall be reasonable and just, all rights and territory secured in said islands under the treaty with Spain, and to thereupon leave the dominion and control of the islands to their people.

SEC. 6. That when said government has been thus formed and set up in the Philippine Islands and approved by the United States, it is the design and intention of the United States, through such means and measures as may be deemed most efficient and appropriate, to secure the guarantee of the continued independence of the same.

Mr. TURNER. Mr. President, we have now had at the present session of Congress in this Chamber two deliverances on the Philippine question from an Administration standpoint—one by the President in his annual message to Congress, and one by the junior Senator from Indiana [Mr. BEVERIDGE] in the speech delivered by him in this Chamber on Tuesday of last week. I think it may be presumed that both deliverances were authoritative—that of the President, of course, because it was the utterance of the President; that of the Senator from Indiana because we were told by the inspired press that its delivery was determined after consultation with the President, and because the Senator himself told us substantially that its delivery at the then early period in the session was on account of the general desire of Senators and Members of the other House to have an expression of his views at the earliest practicable moment. I think it may be presumed also that a discussion of the subject from two such distinguished sources would conclude everything that could be said on that side of the question. Notwithstanding this, I must confess that for one I am still unregenerate and unconvinced. Neither the stately periods of the President's message nor the fervid oratory of the Senator's address can change the truth of history or metamorphose a proposed course of action, already partially completed, which involves a shocking breach of national faith into an act of policy defensible on grounds of justice, morality, and national duty. I call the President's policy a proposed course of action, because, while he is fully committed to it and has endeavored to carry it out so far as lay in his power, the path of honorable retreat is yet open to the American people. The President himself has consistently maintained that the ultimate disposition of these islands is for the determination of Congress. Everybody knows who knows anything that the ratification of the treaty of peace with Spain was not intended to cut off or abridge either the right or the opportunity for the fullest range of discussion and decision by the American Congress. Everyone knows, likewise, that that treaty would never have been ratified if there had been an intimation in this Chamber by any person that Congress would be embarrassed in considering the matter de novo and wholly without reference to any changed aspect in the legal status of the matter by reason of the ratification of the treaty.

Approaching the question, then, as if it were still open and unconcluded, as it in fact is, the first thing that strikes my mind, and which ought to strike every rightly constituted mind, it seems to me, is the breach of faith involved in the pretensions put forth by the President and in the resolutions of the Senator from Indiana of a right to absorb and govern the Philippine Islands wholly without reference to the consent of the people of those islands. That people alone of all the Asiatic peoples has shown a remarkable aspiration for liberty and independence, and a no less remarkable resolution and courage in the effort to attain those great blessings. For three hundred years they waged against Spain an intermittent warfare for independence, for the right to govern themselves in their own way, under their own laws, and by their own rulers. One of those struggles had only lately terminated when our own war with Spain began, and it had terminated on conditions that were honorable and advantageous to the insurrectionists. I shall not stop here to discuss the charge which has been made, that the leaders of the Filipino people in that struggle had sold them out for a moneyed consideration. If true, it argues nothing against what I shall say during the progress of my remarks. The people of the Philippine Islands—and I refer now more particularly to those who are engaged in war with our own country—are a brave, resolute, liberty-loving people, and the struggles which they have made to secure liberty and independence for themselves ought to win them the respect and admiration of every member of the American Senate. When our war with Spain began it found these people restless and discontented, it is true, but still generally at peace with their rulers. We induced them to break that peace. Our diplomatic agents hunted up their leaders, then dispersed throughout the world, and induced them to return to their homes and to their people and to foment another insurrection. Our warships conveyed those leaders to their native shores and landed them there. Our functionaries, both civil and military, furnished them with money, with arms, and with munitions of war. When these leaders had been landed among their people they told them that the great North American Republic was at war with Spain; that it had invited their assistance and cooperation; that the result would be the expulsion of Spain from the Philippines, the extinction

of her power in that quarter of the globe, and the realization of their own long-cherished hopes and aspirations for liberty and independence; and basing their action upon these statements, they appealed to the people of the Philippine Islands to again rise in revolt against the power of Spain. This appeal was responded to promptly and with remarkable unanimity, and thereafter the war was waged with such ardor and vigor that when our own land forces had reached the vicinity of Manila they found the interior of the island of Luzon entirely cleared of hostile Spanish forces. Such as were not then prisoners of war were beleaguered by the insurgents in the city of Manila, and their spirit and their courage were so broken by the assaults which they had been compelled to resist on the part of the Filipinos that after a sham battle they surrendered themselves and their city to the American forces. Undoubtedly if our forces had delayed their arrival at Manila only a few weeks, the insurgents themselves would have forced a surrender of the city at the point of the bayonet.

These facts are shown to be true beyond any question by documents in our possession. These documents also show that the Filipinos never had any idea from the beginning of their struggle that they were fighting for anything other or less than their own independence from all foreign domination. Yet the President of the United States in his annual message makes the unfounded assertion that the idea of independence on the part of the Filipino people was an afterthought, founded on the sinister ambitions of certain of their leaders. Here is what he says on that subject. After having spoken of the arrival of the commissioners appointed by him to visit the islands, he says:

> But before their arrival at Manila the sinister ambition of a few leaders of the Filipinos had created a situation full of embarrassment for us and most grievous in its consequences to themselves. The clear and impartial preliminary report of the commissioners, which I transmit herewith, gives so lucid and comprehensive a history of the present insurrectionary movement that the story need not be here repeated. It is enough to say that the claim of the rebel leader that he was promised independence by any officer of the United States in return for his assistance has no foundation in fact and is categorically denied by the very witnesses who were called to prove it. The most the insurgent leader hoped for when he came back to Manila was the liberation of the islands from the Spanish control, which they had been laboring for years without success to throw off.

Against this unfounded declaration I appeal to the truth of history as exhibited in the documents submitted to us by the President himself and vouched for as authentic and worthy of credit. The first of these documents to which I wish to call the attention of the Senate is a proclamation issued by the Filipino junta in Hongkong before the departure of Admiral Dewey's fleet to engage the Spanish fleet in the bay of Manila. This proclamation is found in Senate Document No. 62, part 1, Fifty-fifth Congress, third session, which document embraces our treaty of peace with Spain, the proceedings of our peace commissioners at Paris, and the testimony submitted to them there, and is a part of the testimony which they had under consideration at that time. Now, what does this proclamation say?

> Compatriots: Divine Providence is about to place independence within our reach, and in a way the most free and independent nation could hardly wish for.
>
> The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country, now that they have been obliged to sever connections with Spain, owing to the tyranny this nation is exercising in Cuba, causing enormous injury to the Americans, who have such large commercial and other interests there.
>
> At the present moment an American squadron is preparing to sail for the Philippines.
>
> We, your brothers, are very much afraid that you may be induced to fire on the Americans. No, brothers, never make this mistake. Rather blow your own brains out than fire a shot or treat as enemies those who are your liberators.
>
> Your natural enemies, your executioners, the authors of your misery and unhappiness, are the Spaniards who govern you. Against these you must raise your weapons and odium; understand well, against the Spaniards and never against the Americans.

Mr. TILLMAN. What is the date of that proclamation?

Mr. TURNER. The date is not given in this publication, but it is stated in the publication that the proclamation was in advance of the sailing of the American squadron for the harbor of Manila. The proclamation is preceded by the following statement:

> The following is a translation from the Spanish of a proclamation of the rebel leaders in Hongkong, sent over to the Philippines in advance of the American squadron.

The next thing that happened was that General Aguinaldo, the leader of the insurgents, appeared in the city of Singapore about the 28th of April, 1898, and there he was sought by Mr. E. Spencer Pratt, consul of the United States in that city, and after an interview between them the following correspondence passed between Mr. Pratt and Admiral Dewey. Mr. Pratt telegraphed:

> Aguinaldo, insurgent leader, here. Will come Hongkong arrange with commodore for general cooperation insurgents Manila if desired. Telegraph.
>
> PRATT.

To which Commodore Dewey replied:

> Tell Aguinaldo come soon as possible.
>
> DEWEY.

What passed between Consul Pratt and Aguinaldo is stated in a publication in the Singapore Free Press of Wednesday, May 4, 1898, which Consul Pratt incloses in a dispatch to the Secretary of State, and he says in reference to this publication:

> I regret to have to report that the circumstances attending the departure from here of Gen. Emilio Aguinaldo to join Commodore Dewey, which I had endeavored so hard to prevent being disclosed, were in substance made public in yesterday's edition of the Singapore Free Press, from the inclosed copy of which you will note, by reference to my reports Nos. 212 and 213 of the 28th and 30th ultimo, respectively, that though the facts are in the main correctly given, the dates are not quite accurate and a certain amount of conjecture has been indulged in as regards my action in the matter and that of the Commodore.

Here is what this newspaper says passed between Aguinaldo and Consul Pratt, and which Consul Pratt says is substantially correct:

> During this conference, at which Mr. Bray acted as interpreter, General Aguinaldo explained to the American consul-general, Mr. Pratt, the incidents and objects of the late rebellion, and described the present disturbed state of the country. General Aguinaldo then proceeded to detail the nature of the cooperation he could give, in which he, in the event of the American forces from the squadron landing and taking possession of Manila, would guarantee to maintain order and discipline amongst the native troops and inhabitants in the same humane way in which he had hitherto conducted the war, and prevent them from committing outrages on defenseless Spaniards beyond the inevitable in fair and honorable warfare. He further declared his ability to establish a proper and responsible government on liberal principles, and would be willing to accept the same terms for the country as the United States intend giving to Cuba.

That is what Aguinaldo told Mr. Pratt he expected from the Government of the United States in return for the cooperation of himself and his countrymen. And this is what the same newspaper account reports Consul Pratt as saying and doing in response to Aguinaldo's declaration:

> The consul-general of the United States, coinciding with the general views expressed during the discussion, placed himself at once in telegraphic communication with Admiral Dewey at Hongkong, between whom and Mr. Pratt a frequent interchange of telegrams consequently took place.

Mr. President, a few days after this interview between Aguinaldo and Consul Pratt, and after Aguinaldo had gone to join Commodore Dewey, the Filipinos then residing at Singapore, exiles from their country, desiring to recognize the interposition of Consul Pratt in favor of their country, gave him a complimentary serenade, which is also reported in the Singapore Free Press, and which he transmits with his dispatches to the Secretary of State of the United States. This report throws further light upon the relations between this consul and this leader of the insurgents, and shows what the Filipinos had a right to expect from the Government of the United States. At this serenade an address was made to Consul Pratt by Dr. Santos, one of the Filipino refugees, and in the course of that address he said:

Mr. SPOONER. From what page is the Senator about to read?

Mr. TURNER. From page 351 of this document. He said:

> Our countrymen at home, and those of us residing here, refugees from Spanish misrule and tyranny in our beloved native land, hope that the United States, your nation, persevering in its humane policy, will efficaciously second the programme arranged between you, sir, and General Aguinaldo in this port of Singapore, and secure to us our independence under the protection of the United States. Our warmest thanks are especially due to you, sir, personally, for having been the first to cultivate relations with General Aguinaldo and arrange for the cooperation with Admiral Dewey, thus supporting our aspirations which time and subsequent actions have developed and caused to meet with the applause and approbation of your nation. Finally, we request you to convey to your illustrious President and the American people, and to Admiral Dewey, our sentiments of sincere gratitude and our most fervent wishes for their prosperity.

Mr. JONES of Arkansas. When was that?

Mr. TURNER. On June 8, and it is reported in the Straits Times, of Singapore, of June 9.

Consul Pratt, in his reply, does not deny that he had promoted this arrangement to secure the independence of the Filipino people under the protection of the United States. On the contrary, his reply tacitly admits it. He says:

> I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily. I can only hope that the eventful outcome will be all that can be desired for the happiness and welfare of the Filipinos. My parting words to General Aguinaldo were, "General, when you have proved yourself great, prove yourself magnanimous," and from the treatment accorded to the recent Spanish prisoners it would appear that he had done so.

The next document to which I wish to call attention, and all of these documents are appended to the Spanish treaty and were submitted to our commissioners at Paris, is the letter from Aguinaldo to the President, dated June 10, 1898. This letter is found on pages 360 and 361 of Senate Document No. 62:

> CAVITE, *June 10, 1898.*
>
> *To the President of the Republic of the Great North American Nation.*
>
> DEAR AND HONORED SIR: I come to greet you with the most tender effusion of my soul and to express to you my deep and sincere gratitude, in the name of the unfortunate Philippine people, for the efficient and disinterested protection which you have decided to give it, to shake off the yoke of the cruel and corrupt Spanish domination, as you are doing to the equally unfortunate Cuba, which Spain wishes to see annihilated rather than free and independent, giving her, to quiet her and to cicatrize the deep wounds made in her heart by the iniquities committed upon her children, a false autonomy, of which one bold blow of the Governor-General may deprive her immediately, as she has no colonial army to serve as a counterpoise to the almost sovereign powers of that supreme authority.

At the same time, as I am always frank and open, I must express to you the great sorrow which all of us Filipinos felt on reading in the Times, a newspaper of the greatest circulation and reputation in the whole world, in its issue of the 5th of last month, the astounding statement that you, sir, will retain these islands until the end of the war, and, if Spain fails to pay the indemnity, will sell them to a European power, preferably Great Britain.

After going on and arguing against such a course, he concludes in the last paragraph of this letter by stating:

I close by protesting once and a thousand times, in the name of this people, which knows how to fight for its honor by means of its improvised warriors and artillery men, against the statement published by the Times, mainly for the purpose of casting a blot in history upon its glorious name; a people which trusts blindly in you not to abandon it to the tyranny of Spain, but to leave it free and independent, even if you make peace with Spain, and I offer fervent prayers for the ever-increasing prosperity of your powerful nation, to which and to you I shall show unbounded gratitude, and shall repay with interest that great obligation.

The next document to which I call the attention of the Senate is a letter from Consul Wildman to Aguinaldo from Hongkong. The date is not given here, but it is contained in a dispatch to the State Department by Consul Wildman dated August 7. I see that in the body of the dispatch he says he wrote this letter to Aguinaldo on July 25, 1898.

If you stand shoulder to shoulder——

Mr. QUARLES. On what page is that found?

Mr. TURNER. It is page 339, at the bottom of the page. In this letter to Aguinaldo Consul Wildman says:

If you stand shoulder to shoulder with our forces, and do not allow any small differences of opinion and fancied slights to keep you from the one set purpose of freeing your island from the cruelties under which you claim it has been groaning for so many hundred years, your name in history will be a glorious one. There are greater prizes in the world than being the mere chief of a revolution.

Now, mark this language:

Do not forget that the United States undertook this war for the sole purpose of relieving the Cubans from the cruelties under which they were suffering, and not for the love of conquest or the hope of gain. Whatever the final disposition of the conquered territory may be, you can trust to the United States that justice and honor will control all their dealings with you. The first thing is to throw off the Spanish yoke. Do not let anything interfere with this.

Now, Mr. President, for the purpose of showing that these representations were brought to the attention of the Department, I refer the Senate to a memorandum made by Secretary J. B. Moore for the information of Secretary Day, dated June 22, 1898, and found in this publication on page 340. This memorandum says:

For the Secretary:

Here are two dispatches from Mr. Pratt, consul-general at Singapore, respectively numbered 214 and 217.

No. 214 incloses a copy of Mr. Pratt's confidential No. 212, to which you have already replied.

It also incloses a copy of his No. 213, narrating his parting interview with General Aguinaldo. Mr. Pratt states that in this interview he enjoined upon General Aguinaldo the necessity, under Commodore Dewey's direction, of assuming absolute control over his forces in the Philippines, since no excesses on their part would be tolerated by the United States, the President having declared that the present hostilities with Spain were to be carried on in strict conformity with the principles of civilized warfare. Mr. Pratt states that to this injunction General Aguinaldo gave his full assent, assuring him that he intended, and was able, when in the field, to hold his followers, the insurgents, in check and lead them on "as our commander should direct."

General Aguinaldo, as Mr. Pratt reports, "further stated that he hoped the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance." "These questions," says Mr. Pratt, "I told him I had no authority to discuss." This confirms Mr. Pratt's statement, in his recent telegram, that he confined his action to bringing General Aguinaldo and Commodore Dewey together.

The only intimation in this whole record from beginning to end that the Filipinos or anybody acting for them ever expressed a willingness to accept anything less than their independence is contained in a letter addressed by Consul Williams at Manila to Secretary Day, dated June 16, 1898, in which he states that in a conversation with Aguinaldo the latter had stated that certain of his leaders had expressed a willingness to accept annexation to the United States. Yet, Mr. President, Aguinaldo, in the letter to the President which I have already read, dated June 10, 1898, six days before this supposed conversation between himself and Consul Williams, had notified the President that when peace was finally concluded between the United States and Spain he expected that it would be done upon terms that would concede the independence of the Philippine Islands.

Moreover, Aguinaldo, in a letter to Consul Williams, dated August 1, 1898, only one month and fourteen days after this supposed conversation between himself and Consul Williams, argued strenuously and forcefully in favor of the independence of the Philippine Islands and gives no intimation whatever that in any conversation with Consul Williams he had indicated the willingness of anybody connected with the Philippine republic to accept annexation to the United States. This letter is so pathetic and affecting and breathes so high a spirit that it would move the heart of anybody not impervious to generous and magnanimous feelings. I desire to read a few of its passages to the Senate in this connection. It is found in the Senate document before read from, on pages 398 and 399. He says:

Why do not the American generals operate in conjunction with the Filipino generals and, uniting the forces, render the end more decisive?

Is it intended, indeed, to carry out annexation against the wish of these people, distorting the legal sense of that word? If the revolutionary government is the genuine representative, by right and deed, of the Filipino people, as we have proved when necessary, why is it wished to oppress instead of gaining their confidence and friendship?

It is useless for me to represent to my compatriots the favors received through Admiral Dewey, for they assert that up to the present the American forces have shown not an active, only a passive, cooperation, from which they suppose that the intention of these forces are not for the best. They assert, besides, that it is possible to suppose that I was brought from Hongkong to assure those forces by my presence that the Filipinos would not make common cause with the Spaniards, and that they have delivered to the Filipinos the arms abandoned by the former in the Cavite Arsenal, in order to save themselves much labor, fatigue, blood, and treasure that a war with Spain would cost.

But I do not believe these unworthy suspicions. I have full confidence in the generosity and philanthropy which shine in characters of gold in the history of the privileged people of the United States, and for that reason, invoking the friendship which you profess for me and the love which you have for my people, I pray you earnestly, as also the distinguished generals who represent your country in these islands, that you entreat the Government at Washington to recognize the revolutionary government of the Filipinos, and I, for my part, will labor with all my power with my people that the United States shall not repent their sentiments of humanity in coming to the aid of an oppressed people.

Say to the Government at Washington that the Filipino people abominate savagery, that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life, and that they are not able to lay aside their own wishes when their future lot and history are under discussion. Say also that I and my leaders know what we owe to our unfortunate country, that we know how to admire and are ready to imitate the disinterestedness, the abnegation, and the patriotism of the grand men of America, among whom stands preeminent the immortal General Washington.

You and I both love the Filipinos; both see their progress, their prosperity, and their greatness. For this we should avoid any conflict which would be fatal to the interests of both peoples, who should always be brothers. In this you will acquire a name in the history of humanity and an ineradicable affection in the hearts of the Filipino people.

Mr. President, can anybody read these documents and say truthfully that the idea of independence was an afterthought with the Filipino people? On the contrary, from the very beginning, from a period anterior even to the outbreak of hostilities between our Government and Spain, they were advising us in any and every possible way that the stake for which they were fighting and for which they expected to fight was the independence of their beloved country. Nor is it strictly true, Mr. President, to say that they were never promised their independence. A fair reading of these letters of Consul Pratt and Consul Williams would induce us to say that they were promised independence by those officials, if not in express terms, at least by necessary implication. A reading of the letters from General Anderson, the commander of our forces at Cavite before the arrival of General Merritt in that country, would also carry the same intimation to that people. I want the Senate to listen to what General Anderson said to them at that time. On the 4th day of July, 1898, General Anderson indited a letter to General Aguinaldo, and said to him in that letter, among other things:

Mr. SPOONER. On what page is that found?

Mr. TURNER. That letter is found on page 390. General Anderson wrote to Aguinaldo as follows:

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

In another letter found in this document, at page 391, dated July 6, 1898, General Anderson says to Aguinaldo:

Very soon we expect a large addition to our forces, and it must be apparent to you as a military officer that we will require much more room to camp our soldiers, and also storeroom for our supplies. For this I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country.

It must be apparent to you that we do not intend to remain here inactive, but to move promptly against our common enemy; but for a short time we must organize and land supplies and also retain a place for storing them near our fleet and transports.

I am solicitous to avoid any conflict of authority which may result from having two sets of military officers exercising command in the same place.

I am also anxious to avoid sickness by taking sanitary precautions. Your own medical officers have been making voluntary inspections with mine and fear epidemic disease, if the vicinity is not made clean. Would it not be well to have prisoners work to this end under the advice of the surgeons?

I call the attention of the Senate to the fact that we had no prisoners at that time, but the only Spanish prisoners were those held by the forces of the Philippine republic.

Mr. McLAURIN. Whose letter is that?

Mr. TURNER. That is General Anderson's letter to General Aguinaldo. The last letter from General Anderson to which I shall call the attention of the Senate is dated July 23, 1898, and in it he says to Aguinaldo:

GENERAL: When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American army, as it was to fight in the cause of your people. So far we have received no response.

As you represent your people, I now have the honor to make requisition on you for 500 horses and 50 oxen and ox carts.

If you can not secure these, I will have to pass you and make requisition directly on the people.

The cause of these letters and other letters, and acts of a similar character, with which I shall not further weary the Senate, was explained in the testimony of General Merritt, given before our peace commissioners at Paris. That testimony, or so much of it as I will read, will be found on page 367 of Senate Document No. 62. Among other things, General Merritt says to the commissioners:

Before that time, rather early after my arrival there at Manila, I had telegraphed to the War Department of the possible trouble that might arise with the insurgents, and asked for instructions as to whether I should consider them as enemies and treat them accordingly in such case. To that request I had no reply, and the consequence was I had to mix diplomacy with force in order to avoid a tilt with them. I knew if bloodshed was once had that would be the end of an amicable status there, and to that end I was careful only to enforce that which was proper and which I conceived must be executed in order to have my troops fully occupy the ground we had taken.

Mr. President, when Secretary Day heard of this interview between Aguinaldo and Consul Pratt at Singapore and of the letter addressed to Aguinaldo by Consul Wildman at Hongkong he took occasion to write a letter to each of those officials disavowing their course, but he never disavowed, nor did any other official of this Government ever disavow the course of those consuls to Aguinaldo or to anybody else, although we were then in daily communication with Aguinaldo in and about the vicinity of Manila. Why was not this done? The answer is obvious and is indicated in the testimony of General Merritt. We desired the friendly cooperation and assistance of the Filipinos in our war with Spain. We knew that if we disclosed to them our purpose to absorb their land and deny their independence, we would not only not have their friendly cooperation and assistance, but we would have their active opposition. We knew that we would be at war, not only with the Spaniards but with the Filipinos, from the very moment that we set foot upon the soil of those islands.

Mr. President, does not this whole miserable history bear out the statement with which I began, that we owe that to the Filipinos, by virtue of what has transpired, which, if we now go on with our pretensions against their liberty and their independence, will be looked on as a gross breach of faith upon the part of the American people? Whatever may be said as to actual promises of independence, it is indisputable, nobody can deny it, that we sought and accepted the assistance of the Filipinos, knowing that the stake which they fought for was independence, and when they had almost won their independence, when it required but one more effort on their part to clear their soil from the last vestige of Spanish dominion, we, their professed friend and ally, without any previous intimation of our purpose, stepped into the shoes of Spain and opposed our overwhelming power to the accomplishment of their long-cherished hopes and aspirations. Mr. President, our conduct then and there has no parallel in the history of the world from the beginning of time down to the present moment. If it be persisted in it will be worse than Punic faith. Beside it Punic faith will hereafter be considered as full observance of honorable obligations. It is indescribable. To the honest, unperverted American mind it is inconceivable. I venture the assertion that there is not one American voter in a hundred who would not have repudiated as perfidious and dishonorable the pretensions put forth by the President of the United States and by the resolutions of the Senator from Indiana [Mr. BEVERIDGE], if they had been called upon with full knowledge of all the facts, to sanction them in the beginning and before the present desolating war began. The truth of the matter is that those pretensions have from the beginning and do now constitute a stain on the honor of this nation, which we may atone for if we will, but which can never be entirely wiped out. The man or men who have put us in this position before the world deserve and will receive the condemnation of the American people. That people have a conscience which stings and an honor which reprobates when they see injustice perpetrated by their servants and in their name on a helpless and deserving people. Those in high places who have stifled their own consciences at the dictation of political expediency will learn that fact to their sorrow long before this deplorable chapter in our national history is closed forever.

Mr. President, the President in his annual message to Congress predicated our right in the Philippines on the ground that we had done nothing and promised nothing to the inhabitants of those islands which precluded us in honor from acquiring them, and on the further ground that we had legally purchased those islands from Spain, their former owner, and he declared, therefore, that they are ours by every title of law and equity. I do not believe that they are ours by either title. If they were private possessions, any court of equity adjudicating between ourselves and the Filipinos, even Judge Day himself, in his capacity as a judge of the circuit court of the United States, administering equity, would be compelled to declare on the record that, instead of being trustees of those islands under God, as the Senator from Indiana [Mr. BEVERIDGE] thinks we are, we are in truth and in fact trustees de son tort, in fraud of the rights of the Filipinos. The suggestio falsi and the suppressio veri are both there for the purpose of constituting the equitable jurisdiction. Nor do I believe it lies in our mouth to say that we hold a legal title to those islands. Caveat emptor. How could we purchase from Spain something which Spain herself did not possess? How could the Filipinos be bound by the empty act of Spain in undertaking to sell a sovereignty which they had wrested from her by the God-given right of revolution? If it be said that while Spain had lost her sovereignty de facto it still existed de jure, I say that as to us she had lost her sovereignty both in law and in fact. We can not be permitted in any forum, either of law or conscience, to breathe both hot and cold to the Filipinos. Having assisted them to destroy the sovereignty of Spain, we can not be permitted now to turn around and say that while it is true that that sovereignty had departed as a fact, it still existed de jure, for the purpose of purchase by us. And I call the attention of the Senate to the fact that if we have any rights whatever in the Philippines, it is by purchase, pure and simple, and nothing else. At the time of the signing of the protocol, which ended the war with Spain, we were not in possession of a single foot of territory in the Philippines which had not before that been wrested from Spain by the victorious armies of the Philippine republic, and by them surrendered to us as an act of comity to a friend and an ally. Judge Day himself places this matter right in a publication from him which I saw in the public prints a few weeks ago, and in which he points out that such rights as we do possess in the Philippines we acquired by purchase, and not by conquest. I am sorry that I have not the very full and satisfactory expression of Judge Day upon this subject to present to the Senate now in connection with my remarks.

It may be assumed by some that any discussion of the status of this country in the Philippine Islands from a legal standpoint is abstract and profitless since our sovereignty has been declared by treaty and is therefore fixed in all our own forums. But is it so fixed, Mr. President? Neither that instrument nor any other to which the Filipinos were not parties can fix it in the forum of conscience. That forum finds its being in the Congress of the United States primarily, with right of appeal to the people of the United States in their collective capacity as the ultimate sovereign to whom all questions of conscience must in the end be submitted and decided. That people will determine hereafter, whatever Congress may now do, whether the Philippines "are ours by every title of law and equity." Our people are broad, generous, humane, and magnanimous, and their every instinct is for right and justice. I can not doubt that, when the matter is submitted to them understandingly, they will render a just and righteous verdict. In the meantime, what a cause and what a forum for an advocate filled with holy zeal for justice and with righteous indignation against wrong perpetrated in high places! Oh, for a Burke, or a Fox, or a Pitt to demand justice for an outraged people, and to scourge with scorpion whip the cant and hypocrisy that would oppress them under the guise of extending liberty and civilization.

Mr. President, the Senator from Indiana did not address himself to our position in the Philippines from the standpoint of right and justice. His address was a rhapsody directed to our interests and our senses; and while it was very beautiful, he must pardon me for saying that it lacked that majestic harmony which can be evoked only when the nobler chords are struck. We now know from his address, if we did not before know, that the islands are both rich and beautiful, that their climate is salubrious, their waters healing, their soil fertile, their productions diversified, their position commanding, and that the opportunities to exploit them for our enrichment are many and manifold; but we do not know by what right Spain, after being expelled from them by their 10,000,000 inhabitants, could sell them and their inhabitants to us without the consent of the latter, nor do we know by what right the United States, after having assisted to expel Spain from those islands, could buy them and their 10,000,000 inhabitants without the consent of the latter. Nor does the Senator from Indiana tell us, unless he intends us to infer the right from the claim which he makes, that the Filipinos are a barbarous race of people and that the principles of liberty declared by our great political charter were never intended to have application to such a people. But the Senator must pardon me again if I express doubt whether his opportunities have been such as to constitute him an authority on the subject of the capabilities of the Filipino people. We all know that his ability to travel through the island of Luzon and to mix with its people was much restricted during his recent visit to the Orient, and the same may be said of all the other islands, unless possibly we except that group governed by the Sultan of Sulu. Those islands, I believe, at the time of the visit of the Senator had been won over to friendly consideration by the extraordinary means which that great Oriental statesman,

Li Hung Chang, advised us to employ in the efforts to pacify all of the islands. But there are others, whose opportunities have been greater than those of the Senator from Indiana, who tell us a different story concerning the capabilities of the Filipinos; and I prefer, as I have no doubt the country will prefer, to believe them rather than to accept the version of the Senator from Indiana.

Admiral Dewey tells us, from observation and experience with the Filipinos, that they are far more capable of self-government than the natives of Cuba. He reiterated this in his views formulated for the information of our peace commissioners at Paris. In those views, which are published in Senate Document No. 62, on page 383, I find, among others, this statement from Admiral Dewey. It is very brief:

> In a telegram sent to the Department on June 23 I expressed the opinion that "these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Further intercourse with them has confirmed me in this opinion.

Mr. TILLMAN. As the Senator is speaking of Admiral Dewey's testimony in connection with this matter, I should like to ask him if he has ever found in any official dispatch whether or not Admiral Dewey made a compact with Aguinaldo as to the conditions on which the war should be prosecuted?

Mr. TURNER. I have found nothing on that subject in the documents published.

Mr. CHANDLER. May I ask the Senator a question?

Mr. TURNER. Certainly.

Mr. CHANDLER. I ask whether there is any evidence that there were any active insurgents in the Philippine Islands when Dewey destroyed the Spanish fleet? The Senator speaks of our assisting the insurgents to take possession of the Philippine Islands. When the news of Dewey's victory went around the world, and when, as the Senator says, we began to assist the insurgents to take possession of the islands, were there any active insurgents in all the islands?

Mr. TURNER. Yes.

Mr. CHANDLER. If so, I should be very glad to be informed of it, because I had supposed there were none.

Mr. TURNER. I shall not take the time to turn to the letter now, but the Senator will find in this publication a dispatch from Consul Williams, at Manila, to Secretary Day, before the outbreak of hostilities between the United States and Spain, in which Consul Williams told Judge Day that there were 5,000 armed insurgents then in and around the city of Manila.

Mr. CHANDLER. I have no doubt there were plenty of armed Filipino insurgents at Hongkong, but I have yet to see any reliable evidence that the insurrection at that particular time had one particle of vitality in the Philippine Islands.

Mr. TURNER. Then the Senator has not read this correspondence, which I commend to his consideration.

Mr. CHANDLER. If the Senator will allow me, there were undoubtedly insurgents, inhabitants of the Philippine Islands, with arms which they were ready to use if they were encouraged and assisted, as the Senator says, by the United States, but that the insurrection had any vitality whatever on the day of Dewey's victory I have never believed.

Mr. TILLMAN. With the permission of the Senator from Washington, I will read from page 319 of Senate Document No. 62, Fifty-fifth Congress, third session, a letter from Consul Williams, dated February 22, 1898, in which he says:

> Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace and has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are of almost daily occurrence, ambulances bring in many wounded, and hospitals are full.

That was February 22, 1898, before we declared war.

> Prisoners are brought here and shot without trial, and Manila is under martial law.
>
> The Crown forces have not been able to dislodge a rebel army within 10 miles of Manila, and last Saturday, February 19, a battle was there fought and five dead left on the field. Much of such information is found in my longer dispatch, referred to, and which is at your command.

Mr. CHANDLER. If the Senator will allow me, the difficulty is for me to understand, if that be true—and I am not now prepared to say that it is not true, although I somewhat doubt it—why Aguinaldo and all the leaders of the rebellion had gone off to Hongkong to enjoy the money of the Spanish Government, which had been agreed to be paid to them as a reason for abandoning the insurrection.

Mr. TURNER. Mr. President——

Mr. HOAR. I should like to ask the Senator one question. I inquire if the Senator has formed his opinion on this subject in ignorance of that fact?

The PRESIDING OFFICER (Mr. TALIAFERRO in the chair). The Senator from Washington [Mr. TURNER] is entitled to the floor.

Mr. TILLMAN. With the consent of the Senator from Washington, I will read some additional testimony from Mr. Williams, under date of March 19, 1898, page 320 of the same document. He writes to the Assistant Secretary of State as follows:

> SIR: Matters are in a serious state here. I have daily communication by cable and letter with Commodore Dewey, but we pass letters by British and other shipmasters and by private parties, because cables and letters are tampered with.
>
> Insurrection is rampant; many killed, wounded, and made prisoners on both sides.
>
> * * * * * * * *
>
> Rebellion never more threatening to Spain. Rebels getting arms, money, and friends, and they outnumber the Spaniards, resident and soldiery, probably a hundred to one.

If Mr. Williams was a liar, he ought not to have been there as the consul of the United States.

Mr. TURNER. Mr. President, to proceed with the tenor of my remarks and to return to the question of the capacity of the Filipinos for government, the next document to which I call the attention of the Senate is a dispatch from Consul Williams to the Secretary of State, found on pages 327 and 328, written a very short time after the battle of Manila Bay. It is dated May 12, 1898. He says to the Secretary:

> These natives are eager to be organized and led by United States officers, and the members of their cabinet visited me and gave assurance that all would swear allegiance to and cheerfully follow our flag. They are brave, submissive, and cheaply provided for.
>
> To show their friendliness for me as our nation's only representative in this part of the world, I last week went on shore at Cavite with British consul, in his launch, to show the destruction wrought by our fleet. As soon as natives found me out, they crowded around me, hats off, shouting "Viva los Americanos," thronged about me by hundreds to shake either hand, even several at a time, men, women, and children striving to get even a finger to shake. So I moved half a mile, shaking continuously with both hands. The British consul, a smiling spectator, said he never before saw such an evidence of friendship. Two thousand escorted me to the launch amid hurrahs of good feeling for our nation, hence I must conclude—

And it is these conclusions of Consul Williams, to which I wish the particular attention of the Senate:

> First. Our squadron can force surrender in a day. Spaniards are all cooped up in Manila.

This was before our troops got there at all.

> Second. Spanish officers of native regiments away, these 6,000, together with selections from the 37,000 insurgents, can give us ample land force, and can be well armed with rifles of Spanish soldiers and from barracks and arsenals.
>
> Third. Few United States troops will be needed for conquest, and fewer still for occupancy. Expulsion of Spaniards—naval, civil, military, and clerics—will remove all discord and danger, and civil government, crude in the beginning but better than the present, will be easy and be well received, while native priests, of which there are many, can fully and with perfect acceptability meet all religious requirements so far as present established religion is concerned.

Consul Williams in this letter states to the Secretary of State that the government of these insurgents, while crude in the beginning, would be better than that which was then being administered by the Spaniards in that country. Can it be that a people who could administer better government than the Spaniards are capable of administering can be truthfully said to be barbarians?

The next evidence to which I shall call the attention of the Senate on this subject is a letter from General King, very much in line with that of Admiral Dewey. This letter is dated San Francisco, June 22, 1899. It is found published in Senate Document No. 66, and is as follows:

> SAN FRANCISCO, *June 22, 1899.*
>
> *To the Editor of the Journal, Milwaukee, Wis.*
>
> DEAR SIR: Thinking over your telegram and request of June 7, I find myself seriously embarrassed. As an officer of the Army, there are many reasons why I should not give my "views of situation in the Philippines, how long fighting is likely to continue, and thoughts as to America's part in future of islands."
>
> The capability of the Filipinos for self-government can not be doubted. Such men as Arellano, Aguinaldo, and many others whom I might name are highly educated; nine-tenths of the people read and write, all are skilled artisans in one way or another; they are industrious, frugal, temperate, and, given a fair start, could look out for themselves infinitely better than our people imagine. In my opinion, they rank far higher than the Cubans or the uneducated negroes to whom we have given the right of suffrage.
>
> Very truly, yours,
>
> CHARLES KING,
> *Brigadier-General.*

After the surrender of Manila two of the officers of Admiral Dewey's fleet obtained leave of absence with a view of making a tour of the island of Luzon and of reporting officially to Admiral Dewey what they had observed during that tour. Those officers were Paymaster W. B. Wilcox, of the United States Navy, and Naval Cadet Leonard R. Sargent, also of the same service. They passed all of the months of October and November in the interior of the island of Luzon, traveling about from place to place. As officers of the United States, they were received in every community which they visited with the utmost friendliness and with the very highest honors which the people were capable of offering to them. After they returned they made a report to Admiral Dewey concerning what they had observed, and here is what they had to say concerning the education and intelligence of the natives:

> 53. The Philippine officers, both military and civil, that we have met in all the provinces we have visited have, with very few exceptions, been men of intelligent appearance and conversation. The same is true of all those men

who form the upper class in each town. The education of most of them is limited, but they appear to seize every opportunity to improve it. They have great respect and admiration for learning. Very many of them desire to send their children to schools in the United States or Europe. Many men of importance in different towns have told us that the first use to be made of the revenues of their government, after there is no more danger of war, will be to start good schools in every village. The poorer classes are extremely ignorant on most subjects, but a large percentage of them can read and write.

Further on in this report, concerning the popular sentiment on the subject of independence, it is stated:

57. Of the large number of officers, civil and military, and of leading towns people we have met nearly every man has expressed in our presence his sentiment on this question. It is universally the same. They all declare they will accept nothing short of independence. They desire the protection of the United States at sea, but fear any interference on land. The question of the remuneration of our Government for the expense of establishing a protectorate is never touched upon. On the subject of independence there is, again, a marked difference between the four provinces first visited and those of Ilocos Sur and Union. In the former there is more enthusiasm—the sentiment is more of the people; in the latter it is more of the higher class and of the army. In these provinces we have seen signs of actual discontent with the existing state of things.

This report from which I have read was submitted by these officers to Admiral Dewey, and received from him this indorsement:

FLAGSHIP OLYMPIA,
Cavite, P. I., December 1, 1898.

Approved and respectfully forwarded for the information of the Navy Department.

Especial attention is invited to this interesting and carefully prepared report, which, in my opinion, contains the most complete and reliable information obtainable in regard to the present state of the northern part of Luzon Island.

GEORGE DEWEY,
Rear-Admiral, U. S. N., Commanding Asiatic Station.

One of these officers afterwards wrote an article for the Outlook, embracing in a more popular form the results of his observations and those of Paymaster Wilcox while engaged in making that tour. This article is also published in Senate Document No. 66, Fifty-sixth Congress, first session. I desire to have read the parts of it which are found on pages 1 and 2 of the document down to the bottom of page 2, and I send the document to the desk for that purpose.

The Secretary read as follows:

THE BACKWOODS FILIPINO.

[By Leonard R. Sargent.]

It has been my privilege to have been intimately associated with the Filipino people for a short time at a most interesting period of their history. With the permission of Admiral Dewey, I spent the greater part of the months of October and November of 1898, in company with Paymaster W. B. Wilcox, United States Navy, in the interior of the northern part of the island of Luzon. It will be remembered that at that date the United States had not yet announced its policy with regard to the Philippines. The terms of the treaty with Spain were being negotiated by our commissioners at Paris, and the fate of the islands hung in the balance. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government, with Aguinaldo at its head.

Although this government has never been recognized, and in all probability will go out of existence without recognition, yet it can not be denied that, in a region occupied by many millions of inhabitants, for nearly six months it stood alone between anarchy and order. The military forces of the United States held control only in Manila, with its environs, and in Cavite, and had no authority to proceed further, while in the vast remaining districts the representatives of the only other recognized power on the field were prisoners in the hands of their despised subjects. It was the opinion at Manila during this anomalous period in our Philippine relations, and possibly in the United States as well, that such a state of affairs must breed something akin to anarchy.

I can state unreservedly, however, that Mr. Wilcox and I found the existing conditions to be much at variance with this opinion. During our absence from Manila we traveled more than 600 miles in a very comprehensive circuit through the northern part of the island of Luzon, traversing a characteristic and important district. In this way we visited seven provinces, of which some were under the immediate control of the central government at Malolos, while others were remotely situated, separated from each other and from the seat of government by natural divisions of land, and accessible only by lengthy and arduous travel. As a tribute to the efficiency of Aguinaldo's government and to the law-abiding character of his subjects, I offer the fact that Mr. Wilcox and I pursued our journey throughout in perfect security, and returned to Manila with only the most pleasing recollections of the quiet and orderly life which we found the natives to be leading under the new régime.

Some years ago, at an exposition held at Barcelona, Spain, a man and woman were exhibited as representative types of the inhabitants of Luzon. The man wore a loin cloth and the woman a scanty skirt. It was evident that they belonged to the lowest plane of savagery. I think no deeper wound was ever inflicted upon the pride of the real Filipino population than that caused by this exhibition, the knowledge of which seems to have spread throughout the island. The man and woman, while actually natives of Luzon, were captives from a tribe of wild Igorrotes of the hills, a tribe as hostile to the Filipinos as to the Spaniards themselves, and equally alien to both. It is doubtful to what extent such islanders are responsible for the low esteem in which the Filipino is held; his achievements certainly have never been well advertised, while his shortcomings have been heralded abroad.

The actual, everyday Filipino is not as picturesque a creature as the Igorrote. The average human imagination has a remarkable affinity for the picturesque; and the commonplace citizen of Luzon is too often overlooked in the presence of the engrossing savage. If the observer's attention can be drawn to the former, however, much that is of interest will be found in his comparatively homely life.

In our journey we traveled first across the province of Nueva Iclja, by far the poorest and least interesting of all the provinces we visited. And yet even here we were greatly surprised by the intelligence and refinement of the inhabitants. While our entertainment at first was meager—for want of the wherewithal to provide a more generous one—we could nevertheless detect the same spirit of hospitality that found vent in elaborate manifestations in the richer towns which we visited later.

We were particularly struck by the dignified demeanor of our hosts and by the graceful manner in which they extended to us their welcome. We had unlimited opportunities for conversation with the citizens of the towns, and we found everywhere a class that gave evidence of considerable culture and a certain amount of education. Their education included those branches only which were taught at the schools conducted by the priesthood at the capital towns of the provinces, and was of rather an impracticable nature. The Spanish language, Spanish history (appropriately garbled), church history, and the dead languages evidently formed its leading features.

Mr. JONES of Arkansas. Will the Senator from Washington yield to me for a moment?

Mr. TURNER. Certainly.

Mr. JONES of Arkansas. I understand that the Senator from Washington would prefer to continue to-morrow, in view of the extended remarks he has made this afternoon; and with the Senator retaining the floor, if there is no objection, I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I should like very much to have passed a bill to which I am sure there will be no objection. It proposes to divide one of the New York judicial districts, which is very much crowded with business and about which bill both of the New York Senators have spoken to me. If the Senator will allow that to be submitted to the Senate before making his motion, I will be obliged to him.

Mr. JONES of Arkansas. I shall not make the motion until the Senator from Massachusetts has had an opportunity to present the bill, if the Senator from Washington does not object.

Mr. TURNER. I have no objection, if I may be permitted to go on to-morrow at the close of the morning hour and finish my remarks. I prefer to go on this afternoon and finish my remarks unless——

Mr. HOAR. I will ask unanimous consent to call up the bill.

The PRESIDENT pro tempore. Does the Senator from Washington yield the floor?

Mr. SPOONER. I ask unanimous consent that to-morrow, after the morning business, the Senator from Washington may proceed with his remarks.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the Senator from Washington shall be entitled to the floor after the morning business is concluded to-morrow.

Mr. SPOONER. To finish his remarks.

Mr. ALDRICH. After the routine business.

Mr. TELLER. After the routine business.

Mr. SPOONER. After the routine business.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none.

Mr. ALDRICH. I suggest that the Senator from Vermont [Mr. Ross] has already given notice of his intention to speak to-morrow.

Mr. CHANDLER. The Senator from Vermont will speak after the Senator from Washington has finished.

NORTHERN JUDICIAL DISTRICT OF NEW YORK.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 9, at the end of line 2, page 5, to insert:

And shall perform the duties and receive the salary and compensation now incident to their respective offices.

So as to read:

All other officers who have been heretofore appointed for the northern district of New York who shall be in office at the time of the taking effect of this act shall continue in office as officers of the district of their residence until the expiration of their respective terms, and shall perform the duties and receive the salary and compensation now incident to their respective offices.

The amendment was agreed to.

The next amendment was, after the word "act," in line 10, section 9, page 5, to insert:

Or returnable thereto.

So as to make the proviso read:

Provided, That nothing herein contained shall be construed to impair or affect the jurisdiction of the district court of the northern district of New York in any case, civil or criminal, pending therein at the time of the passage of this act, or returnable thereto, but the same shall be proceeded in to final disposition as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF LAFAYETTE AT PARIS EXPOSITION.

Mr. DEPEW. I am directed by the Committee on Industrial Expositions, to whom was referred the joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900, to report it with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was reported from the Committee on Industrial Expositions, with an amendment, in line 3, after the word "President," to strike out "by and with the advice and consent of the Senate, shall" and insert "may;" and at the end of line 8 to insert "and at the exposition then to be held;" so as to make the joint resolution read:

Resolved, etc., That the President may appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette and the presentation of a tablet for said statue at Paris, France, in 1900, and at the exposition then to be held.

That said commissioner shall not be entitled to receive compensation for any services rendered in connection with this mission.

The amendment was agreed to.

Mr. COCKRELL. I thought it was distinctly understood by the French Government that there should be no female representation at the exposition. If I am not very much mistaken, and the senior Senator from Iowa [Mr. ALLISON] will remember that question, it was understood that it was the desire of the French Government that there should be no women representatives sent there on the part of the United States, and now, in direct violation of that provision, this woman is to go there. She will go there as a representative of the Government at that exposition, the way the amendment reads. I make the suggestion whether or not it is proper, in view of the fact that the French Government does not want them.

Mr. JONES of Arkansas. In view of the fact that this question has arisen, I renew my motion.

Mr. GALLINGER. I ask the Senator to kindly yield to me to have a bill passed. It will take but a moment.

Mr. DEPEW. I did not, nor do I know, of any such restriction on the part of the French Government. The joint resolution was prepared by the Daughters of the American Revolution, of which the president-general is Mrs. Daniel Manning, widow of the late Secretary of the Treasury in Mr. Cleveland's Cabinet, and it was presented to the Senate by the Senator from Maine [Mr. FRYE]. It came before our committee, and we thought that under the circumstances surrounding the testimonial presented it was a very admirable appointment to be made. Therefore we favorably reported the joint resolution.

Mr. HAWLEY. I suggest that it lie over for a day.

Mr. COCKRELL. It will lie over for a day, but I should like to have the Senator from Iowa speak in regard to the matter. It came up before him; he was present. I do not remember that there was any official representation, but the Senator recollects the circumstances very distinctly.

Mr. ALLISON. That question arose as respects commissioners to the Paris Exposition.

Mr. COCKRELL. Certainly.

Mr. ALLISON. There was a report upon that question made by our commissioner, the commissioner who preceded the present commissioner-general, and I think it was understood that as respects the exposition itself there would be no opportunity for a representation of work of women distinctively, but that all the exhibits were to be placed in groups, and that woman's work as such could not have a distinctive place; and our arrangement was for an appropriation in accordance with that understanding. I understand this to be a different matter. This relates to the unveiling of the Lafayette statue.

Mr. DEPEW. If the Senator will excuse me, there is no appropriation asked for in the joint resolution.

Mr. ALLISON. I understand that. I observe that there is no appropriation, but this is a proposition to have a woman representative present at the ceremony of the unveiling of the statue of General Lafayette, the principal amount of the cost of the statue having been contributed by the children of the United States. The Government, however, did contribute a portion of the amount—$25,000. The Senator from Connecticut [Mr. HAWLEY] reminds me of the fact that the Daughters of the Revolution were active in promoting the matter of the statue. I think if the Senator from New York will allow the joint resolution to lie over until to-morrow the matter can be adjusted.

Mr. COCKRELL. I have no objection to a lady representative at that unveiling. I think that is very appropriate, so far as I am concerned, but the few little words put in at the end, "and at the exposition then to be held," I shall move to strike out.

Mr. ALLISON. I did not observe the last clause, which I think is rather an important one.

Mr. COCKRELL. I did observe it, and that is the reason why I called attention to it.

EXECUTIVE SESSION.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 23, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1900.

RECEIVER OF PUBLIC MONEYS.

Thomas B. Hildebrand, of Albia, Iowa, to be receiver of public moneys at Rampart City, Alaska, vice John C. W. Rhode, resigned.

SUPERVISOR OF CENSUS.

Daniel H. Wheeler, of Omaha, Douglas County, to be a supervisor of the Twelfth Census for the Second supervisor's district of Nebraska.

POSTMASTER.

Frank W. Rollins, to be postmaster at Ellsworth, in the county of Hancock and State of Maine, in the place of H. H. Harden, whose commission expires February 11, 1900. The nomination of Franklin W. Rollins to the above-named office is hereby withdrawn.

APPOINTMENT IN THE ARMY.

PAY DEPARTMENT.

Capt. Alfred S. Frost, Twenty-second United States Infantry, to be paymaster with the rank of major, January 20, 1900, vice Hamner, retired from active service.

APPOINTMENTS IN THE VOLUNTEER ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. George M. Randall, Eighth Infantry, United States Army, January 20, 1900.

Col. James M. Bell, Twenty-seventh Infantry, United States Volunteers (lieutenant-colonel Eighth Cavalry, United States Army), January 20, 1900.

FORTY-FIFTH INFANTRY.

Sergt. Charles McG. Sweitzer, Company B, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, January 19, 1900, vice Jones, honorably discharged.

WITHDRAWAL.

Executive nomination withdrawn January 22, 1900.

Second Lieut. Charles B. Drake, Fifth Cavalry, which was submitted to the Senate January 15, 1900, for promotion in the cavalry arm, United States Army, with a view to his nomination with an earlier date of rank.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1900.

SUPERVISORS OF TWELFTH CENSUS.

Daniel H. Wheeler, of Omaha, to be a supervisor of the Twelfth Census for the Second supervisor's district of Nebraska.

Andrew J. S. Thomas, of Greenville, Greenville County, to be a supervisor of the Twelfth Census for the Fourth supervisor's district of South Carolina.

George M. French, of Hot Springs, Garland County, to be a supervisor of the Twelfth Census for the Fifth supervisor's district of Arkansas.

POSTMASTERS.

Julius R. Langner, to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania.

Francis Ball, to be postmaster at Pocatello, in the county of Bannock and State of Idaho.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 22, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE TO WITHDRAW PAPERS.

Leave was granted Mr. MCCALL to withdraw papers from the files of the House, without leaving copies, in the case of Martha W. Pollard, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. FITZPATRICK, indefinitely, because of serious illness in his family.

CHANGE OF REFERENCE.

Mr. HULL. Mr. Speaker, I want to call up the motion to reconsider the question of reference of certain portions of House Document No. 291, and, as I understand there is a chance for a good deal of time to be taken in discussion, I ask unanimous consent that all action heretofore taken on the subject in dispute be rescinded and the whole matter left to the Speaker to refer, as in his judgment, after investigation, he shall determine to be right.

The SPEAKER. The gentleman from Iowa asks that all action heretofore taken in this matter be set aside and the question of reference be left to the Speaker. Is there objection?

Mr. UNDERWOOD. I did not understand the gentleman's request.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all proceedings that have been had in regard to the change of reference in this matter be set aside and the question of reference be left to the Speaker.

Mr. RICHARDSON. I presume that simply means that the Speaker will take it and refer it as an original proposition?

Mr. HULL. That is right.

Mr. RICHARDSON. I submit that there ought to be some understanding as to whether there may be an appeal, as in the usual cases, I mean; whether an exception may be taken from the action of the Speaker of the House, as exists in all cases of reference.

The SPEAKER. The Chair would state in this connection that under clause 3 of Rule XXII, as the Chair understands it, there are three methods of referring a bill. One by unanimous consent of the House, which is usually submitted by the Chair; one on the motion of the chairman of the committee to which the bill has been referred, and one on the motion of the chairman of the committee that desires the reference. If this request be granted, the Chair would still feel compelled, under the rules, to follow the first method, namely, to submit the change of reference to the unanimous consent of the House. The Chair calls the attention of the gentleman from Iowa to what he considers the course he would have to pursue.

Mr. HULL. Mr. Speaker, I understand that, but of course the point raised by the gentleman from Tennessee, under the present decision of the Chair, would not deprive the House of any of its rights. The two items that are in dispute are the Rock Island Armory, at Rock Island, and the Springfield Armory, at Springfield, for the manufacture of small arms. My only idea in making that request, Mr. Speaker, was that it could be adjudicated by the Speaker after deliberation, and then if either party were aggrieved they would have their right of appeal to the House.

The SPEAKER. The gentleman from Iowa [Mr. HULL] must bear in mind that there are three methods of reaching the change of an erroneous reference of a public bill. It is a matter that rests with the House. The Chair has indicated the three methods of reaching it. The Chair feels it his duty to call the attention of the gentleman from Iowa to that.

Mr. HULL. I understand that, Mr. Speaker. My only idea was that it would save time, and the chances are very good that after the Speaker has investigated the matter his action will stand without any challenge from either of these committees.

The action of the Speaker heretofore was this: In the ordinary course of business he referred it to the Committee on Military Affairs, and then on the challenge of the Committee on Appropriations——

Mr. RICHARDSON. Mr. Speaker, it is impossible to hear what the gentleman is saying.

The SPEAKER. The House will be in order.

Mr. HULL. I was just saying, Mr. Speaker, that my understanding of the situation was that this document was sent to the Speaker, and in the ordinary course of affairs was referred to the Committee on Military Affairs. On the challenge of the Committee on Appropriations as to whether the reference was correct, the Speaker submitted to the House a proposition to take it from the Committee on Military Affairs and refer it to the Committee on Appropriations; and while I at the time tried to get in an objection, I did not succeed, and the motion to reconsider has been entered for the purpose of bringing it before the House. Now, it will undoubtedly take considerable time to discuss the question, as a good many members are desirous of speaking upon it. In order to avoid that and in order to avoid the delay, I have asked unanimous consent that the whole action be rescinded and that the question be referred to the Speaker as an original proposition, for him to make the reference. Of course either committee feeling aggrieved can bring it before the House if they desire to, but I do not believe that after the Speaker has given it the consideration that he will give before deciding either one of us will feel like challenging his action before the House.

Mr. CANNON. In view of the statement of the gentleman, I am quite content to vacate the orders that have been made, and by unanimous consent to consider this document as on the Speaker's table, and then let the Speaker take such action as, under the rules, is his duty in his judgment, with one further amendment, because we want to have this question settled by the Speaker, after investigation. Then, if either committee or any of the members of the House are dissatisfied, we can proceed further in the ordinary way. On page 135 of the Book of Estimates there is this item:

Infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery.

And the following words are added:

Including machinery, tools, and fixtures for their manufacture at the arsenals.

Under the head of "The manufacture of arms" are found the same words:

Including machinery, tools, and fixtures for their manufacture.

Now, these two items in principle are on all fours with the document to which the gentleman from Iowa refers, and I am willing to assent to his proposition for unanimous consent, with the addition of these two items.

Mr. HULL. Mr. Speaker, they are in the Book of Estimates, and have been referred to the committee, and are in the bill. I am perfectly willing, if the gentleman desires to have it done, to leave that to the Speaker also.

Mr. CANNON. That is right.

Mr. HULL. And of course either party, if aggrieved, can bring the matter before the House if desired.

Mr. CANNON. In other words, they are all the same in principle, and I apprehend that after the Speaker investigates probably neither committee nor any member of the House will object to his decision. I think it will save much time to have the unanimous consent given, modified as I have suggested.

The SPEAKER. Will one of the gentlemen now state the request that is to be submitted to the House?

Mr. RICHARDSON. Let it be stated, so that we can hear it.

The SPEAKER. And the Chair asks that the House may be in order, so that all members may hear it.

Mr. HULL. It is Executive Document No. 291. I do not understand that in this proposed action the Signal Service of the Army is also involved, is it?

Mr. CANNON. No; I think not. It is conceded that the Signal Service of the Army properly belongs, without question, with the Committee on Military Affairs.

Mr. HULL. I am glad you do not question it.

Mr. CANNON. Oh, well——

Mr. HULL. The Rock Island Armory, at Rock Island, Ill., and the Springfield Armory, at Springfield, Mass., together with the two items to which the gentleman has called attention, including tools and fixtures—I do not understand the gentleman to challenge the appropriation for the manufacture?

Mr. CANNON. Oh, no; not at all. It is the two items, "including machinery, tools, and fixtures for their manufacture," under the heading "Manufacture of arms," page 136 of the regular Book of Estimates, and the same words on page 135 of the Book of Estimates, and the same words under the title "For purchase and manufacture of ordnance stores to fill requisition of troops."

Now, I understand that all orders touching the four items are to be vacated, and that the four items, two in the Book of Estimates and two in the document the gentleman read from, are by unanimous consent to be placed upon the Speaker's table, for such action under the rules as he sees proper to take, and that all orders heretofore made with reference to these items be vacated.

Mr. HULL. I understand, Mr. Chairman, that on page 135 the words "including machinery, tools, and fixtures for their manufacture"——

The SPEAKER. In justice to the House and to the Chair, if this matter is to be left to the Chair, it will be better to have the proposition reduced to writing.

Mr. CANNON. Then I suggest that the matter be temporarily laid aside, and the gentleman from Iowa and I can explain the proposition in five minutes.

The SPEAKER. It seems to the Chair that an argument is really being submitted, instead of a proposition.

Mr. McRAE. Will the Chair be kind enough to state, so that members on this side can understand the question, what the previous action has been on this subject, and what action is proposed to be taken now?

The SPEAKER. The Chair will state that in the usual course of business Document No. 291 was referred to the Committee on Military Affairs. Subsequently two of the three items in the document, namely, those referring to the Rock Island Armory and the Springfield Armory, were, by a request submitted by the Chair to the House, transferred to the Committee on Appropriations. These items have reference to the manufacture of small arms. As soon as this was done, and really before the matter had been completed, it seems that the gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, addressed the Chair.

The Chair, not hearing him, passed to other business arising on the right, and subsequently, on the suggestion of the Chair, in order to protect the gentleman from Iowa [Mr. HULL] in his rights, a motion to reconsider the reference then made by unanimous consent was on that morning entered by the gentleman from Iowa. Subsequently the matter was called up, on Thursday or Friday last, and unanimous consent was given to the gentleman from Iowa to discuss the proposition. At this stage of the proceedings the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, asked that the matter go over until Monday—that is, until this morning. Now unanimous consent is asked that all proceedings heretofore had be vacated, and that the reference be left to the Speaker, coupled with two new items, referred to in the Book of Estimates, which items the Chair has not been able clearly to understand. The Chair has now asked that this request be reduced to writing for the intelligent consideration of the House and the Chair.

Mr. McRAE. If that consent is granted it leaves it with the Chair to refer the matter to either committee?

The SPEAKER. A request for unanimous consent to vacate the order is submitted. The Chair desires the request to be submitted in writing, as up to this time this morning it seems rather to be an argument than a distinct proposition that has been submitted. The Chair suggests to the gentleman from Wisconsin that unless too much time is consumed about it this matter had better be disposed of, as the House does not seem to be crowded with work this morning.

Mr. BABCOCK. I desire to consume some time. I can yield at any time the gentlemen desire.

The SPEAKER. Very well. With that understanding the Chair will recognize the gentleman from Wisconsin, chairman of the Committee on the District of Columbia.

RIGHT OF RAILROAD CORPORATIONS TO USE AND OCCUPY GOVERNMENT GROUND.

Mr. BABCOCK. Mr. Speaker, I call up for consideration House resolution 69.

The Clerk read as follows:

Resolved, That the Commissioners of the District of Columbia, if not incompatible with the public interests, be requested to furnish to the House of Representatives—

First. Full, specific, and definite information as to the right and title by which the Pennsylvania and other railroad corporations occupy and use the Government grounds, or what is commonly reputed to be Government property, within the District of Columbia, through what is known as the "Mall," to and including the ground upon which the Pennsylvania depot now stands.

Second. What, if any, rental is being paid for the use of said property.

Third. What, if any, rental should be paid therefor if none is being paid.

The amendments by the committee were as follows:

In line 5 strike out the words "the Pennsylvania and other" and insert the word "any."

In line 6, after the word "use," strike out the word "the."

In line 8, after the word "Columbia," strike out the following words: ", through what is known as the 'Mall,' to and including the ground upon which the Pennsylvania depot now stands."

In lines 13 and 14 strike out the following words:

"Third. What, if any, rental should be paid therefor if none is being paid."

Mr. BABCOCK. Mr. Speaker, I ask for a vote on the amendments.

The amendments recommended by the committee were agreed to.

Mr. MOODY of Massachusetts. Mr. Speaker, before the motion is put upon the passage, I would like to ask the gentleman from Wisconsin why, when dealing with the Commissioners of the District of Columbia, the House should "request" them instead of "directing" them, and why the qualification is put in that is used in addressing communications to the Executive of the Government of the United States, "if not incompatible with the public interests." It is a mere matter of form, but seems to be a matter of vital form. I would like to know if the gentleman from Wisconsin or his committee had considered the form "request" or "direct."

Mr. BABCOCK. I would suggest to the gentleman from Massachusetts that the resolution was no doubt drawn as resolutions of this class are drawn when addressed to any one of the Departments. That matter was not called to the attention of the committee. I think it is not material.

Mr. MOODY of Massachusetts. I think it is a bad precedent, but I shall not make a motion to change it.

Mr. DALZELL. Why not have it modified as suggested by the gentleman from Massachusetts?

Mr. BABCOCK. I would suggest, Mr. Speaker, that the resolution be modified in accordance with the suggestion of the gentleman from Massachusetts. Strike out the words "if not incompatible with the public interests."

Mr. MOODY of Massachusetts. And substitute the word "directed" for "requested."

Mr. BURKE of Texas. Mr. Speaker, that is identically what I proposed to ask the gentleman from Wisconsin about.

The SPEAKER. Without objection, these changes will be made. [After a pause.] The Chair hears none.

The resolution as amended was then agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. KNOX. Mr. Speaker——

The SPEAKER. Will the gentleman from Wisconsin yield for a moment, in order that the gentleman from Massachusetts, chairman of the Committee on Territories, may submit a request?

Mr. BABCOCK. Certainly.

The SPEAKER. The gentleman from Massachusetts submits the following request.

Mr. KNOX. Mr. Speaker, I offer the following resolution, and ask its immediate consideration by the House.

The Clerk read as follows:

Resolved, That the Committee on Territories be authorized to sit during the sessions of the House.

The resolution was agreed to.

OPENING OF SIXTEENTH STREET.

Mr. BABCOCK. Mr. Speaker, I ask for the consideration of the bill H. R. 6777.

The Clerk read as follows:

A bill (H. R. 6777) relative to the widening and extension of Sixteenth street, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within thirty days after the dedication to said District of 75 per cent of the lands lying within the lines of Sixteenth street NW., as extended according to the highway plans, between the Piney Branch and the Blagden Mill road, and also between the Military road and the District of Columbia boundary line, to institute proceedings to condemn the land necessary for the extension of Sixteenth street from Morris street to the District of Columbia boundary line with a uniform width of 160 feet, under the terms and provisions of an act entitled "An act to extend S street in the District of Columbia, and for other purposes:" *Provided*, That of the amount found due and awarded as damages for and in respect of the land condemned for the extension of Sixteenth street, as in this section provided, not less than one-half thereof shall be assessed by said jury in said proceedings against those pieces or parcels of ground situated and lying on each side of said Sixteenth street NW. between Morris street and the Blagden subdivision, and between the Blagden Mill road and the Rock Creek or Milkhouse Ford road, and between lots 7, 4, and 11 of A. R. Shepherd's subdivision, to the depth of 250 feet, or to such greater depths as the benefits may be found by said jury to extend, measured on each side thereof from the building lines of said Sixteenth street as extended.

SEC. 2. That the supreme court of the District of Columbia, sitting as an equity court, shall have authority to empower, order, and decree the committee or guardian of any person of unsound mind, and the guardian or trustee of any infant, owning or having an interest or estate in any land within the limits above described, to dedicate to the District of Columbia for and as a part of said Sixteenth street any land or part thereof owned by such person of unsound mind or by such infant, or in which they may have an interest or estate, if, upon the application of such committee, guardian, or trustee, and after the testimony of witnesses shall be taken and such other proceedings had as the court may deem proper, the court shall determine that such dedication will be to the interest and advantage of such person of unsound mind or such infant.

SEC. 3. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the chairman of the committee as to whether this provision in reference to the condemnation of lands of persons of unsound mind or infants changes the law of the District in that respect?

Mr. BABCOCK. I yield to the gentleman from Maryland [Mr. PEARRE] who reported the bill, and who will make an explanation of its provisions.

Mr. PEARRE. Mr. Speaker, this bill is nearly identical with Senate joint resolution No. 61, which was introduced by Senator MCMILLAN.

Mr. UNDERWOOD. Mr. Speaker, I ask for order. I would like to hear what the gentleman has to say.

The SPEAKER. The point of the gentleman from Alabama is well taken. The House is not in order. It is simple justice to the House that order be restored.

Mr. PEARRE. Mr. Speaker, this bill is identical with Senate joint resolution No. 61, which was introduced by Senator MCMILLAN, of the Committee on the District of Columbia of the Senate. It now appears in the House as a bill from the Committee on the District of Columbia of the House. This bill is designed to correct and obviate some difficulties which arose in the enforcement of the act approved March 3, 1899, providing for the extension of S street. That act provided for the extension of Sixteenth street upon the dedication of the necessary land by the owners along the route. It has since transpired that part of the owners either refuse or fail to dedicate the necessary land, and it has also been disclosed that the land, or a part of it, required for the extension of this street was in the ownership, part of it, of a lunatic, and another part of it in the ownership of infants, and that, therefore, some special power was needed to condemn that portion of the route.

For the purpose of removing these difficulties this bill is introduced. The first section of it only alters the act of 1899, approved March 3, by providing that upon dedication by 75 per cent of the

owners of the land the proceeding may take place; and the second section only provides for a remedy in the cases of ownership of the land by a lunatic or an infant. These are the only changes made, and these changes were made because it was necessary that they should be made to make the act of March 3, 1899, effective and operative.

Mr. UNDERWOOD. I would like to ask the gentleman from Maryland whether there is not a general provision in relation to the condemnation of land of persons of unsound mind and of infants? Is there no general law in the District of Columbia to-day for such a purpose?

Mr. PEARRE. I fancy there is a general act covering the subject, but not with sufficient particularity as to cover this particular phase of it.

Mr. UNDERWOOD. Why is it necessary to make a particular provision with reference to the condemnation of this land if there is a general statute of the District of Columbia applying to it?

Mr. PEARRE. I do not know exactly why such provision would be necessary, but, whether it be provided for in the general act or not, there can be no possible objection to giving this power, because it gives nothing more than is necessary in such a case.

Mr. COWHERD. Will the gentleman yield to me?

Mr. PEARRE. Certainly.

Mr. COWHERD. I think it will be found on examination that the act in the District of Columbia for the condemnation of public lands for highways is only the old act that applied to the condemnation of roads; that there is no general act for the condemnation of private lands for public highways for cities, such as is usually found in every city in the country. For that reason we have passed special acts for the opening of streets. I think you will find that there is no general act for the condemnation of land owned by minors or people of unsound mind.

Mr. UNDERWOOD. Has the gentleman from Missouri examined this bill?

Mr. COWHERD. Yes.

Mr. UNDERWOOD. And the rights of people of unsound mind and of infants are fully protected by it?

Mr. COWHERD. Yes; I think so.

Mr. SHAFROTH. I would like to inquire if there has been any estimate made as to the cost of opening this street; and if so, how much it is?

Mr. BABCOCK. I will say to the gentleman from Colorado that this is simply amendatory of an act passed last March. This is the most extensive street-opening case in the District, and involves a large amount of money.

Mr. SHAFROTH. How much?

Mr. BABCOCK. Eight hundred thousand or a million dollars. It is Sixteenth street from the White House to the line of the District. They have met with three pieces of ground; two have refused to dedicate, and the third they can not dedicate under the law, because it is owned by infant heirs and an insane person. All this bill applies to is this third piece of land.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

Mr. BABCOCK. I now yield to the gentleman from Iowa [Mr. HULL].

The SPEAKER. Has the Committee on the District of Columbia any other bill?

Mr. BABCOCK. No, Mr. Speaker; not to-day.

Mr. HULL. Mr. Speaker, I send to the desk of the Clerk to have read my request for unanimous consent in relation to the change of reference of certain portions of House Document No. 291.

The SPEAKER. The gentleman from Iowa submits a request for unanimous consent, to be reported by the Clerk.

The Clerk read as follows:

The gentleman from Iowa [Mr. HULL] asks unanimous consent of the House that all orders touching so much of House Document No. 291, first session Fifty-sixth Congress, as refers to the Rock Island Armory, Rock Island, Ill., and to Springfield Armory, Springfield, Mass., and touching so much of the estimate of $750,000 for infantry, cavalry, and artillery equipment, submitted on page 135 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture at the arsenals, and touching so much of the estimate of $1,100,000 for the manufacture of arms, submitted on page 136 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture, be vacated, and that the same shall be placed on the Speaker's table for reference under the rules, as though no orders had heretofore been taken by the House or the Speaker touching the reference of these items.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered; and the proceedings heretofore had are vacated.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 37 minutes p. m.) the House adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Big Sandy River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of project for improving the Southwest Pass of the Mississippi River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting estimates of appropriations for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting the report of the Bureau of Animal Industry for the year ended June 30, 1899—to the Committee on Agriculture, and ordered to be printed.

A letter from the Secretary of War, transmitting copies of letters and reports relating to the petition of the Allegheny Valley Railway Company for right of way through the Allegheny Arsenal, Pa.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James O. Earnest against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the joint resolution of the House (H. J. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States, reported the same without amendment, accompanied by a report (No. 88); which said joint resolution and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5) to appoint a commission for the investigation of the pollution of water supplies where such pollution affects or threatens to affect the sanitary condition of the people of more than one State, reported the same with amendment, accompanied by a report (No. 89); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 54) directing a suitable shaft to be placed at the grave of John Tyler, reported the same without amendment, accompanied by a report (No. 90); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 59) to carry into effect two resolutions of the Continental Congress, directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina, reported the same without amendment, accompanied by a report (No. 91); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WATSON: A bill (H. R. 7016) to provide for the purchase of a site and the erection of a public building thereon at Richmond, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. McCLELLAN (by request): A bill (H. R. 7017) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities—to the Committee on Patents.

By Mr. BABCOCK: A bill (H. R. 7018) authorizing the Commissioners of the District of Columbia to enter into a contract for the collection and disposal of garbage and dead animals in said District—to the Committee on the District of Columbia.

By Mr. BAILEY of Kansas: A bill (H. R. 7019) to locate and build a civil Federal reformatory at Fort Leavenworth, Kans., and for other purposes—to the Committee on the Judiciary.

By Mr. HENRY of Texas: A bill (H. R. 7020) to provide a government for the Territory of Puerto Rico—to the Committee on Insular Affairs.

By Mr. WILSON of New York: A bill (H. R. 7021) to authorize the Secretary of the Navy to cede a portion of cob-dock, navy-yard, Brooklyn, N. Y., to the State of New York—to the Committee on Naval Affairs.

By Mr. CUMMINGS: A resolution (H. Res. 110) relative to the appointment of William A. Watson—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 7022) to pension Rhoda A. Patman—to the Committee on Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 7023) to correct the military record of Joshua L. Sawyer—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 7024) granting a pension to Sarah Herriman—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 7025) for the relief of Richard Burton—to the Committee on Military Affairs.

Also, a bill (H. R. 7026) for the relief of J. G. Odell—to the Committee on Military Affairs.

Also, a bill (H. R. 7027) for the relief of Henry Hall—to the Committee on Military Affairs.

Also, a bill (H. R. 7028) for the relief of Robert P. Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 7029) for the relief of D. M. Simerly—to the Committee on Invalid Pensions.

By Mr. BOUTELL of Illinois: A bill (H. R. 7030) for the relief of Mary J. Greene—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7031) for the relief of John Ware Page—to the Committee on Claims.

By Mr. COWHERD: A bill (H. R. 7032) to increase the pension of William A. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7033) for the relief of J. C. Irwin & Co.—to the Committee on Claims.

By Mr. CRUMPACKER: A bill (H. R. 7034) for the relief of the legal representatives of Reuben Opp, deceased, late of Lafayette, Ind.—to the Committee on War Claims.

Also, a bill (H. R. 7035) to correct the military record of George Yeager—to the Committee on Military Affairs.

Also, a bill (H. R. 7036) granting an increase of pension to Louis Kimmel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7037) to remove the charge of desertion from the military record of Joseph Rogers—to the Committee on Military Affairs.

Also, a bill (H. R. 7038) for the relief of William P. Marshall—to the Committee on War Claims.

Also, a bill (H. R. 7039) to remove the charge of desertion from the military record of Patterson Mehaffie—to the Committee on Military Affairs.

Also, a bill (H. R. 7040) granting a pension to Laura Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7041) granting a pension to Minnie L. Gravis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7042) increasing the pension of John H. Jack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7043) increasing the pension of Richard C. Strumphford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7044) increasing the pension of Winfield Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7045) increasing the pension of Mary J. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7046) increasing the pension of John N. Jones—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 7047) to correct the military record of David W. Smythe—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 7048) for the relief of Charles Carr, of Jamaica, Vt.—to the Committee on Naval Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 7049) for the relief of John Barnes—to the Committee on War Claims.

By Mr. GAMBLE: A bill (H. R. 7050) granting an increase of pension to William J. Remington—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 7051) for the relief of Mrs. Harriet A. Fergusson—to the Committee on the District of Columbia.

By Mr. HOWELL: A bill (H. R. 7052) for the relief of Henry H. Curtis—to the Committee on Military Affairs.

Also, a bill (H. R. 7053) for the relief of Mrs. Addie L. Potter—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 7054) to correct the military record of Thomas S. Byers—to the Committee on Military Affairs.

Also, a bill (H. R. 7055) granting a pension to John G. Barr—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7056) granting an increase of pension to A. G. Beer—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 7057) for the relief of the estate of Isaac Easterly, deceased, late of Grundy County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7058) for the relief of the legal representatives of P. M. Craigmiles, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7059) for the relief of Samuel Edington, of Monroe County, Tenn.—to the Committee on War Claims.

By Mr. OTEY: A bill (H. R. 7060) for relief of Dr. R. Gordon Simmons—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 7061) for the relief of loyal citizens, therein named, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7062) for the relief of Joshua Sherwood and Elizabeth Gray, heirs of Lewis A. and Ellen Sherwood—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 7063) for the relief of Salvador Costa—to the Committee on War Claims.

Also, a bill (H. R. 7064) for the relief of John Barfield—to the Committee on War Claims.

Also, a bill (H. R. 7065) for the relief of Chester P. Knapp, of Escambia County, Fla.—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 7066) granting a pension to Hiram C. Childress, a soldier of the United States Army in the war with Mexico—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 7067) granting a pension to Nicholas Tolmay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7068) granting an increase of pension to Abraham T. Schenck—to the Committee on Invalid Pensions.

By Mr. THROPP: A bill (H. R. 7069) to correct military record of Joseph P. Swope and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 7070) to increase the pension of Joseph Shroyer—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: A bill (H. R. 7071) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 7072) granting a pension to Mary Barron—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of H. C. Chapin and other business men of Union, Iowa, asking for the repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of B. D. Herron and others, of Boone, Iowa, urging the passage of House bill No. 5029, to put wood pulp and printing paper on the free list—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Papers to accompany House bill to correct the military record of Joshua L. Sawyer—to the Committee on Military Affairs.

By Mr. BABCOCK: Papers to accompany House bill No. 4335, granting a pension to Sarah Robinson—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of post-office clerks at Lincoln, Nebr., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON: Resolution of the Chamber of Commerce of Cleveland, Ohio, praying that a franchise be granted to a competing cable company for laying a cable to connect the United States with Cuba—to the Committee on Insular Affairs.

By Mr. CARMACK: Papers relating to the claim of John P. McGraw—to the Committee on War Claims.

By Mr. DAVIS: Petitions of E. W. Gray, H. H. Palmer, H. B. Potter, a committee, and 66 others, of the State of Florida, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIOTT: Resolutions of Branch No. 454, National Association of Letter Carriers, of Charleston, S. C., favoring the passage of the bill to equalize the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Report of the committee on city affairs to the New York Board of Trade and Transportation relating to the lack of mail facilities at New York—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of selectmen and other town officials and citizens of Wellfleet, Mass., asking for survey of harbor with view to its further protection and improvement—to the Committee on Rivers and Harbors.

Also, petition of the Boston and Cape Cod railway postal clerks, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of B. H. Adams, of Chelsea, Vt., protesting against the passage of House bill No. 3988—to the Committee on Agriculture.

Also, papers to accompany House bill No. 2682, in the matter of granting a pension to Mary J. Lawrence—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petitions of W. S. Morey and others, R. E. Reiniger and others, W. A. Gibbens and others, F. W. Roberts and others, H. Campbell and others, all in the State of Iowa, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. JENKINS: Remonstrance of P. M. Parker and 24 other citizens of Rice Lake, Wis., against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. McALEER: Petition of John D. Burg and others, of Philadelphia, Pa., asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

Also, report of the committee on city affairs to the New York Board of Trade and Transportation, relating to the lack of mail facilities in New York—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Petition of employees in the Bureau of Animal Industry at South Omaha, Nebr., asking for the modification of the rules governing leaves of absence and sick leaves—to the Committee on Agriculture.

By Mr. MOODY of Massachusetts: Petition of employees of the Haverhill, Mass., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON: Petitions of Voigt & Co. and T. R. Breston, of Chattanooga, Tenn., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. OTJEN: Resolution of the Citizens' Business League of Milwaukee, Wis., in favor of a naval training station at Milwaukee—to the Committee on Naval Affairs.

By Mr. PEARCE of Missouri: Petition of Benjamin White, of Montgomery County, Md., to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of J. P. Sellman, administrator of the estate of W. O. Sellman, deceased, of Comus, Md., to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Lewis W. Riddlemoser and Marion F. Riddlemoser, sole heirs of Ephraim Riddlemoser, deceased, late of Frederick County, Md., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Petition of Joshua Sherwood and Elizabeth Gray, heirs of Lewis A. and Ellen Sherwood, deceased, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUSSELL: Papers to accompany House bill No. 6926, granting a pension to Orin A. Carpenter—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petitions of the Christian Endeavor societies of Grand Rapids; General Conference of Pastors of Grand Rapids; Woman's Foreign and Home Missionary societies and Ladies' Aid Society of the Methodist Episcopal Church of Lowell; Ministers' Association of Ionia County; Thomas Young and others, of Orange; N. E. Gibbs and others, of Orleans; E. A. Rood and others, of Berlin Center; Free Baptist Church of Grand Rapids; L. H. Davis and others; Methodist Episcopal Church of South Boston, and of the Mission Guild of Grand Rapids, all in the State of Michigan, against the seating of Brigham H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

Also, petition of post-office clerks at Ionia, Mich., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Petition of Lewis S. Buzzard and 3 others, of Huntington, Ind., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. THROPP: Papers to accompany House bill to increase the pension of Joseph Shroyer—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition of Samuel Birdsall, M. D., and 2 other physicians of Susquehanna, Pa., asking favorable action on clause in the Agricultural appropriation bill for investigating native drug plants—to the Committee on Ways on Means.

SENATE.

TUESDAY, *January 23, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

RENT OF OLD CUSTOM-HOUSE IN NEW YORK CITY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting certain information relative to an appropriation of $109,847.12 to be included in the urgent deficiency appropriation bill, to enable the Secretary of the Treasury to pay rent for the use of property known as the old custom-house in New York City, formerly belonging to the United States, from August 28, 1899, to June 30, 1900; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 6777) relative to the widening and extension of Sixteenth street in the District of Columbia; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. WELLINGTON presented a petition of the clerk of the council of Annapolis, Md., together with copies of resolutions and a petition from the mayor, council, and aldermen of that city, praying that an appropriation of $142,000 be made to improve the harbor at Annapolis and the Severn River in that State, in accordance with the estimate of the Chief of Engineers of the War Department, as authorized in the river and harbor act approved June 3, 1896; which were referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Puerto Rico, relative to educational affairs in that island; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. McMILLAN presented a petition of sundry fourth-class postmasters of Berrien County, Mich., praying for the enactment of legislation providing for an increase in the compensation of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented the petition of Gen. C. C. Andrews, chief fire warden of the State of Minnesota, praying for the establishment of a national forest reserve in that State; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of 33 railway mail clerks of St. Paul, Minn., and a petition of 4 railway mail clerks of Faribault, Minn., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to increase American shipping; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation authorizing the appointment of a commission of business men to study and report upon the industrial and commercial conditions in China; which was referred to the Committee on Commerce.

He also presented a petition of sundry druggists of Philadelphia and Lebanon, in the State of Pennsylvania, praying for the repeal of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry railway mail clerks of Altoona, Pa., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the enactment of legislation relative to the boarding of vessels; which was referred to the Committee on Commerce.

Mr. McENERY presented a petition of Branch No. 28, National Association of Post-Office Clerks of the United States, of New Orleans, La., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented sundry petitions of railway mail clerks of Auburn, Jamaica, Mount Vernon, New York City, Westchester, Onondaga, and Oswego, all in the State of New York, praying for the enactment of legislation providing for the classification of

clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of Mrs. S. D. Masse, of Niagara Falls; R. T. Booth & Co., of Ithaca; the Morgan Drug Company, of Brooklyn; the Packer Manufacturing Company, of New York City; the Pond's Extract Company, of New York City; the National Remedy Company; the World's Dispensary Association, of Buffalo; of Emile Utard, of New York City, and of Samuel W. Fairchild, of New York City, all in the State of New York, praying for the repeal of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

Mr. SIMON presented the petition of J. H. Johnston and sundry other citizens of Oregon, praying for the repeal of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of sundry railway mail clerks of Redlands, Cal., and a petition of sundry railway mail clerks of San Jose, Cal., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HANNA presented the memorials of Dr. John A. Murphy, of Cincinnati; Dr. Ralph J. Wenner, of Cleveland; B. G. Hannum and E. A. Hannum, of Cleveland, and of Dr. N. J. Esch, all in the State of Ohio, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Colnmbia; which were referred to the Committee on the District of Columbia.

Mr. JONES of Arkansas. I present a memorial adopted by the fourth biennial convention of the Brotherhood of Railroad Trainmen, and as it is very short I will state the substance of it by reading it, without undertaking to boil it down. It is as follows:

Whereas there is an attempt being made in this country to build up a large standing army, and as history will prove that in countries which have large standing armies the toiling masses are oppressed by taxation and are arbitrarily held in subjection: Therefore, be it

Resolved, That while we do not object to the raising of a sufficient volunteer force in times of war to protect our country and its honor, we view with alarm the present attempt to force upon us a large standing army in time of peace, when neither our country nor its honor are in jeopardy. Be it further

Resolved, That a copy of this resolution be sent to the United States Senate, the House of Representatives, the press, and be printed in the Trainmen's Journal.

I move that the memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. McCOMAS presented the petition of Mary Bentley Thomas, president, and Margaret Smythe Clarke, secretary, on behalf of the Woman Suffrage Association of Maryland, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. PLATT of New York presented the petition of Mariana W. Chapman, president, and Isabel Howland, secretary, on behalf of the Woman Suffrage Association of New York, praying for the omission of the word "male" from the suffrage clause of the constitution to be framed for the government of Hawaii, Cuba, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

Mr. PROCTOR presented a petition of sundry druggists of Rutland, Vt., and a petition of sundry druggists of Burlington, Vt., praying for the repeal of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

Mr. CARTER presented a petition of sundry railway mail clerks of Missoula, Mont., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of sundry railway mail clerks of Fergus Falls, Minn., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM. I present the petition of Mrs. M. K. East and Mrs. E. S. Willoughby, on behalf of sundry citizens of Illinois, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of citizens of the United States on account of sex. I present also with the petition a letter written by Susan B. Anthony. I should like to have the letter read. It is only four or five lines long.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The letter was read, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION,
Rochester, N. Y., January 20, 1900.

MY DEAR SIR: Inclosed is a woman suffrage petition, duly signed by two ladies of your State, on behalf of many other citizens, which I wish to ask you to present in the Senate at the earliest opportunity.

Since the right of petition is the only political means through which women can speak to Congress, I trust that you will present this appeal from your disfranchised constituents with the most earnest request for its careful consideration.

Hoping to hear from you favorably, I am, very sincerely yours,
SUSAN B. ANTHONY.

Hon. SHELBY M. CULLOM, *Washington, D. C.*

Mr. CULLOM. I move that the petition and letter be referred to the Select Committee on Woman Suffrage.

The motion was agreed to.

Mr. HEITFELD presented the petition of C. L. Watrous and sundry other scientists, entomologists, nurserymen, and orchardists of the United States, praying for the passage of Senate bill No. 2571, to provide rules and regulations governing the importation of trees, plants, shrubs, vines, cuttings, grafts, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented a petition of the Haller Proprietary Company of Nebraska, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 992) granting an increase of pension to Frederick Auer, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 346) granting an increase of pension to Mrs. Arethusa Wright, of Sheridan, Oreg., reported it with amendments, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1356) for the relief of Edwin L. Field, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 2100) granting a pension to Annie E. Brumby, reported it with amendments, and submitted a report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 2052) granting a pension to Mary Stotsenberg, reported it with amendments, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2034) providing for the repairing of and again placing in commission the U. S. frigate *Constitution*, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 620) for the relief of Christopher Ellis, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 408) for the relief of Julius A. Kaiser, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2223) granting an increase of pension to John M. Morse;

A bill (S. 2386) granting a pension to Joseph E. Hendrickson;

A bill (S. 1592) granting a pension to Jane E. Augur;

A bill (S. 1850) granting an increase of pension to James C. Delaney; and

A bill (S. 2314) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1469) granting an increase of pension to Philip P. Getchell;

A bill (S. 2319) granting an increase of pension to Mary F. Hopkins;

A bill (S. 237) granting an increase of pension to Cutler D. Sanborn;

A bill (S. 236) granting an increase of pension to Mary Ellen Lauriat;

A bill (S. 526) granting a pension to Joseph M. Waddell; and

A bill (S. 495) granting a pension to Ambrose J. Vanarsdel.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the following joint resolution and bills, reported them severally without amendment, and submitted reports thereon:

A joint resolution (S. R. 39) to provide for payment of salary to certain retired officers of the Marine Corps;

A bill (S. 1631) to encourage enlistment in the United States Navy;

A bill (S. 1535) to provide for the examination of certain officers of the Navy, and to regulate promotion therein; and

A bill (S. 1632) to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 261) granting an increase of pension to Lizzie H. Hyndman, reported it with an amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 2447) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5042) to provide for improvements in the tax departments of the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1058) granting a pension to John Bailey;

A bill (S. 1059) granting a pension to Silas B. Hensley;

A bill (S. 1068) granting a pension to Jennie A. Kerr; and

A bill (S. 1047) granting an increase of pension to John McGrath.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 2346) granting a pension to Alfred Bigelow, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2259) for the relief of Jeronemus S. Underhill, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 726) for the relief of Alice Walsh, reported it without amendment, and submitted a report thereon.

SENATOR FROM PENNSYLVANIA.

Mr. TURLEY. I am instructed by the Committee on Privileges and Elections to report a resolution in the case of Mr. Quay, setting forth that he is not entitled to a seat in this body as a Senator from the State of Pennsylvania. I accompany the resolution with the report of the majority of the committee, and accompanying the report of the majority is also the report of the minority of the committee. I ask that the report may be printed. I believe the regular course of the resolution is to go on the Calendar.

The PRESIDENT pro tempore. The Senator from Tennessee, from the Committee on Privileges and Elections, reports a resolution, which will be read.

Mr. CHANDLER. The resolution is at the end of the report. I ask to have it read.

The Secretary read the resolution, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. The resolution, of course, will go upon the Calendar and the two reports will be printed. I ask that an order be made that a thousand extra copies may be printed for the use of the Senate.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that a thousand extra copies of the resolution and the report of the committee, with the views of the minority, be printed as a document. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. The Senator from North Carolina [Mr. PRITCHARD] is one of the minority and signed the minority report, the typewritten copy, but the one now presented has come from the Printer and has to be signed the second time, and the name of the Senator from North Carolina is not there. I should like to reserve the right for him to sign it at the desk when he comes in.

The PRESIDENT pro tempore. The papers will be held at the desk, at the request of the Senator from Massachusetts, until the Senator from North Carolina comes in.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That there be printed for the use of the Superintendent of Indian schools 1,000 additional copies of the report of the "Superintendent of Indian Schools," in order to supply the demand therefor.

FORESTRY PRIMER.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 34) authorizing the printing of 35,000 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture, to report it without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2623) for the relief of the owners or legal representatives of the canal boats *Swan* and *Lewis and Butler;* which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2624) granting a pension to Mary Keen;

A bill (S. 2625) granting a pension to Minerva Sturgess; and

A bill (S. 2626) granting a pension to Maria E. Mailley.

Mr. PENROSE introduced a bill (S. 2627) granting equal privileges to per diem employees in the United States Navy outside of Washington, D. C., with those employed at the Executive Department in Washington, D. C.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2628) granting a pension to Kate Pearce; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles; and referred to the Committee on Claims:

A bill (S. 2629) for the relief of John Chambers;

A bill (S. 2630) for the relief of the legal representatives of Merrick, Merrick & Cope; and

A bill (S. 2631) for the relief of G. W. Ebert.

Mr. PENROSE introduced a bill (S. 2632) to correct the military record of John W. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2633) for the recognition of the military service of the "First Union League Regiment Pennsylvania Volunteers," or Forty-fifth Pennsylvania Militia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2634) granting arrears of pension to William H. Cummings; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2635) authorizing the consolidation of the independent post-offices of Wollaston, Norfolk Downs, and Atlantic, Mass., with the post-office at Quincy, Mass., and making appropriation therefor; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS introduced a bill (S. 2636) granting an increase of pension to Mary E. Law; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2637) granting a pension to James Collins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2638) authorizing the Commissioners of the District of Columbia to enter into a contract for the collection and disposal of garbage and dead animals in said District; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2639) to regulate insurance in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCOMAS introduced a bill (S. 2640) for the relief of the heirs of Gottlieb C. Grammer, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 2641) for the relief of representatives of James Hooper; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2642) for the relief of Robert F. Thompson for services rendered by him for compilation of the laws relating to Indian affairs; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FOSTER introduced a bill (S. 2643) for the relief of J. J. L. Peel; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2644) granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2645) granting a pension to Jerome M. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 2646) granting an increase of pension to Don C. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2647) granting an increase of pension to Perry Sullivan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2648) to pay to Jesse M. Blue for grain and stock taken from him by United States troops in July,

1864; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 2649) for the relief of the Protestant Episcopal Church of St. Paul, at Franklin, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2650) granting an increase of pension to Katherine Taylor Dodge;

A bill (S. 2651) granting a pension to Henry Hill; and

A bill (S. 2652) to increase the pension of Louisa E. Baylor (with an accompanying paper).

Mr. PROCTOR introduced a bill (S. 2653) for the relief of the estate of Benjamin D. Carpenter, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2654) to correct the military record of A. W., alias Washington, Huntley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 2655) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also, introduced a bill (S. 2656) to prevent the failure of military justice, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 2657) for the relief of Frederick von Baumbach, collector of internal revenue at St. Paul, Minn.; which was read twice by its title, and referred to the Committee on Finance.

Mr. CHANDLER introduced a bill (S. 2658) for the relief of Hudson Maxim and W. H. Graham in connection with various inventions; which was read twice by its title, and referred to the Committee on Patents.

Mr. SPOONER introduced a bill (S. 2659) removing the charge of desertion from the record of Robert V. Hancock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. THURSTON introduced a bill (S. 2660) to amend the proviso of section 3148 of the United States Statutes; which was read twice by its title, and referred to the Committee on Finance.

Mr. LODGE introduced a bill (S. 2661) to remodel the consular service of the United States; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. FOSTER introduced a joint resolution (S. R. 73) for the relief of Thomas Hoyne; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a joint resolution (S. R. 74) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Olmedo Alfaro, of Ecuador; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. CARTER submitted an amendment, authorizing the Secretary of the Treasury to complete the purchase of a site for the public building at Helena, Mont., at a cost not to exceed $19,500, and to pay for the same out of money heretofore appropriated, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. McCOMAS submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

TREATY WITH SPAIN.

Mr. DAVIS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 20,000 copies of the message of the President transmitting the treaty of peace with Spain, and the accompanying documents, in one volume, of which 13,000 copies shall be for the use of the House of Representatives and 7,000 copies for the use of the Senate.

INTERNATIONAL COPYRIGHT ACT.

Mr. KYLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Labor be, and is hereby, directed to investigate the effect upon labor, production, and wages of the international copyright act approved March 3, 1891, and report the results of his inquiries to the Senate, or through the Bulletin of the Department of Labor: *Provided*, That the investigation hereby authorized shall be carried out under the regular appropriations made for the Department of Labor.

YOSEMITE NATIONAL PARK.

Mr. PERKINS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the report of the commission appointed, pursuant to an act of Congress approved March 3, 1899, to investigate and determine certain facts with reference to the establishment of a free public highway into the Yosemite National Park, heretofore submitted to the Secretary of the Interior pursuant to law be printed for the use of the Senate, and that the photographs accompanying the same, illustrative and as a part thereof, be photo-engraved or stereotyped to accompany the said report as a part thereof.

TREATY OR AGREEMENT WITH SULTAN OF SULU.

Mr. PETTIGREW. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to send to the Senate a copy of the report and all accompanying papers of Brig. Gen. John C. Bates in relation to the negotiation of a treaty or agreement made by him with the Sultan of Sulu on the 20th day of August, 1899. Said treaty provides that the United States Government will pay the following monthly salaries:

	Per month.
To the Sultan	$250
To Dato Rajah Muda	75
To Dato Attik	60
To Dato Calbe	75
To Dato Joakanain	75
To Dato Puyo	60
To Dato Amir Haissin	60
To Hadji Butu	50
To Habid Mura	40
To Serif Saguin	15

Out of what fund are these salaries paid? What services do these people perform for the United States that entitles them to be paid out of the Treasury of the United States? And are these officers, or any of them, under the civil service?

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. I object. Let it go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

TREATY OF 1850 WITH GREAT BRITAIN.

Mr. CAFFERY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the President be, and he is hereby, requested, if in his opinion it is not incompatible with the public interest, to furnish the Senate with copies of the correspondence in relation to the treaty between the United States and Great Britain, signed the 19th of April, 1850, which has passed between the two Governments, not heretofore communicated.

DIPLOMATIC CORRESPONDENCE WITH COLOMBIA, ETC.

Mr. CAFFERY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the President be, and he is hereby, requested, if in his opinion it is not incompatible with the public interest, to furnish the Senate with copies of the correspondence with the Republic of Colombia, in relation to the Panama Canal and to the treaty between this Government and New Granada, concluded December 12, 1846, not heretofore communicated.

NEW PANAMA CANAL COMPANY OF FRANCE.

Mr. CAFFERY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the President be, and he hereby is, requested to furnish the Senate, if in his opinion it is not incompatible with the public interest, copies of all correspondence and communications received by him, or by the Secretary of State, from the New Panama Canal Company of France, or any of its officers or attorneys.

ASSISTANT CLERK TO COMMITTEE.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized to employ temporarily an assistant clerk, to be paid from the contingent fund of the Senate at the rate of $100 per month.

HIRAM JOHNSON AND OTHERS.

Mr. BATE. I ask leave to withdraw from the Committee on Claims the bill (S. 2309) for the relief of Hiram Johnson and others.

The PRESIDENT pro tempore. What disposition of the bill does the Senator ask?

Mr. BATE. I desire such disposition as I may make of it when it comes to the Senate. Let it lie on the table and I shall call it up. I want to amend it.

The PRESIDENT pro tempore. The Senator from Tennessee simply desires that the committee shall be discharged from the further consideration of the bill, as the Chair understands.

Mr. BATE. The order may come in that form.

The PRESIDENT pro tempore. If there be no objection, the request of the Senator from Tennessee will be complied with, and the bill will lie on the table for the present.

PRINTING OF ADDRESS BY HON. GEORGE S. BOUTWELL.

Mr. JONES of Arkansas. Governor Boutwell, of Massachusetts, a few days ago delivered an address in this city on the question of our relation with the Philippines and its bearing on business and labor. I ask unanimous consent that that address may be printed as a document.

The PRESIDENT pro tempore. Is there objection?

Mr. ALDRICH. I object, Mr. President. There must be a limit to the printing of political speeches here for gratuitous distribution, and I think this is a pretty good place to stop.

The PRESIDENT pro tempore. Objection is made.

Mr. JONES of Arkansas. I should like to have the opportunity to say, in reply to the Senator from Rhode Island, that when public questions provoking general interest are discussed by men of eminence and character in the country it seems to me such addresses ought to be allowed to go to the public as the expressions of gentlemen who are on this floor. If there is no other way to get such things printed that come from men of eminence and character and force than to read them on the floor of the Senate, I suppose that method will have to be resorted to. But for one I think that this means of reaching the public with the addresses of men of character and standing ought not to be suppressed.

Mr. ALDRICH. The Senator from Arkansas or any other Senator can adopt Governor Boutwell's ideas and principles as his own, if he sees fit, and make them a part of his own argument at any time. Then there will be some responsible author here for them, and they can properly become a part of the public records.

Mr. JONES of Arkansas. I am willing, for one, to assume the responsibility for this address.

Mr. ALDRICH. Then the Senator can read it or get some one else to read it.

TRANSACTIONS WITH NATIONAL CITY BANK OF NEW YORK.

Mr. CLAY. I ask unanimous consent to call up Senate joint resolution No. 70, favorably reported from the Committee on Commerce, for the purpose of placing it upon its passage. It will not take a minute.

Mr. ALLEN. I think the morning business ought to be concluded before anything of that kind is done. The regular order has not been exhausted.

The PRESIDENT pro tempore. Are there further concurrent or other resolutions? If not, the morning business is completed.

Mr. ALLEN. I desire to make a parliamentary inquiry. What has become of the unfinished business coming over from yesterday morning?

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. A resolution by Mr. ALLEN, directing the Secretary of the Treasury to send to the Senate copies of all letters and the substance of any conversation or agreement he may have written or had with A. B. Hepburn, of the National City Bank of New York, in reply to a letter from Mr. Hepburn to him dated June 5, 1897, etc.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. ALLISON. Let it be read.

The Secretary read in part the resolution submitted yesterday by Mr. ALLEN.

Mr. ALLISON. I do not ask for a further reading of the resolution.

The resolution was agreed to.

POLICY REGARDING THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands, upon which the Senator from Washington [Mr. TURNER] is entitled to the floor.

Mr. TURNER. Mr. President, I referred on yesterday to a letter written by Judge Day explaining the nature of the title which we had acquired to the Philippine Islands and expressed my regret that I did not have that letter with me at the time to refer to and from which to quote. I have the letter this morning, a letter written by Judge Day to ex-Congressman D. K. Watson, of Columbus, Ohio. It was read by the latter at a public meeting in that city. The portion of the letter to which I referred on yesterday is as follows:

> It was not claimed that the United States had a right to the Philippine Islands as a matter of conquest. The United States has never undertaken, so far as I know, to wrest from a foreign country lands or possessions simply by right of conquest. Had we been disposed to do so, it must be remembered that we were in possession only of the city, bay, and harbor of Manila under the protocol of August 12, 1898, providing that the United States should occupy and hold the same pending the conclusion of a treaty of peace, which should determine the control, disposition, and government of the Philippines.
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> The capture of the city after the signing of the protocol by General Merritt and his forces, whatever its legal effect may have been, included no more territory than we were entitled to hold under the protocol. In addition to the hope of accomplishing immediate peace, which, I need hardly say, was of great importance at that time, there was a strong desire to treat Spain with a degree of magnanimity consistent with our national honor and prestige, following our national precedent in the treatment of Mexico for the cession of territory to us at the close of the Mexican war.
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> #### CLEAR TITLE TO THE ISLANDS.
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> By the cession, for a consideration, we obtained an indisputable title which must be respected by all other nations.

The Secretary had just completed reading an extract from the article of Mr. Sargent published in the Outlook when I gave way for an adjournment on yesterday. I am sorry that all of that article can not be put in the possession of every American voter. It is most instructive and most interesting in the side lights which it throws on the character of the Filipino people and the details it gives of their daily life. It confirms fully all of the general statements of that gentleman which I caused to be read to the Senate on yesterday. That article and the other documents which I submitted to the Senate it seems to me conclusively establish the incorrectness of the position of the Senator from Indiana [Mr. BEVERIDGE] that the Filipinos are on a par with the North American Indians and are entitled to the same and no other consideration. On the contrary, Mr. President, it appears to be true, as stated by the Senator from Massachusetts [Mr. HOAR] in this Chamber the other day, that this people are as fitted for self-government as were any of the peoples of this continent south of our own Republic at the time of the recognition of their independence by us. It may be possible, it is no doubt true, that their ideas of free representative government are crude, and that they are unfitted to administer government based on an Anglo-Saxon model; but it is an absurdity, if I may be pardoned the expression, to say that they are barbarians. They have a fair share of education and refinement; they appear to be peaceable and law-abiding among themselves and kindly and hospitable to strangers; they understand that the function of government is to protect life, liberty, and property, and that the duty of the citizen is to yield allegiance in return for that protection. Such a people are within the meaning of the Declaration of Independence; and no nation can undertake to enforce an unwilling government on them without making itself guilty of tyranny and, if it hold to the Declaration of Independence, without stultifying itself in the eyes of the world. I hold, with Abraham Lincoln, that "the framers of the Declaration of Independence meant to establish a standard maxim for free society which should be familiar to all and revered by all, constantly looked to, constantly labored for, and, although never perfectly attained, constantly approximated, and thereby constantly deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere."

Liberty knows no clime, no color, no race, no creed. Its principles, as embodied in the immortal Declaration of Independence, comprehend all time, past, present, and future, and embrace all peoples to whom Almighty God has vouchsafed the instinct of association and the capacity, however limited, for orderly government. The North American Indians do not possess this instinct or this capacity, and the Senator from Indiana was doubtless correct in saying that they were not comprehended within the Declaration; but the same thing can not be said of the Filipinos. They are a people who desire to live in friendly association with their fellows, and who understand that they and their fellows each possess rights which can only be perfectly protected and maintained by a higher power than individual might. In other words, they are fitted for government, and are entitled to the God-given right declared by the Declaration of Independence, of determining for themselves the kind of government they want. This is the essence of all liberty. The Senator from Indiana was wrong in saying that this right is an incident of liberty and not its essence, and that any government which perfectly secures to man life, liberty, and the pursuit of happiness gives him the fundamentals of liberty. The first fundamental of all liberty is the right to select your own form of government and your own rulers. The best of all governments is a tyranny if imposed on the governed without their consent.

Mr. Webster well expressed this idea when he said:

> We may talk of it as we please, but there is nothing that satisfies mankind in an enlightened age unless man is governed by his own country and the institutions of his own government. No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon the shoulders, if it be not imposed by the voice of his own nation and his own country, he will not, he can not, and he means not to be happy under its burdens.

The right of any people at all fitted for government to establish a bad form of government if they want to, rather than a good one, to imperfectly administer either a good or a bad form of government for themselves, rather than to have one perfectly administered for them by somebody else, is, because of the fact so eloquently expounded by Mr. Webster, as much a God-given right as was the right of the American people at the close of the Revolution to form the most perfect Government ever known to man. Mr. President, it is no impeachment of our own free institutions, nor of the governing capacity of our own people, to say that they can not govern any other people as well as the latter can govern themselves, or to say that to impose our government and our institutions on another people without their consent is to deprive them of their liberty. I assent to and concur in the panegyrics which are being delivered upon our own free institutions and upon the liberty-loving instincts of our own people by the advocates of enforced government in the Philippines; but I can not understand their application to the question in hand, and I confess that I have but little respect for the intellectual processes of the man who thinks that he can see their application. They have one useful purpose, however. They serve to furnish the people with an object lesson showing how it is possible for the greatest of minds, when taken possession of by an indefensible idea, to become involved in hopeless contradiction and in the most palpable stultification.

Mr. President, the Senator from Indiana indicates the kind of

government he would have us give to the Filipinos. It involves an American captain-general, with power to meet daily emergencies, with an advisory council having no power except that of discussion; American lieutenant-governors for the several provinces, with like councils; an American adviser for each district in that country, with a like council; an American board of visitation to visit the archipelago semiannually, with no power other than that of visitation and report; American judges to try all but the very smallest criminal offenses; the introduction of the English language throughout the islands, the teaching of it in the schools, and employing it exclusively in the courts. He would not have us to give that people this extremely liberal government immediately—the time is not ripe for that. At present military government is advisable. Along with this government, when finally established and backed by sufficient power to maintain and execute it, he expects Congress to legislate so as to bring about various beneficial reforms in that country, among which are a Philippine civil service, the abolition of duties on exports, the establishment of import duties on a revenue basis, with discriminations in favor of American imports, so that we may compel the inhabitants to buy our calicoes; a complete reform of local taxation on a just and scientific basis, the minting of an abundance of money, the granting of franchises and concessions upon the theory of developing the resources of the archipelago, the formation of public schools everywhere, the establishment of a simple civil code and a still simpler criminal code, the gradual, slow, and careful introduction of the best Filipinos into the working machinery of the government, and with no promise whatever of the franchise until the people have been prepared for it.

Mr. President, this proposed scheme of government involves both wise legislation and honest administration. It is not surprising that the Senator from Indiana expects to secure the latter, because one who has the high opinion of the virtue and intelligence of the ordinary American ward heeler entertained by the Senator from Indiana could have no doubt of honest administration in a foreign country by any class of our American citizens. But his hope and expectation of securing wise legislation by Congress, in view of the inaction of that body in every direction, save that of furthering the interests of the dominant political party, would hardly seem to me to be well founded. Our experience in Alaska and in Hawaii does not give much of hope and promise to the great majority of the Filipinos striving, according to the President, to come under the dominion of this exceedingly liberal government devised for them by the Senator from Indiana.

The Senator from Indiana expects this government of his, when put in operation, to prove a boon to ourselves as well as to the Filipinos. When we shall have projected ourselves, as it were, on a living screen and seen ourselves in the act of administering it as others see us, he expects the example to have a very beneficial influence here in America. This strong and simple government in the Philippines is by a kind of reflex action to kick us into good government here at home. To paraphrase the biblical quotation employed by the Senator in this connection and to give it the meaning which he evidently intended it to have, "that government which we mete out to the Filipinos, it shall be meted out to us again." Truly a most wise and sapient application of Holy Writ. Who our governor-general shall be when this Filipino government has begun to have the boomerang effect predicted for it by the Senator from Indiana he does not indicate. What language other than our own shall be employed in trying us for crime he leaves to conjecture. Who shall make our civil and criminal code for us, what nation furnish us our judges, what country sell us our calico, what political system develop its ward workers into our political administrators, the Senator leaves in the dark. It is not given to one finite mind to draw great outlines and at the same time to fill in the petty details. No doubt the future Kamchatkan statesman, who comes to us as our proconsul, will be wise and just and humane and the highest example of the then Kamchatkan civilization. That is all we will have a right to expect, and no doubt we will be happy under the laws and the administrators brought with him for our government. We will have to be, indeed, if his government comes, like that of the Senator from Indiana to the Philippines, "backed with sufficient power to execute it." Salve imperator!

Mr. President, already our experience in the Philippines is beginning to have the boomerang effect predicted by the Senator from Indiana. There is a primitive people, a mere handful, living in South Africa, pious and simple, brave and heroic, but careless of the great wealth lying under their hands, indifferent to its civilizing influences, and asking only to be permitted to live their own simple lives in their own simple way.

They are the last link which binds us to one of the great heroic epochs in the world's history, because they are of the same blood and, by reason of their long isolation, they may well be said to be the same identical people who braved the power of Spain when Spain was mistress of the world in order that religious liberty might not perish from off the face of the earth, who fought for eighty years with a desperation and valor never before known in that sacred cause, who pulled down their altars and their firesides, piece by piece and stone by stone, and piled them up as breastworks against the approach of their invaders and oppressors, who gave their land up to the cruel sea, time after time, rather than give it up to the scarcely less cruel Spaniard, who through it all saw their land devastated by fire and sword and rapine, drenched in blood and maimed with slaughter, but who faltered not, and who emerged from the long struggle torn, decimated, bleeding, and impoverished, but rich in the right which they had won for themselves and the heritage which they had won for mankind—the right of each man to worship God after his own fashion.

A great nation having racial tendencies similar to our own has seen the present backward and deplorable condition of affairs existing among those people, and has determined to regenerate and improve them, as we are now regenerating and improving the brave but simple Filipinos. Unhappily, they are not succeeding so well in their self-imposed task as we are doing. The Afrikanders are proving themselves to be worthy sons of heroic sires. If they had lived in that day, they might have sat in council with William the Silent and fought in the ranks of Maurice of Nassau. But living in this day, they are making a struggle equally as heroic as their ancestors made and one which has won for them the wondering admiration of mankind throughout the entire world.

Because of that which we, in common with mankind, owe to their blood, because they are bravely fighting for their homes and their firesides, because they are fighting for the God-given right to govern themselves and their affairs in their own way, because when they go down another republic will have perished, they undoubtedly carry with them in their struggle the profound sympathy of the American people. In other days that sympathy would have been expressed through governmental channels. We have frequently interposed in such struggles with less call upon our sympathy and less justification for our interposition. But now we dare not. The ghost of Liberty, murdered in the Philippines, stands in the way.

Truly we have cast our bread upon the waters. We can not even preserve a decent neutrality between those brave people and their assailants. The latter depredates upon our commerce on the high seas, attempts to destroy it, in fact—because no combatant people will long undertake to deal with another people lacking in the spirit or disposition to protect their own noncontraband trade—and we accept an indefinite promise of some indefinite indemnity in the future as full and complete reparation for the wrongs done to us. Then we permit this same combatant to come into our ports and make them the bases for provisioning and supplying its own armies without protest or shadow of protest on the part of our officials. Mr. President, civilization must go forward and our coadjutor in the great work must not be hampered or interfered with. It is yet permitted to us, however, as individuals, to avert our eyes, and as these noble people with their institutions go down to death and oblivion to say to them, as I now do, Thou last survivors of a heroic age, hail and farewell!

Mr. President, it is not surprising that one holding the peculiar views of government entertained by the Senator from Indiana, and who, after they shall have fruited in the Philippines expects to see their seed wafted back to our own shores, should become impatient of freedom of debate in our legislative halls and attempt to crimp it down to the dimensions of his twentieth-century Filipino government. But as we are yet enjoying in this Chamber the government devised for us by our eighteenth-century ancestors, I thought it a remarkable thing when the Senator from Indiana turned to Senators who have been in public life for a period longer than he has been in existence, and who have honored themselves and their country through it all by an upright bearing, and because they had spoken here freely and honestly, as they had a right to do and as they always ought to do regardless of consequences, should say to them: "The blood of our dead and wounded boys is on your hands, and all the floods of all the years can never wash that stain away." This statement was remarkable because of the fact stated and also because of its utter baselessness. Whoever may be responsible for the precious blood shed in the Philippines, it can not be laid at the door of the men in this Chamber who sought to stay the hand of aggression in that desolated country. Everyone knows that if their advice had been taken the American people would never have been embroiled in war with their friends and allies in the Philippines. Surely, Mr. President, they had a right to give their advice. The blood of our young men is precious; nobody realizes that more than I do; but I am certain that they themselves would pour it out like water as a libation on the altar of their country rather than see freedom of debate in the legislative halls of their country abridged or denied. If the Senator from Indiana is looking for those whose hands are truly red with blood and whose minds should be haunted to the last moment of their lives by the rigid face of the dead American soldier in the Philippines, let him look elsewhere and he may possibly find them, but he will not find them here.

While we are on this subject of bloodshed and the responsibility

therefor, I want to ask some man to tell this Senate and the American Republic why it is that the envoys of the insurgents were received with ignominy and contempt when they appeared at our headquarters immediately after the initial outbreak, represented that the collision between their forces and ours was accidental and not designed, and asked for the establishment of a modus vivendi, whereby peace might be maintained pending the settlement of the fate of the islands by the American Congress. Why was their reasonable request denied and they told that since the war had been started it must now be continued to the bitter end? Why do we hear the same vindictive story from the President, from General Otis, from the Senator from Indiana, from the myriad newspapers subsidized to debauch the conscience of the country, that the war once started must now be prosecuted with unrelenting vigor until the Filipino people lie broken and helpless at our feet? Did we not owe something to that people? Were they not lately our companions in arms? Would it not have been generous and humane and magnanimous and American to have listened to their reasonable request for a cessation of hostilities until their fate had been determined by the American Congress? The President has always said that the matter was one for the determination of Congress. Then why not permit Congress to approach its determination with that calmness and moderation which peace alone would have insured? Was it because there was fear that the conclusion reached by Congress might not be that which certain interests in this country desired? I shall not say so, Mr. President, but several things are certain. All the bloodshed in the Philippines since the first outbreak might have been avoided by listening to the reasonable request of the Filipinos for a cessation of hostilities. The American Congress might now be approaching the question of the fate of those islands in a spirit of justice and moderation and of thoughtful regard for the rights of the people of the islands, and there would be no cause, even if one could be found with temerity enough to try it, to attempt to put fetters upon freedom of speech in the American Congress by the parrot cry of "Blood, blood!"

Mr. President, I shall not enter upon an extended constitutional argument concerning the power of Congress to govern the Territories. That power is undoubtedly supreme, with one limitation. The laws enacted for their government must conform to those certain provisions of the Constitution intended to have general application and to embrace all Territories of the United States wherever situated and whatever the form of government enjoyed by them. Those laws must not trench upon the guaranties in favor of the individual security of the citizen contained in that instrument, nor upon those provisions designed to secure, in all the possessions of the United States, uniformity in taxes, duties, imposts, and excises, nor upon those provisions intended to fix everywhere the status of citizens of the Republic.

It was strenuously denied at the last session of Congress in this Chamber that there were any provisions of the Constitution having application to Territories other than that which gave Congress the power to make all needful rules and regulations for their government. But that contention was in the face of a long line of decisions by the Supreme Court of the United States which would have staggered anybody except one of our latter-day adepts in twentieth-century government. I have read all of those cases again since the debate at the last session, and I am surprised that any lawyer who cares anything at all for his reputation should hazard it by such a contention. The very cases relied on as most strongly supporting the plenary power of Congress are cases in which the revenue laws of the nation were extended over unorganized Territories of the United States by virtue of the provisions of the Constitution requiring uniformity in taxation.

In addition to the limitation on the power to govern Territories, there is, I believe, a limitation on the power of the Government to acquire them, namely, that they shall have fitness for and be intended for ultimate statehood in the Union of States. This limitation, however, is implied and has its sole sanction in the legislative and executive conscience; and in this utilitarian age, when even the positive written provisions of the Constitution chafe and irritate, it is not to be expected that this limitation would be looked on in some quarters with respect or even with toleration. Nevertheless, the Supreme Court of the United States on more than one occasion has declared that this limitation does in fact exist.

Mr. President, if either of these limitations be admitted to exist, then it puts an end to our pretensions in the Philippines. No person on either side of the Philippine question has ever admitted or will admit, I apprehend, that we can, after any possible lapse of time, admit the Philippine Islands into the Union as one or more of the States of the United States of America. While their people undoubtedly have some capacity for government, they have none whatever for Anglo-Saxon government, and never will have. To admit 10,000,000 Filipinos now, or 20,000,000 or 40,000,000 in the indefinite future, as the case may be, to American citizenship through statehood would be the beginning of the end of the American Republic. I need not argue that proposition. If it be not true, every person in this country, at least, believes it to be true. Therefore, if we are limited in the acquisition of territory to such as may ultimately be erected into States, we must either immediately withdraw from the Philippines or, if we determine to retain them, must immediately proceed to exterminate their inhabitants. There is no middle course. I was about to say that nobody in this country could be brought to contemplate so frightful an alternative, but when I hear warfare upon the Filipinos justified upon the ground of the duty we owe to that people, I shall not hazard any opinion upon that subject.

Mr. President, we are not any better off if it be held that this limitation on the power to acquire territory to which I have referred does not in fact exist. The Constitution of the United States fortunately yet exists, although there is some demand for its partial abrogation by amendment, in order to enable us to meet this Philippine situation, and under the provisions of that instrument these people and their descendants would become citizens of the United States, although not citizens of any particular State. And under the provisions of the same instrument they would become citizens of any State the moment they entered into and became domiciled within its limits. Thus, while we might avoid Philippine statehood, we could not avoid an American Philippine citizenship, with perfect right and title to flow into any of the already organized States and to there assist in controlling their destinies, and, through them, the destinies of the American Republic. I shall not stop now to cite the provisions of the Constitution and the decisions of the Supreme Court of the United States expounding them under which this condition would be brought about, but I apprehend that no lawyer will deny their existence or their binding force. If any shall do so, I shall be curious to hear the ground upon which he predicates his opinion.

When we shall have finally annexed the Philippines many curious and inconvenient consequences will ensue besides that of debauching the citizenship of the nation. I shall refer now, however, to only one. The Filipino will become entitled to all the rights of citizens of the United States. He can come and go at pleasure everywhere within the confines of the nation. He can bring or send his products here as freely as Americans now interchange their products between themselves and with the same exemption from taxes and duties. This will be to debauch the labor of the country, to pit the 10,000,000 underpaid and underfed Filipinos against the mechanic, the artisan, and the laboring man of the land. If it be true, as claimed by the Senator from Indiana, that the Filipinos will not come here because the Dutch did not permit the Javanese to go to Holland, their products will come here, and that will be the same thing from the standpoint of labor. If this be a good thing to bring about, why is it that we have upon our statute books restrictions against the landing of Asiatics on our shores and against their right to apply for naturalization in our courts? It would seem that this rage for dominion is growing so fast that it is not only causing our people to be dissatisfied with their own political institutions, but is causing them to reverse their policy in almost any and every direction.

Mr. President, there is one way and only one in which we may continue to hold the Philippines and yet avoid the disastrous consequences to which I have referred. So long as we can maintain a state of war in those islands the military rule will override the civil law, the law of the Constitution included. Inter arma silent leges. Certain advocates of the President's policy have recognized this fact, and, while urging the retention of the Philippines, are seriously insisting that Congress shall never legislate so as to give civil or political recognition to the Philippine Islands. These people, however eccentric their views of free government, are honest and well informed, and that which they insist on now will be ultimately insisted on by every advocate of the President's policy. Not to insist on it is to contemplate with equanimity internal disorders and radical national changes for which all the riches of the Philippines can not compensate. And I should like to suggest to these same advocates that the establishment of government by the bayonet will also introduce radical changes in our national economy for which not all the riches and all the wealth of all the possessions in the world could compensate the American people. Mr. President, it is evident to my mind that those citizens are right who criticise the President's policy and call it a policy of imperialism. To call it expansion is a misnomer, if for no other reason than that the population of the Philippine Islands is already so dense that there is no room for expansion there. There is room for the Filipino to expand on the American continent, but there is no room for American expansion on all the continent of Asia or any of its outlying and tributary islands. We do not want imperialism or a government by the bayonet in any American possession. The American people do not want it. The craze for speculation and the rage for innovation may push us forward now when the obligations to pause are not well known and the result of proceeding is not well understood. But those things

will become better known in the future, and then, if we proceed now, we will retrace our steps in sackcloth and ashes and with fervent thanksgiving to Almighty God that the way of retreat is yet left open to us. We have already now provisionally made the Filipinos citizens of the Republic. The only thing that keeps them and their products out of the country is the fact that a state of war exists in the Philippine Islands, and this enables General Otis to govern the islands as he pleases. If we now clinch our title there, the only way to keep them out of the country permanently is to continue to make war on them permanently. Mr. President, let the advocates of annexation examine this question carefully and see whether the results to which I have pointed are not those which must necessarily ensue if we proceed to carry out the President's policy in the Philippines; and if so, let them ask themselves whether they are prepared to pay the price required for the benefits of annexation. If they are not, they should immediately retrace their steps; the way is open to them. It is never too late to listen to the dictates of prudence, and it should be an easy task when honor points the way.

Mr. President, I do not understand the position of those Senators who profess respect for the fundamentals of self-government and would see them applied in the Philippines, and who yet insist that the war must be prosecuted with unrelenting vigor until the Filipinos have been whipped into submission, before making any declaration on the subject. They must know, as everybody knows, that a declaration by Congress of its purpose to confer self-government on the inhabitants of the Philippine Islands will put a stop to warfare there instantly. Then why can not everybody who is in favor of making that declaration at some time unite in making it now and thus stop further bloodshed? Human life is not so cheap, misery and suffering so insignificant, that we can afford to sacrifice the one and augment the other on a point of etiquette. I heard Senators at the last session of Congress declare, with a great deal of heat, that they would never consent to any declaration on the subject so long as the Filipinos were found with arms in their hands against our authority. Without intending to reflect on any Senator, it seems to me that we can not at this conjuncture act or forbear acting on a view so small, so repugnant to Christian charity and all the dictates of humane benevolence. We are in the position of a strong man who has been attacked by a weak and puny child. What would be thought of such a man if he were to insist on continuing the fight until his assailant had been whipped into submission on the ground that his dignity would be injured and his prestige impaired by pursuing any other course? We ought now to stop this war if we can. We can stop it. We can stop it in a manner consonant with our own honor, with our own dignity, and with the interests of our own people, and to fail to stop it when it can be done so easily is to convict ourselves of a cruel pride and vindictive resentment unworthy the American people.

My own view of the course to be pursued at this conjuncture in the matter of the Philippine Islands is that we should pass a resolution, as simple and direct as possible, declaring it to be the purpose of the American people to confer independence on the people of the Philippine Islands whenever they shall have shown themselves fitted for that great boon, on condition that they now lay down their arms and submit to the authority of the United States, and on the further condition that when we retire from the islands we have liberty to retain such parts of them for coaling, naval, and military stations as our interests in the far east may require. Such a resolution would immediately bring about peace, would be in consonance with our traditional political principles, and would leave us far stronger from a military point of view in the Eastern Hemisphere than if we continue to hold the islands. I am very far from being unmindful of our interests in that quarter of the globe. We have vast interests there which must be protected. To permit any nation or combination of nations to hem China in with a cordon of guns is to permit them to bar us out. We can not suffer that. China is our friend and neighbor and customer, and aggression on her under certain circumstances is aggression on us. Of course we are not required to act the part of Don Quixote and go to the assistance of our celestial neighbors unless our own material interests are threatened. If it be true, as stated in the public prints, that the nations appearing to have designs on that country have made pledges to us of free and unrestricted trade in territory already occupied by them or which they shall hereafter occupy, that perhaps ought to be accepted as sufficient. It is not a very brave or generous thing to do, but probably it would be approved by the resolutions of prudence. But one thing is certain. If those nations have made us these pledges, or shall do so, it will be on condition that we make reciprocal concessions in our Eastern possessions. This, every lawyer knows, we can not do without amending our great organic law. Thus we have the seeds of certain controversy in that quarter of the world which sooner or later will embroil us in war. We can avoid all this by granting independence to the Filipino, can win back his confidence in us and his gratitude to us, can make him our friend and ally forever, can secure by commercial treaties with him all the benefits of annexation without any of its burdens, and with restricted possessions in that country, sufficient, however, for our naval and military power, we will be all the better equipped to compel that respect for our flag which the interests of our people there may require. This is all absurdly easy of accomplishment. All that it requires is a little generosity and magnanimity and a loyal adherence to the fundamental principles of our own Government. Senators, do not let the rage of faction defeat a consummation so much to be desired. Let us do the right thing and do it quickly, because the right thing, if it is to be done effectively, ought to be done quickly. We will never regret it. The nation will never regret it. On the contrary, succeeding generations will rise up and call us blessed. If I were called on to formulate a watchword of American statesmanship at this juncture in our affairs, I should say that justice to the Filipino, our friend and ally, and fidelity to ourselves, is the sentiment that should inspire every true American heart.

Mr. President, one more thought and I am done. We do not need the city of Manila for the purposes of our trade and commerce. If, as has been suggested, it shall become a second and greater Liverpool through our trade, it will be at the expense of those Liverpools which should be built up on our own coast, and it will profit principally a motley population of foreigners, for whom we care nothing. Nor will the possession of that city add anything materially to our trade. These catchwords with which it has been sought to dazzle the multitude are music to the ear, but an inharmonious jangle to the sense. Manila is not the gateway of the Orient for us. It does not command the trade of the Pacific for anybody. There is no royal road to either wealth or commerce. The only way to attain either one of them is by hard, constant, and unremitting labor. If we would control a large part of the trade of the East we must manufacture cheaply, convey our goods to them in our own bottoms, and sell the goods to them there at their own doors for less money than any other nation can afford to sell to them for. In this way and only in this way can we control the trade of the Orient.

Let us go to work, then, and settle the questions of internal economy pressing on us, in order that the energies of the American people may be freed to address themselves to the task of capturing the trade of China. There are enough such questions, and they are of sufficient importance to engage our attention without dragging in the interests of a strange and an alien people. We may feel kindly toward that people; I am certain that we all do; but we owe them no duty except justice, and they ask no other boon at our hands. If we shall give them that, we will do more for their mental, moral, and political regeneration and that of their kindred races than we could do by a hundred years of political connection and association through such government as our interests would permit us to give them. We will do this by the force of example—the only way we can safely undertake to promote self-government in another hemisphere—the example of a great and a free people, risen through the excellence of their institutions to a position of such strength and vantage and strengthened by love of those institutions and the practice of their noble precepts to such virtue, that while they fear no power on earth, however powerful, no power on earth, however weak, which is deserving needs to fear them or their strength. Oh, what a noble example! It has been ours to give ever since our fathers gave to the world the glory of the American Republic. It is impossible to estimate the influence which it has exerted upon free government and the amelioration of hard political conditions during the last century. Let us pray that it may continue to be ours to give and that it may not be said of the American people now, to be repeated in future in derogation of freedom, that they who have sat so long at the feet of Liberty were the first in their blindness to plunge a dagger into the heart of her youngest and latest devotee.

IMPROVEMENT OF SIXTEENTH STREET.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair) laid before the Senate the bill (H. R. 6777) relative to the widening and extension of Sixteenth street, in the District of Columbia; which was read the first time by its title.

Mr. MCMILLAN. I ask unanimous consent that the bill may be now considered. A similar bill was reported to-day.

Mr. COCKRELL. Let the bill be read for information.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within thirty days after the dedication to said District of 75 per cent of the lands lying within the lines of Sixteenth street NW., as extended according to the highway plans, between the Piney Branch and the Blagden Mill road, and also between the Military road and the District of Columbia boundary line, to institute proceedings to condemn the land necessary for the extension of Sixteenth street from Morris street to the District of Columbia boundary line with a uniform width of 160 feet, under the terms and provisions of an act entitled "An act to extend S street, in the District of Columbia, and for other purposes:" *Provided*, That of the amount found due and awarded as damages for and in respect of the land condemned for the extension of Sixteenth street, as in this section provided, not less than one-half thereof shall be assessed by said jury in said proceedings against those pieces or parcels of ground situated and lying on each side of said Sixteenth street NW. between Morris street and the Blagden subdivision, and between the Blagden Mill road and the

Rock Creek or Milkhouse Ford road, and between lots 7, 4, and 11 of A. R. Shepherd's subdivision, to the depth of 250 feet, or to such greater depths as the benefits may be found by said jury to extend, measured on each side thereof from the building lines of said Sixteenth street as extended.

SEC. 2. That the supreme court of the District of Columbia, sitting as an equity court, shall have authority to empower, order, and decree the committee or guardian of any person of unsound mind, and the guardian or trustee of any infant, owning or having an interest or estate in any land within the limits above described, to dedicate to the District of Columbia for and as a part of said Sixteenth street any land or part thereof owned by such person of unsound mind or by such infant, or in which they may have an interest or estate, if, upon the application of such committee, guardian, or trustee, and after the testimony of witnesses shall be taken and such other proceedings had as the court may deem proper, the court shall determine that such dedication will be to the interest and advantage of such person of unsound mind or such infant.

SEC. 3. That all acts or parts of acts inconsistent herewith are hereby repealed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to ask whether that bill has ever been considered in the Senate? It has just come from the House, has it not?

Mr. McMILLAN. The bill has just come from the House, but it is identical with the bill which was prepared at the instance of the Senate Committee on the District of Columbia, on which bill the committee has authorized a favorable report. The bill aims to make effective the law for the opening of Sixteenth street which was passed last year. It merely enables the Commissioners to condemn two or three small pieces of land which can not be donated, mainly because the present owners are incompetent to make a legal transfer. There is no cost to the Government, because the District pays half and the property half.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIGHT OF SUFFRAGE IN NORTH CAROLINA.

Mr. MONEY. Mr. President, I desire to give notice that I shall address the Senate on Thursday, after the routine morning business, upon the resolution submitted by the Senator from North Carolina [Mr. PRITCHARD] relative to the right of suffrage.

OUTLYING DEPENDENCIES.

Mr. ROSS. Mr. President, I ask leave to call up the resolutions submitted by me on the 18th instant.

The PRESIDING OFFICER. The Chair lays before the Senate the resolutions, which will be read.

The Secretary read the resolutions submitted by Mr. ROSS on the 18th instant, as follows:

Resolved, That the provisions of the Constitution do not, unaided by act of Congress, extend over Puerto Rico and the Philippine Islands.

Resolved, That by the recent treaty with Spain the United States take the sovereignty over Puerto Rico and over the Philippine Islands under the duty to use and exercise it for the general welfare and highest interest of the people of the United States and the inhabitants of the islands, unrestrained by the provisions of the Constitution; and over Cuba, under the duty to exercise it for the pacification of the island.

Resolved, That the successful discharge of this duty demands the establishment of a separate department of Government to take charge of all outlying dependencies of the United States, and the passage of a general law making appointments therein nonpolitical.

Mr. ROSS. Mr. President, I think it is entirely evident that all Senators do not take the same view of our relations to the Philippine Islands, Puerto Rico, and our other dependencies. I shall present my own view.

I have always thought it wiser to give attention to present conditions, and to the discharge of present duties, than to dwell upon transactions passed and closed, in an attempt to criticise or to find fault, or to point out how they might have been more wisely conducted and have brought better supposed results. Early I learned that criticism and fault-finding could be set up on very limited capital, and that the "better supposed results" are more imaginary than real. In forecasting his supposed results the critic rarely foresees, or can foresee, the new and important factors which would be brought into the problem if the changes demanded by his after-date criticism had been made. Allow me, therefore, to engage the attention of the Senate briefly in considering what I deem to be present conditions and duties.

First, then, let us inquire if the Constitution of the United States, *ex proprio vigore*, unaided by treaty or act of Congress, extends to and covers the inhabitants of the territories acquired by the United States.

This is an important question for consideration and determination, especially by every Congressman, whose action may help determine the laws which shall govern the inhabitants of such territories.

TREATIES.

By the recent treaty with Spain sovereignty is ceded to the United States over Puerto Rico and the Philippine Islands with this provision:

> The civil and political *status* of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

Cuba, over which Spain relinquishes sovereignty and title, the treaty leaves without any declaration in regard to the *status* of her inhabitants, or the rights of Congress further than to say that, upon its evacuation by Spain, the island is to be occupied by the United States, and while such occupation shall continue the United States—

> will assume and discharge the obligations that may, under international law, result from the fact of its occupation, for the protection of life and property.

I do not propose in this connection to discuss what the relations of the United States to these islands are, further than to observe that the ceding power has imposed no conditions nor reserved any rights defined and secured by the Constitution to the inhabitants of those islands. This distinguishes this treaty from all others hitherto made by the United States by which she has acquired territory occupied by inhabitants. The treaty of 1803, for the cession of Louisiana, provides in Article III that—

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

The treaty of 1819, by which Florida was ceded to the United States, in Article VII has a provision of similar legal import. So have the treaties by which New Mexico, Utah, California, etc., were acquired in 1848 and 1853, contained in Articles VIII and IX of the treaty of 1848 and brought forward into the treaty of 1853 by Article V. The treaty of 1867, by which Alaska was acquired, has no provision for the incorporation of the Territory into the Union as a State or States. It divides the inhabitants into two classes. It provides that they may return to Russia within three years, and of those who do not return says:

> But if they should prefer to remain in the ceded territory they, with the exception of the uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

It is thus manifest that in every treaty by which the United States has acquired inhabited territory prior to the late treaty with Spain the ceding power has inserted a provision that the inhabitants, except uncivilized tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and all, except that by which Alaska was acquired, contain the further provision that they shall in due time, to be determined by Congress, be admitted as a State or States into the Union.

SUPREME COURT DECISIONS.

It will be important to keep the provisions of these treaties in mind, especially when we examine the decisions of the Supreme Court in regard to the constitutional rights of the inhabitants of these territories. In his opinion in The American and Oceanic Insurance Cos. *vs.* 356 Bales of Cotton, Canter, claimant, Chief Justice Marshall quotes the sixth article of the treaty ceding Florida, which reads:

> The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated into the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of all the priviliges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition independent of stipulation. They do not, however, participate in political power; they do not share in government till Florida becomes a State. (1 Peters, 542.)

The Northwest Territory and other territories ceded by separate States to the United States, when under the Articles of Confederation or the Constitution, were ceded under a pledge from Congress in regard to their use and rights. Chief Justice Taney says in his opinion in the Dred Scott case:

> By resolution passed October 10, 1780, Congress pledged itself that, if the lands were ceded as recommended, they should be disposed of for the common benefit of the United States, to be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty and freedom and independence as the other States.

This pledge acted upon is of equal force as the provision of a treaty, especially under the ordinance of 1787.

These treaties and this resolution include all the territories of the United States, except that of Oregon, which came by discovery and occupation—in regard to which I know of no decision of the United States Supreme Court on the question under consideration—and, except that acquired by the annexation of Texas and Hawaii, until we come to the recent treaty with Spain.

THE SCOPE OF THE TREATY-MAKING POWER.

By Article VI of the Constitution:

> All treaties made under the authority of the United States are made the supreme law of the land.

Of the treaty-making power the Supreme Court, in Geofrey *vs.* Riggs (133 U. S., 258), speaking by Mr. Justice Field, says:

> The treaty power as expressed in the Constitution is in terms unlimited except by those restraints found in that instrument against the action of the Government, or of its departments, and those arising from the nature of the

Government itself and that of the States; it would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government, or in that of the States, or the cession of any portion of the latter without its consent. Fort Leavenworth R. R. Co. *vs.* Lowe (114 U. S., 525, 541). But with these exceptions, it is not perceived that there is any limit to the questions which can be adjudged touching any matter which is properly the subject of negotiation with a foreign country. Ware *vs.* Hylton (3 U. S., 199); Chirac *vs.* Chirac (15 U. S., 2 Wheaton, 259); Hauenstine *vs.* Sanborn (100 U. S., 483); Droit d'Aubaine (3 Ops. Atty. Gen., 417); People *vs.* Gerke (5 Col., 381).

It will not be claimed that the provisions of these treaties giving the inhabitants of the territories the rights, privileges, and immunities of citizens of the United States lie without the scope of the treaty-making power. It is a generally admitted proposition that the ceding power may properly require such a provision in its treaty granting its sovereignty over a territory, and that the power accepting the grant becomes solemnly bound thereby.

DISTRICT OF COLUMBIA.

Inasmuch as one or more of the decisions of the United States Supreme Court is in regard to the constitutional rights of the inhabitants of the District of Columbia, it is proper to remark that the territory, now included in the District, when the Constitution was adopted constituted parts of the States of Virginia and Maryland, and before being ceded, had become subject to the Constitution. By the cession the territory of the District was not taken from under the operation of the Constitution. If so, the process by which it was accomplished is unknown to me. Nor have I seen any suggestion by anyone that any change in its relation in this respect was made by its cession by the States to the United States.

HOW DECISIONS OF THE UNITED STATES SUPREME COURT SHOULD BE CONSIDERED.

These observations are necessary for the proper understanding of the language used by various judges of the United States Supreme Court in their opinions touching the constitutional rights of the inhabitants of the District of Columbia and of these Territories: for, as aptly and pertinently said by Chief Justice Marshall in Cohen *vs.* Virginia (6 Wheaton, 264, 399):

It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which these expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for judgment. The reason for this maxim is obvious. The question actually before the court is investigated with care and considered in its full extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing upon all other cases is seldom completely investigated.

Keeping this caution by the eminent Chief Justice in mind, I fail to find any decision of the Supreme Court which fairly indicates that the Constitution of the United States, unaided by Congressional legislation or by treaty, *ex proprio vigore* extends to the territories acquired by the United States. There are expressions in several of the opinions which would indicate that such might be the view of the writer. Such expressions were unnecessary for the decision. In no case which I have been able to find is this point actually considered and decided. In every case in which the court has decided that the party was entitled to be accorded the rights, privileges, and immunities secured by the Constitution, such rights, privileges, and immunities had been conferred by the States from which the territory was ceded, as in the case of the District of Columbia, or by the treaty by which the territory was ceded to the United States; and frequently the rights thus secured had been confirmed by the act of Congress conferring territorial government. The resolutions and proceedings by which several States ceded territory to the United States, including the Northwest Territory, were in legal effect treaties and of like binding force.

The decisions of the United States Supreme Court most generally relied upon to support the view that the Constitution, unaided by act of Congress or treaty, extends *ex proprio vigore* to all territories may, for convenient consideration, be divided into three classes:

(1) The right of trial by jury.
(2) Revenue, or the apportionment of direct taxes.
(3) Citizenship.

THE RIGHT OF TRIAL BY JURY.

Of the first class are Callan *vs.* Wilson (127 U. S., 540); American Publishing Company *vs.* Fisher (166 U. S., 464); Springville *vs.* Thomas (166 U. S., 707); Thompson *vs.* Utah (170 U. S., 343), and some others noted in these decisions. Callan *vs.* Wilson clearly holds that a citizen of the District of Columbia has constitutional right to trial by jury when charged with a crime. Although not fully stated as a ground for the decision, the case was correctly decided if, as I think the fact is, the Constitution was extended over the District while included in the States of Maryland and Virginia, and was never subsequently withdrawn. The decision of the American Publishing Company *vs.* Fisher was turned upon the point taken, that the act of the Territory which authorized a verdict rendered on the concurrence of nine or more members of the jury contravened the act under which Utah was constituted a Territory. It leaves undecided whether the seventh amendment applies. Mr. Justice Brewer summarizes the decisions on this point as follows:

Whether the seventh amendment of the Constitution of the United States, which provides that "in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved," operates, *ex proprio vigore*, to invalidate this statute may be a matter of dispute. In Webster *vs.* Reid, 2 Howard, 437, an act of the legislature of Iowa dispensing with a jury in a certain class of common-law actions was held void. While in the opinion, on page 460, the seventh amendment was quoted, it was also said: "The organic law of the Territory of Iowa, by express provision and by reference, extends the laws of the United States, including the ordinance of 1787, over the Territory, as far as they are applicable;" and the ordinance of 1787, article 2, in terms provided that "the inhabitants of said Territory shall be entitled to the benefit of the writ of *habeas corpus* and of trial by jury." So the validity may have been adjudged by reason of conflict with Congressional legislation. In Reynolds *vs.* United States (98 U. S., 145, 154), it was said, in reference to a criminal case coming from the Territory of Utah, that "by the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury." Both of these cases were quoted in Callan *vs.* Wilson (127 U. S., 540), as authorities to sustain the ruling that the provisions of the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in Mormon Church *vs.* United States (136 U. S., I, 44), it was said by Mr. Justice Bradley, speaking for the court: "Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions." And in McAllister *vs.* United States (141 U. S., 174), it is held that the constitutional provision in respect to the tenor of judicial offices did not apply to Territorial judges.

If what has been said in regard to the force of the treaties by which these territories were ceded is sound, the cases were all correctly decided, and justified, as is done in some of them, classifying the District of Columbia and Territories with States as protected by this provision of the Constitution.

There can be no doubt that the treaty with Mexico secured to the inhabitants of the territory ceded the rights, privileges, and immunities secured by the Constitution. By its terms Mexicans who should prefer to remain in the territory could retain the title and rights of Mexican citizens or acquire those of citizens of the United States. If they remained without election for a year after the cession of the territory, they—

should be considered to have elected to become citizens of the United States, * * * shall be incorporated into the Union of the United States, and be admitted at the proper time to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and shall be protected in the free enjoyment of their liberty and property.

These terms of the treaty were accepted by the United States, and secured to the inhabitants of the territory the rights secured to citizens of the United States by the Constitution. Trial by common-law jury was one of these rights. The fact that such territory was secured the rights, immunities, and privileges of the Constitution, and was in preparation, under the treaty, for becoming a State, justified the remark of Mr. Justice Bradley in Mormon Church *vs.* United States:

Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express or direct application of its provisions.

These rights were secured by the treaty. Unquestionably these principles impliedly should govern the legislation of Congress regarding the inhabitants of a Territory which was being prepared to take its place among the States of the Union.

The case of Springville *vs.* Thomas is made to rest upon the ground stated in American Publishing Company *vs.* Fisher. Thompson *vs.* Utah was properly decided upon the ground that the act upon which the plaintiff in error was tried was passed after the crime charged was committed, and unconstitutional, as an *ex post facto* law, an immunity secured to him by the Constitution. None of these decisions, read in the light of the treaties or the law of the land extending over the District of Columbia and the Territories, uphold the claim that the Constitution, *ex proprio vigore*, prevailed over them. It is quite evident that this must be the principle which controls when In re Ross (140 U. S., 453) is considered. He was a seaman on an American vessel. He claimed to be a British subject. While the vessel was in harbor in Japan he committed thereon a murder. By an act of Congress, passed agreeably to a treaty between the United States and Japan, he could be tried by a consular court in Japan, consisting of the American consul and four associates. The court and its proceedings were regular, if the act of Congress was constitutional. He was tried, convicted, and sentenced to be executed. On the trial he properly raised the points that he was entitled by the Constitution to be indicted by a grand jury and tried by a common-law jury, and that the consular court, as constituted, had no jurisdiction to try him.

If the act establishing the consular court was unconstitutional when challenged by a citizen of the United States, it was so when challenged by him, though a British subject. By shipping as a seaman on a American vessel, he became entitled to be tried by valid laws applicable to the trial of an American citizen. His sentence was commuted by the President to imprisonment for

life in the penitentiary at Albany, New York. After remaining incarcerated for a time, he brought *habeas corpus*, claiming that his incarceration was unlawful on the grounds claimed by him on the trial. It was held that the American vessel, though on the high seas, common to all nations, was American territory, and under the treaty the consular court had jurisdication to try him, and his conviction was lawful. I can see no escape from the conclution that this decision establishes that Congress has plenary power, unrestricted by the Constitution, in legislating for outside territories.

REVENUE OR THE APPORTIONMENT OF DIRECT TAXES.

Of the second class I have found but one decision which is claimed to hold that the Constitution, of its own unaided vigor, extends itself over the District of Columbia and Territories located outside the States, and that is Loughborough *vs.* Blake (5 Wheaton, 317). It was decided in 1820, Chief Justice Marshall delivering the opinion. The question for decision was whether an act of Congress including the District of Columbia in an apportionment of a direct tax, according to the census of the States and District, was constitutional. It was held constitutional. It could not be otherwise held if the District was then under the Constitution. The reasoning of Chief Justice Marshall, as I understand it, is that it was immaterial whether the District was under the provisions of the Constitution. In substance he reasons that if in levying a direct tax Congress should omit a State or not apportion the tax among the States according to the census, as prescribed in the Constitution, the tax would be unlawfully levied and void; that the same effect would not result if a Territory was omitted, because the Constitution does not require direct taxes in the Territories to be so apportioned; that in the Territories Congress exercises plenary power in levying direct taxes, and in the exercise of this power could apportion the tax as required by the Constitution among the States. I think the decision and reasoning of the eminent Chief Justice, properly understood, does not support the doctrine, but the reverse.

CITIZENSHIP.

In considering citizenship I shall not discuss the Slaughterhouse cases and some others which are upheld, because the acts of the States complained of as impinging upon the rights of citizens secured by the Constitution were held to be valid within the police power of the State, although some expressions in the opinions may give the careless reader the impression that the Constitution extends over the District of Columbia and the Territories, unaided by act of Congress or by treaty, for, if any such expressions can fairly be held to have such force, they were clearly outside the points considered and decided, and are no more than *dicta*. In United States *vs.* Wang Kim Ark (169 U. S., 649) it is held that the defendant in error, born of Chinese parents in California while his parents were residing there, but were not and could not, under the laws of the United States, be naturalized, became a citizen of the United States under the fourteenth amendment. The case was decided by a divided court after very full consideration. The majority of the judges hold that the common-law doctrine in regard to birth in a country, from foreign parents residing there, entitles the child to the protection of the country, and for that reason he owes to such country allegiance, and becomes a citizen under the terms of the amendment.

There is force in the dissenting views of Chief Justice Fuller and Mr. Justice Harlan, holding that the birth must be from parents who, by the laws of the country, could have become citizens by naturalization to give the child such a status. In the discussion in the opinion representing the views of the court, some expressions are used which carry the impression that such a birth in the Territories, or wherever the United States has jurisdiction, renders the child a citizen. But no such question was before the court, nor does the opinion profess to consider such a question. The question involved may be correctly decided, and yet does not touch the doctrine that the Constitution extends to the District of Columbia and Territories of its own unaided vigor. These are the strongest representative cases claimed to indicate that the Constitution has such unaided power.

THE CONSTITUTION.

Opposed to its having such power are the nature and language of the Constitution and many decisions of the Supreme Court. The Constitution is that of a representative government of the people. It was formulated and adopted by representatives selected by and from the people of the different States to form a common government for themselves under the name of the United States. This name is used throughout the instrument to mean the States united, or their combined power. The Constitution commences with—

> We, the people of the United States, in order to form a more perfect union, * * * and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

United States as here used evidently is a synonym for the union of the States which should adopt it. The people of the States announced in advance that, through their representatives, they form the Constitution, among other things to secure the blessings of liberty to themselves and their posterity, and announced no other purpose. It is almost invariably held that the acts and laws enacted by the legal representatives of any municipality bind only the inhabitants of that municipality. Such acts and laws have, and are intended to have, no extraterritorial effect or jurisdiction. If any extraterritorial jurisdiction for such laws is intended, it must be clearly expressed, or the contrary will be presumed. The several articles of the Constitution, and the first ten amendments adopted nearly contemporarily, establish the three departments of the Government, provide for the manner of their establishment, define their respective powers, some both affirmatively and negatively; define what power the States yield to the General Government, and what they reserve, including its powers over the citizens of the several States, the relation of the States, and of the citizens of the several States, to each other, and to the General Government; how and by whom the Constitution can be amended; provide for the admission of new States; and specify the power of the Government over the Territory and other property of the United States.

Not a sentence contained in the original articles, nor the first ten amendments, adopted nearly contemporaneously, more clearly to specify the scope and limitation of the powers named in the original articles, indicates that these provisions are applied to or bind anyone except the citizens of the several States, who, through their chosen representatives, framed and adopted them and are given power to annul and amend them. Nor is there any such sentence in the eleventh and twelfth amendments. When the thirteenth amendment was framed and adopted it was therein clearly expressed that its provisions should extend, not only to the States then included in the Union, or throughout the United States, but to any place subject to their jurisdiction.

It is significant that this clause should be inserted into this amendment, and be nowhere found in the original articles, nor in the preceding nor succeeding amendments, if of their own vigor they extend wherever the United States exercises jurisdiction. Especially significant is the insertion of this provision into this amendment, and its omission from the fourteenth and fifteenth amendments following so soon thereafter and formulated by some of the same eminent constitutional lawyers. It clearly shows that the men who formulated it did not think that the other provisions of the Constitution, as then amended, extended of their own vigor into the territories. In confirmation of this view is the fact, that up to that time all treaties ceding territories to the United States contained carefully expressed provisions giving immediately its citizens the rights, privileges, and immunities of citizens of the United States, or providing that such rights, privileges, and immunities should speedily be conferred and the Territories formed into States. The Commissioners who formulated those treaties, the Presidents who submitted them to the Senate, the Senators, or some of them at least, who ratified them, were eminent constitutional lawyers, and some of them engaged in formulating and discussing the original Constitution. It can hardly be conceived as possible that this line of action should have been pursued for so many years, if the Constitution, of its own unaided force, extends to every territory acquired by the United States.

TERRITORIES AND TERRITORIAL COURTS.

Such was not the view of Daniel Webster in 1828 when arguing American Insurance Company *vs.* Canter (1 Peters, 511). He then said:

> What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions. The territory and all within it are to be governed by the acquiring power, except where there are reservations by treaty. By the law of England, when possession is taken of territories, the King, *jure coronæ*, has the power of legislation until Parliament shall interfere. Congress has the *jus coronæ* in this case, and Florida was to be governed by Congress as she thought proper. What has Congress done? She might have done anything; she might have refused the right of trial by jury, and refused a legislature. She has given a legislature to be exercised at her will; and a government of a mixed nature, in which she has endeavored to distinguish between State and United States jurisdiction, anticipating the future erection of the territory into a State. Does the law establishing the court at Key West come within the restrictions of the Constitution of the United States? If the Constitution does not extend over this territory, the law can not be inconsistent with the national Constitution.

Such was not the view of Chief Justice Marshall, who delivered the opinion in that case and therein said:

> These courts, then, are not constitutional courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the Third Article of the Constitution, but is conferred by Congress in the execution of those general powers which that body possesses over the Territories of the United States. Although admiralty jurisdiction can be exercised in the States in those courts only which are established in pursuance of the Third Article of the Constitution, the same limitation does not extend to the Territories. In legislating for them Congress exercises the combined powers of the general and of the State government.

Nor was such the view of Chief Justice Chase, as shown by an extract from his opinion in Clinton *vs.* Englebrecht (13 Wallace, 434), as follows:

> There is no supreme court of the United States, nor is there any district court of the United States in the sense of the Constitution, in the Territory of Utah. The judges are not appointed for the same terms, nor is the jurisdiction which they exercise part of the judicial power conferred by the Constitution of the General Government. The courts are the legislative courts of the Territories, created in virtue of that clause which authorizes Congress to make all needful rules and regulations respecting the Territories belonging to the United States.

The same doctrine has been adhered to by the Supreme Court, as shown by the opinion in McAllister *vs.* United States (141 U. S., 174), where the cases on the subject are reviewed. The courts brought under consideration in this line of cases are denominated legislative courts, courts established by Congress in the exercise of its plenary power over the Territories, or the combined power of the General Government and of the States, as it is sometimes expressed; courts which do not derive their authority from the judicial power of the United States, vested in the Supreme Court and inferior courts ordained agreeably to Article III of the Constitution, but derive their power from an act of Congress, even when it embraces the identical subject-matter—maritime—over which the Supreme Court is given jurisdiction by Article III of the Constitution. These cases are distinguishable from those that hold that the citizen of the District of Columbia, and of the Territories, is entitled to be tried by a common-law jury. No person has the constitutional right to be tried by a particular court, if the court which tries him accords all the rights, privileges, and immunities secured to him by the Constitution.

CITIZENS OF DISTRICT OF COLUMBIA AND OF TERRITORIES.

Of like tendency and force are the decisions of the Supreme Court holding that a citizen of the District of Columbia or of a Territory can not sue in the United States courts a citizen of a State, nor be sued in such courts by such citizen of a State, because the Constitution gives such courts jurisdiction only of suits between citizens of different States; that the District of Columbia or a Territory is not a State within the terms of the Constitution, whatever it may be internationally. (Hepburn *vs.* Ellezy, 2 Cranch, 445; New Orleans *vs.* Winter, 1 Wheaton, 91; Barney *vs.* Baltimore, 6 Wallace, 280.) These cases establish, if they establish anything, that the term State in the Constitution means one of the States of the Union and no other municipality. By parity of reasoning, United States, when used in that instrument, should mean the States united and nothing more, unless clearly asserted, as in the thirteenth amendment.

DRED SCOTT DECISION.

The Dred Scott decision is not opposed to these views. Chief Justice Taney, as furnishing the foundation for holding that the plaintiff in error was not entitled to sue in the United States courts, defines who are included as citizens of the United States within the terms of the Constitution. He says:

> The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty and hold the power and conduct the Government through their representatives. They are what we familiarly call the "sovereign people," and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons (negroes) described in the plea of abatement compose a portion of this people and are constituent members of this sovereignty. We think they are not and are not included, and were not intended to be included, under the word citizens of the United States.

This portion of the decision has not been criticised nor overruled to my knowledge. Under this definition of citizen he must have a part in the exercise of the sovereignty. Other portions of the opinion, if not overruled, have been ignored, especially that portion which holds that the clause in the Constitution in regard to the power of Congress over territories applies only to the territories belonging to the United States when the Constitution was adopted, or such as might be acquired to be developed into States. The case clearly holds that until the adoption of the Fourteenth Amendment there might be persons born and residing within the United States, subject to its powers and having a right to demand its protection, who are not citizens because not entitled to participate in the sovereignty. That amendment enlarges this definition only to the extent of all persons born in the United States and subject to its jurisdiction. The term United States here must mean the territory of the States united to form the National Government. The words "and subject to its jurisdiction" are not words of enlargement, as in the Thirteenth Amendment, but words of limitation of the class born in the United States, and were inserted to exclude children born of parents who were residing in the United States as the representatives of other nations.

DECISIONS IN REGARD TO THE RIGHTS OF INDIANS.

Of like legal tendency and effect are the decisions of the Supreme Court in regard to the rights of Indians, as shown in United States *vs.* Rogers, 4 Howard, 567; United States *vs.* Kagama, 118 U. S., 375; Elk *vs.* Wilkins, 112 U. S., 94, and other cases relating to the relations of the United States to the Indians. In the last case named the plaintiff was an Indian, born among the tribe to which he belonged. He sued the defendant for refusing to enroll him as a voter in the city of Omaha. He alleged that he was an Indian, born within the United States; that for more than a year prior to the grievances complained of he had severed his tribal relations to the Indian tribes, and fully and completely surrendered himself to the jurisdiction of the United States; that he was a citizen of the United States by virtue of the fourteenth amendment to the Constitution, entitled to all the rights and privileges of the citizens of the United States, and had been a *bona fide* resident of the State and city for a period of time more than long enough to entitle him to vote.

These allegations were admitted by demurrer. It was held that he was not a citizen of the United States by virtue of the fourteenth amendment, because born with his tribe, and therefore owed subordinate allegiance to it. The peculiar relations of the United States to Indians were discussed, and statutes shown which allowed them to be naturalized. On this branch of the case, and respecting the allegation that he was a citizen, it was held that this allegation and the allegation that he had severed his tribal relations and completely surrendered himself to the jurisdiction of the United States and of the State, were not sufficient to enable him to recover, unless accompanied, as they were not, by the further allegation that the United States or State had accepted his surrender, had naturalized him, or recognized him as a citizen.

United States *v.* Kagama establishes the right of this nation to govern the Indians by acts of Congress instead of by treaties while they maintain their tribal relations on an Indian reservation within the limits of a State; that, because within the geographical limits of the United States, they are necessarily subject to the laws which Congress may enact for their protection and for the protection of people with whom they come in contact; that the States have no such power as long as they maintain their tribal relations; that they owe no allegiance to the State, and the State gives them no protection. The opinion recognizes and discusses the peculiar relations of the Government to the Indians; that Indians, while maintaining tribal relations, owe a subordinate allegiance to the tribe and a paramount allegiance to this Government.

It would seem that in regard to citizenship paramount allegiance ought to control. Sovereignty and allegiance are interdependent. Sovereignty is the paramount power which governs and protects. From protection arises subjection, or duty to obey, or allegiance. It is difficult to discover any satisfactory reason distinguishing this case from In re Wang Ark Kim, except that the latter was born within a State, and therefore within the operation of the Fourteenth Amendment of the Constitution, and Kagama, on an Indian reservation, over which the State within whose limits the reservation was had no jurisdiction, and therefore was outside the operation of that amendment. Both were born under the sovereignty of the United States. The protection furnished by the exercise of that sovereignty raised the duty of obedience to the laws of the United States in both, the duty of protection and duty of obedience being interdependent. The subordinate control of the tribe over him did not amount to sovereignty within its meaning in international law.

INTERNATIONAL LAW RESPECTING CEDED TERRITORIES.

Again, it is international law, everywhere admitted and recognized, that the cession of sovereignty over a country by one nation to another affects only the political relations of the inhabitants of the ceded country, and makes them subjects thereafter of the nation receiving the cession; that while the inhabitants of the ceded country change their allegiance, their relation to each other and their rights of property remain undisturbed. The cession of a country does not affect the rights of property. (Vattel, book 3, chap. 13, sec. 200; United States *vs.* Perchman, 7 Peters, 51; Mitchell *vs.* United States, 9 Peters, 711; Strather *vs.* Lucas, 12 Peters, 410; American and Ocean Insurance Co. *vs.* Conter, 1 Peters, 511.)

Laws, usages, and municipal regulations in force at the time of cession remain in force until changed by the new sovereignty. The new sovereignty may deal with the inhabitants and give them what law it pleases, unless restrained by the treaty of cession, but until alteration be made, the former law continues. (Calvin's Case, 7 Co., 17; Campbell *vs.* Hall, Cowper, 209; Mitchell *vs.* United States, 9 Peters, 711; Cross et al *vs.* Harrison, 16 Howard, 164.) Cross *vs.* Harrison holds that this international law prevails in this country. The Constitution, therefore, can not, of its own inherent force, extend itself over such territory. It might be widely at variance with the law of the ceded territory. Hence it follows that the Constitution, with the exception of the thirteenth amendment, does not extend, *ex proprio vigore*, into the newly ceded dependencies, and the contracting nations could properly except uncivilized tribes from the rights, privileges, and immunities of citizens in the treaty by which Alaska was acquired. Hence the Supreme Court properly has held that Congress has plenary power in legislating for territories, unless restrained by the stipulation of the treaty, whether that power is derived impliedly from the treaty-making power—that the nation must have power

to govern what it may lawfully acquire—or from section 3 of Article IV of the Constitution.

The cases hold that it is immaterial from which source the power comes. It is plenary or unlimited, from whichever source it springs. The cases following the Dred Scott decision refer to this section as an expression of this power. By it territory is treated, not as a part or portion of the United States, but as property belonging to the United States, and Congress is given plenary power to dispose of it, which it has no power to do if it constitutes a portion of the United States covered by the Constitution. If it were a part of the United States within the meaning of those words as used in the Constitution, on the fundamental principles on which the Government is founded the inhabitants of such territory should be clothed with the power of legislation under the Constitution, be represented in Congress, and have a voice in altering and amending the Constitution. In whatever light it is viewed it is manifest that the Constitution, with the exception named, unaided, does not extend to Puerto Rico and the Philippine Islands, and that Congress, with this exception, is clothed with plenary power to legislate in regard to them; to make such rules and regulations respecting them as it regards needful, considering their situation and circumstances, untrammeled by the other provisions of the Constitution which secure particular rights, privileges, and immunities to citizens of the United States whose property these islands are.

If the Constitution, with the exception named, does not invade these islands of its own force, it is manifest that its other provisions will not become operative there without an act of Congress. The treaty did not put them in operation there. It has been claimed that Congress by some indefinable process impliedly puts them in operation as soon as it enters upon legislation for the islands, even without having passed any act to that effect. In quite a number of instances the Supreme Court has said that in legislating for the Territories Congress has plenary power, or the combined power of the National Government and of the States. Such combined power must be absolute and unlimited. the power of any nation over such territories—except in regard to allowing slavery—or, in the language of section 3, Article IV, of the Constitution:

> Power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

The power of the States in enacting laws is not confined within the limits prescribed for the National Government by the Constitution. It is absolute except in the particulars surrendered to the National Government. There are numberless decisions of the Supreme Court to this effect on the subject of "due process of law" or the "law of the land." In Missouri *vs.* Lewis (101 U. S., 22, 31) Mr. Justice Bradley says:

> We might go still further and say, with undoubted truth, that there is nothing in the Constitution to prevent any State from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the State of New York, for example, should see fit to adopt the civil law and its methods of procedure for New York City and the surrounding counties, and the common law and its methods of procedure for the rest of the State, there is nothing in the Constitution of the United States to prevent its so doing.

And Mr. Justice Brown, in Holden *vs.* Hardy (169 U. S., 366), after quoting the foregoing, says:

> We have seen no reason to doubt the soundness of these views. In the future growth of the nation, as heretofore, it is not impossible that Congress may see fit to annex territories whose jurisprudence is that of the civil law. One of the considerations moving to such annexation might be the very fact that the territory so annexed should enter the Union with its traditions, laws, and systems of administration unchanged. It would be a narrow construction of the Constitution to require them to abandon these, or to substitute for a system which represented the growth of generations of inhabitants a jurisprudence with which they had no previous acquaintance or sympathy.

These decisions are forcibly to the point that Congress, in the exercise of the combined powers of the National Government and of the States, has unlimited power in legislating for these islands, with the exception of allowing slavery, and does not thereby impliedly confer upon their inhabitants the other rights, privileges, and immunities secured to the citizens of the United States by the Constitution. Doubtless the citizens of the United States, fully imbued with the principles of the Constitution, will see to it that no Congress will ever exist which will not confer upon the inhabitants of these islands all the rights, privileges, and immunities secured by the Constitution, so far as they are applicable to their condition and circumstances.

RELATIONS OF THE UNITED STATES TO THESE DEPENDENCIES.

While, under these views, Congress enters upon the government of these dependencies unrestrained by the provisions of the Constitution, nevertheless it will exercise this power under the obligation of a general duty, to be discharged faithfully and honestly for the highest welfare of their inhabitants, and of the inhabitants of the nation. Every function of government is a duty so to be discharged. As applied to Puerto Rico and the Philippine Islands the duty is general. It is so left by the treaty.

RELATIONS TO CUBA.

In regard to Cuba the duty is particular. It is so constituted by the resolutions antedating the war and by the provisions of the treaty. The preamble of the joint resolution of Congress approved April 20, 1898, counts upon the abhorrent conditions which have existed in that island for more than three years, shocking to the moral sense of the people of the United States, a disgrace to Christian civilization, culminating in the destruction of the *Maine* with 266 of its officers and crew, and thereupon it is solemnly resolved, (1) That the people of the island are, and of right ought to be, free and independent. (2) That it is the duty of this Government to demand, and it does demand, that Spain at once relinquish its authority and government of the island. (3) Authorizes the President to use the entire land and naval forces, and to call out the militia to enforce the demand. (4) The United States disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over the island except for the pacification thereof, and then asserts its determination to leave the government and control of the island to its people.

These were followed by the act approved April 25, declaring that a state of war had existed between the United States and Spain since April 21, and directing and empowering the President to use the entire land and naval forces and to call into the service the militia of the United States in the prosecution of the war. The President exercised the power conferred, obeyed the direction, prosecuted the war to a successful termination, resulting first in the protocol and then in the treaty ratified by the Senate, by which Spain relinquishes her sovereignty over Cuba, and the United States announces to the world that she is about to occupy and, while the occupation continues, she—

> will assume and discharge the obligations that may, under international law, result from the fact of its occupation for the protection of life and property.

The United States is now in the exercise of such occupation. It has been claimed that she did not take sovereignty over the island; that on the relinquishment by Spain it vanished into thin air to some place unknown, or, as one eminent writer on international law has said, was in abeyance until the inhabitants of the island should be in condition to receive and exercise it. Sovereignty is supreme or paramount control in the government of a country. The United States is now, and has been since the signing of the protocol, in the exercise of this control in the government of the island. It has not been a divided control, as sometimes happens in the conflict of arms. Her control has been unquestioned and undisputed. I think the United States, upon the surrender of sovereignty over the island by Spain, immediately following the signing of the protocol, took sovereignty over the island, not as her own, nor for her benefit, nor for the people of the United States, but for the inhabitants of the island, for the specified and particular purpose of pacification of the island. What is meant by the pacification of the island? It may be difficult to determine.

Persons and nations may differ in regard to the state of things which must exist to have this accomplished. The Cubans may say that they are pacified, in a state of peace now, and therefore it is our duty to withdraw and allow them to set up such a government as they may choose. We may say that pacification means more than absence of a state of war; that, considering the state of things that had existed for three or more years, it means until the inhabitants shall have acquired a reliable, stable government. Are the Cubans capable of establishing and maintaining a stable government? Who shall decide? If that be the meaning, what kind of a government? A monarchy, a despotism abhorrent to the fundamental principles that have ruled and inspired this nation from its origin? Who can tell? Then the announcement makes no provision for any return by such government, when established, for the expenditures and obligations incurred in prosecuting the war and administering the sovereignty. Is the United States to receive such compensation? She became a volunteer in the war, and announced herself such volunteer in taking the sovereignty until pacification is accomplished. As such the United States stands to-day before the civilized nations of the world. The inhabitants of Cuba are the beneficiaries of this voluntarily assumed duty, and when a difference arises between this Government and them, whether the duty has been performed and whether this nation is to be compensated for the expense of its administration, have a right to arraign this nation at the bar of nations and demand that it give account of the stewardship which it voluntarily assumed. The determination of the rights of this nation and of the Cubans under this assumed duty may involve many nice questions and many difficulties.

SHOULD THE UNITED STATES EXTEND THESE RELATIONS TO PUERTO RICO AND THE PHILIPPINE ISLANDS?

Yet there are those who earnestly urge that Congress should make a declaration that the nation holds Puerto Rico and the Philippine Islands under the same undefined, yet in a sense particular, duty. In my judgment, such a course is beset with complications and difficulties. By adopting it the nation would court these and invite the inhabitants of the islands to engender perplexing questions and entanglements. Under the treaty the nation takes the sovereignty of Puerto Rico and of the Philippine Islands, under the general duty to use it in such a manner as Congress may judge will best subserve the highest interests of their inhabitants

and the inhabitants of this nation. I would announce no other duty in regard to them. Many more complications and entanglements may arise in the discharge of the particular duty to Cuba than are likely to arise in the discharge of the general duty to Puerto Rico and the Philippine Islands.

CONGRESS SHOULD ANNOUNCE NO POLICY EXCEPT THE FLAG.

It is urged that this nation should announce the policy of its purpose in the administration of the sovereignty. The flag of the nation has been planted on those islands. That is the emblem of its policy, and ever has been, even when at half-mast, mourning the loss of her sons slain in its defense. The flag never did, and I hope never may, represent but one policy. That policy is individual manhood; the right to enjoy religious and civil liberty; the right of every man to believe in and worship God according to the dictates of his own conscience; the right to stand protected equally with every other man before the law in the enjoyment of freedom, of personal rights, and of property. Let the flag, as the representative of these principles, be planted and become dominant on and over every island and every inhabitant. No other, no better, policy can be proclaimed. In no other way can this Congress and nation discharge its duty to the people of the United States and to the people of the islands. Congress should proclaim this policy by its acts and make no attempt to do what it has no power to do—to pledge or limit the action of future Congresses. What future Congresses shall do is for them to determine and proclaim. It can not be assumed that wisdom will die with the present Congress, nor that it is any part of its duty to proclaim what future Congresses shall do. Sufficient unto the day is the duty thereof.

CONSENT OF THE INHABITANTS OF ISLANDS NOT REQUIRED.

If these principles are enforced as far as applicable to the government of these islands, the inhabitants will be blessed, whether they consent thereto in advance or not. In a representative government the right to govern is not derived from the consent of the governed until they arrive at a stage of advancement which will render them capable of giving an intelligent consent. Four-fifths of the inhabitants of this country have given no consent except representatively. The consent of women, as a rule, and of minors is never required, nor allowed to be taken. Wives and children are assumed to be represented by husbands and fathers. Boys are to be educated, trained, and ripened into manhood before they are capable of giving consent. Doubtless the boys of fifteen in this country are better prepared to give an intelligent consent than are the inhabitants of those islands. This is not their fault. After having lived for more than three hundred years under a government of oppression and practical denial of all rights, it is not wonderful that they are not capable of judging how they should be governed. They are to be trained in these principles; first, by being allowed, under experienced leaders, to put them in practice in the simpler forms of government, and then be gradually advanced in their exercise, as their knowledge increases.

All accounts agree that the administration of justice in the islands through the courts has been a farce; that no native could establish his rights or gain his cause, however righteous, against the Spaniards and priests; that therein bribery and every form of favoritism and oppression prevailed. Under such training and abuse falsehood and deceit have become prevalent. These most discouraging traits of character can not be changed in a generation, and never except by pure, impartial administration of justice through the courts, regardless of who may be the parties to the controversies. In my judgment, the people of this nation obtain more and clearer knowledge of their personal and property rights through the administration of justice in the courts than from all other sources.

WHAT EXPERIENCE TEACHES.

All experience teaches that the requirements and impartial practice of the principles of civil and religious liberty cannot speedily be acquired by the inhabitants, left to their own way, under a protectorate by this nation. The experience of this nation in governing and endeavoring to civilize the Indians teaches this. For about a century this nation exercised, in fact, a protectorate over the tribes, and allowed the natives of the country to manage their tribal and other relations in their own way. The advancement in civilization was very slow and hardly perceptible. During the comparatively few years that Congress has, by direct legislation, controlled their relations to each other and to the reservations the advancement in civilization has been tenfold more rapid. This is in accord with all experience. The untaught cannot become acquainted with the difficult problems of government and of individual rights, and their due enforcement, without skillful guides.

No practical educator would think of creating a body of skilled mechanics by turning the unskilled loose in a machine shop. He would place there trained superintendents and guides to impart information to their untaught brains, and to guide their unskilled hands. It is equally true that they would never become skilled without using their brains and hands in operating the machines. So, too, if this nation would successfully bring the inhabitants of these islands into the practice of the principles of religious and civil liberty, it must both give them the opportunity to be taught in, and to practice them, first in their simpler forms and then in their higher application, but under competent and trained teachers and guides placed over them by this nation. It is equally true that the laws and customs now prevailing must neither be pushed one side nor changed too suddenly. They must be permeated gradually by the leaven of civil and religious liberty until the entire population is leavened. To accomplish this without mistake, in the interest of the people of this nation and of the inhabitants of the islands, is a most difficult task, demanding honesty, intelligence, and the greatest care and good judgment. The task is rendered much more difficult because the people of the islands have hitherto been governed by the application of the direct opposite of these principles, and are composed of great numbers of tribes, speaking different dialects and languages, and governed by different customs and laws.

SEPARATE DEPARTMENT OF GOVERNMENT DEMANDED.

The successful solution of this problem demands accurate knowledge of the present conditions of the entire population, and of the different classes, of their respective habits, customs, and laws. As the principles of civil and religious liberty are gradually intermingled with their present customs, habits, and laws, changes will be constantly going forward. An intimate knowledge of these changes will also be necessary for their successful government. Hence, as a first step to a successful discharge of this duty, Congress should create a department of government, charged with the sole duty to become accurately acquainted with and to take charge of their affairs, and place exact knowledge of them before Congress for its guidance. They should not as now, be left in charge of departments overloaded and overworked.

APPOINTMENTS MUST BE MADE NONPOLITICAL.

The second step to be taken is to remove all civil appointments in the islands from the realm of politics. The nation will utterly fail in the discharge of its duty if the islands are made political footballs subject to change in government with every political change in the Administration. The administration of the sovereignty must be intelligent, honest, and uninterrupted. A faithful, intelligent man, with a full knowledge of the situation, must not be displaced to give place to one ignorant of the conditions, however capable otherwise. The duty rests upon the entire nation. It must be discharged for the interest of the whole nation. There are honest, capable men in every political party. These should be sought out and given place in the administration of this sovereignty, as nearly as may be in proportion to the strength of the several political parties in the nation. Then, when there is a political change in the Administration, there will be no inducement to make extensive changes in the administrative appointees of the sovereignty.

CONCLUSION.

Difficult as is the administration of this sovereignty, if honestly and intelligently undertaken such admistration, I believe, will be beneficial both to the people of this nation and to the inhabitants of the islands. Difficulties which have come as these have come—unsought—honestly and faithfully encountered, bring wisdom and strength. The struggle for nearly a century in this nation over slavery gave wonderful wisdom, strength, and clearness of insight into the great principles which the nation is now called upon to apply to these oppressed islands. Stagnation is decay and ultimate death. Honest struggle, endeavor, and discussion bring light, growth, development, and strength. The primary object to be attained by the discharge of this duty is the elevation of the inhabitants of the islands physically, mentally, and morally; to make them industrious, honest, intelligent, liberty-loving, and law-abiding. This end attained, the secondary object, commercial and material growth among them and among the surrounding millions, will surely follow. The first unattained, the second, at best, will be spasmodic and of little worth.

The intelligent, thoughtful observer sees more in nature, and in the ordering of the affairs of this world, than the unguided plans and devices of men and nations. For him the wisdom of the Eternal shapes the affairs of men and of nations, sometimes even against their selfish plans and desires. For such, His hand planted the seed of individual manhood, and for centuries watched over and cared for it in its slow growth amidst infinite sufferings, struggles, and conflicts, until, at length, planted on these shores, not entirely in its purity, but at last brought to full fruitage in the terrible struggles and conflicts which ended with the civil war. Under Him, no man, no nation, lives to itself alone. If it has received much, much must it give to the less favored. Under His guidance, I believe, the discharge of this great and difficult duty has fallen, unsought, to the lot of this nation. Then let the nation take up the duty, which the Ruler of men and nations has placed upon it; go forward in an honest, unselfish, intelligent,

earnest endeavor to discharge it for the highest interest of the nation, and of the islands, in the fear and under the direction of the Supreme Ruler, who guided the fathers and founders; and the nation will not, can not, encounter failure.

During the delivery of Mr. Ross's speech,

The PRESIDING OFFICER. The Senator from Vermont will suspend for a moment. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. DAVIS. I ask that the unfinished business be informally laid aside, so that the Senator from Vermont may proceed.

Mr. ALDRICH. That is the request I was about to make.

The PRESIDING OFFICER. The Senator from Minnesota asks that the unfinished business be informally laid aside. If there be no objection, it is so ordered, and the Senator from Vermont will proceed.

After the conclusion of Mr. Ross's speech,

HUGO O. LOEWI.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, and on motion of Mr. DAVIS, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, with accompanying papers, in response to the resolution of the Senate of January 11, 1900, calling upon him "to furnish the Senate with copies of all the correspondence which has been had relating to the claim of Hugo O. Loewi against Haiti since the response to the Senate's resolution of June 6, 1898."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *January 23, 1900.*

CUBA SUBMARINE TELEGRAPH COMPANY.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, with reference to the claim of the Cuba Submarine Telegraph Company, a British corporation, for compensation of the expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain.

I recommend that, as an act of equity and comity, provision be made by the Congress for reimbursement to the company of the actual expenses incurred by it in the repair of its lines and property.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *January 23, 1900.*

The PRESIDING OFFICER. The message will be referred to the Committee on Commerce.

Mr. DAVIS. There is some question about its reference. I think it ought to go to the Committee on Relations with Cuba.

Mr. PLATT of Connecticut. It ought to go to the Committee on Foreign Relations or the Committee on Relations with Cuba.

Mr. DAVIS. It should go to the Committee on Relations with Cuba. I move that it be so referred.

The motion was agreed to.

RIGHT OF SUFFRAGE IN NORTH CAROLINA.

Mr. MCENERY. I ask the Chair to lay before the Senate resolution No. 68, and that it be read.

The PRESIDING OFFICER. The Chair lays before the Senate the resolution indicated by the Senator from Louisiana, which will be read.

The Secretary read the resolution submitted by Mr. PRITCHARD on the 8th instant, as follows:

Resolved, That an enactment, by constitution or otherwise, by any State which confers the right to vote upon any of its citizens because of their descent from certain persons or classes of persons, and excludes other citizens because they are not descended from such persons or classes of persons, having all other qualifications prescribed by law, in the opinion of the Senate, is in violation of the fourteenth and fifteenth amendments to the Constitution of the United States and of a fundamental principle of our republican form of government.

Mr. MCENERY. Mr. President, the solution of the race question in the United States is one of the most serious problems that ever confronted a nation. It is confined to no locality. Every State is affected by it. The social, political, and industrial welfare of the South have influences on other sections of the country. We are but on the threshold. No man can predict what is beyond. So far the best intellects of the South have endeavored to find some remedy to make the South prosperous notwithstanding the presence of a vast number of ignorant blacks, to make her social position clear and defined in the separation of the races, and to place her on a political basis that will insure stability to her institutions; make the ballot box the sacred depository of the liberties of the people instead of the charnel house where under negro domination they were assassinated; to prevent them by means of the ballot and superior numbers from again getting control of the State and inaugurating the era of terrorism and corruption which prevailed under this Government from 1868 to 1877.

The recollection of that period is like a hell-born dream, and one is almost unnerved at the mention. It is the darkest and most shameful period in the history of the human race. The wonder now is that by force it was not sooner terminated by an outraged people.

Annul the legislation of Louisiana which has for its sole object the advancement of both races, the progress of the State socially, politically, and industrially, and inaugurate again negro domination in that State, the tragic period of 1876 will be reenacted. The white Republicans of Louisiana make no complaint against the provisions of the present constitution regarding suffrage. The more intelligent negroes accept it as a wise settlement of the question of suffrage. The ignorant of the negro race are indifferent about it, as they have long ceased to have any political affiliations except those which were momentarily created by the purchase of their vote.

There never has been any disposition on the part of the people of Louisiana to deprive the negro of any of his political or civil rights. There has been and will continue to be determination, fixed and unalterable, to deny him social privileges on equality with the whites, to prohibit him from aspiring to an equality in social life, which nature forbids.

Very recently the so-called National Republican party in Louisiana held a meeting of its executive committee. The chairman, H. P. Herwig, of the regular Republican party of Louisiana, was present and evidently the controlling influence in shaping the proceedings of the National Republicans. There was a combine made between the two organizations. The following resolution was adopted:

Resolved, That all Republicans, and all other persons who are qualified as electors under the constitution and laws of this State, without distinction as to race, color, religion, nativity, or former political affiliation, who condemn the usurpation of 1896, who favor free, fair, and honest elections, who believe in the selection by the people of their registrars of voters and of all other election officers, and who desire to strip the executive of the power to dictate to and control, through his appointees, all conventions, registrations, and elections are invited to participate in the selection of delegates to the convention which is called by this committee.

The following agreement was entered into between the two organizations:

It is agreed between P. F. Herwig, chairman of the State Republican committee of the State of Louisiana, and W. E. Howell, chairman of the State Republican committee of the State of Louisiana, that there shall be a joint call issued by the committees presided over by the said Herwig and Howell for a primary election to elect delegates to a State convention to be held at a time and place to be agreed on, say, not later than the —— day of February, 1900, for the purpose of nominating a Republican State ticket and for delegates at large to the national Republican convention called to meet at Philadelphia on the 20th day of June, 1900.

All Republican qualified electors under the constitution and laws of Louisiana shall be entitled to participate in said primary.

Rules and regulations for the conduct of said primary to be agreed on by a committee of five from each party.

The said Herwig and Howell obligate themselves to appoint a committee of their respective committees to report to their respective State committees the means adopted to carry out the purposes aforesaid.

The object and purpose of this agreement is to harmonize all party differences and to present a united front to the common enemy and build up a strong Republican party in this State.

Final action on the agreement is to be had by the respective State committees.

P. F. HERWIG, *Chairman.*
W. E. HOWELL, *Chairman.*

NEW ORLEANS, *January 6, 1900.*

No complaint was made of the suffrage article in the constitution of Louisiana. It was, in fact, approved. One member of the committee went so far as to claim that the Republican party of Louisiana was responsible for the suffrage clause, as it had forced the Democrats to adopt it, and that the Democrats had no right to claim credit for it.

It will be observed that this was a primary election, and under the call the Republicans asked only that those who were qualified electors under the constitution of the State of Louisiana should have the right to vote.

From the day that the negro was enfranchised and negro domination prevailed in the State until 1876, when it was overthrown, there was an era of corruption, vice, and tyranny not equaled in any age. Congressional investigation and reports prove this. As an initial step to this corrupt era the Freedman's Bureau was organized. The negro was made to believe that he was under the special protection of the Government and its Army, and that the white man was his inferior, and that any personal grievance he had would at once be righted by the Bureau and the offending white man who dared to insult him would be summarily punished. This too often happened on the unsupported testimony of some negro who imagined he was offended and his new-born liberty slighted.

The Bureau agent exacted from every planter a large sum of money for the privilege of employing negroes, reaching in some instances, to my personal knowledge, the sum of fifteen hundred dollars for the year. Negroes became justices of the peace, constables, sheriffs, legislators, State officials, lieutenant-governor,

generals of the militia. Even the high office of governor was awarded to him. They were ignorant, insolent, and oppressive, and corrupt beyond mention. The State debt in eight years increased from four to fifty million dollars. They were police jurors in parishes and councilmen in the towns and cities. All parochial and municipal indebtedness increased in the same proportion that the State debt had increased. The State expenses alone went to $19,000,000 a year, when the legitimate expenses ought to have been then, as now, one and a quarter million of dollars.

It is well known that laws were enacted during recess. They were promulgated after the adjournment of the legislature as having been passed, when they never were presented to that body. The journals were fraudulently manipulated in order to show that they went through the regular course of legislation. The courts as a rule were corrupt. Negro jurors were impaneled, and no white man had an opportunity in criminal cases for a fair trial.

A drunken judge on the United States bench at midnight signed an order organizing the legislature of the State, and no member was permitted to enter the statehouse without a permit signed by the United States marshal. Polling places were before dawn taken possession of by negroes, who stood in long lines, and it was with great difficulty and humiliation that a white man could vote. White men under arrest for some fancied wrong were brought to the polls under a guard of United States soldiers to encourage, edify, and amuse the negro voters. The entire State was a military camp, and United States troops were almost daily employed as political agents. Detachments were furnished sheriffs and constables to make arrests on warrants issued by courts of record and justices of the peace. The parties in many instances were turned over to the military authorities and, under the pretense of a rescue, kept under a military guard. United States marshals forged by the hundreds the names of United States commissioners to warrants and arrested with United States cavalry the most respectable citizens on fictitious charges and placed them in irons and confined them in loathsome dungeons.

The Republican Representative from the Fifth Congressional district of Louisiana had the boldness to publish in a Republican paper called the Intelligencer, in order to give him greater power over the negroes, that these troops had been furnished at his request, on the requisition of the Attorney-General of the United States, for the sole purpose of keeping the Republicans in power. People lived in terror. Every man went armed, expecting an attack at any moment from the negroes. It was the pastime of drunken negroes riding along the roads to fire into dwelling houses. Prior to an election they became more turbulent. The people could no longer stand such a condition of affairs. For some months prior to the Presidential election of 1876 they became unusually violent and unruly.

The consequence was that the indignation of the people broke into fierce energy and overthrew the negro-carpetbag domination. At its end the State was in a pitiable condition. Tax collectors had stolen the collections they had made. The State treasury had been looted and the auditor's books made way with in order to prevent prosecution. Levees which had been built for $1 per square yard, when they ought not to have cost more than 19 or 21 cents per square yard, were found to be full of barrels in order to give them bulk. State credit was at the lowest ebb; warrants on the State treasury went begging on Carondelet street at 20 cents on the dollar, State bonds at 50 cents on the dollar. Demoralization and distrust were everywhere.

Under white rule the State recovered rapidly. Levees have been rebuilt; bonds have gone above par. The State treasury is full; warrants are at once cashed. Schools are prosperous for both white and colored. Peace prevails everywhere. The whites and negroes are on cordial terms. Crime has decreased; courts speedily and impartially administer justice. Officers are competent, careful, honest, and diligent. White immigrants from the West have come to Louisiana in large numbers since the overthrow of negro domination. Except the corrupt and adventurous carpetbagger, none ventured there before that time. The people of Louisiana have been watchful that there be no return to that era of debauchery and crime which I have described. Only one serious attempt has been made to go back to it. The negroes were massed as they were in 1868–1876, but the energy of the white people prevented this attempt to go back to that period; and so they will ever prevent it. No reasonable or intelligent man can find fault with them for this determination.

It has been an absorbing question with the people of Louisiana to regulate the suffrage so as to eliminate the ignorant negro as well as the ignorant white man who has no conception of our form of government. The regulation of the suffrage in the present constitution does not alone affect the negro. It affects a large number in New Orleans who have emigrated to the State since the civil war. The controlling motive in the adoption of the constitutional provision was to eliminate an impersonal mass from the electorate—a mass that exists in all large cities as well as in the fields of Louisiana. It is a dangerous power, one which has been a potent factor in the overthrow of governments and the destruction of nations. Its elimination from electoral power is the surest means of preserving republican government. It is corrupt. It is unreasoning. It has no intelligence. It has no thought. It is a dead weight and is moved by an external force. It has no personality, no individuality. It falls under the power and dominion of one man or a faction, and is moved irresistibly in a course that a directing will orders.

The bestowal of political power upon mere numbers—the impersonal mass—can not be justified. It is not the government of a free people. It will degenerate into absolutism. The exclusion of this impersonal mass is therefore no violation of any representative law. Its inclusion in the electorate is the degradation of the whole.

> The multitude is everywhere dangerous to the State, but the bestowal of power upon it is to place the arms of her arsenals in the hands of the blind. It is the unreason of the State when it calls upon ignorance, vice, and crime to determine its career.

The writer from whom the above quotation is taken says:

> The object of every political constitution is to exclude this element—that is, the impersonal mass—from authority in the State. The reference of power to it subjects the organization of society to brutal force, while the whole effort of civilization has been to wrest it from that blind and unthinking sway.

Democratic government is a representation of a person by a person, and not an inert mass by a person. Every elector has a personality which finds representation in the government.

In the very able and interesting address recently made before the Senate by the distinguished junior Senator from Indiana he attempted to show that the Filipinos were incapable of self-government. He read many statements from intelligent men residing among them, showing that if they had the right to vote they would vote according to the will of a leader or of their employers. They have no will of their own, no individuality, no personality, and are an impersonal mass. The views entertained by the distinguished Senator are those of a majority of Republican Senators in this Chamber, and, I presume, of the Senator from North Carolina, who offered the resolution.

If a people is incapable of self-government it is not entitled to be intrusted with electoral power. This is self-evident. The description of the Filipinos is exactly that of the negro race in Louisiana. They tried the experiment of government and made a great failure. While some of the authorities quoted by the Senator from Indiana say the Filipino might be intrusted with municipal government under restrictions, the negro experiment in Louisiana showed that the negro was unsafe when in charge of the municipalities of Louisiana. Why, then, do some of the Republicans insist upon inflicting upon Louisiana and North Carolina a government that they will not tolerate in the newly acquired territories? If it is to secure the negro vote for the Republican party, they will not succeed, unless you withdraw a part of the Army from the Philippines and again make a military camp of the entire State.

Review the history of negro suffrage in Louisiana. When first exercised by the negro, he fell under the power of the carpetbagger. The entire negro vote was moved by one influence; it was one aggregation. It was kept solid by continuous, unremitting attention, by promises of land and mules, by threats of a return to slavery, by promises of social equality with the whites, by the encouragement of race prejudices. When the power of the carpetbagger was broken, the negro fell under the domination of the whites. He was as tractable as when under the power of the carpetbagger. He voted just as his immediate employer in the country dictated him to vote. He had no will of his own. In some localities it was so well known that the entire vote on the plantation would be cast according to the views of the proprietor that the presence of the negro at the polls was dispensed with. In the cities and towns, where they were not employed in large numbers by any one person, they soon learned the money value of their votes, and through a chosen leader would sell to the highest bidder.

The Republican party existed only in name, composed of a few stragglers in New Orleans who kept up a simulated organization for the purpose of sending delegates to the Republican national convention. It is only since the regulation of the suffrage that the party begins to show some vitality, by attracting to it some intelligent and respectable white citizens and negroes who have sufficient intelligence and respectability to exercise the right of suffrage. Old-time but respectable Republicans and Democrats and the more intelligent of the negroes demanded a change in our political conditions and a reformation of the suffrage. The members of the convention which adopted the constitution of 1898 were able and conscientious. They were confronted with a serious problem, and, in my opinion, they solved it. The suffrage article of the constitution provides that every male citizen 21 years of age, a bona fide resident of the State for two years, of the parish one year, and of the precinct six months, shall be entitled to vote if he can read and write, or if he owns property, real or personal, assessed to him to the amount of $300. The qualification to read

and write is tested by the ability of the voter to fill out the blank application to register, which is as follows:

I am a citizen of the State of Louisiana. My name is ——— ———. I was born in the State (or county) of ———, parish (or county) of ———, on the ——— day of ———, in the year ———. I am now ——— years ——— months and ——— days of age. I have resided in this State since ———, in this parish since ———, and in precinct No. ——, of ward No. ——, of this parish, since ———, and I am not disfranchised by any provision of the constitution of this State.

This test is simple enough. The disfranchisement has reference to article 202, which enumerates the causes to be conviction of crime the punishment of which is imprisonment at hard labor; inmates of charitable institutions, except the Soldiers' Home; those actually confined in any public prison, interdicted persons, insane or idiotic persons.

With the exception of this disfranchised class, any citizen, white or colored, who has the qualification of residence can vote if he be able to read and write or possesses property assessed to him of the value of $300. No constitutional objections can be urged to these qualifications. The constitution, section 5, article 197, excepts a certain class from the qualifications above stated. It is this article against which complaint is leveled, because it is said it discriminates against the negro. A like provision is contained in a proposed amendment to the constitution of North Carolina, which is the occasion of the resolution offered by the Senator from that State. Section 5 is as follows:

No male person who was on January 1, 1867, or at any date prior thereto, entitled to vote under the constitution or statutes of any State of the United States wherein he then resided, and no son or grandson of such person not less than 21 years of age at the date of adoption of this constitution, and no male person of foreign birth who was naturalized prior to the 1st day of January, 1898, shall be denied the right to register and vote in this State by reason of his failure to possess the educational or property qualifications prescribed by this constitution: *Provided*, He shall have resided in this State for five years next preceding the date at which he shall apply for registration, and shall have registered in accordance with the terms of this article prior to September 1, 1898; and no person shall be entitled to register under this section after said date.

The inclusion of this class does not exclude the negro from voting. He has the right in common with the white people on the conditions alike applicable to both races, that he can read and write, or that he owns a certain amount of real or personal property. He is deprived of no right of suffrage by the conferring of it upon another class. If the suffrage amendment, because it conferred the right to vote upon certain citizens, is to be interpreted as a discrimination against the negro, then no privilege could be granted to any white citizen by a State unless a negro was granted the same. The fourteenth amendment declares that the privileges or immunities of citizens of the United States shall not be abridged by any State. This amendment was intended to protect the negro, so that he could not be discriminated against in public places of amusement and on public conveyances and in the courts. Suppose a State should for some reason or other provide for the free transportation of some of its citizens on a public conveyance, then, according to the views of those who complain of the suffrage amendment in the constitution of Louisiana, the State would be bound to grant the same privilege to an equal number of negroes.

Amendment fifteen of the Constitution of the United States says:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Wherein is the denial or the abridgment of the negro's right to vote by the inclusion of one class into the electorate? The right to vote still remains to him unimpaired. No one will say that the educational or property qualification provided for both races denies or abridges his right to vote under the fifteenth amendment. The gravamen of the complaint is that the same exemption from the educational or property qualification was not accorded the negro. If this had been done, the educational and property qualification would have been useless and the suffrage would have been in the same condition as it was before the adoption of the Constitution.

The Constitution of the United States does not confer the right to vote on anyone. This is left exclusively to the States. I am not aware of any restriction upon the State as to the persons it may admit to the electorate. Its power is unlimited. The only restriction imposed by the Constitution of the United States is that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude. As I have stated, the State, in the exercise of its exclusive power to confer the right to vote, does not deny or abridge or deny the right of other citizens to vote by exempting a certain class from the qualification provided for the great body of electors.

There is nothing in the text of the suffrage clause quoted to show that there is any denial or abridgment of the right to vote on account of race, color, or previous condition. The State, being the sole judge of the qualifications of electors, can discriminate among the illiterate as to electoral capacity. This is what the State of Louisiana has done. There were certain persons living in the country parishes who served the State with fidelity who could not read or write and who did not own property. The descendants of these people had no opportunity immediately after the war to obtain an education, as the struggle for an existence was hard. They had been voters. They attended public meetings punctually and heard discussions on public affairs. They knew who was President, governor of the State, and how they were elected, and had a very good comprehension of the principles of the Government and the duties of public officers. They were incorruptible.

No money or other consideration akin to bribery could influence them. They had a personality. They did not vote en masse at the dictation of anyone. It was right, it was just, that they should be continued as voters. The exemption is not partial to the white race. It deprived a great many people in the city of New Orleans of the right to vote. Since the close of the war between the States large numbers of foreigners have come to New Orleans and many have gone into the sugar district who can not read and write and who have not the property qualification. Prior to the constitution of 1898 they were voters, even after they had filed a declaration of intention to become citizens of the United States, and were influenced and controlled by leaders and voted en masse as directed. This class has been disfranchised, and will remain so until they become qualified voters.

Mr. BUTLER. Will the Senator from Louisiana pardon an interruption for a moment?

Mr. McENERY. Certainly.

Mr. BUTLER. There is now pending in my State a proposed suffrage amendment, to be voted on next August, containing the same "grandfather clause" of the Louisiana amendment already adopted in that State. This grandfather clause, which is section 5, is, in my opinion, clearly unconstitutional, and I had understood that the Senator from Louisiana held to the same opinion; but it seems from his present remarks that he is now undertaking to defend that monstrous absurdity.

Now, if the Senator will pardon me, I should like to ask him if he was not of the opinion when this amendment was pending in his State that it was clearly unconstitutional, and if he did not so advise the convention of his State, and if he did not also advise them that the ablest constitutional lawyers of this body held to the same opinion?

Mr. McENERY. Yes, sir. When the constitutional convention was in session I was telegraphed to know what was my opinion of this section 5. I replied to that telegram that in my opinion it was unconstitutional. I then received another telegram, after its adoption, to know if, when it was attacked, I would defend it in the Senate of the United States. To that telegram I replied that I would.

I stand, Mr. President, always ready to defend the people of Louisiana when their character is attacked. I stand ready to defend them when their interests are in peril. I stand ready to defend them when their laws are assailed.

It is the same way, Mr. President, in reference to my duty to the Government of the United States in regard to the war that is now being waged in the Philippine Islands. I do not stop to inquire whether the people of the United States are right or wrong. I do not stop to inquire whether or not the first volley was fired by the Filipinos or by the troops of the United States. It is enough for me to know that the authority and power of this Government is assailed and that it is the duty of every citizen, no matter what were his convictions, to rally to the support of the Government, not only to send its ships abroad and its armies upon the field and to supply money and munitions of war, but with our great sympathy and whole will and heart to stand by the President of the United States and uphold his hand until the enemies of this Government are brought under subjection. That same motive, Mr. President, induces me to defend to the best of my ability the constitution of the State of Louisiana when it is assailed.

But, Mr. President, although that was my opinion at that time, since then I have studied the question more carefully, and I hope the reasons which I assign are a sufficient justification for that change of opinion.

Mr. BUTLER. Mr. President, I think I now understand the Senator. He said the amendment was unconstitutional; but he also said in another letter that if his people adopted it, he would do his best to defend it in the United States Senate. I do not wish to interfere with his speech; but if the Senator does not object to the interruption, I have in my hand both of his letters, to which he has referred, and an editorial from the New Orleans Times-Democrat, from which I should like, with the permission of the Senator, to read.

The Senator's first letter is as follows:

WASHINGTON, D. C., *March 17, 1898.*

To the Times-Democrat:

In answer, I say that section 5 is grossly unconstitutional. I have submitted the same to some of the ablest Democrats of the Senate, who are able constitutional lawyers. They all concur in my opinion that if adopted, the effect will be to lose in our representation in Congress and in the electoral vote of the State.

S. D. McENERY.

The second, to which the Senator himself has referred, is also addressed to the New Orleans Times-Democrat and is under date of March 19, 1898. The Senator has already stated the substance of that letter. He says that after the amendment, which he opposed and denounced as "grossly unconstitutional," was adopted he would try to defend it when it was attacked.

That letter is as follows:

[Special to The Times-Democrat.]

I know of no better plan for a suffrage article in the constitution than an educational or property qualification. This was recommended for adoption as an amendment to the present constitution.

It was defeated not because of its defects, but for other reasons. There was universal regret at its defeat, and complaints made against Democratic authority for its defeat. I am opposed to the South Carolina plan. It is an expedient. In time we will have to adopt the plan herein suggested. A serious problem confronts us. It ought to be solved in a manly, courageous, and honest way. I have no apprehension of negro supremacy or undue negro influence in elections under an educational or property qualification. The poll-tax system is said to be effective in Arkansas, Mississippi, and probably in Tennessee. It may not suit conditions in some parts of Louisiana. There is diversity of opinion. It may be reconciled by referring the matter to the legislature with discretion.

Confederate veterans and voters in 1868 can be protected by provision admitting them to vote without qualifications. This is inclusion of one class and not the exclusion of another. In answer to a telegram from delegates, I say that in the Senate I would support any plan adopted when attacked. My duty to the people of Louisiana would demand this.

S. D. MCENERY.

I understand that the Senator is now simply carrying out his pledge to support whatever they adopted, even though it were "grossly unconstitutional."

In this connection I will also read a short extract from an editorial in the Times-Democrat from its issue the next day after this unconstitutional amendment was adopted, commenting upon the same:

After themselves disowning and fiercely denouncing section 5, a majority of members of the constitutional convention yesterday passed that offensive section—offensive to Democracy, to political honesty, and to Americanism. * * * And the convention, too, has passed this offensive section in face of the fact that the ablest Democrats in the United States Senate have declared it to be unconstitutional. Senators CAFFERY and MCENERY have protested against its passage, and have declared that it contravenes the Federal Constitution. In this opinion they are joined by such stalwart Democrats and uncompromising States' rights Senators as Turpie of Indiana, LINDSAY of Kentucky, VEST of Missouri, BERRY of Arkansas, Walthall of Mississippi, TURLEY of Tennessee, PETTUS of Alabama, and MCLAURIN of South Carolina, and many members of the House of Representatives.

Now, Mr. President, this same constitutional amendment, this proposition "offensive to political honesty and to Americanism," is now to be voted upon by the people of my State. My opinion about it is the same as that expressed by the Times-Democrat and by the Senator in his letter to that paper. But I am glad to hear any arguments as to its constitutionality. But the Senator is now discussing the evils of negro domination more than the constitutionality of this amendment. If the Senator had before this body a proposition to abrogate the fifteenth amendment to the Constitution, then I would be ready to discuss with him the advisability of negro suffrage, to consider its evils and how to remedy or to prevent the negro domination which he has said he has had in his State, or which might exist anywhere else. There is no negro domination in my State, and never will be, for we have more than two white voters for every negro voter.

However, that is not the question now before us, as I understand it. It is a legal question that confronts us. As long as the fifteenth amendment stands I consider it the duty of every Senator and of every citizen——

Mr. MCENERY. I am going to argue that legal question. I was just going to do that, if the Senator will permit me to go on.

Mr. BUTLER. If the Senator will let me finish this sentence, I will listen to him with a great deal of interest. I say it is the duty of every State not to violate the fifteenth amendment as long as it stands as a part of the organic law of the land. In fact, we can not violate it, for our attempts to do so will be declared void by the courts.

I shall be glad to have the Senator address himself, also, to another phase of this question in which he is interested in his State and in which the people of my State are interested, and it is this: If section 5 is unconstitutional, as the Senator advised the convention of his State that it was, even though he agreed to try to defend its unconstitutional action——

Mr. MCENERY. I will follow my own course of reasoning, so far as that is concerned.

Mr. BUTLER. But it is not the Senator's reasoning, but the probable action of the Supreme Court, of which I am now going to speak. If section 5 is unconstitutional, then, Mr. President, the question is, Will the court knock that out—that section—leaving the remainder of the amendment stand? If it does, then the illiterate white citizens of the Senator's State, to whom he has just paid such a fine tribute, would be then disfranchised and be powerless to remove that provision from the constitution of his State.

The same thing faces the people of my State. There are over 60,000 illiterate white voters in my State who would be disfranchised, as large a number as there would be of negroes, if section 5 is unconstitutional; and if the courts should follow the usual construction and knock out the objectionable parts, leaving the remainder of the constitutional provision, which would, without section 5, make a constitutional scheme of limiting suffrage by an educational qualification applying to both races alike, to stand.

Mr. President, this is a danger that should appeal to everyone, even though he is willing to violate the fifteenth amendment, unless he desires to see the poor and illiterate whites also disfranchised. I hope to hear the Senator discuss this phase of the question before he concludes.

Mr. MCENERY. In the opinion in the case of United States *vs.* Reese et al. it said by the organ of the court:

If citizens of one race, having certain qualifications, are permitted by law to vote, those of another having the same qualifications must be.

This is the strongest language in the opinion relating to the denial or abridgment of the right of the negro to vote. This statement means that where the general law prescribes the qualifications to vote the negro who has these qualifications can not be denied the privilege. The State of Louisiana has a provision in its constitution prescribing qualifications for all voters, white and colored, and the violation of the fifteenth amendment must necessarily be in the denial of the act of voting, by a refusal to permit the negro to register or to deposit his vote on account of his race, color, or previous condition of servitude. The exception of a certain class from the qualifications provided by the Constitution in no way affects the negro's vote, nor does it affect the right to vote of white men who were not voters in Louisiana or any one of the States of the Union in 1867 or prior thereto.

It has been held by the Supreme Court of the United States that the Constitution of the United States has not conferred the right of suffrage upon anyone, and that the United States has no voters of their own creation in the States. (21 Wall., 178; United States *vs.* Cruikshank et al., 92 U. S., 542.) In the latter case it was said by the court, after having quoted from United States *vs.* Reese et al., 92 U. S., 214:

From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right on account of race, etc., is, but it must be expressly averred. (United States *vs.* Cruikshank, 92 U. S., 542.)

The fact is, that all negroes who can read and write, and who have the qualifications of residence, are in the electorate, and all will be when they acquire these qualifications. From this it will appear that the article was striking at ignorance among both white and colored, and not at the negro race.

The word "white," which would show a discrimination on account of color, etc., is not in the article regulating the suffrage. Affirmatively it confers the right to vote on the negro. (Ex parte Yarborough, 110 U. S., 651.)

The right to vote in the State comes from the State; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the latter has been. The provisions in the constitution of Louisiana in regulating the suffrage do not express any discrimination on account of race, color, or previous condition of servitude. It is not enough to infer or suspect that the suffrage article in the Constitution discriminates. In McPherson *vs.* Blacker (110 U. S., page 1) it was said, reviewing both the fourteenth and the fifteenth amendments:

The right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State. There is no color for the contention that under the amendment every male inhabitant of the State, being a citizen of the United States, has, from the time of his majority, a right to vote for Presidential electors.

The State therefore having the exclusive power to say who shall be electors, has the right to discriminate between its citizens as to capacity for electoral rights, provided it makes no discrimination on account of race, color, or previous condition of servitude. (Williams *vs.* Mississippi, 170 U. S., page 213.)

The State has the exclusive right of prescribing qualifications for the voter. It has prescribed them, and every negro in the State can vote if he has these qualifications, which in the general law are common to him and the white man.

In the State of Louisiana the negroes who can not read and write are those who were slaves. They are fast passing away, leaving a generation behind them who can read and write, and who have learned to do so in the schools established for colored people by the State of Louisiana. The election law of Louisiana is of the Australian kind, and every voter can now have his vote counted and an expression of his will enforced. There negroes can register and vote without interference.

The State of Louisiana has done a great deal for the negro. It has elevated him morally and intellectually. He pays no taxes of any amount, yet the people of that State cheerfully and generously contribute for his schools and his churches. Schools are in every neighborhood. The State has organized a prosperous university, where there is industrial training and facilities for a higher education. As the negro will not patronize a school where white

teachers are provided, a normal school has been provided to educate their teachers. Besides the university established and supported by the State, there are several colleges of a high order with able faculties.

Had the negro continued in power, the State would have been one vast sea of desolation; values of all kinds would have been destroyed, fields uncultivated, improvements of all kinds delayed; schools would have been closed, and he, the tool of unscrupulous adventurers, would be now sunk in moral degradation and mental darkness.

The people of the South availed themselves of the first opportunity, after the white people gained the ascendency, to rebuild their shattered fortunes. In 1870 there were 4,352,317 bales of cotton, with an aggregate value of $326,032,066; in 1880, 6,605,750 bales, of an aggregate value of $344,555,920; in 1890, 8,652,597, worth $369,118,787.02; in 1898, 11,119,994 bales, worth $343,399,668, but because of the low price of cotton—4½ cents per pound—this enormous increase was worth $100,002,200 less than the crop of 1890. From 1870 to 1890 the population of the South increased 100 per cent. From 1880 to 1890 the South made an advance of 37 per cent in farm products as against a gain of 50 per cent for all the rest of the country. The total value of farms for the South in 1880 was $660,000,000; for the rest of the country it was $1,555,000,000. In 1890 the South had gained $107,000,000, or 16 per cent, while the rest of the country had gained only $141,000,000, or 9 per cent.

During the year just closed there were established in the South industrial enterprises to the number of 1,938, comprising agricultural, forestal, and mineral industries. In nine Southern States there are 4,773 knitting machines; in five there are are 57 woolen mills, devoted to making all wool and mixed wool. Several of the Southern States are manufacturing furniture from native woods, said to be as good as that made elsewhere. Cotton factories are being established everywhere near the fields of production, and during the past year there was consumed 1,400,026 bales. Coal and iron mines have been opened and furnaces and rolling mills established. Railroads now cross every section of the country.

"The opportunities of the South are those of the nation." Let her alone and her possibilities for the future can only be conjectured. They are limitless.

The rapid industrial progress of the South was impossible under negro domination. Restore to the negro indiscriminately the ballot and invest him with power, and there will not only be a check to the progress of the South, but the advantage gained will be lost.

There can be no admixture of the races. This is a law of nature. They must work out their destinies on parallel lines, which can not come together. The Anglo-Saxon blood and brain will always be the superior and can not be subordinated to the negro.

The negro, unfortunately for the country, is here to stay. His deportation is impossible. He has strong local attachments which will keep him in the South. He must move along in his own line of development, directed, encouraged, and assisted by the Anglo-Saxon. He will become more intelligent, more self-sustaining, and better adapted for work along all lines of industrial development. Since the supremacy of the white people has asserted itself the negro is becoming more tractable, a better laborer, a better mechanic, and in some instances has attained a respectable standing in the professions. These intelligent negroes are in the electorate and are helping to shape the destiny of the State. It would be a cruel wrong to again throw them back into race hostility and prejudice and to consign those who have the opportunities for advancement to again possess the idea that they are "wards of the nation," better than a white man, and are entitled to Government support and to live in idleness and dissipation.

We of the South are making the negro's condition better every day. He has been treated so as to destroy, to a great extent, the antagonism engendered by carpetbag government. He is regarded as a factor in the South's future development. He is not debarred from work because he is a negro. The fields, the workshops, the factories, and the professions are open to him for his development. We do not deny his political rights because he is a negro. We regulate the suffrage because he is ignorant, and at present the majority of the negro race has no electoral capacity.

The course of civilization has been in the supremacy of the white race. The physical properties of soil and climate have had less influence than intellectual superiority. In every climate, on every soil where the white man has appeared, he has asserted supremacy. The African and the Oriental fall under his dominion, and the populations are moved and controlled as he directs. It is so to-day in India, in Africa, and is rapidly crystallizing into a fact in the far east, in China, and in the islands of the Pacific. The conception of this power and strength in the white race, whose distinction is in the separation of the races, is the hope of civilization and the enlightenment of the world. Language and art and science and architecture and all modes of culture will bear the impress of the white man's supremacy. It is a universal law. It is present here and everywhere, and no act of Congress can suspend it.

The greatness of a republic consists in the representation of persons. Political power in a representative government must be in the organization of electoral action, so that there may be an expression, a realization of personality in the government.

"There is no basis for electoral rights where there is no capacity for electoral action." In the impersonal mass, where there is an absence of individuality and personality and an absence of electoral capacity, it is the duty of the State to lift the individuals composing the mass from an indifference to electoral power and to educate them for its exercise. It is the duty of the State to develop in each member of the community personal power as an elector. This is what the State of Louisiana is accomplishing. It provides for the negro and the ignorant emigrant schools where they can learn the elements of an education. It goes further and provides for higher education. The State is trying from among this class "the formation of an independent manhood, so that he who has reached his majority in years is always in his political majority." When this shall have been accomplished the voter can exclaim, "I have not gone with the multitude to do evil."

"It is thus also that Indians are excluded from voting; not because they are not taxed, but because they are subservient to the will of a chief; and absolutely controlled by it they are without freedom. They also exist in a tribal relation, the organization of a race, which isolates them from the organic and moral being of the nation; but in withdrawing from the tribal relation they come upon a national position and should be regarded as members of the nation."

The populations in the Philippines, as we learn from the junior Senator from Indiana, are wanting in personality and fall under the control of some superior mind, and are not fit to be intrusted with electoral power. And this may be truly said of the mass of the negro population in the South. Every person should have representation in the State, but this means every actual person, one who is possessed of sufficient intelligence to separate himself from the mass and who is invested with a personality, showing a capacity for electoral action.

The qualifications of an elector are defined in a general law, but they may be more exactly defined as the State progresses. In defining the qualifications of an elector under the Constitution of the United States the State has the power to exclude those who have no will of their own, and to keep them so excluded until they attain the qualifications prescribed by law. It can more exactly define the qualifications of electors by including a class which it deems of sufficient intelligence to be admitted to the right of suffrage. The fact that the admission of the class designated in section 5 of the constitution of Louisiana to the right of suffrage, and that it increases the number of electors and may give an advantage in number to the white people, is no evidence that the right of the negro to vote has been denied or abridged.

The State of Louisiana undoubtedly has the power to enact a law declaring that, for the love and reverence of the people of Louisiana for the late General Beauregard, his descendents, as a mark of distinction, shall have the right to vote and be exempt from the suffrage clause of the Constitution. This would not deny or abridge the right of the negro to vote. But under the theory of the Senator from North Carolina it would, unless a negro was given the same distinction. Some negro general of militia of the reconstruction era would have to be thus honored, or the law would be a violation of the fourteenth and fifteenth amendments to the Constitution of the United States.

The fifteenth amendment never intended to place the negro on a perfect plane of equality with the white man, so as to deny privileges to the latter without giving the same to the former. It means only that the right to vote shall not be denied or abridged because of his race, color, or previous condition.

In our democratic government the majority rules. This is not tyranny. There is no power so devoid of tyranny as the political majority. All tyranny has sprung from the minority acting beyond and outside of the law. It has been said that 300 persons inaugurated the reign of terror in France. A few carpetbaggers controlling the negroes inaugurated a reign of terror in the South. In Louisiana, after the disappearance of the carpetbag negro government, one man controlling sometimes 100 negro voters exercised a dangerous power. He overthrew the will of voters who lived in another section of the State where no such power was attainable, because of the absence of the negro from those sections. With the mass of the negroes as voters there was no political majority in Louisiana. A minority necessarily governed because of the preponderance of the negro population and the ability to absolutely control it by one or more persons. The remedy is a principle of representation involving the right of all as against the arbitrary rule of a few controlling an impersonal mass of voters.

In the constitution of 1898 for arbitrary action of an individual

or class there has been substituted the well-being of the whole against the design of a few. There may be to the unthinking an apparent wrong in the inclusion of one class of voters into the electorate, but this inclusion was of a class who have freedom of will, independence, and capacity for political action. The inclusion of the negro, as I have described his capacity for the suffrage, would have been a greater wrong and a detriment to the whole electorate. The State of Louisiana was compelled to change this condition in its political affairs so as to avert grave disaster in the paralysis of power and will and to give strength and energy and power and authority to the government. It was compelled to look among its citizens for a higher personality in order to bestow electoral power upon them. It had the sole and exclusive right to do this. Its judgment can not be questioned unless you find that for arbitrary reasons the negro was excluded from the electorate simply because he was a negro.

The question raised in the resolution offered by the Senator from North Carolina is a judicial one. Congress has the power, but it has not the right, to delare any law or constitutional provision of a State unconstitutional. Under the Constitution of the United States this is the exclusive prerogative of the judiciary. If the resolution should pass, it would be meaningless in the face of a decree of the Supreme Court of the United States declaring such a provision in the constitution of a State constitutional, not being in violation of the fourteenth and fifteenth amendments. Congress can pass no law coercing a State. If, under the guaranty of a republican form of government to the States, any State should organize a government not republican, but hostile to that of the United States, then the State would be virtually placing itself outside of the Union, and Congress, by the military power of the Government, if necessary, would undoubtedly have the right to rehabilitate the State and organize a government republican in form.

But because a law or an article in the constitution of a State is invalid, because of its conflict with the Constitution of the United States, gives Congress no right or authority to declare the law or the article in the constitution null and void. It would be the usurpation of judicial authority and in itself unconstitutional. Suppose the judicial department should decree that the article in the constitution of the State is null and void. The effect of the decree would be to reinstate the suffrage as it was before the constitution was adopted. Then, if a negro should be denied the right to vote—the exercise of the act of voting—because of his race, color, or previous condition, the fifteenth amendment would be violated, and the individual cr person preventing the act of voting would be liable to be prosecuted under any law of Congress enacted to carry out the provisions of said amendment.

In my opinion Congress can only enact a law to act upon the person or persons who deny or abridge the right to exercise the act of voting on account of race, color, or previous condition. It can not punish the State. It can not deprive the State of any of its constitutional rights. Its laws must be respected until they are declared unconstitutional by the judiciary department of the Government.

Mr. BERRY. Mr. President, I have just been told that while I was absent from the Chamber the Senator from North Carolina [Mr. BUTLER] had a newspaper article read in which it was stated that I had given an opinion that the provision of the Louisiana constitution in question was unconstitutional. I wish to state that I never gave any such opinion. At the time the newspaper article referred to was printed I had never seen the provision in the Louisiana constitution and had not discussed it.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. TILLMAN. I ask unanimous consent for the present consideration of Senate bill 602. It is a bill which is of very great importance to a great many people in the South. It was introduced by the Senator from Minnesota [Mr. DAVIS] and a favorable report submitted on it to the Senate. I shall be very much obliged if the Senate will allow the bill to be taken up and put on its passage at this time.

The PRESIDING OFFICER. The Chair will inquire of the Senator from South Carolina what is the Calendar number of the bill?

Mr. TILLMAN. The Calendar number is 18.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the present consideration of Order of Business No. 18. Is there objection? The Chair hears none, and the bill will be read.

The Secretary read the bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof.

Mr. TILLMAN. Mr. President——

Mr. ALDRICH. If this bill leads to any discussion I shall certainly have to object to it.

Mr. TILLMAN. I only wish to ask that the Senator from Minnesota [Mr. DAVIS] who introduced the bill may have an opportunity to make a brief explanation. If it leads to any debate, of course we will have to submit to the will of the Senator from Rhode Island.

Mr. DAVIS. Mr. President, about a year ago my attention was called to these claims, and I gave them and their history a very careful examination. The result of that examination was that I came to the conclusion that they were not only just, but that it was the bounden duty of Congress to provide for their settlement. I will proceed to state in a very brief way what the history of this business has been and what led me to that conclusion.

Mr. HALE. Let me ask the Senator a question before he goes on with his statement. I notice in reading the bill that it is provided that judgments under the bill shall be paid not as ordinarily by appropriations made by Congress, but out of the fund of captured and abandoned property. Will this bill under any circumstances or any construction cover what have been known and what have been discussed heretofore as the captured and abandoned property claims in the South, for cotton and other kinds of property?

Mr. DAVIS. I think it does.

Mr. HALE. The Senator thinks it covers them?

Mr. DAVIS. Yes, sir.

Mr. HALE. That, Mr. President, amounts to ninety or a hundred million dollars.

Mr. DAVIS. But the amount of the disbursement is strictly limited to the fund in the Treasury.

Mr. HALE. Undoubtedly.

Mr. DAVIS. If the Senator will let me go on now——

Mr. HALE. The Senator has answered my question. I did not suppose it covered the question of captured and abandoned cotton.

Mr. DAVIS. Mr. President, in regard to the captured and abandoned cotton, the claim is strictly limited to what the property produced. In 1863 an act of Congress was passed as to captured and abandoned property, by which it was provided that it should be sold and the proceeds, after paying the expenses of the sale and transportation, should be deposited in the Treasury as a fund, and that within two years from the ending of the rebellion parties having claims could bring their suits in the Court of Claims for the purpose of obtaining judgment against the fund; provided, however, that they should make proof of loyalty, that they had never given aid or comfort to the rebellion.

The result of it was that the net fund produced by the sale of this captured and abandoned property—and I can not impress upon Senators too strongly the fact that this bill is limited to that fund—was $20,000,000 in round numbers. Under the act of Congress to which I have referred, where loyalty had to be proved and where the limitation was two years, suits were brought whereby judgments against that fund of $20,000,000 were rendered for about $9,000,000, and which judgments were paid out of that fund.

In the meantime the two years had elapsed. The provisions in regard to the proof of loyalty were kept in force. Many people whose property unquestionably had gone into this fund were not able to make the proof requisite. They were barred by limitation, and for other reasons. They had not brought their suit, or the suit, if brought, had been thrown out, some on the ground of limitation and some on the ground that they had not furnished proof that they had not given aid and comfort to the rebellion.

So, Mr. President, that fund is in the Treasury, not Government property, not money of the United States at all, a fund impressed by a trust for the Federal Government, which is its holder, to which citizens have been declared to be entitled by a decision of the Supreme Court, to which I shall presently call the attention of the Senate. It remains there and has remained there for twenty years, the Government having the use of it since the statute of limitations barred it in 1868, I think.

Now, in regard to the nature of this property and the relations of the Government to it, whether it has been covered into the Treasury, to use the common expression, or whether it was a fund impressed by trust, there was much discussion and considerable litigation, until it finally came before the Supreme Court of the United States in the case of Klein *vs.* United States, reported in 13 Wall., 138; and it was held:

1. That it was not the intention of Congress, by the enactment of that statute, that the title to property seized under it should be divested from the loyal owners.
2. That the proceeds of the property should go into the Treasury without change of ownership.
3. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.
4. That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.
5. That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of all the owners of such property to the proceeds thereof in the Treasury; and the restoration of the proceeds became the absolute right of the persons pardoned.
6. And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled."

In this opinion the court used this language:

That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States, unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombattant enemies from capture as booty of war; even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. * * * The restoration of the proceeds became the absolute right of the persons pardoned, on application within two years from the close of the war. It was, in fact, promised an equivalent. "Pardon and restoration of political rights" were "in return" for the oath and its fulfillment.

The court adds the following language:

To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom.

Mr. President, bearing in mind that up to a certain time there was a limitation upon the right to sue by the necessity to prove loyalty, I ask the attention of the Senate while I give the history of the proceedings by which proof of that fact became entirely immaterial, and in fact could not be required:

Under the act of July, 1862, known as the confiscation act, the President was authorized at any time thereafter, by proclamation, to extend to persons who may have participated in rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such time and on such conditions as he should deem expedient for the public welfare.

On the 8th day of December, 1863, the President issued his proclamation, in which he referred to the act of 1863, relating to captured and abandoned property, and offered pardon and amnesty, with restoration of all rights of property, except as to slaves and property to which third persons had acquired rights, to all persons who had participated in the rebellion who would take an oath to support the Constitution and the laws. Certain classes were excepted from the benefits of pardon and amnesty under that proclamation.

On the 29th of May, 1865, another proclamation was issued, extending pardon and amnesty, with a full restoration of all property rights, except as to slaves, etc., to all persons who had participated in the rebellion. A similar oath was required, and 14 classes of persons were excepted from the benefits of the proclamation.

On the 7th of September, 1867, another similar proclamation of pardon and amnesty was issued, which reduced the excepted classes from 14 to 7.

Finally——

And here is the important point, on the 4th day of July, 1868, after the two years' limitation provided for in the act of 1863 had closed upon the parties who otherwise would have been benefited, another similar proclamation of pardon and amnesty was issued, which reduced the excepted classes from 14 to 7.

Finally, on the 4th day of July, 1868, a proclamation was issued by the President extending pardon and amnesty to all, with some exceptions, who had participated in the rebellion, with restoration to all rights of property, except in slaves, and on the 25th day of December, 1868, without exception, unconditionally, and without reservation. No oath was required.

Now, what was the situation, Mr. President? Little by little as time went and the feelings of resentment were assuaged, and wiser views and considerations of public policy, as it was then thought, prevailed, by proclamation after proclamation the President granted amnesty until finally, on the 4th day of July, 1868, a very appropriate day, universal amnesty without restriction, without qualification, a clean and clear pardon as was ever granted by ruler to men, was issued by the President of the United States, by which no oath of allegiance, proof of loyalty, or disproof of disloyalty were required.

But in what situation did it leave these parties? Those who had remained under the restriction in the previous proclamation or in the statute of 1863, who did not bring their suits because they knew they could not prove loyalty, by the time the proclamation of 1868 was issued had become barred by the statute of limitations. So the word of promise was held forth to the ear, but broken to the hope. A right was declared and a remedy withheld. The Government is in possession of a fund in the Treasury amounting to $9,000,000 which the Supreme Court has declared is still the property of the owners, from whom it has never been divested, as to which the Supreme Court declared this Government held the relation of trustee. It there remained and has remained for twenty years undisposed of, unappropriated, undistributed, the property of private citizens throughout the United States, made perfectly free and clear to claim their rights in the property as I ever was or any other Senator on this floor.

Now I read from the decision of the Supreme Court of the United States in the Padelford Case, reported in 9 Wallace:

In the case of Garland this court held the effect of a pardon to be such "that in the eye of the law the offender is as innocent as if he had never committed the offense;" and in the case of Armstrong's foundry we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings and relieved from any penalty which he might have incurred. It follows, further, that if the property had been seized before the oath was taken the faith of the Government was pledged to its restoration upon the taking of the oath in good faith. We can not doubt that the petitioner's right to the property in question at the time of the seizure was perfect, and that it remains perfect, notwithstanding the seizure.

But it has been suggested that the property was captured in fact, if not lawfully, and that the proceeds having been paid into the Treasury of the United States, the petitioner is without remedy in the Court of Claims, unless proof is made that he gave no aid or comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If in other respects the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment, which simply awards to the petitioner what is his own.

Mr. President, I might go on and cite other decisions cumulative in their nature, but to the same effect. This bill has received the favorable reports of committees in four successive Congresses, I think. The report made last year was made while the Senator from Colorado [Mr. TELLER] was chairman of the Committee on Claims. I had some conference with him about it at the time, and he assured me this afternoon of his entire confidence and belief in its perfect justice.

To recapitulate briefly, the situation is just this: There went into the Treasury net $20,000,000, the proceeds of property the title to which had never been divested from the owners, and which has remained and still is a fund representing that property and their title just as much as if it never had been taken from their hands, the Government holding it as a trustee.

This is no mere matter of individual speculation or legislative opinion. Such are the solemn, recorded, and repeated decisions of the Supreme Court of the United States. It was held for a time, so that the loyal owners could recover, and they only, but while that time ran on the Supreme Court said that that which belonged to disloyal owners was held in the same undivested shape of property by the United States as trustee, for the owners who might once have been disloyal might subsequently have become loyal. That time came. Finally, on the 4th day of July, 1868, long after the two years' statute of limitations prescribed by the act of 1863 had closed upon all parties alike, the President of the United States issued a proclamation of general, unconditional, and unrestricted amnesty, which required no oath and put every property owner, loyal or disloyal, in whatever category he might be, upon an equal footing to claim restoration of his property.

But while that was done the statute of limitations had run, and the pending bill is asked for to perfect this act of justice, and no clearer act of justice was ever required of any body of men, in my judgment. When this was done the statute of limitations enacted in 1863 was set up as a bar. Consequently these parties are remediless against a trustee who possesses the power of legislation to open the gates of relief to them. Why should it not be done?

Mr. President, in regard to the apprehension or misapprehension that this bill opens the sluiceway for the letting out of indefinite amounts of money upon so-called cotton claims, it does nothing of the kind. This bill is limited to the distribution of the $9,000,000 undistributed of that net fund of $20,000,000 which was realized to the Treasury by the capture and sale. That is all there is to it. It sets no precedent whatever for any future legislation as to claims which have not taken the shape of being realized and turned into the Treasury in cash. The kind of claims that have awakened the apprehension of my friend the Senator from Maine are not included, are not contemplated, and can not be covered by this bill.

I have not a particle of interest in this matter more than the general interest and desire to see the right and proper thing done. I do not know that any constituent of mine has the least interest in the world in it. I introduced this bill, the same bill which has been introduced by others before, because upon an examination of what my fellow-citizens were entitled to and what has been denied to them so long by this Government I became thoroughly and perfectly convinced that they were right and were entitled to this measure of long-deferred relief.

Mr. President, I think I have said all I want to say upon this subject.

Mr. COCKRELL. Will the Senator from Minnesota yield to a suggestion?

Mr. DAVIS. Certainly.

Mr. COCKRELL. I suggest that in line 25—the Senator has the bill there—after the word "the"——

Mr. HALE. Let me suggest to the Senator from Missouri that the bill is not up yet. It takes unanimous consent for its consideration.

Mr. DAVIS. I thought that had been given.

Mr. HALE. It has not been given.

Mr. ALDRICH and Mr. LODGE. No.

Mr. DAVIS. I thought it was given. I ask the Chair.

The PRESIDING OFFICER. Unanimous consent was given prior to the reading.

Mr. HALE. Only for its reading.

Mr. DAVIS. No; unanimous consent was given for its consideration.

Mr. HALE. Oh, no. That is not customary in the Senate. I never knew a bill that paid for a peddler's cart that was sought to be thrust through the House on the claim that when consent is given that the bill may be read——

Mr. DAVIS. I am not trying to thrust any bill through the House or anything of the kind.

Mr. HALE. I do not understand that the Senator from Minnesota is in charge of the bill.

Mr. DAVIS. I have been in some way or other put in charge of the bill at the request of the Senator from South Carolina, who moved its consideration.

Mr. HALE. I did not understand it was the Senator's bill.

Mr. DAVIS. I will assume charge of it.

Mr. HALE. I certainly do object to its being claimed now, at this hour, in a thin Senate——

Mr. COCKRELL. The Senator from Minnesota introduced the bill.

Mr. DAVIS. I introduced the bill.

Mr. HALE. Yes; but I do object to its being claimed here now that because consent was given for the reading of a bill of this kind, which even its advocates admit takes $9,000,000 out of the Treasury, the bill shall be considered as before the Senate, when nobody has consented to its being before the Senate. The rule invariably is that the bill is read for information, and when it is read for information the question is asked, Is there objection to it? and that question has not been asked since the bill was read and since any Senator here outside of the committee knew a single thing about its provisions.

The PRESIDING OFFICER. The Chair will put the question. Is there objection to the present consideration of the bill?

Mr. HALE. I object.

The PRESIDING OFFICER. The Senator from Maine objects, and the bill goes over.

OLMEDO ALFARO.

Mr. HAWLEY. I beg attention for a single moment. I have a little bill here to report from the Military Committee of a class that has never been objected to, and there are many precedents for it. They have been considered matters of courtesy. The President of Ecuador desires to send his young son to the West Point Academy. It can only be done by the consent of Congress. There have been many young men admitted in that way, and their own government pays their expenses.

I report back without amendment the joint resolution (H. J. Res. 129) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Olmedo Alfaro, of Ecuador. Our minister to Ecuador says he is the son of a wise man, a good President, and is himself a fine young fellow.

Mr. DAVIS. Will the Senator from Connecticut allow me a moment?

Mr. HAWLEY. I am done now, if the Senate would just say "aye."

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. HAWLEY. I wish the Senator would let this matter be finished. It will not take five seconds more. It is considered a matter of courtesy always.

Mr. DAVIS. Before that is done, I wish to make a request. I ask that the bill to which objection was made may retain its place on the Calendar without prejudice.

Mr. HAWLEY and others. Agreed.

The PRESIDING OFFICER. That will be the order.

Mr. HAWLEY. I ask for the reading of House joint resolution No. 129.

The PRESIDING OFFICER. The Senator from Connecticut asks for the present consideration of the joint resolution (H. J. Res. 129) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Olmedo Alfaro, of Ecuador. The joint resolution will be read for information.

Mr. HAWLEY. The joint resolution has passed the House, and I now report it from the Committee on Military Affairs.

The Secretary read the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution which has been read?

Mr. MASON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. HAWLEY. Why do you do that? I will withdraw the report.

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 24, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 23, 1900.

PROMOTIONS IN THE ARMY—CAVALRY ARM.

Second Lieut. Charles B. Drake, Fifth Cavalry, to be first lieutenant, December 13, 1899, vice Slavens, Fourth Cavalry, appointed assistant quartermaster, who resigns his line commission only.

Second Lieut. Charles McK. Saltzman, First Cavalry, to be first lieutenant, December 13, 1899, vice Williamson, Ninth Cavalry, appointed assistant quartermaster, who resigns his line commission only.

PROMOTIONS IN THE NAVY.

Lieut. Commander William W. Kimball, to be a commander in the Navy, from the 8th day of December, 1899, vice Commander Charles P. Howell, deceased.

Lieut. William S. Hogg, to be a lieutenant-commander in the Navy, from the 8th day of December, 1899 (subject to the examinations required by law), vice Lieut. Commander William W. Kimball, promoted.

Lieut. Commander William P. Day, to be a commander in the Navy, from the 12th day of December, 1899, vice Commander Edward P. Wood, deceased.

Lieut. Robert I. Reid, to be a lieutenant-commander in the Navy, from the 12th day of December, 1899, vice Lieut. Commander William P. Day, promoted.

Lieut. Commander John C. Wilson, to be a commander in the Navy, from the 29th day of December, 1899, vice Commander John F. Merry, promoted.

P. A. Surg. Hatton N. T. Harris, to be a surgeon in the Navy, from the 21st day of October, 1899, vice Surg. Louis W. Atlee, resigned.

Lieut. Col. Henry C. Cochrane, to be a colonel in the Marine Corps, from the 11th day of January, 1900, vice Col. Robert W. Huntington, retired.

Maj. Allan C. Kelton, to be a lieutenant-colonel in the Marine Corps, from the 11th day of January, 1900 (subject to the examinations required by law), vice Lieut. Col. Henry C. Cochrane, promoted.

Capt. Lincoln Karmany, to be a major in the Marine Corps, from the 11th day of January, 1900, vice Maj. Allan C. Kelton, promoted.

Samuel A. W. Patterson, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps, from the 11th day of January, 1900, to fill a vacancy existing in that corps.

Herbert J. Hirshinger, a citizen of North Carolina, to be a second lieutenant in the Marine Corps, from the 11th day of January, 1900, to fill a vacancy existing in that corps.

WITHDRAWAL.

Executive nomination withdrawn January 23, 1900.

Clark Grier, to be postmaster at Dublin, county of Laurens, in the State of Georgia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1900.

JUSTICE OF THE PEACE.

Thomas H. Callan, of the District of Columbia, to be justice of the peace in and for the District of Columbia (assigned to the city of Washington).

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. John Mel, of California, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Abert H. Buhner, of California, to be a second lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Japhet F. Lehman, to be postmaster at Berne, in the county of Adams and State of Indiana.

John A. Hall, to be postmaster at Cicero, in the county of Hamilton and State of Indiana.

John C. Twombly, to be postmaster at Denver, in the county of Arapahoe and State of Colorado.

Nicholas N. Nock, to be postmaster at Bel Air, in the county of Harford and State of Maryland.

William Hobson, to be postmaster at Campbellsville, in the county of Taylor and State of Kentucky.

Thomas J. Ochiltree, to be postmaster at Morning Sun, in the county of Louisa and State of Iowa.

Daniel Anderson, to be postmaster at Lamoni, in the county of Decatur and State of Iowa.

John P. Scott, jr., to be postmaster at Delray, in the county of Wayne and State of Michigan.

Elisha N. Clink, to be postmaster at East Jordan, in the county of Charlevoix and State of Michigan.

Daniel O'Riley, to be postmaster at Leitchfield, in the county of Grayson and State of Kentucky.

Ira C. Richardson, to be postmaster at Chief River Falls, in the county of Red Lake and State of Minnesota.

Warren D. Harden, to be postmaster at Le Roy, in the county of Mower and State of Minnesota.

Henry C. Whitmer, to be postmaster at Colon, in the county of St. Joseph and State of Michigan.

Henry J. Crider, to be postmaster at Maitland, in the county of Holt and State of Missouri.

William B. Strom, to be postmaster at Hector, in the county of Renville and State of Minnesota.

Samuel C. Stanchfield, to be postmaster at Camden Place, in the county of Hennepin and State of Minnesota.

John S. Hoover, to be postmaster at Blue Hill, in the county of Webster and State of Nebraska.

Jesse C. Ricker, to be postmaster at Havre, in the county of Choteau and State of Montana.

Walter Alderson, to be postmaster at Red Lodge, in the county of Carbon and State of Montana.

Sanford R. Razee, to be postmaster at Curtis, in the county of Frontier and State of Nebraska.

John M. Mills, to be postmaster at Laurel, in the county of Cedar and State of Nebraska.

James L. Lashbrook, to be postmaster at Oxford, in the county of Furnas and State of Nebraska.

Robert G. Anderson, to be postmaster at Freeport, in the county of Nassau and State of New York.

Louis O. Fullen, to be postmaster at Carlsbad (late Eddy), in the county of Eddy and Territory of New Mexico.

Richard F. Williams, to be postmaster at St. Edward, in the county of Boone and State of Nebraska.

Casper Kennedy, to be postmaster at Sisseton, in the county of Roberts and State of South Dakota.

Ezra H. Woodward, to be postmaster at Newberg, in the county of Yamhill and State of Oregon.

John R. Smith, to be postmaster at Lebanon, in the county of Linn and State of Oregon.

Clinton J. Farrell, to be postmaster at Vernon, in the county of Wilbarger and State of Texas.

Kittie L. Edwards, to be postmaster at Smithville, in the county of Bastrop and State of Texas.

Charles R. Bone, to be postmaster at Beaumont, in the county of Jefferson and State of Texas.

J. W. Shotwell, to be postmaster at Lufkin, in the county of Angelina and State of Texas.

Jeannette D. McConnell, to be postmaster at Jacksboro, in the county of Jack and State of Texas.

Frankie Houssels, to be postmaster at Childress, in the county of Childress and State of Texas.

Charles Frantz, to be postmaster at Kenosha, in the county of Kenosha and State of Wisconsin.

George A. Blakeley, to be postmaster at Albany, in the county of Green and State of Wisconsin.

Charles E. Haddox, to be postmaster at Cairo, in the county of Ritchie and State of West Virginia.

Charles Settergren, to be postmaster at Baldwin, in the county of St. Croix and State of Wisconsin.

Joseph E. Parry, to be postmaster at Florence, in the county of Florence and State of Wisconsin.

Joseph E. Parmelee, to be postmaster at West Salem, in the county of Lacrosse and State of Wisconsin.

William C. Campbell, to be postmaster at Los Gatos, in the county of Santa Clara and State of California.

John A. Watson, to be postmaster at Kaukauna, in the county of Outagamie and State of Wisconsin.

Frank Tucker, to be postmaster at Princeton, in the county of Green Lake and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 23, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 268. An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, a Senate bill was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 268. An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending cases—to the Committee on the Judiciary.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries.

W. W. RILEY.

Mr. FOX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1806) for the relief of W. W. Riley.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Treasurer of the United States is hereby authorized and directed to pay to W. W. Riley, of Ackerman, Miss., $464, being the amount of United States money-order funds which was stolen from his safe October 13, 1896, when he was postmaster at Ackerman, Miss., and which amount he paid into the United States Treasury.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DALZELL. Will the gentleman from Mississippi allow me a question? Has this been reported by the committee?

Mr. FOX. It has. I will ask the gentleman from Illinois [Mr. GRAFF] to make a statement about it.

Mr. PAYNE. I should like to hear some explanation of the bill before consent is given. I reserve the right to object.

Mr. FOX. I will ask the gentleman from Illinois [Mr. GRAFF] to make a statement about the facts in this case.

The SPEAKER. The gentleman desires that a statement be made.

Mr. GRAFF. Mr. Speaker, in reply to the question of the gentleman from Mississippi [Mr. FOX], I desire to say that House bill No. 1806, for the relief of W. W. Riley, who was postmaster at Ackerman, Miss., in 1896, was before the Committee on Claims to-day and favorably reported. I learn that the wife of the gentleman from Mississippi [Mr. FOX] is dangerously sick, and for that reason he has been recognized for the consideration of the bill at this time.

There was absolutely no objection to a favorable report of the bill before the committee. The facts as shown before the committee are that W. W. Riley, while acting as postmaster at Ackerman, Miss., a town of about 700 population, received a registered package containing $458; that on the day he received it he and his clerk were both sick; that it would have been their duty to have transmitted this registered package on the next mail; that there was one mail per day through that town, and that the postmaster on account of the sickness of his clerk and of himself failed to transmit that package on the next mail. Therefore the only delay that can be imputed to the postmaster was the failure to transmit it within twenty-four hours, and he had but one opportunity to do that and was prevented by sickness.

The facts show that the package was stolen that night, together with a large sum of money which belonged to the postmaster personally.

When a post-office inspector came to the office for the purpose of investigating the matter, the postmaster paid the $458. Afterwards he submitted a claim to the Post-Office Department, and the Post-Office Department refused to pay the claim, not because it lacked equity, but because under the law it pertained to the loss of a registered package, instead of to the loss of United States

funds which were in the hands of the postmaster as postmaster. However, the committee had in their possession a report from the Postmaster-General to the committee in favor of the passage of this bill, and also a favorable report from the Attorney-General of the United States, both of whom had before them the facts concerning the claim.

The bill, as I understand it, was mistakenly introduced by the gentleman from Mississippi for the sum of $464, when in fact, as the proof shows, the actual amount in the registered package was $458. Hence, the committee to-day favorably reported the bill, with the recommendation that it be amended by striking out "sixty-four" and inserting in lieu thereof "fifty-eight," to make the amount agree with the amount contained in the registered package.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. FOX, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. SOUTHARD. Mr. Speaker, I was unable to be present on Saturday last when eulogies were delivered on the life, character, and services of the Hon. Mr. Danford, of Ohio. I desire unanimous consent to print remarks on that subject in the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. SOUTHARD] asks unanimous consent to print remarks upon the life and death of the late Mr. Danford, of Ohio, his colleague. Is there objection?

There was no objection.

REPRESENTATIVE-ELECT FROM UTAH.

Mr. TAYLER of Ohio. Mr. Speaker, I call up the resolution from the committee on the case of Brigham H. Roberts.

Mr. SPEAKER. The Clerk will report the resolution offered by the gentleman from Ohio, chairman of the Special Committee on the Roberts Case.

Mr. TAYLER of Ohio. I desire to say, Mr. Speaker, that the minority and the majority of the committee have agreed that the vote be taken on the substitute and on the resolution on Thursday next at half past 4 o'clock, and that in the meantime the discussion continue, to be under the control of myself and the gentleman who represents the minority.

Mr. BAILEY of Texas. Mr. Speaker, it is impossible in this part of the House to understand what the gentleman from Ohio is saying.

The SPEAKER. The question will be restated. The House will be in order, and gentlemen will please resume their seats. Will the gentleman from Ohio [Mr. TAYLER] restate his proposition?

Mr. TAYLER of Ohio. The arrangement between the minority and the majority of the committee is that a vote be taken on Thursday at half past 4 o'clock on the substitute offered by the minority of the committee, and if that be lost, upon the resolution offered by the majority; that the debate continue from now until that hour, and that the previous question be considered as ordered upon the resolution and the substitute. I ask unanimous consent for the carrying out of that arrangement.

The SPEAKER. The gentleman from Ohio [Mr. TAYLER] states that an agreement has been reached between the majority and the minority of the committee in the Roberts case, whereby it is proposed to have general debate until 4.30 on Thursday next, when a vote will be taken, first upon the substitute, and if lost, then upon the original resolution, and that the previous question be considered as ordered upon both the original resolution and the substitute. Is there objection to this proposition?

Mr. LACEY. I object, unless opportunity be given to offer the following amendment——

Mr. TAYLER of Ohio. Mr. Speaker, objection is made. I think we will proceed, and I will move the previous question at the proper time.

Mr. LACEY. I think perhaps the gentleman will not object to this proposition——

Mr. TAYLER of Ohio. Mr. Speaker, I do not consent to it.

The SPEAKER. The gentleman from Ohio objects, and objection is made to his request. The gentleman from Ohio is recognized.

Mr. BAILEY of Texas. Does the gentleman from Ohio object before he knows what the proposition of the gentleman from Iowa is?

Mr. TAYLER of Ohio. If there is a desire on the part of the House that any amendments should be offered and we have opportunity to discern what they are and what they mean——

Mr. BAILEY of Texas. I ask that the proposed amendment be read.

Mr. LACEY. Let it be read for information.

Mr. TAYLER of Ohio. But the gentleman from Iowa has objected.

Mr. LACEY. I have not. My objection was conditional, and my request is that a third proposition not involved in the two propositions here may be pending. Perhaps when my friend hears it he will consent to it.

Mr. TAYLER of Ohio. I may consent to it, but I will not consent to it at this moment. It has not been proposed to the committee. No member of the committee, as far as I know, knows what it contains, and we are certainly not giving consent to a proposition about which we are not informed.

Mr. LACEY. Why not let the House know what it contains?

Mr. TAYLER of Ohio. There is a way in which we might have been informed, Mr. Speaker.

Mr. LIVINGSTON. I suggest to the gentleman from Ohio that the proposition be read for information.

The SPEAKER. The matter in order now is the reading of the resolution proposed by the majority of the committee. The Clerk will read.

The Clerk read as follows:

Resolved, That under the facts and circumstances of this case, Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and that the seat to which he was elected is hereby declared vacant.

Mr. TAYLER of Ohio. I ask for the reading of the resolution offered by the minority of the committee.

The Clerk read as follows:

Resolved, That Brigham H. Roberts, having been duly elected a Representative in the Fifty-sixth Congress from the State of Utah, with the qualifications requisite for admission to the House as such, is entitled, as a constitutional right, to take the oath of office prescribed for members-elect, his status as a polygamist, unlawfully cohabiting with plural wives, affording constitutional ground for expulsion, but not for exclusion from the House.

And if the House shall hold with us and swear in Mr. Roberts as a member, we shall, as soon as recognition can be had, offer a resolution to expel him as a polygamist, unlawfully cohabiting with plural wives.

Mr. LACEY. I offer the amendment which I send to the Clerk's desk.

Mr. TAYLER of Ohio. I have the floor.

The SPEAKER. The gentleman from Ohio has the floor.

Mr. LACEY. The gentleman yielded the floor for the amendment which has just been read.

The SPEAKER. Does the gentleman from Ohio yield for another amendment?

Mr. TAYLER of Ohio. I do not.

The SPEAKER. The gentleman from Ohio objects, and is recognized.

Mr. TAYLER of Ohio. Mr. Speaker, I may be pardoned for a word personal to myself in this relation. Some weeks ago the duty was laid upon me to make an investigation of the law relating to the rights of the member-elect from Utah, and I undertook that work. I did so without prejudice in any respect, and I was not aware, nor am I now, that I was then moved by any so-called emotional impulse respecting what the member-elect from Utah is supposed to represent.

I started in that investigation with the opinion that the proper course for the House would be to admit the member-elect from Utah to his seat, and then, if his life or his conduct had been such as to justify it, that we should expel him. But when I progressed with my investigation, as largely judicial as any investigation ever was, I came to the conclusion that under the facts of the case as then presented to me this House would make itself ridiculous before the eyes of the world if it adopted that method.

The committee have found that Brigham H. Roberts is, and has been for many years, a polygamist, in defiant practice of the habit and condition, with full knowledge of the laws of the land, and that he is in that condition, as we believe, to-day; and as recently as last month declared that he would not give up the relations which he said he had taken before the law spoke, although he knew that the law had spoken; he claims for himself that it did not speak for him.

Mr. Chairman, the members of this committee entertain varying views, not because of any larger fund of knowledge or any different degree of mental force they possess, but rather on account of what I may call their intellectual temperament. Every member has reached an unbiased and deliberate conclusion, unaffected by any party feeling or any public clamor. Every man goes into a scientific and philosophical investigation with some certain intellectual bent, though unaffected by any kind of prejudice respecting the subject of inquiry. It is often necessary that we understand what that bent is.

The microscope is useful and often necessary, but the microscope must be laid aside when the process of synthesis and generalization begins. We must not imagine that we survey the whole area of related facts, when we shut ourselves up in the valley, or lose ourselves in the forest. I will be pardoned, therefore, if I present a few general observations from as high a point of view as I can reach, designed to clear the atmosphere and widen

the scope of vision. We may then the more justly and correctly appraise the more specific observations that are to follow.

Chief Justice Waite, in the Reynolds case, in 1878, speaking of the claim that polygamy was justified as a religious practice, said:

> To permit this would be, in effect, to permit every citizen to become a law unto himself. Government can exist only in name under such circumstances.

And Mr. Justice Matthews, in the Ramsey case, in 1884, declares in substance that—

> A free, self-governing commonwealth is founded on the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony, and that all political influences are to be withdrawn from those who are practically hostile to its establishment.

If we are to attach any importance to these fundamental observations, we must declare, no matter what moral question may be involved, that this case presents, in bold relief, a question of governmental life the basis of which is law.

This is a representative Government. It springs from the people, from the people who make the law, and their representatives are such because they are believers in the law and subject to the law, and as they can not stand for defiance of any law, so much the more must they stand as the respecters of and obedient to such laws as have proceeded from the people, at the people's initiative. Now and then we have a law which springs from the united voice of a united people as an expression of the civilizing force in which practically all of them believe and which is necessary to the existence of that civilizing force.

Of the more than 75,000,000 American citizens all but the merest handful believe, and believe with a mighty fervor, in the kind of commonwealth which Justice Matthews declares is founded on the marriage relation existing for life between one man and one woman. That idea has been for many years crystallized in solemn and deliberate law, whose principle and form have been approved by the highest judicial authority.

These propositions are fundamental and self-evident. They lie at the root of things. They are the bed rock upon which constitutions rest. They precede constitutions. Constitutions assume their preexistence and perpetual existence. They are institutional. If the Federal Constitution had explicitly declared that all persons should be eligible for Representative in Congress who denied that the Constitution was the supreme law of the land, that Constitution and the government which it sought to create could not have endured a single day. It follows that if such specific declaration could not have been made, it can not be implied.

Neither the presence nor the absence of certain words in the instrument can imply a certain meaning if it is impossible that such meaning could have been expressed. If the claimant to this seat is eligible, he is eligible because the Constitution so makes him, either by its express language or because it is necessarily implied. The words "necessary implication" mean—and I ask the careful attention of the House to this—the words "necessary implication" mean that if the framers of the Constitution had had in mind the particular exigency to which the words applied, they would, if the proposition was approved, have written into the Constitution the words that are necessarily implied.

For example, if we say that under the Constitution, as it now stands, there can be no property qualification for Representative in Congress, then we read into the clause respecting qualifications the words "and no person shall be rendered ineligible by any property qualification."

If the constitutional provision by implication, which for the sake of this discussion I admit, means that no educational qualification shall be required, then when we get down to the last analysis and demonstrate the correctness of that proposition, we read into the Constitution the statement that no educational qualification shall be required of any candidate for Representative in Congress.

The Constitution says:

> This Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land.

If the member-elect from Utah is eligible to be a Representative in Congress, then for the purpose of his case we must read into the Constitution other words which are now said to be implied, so that it will read: "No person shall be a Representative in Congress unless he shall have attained to the age of 25 years and been seven years a citizen of the United States and who shall not when elected be an inhabitant of that State in which he shall be chosen, provided that no person shall be ineligible to a seat as such Representative, although in form and substance, in word and act, in life and practice, he defies the Constitution and the laws and denies their validity and supremacy."

It matters not whether this proviso be attached to the clause referred to or to some other, it must be written into the Constitution somewhere if the claimant is eligible.

Thus stands the case. If the minority be right, the framers of the American Constitution, if they had foreseen the Roberts incident with its defiance of the Constitution and the law, and its denial of their validity and supremacy as to him, would have said, "Brigham H. Roberts is eligible and must take his seat." There is no other rule by which to determine what the makers of the Constitution mean than to ask what would have been their disposition of such a case; and if what they would have done is absolutely free from doubt, we can understand what it is that is implied, though not expressed in words.

The majority of the committee are fixed in their conviction that in view of the status of Brigham H. Roberts, not because of any moral question that may be involved, but because of the question of governmental right involved, in view of his defiant violation of law, in view of his denial of the validity and supremacy of the law of the land, has no right to take his seat in this body, and should be excluded therefrom.

The minority, on the other hand, attaching more value to the husk than to the ear, seeming to conceive that the shadow is to be more taken care of than the substance, declare that we must let him go through the hollow form, the sacred form of taking an oath, and then expel him; to rob him of that which is substantial, but that we must not deprive him of that which is a mere shadow. They say, "You may come up and enter our front door, in order that we may kick you out of the back door, but we cheerfully declare, with the Constitution before us, that we can not kick you down the front steps."

We believe that that is absolutely untenable as a proposition of law and absolutely unsupported by precedents.

I want to make these preliminary statements respecting that. First, upon the doctrine of exclusion.

The language of the constitutional provision, the history of its framing in the Constitutional Convention, and the context clearly show, whatever else may have been true, that it did not intend to prevent this disqualification for crime or for defiance of the Constitution and the laws. The overwhelming authority of text-book writers on the Constitution and of judicial declarations on the subject harmonizes with this view. The House of Representatives, in all the years of its existence, has never denied that it had the power and the right to exclude.

In many instances it has excluded for disloyalty and for crime. In 1862 Congress passed the test-oath act, which in effect disqualified hundreds of thousands of American citizens, and thousands of Representatives in this body went to the bar of the House under a disqualification that was not removed until they took the test oath, an oath substantial in its character and superadded to the constitutional oath. And this very House in 1869 adopted a general rule of order providing that no person should be sworn in as a member against whom the objection was made that he was not entitled to take the test oath.

On the proposition of expulsion I present these general observations: That the ablest lawyers from the beginning of the Government down to this case, but of course not including it, have insisted that neither the House of Representatives nor the Senate has the right to expel a man unless the thing for which he was expelled occurred in connection with his election or while he was a member, and was inconsistent with his trust or duty as a member.

I lay that proposition down as absolutely sound and as not contradicted anywhere; and both Houses of Congress have in many instances refused to expel members where the proof of guilt was absolutely clear, because the acts complained of were unrelated to the members as such, because the acts complained of were not inconsistent with the trust and duty of the member as such.

Neither House has ever expelled a member for any other cause. *So I say this here and now: To exclude is to be in harmony with principle and precedent; to expel is to do violence to principle and precedent. There is no precedent in the House against exclusion. There is no precedent in the American Congress for expulsion under such circumstances as exist here.*

Three reasons are asserted why this man should not be permitted to enter the House of Representatives.

First, because of his violation of the Edmunds law and the disqualification created thereby.

Second, independent of any statutory ineligibility, independent of any joint action of the two Houses in the passage of a law, but because of the inherent power of the House, by that inherent power which in all cases of exclusion has been invoked—and the House has never excluded for any other reason except for that which it itself declared, independent of any statute law—that this man was a defiant violator of law; his declarations, words, and acts that he was above the law, that the law did not speak to him, in the very necessity of things, make him ineligible; and

Third, because the State of Utah was admitted into the Union under the express understanding that polygamous practices were at an end and would not be renewed. And now it sends as its Representative the most conspicuous example, the most conspicuous practitioner of the very thing the abandonment of which was the condition precedent to its admission into the Union.

This question, then, meets us at the threshold: Does the constitutional provision naming qualifications for members of Congress preclude the imposition of any other kind of disqualification?

Must it be said that the constitutional provision, phrased as it is, really means that every person who is 25 years of age, and who has been for seven years a citizen of the United States, and was, when elected, an inhabitant of that State in which he was chosen is eligible to be a member of the House of Representatives and must be admitted thereto, even though he be insane, or disloyal, or a leper, or a criminal?

Is it conceivable that the Constitution meant that crime could not disqualify? The whole spirit of government revolts against such conception.

I want to distinguish between that qualification which is of the character of age, citizenship, and inhabitancy, such as property and education, and those disqualifications which arise out of the criminal or wrongful practices of an individual who willingly puts himself within the prohibited class.

I say this: Whatever general statements may have been made, no commentator on the Constitution, no court, and neither House of Congress has ever questioned the propriety of the distinction between disqualification arising from improper life or criminal practices and qualifications within the usual meaning of that word.

In our opinion the law is correctly stated, and as comprehensively as this case needs to state it, in Burgess in his work on Political Science and Constitutional Law, where he says:

> I think it certain that either House might reject an insane person or might exclude a grossly immoral person.

Now let us look for a moment at where the claimant himself stands. What is he? What picture does he present as he stands at the bar of the American House of Representatives?

In 1862 Congress first passed a law making the act of polygamous marriages unlawful; but it did not make the practice of polygamous living unlawful. The Mormons claimed that law was unconstitutional, because it was an infraction of their right of religious worship. The Supreme Court, in the Reynolds case, in 1878, declared that law valid in all respects, and Chief Justice Waite in a luminous opinion voiced the sense of modern civilization in his characterization of polygamy. I quote as follows:

> Polygamy has always been odious among the northern and western nations of Europe, and until the establishment of the Mormon Church was almost exclusively a feature of the life of Asiatic and of African people.
>
> By the statute of James I the offense was made punishable by death.
>
> It is a significant fact that on the 8th of December, 1788, after the passage of the act establishing religious freedom, and after the convention of Virginia had recommended as an amendment to the Constitution of the United States the declaration of the bill of rights that "all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience," the legislature of that State substantially enacted the statute of James I, death penalty included, because, as recited in the preamble, "it hath been doubted whether bigamy and polygamy be punishable by the laws of this Commonwealth." From that day to this we think it may safely be said there never has been a time in any State of the Union where polygamy has not been an offense against society, cognizable by the civil courts and punishable with more or less severity.

And, continuing the quotation:

> Marriage, while from its very nature a sacred obligation, is nevertheless, in most civilized nations, a civil contract, and usually regulated by law. Upon it society may be said to be built, and out of its fruits spring social relations and social obligations and duties, with which government is necessarily required to deal. In fact, according as monogamous or polygamous marriages are allowed, do we find the principles on which the government of the people to a greater or less extent rests. Professor Lieber says polygamy leads to the patriarchal principle, and which, when applied to large communities, fetters the people in stationary despotism, while that principle can not long exist in connection with monogamy. Chancellor Kent observes that this remark is equally striking and profound.
>
> Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances.

So also in Murphy *vs.* Ramsey (114 U. S., 45). Construing the Edmunds Act, Justice Matthews says:

> Certainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth, fit to take rank as one of the coordinate States of the Union, than that which seeks to establish it on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement. And to this end no means are more directly and immediately suitable than those provided by this act, which endeavors to withdraw all political influence from those who are practically hostile to its attainment.

How cogent and prophetic are these words. How applicable to this situation, that all political influence ought to be withdrawn from those practically hostile to the establishment of a "commonwealth on the basis of the idea of the family as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony."

There was no machinery for enforcing the act of 1862 until 1882, when Congress passed what is known as the Edmunds law. This act defined and punished bigamy and polygamy in the same terms as the act of 1862, but also punished unlawful cohabitation, and declared ineligible for office any person who maintained the status of a polygamist or who cohabited with more than one woman.

Section 8 of that act is as follows:

> That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for such Territory or place, or under the United States.

This law had not only the force of a public law, but it was the outcome of years of agitation and reflection. It crystallized the sober sense of the American people; it represented the settled views of our wisest and most conservative statesmen, and later received the stamp of approval from the Supreme Court of the United States in many well-considered cases, and was made the subject of felicitous proclamation by the President.

Prior to 1882 the claimant to this seat married his first wife. About 1885, after the passage of the Edmunds law, after the Supreme Court had declared that law valid in all of its parts, while the Territory of Utah was fairly ringing with the blows of that act, Brigham H. Roberts married a second or plural wife, one Celia Dibble by name. With her he has lived ever since. She has borne him six children, the last of whom were twins, born in 1897. This woman he married with full knowledge of the law, openly, publicly, notoriously holding her out as his wife and rearing children by her.

This second wife he married in defiance of the Edmunds law. He declared by his act that he recognized no binding rule upon him of a law of Congress; he declared by it that he recognized a higher law. The Congress of the United States was to him an object of contempt. The Supreme Court of the United States might declare the law for others, but not for him. He laughed at its futile decrees and spurned its admonitions. The Executive which had declared in solemn messages its gratification that polygamy seemed gone forever he defied and despised. Of what consequence to him were laws of Congress and declarations of the highest court and proclamations of Presidents as against his sensual interpretation of a sensual doctrine?

And all the time the Edmunds law declared not only polygamy, but cohabitation with more than one woman unlawful. Roberts not only bigamously married a second wife, but he persisted in violating and defiantly trampling under foot every other provision of the act.

But he had not sufficiently shown his contempt, his utter and absolute contempt for the American people and for this body. He defied it by word and by act, and in order to show how utterly he defied and despised the national authority and the American Congress, a little while later he married a third wife. We do not know whether he married her before 1897 or not. He held her out as his wife in 1897, and not before. And if that be about the time when he married her, he married her after Utah became a State and after the constitutional prohibition of polygamous marriages.

The claim is made, not by any sworn testimony, that he married her prior to the manifesto of 1890, which prohibited further plural marriages in the church.

If that be true, he managed to marry a third wife within a year after he got out of the penitentiary for marrying a second wife. This is the gentleman whose rights under the American Constitution are so sacred that he must be invited before the Speaker of the House and asked to hold his hand up before high Heaven and swear to obey the Constitution and laws which in his life and practice he declares that he defies and whose supremacy he denies.

The amnesty proclamations of 1893 and 1894 never embraced him. There was never a moment when its provisions were complied with by him. There has never been a moment since he married Celia Dibble down to the present moment when he has not been a persistent, notorious, defiant, demoralizing, audacious violator of every provision of the State and Federal law relating to polygamy and its attendant crimes. And this is the man who seeks admission to this body.

It was declared in the Kentucky cases, and in the Thomas case in the Senate, and in the test-oath act of 1862, that disloyalty created ineligibility; that fidelity to the Constitution was a necessary qualification to membership in this body. What is loyalty? It is faithfulness to the sovereign or the lawful government. A mere violator of the law may not necessarily be disloyal. One may violate the law and still recognize the sovereign and the lawfulness of the government. His only concern may be that he shall not be found out and punished. But that man is surely disloyal, and in the fullest sense disloyal, when by his words, his acts, and his persistent practices he declares unequivocally in this wise:

"You have solemnly enacted certain laws; you have crystallized into statute the will of the sovereign people. I bid defiance to your law. I will not recognize it. I here and now before your very eyes do the things you say I shall not do. I recognize

a higher law than your man-made law—no law of yours can relieve me from the obligations which I thus take in defiance of your enactments. The only thing I promise not to do is to take a fourth wife."

The case of a bribe taker, or of a burglar, or of a murderer is trivial, is a mere ripple on the surface of things, compared with this far-reaching, deep-rooted, audacious lawlessness.

What was the case of Whittemore, who was excluded, as hereafter set out? He had not been convicted of any crime, but a committee had found that he had sold a cadetship. He did not pretend that he was wiser or greater than the people, or that he had the right to sell cadetships and was above the law. The acts of Roberts are essentially disloyal. They deny the sovereign; they repudiate the lawful government. Look at them from whatever point you will, they are subversive of government. They do not merely breed anarchy, they are anarchy.

Now, what are the duty and the power of the House? The Constitution has a provision which I have heretofore read in the hearing of the House, declaring the qualifications for Representatives in Congress. I assert that that is not exclusive in so far as it prevents the House from asserting any ground of disqualification which goes to the vitality of this body as such, or which in the common judgment of mankind ought always to exclude from the legislative body a person who is thus charged.

I have not the time to go fully over the reasons that have brought conviction to my mind and to the minds of my colleagues of the majority, but I shall refer to them to such an extent as I think will convince this House.

Three methods present themselves by which to test the soundness of this view:

First. On principle, and this involves—

(1) The nature of the legislative assembly, and the power necessarily arising therefrom.

(2) The express language of the constitutional provision.

(3) The reasons for that language.

(4) Its context and its relation to other parts of the instrument.

(5) The obvious construction of other portions of the same instrument necessarily subject to the same rule of construction.

Second. The text-books and the judicial authorities.

Third. Congressional precedents. These are of two classes—

(1) Action respecting the rights of individual members.

(2) Acts of Congress and general resolutions of either House.

As to the first proposition, what is the argument on principle? I think it will be undoubted that every legislative body has unlimited control over its own methods of organization and the qualifications or disqualifications of its members, except as specifically limited by the organic law. I do not think that this proposition needs amplifying; it is axiomatic. It is apparent that every deliberative and legislative body must have supreme control over its own membership except in so far as it may be specifically limited by a higher law. There is a distinction to be drawn between the legislative power of a legislative body and its organizing power, or those things which relate to its membership and its control over the methods of performing its allotted work. That is to be distinguished from the legislative power to be expressed in its final results.

When our Constitution was framed there was practically no limit to the right and power, in these respects, of the English Parliament. Such power is necessary to the preservation of the body itself and to the dignity of its character. In England it was at one time admissible to permit the admission into the House of Commons of minors, of aliens, and of persons not inhabitants of the political subdivision in which they were elected. To this day it is well known that an inhabitant of London may be elected by a Scotch constituency, and a member has been elected by more than one constituency to the same Parliament.

The framers of the Constitution, familiar with these facts, proposed to prevent their happening in this country. They knew also that a similar latitude of choice had been exercised in the original colonies and in the States of the Federation, and it was proposed to put a stop to it so far as Congress was concerned. A very luminous argument was made on this subject by John Randolph in the House of Representatives in 1807.

I quote as follows from his remarks:

> If the Constitution had meant (as was contended) to have settled the qualifications of members, its words would have naturally run thus: "Every person who has attained the age of 25 years and been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." But so far from fixing the qualifications of members of that House, the Constitution merely enumerated a few disqualifications within which the States were left to act.
>
> It is said to the States: You have been in the habit of electing young men barely of age; you shall send us none but such as are five and twenty. Some of you have elected persons just naturalized; you shall not elect any to this House who have not been some seven years citizens of the United States. Sometimes mere sojourners and transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants.

In pursuance of the idea 'n the mind of the framers of the Constitution we have the peculiar words, "No person shall be a Representative who shall not have attained," etc. How happy, indeed, are these words if we give them precisely the force and meaning for which we contend. How unhappy and how misleading, how impossible, in fact, to the masters of the English language who wrote them if they were intended to exclude all other possible requirements or disqualifications. We might admit such construction if suitable language was difficult to find or frame; but note how easily such a purpose could have been served in fewer words and with unmistakable meaning—thus: "Any person," or "a person," or "every person may be a Representative who shall have attained the age of 25 years," etc.

The provision seems to be worded designedly in the negative, so as to prevent the suspicion that it was intended to be exclusive, and so as to prevent the application of the rule, "the expression of one thing is the exclusion of another." The immediately preceding clause is affirmative, and says: "The electors in each State shall have the qualifications," etc. With some show of propriety it can be claimed that this provision is exclusive. It at least does not have the negative form to condemn such construction.

Story says (Constitution, section 448):

> The truth is that in order to ascertain how far an affirmative or negative proposition excludes or implies others we must look to the nature of the provision, the subject-matter, the objects, and the scope of the instrument. These, and these only, can properly determine the rule of construction. There can be no doubt that an affirmative grant of powers in many cases will imply an exclusion of all others.

It is a notable fact that in the first draft of this constitutional provision which provides for qualifications of Representatives in Congress the language was affirmative and positive, and that when it was finally presented for adoption it appeared in the form in which we now find it.

The slight contemporaneous discussion in the Constitutional Convention was upon the provision in the affirmative form. Why was it changed to the negative? Surely not for the sake of euphony. And certainly not to make it more explicitly exclusive.

In the report of the committee of detail, submitting the first draft of the Constitution, this section read in the affirmative and as follows:

> Every member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

In the discussion Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he—

> was against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the Legislature from supplying omissions.

Mr. Wilson took the same view, saying:

> Besides, a partial enumeration of cases will disable the Legislature from disqualifying odious and dangerous characters.

The next day after this discussion, and when the clause respecting age, etc., had, in its general sense, been informally approved, a proposed section respecting a property qualification was discussed. Mr. Wilson said (Madison Papers, volume 5, page 404) that he thought "it would be best, on the whole, to let the section go out; this particular power would constructively exclude every other power of regulating qualifications." What did Mr. Wilson mean if the result of the discussion in which he participated on the preceding day was to "constructively exclude every other power of regulating qualifications?"

In view of the objections urged by Dickinson and Wilson and their opinions as to the construction that would result and the consequences thereof, the conclusion seems reasonable, if not absolutely irresistible, that the change from the affirmative to the negative form was intentionally made, and with the very purpose of obviating such objections, and hence that in being negatively stated it was considered by the Convention that the particular qualifications mentioned would not be exclusive and would not render impossible the "disqualifying odious and dangerous characters" and would not prevent "supplying omissions."

This section was finally reported and adopted in the negative form in which it now appears. The report of the committee seems to have been elaborately discussed.

Where do we find ourselves in such a case as this? Suppose that Brigham H. Roberts, instead of being charged with polygamy, was charged with treason, not constructive treason, but actual treason, and suppose that a witness appeared before the committee—a credible witness, whose testimony was undisputed—who testified that he had seen Brigham H. Roberts wage war against the United States in the Spanish war, giving aid and comfort to Spain, not constructively, but actively; and suppose that Roberts appeared himself before the committee and said, "All that this man says is true; I did wage war against the United States; I did give aid and comfort to its enemies in time of war against a foreign foe, and I glory in it."

Now, in that state of facts the law could not lay its hand upon him for the crime of treason, for the Constitution provides that

no person shall be convicted of treason except upon the testimony of two witnesses to the same overt act or by confession in open court. So that under the state of facts thus presented he could not be convicted of treason.

Suppose he was here with a certificate of election from a great State and demanded admission.

There, then, we have a spectacle, the spectacle of a man not amenable to the punishment for treason, glorying in his treason as between this country and a foreign foe, but having the constitutional qualifications for Representative in Congress; and our friends of the minority will tell you on the floor of this House, if they are asked, that Mr. Roberts, thus spitted before the committee and the House, must be sworn in, in order that the House may thereafter expel him. I say that the House would thus find itself powerless to protect itself and its own dignity and be made ridiculous before the eyes of the whole world.

Another illustration. Suppose that on the 1st day of January, 1899, two months after his election and two months before his term as a Representative should commence, he had been convicted of the crime of bigamy or of adultery, either one of which is a felony under the statutes of Utah, for an offense, we will presume, committed prior to his election, so that it can not be charged that after his election he voluntarily put himself in that position, and he was tried, convicted, and sentenced to the penitentiary for a term of two years; and it so occurs that his term of imprisonment should expire on the 3d day of March, 1901, the day before his term as Representative in Congress expires. Suppose he presented himself on the 3d day of March, 1901, no action having been previously taken in his case, would the House have to admit him, or would not the proper proceeding be, while he was still in the penitentiary for such an offense, for the House to declare his seat vacant; that he ought not to have or retain a seat in the American House of Representatives?

Suppose another case: That in the midst of the organization, and before being sworn in, a member-elect should so indecently and outrageously conduct himself before the eyes of the House and the assembled multitude as to demand and justify expulsion if he had so conducted himself after he had been sworn in. What would the House do? In the midst of his outrageous misconduct must the House, with tender persuasiveness, beg him to honor it by being sworn in so that he may be turned out, or would it refuse to swear him in and proceed to declare his seat vacant? Could the strictest constructionist of the Constitution deny that the Constitution was substantially complied with if he was excluded by a two-thirds vote, even if he did not assent to our view in all respects?

Suppose that the claimant to this seat, while enjoying through the courtesy of the House the privilege of the floor, should declare his contempt for this body and for the Government; that he respected none of its decrees or the laws of the land as having any binding force upon him; that if he became a member of the House he should become so merely for the purpose of obstructing its business and to tear down the Government. What would the House do? Swear him in that it might have the ineffable privilege of turning him out? Or would it declare him unfit to have a seat in that body and declare his seat vacant?

As Judge Shaw says in Hiss *vs.* Bartlett (3 Gray, 473), "It is necessary to put extreme cases to test a principle."

So much for illustrations upon that question. Look, now, at the last paragraph of Article VI of the Constitution:

> The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

Here is an affirmative declaration that a certain oath shall be administered to certain officials. If the theory of exclusion is applied to the qualification clause as to Representatives, it must be applied to this clause, and therefore Congress has no power to demand any other oath or superadd to this oath any other provisions.

And yet the very oath we took as members of this House has additional provisions. Congress passed also the test-oath act in 1862, making vital additions to the constitutional oath, and, indeed, adding a new ground of disqualification for members of Congress. This act was passed by a large majority, and compelled members of Congress to submit to that oath for many years. Chief Justice Marshall, the great expounder of the Constitution, in the case of McCulloch *vs.* Maryland, declared that "He would be charged with insanity who should contend that the Legislature might not superadd to the oath directed by the Constitution such other oath or oaths as its wisdom might suggest," and the whole opinion in that case is addressed in principle to the very doctrine that is here advocated.

If Congress could add to the constitutional oath, the same theory of construction must permit it to add reasonable qualifications to the requirements for members of the legislative body, at least to the extent of declaring disqualifications which in their nature ought to bar a man from entrance into a great legislative body.

The same clause to which I have just referred has this provision:

> But no religious test shall ever be required as a qualification to any office or public trust under the United States.

If the Constitution had laid down all the qualifications which Congress or any other power had the right to impose it was unnecessary to go on and declare that no religious test should be required. That great instrument is inconsistent in its parts and contradictory of itself if it be true that it meant that no disqualifications should be provided except those named. Nor was it necessary, if the proviso means an oath merely, that such exception should be made, for the preceding words of the paragraph set out the required oath.

The effort to make the negative declaration of minimum qualifications exclusive of all others, whatever the necessities of the House may be, falls to the ground if we admit that the paragraph representing oaths is in the same instrument as that which defines the qualifications of members of Congress.

Let me now proceed with what I have called the text-book and judicial authority.

There is a statement in Story's work on the Constitution to the effect that the clause in the Constitution describing the qualifications for Representatives in Congress would seem to imply that other qualifications could not be added.

Now, whether or not that be sound, these two observations are to be made upon it:

First. That is dismissed in a very few words. Justice Story himself disclaims explicitly in his work that he gives his own opinion as to what the Constitution means, but asserts that he undertakes merely to give the statements of others.

Second. This statement of Judge Story does not at all interfere with the proposition we have laid down—that the power of the House to exclude from its membership a person who is, for instance, disloyal, a criminal, insane, or infected with a contagious disease, is not superadding any qualification within the meaning of Story, such as a property qualification or an educational qualification.

We find, however, that Story's expression, if it means all that is claimed for it by the minority, does not accord with the opinion of other commentators, with the courts, or with the Congressional precedents. We have already quoted, and will not now repeat, what is said by Prof. John W. Burgess, professor of history, political science, and international law, and dean of the university of political science in Columbia College, New York. This ambitious work, published in 1896, must be considered an authority on the subject of constitutional law.

In Pomeroy's Constitutional Law, third edition, page 138, is the following:

> The power given to the Senate and to the House of Representatives each to pass upon the validity of the elections of its own members, and upon their personal qualifications, seems to be unbounded. But I am very strongly of the opinion that the two Houses together, as one House, can not pass any statute containing a general rule by which the qualifications of members as described in the Constitution are either added to or lessened.
>
> Such a statute would not seem to be a judgment of each House upon the qualifications of its own members, but a judgment upon the qualifications of the members of the other branch. The power is sufficiently broad as it stands. Indeed, there is absolutely no restraint upon its exercise except the responsibility of the Representatives to their constituents. Under it the House inquires into the validity of the elections, going behind the certificates of the election officers, examining the witnesses, and deciding whether the sitting member or the contestant received a majority of legal votes. The House has also applied the test of personal loyalty to those claiming to be duly elected Representatives, deeming this one of the qualifications of which it might judge.

Pomeroy is discussing the power of the House, not stating what somebody may have said.

Throop on Public Offices, section 73, says:

> The general rule is that the legislature has full power to prescribe qualifications for holding office in addition to those prescribed by the Constitution, if any, provided that they are reasonable and not opposed to the constitutional provisions or to the spirit of the Constitution.

Who shall say that the exclusion of Roberts on the ground of polygamy is "opposed to the spirit of the Constitution?"

Cushing (Law and Practice of Legislative Assemblies, page 195, section 477) says:

> To the disqualifications of this kind may be added those which may result from the commission of some crime which would render the member ineligible.

What have the courts said on similar propositions? We first have the case of Barker *vs.* The People (3 Cowen) [New York]. In that case it was held that every person not specifically disqualified by the Constitution was eligible to election or appointment to office. In so far as that particular statement goes, it is a denial of the broad right to superadd to the constitutional provision as to qualifications. But that statement, as applied to this case, loses all of its applicability, for two reasons:

(1) Because it was not the question that it had to decide.

(2) Because the judge distinctly and positively declares—and that was the point involved in the case—that notwithstanding that want of power in the Legislature to add to the Constitution

qualifications it did have the right to disqualify for crime. He proceeds to say that it might disqualify for crime upon conviction thereof. We apprehend that that is unimportant here, for if the House of Representatives has a right to disqualify for crime it has the power and the right to determine for itself whether the crime was committed, and not to depend upon a judicial conviction. The necessity for a judicial conviction is the more apparent where the person who seeks to take office undertakes to assume an executive office to which he has been elected or appointed, for there may not be any other than the ordinarily constituted court in which to try the question of his guilt of the offense that created his ineligibility.

But it is not the settled doctrine of the law that disqualification for crime must be first adjudicated in the courts. The authorities are, the most of them, against that proposition, and for the sake of convenience we shall refer to them here.

I quote from Royall *vs.* Thomas (28 Gratton (Va.), 130). The syllabus is as follows:

Under the constitution and statute of Virginia a party who has aided and assisted in a duel fought with deadly weapons may be removed from office by proceeding of quo warranto, or if that writ be not in use, by information in the nature of a quo warranto, though he has not been convicted of the offense in any criminal prosecution against him.

The court in this case say that the principal authority relied on in support of the contrary position to that stated in the syllabus is the Kentucky case of Commonwealth *vs.* Jones.

It was held in that case that the clause of the Kentucky constitution imposing the disqualification for office of the offense of dueling is not self-executing, except so far as it prevents those who can not or will not take the requisite oath from entering upon office. It was there held that a citizen willing to take such oath could not be proceeded against for usurpation of such office until he had been first indicted, tried, and convicted of the disqualifying offense.

It was found, however [said the Virginia court in the Gratton case], on examination, that much of the reasoning of the court in the Jones case turns upon the peculiar phraseology of the Kentucky constitution, in which it is declared that the offender shall be deprived of the right to hold any office, post, or trust under the authority of the State.

The court agreed that if, instead of the words "shall be deprived," the phrase "shall not be eligible" had been used, some of the difficulties attending the argument to show that the provision is self-executing would have been obviated.

In the case of Cochran *vs.* Jones, involving the same question, the board for the determination of contested elections arrived at a very different conclusion upon the same clause of the Kentucky constitution. It will thus be seen that even in Kentucky there is such conflict of opinion in respect to the true interpretation of the constitutional provisions in question as deprives the decision relied on by the defendants of the weight of being considered even persuasive authority.

The provision in the Virginia constitution is as follows: "No person who, while a citizen of this State, has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challegne to fight a duel with a deadly weapon, shall be allowed to vote or hold any office of honor, profit, or trust under this constitution."

The court goes on to explicitly hold that previous conviction was unnecessary, arguing it with great force.

The same doctrine is held in Mason *vs.* The State (58th Ohio State), where Mason, who had been elected probate judge of a county in Ohio, had expended more money to bring about his election than the corrupt practices act allowed, and as this act disqualified such person from holding the position to which he was elected, the supreme court held that he could be thus disqualified and kept out of office without conviction.

To the same effect is the case of Commonwealth *vs.* Walter (83 Pennsylvania State, 105).

Proceeding with the enumeration of authorities as to the exclusive effect of the constitutional provision defining or declaring qualifications for office, the next case to which I call attention is Rogers *vs.* Buffalo (123 New York). I quote from page 184:

The case of Barker *vs.* The People (3 Cowan, 686) has been cited by counsel. That case holds the act to suppress dueling, which provided as a punishment for sending a challenge that the person so sending should, on conviction, be disqualified from holding any public office, was constitutional.

The chancellor, in the course of his opinion, said he thought it entirely clear that the legislature could not establish arbitrary exclusions from office, or any general regulation requiring qualifications which the Constitution had not required. What he meant by such expression is rendered clear by the example he gives. Legislation would be an infringement upon the Constitution, he thought, which should enact that all physicians, or all persons of a particular religious sect, should be ineligible to hold office, or that all persons not possessing a certain amount of property should be excluded, or that a member of assembly must be a freeholder, or any such regulation.

But, in our judgment, legislation which creates a board of commissioners consisting of two or more persons and which provides that not more than a certain proportion of the whole number of commissioners shall be taken from one party does not amount to an arbitrary exclusion from office, nor to a general regulation requiring qualifications not mentioned in the Constitution. The "qualifications" which were in the mind of the learned chancellor were obviously those which were, as he said, arbitrary, such as to exclude certain persons from eligibility under any circumstances. Thus a regulation excluding all physicians would be arbitrary. But would a regulation which created a board of health and provided that not more than one physician from any particular school, or none but a physician, should be appointed thereon be arbitrary or unconstitutional as an illegal exclusion from office? I think not.

The purpose of the statute must be looked at, and the practical results flowing from its enforcement. If it be obvious that its purpose is not to arbitrarily exclude any citizen of the State, but to provide that there shall be more than one party or interest represented, and if its provisions are apt for such purposes it would be difficult to say what constitutional provision is violated, or wherein its spirit is set at naught.

And again, on page 188:

It is said that the legislature had no right to enact that a person who shall be appointed to a public office shall have the qualifications necessary to enable him to discharge the duties of such office, nor to provide that the fact that he does possess such qualifications shall be ascertained by a fair, open, and proper examination.

Nothing but the bare oath mentioned in the Constitution can be asked of any applicant for an appointive office is the claim of the appellant. We do not think that the provision above cited was ever intended to have any such broad construction. Looking at it as a matter of common sense, we are quite sure that the framers of our organic law never intended to impose a constitutional barrier to the right of the people through their legislature to enact laws which should have for their sole object the possession of fit and proper qualifications for the performance of the duties of a public office on the part of him who desired to be appointed to such office. So long as the means to accomplish such end are appropriate therefor they must be within the legislative power.

The idea can not be entertained for one moment that any intelligent people would ever consent to so bind themselves with constitutional restrictions on the power of their own Representatives as to prevent the adoption of any means by which to secure, if possible, honest and intelligent service in office. No law involving any test other than fitness and ability to discharge the duties of the office could be legally enacted under cover of a purpose to ascertain or prescribe such fitness. Statutes looking only to the purpose of ascertaining whether candidates for an appointive office are possessed of those qualifications which are necessary for a fit and intelligent discharge of the duties pertaining to such office are not dangerous in their nature, and in their execution they are not liable to abuse in any manner involving the liberties of the people.

And, again, on page 190:

In this case we simply hold that the imposing of a test by means of which to secure the qualifications of a candidate for an appointive office, of a nature to enable him to properly and intelligently perform the duties of such office, violates no provision of our Constitution.

This opinion was delivered by Justice Peckham, now a member of the Supreme Court of the United States.

Another instructive case is that of Ohio ex rel. Attorney-General *vs.* Covington (29 Ohio State, page 102). The opinion is by Judge McIlvaine, one of the ablest and most careful judges that ever sat in the supreme court of Ohio. He says:

The last objection made to the validity of this act is based on section 4 of article 15 of the constitution, which declares: "No person shall be elected or appointed to any office in this State unless he possesses the qualifications of an elector."

The question arises under the fourth section of the act (which the court is construing), which provides: "Each member and officer of the police force shall be a citizen of the United States, and a resident citizen for three years of the city in which he shall be appointed, and able to read and write the English language."

There is no claim made that the qualifications prescribed in the act, in view of the nature of the duties to be performed, are unreasonable, or even unnecessary, to the discharge of the duties. The point made is that disqualifications are imposed by the statute which are not imposed by the constitution.

It is apparent that this statute is not in conflict with the terms of this constitutional provision. It does not authorize the appointment of a person who is not an elector. The express provision of the constitution is that a person not an elector shall not be elected or appointed to any office in this State. Now, unless the clear implication is that every person who has the qualifications of an elector shall be eligible to any office in this State, there is no conflict between the statute and the constitution. I do not believe that such implication arises.

There are many offices the duties of which absolutely require the ability of reading and writing the English language. There are many electors who, from habit of life or otherwise, are wholly unfit to discharge the duties of many offices within this State. If the framers of the constitution had intended to take away from the legislature the power to name disqualifications for office other than the one named in the constitution, it would not have been left to the very doubtful implication on which is claimed from the provision under consideration. The power under the general grant being ample and certain, a statute should not be declared void because in conflict with an alleged implication, unless such implication be clear and indubitable.

We find the same doctrine in the case of Darrow *vs.* The People (8 Colorado, page 417). The syllabus relating to this question is as follows:

The statute designating the payment of taxes as a necessary qualification of membership in the board of aldermen is not in conflict with section 6, article 7, of the constitution.

The provision of that section is as follows:

No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

The court says, on page 420, that it is argued that this provision—by implication inhibits the legislature from adding the property qualification under consideration. There is nothing in the constitution which expressly designates the qualifications of councilmen in a city or town, and this section contains the only language that can possibly be construed as applicable thereto. But it will be observed that the language used is negative in form—that it simply prohibits the election or appointment to office of one not a qualified elector. There is no conflict between it and the statute. By providing that a supervisor or an alderman shall be a taxpayer the legislature does not declare that he need not be an elector. Nor is the provision at all unreasonable. On the contrary, it is a safeguard of the highest importance to property owners within the corporation.

The right to vote and the right to hold office must not be confused. Citizenship and the requisite sex, age, and residence constitute the individual a legal voter; but other qualifications are absolutely essential to the efficient performance of the duties connected with almost every office. And certainly no doubtful implication should be favored for the purpose of denying the right to demand such additional qualifications as the nature of the particular office may reasonably require. We do not believe that the framers of the Constitution, by this provision, intended to say that the right to vote should be the sole and exclusive test of eligibility to all civil offices, except as otherwise provided in the instrument itself; that no additional qualifications should ever be demanded, and no other qualifications should be imposed.

LEGISLATIVE PRECEDENTS.

I proceed now to the legislative precedents upon this matter of exclusion, without admitting the person objected to to be sworn in.

JEREMIAH LARNED.

One Jeremiah Larned, as long ago as 1785, was elected to the legislature of Massachusetts, but it turned out that he had violated a law that that legislature had passed. And what was it? On election day he headed a riot for the purpose of preventing the collection of taxes. What did the fathers of that day do? They were not men who were regardless of human rights; they held that inasmuch as Larned had violated the law he was unworthy to take a seat upon that floor, and they kept him out.

JOHN M. NILES.

In the first session of the Twenty-eighth Congress, on the 30th of April, 1844, the credentials of John M. Niles as a Senator from Connecticut were presented to the Senate and objection was made to the oath being administered. Mr. Jarnagin submitted a resolution referring the credentials of Mr. Niles to a select committee, which was instructed—

To inquire into the election, return, and qualifications of the said John M. Niles, and into his capacity at this time to take the oath prescribed by the Constitution of the United States.

Mr. Jarnagin himself made a speech at that time, in which he took the view that it was a question of eligibility that was raised, and that a man who was insane was ineligible, and of course incapable of taking the oath. There was some discussion about it, and some doubt raised, and Mr. Niles's colleague said he had no objection to the matter going to the committee.

On May 16 following, the committee reported in favor of permitting Mr. Niles to take the oath, which was then administered. It appears from the report that Mr. Niles had been suffering from severe bodily afflictions which impaired his mind to such an extent that he was removed to the insane asylum at Utica, N. Y., where he remained until April 1, 1844, after which he was discharged as improved, but not completely restored to health. The committee reported that while Mr. Niles was laboring under mental and physical disability, he was not of unsound mind in the technical sense of that phrase.

If this case establishes anything, it establishes the right of the Senate to protect itself against a person of infirm or unsound mind; that it recognized that it had the right to exclude a person possessed of every qualification which the Constitution required if he was not of sound mind.

PHILIP F. THOMAS.

Another case in the Senate was that of Philip F. Thomas, of Maryland, in the Fortieth Congress. His credentials were presented on March 18, 1867, and the following day were referred to the Judiciary Committee. There was a very elaborate debate.

The charge against him was that he had been disloyal, and that he was therefore incapable of taking the test oath which was provided for in the act of July, 1862.

The resolution which was then adopted, and under the provisions of which Thomas was excluded from the United States Senate, was as follows:

Resolved, That Philip F. Thomas having voluntarily given aid, countenance, and encouragement to persons engaged in hostility to the United States, is not entitled to take the oath of office as a Senator of the United States from the State of Maryland, or to hold a seat in this body as such Senator, and that the President pro tempore of the Senate inform the governor of the State of Maryland of the action of the Senate in the premises.

The vote for exclusion was 27 to 20. Among those voting in the negative was Lyman Trumbull. He did so because he thought the proof of disloyalty was unsatisfactory.

His position on the question involved had, however, been clearly and unmistakably defined in the case of

BENJAMIN STARK,

who was appointed a Senator from Oregon early in 1862.

There were ex parte affidavits as to Stark's disloyalty. He was not permitted at first to take the oath, and his case went to a committee, which reported in favor of letting Stark be sworn in, but without passing at all on the facts. The discussion of the case, however, showed that it would be impossible to take proof before the legislature of Oregon elected his successor. The state of the proof was so unsatisfactory also that on the resolution to expel Stark not even a majority voted in the affirmative. On the preliminary question Mr. Trumbull, February 7, 1862, made an able and conclusive report. He said:

That an avowed traitor, a convicted felon, or a person known to be disloyal to the Government has a constitutional right to be admitted into the body would imply that the Senate had no power of protecting itself—a power which, from the nature of things, must be inherent in every legislative body. Suppose a member sent to the Senate, before being sworn, were to disturb the body and by violence interrupt its proceedings, would the Senate be compelled to allow such a person to be sworn as a member of the body before it could cast him out? Surely not, unless the Senate is unable to protect itself and preserve its own order. The Constitution declares "that each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

The connection of the sentence in which the power of expulsion is given would indicate that it was intended to be exercised for some act done as a member, and not for some cause existing before the member was elected or took his seat. For any crime or infamous act done before that time the appropriate remedy would seem to be to refuse to allow him to qualify, which, in the judgment of the undersigned, the Senate may properly do, not by way of adding to the qualifications imposed by the Constitution, but as a punishment due to his crimes for the infamy of his character.

There is absolutely no doubt whatever that if the case of disloyalty had been stronger Stark would have been excluded. The weakness of the case in that respect is manifest when we remember that less than a majority voted to expel him.

KENTUCKY CASES.

On the 3d of July, 1867, the members-elect from the State of Kentucky presented their credentials to the House. They were not then permitted to be sworn in, on the ground that they had been disloyal or had expressed disloyal sentiments.

If there is any criticism to be lodged against the action of the House at that time, it is not that the theoretical ground upon which they based their action was untenable, but that they undertook to exercise the power to exclude a man for disloyalty years after he had been disloyal, as alleged, and after the time in which alone he could have been disloyal.

The Committee on Elections, which took jurisdiction of the case under the order of the House, made several reports, all of which were of the same general character and all of which were sustained by the House. The reports were carefully prepared and were most elaborately argued.

From the report filed by Mr. Dawes, as chairman, I quote as follows:

The committee are of the opinion that no person who has been engaged in armed hostility to the Government of the United States, or who has given aid and comfort to its enemies during the late rebellion, ought to be permitted to be sworn as a member of this House, and that any specific and apparently well-grounded charge of personal disloyalty made against a person claiming a seat as a member of this House ought to be investigated and reported upon before such person is permitted to take the seat.

A second report was filed, in which it is said:

The committee adhere to the views expressed in the former report, that no man who has been engaged in an attempt to overthrow the Government and subvert the Constitution by force of arms, or who has voluntarily given aid, countenance, counsel, or encouragement to persons so engaged, ought to be admitted to a seat in this House to make laws for the nation he has traitorously sought to destroy; and it is apparent that there must be power in this House to prevent this, the House being the judge of the qualifications of its members, of which fidelity to the Constitution is one, and that this end can only be certainly accomplished by the investigating of any specific and apparently well-grounded charge of personal disloyalty made against a person claiming his seat as a member of this House before such person is permitted to take the seat.

The House concurred in this view of the committee by adopting the resolution under which the committee is now acting. The principle upon which this preliminary investigation was ordered was adopted by Congress when the oath of office to be taken by members of this House was prescribed by law, and the preliminary investigation of specific and apparently well-founded charges against a person claiming a seat in this House is only an additional mode of attaining the same result sought to be secured by requiring the oath to be taken by all persons who become members of the House.

From time to time after the objection was made to the swearing in of other members-elect, the House assumed jurisdiction, tried the cases in advance of administering the oath, and where, as sometimes had been the case, it appeared that the claimant had not been disloyal he was of course sworn in; in other cases he was excluded.

As showing that the House in acting in the Kentucky and other cases in the Fortieth Congress was not precipitate and wanting in deliberation, I call attention to the resolution adopted by the House of Representatives on the 22d of March, 1869. This was four years after the war and nearly two years after the Kentucky cases arose, when it may fairly be said that a deliberate judgment had been reached respecting the right of Congress in a proper case to exclude a member-elect.

On the 22d of March, 1869, the following was adopted as the permanent rule of the House:

Resolved, That in all contested-election cases in which it shall be charged by a party to the case, or a member of the House, that either claimant unable under the act approved July 2, 1862, entitled "An act to prescribe the oath of office, and for other purposes," it shall be the duty of the committee to ascertain whether such disability exist, and if such disability shall be found to exist the committee shall so report to the House and shall not further consider the subject without the further order of the House, and no compensation will be allowed by the House to any claimant who shall not have been entitled at the time of the election, and whose disloyalty shall not have been removed by act of Congress.

This rule, it will be observed, is independent of the mere disqualification for disloyalty, but is intended to exhibit the matured determination of the House of Representatives to insist not only upon the oath required by the act of July 2, 1862, but also that the person claiming the right to take the oath should show his right to do so.

The test-oath act only required that he take the oath, but the House held that it had a right to inquire whether he had the capacity to take the oath, which was an exercise of an original power, not based upon any statute.

WHITTEMORE CASE.

Again, in the Forty-first Congress the House of Representatives asserted its right to exclude from membership a Representative-elect with a perfect certificate and possessing all of the so-called constitutional qualifications. This is the case of Whittemore,

from South Carolina. It must be remembered that Whittemore was a Republican and that he brought his certificate to a Republican House of Representatives. Previously, on the 24th day of February, 1870, he had resigned in order to avoid a vote on a resolution of expulsion which had been reported to the House.

It was charged against him that he had sold a cadetship, and that therefore he was unworthy to continue to be a member of the House. His resignation, however, prevented action upon the resolution of expulsion, and the House contented itself with the adoption of a resolution of censure. Whittemore returned to his constituency, a special election was ordered, and he was reelected and returned to the same session of Congress, with his certificate of election under the broad seal of the State of South Carolina. Objection was made by General Logan, and after some discussion the matter was postponed until June 21. General Logan made a powerful speech, in which he asserted the right to exclude a man guilty of an offense such as Whittemore had committed. In this debate he said, among other things:

It is said that the constituency had the right to elect such a member as they may think proper. I say no. We can not say that he shall be of a certain politics, or of a certain religion, or anything of that kind; but, sir, we have the right to say that he shall not be a man of infamous character. He is not merely a representative of the constituents who elect him, but his vote in the House is a vote for the whole nation. It is a vote for the people of the whole country, and every district in the United States has the same interest in his vote that his own district has.

Hence, if Congress shall not have the power or authority or shall not have the right to exclude a man of that kind, then the rights of the people of the whole country may be destroyed by a district sending a Representative who may be obtained to vote in a manner which may be destructive of the rights of the people. Are we to be told that Congress has no right to prevent anything of this kind because of the right of any constituency to send whomsoever they please?

* * * * * * * *

It is not that the people shall not be represented. Not at all. It is this: That the people of the country have no right to destroy their own liberties by filling Congress with men who, from their conduct, show themselves capable of the destruction of their Government.

* * * * * * * *

Congress, being the representatives of the whole people, are entitled to say that the rights of the whole country shall not be destroyed by one or more districts throwing in here a man, or set of men, capable of their destruction; and that, having knowledge of the facts, and the power to prevent the mischief by exercising the right of exclusion, they have a right to exercise that power, and thereby protect the interests of the country, and to preserve instead of destroy the right of representation.

* * * * * * * *

For crime, sir, we have a right to proscribe a man. That is the ground I put it on. That is the ground on which I put it first, and that is the ground on which I put it now. We have a right, I say, to protect the interests of the country by excluding men from these halls on the ground of crime. It is not a crime to be a Democrat or a Republican, to be a Presbyterian or a Methodist, or a member of any other denomination; but, sir, it is a crime for a man to do what this man has done. And why? Because the laws of our country denominate it a crime. It is made a crime by law. Hence my theory is based on the law, and is this, that in pursuance of the law and in carrying out its principles we must protect the country by protecting ourselves against crime and against criminals in this body. That is the ground I took and the theory I stated.

The principal ground of objection was to immediate action, and the claim was made that the case ought to be sent to a committee to determine Whittemore's right to be sworn in. Logan replied that the House was in possession of all the facts. He withdrew the demand for the previous question and the debate proceeded. Later on he said he supposed if there were not more than seventeen or eighteen who wanted to speak, of course it would not take much time, and that the House could vote down the previous question if it wanted more discussion. He said he did not care whether the House sustained the demand for the previous question or not. But the House seemed to be much more insistent than Logan, for the previous question was ordered and the vote on the main question was 130 to 24. No doubt some of those who voted in the negative were opposed to exclusion.

But the most of them must have felt as did Mr. Farnsworth, who said:

I do not know but that when this matter is properly investigated I shall also vote for excluding Mr. Whittemore from a seat, but I think it ought to be first investigated by a committee.

The resolution in this case provided for the return of his credentials to Whittemore and his exclusion from the House.

Now, what do our friends say about that case? Well, that is not authority either, they say. They whistle down the wind the Whittemore case as they whistle down the wind everything else that does not accord with their views. The Whittemore case is absolutely sound. The speech of General Logan expresses the principle with clearness and cogency upon which, with propriety, that man was excluded, and the most eminent men in the House of Representatives voted for it, among them Garfield and Randall and S. S. Cox and Judge McCrary and many others.

GEORGE Q. CANNON.

The case of George Q. Cannon, who was excluded from the Forty-seventh Congress as a Delegate on the ground that he was a polygamist, on principle clearly sustains the proposition of exclusion of a member.

It is true that when excluded Cannon was merely a Delegate-elect from the Territory of Utah, and not a person elected to an office created by the Constitution.

Nevertheless, we assert that on principle that case can not be differentiated from the case at bar.

Allen G. Campbell was a candidate for Delegate from the Territory of Utah against George Q. Cannon in 1881. Campbell received about 10 per cent of the votes cast, and the governor issued a certificate to him on the theory that Cannon was ineligible to be a Delegate in Congress. Campbell's seat was contested by Cannon. The committee, in January, 1882, made a very elaborate report. All but one united in declaring that Campbell, not having received a majority of the votes, was not entitled to a seat, and the dissenting member finally agreed with the majority, that whatever Cannon's rights might be, Campbell ought not to be seated.

A considerable majority of the committee further found that as Cannon was a polygamist, he was ineligible and disqualified to be Delegate in Congress. At this time the Edmunds law had not been passed, and there was no statutory ground of ineligibility.

Some members of the committee undertook to differentiate between the right of the House to exclude a Member and its right to exclude a Delegate, while other members insisted that, while there was a sharp distinction to be drawn between a Member and a Delegate, yet that in so far as the matter of ineligibility on the ground of polygamy was concerned, the same principle would apply to both.

This, then, was the condition of the Cannon case before the Edmunds law was passed. The committee was unanimously of the opinion that Cannon was duly elected a Delegate from the Territory of Utah, and therefore that he was entitled to hold the certificate of election; that he stood in the attitude of a man appearing before the bar of the House with the proper certificate of the governor of the Territory of Utah and with no infirmity except that which went to his disqualification, namely, the fact of polygamy.

Before the case was taken up in the House for discussion and action the Edmunds law was passed. Mr. Cannon in his speech says that there were some members of the House who had told him that while they would not have excluded him under the report of the committee, they would then vote to exclude him because of the provisions of section 8 of the Edmunds Act; and Mr. Ranney, of Massachusetts, a member of the Committee on Elections, who had dissented from the majority report, declared that he felt compelled to vote in favor of the exclusion of Cannon because of the passage of that law.

Nevertheless, the fact appears, and I believe it to be the just inference from what occurred from the report of the committee and the debate on the floor of the House, that Cannon would have been excluded if the Edmunds law had never been passed. The vote in favor of allowing him his seat was 79, and against it 123.

When we look at the arguments made on both sides of this House, it will be discovered that he would have been excluded if the House had come to pass upon it before the passage of the Edmunds law.

STATUTORY PRECEDENTS.

I come now to the statutory declarations where disqualifications have been imposed.

Section 21 of the act of April 30, 1790, is as follows:

That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present, or reward, or any promise, contract, obligation, or security, for the payment or delivery of any money, present, or reward, or any other thing, to obtain or procure the opinion, judgment, or decree of any judge or judges of the United States, in any suit, controversy, matter, or cause depending before him or them, and shall be thereof convicted, and so forth, shall be confined and imprisoned, at the discretion of the court, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

Section 5499, which was passed in 1791, provides:

That every judge of the United States who in any wise accepts or receives any sum of money or other bribe, etc., shall be fined and imprisoned, and shall be forever disqualified to hold any office of honor, trust, or profit under the United States.

IS A MEMBER OF CONGRESS AN OFFICER?

Before citing other acts of Congress, it is proper to discuss the question as to whether a member of Congress is an officer within the meaning of the statute.

If a member of Congress is not an officer, if the qualifications of a member of Congress are only those named in the Constitution, then, of course, the makers of the Constitution meant that nobody could be made ineligible for Congress, either by law or by the act of either body, even though laws passed immediately after the adoption of the Constitution made him ineligible for all other positions under the Government.

Now, upon that proposition I make these observations, as to the meaning of the word "office."

First. Undoubtedly under the Constitution, in one or two instances, the word "office" does not include Representative in Congress, as, for example, the last paragraph of section 6, Article I:

No person holding any office under the United States shall be a member of either House during his continuance in office.

In that case the words "holding any office" means an office other than a member, but the context is absolutely unmistakable, and no person is in danger of assuming, even if a member of Congress hold an office, that it meant to say that no member of Congress shall be eligible to be a member of Congress.

In the second place, the provision in the last paragraph of section 3 of Article II, relating to the duties of the President, that he shall commission all the officers of the United States, does not mean that he is to commission members of Congress; but he is himself an officer, and he does not commission himself, nor does he commission the Vice-President, who is also an officer under the United States.

So also paragraph 2, section 1, Article II:

> But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

There the distinction is made, "No Senator or Representative, or person holding an office of trust."

But under the Constitution the word "office" must include in certain of its provisions a Representative in Congress.

It is inconceivable that in the Constitution the word "office" never includes a member of Congress. Look at the last paragraph of section 3, Article I:

> Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Is it conceivable that the framers of the Constitution meant that a man might be adjudged guilty in case of impeachment and that that judgment of guilty could carry with it a judgment disqualifying him from holding any office save only to be a Representative or Senator in Congress?

Paragraph 8, section 9, Article I, is as follows:

> No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Did the Constitution mean that Representatives and Senators in Congress could receive emoluments, presents, office, or title from some king, prince, or foreign state, but no other person holding an office could without the consent of Congress?

But in the next place, as to statutes. Whatever may be held to be the meaning of the word "office" in the Constitution, it does not follow that the same meaning must be given to it in the statutes. We find a varying meaning in the Constitution, and we find a varying meaning in the statutes. The act of 1790 has always been assumed to cover members of Congress.

Section 5500 of the Revised Statutes, originally passed in 1853, and now in substantially the form in which it was when originally passed, provides:

> Any member of either House of Congress who asks, accepts, or receives any money, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, * * * either before or after he has been qualified or has taken his seat as such member, with intent to have his vote or decision on any question, matter, cause, or proceeding * * * pending in either House, * * * shall be punished by a fine, etc.

Section 5502 is as follows:

> Every member, officer, or person convicted under the provisions of the two preceding sections who holds any place of profit or trust shall forfeit his office or place, and shall thereafter be forever disqualified from holding any office of honor or trust or profit under the United States.

This section applies explicitly to a member of Congress, and brings forfeiture of the office or place held by him. If "office" in this section does not include a member of Congress, the word "place" must include him.

Now, the word "office" in that concluding part of this section must refer to member. First, because the word "office" is used in the preceding line as necessarily including a place that is held by a member. It can not fail to include that, for it refers to a "member" and what shall happen to him. In the next place, because it is not conceivable that the legislative body intended that the violation of that law by a member should forfeit the position that the member had and then not intended to disqualify him from being elected again as a member of the House when it disqualifies him from holding all other offices or places under the United States.

But that is not the only statutory construction of the word "office." It is still more explicitly declared in the test-oath act of July 2, 1862:

> That hereafter every person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments of the United States, excepting the President of the United States, shall, before entering upon the duties of such office and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation:
>
> "I, A B, solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto.
>
> "And I do further swear (or affirm) that to the best of my knowledge and ability I will support the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."
>
> Which said oath, so taken and signed, shall be preserved among the files of the court, House of Congress, or Department to which the said office may appertain.
>
> Any person who shall falsely take the said oath shall be guilty of perjury, and on conviction, in addition to the penalties now prescribed for that offense, shall be deprived of his office and rendered incapable forever thereafter of holding any office of trust under the United States.

It will be noticed that the only person required to take that oath is an officer, a person elected or appointed to any office of honor or profit, but it does not include in this phraseology a member.

By reference to the concluding portion of the act it will appear that the word "office" does include a member of Congress:

> Which said oath so taken and signed shall be preserved among the files of the court, House of Congress, or Department to which the said office may appertain.

We not only have the use of the word "Congress" as indicating to what the word "office" appertains, but also the universal, unquestioned construction by the acts of the Senate and of the House in compelling the test oath to be taken year after year until it was repealed. Each House of Congress recognized that that oath was an oath to be taken by a Representative in Congress, notwithstanding the fact that the act passed made it apply only to a person elected or appointed to an office of honor or trust in the United States.

I quote this section here as well for the purpose of showing the Congressional precedents imposing a substantial qualification or disqualification upon the members of Congress really substantial in its character, as the facts of history show, as to exhibit what is meant in the statutes by the word "office."

There are many other statutory provisions, passed from time to time since 1790, disqualifying for office of trust or profit under the United States persons guilty of the several crimes defined in those statutes. I do not refer to them specifically, but they are illustrated by the statutes already quoted.

It ought also to be said that section 8 of the Edmunds Act, whatever meaning may be given to it, evidences the legislative will to disqualify polygamists for office. It indicated the legislative purpose so aptly described by Justice Matthews, in the Ramsey case, when he said that no more cogent or salutary method could be taken than was taken by the Edmunds Act, which undertook to withdraw from all political influence those persons who showed a practical hostility to the development of a commonwealth based upon the idea of the union for life of one man and one woman in the holy estate of matrimony.

The statutory declaration, if I may use that form of expression as applicable to the joint action of the House, coupled with the President's approval, is only a more solemn declaration by both Houses of the principle that it has the right to exclude under certain conditions; that either House may do it. That very point was made in the discussion on the test oath in the Senate—that of course that law could not with certainty bind any succeeding Senate or any succeeding House, but that it was apparent that so long as there existed any necessity for such an oath, and in the very nature of things the time would come in a few years when it would not be necessary, either House would respect its requirements and compel a submission to it; and that was the action of the Senate and House for nearly twenty years.

THE INELIGIBILITY CREATED BY THE EDMUNDS ACT.

Having in mind that portion of this report in which I have heretofore set out the status and condition of Brigham H. Roberts, I would inquire where the specific provisions of the Edmunds Act place him.

Two facts appear as pertinent to this inquiry.

First. That he was convicted in 1889 of unlawful cohabitation under that act and served a term in the penitentiary therefor.

Second. That he has been ever since 1885, and is now, a polygamist, as that word is used in section 8 of the Edmunds Act and defined by the Supreme Court of the United States in the cases of Murphy *vs.* Ramsey (114 U. S., 15) and Cannon *vs.* The United States (116 U. S., 55). Section 8 is as follows:

> No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Reading that act as applicable to this case, eliminating the irrelevant portions, it appears as follows:

> No polygamist shall be entitled to hold any office or place of public trust, honor, or emolument under the United States.

In the Ramsey case, above referred to, a specific distinction is made between a polygamist and a person cohabiting with more than one woman. A polygamist is a person having a certain status respecting more than one woman.

The condition, therefore, of a polygamist may be merely passive

and requiring no affirmative act. To cohabit with more than one woman is, however, to do an affirmative thing. The result is that one who has two or more wives that he holds out to the world as such is a polygamist, wherever he may be, while one who cohabits with more than one woman is not cohabiting except in the place in which, of necessity, cohabitation must occur.

In the Ramsey case the court illustrated its definition of a polygamist as being a status or condition like any other qualification for elector, or for office, and declared that it was as if Congress had undertaken to make a married man ineligible. It would be the status in that event of being a married man which would create and continue the ineligibility.

It therefore appears that the fact that a man is a polygamist is a fact that inheres in him and stays with him, and persists in remaining with him wherever he may go, so long as he is the possessor of more than one wife; and just as one who is a married man in the State of Maryland continues to be a married man if he leaves his wife at home and comes to the District of Columbia, so Mr. Roberts, being in the condition or status of a polygamist in the State of Utah, does not leave that status behind, nor does he dissociate himself from that status or cast off the garb of a polygamist by leaving his wives at home and traveling from that State into the District of Columbia.

In the very nature of things the House of Representatives, wherever it is as a House of Representatives, is in a place under the exclusive jurisdiction of the United States; therefore when Roberts comes into the District of Columbia, in the status of a polygamist, he is ineligible under the Edmunds Act to hold any office or place under the United States, and therefore ineligible to hold the position of member of the House of Representatives.

THE COMPACT OF STATEHOOD.

I come now to the third main proposition, that his election involves a breach of the compact and understanding by which Utah was admitted to the Union.

Utah was admitted to the Union with the distinct understanding upon both sides that polygamous practices were under the ban of the church, prohibited and practically eradicated, both as a practice and a belief, and that they would not be renewed.

The effort is made to alarm people upon this proposition that some similar objection might be made to representation from States in which the claim might be made that the right to vote was denied to some citizens. It is a sufficient answer to this to say that if such ground of complaint exists the Constitution specifically tells us what our remedy is; and declares precisely, in the fourteenth amendment, what we may do in any event when the right of suffrage is improperly denied. There is no possible escape from that position, even assuming that there was anything in the bogy man.

But as to Utah, she was admitted on the express statement that the practice of polygamous living was interdicted by the church, was practically abandoned by the people, and eradicated as a belief. Of course, that sporadic instances of the violation of the law against cohabitation might occur no one doubted.

The manifesto forbidding plural marriages and enjoining obedience to the laws relating thereto was issued by Wilford Woodruff, president of the Church of Jesus Christ of Latter-Day Saints, September 25, 1890.

Some doubt having arisen as to whether that manifesto prohibited association in the plural marriage relation as well as the contracting of plural marriages as a ceremony, President Woodruff himself testified under oath as follows:

Q. Did you intend to confine this declaration and advice to the church solely to the question of forming new marriages, without reference to those that were existing—plural marriages?

A. The intention of the proclamation was to obey the law myself—all the laws of the land on that subject—and expecting that the church would do the same.

Q. You mean to include, then, in your general statement, the laws forbidding association in plural marriages as well as the forming of new marriages?

A. Whatever there is in the law with regard to that—the law of the land.

Q. Let me read the language, and you will understand me, perhaps, better. "Inasmuch as laws have been enacted by Congress forbidding plural marriages, * * * I hereby declare," etc. Did you intend by that general statement of intention to make the application to existing conditions where the plural marriages already existed?

A. Yes, sir.

Q. As to living in the state of plural marriage?

A. Yes, sir; that is, to the obeying of the law.

Q. In the concluding portion of your statement you say, "I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the laws of the land." Do you understand that that language was to be expanded to include the further statement of living or associating in plural marriage by those already in the status?

A. Yes, sir; I intended the proclamation to cover the ground—to keep the laws, to obey the law myself—and expected the people to obey the law.

The significance of this statement by the spiritual head of the church is the more apparent when we remember that it was made but a short time before the question of the admission of Utah was debated in the House of Representatives.

Is it to be an occasion for wonder, therefore, that the proclamation of amnesty issued by President Harrison, January 4, 1893, should contain these words:

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and abstained from plural marriages and polygamous cohabitation; and

Whereas by a petition dated December the 19th, 1891, the officials of said church, pledging the membership thereof to the faithful obeyance of the laws against plural marriages and unlawful cohabitation, applied to me to grant amnesty for past offenses against said laws.

Is it strange that the House Committee on Territories in 1893 should report that "polygamy is dead?" And if that is not fully convincing, let the unprejudiced mind consider the following extracts from the debate in the House of Representatives on the admission of Utah, December 12, 1893:

Mr. RAWLINS, the Delegate from the Territory, seems to have hypnotized the House by his eloquence. I quote a sentence or two:

Mr. MORSE. The twin relic of barbarism—polygamy—still lives; and while it does live and is in the ascendency I can never vote to admit Utah as a State of the Union.

Mr. RAWLINS. It was found in 1882 there were 2,225 adult male polygamists in the Territory of Utah. This report proceeds to say:

"It is not denied by the advocates of admission that polygamy is practiced in that Territory, but they claim it is not obligatory upon the members of the Mormon Church, but that it is gradually dying out until now there are comparatively few who are living in polygamous relations, and that this few are generally past the meridian of life. They claim that polygamous marriages have ceased to be solemnized, that in the near future polygamy will have ceased altogether, and is even now practically dead, and that it is unjust to deprive the many of political rights because the comparatively few are violating the law in this regard."

The majority report of the committee in 1888 found that the practice of polygamy had been decreasing. It was claimed then by representatives of the Mormon people that polygamy had been forbidden by the Mormon Church, and they asserted that it was no longer in existence and would not revive.

Mr. MORSE. Will the gentleman allow me to ask a question right there?

Mr. RAWLINS. Yes, sir.

Mr. MORSE. Is it not a fact that prior to the election of the gentleman the Territory of Utah sent here as their representative Mr. Cannon, who had six wives?

Mr. RAWLINS. No, sir.

Mr. MORSE. How many wives did he have?

Mr. RAWLINS. You mean George Q. Cannon?

Mr. MORSE. He was a polygamist, was he not?

Mr. RAWLINS. That is ancient history, my friend. Mr. Caine has represented Utah here; he was my predecessor as the Delegate from the Territory. He served here ten years. Mr. Caine is not a polygamist. In 1882 Mr. Cannon, the polygamist you speak of, was excluded from his seat in Congress on account of his polygamy.

Mr. MORSE. But he represented the sentiment of those people all the same, because they elected and sent him here.

Mr. RAWLINS. They elected him in years gone by. I am not denying, my dear friend, that in 1853 or 1860 or 1875 or 1880 polygamy was practiced in Utah. I am not denying that the people of that Territory elected polygamists to office in those old days. But the gentleman does not seem to know that the world does progress. [Applause.] There is nothing under the sun that is not changeable and subject to alteration.

"Why," said Mr. RAWLINS, "just let that noble commonwealth into the sisterhood of States and then we will show you the magnificent specimens of Utah manhood we will send down here." Well, they have sent the predicted specimen. [Laughter.]

And so the enabling act was passed. Every incredulous member who cast doubt upon the sincerity of polygamists in Utah was whistled down the wind. Every legislator who doubted if the funeral of polygamy had really taken place was laughed to scorn. Polygamy was dead! That was the battle cry, and on it the battle was fought and won.

What would have become of the bill if Mr. RAWLINS had declared that the State of Utah, just about to be born, would reserve the right to send a polygamist to Congress? His bill would have been buried beneath an avalanche of votes beyond the hope of resurrection.

The language of the enabling act is, "Provided that polygamous or plural marriages are forever prohibited."

The understanding was that those words prohibited the practice of living in the status or condition of polygamous marriage.

Bouvier's Law Dictionary says:

Marriage.—A contract made in due form of law by which a man and woman reciprocally engage to live with each other during their joint lives, and to discharge toward each other the duties imposed by law on the relation of husband and wife. Marriage, as distinguished from the agreement to marry, the mere act of becoming married, is the civil status of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on themselves.

"Marriage" is the legal status or condition of husbands and wives just as infancy is the legal relation or condition of persons under age. (1 American and English Encyclopedia of Law, volume 14, page 470.)

The act of marriage having been once accomplished, the word becomes afterwards to denote the relation itself. (Schouler on Domestic Relations, 222.)

Senator RAWLINS was asked before the committee on this case the following question:

Without reference to any assumed facts in this case, do you think that Congress would have admitted Utah to statehood if it had been predicted that Utah would send here in a few years a man as her Representative who was polygamously living with more than one wife?

He answered:

I do not think the Congress of the United States would have admitted Utah if they at that time had believed that a revival of the practice of polygamy would occur.

It is not to be assumed from the fact that a rare or sporadic case of polygamous marriage occurred in Utah, or sporadic instances of unlawful cohabitation had come to light, that that would be a violation of the agreement; but we take it that it is in the last degree a violation of the agreement or understanding when that State sends to Congress a man who is himself engaged in the persistent practice of the very thing the abandonment of which was the condition precedent to its admission; and that man the most conspicuous defier of the law and violator of the covenant of statehood to be found in Utah.

As bearing on this, I here quote the manifesto issued a few days ago by the Mormon Church and presented by Senator RAWLINS to the Senate:

In accordance with the manifesto of the late President Wilford Woodruff, dated September 25, 1890, which was presented to and unanimously accepted by our general conference on the 6th of October, 1890, the church has positively abandoned the practice of polygamy, or the solemnization of plural marriages, in this and every other State, and that no member or officer thereof has any authority whatever to perform a plural marriage or enter into such a relation. Nor does the church advise or encourage unlawful cohabitation on the part of any of its members.

In other words, the Mormon Church has left it to us and not to the church to say what shall be done with Mr. Roberts. Is the House of Representatives to respond in any uncertain tone?

THE RIGHT TO EXPEL.

Upon this alternative proposition that the proper method of procedure is to permit the claimant to be sworn in, and then, if a two-thirds vote can be obtained, to expel him, I desire to call attention first of all to what Story says on that subject, section 837:

The next clause is, "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." No person can doubt the propriety of the provision authorizing each House to determine the rules of its own proceedings. If the power did not exist, it would be utterly impracticable to transact the business of the nation, either at all, or at least with decency, deliberation, and order. The humblest assembly of men is understood to possess this power, and it would be absurd to deprive the councils of the nation of a like authority.

But the power to make rules would be nugatory unless it was coupled with a power to punish for disorderly behavior or disobedience to those rules. And as a member might be so lost to all sense of dignity and duty as to disgrace the House by the grossness of his conduct, or interrupt its deliberations by perpetual violence of clamor, the power to expel for very aggravated misconduct was also indispensable, not as a common but as an ultimate redress for the grievance.

And again, section 838:

What must be the disorderly behavior which the House may punish, and what punishment other than expulsion may be inflicted, do not appear to have been settled by any authoritative adjudication of either House of Congress. A learned commentator supposed that members can only be punished for misbehavior committed during the session of Congress, either within or without the walls of the House, though he is also of opinion that expulsion may be inflicted for criminal conduct committed in any place.

And after a reference to the Blount case, Story says:

It seems, therefore, to be settled by the Senate upon full deliberation that expulsion may be for any misdemeanor which, though not punishable by any statute, is inconsistent with the trust and duty of a Senator.

On the subject of expulsion, Rawle says, second edition, page 48:

Both the Senate and the House of Representatives possess the usual power to judge of the elections and qualifications of their own members, to punish them for disorderly behavior, which may be carried to the extent of expulsion, provided two-thirds concur. It had not been yet precisely settled what must be the disorderly behavior to incur the punishment, nor what kind of punishment is to be inflicted. * * *

Paschal on the Constitution, page 87:

It seems to be settled that a member may be expelled for any misdemeanor which, though not punishable by any statute, is inconsistent with the trust and duty of a member.

We do not need to call particular attention to the phraseology of the constitutional provision, nor do we think it very important to consider the evolution, from the standpoint of punctuation, through which that provision went in the Constitutional Convention. It now appears as following in the same sentence as the provision for disorderly behavior, with only the rhetorical separation of a comma from it.

It thus appears that the language of the provision for expulsion, in the view of the ablest commentators, furnishes clear and cogent reasons for its construction, and that neither House ought to expel for any cause unrelated to the trust or duty of a member.

This has been the uniform practice of both Houses of Congress.

The case of Hiss *vs.* Bartlett (3 Gray, 468) is cited as showing the unlimited power of a legislative body to expel.

A casual reading of this case, which a careful reading confirms, will show that it directly sustains the position of the majority.

As there was no constitutional provision in Massachusetts respecting expulsion, the legislature of that State was, of course, clothed with all the powers incident to expulsion which are inherent in a legislative body whose powers are not limited by a constitution.

In addition to that, Hiss was expelled on the ground that his "conduct on a visit to Lowell, as one of a committee of the house, was highly improper and disgraceful, both to himself and to the house of which he was a member."

Everything said by the court had relation to such a state of facts. The case is one of expulsion for gross misconduct as a member and in the performance of his duty as a member.

Neither House has ever expelled a member for any cause unrelated to the trust or duty of a member.

Both Houses have refused to expel where the proof of guilt was clear, but where the offense charged was unrelated to the trust or duty of a member.

HUMPHREY MARSHALL.

The Senate in 1796 refused to expel Humphrey Marshall, of Kentucky. He was charged with the commission of a grave offense against the law of his State. The Senate refused to expel, on the ground that it had "no jurisdiction" to do so.

WILLIAM N. ROACH.

In 1893 proceedings were set on foot in the Senate looking to the expulsion of William N. Roach, a Senator from North Dakota. A long and exceedingly interesting discussion followed, but the proceeding was abandoned without coming to a vote and Roach served out his term. Not a solitary precedent in the American Congress was cited in support of the proposition to expel. There was no precedent.

O. B. MATTESON.

Matteson had resigned in the Thirty-fourth Congress before a resolution of expulsion was passed. He was charged with a grave offense—an offense inconsistent with his trust and duty as a member. He was reelected to the Thirty-fifth Congress and took his seat without question or objection.

In the Thirty-fifth Congress a resolution of expulsion was proposed against him. The case went to a committee, and that committee, of which our honored colleague, Mr. GROW, was a member, in a somewhat elaborate argument, reported against the expulsion of Matteson on the ground that the Thirty-fifth Congress had no right to expel, because the offense was committed in the previous Congress, and did not relate to any violation of his trust or duty as a member of the Thirty-fifth Congress.

The resolution reported was to the effect that it was inexpedient for the House to take any further action in regard to the resolution proposing to expel O. B. Matteson, and the House never did take any further action, excepting to lay the resolution on the table, and Matteson served through the Thirty-fifth Congress.

BROOKS AND AMES CASES.

In the next place, we have the Brooks and Ames cases. They were cases in which charges had been made against Oakes Ames and James Brooks of corruption in connection with Credit Mobilier, and a special committee of five took the cases and reported in favor of expulsion.

Thereupon, the Judiciary Committee, which had taken up a resolution respecting Colfax, reported on the Ames and Brooks cases, with an elaborate argument setting out that the House had no right to expel, and gave many reasons, among others that it was an imposition of a qualification not fixed by the Consitution. They laid down the same proposition that can rightfully be urged against expulsion here, if the minority of this committee is right.

On February 18, 1873, the special committee submitted an elaborate report, concluding with the following preamble and resolutions, viz:

1. Whereas Mr. Oakes Ames, a Representative in this House from the State of Massachusetts, has been guilty of selling to members of Congress shares of stock in the Credit Mobilier of America for prices much below the true value of such stock, with intent thereby to influence the votes and decisions of such members in matters to be brought before Congress for action: Therefore,

Resolved, That Mr. Oakes Ames be, and he is hereby, expelled from his seat as a member of this House.

2. Whereas Mr. James Brooks, a Representative in this House from the State of New York, did procure the Credit Mobilier Company to issue and deliver to Charles H. Neilson, for the use and benefit of said Brooks, 50 shares of the stock of said company at a price much below its real value, well knowing that the same was so issued and delivered with intent to influence the votes and decisions of said Brooks as a member of the House in matters to be brought before Congress for action, and also to influence the action of said Brooks as a Government director in the Union Pacific Railroad Company: Therefore,

Resolved, That Mr. James Brooks be, and he is hereby, expelled from his seat as a member of this House.

Mr. Sargent, of California, offered the following substitute:

Whereas by the report of the special committee herein it appears that the acts charged as offenses against members of this House in connection with the Credit Mobilier occurred more than five years ago, and long before the election of such persons to this Congress, two elections by the people having intervened; and whereas grave doubts exist as to the rightful exercise by this House of its power to expel a member for offenses committed by such member long before his election thereto, and not connected with such election: Therefore,

Resolved, That the special committee be discharged from the further consideration of this subject.

Resolved, That the House absolutely condemns the conduct of Oakes Ames, a member of this House from Massachusetts, in seeking to procure Congressional attention to the affairs of a corporation in which he was interested, and whose interest directly depended upon the legislation of Congress, by inducing members of Congress to invest in the stocks of said corporation.

Resolved, That this House absolutely condemns the conduct of James Brooks, a member of this House from New York, for the use of his position of Government director of the Union Pacific Railroad and of member of this House to procure the assignment to himself or family of stock in the Credit

Mobilier of America, a corporation having a contract with the Union Pacific Railroad, and whose interests depended directly upon the legislation of Congress.

They could not say that the things complained of were unrelated to these men as members, because at the time of their occurrence they were members not of the House that was then considering the resolutions, but of a previous House. The result was that the resolutions did not refer to any claim that these facts had no relation to Ames and Brooks as members. The resolution declaring in its preamble the grave doubt of the House as to its right to expel under those circumstances was substituted for the original resolution by a vote of 115 to 110. Thereupon, a motion was made to lay the preamble of the substitute on the table—that is to say, the proposition was made to vote down the principle declared in that substitute, that the House had no jurisdiction.

That motion was lost by a vote of 79 to 123, and Mr. McCullough was the only person who, in the progress of the vote, gave his reasons for voting "no," and he said he voted "no" because he doubted the power of the House to expel. Thereupon, a motion was made to adopt the preamble, and that motion failed to carry by a vote of 98 to 115, a very much smaller majority than that by which the motion to lay it on the table was lost. The inference from these two votes is that as to this particular proposition there was uncertainty in the minds of the members and they were not ready to make a definite declaration. Thereupon, the House by an overwhelming majority adopted the resolutions of condemnation.

The sum and substance of it all is, that the House in the Ames and Brooks case, where, as we apprehend, history and all authority declare the proof of guilt was practically conclusive, refused to adopt the report of the committee in favor of expulsion, and merely censured the offending members.

As indicating the views of eminent and able members of the House on this question, we quote the following from the debate on the Ames and Brooks case:

Mr. McCRARY. Now, sir, in this case, if the facts which the committee have found are true, the purpose and object of these corrupt transactions was to secure influence not alone in the Fortieth Congress, but in subsequent Congresses as well. The Union Pacific Railroad Company and the Credit Mobilier expected to require, perhaps not positive legislation, but they desired to prevent unfriendly legislation in all these Congresses. I have no doubt that they would have been glad if they had had the power to prevent this present investigation.

Without discussing the general question of jurisdiction, about which I confess I have some difficulty, I am perfectly satisfied to rest the jurisdiction of the House in this case upon the ground which I have just stated.

Mr. FARNSWORTH. Mr. Speaker, since I first examined the subject of the right of the House of Representatives to expel a member under that provision of the Constitution which authorizes each House to "punish its members for disorderly behavior," and "with the concurrence of two-thirds expel a member," my conviction has been growing stronger and stronger that this House has no jurisdiction of an offense committed by a person before he was a member of this body. I do not propose to enlarge upon that subject. In reference to this question, I concur in the conclusion of the Judiciary Committee, whose report in another case was yesterday read to the House.

Mr. BINGHAM. Gentlemen in this connection have referred to Story. I do not propose to read at any great length from him. I am not unmindful of the fact that this lamented man, so full of learning, often crowded into his pages so much of the text of others with whose writings he was familiar that a doubt often arises as to his true and certain meaning. But I do not hesitate to say that every thoughtful man in America who reads the text of Story will come to the conclusion that upon the question under consideration this House has no power whatever over any member of this body except the power expressly given by the text of the Constitution and by the laws of the United States passed under the Constitution.

Story says, quoting from the Constitution: "Each House may determine the rules of its proceedings, punish its members for disorderly behavior." Punish its members, not the members of another House, but punish its members; not a member of the Fortieth Congress: not a member of the Thirty-ninth Congress; not a member of the Thirty-eighth Congress; "punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member." * * *

"No person can doubt the propriety of the provision authorizing each House to determine the rules of its own proceedings. If the power did not exist it would be utterly impracticable to transact the business of the nation either at all, or at least with decency, deliberation, and order. The humblest assembly of men is understood to possess this power; and it would be absurd to deprive the councils of the nation of a like authority. But the power to make rules would be nugatory unless it was coupled with a power to punish for disorderly behavior or disobedience to those rules."

Now, how could a man who was not a member of your body at all be guilty of misbehavior as a member of it or of disobedience to your rules before he came to be a member of it? It is useless to waste words upon such a proposition. Story goes on: "And as a member might be so lost to all sense of dignity and duty as to disgrace the House by the grossness of his conduct, or interrupt its deliberations by perpetual violence or clamor, the power to expel for very aggravated conduct was also indispensable, not as a common but an ultimate redress for the grievance."

From whom? From a member of this body. For what? For misconduct, for crime if you please, too grievous to be put up with or borne while he was a member of that body. Gentlemen have referred to Rawle. Rawle refers to the same provision of the Constitution, and says:

"It has not been precisely settled what must be the disorderly behavior to incur punishment, nor what kind of punishment is to be inflicted; but it can not be doubted that misbehavior out of the walls of the House or within them when it is not in session would not fall within the meaning of the Constitution."

There is an authority cited by the committee. I think it goes too far, but it does not sustain the committee. I stand upon the ground that a member of this body during his membership may be expelled for any crime he may have committed against the laws of his country or against the rules and authority and dignity of this House after his election to this, not to another House. And that is as far as, under the obligations of my oath, I dare go. And I venture the opinion that when the question comes to be understood by the American people, that will be as far as any House of Representatives dare go.

GEORGE Q. CANNON.

But I think a more significant case still than that—significant in more senses than one—was the case of Cannon, in the Forty-third Congress. George Q. Cannon had the certificate as Delegate from Utah. A feeble effort was made to prevent his being sworn in. There was no evidence that he had ever violated any law, and nothing more than a moral objection could be urged against him. Maxwell contested his seat on the theory that Cannon was ineligible, and that he, Maxwell, being the only eligible candidate, was therefore elected. His pretensions on that ground were promptly disposed of against him.

The committee brought in a report that Cannon was elected and returned. This was in May, 1874. The minority of the committee insisted that he was entitled to the seat which he occupied. The resolution of the minority was adopted by a small majority, as against the resolution that he was elected and returned. Some of the best, strongest, and ablest men in the House voted "no" on that proposition: among them, of those who are now in public life, were BURROWS, FRYE, HARMER, and HOAR.

The suggestion was made that the proper proceeding was to expel, if Cannon was a polygamist; and the House permitted itself to believe, since Cannon was already in his seat, that that was the proper course.

A committee was at once appointed to examine into the question as to whether or not he was a polygamist in order that they might expel him.

That committee was appointed in May, 1874, and on the 21st day of January, 1875, it reported in favor of what they called exclusion, but what was, of course, expulsion, because he was already in. They found he was a polygamist. The minority report, which accompanied the majority report, opposed expulsion on three grounds.

First. Because the House had in the preceding session declared that Cannon was entitled to a seat.

Having declared that he was entitled to his seat, it would be inconsistent to expel him, since there was no intervening circumstance which changed his status at the date of this report from his status when the House confirmed his right to a seat.

Second. That when Utah was created as a Territory it was a Mormon community, and Congress knew it and had a right to expect that it would send a Mormon Delegate. It therefore had no right to protest now that the Mormon had come.

Third. We here quote the language of the minority:

But a graver question than those we have considered is the question whether the House ought, as a matter of policy or to establish a precedent, expel either a Delegate or a Member on account of alleged crimes or immoral practices unconnected with their duties or obligations as Members or Delegates when the Delegate or Member possesses all the qualifications to entitle him to his seat.

There is more along the same line in this report.

Three weeks later this case was called up for consideration. Mr. Loughridge, of Iowa, raised the question of consideration, and the House refused to take it up by an overwhelming vote, only 21 members voting in favor of it.

Thus we see that the House, which thought in May that it might purify itself or protect itself just as well by expulsion at a later day, discovered that the very action which it had taken was turned into a weapon against it when it undertook at that later day to bring about expulsion, and Cannon sat until the end of his term. Will history repeat itself? It took the House several years to rid itself of Cannon. Will it be as deliberate in this instance?

SCHUMACHER AND KING.

This was a case where Schumacher and King, members of the House, were charged with corruption in connection with the China mail service.

The report of the Committee on the Judiciary was filed August 9, 1879.

In declaring against the right of expulsion, it said:

Your committee are of opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is purely a legislative body and entirely unsuited for the trial of crimes.

The fifth section of the first article of the Constitution authorizes "each House to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." This power is evidently given to enable each House to exercise its constitutional function of legislation unobstructed. It can not vest in Congress a jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone.

Within four years after the adoption of the first ten amendments to the Constitution, Humphry Marshall, a Senator of the United States from Kentucky, was charged by the legislature of his State with the crime of perjury, and the memorial was transmitted by the governor to the Senate for its action. The committee to whom it was referred reported against the jurisdiction of the Senate, and say:

"That in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of

the State or district wherein the crime shall have been committed. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And they are also of the opinion that, as the Constitution does not give jurisdiction to the Senate, the consent of the party can not give it, and that therefore the said memorial ought to be dismissed."

The minority report did not combat the position of the majority in so far as this case is concerned, as the following extract will show:

That the only question now presented to the House is the question of jurisdiction, which question arises under the last clause of section 5 of Article I of the Constitution:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

It will be seen that there are no words of limitation on the power to expel, which seems to have been left to the good sense and discretion of each House. In other words, does not the Constitution refer rather to the fitness of the member to hold the office, resting on considerations of public justice and policy, than to the time of his election? Yet the undersigned do not deny but that there are limitations on the power of this House arising from the circumstances of particular cases and the relations of this House to the constituency of an accused member; therefore, as will be seen, the undersigned need not go further in this case than to assert jurisdiction, because the offenses complained of were not known to the constituents of the members in question until after their election.

Much is said, Mr. Speaker, about the moral side of this question. Doubtless it has such a side; and if that were the only consideration before us, the House might take the same action it will take. I do not hesitate, Mr. Speaker, to submit this proposition to the candid judgment of the House and before the bar of history. I am profoundly convinced that I am right and history will so declare it. The House can no more safely part with this power than it can part with any other power it possesses.

This touches its very vitality; if it loses it, it is in certain conceivable instances absolutely powerless. We are told it is a power that may be abused. What power does the House possess that it has not at some time abused? What branch of the Government is it that, having power, has not abused it? What man, what body of men, clothed with a little brief authority has not made an unwise use of that authority? But shall they therefore be shorn of power? It is a mighty question, it is a question of governmental life, not to be lightly dealt with or inconsiderately answered.

The case of Roberts sinks into insignificance in its presence. If we do not exclude this man, we strike down one of the most vital and necessary powers that belong to a legislative body. Let not such a thing be done. If it is not we may be sure that never again while the spirit of civilization dominates this Republic will any defiant violator of the law, under cover of religion or any other claim, thrust himself into public view, nor will any polygamist knock for admission at the door of Congress. [Applause.]

Mr. LITTLEFIELD rose.

Mr. LANHAM. Will the gentleman from Maine yield to me for a moment? Mr. Speaker, I ask unanimous consent, inasmuch as the gentleman from Maine may occupy more than an hour, that he be allowed to complete his remarks.

The SPEAKER pro tempore (Mr. RICHARDSON). The gentleman from Texas asks unanimous consent that the gentleman from Maine may be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Mr. Speaker, the minority of your committee, unable after a long, arduous, thorough, and laborious investigation of this case, to agree with the majority, beg leave now to submit, with all due and becoming modesty, their views upon the legal propositions involved. The minority freely concede to the majority industry, integrity, honesty, and ability, but we can not surrender to them our judgments. We understand that we were invested by the House with a duty and a trust. It was that of investigating the right of the gentleman from Utah to a seat in this House. This involved upon the part of the committee the ascertainment of the facts and the law, not as we might wish them to be, not as anyone else might wish them to be, but as they in fact exist. We have discharged that duty so far as we have been able, and I propose in the time allotted to me to submit our views upon these propositions. Upon the facts we agree.

We believe that the House of Representatives is now sitting under the clause of the Constitution which makes it the judge of the election, the return, and the "qualifications of" the gentleman from Utah. We believe that it is the duty of the House of Representatives to now sit as a judge, to determine what qualifications are required and whether or not the gentleman from Utah possesses those qualifications. We do not believe, when this House sits as this great constitutional court, that it sits here to legislate and create disqualifications. We believe it sits here to ascertain and determine, to ascertain what qualifications are prescribed by the Constitution, to determine whether or not the gentleman from Utah possesses these qualifications.

The qualifications prescribed by the Constitution are age, citizenship, and inhabitancy.

No person shall be a Representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.—(Constitution, Article I, section 2.)

The report of the committee finds that the gentleman from Utah possesses these qualifications. Here the majority and the minority part company. The majority hold that this House sitting here, alone, of its independent action, can add to the qualifications mentioned in the Constitution. The minority hold that they can not add to them. The minority hold that when this House sits as this great constitutional court and ascertains the qualifications required, and ascertains that the gentleman from Utah possesses these qualifications, that it is its duty under the Constitution to render a judgment in accordance therewith, no matter what the consequences may be, because we believe the Constitution to be, to quote the language of the gentleman from Ohio [Mr. TAYLER], "the supreme law of the land."

I call attention to the several propositions relied upon by the majority, in order that we may understand at the outset the questions which divide us.

The majority state, first, that they propose to exclude the gentleman from Utah—

By reason of his violation of the Edmunds law.

Second—and this is the main ground:

By reason of his notorious and defiant violation of the law of the land, of the decisions of the Supreme Court, and of the proclamations of the Presidents, holding himself above the law and not amenable to it. No government could possibly exist in the face of such practices. He is in open war against the laws and institutions of the country whose Congress he seeks to enter.

This proposition, stripped of its verbiage and rhetoric, simply means that this House of Representatives, here and now, can create and impose qualifications or disqualifications not mentioned in the Constitution, by its own independent. individual action.

This is the proposition of which, as I understand, the majority are principally enamored.

They say, on page 40 of their report:

The principles underlying the second main ground of disqualification, hereinbefore asserted, have already been fully discussed, but the ground is appropriately restated at this point.

We assert before the House, the country, and history—

It seems that history is standing around here somewhere looking at us—

that it is absolutely and impregnably sound, not to be effectively attacked, consonant with every legislative precedent, in harmony with the law and with the text-books on the subject.

This is the first proposition to which I propose to address myself. It involves the construction of the Constitution and transcends in gravity and importance all other questions. Reflect for a moment. Let us see what the proposition is. This House by its own independent action can add a disqualification or a qualification not mentioned in the Constitution.

At this time it is proposed to add the disqualification of polygamy. At a future time it may be proposed to add the disqualification of adultery, of fornication. At another time it may be proposed to add the disqualification of membership in a trust or an octopus, or the attorney of a trust or an octopus, or any misdemeanor or obnoxious conduct, and so on *ad infinitum*.

No man when he is elected to this House under this proposition, suggested by the majority, can ever tell whether he possesses the qualifications, or is affected by the disqualifications, that are thus to be asserted. It is only when he stands at the threshold of the House and knocks at the door, that he discovers that the House of Representatives, in the exercise of its wisdom, deeming him obnoxious, then creates and declares the disqualification that may exclude him. No constituency can know whether its choice is eligible; in fact, between the election, and organization, popular excitement may demand the imposition of a disqualification, before unthought of, and their choice, though qualified when elected, would be ineligible when he presented himself for admission. And inasmuch as it is suggested by the gentleman from Ohio [Mr. TAYLER], and well suggested, and in accordance with the law, that the action of this House does not conclude the action of another, the man who is admitted to-day may be excluded to-morrow.

The man who is excluded to-day may be admitted to-morrow. I submit that this proposition, so general and so indeterminate, can only be justified by the "general-welfare" clause in the Constitution. In order to be accurate and perspicuous, I propose, as I go on with these suggestions, to allude to this proposition as the "general-welfare" proposition.

To this nebulous, elastic, dangerous "general-welfare" proposition, indefinite as space, without limit or boundary, we enter our absolute dissent. As against it, we place ourselves upon the sound bed rock of the Constitution. We say that the right and the privilege of becoming a member of this House is a great right and a high privilege; we believe that that right is defined and the conditions prescribed by the Constitution; that it is surrounded by legal rules, protected by legal principles. It is not a varying rule, to be affected by the vicissitudes of changing political majorities, or to be affected, if you please, by fickle and evanescent, public

agitation. The rule that we rely upon is plain, simple, and well settled. He "may run that readeth it."

It stands undisturbed by the mutations and changes of time. It is without variableness, neither shadow that is cast by turning. Except as it may be modified by constitutional amendment, it is "the same yesterday, and to-day, and forever." It changes not, when the majority changes in this body, nor does it change, when the morality changes in this body. Against its foundations the waves of popular, transitory, agitation beat in vain. It is a distinct, well-defined right.

Bearing in mind, if you please, the proposition of the majority, that this House, alone, can establish a disqualification, I wish to ask the House to allow me to review the historical conditions that surrounded the founders of this Government, when they built the Constitution under which we live. It is well and fitting. The Supreme Court of the United States, in the great constitutional case of Kilbourne *vs.* Thompson, in order to ascertain the limitations on the power of the House of Representatives to punish for contempt, and to define the rights and privileges of its members, went back to an English statute of 1688. I take the House back to 1762. That year signalized a great period in the development of English liberty. John Wilkes then became famous, in the struggle for liberty and freedom.

In 1762 and 1763 he published a series, or what were then called, libels. In the main they consisted of caustic criticism and terrible arraignment of the ministry which was then controlling the destinies of England. They were drastic, severe, pointed; because John Wilkes wielded a pen that was the mortal foe of oppression and autocracy.

Shortly after April 23, 1763, the date of the publication of No. 45 of the North Briton, a prosecution was begun against him for the publication of two libels—the "Essay on women" and No. 45 of the North Briton—and he was summarily committed to the Tower. He was then a member of the House of Commons. Upon habeas corpus proceedings he was immediately released, because his arrest was held to be a violation of his privilege as a member.

Shortly after that Wilkes left England and went to Paris. In 1764, after he had thus fled the Kingdom, in order to escape the consequences of these prosecutions, he was expelled from the House for the first libel, his "Essay on women." Let it not be forgotten that Wilkes was then fighting the great battle for free thought and free speech—the liberty and freedom of the press—the right to publish, subject to legal responsibilities, just, fair, honest, and truthful criticisms of public men or measures. That right was vindicated by Wilkes, he "paying with his person" in 1769. In these days all concede, that the liberty and freedom of the press, is simply indispensable to the preservation of the liberties of a free people. The very presence here in these two Halls of Congress, of the representatives of the press, is of the greatest value to the Republic, for the conservative influence that it exercises upon national legislation. The right of the press in this land to-day to criticise, and condemn if need be, every officer, from the President of the United States down to the humblest hogreeve or field driver, is the result largely of the courage and resolution of John Wilkes.

In 1769 Wilkes, having returned to England, received his sentences for two libels and was committed to prison in the execution thereof. He had been elected a member of the Parliament which sat in 1768, not the same Parliament from which he was expelled in 1764, but a subsequent Parliament. He published a short criticism of a letter written by Lord Weymouth. He was again expelled, and I will read the resolution of expulsion, because I want the House to understand from this historical source the origin of the contrast between, this power of exclusion and expulsion, as it rests upon sound historical foundation. His second expulsion was February 3, 1769, and the resolution read as follows:

> That John Wilkes, esq., who hath expressed himself the author and publisher of an insolent, scandalous, and seditious libel—

That was the article prefacing and criticising the letter of Lord Weymouth—

> and who has been convicted in the Court of Queen's Bench of having printed and published a seditious libel and three obscene, seditious, and impious libels, and been sentenced to twenty-two months' imprisonment, be expelled this House, and that a warrant be issued for a new election.—*Fitzgerald's Life of John Wilkes*, Volume II, page 37.

I beg the House to note this: This resolution of expulsion, February 3, 1769, expelled Wilkes, among other things, for an offense for which he had already been expelled in 1764, and for two offenses, both of which had been committed at least five years before that Parliament sat, and for which he was then imprisoned, so that he could not appear in the House of Commons. That was the expulsion of February 3, 1769. What was the next step in this struggle?

Wilkes was returned again immediately, and unanimously, from the county of Middlesex. What did the House of Commons do then? On the 17th day of February, 1769, they passed a resolution reading as follows:

> *Resolved*, That John Wilkes, esq., having been in this session of Parliament expelled this House, was, and is incapable of being elected a member to serve in the present Parliament.—*Cavendish, Debates*, volume I, page 231.

Note the language:

> Was and is incapable of being elected a member, and that the late election is a void election.

Not an expulsion, but the declaration of the House of Commons on its own motion that Wilkes, by reason of having been expelled, was ineligible to a seat in the House of Commons—exclusion.

In opposing the adoption of this resolution, Edmund Burke said:

> I rise to obtain some information upon this great constitutional point. You are going to make a disqualification of a member to sit in Parliament; you are going to make a disqualification contrary to the unanimous opinion of a whole county. Words have been thrown out by the noble lord importing that this is the law of Parliament. Is that, sir, a fact? Is this the law of Parliament? I wish to have that law established on the ground which establishes all laws. Has it acts of Parliament? It has none. Has it records? Has it custom? I have not heard a variety of precedents used.—*Ibid.*, page 231.

Here it will be seen that of all who took any part in that debate, the only man who lives in history, made the specific point that the House of Commons was adding, in violation of law, by its own action, a disqualification in Wilkes's case.

On the 17th of March, 1769, Wilkes having been returned again as a member of the House of Commons, with an overwhelming majority, his election having been opposed by a Mr. Dingley, the House adopted a resolution which read as follows:

> That the election of John Wilkes, who hath been by this House adjudged incapable of being elected, etc., is null and void. (*Ibid.*, page 53.)

On the 15th of April he was returned again, Henry Luttrell opposing him in the election. The Commons then adopted a resolution amending the return, inserting Luttrell's name in place of Wilkes, and declared Luttrell elected.

This is the history of the Wilkes case in the House of Commons. He was twice expelled and three times excluded. The second expulsion was in part for offenses committed six or seven years before the Parliament from which he was expelled, sat. For one of them he had already been expelled, and for both of them he was then suffering imprisonment in the Tower. In 1782, after the House of Commons had recovered its liberty and been emancipated from the control of the ministry and the King, it adopted, on the motion of Wilkes himself, this resolution:

> That the said resolution [that of February 17, 1769, declaring him incapable of being elected] be expunged from the journals of this House, as being subversive of the rights of the whole body of electors of this Kingdom. (*Hansard, volume 23, page 1269.*)

They resolved to expunge what? I beg the House to notice "the resolution of February 17, 1769," declaring him ineligible. Why? Because it was "*subversive of the rights of the whole body of electors of this Kingdom.*"

That the significance of this resolution and its vital importance, as declaring the lack of power of one branch of the legislature to add a qualification, was fully appreciated at that time clearly appears from the discussion on its adoption. While Fox conceded the principle, he thought the resolution unnecessary, as it would not have the force of law and would not change the doctrine. The lord-advocate agreed with Mr. Fox and spoke principallyto the "idea of excluding anyone from a seat in that House by a mere resolution of the House, and without the concurrence of the other branches of the legislature. Such a resolution would be *contrary to all law and to the very spirit of the constitution*, according to which no one right or franchise of an individual was to be taken away from him but by law."

Wilkes was a man of almost supernatural resources in the line of fighting his battles against the Crown and the officers of the law. He had writs of error, habeas corpus petitions, and every artifice known to the law; but at no time during that whole period of twenty years from 1762 to 1782 did either Wilkes, or any champion of his, make any complaint as to the impropriety of the action of the House, in the two expulsions. Bear this in mind: The original historical distinction between "expulsion" and "exclusion." This is not all. These things were not done in a corner. The war cry in England during that period was "No. 45!" "Wilkes and liberty!"

It was the battle for freedom of the press, free thought, and free speech. This period gave rise to all of those magnificent specimens of polemical literature known as the Junius Letters. I read what Junius said in his most famous letter, the letter to the King, upon this proposition of the right of the House of Commons to create a disqualification; I read it in connection with this same proposition now pending before the House upon the part of the majority.

He says:

> The Commons have attributed to their vote an authority equal to the act of the whole legislature.—*Ibid.*, 63.

The proposition was emphasized during the whole of the period of "Wilkes and liberty."

The most serious objection urged was that "the law of the land," which entitled Wilkes to his seat as the choice of the electors, had been put aside by a resolution of a *single branch of the legislature*, instead of by the joint action of the three.

This is a single branch of Congress. The Senate and the President are the other branches that must concur before this body can make any law of the land.

It was thus that a warm burst of Mr. Henry Cavendish's became a regular toast at political banquets: "I do from my soul detest and abjure as unconstitutional and illegal the *damnable doctrine* that the House of Commons can make, alter, suspend, or abrogate the law of the land." This really expressed the whole, as it is called, "in a nut shell."—*Fitzgerald's Life of Wilkes*, volume 2, page 45.

There is the history of "exclusion" by one branch of the great legislature. In 1215 the barons of England, on the field of Runnymede, wrested from King John, Magna Charta. In 1664 and 1665 the liberties of the people of England were being ruthlessly trampled under foot by a dissolute, infamous ministry and a profligate king. Cromwell, at Marston Moor and Naseby, vindicated and preserved them. During this period, from 1762 to 1782, John Wilkes was paying the "penalty in his own person" and rendering great services to the cause of English liberty.

The practical demonstration of the lack of power on the part of the Commons alone "to make, alter, suspend, or abrogate the law" is a great milestone, along the pathway, blazed by a free people, in achieving civil and religious liberty.

Such "proceedings were proved by unanswerable arguments to be illegal." (*May's Parliamentary Practice, tenth edition, 1893, page 54.*)

We freely concede to the majority the credit and the glory, if credit and glory there be, of resurrecting and in invoking, in these closing hours of the nineteenth century, for the purpose of excluding a polygamist from the House of Representatives, a doctrine which was declared during that eighteenth century conflict, by liberty-loving Englishmen, to be detestable and "damnable" and "subversive of the right of the whole body of electors of the Kingdom."

We congratulate the House upon being given the opportunity by the majority to place itself upon record before "the country and history," as it will, if it adopts their resolution, as indorsing and approving a doctrine that history declares to have been an infamous instrument of oppression and tyranny. We can not consent to thus turn the time hand backward on the dial plate. Let the House of Representatives adopt the policy suggested by the majority in the light of these historical facts and principles.

PROCEEDINGS OF FEDERAL CONVENTION.

Let us examine the proceedings of the Federal Convention, held when? In 1787, only five years after the termination of this great controversy in England, in which Wilkes played so important a part. If the gentlemen of the majority will now permit me, I will correct an error which they make in the report they submit to the House. They say, referring to the discussion in that convention, on page 15:

The next day after this discussion, and when the clause respecting age, etc., had, in its general sense, been informally approved, a proposed section respecting a property qualification was discussed. Mr. Wilson said (Madison Papers, volume 5, page 404) that he thought "it would be best, on the whole, to let the section go out; this particular power would constructively exclude every other power of regulating qualifications." What did Mr. Wilson mean if the result of the discussion in which he participated on the preceding day was to "constructively exclude every other power of regulating qualifications?"

In view of the objections urged by Dickinson and Wilson and their opinions as to the construction that would result and the consequences thereof the conclusion seems reasonable, if not absolutely irresistible, that the change from the affirmative to the negative form was intentionally made, and with the very purpose of obviating such objections, and hence that in being negatively stated it was considered by the convention that the particular qualifications mentioned would not be exclusive and would not render impossible the "disqualifying, odious, and dangerous characters" and would not prevent "supplying omissions."

It was because Mr. Wilson objected to the report of the committee of detail, that this clause was changed in the Constitution, they say. Let me call the attention of the majority to the fact, as I hold Madison's Debates in my hand, that the speeches made by Wilson and Dickinson in that Convention were not made on the report of the committee of detail, but upon a proposition which was to be submitted to, and reported upon, by the committee of detail. The discussion was on July 26. August 10 the second speech was made by Mr. Wilson, which the committee say was made one day after the discussion—an error of only fourteen days, a mere trifle for the majority.

Many more errors will be seen before I finish this discussion. The proposition under discussion that was to be submitted to the committee of detail reads:

That the committee of detail be instructed to receive a clause requiring certain qualifications of landed property and citizenship of the United States in members of the National Legislature, and disqualifying persons having unsettled accounts with, or being indebted to, the United States from being members of the National Legislature.

The objection that both Mr. Dickinson and Mr. Wilson made to a provision as to qualifications was made at that time. It was reported finally by the committee of detail, and when it was reported by the committee of detail it read as follows:

Every member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

Now, I state to the House that after the report of that committee of detail, no man raised his voice in the Federal Convention to object to that clause in any way, and the records bear me out. What, then, becomes of this suggestion, based upon an erroneous statement of facts, that the clause as to qualifications was changed from affirmative to negative to meet the objections of Mr. Wilson and Mr. Dickinson to this clause, in the report of the committee of detail, when neither of them made any objection to it in that report?

The whole case, of the right to add qualifications is based upon the fact that such qualifications as are prescribed are negatively expressed. The juxtaposition of the affirmative and negative clauses, it is said, has some significance. It does not appear that any of the court's, elementary writers, or lawyers, that have had occasion to insist upon this, have ever availed themselves of the debates in the Federal Convention, for the purpose of ascertaining the intention of the framers of the Constitution. While this precaution has not hitherto been observed, common fairness and a due regard for a thorough investigation, require that these great men, whose handiwork has so well withstood the assaults of time, should now, and upon this important question, be allowed to speak for themselves. An inquiry as to the origin of this clause will not only be interesting and instructive, but possibly determining. This course is stated by Cooley to be proper. (*Cooley's Constitutional Limitations*, page 80.)

And Story, in his great work on the Constitution, makes constant use of the debates in the Federal Convention.

In the report of the committee of detail giving the first draft of the Constitution, August 6, 1787 (*Madison Papers, etc., volume 5, page 576*), the paragraph in question appears as an independent section—i. e., section 2, Article IV—and reads:

SEC. 2. Every member of the House of Representatives shall be of the age of twenty-five years at least, shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

It is significant that this section is affirmative, and is therefore exclusive, as is conceded, in its character. It is important to inquire whether the change in phraseology was made for the purpose of changing its legal effect. That it was understood by the framers of the Constitution to be exclusive will, I think, clearly appear. The first consideration which indicates this is the incorporation in the same draft of the Constitution of section 2 of Article VI, which reads:

SEC. 2. The Legislature of the United States shall have authority to establish such uniform qualifications of the members of each House with regard to property as to the said Legislature shall seem expedient.

The inference that the framers of this draft must have understood that section 2 of Article IV was exclusive, and that in order that the Legislature might have any power at all over qualifications it was necessary to confer it by a later and specific provision, is necessary and obvious. The debates confirm this idea.

Madison opposed the proposed section 2, Article VI—

As vesting an improper and dangerous power in the Legislature. The qualifications of elector and elected were fundamental articles in a republican government and ought to be fixed by the Constitution. If the Legislature could regulate those of either it can by degrees subvert the Constitution.

A republic may be converted into an aristocracy or oligarchy as well by limiting the number capable of being elected as the number authorized to elect. In all cases where the representatives of the people will have a personal interest distinct from that of their constituents, there was the same reason for being jealous of them as there was for relying upon them with full confidence when they had a common interest. This was one of the former cases.

Gouverneur Morris moved to strike out "with regard to property," in order, as he said, "to leave the Legislature entirely at large"—precisely what is now claimed without any such constitutional provision. This was objected to by Mr. Williamson on the ground that should—

A majority of the Legislature be composed of any particular description of men—lawyers, for example, which is no improbable supposition—the future elections might be secured to their own body.

Mr. Madison further observed that "the British Parliament possessed the power of regulating the qualifications both of the electors and the elected, and the abuse they had made of it was a lesson worthy of our attention. They had made changes in both cases subservient to their own views of political or religious parties." (*Madison Papers*, etc., page 404.)

This article was not agreed to.

Note the significance and primal importance of Mr. Madison's assertion that "the qualifications of electors and elected were fundamental articles in a republican government and ought to be fixed by the Constitution," as otherwise the Legislature might "*subvert the Constitution.*"

What did the House of Commons say in 1782? They said that the attempt on the part of the House of Commons, in violation of the law of the land, to add a qualification was "subversive of the rights of the whole body of electors of this Kingdom." It is not surprising that James Madison, with a knowledge of these facts in his mind, saw that exclusive regulation of qualifications by the Constitution, was vital.

His insistence upon these reasons, prevented the adoption of the provision that only conferred this power upon the legislature in one particular, and the convention thus evidently adopted his views as to the exclusiveness of the provisions of Article IV, section 2.

Again, when the original proposition, which resulted in Article IV, section 2, was under discussion prior to the draft reported by the committee of detail, Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he—

Was against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the Legislature from supplying omission. (*Ibid.*, page 371.)

Mr. Wilson took the same view, saying, "Besides, a partial enumeration of cases will disable the Legislature from disqualifying odious and dangerous characters." (*Ibid.*, page 373.)

When this section in the draft was under discussion, after "three" had been stricken out and "seven" inserted as to citizenship, Alexander Hamilton moved "that the section be so altered as to require merely citizenship and inhabitancy," and suggested that "the right of determining the rule of naturalization will then leave a discretion to the Legislature on the subject which will answer every purpose." (*Ibid.*, page 411.)

Here it is clear that, as Hamilton construed this provision, without this latitude as to naturalization, the Legislature had no discretion or power. From the affirmative language of this provision, then, as it stood in the report of the committee of detail, and the understanding of the framers of the Constitution, it is clear that it was exclusive. This section was not changed to the negative form by amendment, or as the result of any debate. In its affirmative form, with other sections that had been finally acted upon, and their construction and terms definitely settled, it was referred to a committee "to revise the style of and arrange the articles which had been agreed to by the House," and this committee consisted, among others, of Mr. Hamilton, Mr. Gouverneur Morris, and Mr. Madison. (*Ibid.*, page 530.)

This committee had no power to make any change in the legal effect of any of the clauses submitted to them. They were simply "to revise the style of and arrange." Certainly, with his very pronounced views, Mr. Madison would not have made a change in Article IV, section 2, that would, in his opinion, have placed it within the power of the Legislature to "*subvert the Constitution.*"

Yet, when the committee reported the Constitution as it now stands, Article IV is rearranged so as to be included in Article I, and the original affirmative section 2 of Article IV appears in the negative form as the second independent paragraph of Article I, somewhat changed, it is true, but in no sense connected with or dependent upon the preceding paragraph, which, with an improvement in phraseology, is section 1 of Article IV of the draft. This deprives the argument sought to be derived from the juxtaposition of all significance. (*Ibid.*, page 559.)

An examination of the finished work discloses the fact that the rearrangement and changes in phraseology by the committee were extensive. The object unquestionably was, to make the arrangement more orderly and lucid, and the language more perspicuous and felicitous. *To hold that in any particular, any change was intended to be made in the legal effect, is to impeach the integrity of men whose characters are of the most illustrious in our history. To assert that they unwittingly made such changes, is a much more grievous assault upon their intelligence and ability.*

Moreover, we are not left to inference as to how this clause in its present form was interpreted by the most eminent of its framers. The Federalist, as is well known, was published while the Constitution was undergoing public discussion, and while it was being ratified by the States. It had been ratified by six States only when the numbers of the Federalist hereafter referred to appeared. The author of No. 52 evidently assumes that all of the qualifications of Representatives has been "very properly considered and regulated by the convention."

He says:

The qualifications of the elected being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the convention. A Representative of the United States must be of the age of 25 years; must have been seven years a citizen of the United States; must at the time of his election be an inhabitant of the State he is to represent, and during the time of his service must be in no office under the United States. Under these reasonable limitations, the door of this part of the Federal Government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth or to any particular profession of religious faith.

If the learned author had supposed that any limitations in addition that might appeal to the caprice of a legislature could be added, he would hardly have used the term "these reasonable limitations," as he evidently did, as descriptive of all of the limitations to be imposed. In No. 57 a general reference to this clause is made, which evidently proceeds upon the idea that the qualifications to be required, are stated in the Constitution. It reads:

Who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of the country. No qualification of wealth, of birth, of religious faith, or of civil professions is permitted to fetter the judgment or disappoint the inclination of the people.

How could he know that, unless the Constitution settled the qualifications? The authorship of these two numbers is in doubt between Madison and Hamilton. Hamilton is conceded to be the author of No. 60, and with many he authority is greater than his; and this, so far as his authority goes, settles it beyond cavil. He says:

The truth is that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property, either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and *are unalterable by the legislature.* The term "legislature" is used in the Federalist as synonymous with "Congress."

This unequivocal declaration was made after the negative form was used. It is not believed that the Federalist was a determining factor in securing the ratification of the Constitution, though it was undoubtedly published for that purpose. So far, however, as this clause weighed in the public mind, as this is the only construction that appears to have been placed upon it, it may be inferred that this construction was adopted by the States which afterwards ratified.

Here is the crucible out of which the Constitution came; here the history that surrounded it, the conditions under which it was made, and the declarations of the men who framed it.

In the light of these facts it is to be deplored, that exigencies arise, which are supposed to justify a construction, in direct conflict with the intention and interpretation of those who framed and assisted in ratifying the Constitution. It seems clear that the negative form of expression has no interpretive significance, and as it affords no support for the proposition which involves the right to add qualifications, that proposition must fail with the erroneous construction upon which it is based.

The gentleman from Ohio admitted that this provision reported by the committee on detail, being positive in form, was exclusive. I would like to have some metaphysical, hypercritical member give this House the distinction between the expressions "at least" and "shall not have attained"—"he shall not have attained twenty-five years of age" and "at least twenty-five years of age." Why is "at least" any more pregnant with the idea of exclusiveness than "shall not have attained"—"shall not have attained" twenty-five years; in other words, must be "at least" twenty-five? Why are they not in essence synonymous?

This is the whole proposition upon which these gentlemen rest their case, that they can add, not only in legislation by Congress, but by the act of this House alone, a disqualification that is not mentioned in the Constitution. Let them stand here—some member with an analytical mind—and explain the distinction between the words "shall not have attained" and "at least." It may be substantial, but I do not believe they will attempt it.

Sound reason does not sustain this claimed right. If the construction contended for is admitted, it must be conceded that the power of adding qualifications is unlimited, as there is nothing in the Constitution which circumscribes it. The suggestion in *Barker vs. People* (3 Cowen, 636) that the only power to add is in case of a conviction of crime is purely arbitrary and gratuitous, and absolutely no constitutional authority is given therefor.

The rigid confinement by the court of the right to break away from the Constitution, to a conviction for crime, must have been in the nature of expiation, a satisfying of the judicial conscience for the departure thus made from the Constitution. If the power exists, it must be unlimited; and therefore, while you can not take from, or narrow, the first two specified elements, you have unlimited power to add to them. For instance, unless a man is at least twenty-five years of age he is not eligible; therefore the Constitution does not undertake to say that a greater age may not be required. In fact, the necessary inference is, that only the minimum limit as to age has been established and the Legislature has unlimited power to add to that qualification, and hence may require all Representatives to be fifty years of age. The same course could be pursued with reference to the seven years' citizenship clause; you can not act within the domain to which the Constitution has confined itself. Outside of it you can do anything.

But we do not stop here. If this provision in the Constitution which is now under discussion is not exclusive, why is it that in 1866, the American Congress, by reason of an experience through which it had recently been—why is it that the American Congress saw fit to propound an amendment to this Constitution, adding a qualification? Why observe the solemn form of submitting it to the States for ratification?

I submit this to the common sense of the House. Was that act of the American Congress, when ratified by the requisite number of States, a solemn farce, a vain ceremony, or was it necessary to amend the Constitution in order to exclude men who were there denominated as traitors? Such men had been excluded, were being then excluded, but why amend the Constitution if this tremendous power exists, existed then, this "general-welfare" power to do anything and everything under heaven that this body happens

to want to do, when it meets a man it does not like, and sees fit to read a disqualification into the Constitution and exclude him? Why pass the fourteenth amendment? I read section 3:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

Was it necessary to adopt that amendment to the Constitution? If it was not necessary, why was it done? I say if this great power existed, could not this House invoke it in the case of the application of a traitor to be admitted within its walls, as my friend here suggests, without a Constitutional amendment?

The House and Senate had both exercised the power to exclude traitors without an amendment to the Constitution in great emergencies. Does not the fact that this amendment grew out of that crisis, demonstrate that both the House and Senate knew that their action in thus excluding, was unauthorized by the Constitution?

Let me suggest another consideration to my friends. Here is this fourteenth amendment, that limits the disqualification to persons who have taken an oath, only those. There were a great many traitors at one time in this country who had never taken an "oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State to support the Constitution of the United States." What about that vast body? When there is a constitutional provision limiting the disqualification to those who had taken such "oath," would this committee and this House hold that they could go further, and exclude any and every traitor, irrespective of his having taken the oath? Why, they say they can now. Here is a clause in this Constitution that provides for the method to be adopted when a man who is disloyal stands at the door and knocks.

And what does the chairman of this committee say? What does the gentleman from Ohio [Mr. TAYLER] say? He says the member from Utah, Mr. Roberts, is "disloyal." Well, if he is disloyal, does he not come under the fourteenth amendment? Has this House, in the plentitude of its power, or rather in the plentitude of its determination, the power and the right to do anything that it sees fit, under any circumstances, when this constitutional amendment confines the right to exclude, to a man who *has* taken such oath? And there is no pretense that the gentleman from Utah has taken an oath, and there were thousands and thousands of traitors who never have taken the oath to support the Constitution of the United States. Let me see, has something been said about the sacredness of the Constitution? The minority of your committee stand here to say, that they take the Constitution as it reads, and stand for its interpretation upon reasonable, logical, common-sense principles.

M'CULLOCH VS. MARYLAND.

The case of *McCulloch* against *Maryland* (4 Wheat., 416) is, on the part of the gentleman from Ohio, said to have very great significance in construing this provision of the Constitution; and as I remember, when he made his speech to the House on the second day of the session, he said he shuddered to think what Judge Marshall would have said, if some one had suggested that you can not add to this provision of the Constitution relating to qualifications. If the gentleman had taken a little pains, and read the opinion through, he would have found that Chief Justice Marshall was discussing a section of the Constitution (section 8, Article I), which confers various powers upon Congress. That section concludes with this provision:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

That is the section of the Constitution that Chief Justice Marshall was discussing—in relation to the powers vested in Congress, and the right to execute those powers and carry them into effect.

Purely as a dictum, made by way of illustration, when discussing the powers reasonably to be implied from the concise and general provisions of this section, necessary, appropriate, and plainly adapted to effectuate its purposes, he said that—

He would be charged with insanity who should contend that the legislature might not superadd to the oath directed by the Constitution, such other oath of office as its wisdom might suggest.

This does not impress me as entitled to much weight in construing a provision of the Constitution, which the court was not considering, and to which the doctrine "that a government intrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally depends, must also be intrusted with ample means for their execution," can have little, if any, application.

Now, the gentleman in effect says, that the opinion of Chief Justice Marshall in *McCullough* against *Maryland* is to be used in construing every provision of the Constitution. If this be true, the annotator of the Constitution should have repeated that citation under every section, instead of placing it only under those which related to the powers conferred on Congress by section 8, article 1. If the gentleman from Ohio could see the awful shade of Chief Justice Marshall, when he first learned that the language he had used, a dictum, by way of illustration, in respect to the construction of section 8, was to be applied to this section of the Constitution under discussion, the gentleman from Ohio would shudder before he had time to think. [Laughter.]

TEST OATH AS A QUALIFICATION.

It is suggested that the existence of the clause "but no religious test shall ever be required as a qualification to any office or public trust under the United States," which is found in Article VI of the Constitution, in a paragraph relating wholly to oaths, has a direct tendency to show that the previous paragraph in Article I, section 2, prescribing qualifications, was not intended to be exclusive, inasmuch as this paragraph in Article VI is said to add a qualification, which is entirely inconsistent with the idea, that the prior paragraph was exclusive. Reflection, however, leads me to the conclusion that this paragraph in Article VI has no proper connection with, or relation to, the paragraph in Article I, section 2. I think the word "qualification" in connection with "religious test," is used in an entirely different sense from that in which the word "qualification" is used in Article I, section 5. It is clearly applied to and is a description of the "religious test," and must be construed in connection with that phrase, no "religious test * * * as a qualification." The clause is found in a paragraph which relates solely to the oath to be administered.

Qualification, when used in discussing the elements which a member-elect must possess in order to be entitled to enter upon the office, is synonymous with eligibility. This is substantially the definition of legal lexicographers—Bouvier, Rapalje, and Anderson. This "test oath" came from the common law. It is clearly defined in Rogers against Buffalo, 123 N. Y., pages 189–190.

Most, if not all, of the provisions of the Federal and State constitutions, which are of the nature of a bill of rights, were placed therein with reference to English history and the struggles for liberty, which such history recorded. Declarations, oaths, and tests as a condition for holding office had been frequently resorted to by the Parliament of Great Britain for the purpose of promoting the prosperity or one religion or insuring the downfall of another

And, after referring to several histories—

It can not be doubted that the facts mentioned in them were present to the minds of the framers of our original Constitution, from which this provision is extracted. They meant that no such oaths, declarations, or tests as above described, nor any other of like nature, should be ordained as a condition for the holding of any public office. The Federal Constitution has declared that "no religious test shall ever be required as a qualification to any office or public trust under the United States." That provision was undoubtedly inserted for the same reasons which led to the insertion of the somewhat similar one of our State constitution, and now under discussion. *Attorney-General vs. Detroit Common Council (58 Mich., 217); Anderson's Dictionary of Law, "Test;" "Test act;" "Test oath."*

The English test acts (25 Geo. II, c. 2) required persons holding office within six months after appointment to take the oath of allegiance and supremacy, and subscribe a declaration against transubstantiation, and receive the sacrament according to the usage of the Church of England. The qualification of a "religious test" thus prohibited relates clearly to something "required" to be done by an officer when entering upon, or after having entered upon the office, and not to qualifications or elements of eligibility which he must possess, or disqualifications, or elements of ineligibility, which he must not possess, before he can enter upon the office. Qualification or disqualification, eligibility or ineligibility, is a status that either does, or does not, exist at the time of entering upon the office. The qualification of a religious test has no existence as a status; it is not a status, it is simply a condition to be performed. No member can change his status as to the elements of eligibility, or qualification as defined in Article I, section 2, at the time of entering upon the office; but if the qualification of a religious test existed, every member could, if his conscience were sufficiently elastic, comply with the test. One is predicated upon the past, the other upon the future. One relates to things done, or not done; the other to things to be done.

After the rendition of a judgment of the House holding that a member-elect possesses the qualification to entitle him to take the oath, and only then, could the "test oath as a qualification" be applied.

An examination of the constitutional history of this clause fully corroborates this view. The last paragraph of Article VI, with the exception of the clause as to the test oath and the word "affirmation" (which was added by amendment), is substantially Article XX of the first draft of the Constitution as reported by the committee of detail August 6, 1787. (*The Madison Papers, containing debates on the Confederation and Constitution, volume 5, 381; Elliot's Debates.*)

The clause in question first appears in the proceedings August

20, 1787, and was introduced by Mr. Pinckney as an independent proposition to be referred to the committee of detail, and then read:

No religious test or qualification shall ever be annexed to any oath of office under the authority of the United States. (*Ibid.*, 446.)

That the word "qualification" as here used related to the oath, and to nothing else, is too clear for argument, and that it was not used in the sense in which it was used in Article I, section 5, is likewise clear. This conclusion is emphasized by the fact heretofore noted, that it was at one time proposed, by an independent constitutional provision, to confer upon the legislature express authority to add one qualification. The effort failed, and it is hardly to be supposed that they would do indirectly by this clause, what they had directly decided, not to do. Later, when Article XX was being considered, Mr. Pinckney moved as an amendment to the article, his original proposition in precisely the language in which it now appears in the Constitution. (*Ibid.*, 498.)

There is nothing in the proceedings to indicate that by a change in the phraseology he intended any change in its meaning. The selection by him for amendment, of the clause as to the oath, and not that relating to the qualification, is in harmony with this view.

For these reasons it seems to me that the clause relating to religious tests can serve no legitimate purpose in enlarging that prescribing the elements of eligibility.

AUTHORITIES.

I wish to call the attention of the House to the authorities relied upon by the majority in support of the right to add qualifications to the Constitution. I read now from the remarks of the gentleman from Ohio, delivered in this House on the second day of the session, when he was proposing to halt the gentleman from Utah at the bar of the House.

Our State courts in many instances have construed exactly similar provisions.

I will read now from the report which the majority of the committee make to the House:

The courts of *several of the States* in construing analogous provisions have with *practical unanimity* declared against any such narrow construction of the Constitution.

The House was informed, and I presume in all candor, that there were "many instances in the courts of this country where they had construed similar provisions." It dwindles down now to "several States" with "practical unanimity;" and as there are just two, that makes "several States," and as it is a fact, that those two agree, we have "practical unanimity." All of the cases now relied on were mentioned by the gentleman from Ohio in his first speech, but, I submit, with the air that they were simply a sample, of the great array of cases to follow.

They rely upon *Rogers* against *Buffalo*. I want to say to the members of the House that I think the gentleman from Ohio was inadvertently led—mark you, I do not say that he intentionally stated—into a stronger statement of the law than this authority will justify. The gentleman from Ohio said, that the supreme court of the State of New York in the case of *Rogers* against *Buffalo*, in an opinion drawn by Mr. Justice Peckham, who "now adorns the bench of the Supreme Court"—and, by the way, have you noticed that any judge, or elementary author who, tends to sustain the position of my friends of the majority either adorns the bench, or is a distinguished jurist or an eminent man?—The gentleman from Ohio says Justice Peckham held—

that a provision of the constitution of New York declaring certain qualifications for office was not exclusive and did not bar the legislature from imposing new, reasonable, and proper qualifications.

I am obliged to question the accuracy of that assertion. If the gentleman from Ohio had read the opinion of the court in *Rogers* against *Buffalo* with diligence enough to find in it anything but the obiter dicta that suited his own use, he would have discovered that when Justice Peckham wrote the opinion there were no provisions in the constitution of New York that prescribed qualifications. I read from the opinion.

Here is the first proposition:

This last provision, preventing the formation of a civil-service board of commissioners from one political party is cited as a violation of Article I, section 1, of our constitution, which declares that "no member of this State shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof unless by the law of the land or judgment of his peers." (*Page 181.*)

Are there any qualifications prescribed in that?

Here is the next one:

The provision is also claimed to be a violation of section 6, Article I, which declares that "no person shall be deprived of life, liberty, or property without due process of law. (*Page 181.*)

Is there any qualification prescribed in that?

The next proposition reads:

Still another ground of invalidity is alleged by the appellant. He says that the statute conflicts with Article 12, which provides for taking of an oath of office by members of the legislature and all officers, executive and judicial, before they enter on the duties of their respective offices, which oath is therein set forth, and it is then stated that as a qualification "no other oath, declaration, or test shall be required as a qualification for any office of public trust" (*pp. 187, 188*).

I have already shown that Judge Peckham has determined that an oath or test was not a qualification. It was a test and an oath. Is there any qualification in that? And those are all the provisions of the constitution of the State of New York that were being construed by the court in that case.

So I submit the original suggestion by my friend from Ohio in regard to that case, when he says that Justice Peckham "held that a provision of the constitution declaring certain qualifications for office was not exclusive and did not bar the legislature from imposing new reasonable and proper qualifications," can not be sustained for a moment.

I read a little further to show what he did hold in that case. Not only was there no provision in the constitution of New York prescribing qualifications, which were being considered by Judge Peckham, but Judge Peckham in that opinion several times said that he did not decide it on any such ground. He says:

The appellant bases his argument upon the proposition that every citizen has a right, which is protected by the constitution, to be regarded as eligible to hold any office, unless the constitution has itself prescribed certain qualifications for such holding—

The opinion discloses the fact that no such qualifications were prescribed in the Constitution—

He then asserts that the statute in question violates this constitutional right. *It is not necessary, in the view we take of this statute, to decide upon the correctness of the claim as to the eligibility of the citizen to hold office* as made by the appellant under the provisions of the Constitution. We will simply, for the purpose of this discussion, assume it to be correct. (*Page 182.*)

Again—

But, in our judgment, legislation which creates a board of commissioners consisting of two or more persons, and which provides that not more than a certain proportion of the whole number of commissioners shall be taken from one party, *does not amount to an arbitrary exclusion from office, nor to a general regulation requiring qualifications not mentioned in the Constitution.*

In the light of these facts, what justification is there for the confident assertion that Mr. Justice Peckham sustains the majority contention? As to decided cases, they rest solely upon Ohio and Colorado instead of "our State courts in *many instances*."

In *Ohio* vs. *Covington* (*29 Ohio St., 102*) the court were passing upon the right of the defendants to hold the offices of police commissioner and member of the board of health for the city of Cincinnati. The constitution provided that—

No person shall be elected or appointed to any office in this State unless he possesses the qualifications of an elector.

The court distinctly held that—

The defendants, as members of the board of police commissioners, * * * are officers for whose election and appointment no provision is made in the constitution of the State or of the United States—

And were therefore such as the legislature had, by the express provisions of the constitution, authority to create. When the legislature created the offices in question it attached to them the condition that each officer should be—

A resident citizen for three years of the city in which he shall be appointed, and able to read and write the English language.

The offices in question were creatures of the statute and not of the constitution. It is familiar law that whatever office the legislature creates it can create with such conditions, limitations, qualifications, and restrictions as it sees fit to impose, and this was all that it was necessary for the court to say in that case, in upholding the validity of the statute. It is true, that it did go further than that, further than the case required, and held that no implication arose, from the negative language of the constitution, that other qualifications could not be added by the legislature. In so far, however, as the opinion goes beyond the requirements of the case, it is certainly doubtful authority. It should be stated that this case has been fully approved in the recent case of *Mason* vs. *State* (*58 Ohio St., 54*).

The case of *Darrow* vs. *People* (*8 Colo., 420*) relied on is also subject to the same criticism as State *vs.* Covington, as the office there considered was that of alderman, the creature of the statute.

That is all there is left of the "many instances in the courts of this country" which they claimed sustained, this proposition.

ELEMENTARY AUTHORS.

I examine briefly the elementary writers relied upon. They rely upon *Burgess upon Political Science and Constitutional Law*. The gentleman from Ohio [Mr. TAYLER] says that I suggested that Mr. Burgess was not entitled to any consideration as an authority. I do not remember ever having made any reflection upon the distinguished gentleman who writes, what the distinguished gentlemen of the majority suggest, is "a very ambitious work." Certainly the minority views contain no such reflection. The majority say, it "*must* be considered an authority on the subject of constitutional law."

I do note the fact, that Mr. Burgess, in his work on *Political Science and Constitutional Law*, cites no authority for the very loose propositions that he lays down in an *ex cathedra* manner.

I waste no time on *Throop on Public Officers*. He suggests no authority to sustain his text that relates to, or is in any way connected with, the construction of any provision in the Constitution. Any member of the bar can examine the work and see whether or not my suggestion is correct.

Pomeroy suggests the extraordinary proposition that Congress can not, but that one House can, add qualifications. He does not, however, state it to be the law, but says he is "strongly of the opinion," etc. If you will read what he says the House does under this power, you will be in doubt as to what he did think on the element of qualifications.

Now, I wish to call attention to what Mr. Justice Miller says, and I think I can rely upon what Mr. Justice Miller says, because I find in the report of the majority this splendid and significant certificate of Justice Miller's character. The majority say: "If a profound constitutional authority like Justice Miller had believed, etc." Now, what did Justice Miller say? He said:

Though it might be conceivable that Congress—

Not the House of Representatives, not the Senate, but "that Congress"—

might make some conditions or limitations concerning the eligibility—

Now we are finding out from "profound constitutional authority" what qualifications mean—

the eligibility of its members, it has not been done and the constitutional qualifications alone regulate that subject.—*Miller on the Constitution*, page 191.

Mark that language!

He was a "profound constitutional authority," and every lawyer in this presence recognizes it, and reveres the memory of that magnificent jurist. He says "it has not been done and the constitutional qualifications *alone* regulate that subject." I submit to the industry, and skill, and care, of the gentlemen on the part of the majority, that it might have been well for them to have examined the chronology of that statement, before they cited it as an authority before the House, on the proposition that this act of 1882, known as the Edmunds law, excluded the gentleman from Utah.

When was this lecture of this distinguished jurist delivered, in which he says "it *has not been done* and the constitutional qualifications alone regulate that subject?" That lecture was delivered in 1889 and 1890. This statute that they now claim is a disqualification was enacted in 1882. It can not be said that Justice Miller did not know that there was any such legislation, because the great *Ramsay* case (*114 U. S.*), which defines the status of polygamists or persons unlawfully cohabiting, was announced in 1884, two years after this act was passed, and five years before Justice Miller said that "conditions or limitations" had not been added. Justice Miller took part in that decision as a member of the United States Supreme Court.

There is your authority. There is the judge, who says, concerning the elements of eligibility, "It might be conceivable that Congress might make some conditions and limitations," but who also says:

It has not been done, and the constitutional qualifications alone regulate that subject.

An "it might be conceivable" is hardly the foundation for a change in the Constitution. However, if Justice Miller is an authority, and if he knew enough at that time to state the law as it was, there is nothing for our friends to stand upon in relation to this Edmunds Act. They can come back to their "general-welfare" proposition—that is, they have found something that they do not like in some man; hence ineligibility. It is one thing today; it may be another thing to-morrow; but they have found what they want for this case; they now declare it, and they now propose to impose it.

That is all I have to say about the authorities relied upon by the majority. Only two State courts and only three writers, Burgess, Throop, and Pomeroy—Pomeroy, in fact, does not state it, because he states an entirely different proposition—only these can be relied upon. I leave out Cushing, as he writes on both sides. We present to the House, on the other hand, every case we have been able to find in the courts. In the case of *People* vs. *May* (*3 Mich., 598*).

The court said:

We concede to the fullest extent that it is not in the power of the judiciary or even the legislature to establish arbitrary exclusions from office or annex qualifications thereto when the constitution has not established such exclusions nor annexed such qualifications. But it is begging the question to assume that the act of construing the constitution has that effect (610).

In *Thomas* vs. *Owens* (*4 Maryland, 223*) the court said:

Where a constitution defines the qualifications of an officer, it is not within the power of the legislature to change or superadd to it, unless the power be expressly or by necessary implication given to it.

And in *Page* vs. *Hardin* (*8 Ben. Mon., 661*) the court said:

We think it entirely clear that so far as residence is to be regarded as a qualification for receiving or retaining office, the constitutional provision on the subject covers the whole ground, and is a denial of power to the legislature to impose greater restrictions.

In *Black* vs. *Trover* (*79 Va., 125*) the court also said:

Now, it is a well-established rule of construction, as laid down by an eminent writer, that when the constitution defines the qualifications for office, the specification is an implied prohibition against legislative interference to change or add to the qualifications thus defined.

I call attention right here and now to the suggestion that Mr. Justice Story is the first man upon whom we rely, and what our friends of the majority say about Judge Story? Judge Story happens in this instance to state the law flatly, squarely, and distinctly, contrary to the contention of the majority. What do they say? "First, that it is dismissed in a very few words." They say, "Justice Story himself disclaims explicitly in his works that he gave his own opinion as to what the Constitution means, but asserts that he undertakes merely to give the statements of others." Here, in this year of our Lord 1900, in this debate, the profession and the courts are advised, that this great commentator on the Constitution, Justice Story, did not write a commentary upon that instrument, but simply narrated what somebody else said or simply what some other man thought. He is the Boswell of the Constitution [laughter] and no longer an authority.

Well, now, I submit for the consideration of my distinguished friend, that this is in the nature of a revelation to the courts, and the profession in the United States. I had occasion while I was investigating this question, upon an allied proposition, to examine the opinion of the court carefully, in *Kilbourne* against *Thompson*, that case to which I have already alluded as establishing the constitutional limitations of this House in the exercise of its power to commit for contempt, and I noticed that the counsel in his brief cited to the court twelve instances where this great, powerful body had, in the plenitude of its mighty power, committed for contempt. And I noticed that the counsel on the other side cited one Story, "the Boswell of the Constitution."

I also noticed, that when the justice of the Supreme Court came to write his opinion, he did not even so much as allude to the alleged precedents of this great body; but, being neither oppressed, or impressed, by this new hallucination as to Mr. Story, inadvertently referred to him in terms of respect as an authority. [Applause and laughter.] I do not imagine it is necessary for me, an humble member of the legal profession, to stand here to defend the memory of that distinguished man. May I submit for the consideration of the majority that long after all of us who shall take part in this debate, in our weak and feeble way, shall have been covered by the protecting mantle of oblivion, the magnificent intellect of Judge Story will continue to illumine the jurisprudence of this, and other lands? [Applause.]

They quote what Mr. Bingham said about Mr. Story. I submit it is hardly a proper attack, at the hands of men who wish to establish in a disinterested manner, a proposition. John A. Bingham, of Ohio, if I remember aright—a gentleman from Ohio. [Laughter.] It seems a good many things come from Ohio. This legal criticism of Justice Story seems to have originated in Ohio. This is from a speech of John A. Bingham, of Ohio. Speaking of Mr. Justice Story, he says:

Gentlemen in this connection have referred to Story. I do not propose to read at any great length from him. I am not unmindful of the fact that this lamented man, so full of learning, often crowded into his pages so much of the text of others with whose writings he was familiar that a doubt often arises as to his true and certain meaning.

"This lamented man," how painful. Here seems to be the origin of this proposition, in Ohio [laughter], and when it was first started in Ohio, the objection was that Judge Story would narrate what other great men had said, and you could not tell on that account where Judge Story undertook to say anything himself. The idea is now improved, and the objection is that he never gives his own opinion, simply narrates what other people said, and is therefore unquestionably, the Boswell of the Constitution.

Let me read what Justice Story said on the provision under discussion, and let the House say whether in the language used he is undertaking to repeat what any other men have said. He was discussing this very provision. He says:

It would seem but fair reasoning upon the *plainest principles of interpretation*, that when the Constitution established certain qualifications as necessary for office—

Now mark!

it meant to exclude all others as prerequisites. From the very nature of such a provision the affirmation of these qualifications would seem to imply *a negative of all others.—Story on the Constitution*, section 625.

Who said that? Is that the report of what somebody else said, of some constitutional sewing circle, or is that the sound learning of Justice Story? This was the utterance of a great lawyer, and no man ever was a great lawyer who undertook to claim for himself all knowledge and information and speak in a dogmatic, autocratic manner on a legal proposition. It may be that Judge Story had read what Madison had said; it may be he had read what Hamilton had said, because his significant language is in perfect harmony with what they did say. Attention has already been called to what they did say.

Again Justice Story says:

But as the qualification of members were thought to be less carefully defined by the State constitutions, and more susceptible of uniformity than

those of the electors, the subject was thought proper for regulation by the convention.

It is observable that the positive qualifications are few and simple. They respect only age, citizenship, and inhabitancy. (Ibid., section 616.)

In another part of his great work Judge Story discusses negative expressions and the weight to be given them in interpreting the Constitution. The same Story that lays down those principles as to negative expressions, and bearing them in mind, makes the positive declarations about the specific provision of the Constitution under discussion, just quoted. He declares that though negatively stated, they are "positive qualifications." What, then, from the history of the Constitution and the opinion of this commentator becomes of this ignis fatuus of a negative form of expression? The majority, however, still insist upon it. Is not their position well illustrated by the distich from the reader?

Amidst the mists
He thrusts his fists
Against the posts,
And still insists
He sees the ghosts.

[Laughter.]

I wish in passing to read, for the information of the House, the modest declaration in the preface of Story's works, upon which I suppose my distinguished friend determined, after having learned that John A. Bingham had ventured upon that ground, that he would eliminate Judge Story as a legal author. [Laughter.]

My object will be sufficiently attained if I shall have succeeded in bringing before the reader the true view of its powers, maintained by its founders and friends and confirmed and illustrated by the actual practice of the Government. The expositions to be found in the work are less to be regarded as my own opinions than as those of the great minds which framed the Constitution or which have been found from time to time called upon to administer it. Upon subjects of government it has always appeared to me that metaphysical refinements are out of place.

I commend this closing sentence to my friends:

Metaphysical refinements are out of place.

The minority of your committee stand upon this provision of the Constitution precisely with Judge Story. They read it as it stands, plain and simple, clear and direct, as the fathers made and understood it, unimpaired by metaphysical refinement, furnishing a constitutional bulwark to the right, for which every true patriot would not only undergo imprisonment, but render up life itself. We say that a right so precious can not rightfully be frittered away by any "general-welfare" construction of this provision of the Constitution.

Cooley certainly stands next in authority to Story, and he says:

Another rule of construction is that where the Constitution defines the circumstances under which a right may be exercised, or a penalty imposed, the specification is an implied prohibition against legislative interference, to add to the condition, or to extend the penalty to other cases. On this ground it has been held by the supreme court of Maryland, that, where the Constitution defined the qualifications of an officer, it was not in the power of the legislature to change or superadd to them, unless the power to do was expressly or by necessary implication conferred by the Constitution. (*Cooley's Constitutional Limitations, page 73.*)

Cushing, as against his former statement, says:

The Constitution of the United States having prescribed the qualifications required of Representatives in Congress, the principal of which is inhabitancy within the State in which they shall be respectively chosen, leaving it to the States only to prescribe the time, place, and manner of holding the election, it is a general principle that neither Congress nor the States can impose any additional qualifications. It has therefore been held, in the first place, that it is not competent for Congress to prescribe any further qualifications, or to pass any law which shall operate as such. (*Cushing on Law and Practice of Legislative Assemblies, second edition, p. 27, sec. 75.*)

John Randolph Tucker, one of the latest writers on the Constitution, is explicit on this point:

Nor can the Congress nor the House change these qualifications. To the latter no such power was delegated, and the assumption of it would be dangerous, as invading a right which belonged to the constituent body, and not to the body of which the Representative of such constituency was a member—*Tucker on the Constitution*, 394.

The principle that each House has the right to impose a qualification upon its membership which is not prescribed in the Constitution, if established, might be of great danger to the Republic. It was on this excuse that the French Directory procured an annulment of elections to the Council of Five Hundred, and thus maintained themselves in power against the will of the people, who gladly accepted the despotism of Napoleon as a relief.—*Foster on the Constitution*, page 367.)

It is a fair presumption that where the Constitution prescribed the qualifications it intended to exclude all others.—*Paschal's Annotated Constitution, second edition, page 305, section 300.*

When the Constitution prescribed the qualifications for an office, the Legislature can not add others not therein prescribed.—*McCrary on Elections*, section 312.

McCrary also takes the ground that statutory and constitutional provisions making ineligible to office any person who has been guilty of crime presuppose a conviction before the ineligibility attaches. (Ibid., page 345.)

Paine, in his work on elections, takes the same view (pages 104–108).

Upon this great proposition as to whether or not it is legitimate upon the part of this House, by its own unaided action, to thus change and make uncertain that which should be certain a fundamental law, I wish to invoke the authority—though not precisely in point, still significant—of the immortal Webster, the defender and expounder of the Constitution.

His language is striking and bears upon the general proposition as to the propriety of any majority of this House undertaking to amend, and supplement, the Constitution. He says, in discussing a similar question, fundamental in our system:

Suffrage is the delegation of the power of an individual to some agent.

This being so, then follow two other great principles of the American system:

1. The first is that the right of suffrage shall be guarded, protected, and secured against force and against fraud; and

2. The second is that its exercise shall be prescribed by previous law: *its qualifications shall be prescribed by previous law;* the time and place of its exercise shall be prescribed by previous law; the manner of its exercise, under whose supervision (always sworn officers of the law), is to be prescribed. In the exercise of political power through representatives we know nothing, we never have known anything, but such an exercise as should take place through the prescribed forms of law: *when we depart from that we shall wander as widely from the American track as the pole is from the track of the sun.*

I have said that it is one principle of the American system that the people limit their governments, national and State. They do so; but it is another principle, equally true and certain, and, according to my judgment of things, equally important, that the people often limit themselves. They set bounds to their own power. *They have chosen to secure the institutions which they establish against the sudden impulses of mere majorities. All our institutions trem with instances of this.* It was their great conservative principle in constituting forms of government that they should secure what they had established against hasty changes by simple majorities. (*Daniel Webster's Works, volume 6, page 225.*)

We are not to take the will of the people from public meetings, nor from tumultuous assemblies by which the timid are terrified, the prudent are alarmed, and by which society is disturbed. These are not American modes of signifying the will of the people, and they never were. If anything in the country, not ascertained by a regular vote, by regular returns, and by regular representation, has been established, it is an exception and not the rule; it is an anomaly which, I believe, can scarcely be found. (*Ibid*, page 225.)

While the great Webster was not discussing this provision of the Constitution, I submit that in prophetic language he gave to this House a fundamental principle, which on its oath and its conscience it must not disregard in determining the rights of the gentleman from Utah, independent of conditions, unconstrained by desires or wishes, unaffected by majorities, undisturbed by "sudden impulses" of the people, and undeterred by influences outside or inside of this House.

Upon this great question, whether this House, under the lead of the majority of this committee, can of its own motion declare a disqualification that has not heretofore existed and impose it on the gentleman from Utah, or whether it can be done by an act of Congress, we stand, and I trust we may be pardoned if I say we take pride in standing, with Burke, the lawyer, orator, and patriot of the eighteenth century; with Wilson, Dickinson, Morris, Madison, and Hamilton, framers and interpreters of the Constitution, who have hitherto received, and will continue to receive, the universal homage and admiration of mankind for their great services in establishing constitutional liberty; the State courts of Michigan, Maryland, Kentucky, and Virginia; Webster and Story, Cooley, Tucker, Foster, Paschal, McCrary, and Paine, elementary writers, that for learning, authority, and reputation are at least unexcelled, against the State courts of Ohio and Colorado, construing a constitutional provision as applied to statutory offices; Burgess, Throop, and Pomeroy, and an "it is conceivable" of Mr. Justice Miller.

We give the House the authorities. Let it say where the weight of authority lies. Let the House say, when it comes to vote before "the country and history," whether it will stand by the authorities to which I have called your attention or with the courts of Ohio and Colorado and the three elementary writers. Before I leave this branch of the subject allow me to repeat what Mr. FOSTER says, showing the dangers that inhere in the majority proposition:

The principle that each House has the right to impose a qualification upon its membership which is not prescribed in the Constitution, if established, might be of great danger to the Republic. It was on this excuse that the French Directory procured an annulment of elections to the Council of Five Hundred, and thus maintained themselves in power against the will of the people, who gladly accepted the despotism of Napoleon as a relief.

LEGISLATIVE PRECEDENTS.

The minority of your committee say that while they concede that weight is to be given to the precedents established in this House and in the Senate, they also say that unless it shall appear to the House, on adequate information and intelligent discussion, that these precedents are founded on reason, they can not rightfully govern the action of the House in this case. Because someone else did wrong on insufficient information, on inadequate debate, is no excuse for this House at this time, under these circumstances, in pursuing a like wrong course.

I have just a word to say about the Larned case in Massachusetts. There is no statement in the report of the majority as to what the provisions of the constitution of Massachusetts were. It was prior to the adoption of the Constitution of the United States, and in the absence of that statement the case counts for nothing upon either side.

NILES CASE.

I understood the gentleman from Ohio [Mr. TAYLER] to say that a question was raised as to the exclusion of Niles, and that a

resolution was adopted in the Senate for the purpose of ascertaining whether or not he was sane or insane, as an element of eligibility. I beg leave to disagree with my friend, the gentleman from Ohio. I hold in my hand the resolution, being that of the majority of the committee which reported it, and what does it say?

To inquire into the election, return, and qualification of the said John M. Niles—

And what else?

And *into his capacity* at this time to take the oath.

"Capacity" meant his mental capacity. It is not worth while for me to stand here and argue in the presence of lawyers that an insane man can do no valid act. If insane he could take no valid oath. And after they were instructed to inquire as to his "qualifications," they were instructed to inquire also "into his capacity;" simply whether or not mentally he was capable of taking the oath. "Capacity," as thus used, had nothing whatever to do with eligibility or qualifications.

THOMAS CASE.

The Thomas case, next alluded to, I will discuss with the Kentucky cases of a like nature, that occurred in the House.

STARK CASE.

If you have the report of the majority, you will find it on page 21. I will call the attention of the House to a few things that the majority of this committee omitted when they stated this case to the House.

I wish you to remember as I begin the analysis, the square, distinct, explicit statement of the gentleman from Ohio that "no precedent in the American Congress exists against exclusion"—that is, that there is no case where they have decided they did not have the power to exclude. That is his explicit statement in his speech this afternoon in the House. (Since revised, the gentleman probably meaning "House" instead of "American Congress.")

What was the Benjamin Stark case? Benjamin Stark was a Senator from the State of Oregon who was charged with disloyalty. In the majority report they have quoted quite a lengthy suggestion from Mr. Trumbull, who was a member of the Committee on the Judiciary. Mr. Trumbull discusses this "general-welfare" proposition in relation to qualifications. What does Mr. Trumbull start out with? Bear in mind that the distinguished gentleman from Ohio [Mr. TAYLER] has just stated to this House that there was "no precedent against exclusion in the American Congress." Let me read in the Stark case from Mr. Trumbull. He says:

A preliminary question was raised in the Senate when this case was referred to the committee, whether it was competent for the Senate, for any cause, to refuse to allow a person to be sworn as a member of the Senate whose credentials were in proper form and who possessed all the qualifications as to age, citizenship, and inhabitancy prescribed by the Constitution; *and whether the only remedy which the Senate had to protect itself against the presence of an infamous person, a convicted felon, or an avowed and open traitor, was not by expulsion by a two-thirds vote after he should have been sworn into office.*

This is the precise question presented now. The precise question presented in the Stark case is presented here at this moment.

Again:

Many lawyers holding that when he possessed the necessary credentials and the qualifications prescribed in the Constitution, *that notwithstanding the charge of disloyalty he had the right to be sworn in and the remedy was by exclusion.*

Mr. Trumbull held the other way, but every other man on the Judiciary Committee held against him. Bear in mind the statement of the gentleman from Ohio [Mr. TAYLER] that there is "no precedent against exclusion." What did the Senate do "in the American Congress?" I think the gentleman from Ohio ought to have leave to amend his remarks. What did the Senate do in this very case? Let me read the resolution that they finally adopted under circumstances where, it is suggested by the gentleman from Ohio, this House of Representatives might make itself "supremely ridiculous" before the American people. This awful spectacle was first presented by the Senate, or rather the precedent was furnished by them. Here is the resolution:

Resolved, That Benjamin Stark, of Oregon, appointed a Senator of that State—

Now, they did not put this in their report, mind you—

appointed a Senator from that State by the governor thereof, is entitled to take the constitutional oath of office *without prejudice to any subsequent proceedings in the case.*

The majority of the committee supported it. The charges of disloyalty were made. Ex parte affidavits were submitted as in this case. Mr. Trumbull, a minority of one, raised the same questions raised here to-day by the majority of this committee. I do not know whether he charged the Senate with being "ridiculous," as has been suggested by the gentleman from Ohio [Mr. TAYLER], but every other man on the Judiciary Committee supported that resolution, and that resolution was adopted by the Senate of the United States—yeas 26, nays 19.

Now, I submit, in all candor and fairness, when we are standing here upon either side of these legal propositions to disclose the truth, what becomes of the assertion of the gentleman from Ohio that there is no "precedent in the American Congress against exclusion?" What becomes of it, in view of this case and this vote on the part of the Senate? I am not through with this case yet. Let me read the names of the men who voted in the affirmative. They were:

Anthony, Browning, Carlile, Collamer, Cowan, Davis, Fessenden, Foster, Harris, Henderson, Howe, Johnson, Kennedy, Latham, McDougall, Nesmith, Pearce, Powell, Rice, Saulsbury, Sherman, Simmons, Ten Eyck, Thomson, Willey, and Wilson of Missouri.

There is the vote of the Senate, under circumstances exactly parallel to the circumstances existing before this House, except that Stark was charged with actual disloyalty, not the newly invented, theoretical, metaphysical, empirical, chimerical, fanciful "disloyalty" of the majority.

There is a further suggestion that is made upon the Stark case by the majority. They say here, on page 25:

There is absolutely no doubt whatever that if the case of disloyalty had been stronger, Stark would have been excluded.

I do not say that this is not so, though I think the assertion is rather vigorous. I am going to state the facts to the House and let the House say whether it is so. The committee say:

There is *absolutely no doubt whatever* that if the case of disloyalty had been *stronger*, Stark would have been excluded.

Let me read to you from the report of a committee of investigation returned to the Senate on April 22, he having been admitted February 27 and his case referred to the committee. The committee say:

That the Senator from Oregon is disloyal to the Government of the United States.

Does not that look as if it was reasonably strong? [Laughter.] What is the matter with that case?

That the Senator from Oregon is disloyal to the Government of the United States.

There is the precedent cited by the distinguished gentleman from Ohio [Mr. TAYLER] for the purpose of frightening this House from acting in accordance with the fundamental law of the land, as to which he says that there is no precedent in the American Congress against the power of exclusion, when the Senate took precisely the course suggested here.

Mr. TAYLER of Ohio. If the Senate thought he was disloyal, why did it not expel him?

Mr. LITTLEFIELD. The case dragged along for a long while. I have it right here. Do not fear that I am not informed about the case. I have not commented on what the Senate did. I am giving you the record in the case. The principle involved is the question. John Sherman, of Ohio, was on that committee that found he was disloyal, and that ought to settle it. [Laughter.] Now, it is true that when it came to a vote, for some reason or other the Senate of the United States did not vote to expel him.

Mr. GROSVENOR. Might not the same thing occur in this case?

Mr. LITTLEFIELD. Well, I am ready to meet you on that proposition, that you can frighten this House into voting for exclusion, in violation of the law, when the other course is the only one which can legitimately be pursued. I stand here upon the proposition that, so far as I am concerned, the gentleman from Utah, Mr. Roberts, shall have what I believe under all circumstances to be his constitutional right. I do not care how he is situated [applause] nor what is the result. The fact that you may not get votes enough to expel does not tend to demonstrate the existence of the legal right to exclude.

The vote in favor of expulsion did not pass in that case, and Mr. Sherman, who signed the report of the committee, holding that he was disloyal, did not even vote, either in the affirmative or in the negative. That indicates, perhaps, that some things might have occurred in connection with Mr. Stark, of Oregon, that the record does not disclose. I do not know anything about it. I give you the case exactly as it stands. I submit this in all fairness and candor. I do not complain of the inadequate report of the majority.

These records are open to us all, and it may appear to the House before I get through with this discussion, that I have taken occasion to examine some of them, in order that this House might intelligently apprehend, upon all the facts, precisely what these propositions stand upon. There is no good reason why the House should not have all the facts.

KENTUCKY AND THOMAS CASES.

First, we should take into consideration the conditions that surrounded the House of Representatives and the Senate of the United States in those days of 1866, 1867, and 1868. I do not wish to stand here and closely criticise the action of either one of those bodies, for we should bear in mind that under the feeling that existed throughout the land, they believed that these men who were seeking admission to Congress, had been engaged in open rebellion and were still traitors to the United States. We must consider

the fact, that these cases were determined under such circumstances. The reports of the committees and the debates show the intense feeling that existed. In the Thomas case they were passing upon the question as to the test oath in 1862. This is what Mr. Dawes said in his second report in the Kentucky cases in the House, as appears by the majority report:

After calling attention to the gravity of the situation he said that "in relation to these questions there are no precedents by which it may be guided in arriving at correct conclusions." In 1867, then, it seems from Mr. Dawes, that there were no precedents for this action now sought to be taken in this House. It may be that Mr. Dawes had not looked up these precedents, although his ability and industry were recognized as great.

I hope that no one will think for a moment that I have failed to recognize the great industry, zeal, intelligence, ability, and capacity which the gentleman from Ohio has brought to the investigation of these questions. We all know that he has rendered most valuable service. But still Mr. Dawes did not examine the precedents, if there were any earlier that could properly be relied on, the Thomas case occurring March 18, 1867, and the Kentucky case July 3, 1867. Shellaberger, in his letter, states the question upon which these cases turned. "First, may a law such as that prescribing the test oath be constitutionally passed and enforced either as to any officer or to a member of Congress?" And Mr. Dawes makes this suggestion:

Now, sir, to those of us who believe that that fourteenth article is already a part of the Constitution, there is an expressed inhibition upon this man contained in that article. I do not care to take the time of the House in discussing the question whether it is or not a part of the Constitution. I plant myself upon the Constitution without amendment.

It is apparent that some members based their action upon the test oath act of 1862, and some upon section 3, of the fourteenth amendment.

This great fact is to be borne in mind. It was in the trying times, when the Republic was reorganizing itself after a terrible and devastating war, that these precedents occurred. What else came out of that excitement under the heat and prejudice that was engendered there? The fourteenth amendment was placed in the Constitution to bar and exclude men from a seat in Congress who had been traitors, because they knew without the amendment they had no right to exclude, even a traitor. Its purpose was self-preservation. I submit at this time, in these days of peace, when there is no probability under the circumstances that exist to-day, in either North or South—brethren everywhere—of the existence of a traitor within our borders, it is hardly worth while to invoke such cases as precedents, for the exercise of this unlimited power. No exigency exists, anything like that which existed under those circumstances. [Applause.]

I desire to call attention of the House further to what seems to me a very significant fact, as bearing on the proposition as to whether or not these cases are now entitled, in cold blood, in the exercise of plain, simple reason, to weight as precedents. The test-oath act was passed in 1862. In 1865 a statute was passed making it applicable to attorneys at law. Under that section the case of *Ex parte Garland* (4 Wall., 333) was determined. The Supreme Court of the United States, by a majority opinion announced in 1866, held, in relation to this test oath that was proposed to be imposed upon members of Congress, upon attorneys at law, and upon any officers of the United States, as follows:

The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and instead of lessening, increases its dangerous character. All enactments of this kind partake of the nature of bills of pains and penalties, and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included (page 377).

A little thing like that is of no consequence, I apprehend. The Thomas and Kentucky cases were substantially based on the test-oath act of 1862. Ordinarily, after such a decision by the United States Supreme Court they would lose all force as precedents; not so now, however.

These cases have never been cited hitherto, as precedents. Before I call your attention to the remarks of General Logan in the Whittemore case, I call the attention of the House to the fact that in 1867 John A. Logan was a member of the House of Representatives, and himself, submitted one of the resolutions against swearing in certain members from Kentucky, making them stand back until their loyalty was determined.

He made on the floor of the House afterwards, at least half a dozen speeches on the same question. In 1870, when this man Whittemore, who had been guilty of selling cadetships, resigned from the House, went back to the State of South Carolina and was returned immediately, a gross insult to the American Congress, Logan, making his speech on the floor of the House insisting upon excluding Whittemore, said—what?

In reference to precedents, it is said by men whispering around that *there is no precedent* for the course that I desire the House shall take in this case. But if we were to copy precedents, and ask ourselves is there any precedent to be found anywhere for this conduct of ours, I say there is; and *the only precedent* you can find is against Mr. Whittemore. If you will take the case of Wilkes in the English Parliament—he was four times, I believe, expelled from that Parliament.

One resolution of exclusion in the Kentucky cases was adopted in 1868.

Just think of it! Logan taking part in this debate early in 1870, says:

If we were to ask ourselves, is there any precedent to be found anywhere for this conduct of ours—

He put it fairly well—

this conduct of ours, I say there is *but one precedent* you can find.

Mark that!

The only precedent you can find is against Mr. Whittemore, if you take the act of Wilkes, in the British Parliament, who was twice four times expelled.

Logan said in his speech, fresh from the cases of 1867 and 1868, that the Wilkes case was "*the only precedent*."

I submit in all soberness and seriousness, to this House that it is a far cry in 1900, thirty years afterwards, to cite as a precedent for the action of this House, a precedent that John A. Logan, himself, did not deem worthy of citation for the action of the House in 1870. It must be that Logan realized, as I think everyone realized, that the House under those trying and exciting circumstances had gone beyond the proper constitutional limitations of its power, and that a constitutional amendment was necessary in order to protect the House under similar conditions. If the Thomas and Kentucky cases, by reason of their extraordinary and exceptional character, were not worthy to be cited by Logan, has anything transpired to improve them by age? It is inconceivable that they were not fresh in the minds of all. If they were not authority then, they certainly can not be now.

WHITTEMORE CASE.

The case of Whittemore, in the Forty-first Congress, is another legislative precedent for the right to exclude. I have examined that case with care, and I feel bound to say that I do not think it entitled to any weight as a precedent. The argument upon which it was based shows the action of the House to have been unwarranted and ill advised in excluding Whittemore. The only speeches made in support of the proposition were by Mr. Logan. He does not in any way refer to the one great legal question involved, as to whether Congress, to say nothing of the House, acting alone, had the power to add to the qualifications specified in the Constitution, and that question was not raised during the debate, although at that time (1870) several State courts—one at least—had discussed it, *People vs. Barker* having been decided in 1824.

The House had apparently never heard that there was such a question. The only provision of the Constitution that could possibly justify the action of the House, that constituting the House the judge of the "election returns and qualifications of its own members," was not referred to directly or indirectly, and if the debate is the criterion, the House acted without any reference to it whatever. The clause stating the qualification was incidentally referred to once. Indeed, they apparently acted upon an entirely different provision, that does not relate to exclusion or determining eligibility or qualifications, and Mr. Logan distinctly based his case upon it when he says:

I base my opinion, first, upon the Constitution of the United States, which authorizes Congress to prescribe rules and regulations for the government of their members, and provides that by a two-thirds vote either House may expel any one of its members without prescribing the offenses for which either House may expel.

He then proceeded to make this gratuitous and unwarranted assumption:

This being the theory with which I start out, I then assume that where the House of Representatives has power to expel for an offense against its rules, or a violation of any law of the land, it has the same power to exclude a person from its body.

Without giving any attention to the legal distinctions involved, or even referring to the constitutional right of passing upon qualifications, or adverting to the fact that exclusion is the act of a majority and expulsion of two-thirds, he begs the whole question and assumes their identity. He quotes a statute which makes a disqualification to hold office absolutely dependent upon a conviction, and then assumes it disqualified Whittemore, although there had been no conviction. He admits there was no Congressional precedent for the action which he proposed. He cites the Wilkes case in the English Parliament as a precedent, when, as he states it, that case was directly in point against him. Wilkes, he says, was elected four successive times to the same Parliament, three times without opposition and the fourth time against an opposing candidate. Three times he was expelled. The fourth time his opponent was seated. Neither time, according to his statement, was Wilkes excluded.

Just how that case can be an authority for excluding as against expelling Whittemore we can not see. These considerations (and many more could be suggested), in view of the fact that the House, under Mr. Logan's lead, absolutely refused to allow any committee to examine, for the information of the House, the legal questions involved or to have the cases referred to any committee—though such a course was desired by such men as Poland of Vermont, Farnsworth of Illinois, and Schenck and Garfield of Ohio—and would not allow Schenck and Garfield to be heard on the law

for even ten minutes each, deprive this case, in my opinion, of all weight as a precedent.

CANNON CASE.

As to that, it is only necessary to say that Cannon was a Delegate from the Territory of Utah. He was the creature of Congress and was not a constitutional member of this House. He was subject to its control, and this House undoubtedly could have fixed provisions as to his admission if it saw fit when they created the office.

It could deal with him as it saw fit, and it dealt with him in all sorts of ways, and all sorts of arguments were used. That is practically the history of the Cannon case. It is in no sense a precedent for action in case of a member of Congress. We submit that all these precedents appear to have been ill advised, ill considered, unusual, and are entitled to no controlling weight. The Stark case sustains the minority. These are the only precedents. What is there so inviolable about a precedent, that should lead this House, in violation of the law, to slavishly follow it? I do not understand that the continuous repetition of a wrongful or unlawful act, has ever by prescription, ripened into a rightful act.

I remember very well—and I have occasion to remember it, because I reflect upon it with great pride—I remember very well when the man of iron stood in the chair in this House, and in response to the order of the Republican House established a ruling, overturning the precedents of a century. He took the House of Representatives, an obstructive body, and made it an instrument to register the people's will. That ruling was not made in violation of the law, it was not made on the basis of public policy, or because expediency required the Constitution to be wrenched, nor under the "general-welfare" power, but it was made in accordance with the law of the land.

A decision in 62 New Hampshire, in 1882, had declared it, and since the ruling, the Supreme Court of the United States has sustained it. Unless precedents are based on sound legal reason they ought not to influence or control the action of this House.

MEMBERSHIP IN CONGRESS NOT AN "OFFICE UNDER THE UNITED STATES."

We submit with great confidence that there can be no question that this act of 1882 does not now, and never did, apply to the gentleman from Utah. Why? This statute we submit must be construed in connection with the conditions and circumstances under which it was enacted.

What were the conditions under which it was enacted? When it was enacted Utah was a Territory. To what did the act apply?

No polygamist, bigamist, or any person cohabiting with more than one woman * * * in any Territory or other place over which the United States has exclusive jurisdiction.

It was then the Territory of Utah. Did that act, when it was passed, affect the eligibility of any member of Congress? Did it not affect the eligibility of a Delegate to Congress from a Territory, and no one else? Did it affect the eligibility of a polygamist or a person unlawfully cohabiting in Iowa, or in Maine, or New York? Was it not confined in its operation, when it was passed to Utah, and other Territories, of the United States? No man, a resident of the Territory of Utah, could become a member of Congress from elsewhere, and I submit that when that act was passed, the circumstances that surrounded it, demonstrate that it did not, and could not, apply to a member of Congress, and that it could only apply to a Territorial Delegate.

But eighteen years have now passed, and where is the act of the American Congress that has changed the enactment so as to make it apply to a member of Congress? It could not then apply to a member of Congress. How can it now? Unless a member of the House holds an office "under the United States," within the meaning of the Edmunds Act, there is no disqualification.

As to the nature of their offices, whether "under the United States" or otherwise, members of the House and Senate are evidently the same. The words "office" and "offices" occur in the Constitution and amendments twenty-three times, and the words "officer" and "officers" fifteen times, and, with the exception of perhaps two instances, these terms are never used, either directly or indirectly, as relating to, or in connection with, a Representative or Senator.

One possible exception referred to is found in Article I, section 3, and reads:

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

The term "office" in the first clause, as to "removal from office," clearly does not relate to a member of either House, as it will be seen that the provisions as to impeachment do not apply to them. It would seem that a civil officer guilty of conduct that would justify impeachment ought not to be eligible to a seat in Congress, though unless the clause "office of honor, trust, or profit under the United States" be held to include a member, he could not be disqualified thereby. Still, if a member is not the subject of impeachment, there is perhaps as much reason, in exempting him from the disqualifications of impeachment.

The other possible exception is in Article I, section 9, paragraph 8:

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state.

Standing alone, we might understand the paragraph as broad enough and comprehensive enough to include members of Congress; but taken with the other provisions of the Constitution—and they are numerous—wherein the like terms do not embrace or apply to Senators or Representatives in Congress, what support can this paragraph possibly afford to those who invoke it as an authority for adding anything whatever, to the prescribed qualifications of a Representative.

The clause in Article I, section 6, provides:

And no person holding any office under the United States shall be a member of either House during his continuance in office.

Here it is very clear that "any office under the United States" can not include a member, as otherwise it would be equivalent to a provision that no member of either House shall be a member of either House during his continuance in office—an absurdity. A clause in Article II, section 1, provides:

But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Here the terms "Senator or Representative" and "person holding an office of trust or profit under the United States" are used in the alternative, or in contradistinction from each other. If they were one and the same, their separate enumeration was unnecessary. If identical, there would be no occasion to particularize "Senator or Representative."

If identical, the adjective "other" should have been used, so that the clause should read, "or person holding any other office of trust or profit under the United States," etc.

These observations apply to the following provisions:

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, etc. (*Constitution, Art. VI.*)

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, etc. (XIV Amendment, sec. 3.)

Article II, section 4—"The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors"—has been construed by the only tribunal therefor known to the Constitution, the Senate sitting as a court of impeachment, which held that a Senator was not a "civil officer," and therefore was not liable to impeachment. It was the case of William Blount, a Senator, who was impeached before the bar of the Senate by the House of Representatives. In his plea he claimed that as a member of the Senate he was not one of the "civil officers of the United States," and on the 11th of February, 1797, the Senate announced its conclusion, as follows:

The court is of the opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment, and that said impeachment is dismissed. (*Annals of Congress, volume 3, page 2319.*)

Story concurs in this view. (*Story on the Constitution*, section 792.)

Who can be said to hold office "under the United States" was practically decided in *United States vs. Germaine* (99 U. S., 508-512), where the court said:

The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when officers become numerous and sudden removals necessary this mode might be inconvenient, it was provided that, in regard to officers inferior to those specially mentioned, Congress might by law vest their appointments in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt.

In *United States vs. Maat* (124 U. S., 303-308) the Germaine case is cited and approved, the court saying:

In that case, it was distinctly pointed out that, under the Constitution of the United States, all its officers were appointed by the President, by and with the consent of the Senate, or by a court of law, or the head of a Department.

The same principle is affirmed in *United States vs. Hendee* (124 U. S., 309-315).

If, then, "all its officers," "under the Constitution," are appointed in the manner above indicated, clearly a member of either House does not hold an office "under the United States," and the Edmunds Act does not apply.

The fact, if it be a fact, that there are statutes in which the expression "office under the United States" is disclosed by the context to include a member of Congress, when there is no such context in this act, and when the existing conditions expressly negative the idea, is of no probative force in construing this act of 1882. I submit upon this branch of the case that there is no question but that this act has no application whatever to the

member from Utah, because an "office under the United States" does not include a member of Congress.

THE EDMUNDS ACT.

The committee quote section 8 of the Edmunds act and then say:

Reading that act as applicable to this case, eliminating the irrelevant portions, it appears as follows—

And let us see how they eliminate it—

No polygamist shall be entitled to hold any office or place of public trust, honor, or emolument under the United States.

I submit to this House whether that is the act:

No polygamist shall be entitled to hold any office or place of public trust, honor, or emolument under the United States.

Where? According to the statement of the committee, when they have eliminated all they desire—(and I am prepared to concede that if this committee can amend the Constitution, the fundamental law of the land, they have equal authority and power at least, to amend the statutes of the United States without the assistance of Congress)—[laughter] where, after their elimination, does the act apply? Anywhere, everywhere, without limit. The only place where this act can operate—"any Territory or other place over which the United States has exclusive jurisdiction"—is "irrelevant," in the opinion of the committee. What does the act say?

No polygamist, bigamist, or any person cohabiting with more than one woman * * * in any Territory or other place over which the United States has exclusive jurisdiction.

Let us have an analysis of this law as it is, not as some of us wish it was. This will show that no ineligibility can be predicated upon section 8 of the Edmunds Act, upon the facts, as they must be conceded to exist. A brief statement of the history of the legislation involved may be useful.

The Edmunds Act became a law March 22, 1882. Section 1 amended section 5352 of the Revised Statutes of the United States and defined and prohibited polygamy. Section 3 defined and prohibited unlawful cohabitation, and reads as follows:

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

Section 8, relating to eligibility to hold office, reads:

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

The Edmunds-Tucker Act, which became a law March 3, 1887, supplemented the Edmunds law, imposed penalties for various kindred offenses, dissolved the corporation known as the Church of Jesus Christ of Latter-Day Saints, and contained, among other things, various provisions as to dower and the law of descent. With reference to eligibility to office it contained, among others, this paragraph, in the last part of section 24:

No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid, approved March 22, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office or emolument in said Territory.

It will be noticed that this act applied only to "office or emolument in said Territory." It did not go as far as the similar provision in the Edmunds Act and apply to "any office under the United States."

February 4, 1892, Chapter VII of the laws of the Territory of Utah was enacted. Section 1 defined and punished polygamy substantially as did section 1 of the Edmunds Act. Section 2, relating to cohabitation, in all material parts is an exact transcript of section 3 of the Edmunds Act. There is no provision whatever in this act relating to ineligibility to office, by reason of any of these offenses. (*Laws of Utah*, 1892, page 5.)

The enabling act, authorizing the people of Utah to form a constitution and State government, and to be admitted into the Union, became a law July 16, 1894. This act required the convention to provide by ordinance irrevocable without the consent of the United States and the people of the State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

The constitution of Utah was adopted by the convention May 8, 1895, by the people November 5, 1895, and the proclamation of the President of the United States announcing the result of the election and admitting the State into the Union was issued January 4, 1896. Article III, ordinance of the constitution, contained the provision as to religious liberty and polygamous or plural marriages in the exact language of the enabling act. (*R. S. Utah*, 1898, page 40.)

Article XXIV, section 2, of the constitution reads as follows:

SEC. 2. All laws of the Territory of Utah now in force not repugnant to this constitution shall remain in force until they expire by their own limitation or are altered or repealed by the legislature. The act of the governor and the legislative assembly of the Territory of Utah entitled "An act to punish polygamy and other kindred offenses," approved February 4, 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah. (*R. S. Utah, 1898, page 67.*)

This did not give the State of Utah any law making persons ineligible to any office, by reason of polygamy or cohabitation, as no such provisions existed in the act of 1892, chapter 24, or in any of the "laws of the Territory of Utah."

Sections 4208 to 4216, inclusive, of the Revised Statutes of Utah (*R. S. Utah, 1898, page 899*) are substantially the act of 1892. Section 2 of the act of 1892 and section 4209 of the Revised Statutes, relating to unlawful cohabitation, are precisely alike. This statute has not been changed.

The laws of the State of Utah, then, do not now impose, and never have imposed, any disqualification for holding office, by reason of polygamy or unlawful cohabitation. Mr. Roberts was a resident of the Territory of Utah, and since its organization as a State has been a resident of the State of Utah. Under these circumstances we do not think that the disqualifications imposed by the Edmunds Act have had any operation as to him since the organization of the State of Utah. It is settled by an unbroken line of decisions that all Territorial Congressional legislation, is superseded by the adoption of a State constitution, and the organization of a State.

In discussing the effect of the adoption of the constitution of Louisiana upon the laws of Congress, the court, in *Permoli* vs. *First Municipality* (*3 How., 619*), said:

So far as they conferred political rights, and secured civil and religious liberties (which are political rights), the laws of Congress were all superseded by the State constitution; nor is any part of them in force unless they were adopted by the constitution of Louisiana, as the laws of the State.

The case of *Strader et al.* vs. *Graham* (*10 How., 94*) determines the same question, and says:

The argument assumes that the six articles which that ordinance declares to be perpetual are still in force in the States since formed within the Territory, and admitted into the Union. If this proposition could be maintained, it would not alter the question. For the regulation of Congress, under the old Confederation or the present Constitution, for the government of a particular territory, could have no force beyond its limits. It certainly could not restrict the power of the States within their respective territories; nor in any manner interfere with their laws and institutions; nor give this court any control over them. The ordinance in question, if still in force, could have no more operation than the laws of Ohio in the State of Kentucky, and could not influence the decision upon the rights of the master or the slaves in the State, nor give this court jurisdiction upon the subject.

But it has been settled by judicial decision in this court, that this ordinance is not in force.

The case of Permoli *vs.* The First Municipality (3 How., 589), depended upon the same principles with the case before us.

The same doctrine is held in *Pollard et al.* vs. *Hagan* (*3 How., 212*).

It is approved by all of the court, from Chief Justice Taney to Judge Curtis, in *Dred Scott* vs. *Sandford* (*19 How., 490*).

It is approved in *Woodman* vs. *Kilbourne Manufacturing Company* (*1 Abb. U. S., 152*), opinion by Justice Miller, of the United States Supreme Court. *Columbus Insurance Company* vs. *Curtenius* (*6 McLean, 212*).

This precise question, in the application to the State of Utah of a law of Congress which was not continued in force by any legislation, has been determined in *Moore* vs. *United States* (*85 Fed. Rep., 468*).

The court were determining whether a law of Congress against unlawful combinations was in force in Utah, and held:

By its terms, the provision of the statute under which this indictment was found applies only to the Territories of the United States, and while it may yet be in full force within the Territories, it is clear that no prosecution could be maintained under it for entering into a combination or conspiracy in restraint of trade in Utah after the date of her admission as a State. * * * When Utah became one of the States of the Union, this statute ceased to be in force within its boundaries, unless by appropriate legislation it was continued in force for the purpose of prosecuting violations thereof committed during the existence of a Territorial government. * * * The act of July 2 was not repealed by the enabling act, for it yet applies to the Territories of the United States. It ceased to be in force in Utah only because it was superseded by the constitution upon the admission of the State.

We have seen that there was no legislation of any kind continuing in force section 8 of the Edmunds Act, relating to disqualification. It is to be observed that this section does not undertake by its terms to operate within the limits of any State. It is expressly confined in its operation, by its terms, to "any Territory or other place over which the United States have exclusive jurisdiction." The meaning of the terms "polygamist" or "person cohabiting," with reference to the restriction as to voting, has been fully settled by the United States Supreme Court in *Murphy* vs. *Ramsey* (*114 U. S., 39; 29 L. C. P., 47*).

This was an action for damages sustained by reason of being deprived, under this section, of the right to vote in the Territory of Utah; and among other things the court held:

It is not, therefore, because the person has committed the offense of bigamy or polygamy at some previous time, in violation of some existing

statute, and as an additional punishment for its commission, that he is disfranchised by the act of March 22, 1882, nor because he is guilty of the offense as defined and punished by the terms of the act. * * *

The requirements of the eighth section of the act, in reference to a woman claiming the right to vote, are that she does not, at the time she offers to register, cohabit with a polygamist, bigamist, or person cohabiting with more than one woman. * * * Upon this construction the statute is not open to the objection that it is an ex post facto law. It does not seek in this section and by the penalty of disfranchisement to operate as a punishment upon any offense at all. * * *

The disfranchisement operates upon the existing state and condition of the person, and not upon a past offense. It is therefore not retrospective. He alone is deprived of his vote who, when he offers to register, is then in the state and condition of a bigamist or a polygamist, or is then actually cohabiting with more than one woman. * * * So that, in respect to those disqualifications of a voter under the act of March 22, 1882, the objection is not well taken that represents the inquiry into the fact by the officers of registration as an unlawful mode of prosecution for crime.

In respect to the fact of actual cohabitation with more than one woman, the objection is equally groundless, for the inquiry into the fact, so far as the registration officers are authorized to make it, or the judges of election, on challenge of the right of the voter, if registered, are required to determine it, is not, in view of its character as a crime, nor for the purpose of punishment, but for the sole purpose of determining, as in case of every other condition attached to the right of suffrage, the qualification of one who alleges his right to vote. It is precisely similar to an inquiry into the fact of nativity, of age, or of any other status necessary by law as a condition of the elective franchise.

The principles which apply to eligibility as a voter, must apply to eligibility to office, as they are in the same section and the same language applies to each, and in order to be affected by the disqualification prescribed by this section, a person must be a polygamist or unlawfully cohabiting within the meaning of the section, "at the time" of entering upon the office. It is not enough to show that at some former period Mr. Roberts was a polygamist or unlawfully cohabiting, as the disfranchisement does not operate "upon a past offense." It would have been entirely competent for Roberts to have taken himself from under the operation of this section while Utah was still a Territory by simply ceasing to be a polygamist or cohabiting, or by moving into a State, as the "disfranchisement" operates upon "the existing state and condition of the person" only. In other words, the offense must be continuous. The offense, and the disqualification, are coterminous.

There is a further legal proposition, too well settled to require the citation of authority, and that is, no statute can operate, either directly or indirectly, extra-territorially. The statute in question does not undertake to.

The offense of polygamy, and unlawfully cohabiting, is localized by the statute. The provision is not general. No polygamist or person thus cohabiting "anywhere, without any restriction as to place," is not the language. On the other hand, the prohibition is confined to a specified locality. No polygamist or any person, thus cohabiting—where? "In any Territory or other place over which the United States have exclusive jurisdiction." The United States had no power to make the prohibition apply to any other place, and did not attempt it. The offense, and the place defined, must coexist. He must be a polygamist, or person unlawfully cohabiting, in "any Territory," or the statute does not apply. The statute applies only to residents of the Territory.

In the light of these propositions let us analyze the case as it is.

Mr. Roberts presents himself as a member-elect of this House. It is objected that he is disqualified, under this section, as a polygamist or person unlawfully cohabiting. The disqualification must exist, at the time of his becoming a member. But since January, 1896, he has resided in the State of Utah, and this statute has not since then, and does not now, operate upon him. It can not, therefore, now disqualify him. The conditions of offense, and place, required by the statute to coexist, do not coexist in his case, and therefore the statute does not apply. In other words, it is said he is ineligible. Why? Because there is a statute of the United States which says that no polygamist or person unlawfully cohabiting, in "any Territory" is eligible, and he is a polygamist or person thus cohabiting. It is a complete answer to say, "While I am a polygamist, I am not such in 'any Territory.'"

While the penal provisions of the Edmunds Act are in full force in "any Territory," it would not for a moment be contended that Mr. Roberts would be liable to prosecution thereunder since January, 1896. Why? Simply because since that time he has committed no crime, within "any Territory," as all of his acts have been in the State of Utah. *A fortiori* the disqualifying provisions do not apply to him, as they do not even "operate as a punishment upon any offense at all." The moment Utah became a State, he, living in Utah, became a resident of the State, and one of the indispensable elements of the condition to which the disqualification attaches—residence within "any Territory"—ceased to exist, and the disqualification ceased to apply. The offense of polygamy or unlawful cohabitation in "any Territory" and the disqualification were no longer coterminous. He is now doing no act in "any Territory" to which the disqualification applies, and therefore it does not exist.

It is true that while Utah was a Territory Roberts was unlawfully cohabiting, and the disqualification existed, and his status was then that of ineligibility, and therefore it may be suggested it continues. But this would make the disqualification the result of a past offense, and the law says that it "operates upon the existing state and condition of the person, and not upon a past offense." It does not "operate as a punishment" at all, all of which it clearly would do, if the supposition were correct.

If the disqualification attaches to Roberts by reason of acts committed in Utah, the State, then the act would be operating extra-territorially, outside of "any Territory" to which by its specific terms it is expressly confined. The fact that Roberts still resides in the same place where he resided in 1895, though Utah is now a State, but then, was a Territory to which the law applied, undoubtedly is the cause of some confusion of thought. It is clear that his legal rights are precisely the same as though, since 1896 he had been residing in Maine and had been elected to Congress from that State. It would not be contended that this act could have any application to him in such case, to affect his present status, as it never operated there. No more has it in Utah since January, 1896.

To be sure, it is suggested that he may be eligible while in Utah by reason of the fact that this statute does not operate upon him there; but that the moment he gets into the District of Columbia, this being under the exclusive jurisdiction of the United States, he is ineligible, which involves the further interesting proposition that the moment he returns to the State of Utah, he is also eligible again. Now you see it; now you don't. [Laughter.] Such a suggestion is not worthy of serious attention

It seems to me beyond question that this act does not now apply to Mr. Roberts. Then there is no law having any application to this case by which the attempt is made to add anything to the constitutional qualifications. This House, by its independent action, can not make law for any purpose. The adding by this House, acting alone, of a qualification not established by law would not only be a violation, of both the Constitution, and the law, but it would establish a most dangerous precedent, which could hardly fail to "return to plague the inventor." You might feel that the grave moral and social aspects of this case allowed you to—

> Wrest once the law to your authority
> To do a great right, do a little wrong.

But what warrant have you, when the barriers of the Constitution are once broken down, that there may not come after us a House with other standards of morality and propriety, which will create other qualifications with no rightful foundations, that, in the heat and unreason of partisan contest—since there will be no definite standard by which to determine the existence of qualifications—will add anything that may be necessary to accomplish the desired result? Exigency will determine the sufficiency. It would no longer be a government of laws, but of men. To thus depart from the Constitution and substitute force for law is to embark upon a trackless sea without chart or compass, with almost a certainty of direful shipwreck.

THE UNDERSTANDING.

The ingenuity of the majority is not yet exhausted. They say:

> His election as a Representative is an explicit and offensive violation of the *understanding* by which Utah was admitted as a State.

I would like to inquire of the majority where they find the authority for the proposition that the United States Government can go into the question of an "understanding" that existed before a State was admitted into this Union, and then, having found it, exercise this domiciliary, supervisory, disciplinary power over the State. Where does it exist? What is it indicated by? Is it oral? They do not undertake to suggest it is in the enabling act, although they refer to it.

But is it an oral "understanding" that exists between the States by reason of this "general welfare" power? I assume that they invoke it under this "general welfare" proposition. Think of it! An "understanding" which is based on what? A compact or a contract? I had supposed it was too late at this stage of the history of the Republic, in these times of peace, to invoke the proposition of a contract, existing between the States and the General Government.

I knew that the theory of a contract was the parent of the infamous heresy of secession, and I have believed that it was wiped out in blood from 1861 to 1865. More than 500,000 of the best, truest, most heroic, and bravest men that ever met on the field of battle—the blue and the gray, brethren all—rendered up their lives that that infamous proposition should be blotted out, and blotted out forever. Let the dead past bury its dead. I submit that under these circumstances it ill becomes this House to undertake, in the interest, if you please, of civilization, to invoke anew the proposition of a contract existing between a State and the United States.

In what kind of a condition does it leave the State of Utah, if this "understanding" exists? Let me give an illustration of the application of this "understanding." I suppose that the "general welfare" of the people of this great Republic, is as fundamental

as any other proposition involved in this "understanding." I imagine, and I can assume, that every State that came into the Union agreed to help to promote the "general welfare." Without such an "understanding," no State would have been admitted. On the basis of this "understanding," any State that is guilty of conduct that does not promote the "general welfare," or whose people are, violates the "understanding" under which it came into the Union, and therefore can be disciplined by the United States. Especially must they not imperil the "general welfare."

I would like to inquire, under this "understanding," if that theory is entirely true, if this view of the "general welfare" is to be followed, what would happen, for instance, to New Jersey, which is now the breeding ground of trusts and octopuses. [Laughter.] They are organizing corporations from $10,000,000 anywhere up to $125,000,000, based on air, and almighty thin air at that. [Laughter.]

There are a great many people that believe that the octopus, "as a roaring lion, walketh about seeking whom he may devour," and I would like to know why, if this proposition is true, if this nebulous, diaphanous, gauzy, dangerous, insufficient, metaphysical, chimerical, hypercritical, impalpable, evanescent and nonsensical theory is to be applied to this discussion [great laughter and applause] I would like to know how it is to be applied in the exercise of our practice under our "general welfare" clause. Will it be necessary to suspend New Jersey from representation upon this floor in order that she may not hereafter thus interfere with the "general welfare." [Renewed laughter and applause.]

If not, why not? Is it necessary to say more about that proposition? [Laughter.] I shall now make this suggestion. I have discussed this subject up to this time upon the basis of the propositions laid down by my friends on the majority of the committee.

Mr. STEWART of New Jersey. Does not my friend think that the prohibition laws of Maine are not more against the general welfare and against the people than the corporation laws of New Jersey?

Mr. LITTLEFIELD. There are those who think the Maine prohibition law against the sale of rum, even worse than polygamy. I believe in the law.

Mr. STEWART of New Jersey. Has the gentleman read the corporation laws of New Jersey? They are fifty years old and the result of Democratic administration.

Mr. LITTLEFIELD. I have. I do not want to make any reflection upon the State of New Jersey. I only used that as an illustration. [Laughter.] I have read the corporation laws of New Jersey. I have also read the excellent speech made before the Buffalo Bar Association by Mr. Keasby, advertising these corporation laws of New Jersey.

Mr. STEWART of New Jersey. Have you read Governor Voorhees's speech at the Republican club dinner in New York City lately?

Mr. LITTLEFIELD. I will be very glad to read it, if the gentleman will furnish it to me. There are a good many things I condemn in the corporation laws. We have a corporation law in Maine, but we stop at $10,000,000. You do not stop them anywhere. The only limitation that is placed upon them is the minimum. They shall not be incorporated for less than $1,000. You then go to anything below the stars. There is nothing but the gall of the men who organize the corporations to limit them. [Great laughter.]

Mr. STEWART of New Jersey. Is there any limitation in the Maine law?

Mr. LITTLEFIELD. There is a limitation that they shall not go beyond $10,000,000.

Mr. STEWART of New Jersey. They could go on.

Mr. LITTLEFIELD. We stopped at that. Let me venture the statement that this has no point in relation to this case. That is a question between Maine and New Jersey.

Mr. STEWART of New Jersey. And New Jersey can take care of these corporations.

Mr. LITTLEFIELD. Just for a moment. Let me state that there was an effort in 1899 in the State of Maine to get a charter for the organization of the ice trust, with a capital of $60,000,000. They appeared before the committee on judiciary. Mr. Joseph H. Manley, who is one of the prominent members of the Republican party, was a member of that committee. The committee promptly turned it down because it was a trust. It went forthwith to New Jersey and got a charter. [Laughter.]

"THE COMPACT OF STATEHOOD."

Compact is synonymous with contract. The idea of a compact or contract is not predicable upon the relations that exist between the State and the General Government. They do not stand in the position of contracting parties. The condition upon which Utah was to become a State was fully performed when she became a State. The enabling act authorized the President to determine when the condition was performed. He discharged that duty, found that the condition was complied with, and that condition no longer exists.

What did Congress require by the enabling act? Simply that "said convention shall provide by ordinance irrevocable," etc., and the convention did in terms what it was required to do. It was a condition upon the performance of which by the "convention" the admission of Utah depended. Its purpose accomplished, its office is gone, and as a condition it ceases to exist. No power was reserved in the enabling act, nor can any be found in the Constitution of the United States, authorizing Congress, not to say the House of Representatives alone, to discipline the people in, or the State of Utah, because the crime of polygamy or unlawful cohabitation has not been exterminated in Utah. Where is the warrant to be found for the exercise of this disciplinary, supervisory power? This theory is apparently evolved for the purposes of this case, is entirely without precedent, and has not even the conjecture or dream of any writer to stand upon.

If it is suggested that the case of *Texas vs. White* (7 *Wallace*, 700) lends aid or comfort to this idea, I respectfully submit, without stopping to analyze the case, that it is based upon other grounds, and while the term "compact" is mentioned but once, it is then mentioned for the purpose of showing that it was not a proper term to describe the relations existing between the State and the Federal Government. As the court said (page 776):

> When, therefore, Texas became one of the United States she entered into an indissoluble relation. All the obligations of perpetual union and all the guaranties of republican government in the Union attached at once to the State. The act which consummated her admission into the Union *was something more than a compact*. It was the incorporation of a new member into the political body, and it was final. The union between Texas and the other States was as complete, as perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration or revocation except through revolution or through consent of the States.

I propose now for a few moments to take up the question as to whether this House is or is not without remedy in case Mr. Roberts has the oath administered to him in compliance with his full constitutional rights, though that proposition has no legitimate relation to the question which I have been discussing. His rights depend upon the Constitution, and they are to be so determined, irrespective of what the results may be. I do not know how others may feel in relation to their constituents, but I am ready to go back to my constituents in Maine and say I have acted conscientiously, upon my construction of the Constitution, regardless of the consequences.

At this point I will advert, to what, to my mind, is a significant circumstance in a kindred matter in the recent history of the House. During the sessions of the last House a distinguished gentleman, whom the Republican party has delighted to honor, who now presides over the deliberations of this House with so much ease, grace, dignity, and ability, was chairman of the committee which was passing upon the rights of General Wheeler, that gallant little hero of two wars, who by his heroic conduct in battle in the war of the rebellion, and later in the war against Spain, entwined around himself the heartstrings of the American people. [Applause.] A great wave of sympathy welled up over the country, when it appeared that the gallant little general, who had left this House at the call of his country, came back and the question arose whether or not under the Constitution he could return to his seat as a member. I have no doubt the chairman of that committee could hear the mighty throb of the great American heart, pulsating with patriotic fervor, and could feel the surges of the wave, of love and affection, which swept over the country, but what did he say? He made this sublime declaration as chairman of that committee:

> No mere patriotic sentiments should be permitted to override the plain language of the fundamental law.

That magnificent sentence, as a part of the history of a free people, deserves to be "graven with an iron pen, and lead in the rock forever." [Applause.]

I ask the House, under these circumstances, not to be governed, or affected, in determining this great constitutional question by any fear of reproof, or apprehension as to the result, particularly in view of the fact that 300 members of this House, on the statement of my friend from Ohio, held this man upon the threshold for the purpose of investigating his rights as a member. I have seen nothing to indicate, upon the facts of this case, that there has been any change of feeling upon the part of members. Let nothing induce you to "override the plain language of the fundamental law."

EXPULSION.

It is claimed that the House has no right to expel Mr. Roberts. I can not see how that fact, if it be a fact, has any legitimate tendency to establish the existence of a legal disqualification. I contend that this House has an undoubted right to expel him, even for conduct unrelated to him as a member. The majority say his conduct must be "inconsistent with his public trust and duty as such."

I will quote from the report of the committee, and see whether their findings of fact do, or not, indicate that the gentleman from Utah, from their standpoint, has been guilty of acts "inconsistent with his public trust and duty as such." I think I can satisfy the

House, from what they say, that he is richly entitled to the application of the rule, they establish, for expulsion.

They say that "no government can possibly exist in the face of such practices." Is that inconsistent—a man guilty of these things—would that be inconsistent "with his public trust and duty as such?"

They say he is in "open war against the law and institutions of his country and this Congress which he seeks to enter." Would that be inconsistent "with his public trust and his duty as such?" If it is not, in heaven's name are they going to exclude him for it? If all these terrible things are not inconsistent "with his public trust and his duty as such," do they exclude him for them and yet he can not be expelled?

They further say:

You have solemnly enacted certain laws; you have crystallized into statute the will of the sovereign people. I bid defiance to your law. I will not recognize it. I here and now before your very eyes do the things you say I shall not do. I recognize a higher law than your man-made law—no law of yours can relieve me from the obligations which I thus take in defiance of your enactments. The only thing I promise not to do is to take a fourth wife.

The case of a bribe taker, or of a burglar, or of a murderer *is trivial*, is a *mere ripple* on the surface of things, compared with this *far-reaching, deep-rooted, audacious lawlessness.*

I will ask this House in all candor, (I am assuming the committee have made their report judiciously, coolly, not hysterically,) is not that "inconsistent with his public trust and duty as such," or is it consistent with it? I have thought it was inconsistent with it.

Now, here again, they say:

The acts of Roberts are essentially disloyal. They deny the sovereign; they repudiate the lawful government. Look at them from whatever point you will, they are subversive of government. They do not merely breed anarchy, they are anarchy. And this proposition is asserted not so much for reasons personal to the membership of the House, as because it goes to the very integrity of the House and the Republic as such.

Now, is that inconsistent "with his public trust and his duty as such?" If not, what would be? Looking at "them from whatever point you will," they say what? That "they are subversive of government." Can it be said, without being ridiculous, that when a man is in here whose acts are "subversive of the Government" that that is not "inconsistent with his public trust and his duty as such?" "They are anarchy." Is that "consistent with his public trust?" I submit that if the acts of Roberts are such as is suggested, it seems to me that upon their standard there is ample justification for his expulsion. This spirit, called by them "from the vasty deep," fades away when their own charges are applied to the legal propositions as they state them. If we abjure fervor, and think coolly, the result is the same.

The power of expulsion is, however, unlimited, and not confined to acts related to the trust or duty of a member. They insist upon the contrary in order to frighten the House into exclusion. To exclude, the majority read into the clause relating to qualifications new provisions. To narrow the right of expulsion they read new conditions into that section. I take both clauses as they stand. I neither add to, nor take from. This precise question has been determined but once in this country. The opinion of the court in that case, an authoritative construction of this clause of the Constitution, was written by Chief Justice Shaw, conceded to be one of the greatest judges that ever sat in any court, in any land, at any time.

The constitution of Massachusetts contained no provision authorizing the expulsion of a member of the house of representatives. Joseph Hiss was expelled by the house, upon the ground that his conduct on a committee at Lowell "was highly improper and disgraceful, both to himself and to this body of which he is a member." This was not disorderly conduct in the house, and it is significant that the facts that made it "improper and disgraceful" were not disclosed by the case.

Hiss, after his expulsion, was arrested at the instance of one of his creditors on mesne process and committed to jail. He brought a petition for habeas corpus on the ground that he was a member of the House of Representatives and as such privileged from arrest. This raised the precise question of the legality of his expulsion, and, speaking through Chief Justice Shaw, the court, among other things, said:

The question is whether the House of Representatives have the power to expel a member.

After adverting to the fact that the Constitution did not in terms authorize expulsion, he says:

There is nothing to show that the framers of the Constitution intended to withhold this power. It may have been given in other States, either ex majori cautela, or for the purpose of limiting it, by requiring a vote of more than a majority.

In the Constitution of the United States it was given evidently "for the purpose of limiting it," as a two-thirds vote is required.

Again:

The power of expulsion is a necessary and incidental power to enable the house to perform its high functions, and is necessary to the safety of the State. *It is a power of protection. A member may be physically, mentally, or morally wholly unfit;* he may be inflicted with a contagious disease, or insane, or noisy, violent, and disorderly, or in the habit of using profane, obscene, and abusive language. It is necessary to put extreme cases to test a principle.

If the power exists, *the house must necessarily be the sole judge of the exigency* which may justify and require its exercise.

After having fully examined the law and practice of Parliament, he says:

But there is another consideration, which seems to render it proper to look into the law and practice of Parliament, to some extent. I am strongly inclined to believe, as above intimated, that the power to commit and expel its members was not given to the House and Senate, respectively, because it was regarded as inherent, incidental, and necessary, and must exist in every aggregate and deliberative body, in order to the exercise of its functions, and because without it such body would be powerless to accomplish the purposes of its constitution; and therefore any attempt to express or define it would impair rather than strengthen it. This being so, the practice and usage of other legislative bodies, exercising the same functions, under similar exigencies; and the reason and grounds, existing in the nature of things, upon which their rules and practice have been founded, may serve as an example and as some guide to the adoption of good rules when the exigencies arise under our Constitution.

But independently of parliamentary custom and usages, our legislative houses have the power to protect themselves by the punishment and expulsion of a member.

"It is urged that this court will inquire whether the petitioner has been tried. But if the House have jurisdiction for any cause to expel, and a court of justice finds that they have in fact expelled, he then held their action was conclusive, and dismissed the petition." (*Hiss vs. Bartlett, 3 Gray, 468.*)

It is instructive on this point to note that this paragraph of the Constitution, as originally drawn, read:

Each House may determine the rules of its proceedings; may punish its members for disorderly behavior; and may expel a member.

Making three distinct clauses separated by semicolons, eliminating the idea that the words "disorderly conduct" have any effect in limiting the power to expel, which appears in the clause immediately following.

This extract from the records of the debates in the Federal Convention shows clearly why the two-thirds provision was inserted in the expulsion clause:

Mr. Madison observed that the right of expulsion (Article VI, section 6) was too important to be exercised by a bare majority of a quorum, and in emergencies of faction might be dangerously abused. He moved that "with the concurrence of two-thirds" might be inserted between "may" and "expel."

Mr. Randolph and Mr. Mason approved the idea.

Mr. GOUVERNEUR MORRIS. This power may be safely trusted to a majority. A few men, from factious motives, may keep in a member who ought to be expelled.

Mr. Carroll thought that the concurrence of two-thirds, at least, ought to be required.

On the question requiring two-thirds in cases of expelling a member, ten States were in the affimative; Pennsylvania divided.

Article VI, section 6, as thus amended, was then agreed to nem con. (*Journal of Constitutional Convention* (Madison), *Volume V, page 500.*)

While I think this Hiss case establishes beyond successful controversy the power of expulsion as discretionary and unlimited, it is proper to note that no decided case, or elementary writer, militates against it. I give all that I have found on the question.

In discussing this question, the court, in *State vs. Jersey City* (*25 N. J. L., 539*), said:

The power vested in the two Houses of Congress by the Constitution, Article I, section 5, paragraph 2, is in different phraseology; it is, that "each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." Under this power, the Senate in 1797 expelled a member of that body for an offense not committed in his official character as a member, nor during a session of Congress, nor while the member was at the seat of Government. (Blount's case, Story's Commentaries on the Constitution, chapter 12, paragraph 833.) But it is not clear that the power to expel is limited by the Constitution to the cause of disorderly behavior.

Evidently without having in mind the accurate use of the term "qualification," as used in the Constitution, the court, in *State ex rel. vs. Gilmore* (20 Kansas, 554), said:

The Constitution declares (Article II, section 8) that "Each House shall be judge of the elections, returns, and qualifications of its own members." This is a grant of power, and constitutes each House the ultimate tribunal as to the qualifications of its own members. The two Houses acting conjointly do not decide. Each House acts for itself and by itself; and from its decision there is no appeal, not even to the two Houses. And this power is not exhausted when once it has been exercised and a member admitted to his seat. It is a continuous power, and runs through the entire term. *At any time during the term of office each House is empowered to pass upon the present qualifications of its own members.*

Story says:

And as a member might be so lost to all sense of dignity and duty *as to disgrace the House by the grossness of his conduct*, or interrupt its deliberations by perpetual violence or clamor, the power to expel for very aggravated misconduct was also indispensable, not as a common, but as an ultimate redress for the grievance. But such a power, so summary and at the time so subversive of the rights of the people, it was foreseen, might be exerted for mere purposes of faction or party, to remove a patriot or to aid a corrupt measure; and it has, therefore, been wisely guarded by the restriction that there shall be a concurrence of two-thirds of the members to justify an expulsion. * * *

In July, 1797, William Blount was expelled from the Senate for "a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator." The offense charged against him was an attempt to seduce an American agent among the Indians from his duty, and to alienate the affections and confidence of the Indians from the public authorities of the United States, and a negotiation for services in behalf of the British Government among the Indians. It was not a statutable offense, nor was it committed in his official character; nor was it committed during the session of Congress, nor at the seat of Government. Yet, by an almost unanimous vote he was expelled from that body; and he was afterwards impeached (as has been already stated) for this, among other charges. It seems, therefore, to be settled by

the Senate, upon full deliberation, that expulsion may be for any misdemeanor which, though not punishable by any statute, is inconsistent with the trust and duty of a Senator.—*Story on the Constitution*, volume 1, page 607.

Paschal states:

It seems to be settled that a member may be expelled for any misdemeanor which, though not punishable by any statute, is inconsistent with the trust and duty of a member. (Blount's Case, 1 Story Const., paragraph 838; Smith's Case, 1 Hall's L. J., 459; Brook's Case, for assaulting Senator Sumner in the Senate Chamber for words spoken in debate.) *It extends to all cases where the offense is such as in the judgment of the House unfits him for* parliamentary duties. (Paschal's Annotated Constitution, page 87, paragraph 49.)

It has not yet been precisely settled what must be the disorderly behavior to incur punishment, nor what kind of punishment is to be inflicted; but it can not be doubted that misbehavior out of the walls of the House or within them, when it is not in session, would fall within the meaning of the Constitution. *Expulsion may, however, be founded on criminal conduct committed in any place, and either before or after conviction* in a court of law. (*Rawle on the Constitution*, 2d ed., 47.)

Cooley is specific:

Each House has also power to punish members for disorderly behavior, and other contempts of its authority, as well as to expel a member for any cause which seems to the body to render it unfit that he continue to occupy one of its seats. This power is generally enumerated in the Constitution among those which the two Houses may exercise, but it need not be specified in that instrument, since it would exist whether expressly conferred or not. It is "a necessary and incidental power to enable the House to perform its high functions, and it is necessary to the safety of the State. It is a power of protection."

"*A member may be physically, mentally, or morally wholly unfit;* he may be afflicted with a contagious disease, or insane, or noisy, violent, and disorderly, or in the habit of using profane, obscene, and abusive language." And, "independently of parliamentary customs and usages, our legislative Houses may have the power to protect themselves by the punishment and expulsion of a member," and the courts can not inquire into the justice of the decision, or even so much as examine the proceedings to see whether or not the proper opportunity for defense was furnished. (*Cooley's Constitutional Limitations*, pages 159, 160.)

Since there has been repeated occasion to take steps against members of each House under each of these two clauses, and since the majority has never taken this standpoint, it may now be regarded as finally settled that that interpretation is correct which is the broader and at the same time, according to ordinary speech, unquestionably the more natural one. Both Houses of Congress must *have been granted every power needed to guard themselves and their members against any impropriety on the part of a member and to preserve their dignity and reputation among the people.* It is wholly for them to say what conduct they are to regard as dishonorable enough to require expulsion. An appeal from their decision lies only to the court of public opinion, a court which brings in its verdict at the elections. (*Von Holst's Constitutional Law of the United States*, 102.)

The power of expulsion is unlimited, and the judgment of a two-thirds majority is final. (*Pomeroy on Constitutional Law, page 159, 1905.*)

It seems necessary also to remark that a member may be expelled, or discharged from sitting as such, which is the same thing in milder terms, *for many causes, for which the election could not be declared void.* (*Cushing, Law and Practice Legislative Assemblies*, page 33, section 84.)

The power to expel a member is naturally and even necessaraly incidental to all aggregate, and especially all legislative bodies; which, without such power, could not exist honorably, and fulfill the object of their creation. In England this power is sanctioned by continued usage, which, in part, constitutes the law of Parliament. (*Ibid.*, page 251, section 625.)

Blount was expelled from the Senate for an offense inconsistent with public duty, but it was not for a statutory offense, nor was it in his official character, nor during the session of Congress, nor at the seat of government. The vote of expulsion was 25 to 1.

The motion to expel a member may be for disorderly behavior, or disobedience to the rules of the House in such aggravated form as to show his unfitness longer to remain in the House, and the case above cited, as well as the reason of the provision, would justify the expulsion of a member from the House where his treasonable and criminal misconduct would show his unfitness for the public trust and duty of a member of either House. But expulsion, which is an extreme punishment, denying to his constituency the right to be represented by him, can only be inflicted by the concurrence of two-thirds of the House, and not by a bare majority only. (Citing Story on the Constitution, section 837.) *Tucker on the Constitution, page 429.*

It has since been held by the House of Representatives that a member duly elected *could not be disqualified for a cause not named in the Constitution, such as immorality, and that the remedy in such a case, if any, was expulsion. The distinction between the right to refuse admission and the right of expulsion upon the same ground is important, since the former can be done by a majority of a quorum, whereas expulsion requires the vote of two-thirds.* The question can not be said to have been authoritatively decided. *Foster on the Constitution, page 367.*

Mr. Foster's attention does not appear to have been directed to the case of Hiss *vs.* Bartlett, as it is in point on his doubt if it relates to the power of expulsion, and he does not refer to it.

Expulsion is generally reserved for offenses *which render members unfit for a seat in Parliament and which, if not so punished, would bring discredit upon Parliament itself.* Members have been expelled as being in open rebellion, as having been guilty of forgery or perjury or frauds and breaches of trust, of misappropriation of public money, of conspiracy to defraud, of corruption in the administration of justice, or in public office, or in the execution of their duties as members of the House, *of conduct unbecoming the character of an officer or gentleman*, and of contempts, libels, and other offenses committed against the House itself. (*May's Parliamentary Practice tenth edition 1893*, page 55.)

These authorities clearly establish that conduct "inconsistent with the public trust and duty as such" or related to the duties of a member is not an indispensable element of the right to expel. "It is a power of protection." Protection of what? Certainly not the member expelled; necessarily the House, its dignity, character, "and reputation among the people." It seems difficult for some to appreciate the distinction between exclusion and expulsion.

Now I suppose it will be conceded that Sir Roundell Palmer (Lord Selborne), a distinguished advocate and counsel at the English bar, was a man of some ability. In the O'Donovan-Rossa debate, in 1870, he used this expression, very happily contrasting the power of expulsion, with the right of exclusion:

A man may be expelled from the House for certain offenses, though not *legally disqualified.*

Now, the gentleman from Ohio [Mr. TAYLER] says that is "ridiculous and absurd," but I have no doubt that Sir Roundell Palmer will survive the suggestion. Palmer says that a man may be expelled from the House for certain offenses, "though not legally disqualified." And that is our proposition.

LEGISLATIVE PRECEDENTS.

I examine the legislative precedents for a few moments, and then I shall be through.

The Marshall case, which is cited from the Senate as against the power to expel, was overruled by the Smith case, to which the report of the committee devotes two lines. The reason for this brief mention will clearly appear when that case is stated.

SMITH CASE.

John Quincy Adams made the report for the committee, which was unanimous. You will find it on page 720, Senate Election Cases. It states the law thus:

By letter of the Constitution the power of expelling a member is given to each of the two Houses of Congress, *without any limitation* other than that which requires a concurrence of two-thirds of the vote to give it effect.

And how near do you suppose the Senate, under that proposition, came to expelling Smith? The vote was just 19 to 10, lacking one vote of expulsion. That is a precedent cited on the other side. It is a precedent distinctly in our favor. The Senate squarely held that they had jurisdiction, because a majority vote was sufficient to sustain jurisdiction. In the Roach and Herbert cases, as stated by the majority, it was not even contended that the Senate or the House did not have the power to expel. In fact, the inference is that the power was conceded, but was not exercised.

MATTESON CASE.

The Matteson case, in my judgment, does not warrant any such inference. Matteson was charged with inciting parties to corrupt the House, and with slandering the House by charging that a large number of members had pledged themselves not to vote for measures granting money or lands unless they were paid for it. Upon these charges a resolution for his expulsion was pending in the Thirty-fourth Congress, and was about to be adopted, when he prevented further action by resigning. Meanwhile, and before the hearing by the committee, he had been elected to the Thirty-fifth Congress. In the Thirty-fifth Congress a resolution reciting these facts and declaring Matteson expelled was, after a long debate, referred to a committee, of which Mr. Seward, of Georgia, was chairman.

The debate discloses that the principal ground relied upon in opposition to the resolution was that proceedings for expulsion were analogous to a criminal prosecution at common law, and that Matteson, having in effect been once punished by the Thirty-fourth Congress, could not properly be punished a second time for the same offense. In this respect the facts are not parallel to Mr. Roberts's case, as it appears that the offense with which he is charged is still continuing. The committee recommended the adoption of a resolution "that it is inexpedient to take further action in regard to Orasemus B. Matteson." The whole subject was afterwards laid on the table by a vote of 96 to 69, and this ended the action of the House.

Mr. Seward, in urging the adoption of the recommendation, incorrectly stated the action of the Senate in the Smith case in 1808. Smith was indicted for treason in Virginia, as an accomplice of Aaron Burr. Mr. Seward states:

Mr. Adams made a report to the Senate setting forth the crime for which the party was arraigned; and when the vote was taken, there was not a sufficient number of the members of the Senate voted in favor of jurisdiction over the cause, and the Senate refused a conviction on the charge. They acted upon the principle that the criminal courts had jurisdiction when either the Constitution or laws of the United States were violated, because the facts established were clear, and the refusal to convict must turn upon the want of jurisdiction and power.

It was claimed in the Smith case that the Senate had no jurisdiction until after a conviction upon the indictment. The unanimous report of the committee, as heretofore stated, held otherwise.

There was no separate vote as to whether the Senate had jurisdiction. The report recommended a resolution expelling Smith and failed, as I have stated, lacking only one of the necessary two-thirds.

When Mr. Seward stated that the "facts established were clear," and the case must have turned upon "want of jurisdiction and power," he presumed upon the lack of information on the part of the House, or himself was lacking in information, as the record discloses that the existence of the facts was bitterly contested, and page after page is devoted to their discussion, and a majority vote would have clearly been sufficient to determine the question of jurisdiction or power.

The Matteson case was in 1858. With the exception of a suggestion that a case had been decided in Massachusetts, the purport of which was not stated, no reference was made to the Hiss case,

though it was published in 1857. Although the only decided case in the country, it does not appear to have been cited in any debate on this question.

BROOKS AND AMES CASES.

Brooks and Ames were charged with complicity in the Crédit Mobilier frauds and with bribing members of Congress some five or six years before the session of Congress, when the resolution was pending, to expel them. Their case was referred to a subcommittee, and the subcommittee reported in favor of expulsion.

For the purpose of showing this House the amount of deliberation and examination upon which other Houses have acted when they have established precedents that are invoked here to control our action, I want to call your attention to the report of the Judiciary Committee, headed by Benjamin F. Butler, in that case. A resolution involving the question as to whether Colfax, then Vice-President, could be impeached for an offense committed before his election as Vice-President, was referred to the Judiciary Committee on the 20th day of February, 1873, and they reported back to the House on the 24th day of February, 1873.

That was only three days, at the outside, that this committee had in which to investigate, first, the question committed to them, the great constitutional proposition as to whether or not the Vice-President of the United States could be impeached for an offense committed before he took the office; second, the question as to whether or not the House had the right to exclude, and third, they went on to discuss the question as to whether, or not, the House had the power to expel, the last two questions never having been referred to them. In three days' time that committee undertook to thoroughly investigate, those three great constitutional propositions and report to the House.

Now, as a matter of interest, I want to show you what they said on this question of exclusion. The majority did not quote this from the report of that committee. They said:

> Your committee believe that there is no man or body of men who *can add to or take away one jot or title* of these qualifications. The enumeration of such specific qualifications *necessarily* excludes every other.

I submit that if this report of that committee is good authority to sustain their proposition that you have no power to expel, it is equally good authority on this proposition that you have no power to exclude, when they state it with a great deal more emphasis.

The value of an opinion depends upon the care exercised in its preparation. On this point of time, Mr. Clarkson N. Potter made this suggestion, which is a part of his report:

> I dissent from the report, but I concur in the recommendation to discharge the committee, *for want of time to make further investigation* and for reasons expressed in views submitted herewith.

This is the report upon which they rely. The special committee, of which Poland, of Vermont, was chairman, held that the power of expulsion was unlimited. They said:

> The principal purpose of expulsion is not a punishment, but to remove a member whose character and conduct show that he is an unfit man to participate in the deliberations and decisions of the body and whose presence in it tends to bring the body into contempt and disgrace.
>
> Every consideration of justice and sound policy would seem to require *that the public interests be secured, and those chosen to be their guardians be free from the pollution of high crimes, no matter at what time that pollution had attached.*
>
> If two-thirds of the House shall see fit to expel a man because they do not like his political or religious principles, or without any reason at all, they have the power, and there is no remedy except by appeal to the people. Such exercise of the power would be wrongful and violative of the principles of the Constitution, but we see no encouragement of such wrong in the views we hold.

That report is signed by George W. McCrary. On the second day of the session the gentleman from Ohio [Mr. TAYLER] read from Judge McCrary's work, with an air of authority, to halt this man at the bar of this House. I notice that this air has disappeared, and they say they do not quote his work "as being authoritative in itself." They have probably since learned his views on expulsion. If Judge McCrary was sufficient authority to justify challenging a member at the threshold, why is he not equally as good an authority for the proposition that this House has unlimited power of expulsion?

CANNON CASE.

The Cannon case is indefinite and uncertain, and was affected by several independent considerations, and can not fairly be said to determine anything.

SCHUMAKER AND KING.

In this case not only did the minority of the Judiciary, consisting of Scott Lord, W. M. Lawrence, GEORGE F. HOAR, and B. G. Caulfield, hold that—

> It will be seen that there are *no words of limitation on* the power to expel, which seems to have been left to the good sense and discretion of each House—

but George W. McCrary again, in a separate note, said:

> But where the charge is that a member of the House has received money to be used by him to corrupt legislation in Congress, for which offense no indictment has been found, *I think the House may properly take jurisdiction, though the offenses charged were committed prior to his election.*

In this case, the fact that everything for which the gentleman from Utah is to be excluded, now exists, and in a very aggravated form, by reason of its continuance, if the majority are correct, eliminates the element of past offense, and is a complete answer to the objection raised against expulsion.

It is proper to observe that the determinations of the courts and the opinions of eminent legal authors unexcelled in reputation and learning are entitled, upon these propositions, to great weight, as they are in every instance the result of careful, dispassionate, and disinterested research and sound reasoning, unaffected by considerations that must necessarily have been involved in legislative precedents. The two-thirds limitation upon the right to expel not only demonstrates the wisdom of the fathers, but illustrates the broad distinction between exclusion and expulsion.

A small partisan majority might render the desire to arbitrarily exclude by a majority vote, in order to more securely intrench itself in power, irresistible. Hence its exercise is controlled by legal rules. In case of expulsion, when the requisite two-thirds can be had, the motive for the exercise of arbitrary power no longer exists, as a two-thirds partisan majority is sufficient for every purpose. Hence expulsion has been safely left in the discretion of the House, and the safety of the members does not need the protection of legal rules.

It seems to me settled upon reason and authority that the power of the House to expel is unlimited, and that the legal propositions involved may be thus fairly summarized: The power of exclusion is a matter of law, to be exercised by a majority vote, in accordance with legal principles, and exists only where a member-elect lacks some of the qualifications required by the Constitution. The power of expulsion is made by the Constitution purely a matter of discretion, to be exercised by a two-thirds vote, fairly, intelligently, conscientiously, with a due regard to propriety and the honor and integrity of the House and the rights of the individual member. For the abuse of this discretion we are responsible only to our constituents, our consciences, and our God.

I believe that Mr. Roberts has the legal constitutional right to be sworn in as a member. The facts are such that I further believe the House, in the exercise of its discretion, is not only justified, but required, by every proper consideration involved, to expel him promptly after he becomes a member.

I address myself to the intelligence, judgment, and conscience of the House, not to its prejudices. Sympathies, prejudices, tendencies, opinions, and conditions may change; principles never. The Great Charter is our only guide. May the Constitution remain inviolate. [Great applause.]

Mr. TAYLER of Ohio. Mr. Speaker, without at the present time undertaking to make any arrangement as to the method or order in which the resolutions and substitute may be offered, but specially, however, of an opportunity to be afforded the gentleman from Iowa to present his amendment, to which I have no objection—that is, in so far as the presentation is concerned—I ask unanimous consent that an arrangement be made that debate on this question continue until half past 4 o'clock on Thursday next, at which time the previous question shall be considered as ordered on the resolution, the substitute, and the amendment to be presented later by the gentleman from Iowa; but until that time the gentleman from Maine and myself shall have control of the time occupied by debate.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate be continued until half past 4 o'clock on Thursday next, at which time the previous question shall be considered as ordered on the resolution and substitute proposed by the minority, and the amendment to be proposed by the gentleman from Iowa, and the vote then to be taken, the time to be controlled in behalf of the majority by the gentleman from Ohio, and on behalf of the minority by the gentleman from Maine. Is there objection?

Mr. GROSVENOR. Does that involve any division of time including the three hours that have been occupied by one side?

Mr. TAYLER of Ohio. By an understanding with the gentlemen from Maine and Missouri it involves an equal division of time from the beginning of the debate.

The SPEAKER. That will be the understanding, if the request is granted.

Mr. GROUT. Mr. Speaker, I should like also to inquire if this makes any provision for any member outside of the committee to be heard?

The SPEAKER. The Chair is unable to answer the question, but the custom of the House is that the members of the committee shall first be heard.

Mr. GROUT. That is precisely why I make the inquiry; because the gentlemen ought to be able to inform the House whether gentlemen from outside the committee who desire to be heard will have an opportunity. For one, I wish to be heard.

The SPEAKER. That is a question the Chair can not answer. In the absence of objection——

Mr. CRUMPACKER. Mr. Speaker, I would like to have the

amendment to be proposed by the gentleman from Iowa read for the information of the House.

The SPEAKER. Without objection, that will be done.

Mr. TAYLER of Ohio. I understood the gentleman from Iowa was going to change the phraseology.

The SPEAKER. The amendment is as the gentleman proposes to offer it, and the Clerk will now report it.

The Clerk read as follows:

Amend the resolution by inserting, after the word "and" in the fourth line, the following words: "he is expelled;" so as to read:

"*Resolved*, That under the facts and circumstances of this case, Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and he is expelled, and that the seat to which he was elected is hereby declared vacant."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. CRUMPACKER. I object.

The SPEAKER. Objection is made, and the gentleman from Ohio is recognized.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that the member-elect from Utah be heard for an hour and a half.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the gentleman from Utah be heard for an hour and a half. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Utah. Mr. Speaker, the discussion I have listened to upon the question involved on the admission of the member from Utah discloses wide differences of opinion, at least as to matters of procedure with reference to this case. I presume that the House will appreciate the fact that in the presentation of this case I can not agree with either the minority or the majority reports. I find myself in the position where one could say, with some propriety, perhaps, "a plague on both your houses" [laughter], since the propositions of both minority and majority reports equally propose my undoing.

The situation, however, may not be altogether without its advantages; for if the minority can convince the House, as I confess it has me, that I ought not to be excluded, and, on the other hand, if the majority can convince the House, as it has me, that I can not be expelled [laughter], it seems to me that matters would fall out about as I would have them, and I think substantial justice would be done. [Laughter and applause.]

So that this side or corner of the House hereby appropriates the magnificent argument of the minority against exclusion and appropriates so much of the argument of the majority as relates to expulsion. I want it understood, too, that this applies not only to what has already been said, but to what shall hereafter be said on the same subject by each side, respectively, on the same question.

I call the attention of the House to the findings of this committee—at least to a part of the findings, and especially to the first paragraph:

We find that Brigham H. Roberts was elected as a Representative to the Fifty-sixth Congress from the State of Utah, and was at the date of his election above the age of 25 years; that he had been for more than seven years a naturalized citizen of the United States and was an inhabitant of the State of Utah.

I call attention to this enumeration of the qualifications of the member from Utah because they include all the prescribed qualifications in the Constitution of our country for a member in this House, and I further call attention to the declaration here made that the member for Utah was elected.

Now, putting behind that finding the logic, the forceful argument, of the gentleman from Maine [Mr. LITTLEFIELD]—and, mark you, I have already served notice upon you that I would appropriate it—I ask you if, without a violation of the Constitution of your country, you can deny the member from Utah the right to be called back to the bar of this House, from which he was improperly turned away, and permit him to be sworn?

A breach in the Constitution of our country is a very important matter—much more important than anything personal can be to this member from Utah. To drive him forth from this assembly without recognizing his right to take the seat may be in and of itself an insignificant thing; but if by doing it you make a breach in the fundamental law that was meant to prescribe a limit to your powers, then that is serious. It would be a breach of constitutional morality compared with which the crime of the member from Utah, even though that be as bad as it is described to be by the majority of this committee, would be pure innocence. It is by such actions—such breaches in the Constitution—insidiously introduced and repeated, that lead to the downfall of republics. Let us not be too confident in our ability to survive such violations of the Constitution.

We are standing in the midst of great temptations to indulge in actions of this description—that is to say, actions involving the disregard of constitutional limitations—and are invited to undertake enterprises in response to the popular clamor irrespective of what the limitations fixed by the Constitution may be.

A man would be open to the charge of disloyalty almost if he were to intimate that there was a possibility of this great Republic of the West crumbling to pieces, and yet we know from the graveyard of nations, which is described in history, that nations quite as proud and people equally as patriotic for their systems of government have fallen into decay, and naught remains but ruins to mark the place which they once occupied. "Nations melt from power's high pinnacle after they have felt the sunshine for a while, and downward go like avalanches loosened from the mountain's belt."

We may know from the history of the past that there is a power above that "rules the harmonious destiny of this world even better than prime ministers," and that if nations indulge in constitutional immorality the result must be just what the indulgence in immorality with the individual is. Its end is death. And so I call your attention to the seriousness of departing from the Constitution to respond to the clamor of misled people. What is it that is invoked as an excuse for this proposed action?

What mighty emergency has arisen that demands this disregard of constitutional limitations? What vital force or principle of our Government is threatened? Who is in arms against our institutions, that you should resort to methods that never were resorted to except in the midst of civil war and when the life of the nation was at stake? It is alleged that a man guilty of having married under the sanction of his church a plurality of wives has been elected to the House of Representatives, and hence that the American home is in danger and these extraordinary proceedings must be invoked against it. His crime and the circumstances under which it was committed is supposed to make his a more direful offense than murder or robbery, and hence you must be rid of him. The report says:

The case of a bribe taker or of a burglar or of a murderer is trivial, is a mere ripple on the surface of things, compared with this far-reaching, deep-rooted, audacious lawlessness.

It seems to me that that is rather strange language to be employed in a sober presentation of facts before the House of Representatives and breathes too much of rhetoric and passion. Just for a few moments I want to pay attention to the nature of this crime of polygamy, not with a view of showing that the American people have not the right to establish monogamy as a system of marriage that shall prevail, and not for the purpose of defending polygamy either. In the early debate that took place with reference to this case on the floor of the House I then said that I was not here to represent polygamy, that I was not here to defend it; that we had long ago passed that stage of the case; that the thing itself was taken out of the realm of discussion. So I do not wish my remarks to be construed as any defense of the doctrine of polygamy; but I do want to call attention to the nature of this crime, in order that we may ascertain whether it is as awful as the description of it in the committee's report and if it warrants a more lawless act than polygamy itself in order to rebuke a man supposed to be guilty of it who has been elected to the House of Representatives.

The Jewish people were made the depository of God's revelation to humanity. You will not find the crime of polygamy referred to regarded among that people as of the character that it is described here in the report of the committee. Evidently it is not from its nature a sin or a crime. If it were, you would not find the Jewish law enforcing it under some circumstances, regulating it under other circumstances, and men after God's own heart sustaining those relations which are now supposed to justify you in closing the doors against the member from Utah. If you go to the teachings of the great Master, whom, I take it, we all revere, although He denounced every crime, every sin that man can commit, you shall find no word of His in condemnation of the conduct of the patriarchs or of the law relating to this matter as it was given by Moses to ancient Israel.

Last evening, while walking in the resident portion of this city, I passed a magnificent, heroic statue of stern old Martin Luther, than whom the nations of western Europe and America owe no man more than they do to him for the religious and civil liberty that they now possess, the founder of Protestant Christendom; and that man upon this subject that is here so much denounced declared in the early days of Protestant Christendom, when he was informed that his disciple Carlstadt was teaching polygamy, said in his letter to Chancellor Bruecks:

I indeed must confess that I can not protest when one takes many wives, for it does not contradict the Scriptures.

And again, in his letter to Philip, the Landgraave of Hesse, remarking upon the fact that Philip had taken a second wife, his first wife being still living, he said:

In matters of matrimony the laws of Moses are not revoked or contradicted by the gospels.

Yet we build monuments to Luther, notwithstanding his toleration and defense of that form of marriage. Now, I say all these things not for the purpose of arguing here upon the rightfulness

of polygamy, but I do say what I have here remarked for the purpose of fixing it in the minds of members that it is merely a crime because prohibited by law, and not by its nature a crime.

In order that we may better judge of this case I desire to call attention to the origin of this institution of plurality of wives in the Mormon Church. It began under sanction of a revelation purporting to have been received by Joseph Smith at Nauvoo in 1840. Subsequently the church was expatriated, not, however, on account of polygamy, but for other reasons, because of the religious intolerance of the people in the northwestern part of the State of Illinois. They went a thousand miles from the frontiers of the United States and established themselves upon Mexican soil.

In 1852 they publicly announced to the world their belief in this form of marriage and openly and boldly defended it from the platform and from the pulpit and through the public press of the country. There was nothing secret in their conduct. It was a part of their religion, and they considered themselves protected alike in their belief and in the practice thereof under the provisions of the Constitution—that provision which said:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

In 1862, however, the Congress of the United States, in the exercise of its powers over the Territories, enacted a law against this system of marriage; but the people did not surrender this practice, for the reason that they believed they were protected by the clause in the Constitution I have just quoted.

In 1876, desiring to put the matter to a test and not to be under the odium of violating the laws of the country, and being confident that the courts would sustain the views that they had held, the Mormon Church themselves furnished a case, supplied the evidence and the witnesses, and brought that case before the courts, carrying it from one court to another, until in 1878, as already related here on the floor of the House, the law against this form of marriage was sustained by the Supreme Court of the United States.

It has been recited as the chief offense both of the Mormon people and of the member from Utah that notwithstanding this decision they still continued to maintain the rightfulness of that institution. The argument seems to be that as soon as the decision of the Supreme Court was rendered those people should have dropped their hands and instantly conformed to the law of the land. Limited, indeed, must have been the experience and reading of that man who would suppose that controversies of this character would be so easily disposed of and who would think that a great religious conviction of a people would be immediately given up on the decision of a court.

Worthy of all respect as the Supreme Court of the United States unquestionably is, and held in high esteem, amounting almost to veneration, by my people, still we could not forget the fact that the court was still human and liable to error. The people call to mind that judicial tribunals in other lands and in other ages had rendered decisions that were not altogether in keeping with righteousness. Going back no further in history than the commencement of the Christian era, we in Utah could not forget that the great Peasant of Judea was condemned under all the forms of law by a judicial tribunal—the Sanhedrim of the Jews. We could not forget that the Inquisition of Spain was a judicial tribunal, the supreme court of the land, though it sent men to the rack and filled the land with the groans of suffering martyrs. We could not forget the fact that the Star Chamber in England, that filled the prisons of that country with patriots, was a judicial tribunal. We could not forget the fact that thousands and tens of thousands of patriots in France were sent to the guillotine by the decisions of judicial tribunals. We could not forget the fact that this Supreme Court of ours, high and exalted as it is, had frequently reversed itself. We remembered that it had sustained the constitutionality of the fugitive-slave law and that its decisions had been overturned by the people, by revolutions in sentiment as well as by revolution through arms. I see upon the floor of this House a man who, because of his race, if absolute submission to the decisions of the Supreme Court had been allowed to be the last of any controversy, would now be but a piece of goods or chattels in this country instead of being a member of the House of Representatives.

So, believing in the righteousness of our doctrine, knowing that it came from a divine source to us, we hoped that there would be such a revolution in public sentiment as would result in the reversal of this decision. The hoped-for revolution did not come; the sentiment grew harder and stronger the other way. But such violations of the law after the decision of the Supreme Court in 1878—such violations of the law as took place, did not take place in wantonness against constituted authority and for the purpose of "spitting upon the law," to use the eloquent language of the majority of the committee. Those violations did not occur because we supposed that we could elevate ourselves above the law or that governments could subsist where that proposition obtained among the people. We were not so ill instructed in civil government as that. But such violations of the law as took place were in pursuance of a deep conviction of duty and to maintain what we believed to be a divine institution. So I say that such violations of the enactments of Congress as occurred must not be interpreted too hard against the people of Utah or the man that they sent here to represent them.

But let us proceed to the history of this matter. In 1882 additional legislation was passed. Special funds were granted to the courts in Utah and a judicial crusade started. Extrajudicial powers were invoked against this particular crime until a perfect reign of terror existed throughout the Territory. Women and children were driven into exile. Thirteen hundred men passed through prison out of a small community of less than 200,000, not more than 2 per cent of whom were at any time involved in the violation of this law; and out of that small number 1,300 passed through the prisons of the Territory, the member from Utah among the number. And these men, let me say, both for the mercy of the courts and also for the justification of the right intentions in the hearts of the condemned—these men could have escaped this indignity by speaking a word, and that was "to agree to give up this institution." I remember that the day I myself stood before the court a gentleman, now a district judge of Salt Lake City, a personal friend now, said to the court, "This man need not go to prison if he will speak the word and say that he will obey the law and give up this institution." I refused to say the word, because I felt at that time that it would have been like deserting the cause of God to do it. [Applause in the galleries.]

Hence, I stood true to the convictions that had been instilled into my heart from boyhood, and so far as I was personally concerned in the matter, I felt as if I could have stood to have the flesh hewed piece by piece from my body rather than to have been untrue to that religious conviction. It was this conviction which led to such lawlessness as I may have been guilty of, and only that.

But the time came when there must be a submission to the people of the United States, for we were under their jurisdiction; and, consequently, after grave consideration, the president of the Mormon Church at last issued what is known as the "Woodruff manifesto," in the month of September, 1890. I shall ask that the manifesto be printed in full in my remarks, though I read now only just the most important paragraph, which covers all the matter that needs to be considered here:

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

The full text of the manifesto is as follows:

To whom it may concern:

Press dispatches having been sent out for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah commission, in their recent report to the Secretary of the Interior, alleges that plural marriages are still being solemnized, and that 40 or more of such marriages have been contracted in Utah since last June, or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy, I therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy or plural marriage, nor permitting any person to enter into its practice, and I deny that either 40 or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage took place in the Endowment House in Salt Lake City in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the Endowment House was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which has appeared to convey any such teaching he has been promptly reproved. And now I publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

SEPTEMBER, 1890.

That manifesto was supported by the authoritative action of the church, and polygamous marriages from that day have been discontinued. Notwithstanding all the misrepresentations that have been made with reference to that subject, this committee has not been able to find, and so far as I know no effort has been made to prove before them, that there has been a single polygamous marriage in Utah from that date until now. The people of Utah have been true to that manifesto. But what happened? In what condition were the men who had been involved in this system of marriage? They had a proposition on their hands which could not be "whistled down the wind." The proposition was this, how to conform their lives with the requirements of the law and at the same time discharge what was clearly their moral obligations

to the families they had formed under this Mormon system of plural marriage. Well, death kindly solved it for some, and many have felt that it was a pity that the same solution did not come to all. I feel so. Others abandoned the women whom they had married as wives under this institution. You need not doubt it; I am not proud of it. I am merely informing you of the fact in the case, and that shall be my part of this discussion, for I feel that I can leave the legal questions to the respective sides to this controversy as represented by the majority and minority reports. But some abandonments took place. The Salt Lake Tribune, an anti-Mormon sheet, the chief storm starter in this present crusade that has swept over the land, on the 3d of January, 1894, said this:

DO THE RIGHT THING.

Regarding a little matter of which we spoke yesterday—that is, the abandonment of their plural wives and families by some former polygamists of this Territory—we have to say that if the names of any such people can be sent to the Tribune office, and the sender will give proper proof that there is no mistake about his statement, we will publish the name of any man who thus has abandoned the women and children to whom he owes the duty of supporting them. We think our friends of the Mormon press ought to join us in this. We think the Mormon Church ought to assist us, because it is a mighty reproach upon the feelings of Utah. It is, further, a mighty reproach against the church itself. Utah is in the transition state, but that transition state furnishes no justification for men to go back on obligations of humanity, which they have incurred in all apparent seriousness in the past. There is no justification for a man to refuse to do his duty under any circumstances. Under the laws of the United States it is a crime for a man to live with more than one woman at the same time as his wife. Under the laws of the Mormon Church that practice has been abandoned, and the heads of the Mormon Church have pledged their honor as to the good faith of their people in making a change. But there is nothing, either in the laws or rules of this church, which absolves a man from either assisting to care for a woman whom he has once held to be his plural wife or from seeing, as a manifest duty, that his children by said wife are fed, clothed, and educated and counseled in the right, and a man who is base enough to shirk that duty deserves, first, advertising as the renegade he is, and next, if there is any hold which the law has upon such a man, it should be enforced to make him perform his duty.

And on the following, this:

DO THE RIGHT THING.

It has come to us that certain former polygamists in this Territory, either through a mistaken idea of duty or who have taken the new order as an excuse, are utterly neglecting their former plural wives and the children of those wives, and that this, in many cases, is working extreme hardships and causing infinite sorrow.

To such men we beg to say that there has never been a time, even in the extreme bitter days of the past, when both the Tribune and the Gentiles of this region would not have cried out against injustice of that kind, and now we beg to say that we do not believe there is a man, woman, or child in Utah, of any race, color, or condition, that would not condemn such work; that would not insist that every obligation of manhood requires men so involved to do their utmost within the law to secure the comfort, happiness, and peace of mind of those involved with them; to support their former wives and to watch over, provide, and educate to their best ability their children by such wives.

It is a situation where there are bound to be some heartaches at best; the men involved should forget their own to make as light as possible the aches of those whose lives are a part of their own.

And yet for performing these very acts of humanity a man could be haled before the courts, and men in the Territorial days have been haled before the court, and condemned for just such conduct. Such are the terms of the law that men had to take other means of meeting their obligations than those described. Those other means were these: This law enacted for the Territories by the Congress of the United States did not operate in surrounding States, and consequently plural wives were located beyond the boundary where the law did operate, and there, to the best of their ability, men sustained the sacred obligations they had incurred, and at the same time undertook to live within the provisions of the law applicable to the Territory of Utah.

By these three causes—death, abandonment, and by removing such families from the Territory of Utah—plural marriages, polygamy, did cease practically in the State of Utah; and when Delegate RAWLINS, now Senator RAWLINS, upon the floor of this House declared that polygamy had practically ceased in Utah he stated that which was the truth. When he said that the Mormon Church had given up that institution and given it up and in good faith he spoke the truth; and there was no design on the part of the people of Utah or the Mormon Church to deceive the people of the United States and get statehood under false pretenses.

I come now to the settlement of this question under the statehood, under the enabling act passed by the Congress of the United States, and by the adoption of the Constitution on the part of the people of Utah. Congress made this demand of the people of Utah in the enabling act:

Said convention shall provide by ordinance, irrevocable without consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and that the inhabitants of said State shall never molest any person or property on account of his or her religious worship, provided that polygamous or plural marriages are forever prohibited.

That was the demand on the part of the people of the United States through their representatives in the American Congress. When the representatives of the people of Utah met in convention, how did they meet the requirements of the country? They met those requirements by adopting the very language of the enabling act, and it stands in the constitution to-day as an argument irrevocable without the consent of the United States and the people of said State.

For a fuller discussion of that subject I refer members to the hearings before this committee, from page 219 to page 229, and also to the Utah State conventional debates, which were officially reported, on this question, to be found on page 1736 to page 1750, occupying some 14 pages of the public debates. Now, in the debates a resolution was brought in affecting this question; that is, in 1892 the Territory of Utah had enacted a law that practically paralleled the enactments of Congress on that subject, defining and punishing polygamy; also defining and punishing unlawful cohabitation, which is polygamous living. Mr. Varian, the last United States prosecuting attorney for the Territory, brought in a resolution which cut in two the old Territorial law of 1892, and the part of it that related to polygamy was made a part of the constitution. This not only forbade the practice of polygamy, but provided also for its punishment under this constitutional provision.

But the part of the law that related to unlawful cohabitation, which, if adopted, would have had the effect of disrupting such existing relations as were then extant in Utah, was purposely omitted from the constitution. Mr. Varian, upon the floor of the house, was asked if by omitting this part of the act of 1892 he did not thereby repeal it. He held that the law of 1892, since it paralleled the legislation of Congress and undertook to occupy a field already filled by Congressional enactments, was not valid. He said that if the law were valid, this action of the convention in effect and by implication would repeal it. But he clearly demonstrated that the only thing he desired to reach by his resolution was to prohibit plural marriages for the future, and with plural marriages prohibited by this constitution the result was that the institution of polygamy must cease to exist in the State of Utah.

That was the understanding we had of the requirements of the country. It was publicly discussed, and it filled fourteen pages of the reported debates. It was published in the papers at the time, and there never was, so far as I know, any objection made against the admission of Utah because we had not complied with the terms of the enabling act. The fact that Utah was admitted to statehood must be the proof that the terms of the contract required of us had been complied with.

Now, as to the conditions that followed statehood. This settlement of the question appeared everywhere to be satisfactory. No one complained of the conditions that existed. Men previously involved in this system of marriage were freely nominated for political offices. In 1895, when our first State election was to take place, I myself was nominated as a Democratic candidate for Congress. Another man involved in that system of marriage was nominated by the same Democratic convention to be the candidate with Senator RAWLINS for United States Senator from the State of Utah, and no objections were urged against these nominations at that time.

And so in relation to State offices, as well as to these Federal positions. Everywhere the matter was accepted as settled upon the terms fixed in the Constitution, and there was no dissenting voice from that. But in this campaign of 1898 we find ourselves confronted by another condition of things, and that is that when the Democratic State convention put in nomination the present member-elect from Utah, then suddenly, as from a cloudless sky they say a thunderbolt sometimes falls, charges were made against him which undertook to say that his nomination and election would be a violation of the understanding upon which Utah was admitted to statehood. Then, if that be true, you must find in the compact, you must find nominated in the bond itself, that Utah engaged never to send as her representative, either to the Senate or to the House of Representatives, any man who had been involved in that system of marriage; and you can not find that nominated in the bond. It does not exist.

It is part of the complaint, if not of the charge, against the member from Utah that to this attack made upon him, not by the opposing political party or any of its candidates, but by a Salt Lake newspaper, it is claimed, he made no answer, and that is true. I made no answer, except in so far as about twice or three times at most I said to the people whom I addressed during the campaign: "These charges are made against me, but you know me; you know the conditions that have prevailed here in Utah. You know all about the circumstances. I have been in public life before you for some twenty years. I am not driven to the necessity at this late day of undertaking to defend my moral character. I refer the question to you for an answer. You shall answer these charges." And they answered them by rolling up a plurality of 5,665 votes for the member from Utah out of a total vote of 67,805.

And here let me say that that plurality was not given by the Mormon people. You make a mistake if you suppose that I am here the representative of the Mormon Church and that it was the Mormon vote that sent me here as against the protesting gentile vote of the State. I call your attention to the figures and to

some local facts that are very interesting in regard to this question. I carried every gentile stronghold in the State of Utah. Take, for instance, Salt Lake City, Ogden, and the mining camps of Utah. They are all known to be non-Mormon strongholds. Roberts carried Salt Lake City by 6,195 votes as against 4,564 for the Republican candidate and 1,165 for the Populist, making a plurality in that city of 1,631. Ogden was carried by Roberts by 2,122 votes as against 1,592 for the Republican candidate and 409 for the Populist, a plurality of 533 in Ogden. Consideration of the votes in the mining-camp counties is also of interest. First, take Tooele County, in which Mercur, Utah's great gold-mining camp is located. In Tooele City, almost exclusively Mormon, the Republican candidate received 237 votes, while the Democratic candidate, the supposed Mormon candidate, received but 213.

At Grantsville, with an almost exclusively Mormon population, the Republican candidate received 171 votes, while the Democratic candidate received but 157. But in the two districts of Mercur, a mining camp, and almost exclusively non-Mormon, the Democratic candidate received 243 votes and the Republican candidate but 203.

So it goes through the State, losing almost every Mormon stronghold, but sweeping every non-Mormon stronghold. And I stand here to-day elected by the gentile votes of Utah, rather than by the Mormon votes, and that, too, as reported here by your committee, after they knew all about Roberts in Utah. Yes, and knowing him, and knowing the conditions that had prevailed in Utah, I take it that they were better judges of the man they would have represent them here upon the floor of this House than you gentlemen can be, who do not know Roberts and who do not know the conditions that have prevailed in Utah.

They knew Roberts. Yes; perhaps many of them knew of his struggles from boyhood; knew how he came of an obscure family, without prestige, without property, himself bareheaded and barefooted when he came into the State; of his boyhood home that never consisted of more than two small log rooms. They knew how, late in his boyhood, he made every effort at acquiring something of book knowledge. They knew of him in mining camps and by the flaming forge, where upon the anvil he earned by the sweat of his brow the bread that he ate, and all the while making efforts in the midst of untoward circumstances to acquire an education. They knew how he persisted in his efforts until his anvil was left behind and he found his way into the forum of the people, becoming the editor of newspapers and of magazines.

They knew him as an advocate of his religious faith and the defender of his political principles, until every platform in the State rang with his voice in the maintenance of what he believed to be the right. You knew him, also, as a member of the constitutional convention which helped settle this vexed question of polygamy upon the basis of its settlement under that constitution.

What do you propose in the rejection of the member from Utah? Why, you propose to teach the inhabitants of the State of Utah a lesson! You propose to discipline them. You propose to summon them before the bar of this House and administer a rebuke.

These people, however, to whom you have proposed to administer this reproof are worthy of better treatment. They are the pioneers preeminent of the western half of the United States; they have redeemed a desert and given a State to civilization. It is part of the misrepresentation concerning them that when they left the confines of the United States it was for the purpose of establishing an independent government. That accusation is proven to be false from the fact that they had scarcely settled in the Salt Lake Valley and provided for themselves temporary homes than they sent delegates here knocking for admission into the Union. They asked you for the bread of statehood; you gave them the stone of Territorial government, and kept them under it until the year 1896. But in the meantime they were loyal to this Government; and I ask your attention to a time when they were invited to be otherwise than loyal. When the great States of the South were seceding from the Union, the Delegate from Utah was approached here in Washington and invited to lead Utah into participation in that secession. About this time, the fall of 1861, the transcontinental telegraph line reached Salt Lake. The first message sent out from Salt Lake City was—

> Utah has not seceded, but is firm for the Constitution and laws of our once happy country, and is interested in such useful enterprises as the one so far completed.

That is signed by Brigham Young. Here, also, is the utterance of one of the grandest men our State has known, a man at whose feet I may almost say I learned something about the institutions of our country. I refer to Daniel H. Wells. On the occasion of a public gathering at Salt Lake, at which some of the wrongs endured by the Mormon people were referred to, he said:

> It has been thought by some that this people, abused, maltreated, insulted, robbed, plundered, murdered, and finally disfranchised and expatriated, would naturally feel reluctant to again unite their destiny with the American Republic. * * * No wonder that it was thought by some that we would not again submit ourselves (even while we were yet scorned and ridiculed) to return to our allegiance to our country. Remember that it was by the act of our native country, not ours, that we were expatriated, and then consider the opportunity we had of forming other ties.
>
> Let this pass while we lift the veil and show the policy that dictated us. That country, that Constitution, those institutions were all ours; they are still ours. Our fathers were heroes of the Revolution. Under the master spirit of an Adams, a Jefferson, and a Washington they declared and maintained their independence, and under the guidance of the spirit of truth they fulfilled their mission whereunto they were sent from the presence of the Father. Because demagogues have arisen and seized the reins of power, should we relinquish our interest in that country made dear to us by every tie of association and consanguinity? * * * Those who have indulged such sentiments concerning us have not read Mormonism aright, for never, no never, will we desert our country's cause; never will we be found arrayed by the side of her enemies, although she may cherish them in her own bosom. Although she may launch forth the thunderbolts of war, which may return and spend their fury upon her own head, never, no never, will we permit the weakness of human nature to triumph over the love of country, our devotions to her institutions, handed down to us by our honored sires, made dear to us by a thousand recollections.

I challenge you from the archives of the Republic to produce language that breathes a purer sentiment of patriotism than is to be found in this passage I have read from one of Utah's grand old men; and I can fill your RECORD with such utterances as this. The Mormon people are not disloyal, but they are true to their country, and history will yet vindicate them. They do not deserve the rebuke that is proposed here in the measure pending before this House.

At whose behest are you called upon to administer this rebuke? What is the source of it? Why, three sectarian preachers from the State of Utah made a formal protest before the last Congress, and, I understand, before this House, against the admission of the member from Utah, and then took it upon themselves to run throughout the land and stir up religious prejudice against the Mormons, until a wonderful petition is rolled in on the floor of this House that makes members quake and tremble with fear in its presence—a petition gathered from Sabbath schools, sectarian churches, and societies. Much has been said about interference between church and state.

Suppose that the Mormon Church undertook to defeat the will of the people of a sovereign State, or that the Catholic Church undertook to do the same thing? There would be such warnings uttered, there would be such protests pronounced, against such interference of the church with the state in a purely political matter that we would be made to believe that the very foundation of the Government was in danger. But here, without protest, you permit the church to interfere with the state when the case of a Mormon is involved. I do not, however, refer to the worthiness of my people and the unworthiness of the assault that is made upon them for the purpose of influencing your action in the matter now pending before you. As I said in the commencement of this discussion, when last speaking upon the floor of this House, I am not here begging the question; I am not here asking for favors; I am not here on my own behalf, but on behalf of my people, to demand for myself and for them our constitutional rights. Clear your vision; look to the charter that should guide your action; find warrant in it for your proposed action of exclusion or expulsion if you can; and if you find it, I will walk out without complaint. You can not find it without adding qualifications for membership in this House not enumerated in the Constitution, and that you have no right to do.

If you can not find warrant in the Constitution for either of the proposed methods of unseating the member from Utah, then it becomes your duty, under the oath that you have taken and in order to be law-abiding people yourselves, to show respect for the highest law of the land, to say that the protecting ægis of the Constitution overshadows this man, and you can neither exclude him nor expel him without doing such violence to the Constitution as would menace representative government.

Some of the papers in discussing the Roberts case have said, "Brand this man with shame and send him back to his people." Mr. Speaker, I thank God that the power to brand me with shame is something quite beyond the power of this House, great as that power is. The power to brand with shame rests with each man and nowhere else. The Almighty God has conferred it upon no one else. I have lived up to this day in all good conscience in harmony with the moral teachings of the community in which I was reared and am sensible of no act of shame in my life. Brand me with shame! Why, if you finally determine either to exclude or expel me, I shall leave this august Chamber with head erect and brow undaunted and walk God's earth as the angels walk the clouds, with no sense of shame upon me. [Applause on the floor and hisses from the gallery.] And, if in response to the sectarian clamor that has been invoked against the member from Utah, you violate the Constitution of your country, either in excluding or expelling me, all the shame that there is in this case will be left behind me and rest with this House.

Mr. Speaker, I see my time has expired, and I thank the House for its attention. [Applause.]

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

S. 1484. An act to authorize the Secretary of the Navy to change

the material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone;

S. 2284. An act extending the time for the completion of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896; and

S. R. 52. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

MESSAGE FROM THE PRESIDENT.

The SPEAKER. The Chair desires to submit the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, with reference to the claim of the Cuba Submarine Telegraph Company, a British corporation, for compensation of the expenses incurred in repairing the damage done to its cables and property by the United States forces during the war with Spain. I recommend that as an act of equity and comity provision be made by the Congress for reimbursement to the company of the actual expenses incurred by it in the repair of its lines and property.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, January 25, 1900.

The SPEAKER. The message is ordered to be printed and referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPALDING, for one week, on account of important business.

To Mr. FOX, indefinitely, on account of sickness in his family.

LEAVE TO WITHDRAW PAPERS.

Leave was granted Mr. ESCH to withdraw from the files of the House, without leaving copies, the papers in the case of Hiram R. Tripp in the Fifty-fifth Congress, no adverse report having been made thereon.

CIRCUIT COURT, NORTHERN DISTRICT OF TEXAS.

Mr. LANHAM. Mr. Speaker, I present the following bill, H. R. 5076, and I ask unanimous consent for its present consideration.

The Clerk read as follows:

Be it enacted, etc., That the first section of an act to change the time and places for the district and circuit courts of the northern district of Texas, approved June 11, 1896, be, and the same is, so amended as to read as follows:

"That the United States district and circuit courts for the northern district of Texas shall be composed of the counties hereinafter named, and the terms of the said courts shall be held in each year at the time and places as follows: At Dallas, in the county of Dallas, on the third Monday in January and the fourth Monday in May; at Fort Worth, in the county of Tarrant, on the first Monday in March and the third Monday in November; at Abilene, in the county of Taylor, on the first Monday in April and the fourth Monday in October; at San Angelo, in the county of Tom Green, on the third Monday in April and the second Monday in November; at Waco, in the county of McLennan, on the fourth Monday in April and the fourth Monday in September."

SEC. 2. That this act take effect and be in force from and after its passage.

With the following committee amendments:

In the second line strike out the word "third" and insert "fourth."
In the fourth line strike out the word "October" and insert "September."
In the fifth line strike out the word "second" and insert "third."
In the seventh line strike out the word "fourth" and insert "second," and strike out the word "September" and insert "October."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the last vote was laid on the table.

MEETING AT 11 O'CLOCK TO-MORROW.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that when the House adjourn it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Ohio asks unanimous consent that when the House adjourn it adjourn to meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLER of Ohio. I now move, Mr. Speaker, that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes) the House adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for indemnity for clothing destroyed for sanitary reasons—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting the claim of J. N. Bingham, collector of internal revenue for the district of Alabama—to the Committee on Claims, and order to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for rebuilding officers' quarters at Fort Leavenworth—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a memorial from the Kiowa, Comanche, and Apache Indians, entering a protest against the ratification of an agreement for the cession of their lands—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5076) to amend the first section of "An act to change the time and places for the district and circuit courts of the northern district of Texas," approved June 11, 1896, reported the same with amendment, accompanied by a report (No. 101); which said bill and report were referred to the House Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6636) to extend the time for presenting claims for additional bounties, reported the same without amendment, accompanied by a report (No. 108); which said bill and report were referred to the House Calendar.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C., reported the same without amendment, accompanied by a report (No. 109); which said bill and report were referred to the House Calendar.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 6060) to provide an American register for the steam whaler *Bowhead*, reported the same with amendment, accompanied by a report (No. 110); which said bill and report were referred to the House Calendar.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 947) to create a new division in the eastern judicial district of the State of Tennessee, reported the same with amendment, accompanied by a report (No. 111); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5440) granting a pension to Smith Jewell, reported the same with amendment, accompanied by a report (No. 92); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2666) for the relief of John M. Laughlin, reported the same with amendment, accompanied by a report (No. 93); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5509) to pension Malinda Jones, reported the same with amendment, accompanied by a report (No. 94); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5710) to increase the pension of Charles W. Jerome, reported the same with amendment, accompanied by a report (No. 95); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2169) granting a pension to Nelson B. Lutes, reported the same with amendment, accompanied by a report (No. 96); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which

was referred the bill of the House (H. R. 524) granting an increase of pension to Andrew J. Davis, reported the same with amendment, accompanied by a report (No. 97); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 2322) for the relief of Joshua Bishop, reported the same without amendment, accompanied by a report (No. 98); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 5969) for the relief of the devisees and legal representatives of D. L. Huskey, deceased, reported the same without amendment, accompanied by a report (No. 99); which said bill and report were referred to the Private Calendar.

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 1454) for the relief of William L. Orr, reported the same without amendment, accompanied by a report (No. 100); which said bill and report were referred to the Private Calendar.

Mr. COOPER of Texas, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company, reported the same without amendment, accompanied by a report (No. 102); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5874) to pay H. P. Dyer for carrying mail, reported the same without amendment, accompanied by a report (No. 103); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred House bill 6889, reported in lieu thereof a resolution (H. Res. 113) for the relief of R. H. Shropshire, accompanied by a report (No. 104); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2619) for the relief of Agnes and Maria De Leon, reported the same with amendment, accompanied by a report (No. 105); which said bill and report were referred to the Private Calendar.

Mr. WEAVER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4451) for the relief of Jeronemus S. Underhill, reported the same without amendment, accompanied by a report (No. 106); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6909) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain, reported the same without amendment, accompanied by a report (No. 107); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3594) for the relief of E. H. Murrell—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7026) for the relief of J. G. Odell—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4253) granting a pension to Mary F. Wollard—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6896) granting a pension to Rachel E. Edwards—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6897) granting a pension to Eliza Power—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3983) for the relief of the Merchants and Miners' Transportation Company of Baltimore, Md.—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6033) for the relief of James Bigler—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 681) authorizing and directing the repayment to Josiah B. Orbinson, of Donegal Township, Butler County, Pa., the sum of $300, with interest, that he paid to avoid the draft in 1863—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5157) for the relief of the Propeller Towboat Company of Savannah—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURLEIGH: A bill (H. R. 7073) to provide for purchase of a site and erection of a public building thereon at Bar Harbor, Me.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 7074) to amend an act of Congress dated June 28, 1898, so as to provide for an additional enrollment of the Choctaw, Chickasaw, and Creek Indians, now residing in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. PEARRE: A bill (H. R. 7075) to widen Fifteenth street, or Columbia avenue, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LIVINGSTON (by request): A bill (H. R. 7076) to change the boundaries between the southern and central judicial districts of the Indian Territory—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 7077) authorizing the construction of jails in the Indian Territory—to the Committee on Indian Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 7078) to provide for the purchase of a site and the erection of a public building thereon at Elizabethtown, in the State of Kentucky—to the Committee on Public Buildings and Grounds.

By Mr. POWERS: A bill (H. R. 7079) to provide for the distribution of certain official documents of the Union and Confederate armies to each Senator, Representative, and Delegate of the Fifty-sixth Congress—to the Committee on Printing.

By Mr. BROUSSARD: A bill (H. R. 7080) to provide for an additional survey of an inland water route surveyed under act of Congress of March 3, 1873, along the margin of the Gulf of Mexico, from Donaldsonville, in Louisiana, to the Rio Grande, in Texas, by cuts and canals, as a means of military and naval defense, and for commercial purposes—to the Committee on Rivers and Harbors.

By Mr. WACHTER: A bill (H. R. 7081) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence—to the Committee on the Library.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 7082) to provide for the purchase of certain buildings and grounds for the use of the United States Army Dispensary—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7083) for the purchase of a site for a hall of records—to the Committee on Public Buildings and Grounds.

By Mr. GRIGGS: A bill (H. R. 7084) to authorize the agricultural departments of the several States to use the frank of the experimental stations for official matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LYBRAND: A bill (H. R. 7085) to provide for the erection of a public building at Findlay, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. SAMUEL W. SMITH: A bill (H. R. 7086) reducing the price of electricity in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLYNN: A bill (H. R. 7087) granting post of Fort Supply (now abandoned) and certain lands to the Territory of Oklahoma—to the Committee on the Public Lands.

By Mr. CUMMINGS: A bill (H. R. 7088) to amend section 3878 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. DRIGGS: A bill (H. R. 7089) to provide for the purchase of a site and the erection of a building thereon at Brooklyn, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 7090) making an appropriation for completing the improvement of the road to the national cemetery near Pensacola, Fla.—to the Committee on Military Affairs.

By Mr. KNOX: A bill (H. R. 7091) relating to Hawaiian silver coinage and silver certificates—to the Committee on the Territories.

By Mr. FLYNN: A bill (H. R. 7092) to provide for the punishment of the crime of larceny within the Territory of Oklahoma—to the Committee on the Judiciary.

By Mr. BOUTELL of Illinois (by request): A bill (H. R. 7093) to remove the tax on proprietary medicines, and so forth—to the Committee on Ways and Means.

By Mr. BROWNLOW: A bill (H. R. 7094) to establish a soldiers' home at or near Johnson City, Washington County, Tenn.—to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 7095) to establish a Branch Home of the National Home for Disabled Volunteer Soldiers at Castle Pickney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of disabled officers

and enlisted men of the Volunteer Army and Navy of the United States—to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 7096) entitling militiamen to pensions under certain circumstances—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 7097) to remodel the consular service of the United States—to the Committee on Foreign Affairs.

By Mr. BABCOCK: A bill (H. R. 7098) for the extension of Columbia road east of Thirteenth street, and for other purposes—to the Committee on the District of Columbia.

By Mr. McCALL: A bill (H. R. 7174) to authorize the purchase of the statue "America," by Cyrus Cobb—to the Committee on the Library.

By Mr. BROMWELL: A bill (H. R. 7210) to amend an act entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," approved August 13, 1894—to the Committee on the Judiciary.

By Mr. McCALL: A bill (H. R. 7211) to place officers of the Army upon the same footing as regards retirement with officers of the Navy, and for other purposes—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 7212) providing for the appointment of an assistant treasurer at Kansas City—to the Committee on Ways and Means.

By Mr. FLYNN: A bill (H. R. 7213) authorizing the construction of waterworks and other public utilities by cities and towns in the Indian Territory, and so forth—to the Committee on Indian Affairs.

By Mr. MUDD (by request): A bill (H. R. 7214) to provide protection for public-school buildings of the District of Columbia against dangers of conflagration, and for other purposes—to the Committee on the District of Columbia.

By Mr. GAMBLE: A bill (H. R. 7215) authorizing and directing the payment of certain moneys in the Treasury to the credit of the Sioux Indians of the Crow Creek Reservation, in South Dakota, under the act of March 2, 1895, and for other purposes—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas (by request): A joint resolution (H. J. Res. 131) suspending proceedings in the courts of the Indian Territory and before the Indian agent, pending the enactment of legislation now before Congress, wherein the possessory rights of said Indians are involved—to the Committee on Indian Affairs.

By Mr. CLAYTON of New York: A joint resolution (H. J. Res. 132) to provide for the presentation of medals of honor to certain troops who volunteered their services in 1863, before the battle of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. KITCHIN: A joint resolution (H. J. Res. 133) to authorize the President to appoint, as an additional cadet to the Naval Academy, David Bagley—to the Committee on Naval Affairs.

By Mr. COCHRAN of Missouri: A joint resolution (H. J. Res. 134) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. LEVY: A resolution (H. Res. 111) calling for an itemized statement of receipts and expenditures of the island of Cuba under the direction of the War Department—to the Committee on Insular Affairs.

By Mr. JOY: A resolution (H. Res. 112) providing for an assistant bookkeeper in the office of the Sergeant-at-Arms—to the Committee on Accounts.

By Mr. BULL: A resolution (H. Res. 114) authorizing the appointment of an additional official stenographer to committees—to the Committee on Accounts.

By Mr. WACHTER: A resolution adopted by the Club Borinquin, Puerto Rican Society of Maryland, favoring the abolition of customs duties in the island of Puerto Rico—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 7099) to pay Samuel Lee for services in Forty-seventh Congress—to the Committee on Claims.

By Mr. BURKETT: A bill (H. R. 7100) granting a pension to Daniel A. Stoke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7101) granting a pension to Aaron B. Mitchell—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 7102) for the relief of William H. H. Simpkins—to the Committee on Military Affairs.

Also, a bill (H. R. 7103) for the relief of John Conrad—to the Committee on Military Affairs.

Also, a bill (H. R. 7104) for the relief of Henry J. Waidner—to the Committee on Military Affairs.

Also, a bill (H. R. 7105) granting a pension to George F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7106) to remove the charge of desertion standing against James Magee—to the Committee on Military Affairs.

Also, a bill (H. R. 7107) for the relief of Ellis Williams Joy—to the Committee on Claims.

Also, a bill (H. R. 7108) granting an increase of pension to Alexander H. Sockman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7109) granting a pension to Hiram Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7110) granting a pension to Peter Runyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7111) granting a pension to Horatio N. Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7112) granting a pension to Joseph Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7113) granting a pension to Rachel E. Ford—to the Committee on Invalid Pensions.

By Mr. COCHRANE of New York: A bill (H. R. 7114) granting an increase of pension to John S. Parker—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 7115) removing the charge of desertion from the military record of David Housel—to the Committee on Military Affairs.

Also, a bill (H. R. 7116) granting a pension to Mrs. Laura J. Scofield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7117) for the relief of Napoleon P. Giddings—to the Committee on Claims.

Also, a bill (H. R. 7118) granting a pension to C. H. John, Company C, Seventy-seventh Illinois Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7119) removing the charge of desertion from the military record of Edgar B. Willoughby, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7120) granting a pension to Emeline B. Kerns, widow of William Kerns, late captain and acting quartermaster United States Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7121) removing the charge of desertion from the military record of William I. McAtee—to the Committee on Military Affairs.

Also, a bill (H. R. 7122) granting an increase of pension to John W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7123) granting an honorable discharge to James Harrington—to the Committee on Military Affairs.

Also, a bill (H. R. 7124) granting an honorable discharge to William Miers—to the Committee on Military Affairs.

Also, a bill (H. R. 7125) removing the charge of desertion from the military record of Henry Schreijer—to the Committee on Military Affairs.

Also, a bill (H. R. 7126) for the relief of Fred E. Ernst, executor of the will of Charles F. Ernst, late postmaster, St. Joseph, Mo.—to the Committee on Claims.

Also, a bill (H. R. 7127) granting an increase of pension to James Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7128) for the relief of William Smith—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 7129) for the relief of Philip Brady—to the Committee on War Claims.

Also, a bill (H. R. 7130) granting a pension to Nancy J. Kimball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7131) granting a pension to Isaac C. Hogue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7132) granting a pension to Louisiana H. Delahay—to the Committee on Pensions.

Also, a bill (H. R. 7133) granting pension to James O. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7134) for the relief of John Armstrong—to the Committee on Military Affairs.

Also, a bill (H. R. 7135) for the relief of Franklin J. Robbins—to the Committee on Pensions.

Also, a bill (H. R. 7136) for the relief of Michael McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7137) granting a pension to James F. Shell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7138) for the relief of John Bost—to the Committee on Military Affairs.

Also, a bill (H. R. 7139) granting a pension to John A. Link—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7140) to authorize the proper accounting officers of the Treasury Department to examine and audit, according to equity, the claim of Grubb & Robinson, a firm consisting of Alfred B. Grubb and William H. Robinson, and of Alfred B. Grubb, for building material sold and delivered to members of the Prairie band of Pottawatomie Indians in Kansas—to the Committie on Indian Affairs.

By Mr. DRIGGS: A bill (H. R. 7141) to remove charge of desertion from record of Luke O'Brien—to the Committee on Military Affairs.

By Mr. DINSMORE: A bill (H. R. 7142) for the relief of Samuel Choate, of Washington County, Ark.—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 7143) to grant Mary S. Callan, of Washington, D. C., an increase of pension—to the Committee on Pensions.

By Mr. DE VRIES: A bill (H. R. 7144) granting an increase of pension to Agnes Capron—to the Committee on Invalid Pensions.

By Mr. GASTON: A bill (H. R. 7145) granting a pension to Mrs. Catharine Slayton—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 7146) granting a pension to Harriet E. Crozier, of Madison, Ind.—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 7147) for the relief of John Ward—to the Committee on Naval Affairs.

Also, a bill (H. R. 7148) for the relief of James Willett—to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 7149) granting a pension to Ellen W. Rice—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 7150) for the relief of Francesco Perna—to the Committee on the District of Columbia.

By Mr. KERR: A bill (H. R. 7151) granting a pension to Russell N. Reynolds—to the Committee on Invalid Pensions.

By Mr. LINNEY (by request): A bill (H. R. 7152) for the relief of Nancy L. Donaldson—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7153) granting an increase of pension to Harland H. Reagan—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 7154) for the relief of the city of Americus, Ga.—to the Committee on War Claims.

By Mr. MAY: A bill (H. R. 7155) to remove the charge of desertion from the military record of John J. Waterkeyn and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. METCALF: A bill (H. R. 7156) to increase the pension of Juliet C. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7157) to increase the pension of William H. Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7158) to increase the pension of Levi S. Parrott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7159) to increase the pension of Wesley C. Sawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7160) to increase the pension of Frederick M. Hahn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7161) granting a pension to Henry Eastham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7162) granting a pension to Catherine C. Lay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7163) granting a pension to Margaret C. Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7164) granting a pension to Emery Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7165) granting a pension to James G. Bowland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7166) granting a pension to John Rabe—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 7167) to pay Sarah A. Burton the purchase price of real estate reverted to the Government—to the Committee on Claims.

Also, a bill (H. R. 7168) to pay Allen C. Burton the purchase price of real estate reverted to the Government—to the Committee on Claims.

Also, a bill (H. R. 7169) granting a pension to Frederick L. Killion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7170) granting a pension to Samuel Letzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7171) granting a pension to Paris F. Skirvin—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 7172) granting a pension to Mrs. Candace M. Reed, of Quincy, Ill., for services as army nurse during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 7173) for the relief of J. Walter Smith, of Tracy City, Tenn.—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 7175) granting a pension to Adelaide M. McIntosh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7176) granting a pension to John D. Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7177) granting a pension to John N. Breed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7178) to remove the charge of desertion from the military record of Robert Downing—to the Committee on Military Affairs.

Also, a bill (H. R. 7179) granting a pension to Clarence S. Hall—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 7180) to increase the pension of Amelia A. Taylor—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 7181) for the relief of estate of John M. Malone, deceased, late of Sumner County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7182) for the relief of Richard P. Blackistone—to the Committee on War Claims.

Also, a bill (H. R. 7183) for the relief of John Leiper—to the Committee on War Claims.

Also, a bill (H. R. 7184) for the relief of the estate of Benjamin D. Carpenter, deceased, late of Brightwood, D. C.—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 7185) granting a pension to Maria Stephens—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 7186) for the relief of Sylvester Doss, alias Harry S. Doss, late pilot United States ram *Lancaster*—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 7187) granting a pension of Joseph McComb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7188) granting a pension to Chauncey Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7189) granting a pension to Warren Luce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7190) to increase the pension of George O. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7191) granting an increase of pension to Edwin A. Botsford—to the Committee on Invalid Pensions.

By Mr. TOMPKINS: A bill (H. R. 7192) to grant a pension to Patrick Doyle—to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 7193) granting a pension to David Carroll—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 7194) for the relief of Frederick B. Mallory, jr.—to the Committee on Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 7195) for the relief of Robert M. Lay, administrator of Nancy Lay, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7196) for the relief of R. R. McMullen, administratrix of Thomas J. McMullen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7197) for the relief of Smith Summers, administrator of John Waters, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7198) for the relief of L. B. Day, administrator of Carolinus Boyd, deceased—to the Committee on War Claims.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 7199) to remove the charge of desertion from the record of George W. Gower—to the Committee on Military Affairs.

Also, a bill (H. R. 7200) for the relief of Albert Griffeth—to the Committee on War Claims.

Also, a bill (H. R. 7201) to increase the pension of John M. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7202) granting a pension to Wiley Causey—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 7203) granting a pension to Thomas F. Walter—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 7204) for the relief of William Gregory—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 7205) to correct the military record of Daniel Graebes—to the Committee on Military Affairs.

Also, a bill (H. R. 7206) to correct the military record of Francis Remline—to the Committee on Military Affairs.

Also, a bill (H. R. 7207) to correct the record of James William Harvey, who was a seaman in the United States Navy—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 7208) for the relief of J. R. D. Morrison—to the Committee on War Claims.

By Mr. O'GRADY: A bill (H. R. 7209) to pension Daniel B. Hadley—to the Committee on Invalid Pensions.

By Mr. BARBER: A bill (H. R. 7216) for relief of James W. Allen—to the Committee on War Claims.

By Mr. CRUMP: A bill (H. R. 7217) to remove the charge of desertion from the military record of Arnold P. Lane—to the Committee on Military Affairs.

Also, a bill (H. R. 7218) to increase the pension of David Petu, Company A, One hundred and eighty-ninth Ohio Volunteer Infantry, now totally blind—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 7219) for the relief of Adelbert D. Lee—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of a convention of fruit growers of California, Edward Berwick, chairman, for the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS: Petition of F. S. McCartney and others, of Philadelphia, Pa., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. BAKER: Petition of clerks employed in the post-office at Baltimore, Md., for the classification of clerks in post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petition of the publisher of the Otero County (Colo.) Democrat, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. BOUTELL of Illinois: Petitions of John Blocki & Son and others, of Chicago, Ill., asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. BRENNER: Petition of the publisher of the Democrat, Hamilton, Ohio, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. BURKE of Texas: Petition of H. Galbraith, editor, of Terrell, Tex., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petitions of citizens of Bar Harbor, Me., for an appropriation for the erection of a post-office building at Bar Harbor—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: Petition of Owen Scott, publisher, Decatur, Ill., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. COCHRAN of Missouri: Petition of John R. Snyder and others, for amendment of pension laws giving a pensionable status to members of the Missouri Enrolled Militiamen who performed over ninety days of military service during the civil war—to the Committee on Invalid Pensions.

Also, petitions of numerous citizens of the Fourth Congressional district of Missouri, for the expulsion of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. COONEY: Petition of P. W. Van Dyhn, publisher, of Marshall, Mo., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. CRAWFORD: Petition of the Lanier Club, of Tryon, N. C., for the rejection or expulsion of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. CUMMINGS: Petition of 201 clerks in the New York post-office, favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of post-office clerks at Pittsburg, Pa., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of H. B. McKenzie, of the Times-Herald, Palatka, Fla., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. DOLLIVER: Petition of employees of the Fort Dodge (Iowa) post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of publishers of Boone County, Iowa, favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

By Mr. DRIGGS: Paper to accompany House bill for the relief of Luke O'Brien—to the Committee on Military Affairs.

By Mr. FLYNN: Petition of the publisher of the Leader, Guthrie, Okla., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. GAMBLE: Paper to accompany House bill No. 3074, for the relief of Michael Ackerman—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of the publisher of the Troy (Ohio) Democrat, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. GROUT: Papers to accompany House bill No. 5869, granting a pension to George S. Hubbard, of Montpelier, Vt.—to the Committee on Invalid Pensions.

Also, petition of Rev. George E. Cooley and 53 citizens of Rutland, Vt., favoring the passage of Senate bill No. 34, for the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of George W. Young, of St. Johnsbury, Vt., favoring the repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the Home Market Club of Boston, Mass., relative to the reciprocity interests of the country—to the Committee on Ways and Means.

By Mr. HARMER: Petition of Mahlon Kratz and others, of Philadelphia, Pa., asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. HAUGEN: Petitions of W. L. McEwen and others, B. C. Barnes and others, John Gammons and others, J. N. Gean and others, D. N. Howe and others, all in the State of Iowa, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. HITT: Letter of Miss Susan B. Anthony, together with a petition from citizens of Duquoin, Ill., asking that perfect equality of rights, civil and political, shall be secured to the women of Hawaii, Puerto Rico, Cuba, and the Philippines—to the Committee on Insular Affairs.

By Mr. JONES of Washington: Resolutions of the Real Estate Board of the city of Seattle, Wash., relating to beach or shore lands of Alaska, for the prohibition of mining claims by powers of attorney, and for the division of Alaska into judicial districts—to the Committee on the Territories.

By Mr. LENTZ: Petition of Frank Harper, editor, Mount Vernon, Ohio, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. McCALL: Papers in support of House bill for the relief of John N. Breed—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting Clarence S. Hall a pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of John D. Powell—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Adilcide M. McIntosh—to the Committee on Invalid Pensions.

Also, petition of post-office clerks of Medford, Mass., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of the bar of the Supreme Court of the United States, urging Congress to provide better quarters for law library of Congress—to the Committee on Public Buildings and Grounds.

Also, papers to accompany bill to place officers of the Army upon the same footing as regards the retirement with officers of the Navy, and for other purposes—to the Committee on Military Affairs.

By Mr. McDOWELL: Petition of the publisher of the Ohio Democrat, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. MEEKISON: Petition of N. R. Webster, publisher, of Defiance, Ohio, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. MERCER: Petition of the Haller Proprietary Company, of Blair, Nebr., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Paper of George D. Greene, register United States land office, Helena, Mont., relating to the claim of Sarah A. Burton—to the Committee on Claims.

Also, paper of George D. Greene, of Helena, Mont., relating to the claim of Allen C. Burton—to the Committee on Claims.

Also, paper to accompany House bill for the relief of Frederick L. Killion—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Samuel Setzer—to the Committee on Invalid Pensions.

Also, paper in support of House bill for the relief of Paris F. Skirvin—to the Committee on Invalid Pensions.

By Mr. MUDD: Petition of the patrons of the public schools of the District of Columbia for provision for protection against fire by the installation therein of an adequate system of manual and automatic fire-alarm devices—to the Committee on the District of Columbia.

By Mr. NEVILLE: Papers to accompany House bill No. 6914, granting a pension to Elliott Loomis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 6915, for the relief of William C. Wilson—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: Petition of clerks in the post-office at Sandusky, Ohio, in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the publishers of the Journal and Local, of Sandusky, Ohio, Spirit of Democracy, Woodsfield, Ohio, and the Ohio News, Bucyrus, Ohio, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. O'GRADY: Petition of E. M. Upton & Co., of Hilton, N. Y., relating to dairy and food products—to the Committee on Agriculture.

By Mr. POLK: Petition of P. Gray Meek, editor, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. RAY of New York: Petition of citizens of the town of Barton, N. Y., for legislation relating to dairy or food products—to the Committee on Agriculture.

Also, paper to accompany House bill for the relief of Maria Stephens—to the Committee on Invalid Pensions.

By Mr. ROBB: Petition of Smith & Purcell, publishers, of Fredericktown, Mo., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of H. C. Rockhill, of

the Journal-Gazette, Fort Wayne, Ind., urging the passage of House bill No. 5029, to put wood pulp and printing paper on the free list—to the Committee on Ways and Means.

By Mr. RUCKER: Petition of J. G. Gallemore, editor, Salisbury, Mo., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: Petitions of W. E. Ginnes, of Kenton, Ky., and J. Q. Thompson & Co., publishers, Washington, D. C., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. WHITE: Paper to accompany House bill for the relief of David Carroll—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill for the relief of Wiley Causey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to correct the military record of George W. Gower—to the Committee on Military Affairs.

Also, petition of L. A. Roberts, of Fairfield, Ill., for relief from the paper trust—to the Committee on Ways and Means.

By Mr. WILLIAMS of Mississippi: Petition of L. B. Day, administrator of Caroline Boyd, deceased, to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of R. R. McMullen, administrator of the estate of Thomas J. McMullen, deceased, late of Mississippi, to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Smith Summers, administrator of John Waters, deceased, late of the State of Mississippi, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Robert M. Lay, administrator of Nancy Lay, deceased, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ZIEGLER: Petition of the publisher of the Gazette, York, Pa., for relief from the paper trust—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *January 24, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

REPORT ON COPPER RIVER EXPLORING EXPEDITION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d instant, the report of Capt. W. R. Abercrombie, on the Copper River exploring expedition to Alaska. As it is quite voluminous and there are charts to be printed, the Chair thinks it should go to the Committee on Printing. It will be so referred.

AGREEMENT WITH CROW INDIANS OF MONTANA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs and one from the Commissioner of the General Land Office relative to the agreement entered into with the Crow Indians of Montana by the commissioners appointed under the act of June 10, 1896, etc.; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1933) to provide an American register for the steam whaler *Bowhead*.

The message also announced that the House had passed a bill (H. R. 1806) for the relief of W. W. Riley; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 1484) to authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone;

A bill (S. 2284) extending the time for the completion of a wagon road and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896; and

A joint resolution (S. R. 52) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

Mr. ALLEN presented a petition of the Live Stock Exchange of South Omaha, Nebr., praying that the tax on notes and mortgages given to secure loans on live stock be the first to be removed in the readjustment of the revenue law; which was referred to the Committee on Finance.

He also presented sundry papers in support of the bill (S. 2351) granting a pension to Joseph W. Skelton; which were referred to the Committee on Pensions.

Mr. WELLINGTON. I present a petition of the mayor, the aldermen, and sundry citizens of Frederick, Md., praying that an appropriation of $200,000 be made to be paid to the mayor and aldermen of that city by way of indemnity for loss and injuries suffered by reason of ransom which that city was compelled to pay Gen. Jubal A. Early July 9, 1864. I ask that the petition be printed in the RECORD, omitting the names, and that it be referred to the Committee on Claims.

There being no objection, the petition was referred to the Committee on Claims, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the mayor and aldermen and the citizens of Frederick, in the State of Maryland, respectfully represents as follows:

During the late civil war the Confederate army of invasion under Gen. Jubal A. Early exacted from the municipality of Frederick, on July 9, 1864, the sum of $200,000 as a ransom of the town from pillage and burning by the invading forces. This was an extraordinary measure of reprisal and retaliation adopted in consequence of the destruction of property by the Union Army in the valley of Virginia, and it was inflicted upon Frederick as a border town of uncompromising loyalty. It constituted a grievous and excessive imposition which drained the resources of the municipality, and to which it submitted as the only means of saving the homes and property of its citizens.

At the time of the invasion the town was utterly destitute of defense. A large number of its able-bodied men were off at the front in the ranks of the Union armies. It had urgently sought, but failed to receive, Federal protection. The force specially organized by the State of Maryland for the purpose of home defense, and which would otherwise have been available in this emergency, had been appropriated by the National Government and sent beyond the borders of the State to engage in the general military operations then in progress. Having been left thus exposed and defenseless, Frederick was compelled to bear the brunt of the hostile incursion.

For more than a generation this municipality has borne the burden of the bonded debt resulting from the Confederate levy. The payments on account of interest alone have far exceeded the original exaction, while the debt itself remains as a subsisting obligation. The existence of this burden is an oppression to the citizens and an obstacle to municipal improvements. It involves a continuing sacrifice by the people of Frederick on account of their loyalty to the Union in the time of its greatest trial.

The citizens of Frederick faithfully performed their duty of defending the Union, but the Government failed to discharge its duty of protecting the town. Justice requires that reparation should be made by the Government to the municipality for the loss it has thus sustained.

Your memorialists therefore pray that a bill may be passed by your honorable bodies appropriating the sum of $200,000, to be paid to the mayor and aldermen of Frederick by way of indemnity for the loss and injury described in this memorial.

Mr. ALDRICH presented a memorial of the Jewelry Tariff Committee of Rhode Island and Massachusetts, remonstrating against the ratification of the French treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Young People's Christian Union of Chapel Corners, Cumberland, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes, immigrant stations, and all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented the petition of John W. Barrett and 20 other letter carriers of Springfield, Ill., praying for the enactment of legislation increasing the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of Connecticut presented a petition of the Mattatuck Drug Company and sundry other druggists of Waterbury, Conn., and a petition of the Vass Chemical Company and the Argol Company, of Danbury, Conn., praying for the repeal of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

Mr. CHILTON presented the petition of Jesse I. Carter and sundry other railway mail clerks, of Marshall, Tex., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAFFERY presented sundry papers to accompany the bill (S. 1668) for the relief of Mitchell F. Jamar; which were referred to the Committee on Military Affairs.

Mr. McCOMAS presented a petition of the mayor and city council of Annapolis, Md., praying that the United States Government acquire certain property in that city to be used as an annex to the Naval Academy; which was referred to the Committee on Naval Affairs.

Mr. WARREN presented the petition of Mrs. Jennie L. Allen and Miss Evelyn M. Chapman, secretary of Grange No. 1, Patrons of Husbandry, of Fredonia, N. Y., praying that political equality be granted to the women of Hawaii; which was referred to the Select Committee on Woman Suffrage.

WIND RIVER RESERVATION, WYO.

Mr. WARREN. I present a brief and argument in behalf of the claims of the settlers on the Wind River Reservation, Wyo., for improvements made before the creation of that reservation and

when the land was a part of the public domain. I move that the paper be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

IMPORTATION OF NURSERY STOCK.

Mr. PROCTOR. Yesterday the Senator from Idaho [Mr. HEITFELD] presented the petition of C. L. Watrous and other scientists, entomologists, nurserymen, and orchardists of the country, praying for the passage of Senate bill 2571, to provide rules and regulations governing the importation of trees, plants, shrubs, vines, cuttings, grafts, etc., which he intended to ask to have printed. It is very short, and I move that the petition be printed as a document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, to report it with amendments, and I submit a written report thereon. I shall ask the Senate to take up the bill to-morrow morning after the routine business.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 41) for the relief of August Bolten, of New York City, and Gustave Richelieu, of Boston, Mass., American seamen, to report it without amendment and to submit a report thereon.

Mr. MONEY. I desire to state that that is not a unanimous report.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar.

Mr. DAVIS, from the Committee on Foreign Relations, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2334) to authorize Hon. Arthur S. Hardy, at present envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia, to accept the decoration tendered to him by the Shah of Persia while he was minister of the United States to that country; and

A bill (S. 2022) to authorize Rear-Admiral William T. Sampson, United States Navy; Capt. Henry C. Taylor, United States Navy; Capt. Francis A. Cook, United States Navy; Capt. Charles D. Sigsbee, United States Navy; Capt. French E. Chadwick, United States Navy; Capt. Caspar F. Goodrich, United States Navy; Commander William W. Mead, United States Navy; Commander James H. Dayton, United States Navy; Commander Frederick M. Symonds, United States Navy, and Commander Chapman C. Todd, United States Navy, to accept orders and decorations tendered to them by the Government of Venezuela.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 630) for the relief of Mrs. Harriet D. Newson, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER (for Mr. DEBOE), from the Committee on Pensions, to whom was referred the bill (S. 2505) granting an increase of pension to James C. Carlton, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER (for Mr. MCCUMBER), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2158) granting a pension to Joseph B. Presdee; and

A bill (S. 1548) granting a pension to James Byrne.

Mr. MCENERY, from the Committee on Naval Affairs, to whom was referred the bill (S. 903) authorizing the President to place on the retired list of the Navy, as chief engineer, the name of P. J. McMahon, late chief engineer in the United States Navy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WETMORE, from the Committee on the Library, to whom were referred the following joint resolutions, reported them severally without amendment, and submitted reports thereon:

A joint resolution (S. R. 3) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann; and

A joint resolution (S. R. 60) granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States.

ALASKA SALMON FISHERIES.

Mr. PERKINS. Mr. President, on behalf of the Committee on Fisheries, I desire to present the report of Howard M. Kutchin, special agent of the Treasury Department, on the protection of the salmon fisheries in Alaska, with an accompanying resolution for printing the report. I ask that the resolution be referred to the Committee on Printing. I will state that the salmon fisheries of Alaska have increased very greatly; that it is a very important industry of the country, and the report is full of interest to those who desire the development of this great fishing interest in Alaska.

The resolution was read, and referred to the Committee on Printing, as follows:

Resolved, That the report of Howard M. Kutchin, special agent of the Treasury Department, for the season 1899, on the protection of the Alaska salmon fisheries, be printed and that 500 additional copies be printed and bound in paper covers for the use of the Treasury Department.

REPORT ON FORESTRY IN SWEDEN.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. NELSON December 11, 1899, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That 20,000 copies of the report on forestry in Sweden, made to the Department of State by Gen. C. C. Andrews, late minister at Stockholm, be printed for the use of the Senate; the said report to be revised by the author.

BILLS INTRODUCED.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2662) granting an increase of pension to Frederick Gigax (with an accompanying paper);

A bill (S. 2663) granting an increase of pension to Charles Gilman; and

A bill (S. 2664) granting an increase of pension to Sebald V. Schlessinger (with accompanying papers).

Mr. TELLER introduced a bill (S. 2665) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2666) for the relief of James Broiles; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 2667) to establish a library post; which was read twice by its title, and referred to the Committee on the Library.

Mr. WELLINGTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 2668) for the relief of Mary L. McCormick;

A bill (S. 2669) for the relief of Isaac W. Busey;

A bill (S. 2670) for the relief of Ann R. Widmayer; and

A bill (S. 2671) for the relief of Lloyd W. Emmart.

Mr. BAKER introduced a bill (S. 2672) to change the boundaries between the southern and central judicial districts of the Indian Territory; which was read twice by its title.

Mr. BAKER. I ask that the bill be referred to the Committee on Indian Affairs.

Mr. SPOONER. I suggest that as it relates to a change in the boundaries of two judicial districts in the Indian Territory, it should go to the Judiciary Committee instead of the Committee on Indian Affairs.

Mr. BAKER. Very well.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

Mr. PETTIGREW introduced a bill (S. 2673) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2674) for the relief of Edwin S. Metcalf; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 2675) granting an increase of pension to Peter H. Mosby; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2676) for the relief of the estate of Thomas Sherman, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2677) for the relief of William L. Orr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 2678) to incorporate the East Washington and Bennings Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a bill (S. 2679) declaring certain trestles of the Washington County Railroad Company to be lawful structures; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCCOMAS introduced a bill (S. 2680) for the relief of the widow and children of John Hamilton, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. TELLER submitted an amendment proposing to appropriate $71,225 for the support of the Indian Training School at Grand Junction, Colo., intended to be proposed by him to the

Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing an appropriation of $120,000 for the construction and equipment of suitable buildings in connection with the Indian school at Fort Lewis, Colo., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

GOVERNMENT OF HAWAII.

Mr. PLATT of Connecticut. I give notice of an amendment which I propose to offer to the bill (S. 222) to provide a government for the Territory of Hawaii. I ask that it may be read, printed, and, as the bill has been reported, lie on the table.

The amendment was read, and ordered to lie on the table, and to be printed, as follows:

Strike out section 95 and insert in lieu thereof as follows:

"That until further legislation by Congress the existing customs relations of the Hawaiian Islands with the United States shall remain unchanged."

Also strike out the following:

"SEC. 87. That a delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature. The times, places, and manner of holding elections shall be as fixed by law. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly."

GOVERNMENT OF PUERTO RICO.

Mr. PLATT of Connecticut. I also give notice of an amendment I intend to propose to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes. I ask that it may be read, printed, and referred to the Committee on Pacific Islands and Puerto Rico.

The amendment was read, referred to the Committee on Pacific Islands and Puerto Rico, and ordered to be printed, as follows:

Strike out section 8, and in lieu thereof insert as follows:

"That on and after the passage of this act, and until further legislation by Congress, there shall be levied, collected, and paid upon all articles of merchandise, being the product of the soil or industry of the island of Puerto Rico, shipped direct from said island to ports in the customs districts of the United States a sum equivalent to 80 per cent of the customs duties levied upon like articles imported into the United States from foreign countries; and on and after the passage of this act, and until further legislation by Congress, there shall be levied, collected, and paid upon all articles of merchandise, being the product of the soil or industry of the United States, shipped direct from said ports in the customs districts of the United States to the island of Puerto Rico a sum equivalent to 80 per cent of the customs duties levied upon like articles imported into the island of Puerto Rico from foreign countries: *Provided*, That duties collected on such articles of merchandise shipped from the island of Puerto Rico into the United States under the provisions of this section shall be held in the Treasury of the United States as a separate fund to be used under the direction of the President of the United States for the government and benefit of the island."

Also strike out the following:

"SEC. 36. That the qualified voters of the island shall, on the first Tuesday after the first Monday of November, A. D. 1900, and every two years thereafter, choose one Delegate to the House of Representatives of the United States, who shall be entitled to a seat, but not to vote, in that body, on the certificate of election of the governor of the island: *Provided*, That no person shall be eligible to such election who is not a bona fide inhabitant of the island, and who is not 30 years of age and possessed of property in his own right situated in the island of the value of at least $2,000."

ELECTION OF SENATORS OF THE UNITED STATES.

Mr. BERRY. Mr. President, soon after the beginning of the session I introduced a joint resolution (S. R. 27) proposing an amendment to the Constitution providing for the election of Senators of the United States by a vote of the people. I asked that it might lie on the table temporarily, intending at the time to have made some remarks upon it, but I have reason to believe that the committee will make a report on the joint resolution some time during the present session, and I wish to express the hope that the committee will make a report one way or the other, so as to give the Senate an opportunity to vote on it. Therefore I have determined not to make the remarks until the report is made, and I ask that the joint resolution be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The joint resolution, having been read twice, will be referred to the Committee on Privileges and Elections.

LIST OF SPECIAL ACTS GRANTING PENSIONS.

Mr. GALLINGER. Mr. President, some days ago I presented a statement from the Commissioner of Pensions showing the special acts of Congress passed since March 4, 1861, granting pensions to commissioned officers and widows of commissioned officers of the United States Army, Navy, and Marine Corps. At the suggestion of the Senator from Missouri [Mr. COCKRELL], the document was laid on the table for the purpose of having a further statement made by the Commissioner, showing the special acts granting pensions prior to the date of March 4, 1861.

I am in receipt of a communication from the Commissioner of Pensions stating that that is a work of importance, involving an examination of all the statutes from the Revolutionary period until 1861, and it will take a considerable length of time to complete it. He expressed the wish that the statement I then presented and which was laid on the table, should be printed as a document, there being a considerable call for it from different parts of the country.

I ask that that statement may be printed as a document, with the promise that when the added information is received I will likewise ask that it shall be printed as a document.

Mr. COCKRELL. I think that is exactly right, Mr. President. I think we ought to have the other statement, and then, having this one, the two will give us a complete history of the whole matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

STATEMENT OF PENSIONERS.

Mr. GALLINGER. Mr. President, I have likewise in my hand a communication, dated January 10, 1900, from the Commissioner of Pensions, which contains a great deal of valuable information. For instance, it shows the number of pensioners on the rolls for all of the wars, commencing with the Revolutionary war, and it gives an explanation of the laws relating to these different classes of pensioners, giving information that will be very valuable to Senators when they come to investigate the subject.

Mr. COCKRELL. I suggest that the Senator have it printed as a Senate document.

Mr. GALLINGER. I was about to ask not only that, but as the communication is comparatively brief, that it be printed in the RECORD, and that it likewise be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

The statement referred to is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, OFFICE OF THE COMMISSIONER.
Washington, January 10, 1900.

MY DEAR SENATOR: In reply to your inquiry relative to schedule of pensioning for the several wars, I have the honor to state that for and on account of the Revolutionary war on June 30, 1899, there were borne on the pension rolls 4 widows, 7 daughters.

Pensions of $8 per month for the surviving widows of soldiers who served for fourteen days or more during the war of the Revolution or who were in any engagement during said war are provided for by the act of March 9, 1878. Disloyalty is not a bar to pension under this law.

The pension of widows was increased to $12 per month by the act of March 19, 1886.

The daughters referred to as being borne on the pension rolls were pensioned by special acts of Congress.

WAR OF 1812.

There were borne on the pension rolls on June 30, 1899, 1 survivor, 1,998 widows.

The act of February 14, 1871, now sections 4736 and 4737 of the Revised Statutes of the United States, provided a pension of $8 per month for soldiers and sailors who served sixty days or more and were honorably discharged or who are personally named in any resolution of Congress for any specific service in that war and the surviving widows of such persons, but title would be barred in consequence of disloyalty during the civil war.

In order to secure title under this law a widow must have married soldier or sailor prior to the treaty of peace.

This law was amended by act of March 9, 1878, which removed disloyalty as a bar, as well as the time of marriage, and provided for fourteen days' service only, or engagement in any battle, and honorable discharge of soldier or sailor.

The rate of pension for widows was increased to $12 per month by the act of March 19, 1886.

For law relative to pension for disability see statement following Mexican war.

INDIAN WARS, 1832-1842.

There were borne on the rolls on June 30, 1899, 1,656 survivors, 3,889 widows.

The act of July 27, 1892, provided a pension of $8 per month for the surviving officers and enlisted men who served thirty days or more in certain designated Indian wars, and were honorably discharged, and such other officers, soldiers, and sailors as may have been personally named in any resolution of Congress for any specific service in such wars, and the surviving widows of such officers and enlisted men, provided such widows have not remarried.

Pensions under this act are for the natural lives of the grantees, subject, however, to dropping if obtained by fraud.

Disloyalty during civil war is not a bar to pension under this law.

For law as to pensions for disability see statement following Mexican war.

MEXICAN WAR.

On June 30, 1899, there were borne on the rolls 9,204 survivors, 8,175 widows.

The act of January 29, 1887, provides a pension of $8 per month for the surviving officers and enlisted men of the Army, Navy, or Marine Corps, who, being duly enlisted, actually served sixty days or more with the Army or Navy in Mexico or on the coasts or frontier thereof or en route thereto or were engaged in a battle and were honorably discharged, and to such other soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widows of such officers and enlisted men, provided that such widows have not remarried.

Under this act no title exists unless the officer, enlisted man, or widow is 62 years of age or upward, except in case of a survivor under the age of 62 years, who, at the date of filing claim, is disabled or dependent equivalent to some cause recognized by the pension laws.

In case of a widow under 62 years of age it must be shown that she is dependent in order to give her title.

Disloyalty is not a bar under this act, except in cases of officers and enlisted men, where the claim is made when under 62 years of age and on account of a disability contracted while in any manner voluntarily engaged in aiding or abetting the late rebellion against the authority of the United States.

The act of January 5, 1893, provided for increase of pension named in act of January 29, 1887, to $12 per month to officers and enlisted men when it is shown that they are wholly disabled for manual labor and in such destitute circumstances that $8 per month is insufficient to provide the necessaries of

life. This act provides only for those persons who were on the rolls at the time of its passage—i. e., January 5, 1900.

Pensions for disabilities incurred in service and line of duty prior to March 4, 1861.

INVALID.

Soldiers and sailors who incurred disabilities in service and line of duty prior to March 4, 1861, and subsequent to the war of the Revolution, are governed, so far as rates of pension allowed, by the provisions of the general laws, and a soldier or sailor who incurred a disability in the Mexican war in the line of duty, or in any other naval or military service in the line of duty prior to March 4, 1861, and subsequent to the war of the Revolution, is entitled to the same rate as if a like disability was incurred in service and line of duty subsequent to March 4, 1861.

If disability was incurred subsequent to the war of the Revolution and prior to March 4, 1861, the rates are equalized from and after July 25, 1866. (See section 4712, Revised Statutes of United States.)

The law further provides, in cases of this character, that the pension, if allowed, shall commence from the date of discharge, if the claim is filed within three years from the time the right accrued; otherwise the pension is made to commence from the date of filing the last paper necessary to establish the claim.

Where pensions were granted in consequence of disabilities incurred in service and line of duty prior to March 4, 1861, and the pensioners were residents of States then in arms against the Government of the United States, their names were stricken from the rolls, under the provisions of the acts of February 4, 1862, and March 2, 1867, subject to the right of restoration upon showing that they had not in any manner aided or abetted the late rebellion against the authority of the United States, and were in favor of its suppression. For example, a soldier who lost an arm in battle during the war with Mexico and was pensioned at the rate provided for under the then existing laws, and whose name was dropped from the rolls under the provisions of the acts above cited, upon application for restoration and upon furnishing proof of loyalty would be entitled to restoration from the date of last payment of that pension, and to an increase of the rates from and after July 25, 1866, as provided for soldiers and sailors who incurred disabilities of a like character subsequent to March 4, 1861.

At the present time, if the arm had been amputated at the shoulder joint or so near the shoulder joint as to prevent the use of an artificial arm, his rate would be $45 per month; if amputated at or above the elbow, $36 per month, and if below the elbow, $30 per month. In the case herein cited, if the soldier is unable to prove his loyalty, as required by the general law, he has title to pension under the act of January 29, 1887, at the rate of $8 per month from and after the passage of that act, and if his name was on the rolls on January 5, 1893, he may, under the conditions set forth in the act of January 5, 1893, be entitled to $12 per month.

Pensions on account of disabilities contracted in the military or naval service of the United States subsequent to March 4, 1861.

GENERAL LAW.

There were borne on the pension rolls on June 30, 1899, 321,555 invalids, 92,901 widows and other dependents.

These figures represent many pensions which were granted by special act. The rate allowed for widows under the general law ranges from $8 to $30 per month, dependent upon the date of marriage or the rank of the soldier or sailor, and $2 per month for each child of soldier under age of 16 years.

Under the terms of the general law, pensions granted to invalid pensioners range from $6 to $100 per month, according to the nature and extent of the disability. As a basis of rating under the general law for minor disabilities, the Bureau, with the sanction of the Department, has established a rating of $8 per month for an anchylosed wrist or ankle or a disability equivalent thereto. From this basis a comparative rating is given for disabilities of a less degree, to wit, $6, $4, $2, according to the lesser degree of disability, and for disabilities in excess of this basis a higher rating is given up to $17 per month, which is the highest rating allowed by law for one or more disabilities which combined (i. e., the rating) do not produce a disability equivalent to the loss of a hand or foot. For the latter disability the rate is fixed by law at $24 per month.

The rating for minor disabilities may be added together until they aggregate $17 per month, after which the combined disabilities must disable equivalent to the loss of a hand or foot, when the rate of $24 is given. A higher rate than $24 can not be allowed unless the combined disabilities produce incapacity for performing manual labor, when a rate of $30 is provided by law. The next rate is $50 per month, where pensioner requires periodical aid and attendance; then $72 when regular aid and attendance is required. There are also the specific ratings provided for total deafness, total disability of a hand or a foot, and the various amputations, at $30, $36, $45, and $100 per month.

Prior to March 2, 1895, pensions under the general law were granted at a less rate than $6 per month, but on that date Congress passed an act increasing all pensioners drawing less than $6 per month to $6 per month, and all pensioners who were then on the rolls at a less rate than $6 were increased to $6. Under the general law, since the passage of the act of March 2, 1895, where a pensioner had a disability of service origin which entitled him to a rating of less than $6 per month, he was granted the amount provided by the act of March 2, 1895, i. e., $6 per month.

ACT OF JUNE 27, 1890.

There were borne on the pension rolls on June 30, 1899, 420,912 invalids, 130,236 widows and other dependents.

The rate allowed widows under this act is $8 per month, with an increase of $2 for each minor child of the soldier under 16 years of age. The rate granted dependent parents is dependent upon the rank of the soldier in the service, but in no case is it less than $12 per month.

The basis of rating applicants for invalid pensions under this act is incapacity to labor, joined with incapacity to earn a support, and the grades of rating are dependent upon these two conditions. The act provides that the pension shall not exceed $12 per month, and shall not be less than $6, proportioned to the degree of inability to earn a support. Under this law the Bureau has fixed intermediate rates of $8 and $10 per month for intermediate degrees of inability to earn a support by manual labor.

In fixing the ratings under this act all disabilities of a permanent character not due to vicious habits are considered. The practice is to weigh each disability and determine the degree that each disability or the combined disabilities disable the claimant from earning a support by manual labor, and a rate corresponding to this degree is allowed.

A claimant who has attained the age of 65 years is deemed entitled to at least the minimum ($6) rate of pension, unless the evidence discloses an unusual vigor and ability for the performance of manual labor in one of that age. Where the claimant has reached the age of 75 years the maximum ($12) rate is granted for senility alone. Between the ages of 65 years and 75 years the age of claimant enters in as a factor in determining the rate.

To distinguish between the methods of rating under the general law and the act of June 27, 1890:

First, the general law. The ratings for each disability are added together in order to determine the rate that the claimant would be entitled to from $6 up to and including $17.

Second, under the act of June 27, 1890. All the disabilities of a permanent character, not due to vicious habits, from which the claimant is found to be suffering are taken into consideration as a whole in arriving at the degree of his inability to earn a support by manual labor. In one case, the general law, the rates are aggregated; in the other case, the act of June 27, 1890, the disabilities are aggregated and the effect of such aggregated disabilities upon his capacity to perform manual labor is the criterion.

To cite an example: A claimant who was suffering from rheumatism in a degree which under the general law would entitle him to a rate of $6 per month; diarrhea, which would entitle him to a rate of $4 per month, and the loss of a finger, entitling him to $2 per month, would be entitled, under the practice prevailing in general law claims, to have the rating for such disabilities combined, and would be granted a rate of $12 per month, while, in considering the same disabilities in a claim under the act of June 27, 1890, all of such disabilities would be considered together and their combined effect upon the claimant's ability to perform manual labor would govern this Bureau in fixing the rate to which he would be entitled.

It is deemed proper to invite attention to the fact that the rate of pension under the general law for those who are totally incapacitated for the performance of manual labor is $30 per month, while under the act of June 27, 1890, for a like condition the rate is fixed at $12 per month.

There were also borne on the pension rolls on June 30, 1899, 653 nurses, who have been placed there either by special act or under the provisions of the act of August 5, 1892.

Very respectfully,

H. CLAY EVANS,
Commissioner.

Hon. J. H. GALLINGER,
United States Senate.

COLLECTION OF REVENUE IN DEPENDENCIES.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate full and exact copies of all proclamations and orders that have been issued or made respecting the collection of customs, internal, and other revenues in the islands of Cuba, Puerto Rico, and the Philippine Archipelago since the seizure thereof by the Government of the United States, the rate of such customs, internal, and other revenues, the total amount thereof, a list of the person or persons engaged in such service, where stationed, respectively, and how such customs, internal, and other revenues have been and are being disbursed, and whether the same or any portion thereof have been covered into the Treasury of the United States.

And the Secretary of War is further hereby directed to transmit to the Senate copies of all correspondence relating to the collection of the customs, internal, and other revenues in said islands since the seizure thereof by the Government of the United States to this time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. PLATT of Connecticut. I did not fully catch the reading of the resolution, and I do not know that I should have understood it if I had. I ask that it may go over and be printed. I do not know that there will be any objection to it.

The PRESIDENT pro tempore. The resolution goes over under the rule.

SEIZURE OF FOOD PRODUCTS.

Mr. PETTIGREW. I offer a resolution and ask that it be read and go over until to-morrow, and then I should like to have it passed.

The resolution was read, as follows:

Whereas food products are not in their nature instruments of warfare; and

Whereas the United States is the greatest producer of such products in the world, and it is therefore essential to our prosperity that these products be freely sold and delivered wherever purchased; and

Whereas to permit such products to be declared contraband of war and subject to seizure by foreign nations at war among themselves would work irreparable injury to the great body of our agricultural population: Therefore,

Resolved, That the United States of America will not recognize the right of any nation to declare food products contraband of war or to seize such products belonging to citizens of the United States or being transported in vessels owned by citizens of the United States, and that any such seizure will be deemed by this Government an act unfriendly to the United States.

The PRESIDENT pro tempore. The resolution goes over under the rule.

HOUSE BILL REFERRED.

The bill (H. R. 1806) for the relief of W. W. Riley, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

GEORGE W. WESTON.

Mr. GALLINGER. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 32) for the relief of George W. Weston. It is a bill that will not provoke discussion, it having passed the Senate during the Fifty-fifth Congress. There can be no objection to it.

Mr. PETTIGREW. Is the morning business completed?

The PRESIDENT pro tempore. The morning business is completed, but there is a resolution offered by the Senator from South Dakota which comes over from a former day. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill indicated by him. The bill will be read for information, if there be no objection.

The bill was read, and by unanimous consent the Senate, as in

Committee of the Whole, proceeded to its consideration. It proposes to pay to George W. Weston, late postmaster of Exeter, N. H., $281.21, that amount being the balance due him for moneys deposited in the National Granite State Bank of Exeter, N. H., during the month of July, 1893, and immediately preceding the failure of that bank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREATY OR AGREEMENT WITH SULTAN OF SULU.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which the Secretary will read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to send to the Senate a copy of the report and all accompanying papers of Brig. Gen. John C. Bates in relation to the negotiation of a treaty or agreement made by him with the Sultan of Sulu on the 20th day of August, 1899. Said treaty provides that the United States Government will pay the following monthly salaries:

	Per month.
To the Sultan	$250
To Dato Rajah Muda	75
To Dato Attik	60
To Dato Calbe	75
To Dato Joakanain	75
To Dato Puyo	60
To Dato Amir Haissin	60
To Hadji Butu	50
To Habid Mura	40
To Serif Saguin	15

Out of what fund are these salaries paid? What services do these people perform for the United States that entitles them to be paid out of the Treasury of the United States? And are these officers, or any of them, under the civil service?

Mr. PETTIGREW. I wish to modify the resolution by striking out from the last paragraph the clause:

And are these officers, or any of them, under the civil service?

Then I wish to insert at the top of page 2 of the resolution the words:

And the President is further requested to inform the Senate.

The PRESIDENT pro tempore. The Senator has a right to modify his resolution. The question is on agreeing to the resolution as modified.

Mr. PETTIGREW. Mr. President, I wish to speak briefly to the resolution.

The PRESIDENT pro tempore. The Senator from South Dakota will proceed.

Mr. PETTIGREW. Mr. President, the Sulu group of islands are located between the island of Borneo and the island of Mindanao, of the Philippine group. They are 150 in number. These islands were conquered by the Mohammedans about eight centuries ago, and they have maintained, as long as we have any history of them, a government of their own, having an absolute monarch for a ruler. Spain claimed ownership over these islands, and has undertaken at various times to take possession of them. Her power and authority reached the distance only from the shores of the islands which could be traversed by projectiles from the cannon of her fleet. These people have been pirates and slaveholders and polygamists from the earliest record of their transactions.

In 1876 Spain undertook to conquer their islands and assert her authority over them, but the effort failed; and finally the aggressive powers entered into a treaty with the Sultan by which Spain was to keep an officer representing that Government and a small number of troops at the capital of the Sulu group. The Sultan agreed to recognize the suzerainty of the King of Spain and promised to suppress piracy. He received from Spain certain salaries as compensation for his recognition of the suzerainty of the King of Spain.

Whether or not the commissioners at Paris knew what they were buying I can not tell; but in some way we purchased the entire group, including all the Philippines; and we now find that the Sultan not only has the Sulu group under his jurisdiction and control, but also the large island of Mindanao, embracing an area as large as the State of Indiana, and also the island of Palawan. These two islands, or portions of them, nearly their whole area, are under the immediate control of a subsultan, who owes some sort of allegiance to the Sultan of the Sulu Islands.

The island of Mindanao has never been explored by the white people, and it was never under the jurisdiction of Spain, except that two or three of its coast ports were occupied by that power. In our treaty with Spain we take title to this entire group, as well as to the Philippines. Last summer we made a new agreement with these people, which I desire to read in order that it may go in the RECORD. I will read first this dispatch from Manila, dated July 12, 1899:

Manila special, July 12, 1899.

General Bates, in the capacity of agent of the United States Government, sailed for Jolo this morning to negotiate with the Sultan of Jolo regarding the future relations of the Jolo (or Sulu) Archipelago, including the Basilans, as a naval station. The Sultan assumes that the Jolos reverted to him, the evacuation of the Spaniards nullifying the treaty of 1878. General Bates will explain to the Sultan that the Americans succeeded the Spaniards in the treaty, assuming its obligations and continuing the annuities it provides for. He will also present to the Sultan $10,000 in Mexican money as an evidence of good will. The local administration of the Jolos will remain unchanged. The Sultan will enforce the law, and will also be expected to fly the American flag continuously and cooperate with America to maintain order and suppress piracy. The Sultan will retain possession of the pearl fishing and the island trade, which will be conducted in such a way as to forward the development of the resources of the islands for the mutual benefit of Americans and natives.

General Bates then entered into the following agreement:

Agreement between Brig. Gen. John C. Bates, representing the United States, of the one part, and His Highness the Sultan of Sulu, the Dato Rajah Muda, the Dato Attik, the Dato Kalki, and the Dato Joakanain, of the other part; it being understood that this agreement will be in full force only when approved by the Governor-General of the Philippine Islands and confirmed by the President of the United States and will be subjected to future modifications by the mutual consent of the parties in interest.

I deem it proper to state that this agreement has been confirmed by the President of the United States in a letter transmitting the treaty to the Senate. However, this is a treaty apparently with a quasi sovereign power, over which the Senate, according to our new doctrine of imperialism, has no other authority and no control, and it requires no ratification by the Senate and no consideration on our part.

ARTICLE 1. The sovereignty of the United States over the whole archipelago of Sulu and its dependencies is declared and acknowledged.

ART. 2. The United States flag will be used in the archipelago of Sulu and its dependencies on land and sea.

ART. 3. The rights and dignities of his highness the Sultan and his datos shall be fully respected; the Moros shall not be interfered with on account of their religion; all their religious customs shall be respected, and no one shall be persecuted on account of his religion.

ART. 4. While the United States may occupy and control such points in the archipelago of Sulu as public interests seem to demand, encroachment will not be made upon the lands immediately about the residence of his highness the Sultan unless military necessity require such occupation in case of war with a foreign power, and where the property of individuals is taken, due compensation will be made in each case.

Any person can purchase land in the archipelago of Sulu and hold the same by obtaining the consent of the Sultan and coming to a satisfactory agreement with the owner of the land, and such purchase shall immediately be registered in the proper office of the United States Government.

ART. 5. All trade in domestic products of the archipelago of Sulu, when carried on by the Sultan and his people with any part of the Philippine Islands and when conducted under the American flag, shall be free, unlimited, and undutiable.

ART. 6. The Sultan of Sulu shall be allowed to communicate direct with the Governor-General of the Philippine Islands in making complaint against the commanding officer of Sulu or against any naval commander.

ART. 7. The introduction of firearms and war material is forbidden, except under specific authority of the Governor-General of the Philippines.

ART. 8. Piracy must be suppressed, and the Sultan and his datos agree to heartily cooperate with the United States authorities to that end and to make every possible effort to arrest and bring to justice all persons engaged in piracy.

ART. 9. Where crimes and offenses are committed by Moros against Moros, the Government of the Sultan will bring to trial and punishment the criminals and offenders, who will be delivered to the Government of the Sultan by the United States authorities, if in their possession. In all other cases persons charged with crimes or offenses will be delivered to the United States authorities for trial and punishment.

ART. 10. Any slave in the archipelago of Sulu shall have the right to purchase freedom by paying to the master the usual market value.

And I will show later on that slavery exists in its worst form.

ART. 12. At present Americans or foreigners wishing to go into the country should state their wishes to the Moro authorities and ask for an escort, but it is hoped that this will become unnecessary as we know each other better.

ART. 13. The United States will give full protection to the Sultan and his subjects in case any foreign nation should attempt to impose upon them.

ART. 14. The United States will not sell the island of Sulu or any other island of the Sulu Archipelago to any foreign nation without the consent of the Sultan of Sulu.

ART. 15. The United States Government will pay the following monthly salaries:

To the Sultan	$250
To Dato Rajah Muda	75
To Dato Attik	60
To Dato Calbe	75
To Dato Joakanain	75
To Dato Puyo	60
To Dato Amir Haissin	60
To Habji Buter	50
To Habib Mura	40
To Serif Saguin	15

Signed in triplicate, in English and Sulu, at Jolo, this 20th day of August, A. D. 1899 (13th Arakuil Akil 1317).

The SULTAN SULU.
Dato RAJAH MUDA.
Dato ATTIK.
Dato CALBE.
Dato JOAKANAIN.

(Signed) J. C. BATES,
Brigadier-General, U. S. V.

The annual aggregate of these salaries is $9,120. The Spanish agreement was for $6,300 a year. This agreement was one we offered to the Sultan, not one that he insisted upon. It is our own proposition that we are to maintain slavery in the Sulu Islands.

Further than that, Mr. President, an investigation would show that, although this agreement was made on the 20th day of August, it was not possible to secure from the State Department a copy of the agreement until after the election in Ohio. More than that, the Associated Press endeavored to secure a copy of the agreement, and as a response to the application of that great news-promulgating organization, its representative was handed a copy of the

agreement in Arabic—Sulu Arabic at that; and they could not find anybody in the United States who was able to translate it. The State Department had a copy in English, for the last paragraph of the treaty says, "Signed in triplicate, in English and Sulu, at Jolo, this 20th day of August, 1899."

From this it would appear that the State Department does not hesitate to withhold information or mislead and deceive the public. I therefore expect but little in the way of the real facts in answer to our resolutions.

I wonder if our State Department has two branches, as the English state department has—one that is secret, where secret matter is concealed forever from the public and never published in the Blue Book, and one which is given to the people in order to justify English robbery, English plunder, and English annexation, in which is filed the information that goes in the Blue Book to silence the conscience of the English people. Have we adopted the same policy of concealment, the same policy of refusal to let the public know what exists?

I say this agreement, when the Associated Press tried to get a copy of it before the Senate convened, was furnished in Arabic, and an Arabic used in the Sulu Islands. Therefore it was not possible to have it translated in the United States, and we only got this copy which I have read after Congress convened and after the elections last fall were over. This is on a par and in line with the whole business of concealing from the American people the facts in regard to our maiden foreign venture. We are unable to procure the truth through General Otis. Mr. Collins, of the Associated Press, says the censor told him he was to send nothing and they were going to allow nothing to be sent that would injure the Administration or help Mr. Bryan.

Here is an agreement by which we are to maintain not only slavery, but polygamy in the Sulu Islands. Here is an agreement by which our flag is made to float over two crimes; and we further solemnly agree that no nation in the world shall be permitted to interfere. It is the chief part of the business of the Sultan of Sulu to get into quarrels with the natives of the interior in the island of Mindanao; then to declare that they are in revolt against his authority. Upon this pretext he takes prisoners and sells them into slavery, the planters of Borneo being the purchasers. That has been his business heretofore whenever he needed money. We now propose to maintain that sort of thing under the flag of the United States, and we stipulate, and the stipulation is approved by the President, that no foreign nation shall be permitted to interfere.

Mr. SPOONER. Does the Senator wish to be understood as asserting that the President approved article 10 of this agreement, which refers to slavery in the archipelago of Sulu?

Mr. PETTIGREW. I do.

Mr. SPOONER. Well, the President says in his message—and if the Senator will permit me I will read it—

> I have confirmed said agreement, subject to the action of the Congress, and with the reservation, which I have directed shall be communicated to the Sultan of Jolo, that this agreement is not to be deemed in any way to authorize or give the consent of the United States to the existence of slavery in the Sulu Archipelago. I communicate these facts to the Congress for its information and action.

Mr. PETTIGREW. The President approves of an agreement which provides that the slave may purchase his liberty at the usual market price, and according to the first paragraph of the agreement it goes in full force upon the approval of the President and can not after that be altered except by another agreement. This transaction is on a par with all the other inconsistencies attached to this miserable business. He then says that he wants the Sultan to understand that he does not authorize slavery; though he has approved the agreement which ratifies slavery. How could he transmit the agreement to us with his approval and then send word back to the Sultan that he did not wish to be understood as approving slavery? Who knows whether or not the word will ever get to the Sultan? It is merely an effort at double dealing and can not be otherwise construed, in my opinion.

The President sends a proclamation to Mr. Otis to be announced to the people of the Philippines, and Mr. Otis edits it, censors it, and then inserts other matter in the place of that taken out, so as to convey a wrong impression to the people of the Philippines. After it has been sufficiently doctored he publishes the revised proclamation. After this sort of deception he still continues to hold his office. He is still maintained there with the approval of the President, and now we are told that word has been sent to the Sultan of Sulu that the Administration does not mean that which it has approved. I say it is in line with the whole policy from the beginning to the end. Almost everything we receive here in regard to this matter is on a par with the transmittal to the Associated Press of a copy of the Sulu agreement in Sulu Arabic to conceal the infamy until after the elections were over last fall. It is on a par with the statement of the commissioners who made this agreement, which I shall proceed to read. Mr. Schurman in an interview says:

> It seems to me that were it not for the ignorance displayed the present hue and cry about polygamy and slavery in these islands would be absolutely criminal.

If it were not for the ignorance displayed, the present hue and cry about polygamy and slavery would be absolutely criminal! I suppose the hue and cry about slavery before our civil war was criminal. Many people so asserted, many people honestly so believed, and I presume that Mr. Schurman honestly believes that the hue and cry about polygamy and slavery again existing under the flag of the United States would be criminal but for the ignorance of the people who cause it.

> In taking over the Sulu group we have acquired no rights of any sort there except those bequeathed us by Spain.

And yet the President, time and again during last fall in his speeches everywhere made to the people, asserted that the flag meant the same thing everywhere, meant the same here, in the Sulu group, and in Hawaii; that it meant in every place the same, and that its presence conferred liberty and happiness upon the people under it.

> She was bound by her agreement with the Sultan not to interfere with the religion or customs of the islands, and it would be most unwise for us to attempt this by force when it can be ultimately accomplished by the slower method of civilization and education.

Mr. President, we tried the slower method of disposing of slavery and polygamy in the United States, also the slower method of civilization and education, but finally we resorted to war—the greatest war in modern times—and thereby succeeded in destroying slavery under our flag. It has been restored by the act of a President elected by the Republican party. How will it strike the veterans of that war to annex slavery after all these sacrifices and then propose to abolish it when the slaveholders conclude it is wrong and give their consent?

> The Sulu group proper contains about 100,000 inhabitants. They are all Mohammedans. To attempt to interfere with the religion of these people would precipitate one of the bloodiest wars in which this country has ever been engaged. They are religious fanatics of the most pronounced type, who care nothing for death and believe that the road to heaven can be attained by killing Christians. Polygamy is a part of their religion, and slavery, about which so much is being said just now, is a mild type of feudal homage. The Sultan believes from what he has seen of Americans that they are ready to be friendly and deal honestly by him.

Mr. President, I will show what kind of feudal homage this slavery in the Philippines is. Owing to the fact that those people will fight, we prefer to indorse slavery and polygamy, and we attack the Christians in the island of Luzon and compel them to surrender—what? Surrender their desire for a government of their own. We prefer to turn from polygamy and slavery and indorse them, put our flag over them, and declare that nobody shall interfere with them, and then turn our armies and our navies to the destruction of the independence and freedom of a Christian population, which we also purchased from Spain.

I will read from the second edition of Mr. Foreman's book, which was published in 1899, and brought up to date. He says:

> The Sultanate is hereditary under the Salic law. The Sultan is supported by three ministers, one of whom acts as regent in his absence (for he might have to go to Mecca, if he had not previously done so), the other is minister of war, and the third is minister of justice and master of the ceremonies.
>
> Slavery exists in a most ample sense. There are slaves by birth and others by conquest, such as prisoners of war, insolvent debtors, and those seized by piratical expeditions to other islands. A creole friend of mine, Don A. M., was one of these last. He had commenced clearing an estate for cane growing on the Negros coast some years ago, when he was seized and carried off to Sulu Island. In a few years he was ransomed and returned to Negros, where he formed one of the finest sugar haciendas and factories in the colony.

I now read from Social History of the Races of Mankind, by Featherman:

> Slavery exists on Sulu Island, and the slaves, who were formerly brought from the Philippines, are not well treated, for their masters exercise the power of life and death over them, and sometimes kill them for trifling offenses. The datus frequently punish a disobedient or fugitive slave by drawing their campilan or kris and cutting off his head at one stroke without process of law.

And this is the mild form of feudal homage Schurman would have us believe should enjoy the protection of our flag until we can persuade the slaveholders that it is wrong.

Why did Schurman make this statement? The reason is plain. He did it just before the elections—about the time the State Department gave out the Sulu copy of the treaty for the information of the people of the United States. I contend that after this statement, made at the time it was, made by Mr. Schurman with an evident purpose to deceive, he has forfeited all right to be believed by anybody hereafter, and that his statements on all subjects in relation to the Philippines are not worthy of credence.

I read also from St. John's Far East, volume 2, page 192, as follows:

> The slaves are collected from all parts of the archipelago, from Acheen Head to New Guinea, and from the south of Siam to the most northern parts of the Philippines. It is a regular slave market.

Then he describes the people. Not only have the slaveholders the right of life and death over their slaves, but the monarch himself has complete and full right to take the life of any of his subjects whenever he so chooses. There is no restraint upon him. In Senate Document No. 62, Fifty-fifth Congress, third session, there is printed from the Contemporary Review of June, 1898, by Claes Ericsson, what I shall read upon this subject. It is a

description of a visit by Mr. Ericsson to the subsultan of the island of Palawan in 1894. It appears he went there for the purpose of gathering orchids, and he thus describes his visit to the Sultan of Palawan:

The Sultan was not in state attire; at least there was no suggestion of the imperial yellow in his close-fitting white trousers and vest, slippers embroidered with seed pearls, and scarlet fez. The two attendant nobles were much more gaily clad. Both wore tight jackets of blue silk, decked with gold buttons, and trousers of salmon red, ornamented with buttons of gold or gilt from the knee downward.

His Highness, who appeared to be about 50 years of age, had rather a pleasant expression, with a twinkle in his eye that reminded me of Arabi Pasha. A chair was brought, also vermouth and chocolate. With a cup of the last in my hand, I explained the purpose of my visit, which was to crave the Sultan's assistance in exploring Marangas Mountain. Smiling, he promised as many coolies as I needed, and I took my leave.

After visiting the mountains Mr. Ericsson returned for the purpose of securing another escort. He says:

Leaving men to collect the plants, I returned with the Sulus to the coast and embarked for Marangas. Wanting coolies for a journey to Datu Guah's village and an ascent of Panilingan Mountain, I paid the Sultan another visit; but the master of the ceremonies whispered that the moment was unfavorable. His highness was susa—that is, he had been vexed or troubled.

By means of discreet inquiries I learned the nature of his susa. It is a rather common story in the far east. Unable to lodge the whole of his wives in the "palace," His Highness boarded a few of them—not the prettiest, I suspect—in the houses of his followers. One of these peris, an outcast from the Palawan paradise through want of room, consoled herself in the usual way—quite innocently, I was assured. The news reaching the Sultan, he sent for the venturesome lover and smilingly bade him be seated opposite himself. Not being altogether an idiot, the man had come armed. From his sarong the jeweled handle of his kris protruded, plain to see. After a few complimentary commonplaces had been exchanged His Highness remarked the weapon.

"Allah has been good to you, S'Ali," said he. "Those emeralds are very fine, and the diamonds are as stars in the heavens. If the blade match the hilt, you have a treasure. Show it to me."

Thrown off his guard, S'Ali drew the kris from its sheath and, holding it by the wavy blade, presented it to the Sultan. Instantly half a dozen of His Highness's attendants threw themselves upon the unfortunate fellow. He was overpowered in a moment and his hands securely tied behind his back.

"Take him out," said the Sultan, still smiling.

S'Ali was led away and lowered to the ground. Not a word did he utter. It was kismet. Why waste his breath? I did not learn the manner of his end, but it would be either by kris or bowstring. Let us hope it was the first. In the hands of a skillful executioner the kris is a merciful weapon. He was buried in the jungle behind the Sultan's "palace." Such was the susa of Muhammad Harum Narrasid, lang de per-Tuan—"he who ruleth"—in the year of our Lord 1894. And the Spaniards were supposed to govern the island of Palawan!

And so are we supposed to govern these islands, and Old Glory floats over the throne.

I could understand why the Sultan did not care to see a European so soon after his crime. However, I obtained the coolies and sent them on.

I do not care, Mr. President, to delve deeper into the character of those people. I simply desire to show what we have secured by this purchase. It has developed that we have bought about 6,000,000 Christian people who are members of the Catholic Church, occupying the northern islands of the Philippine Archipelago; that we have purchased from one to two hundred thousand Mohammedan slaveholders, polygamists, who live by prosecuting the slave trade against the native population of the southern islands of the group; that we have agreed to maintain this condition of affairs; and the treaty is so arranged that it goes into force without the legislative bodies of this Government having anything to say about it.

It seems to me, under these circumstances, that it is incumbent upon the Senate and upon the House of Representatives to take up this matter at once, and take such action upon it as will blot out the stain upon our flag placed there by the Administration. I therefore desire the information called for by the resolution, so that we may act, and act intelligently and promptly, upon this subject.

Mr. LODGE. Mr. President, I think the resolution of the Senator from South Dakota is covered by a previous resolution which has been adopted, but I see no possible objection to this resolution going through.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from South Dakota as it has been modified.

The resolution as modified was agreed to, as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interests, to send to the Senate a copy of the report, and all accompanying papers, of Brig. Gen. John C. Bates, in relation to the negotiations of a treaty or agreement made by him with the Sultan of Sulu on the 20th day of August, 1899. Said treaty provides that the United States Government will pay the following monthly salaries:

To the Sultan, $250 per month; to Dato Rajah Muda, $75 per month; to Dato Attik, $60 per month; to Dato Calbe, $75 per month; to Dato Joakanain, $75 per month; to Dato Puyo, $60 per month; to Dato Amir Haissin, $60 per month; to Hadji Butu, $50 per month; to Habid Mura, $40 per month; to Serif Saguin, $15 per month.

And the President is requested to further inform the Senate out of what fund are these salaries paid? What service do these people perform for the United States that entitles them to be paid out of the Treasury of the United States?

JETTY WORK AT CUMBERLAND SOUND.

Mr. CLAY. I ask unanimous consent for the present consideration of the joint resolution (S. R. 70) diverting and setting apart $50,000 out of the sums heretofore appropriated for jetty work at Cumberland Sound, in the States of Florida and Georgia, for sluicing and dredging at the entrance of said sound, and ask that it may be put upon its passage at this time. It is important that it should go through at once.

The PRESIDENT pro tempore. The joint resolution indicated by the Senator from Georgia will be read for information, subject to objection.

The joint resolution was read, as follows:

Whereas a project has been heretofore adopted for the improvement of Cumberland Sound, in the States of Florida and Georgia, known as the "Revised project of improvement of 1895," and appropriations have been made therefor; and

Whereas in said project and the plans and specifications therefor no provision has been made for dredging and sluicing; and

Whereas pending the construction of the jetties therein provided the harbor is liable to be obstructed by the filling of the bar, it is deemed advisable to provide against a contingency of that sort: Therefore,

Resolved by the Senate and House of Representatives, etc., That the sum of $50,000, or so much thereof as may be necessary, be, and the same hereby is, diverted, set aside, and apportioned out of the sums of money heretofore appropriated and now standing to the credit of the existing project for jetty work in Cumberland Sound, in the States of Florida and Georgia, to be used for sluicing and dredging at the mouth of said sound or elsewhere in said sound, and belonging to said project, where sluicing and dredging may be needed or required; but nothing herein contained shall be construed to increase the limit of cost of said project or improvement beyond the amount fixed by the acts making appropriation for said project and fixing the ultimate sum which may finally be devoted to said project: *And provided further*, That the said $50,000 so diverted and set apart shall be expended under the direction and with the approval of the Secretary of War.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SPOONER. Has it been before the Committee on Commerce?

The PRESIDENT pro tempore. The joint resolution has been reported from the Committee on Commerce. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. CARTER. From the committee of conference between the two Houses upon the disagreeing votes on Senate bill 2179, relating to the Twelfth and subsequent censuses, I ask leave to make the report which I send to the desk.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2179) relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to amendment numbered 3, fixing limit of expenditures for law books, etc., and agree to the same with an amendment as follows: In lieu of the word "five" in the amended bill insert the word "three."

That the Senate recede from its disagreement to amendment numbered 4, regarding payment to heirs of deceased supervisor or enumerator.

As to amendment numbered 1, relating to the deaf, dumb, and blind, and amendment numbered 2, relating to mines, mining, and minerals, the conferees have been unable to agree, and ask for further instructions.

THOMAS H. CARTER,
EUGENE HALE,
S. D. McENERY,
Managers on the part of the Senate.

A. J. HOPKINS,
CHARLES A. RUSSELL,
F. M. GRIFFITH,
Managers on the part of the House.

Mr. PETTIGREW. I see the House of Representatives have amended the Senate bill by providing that we shall immediately take the census of the deaf, dumb, and blind, and also the census with regard to mines and mining. It seems to me that the Senate ought to agree to those amendments. In the first place, the deaf, dumb, and blind number less than 200,000 in the United States, and I understand that less than 10,000 of those are in public institutions. Therefore, the enumerators are the only persons who can gather these necessary statistics, and it certainly can not delay the work.

As to mines and mining, it is exceedingly important that this information should be secured, and not delayed until three years from now. Heretofore the information with regard to mines and mining has been had at ten-year periods, and, now, if we do not agree to this House amendment, this period will be about thirteen years, because none of the work of securing the statistics with regard to mines and mining can be commenced until after the enumeration of the population, as provided in section 7 of the bill, has all been accomplished.

Agreeing to this amendment will not delay the taking of the census a day. The last census of mines and mining was made by the Geological Survey, and there is no reason why the same Bureau should not take the coming census with regard to mines

and mining, and do it at once, while the Census Bureau is going on with its work of enumerating the population. The Geological Survey is a branch of the Interior Department, and so is the Census Office, and therefore there can be no possible trouble in providing that they shall do this work, and they undoubtedly will provide that they shall do it, because they have the knowledge and the data and know exactly how to proceed, having taken the last census upon this subject. Therefore I hope the Senate will agree to these two House amendments, so important, and agree to them without a contest.

Mr. PLATT of Connecticut. Mr. President, I should like to ask a question of the chairman of the Census Committee. I have not the act before me, but referring to section 8, according to my recollection, it says that the special work is to be done after the population, manufacturing, and some other schedules have been completed. I wish to know what is the construction placed upon that language by the chairman of the committee; whether the new work, the special work, can not be taken up until all the work is done in the Census Office of the tabulation of the returns of the enumerators, or whether it can be taken up immediately after the returns of the enumerators are received at the Census Office? There has been some question as to what that language means. If the Senator has the act in his hand and will read it, I will be glad to know what construction he puts upon it.

Mr. CARTER. The langauge referred to by the Senator from Connecticut, in section 8, reads as follows:

SEC. 8. That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture,

and so forth, certain things shall be done. I think this language, Mr. President, is open to but one construction, and that is that the schedules in the hands of the enumerators and also the clerical work upon the schedules in the Census Office at the national capital must be completed before the supplemental work can be taken up. The purpose of this was to avoid hampering the rapid disposition of the regular decennial census work by an accumulation of supplemental work prior to the completion of the work upon the quick census which is contemplated.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. The question is, Will the Senate proceed to the consideration of the conference report?

Mr. PROCTOR. I have a word to say about that.

The PRESIDENT pro tempore. On that question?

Mr. PROCTOR. On that question.

Mr. CARTER. On the question of consideration?

The PRESIDENT pro tempore. It is not debatable.

Mr. PROCTOR. Mr. President, I heartily agree——

Mr. CARTER. I assume that the Senator from Vermont does not understand the present parliamentary situation. It is important that the conference report be considered at this time, whatsoever the disposition of the Senate may be with reference to the amendments. The only question——

The PRESIDENT pro tempore. The question is not debatable, except by unanimous consent.

Mr. CHANDLER. What is the question?

The PRESIDENT pro tempore. The question is, Will the Senate proceed to the consideration of the conference report?

Mr. PLATT of Connecticut. Proceed to its consideration?

The PRESIDENT pro tempore. Yes; the report is a privileged one and can be made at any time; but the question following the presentation of the report is, Will the Senate proceed to its consideration? That is the question before the Senate. [Putting the question]. The ayes seem to have it. The ayes have it, and the report is before the Senate.

Mr. PROCTOR. Mr. President, I heartily agree for once with the Senator from South Dakota [Mr. PETTIGREW] in regard to the statistics as to mining. I do not see how it can delay the enumeration a day. In my vicinity it is so mixed up with the manufacture that the whole can be taken as easily as one. It is in the hands of a different set of men, and if it is not to be printed until after the enumeration I do not see how it can delay that work, and it will certainly be a matter of economy to have it done in connection with the statistics in regard to manufacturing.

Mr. COCKRELL. I should like to have the disagreements read.

The PRESIDENT pro tempore. The Secretary will again report the disagreements.

The SECRETARY read as follows:

As to amendment No. 1, relating to the deaf, dumb, and blind, and amendment No. 2, relating to mines, mining, and minerals, the conferees have been unable to agree, and ask for further instructions.

Mr. COCKRELL. I move that the Senate recede from its disagreement to the first amendment in regard to the deaf, dumb, and blind, and agree to the same.

Mr. TELLER. I should like to inquire how that will leave the bill?

Mr. COCKRELL. That will leave that part of it settled. Then the question will come up in regard to mines. If those two amendments are agreed to, the bill is passed.

Mr. TELLER. I desire particularly to keep in mining. We are anxious about that.

Mr. COCKRELL. The mining item will come up next. There are two disagreements. Everything has been agreed to except two items.

Mr. CARTER. That is correct.

Mr. COCKRELL. If we we recede from our disagreement to those two items and agree to the report, the whole thing is passed just as it comes from the House.

Mr. WOLCOTT. May I ask a question? I agree with what my colleague says as to the importance of procuring at once statistics as to the mining industry. I should like to ask, for information, if by some amendment or by some new action the investigation as to mineral resources is to be given into the hands of the Geological Survey?

I am torn with doubts as to whether or not it should be left there, from the fact that so useless and so expensive an attachment to the Federal Government might as well be intrusted with something if they can do it with credit to the Government. But I am interested in knowing whether we are putting new duties upon an underworked body.

Mr. HALE. Let me say to the Senator from Colorado that the Geological Survey is not so entirely without work lately as perhaps he may suppose. It has taken upon itself the work of crowding this amendment through.

Mr. WOLCOTT. Ah!

Mr. HALE. And is very busy about it.

Mr. WOLCOTT. It is eminently fitted for that work, Mr. President.

Mr. HALE. The indications are that it is fitted for it. Early and late the Geological Survey has pushed this amendment. The committee in its original proposition of a narrowed census, what I called a quick census, left it out; and from that day to this the Geological Survey has been very earnest and night and day has been at work in keeping this thing back, and the pressure has come from there, I will say to the Senator.

Mr. TELLER. I should like to make an inquiry. A conference report is rather a difficult thing to understand when you do not have anything before you. I understand there is nothing here that throws this work as to mines and mining to the Geological Bureau.

Mr. WOLCOTT. Will my colleague kindly inform me as to that point? If I do not interrupt him, I am very much interested, as he is, in having it done, but it does seem to me that it might go into competent hands, perhaps.

Mr. CARTER. If the Senator from Colorado will indulge me, I will read the amendment to which remarks are now being directed.

Mr. TELLER. Suppose you do.

Mr. CARTER. It reads as follows:

And the Director of the Census be, and he is hereby, authorized and directed to collect statistics, required by section 8 of said act, in regard to mines, mining, and minerals at the time fixed for the enumeration of the population, agriculture, and manufactures, notwithstanding any restrictions or limitations contained in section 8 of said act.

Mr. TELLER. That seems to leave it to the Director of the Census. That is where I suppose it ought to go.

Mr. WOLCOTT. Is there anything in the original bill which puts it in the Geological Survey?

Mr. CARTER. There is nothing in the original bill which puts it in the Geological Survey.

Mr. COCKRELL. I ask that action may be had on the motion which I have made, and that is, that the Senate recede from its disagreement to the House amendment in regard to the deaf, dumb, and blind.

Mr. CHANDLER. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from New Hampshire will state his question of order.

Mr. CHANDLER. I suggest to the Senator that the vote ought first to be taken upon agreeing to the report and authorizing a new conference. After that the motion properly should come, I think, to move to recede, but not before any action upon the report.

Mr. COCKRELL. I am not particular as to which motion is put first.

The PRESIDENT pro tempore. The Chair is of opinion that that is the usual and proper way.

Mr. HALE. Undoubtedly.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the report of the committee of conference?

The report was agreed to.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. COCKRELL] makes a motion, which will be stated.

Mr. COCKRELL. Yes; that brings us to an agreement.

Mr. CHANDLER. That is right.

Mr. COCKRELL. And it is always in order.

The PRESIDENT pro tempore. The Secretary will state the motion of the Senator from Missouri.

Mr. COCKRELL. As I understand from the Senator in charge of the conference report, this amendment will not delay the taking of the census at all. It is a very small work comparatively; it is an important work, and it will not delay the taking of the census or the publication of the census an hour, and I hope it will be agreed to.

Mr. CARTER. Mr. President, in reference to the deaf, dumb, and blind, I will say to the Senate that it is the view of the Census Office that an additional schedule will be required in order to secure the information sought by this amendment. It has been stated by the gentleman in charge of the population schedule that only about 60,000 of these additional schedules would be necessary in order to supply each enumerator with one, and that as a matter of fact the inquiries are so brief and confined to people so few in number that there would not be any appreciable waste of time in connection with the matter.

The committee of conference on the part of this body, however, did not feel authorized, in view of the policy that has been repeatedly adopted by the Senate of confining the census to narrow limits, to agree to this amendment of the House. It rests with the Senate to dispose of the proposition relative to the deaf, dumb, and blind as in its judgment may seem proper and right. It is alleged that there are about 5,000 people in the United States to whom this amendment would apply. It is insisted that the statistics relating to this defective and unfortunate class can not be acquired save through the enumerators who go from house to house. It is that fact which has caused the institutions, or those in charge of them, to insist upon a special schedule being prepared upon this subject, to be carried about by the enumerators.

Mr. PLATT of Connecticut. Read the amendment.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate recede from its disagreement to amendment numbered 1, relating to the deaf, dumb, and blind, and agree to the same.

Mr. COCKRELL. Let it be read now.

Mr. HALE. Let it be read.

Mr. CARTER. It reads as follows:

And the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section 8 of said act entitled "An act to provide for taking the Twelfth and subsequent censuses."

Mr. HALE. Has the Senator from Montana the original census act?

Mr. CARTER. I have the original census act.

Mr. HALE. Mr. President, this is a case of sheer importunity. The original census bill, which was fully discussed in the Senate, narrowed the scope of the work of the enumerators and provided that it should be confined to certain designated subjects, and that the volumes relating to those subjects, being few, should be issued at such a date as was named in the bill, two years from the time. It covered a proposition that would give to the people what the people are entitled to every ten years, a quick census, so that time should not elapse and interest grow dull and everybody lose concern in the census matter, and at last an immense work of twenty-odd volumes or more should appear which nobody would care anything about.

The committee and the Senate and the House and presumably the President, when he signed the bill, were not without consciousness that certain things that were desired to be put in the original enumeration were left out; and by section 8, recognizing the value of certain things to be put in afterwards, to be gathered by the Census Office and to appear for the people perhaps in subsequent volumes, they drew and there was put through the provisions of section 8, in which were included all these classes. There Congress provided for statistics as to the deaf and dumb, blind, and insane, and all the defective classes; criminals; pauperism; benevolence; reformatory institutions; deaths and births in registration areas; public indebtedness; taxation; electric light and power; telegraph and telephone business; transportation by water; express business; mining, placer and vein, number of men, average daily wages—all interesting subjects.

Every one of these interests is of importance to those engaged in them, just as important as it is to the professors and officials and managers of deaf and dumb asylums and institutions throughout the country to have statistics as to their constituency; just as important in respect to electrical work, transportation, all these things, as it is to the mining industry. But the committee and Congress provided for those in section 8, and made a clear, distinct, delineated bill that everybody could understand. At once, after Congress adjourned and the vacation had passed and we came back again, we began to be beset, not simply by deaf and dumb professors and the men who manage those institutions and by letters from them, but from all parts of the country for almost every one of these particular things that had been put into section 8, asking us to put them into the first enumeration. They laid in wait for us. They beset our doors. They clamored early and late that we should take each one of them and put it in here with the others, and our committee in the Senate declined to do it. We said, "We will hold fast to the original proposition of a clean-cut census as provided in the last Congress," and we refused. When they left us they went over to the House and made the point there, and they began to besiege Representatives' doors, and left them no peace, to get somebody to go in and change this.

Now, the Senate may change it. The Senate did, on full discussion, stick to the old proposition, and I can find no fault that a benevolent and generous-hearted man like my friend the Senator from Missouri has been overpersuaded to move to recede from our disagreement to this amendment and add to the act these provisions. But when that is done other things will come in. Why has not he or somebody else cared for the interest as to which I have just got the resolution of an important society, declaring that if we do anything for the deaf, dumb, and blind, we should take in the insane and put them in, and they say there should be in this first enumeration an enumeration of every insane person in the United States. They make the same appeal that the others did, and there is no end to it.

If you begin, Mr. President, you have got to satisfy all these people. You have got to change the scope and the range of the census bill, which we meant and determined should be narrow, but for the general benefit of the whole people. If you put on any of these amendments, if you put on this amendment for the deaf, the dumb, and the blind, and leave off the insane, the next thing the insane will come in. The miners want to come in. If you put that in, why not put in electrical work, telephone and telegraph, and all these things? You can do it, Mr. President; the Senate can do it; we can submit to it; but I notify the Senate that you will have the same thing that occurred in 1890 and in 1880—a census drawing out its long work, its weary length, until everybody is tired of it and everybody loses all interest in it and it ceases to be a decennial census.

The Senate may do as it pleases about it, but it has got to do it with open eyes. When we begin, I say if I listen to the appeal of the deaf and dumb I have got to listen to the appeal of the insane, who send here and declare that they should be put in, and that it is not right that we should have an enumeration that does not include them. I do not see why they should not be included as well as the deaf and dumb. Then the idiotic are pressing us also, and the feeble-minded. Then another set of statisticians say we ought to take testimony and have an enumeration as to the criminal classes and as to pauperism. The Senator from South Dakota wants statistics as to the distribution of wealth. They are all interesting, Mr. President, but we did not pass a census bill of that kind, and the Senate must now deliberately decide if it chooses to add to and change the scope of this work. The committee can stand it if the Senate can, but it will delay. It is said it will not delay. Everything will delay. The census schedules are already made out, based on the original proposition. Put on other things and it adds to the burden, it adds to the volume, it adds to everything, and you can not stop after you favor one class if you do not put the others on.

Mr. STEWART. Mr. President, I hope the Senate will adhere to its resolution and confine the census to narrow limits, so that we may have an early report as to population. We are compelled to have that every ten years, and it is important to carry on the Government that it should be done promptly. Representation depends upon it. It is a part of the machinery of the Government. Every other matter should be inquired into at any time during the decade with equal care. The great benefit of statistics is to have them fresh, and in order to have fresh results, to know what is going on at the time, it is necessary to attend to one thing at a time. If we know only what occurred ten years ago in regard to manufactures, or five or six years ago, it is not very useful at the present time. The country ought to have these statistics before it while they are fresh. It should have them immediately. The people ought to get them the following year, so that business men can arrange their business accordingly. An old census on industrial pursuits becomes obsolete. Let us have once in ten years, and it does not matter at what time, fresh information on the different subjects. The enumeration must come out each decade. It ought to come promptly, because the administration of the Government depends upon it. I hope the Senate will adhere to the position it has taken.

Mr. COCKRELL. Mr. President, when this bill, which originated in the Senate, came before this body an effort was made to increase it, and I was the first Senator who protested against it. If it were in the Senate again I would not favor extending it, because if you open the door you do not know where it may end, when the matter is still open. But now this bill has been passed by the Senate; it has gone to the House, and certain amendments, only two, have been put upon it. The only question is whether we will agree to one or both of those amendments and settle it. That ends it. There will be no more changes or modifications in it unless it is done by an independent bill, and that will not be done.

Mr. HALE. I will say to the Senator that if you put these amendments on it will not be three days before these other amendments will come in by bills, and the committee will be obliged to consider them and obliged to report to the Senate, and the Senators who are in favor of special and particular amendments in addition to these will be arrayed upon it, and we will have to pass them all.

Mr. COCKRELL. We will see.

Mr. HALE. This bill does not limit legislation. We can legislate at any time, and that is what we are going to do.

Mr. COCKRELL. As a matter of course, we can legislate at any time, but the Senate is a sensible body and will only legislate what is sensible. Of course we can legislate whenever we choose. We have legislated, and we restricted that legislation, and when an attempt was made in this body to amend it we prevented it; but the matter went to a coordinate and coequal branch and they insisted upon two points only, and those two points are before us now, and neither one of them will delay the publication of the census half a second. No man can say it will. It is only a question now as to whether we will yield to a technical amendment of the existing law, and yield to it in order to get the bill through, because this settles it; and I will join with the Senator and resist any influence on this earth that can be brought to add to it, so far as I am concerned.

Mr. CHANDLER. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. CHANDLER. How can he be entirely certain that the next proposition that is made will not be just as meritorious as this one, and why does he say he will oppose any other if he can only get this?

Mr. COCKRELL. Because I have some knowledge of what the census ought to be and what ought to be taken, and have some judgment as to what is important and what is not important.

Mr. CHANDLER. Let me ask the Senator whether he has such a thorough knowledge of this whole question that he is prepared to say that the census bill needs this one amendment and by no possibility needs any other?

Mr. COCKRELL. The only questions before the Senate are these two amendments. I have moved to recede from the disagreement to the first House amendment, and that leaves it passed if the motion prevails. I suppose a motion will be made to recede from the disagreement to the second amendment; and as that amendment will not delay the publication and distribution of the census one-tenth part of a second, I shall vote for it in order to come to an agreement and get a law.

Mr. CHANDLER. Now will the Senator let me ask him why he is able to say that these amendments are the only ones that ought to be made and pledges himself to resist all others?

Mr. COCKRELL. Because they are the only ones before the Senate——

Mr. CHANDLER. Oh!

Mr. COCKRELL. And there is no necessity for originating any more——

Mr. CHANDLER. That is most extraordinary.

Mr. COCKRELL. And they are the only ones that can come before the Senate.

Mr. CHANDLER. Mr. President, I feel bound to say that if there is any legislation changing existing law as to the subjects to be embraced within the next census it ought to be by reducing the work of the enumerators next summer. I understand that those enumerators have thirty days in which to do their work, and I ask the chairman of the committee how many questions the enumerators are obliged to ask to-day upon the existing schedules at every house in the country and in the villages where they go to take the census—how many questions have to be asked by the enumerator when he goes to a village house or a farmhouse?

Mr. CARTER. I will state, in reply to the Senator's question, that the number of interrogatories will, of course, vary. In the case of a farmer, the head of the house or the man in charge of the farm will be required to respond to all the questions propounded upon the agricultural schedule. In the case of a person engaged in manufacturing to some extent in a section of country where a special agent is not charged with manufacturing work, but that work is given to the enumerator, a great addition will be made in the interrogatories contained in the manufacturing schedule. I should say that on a general average the enumerator will be required to propound between one and two hundred questions at each residence he visits during his round.

Mr. CHANDLER. I think the Senator has understated it. Judging from the investigation I made when this bill was being framed, and judging from the schedules which the Senator had here the other day, I came to the conclusion that at least 150 questions would have to be put by every enumerator, and that it would go on up from 150 to over 200 in some cases.

Mr. President, the best thing we could do for this census to-day would be to reduce those inquiries down to not more than 10 or 15. The enumeration of the population of this country is what the census originally was, and that is what it ought to be. It has gone on from an enumeration that would require 10 or 15 inquiries in every house to an enumeration that requires from 150 to 250, and now the Senator from Missouri, who stood up here the other day to prevent the destruction of the good work which he had helped to accomplish, of limiting this census, says—I suppose because he has been importuned about them—that we ought to take these things on, and then he pledges himself to stop all others.

Now, Mr. President, the Senator from Maine has shown us that if we are to open this door there should be many other subjects as to which the enumerators ought to get information, and I take the liberty, from a partial knowledge of this subject, to warn the Senate that it must stand by the law as it is now upon the statute book or else we shall undo all the good work of restriction and limitation that we have done in connection with this census, and we shall have just as bulky a census, a census just as long delayed, and a census a large portion of which will be utterly worthless and useless to the people of the country.

Mr. TILLMAN. Mr. President, I have taken occasion before, as a member of the Census Committee that framed the law prior to the reorganization of that committee, to signify my approval of the position taken by the chairman and the Senator from New Hampshire and the Senator from Maine.

The only point in regard to the blind, the deaf, and the dumb to which this amendment applies (and I call the attention of the Senator from Maine to this particular point) is that section 8 does not permit the enumeration of those classes in any other places except those who are confined or who live in institutions. I am informed that that is not 10 per cent of them; that it is not 5 per cent of them; and therefore the census would be defective in a particular branch of inquiry that is very much desired by scientific and medical men. As the Senator from Montana has pointed out, with an additional schedule or special book for these classes, in which they would be enumerated and put down and nobody else go in that book except these defective persons, it would really save time, because in trying to assort out from among the seventy odd million, one, perhaps, in five hundred or a thousand, the clerk who would have to look up the blind and defective classes in the general schedule, who would have to add up this work and tabulate it at the Census Bureau, would consume more time than it would take to put them in a special schedule to themselves.

Mr. HALE. Then why not put in the insane, as the very respectable memorialists who are now at our doors desire?

Mr. TILLMAN. Just add the insane.

Mr. HALE. And the idiotic?

Mr. TILLMAN. The deaf, the dumb, the blind, and the insane.

Mr. HALE. And the idiotic.

Mr. TILLMAN. Now, I want to stop somewhere, and you want to go on.

Mr. HALE. I will say that the argument for one is just as good as the argument for the other.

Mr. TILLMAN. I am satisfied that the idiotic and insane are not easy to get at, because people are sensitive of the fact that they have relatives who are in that unfortunate condition. Therefore there will be no objection to at least leaving the idiots out. There is some scientific value in obtaining a knowledge of the increase of insanity in our population, and the scientific men who are pressing this amendment I presume had reference to the statistics of these defective classes as being really of value to the medical profession, and that is the reason why they are pressing it.

Mr. CHANDLER. Mr. President, I wish simply to call the attention of the Senate to the population schedule. I have all the schedules that the enumerators will be required to use now, as I understand.

Mr. CARTER. All that are printed.

Mr. CHANDLER. All that are printed up to date. This is the population schedule, the first one. There are 28 requirements in connection with the population schedule, and I want them considered by Senators who think they ought to be added to.

The location of the house; the street; the house number; the number of the dwelling house, in the order of visitation; the number of the family, in the order of visitation; the name of the person; the relationship of each person to the head of the family; personal description—color or race; sex; date of birth; age at last birthday; whether single, married, widowed, or divorced; number of years married; mother of how many children; number of children living; place of nativity—place of birth of this person; place of birth of father; place of birth of mother; citizenship—year of immigration; number of years in the United States; naturalization; occupation; months not employed; education—attended school (in months); can read; can write; can speak English; and as to the ownership of the home—owned or rented, owned free or mortgaged; farm or house; number of farm schedule.

Now, there, Mr. President, is the initial step which the enumerators have to take, and with any reasonable districts that can be

created for them, it is all they ought to do in the month of June. The best legislation we could adopt for this census for the use of the people of the United States would be to tear off this population schedule and use that alone and throw all the others away.

Mr. TILLMAN. I wish to direct the attention of the Senator from New Hampshire to the fact that about half those questions, or rather the limitations there that the enumerator must observe, are put there for his own guidance and for the checking of the Department down here as to whether he has not skipped somebody. At least half of those instructions there are not put there to be enumerated and added up and published.

Mr. CHANDLER. The enumerator has to make a record for every one of those 28.

Mr. TILLMAN. He does not have to ask those questions. They are there for his guidance in taking the census, so that he shall not skip around some house.

Mr. CHANDLER. He has to write down the name of every person in the family, and against each one of them he has to make a statement—not 28 as to each, because, of course, he will not put down the number of months that the father has attended school—but 28 entries; 28 inquiries have to be made and the result set down upon this schedule; and after that is done this whole other list of 100 to 125 or 150 is to be gone through with. The Senator from South Carolina could not in thirty days, under these schedules, take the census of one school district in South Carolina and get it right.

Mr. TILLMAN. Possibly not, Mr. President, because I do not happen to be quite so nervous and so much like a grasshopper as my friend from New Hampshire. [Laughter.]

Mr. CHANDLER. I want to say to the Senator that a pitchfork seldom touches a grasshopper. [Laughter.]

Mr. TILLMAN. I happen to have had a little experience in this way: In 1880 a neighbor of mine was appointed enumerator in the township in which I reside, and in order to get himself together and familiarize himself with his work he brought all his instructions to me and asked me to go over them with him and carefully examine and try to get him started off so that he would make no blunder. Well, he took the population of the township, amounting to about 4,000 people, and did it as well as it was ever done by the Senator from New Hampshire or any man in the State of New Hampshire, and he got through in less than twenty days.

Mr. COCKRELL. Section 7 of the census act approved March 3, 1899, provides:

That the Twelfth Census shall be restricted to inquiries relating to the population, to mortality, to the products of agriculture and of manufacturing and mechanical establishments. The schedules relating to the population shall comprehend for each inhabitant the name, age, color, sex, conjugal condition, place of birth, and place of birth of parents, whether alien or naturalized, number of years in the United States, occupation, months unemployed, literacy, school attendance, and ownership of farms and homes.

Now, if this amendment is agreed to, it will simply include deaf, dumb, and blind. I hope the motion will be agreed to.

Mr. TILLMAN. The advantage which the Senator from Missouri has not mentioned is that we get rid of this business, and the bill will not have to go back to a committee of conference and bring about another fight between the House and the Senate.

Mr. COCKRELL. And we get the law through.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri that the Senate recede from its disagreement to the amendment.

The question being put, there were on division—ayes 17, noes 18; no quorum voting.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. COCKRELL rose.

The PRESIDENT pro tempore. Does the Senator from Missouri demand the yeas and nays?

Mr. COCKRELL. There is no quorum present. Let the Secretary call the roll.

Mr. STEWART. I ask for the yeas and nays.

Mr. TELLER. I think the roll is now to be called to ascertain the presence of a quorum.

The PRESIDENT pro tempore. The suggestion having been made that there is not a quorum present, the roll must be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Fairbanks,	McComas,	Simon,
Allen,	Foster,	McLaurin,	Spooner,
Allison,	Frye,	McMillan,	Stewart,
Baker,	Gallinger,	Money,	Taliaferro,
Bate,	Hale,	Nelson,	Teller,
Berry,	Hansbrough,	Perkins,	Thurston,
Burrows,	Hawley,	Pettigrew,	Tillman,
Butler,	Hoar,	Pettus,	Turner,
Carter,	Jones, Ark.	Platt, Conn.	Vest,
Chandler,	Jones, Nev.	Platt, N. Y.	Warren,
Chilton,	Kean,	Pritchard,	Wellington,
Clay,	Kenney,	Proctor,	Wetmore,
Cockrell,	Kyle,	Quarles,	Wolcott.
Culberson,	Lindsay,	Ross,	
Cullom,	Lodge,	Scott,	
Davis,	McBride,	Shoup,	

The PRESIDENT pro tempore. On the roll call 61 Senators have answered. There is a quorum present.

Mr. CHANDLER. I ask for the yeas and nays on agreeing to the motion of the Senator from Missouri.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I ask that the unfinished business be temporarily laid aside to allow the vote to be taken.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. GALLINGER. I ask for the yeas and nays on the pending question.

The yeas and nays were ordered.

Mr. ALLEN. What is the pending question? Let it be stated.

The PRESIDENT pro tempore. The Secretary will state the motion of the Senator from Missouri [Mr. COCKRELL].

The SECRETARY. That the Senate recede from its disagreement to the amendment of the House numbered 1, relating to the deaf, dumb, and blind, and agree to the same.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the motion of the Senator from Missouri.

The Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON'S name was called). My colleague [Mr. BACON] is providentially detained from the Senate. He is paired with the junior Senator from Rhode Island [Mr. WETMORE].

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not understand this to be a partisan or political question, and I take the liberty of voting. I vote "yea."

Mr. HANSBROUGH (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. I transfer that pair to my colleague [Mr. MCCUMBER], who is absent, so as to permit the Senator from Nebraska [Mr. ALLEN] and myself to vote. I vote "yea."

Mr. PLATT of New York (when his name was called). I have a general pair with the Senator from Idaho [Mr. HEITFELD], but as this is not a political question I shall take the liberty of voting. I vote "nay."

Mr. SCOTT (when his name was called). I am paired with the Senator from Florida [Mr. TALIAFERRO]. As I do not see him present in the Hall, I shall not vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY]. I am informed that if that Senator were present he would vote "yea." I shall therefore vote. I vote "yea."

The roll call was concluded.

Mr. HOAR. May I inquire what is the precise form of this question?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The motion made by the Senator from Missouri, the Chair will state to the Senator from Massachusetts, was that the Senate should recede from its disagreement and agree to the amendment made by the House.

Mr. HOAR. My vote stands "yea."

The result was announced—yeas 30, nays 32; as follows:

YEAS—30.

Bate,	Hansbrough,	McLaurin,	Spooner,
Berry,	Hawley,	McMillan,	Taliaferro,
Chilton,	Hoar,	Money,	Teller,
Clay,	Jones, Ark.	Perkins,	Tillman,
Cockrell,	Jones, Nev.	Pettigrew,	Vest,
Culberson,	Kyle,	Pettus,	Warren.
Cullom,	Lindsay,	Platt, Conn.	
Elkins,	McEnery,	Proctor,	

NAYS—32.

Aldrich,	Fairbanks,	Kenney,	Ross,
Allen,	Foster,	Lodge,	Shoup,
Allison,	Frye,	McBride,	Simon,
Baker,	Gallinger,	McComas,	Stewart,
Carter,	Hale,	Nelson,	Thurston,
Chandler,	Hanna,	Platt, N. Y.	Turner,
Clark, Wyo.	Harris,	Pritchard,	Wellington,
Davis,	Kean,	Quarles,	Wetmore.

NOT VOTING—24.

Bacon,	Daniel,	McCumber,	Rawlins,
Beveridge,	Deboe,	Mallory,	Scott,
Burrows,	Depew,	Martin,	Sewell,
Butler,	Foraker,	Mason,	Sullivan,
Caffery,	Gear,	Morgan,	Turley,
Clark, Mont.	Heitfeld,	Penrose,	Wolcott.

So the Senate refused to recede from its disagreement to the amendment of the House numbered 1.

Mr. PETTIGREW. I move that the Senate recede from its

disagreement to the amendment of the House in regard to mines and mining, and agree to the same.

Mr. PROCTOR. Mr. President, it seems to me a very unnatural classification to provide for taking the statistics of agricultural, manufacturing, and mechanical affairs and leave out mining. It appears to me that the first thing should be to provide for the natural productions of the country, the basis of manufacturing and mechanical affairs. Now, under the measure as it stands we are to take the statistics of manufacturing, of the products of the mines, but not of the mines themselves. It seems to me the very first thing should be to take the productions of the country, and then show by statistics what we do with them.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from South Dakota [Mr. PETTIGREW].

Mr. PETTIGREW. Mr. President, it does not seem to me that the adoption of this amendment will delay the census at all. The trouble with the census bill is that we provide for certain information and then declare that no other information shall be had until this is finished, thus delaying for two years at least the time of taking the census on other matters. The statistics of mines and mining have heretofore been taken each ten years. Now, we propose to have a period of twelve years under the bill as it stands, and therefore we shall be unable to draw from the information and statistics which we receive the conclusions that we would otherwise acquire. I suggested that this census of mines and mining was taken the last time by the Geological Survey and that they might take it again. There is nothing in the amendment which requires that they shall take it, but they could take it, and thus not delay the enumeration of the population a single hour, and give us this important information at once.

Some Senators have attacked the Geological Survey—no, not attacked it, Mr. President, but complained of it. My observation, from an examination of their work extending over a period of several years, is that there is no more efficient and competent bureau of this Government, and that there is no better work done by any branch of this Government than is done by the Geological Survey.

I want to say, further, that I am not prompted by any personal desire to have the census of mines and mining taken by the officers of the Geological Survey; but the State which I in part represent on this floor produces about $8,000,000 of gold per year, as well as many other very valuable and important minerals; one-third of our population is engaged in mining, and they are interested in the data concerning the subject. I am therefore prompted in my effort by their interest in urging that this should be done.

Mr. CLAY. I ask that the amendment be read for information.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

And the Director of the Census be, and he is hereby, authorized and directed to collect statistics required by section 8 of said act, in regard to mines, mining, and minerals, at the time fixed for the enumeration of the population, agriculture, and manufactures, notwithstanding any restrictions or limitations contained in section 8 of said act.

Mr. CARTER. Mr. President, the amendment contemplates the collation of data with reference to mines, mining, and mineral production at the time the enumeration is in progress. It is objectionable; it is unnecessary for the collection of the figures and facts contemplated by the Senator from South Dakota.

In the first place, the attempt to collect facts, figures, and reliable statistics relating to mines, mining, and minerals through enumerators to be appointed to perform this census work would be, to a person familiar with the conditions surrounding mines and mining, practically a ridiculous proposition.

Mr. PROCTOR. Will the Senator allow me a question?

Mr. CARTER. Certainly.

Mr. PROCTOR. I should like to know if the statistics are to be taken by the enumerators? I do not so understand it.

Mr. CARTER. I assume the purpose of this amendment is to charge the enumerators with the collection of statistics on this subject. That must be the purpose in view of the direction in the amendment that the statistics shall be gathered at the time of the enumeration.

Mr. STEWART. I should like to interrupt the Senator from Montana for a moment.

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. CARTER. I will yield to the honorable Senator from Nevada.

Mr. STEWART. The Geological Survey has been taking such statistics each year and making reports, and I regard those reports as quite valuable. It is now proposed that this work shall be taken out of their hands. I think we ought to have the information which they are giving to the public annually with regard to the mining industries. It is apart from the general work of the Geological Survey. It has been done by a special division, which has a very competent gentleman at its head.

I should dislike very much to have the valuable work of that division interfered with. I do not think that the enumerators can get the character of information we are now annually receiving from the Geological Survey in the reports which give information which those engaged in the mining business require. I hope that work will not be stopped. The bill might be so modified in conference as to continue that work. It seems to me all that is necessary in regard to mining is to have the statistical information given to us which is now given to us annually. There is a special appropriation made for it. The Senator from Iowa, the chairman of the Committee on Appropriations [Mr. ALLISON], can tell the Senate what is being done annually in that regard.

Mr. CARTER. In reply to the remarks of the Senator from Nevada I will state that, as a matter of course, with the books annually issued under and by authority of the Geological Survey, emanating from that branch of the Bureau presided over by a very competent man, Dr. Day, there comes a book known as the Mineral Resources of the United States. It is a publication which has been issued from that Bureau for many years past, I think for over fifteen years, and constitutes a valuable library, or addition to a library, of persons interested in mines and mining.

Mr. HALE. And a book which is very much in demand.

Mr. CARTER. And a book very much in demand, and supplied for distribution to members of Congress to a limited extent.

Mr. TILLMAN. I should like to know—I am almost ashamed to display my ignorance, but there are so many things I do not know about this Government that I am not so very much ashamed after all—whether that book embraces statistics of coal mining?

Mr. CARTER. Of course—iron, coal, copper, lead, cinnabar, etc., would be included.

Mr. TILLMAN. How does the Geological Survey get statistics relating to coal and iron? I thought that the Geological Survey was confined in its scope and work almost entirely to the Western part of the country, in the mountains and other similar regions.

Mr. CARTER. There is no law confining its operation to any particular section of the country.

Mr. HALE. The Geological Survey is engaged in work in other sections.

Mr. WOLCOTT. Mr. President, if I may answer the Senator from South Carolina [Mr. TILLMAN], the Geological Survey gets millions of dollars each year for preparing maps of the whole United States, which are exact duplicates on an entirely different scale of the maps of the Coast and Geodetic Survey; so that this great country from ocean to ocean is being platted by the Geological Survey with maps which will never have the slightest value. The Geological Survey finds its way into every hamlet and every cabin, and especially finds its way into the lobbies of the Senate and the House of Representatives. [Laughter.] The Geological Survey is all-pervading and universal.

Mr. TILLMAN. If the Senator will permit me, I wish to disclaim any familiarity or introduction to that honorable body. [Laughter.]

Mr. PROCTOR. Will the Senator from Montana allow me to ask him a single question?

Mr. CARTER. I will assume that the Senator from Colorado [Mr. WOLCOTT] has answered the Senator from South Carolina [Mr. TILLMAN], and therefore I will yield to the question of the Senator from Vermont.

Mr. PROCTOR. The Senator from Montana stated that the statistics were to be taken by enumerators. I want to ask him if the Census Office has not within a few days issued a circular providing for a distinct set of officers for taking the statistics on manufactures?

Mr. CARTER. The amendment under consideration reads as follows:

And the Director of the Census be, and he is hereby, authorized and directed to collect statistics required by section 8 of said act, in regard to mines, mining, and minerals, at the time fixed for the enumeration of the population, agriculture, and manufactures, notwithstanding any restrictions or limitations contained in section 8 of said act.

I concede to the Senator, in reply to his question, that this does not require that this work shall be intrusted to enumerators, but the fact that it is to be accomplished at the time the enumeration is in progress seems to inferentially lead us to the conclusion that the enumerators are to do the work.

Mr. PROCTOR. But, Mr. President, the Director of the Census is under no restriction except that the census is to be taken at the same time. In fact, he has recently issued a circular, covering the whole country, providing for a separate set of men for taking the statistics of manufactures. I can say for my own State that there is not a solitary place in it where there is any manufacturing of any amount and no place where there is any quarrying or mining which is not included in that order and a separate set of officials provided for taking that census. They can, while they are engaged in collecting the statistics of manufactures, take the statistics of mining and quarrying without any additional expense.

Mr. CARTER. That can not be done under this amendment. The law provides that the Director of the Census may employ special agents to collect statistics relating to manufactures, and

certain other special agents may be employed with reference to the collection of statistics concerning range stock and live stock in cities and on farms; but this amendment does not provide for the employment of special agents to collect statistics relating to mines, mining, and minerals. It provides no agency for the collection of statistics, unless the enumerators referred to in the amendment be employed for the purpose. That leads me to make the observation.

Mr. STEWART. I should like to make an inquiry of the Senator.

Mr. CARTER. If the Senator from Nevada will indulge me a moment, I wish to add that this collection of statistics through enumerators—and this amendment leaves no other means for the collection of statistics—would lead to the collection of the most unreliable and misleading line of statistics anyone can conceive of. The Senator from Colorado [Mr. WOLCOTT] well knows, as does the Senator from Nevada [Mr. STEWART], that in our own highly favored Rocky Mountain region you would find an optimistic enumerator who would go through a mining district in one case and see, like Sellers, there were "millions in it," and another man who had just been unfortunate in the development of a prospect would say there was nothing in the adjoining district, and would set the whole country down as a barren rock. This would lead to a mere expression of opinion by enumerators, and the height of the estimate would depend on the condition of the digestion of the enumerator from day to day or his experience in mining operations.

Mr. President, collecting statistics relating to mining and minerals is a serious work. They have been, as the Senator from Nevada suggests, for more than fifteen years collected by competent agents of the Government, trained in the collection of statistics on this subject, so as to discriminate between wild rumor and substantial fact. When we depart from this method of collecting statistics we but trifle with public information.

I shall be glad now to yield to the Senator from Nevada.

Mr. STEWART. The Senator has pretty much answered the question I was about to ask, which was, if the information that is now collected does not answer every purpose, and if it is likely to be improved by statistics obtained by the enumerators. I do not think it would be improved at all. If there is not work enough done, it is very easy to require more by the making of a small appropriation. It is important that we should secure accurate information which the whole country demands. I get frequent requests for copies of this work, and have been sending them out for years. I had a consultation with Dr. Day about it. He has come to me at times with proof sheets to consult me about getting the kind of information which would be useful to persons engaged in the mining business. If any other information is required, he can procure it in the course of the investigations he is now making with very little additional expense.

I do not think we need the Census Bureau to interfere with collecting this information. Whatever may be said of the Geological Survey in other respects, Dr. Day's work is correct, scientific, and logical, and furnishes valuable information. There is a great demand for it among the miners. I do not believe in taking the matter out of his hands, for untrained men can not do the work he has been doing. It may be when the appropriation is made by the Committee on Appropriations there may be suggestions as to enlarging the scope of his duties; but I do not see why we should confuse this matter by putting it in the Census Bureau.

Mr. TELLER. Mr. President, this will not interfere in the slightest degree with the work of the Geological Bureau. It seems to me, considering the great interest in the mining regions and the great production of minerals, that we are entitled to have a census if any other branch of national industry is entitled to it.

If the enumerators are to be appointed from a class of men who can only enumerate persons and who know nothing else, all the Senator from Montana [Mr. CARTER] said is true; but it would be within the power of the Director of the Census to send to every mining camp the right kind of man to take the census of mining productions, the number of people who are engaged in mining, the amount of money which has been invested in it, and all such matters. It ought to be made and it can be made more in detail in this census than it has been made in any other. I do not see why we should not have that information furnished to us regarding one great industry, which is not secondary to very many others, which are to be looked to specifically when the census is being taken.

The most unimportant and inconsequential part of the entire census is that as to population. There are thousands of subjects as to which statistics ought to be taken in the census which are more valuable in an economic point than those relating to population.

Mr. HOAR. A population census is necessary for the purpose of apportionment.

Mr. TELLER. It is required for the apportionment of Representatives, and in that sense, and in that only, it becomes important; but I think the Treasury Department make every month an estimate of population. They make the estimate on the statistics of immigration and upon the well-known rule of the growth of the people, considering our past history. I have no doubt they come near enough to the actual facts for all practical purposes.

The census ought to contain satistics on a great many other subjects. Our census has been the most elaborate and perhaps the most useful of any census ever made by any government, and it is so recognized. It has had at its head men who understood their business, and under them have been taken censuses which the world considers very valuable. I know myself, from comments which have been made upon late censuses in Europe, that our censuses are regarded as more valuable than anything that is being done on the Continent. Why should we wait for statistics on this subject any more than we should wait for the statistics of manufactures? If we were to confine this census simply to the population, I would not complain; but that is not done. It is proposed to single out and select certain industries, which it is said must be reported with the population, and that certain others are not of sufficient consequence to be included.

I believe that the mineral census can be taken without any delay, and that the Director has authority to select the right kind of people to take it. I should myself be glad to see it taken.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota [Mr. PETTIGREW] that the Senate recede from its disagreement to the amendment of the House numbered 2, in regard to mines, mining, and minerals, and agree to the same. [Putting the question.] The noes appear to have it.

Mr. PETTIGREW. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I again announce my pair with the senior Senator from Virginia [Mr. DANIEL]; but that pair has been transferred to my colleague [Mr. MCCUMBER], and I vote "yea."

Mr. PLATT of New York (when his name was called). I have a general pair with the Senator from Idaho [Mr. HEITFELD], and will therefore withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY]. I do not know how he would vote if present. I therefore withhold my vote; but if at liberty I should vote "nay."

The roll call having been concluded, the result was announced—yeas 16, nays 35; as follows:

YEAS—16.

Bate,	Hawley,	Money,	Shoup,
Berry,	Hoar,	Perkins,	Teller,
Clay,	Jones, Ark.	Pettigrew,	Tillman,
Hansbrough,	Jones, Nev.	Proctor,	Warren.

NAYS—35.

Allen,	Fairbanks,	Lodge,	Scott,
Allison,	Frye,	McBride,	Simon,
Carter,	Gallinger,	McEnery,	Stewart,
Chandler,	Hale,	McLaurin,	Taliaferro,
Chilton,	Harris,	McMillan,	Thurston,
Clark, Wyo.	Kean,	Pettus,	Turner,
Culberson,	Kenney,	Platt, Conn.	Vest,
Cullom,	Kyle,	Pritchard,	Wellington.
Davis,	Lindsay,	Ross,	

NOT VOTING—35.

Aldrich,	Daniel,	McComas,	Quarles,
Bacon,	Deboe,	McCumber,	Rawlins,
Baker,	Depew,	Mallory,	Sewell,
Beveridge,	Elkins,	Martin,	Spooner,
Burrows,	Foraker,	Mason,	Sullivan,
Butler,	Foster,	Morgan,	Turley,
Caffery,	Gear,	Nelson,	Wetmore,
Clark, Mont.	Hanna,	Penrose,	Wolcott.
Cockrell,	Heitfeld,	Platt, N. Y.	

So the Senate refused to recede from its disagreement to the amendment of the House numbered 2.

Mr. STEWART. Mr. President, before this subject passes away, I wish to call the attention of the Senate to the work in this direction which is being annually done by the Geological Survey. Here are two volumes [exhibiting] which are devoted to minerals, mineral resources, and statistics on these subjects. These reports come out annually. The work gives more valuable and accurate information than can possibly be obtained in any other industrial department in the United States. So for that reason, and not because I am opposed to mines and mining, I voted to disagree with the action of the other House turning the work over to the other department. If Senators will examine these volumes they will obtain information regarding the mineral resources of their own States which they can not get in any other way.

Mr. CARTER. I move that the Senate further insist upon its disagreement to the amendment of the House of Representatives, and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. CARTER, Mr. HALE, and Mr. MCENERY were appointed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 25, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 24, 1900.*

The House met at 11 o'clock a. m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

AMERICAN REGISTER FOR STEAM WHALER BOWHEAD.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1933) to provide an American register for the steam whaler *Bowhead*, which bill is now on the Speaker's table.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steam whaler *Bowhead*, owned by John A. Cook, Preston B. Keith, F. B. Howard, E. T. Packard, D. W. Field, A. W. Barrows, George Bickford, W. H. Bryant, and H. B. Madison, citizens of the United States, to be registered as a vessel of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to hear the report read.

The SPEAKER. The Clerk will read the report.

Mr. GROSVENOR. Mr. Speaker, if the gentleman from Massachusetts [Mr. GREENE] will yield to me——

The SPEAKER. This is a Senate bill, and the Chair understands that a similar bill has been reported by the House committee.

Mr. GROSVENOR. A similar bill.

The SPEAKER. If the House report is here, let it be read.

Mr. GROSVENOR. The House report is a copy of the Senate report, which I have.

The SPEAKER. The gentleman will send it to the Clerk's desk to be read.

Mr. PAYNE. I have no objection to the gentleman from Ohio, who is chairman of the Committee on the Merchant Marine and Fisheries, making a statement of the facts.

Mr. GROSVENOR. Mr. Speaker, very briefly, this is a small whaling vessel which has been bought at a cost of $11,500 up in the whaling region by a number of gentlemen engaged in the whaling business, from Brocton, Mass. All the owners reside there except one, who is in San Francisco. It is proposed that this vessel shall be repaired, and a specific statement is filed with the report as to the character of the changes and improvements which are to be made, and which involve an expenditure of $12,500 and an outfitting of $16,000 in San Francisco. The bill provides that when that work is completed and proof is made to the Commissioner of Navigation that the amount of $12,500 has been expended, then an American register may be granted to this little ship.

Mr. DE VRIES. What is the capacity of the vessel?

Mr. GROSVENOR. It is a ship of 240 tons burden.

Mr. RICHARDSON. I will ask if the House Committee has unanimously reported this measure?

Mr. GROSVENOR. The House Committee on the Merchant Marine and Fisheries have reported a similar bill.

Mr. RICHARDSON. Is it a unanimous report?

Mr. GROSVENOR. A unanimous report.

Mr. GREENE of Massachusetts. And now the proposition is to pass the Senate bill.

Mr. RICHARDSON. I understand that.

Mr. GROSVENOR. Exactly in the words of the House bill.

Mr. RICHARDSON. I only wanted to know if the proper committee have agreed to this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, at the request of Mr. GREENE of Massachusetts, the corresponding House bill was ordered to lie on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries.

REPRESENTATIVE-ELECT FROM UTAH.

The SPEAKER. The Chair calls up the unfinished business, and recognizes the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. Mr. Speaker, the House and the country are to be congratulated that this great question which now engages our attention has been submitted to an able, painstaking committee, who have searched through all the precedents that are to be found in the records of Congress, have explored all the decisions of the courts, and examined the text of all the commentators upon this subject, and have presented to us an exhaustive analysis of this great fund of information in the reports which they have laid upon our desks.

They have been unable to agree. Their disagreement is not upon the facts upon which our action is to be based, but upon the conclusion to which those facts point. The majority of the committee say that the remedy to be applied to the wrong which they insist has been done is to exclude Mr. Roberts from his seat in the House, to prevent even his being sworn in as a member of the House.

On the other hand, the minority of the committee say that that remedy can not be applied, but that the proper one is to first admit and swear him, and then expel him. Well, now, this presents, therefore, the only question for the consideration of the House at this time: Which of these two remedies, upon an agreed statement of facts, is the proper one for the House to adopt?

It was said by the gentleman from Maine [Mr. LITTLEFIELD] on yesterday, in his very able and exhaustive argument, that the precedents point to expulsion as the proper remedy. But if I may be allowed to criticise the gentleman's logic, I should say that he runs right up against the very precedents which he cites, because it is a universal rule, so far as the committee has given us information upon the subject, that you can not expel a member from the House for any offense committed prior to his election; and it is a confessed fact in this case that the crime of polygamous marriage that was committed by Mr. Roberts was committed long before the people of Utah elected him as their Representative on this floor, and that it was well known to the people of Utah when they cast their ballots that he had committed that crime.

I am aware, sir, that the gentleman may reply to this and say that polygamy is a continuing status, and that I shall insist to be the fact; but, nevertheless, the crime itself, the initial steps that made him guilty and answerable before the bar of public justice, were taken long before he was elected to Congress.

So that, Mr. Speaker, the minority of this committee, however ingeniously they may argue the question, are confronted with this obstacle in their pathway. The conclusion which they reach is one which can not be carried out if we are to follow the precedents that have been established for many years in this behalf.

The House to-day is sitting in the capacity of a judge. Its jurisdiction is conferred by that clause in the Constitution which declares that each House shall be the judge of the election, returns, and qualifications of its members.

The power to judge is a plenary one. We are not told in the Constitution when we shall judge or how we shall judge, but the broad grant of power to sit in judgment is given, and the method that shall be adopted to accomplish that judgment is left, and necessarily left, to the discretion of the House itself. It is a fundamental principle in the law that where there is a grant of power given that the very grant itself, ex vi termini, carries with it every incidental power necessary to make the grant effective. And so in this case, where the House is authorized to judge of the elections and qualifications of its members, it may judge in its own way. It may judge at such time and in such manner as it sees fit. It is just as permissible to judge at the time that a member presents himself to take the oath as it is after he has taken it. If the House in its wisdom and discretion sees fit to pass its judgment at that stage in the proceedings, it has the right so to do.

We are not restrained by this provision of the Constitution, we are not restrained by any other provision of the Constitution, and without any language whatever giving us the right to determine the time and the manner in which he shall judge of these qualifications this general grant of power carries with it the incidental one to determine the method.

But, sir, there is another clause in the Constitution which declares that each House shall make its rules and regulations, and that would justify the House in proceeding under any regulation or rule that it might prescribe in determining when and how it shall sit in judgment on this question.

Mr. RICHARDSON. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. POWERS. I should prefer not to be interrupted.

Mr. RICHARDSON. I do not want to break the line of your argument.

The SPEAKER. The gentleman from Vermont declines to be interrupted.

Mr. POWERS. I have but a very short time accorded to me, and if I yield to interruptions I will say to my friend that he will lose the spell of my argument.

Mr. RICHARDSON. All right; I will not interrupt the gentleman without his consent.

Mr. POWERS. The House, then, having the right to determine when and the method by which it will decide this question, the inquiry arises, May it not determine it before the member takes his oath? It seems to me to be entirely unanswerable to say that the House may do so at that time.

Now, sir, much has been said on the floor in the debate thus far as to the guilt of Mr. Roberts. I think, sir, there is another party that is guilty in this matter, and that is, the people of the State of Utah are responsible for this condition of things that we are confronted with here to-day. The people of the State of Utah came to the doors of Congress three or four years since with an application for admission to statehood. They came protesting that polygamy was a dead issue in that Territory, and they came with a manifesto from the chief executive officer of the Mormon Church, in which he had said to his people that polygamy must cease.

They came, by their Representative on this floor, and declared that public sentiment in Utah was against this practice; and, listening to this appeal that was made by the people of the Territory, this House and Congress consented to take them in after prescribing certain conditions that never before had been prescribed in the case of the admission of a new State into the Union. This House originated a proposition to this effect: That the State of Utah when they adopted their constitution should put into it a clause of their own making, by their own free will, forever prohibiting polygamous or plural marriages. No such restriction as that was ever before incorporated in the enabling act admitting a new State into the Union. But in this case, in view of the pledges that were made by that people, and in order to bind them to the utmost good faith for the redemption of those pledges, Congress said to them: "Gentlemen, you must incorporate that into your organic law as the condition precedent to your admission into the sisterhood of States."

Now, sir, they did what they were told; but we were told that that prohibition was prospective in its operation; that it merely prohibited polygamous or plural marriages thereafter. I beg to differ from that construction of the language. I insist that it was a prohibition against the status of a polygamous marriage. What is a polygamous marriage in the sense in which it was used in that instrument, in the constitution of their own State? Was it limited to the mere celebration of the marriage ceremony? Was that the mischief this House of Congress intended to remedy? Not at all. A man may marry two or twenty wives if that is all there is to it. It works no harm to the public good. It is all very true that a man may be prosecuted successfully for being a bigamist by the mere proof of the celebration of the second ceremony, but that was not the question pending before the House. The House was trying to protect the people against what is called the institution of polygamy.

We were trying to strike a blow against the status thus assumed by the party guilty of the offense. Congress was not trying to deny the right of the celebration of repeated ceremonies, but trying to prevent the setting up of polygamous households and the institution of more families than might be lawfully supported by one man. That was the mischief, and that is the force and the scope, by any legal or common-sense construction, that could be given to the language that was put in the very organic law of the State.

It is true, as the gentleman from Maine said on yesterday, that there is no such thing as a contract between the State and the General Government. If you please to limit it to that language, that is undoubtedly right; but, sir, there is such a thing as a contract of good faith on the part of the people of a State when it comes to the doors of Congress and asks admission. We have the right to hold them to an observance of plighted faith; and that is the point that I insist we should do to-day by repudiating the Representative they have sent here, sending him back to them, asking them in some more positive way to show their faith in the promise which they made to us when they were admitted into the Union.

Now, then, the remedy which the minority propose is expulsion. Expulsion is a matter that is wholly connected with and relates to the Representative himself. It is personal to him and does not touch the constituency. You can not expel a man for anything except, in the language of the Constitution, for misbehavior. "Disorderly behavior" are the very words adopted by the Constitution. Therefore it has been held repeatedly, and, I think, almost universally, that there must be some disorderly behavior on the part of the Representative after he becomes clothed with the trust, not necessarily after he is sworn in, but after he has been selected. He must do something within the comprehension of the words "disorderly behavior" in order to warrant the House in taking notice of it.

Why, sir, a man may commit the crime of murder, that crime may be known to all men in his State, and yet if afterwards they, knowing these facts, proceed and send him here as their Representative, this House is absolutely powerless to deal with the matter for that crime. And, as suggested by my friend from Pennsylvania [Mr. GROW] who sits beside me, a fortiori is this so if they once admit him to a seat on this floor. But, sir, we are not seeking to punish this man for disorderly behavior, and therefore we do not bring the case within the range of that clause of the Constitution that gives the House a right to expel. It must be lodged somewhere else, and I propose, in the brief time I have, to attempt to show that it is lodged not under the clause judging of this man's qualifications—that is to say, the constitutional qualifications of age, residence, citizenship, and inhabitancy—but it reaches back to the original election of the man.

It is there that you are to plant your ground for excluding him from taking the oath. The constituency that sends him here are the ones we should criticise; their action is the action we call in question, and not the disorderly behavior of Roberts, under the other clause of the Constitution giving the House the right to expel.

So that, Mr. Speaker, the result in this case must, by force of this reasoning, be exclusion or nothing. We are confronted with just that dire necessity. We must say either this man may be sworn in and stay in, because we have no right to expel for a cause that existed long before, or we must exclude him now and accomplish what the people of this Union are demanding at our hands.

But we are told by the gentleman from Utah especially, and it has been hinted from other sources, that if we construe this enabling act to mean something more than the celebration of an illegal marriage, we are breaking up family households, we are tearing away the wife from the husband. I deny it, sir; we are not breaking up a household; we are not tearing away the wife from her husband. Polygamy has never been legal in Utah, either as a Territory or as a State. Even before she became a Territory, the common law of England, that was in force there as everywhere, made polygamy illegal. It has never been legalized on the American continent, and therefore the moment Roberts took wife No. 2 he had a marriage that was, under the law as it then stood, absolutely and unqualifiedly void. When he took wife No 3, that marriage was absolutely and unqualifiedly void. Both of them were contrary to the law of the land under which he lives.

Now, then, we are not breaking up a family, because no legal family existed; no illegal marriage could make a legal family, and so the dire consequences, which are portrayed by the gentleman from Utah, cease to exist. We are simply breaking up an illegal relation; nothing more, nothing less. It is not, therefore, a question of sentiment; it is a question of strict law and of stern justice. But, sir, Mr. Roberts is entitled to no consideration, because he knew what the law was. Every man is bound to know the law under which he lives. He can not come here, therefore, and plead the baby act by saying that he acted in good faith, and he does not do that. He comes here and pleads that he acted under the high behest of the church to whose creed he subscribed. He puts it on the ground of a religious ceremony, of a religious institution, and justifies his action on that ground and that alone.

Now, then, I have already said that the people of the State of Utah have broken their plighted faith when they assured us at the time of the passage of the enabling act and by the adoption of their own State constitution that this institution should cease. They were admitted into the Union, and when they were admitted into the Union, Mr. Speaker, they pledged themselves within that sweeping language in the preamble to the Constitution, "We, the people, in order to form a more perfect union, etc., adopt this Constitution." They stand precisely to-day as though they had been one of the thirteen States that originally adopted that Constitution. They are a part of the people, and as a part of the people the constituency of that State are bound to the utmost good faith in the observance of their constitutional duties.

Why, sir, every American citizen that lived in the State of Utah and voted for Roberts was under oath to support the Constitution of the United States. What do you mean by supporting a constitution? Do you mean to subvert it, or do you mean to yield a willing allegiance under it, to support it and defend it in its workings, of ministering to the highest good of all the people? They promised to support the Constitution. Now, then, they must support that Constitution in the spirit in which it was adopted, and for the high ends for which it was adopted. What are the high ends? Among other things, to promote the public welfare.

It is true my friend from Maine yesterday rather flippantly alluded to the general-welfare clause in the Constitution. But I beg to say to him that, under that clause promoting the general welfare, there has been more legislation that has uplifted the people, that has accomplished the public welfare, than under any other clause in that sacred instrument. And when the people of Utah were called upon to act under the Constitution by electing a Representative to Congress, they owed a duty to all the other people in the country to elect a man, to inaugurate a policy that would minister to the public welfare, and not send a man here that would imperil the very Constitution under which we are living.

It was therefore a breach of faith on their part to elect such a

Representative. By their action in sending Mr. Roberts here as their Representative they have imperiled the very Constitution that they are sworn to support. They have attempted to make this institution, which is nothing but a relic of barbarism, respectable. They have given it a standing and a status in the halls of legislation that had been rejected by the legislature when they were admitted into the Union.

But we are told by the gentleman from Utah that if we adopt the policy of excluding him from a seat in the House, we threaten the very existence of the Constitution itself; that we break down the bulwarks that the fathers set up for the protection of public liberties. Well, if that sermon had been preached to us by somebody who was not himself trying to break down those bulwarks, it would have a great deal more force. Breaking down the bulwarks of the Constitution by excluding a Representative who comes here pledged to support the Constitution, comes here pledged to work for the public interests of our people, and still justifies his belief in an institution that Congress has once condemned—is that the way that the bulwarks of the Constitution are threatened?

For one I am perfectly willing to risk the ship of state. I think she can sail on safely enough, notwithstanding the dangerous assault which the gentleman says this House is about to make upon those bulwarks. It is true, sir, that in sailing over these troublesome waters the timbers of the old ship may creak, the cordage may in some parts of it snap, the crew may murmur, but of one thing I feel well assured, that the old ship of state will never be swallowed up in the miry waters of Salt Lake. [Laughter and applause.]

Mr. Speaker, we are told that over the doors of the legislative chambers in ancient Rome was written an inscription in Latin, which translated means "See to it that no harm comes to the Republic." That injunction was written in large letters on the very portals of their capitol building, so that every member of their legislative body as he marched up to the capitol each morning to discharge his responsible duties in legislating for the welfare of a free people should be reminded that it was his duty to see that no harm came to the Republic.

Now, sir, that same injunction is resting upon us. It is not written in letters over the doors of our Capitol, but it is written in spirit in the very Constitution under which we live. It is written in the very pledge which every man makes when he takes an oath to conduct himself here for the best interests of the people. It is written in the very atmosphere of every one of our legislative halls and it is our duty to-day, obeying this injunction, to see to it that no harm comes to the Republic.

The American people only a few months ago rose to a level high enough and to a plane broad enough to write into the code of international law a new dogma, which was that the uncivilized methods of three centuries ago must not be practiced in the conduct of a modern war. And so we declared that on grounds of humanity the United States was justified in preventing in Cuba the perpetration of those wrongs under Weylerism that had been practiced three centuries before under the Duke of Alva in the Netherlands. And no nation on the face of the globe has as yet called in question the propriety of that doctrine thus newly announced.

It remains for us to-day, Mr. Speaker, to write another maxim in the parliamentary law of our country, and that is that no one of the relics of barbarism that have come down to us from long-ago centuries shall longer vex and disturb the deliberations of an American Congress. We can say to the people of Utah, "Take your man back. Return us a Representative who is in accord with the spirit of our institutions and we will welcome him to a seat on this floor. But if you insist upon sending us a man who represents an idea that threatens the very happiness of our people, if you undertake to popularize and make respectable such an idea in our autonomy, we say to you, 'No.'" We say that it is proper that we record to-day, if never before in the legislative history of this House, the principle that no man shall be permitted to hold a seat here who is not in perfect accord with the very spirit of our institutions and in accord with the high aims and purposes of American civilization. [Applause.]

Mr. SNODGRASS. Mr. Speaker, in the limited time which has been allotted to me in this debate I shall of course not have opportunity to make an exhaustive argument, and therefore I will condense my remarks as much as possible in discussing this case.

To the principle of condemning a man without a hearing—and to deny or arrest privileges primarily secured and enjoyed without the necessity of our sanction is such condemnation—I am utterly and forever opposed as a crime against liberty, possessing all the indicia of despotism. No one can deny that at the time the Representative from Utah was stopped at the bar of this House he possessed all the prima facie right to office that any of us had, and in pursuance thereof had the right to take upon himself and assume all its mandatory incidents, at least to the point where our discretionary powers could be moved and the results of investigation made known. And no one can affirm that at that time any investigation of the charges had been made. The allegation that in the opinion of eminent counsel the record of his naturalization might be held to be defective is not a charge that he was not a citizen. At least it merely suggested a doubt which was immediately dispelled by the production of his certificate of naturalization issuing by a court of competent jurisdiction, which is certainly conclusive unless we are to assume that the legislative branch of the Government can exercise a revisory control over the judicial branch, which, it seems to me, is subversive of their distinct and sovereign equality. It may be that upon investigation properly had, if there appears an entire lack of jurisdiction on the face of the proceedings, it would be in the power of Congress to so declare and thus defeat his election. At any rate, we are not to assume its void character until it does appear.

Why need we scoff at the administration of justice in the French Republic, where evidently the presumption of innocence does not obtain and where a pleading and helpless prisoner is made to prove his innocence of crime founded only in well-drawn accusation, if the representatives of the people of the United States are themselves to encompass the reversal of our order and become the chief exponents of the French system upon a mere suggestion of delinquency.

The gentleman from Ohio [Mr. TAYLER], in support of his resolution, used this language:

> If, upon investigation, it shall develop that the claimant is entitled to his seat, then an injustice will be done him by keeping him out. But that injustice is not comparable to the injustice and wrong that will result to the House and country if, being ineligible in the respects charged, he should sit for one hour as a member of this body.

My answer to this language is brief, that we are not authorized to thus incur the danger of possible injustice. To guard against it we have enshrined presumption of innocence, a principle as old as the Government and as sacred as the Constitution.

Secondly. If contamination is what was to be apprehended, we had already been inoculated in the exercise by the Representative from Utah of the functions of an office given him by the Constitution operating on the actions of the people of his State.

I abhor polygamy in any form. But a large number of Representatives, who are not governed by the strict construction of the Constitution, which is an old and sacred creed of the Democratic faith, and which is the only safe and sure anchor of constitutional liberty, sought to so mix up a question of constitutional right touching the oath of office with questions of propriety involving a high moral standard as not to permit a fair expression of the sentiment of the House.

Entertaining the views which they do with reference to the Constitution, they could well do so without violating their conscience. Their position upon the constitutional question is well stated by the gentleman from Ohio [Mr. TAYLER], the mover of the resolution, in his speech, which reads as follows:

> Finally, upon this subject of ineligibility, and I ask the attention of the House to these measured words, if we consider the great powers of Congress unrestricted save by the Constitution, we shall see that it can impose qualifications and declare ineligibilities probably sufficient where crimes or offenses against civilization are concerned to justify it, and in some instances to command it, to refuse admission to persons thus tainted.

The Democratic position on this question, and albeit the proper construction thereof, is as directly antagonistic to this view as it is possible to conceive.

We do not consider the Constitution as a limitation on the powers of Congress, but, on the contrary, we consider the Constitution as a grant of the only and limited powers it possesses. The other theory, therefore, is to presuppose in Congress all authority upon which is imposed by the Constitution only certain limits, while the Democratic theory is to deny all authority except the limited powers authorized by the Constitution.

Passing over the question of the dangers incurred by the establishment of the precedent, whereby majorities elected may be reduced to minorities in a preliminary skirmish, and where a President or Speaker may be declared or constituted a Chief Executive or presiding officer who was never elected, it would not be difficult to harmonize the position of the majority on the Tayler resolution with their known views with regard to the particular case of Roberts in declaring disqualifications were it not for some other provisions of the Constitution, which even according to their view impose limits. In Article V of the amendments to the Constitution it is provided that "no person shall be deprived of life, liberty, or property without due process of law."

Due process of law has been held to include notice, trial, and judgment by regularly constituted jurisdictions in advance of such deprivation.

Again, in subsection 3 of section 9, it is provided that—

> No bill of attainder or ex post facto law shall be passed.

Public office and the right to the salary and to enjoy its privileges has been held to be property. Therefore Roberts's present right to take the oath must be considered in the light of the laws

now existing, and the passage at this time of any resolution or act, which is done by a majority vote, could not constitutionally operate so as to deprive him of his office, because its operation would be ex post facto, and its decree would not be in accordance with due process of law, involving notice, trial, and judgment.

It is idle now to refer to the legislation of Congress respecting polygamy in the Territories. Those laws operated under a distinct grant or authority of subsection 2 of section 3 in Article IV of the Constitution, which gave to Congress full power to—

Dispose of and make all needful rules and regulations respecting the Territories, etc.

They were abrogated in so far as the General Government is concerned when a sovereign State was subsequently erected out of the discordant elements of the old Territory of Utah, and their last and lingering effects faded away in the amnesty proclamation which followed them. They can not penetrate the royal shield of a sovereign State.

Neither does it affect the question that these laws are referred to and some of their provisions incorporated in the organic laws of Utah. They impose no disqualification for office; and if they did, a single State thus operating alone can not effect an amendment to the Constitution of the United States. Article V of the Constitution provides a way in which such amendments can be secured, as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

In thus providing it excludes every other method. In considering this question it must not be forgotten that it is the matter of the status quo in which no latitude is allowed. It is not a question of what the Constitution ought to be, but a question of what it is. And we are bound to give it effect, whatever may be the consequence, because of the following oath which we have taken:

I, —— ——, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I take this oath freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

May those of us who disapprove the majority resolution and advocate a different procedure beg the indulgence of this House and the country while we modestly state that the exclusion of the Representative from Utah in this particular way may not be that vindication of virtue which the country demands? And may it not also involve a lapse from another standard by which the rectitude of our intentions is to be gauged?

"Thou shalt not bear false witness," etc., is as much of a command thundered from Mount Sinai as the one couched in the terms, "Thou shalt not commit adultery."

On all matters involving questions of policy or propriety members of Congress should be controlled by and reflect the will of their constituents. But on all questions touching the oath of office and their eternal responsibility they should be left without coercion or denunciation, as they will have to answer for their actions in the great day of accounts, where the secrets of all hearts are to be made known, and where all pleas of expediency will be stricken from the record in consequence of the warning that no evil shall be done in order that good may abound. We may reason with each other, however, and if an agreement is not reached the causes thereof may appear. Let us consider the status of the Representative from Utah involved in his prima facie case.

In the first place, I take the position that he is a State officer, elected by the people of his State to represent them in Congress, which body is composed of the sum total of the number elected in all the States. It is true that the effects of such representation may become national in character, but nevertheless the choice of office is locally controlled. His resignation is made to the governor, and his place can not be filled except at the pleasure of the State authorities.

The highest and the only evidence of his election that can be considered up to a certain time is the certificate of election issued to him under the laws provided by the State, by which the result of his being chosen was made known. The Constitution operates independently of aid or formality, but automatically, to constitute the collective body so chosen—the House of Representatives—as the following paragraph shows. Section 2 of Article I states:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Now, the effect of this paragraph, operating before the Congress came together and organized for business, was to give the Representative from Utah certain rights, among which were the right to draw his salary, to exercise the franking privilege, to receive and distribute Government publications, to journey to Washington under the special protection of the laws, to participate in the caucus, and to help elect or defeat a candidate for Speaker.

All the privileges which a member enjoys before he takes the oath of office do not now occur to me, but enough have been stated to convince me that there is virtue and power enough in the Constitution, even before we have a chance to experimentally interpret it, to make it worth while for us to strive for the office, though we may not be permitted to take the oath, and to convince me further that it is not the taking of the oath of office that constitutes an individual "chosen" by the people of a State a member of the House of Representatives. This view is supported by section 3 of Article VI, which provides as follows:

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

This section, therefore, again recognizes the fact that the Representatives chosen are the Congress primarily, and makes it mandatory, not discretionary, that they be bound by oath.

It is admitted by everyone that the Representative from Utah was chosen by the people of his State. He therefore is entitled upon this showing not only by authority of the Constitution, but by its positive commands, to take the oath of office. This appears also from other considerations. The House can not transact any business save the election of a Speaker until it is organized and a quorum sworn. Suppose the objection had come from the Speaker to a member from Alabama, the first State called, to whom could he have appealed from an adverse ruling of the Chair? To no one certainly who is entitled to vote. It is no answer to this to say that such a thing may not be done or will not be done. The question is one of power. Can it be done? If it can not be done in the first instance, then the reason holds good through the whole list of those who present certificates from the States.

I challenge the statement in the majority report that we can dispose of all such questions in advance of being obligated with the oath, because such questions constitute business or procedure which affects constitutional rights and are determined under constitutional directions and limitations, in view of which it was certainly never intended that the members should be thus relieved and invited to render partisan judgment. I believe that the election of a Speaker before members are sworn is without constitutional warrant, for I think all the mandatory provisions of the Constitution respecting the obligations of members to do the right thing should be fastened upon their conscience before they act, and I think this is why the Constitution was made to say that "Members so chosen shall be bound by oath."

The statement thus challenged is about upon a par with another statement made in the majority report, that those who do not believe that a majority can exclude can reserve the right to make the point of order that the resolution is not carried if two-thirds do not vote for it.

Suppose such a point of order were made and the Speaker should rule one way or the other upon the question and there should be an appeal from the decision of the Chair, how many votes under the rules does it take to sustain the Chair? So at last it is seen that a majority will control in any event the disposition of the resolution reported by the majority.

It does not follow from this that if the member presenting the certificate does not possess the constitutional qualifications, his seat can not be declared vacant by a majority vote, under section 5, Article I, which provides that each House shall be the judge of the elections, returns, and qualifications of its members. The point I make is that the member "chosen" is primarily, by the ipse dixit of law, a member of the House of Representatives, whether qualified or not, until that fact is ascertained and declared by an investigation, which can not be had until after organization, pending which he has the right to vote on all questions that may come before the House; that the oath of office is as much an incident of his having been chosen by the people of the State as the salary, franking privilege, etc.—no more and no less.

Again, the Representative from Utah, if Justice is the blind goddess which she is represented to be, and if he is to be given the equal protection of the law, whatever may be his moral character, is entitled to have the scope of that investigation confined to the subjects of qualifications written in the Constitution, and if he is then able to run the gantlet of a majority vote which the Constitution provides for in that particular, he is entitled to invoke and demand the two-thirds vote provided for by subsection 2 of section 5 of Article I of the Constitution, which controls the discretion of Congress in expelling a member. To say otherwise would be to deny the equal protection of the law, and disgrace and discredit the instrument which we are sworn to uphold, protect, and defend. I say that polygamy is at present no constitutional disqualification to a seat in Congress. But I say, with all the

emphasis that I can command, it ought to be, and I here pledge you my cooperation to secure an amendment to the Constitution of our country making it a disqualification.

But if we are willing to measure up to that high standard of virtue which animates the people and which has found expression in the huge pyramid of petitions that blockaded for a while the corridors of this Capitol, we are not left powerless. Subsection 2 of section 5 of Article I provides as follows:

Each House may determine the rule of its proceedings, punish its members for disorderly behavior, and with the consent of two-thirds expel a member.

Under this section let us write the people's indictment. Let us say that he be expelled, not because he is a Mormon, not because he is not a citizen and therefore ineligible. To say this begs the question, confuses the issue, and gives away the people's cause. But let us say that because the Representative from the State of Utah is a polygamist at present, maintaining unholy, unlawful, and open relations with a plurality of women to the evident demoralization of the common standard of virtue, therefore it does not comport with the dignity of this House to sit with him, and that he be expelled, expressing a verdict that is responsive to the issue drawn by the people, unclouded by any doubtful supplementary pleading superimposed to bolster an expediency that is itself grounded in a misconception and is both dangerous and revolutionary.

The people themselves have conceded possible difficulties in the way of ousting the Representative from Utah and have demanded no circumlocution or sacrifice of good faith at our hands. Nor will they be satisfied with a victory purchased at a loss of security, especially as a previous poll of this House has demonstrated that their will can be accomplished in an admittedly constitutional way.

A sample of what the people have demanded is contained in the copy of one of the petitions, which is as follows:

To the Hon. —— ——, Representative-elect of the —— Congressional district of the State of —— to the Fifty-sixth Congress of the United States of America:

We, the undersigned, legally qualified voters of the said —— Congressional district of the State of ——, do hereby most respectfully and most earnestly call upon you as our Representative in the Fifty-sixth Congress to use your utmost endeavor and to exhaust all honorable means to secure the prompt expulsion of Mr. B. H. Roberts, of Utah, the avowed polygamist and covenant breaker, from the House of Representatives, in accordance with the provisions of the national Constitution in Article I, section 5, paragraph 2, which reads as follows: "Each House of Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member."

We also do most earnestly and most respectfully call upon you to use your utmost endeavor and to exhaust all honorable means to secure action by the Fifty-sixth Congress proposing an amendment to the national Constitution, and submitting the same to the legislatures of the several States, defining legal marriage to be monogamic, and making polygamy, under whatever guise or pretense, a crime against the United States punishable by severe penalties, including disfranchisement and disqualification to vote or to hold any office of honor or emolument under the United States or any State or Territory therein.

This does not undertake to commit us to any doubtful expediency. Then why is it necessary to force those of us who conscientiously hold opinions against the manner of procedure recommended by the majority report to vote against a resolution that he be not sworn, when a resolution of expulsion would command our support?

As the Representative from Utah is made a member of the House of Representatives by the Constitution, as a result of his being chosen by the people of his State, and as the oath of office is a mandatory incident thereto, a resolution to expel him after he is sworn would be constitutional and proper. Any other procedure is in my judgment a violation of the fundamental law which my oath constrains me to oppose.

With respect to the gentleman from Utah personally, I have nothing to say, except that in these trying hours he has conducted himself with ability and dignity. I only deplore the fact that his own acts have put him without the pale of political ambition, in which his great talents would otherwise so justly enable him to shine. But he is not the only man whose folly has overtaken him. Nor will he, perhaps, be the last. His case long hence will illustrate the fact that he who would be safe must obey the moral laws laid down by the Master which measure the common standard of virtue in a Christian Republic. [Applause on the Democratic side.]

Mr. LANDIS. Mr. Speaker, there was universal rejoicing throughout the length and breadth of the Union in January, 1896, when the announcement was made that Utah had been admitted into the American Union. Why this rejoicing? Because it was universally conceded that the birth of this new State marked the death of a system that had plagued our people for over half a century, a system that in the history of mankind had been sanctioned by half-civilized tribes and nations, but abandoned even by barbarians after they had tasted of the first fruits of civilization.

There were those who opposed clothing Utah with statehood, who contended that polygamy was not dead, who stoutly maintained that the people of Utah were practicing deception upon the Government and were desirous of changing their political status in order that they might, practically unhindered, "live their religion." But bitter as was the opposition to the admission of that State, none of the opponents of statehood were ever so bold as to charge that in less than three years after the Territory was admitted her people would go to the polls in the sovereign capacity of electors and commission a polygamist as their sole Representative on the floor of this House. Yet Utah did that very thing, and in 1898 the whole country was aroused by the announcement that a polygamist had been elected to the American Congress and was getting ready to move on Washington with a plurality of wives and a multiplicity of children.

That was the first proposition that met the members of this body when they assembled; appeared even before we had effected an organization.

I confess, Mr. Speaker, that it is with some embarrassment that I speak on this question, following the distinguished members of the committee who have already been heard. They are both lawyers, men learned and eloquent in their profession, and it seems to be taken for granted, at least by many who have given this question consideration, that none except those who have been accustomed to threading the intricate and devious windings that finally lead up to the headquarters of some legal technicality are equipped to form an opinion or arrive at a logical conclusion.

I am no lawyer. It was the ambition of my early life to be a criminal lawyer. I started in and worked at it just three days, and at the end of the third day ascertained that after all, in criminal cases the jury is the exclusive judge of both law and fact, and I thought that that was an unwarranted reflection upon the profession, and so I decided to join the jury. [Laughter and applause.] And thus to-day, not as a lawyer, but as a layman who has given earnest consideration to this question, I desire to speak. It seems to me that there are just three questions arising in this case: First, is Brigham H. Roberts a polygamist? Second, if Brigham H. Roberts is a polygamist, is he entitled to a seat on the floor of this House? Third, if Brigham H. Roberts is not entitled to a seat on the floor of this House, how shall we part company with him? [Laughter.]

The first question is answered in the affirmative—is not even combatted by the gentleman from Utah himself. He is a polygamist, an open and acknowledged and admitted polygamist. Is he, then, entitled to a seat on the floor of this House?

The committee to whom this question was referred answer that unanimously in the negative.

Then, how shall we part company with him? There is a dispute on that proposition, and I must admit that there is some precedent and some constitutional interpretation along both lines. I believe, however, that the constitutional right of this House to exclude Mr. Roberts is as clear as a line of light, and that the argument of the gentleman from Ohio [Mr. TAYLER], based upon the committee report, is incontrovertible.

I shall not worry over the contention between the gentleman from Ohio [Mr. TAYLER] and the gentleman from Maine [Mr. LITTLEFIELD]. I am willing to let them settle these intricate questions among themselves. This dispute concerning constitutional interpretation reminds me, however, of a definition that I once heard given of law in the midst of just such a contention as this. A young man asked his father, who was one of those engaged in the discussion, "Father, what is law?" And the father looked at the son, and after a little hesitation replied, "Son, law is the last guess of the Supreme Court." [Laughter.] And I am inclined to agree with that definition, and I now address the court that has the last guess.

I claim and shall contend that Mr. Brigham H. Roberts is not entitled to a seat on the floor of this House and should be stopped at yon threshold, because he has violated the condition predicated upon which Utah was admitted into the American Union.

The gentleman from Maine may call that a "consideration," an "agreement," a "condition," a "compact," or whatever he will, and he may laugh and sneer at it; still that condition precedent is there. That is the highway Utah traveled into the Union, and on that same highway we will send her Representative from the door of this House. That compact or agreement was made only a few years ago, and to it I desire to call your attention.

Utah had made six unsuccessful attempts to change her status from that of a Territory to that of a State. No one objected to her admission on the ground that she did not have sufficient population; no one objected because she did not possess material wealth; no one contended that her future was not hopeful, but each time the head of the serpent of polygamy lifted itself in her pathway, and finally Utah concluded that she could never secure statehood until she had purged herself of that plague and had thrown off her scarlet mantle. The church realized that, and in 1890 issued this manifesto:

To whom it may concern:

Press dispatches having been sent, for political purposes, from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages

have been contracted in Utah since last June, or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice; and I deny that either forty or any number of plural marriages have during that period been solemnized in our temples or in any other places in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1888.

But I have not been able to learn who performed the ceremony. Whatever was done in the matter was without my knowledge. In consequence of this alleged occurrence the endowment house was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence over the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teaching he has been promptly reproved; and I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the laws of the land.

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

I desire to call the attention of the House to the last two paragraphs of this manifesto.

In the proceedings by which the Mormon Church secured the return of certain church property escheated to the United States an interpretation of that was made by Mr. Wilford Woodruff, the president of the church, who signed it, and several of the leading apostles, who, under oath, testified that that manifesto was a pledge not only against the contraction of future polygamous marriages, but that it covered all marriages already contracted, and prohibited polygamous or unlawful cohabitation with prior acquired wives.

President Harrison, noted not only for his ability and splendid patriotism but for his caution and candor, seeing the way things were drifting, took alarm and sounded this warning in his annual message of December 9, 1891:

The legislation of Congress for the repression of polygamy has, after years of resistance on the part of the Mormons, at last brought them to the conclusion that resistance is unprofitable and unavailing. The power of Congress over this subject should not be surrendered until we have satisfactory evidence that the people of the State to be created would exercise the exclusive power of the State over this subject in the same way. The question is not whether these people now obey the laws of Congress against polygamy, but, rather, would they make, enforce, and maintain such laws themselves if absolutely free to regulate the subject? We can not afford to experiment with this subject, for when a State is once constituted the act is final and any mistake irretrievable.

That warning brought from the heads of the Utah church a petition for amnesty. They began to be alarmed and desired to give additional assurances of their good faith. A petition praying that by proclamation the President would relieve them of certain disabilities was presented. This petition recited that polygamy, formerly taught as commanded by God and honestly and sincerely practiced by the people, had been abandoned, and that they were now weary in body and mind, their people were scattered, their homes were made desolate, many of them were in prison, while others were banished or in hiding, and concluded with these words:

This being the true situation, and believing that the object of the Government was simply the vindication of its own authority and to compel obedience to its laws, * * * we respectfully pray that full amnesty be extended, * * * and as shepherds of a patient and suffering people we ask amnesty for them, and pledge our faith and honor for their future.

This prayer was granted, based upon the manifesto of 1890, the petition for amnesty, and the sworn statements that unlawful cohabitation had ceased. Aye, the Government went further. Previously, by reason of the polygamous practice of this people, certain church property had been escheated to the Government. Having convinced the people of the country and the President of the United States that they were obeying the law, they were given back their church property, the joint resolution dated October 25, 1893, restoring it to them containing these words:

Whereas said church has discontinued the practice of polygamy and no longer encourages or gives countenance in manner to practices in violation of law or contrary to good morals or public policy.

Upon this "whereas" their property was restored.

About this time a movement was made looking toward statehood, and an enabling act was introduced, referred to a committee, and that committee reported favorably.

And I want this House to note the words of the committee presenting that report. The report was presented May 17, 1894, and reads, in part, as follows:

While your committee condemn the doctrine of polygamy and hold that so long as the Mormons constituted the larger part of the population of the Territory of Utah, and personally, or as a matter of faith, with or without the practice, believed in the doctrine of polygamy, then it was proper and right for the Federal Government to use all of its vast powers to secure the overthrow and destruction of that practice; yet in view of the foregoing facts set forth in this report, as well as the concurrent testimony of all parties interested in the welfare of Utah who have appeared before your committee at its hearings upon this subject during the present Congress, as well as the vast amount of testimony submitted to your committee during the Fiftieth Congress upon the same topics, compel your committee to believe, without doubt or hesitation, that the institution of polygamy as taught by the Mormon Church, whether of faith or of practice, is now absolutely stamped out and exterminated.

That committee's report concluded with these words:

In view of the foregoing, political reasons alone can no longer be urged to delay the admission of Utah as a State.

All mouths should be hushed and all opposition silenced after the President has amnestied all past offenses; after both political parties in national convention assembled have declared that the time has come for the admission of all the Territories, of which Utah is one; after the Territorial conventions of 1892, wherein both of said great parties declared for statehood and that the hour is ripe for the admission of Utah; after the legislature of Utah has declared unanimously for statehood; after the governor of the Territory, all of its Territorial officers, and its judiciary, all of whom are Republicans in politics, have declared that in their opinion polygamy is abolished and at an end; after all the members of the Utah Commission, a commission created expressly to crush and obliterate polygamy, have declared their work practically accomplished; after the Mormon Church, through all of its heads and officials, publicly, privately, and in every way possible for mortals to do and proclaim, have, with bowed heads, if not in anguish, pledged their faith and honor that never more in the future shall polygamy within the Mormon Church be either a doctrine of faith or of practice, there certainly can be but one sentiment, but one opinion, among all just-minded legislators in Congress upon the question of duty, and that is, to admit Utah as a State into the Federal Union.

Upon the report of that committee that enabling act came before this House. Notwithstanding that report there was opposition to Utah's admission. Debate was exhaustive, the chief advocate of statehood being Mr. RAWLINS, then a Delegate from Utah to this House. His assurances were absolutely complete. He left no doubt in the minds of the members of this House as to the conditions then prevailing in Utah. Polygamy was dead. Polygamy and its practice, according to his statements, had not only been abandoned as a practice, but eradicated as a belief, and he pledged the faith and honor of all his people, gentiles and Mormons, infidels and churchmen, to the solemn keeping of that pledge.

I want to read to this House a few extracts from that address:

Mr. MORSE. Is it not a fact that prior to the election of the gentlemen the Territory of Utah sent here as their representative Mr. Cannon, a man who had six wives?

Mr. RAWLINS. No, sir.

Mr. MORSE. How many wives did he have?

Mr. RAWLINS. You mean George Q. Cannon?

Mr. MORSE. Yes, sir; he was a polygamist, was he not?

Mr. RAWLINS. That is ancient history, my friend. Mr. Caine has represented Utah here; he was my predecessor as a Delegate from the Territory. He served here ten years. Mr. Caine is not a polygamist. In 1882 Mr. Cannon, the polygamist you speak of, was excluded from his seat in Congress on account of his polygamy.

Mr. MORSE. But he represented the sentiments of those people all the same, because they elected and sent him here.

Mr. RAWLINS. They elected him in years gone by. I am not denying, my dear friends, that in 1853 or in 1860 or 1875 or 1890 polygamy was practiced in Utah. I am not denying that the people of that Territory elected polygamists to office in those old days. But the gentleman does not seem to know that the world does progress. There is nothing under the sun that is not changeable and subject to alteration.

Again:

As I stated before, I believe there is absolutely no peril, so far as any apprehension entertained by anybody on the subject of polygamy, that that practice will ever under any circumstances be revived in that Territory.

Again:

Now, Mr. Chairman, in conclusion let me say that a change has taken place in Utah. How that change has been brought about may be interesting to gentlemen who are not familiar with its history. The making and the enforcement of laws by Congress has had something to do with it. There is no question about that. But there has also been developing for many years past in the Territory of Utah a sentiment among the people who have been born and brought up there which has had a great deal to do with this change. The eradication or discontinuance of polygamy is perhaps due first to external pressure, but still more largely to the efforts of people within the Mormon Church itself to bring about the reform of the organization in that respect.

It should be borne in mind that but a very small proportion of the Mormon people have ever practiced polygamy. Those who did not practice it saw the evil consequences which flowed from its practice, the unhappiness which it caused in families, and that it rendered the people of Utah obnoxious to the prevailing sentiment of the age. Its practice disturbed the tranquillity, impeded the progress, retarded the growth, darkened the character, and destroyed the prosperity and happiness of the people.

Thousands of non-Mormons have come into Utah and made their homes there. Our schools are free; attendance is required; they are nonsectarian. Education has been freely disseminated. Under such conditions, polygamy, having once been suppressed or extirpated, is not likely to be revived.

And further:

The elders of the Mormon Church got up and said that this came to the people with all the force of a revelation, and was binding upon them; and many of the Mormon people have testified in court when occasion has arisen when such testimony would be relevant, that they regard that as a revelation from Almighty God; that they no longer believe polygamy and its practice to be right; and in effect it is not only discontinued as a practice, but so far as the great mass of the Mormon people is concerned it is eradicated as a belief. But the people of Utah—I think I can speak for them on this question—mean, I believe, what they say. They are engaged in no scheme of fraud or treachery by which to deceive the nation. Having made this pledge and on this pledge asked this action by the American Congress, I think I can say for them that they will stand by it though the heavens fall.

Those are the words of Mr. RAWLINS, the sole representative from the Territory of Utah on the floor of this House when Utah asked to be admitted into the American Union. I was very much surprised a few weeks ago, having read that speech, to see in the press of

this city a statement authorized and prepared by this same gentleman. Referring to the statement that the people of Utah have elected polygamists or persons in that status to office, he said:

This is true in some instances, and it is equally true that the United States, acting by the President, with the consent of the Senate, has appointed polygamists to office, and under such appointments for almost three years these polygamists have held and are now holding important Federal offices in the State of Utah. If this be a violation of the compact, both parties have violated it, the President on the one hand and the electors of the State on the other. No more have the people of Utah than the President sought to cram polygamy down the throat of the nation or the State. Such a motive can not be justly ascribed to either.

The then Delegate from the State of Utah making that speech, conditioned upon which Utah was admitted to the Union, now uttering these words printed by his own authority!

Polygamists appointed to office in the State of Utah!

We thought there were no polygamists in the State of Utah.

That State came into the Union on condition that polygamy and polygamous practices had been absolutely abandoned; and yet the then Delegate in the United States House of Representatives now charges the President of the United States with being equally guilty of attempting to "cram polygamy down the throats of the American people." That is not an arraignment of the President of the United States, but it is an arraignment of the then Delegate from Utah. That is an arraignment of the people of Utah who pledged their faith and honor to the solemn keeping of their pledge and covenant. [Applause.] No man who knows the President of the United States would think for a moment that he would knowingly appoint a notorious polygamist to a Federal office in Utah or any other State. No one would believe that for an instant.

Mr. RAWLINS could have gone further in that statement. He could have charged that the Speaker of this House had indorsed polygamy and had attempted to "cram it down the throats of the American people." He could have charged that the leader of the minority had indorsed polygamy and had attempted to "cram it down the throats of the American people." He could as well have charged that this House and the coordinate branch of this National Legislature had done the same thing. Why? Because there passed through this House at the last session of Congress a bill appropriating $40,000 for the agricultural college at Logan, Utah. The president of that college—and I make this charge on my honor as a Representative—the president of that college is a polygamist, living in open and notorious polygamy with three wives. One of his leading professors is a polygamist, living in open and notorious polygamy with two wives. A trustee, who guides and directs the business interests of that college, is a polygamist, living in open and notorious polygamy with seven wives [laughter], and they have blessed him with thirty-nine children. [Laughter.]

Did the President of the United States indorse polygamy? If he did, then both branches of this Congress have indorsed polygamy. He is innocent and we are innocent—innocent because we put faith in the pledge and promise of those pious covenant breakers. [Applause and laughter.]

Mr. RAWLINS, when he published that statement in the newspapers, could also have published some other things with reference to Utah, and to these other things I want at this time to call the attention of this House. He might have stated that three of the members of the first presidency and ten of the twelve apostles were in Utah and affixed their signatures to this petition for amnesty upon which they railroaded their State into this Union. Two others would have signed it had they not been absent from the country at the time.

Mr. RAWLINS could have stated truthfully that of these fifteen leaders who solemnly pledged their honor and faith for future obedience to the law on the part of the members of the Church of Jesus Christ of Latter-Day Saints, three have probably kept their pledge, namely Wilfred Woodruff, Franklin D. Richards, and Anthon H. Lund. The first two named were at the time of the signing of the petition for amnesty over eighty years of age, and hence for all practical purposes barred by the statute of limitation. [Laughter.]

Mr. RAWLINS could have stated that of the other members of the first presidency and twelve apostles eleven have been guilty of the violation of the letter of the law and their pledges, while one other is at least morally guilty, namely, George Q. Cannon, first counselor to the president of the church. He could have stated that on the death of Elizabeth Hoagland Cannon, his lawful wife, and after taking unto himself as additional wives Sarah Jane Cannon, Martha Tulley Cannon, and Eliza T. Cannon, and after having pleaded guilty and having been a fugitive from justice, having forfeited his bail and "served a term honorably in the penitentiary" [laughter], Mr. CANNON now claims to be legally married to one Caroline Croxall, a fifth wife, by whom he has had two children, and he and all his wives live in a suburb near Salt Lake City, having no neighbors, and it is known as Cannonville. [Laughter.]

Mr. RAWLINS might have said that Joseph F. Smith, second counselor to the presidency, has three women among whom he distributes the title of wife, Julina and Edna, who are sisters, and Mary, all of whom have children born to him since 1890, since the issuance of that manifesto; that said children are acknowledged by Smith as his offspring, and that at this time both Mary and Edna have young children of whom Smith is the recognized father. Mr. RAWLINS could stand upon solid ground in the open and bold declaration that Joseph F. Smith, second counselor to the presidency, is a defiant polygamist.

Mr. RAWLINS might have stated that Lorenzo Snow, now president, prophet, seer, and revelator, called "the literal mouthpiece of God," and by others of the church the "boss of Jehovah's buckler" [laughter], and at the time of the signing of the petition for amnesty president of the quorum of apostles, is also trampling under foot the solemn compact made with the Government. It will be remembered that President Snow was one of those who under oath interpreted the manifesto and declared that the manifesto of 1890 prohibited unlawful cohabitation with polygamous wives as well as the ceremony of taking additional wives. Snow had participated in nine matrimonial ventures. He was first married over forty years ago, in Nauvoo, Ill., to two women, Adaline and Carlotta. He took these two wives by one and the same ceremony—in a block of two, as it were. [Laughter.] The elder of the two women has since died, and he has since married, in order named, Sarah, Harriet, Elinor, Mary, Phœbe, Minnie, and Caroline. [Laughter.] Would you not like to sit down to breakfast in that family? [Laughter.]

Mr. WILSON of Idaho. Mr. Speaker, may I be permitted to ask the gentleman a question?

Mr. LANDIS. Yes.

Mr. WILSON of Idaho. Was any of that evidence before your committee?

Mr. LANDIS. Mr. RAWLINS appeared before our committee voluntarily and gave evidence touching the matters at issue in this investigation.

Mr. WILSON of Idaho. Are you reading from evidence taken before your committee?

Mr. LANDIS. I am not required to read from evidence taken before the committee. As I stated before, I am one of the jury and have found some facts. [Laughter.]

Mr. WILSON of Idaho. You avoid the answer.

Mr. LANDIS. You will see whether I avoid the issue by the time I get through with this. [Laughter.] I can not yield further now, Mr. Speaker.

Mr. WILSON of Idaho. The gentleman declines now to answer my question.

The SPEAKER. The House will be in order. The gentleman from Indiana declines to yield further.

Mr. LANDIS. Mr. Speaker, I am not hairsplitting now. I am not chasing legal technicalities now. I am a layman. I am after facts. [Laughter.] I want to know whether or not these pious apostles have kept their pledge. I want to know whether or not these conditions based upon which they brought their State into the Union have been trampled under foot. And if the gentleman will permit I will give some light on this question.

Now, referring again to Mr. Snow. The supreme court of Utah, having Snow's matrimonial puzzle under consideration, decided that marriages in blocks of two are void, and that therefore Sarah, who is still alive, the third member of his polygamous household, is the legal wife of Lorenzo Snow. Notwithstanding this decision of the supreme court, and notwithstanding the manifesto and his sworn interpretation of it, and notwithstanding the petition for amnesty signed by Snow, he is living with the youngest and last wife to whom he was married when he was in his sixtieth year, and she a mere lass of 15 years.

By this last and youngest polygamous wife, although the president, prophet, seer, and revelator of the Church of Jesus Christ of Latter-Day Saints, Snow has five children, the youngest being born during the winter of 1896–97, three years after that petition for amnesty pledging the faith and honor of the church had been issued. A sworn complaint charging Prophet Snow with adultery with his ninth wife was made within the past six months. The county attorney of Salt Lake County refused to prosecute him on the ground that he was not satisfied with the decision of the supreme court that Sarah was the legal wife. Here we have the inspiring spectacle of a "Jack-Mormon" county attorney overruling the supreme court of Utah, doubtless to secure some political favors from that polygamous hierarchy.

Mr. RAWLINS could have stated that Moses Thatcher, at that time one of the apostles who signed the petition for amnesty, had plural wives—Lydia Thatcher, Anne Clayton Thatcher, and Anne Snow Thatcher—two of whom had borne him children, one of them on January 8, 1899, and the other on January 11, 1899. They lacked just three days of being twins. [Great laughter.] Mr. RAWLINS could have made a great impression on the country by calling attention to the fact that within sixty days after the birth of these children by these polygamous wives Moses Thatcher was, by a majority of the members of the legislature of Utah,

tendered a seat in the United States Senate, and that Moses Thatcher, having more discretion than Mr. Roberts or the people of Utah, declined the honor, stating that he would not add fuel to the flames already kindled by Mr. Roberts's election. So you see we had a narrow escape from having trouble in both ends of this Capitol. [Laughter.]

Mr. RAWLINS could have also stated that at the date of the signing of this petition for amnesty Francis M. Lyman, an apostle whose name was affixed thereto, had three wives—Rhoda Lyman, Clara Calister Lyman, and Susan Calister Lyman. In 1898 one of those wives died, and now Rhoda lives at Tooele and Susan at Fillmore, Utah; that Susan, the last polygamous wife, has given birth to two children since 1896.

Mr. RAWLINS could also have stated that in 1890 Heber J. Grant, another apostle who signed the petition for amnesty, had three wives, distributed as follows: One in Salt Lake, one in Colorado, and one in Idaho. The apostle Heber was evidently getting in shape to hold an interstate family reunion. [Laughter.] In 1892 his legal wife, who resided in Utah, died, and his then second wife was promoted and became his recognized lawful wife and made her home with him in Salt Lake City. The apostle Heber evidently subscribed to the merit system, and was adopting the civil-service rule in the matter of matrimonial promotion. [Laughter.]

In 1896, subsequent to statehood, the other wife, Emily Wells, moved to the city of Salt Lake and in a short time presented happy Heber with a child; in September of the year 1899 she presented the holy apostle Heber with another child; and when sworn information charging him with adultery was filed in July, 1899, it was rejected by the "Jack-Mormon" county attorney for Salt Lake County on the ground that it could not be proved that Heber had any legal wife. [Laughter.] Subsequently the charge of unlawful cohabitation was lodged against this saintly apostle, to which charge he pleaded guilty and was fined $100.

Mr. RAWLINS could also have stated that John Henry Smith, another apostle who signed the petition for amnesty and who stated before a Congressional committee that polygamy was as dead as slavery and could not even be restored by a mandate of the church, has a plural wife who goes under the name and style of Mrs. Josephine G. Smith and lives at No. 80 West First North street, Salt Lake City, on the same block with John Henry, and is his acknowledged wife. In 1895, during the time when John Henry Smith was sitting as presiding officer of the constitutional convention which drafted the constitution of the coming State of Utah, Josephine G. Smith, his plural wife, bore him a child; and again in 1898, when John Henry Smith was preparing to run as a candidate for the United States Senate, she gladdened his heart with another, both of them children by a plural wife. [Laughter.]

These are but a few of the violations of the "compact," or "agreement," or "consideration," or "provision," which even the astute gentleman from Maine desires to label it, based upon which Utah was given a star. Ah, Mr. Speaker, that star is a false star; it does not shine with the brilliancy and luster of its sister stars. Its glitter is that of cunning and deceit, of treachery and fraud. It stands for crime and for a violation of the most solemn covenant ever made between a Territory and the Union. [Applause.]

Mr. RAWLINS could have stated that John W. Taylor, another apostle who signed the petition for amnesty, had a legal wife, formerly May Rich. He evidently liked the family and gave it his indorsement by taking as his fifth wife a woman by the name of Todd, an aunt of May Rich. His third investment in matrimonial stock was Rachael Wooley, and in January, 1896, Minnie Christiensen, residing at Gunnison, suddenly assumed the name and style of Mrs. John Taylor. I wish the gentleman from Maine were here; I would like to ask him if he thought we ought to split on technicalities much longer. I would like to ask him if in the face of this record of broken pledges he can find much consolation in legal quibbling.

On June 17, 1896, Minnie Christensen provided John with a child, and in a few days thereafter he appeared at the "blessing ceremony" and officiated as its father. Now, listen. At the present moment, Nellie Cobb, the second wife of this apostle, who pawned all the faith and honor he had in stock with the National Government when petitioning for amnesty, has a baby about four months old, and the third wife, Rachel, has one about two months old. With great vehemence Mr. RAWLINS could have testified that if Nellie Todd and Rachel Wooley and Minnie Christensen had been joined to Taylor prior to 1890, the date when the manifesto was issued, none but this sanctified apostle, his three plural wives, and a limited number of the brethren and "sistern" on the inside of the charmed circle knew anything about it until long after that date. [Laughter.]

Mr. RAWLINS could also have charged that Mariner Merrill, another apostle who signed the petition, is the proud possessor of no less than seven wives, living at Logan, Richmond, and Lewiston, in Utah, and in Franklin, Idaho, and by these various wives Merrill has 39 children, a number of whom are polygamists themselves. The wife at Franklin, Idaho, was known as Mrs. Toronto until 1898. When the returns next came in from Idaho the announcement was made that a child had been born to Merrill and is known by his name. [Laughter.]

Mr. RAWLINS could also have stated that Abraham H. Cannon, who signed the petition for amnesty, was at the time of the signing the fond husband of Sarah Cannon, Wilhelmina Cannon, Rachael Cooley Cannon, and, notwithstanding all this connubial bliss, in 1896 he took another in the person of a Miss Hamlin, then a school-teacher in Salt Lake City. Soon after Abraham Cannon died. Lilian was with him when he died, and received a part of his estate. At his funeral all his wives were present, three of them with infants in their arms. Lilian H. Hamlin subsequently became a mother, and took her offspring with her to New York, where she attended a normal school under the name of Mrs. Abraham H. Cannon, and she is now employed as a teacher in a church academy at Provo, Utah, as the widow of this good apostle.

Mr. RAWLINS could also have called the attention of the country to the two other apostles who, through absence from the country, were prevented from signing the amnesty petition, namely, Brigham Young, jr., and George Teasdale, and that, though absent, they were not idle; that Brigham Young, jr., while he was a fugitive from justice took unto himself wives until he now has five, namely, Catherine Young, Jane M. Carrington Young, Lizzie Fenton Young, Helen Armstrong Young, and Abbie Stevens Young, and that he undoubtedly married the latter subsequent to the signing and issuance of the amnesty of 1890.

Mr. RAWLINS could also have stated that George Teasdale for the past twenty years or more has been known as the lawful husband of Lillian Hook Teasdale; that, in addition to Lillian Hook Teasdale, he married in days past two sisters, Pixton by name; that for this deft touch of matrimonial coquetry [laughter] he was indicted and fled the country; that both of these women died leaving small children, and that in 1893 a young woman by the name of Mary E. Scoles accompanied her mother from England to Utah as Mormon converts; that in May, 1896, this second woman went to Nephi, Utah, to take charge of the children born to Teasdale by the Pixton sisters and then in charge of Lillian Hook Teasdale; that on the 10th of December, 1898, she became a mother; that the poor woman died in childbirth; that Apostle George Teasdale was present at her funeral in the capacity of chief mourner, and subsequently erected over her grave a tombstone, of which I have a photograph, upon which tombstone appears this legend: "Sacred to the memory of Meriam E. Scoles, wife of Apostle George Teasdale, born in London, England, April 8, 1868; died December 17, 1898."

And thus, Mr. Speaker, had Mr. RAWLINS, at present Senator from Utah, gone into this matter he would have shown that of the three members of the first presidency and twelve apostles, whose faith and honor were solemnly pledged to the keeping of the solemn covenant against polygamous practices, eleven have been open, notorious violators of the law against unlawful cohabitation, and three of them undoubtedly have taken new wives since the issuance of the manifesto of 1890.

Mr. Speaker, we have two penitentiaries in Indiana. I am more or less familiar with both of them, for, as Bob Ingersoll would say, I have friends at both places. [Laughter.] We have in that State what is known as the parole system. Prisoners are put out on their good behavior. I say deliberately that you will search the records of these two penal institutions in vain to find a parallel for such open, willful, deliberate, wicked violation of a compact as we find here. [Applause.] In addition, we have as a Representative from Utah a man with three wives, the last one taken, as near as can be ascertained, about 1896 or 1897. It is in evidence that he did not hold her out as his wife nor she him as her husband until 1897. Up to 1895 she lived under the name of Mrs. Shipp, and until 1893 under the roof of Mr. Shipp, whose polygamous wife she was still supposed to be. For it must be remembered that Mr. Shipp is still living.

I do not believe that if any marriage ceremony was ever solemnized between the gentleman from Utah and Mrs. Maggie Shipp, that it was solemnized prior to 1896. I believe, and he did not deny, that that woman became his plural wife after Utah was taken into the American Union.

I charge here that a reading of the debates and the committee reports leading up to the admission of that State into the American Union will bear out the charge that Utah came in as the result of a deliberate fraud, the object being to free that people from the heavy hand of Federal authority and thus enable them to "live their religion." Why do I make that charge? Because in 1895 Mr. Roberts was a candidate for Congress. Yes, he was; and the church disciplined him for being such candidate. In my judgment Mr. Roberts was defeated because the polygamous leaders deemed the time not then ripe for Utah to be represented by one of their number in the American Congress.

He became a candidate in 1898, and the man who placed him before the convention stated that he ran by permission of the

church leaders. He had done penance and now was permitted to run, permitted to make the race in 1898. Why did they give them their consent? I will tell you why. The time seems to have been considered peculiarly appropriate and the circumstances in every way favorable for the dominant element in Utah to drag forth their cherished institution and ask this Government to dignify it and give it national sanction. Note the particular time—the summer and fall of 1898. Just then this nation was engaged in war with a foreign foe; our Treasury and the blood of our best sons had been dedicated to the cause that another people, oppressed for centuries, should be free.

It was a period when manhood was away from home or all absorbed in country; when valor was at war and virtue was at prayer; when adversity and opulence had become brothers and capital and labor had marshaled for a common fight against a common foe. It was a time when the people of all the States were eagerly waiting for messages from those fighting an insidious foe under tropical skies or wasting with disease on polluted tented fields. Animosity had vanished; talk of sections and classes had ceased; all was merged in a common brotherhood for country; everybody seemed willing to forgive and anxious to forget. It was then, just then, this perjured cheat crawled back. It hoped at least to be tolerated in the midst of every evidence of national magnanimity.

It came by stealth. Sir, it came by stealth, but it will be hurled back boldly and in the open day by the righteous indignation of the American people. [Applause.] And across yon threshold will be written in letters large enough to be read from the National Capitol to the Mormon temple, "No polygamist shall ever sit as a member of the American Congress." [Applause.]

In this connection I recall that the gentleman from Utah, Mr. Roberts, has been especially severe on the missionary. The missionary appears to be the chief object of the wrath of the aiders and comforters of polygamy. The missionary is branded as a "sectarian bigot," a "spy," an "informer."

I admit that the Christian missionary has stood in the way of the polygamist—has scattered thorns along his path. It is a matter of history that although the priests and apostles of this fanaticism, with their deluded followers, placed 1,500 miles of trackless territory infested with savages between civilization and their camp of bigotry and crime, the distance was not too great nor the hardships too severe to daunt the missionary of the Christian Church; he tracked polygamy to its lair. At times he was not diplomatic; I admit that all missionaries are not at all times diplomats, but he was bold, he was daring, he was defiant.

The "Danites," as pitiless a band of cutthroats as ever handled the glittering steel, carried on their murderous work of the church, but the missionary battled on; the "Blood Atoners" silenced in death the voice of apostasy, but the missionary worked on; the Government practically withdrew from that valley of sighs and tears, admitting its inability to cope with a monster so thoroughly intrenched amidst those mountains, but the missionary, with a courage that now seems sublime and a fidelity that to this day is an inspiration, battled on in the fear of God and for the love of humanity; and for this, in the American Congress, in the twentieth century, he is designated as a "spotter," he is pilloried as a "spy and an informer." But he can contemplate it all with serenity; the day of his triumph is at hand, and the missionary of the future, as he journeys westward for embarkation for the islands of the eastern sea, may well pause on the mountain top overlooking the valley of the American Jordan, that matchless sweep of beauty and fertility, of domestic peace and purity, and survey it as a conqueror. For that, in my judgment, is the field where in anguish and prayer he has won his greatest victory. [Great applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. TAYLER of Ohio. I ask unanimous consent that the gentleman from Indiana [Mr. LANDIS] be allowed to conclude his remarks.

The SPEAKER. The gentleman from Ohio [Mr. TAYLER] asks unanimous consent that the gentleman from Indiana [Mr. LANDIS] be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. LANDIS. The gentleman from Utah called attention to the fact that the gentile communities all gave him an overwhelming majority. They did, but he did not tell you why. Brigham H. Roberts was nominated as a Democrat, was a polygamist, and stood on the Chicago platform, declaring for "the free and unlimited coinage of silver at the ratio of 16 to 1, without the aid or consent of any other nation on earth." [Laughter.] Alma Eldredge was nominated as a Republican, presumably upon the St. Louis platform, representing, as our friends on the other side would say, "vast aggregations of consolidated wealth." [Laughter.] Mr. Eldredge was not a polygamist, but Mr. Eldredge was a Danite. Mr. Eldredge was a Blood Atoner.

Mr. Eldredge had murdered his man as a member of that infamous instrument of the church for the extirpation of apostasy, was indicted, arraigned for trial, and escaped conviction simply because the witness against him had in the meantime been killed. Is it any wonder the gentleman carried the gentile communities in Utah and the mining camps? I would not have voted for Eldredge, nor I would not have voted for Brigham H. Roberts. The Populist candidate was an infidel without possible chance for election. [Laughter.] Under the circumstances is it at all remarkable that Mr. Roberts should have received gentile votes?

In the face of all the facts here recited it surely can not be said that the people of Utah have kept faith with the people of the nation. Those who have not the courage to defend openly this pledge breaking are now making technical arguments to demonstrate that the State of Utah could not make a compact limiting its sovereign power over the subject of polygamy. Gentlemen on this floor have even contended that Utah could amend the anti-polygamy provision of its constitution without the consent of the United States, notwithstanding a provision contained therein that that consent was necessary to repeal the constitutional inhibition against polygamy. Why, sir, State after State has come into this Union with limitations put upon their sovereign power by their enabling acts other than the limitations prescribed by the Federal Constitution.

I call the attention of the distinguished gentleman from Maine [Mr. LITTLEFIELD] to the enabling acts of Wisconsin, California, Texas, Oregon, Illinois, Mississippi, Louisiana, and Missouri. If he will search diligently and without prejudice, he will doubtless find that other States, in addition to those I have named, have had limitations imposed upon their sovereignty as a condition to statehood—have, as a matter of fact, entered into a compact with the National Government, just as Utah entered into a compact.

Congress has the power to grant or withhold statehood. From this the power to grant upon condition is necessarily implied. Congress having the power to impose a condition and the State having power to accept or reject the condition, by its acceptance the contract is complete. Congress, having the power to impose the accepted condition, has by necessary implication the power to enforce its performance.

When Utah sought admission to the Union in 1888 it offered such a condition as is now incorporated in the enabling act and also incorporated in Utah's constitution. The Hon. Jeremiah M. Wilson was then employed by the dominant church of Utah and made an argument upon this subject which is instructive in the present case. While urging statehood before a Congressional committee he said:

> Nebraska was admitted into the Union, and Nebraska was required to enter into a compact that slavery should never exist in that State without the consent of Congress. Nobody has ever doubted the propriety of entering into such compact, nor has anybody ever doubted the binding character of that compact. Congress has never asked for guaranties that the compact would be kept by the State.
>
> There can not be any doubt as to the right to enter into such a compact. Congress has been acting upon such a right for more than three-fourths of a century; has admitted many States upon compacts precisely similar in principle. It is too late to dispute it now.
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> But that is not the objection here urged. The question I am now considering is whether Congress can enforce it if made.
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> If it may be made, then the right to enforce it follows by necessary implication. It is idle to say that such a compact may be made and that when the considerations have been mutually received, statehood on the one side and the pledge not to do a particular thing on the other, either party can violate it without remedy to the other.
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> But you ask me what is the remedy, and I answer that there are plenty of remedies, and in your own hands.
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> Suppose they violated this compact; suppose that after they put this into the constitution, and thereby induced you to grant them the high privilege and political right of statehood, they should turn right around and exercise the bad faith which is attributed to them here; what would you do? You could shut the doors of the Senate and House of Representatives against them; you could deny them a voice in the councils of this nation, because they have acted in bad faith and violated their solemn agreement by which they succeeded in getting themselves into the condition of statehood.
>
> You could deny them the Federal judiciary; you could deny them the right to use the mails, that indispensable thing in the matter of trade and commerce of this country. There are many ways in which peaceably, but all powerfully, you could compel the performance of that compact. Congress could reach such a case and not put a tithe of the strain on the Constitution that it was subjected to when the act was passed authorizing the attachment and arrest of a witness who had not been subpœnaed, and forfeiting the property of this church and commanding the courts what kind of a judgment to render. After these, Congress can not doubt its ability to devise means to meet the emergencies, or its courage to grapple with troublesome questions.

Mr. Speaker, all that the majority of your committee is now demanding is that the people of Utah shall be required to pay the penalty which they pledged should they be guilty of violating such a compact.

Mr. Speaker, the gentleman from Utah attempts to belittle the opposition to Utah's covenant breaking by referring to it as an illustration of woman's hysteria, and he says that all would be serene in Utah to-day were it not for this hysteria.

It is true that woman, the American woman, is the head and front of this uprising, and I believe the gentleman from Utah has unconsciously paid the womanhood of America the highest tribute it has received. And why should she not be the head and front of this movement? Whom does it concern more than woman? The home is her world, and whatever menaces the peace or the

security or the sanctity of that home is a war upon her. This is the reason she waged such relentless warfare against human slavery. This is the reason she hates whisky, and, whatever the shortcomings of the American man, he knows that woman is right, and his love and affection for her are in proportion as her standard is high and her rule inflexible.

"The hysteria of women!" Had the gentleman been on Sinai with Moses when he received the Ten Commandments he would have pronounced the Decalogue as evidence of the "hysteria" of God. This is not the "hysteria of women." It is the voice of sober, settled, womanly conviction. It is the cry of threatened honor. It is the plea for the home and the protest against the harem. To the everlasting honor and glory of American manhood be it said that at this time the voice of woman does not fall on deaf ears. It has been heard and will be heeded. The Representative from Utah will be sent back to his church and his people, and following him should be sent an amendment to the Federal Constitution that will settle for all time the question of polygamy.

And in this connection I want to say that there have been some sneering allusions made to the gentle and refined and womanly woman who organized this movement. It has been suggested by the gentleman from Utah that she had better give her attention to sin and wickedness nearer home. She is giving her attention to sin and wickedness nearer home. Her work is and always has been practical, but her field is limitless, and her resources, thank God, apparently inexhaustible. [Applause.] As a practical business woman she saw how futile it would be to grapple with vice in the slums of New York while the same vice was permitted to flourish as the dogma of an alleged religion in the new States of the West and at the same time receive the tacit indorsement of the American Congress. Hence her organization of this force, which organization has aroused the nation and attracted the attention of the civilized world. And in this connection I know the House will pardon me if I relate an incident.

Last year it was my pleasure, in company with Mr. LACEY, of Iowa, to visit Santiago, Cuba. The day we left that place we were detained several hours by the trouble and confusion incident to the placing on our transport of a steam launch, a weather-beaten steam launch. Next day, as we were steaming along the southern coast of San Domingo, I saw a bronzed gentleman leaning over the rail and looking down on that launch. I approached him and suggested that it was too bad that we had been delayed by loading such an unsightly craft, to which he replied, "You do not know its history or you would not say that." He then stated that he was a physician, that his name was Ducker, and that he was from Louisville, Ky.; that he had accompanied our Army to Cuba as the representative of a national medical association; that he remained with the Army throughout the campaign, and when yellow fever broke out volunteered to take charge of the yellow-fever hospital. This hospital was situated across the bay from Santiago. I can see it now, its yellow outline contrasting with the green of the mountain foliage that formed the background, suggestive in its isolation.

The physician explained to me that the poor equipment of the hospital was emphasized by lack of means of rapid communication with the city and the transports, an old scow being the only method of communication and transportation. He said he had appealed to the General in charge of the Army for a launch, but none was to be had. He then cabled the War Department in Washington, with the same result. "Then," said he, "as a last resort I wrote a letter to Helen Gould." [Applause.] "The day she received my letter she cabled me, 'I will send you my own steam launch; keep it as long as you have any use for it and then return it.' This is the launch." And then he reverently said, "God bless Helen Gould." [Applause.]

And so I say to-day, "God bless Helen Gould." [Loud applause.] From the day our flag was menaced her wealth became the shield of our country. Our boys fell from wounds and disease and her millions wept, and who knows but that to-day the name that was spoken so reverently at Santiago and Montauk Point is not also on the lips of whispered prayer among those women in Utah who by brutal bigots have been forced to believe that their celestial exaltation will be in proportion as they choke down the instinctive attributes of refined womanhood and minister to the rotten and depraved notions of a corrupt and lustful priesthood? [Applause.]

I call attention to the fact that this alleged Representative from Utah is the first man in this American Republic who has ever sneered at her Christian deeds and at her charitable ministrations.

But I have spoken already too long. I will not trespass longer on the patience of the House. The question upon which the committee is divided is as to how this thing shall be done. How shall we part company with the Representative from Utah? The situation has to be operated on. How shall we operate? The majority says "shut the door against him." The minority says "let him in and then throw him out." I presume that they have decided to do that for the same reason that out in Indiana we always give a man condemned to death a square meal before we hang him. [Laughter.]

Gentlemen of the minority say we should knight him and then decapitate him with the same hand and the same sword with which we knight him. They say that this must be done in the interest of consistency. If their programme represents consistency, then I have never had a proper appreciation of the word. If the men who framed this Constitution ever had in mind such a circuitous method of transacting public business, then we have falsely paid tribute to their straightforwardness and ability. [Laughter.] I have read something of the lives and character of the men who framed this instrument, along whose devious windings the distinguished gentleman from Maine [Mr. LITTLEFIELD] spent many happy hours during the past three weeks, and I have never received the impression from my reading of their lives that they ever wore gum boots for the purpose of concealing their whereabouts or that they ever traveled the two sides of an isosceles triangle when they could reach the same point by taking a single straight line. [Laughter and applause.]

Gentlemen who represent the minority proclaim we must go through this farcical performance in order to satisfy the law. If we were to enter upon such a proceeding we might expect while in the midst of it to hear shrieks of laughter coming from the statues in yonder hall, where in stone we have immortalized the men many of whom assisted in framing that instrument. I would not be surprised upon leaving this Chamber, should we do that, to find that the statue of John Marshall had jumped from its stone pedestal and was running up and down Pennsylvania avenue shrieking, "Maine and Missouri, the intricate and devious, have come together on their interpretation of the Constitution; has it come to this!" [Great laughter.] "Has it come to this!" [Great laughter.] The distinguished gentleman from Maine [Mr. LITTLEFIELD] is a great reasoner; he is a great dodger. [Laughter.] How magnificently he glided around the expulsion proposition, knowing full well that he could find neither in the law nor in the Constitution any warrant for expelling a member except for some act committed by the member as such.

He knows that just as well as we do, but he is a lawyer, a devious, winding follower of intricacies, and he does it well. [Laughter.] But his proposition is not only a burlesque on law and on precedents, but it is an outrage on common sense. Should this House indulge in such a performance as he suggests, the people of the country, at whom some gentlemen sneer when they are not candidates for office [laughter], would deride us when we returned to our homes, and rightly so, too. We should stop the gentleman from Utah at yonder threshold. Turn him back because he and his people have violated the condition predicated upon which Utah was admitted into the American Union. Turn him back alone? No; but turn Utah back. He is a mere incident in this discussion. This will not be a rebuke alone to him, but to the people who sent him here, the people who in January, 1896, solemnly lied to the greatest nation on earth. [Applause.]

I protest against his being taken in and then immediately thrown out, because I do not want to make a spectacle of myself [laughter], because I do not want the boys who live during the evening in the corner grocery, who are the exclusive judges of the law and the facts, to laugh at me. [Laughter.]

This may do very well for the law offices in Maine, but it would not stand much show in the logging camps of that State. And if I were required to rest my case either with the gentleman whose mind is filled with these subtle, infinitesimal, occult, legal distinctions or with the men in the logging camps, for God's sake take me to the logging camp! [Laughter.]

I say that the people of this country expect us to turn him back, expect us to prohibit his coming in even for an instant, and I protest against his coming in. I protest on behalf of a constituency that has read the Ten Commandments and the Sermon on the Mount. I protest on behalf of the American homes, made beautiful by love and devotion and holy by the virtue of its women. I protest on behalf of the American mother and her child, and the American father who will never consent to the enthronement and deification of human passion. I protest on behalf of those doomed to illegitimacy, that pitiless brand of helplessness and shame that licentiousness writes upon the forehead of the innocent unborn.

I protest on behalf of the honest Mormons, those who believe in keeping inviolate the agreements of that instrument upon which Utah was admitted to the American Union. The people of this country are waiting for us to act; they want us to act in a straight line, not in a circle. They are waiting in New England, whose homes have been made a pattern for this continent. They are waiting in the broad sweep of the Mississippi Valley, a section of this country purged of this very infamy a half century ago. They are waiting in the new States of the West, States whose territory has been invaded and whose atmosphere has been poisoned by this very plague. And away down South in Dixie, where honor is religion, where gallantry is law, and virtue is the high ideal of beautiful womanhood, States are waiting to-day, waiting for American chivalry to speak. [Loud applause].

Mr. LACEY. Mr. Speaker, on yesterday I attempted to offer an amendment to the resolution of the majority, which has been

pending before the House for the last two days. I will not avail myself of this present recognition to reoffer this amendment, because of an agreement had with parties representing the committee that the question should be passed over for further consideration before the final hour for action arrives. But I want now to discuss the proposition involved in that or some similar amendment.

When Louis XVI was on trial before the French convention and the vote was called for, Abbe Sieyes, a member of that convention, voted very laconically. He said, "Death without talk." He proposed directly to come to the very root of the matter before the convention. He was humane. We are more cruel. We punish by a long debate. We impose the talk, to be followed certainly by the sentence which will deprive the gentleman from Utah of the seat which he holds in this House.

The question to which I want to call the attention, especially the lawyers, of this House is this: The agreement on the facts is unanimous, although the committee is divided as to methods. The agreement is also well-nigh unanimous on both sides of this Chamber that the gentleman from Utah ought not to be permitted to retain a seat in this House, and therefore I shall not weary the patience of the House by discussion of questions upon which the minds of its membership are united; but I do want to call their attention to the proposition that seems to be laid down by both the majority and minority in their reports, that expulsion can not take place until the member is first sworn in.

The proposition is laid down by the minority that a man must be led up by one hand to the bar of the House and there sworn in, and then led out of the House with the other hand. Such a march and countermarch in the presence of the House would be almost ludicrous.

The question is whether this House is ready to part with the essential provision of the Constitution which enables it at any time, for reasons deemed sufficient, to expel a member. I want to read on the threshold of what I may say what Cooley, in his work on Constitutional Limitation, page 133, says as to the power of this House as to expulsion:

> Each House has also the power to punish members for disorderly behavior and other contempts of its authority, and also to expel a member for any cause which seems to the body to render it unfit that he continue to occupy one of its seats.
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> This power is sometimes conferred in the Constitution, but it exists whether expressly conferred or not. It is a necessary and incidental power, to enable the House to perform its high functions, and is a necessary power to the safety of the state. It is a power of protection. A member may be physically, mentally, or morally unfit; he may be affected with a contagious disease, or insane, or noisy, violent, and disorderly, or in the habit of using profane, obscene, and abusive language. And, independently of parliamentary customs and usages, our legislative houses have the power to protect themselves by the punishment and expulsion of a member, and the courts can not inquire into the justice of the decision or look into the proceedings to see whether opportunity for defense was furnished or not.

There is the doctrine laid down by the learned Justice Cooley, that they have power to expel for any cause that in their opinion renders the member unfit to occupy a seat.

Now, this is an elementary principle of law, and I prefer, Mr. Speaker, to read from these discussions of elementary principles rather than to read from precedents of practice of the House in cases involving the right of a member to his seat, where partisanship usually wields too much influence. We are substantially unanimous in this House to-day on the question as to whether this member should be permitted to remain in his seat. But suppose that the parties were equally divided, and that unseating him would give to one side or the other the majority and control of the House. I would have some lack of confidence in what this House might do. Thaddeus Stevens once came into the House when a vote was about to be cast in a contested-election case, and he said, "Which one of these men is our rascal?" He proposed to vote for his side of the proposition.

But they tell us that the gentleman from Utah is not a member and that we can not expel him because he is not a member. He appeared on the 4th day of last December and answered the roll call, and is noted present in the Journal and record of this House. On the same day he voted for Mr. RICHARDSON for Speaker. The gentleman from Ohio [Mr. TAYLER], who prepared the majority report, voted for the present Speaker of the House, and the vote of the member from Utah killed the vote of the member from Ohio. And yet they tell us he is not a member. Suppose that on that day, the 4th of December, there had been 162 votes for the gentleman from Tennessee [Mr. RICHARDSON] and 162 votes for the gentleman from Iowa [Mr. HENDERSON] without the vote of the member from Utah and that gentleman had voted for one or the other, and suppose, after all, we now declare him ineligible, would the Speaker elected by his vote lose his seat? Is there any more powerful act of membership than that upon which the very organization and control of the House depends?

Now, let us turn to the Constitution for a moment. The word "member" and its equivalent, "Representative," frequently occur. Gentlemen tell us that a man is not a member of this House until he stands at the bar of the House and takes the oath of office, that he can not be expelled because he is not a member. Section 5 of Article I says that—

> Each House shall be the judge of the elections and qualifications of its members. A majority shall constitute a quorum, but a smaller number may adjourn from day to day and may be authorized to compel the attendance—

Of whom?—

> of members.

Suppose on the 4th day of December there had only been 25 members in their seats. We could not have elected a Speaker, because there was no quorum present. We could not, if these gentlemen are right, have compelled the gentleman from Ohio, the gentleman from Maine, and the gentleman from Utah to come to the bar of the House and help to organize it, because they are not members. Now, this is drawing too fine a bead upon the term "member;" and yet the same word member is used there that is used in the other part of the Constitution which authorizes the expulsion of "a member."

An absent member, not sworn in, can be brought here by the order of the House when not a single one of them has been sworn in. If that is not true, then it would be in the power of recalcitrant members of the House to refuse to permit it to be organized. This is essential to the very organization of the House itself. Again:

> Each House may determine the rules of its proceedings, and punish its members for disorderly conduct and, with the concurrence of two-thirds, expel a member.

Now, what is a "member?" Suppose that the gentleman from Utah [Mr. Roberts], instead of violating the organic rules of civilized society, instead of violating the laws of his own State and the laws of the United States, had come into this body and without being sworn in had commenced to disturb the House, could he have been expelled? No. Some learned constitutional lawyer would have arisen and said that he can not be expelled, because he is not a member. Now, I say that that is drawing entirely too fine a point.

The Constitution says "Representatives shall receive compensation for their services"—that members shall receive compensation for their services. Had they been sworn in on the 4th of December? No; but they have drawn their pay. And suppose some one attempted to satisfy my friends who say that they are not members; that they are drawing their salary in violation of the Constitution? The Constitution authorizes "members" to draw their salaries. They are not sworn in. Therefore they are not members. You would say that that was too finespun; that that was putting a mere technical thing above the purpose of the Constitution.

Mr. GROSVENOR. The statute authorizes them to draw pay.

Mr. LACEY. I know, but the statute is founded on the Constitution. The Constitution gives power to pay members, and it was put in there so as to settle the question that the members of the Congress of the United States, unlike members of the House of Commons, shall be salaried officers, and that the membership of this House should not be limited to men of such wealth as would enable them to occupy their seats at their own expense. Therefore the proposition was put in that members should receive compensation. How do you construe that? Before they are sworn in? Certainly. A man might be so poor that he could not pay the expense of going to the capital; that it would be necessary for him to receive salary in order to bring him to this House, and a fair construction of the Constitution has been that that compensation may precede the oath of office.

Mr. BROSIUS. Will the gentleman allow me to propound an inquiry?

Mr. LACEY. Certainly.

Mr. BROSIUS. I understand you to say that the House can compel the attendance of its members.

Mr. LACEY. Certainly; whether they are sworn in or not.

Mr. BROSIUS. I understand you to say that a member is a member just as much before he is sworn in as he is after.

Mr. LACEY. For that purpose he is.

Mr. BROSIUS. Can this House compel the attendance of a member before he has been sworn in?

Mr. LACEY. Undoubtedly; I have just been endeavoring to make that plain. If it can not and the members do not attend, then the minority present would be powerless to take any proceedings by which the House could ultimately be organized. The provision is that less than a quorum can adjourn from day to day and may "send for members," but under that construction they could not send for members who had not been sworn in, although the Constitution says they can. Any House would make very short work of a proposition like that.

Mr. BROSIUS. Let me finish my inquiry. I think my friend will find it to be a fact that the theory has never been recognized or indorsed by the Congress of the United States in a hundred years, and the First Congress met and delayed organization for thirty days before they could organize, because they could not send for members who had not been sworn in.

Mr. LACEY. Not at all. They delayed because the members were coming by canal, because men were riding on horseback from South Carolina. When Andrew Jackson came to this Congress the first time he rode on horseback to the Senate of the United States from Tennessee, and camped out at night and forded the rivers all the way; and when the first House met the members were not here, and it was necessary to wait for them. They could not come in Pullman cars; they did not come in trains traveling at the rate of 40 miles an hour.

But let me ask my friend, suppose that more than a majority, enough to prevent a quorum, should refuse to appear. Would you say that this section of the Constitution is nugatory which provides that a minority may meet and "adjourn from day to day and send for members," and that the absentees might say, "You can not send for us, because we are not sworn in?"

Members shall be privileged from arrest going to and returning from the Congress. That is in section 6 of the same article. A man starts from Pennsylvania to Washington. He has not yet been sworn in. Before a justice of the peace on the road some one swears out a warrant in order to prevent him from coming here. If he does not arrive, the House might be organized by another political party while he is on the road from Pennsylvania. The arrest might be made expressly to influence the organization of the House. Suppose that he had started from home and was not yet sworn in and was arrested and he pleads his privilege. How short work would the courts make of that proposition. They would say he was a member of Congress, though it was not yet an organized body and was not yet engaged in the transaction of the business of the House. That member should have freedom from arrest until he arrives here, and after coming here the privilege remains during the session.

Now, let me suppose another case, and I am surprised that the sitting member, Mr. Roberts, has not had the matter tested. They were wiser up in Massachusetts in the Hiss case. The member who had been turned out went out and had himself arrested and appealed to the courts. Why did not the gentleman from Utah have himself arrested in this city for some trifling offense and then plead his privilege and have the court determine whether or not he was a member of the House of Representatives? How short work the court would have made of it. They would have said, "You are a member of Congress. You have not been sworn in, but you participated in the election of the Speaker, you answered the roll call, and the question as to whether you have been so lost to decency as to be unfit to sit in that body is now before a committee of the House of which you are a member."

Suppose he had been arrested yesterday and could not now appear before this House. The House itself would have resisted the breach of its privileges. It would have been a question of the rights of the House, so that there is no question that he is a member in the meaning of the Constitution. Now, that being so, why should he not be expelled if he has been guilty of the offenses which the committee find him to have been guilty of? And if we are standing now upon the mere order of his going, why bring him to the bar and swear him in and then turn him out again?

Suppose the gentleman did not want to be sworn in after we passed the minority resolution, but should take the first train to Utah, and on the last day of the Fifty-sixth Congress he should come up and offer to take the oath of office? He would be sworn in, and then he would be immediately expelled, drawing his salary up to the last hour. The mere statement of the proposition, it seems to me, is sufficient to refute the idea that we should go in this circuitous route in order to accomplish the constitutional purpose. We have the right to expel him, and he ought to be expelled.

Now, let me read from the majority report a moment, because I want to say here and now, in order that my position may not be misunderstood, that I shall, if necessary, vote for the majority proposition, and shall so vote on the ground that it is expulsion. But I prefer that the purpose of expulsion should be made clear in the resolution.

Mr. RICHARDSON. Will the gentleman allow me just there to ask him a question? I am listening to his argument with a great deal of interest. Would there be any difficulty even if the views of the minority were to obtain or prevail, or how could there be any difficulty if the member took the train and went to Utah, as you suggest? Why could he not then be expelled just as well after he left as if he remained?

Mr. LACEY. Because it would be held by the House, perhaps, that he can not be expelled if the minority resolution should prevail—that he be seated and then expelled.

Mr. RICHARDSON. What is the difficulty? I do not see where there would be any more difficulty in expelling him then than there would be in the beginning.

Mr. LACEY. The difficulty is simply this: The minority say that he ought to be expelled, but that he can not be expelled until brought to the bar and sworn. Should we adopt that resolution now, from my standpoint, he could be expelled, but the House would have resolved that he could be expelled only after he had been sworn in. The difficulty is that he could be expelled after having voted for Speaker, and where that vote might have changed the organization of the House. He voted for the gentleman from Tennessee [Mr. RICHARDSON] for Speaker. Now, would my friend have any conscientious scruples about holding the office if that vote had elected him? I venture to say that he would have slept as soundly at night as does the present occupant of the chair, against whom the member from Utah cast that vote.

Mr. RICHARDSON. I am not finding fault with your argument.

Mr. LACEY. I understand; but my friend is making suggestions of difficulties; and I am trying to show how easily they can be swept away. Now, in order to make my own vote understood clearly, I want to say that I think this majority resolution, as was said by the gentleman from Ohio, is susceptible of being construed as one to expel. But I think there should be some provision in it recognizing the fact that the resolution is one of expulsion. It should be stated more clearly and not left to inference.

The opinion of the majority in their report is based almost wholly upon the idea of ineligibility, but the resolution itself says nothing about ineligibility; it simply says that "he ought not to have or hold a seat" here and "his seat is declared vacant." That would be a good resolution of expulsion if it were not for the fact that the majority report insists that he can not be expelled.

Let me read what the gentleman from Ohio and the members of the committee with him say:

> Nor are those who assert that expulsion is the remedy necessarily barred from voting for the resolution declaring the seat vacant. He must, indeed, be technical and narrow in his construction of the Constitution who will not admit that if a vote to declare the seat vacant is sustained by a two-thirds majority the Constitution is substantially complied with. He may not agree with the committee that a mere majority can exclude, but he can reserve the right to make the point of order that the resolution is not carried if two-thirds do not vote for it.

Now, it is claimed that an unorganized House has the power of expulsion simply by calling it "exclusion;" that a majority of an unorganized House can exclude a member, expel him, and call it "exclusion;" but when he gets into full membership it takes a two-thirds vote to get him out. A man has less rights in one case than in the other. The constitutional right depends upon how far he has progressed.

The Herbert case is cited. Herbert committed a murder in Willard's Hotel. The majority say, having committed a crime after election to Congress, he can be excluded from Congress, even after being sworn in, by the majority vote. I suppose, on the other hand, if he had committed some crime that "affected his relation to Congress," then it would take a two-thirds vote. If he had murdered a bartender at Willard's he could be put out by a majority vote; if he had murdered a member on the floor of the House it would take a two-thirds vote to expel him. See the absurdity of the extreme position taken that a man can not be expelled until the transaction is coupled with his duties in the House.

Mr. LINNEY. Will the gentleman allow me an interruption?

Mr. LACEY. Yes.

Mr. LINNEY. I am with the gentleman; but here is a trouble to my mind. I do not think a rule of procedure ought to be adopted that can not apply to all the States. Let me mention this state of facts. Here Utah is low down on the alphabetical line in the call of States. When the States were called, at the time Utah was reached it would be evident that there was a quorum present. Suppose Alabama or any one of the first States sent a member here who was a polygamist. How could you have applied that rule as against a polygamist from Alabama or North Carolina by holding him up at the bar before a quorum was present?

Mr. LACEY. The roll is called and a quorum is determined to be present before the swearing in begins. Every man, whether sworn in or not, has a right to vote on the organization of the House, and anyone has a right to object who has filed with the Clerk the certificate of his election.

Mr. CLARK of Missouri. When the Clerk makes up the roll of the House, has not every man whose name is on the roll, even before he is sworn in, a right to object to any other member being sworn in?

Mr. LACEY. Certainly; and the right is frequently exercised. An objection was made that the member from Utah was not naturalized—a good objection if true, unquestionably a sound objection, and one that ought to halt him at the threshold of the House. While that matter is being investigated it is found that he is living in violation of the compact between Utah and the United States. And now, in further answer to the gentleman from Missouri, I want to say that one member can object to the swearing in of another member, but how can he object if he is not a member?

Mr. CLARK of Missouri. He is a member from the very day that he gets his certificate, or from the 4th of March; he is as much a member as he ever can be a member.

Mr. LACEY. I agree with my friend from Missouri. A suggestion is made that it is remarkable that Maine and Missouri have come together. Why, they were admitted into the Union, by a contract or a compromise, at the same time, and although they have not heretofore often been together, they are united now on the position that this man ought to be expelled, and they are united on the proposition that the formality of taking an oath, a mere technical thing, must be performed first. Let us get rid of this mere technical proposition and expel the gentleman from Utah.

Mr. CLARK of Missouri. If the gentleman from Iowa will allow me, I want to say that I have no sympathy with the gentleman from Utah, but if I had been his legal adviser I would have advised him, the day that we were sworn in, to commence objecting to the first man called, and object clear down through, and he would have had the whole concern in a hole. [Laughter.]

Mr. WILLIAMS of Mississippi. No, he would not, because the House has to pass on the objection.

Mr. LACEY. When the first man from Alabama was called to be sworn, the member from Utah would rise and make the objection, and the House, whose roll had been called by the Clerk and whose names were on the roll, would have voted down the objection of the gentleman from Utah. And then, when you took up the next State and ran down to Iowa and Illinois, and objection after objection had been voted down by the House, the members of that body, when they got to Utah, and it was stated that this member was a polygamist, that he was not naturalized, that he was an open violator of the law, and that there was some question under the Edmunds law as to whether he was eligible as a member of this House—the House would say, "Now, here is something that seems to be worthy of consideration. This is not a technicality. We will have the question examined first, and then decide afterwards what to do with him."

That is the safe thing to do when a question of eligibility is injected into the proposition that the member ought not to be sworn in, and that is just what the House did in this case.

Now, let me read another part of the Constitution, Article II:

No Representative shall be appointed an elector.

The law authorizes States to appoint electors in any way they may see fit. They can do it by districts; they can do it by States. South Carolina for many years selected her electors by the legislature. Suppose a member of Congress had been chosen as an elector who had not yet taken the oath of office, but who was on the roll, drawing his pay, exercising every act of membership except that of voting in the House of Representatives. Would he not be ineligible under the Constitution of the United States? Certainly so. And now why shall we deprive the House of the salutary power of expulsion of a member who has not yet taken the oath? Does not the greater include the less?

The Constitution says we can "expel a member." Can we expel a member who lacks some element of qualification? Could we expel a member who was insane? Could we expel a member who was so grossly and wickedly immoral and disorderly on the floor of the House that he had not yet been permitted to take the oath of office? Could we expel him? Certainly not, they say, because he is not a "full member." We can expel a full member, but we can not expel half a one. We can put a man out of the House when he is wholly in; but if he has but a part of his body inside, we can not lay a finger upon him. If the camel gets into the tent, hump and all, you can put him out; but if his head only is in the tent, you may not smite him.

Now, Mr. Speaker, this on the face of it is an attempt to take away from the House one of the most salutary and necessary restraints upon the actions of its members at every stage of the proceedings.

Mr. RAY of New York. Mr. Speaker, the gentleman from Iowa [Mr. LACEY] argues, as I understand him, that as soon as the 4th of March arrives after the election every member-elect becomes a member of the House of Representatives.

Mr. LACEY. Certainly. There is no interregnum. Nature abhors a vacuum, especially a vacuum in the House.

Mr. RAY of New York. Very good. I have not finished my question. Now, when we come together and start in to legislate, here is a man who absolutely refuses, either by oath or affirmation, to take the prescribed oath. Although he has drawn his pay and franked his letters, he refuses to take the oath. We come to vote on the enactment of laws. Is that man entitled to vote?

Mr. LACEY. Certainly not, and he is not entitled to vote if he is not here, either. He is not entitled to vote if he does not come from his hotel in time in the morning. He must answer in the roll call.

Mr. RAY of New York. If he is here and claims his right to vote as a member of this House, why is not that man entitled to vote?

Mr. LACEY. Because he has not yet taken the oath of office. That is a very simple proposition. The Constitution says that members shall "be bound by oath or affirmation to support the Constitution of the United States." It is their duty to support the Constitution after they take the oath; and if they do not, they can be expelled, and the power of the House is unlimited, except that there shall be a two-thirds vote. The House of Commons in Great Britain could expel a man for anything, and this House is founded upon the House of Commons. When the Constitution was prepared the proposition to expel a member was inserted just as it was construed in the unwritten constitution of Great Britain, and but one limitation was put upon it, an absolutely safe one, namely, that before a member can be expelled there must be a two-thirds vote. No party having a two-thirds majority in the House will ever attempt to strengthen that majority by simply putting a member out of the House. So it is safe to trust the question of expulsion without any other limit than the two-thirds vote required to accomplish that result.

Mr. WILSON of Idaho. The gentleman from Iowa says that the member, after the 4th of March, is a member as distinguished from a member-elect. Is it not a fact that all of the statutes enacted by Congress referring to him, to wit, the statute authorizing him to draw his pay, the statute giving him the franking privilege, the statute authorizing him to have a clerk, and all of the other statutes refer to him not as a member, but as a member-elect?

Mr. LACEY. Not at all. A member-elect, after November, after he is elected, has the franking privilege before his predecessor goes out. You exercised that privilege from last November until the 4th of March. You had no other privilege, but you had that privilege as a member-elect.

Now, let me put a case. The statute says a member of Congress who receives a bribe shall be punished. Will you say that a member of Congress elected, and whose term of office began on the 4th of March, and who on the 5th of March, nearly nine months before he takes his seat in the House, accepts a bribe can not be punished because he has not yet been sworn in? The courts would make short work of a plea like that. They would say, "This defendant is a member of Congress. He has violated the laws of the land. He has accepted a bribe, and the plea that he has not gone through the formality of taking an oath will not permit him to escape."

Suppose a man wants to get out of Congress before the 4th day of December? A member of this body was elected governor of Maryland. He was not inaugurated until some time in January. Suppose the laws of Maryland required that the inauguration should be in October, or the first Monday in December. How would he have got out of Congress? By tendering his resignation. Why? Because he is a member, and tendered his resignation as such, and the place to which he was elected then becomes vacant; and without waiting for this body to organize, the governor of the State of Maryland can go on and call a special election to fill the place vacated by him.

Mr. SIMS. Did not the Hon. Thomas B. Reed do that very thing this last summer?

Mr. LACEY. I thank my friend for the suggestion. There was a notable instance. There was a vacancy made, a big vacancy, a vacancy that the whole country appreciated, when one of the greatest men who ever lived in this country went out of this House. We filled that vacancy well; but when Thomas B. Reed went out he did not wait to be sworn in. He tendered his resignation, and the governor of the State of Maine called a special election and the place was filled by the estimable and able gentleman who now occupies that seat. So, treat it as you may, everywhere the word "member" means a man who has been elected to a seat in the House, unless we make an exception when we come to the question of expelling him.

Mr. RICHARDSON. Will the gentleman allow me?

Mr. LACEY. Certainly.

Mr. RICHARDSON. I want to ask the gentleman, because I am profoundly interested in his argument, what would be the status of a member elected in November, 1898, at the last election, who on the 10th of March accepted a bribe? Suppose it was notoriously well known that he had accepted that bribe, and later he accepted another bribe on the 10th of April, and another on the 10th of May. Suppose it was published and well known that he had done this, and he did not present himself here on the first Monday in December to be sworn, but continued to absent himself. How would we get rid of him in that case unless the gentleman's argument is correct? What answer would the gentleman make to the question, How can you get rid of him except by expulsion?

Mr. LACEY. I see no other way, and I have no difficulty in taking that course. I have no pride of opinion about this. We

all know how natural it is for men who have once taken a position to adhere to it. We have heard both these resolutions. Both of them may be construed as resolutions of expulsion. I have listened to the argument of the chairman of the committee, and feel more confirmed in my view that the proper remedy is the plain constitutional one which says we may expel a member. Suppose a member were disqualified from holding the office. Would you say that he could not be expelled because of the disqualification?

Mr. MORRIS. Will the gentleman allow me to ask him a question?

Mr. LACEY. Certainly.

Mr. MORRIS. Adverting to the question asked by the gentleman from Tennessee a moment ago, if a man should be convicted of having received a bribe, there is a law on the statute book which disqualifies that man——

Mr. LACEY. Certainly.

Mr. MORRIS (continuing). From holding any office of honor, trust, or emolument under the Government. Now, admit, if you please, for the present, that a member of Congress had accepted a bribe, would not the proper method——

Mr. LACEY. I have been claiming and arguing that he did.

Mr. MORRIS. I suggest to the gentleman that the statute would convict him, and that instead of expelling him the proper method would be——

Mr. LACEY. He could avoid it.

Mr. MORRIS. But suppose he is indicted and convicted; then the House must act upon it. Does the gentleman still think he would still be a member?

Mr. LACEY. He would. Suppose he should get a pardon and come to the bar of the House and ask to be sworn in. No objection is made, and the House should seat him. Could not the House thereafter expel him?

Mr. MORRIS. Will the gentleman permit another question? Suppose that a man is elected to this House who is 21 years of age only. Now, he is certified here by the governor as being elected; he is placed on the roll of the House, enjoys the franking privilege, and receives pay up to the meeting of the House; and yet when Congress meets it is suggested here, showing to the satisfaction of the House, that he is only 21 years of age——

Mr. LACEY. He is not eligible.

Mr. MORRIS (continuing). Would you have to expel that man?

Mr. LACEY. He would stand, as I said, as being disqualified under the Constitution. He could be excluded as disqualified.

Mr. SOUTHARD. Will the gentleman from Iowa yield to me for a question?

Mr. LACEY. Certainly.

Mr. SOUTHARD. Now, suppose that he had violated the statute, as of course the gentleman will contend he does, does it not disqualify him under the provisions of the Constitution?

Mr. LACEY. Well, that involves another question, and I do not care to take the time of the House upon it. I have always thought that at common law the right to disqualify for crimes existed. You can take a man's right of suffrage away for crime. You can take away that which is more sacred than a seat on this floor when you take away his vote and take it away for crime. I say that question has no relevancy to this issue. Possibly Congress could pass a law that a bigamist might not be eligible from any State. I think that a proper remedy would be expulsion in either event, unless by law or by the Constitution express ineligibility had been created for that crime.

The Edmunds-Tucker Act does not apply; it only applied to that Territory when Territorial conditions existed, and disappeared when it was admitted into the Union. We can not make one statutory rule for eligibility for Iowa and another rule for Utah. I am in hearty sympathy with the proposition made by the gentleman from Indiana [Mr. LANDIS] that here is a violation of the compact between Utah and the United States that will be ground for expulsion, and ground to say to Utah, "When you send a man here who will live up in good faith to the pledge you have taken you can have representation, and not otherwise."

I was in the House when Utah was admitted. I voted upon the assurance of eminent gentlemen, in whom I had the utmost confidence, that polygamy had been abandoned and there would be no further trouble about it. We find now, in the face of that pledge, a polygamist is elected by the majority of the voters of Utah. It is said that a large number of gentiles voted for him. I was in Utah last summer, and gentiles came to me and said, "We voted for Roberts in order to force upon the House of Representatives the proposition as to whether a man would be permitted to retain a seat as a Representative of the State who was violating the laws of Utah and violating the laws of the United States."

Suppose he came down here now with his three wives and his three increasing families, short work would be made of him by the criminal law in the District of Columbia, because he would subject himself to the jurisdiction of the Edmunds-Tucker Act. The United States has exclusive jurisdiction here.

Nearly every leading member in this House on both sides was asked before Congress met, "How will you get rid of Roberts?" That was the proposition, and almost every man answered, "By expulsion." That answer, which naturally rises to the lips of any ordinarily good lawyer, is a pretty safe principle of law to follow.

Mr. BARTLETT. Will the gentleman allow me a suggestion right there? I want to say this: I do not know how many petitions the gentleman had, but I had some from my district that were sent out for the purpose, and which contained two printed propositions, sent out with notes or instructions how they should be signed. They simply contained the two propositions—first, that we should expel Roberts for being a polygamist by a two-thirds vote of the House, and next, that we should make polygamy a constitutional disqualification.

Mr. LACEY. I would like to inquire of the chairman of the Judiciary Committee how many resolutions making a member of Congress ineligible for being a polygamist they have before his committee?

Mr. RAY of New York. There have been several resolutions introduced prohibiting polygamy in the United States.

Mr. LACEY. The object of these resolutions was to render ineligible members because of polygamy.

Mr. RICHARDSON. If my friend will allow me, he is a clear-headed lawyer, and I would like his discriminating judgment on the two provisions in the Constitution—first, the oath which relates to the President and the oath which relates to the members. I read from Article II:

> Before he enter on the execution of his office, he shall take the following oath or affirmation.

It says, mark you, before he enters upon the office. Now then, on page 23 the language in relation to members is wholly different. It says:

"The Senators and Representatives before mentioned," members, etc., "shall be bound by oath or affirmation, to support this Constitution." Not *before* they enter upon their office, but "shall be bound by oath or affirmation, to support this Constitution."

Mr. LACEY. It is not a condition precedent. We have a striking illustration, Mr. Speaker, of the views of this body in the latter end of the second session of a Congress when a committee is selected to sit during the recess and take testimony and discuss any problem. Such committee is always selected from gentlemen who have been elected to the next Congress. They enter upon the duties connected with that committee after the 4th of March. We have instances of that kind often. Sometimes a caucus does the same thing. A caucus of one side of this body selected a number of members of the next Congress to prepare a financial bill. They got together because they were members of Congress.

Mr. BARTLETT. There is a provision in the laws of Congress which provides that at the end of each Congress the Speaker shall appoint three members from those elected to make up the committee that shall audit the accounts between the adjournment of one Congress and the commencement of the next, and those members that act are three members who have never been sworn.

Mr. LACEY. Certainly; but they are members of Congress. Suppose these gentlemen auditing the accounts should make a false return, and money should be drawn, with their knowledge and consent, out of the contingent fund in violation of the law. Could we expel them? Could they come into the House and say, "We are not members; what we did we did merely as a matter of courtesy?"

Now, Mr. Speaker, I do not desire to detain the House longer. I have spoken longer than I intended, and had it not been for the interruptions I should not have spoken so long. The term of office is two years. The statute defines when it shall begin—it shall begin on the 4th of March. Now they claim the person elected has been nine months with his time running, but without being a member.

And if he is a member, if he has violated the principles of our civilization, we have the right to expel him from this House, and the vote has already shown that the two-thirds vote is available for that purpose.

Mr. SOUTHARD. I am not satisfied with the gentleman's answer. I understand that we have a statute which makes anyone accepting a bribe incapable of holding any office of trust or profit under the United States. Now, having such a statute, the validity of which I understand the gentleman to admit——

Mr. LACEY. I assert it.

Mr. SOUTHARD. If he is incapable of holding an office, why does it become necessary to admit him and then expel him, or to expel him otherwise than to exclude him?

Mr. LACEY. Why, for the simple reason that this body makes up its roll. It makes up a record of that ineligibility, and it could date back this expulsion to the hour of his conviction, unquestionably.

Mr. MORRIS. Would it require two-thirds?

Mr. LACEY. Certainly it would require two-thirds on the question of expulsion, but it would not be necessary in case of the

receiver of a bribe, because the statute declares him ineligible. But now suppose he committed an offense that did not disqualify him excepting in the eyes of all honest men, and that the law did not render him ineligible. Then the House would have to act, and could only act from the hour of its action, and could not make it relate back to the original prosecution, upon which the action of the House is founded.

Mr. MORRIS. Then, according to the gentleman's argument, he would expel a man that a majority could exclude.

Mr. LACEY. Why, certainly; a majority could exclude a man and a two-thirds majority might do something even stronger. He may do an act for which he could be excluded, as rendering him ineligible. He can be expelled for that same act, because there is no limitation of it in the Constitution as to what he can be expelled for, excepting that there must be two-thirds of the House concurring in the expulsion.

Mr. SOUTHARD. Then does the gentleman hold that this House has not the power to do, with reference to its own membership, what it might obtain power to do by an act of Congress?

Mr. LACEY. This House has, for the purpose of expulsion, absolutely no limitation excepting the limitations that prevailed in the House of Commons and the limitation added by the Constitution that the expulsion must be enforced by a two-thirds vote. Now, that being the case, I say a man may be expelled for that for which he might also be excluded.

Mr. BROMWELL. Mr. Speaker, it is not for the purpose of making any argument in this case that I take two or three minutes from the House. I am unfortunately compelled by important business in Cincinnati to leave the city this afternoon and will not be present at the vote to-morrow. I wish to put it on record, though, that as the Representative of my district I think I voice the sentiments of my entire constituency in supporting the majority report in this case. Through the courtesy of one of the gentlemen who support the minority report, I have been enabled to obtain a live pair; so that while my vote will not appear in the RECORD, yet, in accordance with my own judgment as to the action of this House, and in accordance with the sentiments of my constituents, I shall at least have the satisfaction of knowing that the vote by which final action is taken will not be diminished.

Mr. MIERS of Indiana. Mr. Speaker, the committee is agreed as to the facts. It is agreed that the gentleman elect, or the gentleman from Utah, whichever it may turn out to be, is the husband of three wives, the father of two sets of children; that he was convicted under the Edmunds Act and the Edmunds-Tucker Act of illegal cohabitation, and that he served the sentence that was pronounced as a punishment, except that of disfranchisement and being rendered incapable of holding office.

The committee is also agreed that, by reason of these facts so found, the gentleman is not entitled to remain as a member of this House. It is now a question of procedure. The majority of your committee says it is legal, it is constitutional, it is orderly to meet the gentleman and exclude him without the administration of the oath. The minority says he should not be excluded; that the Constitution requires that the oath should be administered, and after the oath has been administered he should be expelled.

Mr. Speaker, I have always prided myself on being a strict constructionist of the Constitution; yet I am one of those who believe this House has the constitutional right to exclude the member from Utah without the administration of the oath and be within constitutional limit.

I confess, Mr. Speaker, I not only believe this House has the right to exclude him without the administration of the oath, but I believe it has equally the same right to expel this or any other member after he has had the oath administered to him. I would place one on one section of the Constitution and the other on another, which I will quote in a very few moments.

The right to exclude, on section 5, Article I, of the Constitution: "Each House shall be the judge of the elections, returns, and qualifications of its own members."

Same section: "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

There are many things, Mr. Speaker, that might be said as to why he should not retain a seat in this House, but I can not stop to discuss them all. It is agreed that he is constitutionally unfit to sit as a member, the majority contending that he should not enter the House; the minority that he should be entitled to enter and take a solemn oath to support the Constitution of the United States so long as he shall be a member, and the very next minute expel him. [Applause.]

We are agreed, I take it, not only as members of the committee, but as members of the House, that we will part company with him as soon as the vote is taken and that he shall do no act as a member of this House, and I confess, so far as the action of this House is concerned, when I discuss the question whether he should be excluded or expelled, I feel as though I am entering on the task of discussing practically the difference between tweedledum and tweedledee. [Applause and laughter.]

Mr. Speaker, the legal profession always boasts that the law does not require the citizen to do any foolish or unnecessary things. Yet you who take the position of the minority must take the position that the Constitution, by which we test all the laws that are enacted, requires of this great body, the American House of Representatives, to do that thing which is both foolish and unnecessary. The question of compact I do not care to discuss and will only pass it by with a word.

I was charmed yesterday and spellbound by the logic and eloquence of the gentleman from Maine [Mr. LITTLEFIELD] when he discussed the question of the compact between the State of Utah and the United States when it was admitted to the Union; and this morning my colleague from Indiana [Mr. LANDIS] upon the other side, equally as strong, equally as eloquent, presented the other view; but I can not particularly agree with either, although I agree with each as to his conclusion.

The gentleman from Maine [Mr. LITTLEFIELD] yesterday said that during the war of the rebellion millions of money and thousands of lives had been sacrificed for the purpose of establishing the doctrine of the unity of the statehood. I agree with him, but it does not lead me for that reason to the same point that it leads the gentleman from Maine, that if, perchance, a State should live in violation of the laws of the Union, would administer no law, would not extend justice through the courts, would abandon the courts, would defy both Congress and the Constitution, it thereby follows that they have the right to come to this lawmaking power and say that they shall have representation. I do not believe, Mr. Speaker, that the war was waged to establish such a doctrine.

The gentleman's contention drives us to the conclusion that if the charges are proven that the President has appointed postmasters in Utah who are polygamists, thereby rendering them incompetent and unfit to hold the office of postmaster—that if they came with a certificate from the State of Utah they would be entitled to be sworn as members in the great American House of Congress. It will not now be contended that they or the member-elect from Utah would be eligible to hold any office in any of the Territories or the District of Columbia, yet the minority position is that Mr. Roberts is entitled to be sworn to make the laws for the Territories where he could not vote and would not be permitted to hold office that he might help create.

Such construction of the Constitution would guard all the minor offices and leave the lawmaking power without such safeguard. [Applause.]

I can not agree with such argument, but I fully agree that there is no power in the State to sever the Union. Upon the other hand, I would say if a State in the Union was living in violation of the law, not only in violation but in utter disregard of the law, they would have no right to come to the lawmaking power and say, "I am entitled to representation." I believe not only in an indissoluble Union, but I believe the lawmaking power under such circumstances has the right to say, when you have abandoned the law, or when you defy the law, "You shall not help make the law." The Constitution is strong enough to hold and retain you, and is strong enough to demand obedience to the laws of the State as well as the individual. I may say to a State, "You shall not have representation in making the laws until you are willing to enforce the law and the Constitution and stop your defiance."

Mr. Speaker, I can not follow the gentleman from Maine in his reasoning, although I agree with his conclusion; nor can I follow the distinguished gentleman from Indiana in his statement of facts. He reads eloquently, and says that the gentleman who represented Utah upon the floor of this House when the debate was going on "might have said." He reads eloquently, and says that a certain citizen, high in the State, high in the participation of the church government, is living in polygamous relations with three wives, four wives, or five wives.

I do not know, Mr. Speaker, yet this committee, presided over by the distinguished gentleman from Ohio [Mr. TAYLER] as its chairman, associated with the other lawyers on the committee, when the gentleman from Utah, Mr. Roberts, asked the question whether it would be permissible to inquire into the relation of the State of Utah to this question, unanimously decided that it could not be done and that no such inquiry would be made. I can neither agree with the argument of the gentleman from Maine nor with the facts as stated by the gentleman from Indiana. The committee said the State should not be heard in that inquiry, and no inquiry was made.

To brand the State of Utah as disloyal to this particular statute, to charge a State as now permitting polygamous relations in defiance of the law, when no such thing was found and not inquired into by the committee, does not meet my approval and was not contemplated by the resolution under which the special committee was appointed. Upon the other hand, I make bold to assert,

from the evidence that was given before the committee, that so far as the State of Utah is concerned, the doctrine of polygamy is abandoned, it is a back number, a thing of the past. There are some sporadic cases, and perhaps will be, but the evidence given before the committee showed that the people of Utah were not only loyal during the Spanish war, but they have been loyal to this statute against polygamy, except in incidental cases. [Applause.]

Mr. Speaker, the country being excited and investigating earnestly the question of polygamy, it is unfair and unjust to the State of Utah to make the statement of facts as did the gentleman from Indiana.

I beg pardon for having taken thus much of the time on a question that I do not think figures in the conclusion. I desire while I shall occupy the floor to discuss the question whether or not this body has the right to place any limitation upon the membership beyond the three—that of citizenship, age, and residence. As I said a moment ago, I believe the founders never meant that we should be put in the attitude of doing the foolish and unnecessary thing that the gentlemen who represent the minority say we must do—"swear him in only as a matter of form, then kick him out." The Constitution reads:

No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

It is insisted that these three qualifications are the alpha and omega. It is insisted by the gentlemen who represent the minority that Congress—and by Congress I mean the Senate and the House—can not add to these qualifications. I insist under any common-sense reasoning, and under the precedents in the legislation of Congress, that the Senate and the House may add to the disqualifications. I insist not only that Congress may do it, but the House must inquire as to qualifications of its members and shall judge of the qualifications. Our law is the Constitution. No man is more faithful in his adherence to it than I; I respect every line and utterance, and do not believe the founders meant by this expression that having these three qualifications none other should be required, but that the member should have at least these three qualifications.

If it meant that, it would have been so easily said; but that does not argue for much. Let us follow it a little further. Why did they do it? Now, I shall refer for a few moments to the convention and the discussion and debates on the occasion of the adoption of the Constitution. I can only refer to them in a casual way.

Mr. Speaker and gentlemen of the House, will some gentleman of the minority tell me what particular glory, what significance, attaches to the year or age of 25? Will some gentleman tell me what significance attaches to the question of residence for seven years? I believe from the debates that we can fairly infer.

We all know that in England the people had been in the habit of sending to their lawmaking power young men, minors who were not matured, minors who were not capable of comprehending the Government and legislating for its best interests. They had not only been doing that, but nonresidents, alien citizens, had been sent to Parliament for the purpose of making laws. I believe, and take it not only from my judgment, but from the reasonings on that occasion and from the debates, that the real purpose of the founders in enacting the Constitution was to make a concise statement and guard against the possibility of foreigners controlling the Republic. I believe the reason of that fixed limit upon citizenship was in order that aliens and nonresidents might be shut out from the great American House of Congress for a period of time until they should become Americanized and catch the spirit of the Republic. [Applause.]

If, Mr. Speaker and gentlemen of the House, for some reason it was apparent that aliens were about to, or had, come to this country until they would control the ballot, a class of aliens that the members of this House would deem to be dangerous in the control of the lawmaking power of this nation if the limit of citizenship be extended beyond seven years, do you believe the founders meant that we should never change the limit of seven years? Do you mean to say that the founders meant that you should not extend the limit to ten, fifteen, twenty, or any number of years that is necessary to maintain the Republic in its original glory and keep it out of the hands of any dangerous element?

What is there sacred, therefore, about seven years' residence? It was simply a term fixed, and the founders said and meant that the Representatives shall at least have these qualifications and any other necessary to the welfare of the Republic. Upon that line let us follow it a little further before we come to precedents and see what the Constitution itself says upon the subject. It says the House shall be the judge of the election and the qualification of its members. The House shall be the judge of the qualifications of its members. The qualification certainly does not mean whether he is simply seven years a resident of the United States, etc., but that the member shall have such qualifications as will maintain the Republic in its original liberty-loving spirit, and, if necessary, to increase it from seven years to ten years, or whatever number required for the welfare of the Republic.

So if you say that you shall only have the right to require these qualifications, you shut off the right of the House, you foreclose the ability of the House to judge of the qualification of its members.

Some gentlemen say this is dangerous unless you tie it to the Constitution. I say no. These members about me are not simply 357 men, they are 357 Representatives, each representing about one-fourth of a million people, and voting for them on all occasions. Aye, gentlemen, the 357 men who represent the different sections of this country are the House, are the Republic itself; and yet you tell me that you can so surround the members by the Constitution, by a law, or by any facts that would prevent them from ruining this country if they sought to do it; you tell me you have undertaken a task that can not be accomplished. No law could prevent revolution if this House should undertake it. You may as well think of self-destruction.

Power must be lodged somewhere, and the fathers lodged it with the representatives in a representative Government—a Government that has proven almost perfect, a Government that has proven to be the strongest Government on the face of the earth, not only in times of war, but in times of peace, one based on the greatest liberty to the greatest number consistent with the general welfare.

Mr. Speaker, let me follow this question a little further on the proposition as to whether or not there are any other than the three qualifications that may be required. If I can establish a proposition—and I think I can, both from logic and from the adjudicated cases, as well as the statutes of the United States—that Congress—the House and the Senate—may make other disqualifications, I will have accomplished that which I undertook. When I have done it, I have fully met the arguments of the gentlemen who say that these three are the beginning and the end.

I may refer in a casual manner to the test oath that was required at the close of the war. What was that oath? I will not stop to repeat it, but it was a disqualification to some people; that is to say, those who could not accept the oath were disqualified. Then Congress, the House and the Senate, said that certain people were not qualified to be members of the House of Representatives. They were 25 years of age; they had resided in the United States more than seven years; they represented the State from which they held a certificate; and yet there was a class of people that Congress said could not represent the people upon the floor of this House by reason of disqualifications not mentioned in the Constitution. I need not follow that further, for I have to hurry on. It was acquiesced in as being not only humane but just and good law, and in accordance with the Constitution. This shows that not only other disqualifications may be made, but that they have been made. Let me follow it just a little further.

We have a statute—section 5500 of the United States Statutes—which says:

Any member of either House of Congress who asks, accepts, or receives any money, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, either before or after he has been qualified or has taken his seat as such member, with intent to have his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House, or before any committee thereof, influenced thereby, shall be punished by a fine not more than three times the amount asked, accepted, or received, and by imprisonment not more than three years.

Another section, 5502, reads as follows:

Every member, officer, or person convicted under the provisions of the two preceding sections who holds any place of profit or trust shall forfeit his office or place, and shall thereafter be forever disqualified from holding any office of honor, trust, or profit under the United States.

Section 5502 says that any member who is convicted shall forever be prohibited from holding any office, yet a member might be 25 years of age and might have been a resident seven years and come to represent the State from which he holds the certificate, and yet there is a barrier that has been erected against him because he has accepted a bribe, etc. Does not this, gentlemen of the House, without pursuing this part of the question very much further, indicate clearly not only that the lawmaking power of the Senate and the House has authority to do it, but that it has done that which fixes a disqualification?

Perhaps no man has been guilty of that offense, but it is within the reach of human possibilities that some member might be, and if any member might be disqualified, the disqualification is added and the effect of it is to say that not only these three qualifications are required, but in effect says he should not be a bribe taker. If that is true, then by statute disqualifications have been added. When you come to test it by what actually has been done by Congress, it precludes some persons who are and have what seems to be the negative qualification stated in the Constitution of the United States, thus showing that Congress may judge and establish disqualifications. [Applause.]

It would be an anomaly if simply residence, age, and citizenship should be the full test of the requirements, or, in other words, if

all others, no matter what might or may come up, are to be excluded. Do you think the founders of our Government meant this, when we see the great wisdom they displayed along all other lines? Do you think that they were willing to tie the hands of Congress so that a bribe taker, an enemy of the Government, a man who would strike down the Government itself, should be admitted for the purpose of making the laws of the country when they would be precluded from holding even a post-office? Gentlemen of this House, I have no question in my mind that the founders only meant, when they said he should have these qualifications, that he should have at least these qualifications and as many more as the great American Congress, consisting of both the House and the Senate, might add.

When I assert that proposition I do not think I put the great American Government in a position, on any occasion for the next hundred or thousand years, when there will be danger that a bad precedent will affect the Government itself.

But, Mr. Speaker, the reason these gentlemen say these three qualifications are the only disqualifications is because three have been named, and that the naming of some, by rule of construction, means the exclusion of all others. That may mean the exclusion of all others or it may not. Take the instrument itself, and if from that you can fairly discern that it meant to exclude all others, that is the proper rule of construction; but take the instrument itself and fairly conclude that is not the purpose, then that is not the rule of construction.

Gentlemen of this House, the Constitution shows that that was not the intention. It says the House shall be the judge of the qualifications of the members. If it means the qualifications of members as indicated in the Constitution, the three that are stated negatively, how easy it would have been to have said it.

Referring to another section of the Constitution, which provides that each member shall be bound by an oath to support the Constitution of the United States, there is one requirement that is stated in the oath. The Constitution requires one thing, to support the Constitution of the United States. Yet but a short time ago, and under this very same rule of construction, the American House of Representatives and the Senate applied what is known as the test oath, in addition, not only to support the Constitution of the United States, but it required an oath of loyalty as well.

And, gentlemen of the House, this House has not only held that that was legitimate, but has gone further and said that if perchance any gentleman was willing, with a dormant conscience, to take the oath and not do it in good faith, it was legitimate and right to have that member stand aside until that question could be inquired into.

Not only is that true, gentlemen, but every one of you, when you took the oath on the 4th day of December, 1899, not only took the oath required by the Constitution that you would support the Constitution of the United States, but you took the oath—I can not now repeat in whole—but the oath which contained the provision that you would defend the Constitution against all enemies, foreign and domestic. If you apply the rule of construction which is urged by gentlemen of the minority, and insist that the naming of one requisite means the exclusion of all others, then when the Constitution said you should swear to support it you were up to the limit, you were as much at the alpha and omega as you were when you read the Constitution and said that a member should have at least these three requisites. Yet you came here believing you were taking a constitutional oath, one that you had not only the right to take, but that it was the duty and the pleasure of the Speaker of this House to administer to every member; and had any member refused to take that oath and sought to drop back on the Constitution, there is not a member of this august body who would have said he was entitled to take it in his own way.

The Constitution itself, then, gentlemen, refutes the argument that it is all included. In addition to the extended oath, you have the Constitution, saying that you are the judges of the qualifications. Aye, you not only have that right, but you have the instance of the oath itself. So, gentlemen of this House, I feel that I was warranted in the proposition that Congress may administer the oath; but I was as equally justified in the proposition that this House may either expel or reject a member and refuse him the oath. This you do under the broad proposition of the Constitution that you are the judges of the qualifications of the members; and if you find a man is not qualified as a member, under this language of the Constitution, you may reject him and say, "You are not qualified." If, upon the other hand, you admit his qualification and say, "Although qualified, your conduct has been such as to degrade you in the eyes of the House and the great American people," the Constitution says he may be expelled, two-thirds concurring therein.

I believe that, as much as I believe the honest construction of any instrument, the House may, in the exercise of its right as the judge of the qualification of members, exclude at the door any member, whether he be traitor to the whole law of the land or to any one section of the statute that in the judgment of the House affects his qualifications. I am not without authority. John Randolph, in the House of Representatives, said:

> If the Constitution had meant (as was contended) to have settled the qualifications of members, its words would have naturally run thus: "Every person who has attained the age of 25 years, and been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." But so far from fixing the qualifications of members of that House, the Constitution merely enumerated a few disqualifications within which the States were left to act.
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> It is said to the States, you have been in the habit of electing young men barely of age; you shall send us none but such as are five and twenty. Some of you have elected persons just naturalized; you shall not elect any to this House who have not been some seven years citizens of the United States. Sometimes mere sojourners and transient persons have been clothed with legislative authority. You shall elect none whom your laws do not consider as inhabitants.

Story says (Constitution, section 448):

> The truth is, that in order to ascertain how far an affirmative or negative proposition excludes or implies others, we must look to the nature of the provision, the subject-matter, the objects, and the scope of the instrument. These, and these only, can properly determine the rule of construction. There can be no doubt that an affirmative grant of powers in many cases will imply an exclusion of all others.

Then, Mr. Speaker, along that same line, at the close of the war, when it was urged that the question of disloyalty would arise, President Grant in a message said that a vigilant House would control and see that this Government was kept in the hands of loyal people. It was then followed by legislation along the same line, and that, thank God, like polygamy, is a back number and out of the question. The President in his message said:

> In the admission of Senators and Representatives from all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress. Each House is made the judge of the election, qualifications, and returns of its own members, and may, with the concurrence of two-thirds, expel a member. When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interest of loyalty to the Government of the United States and fidelity to the Union.

I am now discussing whether or not we have the constitutional right to say at the threshold, "This House will judge of the qualifications of its members." The distinguished gentleman from Maine [Mr. LITTLEFIELD] yesterday, in discussing the statement of Mr. Pomeroy upon that question, belittled him as an authority in comparison to the great constitutional lawyer, Mr. Story. I would, however, remind him that Mr. Pomeroy is a respectable lawyer. His work is not only found, I take it, in the magnificent library of the gentleman from Maine, but in nearly every respectable library from Maine to California. Here is a respectable author, and although he has already been so forcibly quoted by the chairman of this committee, I will refer to his words, strong and in point.

In Pomeroy's Constitutional Law, third edition, page 138, is the following:

> The power given to the Senate and to the House of Representatives, each to pass upon the validity of the elections of its own members and upon their personal qualifications, seems to be unbounded. But I am very strongly of the opinion that the two Houses together, as one House, can not pass any statute containing a general rule by which the qualifications of members as described in the Constitution are either added to or lessened. Such a statute would not seem to be a judgment of each House upon the qualifications of its own members, but a judgment upon the qualifications of the members of the other branch. The power is sufficiently broad as it stands. Indeed, there is absolutely no restraint upon its exercise except the responsibility of the Representatives to their constituents. Under it the House inquires into the validity of the elections, going behind the certificates of the election officers, examining the witnesses, and deciding whether the sitting member or the contestant received a majority of legal votes. The House has also applied the test of personal loyalty to those claiming to be duly elected Representatives, deeming this one of the qualifications of which it might judge.

Mr. Cushing, page 195, section 447, says:

> To the disqualifications of this kind may be added those which may result from the commission of some crime which would render the member ineligible.

In 1867, when the members-elect from the State of Kentucky presented themselves to be sworn, objection was raised on the grounds of disloyalty; they were required to stand aside; their credentials were referred to the Committee on Elections for investigation and report.

Mr. Dawes, chairman, in his report, said:

> The committee are of the opinion that no person who has been engaged in armed hostility to the Government of the United States, or who has given aid and comfort to its enemies during the late rebellion, ought to be permitted to be sworn as a member of this House, and that any specific and apparently well-grounded charge of personal disloyalty made against a person claiming a seat as a member of this House ought to be investigated and reported upon before such person is permitted to take the seat.

* * * * * * *

The committee adhere to the views expressed in the former report, that no man who has been engaged in an attempt to overthrow the Government and subvert the Constitution by force of arms, or who has voluntarily given aid, countenance, counsel, or encouragement to persons so engaged, ought to be admitted to a seat in this House to make laws for the nation he has traitorously sought to destroy; and it is apparent that there must be power in this House to prevent this, the House being the judge of the qualifications of its members, of which fidelity to the Constitution is one, and that this end can only be certainly accomplished by the investigating of any specific and apparently well-grounded charge of personal disloyalty made against a person claiming his seat as a member of this House before such person is permitted to take the seat.

Ah, Mr. Speaker, I find that my time is going along, and I only want to call the attention of the House to a few precedents in this case that bear on the question.

I take it that the name of Senator Trumbull inspires the confidence of every good lawyer, patriot, and member of this House, without regard to politics or profession.

In the proceeding to expel Benjamin Stark, who was appointed a Senator from Oregon in 1862, Mr. Trumbull filed a report February 7, 1862, in which he said:

It is admitted that neither the Senate, Congress, nor a State can superadd other qualifications for a Senator to those prescribed by the Constitution, and yet either may prevent a person possessing all those qualifications and duly elected from taking his seat in the Senate. Does anyone question the right of a State to arrest for crime a person duly qualified for and appointed a Senator, hold him in confinement, and thereby prevent his appearing in the Senate to qualify? Suppose a Senator, after his appointment and before qualifying, commits the crime of murder, would anyone question the right of the State authorities where the crime was committed to arrest, confine, and, if found guilty, execute the murderer and thereby forever prevent his taking his seat? Or if the punishment for the offense was imprisonment, would anyone question the right to hold the Senator in prison and thereby prevent his appearing in the Senate?

Could the Senate in such a case expel him before he had been admitted to a seat, or must he be brought from the felon's cell, be introduced into the Senate and sworn as a member before his seat could be declared vacant? If not, must the State go unrepresented till the time for which he was appointed had expired? Or would it be competent for the Senate in such a case, by a majority vote, to declare the convict incompetent to hold a seat in the body and thereby open the way for the appointment of a successor? It is manifest that the prescribing of the qualifications for a Senator in the Constitution was not intended to prevent his being held amenable for his crime.

The fact that the Constitution declares that Senators and Representatives "shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same," is conclusive that for those offenses they may be arrested. As punishment for crime, then, it is clear that a Senator-elect, possessing all the constitutional qualifications of age, citizenship, and inhabitancy, may be prevented from taking the oath of office. Congress has repeatedly acted upon the presumption that it was entirely competent for it to prescribe as a punishment for crime and inability forever afterwards to hold any office of honor, profit, or trust under the United States.

By a statute passed in 1790, any person giving a reward to a United States judge as a bribe to procure from him any opinion or judgment, and the judge receiving such bribe, are both declared to be forever disqualified to hold any office of honor, trust, or profit under the United States.

By an act passed in 1853 any member of Congress, after his election, and whether before or after he is qualified, who shall accept any reward given for the purpose of influencing his vote on any question which may come before him in his official capacity, is declared incapable forever of holding any office of honor, trust, or profit under the United States.

He goes further on and says that he shall forfeit his office.

Does anyone doubt the power of Congress, under this clause of the Constitution, to declare that a person convicted of treason should forever be incapable of holding any office under the United States? If this were done, would it be contended that a convicted traitor was entitled to be sworn as a Senator? The clause of the Constitution prescribing the qualifications of Senators and Representatives could never have been intended to limit the power to make disqualifications to hold those or any other offices a penalty for the commission of crime, especially of treason.

Doubtless—

He says—

a law of Congress declaring that a person convicted of a particular offense should not hold office under the United States, and the decision of the courts sustaining such a law, would not preclude the Senate from admitting such a person to a seat should it think proper, because the Senate is the exclusive judge of the elections, returns, and qualifications of its own members. Yet it is hardly conceivable that the Senate ever would admit such a person to be sworn; nor does the fact that Congress has not adopted such a punishment for disloyalty or treason prevent the Senate from refusing to allow to be sworn as a member a person believed by the body to be guilty of those offenses or other infamous crimes.

That one avowed traitor, a convicted felon, or a person known to be disloyal to the Government has a constitutional right to be admitted into the body would imply that the Senate had no power of protecting itself—a power which, from the nature of things, must be inherited in every legislative body.

Suppose a member sent to the Senate, before being sworn, were to disturb the body and by violence interrupt its proceedings, would the Senate be compelled to allow such a person to be sworn as a member of the body before it could cast him out? Surely not, unless the Senate is unable to protect itself and preserve its own order. The Constitution declares "that each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member."

The connection of the sentence in which the power of expulsion is given would indicate that it was intended to be exercised for some act done as a member and not for some cause existing before the member was elected or took his seat. For any crime or infamous act done before that time the appropriate remedy would seem to be to refuse to allow him to qualify, which, in the judgment of the undersigned, the Senate may properly do, not by way of adding to the qualifications imposed by the Constitution, but as a punishment due to his crimes and the infamy of his character.

If we were undertaking to say that all persons who represent the people on the American floor of Congress should not only have the three qualifications, and they shall be loyal besides, or, to bring it to this question, they shall not be polygamists, that would take the action not of the House alone, not of the Senate alone, but of the whole lawmaking power. Mr. Trumbull says: "The Senate alone can not do it." The House alone can not. I grant you they can not add disqualifications; but that is not the proposition. I have shown you by the statutes that the two Houses have established disqualifications; but the House alone may test the qualifications of a member. The House alone may not add disqualifications that apply to all applicants; but the House alone may judge of the qualifications of its members.

Senator Trumbull took the ground, and maintained it, that the Senate had the right under this section of the Constitution to test the qualifications of its members. He further says:

The Senate of the United States may halt a man who was disloyal at the bar.

The Edmunds Act said that it was unlawful, and took from the member the right to vote, the right to hold office. Under analogous reasoning this House has the right to halt a polygamist at the threshold and say, "We will judge of his qualifications."

If the House finds that Mr. Roberts has disqualified himself until his presence endangers the Republic from his participation in some form of crime, by reason of treason, by reason of polygamy, or other reason, it has the constitutional right to do so. I need not stop to discuss whether he has so disqualified himself.

The committee in each report agrees that he is a polygamist, has disqualified himself, and is not entitled to retain his seat. The minority contends that the House should go through the farce of admitting him to the bar, permit him to hold up his hand and swear that he will support the Constitution of the United States, and then, without further investigation, immediately expel him. That is the proposition of the minority. They say in their report, "Immediately, by force, if you please, without further investigation."

Does this great Constitution which we all revere require us to do this foolish act? My distinguished colleague from Maine yesterday made light of Gen. John A. Logan, a man who, as a citizen of a neighboring State, I had learned to revere and respect, although differing with him in politics, for his good judgment, his loyalty to the Government, and his ability to construe constitutional questions. He spoke upon the subject of the right of election and qualifications of members. I prefer to quote his strong, patriotic words.

In the Whittemore case, General Logan, in his debate, said:

It is said that the constituency had the right to elect such a member as they may think proper. I say no. We can not say that he shall be of a certain politics, or of a certain religion, or anything of that kind; but, sir, we have the right to say that he shall not be a man of infamous character. He is not merely a representative of the constituents who elect him, but his vote in the House is a vote for the whole nation. It is a vote for the people of the whole country, and every district in the United States has the same interest in his vote that his own district has. Hence, if Congress shall not have the power or authority or shall not have the right to exclude a man of that kind, then the rights of the people of the whole country may be destroyed by a district sending a representative who may be obtained to vote in a manner which may be destructive to the rights of the people. Are we to be told that Congress has no right to prevent anything of this kind because of the right of any constituency to send whomsoever they please?

* * * * * * *

It is not that the people shall not be represented. Not at all. It is this: That the people of the country have no right to destroy their own liberties by filling Congress with men who, from their conduct, show themselves capable of the destruction of their Government.

* * * * * * *

Congress, being the representatives of the whole people, are entitled to say that the rights of the whole country shall not be destroyed by one or more districts throwing in here a man or set of men capable of their destruction, and that, having knowledge of the facts and the power to prevent the mischief by exercising the right of exclusion, they have a right to exercise that power and thereby protect the interests of the country and to preserve instead of destroy the right of representation.

I fully concur and contend it is the duty of the House to judge of the members' qualifications. [Applause.]

Think of it a moment! In this representative Government of ours each member votes for about one-quarter of a million people. Each not only votes for one-quarter of a million of his district, but at the same time, having consulted with the other members, votes not simply as the representative of one Congressional district, but of all the people. As the representative of all the people each member determines not for his locality alone, but for all the people the qualifications of a member. You have not only the right but the Constitution makes it your duty to do it. Why? For the protection of the Government itself.

In this representative Government the one affects the whole, just as much as the bucket of water is affected by that which is poisonous in a part of it; it permeates all, and for that reason affects the whole Government, and it is not simply your privilege, gentlemen of the House, to pass upon the qualifications of a member, but it is your sworn, your bounden, your patriotic duty to the whole country to do so, whether it counts for his admission or whether it goes as a matter of his expulsion. If a matter of expulsion, it takes the two-thirds vote, because the Constitution so says. It is a question whether he is qualified not simply under the three qualifications, but whether he is qualified under the

great and magnificent Constitution and the spirit of the Government to properly represent the liberties of the whole people. That is the test—the good of the whole Government.

You may say that a State ought not to be refused representation. I grant it, other things being equal; but this Government is founded, it is based, its laws are enacted, are administered, on the theory of the greatest good to the greatest number. The Constitution says that you shall judge of the qualifications of a member. When you come to try the question of polygamy, it has been established, not only by the proof but by the gentleman from Utah, and the committee has agreed that he ought not to retain his seat in the great American House of Congress. Why? Because it is dangerous to the Republic. If you do not put it on that ground, you can not put it on any other; and will you say, gentlemen, that the Constitution means that you shall higgle over constitutional construction when one is as plain as the other? [Applause.]

Let me follow this a little further. Mr. Logan further says:

For crime, sir, we have a right to proscribe a man. That is the ground I put it on. That is the ground on which I put it first, and that is the ground on which I put it now. We have a right, I say, to protect the interests of the country by excluding men from these halls on the ground of crime. It is not a crime to be a Democrat or Republican, to be a Presbyterian or a Methodist, or a member of any other denomination; but, sir, it is a crime for a man to do what this man has done. And why? Because the laws of our country denominate it a crime. It is made a crime by law. Hence my theory is based on the law, and is this, that in pursuance of the law, and in carrying out its principles, we must protect the country by protecting ourselves against crime and against criminals in this body. That is the ground I took and the theory I stated.

Here is a man convicted of a crime, and this great Government through its Presidents, Cleveland and Harrison, extended to him and such as him the amnesty and said if they were keeping the law they should be freed from the guilt and punishment, but they did not say they should be unless they were keeping the law. Your committee find that he was a polygamist in 1885 and every day thereafter until the present. When the matchless spirit that rules this American Republic of ours extended to this gentleman the olive branch of peace and said he could have it if he would maintain the law, he went on, as this committee finds, violating the law. Need we stop to argue where we shall land? It is only a question whether we have a right under the constitutional provision that makes the House the judge of the qualifications to say, "Your qualifications are short and you shall not be admitted," or whether we will say, "You may be admitted, and then, under the rule that it takes two-thirds, we will vote you out."

For one I do not care. That is the reason I said in the beginning of my remarks that it looked to me as if it was a difference between tweedledum and tweedledee. Here is the House, here is the great American Congress, debating for three days, and gentlemen laboring for an hour and a half or two hours to convince the country, and this House especially—I say the country, for I imagine a part of it is for that—that one reason leads him to exclusion and the other leads to expulsion. To my mind I do not care which it is; I am willing to join either. I say under the facts found we may either exclude or expel; and if it is a question of exclusion, there will be a two-thirds vote anyway.

If the conclusions of the majority of your committee or that of the minority is sustained, it is because the public safety demands the exclusion or expulsion of the gentleman elect from Utah.

The means must be adequate to the end.

If it is unsafe to trust the life of the nation to the keeping of a polygamist by permitting him to remain in his seat, is it not equally unsafe to admit him to the seat?

Is not the public safety endangered as much by admission and exclusion as by that of exclusion alone?

If public safety demands of us to expel this man after he has been seated because he, in common with other members, has the life of the nation in his keeping, does not public safety demand for the same reasons that he shall not be let into the seat?

If the House is the judge of what public safety demands and it sees the polygamist or any enemy to the Government approach, is it not compelled to use all the means necessary to insure public safety?

Is this House compelled to admit an enemy, give him a seat, and then turn him out; or rather should it not consult the highest safety by keeping him out? [Prolonged applause.]

Mr. McPHERSON. Mr. Speaker, during the sessions of the committee, after learning the position of the gentleman from Maine [Mr. LITTLEFIELD], I formed the purpose, at some time or other during this discussion, of replying to some of his legal arguments that he would present. He has now presented them upon some of these interesting questions. It had not been my purpose to address the House by way of making an argument along any other lines.

I am not prepared to say, acting under my oath of office, that if this question of a violation of the compact was the only question before the House I would cast an affirmative vote for the adoption of the resolution reported by the majority of the committee. But, without spending much time, I want briefly to supplement what my colleague from the committee, the gentleman from Indiana [Mr. LANDIS], said with reference to that question. And before doing that I want to read a paragraph on page 72 of the minority report. It says:

No power was reserved in the enabling act, nor can any be found in the Constitution of the United States, authorizing Congress, not to say the House of Representatives alone, to discipline the people or the State of Utah, because the crime of polygamy or unlawful cohabitation has not been exterminated in Utah. Where is the warrant to be found for the exercise of this disciplinary, supervisory power?

Now, mark you what the minority say:

This theory is apparently evolved for the purposes of this case; is entirely without precedent; and has not even the conjecture or dream of any writer or commentator on the Constitution to stand upon.

The member of the minority who framed that paragraph never in his lifetime has read, or, if he has read, has read to no purpose, the great opinion of that great war Secretary who subsequently became the Chief Justice of the Supreme Court of the United States, in the great case of Texas against White, where the doctrine is expressly laid down, not as a dream, not for the purpose of this case, but an enunciation by a full and undivided court, as I recall that case in 7 Wallace, when Salmon P. Chase said that the conduct of a State could be such that it could violate the compact to such an extent that the House of Representatives could deny that State representation upon the floor of this House.

I do not propose to go into this argument further now than to say that, so far as I am concerned, the minority of this committee shall not sneer out of this case this great question, so eloquently presented by my colleague upon the committee from the State of Indiana [Mr. LANDIS].

I invite the gentleman from Maine [Mr. LITTLEFIELD] to carefully revise his speech before it appears in the CONGRESSIONAL RECORD, if he desires the good opinion to which I think he is entitled among the members of the bar of this great country of ours.

Neither do I intend, Mr. Speaker, to long pursue the argument presented during the afternoon by my colleague from Iowa [Mr. LACEY]. He seems to have devised a new proposition and a new doctrine that I have heard rumored around the corridors of this building for the last week or two, but which, in my judgment, find support and warrant from no reasonable and logical construction to be given to this Constitution of ours.

I do not propose to argue the question whether a majority vote can exclude Brigham H. Roberts from this floor or not, or whether it takes a two-thirds vote. That question can be covered either by an amendment to the resolution tendered by the majority of the committee, or I apprehend it can be made upon a point of order, if more than a majority and less than a two-thirds vote is cast in the affirmative.

But, aside from this, there can be no middle ground. The resolutions of the majority as amended along the lines suggested must be adopted, or else the resolution tendered by the minority of the committee ought to be adopted.

There is no dividing line in the opinion of the majority of this committee, after having given weeks of time to the investigation, not so much of the questions of fact in this case, but of the great constitutional and parliamentary questions of law here presented.

But that there is nothing new under the sun, as is reported to have been said thousands of years ago, was fully attested by the oratorical outburst here upon yesterday afternoon. We heard a construction given to the Constitution of the United States that there is no implied power in that instrument, excepting perhaps with reference to internal improvements, for the building of harbors in rivers and bays, and with reference to the maintenance of a national banking system, and perhaps a few additional things.

It is not new, because that proposition emanated from a gentleman from the State of Maine, and a Republican from the State of Maine. And I want to say, with all due respect to the State of Maine, that for twenty-five years last past I have watched the somersaults and the performances of very eminent gentlemen from that State far to the Northeast, but it seems to me that when a Republican from that State upon yesterday enunciated that doctrine, while the gentleman from Missouri [Mr. DE ARMOND] was holding his hat, that the climax upon this great question concerning the construction of the Constitution had finally been reached.

I want to say, further, that that may be Republicanism in the State of Maine or it may be Democracy in the State of Missouri, but it is not Republicanism anywhere west of the Alleghany Mountains. [Applause.] That this House has implied powers, it seems to me, all men have by this time been ready to concede, excepting the two minority members on this committee.

Another thing: This committee is continually being misrepresented, as it seems to me, in holding out the doctrine and belief that the majority report holds that additional qualifications,

rather than the three named in the Constitution, can be added, regardless of what the subjects-matter are. This committee nowhere advocates that, and if it did it would be mere obiter dictum upon the part of the writer of the majority report. We simply say that a disqualification for the commission of crimes can be added, and we seek to add it in this case.

The majority of the committee are of the belief that it is not necessary to have a statute of Congress on this subject, for the simple reason that the Constitution says that each House shall be the judge of the qualifications of its own members. I would not give a fig for a statute that might be legally adopted by both Houses, and receive the sanction of the President, put into the form of a statute, other than a mere advisory suggestion to the succeeding Congresses as they come and as they go.

By what right and by what authority can a Senate and a President and one House tie up succeeding Congresses, succeeding Houses, with reference to this question of qualification, when the Constitution says that it is solely possessed by each respective House at its organization or during its continued existence?

But another thing, attention to which has already been drawn by one or more gentlemen who have preceded me. The gentleman from Maine [Mr. LITTLEFIELD] upon yesterday argued pretty nearly everything excepting the constitutional question under which we have the right to expel a member of Congress, and it does seem to me that as the debate has drifted along, as we have gotten off into other fields, as we have listened to these flights of oratory upon various and sundry questions—it now seems to me that we ought to come back and read the provision that is the basis of the action of the minority of this committee.

As threadbare as it may be, I desire again to read it:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Now, I invite the attention of every lawyer member of this House to notice the punctuation, the rhetorical construction of that paragraph, and then answer upon his conscience whether or no he can consistently, some time in the future, if this report of the majority is voted down, expel a member of this House for things done one, two, three, five, or twenty years before his membership commenced, an act in no way connected with the duties of his office; and yet this is the feast to which the minority of this committee invite us, and this is the logic which they say ought to have persuasive influence in voting down the majority report and in substituting the views of the minority therefor.

I submit to every member of this House who will give a careful consideration before answering to the roll call on to-morrow afternoon to say whether or not the disorderly conduct and the expulsion of a member do not go hand in hand. I ask every member of this House to carefully consider before the roll call is made whether he can vote for expulsion for anything that is not regarded as disorderly conduct by the member after his membership has commenced. I know that there are dozens of men upon this floor who can never conscientiously cast a vote for the expulsion of Brigham H. Roberts.

I want to warn, so far as I, a new member, unacquainted with nearly all you gentlemen, can warn this House. I do not believe it is purposely said by the minority of this committee, but it is being advocated by some gentlemen upon the floor of this House if this man is once admitted, he will never be expelled. That is going to confront you as sure as the world, if the roll is ever called upon this minority report. You are going to say to us that we can expel a man notwithstanding this constitutional provision: you are going to ask us to expel a man in the face and teeth of every precedent that has ever been made by either the Senate or the House of Representatives of the American Congress from George Washington down to the present moment.

You are going to ask us to ride down and whistle to the winds every precedent that has ever been made, simply because of these new-fangled notions, as it seems to me, which have been presented here by such eloquence and such outbursts of oratory as we listened to yesterday afternoon and as we are still to be favored with by the gentleman from Missouri, when he gets his time to close this debate on the side of the minority.

Can we ride these precedents down? Are they entitled to any weight? Are they not of persuasive authority? Another thing that created quite a lively stir in my imagination upon yesterday as I listened to the persuasive eloquence of the gentleman from Maine was that all these precedents that seemingly are against the minority are branded as of no force, because of the fact that they emanate and were born at or about the time of the war of the rebellion; and we can still further say, verily there is nothing new under the sun.

It has remained for a Republican from the State of Maine, joining with the gentleman from Missouri, to say that all legislative precedents made after or about the time of the war of the rebellion are to be whistled down the winds and are not to be regarded as of any binding force upon this House. In 1869 this House solemnly adopted a resolution that in all cases where challenges were made they should be sent to a committee before the oath was administered. They say that is one of the fruits of the war of the rebellion and was simply born out of the passions of those troublous times.

When we refer, again, to the Whittemore case it is regarded as without weight and without authority, because Gen. John A. Logan had not properly argued the case to the House, said the gentleman from Maine upon yesterday. They say in the minority report that Logan was not versed in the precedents, that when the House passed judgment it was excited, that they had lost their heads, and that they were not deliberate in their movements. Yet I want to call attention to what seems to be a complete refutation of all the criticism that I have heard upon the Whittemore case.

Let it be remembered, as stated by the chairman of the committee on yesterday, the gentleman from Ohio [Mr. TAYLER], that Whittemore was a Republican; he presented his credentials to a Republican House; therefore there was no partisanship in the movement excluding him from this body. But it is said that it was about the closing years of the war, whatever persuasive influence that might have had. I want to read some of the distinguished names forming a part of the majority who voted to cast out Mr. Whittemore after he had committed the crime of selling a cadetship at West Point.

I find as voting in the affirmative for the resolution such men as the following: John A. Bingham, who was sneered out of weight and authority because he was from the State of Ohio. I find the great name of SHELBY M. CULLOM, who for more than a quarter of a century has been an honored and leading member of one House or the other. I find the great name of Noah Davis, from the State of New York, honored, as I understand, by all New Yorkers. I find the great name of James A. Garfield. I find the name of Mr. KETCHAM, who, as I am told, is still an honored member of this body. I find—and I want to emphasize this name, because I shall allude to it again—I find the great name of George W. McCrary. I find the great name of Samuel J. Randall, I find the great name of S. S. Cox, and I find the name, not known perhaps to you gentlemen as it is to the gentleman from Maine, of Mr. Peters, who has been an honored member for many years of the supreme court of the State of Maine.

Can it be that these votes were cast because of the clamor of the day or because of the heat and passion growing out of the war of the rebellion? Whittemore had resigned to avoid expulsion. He had gone back to his constituency and had been reelected, and when he appeared here to take the oath he was met at the door by John A. Logan, who protested practically in the same language as the protest was made in this case by the gentleman from Ohio [Mr. TAYLER] on the first day of the session in this House. He had already discussed every fact before the House.

There need be no further difficulty; there need be no further taking of proof. They were all then on file on the Secretary's table. A motion to exclude was made, and exclusion was voted through, in part, by those great names I have just read to the House. Another thing, I noticed on yesterday that Judge Cooley, of Michigan, is the only man that merits favor in the estimation of the minority in their arguments upon this great question.

It seems to them that no man is entitled to weight unless he lived in the State of Maine or in the State of Massachusetts, which is both the father and the mother of the State of Maine. Great and honeyed compliments were paid to Judge Story, from which I would not detract. But Judge Story has gone into history, as many another great man has gone, leaving mistakes behind him, as all great men have done before.

In one of the editions of Story on the Constitution you find the remarkable statement, the extraordinary statement, that the President of the Senate in joint convention shall open the returns of the electors, and that the vote shall be counted, says the Constitution; but in one of the editions of Judge Story upon this instrument he says that the Vice-President counts the vote, a proposition that is not believed in to-day by a single man on American soil, and has not been believed in by a considerable number for the last half century. It is now regarded as obsolete in recent editions. So that whatever Judge Story said he said in an academic way, and he said it without argument, no doubt. What investigation he made none of us know, and giving it all the weight to which it is entitled, it is not to weigh down and thrust out of existence the authority and precedents with which the House has been presented.

Another thing. I want to correct a statement which the gentleman from Maine made yesterday, as I thought, quite flippantly, when, in reply to the gentleman from Ohio, the chairman of the committee, he held out the idea, as I understood it, that Judge McCrary in his work on Elections was with the minority; that when McCrary came to give his solemn vote under oath of office he would be found with him. I have already read you his vote on

the Whittemore case, and now I want to call your attention to the vote of Judge McCrary in the case of the Oakes Ames and Brooks case.

I need not restate the case. Suffice it to say that a crime had been committed some five years before. The crime had been committed in one Congress, and after one or two intervening Congresses the question came up. I want to read you what he says:

> Now, sir, in this case, if the facts which the committee have found are true, the purpose and object of these corrupt transactions was to secure influence not alone in the Fortieth Congress, but in subsequent Congresses as well. The Union Pacific Railroad Company and the Crédit Mobilier expected to require, perhaps, not positive legislation, but they desired to prevent unfriendly legislation in all these Congresses.

Clearly maintaining that he voted to expel Oakes Ames and Brooks solely because as members of Congress they intended to corruptly reach the then sitting or existing Congress. It could not have been planted on any other ground. So I take the name of Judge McCrary, even though he did live west of the Mississippi River. Not only in his text-book on the subject of Elections, but in his vote for Whittimore, because of the explanation of his vote in the case of Ames and James Brooks.

Another case I want to call attention to as cited by the gentleman from Maine yesterday, and I do not claim he made a concealment of facts, but it seems to me that he talked more rapidly and with less voice when talking about the substantial facts of that case than in any other period of his eloquent address. [Laughter and applause.] That is the case in which the great Chief Justice Shaw wrote the opinion in 3 Gray, Hiss against Bartlett. That was exclusively an expulsion case. Mr. Hiss was a member of the house of representatives in the Massachusetts legislature.

He was appointed a member of a committee to visit the city of Lowell, in that State, in the performance of some public duty, which is not disclosed in the case. In performing this public duty as a member of the committee he disgraced himself by some unseemly and ungentlemanly conduct. Upon return of the committee to open session, the facts being made known, he was promptly expelled from the House.

Being arrested the next day upon some trivial offense, he claimed his privilege as a member, and sued out the writ of habeas corpus, and thus the question was presented to Chief Justice Shaw. The chief justice held, as the majority claims, that in the absence of a constitutional provision on that subject of expulsion, the power to expel a member for ungentlemanly and unseemly conduct is an inherent law in all legislative bodies.

Thus the majority contends here that it is an inherent law in all legislative bodies, even in the sewing circle about which we heard so much yesterday, even in political conventions, in any kind of organized bodies of men, before the members are qualified or before the body is organized. We claim that is one of the inherent laws. Suppose in this coming campaign that I should offer myself as a delegate in some Democratic convention in one of the Southern States?

Being a citizen of Iowa and a Republican, it would be an insult; but the minority say that there is no inherent law of exclusion until after there has been a permanent or at least a temporary organization, and then to expel. I submit, Mr. Speaker, in the absence of a constitutional provision, that this House would have the power to exclude in the first instance, and subsequently to expel for misconduct; and it has already, in the case of Hitt against Bartlett, decided by the great chief justice of Massachusetts, been so decided. Nothing more can be made out of it.

I likewise call attention to the case of Ex parte Garland in the 4th of Wallace, that was decided by a divided court, when our ex-Attorney-General presented himself for the purpose of practicing law in that great court. It was not the test oath under the act of 1862 that was before the court, it was the test act that refers to attorneys at law, passed by Congress in 1865, when Mr. Garland had been admitted to practice in the court in 1859.

What that court held in that case was that there was such a property right in the right to practice law that it could only be canceled by a judicial proceeding, and certainly that was covered by the amnesty proclamation of President Johnson. Nothing further was decided than the two questions, and what virtue the minority of the committee can get out of that great case is beyond my comprehension.

Another thing we heard a great deal about yesterday was the Wilkes case in Great Britain, a hundred and twenty-five years ago. I was much delighted in listening to the gentleman from Maine in reference to that great case, or series of cases. I have read more than twenty accounts in as many histories of Great Britain with reference to that case, and no two histories agree.

And upon yesterday I heard the statement of the gentleman from Maine [Mr. LITTLEFIELD], and he agrees with none of the twenty histories that preceded. [Laughter.] But if it has any weight at all, I call the attention of the House to the constitutional provision from which I read a few minutes ago. He says, and undoubtedly correctly says, that the first Wilkes case arose in the year 1762, and several times thereafter, prior to the adoption of the Federal Constitution.

If that is so, and if Wilkes was unjustly expelled, did not our fathers, the members of that convention of 1787, have the Wilkes case in mind and then declare by constitutional provision that no man should be expelled as a member from the House of Representatives excepting for disorderly conduct—conduct, while a member, inconsistent with the duties of his office? That is the application that I would make to the Wilkes case, and the only application that, in my judgment, can be given to it.

A great deal was said about the Stark case from Oregon, and the gentleman from Maine sought to make a point, with much impressiveness, in calling down the chairman of the committee, the gentleman from Ohio [Mr. TAYLER], when Mr. TAYLER had never said that there was no case in the Congress of the United States. What he then said, and what I wish I could now emphasize, is that there is no case in the House of Representatives.

The Stark case was in the Senate. Thousands of miles beyond the limit of railroads and telegraph, the committee could not get the evidence before his term of office would expire. They finally resorted to ex parte affidavits as proof, and upon that he was admitted, and upon that they sought to expel, but failed, as there will be a failure in this case if the majority of this committee is voted down and the expulsion proceedings are sought to be enforced.

The same was true in the Cannon case. They sought to expel him after he was in. They could not get the two-thirds. Different reasons and sophistry were urged, as have been urged here. He was allowed to serve his whole term of office, and, as I said a while ago, this is the trap into which we are about to fall, by insisting upon these expulsion proceedings under this clause of the Constitution that declares, in my judgment, that there can be no expulsion excepting for disorderly conduct by a member. I do not say it must occur upon the floor of the House. It might occur as it did in Hiss against Bartlett, in the performance of a committee duty. It might happen when he is at home or at his boarding house, but it would have to be some misconduct so gross as to affect his relations as a member of this House.

The member who murdered a man at Willard's Hotel, in 1859, was sought to be expelled in a subsequent Congress. Congress dropped the whole subject, properly saying that it did not relate to his duties as a member, and was prior to his election. And so say all the cases that the majority of the committee have found. So say all the cases that the minority of the committee have found, and they declare, with much emphasis, that they present not only all the cases that favor the minority, but that favor the majority as well. So that we have no case, and never will have a case, unless the case of Brigham H. Roberts, in the Fifty-sixth Congress, for the first time, is made a precedent upon this great question.

As I said before, I know that there are some differences upon the floor of this House with reference to whether it must be by a majority or whether it must be by a two-thirds vote. Upon that question I have nothing to say. Other gentlemen will argue that. I have nothing to say, except in the most general way, with reference to this great moral question. I have but little to say with reference to section 8 of the Edmunds Act, so called. But one thing that I do want to say, that whether I could vote to exclude Brigham H. Roberts upon section 8 of the Edmunds Act alone or not I am not yet prepared to say.

But that, like this question of the compact, is not to be sneered out of this case. This man Brigham H. Roberts was duly convicted upon his own plea of guilty under the provisions of the Edmunds Act. He served a term in the penitentiary of Utah under the provisions of that act. The Edmunds Act did apply to the Territory of Utah certainly down to the time that it attained statehood.

It was argued before our committee by Mr. Roberts that the enabling act of Congress and the adoption of the constitutional provisions, the two together, worked an amnesty for him. In other words, that every man in the penitentiary of Utah the day it attained statehood was entitled to his freedom. I do not believe it. This man had received his status as a polygamist under the Edmunds Act of 1882.

I deny that his status has been changed merely because Utah passed from a Territory to a State in 1896. I deny that it worked as a pardon to him. I deny that it was an amnesty for him. If a man who was sent to the penitentiary for his natural lifetime, under the laws of the Territory of Utah, by a Territorial court, is still suffering imprisonment, and will until death relieves him, it seems to me by the same argument that Brigham H. Roberts is still suffering from his status as a polygamist that he received when Utah was nothing but a Territory.

I do not desire to occupy my time, but will gladly give it to other gentlemen who want to present their views upon this great question. But I can not help but stop and ask this House, for how much longer are the American people to be pestered with this

polygamous question? It has now been ever present with us for more than the average lifetime. Away back fifty or more years ago we had the Mountain Meadow massacre.

Hundreds of men, women, and innocent children were shot down and knifed down and knocked down with axes solely and only because of the terrible conditions that then prevailed in the Territory of Utah. And in the judicial investigation at a subsequent time the murderers were tracked almost to the front doorsteps of the high chieftain of polygamy in the Territory of Utah.

We all recall the fact that the United States military forces under Gen. Albert Sidney Johnston were kept there for a long period of time, that there might be a semblance of law and of order.

In 1862, busy as this Congress was, it found time to respond to the demands of civilization, to the demands of a well-matured public opinion, and the statute of that year, commonly called the "Cullum Act," was formulated, which denounced polygamy and affixed a punishment.

But the author of that statute neglected to prepare the machinery for the enforcement of that law, and it took nearly twenty years before there could be a single conviction had and the judgment of the Supreme Court of the United States pronouncing the validity of that law in all material respects. In 1878 this was done.

We should remember the fact that subsequently to 1878, when the Supreme Court had thus pronounced, Brigham H. Roberts married these plural wives. He did it knowing the judgment of that great court. In 1882 the act was supplemented and reenacted by what is called the Edmunds Act, not only denouncing polygamy, but polygamous cohabitation and practices as well.

Subsequent even to that Brigham H. Roberts married both of his polygamous wives. Then in 1887, I believe it was, the act was still further supplemented by what is called the Edmunds-Tucker Act, and subsequent to that time one at least of these polygamous marriages was made by Brigham H. Roberts.

We have had these questions with us, I say, now for half a century of time. It was only upon the 8th day of this present month that there was another proclamation from the head of the so-called Mormon Church in Utah with reference to these statutes, with reference to this compact, with reference to the status of these men who had been in polygamy, and it was given such dignity by Senator RAWLINS at the other end of this Capitol as to make its appearance in the CONGRESSIONAL RECORD under the head of Senate proceedings for the 16th day of this month.

And I ask any man, a member of this House, to read it and say whether or not, between the lines, authority is given by the church of Utah that while no man must violate the laws of the land, if he does he must take his chances and carry his own burden; but nowhere is it said that he takes any chances with the church. And I charge that in that proclamation of the 8th of the present month, to be found at the places I have indicated, implied, at least, authority is given these men to continue their polygamous practices, the laws of Utah and the laws of the United States to the contrary notwithstanding.

For how much longer, I say, must these things be continued? Can such a man, with such a record, with such membership, longer be continued as a member of this body? The minority say, "Go through the hollow mockery of telling him to hold up his hands and swear not simply to support the Constitution of the United States, but impliedly at least that he will demean himself for the next two years as a member of Congress should," when they know, if they know anything, if their construction is the correct one, that he will not be allowed to sit for fifteen minutes of time if the requisite two-thirds vote can be had. [Applause.]

Mr. CRUMPACKER. Mr. Speaker, I have listened with deep interest for two days to the able arguments upon the various phases of this case. It is entirely within the bounds of truth to say that no parliamentary case in the history of this Government ever received as careful and exhaustive investigation as has been given to this by the able special committee that has had it in charge. Exhaustive reports have been filed and elaborate arguments have been made in support of both views presented by members of the committee.

This case, in the aspect it presents for the consideration of this body, is without a parallel in the history of the Government. Already the House has adopted the extraordinary expedient of arresting at the bar and withholding the oath of office from the duly elected representative of one of the States, who comes with credentials in due form and who is clothed with all the express qualifications prescribed by the Constitution. This was done in accordance with what was regarded as the uniform custom of the House when grave charges are made affecting the character and fitness of a member. The charges should be of a grave character indeed, and be most solemnly presented, to justify a resort to such an unusual method of procedure. A study of the parliamentary history of the country will disclose that in nearly every instance where unusual procedure was adopted it was in relation to a case of absorbing popular interest, and public feeling was to some extent responsible for the action of the House.

This Republic, in common with all others, displays its greatest weaknesses in times of popular excitement. Its ability to withstand the sweeping tides of public feeling is the best evidence of its stability and permanency. In all such crises it behooves those occupying responsible official positions to be exceptionally firm and patriotic and to conduct the public affairs in a calm, dignified, and orderly manner, so that when the excitement abates their work will command the confidence and respect of all thoughtful citizens. The charge involved in this case, however, is of that unusual and serious character that the conduct of the House must be regarded as just and will be fully vindicated with time.

The right of the people of a State to choose their own Representatives in this body is fundamental and necessary to the independence and autonomy of the States, but no State has the right to be represented by a member who is an enemy to the Government or the social structure upon which the Government rests, or by one whose character is such that his membership would subject the House to obloquy and disgrace. The Constitution declares that no one shall be a member of this House who does not possess certain qualifications in relation to age, residence, and citizenship. This provision is negative, and yet I find myself unable to agree with the view expressed by gentlemen in this debate that Congress has the power to add to the qualifications fixed by the terms of the Constitution.

The rule recognized by jurists for the construction of constitutional provisions is different from that which is applied to the interpretation of statutes. When the Constitution speaks upon a subject the presumption is that it covered the whole ground, and its expression is exclusive, unless from the whole context it fairly appears that it was intended to be otherwise, while the opposite rule applies to statutory provisions. If Congress may add to the qualifications of members to this House there is no limit upon its power except that it can make no religious test for membership. It has the power, if the subject is open at all, to limit membership to a particular race or calling; it may lawfully provide that no one shall be eligible to membership who does not hold acceptable views upon political and economic questions. Does anyone believe that any such power was designed by the framers of the great charter of government? Once concede its existence and civil liberty is at an end. The safeguards for the protection of person and property, of the rights of the minority, of the equality of States, would be utterly destroyed. If it exists at all, there is no limitation upon it, except that to which I have adverted. It is not necessary for the correct solution of the questions presented in this case to declare a doctrine that would put it in the power of a majority of the States to practically dictate whom the people of the other States should choose for their Representatives. The power is not expressly given, and by virtue or what principle does it exist by implication?

Nor can I concur in the view that the claimant is ineligible under the operation of the Edmunds law. That law was enacted in 1882 and it declared on its face that it was to be operative only in the Territories where Congress had exclusive jurisdiction. Congress did not possess the power to give it a broader operation. I grant, sir, that if Utah were still a Territory, and the claimant were seeking a seat in this body as a Delegate, that law would justify his exclusion. The Edmunds law, by its own force, disqualified polygamists from voting or holding office. The disqualification was not contingent upon conviction of the crime, nor was it in the nature of a penalty. It was a regulation of the right of suffrage and to hold office, that Congress has always had the power to make for the Territories. The conviction of claimant under that law has no legal significance now. His rights are the same as if he had never been indicted. The disqualifications imposed by the law were operative only as long as the law was operative. No one will deny that a repeal of the law would have removed the disqualifications. It did not and could not fix a permanent and irrepealable political status that would continue after the law ceased to operate. The law was applicable to the Territory in its probationary state, and when it was received into statehood all laws of Congress for the regulation of the affairs of the Territory and affecting the political and civil rights of its inhabitants became ineffectual to the same extent as if they had been expressly repealed.

The whole subject of the regulation of the morals and the political and civil rights of the inhabitants vested in the State government, subject only to the limitations contained in the Federal Constitution. That is not a debatable question and no decisions of courts are necessary for its support, although a number could be easily found. Congress recognized that result when Utah was given statehood. A policy of pronounced antagonism against the institution of polygamy had been maintained in the Territory, and upon granting statehood Congress recognized that its control of the subject would cease; therefore the enabling act required the State to continue the same policy that Congress had inaugurated and maintained. The new State was required to solemnly provide by what was said to be an irrepealable ordinance that

polygamy should be forever prohibited in the State. This ordinance was declared to be the fundamental condition upon which the State was admitted into the Union. I affirm that there is no express provision of any law or constitution operative in the State of Utah that renders claimant ineligible to a seat in this body. If he were excluded upon that statute, it would be an implied admission that a polygamist in Ohio, or any other State, if there be any such, would be eligible to a seat in Congress. I believe that polygamy is as bad in one State as another, and that the qualifications for membership in this body are the same in all the States.

The suggestion that Utah has been guilty of bad faith in sending a polygamist to represent her interests in this body is no justification for the exclusion of the claimant from his seat. Utah made no enforceable compact with the Federal Government at the time of her admission into the Union, excepting that embodied in the Federal Constitution. No State has a right to surrender one iota of the political power held by all the other States to the Federal Government or to any other authority. An attempt to do so would be against sound policy and be void. That theory is at war with the very genius of the Union and in violation of the fundamental principles of our complex plan of government. The Territory of Utah had no enforceable right to statehood. Whether that dignity should be conferred upon her depended upon the will and temper of Congress. Congress had the exclusive power to admit or deny statehood; but when it admitted the Territory into the Union as a State, it came without condition, but possessed of all the constitutional rights of the other States. The admission of a State into the Union is a political function, and it belongs exclusively to Congress. That function can be exercised arbitrarily and capriciously. Congress may impose conditions before it will act, but when action is taken and the Territory becomes a State, the conditions are without force. Congress can only depend upon the probability of their observance.

Mr. MANN. Does the gentleman think that the State of Utah could now change its constitution so that it could permit the practice of polygamy legally in that State?

Mr. CRUMPACKER. The State of Utah could change its constitution and permit the practice of polygamy, provided the State of Illinois could legally authorize the practice of polygamy in that State. It has the same right as Illinois.

Mr. MANN. Does the gentleman think there is any doubt about the legal right in Illinois?

Mr. CRUMPACKER. Yes; I do not believe it is the right of any State in the Union to legalize the practice. As a fundamental proposition it is at war with the institutions upon which government is founded. It is inimical to government, and can not be tolerated in Illinois or anywhere else.

Mr. MANN. Does the gentleman think the act admitting Utah, so far as it relates to the provision that they shall provide that polygamy shall not be adopted, is invalid there?

Mr. CRUMPACKER. I think it is not enforcible as a compact. In the reconstruction of the States lately in rebellion the Federal Government undertook to make a compact with them respecting the terms of their rehabilitation, and, with all due respect to the opinion of my distinguished friend from Iowa [Mr. McPHERSON], the Supreme Court of the United States held the alleged compacts invalid.

Congress required of those States, before they should be restored to their constitutional relation with the Government, that they should ordain constitutions fixing certain qualifications for the right of suffrage, which they did, and then an enabling act was passed declaring that the right of representation was restored upon the fundamental condition that the qualifications fixed in their respective constitutions should never be altered or changed. Those laws stand unrepealed to-day. Yet many of those States have materially changed the qualifications contained in their constitutions, and the Supreme Court of the United States has said they had the right so to do.

We have the power to exclude the claimant on the ground that Utah has disappointed the hopes of the country in relation to her policy. We have the arbitrary power to expel or exclude any member of this body and are not answerable to any other tribunal excepting the people for our conduct. But can we find justification in the Constitution for such action? What would be the result if this body should use its arbitrary power to expel or exclude members by way of punishment to a State or to coerce a State into submission to a policy that belongs wholly to the State? Who can predict the result? We could then make State constitutions and enforce them, dictate the domestic politics and morals of the States. Once give the power of expulsion, that interpretation and the equality of the States would be destroyed. The equality and the independence of the States within their spheres is a vital principle in our scheme of government, and without it the functions of government could not be performed. It would be better to give claimant a seat in this body, however revolting to the moral instincts of the country that would be, than to adopt an expedient so full of dangerous possibilities. I have no fear of the growth of polygamy in this country. It can not live in this atmosphere. It is a germ that will wither and die in the sunlight of the Christian virtues. Noble womanhood is too steadfastly enthroned in the affections, too firmly woven into the social fabric, too securely embedded in the religious life of this country to fear any evil from that execrable system.

But, sir, there is ample justification under the Constitution for the exclusion of the claimant from a seat in this body, without resorting to questionable expedients and without the hazard of establishing a dangerous precedent. The power of expulsion is expressly given to this body and it necessarily includes the power of exclusion. No one will deny that if a person appeared at the bar of the House to receive the oath of office and it was discovered that he did not possess the express qualifications contained in the Constitution, the oath might be withheld and he be finally refused admission. The charges against the claimant in this case do not affect his qualifications in the proper sense, but they relate to his fitness to be a member of the House, and they naturally belong to the class calling for the exercise of the power of expulsion. If he could be expelled after admission, he certainly can be excluded upon the same grounds, if the facts have been properly ascertained and he has been accorded all the privileges in making his defense that he would have been entitled to if he had been sworn in the first instance. What useful purpose would be subserved if he were sworn and then immediately expelled? There could be no object in this procedure, and the law requires no useless ceremonies.

But it must be kept in mind that in its action under these conditions the House exercises its power of expulsion by construction, and the spirit of the Constitution must be observed respecting the majority necessary to expel. It would be a cheap subterfuge, unworthy of the dignity of this body, to withhold the oath of office, ascertain the facts, and then attempt to exclude the claimant by a bare majority vote upon a ground which is a proper cause for expulsion, which can only be accomplished by a two-thirds vote. It would render nugatory that wise provision of the Constitution that requires two-thirds to expel a member. The claimant should be accorded his seat unless two-thirds of the House vote to exclude him.

The power of expulsion is more than a mere disciplinary power. It may be used to preserve the integrity of the House and to protect it against scandal and reproach. If the Constitution were silent, the power of expulsion would exist by necessary implication, because the express powers could not be carried into effect without it. It is a power that is inherent in every independent legislative body, because it is essential to its preservation. This body may expel a traitor to the Government. It has done so in some notable instances. The right of the States to send Representatives of their own choice necessarily limits the right of the House to expel members except for purposes of discipline, to protect its dignity, and to protect the Government against its enemies. Expulsion can never be resorted to for purposes of punishment alone. The criminal courts of the land must administer the penal laws, according to established procedure.

Useless refinements have been attempted between the words "exclusion" and "expulsion." I do not believe we can do an act and change its meaning by simply changing its label. It makes no difference what you call the act that we are about to do, whether we declare the seat vacant or whether we admit the claimant and then expel him, it is in substance the same thing.

Mr. RAY of New York. May I ask the gentleman a question right there?

The SPEAKER. Does the gentleman from Indiana yield?

Mr. CRUMPACKER. With pleasure.

Mr. RAY of New York. Supposing this House should invite Mr. Roberts to the bar of the House to take the oath of office as a member of this body, knowing all the facts and circumstances connected with his election and his life and his practices, and we did deliberately and with full knowledge, would that not be pretty nearly condoning all the offense there is in his life and practices?

Mr. CRUMPACKER. No, I do not believe this House can estop itself by any action of that kind, particularly if it is taken simply to carry out a formality that some members of the House think ought to be carried out.

Now, the talk about the lack of authority to expel a member, after the oath has been administered on account of misconduct or crime he may have committed several years before, it seems to me, can have no application to this case. If I am to understand from that that Brigham H. Roberts was a polygamist five or six years ago, but in good faith ceased the practice and renounced his faith in that system, there is no ground to either expel or exclude him. Is that the kind of a case you bring before the House? Not by any means. You show by the report that he is now a polygamist, both in belief and practice. He is a living, active representative of that revolting system to-day.

Mr. PAYNE. He is a polygamist now.

Mr. CRUMPACKER. He is a polygamist now.

Why talk about the Oakes Ames case? When a resolution was offered to expel Oakes Ames from membership for an offense committed five or six years before, the argument was made that he could not be expelled. The same argument would have been made with equal force if the proposition had been to exclude him.

The Constitution requires three express qualifications, as already explained by my friend from Iowa [Mr. LACEY], and it requires a valid election. We can inquire into the qualifications mentioned by the Constitution; we can inquire into the validity of the election and decide those questions by a bare majority; but if the claimant has all the constitutional qualifications and has been properly elected, we can not deny him a seat except upon a two-thirds vote, and it is immaterial whether the procedure be exclusion or expulsion. That is the position I occupy, and that will be the meaning my vote carries when I cast it against the claimant, regardless of the form of procedure.

Mr. SNODGRASS. Suppose the majority resolution is carried and a majority of this House voted to exclude him; would that exclude the Representative from Utah?

Mr. CRUMPACKER. If the majority votes to exclude him?

Mr. SNODGRASS. Yes.

Mr. CRUMPACKER. If I were in the Chair, it probably would not, though I am not sure.

Mr. SNODGRASS. Suppose the Chair should rule that it did exclude him.

Mr. CRUMPACKER. Well, that is for the Chair and the House to determine.

Mr. SNODGRASS. And suppose that he should appeal from the ruling of the Chair; would not a majority of this House sustain the ruling of the Chair?

Mr. CRUMPACKER. That is a parliamentary question, to be determined by the Chair and the House.

Mr. SNODGRASS. If the Chair should rule that a majority excluded him, would not a majority of this House sustain the Chair?

Mr. CRUMPACKER. That is a matter of speculation. I do not know. I presume the House would, because the Chair is always right.

Mr. SNODGRASS. Then, after all, in order to give the member from Utah his full rights, must not the question come upon the question of expulsion, which the Constitution says requires two-thirds?

Mr. CRUMPACKER. Probably.

Now, Mr. Speaker, the importance of this feature of the case can not be overestimated. There is no occasion for establishing a dangerous precedent. The exigencies of the case do not require it, and it seems to me that a fair analysis of the powers of Congress under the Constitution will disclose to any judicial mind that it is the purpose of the Constitution to protect the right of the States rather than the right of any individual member.

Mr. WM. ALDEN SMITH. Suppose a two-thirds vote was given for the majority report. Does that exclude claimant under the Constitution?

Mr. CRUMPACKER. The gentleman asks me, if a two-thirds vote were given for the majority report, whether it would exclude under the Constitution. I presume it would; but the majority report, to which the resolutions are attached, contains statements and inferences which make the conclusion almost irresistible that those resolutions are based upon the theory that a bare majority is all that is necessary; and if there should be two-thirds, it would be accidental rather than necessary.

I hope that the majority resolution will be so amended that it will declare upon its face that two-thirds will be necessary. I have an amendment prepared which I hope at the proper time to have an opportunity to offer.

Mr. STEWART of New Jersey. May I interrupt the gentleman for a question?

Mr. CRUMPACKER. Let me explain for a moment. I propose to amend the majority resolution by inserting the words "two-thirds of the House concurring" after the word "case," in the first line. Now I yield to the gentleman from New Jersey.

Mr. STEWART of New Jersey. The constitutional provision to which you have referred, and upon which your argument is entirely based, assumes that the person to be expelled or excluded is a member of the House. Do you contend that Brigham H. Roberts is a member of this House?

Mr. CRUMPACKER. He is a member for some purposes.

Mr. STEWART of New Jersey. Has he not a presumptive or inchoate right as a member, and was not that right destroyed when the gentleman from Ohio [Mr. TAYLER] interposed his objection? Does he not cease to be a member of this House, and is not his right in abeyance until he shall have been admitted and sworn in?

Mr. CRUMPACKER. I do not subscribe to that doctrine, because he has the constitutional qualifications and has been duly elected. He has drawn salary since the 4th of last March, has exercised the franking privilege, and participated in the election of Speaker. He is a member to the extent that he may be expelled without being sworn.

Mr. STEWART of New Jersey. Is it not a fair inference, inasmuch as the gentleman is making a distinction in the definition of exclusion and expulsion, and the question is on expelling—does it not imply that he is a member of this House now?

Mr. CRUMPACKER. To the extent necessary for expulsion.

Mr. STEWART of New Jersey. Is not that the legal constitutional status, according to the gentleman's assumption?

Mr. CRUMPACKER. I do not believe that you can make any such inference. If he were sworn as a member, and a resolution were introduced declaring his seat vacant, it would be expulsion. You can not change the character of an act by simply changing its name.

Mr. STEWART of New Jersey. The gentleman has spoken of the shame and obloquy that would be cast upon this House by admitting a propagandist of polygamy. I assume, therefore, from his argument in drawing the distinction between exclusion and expulsion, that the gentleman considers that the legal status of Brigham H. Roberts is that he is a constitutional member of this House at the present time.

Mr. CRUMPACKER. Let me say to my friend from New Jersey that I will not have any controversy with him over a refinement of terms and definitions. Roberts is a polygamist, and should not be a member of the House, and I am ready to vote for a resolution to exclude, vacate his seat, or expel him without the oath, with the understanding that it requires a two-thirds vote to accomplish it. I do not care what name you give the procedure.

Mr. STEWART of New Jersey. It only requires a two-thirds vote to expel a member, and exclusion only requires a majority by construction and necessary implication.

Mr. CRUMPACKER. I hope I am too much of a lawyer to permit such technical refinements to destroy the substance of a great constitutional safeguard.

Mr. STEWART of New Jersey. But the gentleman is driven to the extremity of admitting that Mr. Roberts is a member of this House at the present time.

Mr. CRUMPACKER. For some purposes.

I can say with my eloquent colleague [Mr. LANDIS] that I too desire to write over the portals of the Capitol that "No polygamist need apply for admission," but I would have the legend written in letters that blaze with such brilliancy that they can be read from the North and the South, from the East and the West, even as far as the archipelago of Sulu.

The report of the committee in this case shows the claimant to be a polygamist not only in belief but in practice. He believes it to be a divine right and a proper system of social life. He may entertain whatever belief he chooses in relation to religion and morals. That is the right of every citizen of the country. But no one has the right under the guaranty of the freedom of conscience and religious tolerance to do that which is condemned as criminal by the universal sentiment of the people. Liberty of conscience does not mean license to commit crime.

Society existed before government. Government was ordained to enlarge and protect social activities. Our civilization has its basis in the Christian faith and philosophy, and it is founded upon certain fundamental institutions around which all other interests center. Chief among these is the family, which, by common consent, consists of one husband, one wife, and as many children as the Lord may see fit to bless the union with. That institution is older than the Government. It was here before the Constitution was written. It is the unit of civilization and it was not necessary to define its composition in constitutions or laws. There never was any controversy about it. It was a matter of universal knowledge and consent. It is the warp into which every other social relation is woven, and it constitutes the foundation rock upon which the structure of government rests. Without it our civilization could not exist and the government would crumble into ruins. It is of infinitely greater importance than the government itself, for if that were overthrown another, with like attributes and functions, would be erected in its place; but if the foundation were destroyed there would be nothing for republican institutions to rest upon.

The claimant is a propagandist of a system of social order that is destructive of the Christian family. He believes in the institution of polygamy as a divine right, and he puts his belief into practice. He claims to have renounced that belief, but the report of the committee shows that his renunciation was coerced, and that his practice has not been abandoned. If he had it in his power to-day, he would make his loathsome institution universal. We have no right to exclude him from membership here because he is a Mormon. A Mormon has as much right, under the law, to a seat in Congress as a Presbyterian or a Baptist. I would dis-

tinguish his case from the ordinary bigamist who contracts unlawful marriages, not under claim of moral right, but clandestinely and to gratify a depraved moral nature. All crime tends toward moral degeneracy and social decay, but the criminal courts have adequate power to punish the common offender, and this is society's safeguard. But here is a man who is an avowed enemy to the Christian family. He is a polygamist because he believes it to be morally right. It is the rule of his moral nature—of his life. He would substitute his detestable system for that which is the basis of this civilization. He could bring his wives here into the very temple of civilization, maintain polygamous relations with them, and be protected from arrest and prosecution by the Federal Constitution if he were a member of this House.

The principle which justifies his exclusion is that he is the representative of a system of social and moral life that is inimical to our civilization and destructive of society itself. We have the acknowledged right to expel traitors to the Government from this House. A traitor is one who would accomplish the overthrow of the Government. Is not one who would destroy the very foundation upon which government rests as great an enemy as a traitor? Would he not accomplish the overthrow of the Government? The way is clear, the duty is plain. Let him be excluded upon this broad ground and let the world know that there is no place under the American flag where an avowed polygamist, as a propagandist, is eligible to a seat in this body.

But a false chivalry says since he has incurred obligations toward innocent women and children, what would you have him do? Shall he heartlessly thrust them aside? Ah, but that is not the question. He made the mistake of his life in getting into politics and obtruding his loathsome system into the affairs of the country. He was the aggressor. He should have remained at home and discharged those obligations in as inconspicuous a manner as possible, and thanked the patience and generosity of the American people that he was out of the penitentiary.

In conclusion let me say, the Christian homes of this country are the fountain of every virtue. Keep the homes pure and our institutions are secure; but let them become polluted, and the result will be social and political decay. [Applause.]

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that when the House adjourn it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Ohio asks unanimous consent that when the House adjourn to-day it be to meet at 11 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLER of Ohio. I yield fifteen minutes to the gentleman from Idaho.

Mr. WILSON of Idaho. Mr. Speaker, in the limited time allotted me in this discussion I can not go into all the important questions involved in it. To my mind the issue here presented involves much more than the personality of the member from Utah. It extends to the very essence of constitutional government. The member from Utah had a certificate of election and credentials from his State, and was in every way a regularly elected and commissioned Representative, as much so as any member of this House. On the 4th day of last December, he presented himself before the bar of the House to receive the oath of office, not even questioned on constitutional grounds by a contestant from Utah or by a member of this House.

The only requirements exacted in the Constitution are that he be 25 years of age, seven years a citizen of the United States, and an inhabitant of the State from which he is elected. It was not contended by those who sought his rejection that he did not possess all these qualifications, and your committee, after many weeks of investigation, has found unanimously that he did possess them when he sought to take the oath of office. I therefore view with satisfaction my vote in favor of administering to him that oath. The refusal of this House to admit the member from Utah on his credentials is an extraordinary and unjust proceeding in more ways than one.

In the first place, it tends to prevent a fair hearing in his behalf. He is denied the manifold rights and privileges of a member. He is not permitted to vote or receive the emoluments of his office or his expenses in coming to attend the meeting of this body. The poor privilege he was permitted (a courtesy extended by the exacting rule of unanimous consent) was an opportunity to be heard in his own behalf for a very limited time, not so much as one-tenth the time allowed his opponents, who occupied most of it in uncalled-for abuse of the people he represented.

In the second place, it denies representation in the Congress of the United States to a sovereign State in this Union without a hearing, and on the ex parte statements of a member with no better credentials than those possessed by the member from Utah. Suppose, after this investigation, our committee had found that the member was entitled to his seat; how then can this wrong to his State and people be corrected, leaving out of consideration his rights in the premises? Nearly two months have elapsed since this Congress assembled, and great and important matters of legislation, in which Utah had as much interest as any other State, have been considered by this body. Why, Mr. Speaker, this Congress might have declared war against the most powerful nation on earth during that time, and yet Utah could have had no part in that declaration. These suggestions are but a few which might be made to show the unwisdom of this course. I might extend them indefinitely, but my time will not permit.

The Constitution alone prescribes the qualifications of membership in this House, and Congress has never by legislative enactment, much less by the act of this House alone, sought to add to those qualifications. When the people of this nation, for the first time in a century, deemed it necessary to add to those qualifications, Congress did not attempt to do it even by solemn legislative enactment, though there were more than a two-thirds vote in each House favorable thereto. The exciting times immediately succeeding the war of the rebellion caused the enactment of some drastic measures, but the heads of our legislators were not turned on this great question of constitutional government. The fourteenth amendment, adding other qualifications for membership in this House than those enumerated in the original Constitution, was submitted by resolution of the Thirty-ninth Congress, June 16, 1866, to the several States for ratification. Thus it will be seen that Congress for more than a hundred years never attempted to add to the constitutional qualifications of membership in this body, with a single exception, and then it was done by an amendment to the Constitution itself. I contend that this record establishes a precedent for our guidance which we can not mistake.

Section 5 of Article I of the Constitution prescribes, among other things, that "each House may, with the concurrence of two-thirds, expel a member." Here is a safeguard against improper membership in this great body, and lest the right might be abused for partisan or other purposes the Constitution required a two-thirds vote. In passing, permit me to say that the ponderous roll of petitions presented to this House in this case, and which has terrorized so many members, did not call for or contemplate the exclusion of the member from Utah or a denial to him of the oath of office, but uniformly asked for his expulsion after he had been sworn in, and under the clause of the Constitution just referred to. Do not hasten to do violence to the Constitution in these peaceful times, for the people do not now and never have asked you to do that.

Mr. Speaker, I shall not go further into the constitutional questions here involved, for my time will not permit.

I believe the magnificent argument which was presented by the gentleman from Maine [Mr. LITTLEFIELD] yesterday has not been answered from a legal standpoint anywhere on the floor of this House. I believe every other gentleman who is a member of the legal profession has that same conviction, however he may vote upon this question. Other influences may govern him, or perhaps he may think his constituents exact that he shall vote otherwise; but from a purely legal standpoint he can not believe that the requirements of the Constitution may be nullified. For these reasons I deem it my duty to support the minority report.

But, Mr. Speaker, I wish to correct some statements made upon the floor of this House as to matters having no place in this discussion. It is unfair and unjust to a great people that they should be permitted to be uttered here and go unchallenged. I refer to some of the charges which have been made against the Mormon people. Now, I know something about this old controversy. The agitation and discussion which this case has occasioned may not be compared to the great contest that was waged in that mountain country twelve or fifteen years ago. I had something to do with that contest. I was there and saw it and in a small and humble way participated in it. Polygamy was then advocated and taught by the Mormon Church throughout the whole of the intermountain country as a religious duty and as a tenet of their faith. The fear was entertained that at some time it might spread into all the Pacific States, as the Mormons had missionaries everywhere advocating and practicing their religion.

The Territory of Idaho passed a law during her Territorial existence which required a test oath, if you please, to be taken by every man who exercised the right of suffrage or the privilege of holding office. That test oath prescribed that before a citizen could vote or hold office he should swear or affirm that he did not belong to an organization which taught, counseled, or advised polygamy, bigamy, or any other crime defined by law. It was a departure in legislation. Nothing of its kind had ever been enacted by any State or Territory in the Union or by the Congress of the United States. The constitutionality of that act was bitterly contested in all the courts of the land. The supreme court of our Territory sustained it. The Supreme Court of the United States, by unanimous opinion, sustained its validity. That great tribunal held that the right of suffrage was not a God-given right, not a vested right, not akin to the question of life, liberty, and the pursuit of happiness, but a privilege that might be restricted or regulated by the legislature at any time it saw fit.

It is needless to say that during that contest the bitterness of a religious controversy divided the people. Political lines were not distinctly drawn, but the controversy was between the Mormons on one side and the anti-Mormons, or gentiles, as they were called, on the other.

I am glad to be able to say, here in my place in the American Congress and as the Representative of all classes of our people, regardless of their religion, that the controversy I have referred to no longer exists; that it is settled and settled right and settled forever. The bone of contention was, of course, the question of polygamy, or plural marriages. The non-Mormons insisted that such a doctrine should never be taught or practiced within the confines of the Territory or State of Idaho; that it was a relic of barbarism and had no place in our day and age, and that the civilization of the world was against it. I am not here to advocate it; on the contrary, I condemn it as much as any member of this House.

I believe that God intended, when he created two sexes in this world, that one man and one woman should live together as husband and wife. I believe that the marital relation as now recognized is the safeguard of our civilization and the crowning blessing of humanity. It constitutes the ideal American home and hearthstone, around which cluster the hopes and aspirations of the Republic. It fosters, creates, and uplifts American manhood and protects and elevates, as nothing else can do, American womanhood in all its loveliness and beauty. It was for this institution that this contest was bitterly waged in my young State and Territory.

On the 25th day of September, 1890, the president of the Mormon Church, Wilford Woodruff, issued a manifesto, by virtue of his authority as the head of that organization, which abolished the doctrine of plural marriages as a tenet of their faith and advised all members to refrain from teaching or practicing it as a religious duty. I confess I had some doubts about the honesty of their intentions at that time. That manifesto was ratified by their annual conference by unanimous vote October 6 following.

Looking backward through the past ten years, knowing those people intimately and well during all that time, and knowing the situation and conditions there as no other member of this House has had an opportunity to know them or can know them, I want to say, appropriating the words of the gentleman from Ohio [Mr. TAYLER], upon my responsibility as a member of this House, that the manifesto was issued and has been adhered to by the Mormon people in good faith and with an honest purpose. One who does not understand conditions there can not appreciate the situation which confronted these people. They realized that the world was against them on this issue and that they must abandon it. They had taken plural wives, following the principles of their religion. To these wives children had been born. Must they cast off and abandon their helpless women and children? Must they brand these innocent children with the shame and disgrace of illegitimacy?

Well, whatever others may think about that, the men of the mountains never demanded it and never will. We are willing that the "dead past shall bury its dead." The institution of polygamy is dead and gone, never to be resurrected. Were polygamous marriage to be attempted in my State to-day the whole population, gentile and Mormon alike, would resent it, and he who had the temerity to make the attempt would soon find a felon's cell. There are 30,000 members of the Mormon Church in my district, and I do not believe that a single polygamous marriage has been entered into in that State by those people since the issuance of that manifesto.

Mr. WM. ALDEN SMITH. Upon what do you base that statement?

Mr. WILSON of Idaho. I base that statement upon the fact of having lived in that country, that I have come in contact with the people there for sixteen years, that I know hundreds of them personally, that I have been among them, and that I know something about what goes on and what exists there.

Mr. MCPHERSON. Then, why was the proclamation of January 8 made?

Mr. WILSON of Idaho. I am coming to that, and will have it read in the presence of this House and have it incorporated into my remarks. I may say that the proclamation of January 8 was probably issued to correct a false impression which has been created on the public mind throughout the country by those who had misrepresented the Mormon people in this agitation.

However, I am not the author of it, and can only construe it in the light of its language and the conditions and circumstances which surround its issuance. I believe, like its predecessor, the Woodruff manifesto, that it was issued in good faith, and that the Mormon Church and the Mormon people intend to obey it.

Now, Mr. Speaker, with necessary brevity I want to controvert some of the false statements which have been made on the floor of this House during this debate respecting the character of the Mormon Church. This organization, like all other religious organizations, has, doubtless, made mistakes in the past and may continue to make them in the future. Church organizations are but human agencies for the teaching of what their members believe to be religious truths. It will certainly not be charged that from a religious standpoint I am prejudiced in favor of the Mormon Church.

For two centuries of time my ancestors have belonged to the Presbyterian Church. I believe there is as much of good in that organization as in any other in these United States or throughout the world, but I am not here to say that it never has made any mistakes. Why, not very long ago, when the General Assembly of the Presbyterian Church met, I believe, in this city, they did away with a tenet of their faith, a part of their doctrine, to wit, the doctrine of infant damnation. They were compelled to do it because the civilization of the age required them to do it, and condemned it; for no father ever looked into the face of his child and believed such a doctrine as that. That is the reason why they repealed it. This action is no reflection on that church organization nor on John Calvin, its immortal founder. Times have changed, civilization has changed, and churches have changed. I believe it is to the credit of the Presbyterian Church that it made that change.

The Mormon Church has done likewise. They have abandoned in good faith the doctrine of polygamy. I believe that a vexed question is settled, and settled forever and settled right, in that intermountain country. I believe, sir, that the Mormons are trying to obey the law of the land. I know they have gone into the desert and into the wilderness, and builded there a civilization as good as any district in these United States can boast of. I know that in all church matters they are liberal. They might teach a lesson in this respect to some other church organizations in this country. In my opinion, the best evidence that an individual has any religion at all is illustrated by the fact that he tolerates other religions, and I might add in passing that I believe it is better to have almost any religion than no religion.

Our people are a cosmopolitan people, who welcome all people and all religions, with the single exaction—obedience to and respect for the law. The Christian and the Jew, the Protestant, the Catholic, and the Mormon are all required to pay tribute to the State and obey the law. In my judgment, the patriotism, loyalty, and devotion of all these faiths to the law of the land and the Government of our common country is absolutely beyond question.

In closing, Mr. Speaker, permit me to say, I have not submitted these desultory remarks with any hope that they would change the vote in this House on this question, but with the hope that the country might learn thereby something about the facts as they exist in that country from one who is in a position to know the truth. [Applause.]

I prefer, Mr. Speaker, to have the manifesto, attention to which was called by the gentleman from Iowa [Mr. MCPHERSON], read at the Clerk's desk.

The Clerk read as follows:

PROCLAMATION—PRESIDENT SNOW, OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, DEFINES THE STATUS OF THE CHURCH WITH RESPECT TO POLYGAMY.

From the reading of the various editorials and articles of the public press, it is evident that there is much misconstruction and misunderstanding as to the present attitude of our church respecting the subjects of polygamy and unlawful cohabitation, and believing that many good and conscientious people have been misled, and much adverse criticism occasioned thereby, I feel it is just to both "Mormons" and "non-Mormons" to state that, in accordance with the manifesto of the late President Wilford Woodruff, dated September 25, 1890, which was presented to, and unanimously accepted by, our general conference on the 6th of October, 1890, the church has positively abandoned the practice of polygamy, or the solemnization of plural marriages, in this and every other State, and that no member or officer thereof has any authority whatever to perform a plural marriage or enter into such a relation.

Nor does the church advise or encourage unlawful cohabitation on the part of any of its members. If, therefore, any member disobeys the law, either as to polygamy or unlawful cohabitation, he must bear his own burden, or, in other words, be answerable to the tribunals of the land for his own action pertaining thereto.

With the sincere desire that the position of our church as to polygamy and unlawful cohabitation may be better understood, and with the best wishes for the welfare and happiness of all, this statement is made, and is respectfully commended to the careful consideration of the public generally.

LORENZO SNOW,
President of the Church of Jesus Christ of Latter-Day Saints.

SALT LAKE CITY, *January 8, 1900.*

Mr. MCPHERSON. Mr. Speaker, I want to call attention simply to the fact that that proclamation shows upon its face that the members of the church in the practice of polygamy shall not be subjected to any church discipline or church punishment.

Mr. WILSON of Idaho. The reading of the proclamation does not bear out any such statement.

Mr. TAYLER of Ohio. I should like the attention of the gentleman from Maine [Mr. LITTLEFIELD] for a moment, as to whether, if the House adjourns now, the time to-morrow is to be equally divided between us?

Mr. LITTLEFIELD. I was just looking that matter up.

Mr. TAYLER of Ohio. Mr. Speaker, if that be not so, then I

desire that the minority continue the discussion this evening until they have exhausted so much of their time as will equal ours.

The SPEAKER pro tempore (Mr. HEPBURN). The gentleman from Maine is recognized.

Mr. RICHARDSON. Mr. Speaker, it is past the hour for adjournment, and I hope the gentleman will move that the House do now adjourn.

The SPEAKER pro tempore. The Chair is simply waiting while gentlemen are perfecting an arrangement.

Mr. RICHARDSON. I call for the regular order, Mr. Speaker. If there is nothing to do, I move that the House adjourn.

Mr. TAYLER of Ohio. The understanding between the gentleman from Maine [Mr. LITTLEFIELD] and myself was that the time would be equally divided to-day and equally divided to-morrow. Now, all the time has not been consumed yet by the gentleman from Maine, and I want to have an equal division of time to-morrow.

Mr. LITTLEFIELD. We are not prepared to use any more time in debate this evening. We lose twenty-eight minutes on our side if we stop here. If the majority will concede twenty minutes to us in the morning——

Mr. TAYLER of Ohio. We have not half the time we need to-morrow, and we want to get to a vote to-morrow. The understanding was that the time should be equally divided to-day as nearly as possible. There has been no attempt to make an accurate division of it. I think there should be an equal division of the time to-morrow.

The SPEAKER. That can be arranged by the Speaker to-morrow in his recognitions.

Mr. TAYLER of Ohio. To-morrow is the last day of the debate.

Mr. LITTLEFIELD. If the gentleman will concede us fifteen minutes in the morning, I think we will be satisfied.

Mr. TAYLER of Ohio. Well, I do not want to impose upon the House——

Mr. LITTLEFIELD. And I will allot that time to the gentleman from Tennessee [Mr. SIMS].

Mr. TAYLER of Ohio. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of the report of the Auditor for the War Department on the claim of Jesse N. Strickland, late colonel of the Eighth Tennessee Cavalry—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the Choctaw orphan fund—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction of library building at Fort Monroe, Va.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a concurrent resolution to authorize the printing of reports of the proceedings of the Board of Supervising Inspectors of Steam Vessels—to the Committee on Printing.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Neah Bay, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs and one from the Commissioner of the General Land Office relative to an agreement with the Crow Indians of Montana—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the joint resolution of the House (H. J. Res. 47) granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States, reported the same without amendment, accompanied by a report (No. 115); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRUNDIDGE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6073) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes, reported the same without amendment, accompanied by a report (No. 116); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2477) granting an increase of pension to George H. Pennington, reported the same with amendment, accompanied by a report (No. 112); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4698) granting an increase of pension to John C. Fitnam, reported the same with amendment, accompanied by a report (No. 113); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2637) granting a pension to Albert Hammer, reported the same with amendment, accompanied by a report (No. 114); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 2098) for the relief of Hattie A. Phillips, reported the same without amendment, accompanied by a report (No. 117); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6678) granting an increase of pension to Agnes Capron—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6713) granting an increase of pension to Mrs. Annie Duncan Wood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4635) to quiet the titles of certain lands in the State of Mississippi and for the relief of the estate of Eli Ayres, deceased—Committee on Private Land Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 2469) for the relief of Guernsey County, Ohio—Committee on Military Affairs discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DE GRAFFENREID: A bill (H. R. 7220) to provide for a public building at Greenville, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: A bill (H. R. 7221) for the reconstruction of the old frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 7222) to create a Territory of the District of Columbia by the name of the Territory of Columbia and to grant Territorial government to the same—to the Committee on the District of Columbia.

By Mr. MESICK: A bill (H. R. 7223) to regulate fares on the street cars in the city of Washington, D. C., and for other purposes—to the Committee on the District of Columbia.

By Mr. CLARK of Missouri: A bill (H. R. 7224) to place binding twine and all materials used in making or manufacturing the same upon the free list—to the Committee on Ways and Means.

By Mr. HITT: A bill (H. R. 7225) to establish the western judicial district of Illinois—to the Committee on the Judiciary.

By Mr. MUDD (by request): A bill (H. R. 7226) to establish an art commission of the United States—to the Committee on the Library.

By Mr. PEREA: A bill (H. R. 7227) for relief of certain heads of families in the Territory of New Mexico who were or may be

residents of any confirmed Mexican or Spanish grant in the Territory at the time of the confirmation thereof—to the Committee on the Public Lands.

By Mr. McRAE: A bill (H. R. 7228) to amend section 2294 of the Revised Statutes, and for other purposes—to the Committee on the Public Lands.

By Mr. HARMER: A bill (H. R. 7229) to make disposition of the increment and accretions upon the sums reserved by the Department of State from the fund received by the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same—to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 7330) to amend the charter of the District of Columbia Suburban Railway Company—to the Committee on the District of Columbia.

By Mr. RUPPERT: A joint resolution (H. J. Res. 135) authorizing and requiring the Secretary of War to contract with Charles Stoughton for the improvement of the Harlem Kills, New York City, by a canal to connect the lower Harlem River with Long Island Sound, 3,400 feet in length, 300 feet in width, and 15 feet in depth at mean low water, or by a similar canal 18 feet in depth at mean low water, in strict conformity with the survey and report made thereon in 1881 by Col. John Newton—to the Committee on Rivers and Harbors.

By Mr. LEVY: A resolution (H. Res. 115) calling upon the Secretary of War for copies of all letters relating to the safety of Long Bridge—to the Committee on the District of Columbia.

By Mr. CLARK of Missouri: A resolution of the Pennsylvania legislature, asking for legislation looking to an amendment of the Constitution to provide for the election of Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURKETT: A bill (H. R. 7230) granting a pension to Roxie B. Salter—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 7231) for the relief of L. G. Bowers, of Monroe County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 7232) for the relief of the estate of Thomas J. Brown—to the Committee on War Claims.

Also, a bill (H. R. 7233) for the relief of J. S. Murrell, of Monroe County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 7234) for the relief of the estate of Robert E. Bonds, deceased, late of Monroe County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 7235) for the relief of Henry McGill, of Monroe County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 7236) for the relief of the estate of Nancy Whisenant, deceased, late of White County, Ark.—to the Committee on War Claims.

By Mr. BREAZEALE: A bill (H. R. 7237) for the relief of Paul Chappin, Rapides Parish, La.—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 7238) to correct the military record of Anthony C. Chapoton, alias Anthony Chapaton—to the Committee on Military Affairs.

By Mr. COONEY: A bill (H. R. 7239) to remove the charge of desertion from the military service of Lewis Dunham—to the Committee on Military Affairs.

Also, a bill (H. R. 7240) for the relief of the legal representatives of John A. Stephens, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7241) to remove the charge of desertion from the military record of Benjamin F. Follen—to the Committee on Military Affairs.

Also, a bill (H. R. 7242) to remove the charge of desertion from the military record of J. A. Church—to the Committee on Military Affairs.

Also, a bill (H. R. 7243) to remove the charge of desertion from the military record of Silas Nicholson—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 7244) to provide for the reimbursement of naval officers losing property on the United States steamship *Yantic*—to the Committee on Claims.

By Mr. CATCHINGS: A bill (H. R. 7245) for the relief of Alice Jordan, of Vicksburg, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7246) for the relief of the estate of Joseph Butler, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7247) for the relief of Aquila Bowie, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7248) for the relief of Elijah Vandiver, of Leflore County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7249) for the relief of Alfred Smith—to the Committee on War Claims.

Also, a bill (H. R. 7250) for the relief of the estate of D. B. Downing, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7251) for the relief of the estate of Madison Stephenson, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7252) for the relief of Bettie Stafford, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7253) for the relief of the estate of B. S. Hallum, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7254) for the relief of the estate of W. S. Hyland, deceased, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7255) for the relief of the estate of Edward B. Willis, deceased, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7256) for the relief of James Murphy—to the Committee on War Claims.

Also, a bill (H. R. 7257) for the relief of Hixey Parker—to the Committee on War Claims.

Also, a bill (H. R. 7258) for the relief of John Noble, of Bolivar County, Miss.—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 7259) to increase pension of William H. De Bord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7260) for relief of Jacob Higgins—to the Committee on Military Affairs.

Also, a bill (H. R. 7261) to correct record of William H. Hawley—to the Committee on Military Affairs.

By Mr. HAMILTON: A bill (H. R. 7262) granting a pension to Anthony Slack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7263) granting a pension to Mary J. Waugh—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 7264) granting pension to Hannah C. Smith—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 7265) for the relief of J. B. Hall, deceased, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 7266) for the relief of Martha A. Murphy—to the Committee on War Claims.

By Mr. JACK: A bill (H. R. 7267) granting a pension to Annie E. Hetherington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7268) granting a pension to Christina Holben—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7269) granting a pension to Mary E. Boyer—to the Committee on Invalid Pensions.

By Mr. KITCHIN: A bill (H. R. 7270) for the relief of the estate of Franklin A. Davis, late of Orange County, N. C.—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 7271) granting a pension to Anna H. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7272) for the relief of Jessie Benton Frémont and other former occupants of the present military reservation at Point San Jose, in the city of San Francisco, and to repeal an act entitled "An act to refer the claim of Jessie Benton Frémont to certain lands and the improvements thereon in San Francisco, Cal., to the Court of Claims," approved February 10, 1893—to the Committee on Claims.

By Mr. McLAIN: A bill (H. R. 7273) for the relief of the estate of Mrs. Sarah M. Dunbar, deceased—to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 7274) for the relief of David C. Stewart, of Seman, Ohio—to the Committee on Military Affairs.

Also, a bill (H. R. 7275) for the relief of Ammon McLaughlin, of Sciotoville, Ohio—to the Committee on War Claims.

By Mr. MADDOX: A bill (H. R. 7276) for the relief of C. M. Hall, of Walker County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 7277) for the relief of J. S. McLain, of Whitfield County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 7278) for the relief of James B. Bone, of Chulio, Floyd County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 7279) for the relief of William B. Quinn, of Whitfield County, Ga.—to the Committee on War Claims.

By Mr. McRAE: A bill (H. R. 7280) to correct the military record of Robert Burton—to the Committee on Military Affairs.

By Mr. PIERCE of Tennessee: A bill (H. R. 7281) for the relief of John E. Lewis, of Crockett County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7282) for the relief of J. M. Sanders, of Gibson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7283) for the relief of Joseph B. Somerville—to the Committee on War Claims.

Also, a bill (H. R. 7284) for the relief of A. L. Dunlap, of Gibson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7285) for relief of Jesse L. Brandt, of Gibson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7286) for the relief of the estate of Thomas Brooks, deceased, late of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. PUGH: A bill (H. R. 7287) for the relief of Thomas Bramble—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 7288) for the relief of E. A. Givens, sr., Arcadia, La.—to the Committee on War Claims.

Also, a bill (H. R. 7289) for the relief of Mrs. Aurora M. Falconer, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7290) for the relief of estate of Stephen Roberts, deceased, late of East Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 7291) for the relief of the estate of Samuel N. White, deceased, late of West Feliciana Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7292) for the relief of the estate of Adelon Vignes, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7293) for the relief of Hyacinthe A. Morgan, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7294) for the relief of the heirs of Jacob Baum, Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 7295) for the relief of Emily C. McIntyre, of Livingston Parish, La.—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 7296) granting an increase of pension to Henry H. Norton—to the Committee on Invalid Pensions.

By Mr. RANSDELL: A bill (H. R. 7297) for the relief of the heirs of Robert M. Browning, deceased, late of Claiborne Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7298) for the relief of the estate of J. S. Douglass, deceased, late of Tensas Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7299) for the relief of Emma C. Lovelace and Stephen D. Clark—to the Committee on War Claims.

Also, a bill (H. R. 7300) for the relief of Joseph Cordill—to the Committee on War Claims.

By Mr. STEWART of New Jersey: A bill (H. R. 7301) to remove the charge of desertion now existing on the records of the War Department against John McKeon—to the Committee on Military Affairs.

By Mr. STOKES: A bill (H. R. 7302) for the relief of Agnes E. Craig—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 7303) granting an increase of pension to Alfred E. Houghton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7304) granting an increase of pension to Lavina M. Payne—to the Committee on Invalid Pensions.

By Mr. SWANSON: A bill (H. R. 7305) for relief of T. J. Coleman—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 7306) granting a pension to Mary Isabel White—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 7307) granting a pension to John W. Parmalee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7308) granting an increase of pension to Harry M. de Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7309) for the relief of John Wilkes Moore—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 7310) to remove the charge of desertion from the record of Joseph Tate, alias William Tate, late of the Sixth Michigan Infantry Volunteers—to the Committee on Military Affairs.

By Mr. WATERS: A bill (H. R. 7311) to increase the pension of Enos B. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7312) to remove the charge of desertion from the military record of John Sullivan—to the Committee on Military Affairs.

Also, a bill (H. R. 7313) to remove charge of desertion from the military record of Charles Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 7314) to increase the pension of G. K. Glenn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7315) to increase the pension of William W. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7316) for the relief of Peter S. Burke—to the Committee on Military Affairs.

Also, a bill (H. R. 7317) granting a pension to Mary E. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7318) granting a pension to George Herrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7319) granting a pension to William A. P. Fellows—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 7320) to remove charge of desertion against William McCutcheon—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 7321) for the relief of Armilda J. Luttrell—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 7322) granting an increase of pension to Frederick E. Vance, of Clay Center, Kans., late of Company A, First Minnesota Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7323) granting an increase of pension to Harrison Canfield—to the Committee on Invalid Pensions.

By Mr. O'GRADY: A bill (H. R. 7324) granting a pension to Mary Ragan—to the Committee on Invalid Pensions.

By Mr. RANSDELL: A bill (H. R. 7325) for the relief of the estate of Felix Robb, deceased, late of Catahoula Parish, La.—to the Committee on War Claims.

By Mr. STEWART of Wisconsin: A bill (H. R. 7326) to remove the charge of desertion from the military record of Joseph M. Jackson, alias Mennell—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 7327) granting an increase of pension to Charles S. Paine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7328) granting an increase of pension to John Nicklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7329) to increase the pension of Lewis Swenson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the Chicago Federation of Labor, Walter Carmody, secretary, relating to public lands—to the Committee on the Public Lands.

Also, petition of George S. Woodruff, of Independence, Pa., favoring amendment of the revenue law in regard to affixing stamps on insurance policies—to the Committee on Ways and Means.

By Mr. CLARK of Missouri: Resolution of the Horse Breeders' Association, favoring the Brosius bill relating to dairy and food products—to the Committee on Agriculture.

Also, resolutions of the Missouri State Grange, for the enactment of anti-trust laws—to the Committee on the Judiciary.

By Mr. COWHERD: Paper to accompany House bill No. 5551, for the relief of F. B. Case—to the Committee on Invalid Pensions.

By Mr. CROWLEY: Papers in support of House bill 5567, for the relief of Riley Shrigley—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 5568, granting a pension to Howard Franklin—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 4195, for the relief of Harrison Kilburn—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 4190, for the relief of Elizabeth A. Swan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase the pension of William H. Debord—to the Committee on Invalid Pensions.

By Mr. DAHLE of Wisconsin: Petition of railway postal clerks of the Second Congressional district of Wisconsin, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. GASTON: Petition of O. A. B. Tracy, of Nantucket, Mass., and numerous others residing in other States, urging the abolishment of capital punishment in the United States—to the Committee on the Judiciary.

By Mr. HAMILTON: Petition of Oliver Wise and soldiers and sailors of Allegan County, Mich., in regard to amendment to the civil-service law—to the Committee on Reform in the Civil Service.

By Mr. HILL (by request): Petition of the Connecticut Woman Suffrage Association, favoring a sixteenth amendment to the Constitution prohibiting disfranchisement of women—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of employees of the Westfield, Mass., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Woman Suffrage Association of Massachusetts, favoring a sixteenth amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

By Mr. LITTLE: Protest of the Choctaw and Chickasaw nations against the ratification of the treaty of the Kiowa, Comanche, and Apache Indians, of Oklahoma, with the United States—to the Committee on Indian Affairs.

By Mr. LOVERING: Protest of S. O. Bigmy, chairman of the Jewelry Tariff Committee of Massachusetts and Rhode Island, against the French reciprocity treaty—to the Committee on Ways and Means.

By Mr. MERCER: Memorial of the South Orange Live Stock Exchange with reference to a change in the present revenue laws—to the Committee on Ways and Means.

By Mr. MORGAN: Petition of Ruth B. Ferguson and 190 citizens of Portsmouth, Ohio, for the rejection or expulsion of B. H.

Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

Also, petition of J. N. Rainey and several hundred others, favoring an amendment to the pension laws—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolutions of E. B. Wolcott Post, No. 1, of Milwaukee, Wis., against the removal of disabilities of all deserters in the war of the rebellion—to the Committee on Military Affairs.

By Mr. PEARCE of Missouri: Petition of the mayor, aldermen, and over 900 citizens of Frederick City, asking for the passage of a bill reimbursing Frederick City of $200,000 required of said city by General Early in the civil war—to the Committee on War Claims.

By Mr. PUGH: Papers to accompany House bill No. 7004 for the relief of Penelope Morton—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petitions of numerous citizens of the State of Michigan, against the seating of Brigham H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

Also, petition of the Woman Suffrage Association of Michigan for a sixteenth amendment to the Constitution, prohibiting the disfranchisement of citizens on account of sex—to the Committee on the Judiciary.

By Mr. SPRAGUE: Petition of the railway postal clerks of the Eleventh Congressional district of Massachusetts, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the New York State Brewers and Maltsters' Association, protesting against exhorbitant war taxes—to the Committee on Ways and Means.

By Mr. TAWNEY: Paper to accompany House bill for the relief of Charles S. Paine—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Lewis Swenson—to the Committee on Invalid Pensions.

Also, resolution of the Winona County Medical Society, protesting against the passage of Senate bill No. 34, for the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Christian Endeavorers of Rochester and Chester, Minn.; voters of the First Congressional district of Minnesota; Winona Presbytery; missionary societies of the Baptist, Congregational, Episcopal, Methodist, Presbyterian, and Reform churches, and general missionary committee of the Methodist Episcopal Church, all in the State of Minnesota, against the seating of B. H. Roberts, of Utah—to the Special Committee on the B. H. Roberts Case.

By Mr. TAYLOR of Alabama: Resolutions of Division No. 1, Ancient Order of Hibernians, of Stonington, Conn., expressing sympathy with the Boers—to the Committee on Foreign Affairs.

By Mr. WILSON of New York: Papers to accompany House bill No. 7021, in relation to the cob dock opposite the navy-yard, in the East River—to the Committee on Naval Affairs.

By Mr. ZIEGLER: Petition of J. A. Smith, agent, Lemoyne, Pa., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Petitions, etc., for "relief from the paper trust" were laid on the Clerk's desk and severally referred to the Committee on Ways and Means, as follows:

By Mr. ALLEN of Kentucky: Petition of the publisher of the Gleaner, Henderson, Ky.

By Mr. BELL: Petitions of the publishers of the Times, Woodland Park, Colo.; the Morning Sun, Rico, Colo.; the Republic, Buenavista, Colo.

By Mr. BURKE of Texas: Petition of James A. Greer, publisher, of Hubbard City, Tex.

By Mr. CROWLEY: Petitions of the publishers of the Greenup Press, Charleston News, Mattoon Commercial, and Toledo Democrat, in the State of Illinois.

By Mr. GORDON: Petitions of the publishers of the News and Democrat, Sidney; Standard, Celina, and the Democrat, Greenville, all in the State of Ohio.

By Mr. JETT: Petitions of the publishers of the Litchfield Herald, Sullivan Progress, Kankakee Democrat, in the State of Illinois.

By Mr. LANHAM: Petition of W. W. Lastinger, publisher, of Gatesville, Tex.

By Mr. LATIMER: Petition of the publisher of the Sentinel, Pickens, S. C.

By Mr. MEEKISON: Petition of G. W. Clinton, of the Leipsic Press and Signal, Independence, Ohio.

By Mr. QUARLES: Petition of the publisher of the Spectator, Staunton, Va.

By Mr. RIXEY: Petition of the publisher of the Exponent, Culpeper, Va.

By Mr. ROBINSON of Nebraska: Petitions of the publishers of the Fremont Herald; the Advertiser, of West Point; the Democrat, of Creto; Teller-Democrat, of York, and the Sun, of Aurora, all in the State of Nebraska.

By Mr. SHACKLEFORD: Petitions of the publishers of the Lebanon (Mo.) Rustic; Redding Searchlight, Los Angeles Herald, Woodland Democrat, Visalia News, San Francisco Democrat, Santa Barbara Independent, San Bernardino Free Press, all in the State of California; Virginian-Pilot, Norfolk, Va.; Western News-Democrat, Valentine, Nebr.

By Mr. SMITH of Kentucky: Petitions of the publishers of the Democrat, Greenup, Ky., and Democrat and Independent, Catlettsburg, Ky.

By Mr. STOKES: Petition of James L. Sims, editor, of Orangeburg, S. C.

By Mr. SULZER: Petitions of the publishers of the Times, Cobleskill; News, Albion; Republic, Brockport; Freie Presse, Brooklyn; Star, Nyack; Republican, Glens Falls; News, Mount Vernon; Gazette, Middleburg; Republican, Albion, and Free Lance, Albion, all in the State of New York.

By Mr. THAYER: Petitions of the publishers of the Progress, Lawrence; News, South Boston; L'Etoile, Lowell; The Sun, Spencer; Journal, Southbridge; The Record, Chelsea, and the Free Press, Holyoke, all in the State of Massachusetts.

By Mr. JAMES R. WILLIAMS: Petitions of the publishers of the Earlville Gazette-Express, Rockford Poster, Minonk Register, Galesburg Republican-Register, Kendall County News, Antioch News, Piatt County Republican, Fairfield Record, all in the State of Illinois.

By Mr. WILLIAM E. WILLIAMS: Petitions of the publishers of the Henry Times, Beardstown Star, Jersey County Democrat, Winchester Times, all in the State of Illinois.

SENATE.

THURSDAY, *January 25, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

DIPLOMATIC REPRESENTATIVE OF THE TRANSVAAL.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In response to the resolution of the Senate of January 19, 1900, requesting the President "to inform the Senate, if in his opinion not incompatible with the public interest, if any person has been accredited representative in any capacity to the United States of America by the South African Republic, commonly known as the Transvaal, and if such person was officially accepted and recognized as such representative by the Government of the United States, and if he was not, for what reason official acceptance and recognition was refused him; also to inform the Senate of the name of such person, and when he applied for official recognition, and when and for what reason official recognition was refused him, and if any other government, and if so, what government, or its official representative or representatives, objected or protested against the official recognition of said South African or Transvaal Republic by the Government of the United States," I transmit herewith a report by the Secretary of State.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *January 24, 1900.*

Mr. ALLEN. I move that the message be printed, with the accompanying papers, and referred to the Committee on Foreign Relations.

The motion was agreed to.

REPORT OF THE CIVIL SERVICE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Sixteenth Annual Report of the United States Civil Service Commission.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *January 25, 1900.*

FRACTIONAL SILVER COINS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, certain information relative to fractional silver coinage for 1899; which was referred to the Committee on Finance, and ordered to be printed.

ISLAND SURVEYS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th instant, a letter from the

Director of the Geological Survey relative to the geological surveys of islands now under the jurisdiction of the United States; which, with the accompanying papers, was referred to the Committee on the Geological Survey, and ordered to be printed.

PUBLIC BUILDINGS AT FORT DU PONT, DEL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army explaining the importance of having the provisions of section 355, Revised Statutes, waived so far as they prohibit the expenditure of public money for the purposes of erecting public buildings on a tract of land recently acquired as a site for necessary buildings at Fort Du Pont, Del., before the consent of the legislature of Delaware to the purchase has been given; which, on motion of Mr. HALE, was, with the accompanying papers, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EXPENDITURE OF WAR APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 8th instant, a statement prepared by the Paymaster-General of the Navy showing the allotments to the Navy Department from the $50,000,000 appropriated by Congress under the act approved March 9, 1898, entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes," etc.; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

TEXT-BOOKS IN INDIAN SCHOOLS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 19th instant, a letter from the Commissioner of Indian Affairs relative to the text-books used for instruction in the Indian schools under the jurisdiction of the Interior Department, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 5076) to amend the first section of an act to change the time and places for the district and circuit courts of the northern district of Texas, approved June 11, 1896; in which it requested the concurrence of the Senate.

PACIFIC CABLE.

Mr. HALE. I submit certain testimony taken by the Committee on Naval Affairs relating to a Pacific cable. I ask that it be printed, perhaps one hundred copies, for the use of the committee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. One hundred copies will be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the board of aldermen of Buffalo, N. Y., praying for the enactment of legislation providing for the deepening and widening of the entrance of the Buffalo River in that State; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of North Tonawanda, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of railway mail clerks of Mamaroneck and New York City, in the State of New York, praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Van Chemical Company of Albany, of J. Milhaus's Son, of New York City, and of sundry druggists of Tompkins County, all in the State of New York, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

Mr. PERKINS presented a memorial of the Medical Society of San Francisco, Cal., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., and a petition of the Geographical Society of the Pacific, of San Francisco, Cal., praying for the passage of the clause in the deficiency appropriation bill to prevent a discontinuance of the hydrographic work of the Geological Survey; which were referred to the Committee on the Geological Survey.

He also presented a memorial of the Chamber of Commerce of San Diego, Cal., remonstrating against any change being made in the present tariff law that will discriminate against the industries of that State; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the enactment of legislation to prohibit the adulteration of food products; which was referred to the Committee on Manufactures.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the suppression of adulterated food or drinks, or the sale of such products under false or misleading labels; which was referred to the Committee on Manufactures.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for certain changes in the Weather Bureau Service; which was referred to the Committee on Agriculture and Forestry.

Mr. HANNA. I present a petition of the American Association of Masters and Pilots of Steam Vessels, praying for the immediate passage of the bill to increase American shipping. I ask that the petition be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Introduced by Mr. Van Kevren.]

Whereas in the carriage of American imports and exports, several thousand ocean-going ships are annually employed, but 9 per cent of which vessels are built in the United States and owned by American citizens; and

Whereas the monopoly of our foreign carrying trade now enjoyed by alien ships, to which our people annually pay $200,000,000 in charges for ocean transportation, deprives thousands of American shipmasters and many additional thousands of American officers and seamen of employment; and

Whereas the lack of an American merchant marine in the foreign carrying trade carries with it a lack of American officers and seamen, thus perpetuating our national weakness upon the seas, while our commerce, in affording employment to foreign ships, foreign officers, and seamen, increases the naval, maritime, and commercial strength of our foreign rivals; and

Whereas a bill is now pending in each branch of Congress, introduced in the Senate by Senator FRYE and in the House by Representative PAYNE, providing for the upbuilding of the American merchant marine in the foreign carrying trade: Therefore, be it

Resolved, That the American Asssociation of Masters and Pilots of Steam Vessels, in annual convention assembled, earnestly urges upon Congress the immediate passage of the said pending shipping bill, to the end that American shipmasters, American officers, and American seamen may secure additional opportunities for employment upon the sea, so that the $200,000,000 now paid annually to foreign ships may be paid to American ships and thus kept at home, and in order that the United States may enjoy the prestige and protection that inheres in the possession of an American-built, American-owned, and American-manned merchant marine adequate to all of the needs of American foreign commerce.

Passed unanimously.

A. S. FITTS, *Grand Captain.*

Attest:

BENJ. F. PERKINS, *G. C. C.*

Mr. NELSON presented a petition of the Federation of Labor of Chicago, Ill., praying for the enactment of legislation to prevent any of the public lands from being ceded to the States or Territories; which was referred to the Committee on Public Lands.

Mr. GALLINGER presented a petition of the Littlefield Drug Company and sundry other druggists of Manchester, N. H., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. DEPEW. I present a memorial of the National Board of Trade relative to the needs of the country for a revival of its merchant marine. I will state that the board is now in session in Washington. It represents the principal chambers of commerce and boards of trade in the United States. I ask that the memorial be printed in the RECORD, with the names, and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Whereas the United States vessels in 1826 carried 92 per cent of the nation's imports and exports, 81 per cent in 1845, 75 per cent in 1856, and only 8 per cent in 1899, showing a lamentable decline in our merchant marine in the foreign trade, owing to the fact that it is conducted on a free-trade basis; and

Whereas the tonnage of vessels of the coasting trade, in which foreign competition is absolutely forbidden, increased from 722,330 in 1826 to 1,223,218 in 1845 and to 2,247,663 in 1856 and to 3,965,313 in 1899, thus demonstrating the ability of this country to meet all of its needs in the matter of shipping when properly protected; and

Whereas the United States is now paying to foreign shipowners nearly $200,000,000 annually to do our ocean carrying trade, which sum increases yearly; and

Whereas the enormous decline in our ocean merchant marine is due to the lower wages paid abroad and to the subsidies paid by foreign governments, Great Britain alone, according to document "No. 490, Miscellaneous Series," issued by the British Government in 1899, paying last year $3,206,380 in "postal subsidies" and $283,005 additional to the same steamship lines in "naval subventions," while for mere wages alone the cost of operating an American ship is almost exactly one and a half times the cost of operating a similar British ship, and the same difference in wages gives greater advantages to foreigners in every way, including lower cost in the construction of ships; and

Whereas the protective principle should be extended to our shipping in the foreign trade, that it may be built up as has been done in the case of other industries, including our coastwise shipping; and

Whereas the profitable employment of the surplus productive power of the farms, factories, mines, forests, and fisheries of the United States imperatively demands the increase of its foreign commerce; and

Whereas the merchant vessels, officers, engineers, machinists, electricians, and seamen necessary to the increase of the commerce of the United States are also essential as auxiliary to the forces of the United States in time of war and otherwise, and to the better security of the nation and the protection of its possessions; and

Whereas it is deemed especially expedient to make immediate provision to these ends: Therefore

This memorial of the National Board of Trade, assembled in Washington, January 23, 1900, respectfully represents to the honorable House of Representatives and Senate of the United States, that the delegates now here, representing all sections of our country, find it to be a matter of supreme interest that our foreign exports have now reached the largest figures ever known and offer further opportunities for increase in still wider fields.

To give force and emphasis to these opportunities, and to give some permanence to the exceptional advantages of the past year, this country needs a revival of its merchant marine.

Your memorialists, the National Board of Trade, respectfully represent that the Frye Senate bill or the Payne House bill will be effective to this end. The principles embodied in these bills have met the approval of the President of the United States, the Secretary of the Treasury, and the Commissioner of Navigation, and they have been indorsed by nearly every trade and commercial organization in the country and by the press to an extent which shows an overwhelming sentiment in their favor.

The argument for an American merchant marine has had the further distinct recommendation of foreign delegates to the recent export convention as essential for the further cementing of trade relations with the countries they severally represented.

In view of these considerations, your memorialists, the National Board of Trade, look with confidence for your early and favorable action on this subject.

Andrew Wheeler, chairman, Philadelphia; M. C. Blain, New York; James Nicol, Chicago; E. P. Wilson, Ohio Valley Improvement Association; H. Lee Early, Cincinnati Chamber of Commerce; Venison B. Smith, Toledo; Frank Barry, Milwaukee, Wis.; John Field, Philadelphia; G. Waldo Smith, New York Board of Trade and Transportation.

Adopted by the National Board of Trade, Washington, D. C., January 24, 1900.

E. O. STANARD, *Vice-President.*

Attest:

O. P. TUCKER, *Secretary.*

Mr. CULLOM. I present a petition of the Millers' State Association of Illinois, praying for the passage of the bill (S. 1439) to amend the act to regulate commerce. That bill is now before the Committee on Interstate Commerce, and I move that the petition be referred to that committee.

The motion was agreed to.

Mr. PETTUS presented the petition of Virginia C. Clopton, president, and Amelia C. Dillard, secretary, on behalf of the Woman Suffrage League of Alabama, praying that the word "male" be omitted in the suffrage clause to be framed for the government of Cuba, Hawaii, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

Mr. PLATT of Connecticut. I present the petition of Isabella Beecher Hooker, president, and Frances Ellen Burr, secretary, on behalf of the Connecticut Woman Suffrage Association, praying that in any new government to be established in our possessions women may have the right to vote. There is a letter from Miss Susan B. Anthony accompanying it. I do not know to what committee the petition ought to be referred, whether to the Committee on Pacific Islands and Puerto Rico or to the Select Committee on Woman Suffrage. I think, perhaps, it should go to the Committee on Pacific Islands and Puerto Rico.

The PRESIDENT pro tempore. Similar petitions have been referred to the Select Committee on Woman Suffrage.

Mr. PLATT of Connecticut. Very well.

The PRESIDENT pro tempore. The petition will be so referred.

Mr. PLATT of Connecticut. I also present a protest of the delegate from the Choctaw Nation and by the counsel of the Chickasaw Nation, remonstrating against the passage of Senate bill 1352 and House bill 905. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FAIRBANKS presented resolutions adopted at a mass meeting of ex-soldiers of the United States of the civil war, held at Bloomington, Ind., in favor of the enactment of legislation providing that when ex-soldiers of the United States are ordered for examination before any medical board for the purpose of receiving a pension or of being granted an increase of pension the findings of the board shall be final, and the Commissioner of Pensions shall be directed to certify to such ratings or prove by a medical board nearest to the applicant's residence that such findings were contrary to facts; which were referred to the Committee on Pensions.

Mr. THURSTON presented a petition of sundry railway mail clerks of Lincoln, Nebr., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL presented a petition of the Board of Trade and Business Mens' Association of Norfolk, Va., praying that an appropriation be made to continue the plan, work, and beneficial results accomplished by the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a memorial of the Business Mens' Association of Norfolk, Va., remonstrating against the enactment of legislation changing the present pilot system; which was referred to the Committee on Commerce.

Mr. FRYE presented the petition of A. H. Witham and sundry other citizens of Denmark, Me., praying for the enactment of legislation to abolish all customs tariff for the island of Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2681) for the establishment of joint light-houses and fog-signal stations on the coast of Alaska; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 307) for the establishment of joint light-houses and fog-signal stations on the coast of the district of Alaska, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1289) to provide for the construction of an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 983) for the relief of Lindley C. Kent and Joseph Jenkins, as the sureties of Frank A. Webb, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 340) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, reported it with amendments, and submitted a report thereon.

Mr. CARTER (for Mr. GEAR), from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 165) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, reported it with amendments, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (S. 945) for the purchase or construction of a launch for the customs service at and in the vicinity of Astoria, Oreg., reported it without amendment, and submitted a report thereon.

Mr. FRYE (Mr. KEAN in the chair), from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 2708) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899; which was read twice by its title.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2612) to remove the charge of desertion against Frederick Schulte or Schuldt, to ask to be excused from its further consideration, and that it be referred to the Committee on Naval Affairs. The bill refers to a seaman in the Navy.

The report was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 7) to fix the rank of military attachés, reported it without amendment, and submitted a report thereon.

ANNUAL REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. I present in behalf of the National Academy of Sciences its annual report provided for by statute. The statute also provides for its printing. There is nothing to be done except to present it to the presiding officer and send it to the Public Printer.

The PRESIDENT pro tempore. The report will be received and ordered printed, without objection.

OLMEDO ALFARO.

Mr. HAWLEY. From the Committee on Military Affairs, I report back favorably, without amendment, the joint resolution (H. J. R. 129) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Olmedo Alfaro, of Ecuador, and I ask for its present consideration. It is the joint resolution to which I referred the other day, and which I withdrew because of objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4602) to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes, to report it without amendment, and submit a report thereon.

Mr. COCKRELL subsequently said: A bill has just been reported by the Senator from Connecticut, the chairman of the Committee on Military Affairs, granting a right of way to the Chicago, Rock Island and Pacific Railway through the Fort Sill Military Reservation. I understand that the road is completed to the line of the military reservation, and it is exceedingly important that this authority should be given. It is recommended by the Secretary of War, is a very short bill, and I ask unanimous consent for its present consideration, it being a House bill.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill.

Mr. HANSBROUGH. What is the Calendar number of the bill?

Mr. COCKRELL. The bill was just reported this morning by the Senator from Connecticut, the chairman of the Committee on Military Affairs. It is a House bill.

Mr. HANSBROUGH. It has been reported from the committee?

Mr. COCKRELL. It was reported from the Committee on Military Affairs by the Senator from Connecticut.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CŒUR D'ALENE MINING TROUBLES.

Mr. COCKRELL. I call the attention of the Senator from South Dakota [Mr. PETTIGREW] to the resolution which he introduced December 11, 1899, requiring information in regard to the authority of General Merriam, etc. I have been instructed by the Committee on Military Affairs to report a substitute and recommend the passage of the substitute. The substitute will now be read. I ask for its present consideration.

The resolution reported as a substitute was read, as follows:

Resolved, That the Secretary of War is hereby directed to make and submit to the Senate copies of any and all orders, instructions, or directions given by the War Department to Brig. Gen. H. C. Merriam, United States Army, touching the troubles in Idaho between the miners, mine owners, and civil authorities, and to any officer or officers under him; and also any and all orders, instructions, or directions, or proclamations given, issued, or proclaimed by General Merriam and any and all officers under him, and especially the announcement, if any announcement was made, by General Merriam, about May 8, 1899, to the mine owners in regard to employing members of the miners' union and the action if they were employed, and any and all orders, directions, and instructions, if any, in regard to the miners who were employed being, by United States authorities, required to sign any pledges renouncing allegiance to the miners' union and asserting they would never seek membership in the miners' union; and any and all orders, instructions, and requirements by General Merriam and his subordinate officers, if any, in regard to the treatment of civilian prisoners, and by what authority Brig. Gen. H. C. Merriam acted, and copies of all reports made by him and subordinate officers in connection with the Cœur d'Alene mining troubles during the year 1899.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HALE. If it will not give rise to any extended debate, I do not object.

Mr. PETTIGREW. I have no objection to it in its present form.

Mr. PLATT of Connecticut. I should like to hear the first part of the resolution read again.

The Secretary read as requested.

Mr. PLATT of Connecticut. The resolution is reported by the Committee on Military Affairs?

The PRESIDENT pro tempore. It is reported from the Committee on Military Affairs. Is there objection to its consideration?

The resolution was considered by unanimous consent, and agreed to.

The PRESIDENT pro tempore. The original resolution will be indefinitely postponed.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2682) for the extension of Columbia road east of Thirteenth street, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2683) to provide for the construction of a revenue cutter for use in St. Marys River, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McBRIDE introduced a bill (S. 2684) for the relief of Benjamin F. Shaw; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLATT of New York (by request) introduced a bill (S. 2685) for the relief of Daniel Joseph Holland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 2686) to reward officers of the Army for distinguished services; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McLAURIN (by request) introduced a bill (S. 2687) to define and carry into effect the eight-hour labor laws, and for other purposes; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 2688) for the relief of Robert Adger and others; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 2689) granting a pension to Agnes B. Hoffman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2690) for the relief of Alfred W. Kent; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2691) for the relief of the heirs and legal representatives of Lindsay Ridgway, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANNA introduced a bill (S. 2692) to incorporate the National Association of Manufacturers; which was read twice by its title, and referred to the Committee on Manufactures.

Mr. CLAY introduced a bill (S. 2693) to repeal the stamp tax; which was read by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 2694) to extend to the commissioners of agriculture of the several States the franking privilege; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2695) for the classification of clerks in the first-class and second-class post-offices of the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT introduced a bill (S. 2696) granting a pension to William Sheppard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2697) for the relief of William Wolfe; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2698) granting an increase of pension to Abraham Park; which was read twice by its title, and, together with the decision of the Assistant Secretary of the Interior on certificate No. 248311, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2699) to provide for the employment of women nurses in military hospitals of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 2700) granting an increase of pension to Henry H. Neff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 2701) providing for the appointment of a reporter and for the publication and distribution of the decisions of the United States circuit courts of appeals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLISON introduced a bill (S. 2702) granting an increase of pension to Leander J. White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2703) granting a pension to Mary M. F. Flagler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL' introduced a bill (S. 2704) to provide for the purchase of a site and the erection of a public building thereon at Bridgeton, in the State of New Jersey; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. THURSTON introduced a bill (S. 2705) granting a pension to Marcena Pinchin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2706) to remove the charge of desertion from the military record of Andrew P. (also borne Andrew J.) Jenkins; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAVIS introduced a bill (S. 2707) granting an increase of pension to Prosper L. Knappen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 2709) granting a pension to Marietta Elizabeth Stanton; which was read twice by its title, and referred to the Committee on Pensions.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the joint resolution (S. R. 52) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

The message also announced that the President had on the 25th instant approved and signed the act (S. 1484) to authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pa., and Mare Island, Cal., from timber to concrete and stone.

HOUSE BILL REFERRED.

The bill (H. R. 5076) to amend the first section of an act to change the time and places for district and circuit courts of the northern district of Texas, approved June 11, 1896, was read twice by its title, and referred to the Committee on the Judiciary.

COLLECTION OF REVENUE IN DEPENDENCIES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate full and exact copies of all proclamations and orders that have been issued or made respecting the collection of customs, internal, and other revenues in the islands of Cuba, Puerto Rico, and the Philippine Archipelago since the seizure thereof by the Government of the United States, the rate of such customs, internal, and other revenues, the total amount thereof, a list of the person or persons engaged in such service, where stationed, respectively, and how such customs, internal, and other revenues have been and are being disbursed, and whether the same or any portion thereof have been covered into the Treasury of the United States.

And the Secretary of War is further hereby directed to transmit to the Senate copies of all correspondence relating to the collection of the customs, internal, and other revenues in said islands since the seizure thereof by the Government of the United States to this time.

Mr. PLATT of Connecticut. I wish to ask the Senator from Nebraska if he will not consent to strike out the last clause in his resolution, which is as follows:

And the Secretary of War is further hereby directed to transmit to the Senate copies of all correspondence relating to the collection of the customs, internal, and other revenues in said islands since the seizure thereof by the Government of the United States to this time.

I think the first portion of the resolution covers all the information the Senator desires to obtain, and that the answer to it will be perfectly satisfactory to him.

The reason why I ask the Senator to amend his resolution by leaving out the last clause is that it evidently relates to a very large mass of correspondence, from day to day, with reference to the daily transactions, or weekly transactions, respecting the revenues there, the amount that has been received daily, and all that; and it would be a very great hardship upon the War Office to have to make copies of all those papers; and when received, I imagine that they would not aid in the object which the Senator desires to accomplish. I trust he will strike that paragraph out, and thus relieve the War Department from the immense labor of transcribing all the letters which are received in the daily course of business from Puerto Rico, Cuba, and the Philippines.

Mr. ALLEN. Mr. President, the first part of the resolution calls for copies of all proclamations and orders that have been issued respecting the collection of customs, internal, and other revenues in the islands of Cuba, Puerto Rico, and the Philippine Archipelago. The second clause, to which the Senator from Connecticut calls my attention, was designed simply to reach that correspondence which might be of a general nature and therefore interesting to the Senate in construing the orders or proclamations and giving general directions to customs officers.

I do not care anything about the daily and perfunctory correspondence between the War Office and those engaged in the collection of revenues in those islands, but if there are any letters that have passed between the Secretary of War or his assistants of a general nature explanatory of the system in vogue in those islands and necessary for our proper understanding of what is going on there, I should like to have them.

I do not think I shall object to the amendment of the Senator from Connecticut, although it is due that I should say that this latter clause was inserted because of a suspicion I have, whether well founded or illy founded, that there is usually an attempt to avoid information rather than to furnish it, and it was done with a view of bringing that out. However, I will accept the suggestion of the Senator from Connecticut, and let the last paragraph of the resolution be stricken out.

Mr. PLATT of Connecticut. I will state that my only object is to relieve the War Department of unnecessary labor; and, if when the answer is made to the resolution, the Senator should think that there was anything further that he desires, I would not object to a resolution which he might offer for that purpose.

Mr. ALLEN. I shall accept the amendment with that view.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Nebraska to consent to the amendment?

Mr. ALLEN. Yes, sir.

The PRESIDENT pro tempore. The resolution will be modified as indicated. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

SEIZURE OF FOOD PRODUCTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Whereas food products are not in their nature instruments of warfare; and

Whereas the United States is the greatest producer of such products in the world, and it is therefore essential to our prosperity that these products be freely sold and delivered wherever purchased; and

Whereas to permit such products to be declared contraband of war and subject to seizure by foreign nations at war among themselves would work irreparable injury to the great body of our agricultural population: Therefore,

Resolved, That the United States of America will not recognize the right of any nation to declare food products contraband of war or to seize such products belonging to citizens of the United States or being transported in vessels owned by citizens of the United States, and that any such seizure will be deemed by this Government an act unfriendly to the United States.

Mr. SPOONER. As the Senator who introduced that resolution is not at this moment in his seat, I suggest that it stand over for the present.

Mr. DAVIS. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. SPOONER. The Senator from South Dakota is not in his seat, and I think the resolution had better lie on the table until he comes in.

Mr. HALE. That motion ought not to be made in his absence. Let the matter stand over for the present.

The PRESIDENT pro tempore. Holding its place on the table?

Mr. HALE. Holding its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTIGREW subsequently said: I ask unanimous consent that the resolution which I introduced yesterday may retain its place until to-morrow.

The PRESIDENT pro tempore. That has been already granted.

Mr. PETTIGREW. Thank you.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. If the morning business is completed, I ask that the urgent deficiency appropriation bill be laid before the Senate. It is very important that it should be passed to-day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached in their order.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, and that the committee amendments be acted upon as they are reached in order. Is there objection? The Chair hears none. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Treasury Department," on page 3, after line 11, to insert:

Office of the Treasurer of the United States: For the following from February 1 to June 30, 1900, inclusive, namely: Three clerks, at the rate of $900 per annum each; and 3 expert counters, at the rate of $720 per annum each; in all, $2,025.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

Contingent expenses: For purchasing material for binding important records, $300.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert:

REVENUE-CUTTER SERVICE.

That the sum of $100,000 of the unexpended balance of the appropriation for the expenses of the Revenue-Cutter Service for the fiscal year 1898 is hereby reappropriated and made available for expenditure for said service during the fiscal year 1900.

The amendment was agreed to.

The next amendment was, on page 10, after line 3, to insert:

PUBLIC BUILDINGS.

Post-office and custom-house, Kansas City, Mo.: For painting and installation of passenger elevators, $35,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 7, to insert:

Public building at Helena, Mont.: That the Secretary of the Treasury is authorized to complete the purchase of block 402, Helena town site, Helena, Mont., as a site for the public building at said place at a cost not to exceed $19,500, and to pay for the same out of money heretofore appropriated for the continuation of said public building under the present limit of aggregate cost.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 12, line 10, after the word "dollars," to strike out:

One-half of which sum shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

So as to make the clause read:

For surveyor's office: For such employees as may be required in accordance with the provisions of the act of Congress making the surveyor of the District of Columbia a salaried officer, $2,500.

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to insert:

Freedmen's Hospital and Asylum: That the appropriation for salaries for the Freedmen's Hospital and Asylum for the current fiscal year shall be available for the payment of an assistant clerk, a pharmacist, an assistant pharmacist, and a steward at said institution.

The amendment was agreed to.

The next amendment was, on page 12, after line 18, to insert:

Providence Hospital: For the completion of the isolating building at the Providence Hospital, including the necessary grading and paving of the approaches thereto, $5,000, to be expended under the direction of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to insert:

Militia of the District of Columbia: That the unexpended balance of the appropriation for rifle practice and matches for the fiscal year 1899, amounting to $780.61 is hereby reappropriated and made available for the service of the fiscal year 1900.

The amendment was agreed to.

The next amendment was, on page 13, after line 3, to insert:

One-half of the foregoing amounts under the District of Columbia shall be paid from the revenues of said District and one-half from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 15, after line 19, to strike out:

National Home for Disabled Volunteer Soldiers: Marion Branch, at Marion, Ind.: For gas mains to leased land, wrought-iron pipe, gate valves, fittings, line separators, digging trenches, laying pipe, and back filling, and right of way through farms, $9,117.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Southern Branch, at Hampton, Va.: For transportation, namely: For transportation of members of the Home, fiscal year 1899, $575.84.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to insert:

Pacific Branch, at Santa Monica, Cal.: For household, namely: Expenditures for furniture for officers' quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair, if they are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repair, unless the repairs are made by the Home, fiscal year 1899, $1,634.36.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicines, liquors, fruits, and other necessaries for the sick not on the regular ration; for bedsteads, bedding, and bedding materials, and all other articles necessary for the wards; for hospital, kitchen, and dining room furniture and appliances, including aprons, caps, and jackets for hospital, kitchen, and dining-room employees; for carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, fiscal year 1899, $473.26.

Mr. HOAR. I should like to inquire of the Senator who has the bill in charge whether the committee understand, as the bill says, that hearse drivers, gravediggers, and funeral escorts are "necessary for the care of the sick?" That is the way the bill reads, if I heard it correctly.

Mr. HALE. Mr. President——

Mr. SEWELL. If the Senator from Maine will allow me to answer the Senator from Massachusetts, I will say that these come under the general heading of the hospital department; and while the deficiency has not occurred in those items to which the Senator has referred, it was thought best to put them under the general head of the items which are appropriated for in that one department.

Mr. HOAR. I should hardly want to enact by law that gravediggers are necessary for the care of the sick. If, however, the committee prefer it in that way, I shall not interpose an objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 17, after line 9, to insert:

Marion Branch, at Marion, Ind.: For household, including the same objects specified under this head for the Pacific Branch, $474.60.

For hospital, including the same objects specified under this head for the Pacific Branch, fiscal year 1899, $465.44.

For gas mains to leased land, wrought-iron pipe, gate valves, fittings, line separators, digging trenches, laying pipe, and back filling, and right of way through farms, $9,117.

The amendment was agreed to.

The next amendment was, on page 17, after line 21, to insert:

Clothing: For clothing for all the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, fiscal year 1899, $500.

The amendment was agreed to.

The next amendment was, on page 18, after line 4, to insert:

State or Territorial Homes: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, on account of fiscal years as follows:

For the fiscal year 1898, $4,978.07.

For the fiscal year 1899, $113,731.06: *Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

The amendment was agreed to.

The next amendment was, under the head of "Military Establishment," on page 27, line 4, after the word "dollars," to insert the following proviso:

Provided further, That from the foregoing amount, if in the judgment of the Secretary of War the emergency exists, the sum of $130,000, or so much thereof as in his discretion may be necessary, shall be used for the purchase of a site or sites for the location of barracks for the accommodation of a garrison in charge of fortifications.

So as to make the clause read:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores; for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables, and for repairing public buildings at established posts: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel; and for quarters to officers or enlisted men, $1,000,000: *Provided further*, That from the foregoing amount, if in the judgment of the Secretary of War the emergency exists, the sum of $130,000, or so much thereof as in his discretion may be necessary, shall be used for the purchase of a site or sites for the location of barracks for the accommodation of a garrison in charge of fortifications.

The amendment was agreed to.

The next amendment was, under the head of "Naval establishment," on page 31, after line 15, to insert:

PAY OF THE NAVY.

For the payment to the following-named officers of the United States Navy, their heirs or legal representatives, the amounts hereinafter stated, for expenses of subsistence at Key West, or Havana, or both, between February 15, 1898, and May 1, 1898, checked, or directed to be checked, against their accounts: Capt. Charles D. Sigsbee, $137.33; Commander Richard Wainwright, $9; Lieut. Commander George F. W. Holman, $92.63; Lieut. John Hood, $101.33; Lieut. Carl W. Jungen, $95; Lieut. Frederic C. Bowers, $101.33; Lieut. George P. Blow, $95.33; Lieut. Wilfrid V. Powelson, $25.93; Lieut. John R. Morris, $101.33; Ensign Frank H. Brumby, $66.67; Ensign Jonas H. Holden, $140.76; Ensign Wat T. Cluverius, $140.76; Ensign Pope Washington, $84; Ensign Arthur Crenshaw, $84; Ensign Amon Bronson, $101.33; Ensign David F. Boyd, $98.33; Surg. Lucien G. Heneberger, $142; Paymaster Charles M. Ray, $142; Chaplain John P. Chidwick, $140.76; Capt. Albertus W. Catlin, United States Marine Corps, $84; Boatswain Francis E. Larkin, $84; Gunner Charles Morgan, $85.20; Gunner Joseph Hill, $107.33; Carpenter George Helms, $109.04; Pay Clerk Brent McCarthy, $92.33; Pay Inspector Arthur Burtis, $84 (paid on account of Lieut. John J. Blandin, deceased); the heirs or legal representatives of the late Charles P. Howell, commander, United States Navy, $140.76; in all, $2,656.48.

The amendment was agreed to.

The next amendment was, on page 33, after line 7, to insert:

That the provision in the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1899, and for prior years, and for other purposes," approved March 3, 1899, authorizing payment to the officers and enlisted men comprising the temporary force of the Navy during the war with Spain who served creditably beyond the limits of the United States of two months' extra pay, and to those who so served within the limits of the United States of one month's extra pay, is hereby amended so as to authorize the payment to the heirs or legal representatives of the officers and enlisted men entitled to the benefits of said provision who died, or may hereafter die, of the extra pay therein provided for.

The amendment was agreed to.

The next amendment was, on page 33, after line 21, to insert:

NAVAL OBSERVATORY.

Observation of total eclipse of the sun in May, 1900: For preparation and outfit of instruments and their transportation, the purchase of additional apparatus and materials, including photographic material, the erection of suitable buildings at each station, and generally the expenses of preparation and observation, including the living expenses of parties at the several stations, and the available instruments used in observing the transit of Venus in 1874 and 1882 may be also utilized, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 38, after line 11, to insert:

To pay the Atlantic Building Company for rent of the seventh and eighth floors and four rooms on sixth floor of building used and occupied by the Indian Office, for the months of October and November, 1899, at $500 per month, $1,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 16, to insert:

To pay the cost of repair of certain rooms in the Atlantic Building, Washington, D. C., used and occupied by the Indian Office and damaged beyond the condition of ordinary wear and tear as determined by a board appointed by the Secretary of the Interior to assess damages, $214.50.

The amendment was agreed to.

The next amendment was, on page 38, after line 22, to insert:

For stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission and the Geological Survey, $11,000.

The amendment was agreed to.

The next amendment was, under the subhead "Geological Survey," on page 42, line 15, to increase the appropriation for continuation of the investigation of the coal and gold resources of Alaska from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was, under the subhead "Indian Affairs," on page 43, after line 17, to insert:

For the prevention and stamping out of smallpox among the whites in the Indian Territory, $15,000.

The amendment was agreed to.

The next amendment was, on page 43, line 22, after the word "and," to strike out "ninety-nine" and insert "ninety-seven;" so as to make the clause read:

To complete the work of the commission appointed by the Secretary of the Interior under section 9 of the Indian act approved June 7, 1897, to meet certain expenses under the agreement with the Chippewa and Christian Indians, reimbursable, $600.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Interior Department," on page 44, line 14, after the word "To," to strike out "reimburse" and insert "pay to the widow of the late;" so as to make the clause read:

To pay to the widow of the late Dr. A. H. Witmer on account of salary withheld, and other disallowances, $537.15.

The amendment was agreed to.

The next amendment was, on page 44, after line 16, to insert:

Reimbursement of John E. Crane: To reimburse John E. Crane, United States commissioner in Alaska, for expenses incurred by him for the relief of destitute and sick Americans at Circle City, Alaska, during 1897 and 1898, $225.70.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 46, after line 9, to insert:

For incidental expenses and for employment of temporary assistance and workmen necessary for the care and custody of the buildings in the District of Columbia rented by the Department of Justice, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," at the top of page 48, to insert:

To enable the Post-Office Department to be properly represented at the celebration of the twenty-fifth anniversary of the organization of the Universal Postal Union, to be held at Berne, Switzerland, beginning July 2, 1900, by delegates to be appointed for that purpose by the Postmaster-General, who is hereby authorized, in his discretion, to fix a per diem allowance to the same in lieu of expenses, $3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Out of the postal revenues," on page 48, line 24, after the word "dollars," to insert the following proviso:

Provided, That in administering the service under this appropriation no deficiency shall be created therein.

The amendment was agreed to.

The next amendment was, under the head of "Paris Exposition," on page 50, line 1, after the word "expended," to insert the following proviso:

Provided, That the Commissioner of Patents is authorized and directed to allow such patent models as have been previously exhibited at any international exposition as the Secretary of the Interior may select, to be transported to and from and exhibited at said exposition in the custody of an employee of the Patent Office duly designated for that purpose by the Commissioner of Patents; such models to be returned to the Patent Office at the close of the exposition; but no models shall be removed concerning which litigation is now pending.

The amendment was agreed to.

The next amendment was, under the same head, on page 50, after line 10, to insert:

For six additional commissioners, to be appointed as provided by the sundry civil appropriation act, approved July 1, 1898, who shall perform the duties and be subject to the limitations prescribed therein, at $3,000 each, $18,000.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 50, after line 16, to insert:

SENATE.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 23, to insert:

For miscellaneous items, exclusive of labor, $15,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 25, to insert:

For repairs of Maltby Building, $1,000.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

To enable the Secretary of the Senate to pay the expenses connected with the reception and unveiling of the statue of Daniel Webster on January 18, 1900, incurred by the joint committee of the Senate and House of Representatives, upon vouchers to be approved by the chairman of said committee, $700, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "Under the Public Printer," on page 52, line 6, after the word "For," to insert "printing and binding for;" so as to make the clause read:

For printing and binding for the Treasury Department, $120,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 11, to insert:

For printing and binding for the Department of the Interior, including the Civil Service Commission, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 53, line 19, before the word "dollars," to strike out "House Document No. 27, two hundred and forty-two thousand one hundred and twelve," and insert "Senate Document No. 84, three hundred and ninety-six thousand nine hundred and sixty-seven;" so as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Document No. 84, $396,967.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 54, line 15, after the word "twenty-six," to insert "and Senate Document No. 99;" and in line 19, before the word "cents," to strike out "twenty-three thousand nine hundred and twenty-five dollars and sixty" and insert "fifty-one thousand six hundred and fifty-five dollars and eighty-two;" so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 226 and Senate Document No. 99, $2,151,655.82.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PETTIGREW. I should like to ask the Senator in charge of the bill what is the total amount proposed to be appropriated by it?

Mr. HALE. About $9,000,000.

Mr. PETTIGREW. The total amount appropriated by the bill is about $9,000,000?

Mr. HALE. Nine million and odd dollars.

Mr. PETTIGREW. Is there any item in the bill to pay for the rent of the custom-house in New York?

Mr. HALE. No; of course there are a thousand items in the bill. I have read it over several times. I am satisfied there is no item of that kind. There is an amendment which was proposed to be offered on the floor touching that, and when the subject was called to my attention I declined to offer it, because it is not a matter that should come into this bill.

Mr. PETTIGREW. I should like to have the committee inform me what portion of this deficiency appropriation is for expenses of carrying on the war in the Philippines?

Mr. HALE. Of course I can not segregate that item, because the expenses of the War Department are general. They run over the Quartermaster's Department, the Commissary Department, the Pay Department, the Signal Corps, Medical and Surgery, and the other divisions of the War Department. How much of these War Department reappropriations, which amount to about $45,000,000, will be expended upon the Philippine service I do not know. I do not know whether an inquiry directed to the War Department by the Senate, at the instance of the Senator from South Dakota, would elicit that information. I suppose that approximately it might; but there is nothing in this appropriation bill that conveys to my mind or can convey to any Senator's mind the distinction between that service in the War Department and the other.

I have no doubt that it is a very large proportion of this amount that is being so expended, because the most of the Army is there, the most of the officers are there, and the transportation of supplies and of troops and all the incidents to war touch the Philippine Islands; and the Senator knows, as every Senator knows, that there is no war so expensive as an expeditionary war.

I must ask the Senator to be content with that answer. I did not conceive, as the Senator in charge of the bill, that I would be called upon to furnish anything more definite than that statement. At any rate, I can not furnish it.

Mr. PETTIGREW. Mr. President, I am not going to antagonize the passage of this bill. I believe that the entire expenditure of the Government in carrying on a war in the Philippine Islands is unnecessary and unjust, and that there can be no possible excuse found to justify it under any circumstances. The war in the Philippines could cease to-morrow if we should do that which we would insist upon being done if we were situated as the Filipinos are situated.

While I am not going to refuse to vote supplies at this time to the Government, I feel like entering my protest against expending the money collected from the people of the United States by taxation for the purpose of conquering the people of the Philippines and depriving them of the right to govern themselves.

Mr. HALE. It is proper, perhaps, that I should state—it may be that I did not in answer to the Senator's question—that while the appropriations direct are but nine million and odd thousands, there are funds that we have given in our generosity before that are reappropriated, amounting to forty-seven million and odd thousand dollars.

Mr. PETTIGREW. Here is a war, Mr. President, against a constituted government that Congress has not declared, and we propose without inquiry to vote money to carry it on. It seems to me that it is the first duty of this Congress to take up and determine the question of right or wrong, and ascertain whether there is an occasion for the loss of life and the expenditure of money in the effort to conquer those people, and that that ought to be done before we approve any further by the appropriation of money the acts of the Administration in this connection.

I do not care, Mr. President, to discuss this question at the present time, but I do desire to enter my protest against a further approval of this business.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADJOURNMENT TO MONDAY—THE FINANCIAL BILL.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. ALLISON. I wish to suggest to the Senator from Maine I think that ought not to be done unless our friends on the other side will say to us that they do not wish on to-morrow to continue the debate on the financial bill.

Mr. HALE. I had understood that no Senator desires to speak to-morrow. I know that many Senators desire the day for business at the Departments.

Mr. JONES of Arkansas. I do not know of any Senator on this side who desires to take the floor at this time on the financial bill.

Mr. ALLISON. Or for to-morrow?

Mr. JONES of Arkansas. Neither for to-morrow or the next day.

Mr. HALE. I was so told.

Mr. ALLISON. In the absence of the Senator from Rhode Island [Mr. ALDRICH], who appears to be absent from the Chamber to-day, he asked me to call attention to the fact that the weeks and days are passing without a discussion of this bill, and to urge its discussion in the Senate so far as it may properly be done. Of course, if there is no debate in view and no one wishes to speak upon that question, I do not object to adjourning over, but certainly it ought not to be made a reason for asking or suggesting a postponement of the final vote upon the financial bill upon the day already fixed by unanimous consent.

Mr. JONES of Arkansas. There will be no proposition to postpone the bill. The time was agreed on to vote; Senators know they have that time; and if they choose to take time to prepare a little bit more thoroughly than they would if the bill were being pressed it is a matter certainly that can not be complained of.

Mr. TELLER. There has been some notice at least given of the discussion of another subject on Monday, so that no one will probably have a chance to discuss the financial bill on Monday.

Mr. JONES of Arkansas. Unanimous consent was given when the bill was taken up that the bill should not give way to anything else after 2 o'clock.

Mr. TELLER. The Senator knows very well that we can not easily say to a Senator who desires to discuss some other question and who has given the notice that he must not do it. It has been the custom of the Senate to allow him to do it. Of course, if the debate is not to go on to-morrow, the Senate can adjourn until Monday, but I do not believe it ought to adjourn over. I know there has been some notice given of a speech on Monday that has nothing to do, I understand, with this financial question. If anyone is ready to discuss the financial bill, I shall insist that he shall have the privilege of doing so, inasmuch as I do not now recall who has given the notice for Monday. But that it is unpleasant to do.

Mr. JONES of Arkansas. I do not understand that any notice has been given for Monday.

Mr. HALE. I should not have made the motion if I had not understood that no Senator on the other side or on this side desires to speak to-morrow.

Mr. PLATT of Connecticut. There is no notice for Monday.

Mr. HALE. As to what will be done on Monday, I do not think what we do to-morrow or the next day will in any way change that. If we come here in the morning, so many Senators desire the day for business at the Departments and other business that we shall have nothing to do and will adjourn. It will bring only a few Senators here. I should be willing to leave the question pretty largely to the Senator from Iowa, who has large experience in this matter and who is standing now as the sponsor for the bill, but I remind him that we will not get any debate to-morrow, I believe, from what we have heard here to-day.

Mr. ALLISON. Now, for the first time, I hear from the other side that they are not prepared to go on with the debate upon the financial bill either to-morrow or the next day. It was only to facilitate the consideration of that bill that I interposed, and not having had an opportunity to consult about it, and no one suggesting to me from the other side that they did not wish to go on to-morrow or the next day, I of course interposed the suggestion that I made. I only desire now to say that, with the exception of this financial bill, I know of no pressing matter before the Senate.

Mr. HALE. Then I will ask that a vote be taken on my motion. If any Senator desired the floor to-morrow, I would not insist upon it, of course.

Mr. CHANDLER. I wish to state that if the junior Senator from Tennessee [Mr. TURLEY] were in the city, I should ask the Senate to-morrow to take up the question concerning a vacant seat in the Senate from the Commonwealth of Pennsylvania. He is absent, and therefore that case will not be proposed for the consideration of the Senate during this week; but when these intervals of indolence take place in the Senate, I shall bring up that case and ask to have it discussed.

Mr. BATE. I wish to say that the junior Senator from Tennessee is necessarily absent. He was telegraphed for for a special purpose. I understand that he can not return before about Monday or Tuesday.

Mr. CHANDLER. I understood that the junior Senator from Tennessee would be necessarily absent until next week. As soon as he returns that case will be brought to the attention of the Senate.

Mr. TELLER. I wish to suggest that several Senators have given notice of speeches to be made on subjects other than the financial question. Some of them have been crowded out, and by the usual custom they will feel at liberty to make their speeches on some other day. Thus we are liable to be crowded into the last of the time and to have no opportunity to make the financial debate without seeming to be discourteous to our associates.

The Senator from New Hampshire [Mr. CHANDLER] and the Senator from Mississippi [Mr. MONEY] have notices here on the Calendar to discuss a question that it seems to me is a moot question, but of course they are entitled to discuss it. It is the question as to whether the proposed constitution of North Carolina will be a constitutional constitution or not. If we follow the usual custom of allowing Senators to come in with speeches of which they have given notice, we shall find ourselves at the last with a number of Senators who will want to speak on the financial subject, but who will have no opportunity.

Mr. JONES of Arkansas. The Senator from Mississippi [Mr. MONEY] desires to speak to-day.

Mr. MONEY. I gave notice two days ago that after the business of the morning hour to-day I would address the Senate on the resolution of the Senator from North Carolina [Mr. PRITCHARD].

Mr. HALE. I do not understand that to-morrow or the next day have been mortgaged by any Senators.

Mr. CHANDLER. No; there is no notice for speeches on those days.

Mr. TELLER. They are not mortgaged, but what I want to say is that I hope Senators who are going to make speeches on other subjects will make them in time and not interfere with those who will desire to speak on the financial bill. I know several Senators who expect to make a speech on the financial question. I shall feel at liberty to insist that the financial question shall be the question before the Senate if anybody wants to speak on it at any time.

Mr. JONES of Arkansas. That was the unanimous-consent agreement.

Mr. TELLER. I do not like to be discourteous to any Senator who would like to speak, but I shall insist after Monday that nothing, not even the courtesy of the Senate, shall allow the financial bill to be set aside if anyone wants to speak on it.

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. Debate is proceeding by unanimous consent.

Mr. PETTIGREW. I suppose we shall have an opportunity to discuss the financial bill on the conference report. I am anxious to make some remarks on the subject, but inasmuch as the House has passed one bill and the Senate committee have proposed another, I thought I should like to discuss the measure which the majority finally conclude to present to the country and I would have that opportunity in discussing the conference report, which will really make the bill which we are to consider. I understand there is no limit to debate upon a conference report, and I prefer, as far as I am concerned, to wait until I ascertain what is presented here finally for consideration.

I am well aware that as the matter now stands a measure entirely different, another scheme entirely, may be presented to this body by the conference committee, and with the latitude we have allowed to committees of conference it can be almost entirely a new measure. Therefore, if it is understood that there is no limit to the debate on the conference report, I should prefer to defer my remarks until that time.

Mr. ALLEN. Mr. President, I wish to ask the Senator from Iowa, who speaks for the chairman of the Committee on Finance, whether we are to understand that debate on the opposite side of the Chamber upon the currency bill goes entirely by default?

Mr. ALLISON. Mr. President, I am not authorized to speak for the chairman of the Finance Committee on that special point. The chairman has already explained his views upon the substitute offered by the Committee on Finance.

Mr. TELLER. He said he did not know of anyone else.

Mr. ALLISON. I am reminded that he said he did not know that anyone else upon this side intended to speak upon the subject. I should think that later on perhaps there might be some observations on the bill before its final passage from Senators on this side of the Chamber. I myself may want to make a few observations at some stage of the proceeding; but if the bill could be passed now, or if I could understand the attitude of the Senators on the other side with respect to it, I might perhaps waive any idea I have of making a suggestion on the subject.

I listened to the Senator from Colorado [Mr. TELLER] as well as I could a few days ago, and I was surprised to find that he places a very different construction upon many of the provisions of the bill from that placed upon them by myself. I wanted to get a little of the trend of opinion on the other side of the Chamber in regard to the detail of the bill before I said very much about it. I do not know that I shall say much about it at any time, but I would not wish to be foreclosed now by the inquiry of the Senator from Nebraska so that I would be debarred from making such observations as I might think proper to make later on in this debate.

Mr. ALLEN. Mr. President, I had the pleasure of listening to the remarks of the senior Senator from Rhode Island [Mr. ALDRICH], the chairman of the Committee on Finance, when this measure was presented by him, and with proper respect for that Senator and the bill he represents I supposed that an additional argument would be offered on the other side of the Chamber in support of the bill. Not a word has been said by our friends on the other side since the Senator from Rhode Island last spoke. It seems to be taken for granted that this measure is so perfect and so complete that no man ought to question its correctness before coming to the support of its provisions on that side of the Chamber. I have been at a loss to know whether it was regarded in that light by our Republican friends or whether, realizing that they had the machine strength, the mere force of numbers to vote it through on the 15th of next month, they intended to remain silent until that time and carry it in spite of all arguments and protests against its adoption.

Now, the remarks of the Senator from Rhode Island were so completely overcome and destroyed by the senior Senator from Colorado [Mr. TELLER] that I supposed the Senator from Iowa or some equally well-informed and experienced Senator would reenforce the Senator from Rhode Island here, but he seems to be left without any support. I especially hoped that something would be said upon the other side of the Chamber that would be in the nature of an argument in support of this most extraordinary measure.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from Nebraska will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. HALE. My motion is still pending.

Mr. ALLISON. I hope the Senator will wait.

Mr. HALE. Let it at least be considered as pending. I do not care for a vote at this moment.

Mr. TELLER. The Senator can renew the motion.

The PRESIDING OFFICER. The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, I had hoped something would be said on the other side of the Chamber in support of this measure, which it took so many months at Atlantic City and elsewhere to formulate and get in shape, so that those of us who do not believe in its provisions or in the policy might have an opportunity to combat the arguments made in this body. Yet not one word has been said here aside from what was said by the Senator from Rhode Island.

An unfortunate death, Mr. President, the deplorable death of the gentleman who was elected to succeed me in this Congress, disconnected me for a time from that continuity of study and thought upon this question that I would have given it if I had expected to return to the Chamber at the present session of Congress. When I left here in March last I turned my attention to another pursuit, and I did not follow my reading and study on the all-important subject of the science of money as I would have followed it if I had remained here or if I had expected to return shortly. Therefore I find myself on my return as a member of the Senate not in a situation to take up the question and discuss it fully at this time. I am trying to prepare myself.

But I want it distinctly understood upon the other side of the Chamber, and by the country, that so far as I am concerned, and so far as those who believe with me are concerned, hostility to the passage of this measure is not at an end.

Why, Mr. President, this measure is a direct violation of every pledge the Republican party has made to this country in the last ten years. It is an open and inexcusable abandonment of every promise. In 1888 the Republicans arraigned the Democratic party for undertaking to demonetize silver. In 1892 it pledged itself to bimetallism, and in 1896, in a qualified way, in favor of international bimetallism.

Now, what has been done to carry out that pledge or those pledges? When the present Administration came into power on the 4th of March, 1897, a commission was appointed under an act passed in the Fifty-fourth Congress, of which the distinguished Senator from Colorado [Mr. WOLCOTT] was chairman, to visit Europe and see what could be done in the way of entering into an international agreement for the coinage of gold and silver.

Mr. CHANDLER. Will the Senator from Nebraska allow me a word?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I agree with the Senator that all these pledges should be fulfilled, and I expect to say so before the debate closes. I want to call the Senator's attention to the fact, however, just now, if it will not interrupt his speech, that the Senator from Mississippi [Mr. MONEY] gave notice several days ago that after the routine morning business to-day he would speak upon the resolution introduced by the Senator from North Carolina [Mr. PRITCHARD], and I do not think that even in behalf of the great principles of bimetallism, which the Senator and I will both advocate on the floor, the Senator ought to take the time away from the Senator from Mississippi.

Mr. ALLEN. I knew the moment I attempted to assail the position of the opposition and show up its weak places there would be some protest against it, but I did not expect it from the Senator from New Hampshire. I realize what the Senator says, and I shall close what I was going to say in a moment.

That pledge was not fulfilled. When the Senator from Colorado [Mr. WOLCOTT] and his associates were abroad, at the time they were attempting in good faith to carry out the pledges of the Republican party, the Secretary of the Treasury, who is a distinguished member of the Republican party, had formulated and caused to be introduced in the House of Representatives a bill substantially the same as this measure, pledging the Government to the single gold standard. At the very time when our commissioners were in Europe, in the midst of the duties imposed upon them by Congress and by the President, the Secretary of the Treasury was before the Committee on Banking and Currency, urging it to adopt this measure pledging the Government to the gold standard. Every party pledge from 1888 down to that time was broken, and when that commission came back, I think in January, 1898, to make their report to the President of the United States they found that every effort had been used in this country to handicap them while they were gone and to destroy their efficiency. So, after that puny and futile effort, the President of the United States and the Republican party turned their backs upon the question presented by the commissioners.

Mr. TELLER. Mr. President, the Senator from Rhode Island who is chairman of the Committee on Finance made a speech on this bill. I have no hesitation in saying it was a very able speech, for it seemed to be the purpose of the speech to escape stating what the bill contained, and he succeeded admirably, I think, in that particular. I felt it my duty briefly to speak what I thought of the bill. The Senator from Rhode Island was present on both days when I spoke. The Senator from Iowa was also present. According to the usual custom of the Senate, the advocates and

supporters of a bill, if it is misrepresented by a speaker, will generally intervene and at least give their opinion. There was not a suggestion——

Mr. ALLISON. Mr. President, will the Senator allow me?

Mr. TELLER. Wait a minute. There was not a suggestion that I was misrepresenting the bill. I should have been most delighted to have heard what was their interpretation of the bill if it was different from mine, but I did not have that opportunity. Now I will hear the Senator.

Mr. ALLISON. If I stated that the Senator from Colorado misrepresented the bill——

Mr. TELLER. No; I do not mean that.

Mr. ALLISON. I did not state it in that form.

Mr. TELLER. Not offensively.

Mr. ALLISON. What I meant to say was that the Senator's understanding, as expressed in his observations, of many provisions of the bill was different from my understanding, and of course at some time I may interpret the bill and its various provisions as I understand them, but I do not care to do so now. Indeed, it may be interpreted by others so that it will not be necessary for me to express any views on the subject.

Mr. TELLER. I expressed my surprise the other day when the Senator from Rhode Island said he did not know that there was to be any further discussion in defense of the bill.

Mr. ALLISON. I did not hear him say that.

Mr. TELLER. He said most distinctly that he knew of no other speech that was to be made in behalf of the bill. I expressed my surprise then that a great question of this kind should be submitted in that way.

Now, I want to say to the Senator from Iowa that if we go on and put such a construction on the bill as we think is justified (and I certainly will put nothing on it that I do not think is justified), it will not do for the Senator and his associates to go on the stump after the bill is passed and say it does not mean what we said it did if they will not here defend their bill.

Mr. President, I propose to submit some further remarks on this bill, and I hope then that if I misinterpret the bill in the slightest degree, any Senator who thinks I am not right will get up and raise the question. I am trying to get at the truth of the bill, Mr. President. I do not care to come here and misinterpret it, nor misinterpret it in any shape or manner, and I have not, in my opinion, in the brief time I have discussed it, talked in any degree about some of the enormities of the bill and some of the evil influences that are to follow. And yet we get nothing at all from the other side. I do not understand that they are to debate it at any time, but it is to go nem con, not because, as the Senator from Nebraska suggested, that they think it is a perfect bill, for I know there are Senators who are going to vote for it who feel it is not, but because they have got in front of the machine that is forcing them on.

I do not mean to be offensive when I say that since the Republican party have surrendered to a caucus and allowed a caucus to dominate them in their judgment in this Senate, we can not expect they will stand up and defend that which their judgment is against. That is the case with some of them, at least, Mr. President. Whenever a man surrenders his judgment to a caucus, he is bound by the caucus. For myself, I never surrendered to a caucus, and I could not surrender to a caucus on a great question involving, as this does, the interests of the whole nation and of all the world because of our great influence.

But, Mr. President, it is the feeling that they have got the votes on their side and they propose to pass the bill and then say to us, as a distinguished citizen of New York once said, "What are you going to do about it?" They say, "We have got the power, and we are going to put this bill through. If you do not like it, you can do the other thing." That is the sentiment which seems to animate, with rare exceptions, the Republicans of this Senate today. I will not include all of them in that statement.

Mr. CHANDLER. Will the Senator allow me to say that there has been no Republican caucus on this bill and that there is to be none?

Mr. TELLER. Oh, Mr. President, that is a mere way of avoiding the statement I have made. A caucus was held, and the public were told that a caucus was held, that a committee had been appointed by the caucus to go down to a watering place on the Atlantic coast and take the bill, which had been sent to them from Indianapolis, and see whether it was suitable or not. That is the fact, and it will not do for anybody to deny it. There may have been no Senatorial caucus, but there has been a caucus. A caucus committee reported this bill to the House of Representatives, and this is the first time in the history of this or any other nation of free people when such a bill has been presented, coming from no committee, having had no consideration of the committee of that body, and having had practically no consideration by the committee of this body.

Mr. President, I did not rise to interfere with the Senator from Mississippi, but I shall take occasion before this debate is over to continue some remarks in the line I have started in on to-day.

Mr. ALLISON. Will the Senator yield to me?

Mr. TELLER. I have concluded for the present.

Mr. ALLISON. I mean the Senator from Mississippi.

Mr. MONEY. I yield to the Senator.

Mr. ALLISON. Mr. President, I do not desire or intend in any way to impugn the motives of Senators on either side of the Chamber or to charge delay in the discussion of this measure to either side of the Chamber.

When the Senator from Maine [Mr. HALE] proposed an adjournment over until Monday, I suggested that it ought not to be done if Senators on the other side desired to discuss the bill now pending. On the assurances of Senators on the other side that they did not wish to discuss it during this week, I yielded, of course, to the motion of the Senator from Maine.

I take it for granted, not having heard from the Senator from Rhode Island [Mr. ALDRICH] on this subject for some days, that there will be debate on this bill on both sides of the Chamber, that Senators on both sides will express their views as to the details of the bill, and that there will be discussion as to how far the bill as reported by the Senate Finance Committee is a departure from well sustained and supported Republican principles in the past. I made the suggestion to the Senator from Colorado that I place a very different construction on some of the details of the bill from what I understood him to place upon them. I am speaking now of the amendments of the Senate Finance Committee to the bill. I understood the Senator to say that the effect of the Senate amendments will be to withdraw entirely the greenbacks from circulation and substitute bonds for them. I understood him also to say, in effect, that the result would be a withdrawal in time, under the operations of the bill, of all the silver money and silver certificates in circulation. I certainly can not accept that interpretation. I only mention these two as illustrations of the Senator's contention.

Mr. BERRY. If the Senator from Iowa will permit me, the House bill does that thing beyond question, does it not?

Mr. ALLISON. I do not say now whether it does or not. I am only speaking now—I shall perhaps allude to that later on—of the Senate committee amendments as I understand them. I place a very different interpretation as respects the effect of the Senate committee amendments upon the existing currency of our country——

Mr. ALLEN. Mr. President——

Mr. ALLISON. I shall undertake to show, if the Senator from Nebraska will allow me, that the Senate amendments are so fabricated in their phraseology and in their intent and purpose that it will not be possible for any Secretary of the Treasury or any power in this Government to impound permanently either the greenbacks or the silver certificates or prevent the circulation of silver dollars; but I shall not undertake that debate now. I shall not interfere with the Senator from Mississippi. That, however, is what I meant when I said that I thought the Senator from Colorado misapprehended the true intent and purpose of the Senate committee amendments; and at some time early in the debate, or late in the debate, I shall endeavor to give my interpretation at least of the various provisions in the Senate committee amendments.

Mr. CHANDLER. I now renew the motion made by the Senator from Maine [Mr. HALE], that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

RIGHT OF SUFFRAGE IN NORTH CAROLINA.

Mr. MONEY. I ask that the resolution of the Senator from North Carolina [Mr. PRITCHARD] may be read.

The PRESIDING OFFICER (Mr. CLAY in the chair). The Chair lays before the Senate the resolution referred to by the Senator from Mississippi, which will be read.

The Secretary read the resolution submitted by Mr. PRITCHARD on the 8th instant, as follows:

Resolved, That an enactment, by constitution or otherwise, by any State which confers the right to vote upon any of its citizens because of their descent from certain persons or classes of persons, and excludes other citizens because they are not descended from such persons or classes of persons, having all other qualifications prescribed by law, in the opinion of the Senate, is in violation of the fourteenth and fifteenth amendments to the Constitution of the United States and of a fundamental principle of our republican form of government.

Mr. MONEY. Mr. President, in accordance with the notice I gave a few days ago, I purpose addressing the Senate on the resolution which has just been read by the Secretary. There need be no excuse for any Senator participating in this debate. I certainly have no need of any; and if I had, I have been furnished with the excuse in the speech made by the Senator from North Carolina [Mr. PRITCHARD], which has brought into this argument the name of my State as one of those which have used "unconstitutional methods" to disfranchise certain of its citizens. I hope that I

shall always be willing, if not prepared, to defend my State whenever it is assailed from any quarter.

The Senator states, in the resolution which he has offered and in the speech which he has founded upon it, that three articles of the Constitution of the United States have been violated in several of the Southern States and that there is a proposed violation in his own State, first, of the fourth article of the Constitution of the United States, which declares that—

The United States shall guarantee to every State in this Union a republican form of government, etc.

Then the Senator seriously contended that if the State of North Carolina, through its sovereign citizens, should make an organic law imposing certain restrictions upon the elective franchise it will have lost its republican form of government. It would be very difficult for him to prove that it had lost even the spirit of a republican government; and I can not take very seriously any argument which would go to show that it had lost its form. Certainly there is no contention anywhere, because there has been an absolute concurrence of opinion of all the authorities, that the United States does not anywhere confer upon any being the right of the elective franchise. That is a matter left to the States. The Constitution does, however, place an inhibition against discrimination on account of race, color, or previous condition of servitude. Outside of that one restriction the States can range from one end to the other of all the expedients proposed in order to restrict or enlarge their franchise in any manner that they may deem best to promote their prosperity and progress.

Mr. President, the distinguished Senator from North Carolina addressed the Senate the other day with considerable oratorical effect, but I think I shall show—at least I shall try—that his speech was more imposing in its appearance than sound in the texture of its material; and I am sorry to say, without any disrespect to him, that it was much more ingenious in argument than it was ingenuous. I dislike to be critical, especially hypercritical, but there is nothing left for me in this matter, after discussing certain general principles, but to follow the text of my friend's speech and to make what I consider appropriate comments upon it. I shall endeavor to prove that the proposed constitutional amendment of the State of North Carolina does not conflict with the Constitution of the United States, according to decisions of the Supreme Court of the United States, so as to render it obnoxious to that instrument.

Mr. President, I do not exactly understand—I believe I do understand, too—why this matter has been brought here. There is no question but that the Senate can consider any question which it considers important or unimportant. It can range from the transit of Venus down to the price of putty, and exhaust its mind upon any question which any gentleman may propose. But this case is a serious one, and perhaps the Senator was perfectly justifiable in bringing it to our attention. If, however, there was desired a judicial ascertainment of the constitutionality of this proposed amendment, a case could easily have been made up for the courts on the constitution of the State of Louisiana, of which this proposed amendment is a copy.

But it does not seem so much desirable to have a judicial decision as it is to have a legislative opinion upon this matter; and it seems to me, Mr. President, that the speech of the Senator from North Carolina, together with the amendment, was very much like the newspaper and committee declarations he read on Monday last—mere campaign documents. In other words, it seems to me that the Senator draws upon the Senate of the United States for an auxiliary in a discussion upon the coming contest in his own State. If he can secure an expression from this body that the proposed amendment is unconstitutional, he readily perceives, as you will, that it will exercise an intimidating and deterrent effect upon the voters of North Carolina favoring the amendment. In any State of the Union that would be the necessary result. Many voters will decide at once that whatever this Senate says is the law of the case must be so, and they will not desire in casting their ballots to go against that opinion. They are unwilling to wait for a judicial decision upon it.

In the first place, Mr. President, as to the State of Mississippi, I want to refer to the same authority which was used on Monday by my friend from North Carolina; and I desire to say that I shall cite no other authorities except those which he himself has used. If they can be construed to support his position in this matter, then I will yield the case; but I shall contend that every decision he has quoted here goes against him in the construction that he desires to put upon it. The case of Williams was decided in the State of Mississippi, and the Senator gave his construction of the decision of the court.

I can not see well enough to find what I want, but, in brief, the case was this: Williams took an appeal from the circuit court of Washington County upon a charge of murder, the ground being that the jury was drawn from the electors of a county who were discriminated against in a manner obnoxious to the fifteenth amendment to the Constitution of the United States. The supreme court of the State of Mississippi delivered a very able opinion upon that subject, and that opinion was affirmed by the Supreme Court of the United States, Judge McKenna delivering the opinion. In that case it was said that there was nothing in the constitution of Mississippi in any way obnoxious to the fourteenth and fifteenth amendments. That is the substance of that decision. I am unable to find the place, although I have the book here before me.

Before I proceed further, Mr. President, I call the attention of the Senate to the fact that the speech made by the honorable Senator from North Carolina on Monday last was not based upon the proposed amendment to the constitution in its words, but was based upon what he prints in his speech as the constitutional amendment, which differs from it in various points. In other words, the Senator omits from the fourth section words which are vital to its meaning and makes his argument upon that. Upon a hiatus, created by himself, he founded the superstructure of his argument. Another part of his argument is founded upon a word interpolated by himself in a decision quoted by him. I shall ask the Secretary to read from the laws of the State of North Carolina of last year the proposed amendment. Let the Secretary begin reading at section 5.

The Secretary read as follows:

SEC. 5. No male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications prescribed in section 4 of this article: *Provided*, He shall have registered in accordance with the terms of this section prior to December 1, 1908.

Mr. MONEY. Mr. President, that is not the language upon which the Senator from North Carolina, on Monday last, predicated his speech. In other words, what he prints in his speech as a copy of the law is not a true copy. He omits the words "or at any time prior thereto;" and the absence of those words is the real foundation of the argument made by the Senator on Monday last.

Mr. PRITCHARD. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. MONEY. Certainly.

Mr. PRITCHARD. The proposed amendment which I quoted in my speech is taken from a certified copy, which was sent to me by the secretary of state of North Carolina. It was certainly not intentional on my part to leave out anything which occurred in the amendment, and I have not done so, as I understand it.

Mr. MONEY. I accept that explanation on the part of the Senator.

Mr. PRITCHARD. I did not base my argument on any such ground.

Mr. MONEY. I think I will show that you did.

Mr. PRITCHARD. But I do say that the amendment is unconstitutional as it was read by the Secretary just now. I do not rely on the other in the slightest degree.

Mr. MONEY. Well, Mr. President, I, of course, accept the explanation of the Senator, as I shall accept another from him a little later on, because I do not believe he would be so disingenuous as to base his remarks upon so flimsy a foundation as that; but, at any rate, I called his attention during the progress of his speech to the words "or at any time prior thereto," and I will show before I get through that he puts his argument upon the fact that there are no such words in the proposed constitutional amendment. We shall see. Mr. President, I am laboring under a physical difficulty that I can not very well get over just now.

Mr. PRITCHARD. If I can be of any assistance to the Senator I shall be glad to find for him what he wants.

Mr. MONEY. I want the language of the court in the case of Williams.

Mr. PRITCHARD. I will find it for the Senator.

Mr. MONEY. While my friend is finding the quotation for me, I want to mention for a moment one of the arguments made by the Senator from North Carolina. One of his quotations is as follows:

That each of the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida shall be entitled and admitted to representation in Congress as a State of the Union when the legislature of such State shall have duly ratified the amendment of the Constitution of the United States proposed by the Thirty-ninth Congress, and known as Article XIV, upon the following fundamental conditions: That the constitution of neither of the said States shall ever be so amended or changed as to deprive any citizen or class of citizens of the United States of a right to vote in said State.

I suppose every lawyer knows that whatever restrictions may be put upon a State to enable it to enter the Union, yet when a State has been admitted she is the peer of any other State there, and that she can act without any regard whatever to that restricting provision and has power to do what any other State can do. The Supreme Court has said, and the President of the United States during the progress of the reconstruction measures said, that no State had ever been out of the Union at all, and therefore she need not, so far as the power to change her constitution as she pleased was concerned, within the inhibition of the fourteenth and fifteenth amendments, to make no pledge whatever. As a matter of fact,

there was an intense anxiety throughout the Southern States as to what was to be the fate of those States. We did not know what sort of government we were going to have, and the people were willing to accept almost any sort of conditions in order, not to enter the Union again, but to "resume Federal relations."

The Senator from North Carolina endeavors to make a point on section 4 of the proposed constitutional amendment, which reads as follows:

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language; and before he shall be entitled to vote shall have paid, on or before the 1st day of March of the year in which he proposes to vote, his poll tax, as prescribed by law, for the previous year.

Well, Mr. President, several States of this Union have prescribed an educational qualification, and it can not be said that that violates the fifteenth amendment to the Constitution, because the Senator admits that there are 50,000 negro voters in his State who can read and write. So there is no discrimination pointed out there, as has been said in the decision he has now before him in the case from Mississippi. The Supreme Court said that the convention of Mississippi had swept the whole field of expedients to find something that would restrict the right of suffrage; and as they could not find power under the fifteenth amendment to discriminate against the negro, they discriminated against his characteristics. They did so, Mr. President, not as my friend thinks, to maintain the Democracy dominant, but to maintain a civilization that is dependent very largely upon the Democratic party being in control. If 50,000 negroes in the State of North Carolina can read and write, then where is the discrimination in the illiteracy clause?

Now we get to the argument concerning persons disqualified to vote if they were not voters or if their ancestors were not voters on the 1st day of January, 1867, or prior thereto. As a matter of fact, it is recognized that up to 1835 the free colored people of North Carolina were permitted to vote. It is also well known that many of the people of color in Massachusetts and in other States prior to 1861 were voters, and they may be presumed to have some of their descendants still living in the State of North Carolina. That relieves this section from any charge of discrimination on account of race, color, or previous condition of servitude.

My friend says:

I call upon my Democratic friends to show me a single individual who, while in a condition of servitude, was entitled to vote.

It is not necessary to show that anybody has ever alleged that, but it was only those who were free in the State of North Carolina up to 1835 and entitled to the elective franchise and their descendants, who are supposed to be still numerous in that State.

Mr. PRITCHARD. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. MONEY. Certainly.

Mr. PRITCHARD. May I ask the Senator what is to become of those who had been in a condition of servitude?

Mr. MONEY. If they are illiterate, they will not vote.

Mr. PRITCHARD. I am not speaking of that, but I want to know what will become of them as a class of people. The framers of the fifteenth amendment not only provided that it should not operate against those people on account of race or color, but they went a step further, as the debates will show, and in order that there should be no doubt about the question, they provided that those people should not be discriminated against on account of "previous condition of servitude." Now, I ask my distinguished friend to point me to a single instance wherein any individual in any of the States while in a condition of servitude had the right to vote?

Mr. MONEY. I do not know of any.

Mr. PRITCHARD. I so understand it.

Mr. MONEY. I do not think that is of any importance to this case. This applies to the descendants of those who did vote, and there were a great many of them who were entitled to vote. It does not mean to go any further.

The Senator claims that there is no similarity between the illiteracy clause in the constitution of Massachusetts and that of his State, and he proceeds to read, as I wish I could, from that constitution. His point is that all those who voted at the time the constitution was made in Massachusetts are still entitled to vote, and that it is not so in the constitution proposed in North Carolina; but, as a matter of fact, that distinction is unimportant, because in both instances, in order to preserve the best interests of the country, it was thought best to legislate against illiteracy, and it makes no difference whether a man voted at that time or at any other time. At any rate, he has the time under the constitution to prepare himself for the ballot.

Now, the Senator from North Carolina assumes that if part of this constitutional amendment shall be declared unconstitutional, that part does not carry the remainder with it, and he cites from a decision of Justice Matthews. I should like to find that case.

Mr. PRITCHARD. I think you will find it in 159 United States.

Mr. MONEY. One hundred and fifty-eight United States. I have the case here, I suppose. It is the case of Pollock *vs.* Farmers' Loan and Trust Company, quoting from Sprague *vs.* Thompson (118 U. S., 90, 95):

The insuperable difficulty with the application of that principle of construction to the present instance is, that by rejecting the exceptions intended by the legislature of Georgia the statute is made to enact what confessedly the legislature never meant. It confers upon the statute a positive operation beyond the legislative intent, and beyond what anyone can say it would have enacted in view of the illegality of the exceptions.

Then, again, the court says:

We do not mean to say that an act laying by apportionment a direct tax on all real estate and personal property, or the income thereof, might not also lay excise taxes on business, privileges, employments, and vocations. But this is not such an act, and the scheme must be considered as a whole. Being invalid as to the greater part, and falling, as the tax would, if any part were held valid, in a direction which could not have been contemplated except in connection with the taxation considered as an entirety, we are constrained to conclude that sections 27 to 37, inclusive, of the act which became a law without the signature of the President on August 28, 1894, are wholly inoperative and void.

That is on the income tax. That is not the case I wanted, although it is to the same point.

In the case of George W. Warren and others *vs.* Mayor and Aldermen of Charlestown (68 Mass.), the court says:

When the parts of a statute are so mutually connected and dependent as conditions, considerations, or compensation for each other as to warrant a belief that the legislature intended them as a whole, and that if all could not be carried into effect the legislature would not pass the residue independently, if some parts are unconstitutional and void, all the provisions which are thus dependent, conditional or connected, must fall with them.

That exactly meets the case in point. Now, it is evident that the legislature of the State of North Carolina intended to present a scheme of suffrage to the sovereign people of that State for their adoption. It was a whole scheme; it was something in entirety. It had its several sections, it is true, but, as the court has frequently said, sections are simply artificial and carry no meaning. Two different things may be in the same section, and one thing may be scattered through a dozen sections. Here is the legislature of North Carolina presenting to that people a constitutional amendment upon what? Upon the subject of the elective franchise. And they make their declaration first as to illiteracy.

One must read and write the Constitution. One must pay poll taxes. Then, as a modification of its restrictions as to illiteracy, a liberal condition appended to it, a certain class of people, to wit, those who voted on or prior to the 1st of January, 1867, and their descendants in North Carolina and in other States, are permitted to exercise the franchise.

Now, here is a scheme presented as a whole; and with some regard for the white people of his State I ask the Senator if he believes that that legislature would have presented the scheme minus that section—section 5, I think it is? No, Mr. President; they presented this scheme of suffrage as a whole, one part compensating for another, that called the fifth section moderating the rigor of the fourth section, I believe it is.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. MONEY. Certainly, for a question.

Mr. BUTLER. The Senator has read from two decisions to sustain his contention that if section 5 falls the whole amendment would fall. Now, the Senator no doubt in his researches has found a number of other cases to the contrary; and, I take it, it would be fair, if he is to claim to present to the country what is the consensus of the opinions of our courts on this question, that the decisions which take an opposite position should not be left out and that the weight of authority should be considered. I have on my desk a number of such decisions. I hold in my hand a case with which no doubt the Senator is familiar. It is——

Mr. MONEY. If the Senator wants to ask me a question, he is at liberty to do so, but I object to allowing him to make a speech in mine.

Mr. BUTLER. Is not the Senator willing for a fair statement of the opinions of the Supreme Court on this point to be given at this time?

Mr. MONEY. Not at this time, but in your time.

Mr. BUTLER. Is not the Senator willing for me to put into the RECORD a statement of a number of decisions——

Mr. MONEY. I am willing to be interrupted by the Senator, but I am not willing to have the Senator teach me how to make my speech or instruct me about the line of argument I am to make.

The PRESIDING OFFICER. Does the Senator from Mississippi decline to yield?

Mr. MONEY. I decline to yield to anything but a question.

Mr. BUTLER. If the Senator will pardon me, I do not wish to interfere with him if he is opposed to my calling his attention to a number of decisions of the courts which negative the position he has taken.

Mr. MONEY. I am very willing for the Senator to cite all the

decisions he may have before him, when he speaks. I am pursuing a line of argument I have selected for myself. I have authorities to support me, and I am not willing to make use of the arguments that he presents to support his side of the case.

Mr. BUTLER. I thought the Senator wanted to get the facts in this case.

Mr. MONEY. I am presenting the facts, and I do not need the assistance of the Senator from North Carolina to do it.

The PRESIDING OFFICER. Does the Senator from Mississippi decline to yield?

Mr. MONEY. I decline to yield any further.

Mr. BUTLER. I want to say, in this connection, that I will invite the Senator when I speak to correct any statement I make or to put in any opinions of our courts. I am not afraid of the truth.

Mr. MONEY. If the Senator means to infer that I am afraid of the truth, he could have spared himself that observation. It was not necessary for him to do that. I am not afraid of the truth; I am no more afraid of it than he is; but I propose to pursue my own course in this matter; and when the Senator interrupts me and I politely tell him that he can interrupt me for a question, he ought to observe the usual courtesies of debate and not insist upon my taking up his decisions, which, as he says, I must carefully have looked over, and present them as a part of my argument. I do not wish to be at all uncivil to the Senator from North Carolina, but I must beg him to accord to me the respect that he expects from other people.

Mr. BUTLER. I intended the utmost respect to the Senator, and I did not know that it was offensive for me to call his attention to some Supreme Court decisions until he seemed to be displeased. I beg his pardon for interrupting him. I shall not do it any more.

Mr. MONEY. I do not object to the Senator interrupting on material things, but he must not close his remarks by inferring that I do not want the truth brought out. It is not true, as a matter of fact.

Mr. BUTLER. I simply offered to put into the Senator's remarks this statement of Supreme Court decisions——

Mr. MONEY. I know that.

Mr. BUTLER. If he did not object to it.

Mr. MONEY. I do not intend to let the Senator do it.

Mr. BUTLER. Very well.

Mr. MONEY. He can present it in his own speech.

Mr. BUTLER. I will do so.

Mr. MONEY. Mr. President, I can not find the decision of Mr. Justice Matthews which I desire.

Mr. PRITCHARD. If the Senator will permit me, I have the book here, and I have two places marked.

Mr. MONEY. Let me see it. [Examining book.] That is not the case I want. I can not find the reference, so I will go on with my observations.

I desired, Mr. President, to quote some decisions which I thought were referred to in the speech of the Senator from North Carolina [Mr. PRITCHARD]. I do not at this moment find them. I will get to what I said a while ago, when I said the Senator from North Carolina had interpolated a word in the decision, which I will now read, and upon that he does base an argument. It is the case of Yick Wo *vs.* Hopkins, sheriff:

> Though the law itself is fair on its face and impartial in appearance, yet if it is applied and administered with an evil eye and unequal hand, so as to practically make unjust and illegal discrimination between persons in similar circumstances material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

Now, here is what my friend says:

> Here is an explicit statement by Justice Matthews, which declares that although a law may be fair on its face and impartial in appearance, yet if it is capable of being administered "with an evil eye or an unequal hand," so as to discriminate between persons similarly situated, that the denial of guaranteed rights is violative of the spirit and letter of the Constitution. Will any one deny that the proposed amendment is capable of being administered "with an evil eye and unequal hand?"

The word "capable" is not in the decision.

Mr. PRITCHARD. I do not understand the Senator to contend that I was quoting the language of the decision when I used the word "capable."

Mr. MONEY. It says "an explicit statement by Justice Matthews."

Mr. PRITCHARD. Will the Senator permit me? I will read the section to which he refers, if it will not be an interruption.

Mr. MONEY. Have I not just read that one?

Mr. PRITCHARD. Yes, sir. I based my argument on that decision, and I gave the Senate exactly what the decision said in regard to the matter.

Mr. MONEY. I can not read this; but what it says is that there is nothing that appears in the constitution of Mississippi which is unfair or partial, but it has not been shown that the administration of the law has been with an evil eye. So it is not whether or not the law can be "capable" of being administered with an evil eye, but whether it has been so administered.

Mr. PRITCHARD. May I ask the Senator a question?

Mr. MONEY. Certainly.

Mr. PRITCHARD. Is it not a natural inference that if it was administered with an unequal hand and an evil eye it would be subject to the objection therein stated?

Mr. MONEY. If it had been administered with an unequal hand and an evil eye, then certainly the court itself would have found it was unconstitutional.

Mr. PRITCHARD. That is my contention.

Mr. MONEY. But there is not a statute on the books that is not capable of administration with an unequal hand and an evil eye. It depends upon the integrity of the judge who expounds the law and the officers who administer the law. It has been the custom in every legislature and in every branch of the Government to infer that a public servant will discharge his duties conscientiously, and no man can say in advance that a law is to be administered with an evil eye and a partial hand. Yet my friend puts this remark here as being in the decision itself—that if it is capable of being so administered; and his statement if undisputed will certainly have its effect upon the votes of the people of North Carolina.

Mr. PRITCHARD. I certainly did not intend to do any such thing.

Mr. MONEY. Then I hope that the Senator——

Mr. PRITCHARD. I wish to state in this connection, if the Senator will permit me, that I quoted this decision in reply to a statement which had been made by the Senator from Alabama (Mr. MORGAN) the other day, in which he said that the Mississippi cases practically settle the constitutionality of the proposed amendment to the constitution of North Carolina. I quoted the case to show that it had no relation to it, that it had no bearing on the case one way or the other unless it should turn out that the law in Mississippi had been administered with an evil eye and an unequal hand. In that event I am fully satisfied that the Supreme Court would not hesitate for one moment to declare that it was unconstitutional.

Mr. MONEY. That is very true. When a law like this, which is fair upon its face, has been administered with an evil eye and a partial or an unequal hand, I believe the Supreme Court would have decided that it was unconstitutional; but that does not support the language of my friend, the Senator from North Carolina, because that or any other statute is "capable" of being administered unequally and partially.

Mr. PRITCHARD. I may have been unfortunate in the use of my language, but I certainly intended to convey the idea I have stated.

Mr. PETTUS. Will the Senator from Mississippi allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. PETTUS. Does the fact that a law is badly administered, contrary to its obvious meaning, render the law unconstitutional, or is it merely a violation of the law by the judge who so administers it?

Mr. MONEY. I understand it in that way—that it does not affect the constitutionality of the law; and that is why I say that this word "capable" gives a new meaning to the law which the courts have never given to it.

I am not proceeding in the order in which I wish, Mr. President, because I can not find what I want to in the speech of the Senator from North Carolina, but I desire to take note of one statement made here, and of course he will do himself the justice in his speech, when he sends it out, to correct the phraseology of the amendment as he has it in his speech made the other day.

Mr. PRITCHARD. That, I understand, was simply a clerical error of the typewriter, and was not intended by me.

Mr. MONEY. I hope not.

Mr. PRITCHARD. In reply to the Senator, I indicated that it applied to those who were entitled to vote on or before the 1st of January, 1867. That was well understood at the time. I do not know why the words were left out.

Mr. MONEY. The Senator said:

> The grandfather clause will not avail those citizens who, in consequence of poverty and misfortune, are unable to pay their poll tax on or before the 1st of March in the year in which they propose to vote, as provided in section 4 of the proposed amendment.

My friend is in misfortune again, because there is not any such provision in the amendment. There is no provision in the amendment that a man shall pay his taxes for 1900 before March 1, 1900, as stated by the Senator, but, on the contrary, the taxes of the previous year shall be paid before March, 1900. In other words, if a man wishes to vote in the year 1900, he must, before the 1st of March, 1900, have paid the taxes of 1899. Certainly the Senator is at fault in that statement; and if it goes to North Carolina uncorrected, we know not what influence it will have, coming from so distinguished a source—a man respected by his own people and a man whose opinions have been received and are received generally and justly. But when he says to them, You have got to pay the taxes of this year by the 1st of March instead of the taxes

of last year by the 1st of March, what will they consider? They will take it for granted that it is true; and as a matter of fact the law states that it is not true. The Senator was mistaken again about that. So the plea of poverty on the part of the man who is unable to get up enough money to pay his taxes by the 1st of March disappears, because he has had fifteen months in which to get up those taxes.

Mr. PRITCHARD. May I interrupt the Senator again?

Mr. MONEY. Certainly.

Mr. PRITCHARD. Is the Senator of the opinion that the grandfather clause will avail those who are unable to pay their poll tax of the previous year, as he has stated it?

Mr. MONEY. What I am speaking of now is the statement the Senator made here that these poor citizens had to pay by the 1st of March the taxes of that year, when the law expressly states that it is for the previous year.

Mr. PRITCHARD. I think I have asked the Senator a very pertinent question, as to whether or not the payment of the poll tax is necessary in order to avail them of the benefits intended to be conferred by section 5.

Mr. MONEY. As I understand it, the poll tax is necessary for everybody in the State.

Mr. PRITCHARD. That is to say, no white man will be excluded from the enjoyment of its provisions provided he shall pay his poll tax.

Mr. MONEY. I do not believe there is anybody exempted, and I do not believe there is any State in the Union that exempts anybody from the poll tax.

Mr. PRITCHARD. That is what I want to settle. I thought we could agree about that.

Mr. MONEY. No State, so far as I know, exempts anybody from the poll tax. Some States do not make it a requisite for voting. In my State it is required of every man. But certainly the Senator's argument of discrimination on account of race, color, or previous condition of servitude falls to the ground.

He also in another place amplifies the language of the amendment. It gives me no pleasure, Mr. President, to call the Senator, whom I so highly regard, to account for these little words that come in here interpolated into the law because, as I said, his statement is designed for a campaign document. It will go to every household in the State of North Carolina. The Senator's high character and standing before that people and the country give it great weight with those people, and they will take every word that he says as literally true as representing the law.

Let us see in another case. He says here:

How many men in your voting precinct if called upon to-morrow to write any section of the Constitution in the English language from dictation, would be able to correctly write the same?

There is no such requirement in the law. The law does not say a man shall read it correctly. It says he shall read it. It makes no difference whether he reads it correctly or incorrectly. It is just as in the case of the constitution of the State of Mississippi, where, in order in some way to alleviate the rigor of the clause requiring ability to read, it was said that if the citizen could not read the constitution or a section of it, he should understand it and be able to interpret it, and it was well understood that that was a liberalizing of the provision; that he was not expected to make such an interpretation of it as a lawyer would speaking before a court or a judge from the bench, or an ordinarily intelligent man discussing it on the street corner.

Mr. PRITCHARD. I do not wish to put the Senator off his guard.

Mr. MONEY. It does not make any difference. The Senator can get up as often as he wishes.

Mr. PRITCHARD. I want to ask the Senator if he does not think, when it says they must read and write the constitution, that the inference is they must be able to read and write it——

Mr. MONEY. Oh, yes.

Mr. PRITCHARD. Write it correctly and read it correctly?

Mr. MONEY. No, I do not. I do not admit——

Mr. PRITCHARD. By what rule of construction does the Senator arrive at that conclusion?

Mr. MONEY. I just simply take the law. The law states that they must be able to read and write. The law does not state they must read and write it correctly. There are a great many people amongst the voters of every State, both black and white, who can read the law, but will not read it correctly, and who can write the law, but will not write it correctly, and they come within this provision and are entitled to vote.

In his speech the distinguished Senator paid a very high and deserved tribute to the brave citizens of North Carolina who went into the civil war under the banner of the Confederacy and returned to homes which had been devastated and ruined, while their antagonists upon the field had gone home to peace and plenty, and all that; and he wants to show us that the descendants of those men will not be able to vote. I think that was the burden of his argument. If the Senator from North Carolina will find it for me, I will be very much obliged to him.

Mr. PRITCHARD. I will accommodate the Senator. Does he want me to read it for him?

Mr. MONEY. If you can find that part in which you allude to the return of the Confederate soldier to his home, I will be obliged to you.

Mr. PRITCHARD. Very well.

Mr. MONEY. While the Senator is looking for that, I want to say that there is no man living who has more respect for the people of North Carolina than I have. My father was born in that State, and both of the parents of my wife were born in North Carolina; and her conservatism, her steadiness, and her intelligence have been equal to those of any of her sister States. On any field, whether during the Revolutionary war or the civil war, no troops behaved better. I had the pleasure once of being brigaded with a North Carolina regiment, and no more gallant fellows ever trod upon battlefield. I would go as far as the Senator from North Carolina to resist inflicting upon what he calls the very poor people of the State any sort of deprivation of their rights, but these people have made an experiment of the elective franchise in the hands of the colored men, and when he cites what was said in 1870 and at other times, they were beginning then to try the experiment of negro suffrage.

They have tried that experiment, and while my friend says that there is no fear of domination of North Carolina by the negroes on account of their numerical inferiority, yet I will remind him that he said that ten or twelve counties in his State are under the control of the negroes so far as votes go—that is, they have the numerical superiority in votes—and that the condition of some sections of his State only a year and a half ago was utterly lamentable. I have here, which I may have occasion to have printed, begging leave to do so, the statement made by a gentleman now, I believe, a contestee in the other House, of the condition of things in Wilmington just prior to the election of 1898, and also of Mr. Chadbourn, who was the postmaster at that place, I believe, which shows a condition of things that would simply appear to me to be intolerable.

Now, these gentlemen, having tried negro suffrage, having found that they were unable to preserve the progress of their State and its prosperity, to advance in their civilization, have found, as they think, a peaceful and constitutional way, not amenable to objection, because tried by other States and not found objectionable by the courts of the country, in order to establish themselves more firmly in their civil government, to bring the advantages and benefits of good government to them and to their children.

This race question, which I do not care now to discuss, but which I will discuss later on, is one that is entering vitally into the condition of every one of the Southern States and of the whole Union; and while I claim that there is no discrimination on account of race, color, or previous condition of servitude, yet there may be a discrimination on account of the characteristics that may mark one race. It is quite likely that there is, and it was so designed; but it is not what some people have called "skin" government—government according to the color of the skin, which is, they say, a moral unreasonableness, but it is because the skin is the evidence and the indication of certain qualities, the possessors of which have manifested capacity for government ever since the races came upon the globe.

If my friend has found that part of his speech, I will be glad to get it.

Mr. PRITCHARD. Do you desire me to read it?

Mr. MONEY. If you please.

Mr. PRITCHARD. I will read what I said:

It is also contended by some that the proposed amendment contains identically the same provisions that are to be found in the amendment to the constitution of the State of Massachusetts.

* * * * * * *

It is unfair to attempt a comparison between North Carolina and Massachusetts, when it is well known that Massachusetts has all the while had the best public-school system of any State in the Union——

Mr. MONEY. I do not think that is the part of my friend's speech? I want him to turn to the part where he spoke of the Confederate soldier.

Mr. PRITCHARD. I am coming to that in a moment.

while ours has been weak and inefficient. At the close of the late civil war the soldier from the State of Massachusetts returned to a home of peace and plenty—

Mr. MONEY. That is it.

Mr. PRICHARD—

where his children had enjoyed uninterruptedly the benefits of the public school, while, on the other hand, the Confederate soldier returned to a home of desolation and ruin, to find that his children had been denied the privilege that had been enjoyed by the children of Massachusetts.

Is that sufficient?

Mr. MONEY. Yes, sir; that is sufficient.

Mr. President, that does not, I think, show that the children of the Confederate soldier are to be excluded from the franchise.

It is now proposed—

He says—

by the leaders of the Democratic party that his children and their descendants—

Speaking of the Confederate soldier—

shall be denied the right of suffrage because of their inability to read and write the Constitution in the English language.

Mr. PRITCHARD. Yes, sir.

Mr. MONEY. That is correctly reported?

Mr. PRITCHARD. Yes, sir; that is correctly reported.

Mr. MONEY. Does not the Senator know that these very children of the Confederate soldiers are entitled to vote because they are the descendants of people who voted either in 1867 or prior thereto?

Mr. PRITCHARD. The Senator from Mississippi asks me a question. Will he permit me to answer it?

Mr. MONEY. Certainly; that is what I asked you for.

Mr. PRITCHARD. That would certainly be so if the Supreme Court should decide that section 5 is constitutional. But if the Supreme Court should decide that section 5 is unconstitutional, as I am satisfied it will, in that event the white people would be required to undergo this educational test as well as the colored people. In other words, I do not believe that any State legislature has the power to confer the right to vote by inheritance on any class of people residing therein.

Mr. DAVIS. And deny it to another.

Mr. PRITCHARD. And deny it to another class of people who are similarly situated. In the event they should decide that to be the law (and they have already decided that to be the law in every case that has ever been considered, as far as I am informed) the white people of North Carolina will be compelled to stand the same test that is required of the colored people.

Mr. MONEY. I showed a while ago from the decision I quoted, and some which I desired to read I could not find, that when this scheme of franchise submitted by the legislature was passed upon it wou d all stand or all fall together. I do not believe that there is a reasonable doubt of that fact. I read from some decisions that I had in my hand then, and there are others concurring, which I can not now find.

Mr. PRITCHARD. I will gladly assist the Senator in any way, if there is any book I can turn to for him.

Mr. MONEY. If I could see it I would be very glad.

Mr. PRITCHARD. If I knew what the Senator wanted, I would take great pleasure in helping him.

Mr. MONEY. Here is Cooley's Constitutional Limitations, a very good authority; everybody so considers. Here is what Cooley says:

Where, therefore, a part of a statute is unconstitutional, that fact does not authorize the courts to declare the remainder void also, unless all the provisions are connected in subject-matter, depending on each other, operating together for the same purpose, or otherwise so connected together in meaning that it can not be presumed the legislature would have passed the one without the other.

That is Cooley on limitation of power, who has used in this matter the very language of the decision in the case of Commonwealth *vs.* Hitchings, decided in 5 Gray, the supreme court of the State of Massachusetts. Judge Cooley goes on to say:

The constitutional and unconstitutional provisions may even be contained in the same section and yet be perfectly distinct and separable, so that the first may stand though the last fall. The point is not whether they are contained in the same section, for the distribution into sections is purely artificial, but whether they are essentially and inseparably connected in substance. If, when the constitutional portion is stricken out, that which remains is complete in itself and capable of being executed in accordance with the apparent legislative intent, wholly independent of that which was rejected, it must be sustained.

All that I have read from Cooley is literally quoted from decisions made in 5 Gray, case of Commonwealth *vs.* Hitchings, 485; Eels *vs.* People (5 Ill., 512); Robinson *vs.* Bidwell (22 Cal., 379), and quite a number of cases. Cooley continues:

But if its purpose is to accomplish a single object only, and some of its provisions are void, the whole must fail unless sufficient remains to effect the object without the aid of the invalid portion.

Now, Mr. President, I submit that nothing can be clearer than this. That is taken from the case of Santo *vs.* State (2 Iowa, 165).

In other words, the Senator from North Carolina bases his argument upon the conclusion in his mind that if the fifth section, "January 1, 1867, or prior to that time," etc., shall be declared unconstitutional, the balance will stand, and, as I said, that therefore those Confederate soldiers' children will be deprived of the right to vote, because they would be put in the class then with other illiterates. I think, from this author, who is admitted to be one of the best upon constitutional law and who here in writing does not give his own language, but the language in every instance of the court itself, I have shown conclusively that if the legislature of North Carolina intended that all these sections should go together and be part of one general plan of suffrage, when one falls to the ground the others must fall, too.

For if it is true, as the Senator states, that the object was to discriminate against the colored man, how, then, can he reconcile that statement with the fact that the legislature did not intend to save the white man and his descendants? In this section, then, that is a material part of the legislative intent. That is a part so material that he knows the legislature would not have passed the other section of the bill, and dared not have done it, without adding this section. There is not a man, I believe, in the State of North Carolina who believes that that legislature would have submitted to the people of that State for their ratification any such frame of law governing suffrage as would in any case exclude these people from the ballot, and therefore——

Mr. DAVIS. Will the Senator from Mississippi allow me to interrupt him, for I am very much interested?

Mr. MONEY. Certainly.

Mr. DAVIS. Is it not apparent upon the face of this legislation that if section 5, if that is the one, is declared unconstitutional, the remainder of the statute can stand and would operate alike upon everybody?

Mr. MONEY. It is apparent to my mind that every part is justly fitted to compose the whole. It is all open; one subject inseparably connected, one part compensatory for another part, and it all comes within the decisions of the different courts and of the Supreme Court of the United States. In that case when one falls they all fall.

Mr. DAVIS. But suppose one section is declared unconstitutional as affecting a certain class and the rest of the statute can stand affecting everybody. Why can not that alone be declared unconstitutional?

Mr. MONEY. Because it is not carrying out the legislative intent.

Mr. DAVIS. That is to be adjudged from the statute itself.

Mr. MONEY. The legislature intend a certain thing, and they have used language which, if adopted by the State, will secure that intent. To say now that a material part of that law can be elided from the measure and that the remainder can stand goes against Cooley on the constitutional limitation of power and every decision he quotes here and every one I have been able to find. And yet upon that the Senator from North Carolina has based a great deal of his argument, as I said.

I want to say also (of course he has explained to me that it was an inadvertence) it seems to me that as in the case of the Confederate soldiers here, that their children should not vote, he had based his argument upon the fact that the time "prior to that time" was not to be in the amendment.

Mr. PRITCHARD. I did not so intend.

Mr. MONEY. I said I accepted your explanation.

Mr. PRITCHARD. I did not so intend.

Mr. MONEY. I made my statement clearly right, because that appeared from the statement you had printed.

Mr. TILLMAN. I understood the Senator from Mississippi to say a moment ago that it is apparent the poll tax would apply to old men in North Carolina.

Mr. MONEY. No; I did not.

Mr. PRITCHARD. Nobody contends that, I think.

Mr. MONEY. No, sir; I did not say that.

Mr. TILLMAN. I understood you to make that statement in your language in regard to the poll tax in answer to some question from the Senator from North Carolina.

Mr. MONEY. I made no allusion to any old men at all, for they do not generally apply.

Mr. TILLMAN. I will just mention now, in order to make that matter very clear, that under the constitution of North Carolina the limitation on the poll tax is from 21 to 50 years. Therefore no Confederate soldiers, unless some very small number who in a year or two will be out of reach, will be paying any poll tax at all.

Mr. PRITCHARD. Mr. President, will the Senator from Mississippi allow me to interrupt him?

Mr. MONEY. Certainly.

Mr. PRITCHARD. I certainly understand the law to be in my State, and I so declared, that the descendants of Confederate soldiers would be deprived of that right unless they could pay their poll tax. That is what I said.

Mr. TILLMAN. I understood the Senator from Mississippi to speak of old men as though there was no limitation on age.

Mr. PRITCHARD. I do not think he intended to convey that idea.

Mr. MONEY. There are discriminations that are not considered unconstitutional, although it would apparently be a discrimination. Now, for instance, take the constitution of the State of Mississippi. It has never been objected to the provision there enacted, but it is evidently in some sense a discrimination that is an enlargement of the liberty and a softening of the rigor of other parts of the law—that is, in a case where a man is required to live within a State two years and one year in the county within which he proposes to vote, but clergymen are not required to live

so long. Will any man tell me that that statute is unconstitutional because the rigor of the law has been relaxed as to clergymen, who, necessarily from their vocation, change their places of residence very frequently? Why, of course not.

My friend says some of the best people in his State can only make their mark. I have no doubt but that there are a great many of them. Some of the best men I ever knew and some of the most capable men in ordinary affairs of life could not read and had to make their mark. Those gentlemen are protected from the fact that they are voters or descendants of voters in 1867 or prior to that time, and certainly they have until 1908 to register. If they want to vote at all they will make that registry inside of those eight years, and it is impossible that any hardship should fall upon them.

I do not insist myself as strongly as some people do upon an educational qualification in my own State. Not being a part of the constitutional convention, but somewhat active in getting that convention ordered by the legislature, I was explicitly against the whole scheme of literacy as a test. Now, I may have been wrong about that, but I insist more upon brain capacity than I do upon a schoolbook education. I believe in that mysterious and far-reaching influence of blood, that accumulating, intensifying capacity resulting from generations of practice of the individual, until it at last becomes the instinct of the race. I believe in that capacity born in the forest of Germany, upon the banks of the Elbe, and the bogs of Friesland, growing as related by Sir Henry Maine and founded upon the development of the individual and respect for women.

I believe that you might educate the negroes through the common school—every single one of them—and that they would still be incapable of conceiving or executing a self-governing republic like this. He has never yet shown the capacity, I do not care where he may have been situated. In Africa, his native land, he never yet rose to a legislative assembly or a judicial tribunal. It is the oldest continent in the world, if geologists can be believed. Sir Roderick Murchison says so. The negro was there undisturbed for thousands of years. Never by his own effort has he risen to anything like semicivilization.

Mr. PRITCHARD. Will the Senator allow me? I do not want to break into his speech, but I should like to ask him a question.

Mr. MONEY. All right.

Mr. PRITCHARD. I know the Senator does not want to intentionally misquote me.

Mr. MONEY. No; I do not intend to do so.

Mr. PRITCHARD. And to misquote the proposed amendment to the constitution. I want to call my distinguished friend's attention to the fact that the constitution does read that he shall pay his poll tax on or before the first day of March in the year in which he proposes to vote—that is, the tax which is due for the previous year.

Mr. MONEY. Yes; that is correct.

Mr. PRITCHARD. That is the only tax that he could pay at that time. Under the laws of North Carolina we give the tax list to the sheriff on the 1st day of September, and that tax list runs until the 1st day of the next September. Therefore he pays the tax on or before the 1st day of March of the year in which he proposes to vote. I take it that my distinguished friend will cheerfully make this correction, because he undertook to put me in the position of saying that the voter had to pay his poll tax in one year when the law required him to pay it in another year.

Mr. MONEY. The Senator misunderstood me.

Mr. PRITCHARD. I contend that I am fully justified in taking the position I did. But he would not be able to pay his tax promptly on or before the 1st day of March in the year in which he was entitled to vote, for it is well known in that State that numbers of individuals do not pay their poll tax now until along in the summer months, and sometimes not until the fall months.

Mr. MONEY. Mr. President, I did not misstate the Senator.

Mr. PRITCHARD. I know the Senator did not do it intentionally.

Mr. MONEY. I did not do it at all, because I read all the Senator said, if he will allow me.

Mr. PRITCHARD. But the Senator put an improper construction on the constitution; that is the trouble.

Mr. MONEY. I am going to read it. I certainly did not intend to misstate what the Senator said, and I do not think I did. Now, here is what the Senator says:

> How many men in your voting precinct, if called upon to-morrow to write any section of the Constitution in the English language—

Now, I invite the attention of the Senator to his language here, which I presume he corrected before he let it go to the press.

Mr. PRITCHARD. Yes, sir.

Mr. MONEY. It is the language I read, and the comments that I made upon it I think were entirely justified. I certainly would not want to do him any injustice.

Mr. PRITCHARD. I know you do not.

Mr. MONEY. And I will not permit myself to do so. For the Senator I have the very warmest regard. But I think it is fair in debate to comment upon the printed language, and to derive from it the meaning which generally belongs to that language.

> "Provided such persons shall have paid their poll tax as required by law." That is to say—

Now, I am using the language of the Senator from North Carolina—

> That is to say, the grandfather clause will not avail those citizens who, in consequence of poverty and misfortune, are unable to pay their poll tax on or before the 1st of March in the year in which they propose to vote, as provided in section 4 of the proposed amendment.

Mr. PRITCHARD. Mr. President, I think I was perfectly justified in saying that he was required to pay the poll tax which was then due. He certainly could not pay a poll tax that had not been assessed against him. That was all I contended, one way or the other; and I am sure my distinguished friend does not undertake to do me an injustice, because I know no man in the Chamber for whom I have a higher regard than the Senator who is now speaking.

Mr. MONEY. Oh, no; I do not intend to do the Senator an injustice. I am glad the Senator has made that explanation. All through the Senator's speech, however, and I believe it will have its effect in the State of North Carolina, as it ought, runs the idea that a great number of white people, sons of Confederate soldiers among others, are to be disfranchised by reason of illiteracy, because of the fact that the whole system falls together.

Now, if he can impress that by reiteration upon the minds of a large number of people in North Carolina, they may be deterred in their resolution to vote for these amendments, believing that they are the excluded or proscribed people. I cited the decisions which show that this is an unjustifiable conclusion, and I have read the text-book authority.

I was proceeding a while ago, Mr. President, to say that the people of North Carolina are justified, by every means that they could use, not unconstitutional, by every peaceful method, to reduce as far as possible a dangerous element in their voting population. As a matter of fact, the capacity of the white man to govern himself has never yet been finally demonstrated. We are making perhaps as grand an experiment as was ever made on the face of the earth, but we are just now approaching what I may call the crucial period in the history of this country, when it is soon to be determined whether the white man, with his inherent capacity, with his sustained resolution, his fixedness of purpose, his intelligence, and his public virtues, will be equal to the task of self-government, at which so many other peoples have failed before in human history.

Mr. President, there is an instinctive feeling of self-preservation in this race, in every race. As I was proceeding to say, we have reached the point in our history when it is to be shown whether the American white man is capable of continuing a self-governing Republic. Already there is a feeling cropping out everywhere, showing itself in the newspapers, in speeches made by the highest officers of the Army, in declarations made by the highest officers of the Navy, in a subserviency, if I may be permitted to use that word, shown in Congress to the will of the Executive—in every way there is a disposition to relax that constant vigilance which is said to be the price of liberty, and in a few years it is to be determined whether we have solved the question or not, whether we are capable of self-government, or whether we shall go the way of all other nations that valued freedom and independence as much as we have and that have failed. But that disposition of power to slip from the hands of the many to the hands of the few is always operating among men, as silently, as powerfully as the attraction of gravitation itself. And now in this struggle to maintain the right of self-government, why should anybody insist that any part of this Union, if otherwise it can be peacefully and constitutionally prevented, should inject into the body politic a devitalizing blood to render it still more incapable of self-government?

It gives me no pleasure to depreciate the African. I know that under certain conditions he has attained a certain degree of civilization, but it has never occurred anywhere on this globe except under the hot-house influence of European or American civilization, and it has always happened, unfortunately, that whenever the sustaining hand of white civilization has been withdrawn he has rapidly reverted to his original savagery. That is a weight that is continually and incessantly drawing us down; and if any State by constitutional methods can relieve itself of this incubus, nobody, in my opinion, who values the prosperity of this country and the permanence of free institutions should make objection.

Mr. President, we know the history of the African at home and in the oldest colonies in the world. We know what he has done under Spanish, English, Dutch, and French domination. We know to-day where the most intelligent black people in the world are found, where their conditions are best. They are those who have been emancipated from slavery in the United States and in the English, the Spanish, the French, and the Dutch West Indies, where they have been sustained like ships floating upon the tide of white civilization; and when that is withdrawn they immediately sink into the mud.

I would not particularly recite the history of Haiti but that Mr. Douglass, the great orator of the colored race, declared that he looked with anxiety to the fate of Haiti, because that was to decide the negro's capacity for self-government. What has been the history of Haiti, the most beautiful island in the world, with the most fertile soil and delightful climate, and where grow the most precious woods? The French brought to them the blessings of the Christian religion, paved roman roads, docks, forts, country houses, mills; and in a spasm of generosity the French, when "Égalité, fraternité, liberté," was the slogan, the intoxicating watchword of the French Revolution, handed it all over to the negroes a free gift.

What is their condition to-day? Those are the people we are to look to as the example of the capacity of the colored race for self-government. When their cities were burned, as they have been, in the numerous revolutions—I believe there have been twelve constitutions in the island in about forty years—they were never rebuilt. Whenever a road was worn out it was never repaired; whenever a mill or a plantation went down it was never rehabilitated. When the rice fields were overgrown with weeds, breeding pestilential fevers, they were never reclaimed. The coffee plantations have been neglected.

Their trade has materially declined. Not only that, but they have arrived at that condition when the Christian religion has been in part rejected; they have returned to fetichism and voodooism, to a belief in snake charmers, and to cannibalism in some places. These are unpleasant facts, but they are true and are taken from the records of the courts of that island, from the reports of consuls and ministers; they are found in the secular and religious press of that island; and to-day the man who is the hero of Haiti, the man who has "his day" on the 1st of January, as we have the birthday of George Washington on the 22d of February, is Dessalines. Dessalines was such a monster that his own people said, "He never spared a man in his anger nor a woman in his lust." He was the man who ordered the massacre of the mulattoes in the island, who plundered the treasury, and murdered and robbed every one of his political opponents.

Toussaint L'Ouverture, the only black man who ever became a great man in that country, who was the greatest of them all, is absolutely neglected, and nobody speaks of him. Why? He was a humane man, a man of brains and of character. He did not impress himself upon his own people, and they speak of the great man Dessalines, a man who slaughters his political opponents and winds up every revolution with a massacre, who plunders both public and private property on the island, as "a strong man." That is nominally a republic—a personal despotism—which has existed there through all these years.

This account was not written by a man who was an enemy of those people. It was written by one of the most distinguished men of the British Empire, by a man who was there sixteen years as their friend, and he said in the second edition of his work that the first was not written in ink, but in rose water. That writer, the great historian, essayist, and philosopher, Mr. Froude, could not accept these conclusions at first. He could not believe such conditions were possible. He attributed the failure of those people to the fact of their French civilization and Catholic religion. He then went to the English West Indies; and in that delightful book, which we have all read, The English in the West Indies, he formulates his conclusions as to the mental and moral incapacity of the African race for any self-government.

Now, under the stimulating effects of ambition it is quite natural that a heathen nation should extend its conquests on every side, attain supremacy, and acquire some of the arts and principles of civilization, but in my judgment—I do not want to be metaphysical or very philosophical in a speech of this kind—there is a limit to the capacity for improvement of every people in the world.

We know that Egypt for thousands of years was an empire upon the banks of the Nile, in that narrow belt, which was the glory of the world. Egypt built the greatest temples, the greatest pyramids; Egypt had the finest architecture and the finest literature of the world. The Egyptians had advanced their religious views until they almost reached the height of the Christian religion; and for three or four thousand years they held the supremacy in the world of literature, of arms, and of commerce; but finally they reached a point where there was no more development, and for two thousand years they have stood as silent as their sphinx, unable to progress, unable to recede; the individual disappeared, the type survived. Everything was fixed, everything was conventional; they had reached the limit of their capacity for development.

The Chinese or yellow race developed a civilization five thousand years anterior to the birth of Christ. They made certain progress; they built cities; they built canals; they invented the mariner's compass, writing paper, gunpowder, and thousands of things which were unknown for hundreds of years in the West; and yet they, too, reached the limit of their capacity. They got to that point beyond which there is no initiative, no self-suggestion, where it was impossible for them to advance. They have stood fixed and conventional for thousands of years.

We now have the African race, which has never made any progress, except in the civilization and under the reflected light of the white people and where they have white civilization surrounding them. When that is removed, they retrograde downward with a velocity that is amazing, as is shown in the example of Haiti since the year 1800, when it was turned over to them as a gift by the French. Yet, because they are here, gentlemen will insist that this incapable mass shall become a part of the body politic; that they shall share with white men the responsibilities of government. Who will hold this generation or the next responsible for civilization and literature and the refinements of life? The black man? No; but the white man. Yet this proposition to share with them this responsibility seems an idea almost intolerable when we must feel, every one of us, that our own capacity, undiluted by such an element, is being taxed to the utmost. Some of them have become orators, because oratory springs from the emotions and not from reason; but I defy any gentleman to show me an example where government has been shared with this inferior race and the result has been good.

We all know that Great Britain freed her slaves in 1832, and paid $100,000,000 to their owners, and that Jamaica, one of the most beautiful islands in the world—we ought to have it, by the bye, although I am not an expansionist—that Jamaica was given what the English call a "responsible government;" that is to say, they had a right to elect their own council, make their own tariff laws, and every other law, only receiving a governor by appointment of the Crown. As soon as this was done, the franchise was conferred upon the negro just as it was here after the civil war. What was the result? The historian tells us that the negro gentlemen who got a few hundred dollars wanted to be magistrates, because the English gentlemen were all magistrates and had power to commit people to jail and to punish them for minor offenses. They were not quite capable, but they wanted that office, and then arose a desire to have the land without paying rent. Then came an armed insurrection and a bloody official execution, until the sense of England was outraged, and the white people of Jamaica said to the Crown, "We surrender this responsible government. It is impossible to share its duties with this race;" and the Crown took back this largess of liberty, and Jamaica became what is called a Crown colony.

In Natal a responsible government was proposed. The administration of Great Britain at that time—that has been several years ago—said to the people of Natal, You can have a responsible government whenever you are willing, but you must share it with the blacks. They met in convention and they sat there six weeks. The condition included also the elective franchise in the hands of the Kaffirs. The Kaffirs are the most superior Africans of whom we have any knowledge. These English gentlemen, colonists and farmers, concluded, after six weeks' deliberation, that they would not have free government—responsible government—with even the right to fix their own tariff against the mother country and their own fiscal laws, because they were unwilling to share the government with their black neighbors.

So with the most enlightened of the dark races—the brown man in Hindostan, the negro in the West Indies, the negro in Africa, the aborigines of Australia. Except only the fast perishing Maoris of New Zealand, none are permitted to share in the government.

Mr. President, I want to abide by the Constitution of the United States. I do not want a State to pass any act that infringes that Constitution. I know the Supreme Court would declare it unconstitutional if it did, and why should we kick against the pricks? I say, however, that the people of the South are justified, and it would be inexcusable if they failed, by every constitutional measure in their power, to preserve in their own hands the power of government in their own States, they being responsible for their welfare, their education, their business interests, and the interests of civilization.

My friend the honorable Senator from North Carolina says there is no danger of the domination of the negro. That is true, so far as the whole State is concerned, I presume, but is it true as to all parts of the State? Does the condition of affairs that was presented to the public in Wilmington, N. C., in 1898 show that the people, at least in that section, should not use every means possible to rid themselves of the government inflicted upon them by the negro vote? Should not every white man in the whole State of North Carolina and everywhere, whatever his party politics may be, sympathize with people who were oppressed as they were by ignorance and vice?

I have here a statement made by a gentleman in the other House, Mr. BELLAMY. I shall ask the Secretary to read what I have marked on page 243 down to the end of what is marked on page 245. That illustrates the condition of things in Wilmington, N. C., which was a more potent factor in urging the legislature of

North Carolina to this measure than anything else; and the pledge which my friend says was made that the blacks should not be interfered with was, as I am informed, that the legislature itself would pass no law restricting the franchise in any way, and now they propose a scheme of franchise that is to be submitted to these very people themselves.

Mr. PRITCHARD. Will the Senator yield for a moment?

Mr. MONEY. Yes.

Mr. PRITCHARD. In reply to that statement, I desire to say that the Senator will find, by referring to a statement which was issued by the Democratic executive committee, entitled "A reply to the People's Party Handbook," a statement that the Democrats, if elected, would not submit any proposition which would deprive anyone of the right to vote.

Mr. MONEY. Will the Senator give me the date of that?

Mr. PRITCHARD. Yes, sir; I can give it to you with pleasure, if you have the RECORD there containing my speech.

Mr. MONEY. Let the Secretary first read from the book which I have sent to the desk.

Mr. PRITCHARD. Very well.

The Secretary read as follows:

John D. Bellamy, the contestee, in the case of Oliver H. Dockery, contestant, against John D. Bellamy, contestee, in the case of contest in the Sixth Congressional district in North Carolina, for the contestant's seat in the Fifty-sixth Congress, before J. J. Fowler and T. E. Wallace, notaries public at Wilmington, New Hanover County, N. C., on the 10th day of April, 1899, being duly sworn, deposes and says:

Q. What is your name, age, and place of residence?

A. John D. Bellamy; just 45 last week; residence, Wilmington, N. C.

Q. Are you the Congressman elected from this district?

A. I am.

Q. Did you read the testimony of one S. M. Cole, a witness for Oliver H. Dockery, the contestant, taken at Laurinburg, February 27 last, in the present case?

A. I did.

Mr. PRITCHARD. If the Senator desires, I will read this.

Mr. MONEY. What is the date?

Mr. PRITCHARD. It is on page 1059 of the RECORD containing my remarks, and reads as follows——

Mr. MONEY. I merely want the date.

Mr. PRITCHARD. I do not remember the date of this circular.

Mr. MONEY. I do not want the text. I have that.

Mr. PRITCHARD. I want to show the Senator what they said in the text.

Mr. MONEY. I know what they said.

Mr. PRITCHARD. They said they would not submit any proposition to the people to proscribe anyone.

Mr. MONEY. You spoke of that the other day. I want the date.

Mr. PRITCHARD. That is what the handbook says.

Mr. MONEY. I want to know the date—that is the essential thing.

Mr. PRITCHARD. I have not the date when the circular was issued.

Mr. MONEY. I am sorry you have not. I hope the Secretary will proceed with the reading.

The Secretary resumed the reading, and read as follows:

Q. Please state in substance that testimony.

A. One S. M. Cole stated that in a private conversation had with me at Old Hundred that I said that they, meaning the Democrats, were going to have the election if they had to carry it at the point of the bayonet. He further stated upon a question in reference to it who was present. He said that no one was present except himself and me.

Q. Will you please state whether the testimony given by S. M. Cole in that particular was a truthful quoting of what you said?

A. I will state that his statement is absolutely and positively false; that I did not entertain such a thought; I did not express such a thought, and would have been opposed to any such idea if I had thought that my party desired or expected to resort to such a thing. I will state that I never saw the man before that day, and never have seen him since from that day to this; that I do recollect upon going from Gibson Station, where I had spoken the day previous, to Old Hundred to take the train, while waiting for the approach of the train I saw several parties who were said to have been voters. I sought an introduction to every one of them, and had something pleasant to say to each, and I think possibly, and exceedingly very probable, that I spoke pleasantly to this man Cole, but as to using such language or intimating such language or entertaining such a thought, I will say every word of it is untrue.

Q. Did you read the depositions of one Secrest, a witness for Oliver H. Dockery, the contestant in this case, taken at Monroe, Union County, in the present case?

A. Yes; I did read it.

Q. Will you state, in substance, what that testimony was?—A. Although I hardly think it is necessary to contradict the statement of Mr. Secrest, as his character has been shown by a number of witnesses to be very bad, I will do so. He stated that he was present at a political speaking where I addressed the assemblage at a schoolhouse in Union County, and that I stated that the people of Wilmington were armed with Winchester rifles and were going to carry the election if it was necessary to shoot down the negroes. I say in reply to that, that statement of Mr. Secrest is absolutely false. What I did say, and what has been testified to by other witnesses who heard me, was this: After I had discussed the policy and principles of the Democratic party and its position upon national questions, I came down to the question of the bad government of North Carolina under fusion rule in State affairs, and then finally in local matters. I stated to the assemblage as a reason why the Fusionists should be hurled from power and control in North Carolina was that they had subjected the citizens of Wilmington, Newbern, and Greenville to the horrors of misgovernment and negro domination and all that that implied, and after briefly stating how the town of Greenville had been gerrymandered and put under negro control, and how the city of Newbern had been likewise treated, I then came to the city of Wilmington, where I resided and was familiar with the state of affairs.

I stated that as a result of Fusion legislation the city had been put under negro control, substantially; that although the white people owned about 97 per cent of the property and paid that much of the taxes of the city, that we had a board of aldermen with a white man for mayor who didn't own a foot of land in the county and paid comparatively little or no taxes; that three or four of the board of aldermen were negroes; that forty of the magistrates were negroes; that from fourteen to seventeen of the thirty on the police force were negroes; that nearly all of the deputy sheriffs in the county were negroes; that the register of deeds of the county was a negro; that every health officer of the city, a very important position, was held by negroes; that one of the three county commissioners was a negro; and the result of it was that a horrible state of misgovernment had been brought about; that night after night burglaries and robberies took place in town without any detection; that within about 800 feet of the city hall six burglaries had been committed within ten days without a detection; that one burglar had been arrested in a lady's residence, a negro burglar, was captured and held by the ladies until a police officer arrived, and that, although the offense was punishable by death and not bailable, he was taken to the city hall and there let off on his own recognizance or a straw bond, I have forgotten now which, and the negro escaped; that murders and crimes of all characters were of constant occurrence; that within about a year six murders had taken place in the county; that the negroes showed an utter disrespect for and defiance of the law; that the city authorities, in the exercise of their discretion upon sanitary matters, had located a hospital for infectious diseases on the outskirts of town, and the negroes, several hundred in number, a complete mob, armed with guns, pistols, and other weapons, went out, attacked, shot into, and burned it down, and the mayor and policemen, although remonstrating, were powerless to resist it, and none of the said negroes were ever arrested or tried for the offense; that in the trial of causes in the court-house it was impossible to convict a negro of crime where a question of credibility arose between white witnesses and negro witnesses; that the juries composed partially of whites and partially of blacks would retire and a hung jury was the result, the negroes always voting solidly in the jury box in favor of the acquittal of the negro, if a negro was on trial.

I recollect especially reciting an instance of my own experience, where I told them that I prosecuted for Mr. Hamme, a very gallant and reputable citizen, a hat merchant of this city, who was assaulted in broad daylight in his store by Richard Holmes, a negro policeman, and struck between the eyes with a pair of brass knuckles and felled senseless to the floor, and that on three trials, although the defendant himself, Holmes, did not take the stand, that the jury, although the evidence was uncontradicted, failed to agree a single one of the three times, standing the first time nine whites for conviction and three negroes for acquittal; the second trial taking place at the next term of court, all the white men on the jury stood for conviction and the negroes on the jury for acquittal; on the third trial, which took place at a subsequent term, it likewise stood eight or nine—I have forgotten the number—whites for conviction and three or four negroes for acquittal, according to the number of negroes on the jury, and that finally the Fusion solicitor, although I myself was associated in the prosecution, nol prossed the case without even consulting me; that day after day white ladies while walking the streets of the city were insulted, and in one instance a reputable young lady going to the cemetery was shoved from the sidewalk by a negro woman and struck over the head with an umbrella; that the daughter of one of the ablest divines of the city was brusquely hurled up against the fence and bruised by a negro on the streets in the broad daytime; that indecent remarks were made to ladies walking the streets by negroes, and complaint after complaint being made to the city authorities, which were the ones I have before related to you, they found themselves unable to repress it; that property and life were not safe, and that good order could not be secured in the town; that the city authorities were totally inefficient to secure it; that the chamber of commerce, a representative business body of the city, presided over by a Republican as president, passed resolutions stating the city authorities were unable to secure law and order substantially, and calling upon our people as a matter of business and self-preservation, without regard to politics, to change the existing order of affairs.

That in consequence of this demoralization that I had been informed that the white people of the city had ordered several thousand Winchester rifles to protect the lives, the property, and the welfare of the people, and that I deplored any conflict, and that I hoped none would come, but if it did come and a race riot ensued that a very fatal result would come to the negroes. I did not state in that speech or in any speech made in the campaign that the whites were going to carry the election by force or fraud or any illegal means, and if I had thought so I say most positively that I would not have countenanced it, and I would have advised against it; and I say further that as far as my knowledge, information, and belief extends, there was no such purpose on the part of the Democratic party or the white people to carry the election by force or fraud, but there was a determination by every legal, peaceable, and energetic means, such as argument and the like would prompt, as a matter of self-preservation to our people, to hurl from power the Fusionists then in control and restore peace, law, order, and good government to our distracted State. I will state further that having made those statements in that speech and substantially the same thing in many others that I delivered during the campaign, I now again affirm that the statements made are a statement of the true condition of affairs as they existed in Wilmington, and if I have failed in the statement, it was in not stating other and greater wrongs which actually occurred and which I forgot to mention, among them being the publication in a negro newspaper published in the city of a vile and slanderous attack upon the virtue and reputation of the white women of our State.

Mr. MONEY. I desire to read just two paragraphs in a letter addressed to Senator J. C. PRITCHARD by Mr. W. H. Chadbourn, who, I understand, was a postmaster. Among other things, he says:

For the sake of any fancied political advantage I can not afford to make a one-sided presentation of the situation in this city and county, and by naming only the white officials and leaving out the colored doubtless some advantage has been taken and a false color given to the actual situation, to which the business people and taxpayers, regardless of party, have made serious objections.

As a matter of fact, there are in this county thirty-six colored magistrates and a colored register of deeds, and various other minor officials, besides some Presidential appointees, and the property owners, taxpayers, and business men seriously object to this state of affairs, and there now exists here the most intense feeling against any sort of negro domination.

Mr. President, I think the apprehension of negro domination is quite justifiable, at least in that part of the State, and we know what happened in the fall of 1898 in that city. Do not the white people in other parts of the State owe something to their friends and kindred living in Wilmington and in the twelve black counties of that State? If they can protect them from these disorders,

and if the taxpayers and the business men, without regard to party, labor under such intolerant ignorance and corruption and vice as is depicted there in the statement of Mr. BELLAMY, a member of the other House, under oath, and by Mr. Chadbourn, who says he is a Republican appointed by the President as postmaster there, then ought they not to be permitted to do so, and not be intimidated by speeches made here or elsewhere?

Mr. PRITCHARD. Will the Senator permit me?

Mr. MONEY. Certainly.

Mr. PRITCHARD. I desire to call the attention of the Senator to the fact that some time prior to the date of the letter from Mr. Chadbourn which he has read, Mr. Chadbourn addressed a letter to me, and said that the statement that there was negro domination in the city of Wilmington was without foundation.

I also desire to call the attention of the Senator to the fact that a number of gentlemen waited upon him, as I am informed—I do not know whether it is true or not—and with a pistol at his head they induced him to write the second letter from which the Senator has quoted. I shall ask to incorporate in the RECORD the first letter which Mr. Chadbourn wrote to me, which completely negatives the statement which my distinguished friend has read.

Mr. MONEY. I admit that a pistol at the head is a very persuasive thing.

Mr. PRITCHARD. It seems to have been in that instance.

Mr. MONEY. It seems to me the last statement made by the Senator from North Carolina is contradictory of the first, and the first is contradictory of the second, that there has been a better development of things since the first letter was written; but certainly the Senator will not deny the statement made by Mr. BELLAMY under oath that forty of the magistrates were negroes, and that many other officers of that city and county were also negroes, and the condition of things which existed there during the time of that canvass.

Mr. PRITCHARD. I am not prepared to deny what Mr. BELLAMY has said about the matter, but I am prepared to show that there is not a single instance wherein one of the colored justices of the peace to whom my distinguished friend refers ever attempted to exercise jurisdiction in a case wherein a white man was concerned or interested, either in property or otherwise.

Mr. MONEY. That may be true.

Mr. PRITCHARD. That is absolutely true.

Mr. MONEY. I do not doubt but that you think so; but it is a very queer magistrate who discards jurisdiction because of the color of the man who comes before him—a very queer sort of a magistrate.

Now, this condition of things exists in a part of North Carolina. There is not a particle of doubt about it, and the legislature has sought to put an end to it. Now, my friend thinks—he has here so stated in his speech, I believe; I am pretty sure he did—that one of the results of the restriction would be some Congressional action, taken under the fourteenth amendment, to reduce the representation in the other House, and therefore that North Carolina and other Southern States would lose a numerical proportion of their influence. I want to ask my friend, will he vote for a resolution or a bill that reduces the representation of the State of North Carolina if these constitutional amendments are adopted and are not declared unconstitutional?

Mr. PRITCHARD. Mr. President, realizing as I do that the provision of the fourteenth amendment to which my friend refers is mandatory, I feel that it is my duty, as well as the duty of the Senator, to do everything to preclude the possibility of the enactment of such a law, and therefore I shall do all I can to see that every man residing in the State which I have the honor in part to represent is accorded the right to vote, in order that he may be counted in the Federal enumeration, as contemplated by the Constitution of the United States.

Mr. MONEY. The remark of the Senator is very creditable to him, but no answer at all to my question. My question was this: If this constitutional amendment is carried by the vote of the sovereign citizens of North Carolina and the courts shall declare it is constitutional, then, whether, under the fourteenth amendment, if a bill is proposed here to curtail her representation in Congress, he will vote for it or not?

Mr. PRITCHARD. I never cross a bridge until I get to it. It will be time enough to talk about that matter when the people of North Carolina adopt such an amendment.

Mr. MONEY. I think myself the prudence and discretion of the Senator are very sound. It certainly would not do for him to say here and to go before the people of North Carolina, for whom he has such an affection and such care, and say to them that he would vote to cut down their representation because a measure was passed which was declared constitutional by the courts. I for one do not believe that any serious attempt will ever be made anywhere to cut down the representation in Congress because of the restriction to vote. I do not believe that the public mind in any section of this country will entertain seriously such a proposition as that. Every man of intelligence will recognize that the progress of every State in this Union is material to the progress of every other State, and that a vicious and ignorant vote anywhere is felt everywhere within the confines of this country——

Mr. CHANDLER rose.

Mr. MONEY. Even in the State of New Hampshire.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. CHANDLER. It is, how does he justify his present attitude? The Senator almost persuaded me in his remarks a few minutes ago to treat this as a white man's question. Now, assuming it to be a white man's question alone, upon what principle does he advocate the elimination—I will use that word; it is a mild word—of the negro from the suffrage, the suppression of the colored vote at the South, and yet advocate the 39 Congressional votes and the votes in the electoral college which are given to the South by reason of the negro population? How can the Senator in all fairness say on the one hand that the fifteenth amendment shall be nullified by the suppression——

Mr. MONEY. I beg pardon. I do not say that.

Mr. CHANDLER. By the suppression of the colored vote and that the fourteenth amendment shall not be enforced by reducing representation? Is not that a fair question?

Mr. MONEY. Oh, yes; it is a fair question.

Mr. CHANDLER. How do you advocate holding on to the 39 Congressional and electoral votes because of the seven or eight million colored people and yet propose to destroy the colored vote?

Mr. MONEY. Yes, sir; that is a fair question, and it is put with the usual adroitness and skill of my friend the Senator from New Hampshire; and I am perfectly ready to answer him. According to the original meaning of the makers of the Constitution there was no representation based upon votes at all. The negro, though a chattel, was represented in two-thirds. Women and children were represented as well as negroes. They are citizens. The right to vote is not a natural right. It does not inhere in mere citizenship. It is a result of political action. It is the result of law.

I am not willing to pass any amendment that I believe comes in conflict with the fifteenth amendment to the Constitution. It would be a work of supererogation for me to favor such a proposition, because the Supreme Court would at once declare it null and void. But I want the Senator to say what he would do in such a case. I am willing to retain the representation, if it will suit the Senator from New Hampshire, because it represents human beings whether they vote or not. My children do not vote, but they are represented. My wife does not vote, but she is represented. Thousands of people do not vote, and yet they are represented. I did not say that the power did not reside in Congress to reduce representation, but I do doubt the wisdom of exercising it. That is a question which I will debate, as my friend says, when we get to it.

But I stated that I had such confidence in the good sense and the public virtue of the people of all sections of this country—North, South, East, West—as to feel that they would not deliberately retard the progress of the Southern States by attempting to fix negro suffrage upon them if it can be avoided in a peaceful and constitutional way, and that the people there (I care not whether they vote or not) are entitled to representation. Now, we did not go to war, as my friend from North Carolina seems to think, when we achieved our independence of Great Britain to secure the right to vote, but to secure representation if taxed. That is all. For whom? For everybody, represented by a few, as a matter of fact.

A statement has been made here, and I may as well allude to it now, about the State of Mississippi. My friend addressed himself somewhat to my State the other day as an example of those States which had used unconstitutional methods (that was his language) in carrying elections. Yet, on the only attempt to try the constitutionality of the new constitution of Mississippi, abridging the right to vote, the constitution was declared to be constitutional. Then where are the unconstitutional methods? Was it individual action? Was it organized political action? I can say to the Senator that he can not point me to a complaint made of fraud, intimidation, or violence in Mississippi since the year 1876, when the great civic revolution was had, not one.

I will say, as I said the other day, that one Democrat held his seat here upon a certificate based upon an election technical in nature, and that that gentleman was unseated and a colored man was seated by a Democratic House, and the ousted gentleman went over the next day to the Republican party on the ground that the Democrats had not stood by him. I say that another contest was waged in what is called the black district of Mississippi, the Delta country, and then the contestant attempted to prove that certain practices were used to convey over the river and get rid of certain colored voters, and other offenses of that sort to the prejudice of a fair election; and it all fell to the ground, and the Republican committee kept the contestee in his seat.

Now, gentlemen, if we have pursued unconstitutional methods—

the court has not said so as to our statutes and our constitution—if we have pursued unfair and unconstitutional methods, there has been no charge against any organization or any individuals at the polls at any of the elections since 1876. I defy any gentleman to show me one, and I object that the fair fame of my State should be assailed unless the gentleman can produce some proof of the assertions he makes.

There has been no disturbance in Mississippi. There is absolute freedom there; and I want to tell my friend here that the year after the constitution was adopted 10,000 negroes came from his State, where they had an unrestricted right to vote as much as the white man, and emigrated to Mississippi and are living there to-day, and they have lately come, this winter, in such numbers from the State of Georgia into Mississippi that the farmers of Georgia have appealed to the authorities to protect them from the invasion of the agents who are carrying the negroes to Mississippi, where they are to be trampled under foot by unconstitutional methods, as some would have you believe. Negroes are still coming to Mississippi. They seem to understand very well what they want, and they get it when they go there. They get a good wage, fertile land, and plenty of employment.

I was alluding a while ago to the difficulties of government under any circumstances. We thought when we established this great Republic that we had solved the problem. We saw the Republics of Greece, of Venice, of Rome, and others perish away and merge into monarchies; and we thought that by having States bound together by one Constitution, with a Federal head and two depositories of political power, one power could never absorb them all; and we recognized, as we thought, in that fact the safety and permanence of popular institutions. Now we are called upon to say what this State shall do in the election. In other words, we are to issue from this Chamber a pronunciamento, a declaration of opinion as to the constitutionality of a measure not voted upon. There is no disposition to take it into the courts and make a test of it. A case can be made instantly in Louisiana, where the law is the same. But it is to deter the free and independent voter of North Carolina from declaring his own sovereign will at the polls. I hope that no man in North Carolina will permit himself to be diverted from his intention, whatever it may be, to vote exactly as he thinks best for the protection and the prosperity and the well-being of his State.

Mr. President, the question that has now been brought up is not likely to end very soon, and I think the foreign questions that are likely to press upon the attention of the American Congress will still further put in the background this contention about the vote of the negroes. We are engaged in a contest for self-preservation while we are expanding. While imperialism has its advocates, there are some people who still want to preserve the Republic, and this effort to purify the governing element of this country, as far as is safe under the Constitution, is one that is so obviously right and proper that I do not see how any assault can be made upon it except for political advantage.

The distinguished Senator from North Carolina declared the other day that all these methods were used simply to keep the Democratic party in power. That may be true, according to his way of thinking about it, but it was not the idea in my State. The idea was simply to put the intelligence and the public virtue of that State in power as best for the State, for the interests not only of the white people and the Democratic party, but of the black people and the Republican party in that State. When we look at the genesis of this matter, and when we see through these miserable six years of reconstruction, more humiliating and degrading and terrible to the South than the four years of bloody war, when we saw measures declared by our own courts to be unconstitutional passed day after day, despite the protest of the President, and when we recollect that suffrage, when it was proposed for the negro in the South, met its strongest resistance in this Chamber and in the House from such men as Roscoe Conkling and Oliver P. Morton and men of that character, who were the founders and the champions of the Republican party, then we recollect the purpose for which it was put upon us. It was done for two purposes—to perpetuate Republican rule and to punish the South.

Mr. CHANDLER. Will the Senator from Mississippi allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. CHANDLER. Does not the Senator know that impartial suffrage was adopted because the Southern States rejected the fourteenth amendment?

Mr. MONEY. I do not know that, but I suppose it is true if you say so. I will admit it.

Mr. CHANDLER. Then I will say to the Senator that that is a very bold charge he has made.

Mr. MONEY. I say I do not know it, but I will take it if you say so.

Mr. CHANDLER. Nobody regrets more than I do that the Southern Senators, the Senator from Alabama and the Senator from Louisiana and the Senator from Mississippi, have reopened this Southern question.

Mr. MONEY. I beg pardon. I did not open it.

Mr. CHANDLER. But something is due to historic truth. The Senator must know very well, because I do not know of any more careful student of American history than he, or of the history of the world, for that matter, that the Southern States rejected the fourteenth amendment, which simply said if the negro did not vote he should not be counted in the basis of representation.

Mr. BERRY. It said more than that.

Mr. CHANDLER. And then, and for that reason only, impartial suffrage was enacted by the Congress of the United States and the fifteenth amendment was adopted. If it had not been for the rejection of the fourteenth amendment by Andrew Johnson's reconstructed governments, the fifteenth amendment would never have been adopted.

Mr. BERRY. The fourteenth amendment did much more.

Mr. CHANDLER. Not much.

Mr. BERRY. It disfranchised a large number of people, as I recollect.

Mr. MONEY. Mr. President——

Mr. CHANDLER. Will the Senator allow me to reply to the Senator from Arkansas?

Mr. MONEY. Certainly.

Mr. CHANDLER. I will reply to the Senator from Arkansas first, and then the Senator can pitch into me.

Mr. MONEY. No; I will not do that.

Mr. CHANDLER. The disfranchising clause simply provided that where any citizen of the United States had taken an oath as an officer of the United States to support the Constitution of the United States and had then gone into the rebellion he should be disfranchised until Congress, by a two-thirds vote, removed the disability. That is all; and the Senator, I think, ought to admit that that was a very light disfranchisement. Congress went to work and proceeded almost immediately, by two-thirds vote, to remove all the disabilities. So the case which I made to the Senator from Mississippi, before the Senator from Arkansas kindly interposed, was that negro suffrage was not imposed upon the South by the legislation of Congress until after the fourteenth amendment had been unanimously rejected by every one of Andrew Johnson's reconstructed governments. I ask the Senator now, in order to give him a text to start on—he needs no text, however—whether he approves the Southern rejection of the proposition that if the negro did not vote the negro population should be excluded from the basis of representation.

Mr. BERRY. Will the Senator from Mississippi permit me one word?

Mr. MONEY. Certainly.

Mr. BERRY. I had no disposition or intention to get into this debate, but the Senator from New Hampshire recited a part of the fourteenth amendment and then ceased. One of the strong reasons why that amendment was rejected by the South is that we were called upon to put a brand upon the men who had previously held office of any character and who had served in the Southern army. We were asked to vote to disfranchise the men who had done exactly the same thing that we had done, and we did not feel that it would be honorable and just on our part—those of us who did not come under this disfranchising clause—to vote it upon our men, with whom we had been associated, and who had been guilty of no greater wrong, if wrong at all, than we had. I deny that we were ever guilty of any wrong, but certainly there was no difference in the character of the acts of those who had held office and those who did not, and there were many of us who did not come under that clause who were unwilling to vote it upon our associates. We refused to do it, and I have always rejoiced that we refused.

Mr. CHANDLER. The only thing I say is that the rejection of the fourteenth amendment is what caused the adoption of the fifteenth amendment, and not the motive which the Senator from Mississippi so ungenerously imputed to the whole Northern people.

Mr. MONEY. I did not impute it to the whole Northern people. There was a gallant band here that opposed it the whole time. They were members of the Democratic party and some of them were leaders of the Republican party.

I want to answer my friend the Senator from New Hampshire. He says that because Mississippi refused to ratify the fourteenth amendment negro enfranchisement was put upon us. Mississippi had no representation here, nor did she at that time have her new constitution. In other words, she had not resumed her Federal relation when the fourteenth amendment passed.

Mr. CHANDLER. There was a reconstructed State government in Mississippi. Will the Senator tell me who was the provisional governor appointed by President Johnson?

Mr. MONEY. It was under the military government of the department commander, and Adelbert Ames——

Mr. CHANDLER. Oh, no; there was a provisional governor

appointed by President Johnson. I can think of his name in a moment. The Mississippi reconstructed State government, through its legislature, by an almost unanimous vote, rejected the fourteenth amendment. The Senator from Arkansas has stated the reason that influenced him and others. I do not deny that they may have been partly influenced by that argument, but I stand upon the proposition that negro suffrage was brought upon the South solely by reason of the rejection, by the reconstructed South, of the fourteenth amendment to the Constitution.

Mr. MONEY. Permit me to correct the history of my friend the Senator from New Hampshire. In the first place, there was no provisional governor appointed for Mississippi. In the second place, the people elected Benjamin Humphreys as governor. In the third place, he was ejected by bayonet. Yes, I believe Sharkey was appointed. General Ames became the military governor, and a military governor, who had never had a shirt washed in the State before he came there, signed his own certificate to this Senate.

Mr. CHANDLER. Was not Mr. Sharkey—the Senator called the name—the provisional governor?

Mr. MONEY. Yes, sir.

Mr. CHANDLER. I am very much obliged to the Senator for teaching me the word. Governor Sharkey, under the direction of Andrew Johnson, who certainly was a friend of the South after a little while until he got over his rage; and the provisional government was organized in Mississippi, a legislature was elected by the people of Mississippi without negro suffrage and without the disfranchisement of a single Southerner, and that reconstructed legislature almost unanimously rejected the fourteenth amendment. That is history. The Senator knows that.

Mr. MONEY. I am willing to accept it.

Mr. CHANDLER. I knew you would. I want you to tell me whether you think, on the whole, at this distance of time, thirty-three or four years, when we ought to be done with fighting these old and sectional questions, but since you introduced them, it was a wise thing for the South to reject the fourteenth amendment to the Constitution?

Mr. MONEY. In the first place, the Senator is mistaken about who introduced this measure. The Senator who introduced this business is the Republican Senator from North Carolina. I had no such intention.

Mr. CHANDLER. He introduced his resolution, and without hearing from him one word about it—perhaps he might have gone up and withdrawn the resolution if the Senator had hinted that it was disagreeable to him—without hearing a word from him, the Senator from Alabama takes the floor and maligns the North, and he is being followed up by the other Senators from the South, and very unwisely, as I think, very mistakenly, as I think, very injuriously, as I think, they are reopening the whole question——

Mr. MONEY. Do you not think you have had enough of my time?

Mr. CHANDLER. The whole Southern question upon the floor of the Senate, without the slightest occasion for it.

Mr. MONEY. I am not going to try to take care of the Senator from Alabama. I am sorry he is not here to take care of himself. He is quite capable of doing that. If he has maligned anybody in the North——

Mr. CHANDLER. I will show him when he comes back from his quest for reelection.

Mr. MONEY. As long as our historical reminiscences are being brushed up by the ever-elert and bright Senator from New Hampshire, I will say that when we voted upon a constitution it was that submitted to us by the Federal Government, and in that election every single nigger in the whole State was permitted to vote upon the question whether he was to be a voter or not. It did disfranchise the very best people in that State—the very best. The cream of the State was disfranchised, and we rejected it, although the negroes voted, and it was a very strong vote.

There is one more matter that I want to allude to, and I know I am detaining the Senate too long. The Senator from North Carolina asserted the other day that the very fact that a very small poll of votes occurred in Mississippi and other Southern States was proof to his mind that they were prevented from voting; that they would have voted if they were not prevented from voting. He alluded to the fact that at the last election only about 48,000 votes were cast in Mississippi, and that the total white vote is 134,000. I do not know whether that is true or not. According to the census of 1890 it was 119,000. Does he think that the 48,000 white men prevented the balance of the white men from voting? Who can compel a man to vote? You can lead a horse to water, but you can not make him drink. Has not this thing occurred elsewhere without any challenge?

I explained at that time that the reason why the poll was so small at the regular election was this: The nominations had been settled at primaries or mass conventions. Then the voting force of the party turned out and the election was with such small opposition that it was a mere ratification. That may be unwise or not, but it does not argue anything unlawful or anything unconstitutional, because our State provides by law for a system of primaries, and consequently the thing being already done, simply to be ratified, the people did not trouble themselves to go to the polls and vote. So it can not be considered, even remotely, to be evidence that anybody was prevented from voting.

Let us go to some other State. I will take the State of Massachusetts, and I do not select Massachusetts with any intention whatever of in any manner derogating from her dignity, because I believe it is one of the greatest Commonwealths in this Union in every respect. But here is what Massachusetts did: In 1890 she cast 285,000 votes, and yet she had 665,000 voters. What became of the other 400,000 votes? Will the Senator from North Carolina rise and say that these 285,000 prevented the other 400,000 from voting? What reason is there, then, in such a charge?

Mr. TILLMAN. In the absence of the Senator from North Carolina, I think the Senator from New Hampshire ought to answer the question. He is a neighbor of that State.

Mr. MONEY. I would be glad if anybody would tell me, although I am not asking for information. I am only illustrating the point.

Mr. CHANDLER. Any question that either of the two Senators will put to me I will be most happy to answer, if I understand it.

Mr. TILLMAN. The Senator from Mississippi can repeat his question.

Mr. MONEY. I do not want any answer to the question, particularly.

Mr. CHANDLER. I thank the Senator.

Mr. TILLMAN. The Senator from New Hampshire has invited me, and I will ask him the question, if the Senator from Mississippi will permit me.

Mr. MONEY. Certainly.

Mr. TILLMAN. The question was why it was that in 1890 the State of Massachusetts polled only 285,000 votes, when she has a voting population of 665,000?

Mr. CHANDLER. When the Senator from Mississippi tells me why they do not cast more than 20,000 or 30,000 votes in Mississippi——

Mr. MONEY. You have not been listening to me.

Mr. TILLMAN. You are dodging. You do not usually do that.

Mr. CHANDLER. Not both Senators at once. When the two Senators have explained the pitifully small vote in their two States, I will examine the returns from Massachusetts and see why——

Mr. MONEY. Please do not leave.

Mr. CHANDLER. I am simply going to get a vote to confute the Senator.

Mr. MONEY. Do not leave, please. I do not want you to get the book right now. You have enough. The Senator, as I said the other day, was talking to somebody else and not listening to me. I was meeting the argument of the Senator from North Carolina. You were not paying attention to me.

Mr. CHANDLER. I have got the book. Now, go ahead.

Mr. MONEY. All right. I was endeavoring to answer the argument of the Senator from North Carolina that because of the small vote in Mississippi and South Carolina and other States necessarily those who did not were prevented from voting. I denied that proposition. I gave the reason why the vote was small. Then, I said, take the State of Massachusetts, which in 1890 polled 285,000 votes and yet had 665,000 voters. I have not called upon the Senator or anybody else to explain why there were not more. It is their own affair. No law can compel a man to vote. He can go fishing if he wants to or do anything else that pleases him on that day; but if Massachusetts dropped 400,000 votes in one election, why should not Mississippi drop a hundred thousand? Why should it not be done in the good old State of Connecticut? I see my friend the distinguished Senator here present. In 1890 Connecticut voted 125,000, and yet had 224,000 votes. Now, no one questions or should question the right of those people to stay away from the polls.

Mr. PLATT of Connecticut. In what year was that?

Mr. MONEY. In 1890. Those voters had a right to stay away. They have a right to vote as they please and no man has a right to question them, and no man has a right to impeach the State where such things have obtained. It is simply the individual preferring to do one thing to another thing.

But I want to say if there had been in the State of Massachusetts or in the State of Connecticut or in the State of South Carolina or in the State of Mississippi a question that would be vital to the interests of the people of that country and parties were close you would have seen the whole vote polled, just as in 1896, I believe, when one vote was cast for every two and a half inhabitants in the State of Ohio. But it is the question, the race, the contest that brings out the vote; and there is no necessity for everybody the polls going to when nothing is up.

I have some other lists here on some other points, but these are

simply taken as samples. It certainly does away with the argument of the Senator from North Carolina and all others that because people do not vote they are prevented from voting. I know there never was any attempt to prevent anybody from voting in my State since 1876, that I ever heard of.

As for the question of illiteracy, I can speak of that State, having traversed almost the whole State in 1895. I think I made about eighty speeches, and I traveled from March until November. I made it a point to inquire in every county I visited of the circuit clerk, who was the keeper of the book of registration. I inquired whether anybody had ever been objected to because he could not read the Constitution or could not understand it or interpret it when read to him, and in every case he answered that no man had been rejected, and that the exclusion of those who attempted to register was on account of the nonpayment of their taxes. Now that is the fact. I was myself opposed individually to inserting anything of the sort in the constitution, but I was not a member of the constitutional convention.

Mr. President, I have detained the Senate very much longer than I intended, and on account of my inability to see the citations which I have brought here with me I have not made the legal points as broadly as I wished; but I have read from the standard authority upon constitutional limitations and from the decisions of the court, which that author literally quotes, to show, in the first place, that these constitutional amendments are not contrary to the fourteenth and fifteenth amendments to the Constitution, and second, that if one falls the whole scheme falls together, for it is inseparably connected in representing the legislative intent.

Mr. CHANDLER. Mr. President, allow me one word. I think in justice to the absent Senator from Alabama [Mr. MORGAN] I ought to quote the language which he used in which I said he maligned the North. He said first that he was a soldier of the Confederacy:

> I was a soldier of the Confederacy, and, while I have always regretted the necessity that put me under arms in open hostility to the flag of our common country, I feel, as every Confederate soldier feels, that it is a peculiar honor that we were the only white men ever called upon, as soldiers, to defend the white race against a fanatical attack of so-called reformers and the deliberate organization of ambitious politicians, who forced us into war by their cruel design to put negro slaves on a political and social footing of equality with us.

Now, here is a deliberate declaration, made a third of a century after the war closed, that the war for the Union was occasioned because of the deliberate organization of Northern politicians with a cruel design to put negro slaves on a political and social footing of equality with the white people of the South.

Now, Mr. President, I denounce that charge as a slander upon the North and as a reflection upon every Northern soldier who volunteered for the war and fought for as sacred a cause as soldiers ever fought for.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. CHANDLER. I yield to the Senator from Alabama, certainly.

Mr. PETTUS. I desire to ask the Senator a question. Would it not be more decent to wait until the Senator from Alabama returns before he makes his denunciation?

Mr. CHANDLER. I intend to wait, but I want the senior Senator from Alabama, who is absent, I want the junior Senator from Alabama, who is now here, and I want the Senators from the Southern States who have reopened this question, which I supposed was forever dead, in the Senate to tell me whether the North is to be expected to allow a charge made upon this floor to go unanswered that the war for the Union, which was a war growing out of a Northern determination to prevent the extension of slavery into free territory, was a war of ambitious politicians with a cruel design to put negro slaves on a political and social footing of equality with the Southern whites. Now, if Southern Senators wish to discuss that question, they will have plenty of time before this session ends.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2179) relating to the Twelfth and subsequent censuses, further insists upon its amendments Nos. 1 and 2, agrees to the further conference asked for by the Senate, and had appointed Mr. HOPKINS, Mr. RUSSELL, and Mr. GRIFFITH managers at the conference on the part of the House.

POLICY REGARDING THE PHILIPPINES.

Mr. TILLMAN. Mr. President, I desire to give notice that on Monday, immediately after the completion of the routine morning business, I shall call up the various resolutions on the Philippine question and ask the leave of the Senate to submit some remarks thereon.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. I was about to move an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, January 29, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 25, 1900.

POSTMASTERS.

Elizabeth J. Hudspeth, to be postmaster at Nashville, in the county of Howard and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William M. Newell, to be postmaster at Mesa, in the county of Maricopa and Territory of Arizona, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1899.

Leonard S. Calkins, to be postmaster at Nevada City, in the county of Nevada and State of California, in the place of J. E. Carr, whose commission expires February 1, 1900.

Frederick A. Smith, to be postmaster at Colchester, in the county of New London and State of Connecticut, in the place of C. B. Rogers, whose commission expired December 19, 1899.

R. Clifford Tyler, to be postmaster at Chester, in the county of Middlesex and State of Connecticut, in the place of G. F. Stearns, whose commission expired January 15, 1900.

Mary N. Herrick, to be postmaster at Seabreeze, in the county of Volusia and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Hugh M. Pierce, to be postmaster at Moultrie, in the county of Colquitt and State of Georgia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Moses C. Thomas, to be postmaster at Homer, in the county of Champaign and State of Illinois, in the place of Harriet S. Coffeen, whose commission expired January 23, 1900.

W. N. Burdick, to be postmaster at Postville, in the county of Allamakee and State of Iowa, in the place of J. N. Leithold, whose commission expires February 13, 1900.

Clark H. Barker, to be postmaster at Portland, in the county of Cumberland and State of Maine, in the place of G. L. Swett, whose commission expires February 1, 1900.

George P. Bliss, to be postmaster at Florence, in the county of Hampshire and State of Massachusetts, in the place of G. L. Beals, whose commission expired January 15, 1900.

Samuel E. Walker, to be postmaster at East Northfield, in the county of Franklin and State of Massachusetts, in the place of Samuel E. Walker, whose commission expired January 7, 1900. (Reappointed.)

Evert J. Pruim, to be postmaster at Zeeland, in the county of Ottawa and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Jesse A. Maxwell, to be postmaster at Fulda, in the county of Murray and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

George B. Tretbar, to be postmaster at Lamberton, in the county of Redwood and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William G. Kitchen, to be postmaster at Bloomfield, in the county of Stoddard and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Henry C. Wright, to be postmaster at Webster Grove, in the county of St. Louis and State of Missouri, in the place of A. B. M. Thompson, whose commission expired December 30, 1899.

Harry L. Jaques, to be postmaster at Jamesburg, in the county of Middlesex and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Charles G. Bacon, to be postmaster at Northville, in the county of Fulton and State of New York, in the place of A. J. Smith, deceased.

O. H. Willard, to be postmaster at Randolph, in the county of Cattaraugus and State of New York, in the place of D. C. Adams, whose commission expires February 11, 1900.

William H. Holt, to be postmaster at Graham, in the county of Alamance and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William E. McGuire, to be postmaster at Pawhuska, in the Osage Nation of Oklahoma Territory, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Isaac W. Rush, to be postmaster at Stroud, in the county of Lincoln, Oklahoma Territory, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William H. Leitner, to be postmaster at Huntington, in the county of Baker and State of Oregon, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William G. Bassler, to be postmaster at Zelienople, in the county of Butler and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William P. McMasters, to be postmaster at Munhall, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Elizabeth L. Bampfield, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina, in the place of S. J. Bampfield, deceased.

John Harvey, to be postmaster at Meridian, in the county of Bosque and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1898.

Eli Hawks, to be postmaster at Juneau, in the county of Dodge and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1899.

TO BE SECOND LIEUTENANTS IN THE UNITED STATES MARINE CORPS.

Harold C. Reisinger, at large.
Frank Edgar Evans, a citizen of Wisconsin.
Harry Randolph Lay, at large.
Thomas A. Mott, a citizen of North Carolina.
St. John L. Caffery, a citizen of Louisiana.
John C. Beaumont, a citizen of Maryland.
Charles B. Taylor, a citizen of Virginia.
John W. Wadleigh, a citizen of New Hampshire.
William Radford Coyle, a citizen of the District of Columbia.
Henry D. F. Long, at large.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 25, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

James Ross, of Washington, to be a captain, Forty-fifth Infantry, United States Volunteers.

POSTMASTERS.

John F. Newlin, to be postmaster at Chrisman, in the county of Edgar and State of Illinois.

Charles W. Fleming, to be postmaster at Arthur, in the county of Moultrie and State of Illinois.

Frederick Dilg, to be postmaster at Mascoutah, in the county of St. Clair and State of Illinois.

John W. Campbell, to be postmaster at Morrisonville, in the county of Christian and State of Illinois.

Jacob F. Shuler, to be postmaster at El Dorado, in the county of Union and State of Arkansas.

Lewis A. Groff, to be postmaster at Los Angeles, in the county of Los Angeles and State of California.

Joel P. Watson, to be postmaster at Ashley, in the county of Washington and State of Illinois.

Cadwallader J. Pride, to be postmaster at Rockhill, in the county of York and State of South Carolina.

Minnie M. Cox, to be postmaster at Indianola, in the county of Sunflower and State of Mississippi.

John N. Sandlin, to be postmaster at Minden, in the county of Webster and State of Louisiana.

Robert J. Morrison, to be postmaster at Newark, in the county of Newcastle and State of Delaware.

Isaac A. Smith, to be postmaster at Tennille, in the county of Washington and State of Georgia.

Frank W. Rollins, to be postmaster at Ellsworth, in the county of Hancock and State of Maine.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 25, 1900.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF CIVIL SERVICE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Reform in the Civil Service, and, with the accompanying documents, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the sixteenth annual report of the United States Civil Service Commission.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *January 24, 1900.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 70. Joint resolution diverting and setting apart $50,000 out of the sums heretofore appropriated for jetty work at Cumberland Sound, in the States of Florida and Georgia, for sluicing and dredging at the entrance of said sound;

S. R. 34. Joint resolution authorizing the printing of 35,000 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture; and

S. 32. An act for the relief of George W. Weston.

The message also announced that the Senate had passed without amendment the bill (H. R. 6777) relative to the widening and extension of Sixteenth street, in the District of Columbia.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2179) relating to the Twelfth and subsequent censuses and giving to the Director thereof additional power and authority in certain cases, and for other purposes, had further insisted upon its disagreement to the amendments numbered 1 and 2, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. HALE, and Mr. MCENERY as the conferees on the part of the Senate.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 32. An act for the relief of George W. Weston—to the Committee on Claims.

S. R. 34. Joint resolution authorizing the printing of 35,000 copies of Bulletin No. 24, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture—to the Committee on Printing.

S. R. 70. Joint resolution diverting and setting apart $50,000 out of the sums heretofore appropriated for jetty work at Cumberland Sound, in the States of Florida and Georgia, for sluicing and dredging at the entrance of said sound—to the Committee on Rivers and Harbors.

NORTHEASTERN JUDICIAL DIVISION OF TENNESSEE.

Mr. WARNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Speaker's desk.

The Clerk read as follows:

A bill (H. R. 947) to create a new division in the eastern judicial district of the State of Tennessee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new division of the eastern judicial district of the State of Tennessee, to be known as the northeastern division judicial district of Tennessee, be, and the same is hereby, established, to be composed of the following counties, to wit: Johnson, Carter, Unicoi, Sullivan, Washington, Greene, Hawkins, Hancock, Cocke, and Hamblen; and said counties be, and the same are hereby, transferred to said northeastern division of said eastern district of Tennessee, but no additional clerk or marshal shall be appointed in said district.

SEC. 2. That a term of the circuit court and of the district court of the eastern district of Tennessee shall be held at Greeneville, in said State, each year, on the first and fourth Mondays in August and February, after the passage of this act.

SEC. 3. That the clerks of the district and circuit courts for the eastern district of Tennessee, and the marshal and district attorney for said district, shall perform the duties appertaining to their offices, respectively, for said courts, and except when court is in session, and a judge present, the clerk's office of the said courts may be at Knoxville, where all records for said courts may be kept as of the same court, and all duties performed as though the clerk were at Greeneville; but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy clerk at Greeneville, Tenn., new books and records may be opened for the courts herein created, and kept at Greeneville, and a deputy clerk appointed to reside and keep his office at Greeneville.

SEC. 4. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitants of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division. All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 5. That all prosecutions for crimes or offenses hereafter committed in either of the subdivisions shall be cognizable within such division, and all prosecutions for crimes or offenses heretofore committed in the eastern district as heretofore constituted shall be commenced and proceeded with as if this act had not been passed.

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 7. That in all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States in the eastern district of Tennessee such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts.

SEC. 8. That each of said courts shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States.

SEC. 9. That this act shall be in force from and after the 30th day of June, A. D. 1900, and all acts and parts of acts inconsistent herewith are hereby repealed.

The amendments recommended by the committee were read, as follows:

(1) By inserting immediately after the word "in," in line 11, page 1, the words "or for;"
(2) By striking out the words "a term," in line 12, on page 1, and inserting in lieu thereof the word "terms;"
(3) By striking out the word "eastern," in line 13, on page 1, and inserting in lieu thereof the words "northeastern division judicial;"
(4) By striking out the words "first and," in line 14, on page 1;
(5) By inserting, immediately after the word "courts," in line 6, on page 2, the words "of said northeastern division judicial district;"
(6) By striking out the word "the," in line 17, on page 2, and inserting in lieu thereof the word "said;"
(7) By striking out the word "inhabitants," in line 18, on page 2, and inserting in lieu thereof the word "inhabitant;"
(8) By striking out all of section 4, after the word "division," in line 22, on page 2;
(9) By striking out the word "subdivisions," in line 2, on page 3, and inserting in lieu thereof the words "divisions of said district;"
(10) By inserting, immediately after the word "courts," in line 20, on page 3, the words "held in said northeastern division judicial district;" and
(11) By inserting, immediately after the word "acts," in line 2, on page 4, the words "so far as."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, I would like to hear a statement from the gentleman from Illinois. I understand that this creates another division, and not only provides another place for holding the court, but it creates another division or district, and I would like to know the necessity for it.

Mr. WARNER. I beg the gentleman's pardon. It does not create another district, but makes a subdivision of the eastern district and fixes another place for holding the court in that district; and we provide for no additional officer, except under certain exigencies, if they should arise, there may be an additional deputy clerk to be placed at Greenville, where this additional court is to be held. It makes no additional expense, except that which may be caused if it should be necessary to have this deputy clerk at Greenville; and, on the other hand, it will save thousands of dollars to the United States. It takes in ten northeastern counties of Tennessee.

The present place for holding the court of that division is at Knoxville. These counties range all the way from 60 to 160 miles in distance from Knoxville. That is a mountainous country, and by the usual routes of travel in going to and returning from court witnesses, parties to suits, and attorneys have to travel double the distance to Knoxville from their places of residence. There is a great deal of criminal litigation from that section of Tennessee, all of which now must be heard at Knoxville. The Government has to pay all the expenses of having witnesses taken to and from their places of residence; and as they all claim mileage on the usual and customary routes of travel, that makes the expenses very great for the Government.

There will be a very great saving of money on account of the expenses of witnesses if this new division is created, much more than any additional expense that may be incurred by reason of having an additional deputy clerk. The judge of the district court for the eastern district of Tennessee writes a letter, which is made a part of the report on this bill, stating his views on the question, and saying, while it will make him some additional trouble and work to go over to Greeneville and hold that court, he is perfectly willing to do so, on account of the benefit it will be to those people. Instead of it being a measure that will create additional expense, it will be an economical measure, and I am of the opinion that it should be passed. The bill has been unanimously reported by the Committee on the Judiciary, and I am directed by that committee to present the bill and ask its passage.

Mr. MADDOX. What I wanted to ask the gentleman was if this was unanimously reported by the committee?

Mr. WARNER. It is unanimously reported by the committee.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALARY OF THE POSTMASTER AT WASHINGTON, D. C.

Mr. LOUD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

Mr. TAYLER of Ohio. Mr. Speaker, if this is to take any time I will have to object.

Mr. LOUD. It will not take more than sixty seconds.

The bill was read, as follows:

A bill (H. R. 6272) fixing the salary of the postmaster at Washington City, District of Columbia.

Be it enacted, etc., That so much of section 4 of the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, as fixes the salary of the postmaster at Washington City, D. C., is hereby repealed, and the salary of said postmaster shall hereafter be adjusted, as provided in the cases of other postmasters, under section 1 of said act.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LATE HON. EVAN E. SETTLE.

Mr. GAYLE. Mr. Speaker, I ask unanimous consent of the House that Saturday, February 10, after the hour of 1 o'clock, be set apart for the purpose of paying fitting tribute of respect to my late predecessor, Hon. EVAN E. SETTLE.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that Saturday, February 10, after the hour of 1 o'clock, be set apart for the purpose of paying tribute to his late predecessor, Hon. EVAN E. SETTLE, of Kentucky. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

COMPILED STATUTES OF THE DISTRICT OF COLUMBIA.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution I send to the desk.

The Clerk read as follows:

A joint resolution (H. J. Res. 136) providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver, from the number now in his care, one copy of the Compiled Statutes of the District of Columbia to each standing committee of the Senate and of the House of Representatives not now supplied therewith, for its use.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

REPRESENTATIVE-ELECT FROM UTAH.

The SPEAKER. The Chair calls up the unfinished business, and recognizes the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, almost ever since the election in 1898 the members-elect to this Congress have received petitions and requests from various persons all over the United States, asking that certain and specific action be taken with reference to the member-elect from the State of Utah, Brigham H. Roberts. I here read one of those petitions, as follows:

To the Hon. —— ——, Representative-elect of the —— Congressional district of the State of —— to the Fifty-sixth Congress of the United States of America:

We, the undersigned, legally qualified voters of the said —— Congressional district of the State of ——, do hereby most respectfully and most earnestly call upon you as our Representative in the Fifty-sixth Congress to use your utmost endeavor and to exhaust all honorable means to secure the prompt expulsion of Mr. B. H. Roberts, of Utah, the avowed polygamist and covenant breaker, from the House of Representatives, in accordance with the provisions of the National Constitution in Article I, section 5, paragraph 2, which reads as follows: "Each House of Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member."

We also do most earnestly and most respectfully call upon you to use your utmost endeavor and to exhaust all honorable means to secure action by the Fifty-sixth Congress proposing an amendment to the National Constitution, and submitting the same to the legislatures of the several States, defining legal marriage to be monogamic, and making polygamy, under whatever guise or pretense, a crime against the United States, punishable by severe penalties, including disfranchisement and disqualification to vote or to hold any office of honor or emolument under the United States or any State or Territory therein.

That petition asks for certain specific action. It asked for two specific things—one the expulsion of the member-elect and the other an amendment to the Federal Constitution making parties guilty of polygamy ineligible for office.

When we came in here on the first day of the present session of this Congress, petitions stood piled up there in front of the Speaker's desk 7 or 8 feet high, wrapped about with the national colors, said to contain 7,000,000 names, asking that such specific action be taken by this Congress. If there was any other action asked by any petition filed, I never saw or heard of it. They asked further that the expulsion take place not contrary to the Constitution of the United States, but in accordance therewith, and pointed out the very section under which they asked this Congress to act.

I say that in view of the language of these petitions members came as I did to this House, no doubt a majority, with no other idea than that no other action would be attempted on the part of this House except expulsion, provided we acted in accordance with the requests of these petitioners. I confess I had not studied any other feature. But when the resolution was brought in it made specific charges, and I wish to read the first two sections in relation to that:

Whereas it is charged that Brigham H. Roberts, a Representative-elect to the Fifty-sixth Congress from the State of Utah, is ineligible to a seat in the House of Representatives; and

Whereas such charge is made through a member of this House, on his responsibility as such member, and on the basis, as he asserts, of public records, affidavits, and papers evidencing such ineligibility.

Then for the first time the charge was made in form that Brigham H. Roberts was not eligible, that he was ineligible, and action might follow the charge of ineligibility which was not in accordance with the prayer of these petitions, not in accordance with the generally received construction of the law applying to such a case. It struck me as new; but then was read by the gentleman from Ohio having charge of the resolution a section of the law from McCrary on Elections, as follows:

The regular certificate of election, properly signed, is, as we have seen, to be taken as sufficient to authorize the person holding it to be sworn in. It is prima facie evidence of his election, and the only evidence thereof which can be considered in the first instance and in the course of the organization of a legislative body. But there are questions which may be raised touching the qualifications of a person elected which may be investigated and decided as a part of the prima facie case and as preliminary to the swearing in of the claimant.

Time. If a specific and apparently well-grounded allegation be presented to the House of Representatives of the United States that a person holding a certificate of election is not a citizen of the United States, or is not of the requisite age, or is for any other cause ineligible, the House will defer action upon the question of swearing in such person until there can be an investigation into the truth of such allegation.

McCrary was cited as authority by the gentleman from Ohio and read. McCrary was cited as an authority by the member-elect from Utah and read. It seemed to me that McCrary on Elections was regarded as sound and good authority, and if he was I could see no reason why we should not, preliminary to being sworn, investigate questions relating to the eligibility of the member-elect from Utah. The very language of the resolution precludes an inquiry into the grounds proper for expulsion.

Eligibility is a question of law and does not necessarily carry with it anything in the nature of degradation or penalty to the person. To say he is ineligible is equivalent to specifying that he lacks some or all of the qualifications required by law to constitute eligibility. Where do we find the law? In the Constitution of the United States. It prescribes the grounds of eligibility. It says what a member must possess to be eligible. Then for a member of this House to charge, upon his responsibility as a member, that a member-elect is ineligible upon evidence by affidavits and court records, going to the question of naturalization, or citizenship, or age, is enough to warrant this House in assuming and presuming, and it could come to no other conclusion than that the charge was that he did not have some of the qualifications required by the Constitution.

Every man, regardless of his opinion as to expulsion, could vote for that resolution, and in so doing has not committed himself to the idea of exclusion upon grounds that are pertinent alone to a question of expulsion.

Now, what are the qualifications? They are stated in the Constitution. Has this House or Congress as a body ever added another? The fourteenth amendment of the Constitution did add one for certain parties, prescribing that they should not be eligible to office provided they had taken a certain oath and afterwards participated in the rebellion. That provision is no longer the law; but the very fact that those who wanted to render ineligible parties who had taken such an oath and afterwards were guilty of participating in the rebellion, sought it by means of a constitutional amendment, was an admission on the part of those who brought about that amendment to the Constitution that they believed it to be the only way by which it could be done.

It is alleged and contended that under that section of the Constitution which says that each House may judge of the qualification of its members the word "judge" includes the right to exclude upon grounds not heretofore established by the Constitution and laws of the United States; in other words, that this House, acting alone, may impose a qualification, may create a qualification, along with those already created by law. I contend most earnestly, Mr. Speaker, that such a construction is stretching the words of the Constitution beyond warrant. To judge of qualifications is to judge of qualifications existing at the time a man becomes a member-elect. To contend or to admit that this House at any time preliminary to administering the oath of office, after a member has been elected, may by its action alone create a qualification for office is certainly a very dangerous doctrine, and if it can enlarge or add to the specific provisions of the Constitution, why can it not do away with or release us from some of the obligations imposed therein? Why can it not reduce the age limit or increase it?

I can not for a moment admit, whatever may be said of Congress as a body in a general law imposing additional qualifications of eligibility, that this House alone can add to the Constitution, or can make qualifications equal in effect to those made and created and contained in the Constitution, and which have afterwards been made by amendment to that Constitution.

Mr. Speaker, we hear much said upon the floor of this House which seems to me to be a little in the nature of pettifogging, about protecting the American home in our action. Is it to be supposed for a moment that if Brigham H. Roberts is guilty, as charged in the language of the gentleman from Ohio [Mr. TAYLER], that any man in this House is so lost to proper self-respect and to a proper estimation of his duties that he will not do right when the occasion presents itself in a proper and orderly way?

I want to say that the American home depends largely upon the organic law of this land for its being what it is. The gentleman from Indiana [Mr. LANDIS] I believe said something about going in a straight line—no isosceles triangle in the matter—about going in a straight line to do that which you want to do. Why, that is the very language used by the mob. If a man has been guilty of a crime for which his life might be forfeited by law, the mob says—there being no doubt of his guilt, he admitting his guilt—why not go in a straight line and break his neck, and not go through the circuitous isosceles triangle of a trial to do that which it is admitted ought to be done?

I want to say to the members of this House that there is no straight way for us to do anything except that way that goes hand in hand with the Constitution of the United States. [Applause.] I want to say further that if there is any doubt in the mind of a member as to whether a course is constitutional or not, he should give this sacred instrument the benefit of that doubt. [Applause.] The American home without American institutions would not be worthy of the name. [Applause.] And I say it is pettifogging to speak of such a thing. I am willing to concede and do concede that gentlemen who take the opposite side of this view are sincere, for I thought it was the correct view until I investigated it myself.

I have no quarrel and no charges to make; but if you can accomplish the purpose and accomplish it according to the Constitution and according to established usages and precedents, and it is as effectually accomplished when done as in any other way, I ask you why not do it? To presume that more than one-third of this House will not vote for expulsion under the facts alleged by the gentleman from Ohio [Mr. TAYLER] is to presume that more than one-third of this House ought themselves to be expelled. [Applause.] Are we going to say that you shall not go according to law in doing that which is desired because you are afraid that a sufficient number of those who are authorized to carry out the law will not execute it? Has the fear of a failure to execute the law ever been a justification for acting in an illegal manner? I certainly think not.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining. He has spoken fifteen minutes.

Mr. SIMS. Mr. Speaker, as a matter of course, it is impossible to go over this case in detail and at length in twenty minutes, and I have only sought to go over it in a hurried manner; but I want to say that I can see nothing inconsistent in a member of this House who voted for the original resolution upon the charges contained on the face of it now voting against the conclusions of that committee as expressed in the majority report. We are not bound, because, upon sufficient charges, we created a committee to investigate and report back certain facts, to agree with that committee upon the conclusions of law which they reach upon the findings of fact.

And I think that every member of this House, regardless of party politics, regardless of how he voted on that question, should vote now as he thinks is right, after full and fair investigation, and vote in accordance with the law of the land, in accordance with constitutional provisions, and not here at this time, in this way, seek to add qualifications which never have been created by

the lawmaking power, either in the organic law or in this Congress acting as a body. Therefore I contend that no man is estopped from voting against the majority report in this case because he voted simply to create the committee to make the investigation upon the charge of ineligibility. Expulsion is for personal conduct of the member, and I will concede, as far as I am able to determine, that it must be conduct of which he has been guilty after becoming a member-elect, after the 4th of March following his election. I take no stock in this argument that after he is brought in here and sworn in, he must be guilty of polygamy after taking the oath.

But suppose that it should come to that and there should be no other way to expel him—no right to expel him except for conduct which he had committed after taking the oath? Should we here and now deliberately and willfully violate the Constitution of the United States in order to punish Roberts for what he had done for fear he will not continue his wrongdoing? Certainly that does not appeal to one who will think and reason upon this matter. I say I believe he can be expelled, and expelled as soon as a vote can be taken after proper proceedings, after the oath is administered. Now, why try to bulldoze or browbeat members of this House with the idea that if you swear him in he will behave himself, and you can not expel him for something unless he has done it after taking the oath? I think the law and the precedents are all against those who make that contention, and I think that argument is made for the sole purpose of getting members to vote for exclusion, Constitution or no Constitution.

I contend, Mr. Speaker, that this Government is a Government of limited powers. The Constitution is the instrument of that limitation, and I have been taught all my life as a Democrat to construe that instrument strictly and not liberally so as to avoid the plain provision and effect of its terms. I am not afraid of such a vote from a liberty-loving, law-abiding people, and if I have got to go out of this House because I vote to uphold what I honestly believe to be the plain dictates of the Constitution, let me go. [Applause.] I would rather be outside with the Constitution and Roberts than to be inside with neither the Constitution nor Roberts. [Applause.] But I have no such fears. Those who have asked and petitioned our action in this case have not asked or petitioned us to violate the law or disregard the Constitution in doing so, but have asked us to do the only thing that we can do lawfully, and that is to expel the member-elect from Utah.

ORDER OF BUSINESS.

Mr. HOPKINS. I have a conference report here that will only take a moment, and, in lieu of a written statement, with the indulgence of the House, I will make a brief oral statement on the action of the conferees of the House on Senate bill 2179.

There were four amendments adopted by the House to the bill, and the Senate on the amendment numbered 3——

Mr. RICHARDSON. Is there no written statement?

Mr. HOPKINS. It is a conference report.

Mr. RICHARDSON. I know; but I think we ought to have the written statement which is called for by the rule, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee objects.

Mr. HOPKINS. The conference report is written.

Mr. RICHARDSON. I know; but there should be a written statement accompanying every conference report.

The SPEAKER. The point is well made.

REPRESENTATIVE-ELECT FROM UTAH.

The SPEAKER. The gentleman from West Virginia [Mr. JOHNSTON] is recognized for eight minutes.

Mr. JOHNSTON. Mr. Speaker, with interest I have read the report of the committee in this case, together with the views of the minority thereof.

The report is an able one and replete with strong, exhaustive legal argument on the grave constitutional questions involved, and the committee is to be commended for the research made and the patience and energy with which it has discharged its duty, as well as for the legal learning exhibited in the report; especially is this true of the concise and convincing argument presented in the views of the minority.

I have also listened with equal and even greater interest to the arguments adduced pro and con, and especially to the masterful, logical, constitutional argument of the gentleman from Maine [Mr. LITTLEFIELD], and, in my humble judgment, it is so strong and forceful that as yet it has not been answered and is unanswerable.

Upon a careful review and consideration of the report of the committee I am unable to yield my assent to the conclusions reached by it, and to the resolution proposed by it for the action of this House, but thoroughly agree with the views expressed in the report of the minority, and, briefly, these are my reasons:

It is not questioned—indeed, it is conceded—that the member-elect from Utah at the time of his election possessed all the constitutional qualifications requisite to entitle him to a seat on the floor of this House and to become a member thereof as an organized body.

It is neither asserted nor claimed that since his election he has lost or been deprived of any of these constitutional qualifications or that any change has taken place in his status.

Again, whatever his status was under the laws of the United States operative in Utah prior to her admission into the Union as a sovereign State, it has not and can not with reasonable plausibility be argued that the laws of the United States in force in Utah before her statehood can have any force or bearing upon her status or that of her people after her statehood became complete.

Whatever may have been the force and effect of the Edmunds or the Edmunds-Tucker law while in force upon the question of the eligibility or noneligibility of the member-elect from Utah, they can not affect the question as to his now eligibility or ineligibility as the Representative of a sovereign State.

If it be conceded that the member-elect from Utah, who asks to be admitted to take the oath as a member of this House, at the time of his election possessed the qualifications prescribed by the Constitution, and has not since his election lost any of these, then it is difficult to conceive how his right to be sworn in as such member can be denied, whatever may be the final action of the House hereafter as to his right to retain his seat.

I can not see—I do not find any warrant in the Constitution that convinces my judgment or enlightens my conscience that this House possesses the right or the power to exclude the member-elect.

Nor do I find anything contained, urged, or argued in the report of the committee that convinces me that such power or right exists.

Nor do I find any authority in the Constitution that leads me to believe that this House, as such, that is without the concurrence of the other branch of the lawmaking power of the Constitution, can add disqualifications where they did not before exist.

It is true the committee cites numerous authorities and some apparent precedents for its conclusions, but upon a close examination of the text-books referred to by it and precedents cited, it will be found that the statements from the text-books are largely the expressions of opinion of the authors and sustained by no authority, and most, if not all of the decisions of courts relied on as precedents are cases either wholly inapplicable to the facts of the case under consideration, or are merely obiter dictum.

The committee has found, as shown by its report, that the member-elect from Utah was, at the date of his election, and since, and now is, a polygamist—having three wives. However criminally abhorrent this may be to the precepts of our Christian religion, and however much this may be opposed to the spirit and genius of our Christian civilization, and however much we may detest and abhor this relic of barbarism and of the act of the grandson of Cain, the murderer of his brother, by whom it was first inaugurated, yet this Government of ours is a constitutional Government and a Government of law and order, and we can not afford to tread even lightly upon the Constitution and exclude a duly elected Representative of a sovereign State of this Union on doubtful grounds when we have a plain, simple constitutional method by which we may quickly solve the problem, to wit, explusion.

We are told that we can not expel him, because the offense for which we propose to rid the House of his presence is not one related to his duties as a member of this House. Is this true? Let us see.

The Constitution, section 5 of Article I, provides:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Some of the meanings or definitions of the word "disorderly," as given by Webster in his dictionary, are, "Not regulated by the restraint of morality; unchaste; of bad repute, as a disorderly house."

The Apostle Paul, in his first letter to the Thessalonians, third chapter, sixth verse, admonishes his brethren:

> Withdraw yourselves from every brother that walketh disorderly.

The word "disorderly" has a broad and comprehensive meaning when applied to the various forms of human conduct and action, and must be likewise construed as broad and comprehensive when used by the Constitution in its application to members of this House.

However exemplary may be the conduct of a member of this House in its presence, yet many instances may be cited where he may, not in the presence of the House, be guilty of acts which would tend to disgrace it as a legislative body and bring it into scandal and disrepute and make it contemptible in the eyes of the good people of the country and disentitle it to the respect and confidence of the people; and if he should do so, he most certainly would be guilty of "disorderly behavior" in the sense above stated and within the meaning of the Constitution.

It is made most manifestly to appear by the report of the committee that the present status of the member-elect from Utah is that of a polygamist, and his continuance as such is an affront to this House, its dignity, and sense of decency, and shows that his conduct is "not regulated by the restraint of morality," that he is "unchaste" and of "bad repute," and is therefore now guilty of continued "disorderly behavior," for which he should be expelled, but in accordance with constitutional methods, in the way pointed out by the Constitution—in decency and in order.

His offense therefore has a relation to his duties as a member of this House, in his contact and association with its members, and his cooperation in its business.

Giving due consideration and weight to the report of the committee, with due deference to its opinion, still so cogent is the legal argument and reasoning presented in the report of the minority why the member-elect from Utah should not be excluded, and believing that neither constitutional nor legal power exists in the House to exclude him, and that the grounds of objection to his being sworn in are not valid and sufficient in law, I shall vote for the minority report; but believing that his continuance in polygamy is "disorderly behavior" within the meaning of the Constitution, I stand ready to vote for his expulsion; and in this way I believe I shall discharge my constitutional oath.

It may be—indeed, has already been argued—that proceeding in this way would be wholly superfluous and unnecessary, and even to pursue this course would be ridiculous. This may so appear to some gentlemen who do not have conscientious scruples about the Constitution and constitutional methods. Short methods may be justified in some things, but can not well be excused in dealing with grave constitutional questions.

We can not afford to put out the eyes of the Constitution and the law and establish what may become a very dangerous precedent.

I know some persons regard the Constitution as an obsolete, antiquated, musty old document, of not much binding force except when they want it to be binding, but a very elastic and expanding sort of instrument when they want to expand.

Let us not be swerved from our fidelity to the Constitution and our duty to ourselves as men by mere sentiment. [Loud applause.]

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent at this time that all members be allowed to print their views on this case for ten days after the vote is taken.

The SPEAKER. All members who have spoken?

Mr. TAYLER of Ohio. All members.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all members be allowed to print remarks on the special order for ten days. Is there objection? [After a pause.] The Chair hears none.

Mr. BROSIUS. Mr. Speaker, as varying bells make the perfect chime, it may not be uninteresting to sound a different note from those to which we have listened in this debate and look at the case from another point of view. We have heard able and exhaustive arguments from the view of the majority and minority reports, and we have listened to a review of the case from the personal point of view of the member-elect from Utah. We have heard the profound lucubrations of the constitutional lawyer and the deep reasoning of the parliamentarian and the political philosopher. Now let us glance at the case from the point of view of the people of the United States. Let us stand in the American home, by the firesides of the common people, where dwell the fathers and mothers, husbands and wives, who make up this Christian nation, and see what view we get from that pure-aired elevation.

I shall vote to sustain the majority report, because I approve their findings of fact and their conclusions of law. The argument of that report on the legal and constitutional aspects of the case I believe to be absolutely sound. On those two aspects the case is fatal to the contention of the gentleman from Utah, and it remains to be seen whether there exists a third view which is also fatal. Ordinarily two fatal wounds would suffice without looking for a third to explain a homicide, and the proposal to look for a third ground of action in this case can not fail to suggest the unconscious humor in the answer of the untutored physician who, when asked if the injuries to his patient were fatal, replied that two of them were certainly fatal and as to the third time will tell.

As a basis for the brief reflections I desire to submit from the point of view of the people at large, I call attention to the findings of fact unanimously agreed upon by the committee.

FINDING OF FACTS.

We find that Brigham H. Roberts was elected as a Representative to the Fifty-sixth Congress from the State of Utah, and was, at the date of his election, above the age of 25 years; that he had been for more than seven years a naturalized citizen of the United States and was an inhabitant of the State of Utah.

We further find that about 1878 he married Louisa Smith, his first and lawful wife, with whom he has ever since lived as such, and who since their marriage has borne him six children.

That about 1885 he married as his plural wife Celia Dibble, with whom he has ever since lived as such, and who since such marriage has borne him six children, of whom the last were twins, born August 11, 1897.

That some years after his said marriage to Celia Dibble he contracted another plural marriage with Margaret C. Shipp, with whom he has ever since lived in the habit and repute of marriage. Your committee is unable to fix the exact date of this marriage. It does not appear that he held her out as his wife before January, 1897, or that she before that date held him out as her husband, or that before that date they were reputed to be husband and wife.

That these facts were generally known in Utah, publicly charged against him during his campaign for election, and were not denied by him.

That the testimony bearing on these facts was taken in the presence of Mr. Roberts, and that he fully cross-examined the witnesses, but declined to place himself upon the witness stand.

From these facts it appears that the gentleman from Utah is a polygamist in principle and in practice; that he is the husband of three wives all in full life and the father of at least two sets of children, who are being reared contemporaneously under the wings of their respective mothers. It only accentuates the situation without altering its character to say that the husband of these wives and the father of these children could not remove with his families, his entire domestic establishment, to any other State in the Union or into any country on the face of the earth where the common law or the canons of our Christian faith prevail and live outside the penitentiary.

It is a situation most extraordinary, and derives its momentous importance from the fact that it is shocking to the moral sense of the country and abhorrent to the Christian feelings of the American people. The people of the United States are a Christian people and have a deep-seated and ineradicable conviction that the whole course of human history has demonstrated that the dualized unit of humanity, the one man and one woman, the twain making one flesh, to nurture offspring in the peace and harmony of Christian marriage, is the essential requisite to a sound social formation and a progressive Christian civilization. They believe that the family based upon monogamy is the only true or possible foundation of a wholesome social order and necessary to the honor, dignity, freedom, and elevation of womanhood as well as to the proper nurture, well-being, moral character, and the civil and spiritual interests of children. They believe—

> There is no holy matrimonial vow
> Save where one sole pair to love's soft fetters bow.

They hold to the estimation of the love borne a single wife, depicted by the Knight of the Sleeping Leopard in the "Talisman," when he likened it to the gem on the Saracen's finger. Said he:

> The love a true knight binds on one only fair and faithful is the gem entire. The affection thou flingest among thy half-wedded slaves is as worthless as the fragments of that gem if I with this ax should break it into twenty shivers.

They believe the harem and the home are incompatible and can not exist in the same country; that the teaching and practice of polygamy are demoralizing to society and destructive of the essential principles upon which our free institutions and our Christian civilization rests; that it is a malignant growth, a cancer fed and fattened upon immorality under the cloak of religion; that it is an offense that smells to Heaven, a blighting, blistering, blasting bondage to woman, and a withering curse to children, and therefore they hold that the State of Utah, in sending Mr. Roberts here as their Representative, perpetrated a gross indignity upon the people of the United States which we are bound in honor to rebuke by sending him back to his people, and that seating him as a member of the House of Representatives would be an outrage upon the moral sense of every Christian citizen of the Republic, a shameless assault upon every Christian home, and an insult to every honest woman in America.

This characterization of the situation does not overstate the attitude of the public mind toward this case. With this profound moral conviction, deep-rooted and all-pervasive feeling of the ineffable disgrace and reproach upon the nation of admitting this loathsome moral contagion into the nation's Congress, the people are not overzealous to find express constitutional warrant for excluding Mr. Roberts from membership in the House. They will not be astute to find ingenious and subtle reasoning to sustain a proposition the logic of which they are wholly unable to comprehend, that we have the right to put him out after he is in, but no right to keep him out before he gets in. They may concede the powerful logic brought to the support of that contention, but they will remind you of the argument of Aristotle to prove the finiteness of the universe, of which, it was said, it was wholly unanswerable, and yet it never convinced a single human soul. They will not hear you say that he has a constitutional right to his seat, but no constitutional right to occupy it.

They will not even see the humor in that proposition and will regard the contention of the minority report as to the mode of procedure, after the concessions they make as to the merits of the case, as too trivial for the dignity of statesmanship. It will at least remind them of the deep philosophy in the observation of an English judge who, after pronouncing sentence, said:

> I seem to have been pronouncing sentence not against the prisoner, but against the law itself.

The proposal of the minority is to first pronounce sentence

against our Constitution, our country, and our civilization by admitting the claimant to his seat, and then pronounce sentence against him by expelling him. They would rather say, in this crisis of the nation's good name and fame, as was said in a crisis of the nation's life, if the warrant is not in the Constitution, it ought to be there; that it is a casus omissus due to the impossibility of our fathers anticipating the occurrence of the incident we are now considering; and they command us to act as if it were there, and save the honor, good name, and fame of the American people.

If you suggest to them that some authority ought to be shown for such heroic treatment, they would answer as William Wirt did when in the trial of a case he stated a proposition the soundness of which was questioned by his opponent, who asked for his authority, book and page. Wirt replied:

> Sir, I am not bound to grope my way among the ruins of antiquity and delve in black-letter lore in search of a principle which is written in living letters upon the heart of every man.

They will easily see that the case presents but two questions—a question of power and a question of right. They will insist that the Constitution imposes no limitations on the right of this House to judge of the qualifications of its members. They will concede that this does not authorize the House to do a wrong or an unjust act in excluding a member-elect who, on grounds of general reasoning in view of justice, right, and good morals, ought to be admitted; but, on the other hand, they will hold that it authorizes the House to exclude a person who, on every ground of right, justice, and good morals, ought to be excluded, and that the House in the nature of the case must be the sole judge of the exigency which calls into requisition the exercise of the power of exclusion.

This is the voice of the public opinion of this nation—a mighty assembly which without visible session ever legislates, and without army or navy, marshal or constable, ever executes its decree. And that decree, when the American people are stirred as they only can be by a great moral question which marshals the conscience of the nation, is quite likely to reaffirm a law higher than the mere lex scripta. It was of the other "twin relic of barbarism" that William H. Seward was speaking when he declared there was a higher law than the Constitution, and that every human enactment which is just and right is a reenactment of the law of God. The people in this crisis appeal from all subtle reasoning, fine-spun distinctions, and refinements of logic to the higher law of right, justice, and Christian morals. Nor is this august tribunal of public opinion without citations of authority for its appeal from the omitted letter to the higher law of the spirit of the Constitution and the invincible will of the nation.

Senator Berrien, of Georgia, on February 12, 1850, said:

> There is no warrant in the Constitution for the Missouri compromise act; but in what was considered a great crisis, menacing dangers of a serious nature, they felt that they were authorized under the pressure of the occasion to assume the power which they exercised, relying upon the good sense, intelligence, and patriotism of the people to justify the assumption of a power which the Constitution did not confer and which they had no specific power to exercise. In other words, I consider that the Missouri compromise was admitted under the influence of the principle salus publica suprema lex.

When the Louisiana purchase was before the public mind Thomas Jefferson said:

> The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of the country has done an act beyond the Constitution. The Legislature in casting behind them the metaphysical subtleties and risking themselves like faithful servants must ratify and pay for it and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves if they had been in a situation to do it.

So in this crisis, menacing danger, dishonor, and reproach to this nation before the eyes of the on-looking world, we might well consider, if we found no warrant in the letter of the Constitution, whether we were not justified under the extreme pressure of the situation in assuming the power which the people themselves possess and which they, by a spontaneous and united acclaim without a parallel in the history of the country, command us to assume. Happily, we are not driven to this alternative; but if the circumstances of the case made it necessary for us to choose between the shame and reproach of seating this man, and assuming for a moment and for a righteous purpose the sovereignty of the people, to carry out their will, there are some, I am sure, who would not hesitate long to accept the latter responsibility, and, as Jefferson said, throw themselves on their country for doing for the people, unauthorized what we know they would do for themselves if they were in a situation to act; and if any accuser should arise who has more reverence for the mere letter of authority than for the good name and fair fame of his country their sole reply would be, "The letter killeth, but the spirit maketh alive," and "the public good is the supreme law." [Loud applause on the floor and in the galleries.]

Mr. GROUT. Mr. Speaker, it seems unfortunate that the committee to whom was referred the right of the member-elect from the State of Utah to a seat in this House should have divided as to the method by which he should be kept out of the House, when all are agreed that he ought not to participate in its deliberations. Fortunately, however, the division is not on party lines, and the two reports present two methods of reaching the same result. The first is to refuse to the member-elect the oath and never admit him to membership. The second is to allow him to take the oath, which admits him to full fellowship in the House, and then expel him.

WHY SWEAR HIM IN IF HE IS TO BE EXPELLED?

Now, as a matter of plain common sense, the question will at once be asked, Why swear him in if he is to be thrown out a few minutes later? Mr. Speaker, as a matter of plain sense, this is not an easy question to answer, nor, sir, is it an easy question to answer when you open the technical volume of legal refinements upon constitutional limitations and parliamentary usages.

It is under these refinements and manifestly against the plain sense of plain people that the minority frame their argument in favor of swearing in Roberts and then expelling him; and this, in brief, is the argument. That when the Constitution says, "Each House shall be the judge of the elections, returns, and qualifications of its own members," it means so far as the right to be sworn in is concerned; that the House can consider and judge only the negative qualifications prescribed by that instrument, among which are those recited in the clause which reads as follows:

> No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

In other words, the minority contends that the House must accept and swear in whoever may come with a certificate of election from the governor of his State, providing he be 25 years of age, seven years a citizen of the United States, and an inhabitant of the State when elected, no matter what crime he may be guilty of; no matter if he be a forger, bank robber, horse thief, or murderer, or, as in the case at bar, a polygamist and bigamist. This, Mr. Speaker, is what the minority report resolves itself into.

Inasmuch as the minority recommend the expulsion of Roberts after he is sworn in it would seem to follow as a necessary inference that they admit that the House may prescribe for members other qualifications than those negatively enumerated in the Constitution. This with some is a mooted question, but seems not to be involved in this discussion, inasmuch as the reason for the expulsion of Roberts, as given by the minority, is in no way specified in the Constitution. But here again the question recurs, Why does the minority insist that the member-elect shall be sworn in at all if he is not to remain a member of the House? Manifestly in deference to the custom which has sprung up of allowing the member-elect who comes with the certificate of the governor of his State to receive the oath and take his seat in the House, even though some one else may be contesting his right to the seat and may ultimately displace the person so admitted.

This is the invariable practice of the House, and, as for that matter, of legislative bodies generally, where the question is upon the election of the member; but that is not the case before us. The question here is whether the member-elect from Utah is entitled to take his seat at all. Whether, in short, in the judgment of the House he ought to be admitted to membership. The minority say emphatically in their report that he ought not to be; and here again the question thrusts itself upon us, Why admit him and straightway cast him out? The reason given by the minority is that the Constitution requires it. Does it so read? No, say the minority, it does not exactly so read, but the proper construction of certain clauses, the clauses I have just read, entitles the member-elect with the certificate of the governor of his State to be admitted to membership, no matter what his crimes may be.

DIFFERENT READINGS OF THE CONSTITUTION.

And this, Mr. Speaker, is the way the minority would make the Constitution read. For one, sir, I can not make it so read. When it says that "no person shall be a Representative who shall not have attained the age of 25 years, and have been seven years a citizen of the United States, and who shall not when elected be an inhabitant of the State from which he shall be chosen," and stops there, it simply means that no one shall be a member without these qualifications, and leaves all else as to the admission of members to the House itself when not regulated by act of Congress. But how can it be said that because a member-elect has these qualifications, even though he be a polygamist and bigamist, as in the case at bar, or perchance be guilty of the foulest of felonies, or possibly of high treason, that there is no power in the House under the Constitution to prevent him from taking his seat?

Mr. Speaker, this view of the Constitution reminds one of the conclusion reached by a high official of this Government forty years ago, who could nowhere find in the Constitution the power to coerce a State. But the American people found that power, and in this case the House has found and has already exercised the right to stop the member-elect from Utah at the bar of the

House and send his case to a committee. And it turns out on investigation that he is guilty of all that is alleged against him. The minority so inform the House, but at the same time ask it to say in substance that its action in stopping him at the bar was wrong; was, in short, unconstitutional; that under the Constitution as read by them he was entitled to receive the oath and could then be dealt with.

The House will, of course, if satisfied it is not in the right, promptly seat this man, notwithstanding his polygamy and notwithstanding his continued violation of the laws of Utah against polygamy, made permanent by its constitution.

BOTH REPORTS ABLE AND HELPFUL.

The House and country are to be congratulated upon the able and exhaustive investigation of this important question by the committee having it in charge. Both reports are models of research and statement and in the best sense helpful to the House. In the brief time at my disposal no full analysis can be presented of these long and learned reports. But a careful examination of them side by side will, I think, justify these conclusions: First, that the House may rightfully under the Constitution refuse to admit a member-elect for crime or any other offense which in our enlightened civilization should disqualify a Representative of the people, even though he possess all the requisites enumerated in the Constitution.

Second. That the House may assert this right when the member-elect presents himself to receive the oath.

Whether or not this be the constitutional right of the House, certain it is that the House has in repeated cases exercised that right, and in no instance cited in either report, where the question has been raised, has the House declined to take jurisdiction on the ground that the member-elect was entitled first to receive the oath.

PRECEDENTS ALL SUPPORT MAJORITY REPORT.

The precedents on this point, really the only point in controversy between these two reports, all support the majority view. The fact can hardly be given too much emphasis that no instance is cited by the able and learned gentlemen submitting the minority views where the House has ever held otherwise. One can not help admiring the ingenious plausibility with which they attempt to explain away the force of the precedents; but the cold fact remains that in every instance the record stands against them. And should the House sustain the majority report, instead of making a precedent, as some have asserted, we shall only be acting in accordance with precedents.

But some say the majority proposition is a dangerous one; that it will make possible revolutionary proceedings by which, in times of great excitement, the House might be prevented from organization.

The reply is, that something of that intelligence, candor, and conservatism which in the past have preserved the dignity and integrity of this body should be conceded to its future.

In the hundred and more years of the history of the House only a few cases have arisen in which the power of refusing admission has been invoked. During the sixteen years I have had the honor of a seat here there has been but one case—that of George Q. Cannon, a Delegate from Utah while a Territory. It was in 1892.

Cannon, on a contest against Allen G. Campbell, was found by the committee to have been elected, but was also found by the committee to be a polygamist and ineligible on that ground. This was before the passage of the Edmunds law. Before the case came up for consideration in the House the Edmunds law was passed. The Committee on Elections, however, before the passage of the law, had declared him ineligible on account of polygamy.

I remember well the temper of the House on that occasion. It did not doubt that it was a duty it owed itself and the country to protect its membership from the admission of criminal characters, such as was Mr. Cannon under the Edmunds law.

The House also held the same view of duty in 1870, when one Whittemore, a member from the State of South Carolina, was found by a committee of the House to have sold a cadetship, and who, to avoid expulsion, resigned his seat. He went home to his constituents, was reelected, and returned to the House with a certificate in due form, supposing, in accordance with certain precedents, that if indorsed by his constituents the House could not expel him. But the House said it would not disgrace itself, and summarily refused him admission, not even referring his case to a committee.

Then there are the Kentucky cases, so called, disposed of in 1867, directly to the point. But other precedents need not be cited.

BROKEN COMPACT.

Mr. Speaker, I want to say that if there were no precedents for this proceeding, to my mind there is ample ground for the proposed majority action in the broken compact entered into by Congress and the people of Utah when admitted as a State. It was then distinctly understood that the people of Utah had accepted in good faith the provisions of the Edmunds law; that polygamy, both as a religious belief and as a practice, had been abandoned and would never be revived. Glance with me for a moment at the conditions under which Utah came in as a State, and note the strong assurances of the abandonment of polygamy under which she came in. On September 26, 1890, Wilford Woodruff, first president of the Mormon Church, preparing the way for statehood, issued a manifesto in which, among other things, he said the endowment house, in which plural marriages had formerly been solemnized, had been torn down. In this manifesto he used the following language:

> Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the church over which I preside to have them do likewise.
>
> There is nothing in my teachings to the church, or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teachings he has been promptly reproved. And I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.
>
> WILFORD WOODRUFF,
> *President of the Church of Jesus Christ of Latter-Day Saints.*

And later, on application for restoration to the church of the property which by the Edmunds-Tucker law had been escheated to the State, both Wilford Woodruff, then first president, and Lorenzo Snow, as counselor and now first president, testified that they construed the above manifesto to prohibit the continuance of polygamous relations in cases where the marriage was entered into before the passage of the Edmunds law as well as afterwards.

On December 19, 1891, a petition was addressed to President Harrison, signed by Wilford Woodruff, first president, and by George Q. Cannon and Joseph F. Smith, his counselors, and the twelve apostles also, praying for amnesty for those under judgment of the Edmunds-Tucker law, and from that petition let me read the following extracts:

> *To the President of the United States:*
>
> We, the first presidency and the apostles of the Church of Jesus Christ of Latter-Day Saints, beg respectfully to represent to your excellency the following facts:
>
> We formerly taught to our people that polygamy, or celestial marriage, as commanded by God through Joseph Smith, was right; that it was a necessity to man's highest exaltation in the life to come.
>
> That doctrine was publicly promulgated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to September, 1890. Our people are devout and sincere, and they accepted the doctrine, and many personally embraced and practiced polygamy.
>
> * * * * * * *
>
> According to our creed, the head of the church receives from time to time revelations for the religious guidance of his people. In September, 1890, the present head of the church in anguish and prayer cried to God for help for his flock, and received permission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended.
>
> At the great semiannual conference, which was held a few days later, this was submitted to the people—numbering many thousands and representing every community of the people in Utah—and was by them in the most solemn manner accepted as the rule of their lives.
>
> They have since been faithful to the covenant made that day.
>
> At the late October conference, after a year had passed by, the matter was once more submitted to the thousands of people gathered together, and they again in the most potential manner ratified the solemn covenant.
>
> * * * * * * *
>
> As shepherds of a patient and suffering people, we ask amnesty for them and pledge our faith and honor for their future.
>
> And your petitioners will ever pray.

President Harrison granted amnesty November 1, 1893, to all who had abstained from polygamous practices after November 1, 1890. But this would not include the member-elect from Utah, who the committee report married his second plural wife, Celia Dibble, in 1885, and has lived with her as such ever since, she bearing him twins August 11, 1897, and is now the mother of six children. But to return to the conditions on which Utah was admitted.

Now here was the manifesto of September 26, 1890, construed by the solemn oath of Wilford Woodruff, then first president, and Lorenzo Snow, now first president, to prohibit polygamous relations of every kind, and to enjoin obedience to the law. Here was also the petition for amnesty, signed by all the higher officials of the church, and closing with the following solemn promise:

> As shepherds of a patient and suffering people, we ask amnesty for them and pledge our faith and honor for their future. And your petitioners will ever pray.

On the strength of these unequivocal declarations, approved and ratified in the most solemn manner, as the church officers informed President Harrison, by two of their general conferences, the Committee on Territories early in 1893 reported a bill enabling Utah to form a State government on condition that polygamous or plural marriages are to be forever prohibited. On December 12, 1893, when this bill came up for consideration, to satisfy the House and the country that polygamy was dead in Utah, Mr.

RAWLINS, then Delegate and now Senator from Utah, in the debate said:

Governor West in his report, which I have in my hand, one of the chief men who opposed it, perhaps more violently than any other, says:

"The practice of polygamy has been abandoned by the church and the people. Polygamous marriages are forbidden by the authorities of the church. The people or church party has been dissolved, and the conditions existing in the Territory are now in no wise different from those in vogue in the States of the Union."

Further on he said:

I think I understand the sentiment that prevails among those who are uppermost in the councils of the political parties in the Territory of Utah, and who would be likely to dominate its affairs in case it be admitted as a State; and I am prepared to say upon my conscience that I believe these people can be safely intrusted with the full measure of self-government which would be accorded under statehood.

And again:

The eradication or discontinuance of polygamy is perhaps first due to external pressure, but still more largely to the efforts of people within the Mormon Church itself to bring about the reform of the organization in that respect.

It should be borne in mind that a very small proportion of the Mormon people have ever practiced polygamy. Those who did not practice it saw the evil consequences which followed from its practice, the unhappiness which it caused in families, and that it rendered the people of Utah obnoxious to the prevailing sentiment of the age. Its practice disturbed the tranquillity, impeded the progress, retarded the growth, darkened the character, and destroyed the prosperity and happiness of the people.

And speaking of the manifesto of September 20, 1890, already referred to, he used this strong language:

The elders of the Mormon Church got up and said that this came to the people with all the force of a revelation and was binding upon them, and many of the Mormon people have testified in court, when occasion has arisen when such testimony would be relevant, that they regard that as a revelation from Almighty God; that they no longer believe polygamy and its practice to be right, and in effect it is not only discontinued as a practice, but, so far as the great mass of the Mormon people is concerned, it is eradicated as a belief. But the people of Utah—I think I can speak for them on this question—mean, I believe, what they say. They are engaged in no scheme of fraud or treachery by which to deceive the nation. Having made this pledge, and on this pledge asked this action by the American Congress, I think I can say for them that they will stand by it though the heavens fall.

On the strength of these assurances from the governor of the Territory, the president and counselors and apostles of the church, and of Delegate RAWLINS, the enabling act was passed, and Utah became a State.

To those of us who were charged with the responsibility of the admission of Utah and who heard these words of solemn assurance as they fell warm from the lips of Delegate RAWLINS in this Hall, it seems a clear case of bad faith on the part of her people to now send a polygamist to represent them in this body.

Mr. Speaker, it is the blackest kind of fraud and treachery, the very thing that Mr. RAWLINS assured us against, and I think honestly, too. If not fraud and treachery on the part of the Mormon people, it certainly is on the part of the man Roberts, who is now knocking at the door of the very place where the fraud was made effective. But of this I will speak later.

Mr. Speaker, I believe it is not claimed that there is any constitutional provision against doing as one agrees, nor any against the people of Utah doing as they agree. There is no provision against common honesty and decency, and both, as well as proper self-respect, require that we say to Mr. Roberts, "Not only have you deceived us, but you are a polygamist, an offensive character to Christian civilization, and are also a constant violator of the constitutional provision of Utah, which you yourself helped make for the sole purpose of working Utah into the Union, and we do not want and will not have such an odious character in the House, not for a few minutes even. We say to you, go back to your constituents, who will go unrepresented in this body until they select some one who is not a polygamist. We are going to resolutely hold the people of Utah to the agreement made when we clothed them with statehood." This is good morals and good law.

Mr. Speaker, it is a principle in both law and equity that whoever comes into court asking the benefit of a contract or its enforcement must show that in every particular that he himself has kept the contract. This principle is older than constitutions, and is of such high moral scope that I shall hope there will be no claim that it is unconstitutional.

Now, let us apply this principle to the case at bar, not as a court deciding between parties and hedged about with the limited jurisdiction ascribed by the gentleman from Maine, but as one of the high contracting parties and as clothed not only with judicial power over matters rightfully before us, but with that creative power also which is the distinguishing function of all legislative bodies.

Let us view it as the holders, for the time, of the sovereignty of the people, and the medium through which that sovereignty can be expressed without limitation, except as prescribed in the Constitution, which in terms says:

Each House shall be the judge of the election, returns, and qualifications of its own members.

JUDGE WILSON'S ADVICE.

Let us apply the above rule and do what Judge Jeremiah Wilson, counsel for the people of Utah in 1887, when they were asking admission, said Congress could do if they did not live up to their agreement, viz:

You could shut the doors of the Senate and House of Representatives against them; you could deny them a voice in the counsels of the nation because they had acted in bad faith and violated their solemn agreement by which they succeeded in getting themselves into the condition of a State.

I repeat, Mr. Speaker, do just what this eminent counsel, when pleading for the admission of Utah as a State, said we could do; and he being their counsel, his language is their language. Let us "shut the door of the House against them" so long as they flagrantly violate their pledges and send a polygamist to represent them in this body. Let us, in the literal language of the learned counsel, "shut the door," and not go through the farce of asking Roberts in and, after giving him a seat, then ask him to go out. I say the farce, because the cause for which the minority would expel Roberts is the identical cause for which the majority would exclude him, and confessedly that cause is outside of the qualifications negatively enumerated in the Constitution. Then what becomes of the elaborate argument of the minority that the House can not add to the three enumerated qualifications, for they must add the cause upon which they would expel him, and it does not satisfy sound reason to say that as against a two-thirds vote qualifications may be added, but not as against a majority.

PRECEDENT WHOLESOME AND NOT DANGEROUS.

But some fear the precedent. Mr. Speaker, the precedent created by the adoption of the majority resolution will rest upon grounds so distinctly peculiar to itself that it can never be invoked unless it be in some future case from the State of Utah, in which violated pledges shall again cry out in the name of honor and decency; and the sooner the people of Utah learn that the doors of this House are barred against the entrance of a polygamist the sooner will the young men of that State learn that the way to honor, in this world at least, is not in plural marriages; the sooner will the Mormon Church realize that the taint of polygamy hopelessly bars its way to fellowship with Christian civilization; the sooner also will the State itself discover that this relic of barbarism is the only hindrance to a brilliant and prosperous future, the only blot on the otherwise good character of this fair sister of the mountains.

Mr. Speaker, the minority position, briefly stated, is this: That whoever has the governor's certificate, is 25 years old, seven years a citizen of the United States, and an inhabitant of the State from which he comes, shall be seated as a matter of absolute right, simply because the Constitution says the member must have these qualifications, but does not say that Congress or the House may not require others. The minority seem to lose sight of that other clause, that "each House shall be the judge of the election, returns, and qualifications of its own members." The only judgment which the House has under the minority view is, whether a man is 25 years of age, has been seven years a citizen, and was an inhabitant of the State at the time of election—three very heavy questions indeed for the representatives of the sovereign people to judge.

I submit that these things are all matters of ascertainment rather than of judgment. And if the framers of the Constitution intended to limit the power of the House to these three things, they would have used the word "ascertain" as more applicable to this inquiry, so that the clause would read, "Each House shall judge of the election and return and shall ascertain the qualifications of its own members." The framers of the Constitution understood well the use of language; and if they had intended this limitation, they never would have used the word "judge" in that connection.

The majority claim that under the word "judge" the House may not only ascertain if the member is qualified as the Constitution says he must be, but when charges are preferred against a member-elect that ought to disqualify him as a Representative it is the duty of the House to look into them and, if true, judge whether the offense he may be guilty of ought to exclude him from the House.

TEST CASES.

Now, let us test the minority views by some extreme cases, which, on the authority of Chief Justice Shaw, prove the rule. Suppose a lunatic presents himself with the governor's certificate, and he possess the three prescribed qualifications. According to the minority, he must be sworn in, no matter what confusion and danger he may bring into the House. Suppose a leper comes with a certificate and the three qualifications—and one may some day come from Hawaii, though there be lepers in the United States—the minority, following the logic of their position, must say he should be sworn in, thus making a pesthouse of this Hall. But suppose a murderer raises his hand, still red from the fatal fray, for the oath. Gentlemen of the minority can not help saying he should receive it and sit down with the representatives of the people.

The minority may reply: "After admission these men might be

expelled, of course, because one is a lunatic, the other a leper, and the other a murderer. It would, of course, be because of these disqualifications." But these are not enumerated in the Constitution, and your position denies the power of the House to add any others. It will trouble the ordinary mind to understand, if the House may add to these qualifications for expulsion, why it may not for exclusion, Thus do we see the argument of the minority running into the face of itself.

The majority view is, that when the Constitution says the House shall be the judge of the qualifications of its own members, it means just what it says, and it may, if it so determine, refuse admission to all such characters as above described; may, in short, exclude any person whose entrance into it would affect its integrity, compromise its dignity, or be a blot on its morality; and I do not care whether you call this the power of prescribing additional qualifications or of self-preservation and self-protection. Mr. Speaker, I believe if this question ever gets into the Supreme Court, that that tribunal will never take away or in any way abridge the power of the House to keep itself respectable.

Now, apply this principle to the case at bar. Brigham H. Roberts is a polygamist, and is such in violation of a law kept on foot by a provision in the constitution of Utah which he himself helped place there in order to bring the State into the Union, when at the very time he was living in violation of that law and has been from that time until now, thus adding to the crime of polygamy hypocrisy and falsehood. Shall we admit such a man to a seat in the House?

POLYGAMY, HYPOCRISY, AND FRAUD.

Here are the facts: The enabling act authorized Utah to form a State government on condition that polygamous and plural marriages be forever prohibited. This provision was incorporated into the constitution, and it was also moved by C. S. Varian, of Salt Lake, to insert the following clause declaring in force the laws of the Territory against polygamy:

The act of the governor and legislative assembly of the Territory of Utah entitled "An act to punish polygamy and other kindred offenses," approved February 4, 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah.

And on this motion Mr. Roberts, who was a member of the convention, spoke as follows:

Mr. President, I am in favor of adopting the amendment offered by the gentleman from Salt Lake. I think, sir, that it should prevail. First and principally that it may appear, without any equivocation whatever, that in perfect good faith the people of Utah intend to carry out the condition upon which statehood is to be granted to the Territory, for Congress did require, by its enabling act, an express stipulation upon this subject, and I believe its intention was to have a declaration that would be effective and not merely an empty assertion, and I think a provision of this character is absolutely necessary to the document we are drafting, in order to establish beyond question the fact that we intend to carry out to the letter our agreement as expressed in the compact with the United States.

It was on February 4, 1894, that Mr. Roberts uttered the foregoing. He was anxious to have it known that the people of Utah were acting "in perfect good faith" and were intending "to carry out to the letter their agreement as expressed in the compact with the United States," from which it seems Roberts perfectly understood there was a compact.

Now, let me ask, what kind of faith was he exercising at that very moment, living, as he was, with Celia Dibble, his plural wife, whom he married in 1885? And what kind of faith has he exercised since by continuing his relations with this second wife "ever since," as the committee find? And, further, let me ask what kind of "faith"—that is his word—did he exercise three years later, in 1897, when he took another wife, Margaret C. Shipp?

Not only this, but while Roberts was before the people of Utah for election, in reply to Governor Wells, who is a Mormon, but who protested against Roberts's election on the ground of his polygamy and that it would be a violation of the admission compact, said in an interview which appeared in the Salt Lake Herald of November 6, 1898, and signed by him, among other things, the following:

He knows that while technically a law which crept into our statute book by what may be called an inadvertence—viz, that the code commission put into the code what was considered before statehood an unconstitutional law, and then the code was adopted by the legislature, a number of whose members have said to me personally that they were not aware such a law was in the code—he knows that the law has not been executed; thatthere has been no public sentiment that demanded its execution, and that, like some of the blue laws of Connecticut, which exist on the statute books under similar circumstances, it has not been enforced. And one of Governor Wells's associates in the attack upon me—Judge Goodwin—is authority for the statement that a law is never enforced against the sentiment of a community.

Governor Wells knows all this, and yet he is craven enough in his soul to join hands with lifelong enemies of his father and his people and attack me for doing, if the charges are true, what, as a private citizen and a member of the Mormon Church, he dare not lift his voice against; for discharging these moral obligations, which, if his charges are true, under all the circumstances, would be an act of honor.

When the sow that has been washed returns to her wallowing in the mire we smile at it.

When the dog turns to his vomit we sicken at it.

When the bird fouls his own nest we are filled with disgust.

But when a man, and that man a governor of a State, discredits the marriage system which gave him birth, stamps the brand of dishonor on his own parents, and assumes an attitude that, carried to its legitimate conclusions, would put his own sisters beyond the pale of the law and mark them as outcasts, then there is no comparison that can express one's contempt and disgust for such a craven.

Thus do we find this man solemnly parading his "good faith" in the constitutional convention, professing himself in favor of legislation prohibiting polygamy, while at that very moment he was himself a polygamist. Later we find him repudiating these provisions and airily brushing aside as a dead letter the very law he had favored, speaking of it as having "crept into the statute book through an inadvertence;" and now he is posing before the House as an honest man under persecution from the intolerance of the suspicious and inquisitive.

Thus does,

He wire in and wire out,
And leaves us still in doubt
Whether the snake that made that track
Was going east or coming back.

Mr. Speaker, out of his own mouth Brigham H. Roberts stands convicted of being not only a polygamist, but of being a hypocrite and a fraud; and what shall be said of his supreme audacity in now asking this House to allow him to sit down with those on whom he has practiced this imposition and here flaunt his polygamy and hypocrisy in the face of the House and of the world?

The minority report would let him do this. The majority report says the House is the judge of all this under the Constitution, and they recommend that he be not allowed to take advantage of his own wrong, his own bad faith, and that this, coupled with his polygamy, ought to be an absolute bar to his entrance into the House.

Mr. Speaker, the House has already been told that the majority report is in direct line with its precedents and with all of them. No instance has arisen in its history where the question has been raised and the House has refused to judge of the qualifications of a member-elect when challenged at the bar.

RESULTS UNDER MAJORITY PLAN.

Under this rule the Kentucky members were sifted in 1867 and the disloyal ones kept out of the House. Under it the cadet broker was kept out in 1870, and in 1892 Cannon, the polygamist, was kept out on account of his polygamy; and the country has survived what, according to the gentlemen holding the minority views, must have been a terrible wrench to the Constitution; and the people have said amen every time.

RESULTS UNDER MINORITY PLAN.

Under the minority plan of purging the House of unworthy characters by expulsion, the record is a dismal one.

First of all, it left Cannon, the polygamist, in the House in 1874, and his victory gave him such standing that he held on for eight years longer, when the majority plan sent him home.

Under the minority plan a long list of dubious and shady characters have been left in the House unmolested. I do not wish to make unnecessarily public the names, but it left one man charged with murder and several charged with bribery and bribe taking and other corrupt practices.

PRECEDENTS MAKE ROBERTS'S EXPULSION DOUBTFUL.

Mr. Speaker, all the cases of attempted expulsion hold that it can be done only for some cause connected with service in the House, and in the very term, too, in which the attempt is made. Under this rule, supported by an unbroken line of precedents, how could Roberts be expelled immediately after admission, in the absence of proof of some fresh act of polygamous cohabitation? What has he done connected with his service in the House which would justify it? But enough; the House understands the issue between the two reports. It is principally a question of constitutional construction, and each member will say for himself how he will read that instrument, not only in the light of legal learning but of common sense and legislative experience.

Mr. Speaker, for myself I shall stand by the precedents of the House, believing they are constitutional and essential to the wholesome discharge of its duties. I shall vote to exclude Roberts from the House. [Loud applause.]

Mr. TALBERT. Mr. Speaker, I voted to exclude the Utah Representative without any regard to his alleged prima facie rights to be formally sworn in as a member of this body. I felt that the country had been so outraged by the election of an avowed and notorious polygamist to Congress that I paid little attention to the technical question as to the legal form of exclusion. It was a case, in my estimation, Mr. Speaker, of such abhorrent and defiant immorality that I did not stop two seconds to think whether he ought to be kicked in and then kicked out or whether the more decent thing to do is to keep him out entirely. [Applause.]

I acted on the broad principle that the man was unfit to be a member of this House. I have read the evidence carefully, notwithstanding my early convictions of the man's guilt. I would give a dog the benefit of any doubt I might have if its reputation

or life were at stake. I have no doubt in this case. This accredited Representative has no place in this House, and the sooner it is clear of this case the better and cleaner it will be. [Applause.]

But, Mr. Speaker, the majority report has interjected a point in the case that, in my opinion, is unnecessary, unwise, and unwarranted.

The third paragraph of the report declares that Mr. Roberts's "election as Representative is an explicit and offensive violation of the understanding by which Utah was admitted as a State," and for that, among other reasons, should be denied the right of membership "in this" House.

Commenting upon this declaration of the committee, the New York Press (January 22), the leading Republican newspaper in the country, says:

> Utah deserves a forced return to the Territorial condition. Since there is no such means, the committee majority has taken the most signal way possible of rebuking the Mormon combination of insolence and ill faith by denying to its Representative the privilege of a seat in the House long enough even for expulsion.

This House nor this committee has nothing whatever to do with the question of statehood introduced in this controversy. It ought not to have been introduced. Whatever its purpose, it has no business in this dispute at this time. I hope it will be eliminated from the report. Leave that question to the courts, where it properly belongs. Let the House of Representatives attend strictly to its own business.

There is altogether too much flippant talk, Mr. Speaker, about the power of Congress and the duty of Congress to coerce and punish States by the most drastic restrictive legislation. It is boldly and persistently attempted to reduce representation in this House and in the electoral college upon the census report of the voting population of certain States. And why? Because in the very words of this majority report the election in these States was an explicit and offensive violation of the understanding (referring to the fourteenth and fifteenth amendments) by which they were admitted as States. Only this week, at the other end of this building, has this new Republican gospel of reconstruction been proclaimed. It is a very important and very serious matter. The danger is not only not remote, but in the immediate future. [Applause.]

Another Republican House is a possibility—the merest possibility. If the almost impossibly unexpected should happen and the next House has a Republican majority, what is there to prevent the exclusion of every Representative from every Southern State upon the declaration of the majority that these States have "explicitly and offensively vetoed" the fourteenth and fifteenth amendments?

I would like to have my mind disabused of this impression. I would like to vote for the majority report, and expect to vote for it, but the paragraph I have quoted is "explicitly and offensively" objectionable to my sense of duty and to my perception of the fundamental law of the land. But there are others. Others are to be admitted to statehood if the Republican policy is carried out.

We are soon to enjoy the relics of ancient Mexican civilization in the admission to statehood of Arizona and New Mexico. Then follows the State of Hawaii, the State of Luzon, the State of Puerto Rico, and others, perhaps. Hawaii is right at our door. A bill has been reported at this Congress for its admission as a Territory. Its population is composed of 100,000 Kanakas, Portuguese, Japanese, and lepers, and 3,000 Americans. So that no flippant, partisan, or political agitation of this statehood question should be tolerated.

I hope the chairman of the committee will agree to strike out the objectionable paragraph.

I shall vote for the majority report heartily if this objection is removed. Otherwise I shall vote only under protest as to this paragraph for the adoption of the report. [Loud applause.]

Mr. ADAMSON. Mr. Speaker, after the masterly arguments of the gentleman from Maine and other accomplished lawyers who have expounded the true law of this case, it is difficult and hardly necessary to discuss further its legal aspects. It is a "consummation devoutly to be wished" that gentlemen who gave such admiring attention could yield the sanction of their votes to the control of their convictions.

Of course unlawful cohabitation, politely called polygamy, is a heinous sin against society and the law. In fact, when aggravated by the formality of a felonious marriage celebration, statute law fixes the status of the ultrauxorious perpetrator as entitled to membership in the penitentiary, rather than in Congress. The more odious the crime, however, the greater the indignation and resentment aroused and the more furious the storm of condemnation and demand for punishment; therefore the greater danger that passion may silence reason, override law, and break down constitutional safeguards.

If the gentleman from Utah "is in open rebellion against the law," "up in arms to overturn society" by leading a life of open shame with plural women, as declared by the majority report, it is "not being done in a corner." It is capable of easy and satisfactory proof by fair method, and it is due to the dignity of this House and the decent respect for the Constitution which overshadows and protects us all, if we are protected, that we deal with the case in a regular and legitimate manner. If the accused have full effect given to all his substantial rights, be fairly tried and proven guilty, not two-thirds alone, but, in my judgment, every member of this House would vote to expel him. In my judgment the argument that he must be excluded because of fear that he could not be expelled is not well founded in fact or probability, while doing violence to reason and justice. It is a reflection on the House and unworthy of its distinguished authors. There can be but one correct course. The longer we neglect our duty by refusing to adopt it the greater the confusion and danger.

It has been our duty every minute since we unlawfully stood the member-elect aside in our organization and still is our duty to administer to him the oath in recognition of the certificate from a sovereign State, thereby investing him with the duties and responsibilities of membership, whatever else betide him hereafter. Then he may be accused, tried, and expelled. To be accused and tried is one of the liabilities attending the responsibility of membership, and a legal trial is one of the rights of membership. [Applause.] Neither liability nor right attaches to any but full-fledged members. If a certified member should do as some profess to fear in this case would be done, should expulsion fail, walk away and refuse to be sworn, the seat would be declared vacant, not by raising any question of polygamy, but by reason of the fact that the certified member failed to appear and enter upon the discharge of his duties.

When sworn as a member he occupies vantage ground in many respects by enjoying certain prerogatives and prestige of which he is wrongfully deprived when barred at the threshold and placed beyond the pale of membership and under the ban of prejudgment. If there could be legal trial at all before the oath was taken, it would manifestly involve the loss of substantial rights, the deprivation or curtailment of which might taint and discredit the finding. Three hundred and fifty-seven members are elected, and four months thereafter their term of service begins according to law—that is the period of two years, during which they are authorized to legislate whenever, either in regular or extraordinary session, they take the prescribed oath, without which they can not participate in legislation. All have credentials, identical in character, importing absolute and conclusive verity as to the matters covered by them, but having no reference or relation whatever to the subsequent conduct of members.

All possess the same common right to appear and take the oath, participating mutually in the organization of the House. No man having such certificate can ordinarily be denied the right of being sworn except by unconstitutional and revolutionary proceedings. Per contra, neither the House nor any member thereof is afterwards estopped from investigating reprehensible conduct by reason of the fact that the guilty member had taken the oath. In organization nothing is judged or acted upon. Persons certified are placed on the roll and sworn. Nothing can be properly known at the time about personal conduct. If misconduct during the term renders the member unworthy of membership, there is no obstacle in the way, but every consideration demands that he be arraigned, tried, and expelled, nor is there any rule to govern the vote to expel except the dictate of sound discretion, guided by enlightened conscience.

The suggestion that the member-elect be excluded in limine as a rebuke to the State of Utah for an alleged violation of compact is utterly untenable. Like every other theory invoked to justify exclusion, it prejudges the case, assuming continuing guilt from previous conditions, ignoring and reversing all salutary presumptions in favor of innocence and rectitude, and, in the language of high authority, "blowing down the wind" the time-honored doctrine that there is a place for repentance both in law and religion. Furthermore, it implies that Congress may indulge in child's play, fashion States to-day and demolish them to-morrow, on the plea that it may rue a so-called bargain or compact because, forsooth, individuals made extravagant statements which were not verified, thus destroying and impairing statehood, ignoring the rule which merges all preceding words into a subsequent contract, and, worst of all, darkly suggesting harrowing memories and possibilities of reconstruction, sometimes more horrible than bigamy, polygamy, multigamy, or wars, famines, and all other baleful calamities that may afflict mankind. [Loud applause.]

But there was no compact. There could be none. No State of Utah existed until its creation, when it needed no compact. Besides, the idea of compact between a State of the Union and the General Government is new, and its value will have to await demonstration. There was a time when respectable authority maintained that a compact between the several States created the Union and formed the General Government as a general and common agent for certain well-defined and limited purposes. Passion declared its allegiance to "a higher law than the Constitution," which is the same wicked assertion attributed to the gentleman

from Utah by the majority report. Yet in support of that claim, now denounced as heresy, the thunders of the greatest war of all time seriously impaired the practical force and application of the compact doctrine and retired it from the governmental business. [Laughter.] When Congress out of its Territory and from among the citizens thereof erects a new State by authorizing a State government, and afterwards by proclamation places the new State in position among her sisters in the very hour and article of her birth she eo instanti is invested with equality of privilege and function with all her sister States, inalienable and indefeasible except through revolution or by usurpation and tyranny.

But while exercising exclusive control of internal and domestic affairs, and electing and certifying Representatives to Congress, the conduct of such members comes within the purview and jurisdiction of this House, and regardless of the policy of the State, real or imaginary, on moral questions, we are the sole judges of our fellowship here. While we could not lawfully undo or humiliate a State, nor dictate the morals, statutes, nor domestic polity thereof, we can and will expel from our ranks for any conduct violative of good morals or the honor and dignity of this House, the popular branch of the greatest Legislature of the greatest country and the greatest people that ever graced this earth. [Loud applause.] States may certify members and place their names on our roll by virtue of constitutional right, but upon being sworn they immediately become amenable to our judgment for conduct during the term for which certified, and can be expelled for any sufficient cause, no matter how regarded in said State.

I fear that "the bogy man" referred to so often in this case has been improperly located. [Laughter.] If that interesting person really exists, I apprehend that it is in a mistaken idea of what the people have demanded. If there are timorous members alarmed about the popular view of this case, let them take courage and examine coolly the manifestations of their people's will. Not only do the leading newspapers take the correct view of our duty, but every one I have examined among the much-talked-of monster batch of petitions asks that we expel the member-elect according to specific provision of the Constitution, with the implied proviso, of course, that he is found guilty. Not one in my knowledge demands exclusion at the threshold. The people are usually right. In the main they are intelligent and law abiding. They appreciate the importance of constitutional guaranties and abhor its violation as subversive of their liberties and destructive of their rights and interests. They hate polygamy with unspeakable hatred, because it is obnoxious to morality and offensive to society. They would not, however, outrage law and morality to punish any crime, however grave, when the same end may be reached as surely and more effectively by legal and orderly methods. [Applause.]

If any panic-stricken member surrenders his convictions and votes for exclusion because he imagines the people have demanded it, when they have plainly requested constitutional expulsion, he grossly deceives himself and unnecessarily underrates and misjudges the people whose intelligence and patriotic devotion to law and morality at least equal his own. Let us give effect to the certificate attesting the equal right with ourselves of the member-elect to take the oath of office. Then if he is proven guilty we will unanimously expel him. [Applause.] Nobody will be deceived by any simulation of righteous zeal or assumption of superior virtue and morality. Nobody will believe from profession that any member abhors polygamy more than we who insist upon the constitutional course in dealing with the case. But there is danger that some members may be suspected of thinking more lightly of the sacredness and inviolability of the Constitution and of exercising less scrupulous and jealous regard for the dignified, orderly, and rightful procedure of this honorable and exalted body. [Loud applause.]

During the delivery of the above remarks the time of Mr. ADAMSON expired.

Mr. ADAMSON. Mr. Speaker, I desire to have a minute or two more to conclude my remarks.

The SPEAKER. The Chair is not advised as to the time. That is controlled by the gentleman from Ohio [Mr. TAYLER] and the gentleman from Maine [Mr. LITTLEFIELD].

Mr. ADAMSON. The gentleman from Missouri [Mr. DE ARMOND], whom I do not see now, agreed that I might have time to conclude my remarks out of his time. It will only take a moment.

Mr. LITTLEFIELD. I yield sufficient time for the gentleman to conclude his remarks.

[Mr. ADAMSON resumed and concluded his remarks as above.]

TWELFTH CENSUS.

Mr. HOPKINS. Mr. Speaker, I present a privileged report from the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill S. 2179.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2179) relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to amendment numbered 3, fixing limit of expenditures for law books, etc., and agree to the same with an amendment as follows: In lieu of the word "five" in the amended bill insert the word "three."

That the Senate recede from its disagreement to amendment numbered 4, regarding payment to heirs of deceased supervisor or enumerator.

As to amendment numbered 1, relating to the deaf, dumb, and blind, and amendment numbered 2, relating to mines, mining, and minerals, the conferees have been unable to agree and ask for further instructions.

A. J. HOPKINS,
CHARLES A. RUSSELL,
F. M. GRIFFITH,
Managers on the part of the House.
THOS. H. CARTER,
EUGENE HALE,
S. D. McENERY,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2179) relative to the Twelfth and subsequent censuses submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

On amendment No. 3: Limits the amount that may be expended for purchase of books to $3,000, instead of $5,000, as proposed by the House, and $2,000, as proposed by the Senate.

On amendment No. 4: Authorizes payment to the widow of a deceased supervisor or enumerator, and if there be none, to the legal representatives of such supervisor or enumerator, such sum as may be just and fair for services rendered, as proposed by the House.

The conference committee have been unable to agree on amendments Nos. 1 and 2.

A. J. HOPKINS,
F. M. GRIFFITH,
Managers on the part of the House.

Mr. HOPKINS. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

Mr. HOPKINS. Now, Mr. Speaker, I move that the House still further insist on amendments numbered 1 and 2. They are the amendments relating to the deaf, dumb, and blind, and mines and mining; and also move to agree to the further conference asked by the Senate.

Mr. BARTLETT. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. Certainly.

Mr. BARTLETT. What did the Senate do with amendment numbered 4? Did they agree to that amendment?

Mr. HOPKINS. That was a House amendment, which was disagreed to here.

Mr. BARTLETT. It is not in this conference report?

Mr. HOPKINS. It is not in this at all. The only disagreement now between the two Houses are on amendments numbered 1 and 2. No. 1 relates to the deaf, dumb, and blind, and No. 2 to mines and mining.

Mr. BARTLETT. I understand that the House insists on its amendment relating to the deaf, dumb, and blind?

Mr. HOPKINS. That is right.

Mr. BARTLETT. And the Senate insists that it shall go out?

Mr. HOPKINS. That is right.

The SPEAKER. The gentleman from Illinois moves that the House still further insist on its amendments numbered 1 and 2, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Mr. HOPKINS, Mr. RUSSELL, and Mr. GRIFFITH.

On motion of Mr. HOPKINS, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

REPRESENTATIVE-ELECT FROM UTAH.

Mr. RAY of New York. Mr. Speaker, Brigham H. Roberts, a Representative-elect from the State of Utah, stands indicted before the bar of this House of the offense of being a polygamist, having at least three wives recognized by him, with all of whom he cohabits.

This polygamous status now exists and has existed for many years last past. In 1887 he pleaded "guilty" in open court to the crime of unlawful cohabitation, the result of his polygamous status and practices.

A committee of this House, duly authorized, has reported the fact stated, which Mr. Roberts does not attempt to deny, but he answers in effect that it is none of our business. The offense charged is not only contrary to public morals and decency as understood and declared by the whole civilized world, but contrary to and in violation of the laws of the United States in all places where it has exclusive jurisdiction, and of the State of Utah, where

Mr. Roberts resides, and which State he claims the right to represent on the floor of this House.

His right to membership here having been challenged, he was stopped at the bar of the House when he presented himself to take the oath, and we are now to decide whether he shall be sworn in and become a member of this body or refused a seat, excluded, and his seat declared vacant. Our right to exclude Mr. Roberts is challenged on the ground that he was duly elected, that he possesses the qualifications required by the Constitution of the United States, and is therefore entitled to his seat.

Section 2 of Article I of that Constitution declares that—

> The House of Representatives shall be composed of members chosen every second year by the people of the several States;

And then prohibits certain persons from being members by use of the following language:

> No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

This clause is prohibitory both in language and construction. In no place does the Constitution attempt affirmatively to define, specify, or enumerate the qualifications of a Representative in Congress. That instrument, with the restriction or prohibition just quoted, relegates that whole question to the House itself, and declares in section 5 of the same article that "each House shall be the judge of the elections, returns, and qualifications of its own members."

It can not reasonably be supposed that the power to "be the judge of the * * * qualifications of its own members" confers only the power to determine the age, the citizenship, and its duration, and the residence or domicile (inhabitancy) of the member-elect. Has the Constitution, by a negative or simple prohibition, imposed three disqualifications and by implication declared every person, whatever his moral or mental or physical condition, qualified to be and to sit as a member if not within the prohibition? In prohibiting persons under 25 years of age, persons not seven years a citizen, and nonresidents of the State from which elected from being Representatives in Congress, did the framers of the Constitution affirmatively declare that every other person is qualified for and eligible to hold the position? Was it important to provide in the Constitution that a bright, intelligent, well-educated, and patriotic young man 24 years of age is not qualified to be a member of this House, but that insane men, idiots 25 years of age, and criminals are?

Were the framers of our Constitution guilty of such an absurdity? I think not. I am of the opinion that each House is, under the express provisions of the Constitution, the judge of the qualifications of its own members, and that in judging qualifications when the member-elect presents himself to be sworn in we are not restricted by the Constitution. In the exercise of this power we must be controlled by honesty of purpose and good sense, the same as in judging the elections of members.

Every legislative body must and does possess the inherent power of self-preservation. It may and must preserve and protect its dignity and integrity, and hence every legislative body possesses the inherent right and power to expel a member, and may also exclude a person whose qualifications are such that he is not entitled to a seat.

That clause of the Constitution of the United States which says "each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member," confers no powers the House would not possess had they not been specifically recited, but, on the other hand, is restrictive of such power in that it requires a two-thirds vote to expel a member. But for such provision a majority of this House might expel a member. The clause is also restrictive in that it confines, by implication at least, the power of expulsion to causes arising after the member is sworn in. And uniformly it has been so held.

The question arises, When may we exercise the inherent power to protect and preserve the integrity of this body? May it be done in the process of organization, or must we exercise the power thereafter and by expulsion only?

Section 2 of Article I says:

> The House of Representatives shall choose their Speaker and other officers.

The members-elect, before being sworn in, elect the Speaker, and the validity of such action can not be questioned. We may, when organizing, ask any member-elect to stand aside for further action, and if he refuse we may summarily set him aside—refuse him the oath and a seat in the House.

> Each House shall be the judge of the * * * qualifications of its own members.

And hence the question of the power of Congress—the Senate and House—by law, and with the approval of the President, to prescribe qualifications for membership in the House of Representatives is not involved in this controversy. In my judgment no such power exists. No law of this or of any prior Congress can bind this House in determining the qualifications of its own members. The Constitution has vested that power in the House itself, and in each House for itself.

Precedent and law may and should enlighten the conscience and guide the judgment of members, but can neither confer nor take away the jurisdiction nor limit the power. Each House, by constitutional provision, has been made the judge of the qualifications that a person must possess to entitle him to sit—that is, take and hold his seat—in the organized body and also of the election of each member. In judging of the election of a member we judge of his eligibility, for no ineligible person can be lawfully elected. Age, length of citizenship, and residence at the time of election are not, in my judgment, "qualifications" in the sense in which that word is used in the Constitution. We determine all those questions in determining the election, and then is added the power to determine the moral, intellectual, and physical fitness—the qualifications of the member-elect. It is said that such doctrine infringes the right of a constituency to elect and be represented by whom it pleases. So it may, indirectly, but there is far less danger in permitting the majority of the House to determine the question of fitness to sit in the House than in permitting a Congressional district, controlled, perchance, by viciousness and lawlessness, to send a pronounced and possibly a red-handed criminal to represent it and forcing the members of the House to sit with him.

There are qualifications and disqualifications by the common political law, and these disqualifications, unless expressly removed by the words of the Constitution, prohibit the person subject thereto not only from the exercise of the elective franchise, but from holding office. Says Cushing (Law and Practice of Legislative Assemblies, page 13):

> By the common political law of England and of this country, when not otherwise specified in a particular State by its constitution and laws, certain descriptions of persons are deemed to be excluded from exercising the right of political suffrage, even though not prohibited therefrom by any express or constitutional provision. The persons thus excluded are minors, idiots, and lunatics, women and aliens.

And at page 24 he says:

> The same descriptions of persons, namely, minors, idiots, and lunatics, women and aliens, who have already been mentioned as excluded from the right of suffrage by the common political law, are also prohibited, and for the same reasons, from being elected to any political office whatever. Such persons, consequently, can not be members of a legislative assembly, even in those States where the constitution is silent with reference to their eligibility.

See also Cooley's Constitutional Limitations, page 599.

It is evident that the framers of our Constitution did not intend to do away with these common political law disabilities, but only to extend them. The alien who under the law spoken of would become eligible to be elected to office as soon as naturalized does not become so under the prohibition and restriction of the Constitution until he has been such naturalized citizen for seven years, and while but for the Constitution a district might elect its Representative from any State in the Union, under the restrictive and prohibitory provisions of that instrument he can only be chosen from the residents of the State from which elected. Who will contend that the Constitution removes the common political law disability of an idiot to be elected to and hold the position of Representative in Congress? And the same argument applies to women.

For more than a quarter of a century the people of the United States have been struggling to suppress polygamy in the Territories and in the States. Laws making polygamy and polygamous cohabitation a crime in all places where the United States has exclusive jurisdiction were early written upon the statute book and there they remain; and Congress went further and enacted:

> SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Thus are the policy and purpose of the Government declared, and thus the conduct and present status of Brigham H. Roberts are characterized by written law. This section of the law applied to Brigham H. Roberts until Utah was admitted to the Union. Utah as a State has a similar statute, although it does not purport to render the polygamist ineligible to a seat in Congress. No State law could lawfully do that.

Brigham H. Roberts, a criminal in the eye of the law of the United States, in the eye of the law of his own State, declared ineligible "to hold" or to be elected or appointed to any office or place of public trust, honor, or emolument under the United States when offending in any place where the United States has exclusive jurisdiction, and a moral leper and offender against decency and the sanctity of the home wherever civilization reigns, comes into this House armed with a certificate of election which he claims to have received by the votes of a constituency that approves polygamy and begs no mercy, promises no reform, but,

defying the law, demands as a right that he, a notorious lawbreaker, be made a lawmaker in the highest legislative body of this nation or of the world.

And gentlemen tell us that this House, armed with the constitutional authority and power to determine and judge the qualifications of its own members, has no power to refuse to make him one of our number, to refuse to clothe him with the robes of office, because, forsooth, he is not barred by express words in the Constitution, and for the further reason that Roberts not having brought his bevy of wives with him into the District of Columbia, this House has no jurisdiction of his offense. His wives may not be here, but his status as a thrice-married man is. He is here; his offense is here and there and everywhere; the offending is in the man, his defiance of and contempt for the law of the nation, and therefore, in the exercise and discharge of my constitutional right and prerogative to judge of the qualifications of Brigham H. Roberts to sit and act as a member of this House, I declare him by common political law unfit and disqualified. He should not be put in only to be expelled. It should never be said that Brigham H. Roberts, the polygamist, the criminal, was ever a member of the Fifty-sixth Congress of the United States. The privileges of this floor for the years to come are not for such as he, but for those who, respecting and obeying the law, are fit to become and to be lawmakers. This House must not be inconsistent.

There is no danger to the Republic or to the integrity of this House in refusing this man the seat he claims and declaring it vacant, but there is grave and impending danger when the open, persistent, and notorious lawbreaker is permitted for one moment to be clothed with the powers of a lawmaker.

If by the common political law of all civilized nations the minors, the idiots, the aliens, and the women are precluded from being Representatives in Congress, as they are, there being no permission granted them by the Constitution, I am in favor of adding to the list so precluded that other class of which Brigham H. Roberts is the type and representative. It can not be that our Constitution is so weak that we may not refuse him a place as lawmaker within this Hall, where law is made to guide and control 80,000,000 law-abiding and God-fearing people.

Once admit and swear in such unfit person, and a factional majority, to increase its power, or a factional minority, to increase its powers of opposition, might and probably would, in some cases at least, refuse to expel, and so the spectacle would be presented to the world of a House made up in part of open and notorious lawbreakers engaged in making laws for the protection and guidance of the millions.

In many cases the vote of such a member might determine the fate of measures in the House, and so the lawbreaker would become the arbiter in determinining what may or may not be the law of the land.

There is nothing in the language of Alexander Hamilton quoted by the minority of the committee that denies to each House of Congress the right to determine the qualifications of its members and refuse a seat to a member-elect for mental incapacity or moral unfitness. He says:

> The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.

Everyone concedes that a constituency is at liberty to elect any person to this House not prohibited by the Constitution, and that the Congress can not add, subtract, or fix, or even judge the qualifications of any member or of any member-elect. But this is very far from declaring each House may not for itself judge the qualifications of its members and reject a moral or physical leper, an insane man, an idiot, or an open and notorious criminal.

In construing and giving effect to our Constitution we are to keep in mind the common law and the common political law.

Says Cooley in his admirable work:

> In the same connection it may be remarked that the constitutions are to be construed in the light of the common law and of the fact that its rules are still left in force. By this we do not mean that the common law is to control the constitution, or that the latter is to be warped and perverted in its meaning in order that no inroads, or as few as possible, may be made in the system of common-law rules, but only that for its definitions we are to draw from that great fountain. In judging what it means we are to keep in mind that it is not the beginning of law for the State, but that it assumes the existence of a well-understood system, which is still to be administered, but under such limitations and restrictions as that instrument imposes.

And again he says:

> And yet nothing has been more common than to subject the Constitution to this narrow and mischievous criticism. Men of ingenious and subtle minds who seek for symmetry and harmony in language, having found in the Constitution a word used in some sense which falls in with their favorite theory of interpreting it, have made that the standard by which to measure its use in every other part of the instrument. They have thus stretched it, as it were, on the bed of Procrustes, lopping off its meaning when it seemed too large for their purposes and extending it when it seemed too short.

And still again:

> In regard to the Constitution of the United States the rule has been laid down that where a general power is conferred or duty enjoined every particular power necessary for the exercise of the one or the performance of the other is also conferred.

Heeding these remarks, which commend themselves to our common sense, what are we to say when we construe and give effect to the words "Each House shall be the judge of the * * * qualifications of its own members?"

Does it say "qualifications hereinbefore expressed or recited?" No. Is the power limited or restricted in any way, or are we left to carry into full force and effect the power conferred? If the Congress, through both Houses, is fit to make laws to govern the millions, is not each House to be trusted with the exercise of this great constitutional power of determining the qualifications of its own members?

It seems to me, Mr. Speaker, that in maintaining our own dignity and self-respect as a lawmaking body, as the representative of a great people, as individual citizens of this grand Republic, as respecters of law and order, it is not only our constitutional right, but our constitutional duty to refuse Brigham H. Roberts a seat in this House. [Applause.]

Let Utah complain if she will, but let our action be such as to admonish her that she must be represented, if at all, by a person who at least respects and obeys the law of that magnificent country for which he would become a lawmaker. If the one constituency may be represented by a lawbreaker—one in open rebellion against the laws of the land—so may all, and so mob law will prevail and the Republic perish.

The alarm has been sounded that if we refuse Roberts a seat we shall violate the Constitution of the United States, and the member-elect from Utah, Mr. Roberts himself, permitted to speak here by the sufferance of the House, has sounded the alarm and warned us not to violate the Constitution lest the Republic perish. This warning comes with good grace from him, an open, notorious violator of the law, not only of the United States everywhere where we have jurisdiction, but a violator of the law of the State of Utah and of the constitution of that State. I can see no danger that we shall violate the Constitution, because there is the common political law that underlies the Constitution of the United States, upon which it is founded, not abrogated by it, and which we must all recognize and which I have already read, that declares our right and power and duty in this respect.

It follows, Mr. Speaker, that women, aliens, and idiots are prohibited, notwithstanding the Constitution is silent on the subject, from having a seat in this House, and I assert that if the common political law that underlies the Constitution prohibits every intelligent woman in this broad land from being a member of this House of Representatives, I can add to the list and can vote without violating the Constitution to deny a seat to that lawbreaker, that polygamist, that offender against law, decency, and morality, Brigham H. Roberts. [Applause.]

Mr. FREER. Mr. Speaker, the House having under consideration the case of Brigham H. Roberts, a member-elect from the State of Utah, is now called upon to consider the report of the committee appointed in pursuance of the following resolution:

> Whereas it is charged that Brigham H. Roberts, a Representative-elect to the Fifty-sixth Congress from the State of Utah, is ineligible to a seat in the House of Representatives; and
>
> Whereas such charge is made through a member of this House, on his responsibility as such member and on the basis, as he asserts, of public records, affidavits, and papers evidencing such ineligibility:
>
> *Resolved*, That the question of the prima facie right of Brigham H. Roberts to be sworn in as a Representative from the State of Utah in the Fifty-sixth Congress, as well as of his final right to a seat therein as such Representative, be referred to a special committee of nine members of the House, to be appointed by the Speaker; and until such committee shall report upon and the House decide such question and right the said Brigham H. Roberts shall not be sworn in or be permitted to occupy a seat in this House; and said committee shall have power to send for persons and papers and examine witnesses on oath in relation to the subject-matter of this resolution.

After six weeks of patient inquiry the majority of the committee have reported to the House the following resolution:

> *Resolved*, That under the facts and circumstances of this case, Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and that the seat to which he was elected is hereby declared vacant.

As a member of that committee I had hoped to be one of those who might be permitted to discuss at length the law and the other questions arising in this case, but the demand for time on the part of the members of this House has been so persistent upon the chairman of the committee that I have very cheerfully, at his request, yielded nearly all of my time to older and more experienced members of this body, and for that reason have but a few words to say in reference to this most important case.

I approach this discussion, brief as it may be on my part, with hesitation and embarrassment; I fully recognize its gravity, its importance, and the tremendous responsibility resting upon each and every member of this House. I thought when I came to this Congress a few weeks ago that I knew a little something about law, including constitutional law; but I have heard so much constitutional law advanced here upon all sorts of questions discussed that I have concluded that out of 357 members there are but three who are not constitutional lawyers, and they include the gentleman from Indiana [Mr. LANDIS], the claimant from Utah [Mr.

Roberts], and your humble speaker upon this occasion. [Laughter.] I am no great constitutional lawyer, but a simple rural member of the legal profession, and, as such, look at legal questions in a common-sense way and take a common-sense view of them as they arise.

Mr. Speaker, the Constitution to me is a living, breathing, almost human thing; I look into its eyes and see its great soul illuminated by the light of the spirits that framed it, and I see its strong arms outstretched to protect the people who live within its influence and power, and I always approach it with bared head, reverently and with awe, and touch it tenderly; but it seems to me the Constitution often in this body—like the cry of "Liberty!"—is made to cover a multitude of abuses and used to prevent absolute adjustment of right and the protection of the institutions guarded by it. Does anybody tell me on the floor of this House that the framers of that immortal instrument—God rest their souls to-day—did not know and fully believe that it had within itself the power of protecting itself, and not only the power to protect itself, but every creature that it created, including this Congress and each branch thereof?

This is the spirit, I believe, which actuated the framers of that immortal instrument, and it is the spirit in which I look at it, and while I have not time but briefly to state my position with reference to the law of this case, yet I want to here, now, declare my hearty, loyal concurrence in the report of the majority of this committee. I believe that report declares the law as it is to-day in this American Republic. I believe it declares the law as it relates to this House, its rights, privileges, and qualifications of its members, and I further believe that it declares the law that refers to the right of this body to defend itself against imposition, wrong, and outrage. There is no question, as stated in the finding of facts, but that the claimant from Utah is a polygamist and has been since at least 1885. He comes to this House the husband of three wives and the father of thirteen children, as is shown by the following finding of facts by the committee:

We find that Brigham H. Roberts was elected as a Representative to the Fifty-sixth Congress from the State of Utah, and was at the date of his election above the age of 25 years; that he had been for more than seven years a naturalized citizen of the United States, and was an inhabitant of the State of Utah.

We further find that about 1878 he married Louisa Smith, his first and lawful wife, with whom he has ever since lived as such, and who since their marriage has borne him six children.

That about 1885 he married as his plural wife Celia Dibble, with whom he has ever since lived as such, and who since such marriage has borne him six children, of whom the last were twins, born August 11, 1897.

That some years after his said marriage to Celia Dibble he contracted another plural marriage with Margaret C. Shipp, with whom he has ever since lived in the habit and repute of marriage. Your committee is unable to fix the exact date of this marriage. It does not appear that he held her out as his wife before January, 1897, or that she before that date held him out as her husband, or that before that date they were reputed to be husband and wife.

That these facts were generally known in Utah, publicly charged against him during his campaign for election, and were not denied by him.

That the testimony bearing on these facts was taken in the presence of Mr. Roberts and that he fully cross-examined the witnesses, but declined to place himself upon the witness stand.

Believing the law to be as stated by the majority of this committee and as ably expounded by the gentleman from Ohio [Mr. TAYLER] and the gentleman from Iowa [Mr. MCPHERSON], I shall vote for the exclusion of the claimant from Utah, and also for two other reasons:

First, because he has been and is an open, defiant, persistent, and continuous violator of the law for at least the last fifteen years and stands convicted in a court of public justice, as well as at the bar of public opinion, and is a criminal, unworthy and unfit to assist in making the laws for a great nation.

In 1878, under the findings, he was a law-abiding citizen of the Territory of Utah. In 1882 the Edmunds Act was passed, making polygamy an offense against the laws of the United States. Notwithstanding this fact, in 1885 he married his first plural wife, and thus violated that solemn enactment of the National Legislature. Not yet satisfied, when the Edmunds-Tucker Act was enacted, in 1887, he still continued in open and notorious violation of that law; children were born to him by his plural wife. In 1890, when President Wilford Woodruff, the official head of the Mormon Church, his issued manifesto, he failed to observe and obey the revelation of the church to which he declares he is so ardently attached. President Woodruff says:

Now, I publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the laws of the land.

Still he continued in open hostility and in defiant violation of that declaration of his church organization. In 1891 the president and apostles of the church declared in a petition to the President of the United States that "according to our creed the head of the church receives from time to time revelation for the guidance of his people." In September, 1890, the present head of the church in anguish and prayer cried to God for help for his flock and received permission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy "was henceforth suspended." Still he continued to act in polygamous relationship, notwithstanding the great body of his church, as I fully believe, sincerely concurred in that revelation and endeavored to obey its commands.

In 1893 President Harrison issued his proclamation granting pardons to all those who had faithfully observed the law against unlawful cohabitation as provided in the Edmunds-Tucker Act of 1887, and also pardon to those who, since November, 1890, had abstained from such unlawful cohabitation, upon the express condition that they should not further disobey the laws of the United States. The claimant from Utah failed to take advantage of this most generous declaration of a great President. On September 25, 1894, President Cleveland, that man with the iron backbone, declared in a proclamation that he would grant amnesty and pardon to all persons who had offended the laws against polygamy, provided that they had complied with the conditions contained in President Harrison's proclamation; still the claimant from Utah defied this proclamation; and refused the offers of peace and mercy extended to him by President Cleveland. Not satisfied with defying the laws of the United States, he defied the laws of his own State after it was admitted into the Union, for in that constitution it is provided that polygamy is forever prohibited.

Now he comes into this House and plants himself upon the bed rock of his religious faith and says, "By that I stand or fall," and hypocritically drawing around himself the cloak of that faith, he violates the manifesto of the apostles of his church and the petition of the heads of that hideous deformity of the West and the revelation that he claims was sent by God Himself to the people of Utah with whom he associates. My idea is this, that no man is a fit man to make laws for this great nation who violates not only the law of his land persistently and defiantly, but denies the right and the authority and the power of the church to which he belongs.

This is briefly my position on the question presented by the majority report in its second objection to the claimant becoming a member of this House.

In clean assaults, the defender of our Christian faith in Utah advocates abolition of the law vigorously. In an article in the Era, of which he is editor, written in 1898, he says:

It appears to the writer that modern Christians must either learn to tolerate polygamy or give up forever the glorious hope of resting in Abraham's bosom.

In other words, there is a warfare between modern Christianity and the horrid system of polygamy. For one, I believe I speak for the great body of the Christian faith in this country when I say the hope of resting in Abraham's bosom is not so important as it is that we may be permitted to cling with mighty hands to the foot of the Cross. This is an insult to the faith of the great body of the American people and shows clearly that there has been no acceptance by him of that new revelation of his church that polygamy shall be no longer tolerated and its practice no longer indulged in.

Now, one other idea: The gentleman on my left here, from South Carolina [Mr. TALBERT], objected to that part of the majority report referring to the violation of the compact between this Government and the State of Utah, or, more particularly speaking, this Congress and the State of Utah, under the enabling act permitting it to become a State in the Union. That act provided perfect toleration of religious sentiment should be secured and that no inhabitant of Utah should ever be molested on account of his or her mode of religious worship, provided that polygamous or plural marriages were forever prohibited.

I understand that it has been the practice to put States upon terms when they ask for admission into statehood. I live in the grandest State in this Union, a State of greater possibilities and grander hopes than any other; the only State in the Union where you can stand on your front doorsteps and see the State grow every day of your life. But that State, born out of the throes and convulsions of war, appealed to this American Congress for statehood in the years long past. The people came here and demanded admission into the Union, and Congress said to them, "You can not become a State unless you declare an absolute prohibition of slavery within your territory." Our people sent along that constitution and they said, "No, that will not do. The old mother State, the mother of Presidents and of States—Virginia—has a debt, and it may be possible in the future that you ought to assume some equitable portion of that debt. You must go back to your people and put in your constitution a clause saying that you will pay and adjust any equitable assignment of the debt of the mother State, if any be found." After we had done that and came back here, then we became a part of this great American Union, and I believe we are a glorious part of it to-day.

Be that as it may, that is what this Congress said to us. It has been said by the gentleman from Maine [Mr. LITTLEFIELD] that there is no law for a compact between the State and the National Government. That may be, if you consider the compact to mean a contract. But what does a compact mean? Story, the man whom the minority love, "the Boswell of the Constitution," as has

been suggested to us, does not say so. He says a compact means an "aggregation or consent of minds" between people. What did Utah say? Utah said, "Give us statehood and we will abolish polygamy;" but she deceptively now says that only polygamous marriages should be forbidden, meaning on her part evidently, under the testimony in this case, merely a cessation of marriage ceremonies, but not of the marriage rights and privileges. She did not intend that polygamy as a practice should be killed and destroyed, and her people went back and some of them, including the claimant from Utah, practiced that crime against morality, decency, and American citizenship.

Marriage is a status, a condition, as the following reference will clearly show:

Marriage.—A contract made in due form of law by which a man and woman reciprocally engage to live with each other during their joint lives and to discharge toward each other the duties imposed by law on the relation of husband and wife. Marriage, as distinguished from the agreement to marry, the mere act of becoming married, is the civil status of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on themselves.

"Marriage" is the legal status or condition of husbands and wives, just as infancy is the legal relation or condition of persons under age.—*1 American and English Encyclopedia of Law*, volume 14, page 470.

The act of marriage having been once accomplished, the word becomes afterwards to denote the relation itself.—*Schouler on Domestic Relations*, 22.

Marriage is the civil status of one man and one woman united in law for life under the obligation to discharge to each other and to the community those duties which the community, by its laws, holds incumbent on persons whose association is founded on the distinction of sex.—*1 Bishop on Marriage and Divorce*, 3.

Marriage is a personal relation arising out of a civil contract to which the consent of parties capable of making it is necessary.—*Hart's California Civil Code*, 55.

Marriage means all that the relationship implies, not simply the performing of a ceremony, and the American people understood that when they gave that State permission to enter the Union. It makes no difference what Utah understood, it is what the American people understood through their Representatives in the Congress of the United States. And you say, supposing they violated that compact, what punishment can be inflicted? I refer you to the declaration of Hon. Jere Wilson, who, when this enabling act was before Congress, or the one preceding the one upon which the State was admitted, said if Utah violates it, deny it representation; cut off its mail facilities; do other things to show that the power of this Government is displeased with the conduct exhibited in that State. Now, just a word more. The gentleman from Maine [Mr. LITTLEFIELD] the other day referred to public opinion, and he warned us to beware of that "evanescent" or "effervescent"—I do not remember which—opinion which might influence judgment upon this floor in the decision of this case.

I do not know what others may think, but to me public opinion is the highest law of any republic and liberty-loving government. Why, I remember in 1898, when the determination came to have a war with Spain—public opinion all over this land said, "War!"—that brave man up yonder in the White House said, "No war until it becomes an absolute necessity;" but it came at the behest of a mighty public opinion, and when it came party politics were forgotten, partisanship was buried out of sight, and at the behest of public opinion you rose as one man in this House and declared in favor of the Government and the flag, and I remember in 1898, after the election of that year, what public opinion was. It was no evanescent thing in this case especially; it crept into the homes of the members of this House and the people of this land; it followed them to this capital; it crept into the doors of this House and to the seats of the members and into the galleries, representing every State in the Union. It was the combined voice of the men, the women, and the children of this mighty land denouncing this outrage upon private morality, public decency, and the sanctity of the American home. Beginning at the Atlantic, it rolled across this country, over our mountains, across rivers and prairies, over to the golden shores of the Pacific; yes, further than that. It will go on until it reaches the foot of that mimic throne in Sulu and destroys forever polygamy in those sun-kissed islands of the sea. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from Indiana [Mr. BRICK] is recognized for thirty minutes.

Mr. BRICK. Mr. Speaker, I emphatically concur in the opinion of the committee that Brigham H. Roberts, of Utah, should not hold a seat in the National House of Representatives. I had hoped that there would be no serious controversy as to the method of removing him, and had a resolution been presented to that effect, preserving the constitutional rights of the people as I see them, I would probably have been content with a mere vote. This is no partisan question. Neither is it merely technical. I have no reverence for convention or form, except so far as they may guard order and protect great right. But, viewing the question as I do, every sense of duty compels me to give my reasons upon which I found my vote.

I fear we are about to resort to arbitrary force, because we possess it, to the disregard of constitutional right, which shall hereafter come up to haunt us. I do not refer to the personal right of Brigham H. Roberts; in the light of all the facts that concerns me but little; but I do refer to the rights of all the constituents of every Representative who may be here now or in the future. It has been said, "A lion is at the door; shall we let him in?" Whatever that may mean, I would warn you that there are people on the outside, as well as on the inside, of this Chamber who have no desire to sleep on the inside of that lion. The courageous thing to do is for us to kill it, and not wound it. Not with the brute force of a Samson that shall pull down the temple of our Constitution in ruins upon our head, but with the serene power of the law that shall forever silence the roar of that monster, and sanctify our decree.

It has been said that this is a tempest in a teapot; that it is of too small importance to bother us now or in the future, a mere technicality that should be brushed aside like a fly from a pot of sweet ointment. And yet the question here involved could be used to coerce the States into almost any sort of action upon the penalty of refusing to seat any man they might send upon a mere partisan majority. It may appear to the common eye no larger than a small bullet. Yet I say to you that it strikes a vital principle that might mean decay and death.

To most persons they have seemed to deem it at worst an insignificant cloud; and yet that cloud might grow to darken a nation's horizon and envelop a nation's sky. It is not a mere question of form and technicality. It is a question that received the serious and labored consideration of the framers of our Constitution. It was settled by them and the States in the most solemn and beneficent compact of modern history. The people in order to have a stable National Government adopted a Constitution which was to contain the fundamental powers of sovereignty. The rest belonged to the people. It is the glory of our nation that we are free, and the most valued right of all was the one given to the people of local self-government, reserving to them all the powers not provided for the National Government in the Constitution.

Among the powers reserved was the right to be represented and to choose their own Representative, and have him recognized in the halls of Congress. The only restrictions that the Constitution imposed were the ones agreed upon as fundamental—the age, citizenship, and residence in the State. These three qualifications were acknowledged to be such as should be uniform in all the States, and a qualification of fitness necessary to be complied with by the people. If they are present then the people's representative should be recognized, and could not be excluded. And no one could be excluded for any other reason, nor any further qualification added, unless and until the Constitution be amended so as to provide for further restrictions and qualifications. This has been done in one instance, so that the qualifications now number four.

Mr. Roberts admittedly does not fail in any of these; therefore he should be expelled, but could not be excluded.

The qualifications being all of them provided by the letter of the Constitution, any disregard of the letter of the law would be so flagrantly apparent that no danger would be imminent to allow a mere majority to say whether they were present or not. But other things might happen which might destroy the dignity or endanger the safety of the State. This also occurred to the framers of the Constitution. They undoubtedly recognized that the power of expulsion was a necessary and incidental power to enable the House to perform its high functions, and necessary to the safety of the State—a power of protection, and an unlimited power, resting entirely in the sound discretion of the members, from whose judgment there is no appeal except to the supreme court of public opinion.

The necessity and danger of this plenary power they fully recognized. It would have existed in its full vigor and force had they not mentioned it in the Constitution. But the people were jealous of their rights, and the framers of the Constitution were willing to guard them. They said this is a powerful weapon for good or evil. If a mere partisan majority may strike down the will and representative of the people, then in times of great public or partisan excitement this power may shake the very foundation of free government and subvert the Constitution. So they reenacted an existing power in order to guard it. And the Constitution says we may expel on a two-thirds majority.

Some say this must be construed in connection with its immediate and connecting clauses and can apply to no other subjects or actions. To me that proposition is not tenable, because it would be unlimited without mention. They do not in any terms restrict it, except to require the solemn conscience of a two-thirds majority to invoke it. And this is the right I plead for. I am not advocating the cause of this particular instance, but I speak for a safeguard to protect the will of the people against partisan politics and criminal aggression. You say it may never happen. I say it has happened, and that we are here to see that it never

can happen again. This is the principle and the reason I say that this is no trivial matter; that it is a principle of great proportions and not a mere technicality that we contend for.

I overlook Roberts in this discussion. Whatever rights he may claim are all swallowed up in his acts, which are undenied, and which must and should encompass his expulsion by a two-thirds majority—by unanimous consent, for that matter. But when we put him out let us do it right, let us do it so that when the excitement is over we can say that we have not needlessly torn down more than we have uplifted. That we may need no opiate of oblivion or forgetfulness to calm our sleepless fears. You may think your constituents demand hysterical action. You may think they are willing to burn their own temple of worship to destroy Roberts, and that you will endear yourself to them by the paroxysm of your destroying rage.

But I say this is no compliment to the American people. They say Roberts ought to go, but they want us to put him out under the law and with sagacity, wisdom, and common decency. They will meet you with no brass bands when they find and fully realize that you have bartered away their birthright for a mess of pottage, even though you have done it in their name and for their glory. The people are not so emotional as some seem to credit them. The great solemn conscience of all the people has thus far been right, and it would be well for us to recognize their deliberative abilities, and emulate their sober second thought. The principle that I contend for is that when we set aside a representative of the people, let it be only in the concurrence of two-thirds of the members.

It is too grave an act to be done on slight reasons, or be subject to the fluctuating will of political strife or passion's caprice. Any way of getting rid of him would be just in this case; but it is the precedent and the future that concerns me. Then something has been said about the Edmunds law and a statehood compact. The Edmunds law was a Territorial interdiction. The statehood compact was a mere matter of talking to the ear and denying the hope. It was egregious credulity on our part, and the less said about it the better. No lawyer will give it any binding force, and the very nature of statehood prevents its enforcement. Besides that, what Roberts has done is not the action of the State.

When the act of Congress admitting the State took effect, all the Territorial laws against polygamy ceased to have any force. The constitution of Utah provided, as the act of Congress required, that "polygamy and plural marriages are forever prohibited." This provision literally and in legal effect was a mere prohibition of future marriages of that sort. But if the provisions were disregarded, Congress could do nothing about it unless it should by force of arms overset the government of the State and reduce it to a conquered territory and then begin again. The question, then, as to the right of Mr. Roberts to be a member of the House of Representatives is precisely the same as that of a member elected from any other State.

Mr. Roberts is living in a state of polygamy. The question merely is whether the House has the constitutional right to refuse to allow him to take the oath of office on account of his living in violation of the promise of the State, if it amounted to that, as it does not; or on account of his violating the laws of Utah, if there be any prohibiting those relations. The Constitution of the United States declares that each House of Congress shall be the judge of the election and qualifications of its members, nothing more. The election is to be determined by the law of Congress concerning it and by nothing else. The character or behavior of the person elected has nothing to do with that question.

Then comes the question of the qualification of the member. The Constitution defines specifically what the qualifications must be. First, the person must be a citizen of the United States. Second, he must be of a certain age. Third, he must reside in the State which elects him. The House has no power to add other qualifications, either affirmatively or negatively. It will be extremely dangerous to the safety and welfare of the States for Congress to establish a precedent of requiring other qualifications for reasons that you will readily appreciate. I think, therefore, that the House has no power and would do a wrong thing to exclude because his conduct was in violation of the law of his State or of the engagement of the State I have referred to. But the House, on determining that Mr. Roberts is unworthy to be one of its members, may constitutionally expel him.

I will not discuss the right to expel him further; the power of self-preservation grants it; the Constitution warrants it; practice, precedent, and the judiciary have confirmed it. But it shall be done only in the exercise of great necessity, and that is guarded by the requirement of a two-thirds majority. I congratulate the country upon the ability of the investigations and the searching industry of the committee who have had this in charge. I speak of both the majority and the minority. No case of similar nature has been so thoroughly and ably handled in the history of this country. This case will be a precedent that will undoubtedly be followed for time immemorial. It will be used as an authority on the subject of exclusion and expulsion in this and other countries. Therefore we should make it right.

I can give no other reason for speaking upon this subject. Let us make our decision clear and unambiguous. Let us make it fair and consistent with the principles of eternal right. Let no taint of brute force destroy its virtue. Every debauch of passion or power has its reaction. If you vote for the resolution of the majority of the committee, even though the vote be unanimous, the precedent will be construed as for exclusion on a mere majority. Do not be beguiled into the delusion that you are preserving the rights of the people because a possible two-thirds will vote for a resolution whose words mean exclusion and not expulsion. They revile this kind of talk as the hairsplitting refinements of the lawyer—they belittle the usefulness of a trained, legal mind—yet we are making laws, and some one will have to construe them.

No one can do this without performing the functions of a lawyer no matter what his other occupation is nor how much he may try to conceal it. They say the people want this man out, and that they are tired of technicalities; that they want fact and not form, horse sense and less hair-splitting. Yes; they want Roberts out. You are right about that—and they want him put out with expediency. But I say to you my people want him put out, but they have intrusted me to do it right. They do not expect me to trade off their liberties in doing it, nor to sacrifice a sacred right in accomplishing it. They do not want to be hampered by useless forms and conventions, and no doubt they would demand that I use horse sense while I am about it.

But I have no idea that when they say horse sense that they mean for us to throw down all the reins of government, to discard all curb in unbridled license, to cast aside all the restricting harness of law, and then ride to the devil like Tam O'Shanter and his tailless mare. It has been to the eternal credit of the House that so far in this debate Mr. Roberts has been amply treated with that civilized and generous courtesy that belongs to broad citizenship and the principle we contend for in advocating his expulsion. Shall we eventually destroy it all, in the final exercise of illegitimate force and in the contemplation of a fractured Constitution? Lawless force and power may make a martyr of any person in any cause.

In the final and last judgment it is the constitutional habit of many people to take sides with the under dog in a one-sided conflict. It might not be a foolish suggestion that it would be martyrdom to the gentleman from Utah if he were not martyred by us. As for me, I do not care to add any sympathy for the cause of polygamy in the minds of anyone, however misguided they might be in that feeling, by making him a martyr in any sense. I do not care to drag him into fame or notoriety by any indefensible action. I do not want him to seek refuge on a pedestal, to be crowned by any laurel wreath of pity. I do not want to forge a thunderbolt that shall rend this forum in a fearful chasm at your feet. I plead with you to pause before doing that, if not for your own sake, then for the sake of the people who have committed their dear rights to your protecting charge.

The immense importance of this exhausting investigation will make our action a mighty precedent which, if wrong, will engulf too many priceless privileges for a needless sacrifice. And I warn you now that some day you will throw into that yawning gulf a nobler citizenship than Marcus Curtius before it closes. It is an unnecessary sacrifice. We need not swear him in; we may expel him now. To swear him in is a formality that may be dispensed with when it is the well-known intention to expel him afterwards. I do not believe in the necessity of doing a vain and unnecessary thing. To expel him now or exclude him—there is nothing sacred in a name—would effectually dispose of him; and should the motion say it was done in the theory and intention that it required a two-thirds vote to accomplish it, as in the case of an expulsion, then the precedent would be right, and the case could not be hereafter used for arbitrary force and partisan perversion. With such a resolution there would not only be a two-thirds majority, it would be practically unanimous. I ask you: What stronger blow could you give infamous polygamy—a Democratic polygamist expelled by unanimous execration of both Republicans and Democrats?

To those who affect a doubt that a person can be expelled only for acts done as a member, I would refer them to the facts as found. Roberts has not only been a polygamist, but he is now a polygamist, and does not deny it. Surely there can be no reasonable controversy upon that point; and now, in closing, I want to say again that I plead for no unnecessary and needless act. I stand on no technicality. There is no hairsplitting in my contention. I simply ask that we apply the rule in this case that a two-thirds majority is necessary. I do not apply it here for any purpose affecting this case, but for the precedent it will make in the future and the harm that will flow from any other precedent. I want to put Roberts out because he is a polygamist.

I do not want to make a narrow and hairsplitting precedent confined to Utah, as it would be if you depended upon the laws and supposed compact relating to that State alone in support of

your action. I want the precedent big enough and broad enough to cover a polygamist coming here from any State in the Union. And I would do it under the broad principle that any legislative body may purge itself when it becomes so necessary and right that two-thirds of its body agree to the act. When you vote to put him out or exclude him because you say that Utah has violated her compact of statehood, you not only can not defend that proposition as a matter of law, but you restrict the action to a limited section of our country, to polygamous acts in the State of Utah.

There are Mormons and Mormon polygamists in other States. This is not a State question; it is not a sectional question; it is not a partisan question. No; it is more than all that; it is a question of the honor of our body, of the civilization of our country, of the purity of our home. I will not vote to put him out because he is a Mormon as a religious belief to govern his actions here or his hopes hereafter; but I do it because he is a polygamist and a propagandist of polygamy; because he has added to that faith of his a religion of lust and a creed of crime; because he is a blot and a stain upon the national escutcheon and a desecrator and blasphemer of the American home. It is the home he has despoiled, the cradle of all American hope, the bulwark of all American grandeur.

I have been told by persons who agreed with my views that they would not vote that way because they were afraid we could not get a two-thirds majority. I do not believe that. This question lies too near the hearts and clusters too close around the hallowed hearth of home and country for anyone in this Chamber to raise the voice of party in the call of aye and no. To them this home and country of ours is as sacred and holy as it is to us. There is no section—no North or South, no East or West—in this question. We are on common ground here, and I tell you now that upon a resolution saving a two-thirds principle the vote will be practically unanimous.

Roberts is already out—the vote is a mere matter of form.

You say that precedent is a small irregularity, a slight violation, and ought not to be considered of importance. England said that, and to-day every English-speaking man, woman, and child knows the name of Cromwell. Still, she did not learn the lesson, and to-day I am pleading for the same right that Junius immortalized—in this National House of Representatives of a nation peerless among the nations of the earth—lost to England over a hundred years ago.

The French Directory said that, and then waded through the carnage of fraternal conflict in the most horrible debauch of blood that ever caused the world to shudder, at last to flee for refuge into the ensanguined arms of Napoleon. Of the power of precedent, I would quote Junius, a name dear to every American and to the lovers of freedom everywhere.

Junius says:

> One precedent creates another. They soon accumulate and constitute law. What yesterday was fact to-day is doctrine. Examples are supposed to justify the most dangerous measures; and where they do not suit exactly, the defect is supplied by analogy.

And Sterne says:

> Precedents are the bane and disgrace of legislation. They are not needed to justify right measures and are absolutely insufficient to excuse wrong ones.

"Sir, a single brick may be stolen from a building without much apparent injury to the edifice, but let the example of the first robber be followed by others, and presently the whole fabric will tumble into ruins. It is from such small and apparently insignificant attacks that governments and constitutions fall. A leak no larger than a spearhead will sink the most gallant ship that ever swam the ocean. A crevasse may be made, even by a reptile, which will let in the waters of the Mississippi till whole counties are inundated. When men's liberties are directly attacked by open force, there is but little to fear. They see their danger and meet it boldly. But when, under pretense of a popular measure, under the disguise of friendship for the people, a blow is struck at the Constitution of the country, then is the time for alarm. From open enemies the people can always defend themselves; to treacherous friends they fall an easy prey." [Loud applause.]

For these reasons I am going to vote to expel Roberts, and to expel him immediately, without form or fiction; but I put myself on record that whatever terms are used in doing it, my vote here and hereafter shall be counted as upholding the constitutional safeguard of a two-thirds majority.

The SPEAKER. The gentleman from Massachusetts [Mr. MOODY] is recognized for five minutes.

Mr. MOODY of Massachusetts. Mr. Speaker, when I arrived at the House this morning I had no purpose of taking any part in this debate.

The personality of the member-elect from Utah has ceased to have any significance in our deliberations. We are considering great constitutional rights of the people and great prerogatives of this body. When the question was referred to a committee so able as that which has considered and reported upon it I rested in the hope and belief that they would provide a safe and sure pathway for our action. But when I found the conclusions of the majority challenged by an able minority report and by the powerful speech of the gentleman from Maine [Mr. LITTLEFIELD], a credit alike to him, his constituency, his State, and this House, I felt it my duty as an individual member to consider the question for myself as best I could in the limited time within my disposal. I did so, and I came to conclusions which I can state in a single sentence.

I believe we have the right either to exclude or to expel, and I believe it to be expedient that we exercise the right of exclusion.

Both these powers are dangerous powers. Both of them are powers which are subject to abuse; but so are many powers dangerous, so are many powers subject to abuse; and because a power is subject to abuse is no reason why it has not an existence. We must exercise this power under our responsibility to the country. This is its only and sufficient safeguard.

In considering whether we ought to exclude or expel—because it seems to be agreed that we should do one or the other—the contending factions have appealed to the decisions of courts, to the observations of commentators, and to the proceedings of parliamentary bodies. I desire to say as briefly as I can how I rank the respective authorities.

I get no light from the decisions of the courts. They are dealing with no such question as is before us to-day. They are dealing with the rights of subordinate officers—officers often of the creation of the legislature itself. We are dealing with the rights of a great parliamentary body which is invested by the Constitution with the right to judge of the elections, returns, and qualifications of its members.

I get little aid from the commentators. Very few of them have discussed the exact case which is before us to-day. Their language is general; their opinions are in conflict. I go to the only source of true and governing authority in this proceeding, and that is the decisions of the Senate and the House, and am content to abide by what I find there. I find that there have been numerous precedents, in which each House has declared that it had a right to exclude a member-elect for the lack of some qualification other than those prescribed in the Constitution. The Senate, in the case of Miles, in 1844, asserted its jurisdiction to exclude one of its members if he were insane.

The Senate again, in the case of Thomas, in 1867, asserted its jurisdiction to exclude one of its members because he was disloyal and, in fact, excluded him by a vote of 27 to 20.

I find again, in 1862, in the case of Stark, the report of a committee, which Mr. Trumbull wrote, asserting the right of the Senate to exclude one of its members for lack of a qualification not prescribed in the Constitution. In the Senate debates I find the authority of Sumner on the side of the right of exclusion.

Coming to the House, I find that, in the cases that have been denominated the Kentucky cases, in eight instances the House asserted its right to exclude members-elect for disloyalty and acted upon that assertion in six instances.

I find again in the Whittemore case, in 1870, the House asserted its right to exclude a member for dishonorable conduct, and actually excluded him.

I find again, although I rest little upon that, that the House asserted its right to exclude a Delegate from Utah. On the other hand, I look in vain through all the precedents for a single one against this right. If we now declare that we have not the right to exclude for a lack of qualification not prescribed in the Constitution, we do so for the first time. Disregarding all former precedents we create a new one. I will have no part in this. I am unwilling, Mr. Speaker, to give up a great prerogative of this House which has been exercised for a century, and accordingly I stand by the majority report. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from Tennessee [Mr. GIBSON] is recognized.

Mr. GIBSON. Mr. Speaker, I agree that the question that now confronts this House is one of a very grave nature, and I am sure that the attention that has been bestowed upon it has been commensurate with its importance.

At one time I had some doubts, or rather some misgivings, as to our power to stop a member-elect at the door of the House; but after a careful consideration of the matter, studying the Constitution itself and not allowing myself to be bewildered or entangled by diverse authorities, I have come to the conclusion—a conclusion entirely satisfactory to myself—that this House has the constitutional authority not only to expel a member after he has been admitted to his seat, but also the power to prohibit his entrance and close the door against him. It would be a monstrous state of affairs if the House of Representatives could not clean before its own doors and bar out those who would defile its halls. Upon an examination of the questions in issue I find that the Constitution of the United States establishes no qualifications for a Representative. It simply established disqualifications.

THE HOUSE HAS THE POWER TO EXCLUDE.

Mr. Speaker, let us examine the Constitution on this question. Its language is:

Each House shall be the judge of the elections, returns, and qualifications of its own members.

This House, then, is the judge of the qualifications of its own members, and is the sole judge. There is no other court for the decision of this question; and from its decision there is no appeal. Our decision is a finality.

But in making our decision we must be governed by the Constitution, in so far as the Constitution lays down rules for our government or our guidance. What, then, does the Constitution say upon the subject? I read:

No person shall be a Representative who shall not have attained the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

That is, a Representative must be at least 25 years of age, seven years a citizen of the United States, and an inhabitant of the State choosing him.

The Constitution does not say that a person 25 years of age, seven years a citizen of the United States, and an inhabitant of the State choosing him, has all of the qualifications necessary for a Representative. It merely says that a person who is not 25, not a citizen for seven years, and not an inhabitant of the State choosing him shall not be a Representative.

You will thus see, Mr. Speaker, that the Constitution does not specify any qualifications for a Representative; it merely specifies the disqualifications. It does not say who are eligible; it only says who are ineligible. [Applause.]

I think, Mr. Speaker, this analysis of the Constitution shows very clearly that those gentlemen are mistaken who contend that any person 25 years of age, seven years a citizen, and an inhabitant of the State choosing him has the right to be sworn in under the Constitution, and that this House can not dictate any other conditions, or annex any other qualifications, or impose any other requirements.

THE CONSTITUTION CONSTRUED.

Mr. Speaker, let us do as the gentlemen on the other side of this question insist we shall do, and convert these three disqualifications into qualifications.

First. The Representative must be a "person."

A woman is a "person." Would a woman be qualified?

A demented man is a "person." Would he be qualified?

A leper or man afflicted with any other infectious or obnoxious disease is a "person." Would such a man be qualified?

Second. The Representative must be a "citizen of the United States."

A citizen convicted of treason, but out on bail because of an appeal pending, is yet a "citizen." Would he be qualified when he appears in the uniform of the public enemy and avowing his hostility to our country?

Third. The Representative must be an "inhabitant of the State in which he shall be chosen."

Suppose he should inhabit the State in which he shall be chosen, and yet do business, vote, and exercise other acts of citizenship in an adjoining State—just as many men are inhabitants of New Jersey and yet do business, vote, and exercise other acts of citizenship in New York—would such an "inhabitant" be qualified?

It will thus be seen, Mr. Speaker, that if these real disqualifications are reversed into supposed qualifications they would themselves have to be qualified, and so the arguments of the gentlemen on the other side would fall to the ground, and we would return to our starting point and find that, after all, the House would have to be the judge of the qualifications of its members. [Applause.]

The Constitution requires that Representatives be "bound by an oath or affirmation to support this Constitution."

So it may be said that this oath or affirmation is at least a condition precedent; and if the argument of the gentlemen on the other side be correct, then this House has no authority to add to this oath. But it has been added to, and we are required to swear not only to support the Constitution, but to bear true allegiance to the United States and to faithfully discharge our duties as Representatives.

THE HOUSE THE JUDGE.

No, Mr. Speaker, the Constitution prescribes no qualifications for members of this House; it prescribes three disqualifications, and it stops there. Herein the wise, patriotic, and far-seeing statesmen who framed that great charter of republican government showed their capacity for so great an undertaking. They were willing to trust the wisdom, patriotism, and impartiality of the House to meet all questions as they came forth from the womb of the future. They said to the House of Representatives, "You shall be the judge of the qualifications of your own members; but you shall not admit any person under 25 and not seven years a citizen of the United States and not an inhabitant of the State choosing him." These are all the restrictions or limitations put upon our powers and jurisdiction in determining the qualifications of members. [Applause.]

Now, Mr. Speaker, this being the true construction of the Constitution and Brigham H. Roberts having no constitutional disqualification, let us see if he has any other disqualification.

On December 4, 1899, when he appeared here to take the oath of office, this House, on objection being made, then and there denied him the right to be sworn in on the ground that it was charged he was ineligible, and a special committee of nine members was selected to investigate the charges made, with power to send for persons and papers and examine witnesses on oath.

THE REPORT OF THE COMMITTEE.

This committee have made their examinations and investigations and have unanimously agreed upon the following finding of facts:

We find that Brigham H. Roberts was elected as a Representative to the Fifty-sixth Congress from the State of Utah and was at the date of his election above the age of 25 years; that he had been for more than seven years a naturalized citizen of the United States and was an inhabitant of the State of Utah.

We further find that about 1878 he married Louisa Smith, his first and lawful wife, with whom he has ever since lived as such, and who since their marriage has borne him six children.

That about 1885 he married as his plural wife Celia Dibble, with whom he has ever since lived as such, and who since such marriage has borne him six children, of whom the last were twins, born August 11, 1897.

That some years after his said marriage to Celia Dibble he contracted another plural marriage with Margaret C. Shipp, with whom he has ever since lived in the habit and repute of marriage. Your committee is unable to fix the exact date of this marriage. It does not appear that he held her out as his wife before January, 1897, or that she before that date held him out as her husband, or that before that date they were reputed to be husband and wife.

That these facts were generally known in Utah, publicly charged against him during his campaign for election, and were not denied by him.

That the testimony bearing on these facts was taken in the presence of Mr. Roberts, and that he fully cross-examined the witnesses, but declined to place himself upon the witness stand.

Seven members of the committee, Republicans and Democrats, favor the exclusion of Mr. Roberts. Two members of the committee, one a Republican and the other a Democrat, favor his admission and then his immediate expulsion.

THE GROUNDS OF EXCLUSION.

The majority of the committee find three distinct grounds of disqualification. In their report they say:

Three main grounds are asserted for the exclusion of Roberts from membership in the House.

I. He is disqualified by reason of his violation of the Edmunds Act and the declared policy of disqualification in section 8.

II. He is disqualified because for years he has been living in open, flagrant, and notorious defiance of the statutes of Utah and in open, flagrant, and notorious defiance of the statutes of Congress—of the very body which he now seeks to enter; in defiance of the law as declared by the Supreme Court of the United States, and in defiance of the proclamations of Presidents Harrison and Cleveland. He has persistently held himself above the law. This is disloyalty in its very essence. In the language of Chief Justice Waite in the Reynolds case, this would in effect "permit every citizen to become a law unto himself. Government could exist only in name under such circumstances."

III. His election as Representative is an explicit and most offensive violation of the understanding by which Utah was admitted as a State. It is an act of unmatched audacity, the possibility of which could no more have been considered when the State of Utah was admitted than that a specific permission would have been given to renew the practice of polygamous marriages.

THE WAR AGAINST POLYGAMY.

The Congress of the United States has been fighting polygamy in Utah ever since 1862, but all its efforts failed to overcome the subterfuges and devices of the Mormon Church and of Mormon judges and Mormon juries until in 1882 the Edmunds Act was passed by Congress, making a polygamist ineligible to hold any office under the United States.

And in utter, reckless, defiant violation and disregard of this law, this man Roberts comes here and demands the high office of a seat in this House. He is a polygamist of the rankest sort and of the most wicked and reprehensible type. He has been convicted of polygamy and confined in a penitentiary as a punishment for his crime, and has been pardoned out on condition that he would abandon his polygamous practices and observe the laws against unlawful cohabitation. But instead of doing this he has returned like a dog to his vomit and like a sow to her mire, and is now living with his three wives, in open, flagrant, defiant violation of the law and in willful, wanton, wicked disregard of the conditions of the President's pardon.

MONOGAMY OUR LAW AND OUR RELIGION.

Marriage in our law, and in the law of every Christian nation in the world, is the union of one man and one woman so long as they both shall live, to the exclusion of all others, by an obligation which neither can dissolve during the lifetime of the other without the consent of the state. This sort of marriage is termed monogamy.

If monogamy be overthrown and polygamy substituted, our social system would soon come to an end, Christianity itself would be discredited and fearfully crippled, our civilization would degenerate into a sort of barbarism, and the fabric of free government would tumble into ruins.

And yet the Mormon Church, in its unholy scheme of lust,

treason, and ambition, would knock out the master bolt of monogamy that binds our social system, our religion, our civilization, and our liberty all into one harmonious and happy whole, and thereby wreck at one fell stroke the work of thousands of years of the best efforts of the best men and best women of the best nations of the earth.

Hence it is that I brand polygamy as a sort of high treason against mankind, a high treason against religion and law, a high treason against civilization and liberty, a high treason against the best hopes of men and women, and a bold and impious defiance of the God of high heaven.

Mr. Speaker, we can not admit here a man who is the practicer, the advocate, the champion, and the representative of this sort of high treason, and if admitted, it shall never be done with the aid and sanction of my vote.

One of the best ways to extirpate polygamy is to put upon it the brand of public odium, and to make that brand so large and so deep and so black that it may not only be seen all the way to Utah, but all over the United States and all over the world. The ax must be laid to the root of this upas tree of polygamy, and my vote this day shall give it one deep stroke, even if nobody else strikes with me.

POLYGAMY A CURSE AS WELL AS A CRIME.

Some of these Mormon women whose husbands or fathers have several wives may, for reasons best known to themselves, pretend that they are satisfied; but, Mr. Speaker, they are not satisfied. God has not made them that way. No religion has ever been found that can make them satisfied. Woman's heart can never enshrine a man who claims another woman for a wife; or if it could, grief and tears would be her constant portion. In secret and in silence the deep grief of the first Mormon wife feeds upon her loving heart, blasts the roses in her cheeks, and deadens the fires of joy in her once beauteous eyes. In words she may deny her grief, but God has written that grief too plainly upon her face for words to gainsay it. Polygamy is a cankerworm that feeds by night and feeds by day upon everything that is pure and sweet in the heart of every woman whose body and soul are chained to the carcass of a polygamous husband.

There is no nuptial happiness except in the loving union of two persons, and only two—one man and one woman. Truly has Tom Moore sung:

> There's a bliss beyond all that the minstrel has told,
> When two that are linked in one heavenly tie,
> With heart never changing, and brow never cold,
> Love on through all ills, and love on till they die.
>
> One hour of a passion so sacred is worth
> Whole ages of heartless and wandering bliss;
> And, O! if there be an Elysium on earth,
> It is this, it is this.

And I may add if there be a hell on earth it is to be found in the harems of polygamy.

Polygamy is not only a crime against society, religion, law, and civilization, but it is the crime of crimes against womanhood; the crime of crimes against wifehood; the crime of crimes against childhood. It robs the woman of a husband and robs the child of a father.

If there be a bolt in the armory of heaven specially forged to fall upon and blast some monstrous violator of woman's dearest rights and man's holiest duties, great God of the skies, let that bolt fall in all its red-hot, seething fury upon the impious head of the preacher of polygamy.

Let this House say this day to Mormon polygamy: "Thus far shalt thou come and no farther, and here shall thy vile waves be stayed. Thou shalt not pollute these floors with the slime of thy treasonable villainy."

THE MORMON RELIGION.

I have yet other grounds of objection to the admission of Mr. Roberts; and here in my place I charge that he appears here not so much a Representative of the State of Utah as a representative of the Mormon Church, a hierarchy whose aim is to supplant the Christian religion and overthrow the Constitution and Government of the United States, and to the elucidation and establishment of this charge I invite your attention and the attention of all the members of this House.

As you know, Mr. Speaker, and as we all know, Mormonism was begotten by fraud upon the body of credulity, and nursed into strength by hope of gain. The so-called Book of Mormon, written as a biblical romance by an eccentric preacher named Spaulding, fell into the hands of one Joseph Smith, a sort of fanatical crank, who wore a high white hat, kept a cake and beer shop, and pretended to have seen many supernatural beings, and even to have had wrestling matches with the devil.

Joseph Smith pretended that he had dug up near Palmyra, N. Y., some so-called golden plates covered with Egyptian hieroglyphics, and these plates he pretended to translate, but, in reality, his translation was nothing but Parson Spaulding's biblical romance somewhat changed. And in this way, about the year 1820, came into existence the Book of Mormon, the so-called Bible of the Mormon Church, denominated by them the "Church of Jesus Christ of Latter-Day Saints." After settling first at Kirtland, Ohio, then in Nauvoo, Ill., in 1847 they emigrated to Utah and founded Salt Lake City.

THE SPREAD OF MORMONISM.

From this wretched and farcical beginning has grown that monstrous hierarchy called Mormonism, which has not only spread its influence all over the great State of Utah, but is intrenching itself in Nevada, in Idaho, in Colorado, in Wyoming, and in Arizona; and I think it safe to say that the number of Mormons in the United States to-day is over 300,000.

For fifty years the Mormon Church has been sending its missionaries all over the United States and Canada and over parts of Europe, especially Denmark, Sweden, Norway, and England, and these missionaries having gathered up thousands and tens of thousands of converts, mostly poor people, by telling them Utah was the new promised land and that everyone who went there and became a good Mormon would receive from the Lord, through the Mormon Church, a large tract of land and all the assistance necessary to build them a house and clear up and fence a good farm. They were also told that Joseph Smith was the special prophet of the Almighty, and that it had been revealed to Smith and later on to his successor, Brigham Young, that the Mormons were the true saints of the Lord and were destined to possess the whole earth, and that the saints were even now gathering together in Utah, as both the Christian Bible and the Mormon bible had foretold.

And, Mr. Speaker, these Mormon missionaries are more numerous and more busy than ever. In the States of the South they are especially active, and are to be found in every section. Last year they had large gatherings in some of the Southern cities, and hundreds of Mormon missionaries and converts attended, and great demonstrations of rejoicing and thanksgiving were made at these convocations.

The Mormon priesthood carefully conceals its secret purposes from even its own converts. Their missionaries preach to satisfy the yearnings of the poor and the sympathies of the unsophisticated and to delight those who love the wonderful, the mysterious, and the supernatural. Nine-tenths of the doctrines they teach are, in substance, Christian truths, and in this way they gain access to the confidence of many, and thus ultimately lead them astray.

MORMON PLANS EXPOSED.

In order to know what Mormonism really is we must go to Utah and must learn what it was when Brigham Young was in power, before the Mormon priesthood had entered upon their campaign to deceive the people of the United States into admitting Utah into the Union as a State.

I will here lay down propositions in reference to the Mormon Church, and I will prove them to the satisfaction of every fair-minded man:

First. Not religion but political power is the chief object of the Mormon Church.

Second. That to obtain political power the priesthood have organized an ecclesiastical hierarchy, whose purpose is to exercise absolute and arbitrary power over all the members of their church, and through these members over as many others as possible.

Third. That the ambition of this hierarchy is first to control the Rocky Mountain States, then through these States to control the United States, and through the United States to control the whole world.

Fourth. That in the furtherance of these plans polygamy was ordained in order to more rapidly multiply the population and to bind the members together as common participators in a common crime.

Fifth. That in the execution of their plans the Mormon hierarchy will unhesitatingly commit any crime, and have committed hundreds of times the crimes of treason, murder, arson, and robbery, and have practiced frauds, manufactured falsehoods, and participated in all manner of villainies.

The first witness I will call is Bishop Lunt, one of the chief priests of Mormonism, who, in 1880, made this statement to a correspondent of the San Francisco Chronicle to show the growth and plans and mission of Mormonism:

WHAT BISHOP LUNT SAID.

Like a grain of mustard seed was the truth planted in Zion, and it is destined to spread all over the world. Our church has been organized only fifty years, and yet behold its wealth and power. We look forward with perfect confidence to the day when we will hold the reins of the United States Government. * * * After that we expect to control the continent. To-day we hold the balance of power in Idaho, we rule Utah absolutely, and in a very short time will hold the balance of power in Arizona and Wyoming. And we design to plant colonies in Washington Territory. * * *

Our vote is solid and will always remain so. It will be thrown where the most good will be accomplished for the church. Then in some great political crisis the two present political parties will bid for our support. We will then hold the balance of power, and will dictate to the country. Utah will be admitted as a polygamous State, and the other Territories we have subjugated will be admitted also. We possess the ability to turn the political scale in

any particular community we desire. * * * Our people are obedient. When they are called by the church they promptly obey. They sell their houses, lands, and stock, and remove to any part of the country the church may direct them to. You can imagine the results which wisdom may bring about with the assistance of a church organization such as ours. It is the completest one the world has ever seen.

CONGRESSMAN CRADLEBAUGH'S TESTIMONY.

My second witness is the Hon. John Cradlebaugh, a Delegate from the then Territory, now State, of Nevada, and who had been a United States judge in Utah. Nevada adjoins Utah for 400 miles. While a member of this House, in 1863, Judge Cradlebaugh said, among other things:

Having resided for some time among the Mormons, become acquainted with their ecclesiastical polity, their habits and their crimes, I feel I would not be discharging my duty if I failed to impart such information as I have acquired in regard to this people in our midst who are building up, consolidating, and daringly carrying out a system subversive of the Constitution and laws and fatal to morals and true religion.

Mormonism is one of the monstrosities of the age in which we live. It seems to have been reserved for the model Republic of the world, for the nineteenth century, * * * to produce an idle, worthless vagabond of an impostor, who heralds forth a creed repulsive to every refined mind, opposed to every generous impulse of the human heart, and a faith which commands a violation of the rights of hospitality, sanctifies falsehood, enforces the systematic degradation of woman, not only permits but orders the commission of the vilest lusts in the name of the Almighty God himself, and teaches that it is a sacred duty to commit the crimes of theft and murder. It is surprising that such a faith, taught, too, in the coarsest and most vulgar way, should meet with any success. Yet, in less than a third of a century it girdles the globe. Its missionaries are planted in every place. You find them all over Europe, thick through England and Wales, traversing Asia and Africa, and braving the billows of the southern oceans, to seek proselytes. And, as if to crown its achievements, it establishes itself in the heart of one of the greatest and most powerful Governments of the world, establishes therein a theocratic government overriding all other government, putting the laws at defiance. * * *

Mormonism repudiates the celibacy imposed by the Catholic religion upon its priesthood, and takes in its stead the voluptuous impositions of the Mohammedan Church. It preaches openly that the more wives and children its men have in this world the purer, the more influential and conspicuous they will be in the next; that wives, children, and property will not only be restored but doubled in the resurrection. It adopts the use of prayers for the dead and baptism as a part of its creed. Mormons claim to be favored with marvelous gifts, the power of speaking in tongues, of casting out devils, of curing the sick, and of healing the lame and the halt. They claim that they have a living prophet, seer, and revelator who holds the keys of the kingdom of heaven, and through whose intercession alone access can be had. They recognize the Bible, but they interpret it to suit themselves, and hold that it is subject to be changed by new revelation.

One of their doctrines is that of continued progression to ultimate perfection. They say God was but a man, who went on developing and increasing until he reached his present high capacity; and they teach that Mormons will be equal to him; in a word, that good Mormons will become gods. They teach the shedding of blood for the remission of sins, or, in other words, that if a Mormon apostatizes his throat shall be cut and his blood poured out upon the ground for the remission of his sin. * * * They hold that the prophet's revelations are binding upon their consciences and that they are bound to obey him in all things. They say that the earth and the fullness thereof is the Lords; that they are God's chosen people on earth; that their mission on earth is to take charge of God's property; * * * in other words, they teach that it is a duty to rob and steal from the gentiles. * * *

They claim that Mormonism is to go on spreading until it overthrows all the nations of the earth, and, if necessary for its accomplishment, its success shall be consummated by the sword; that Jackson County, Mo., is to be the seat of empire of the Mormon Church; that hence the Mormons are to be finally gathered, and from that Zion shall proceed a power that will dethrone kings, subvert dynasties, and subjugate all the nations of the earth.

THE CRIMES OF MORMONISM.

Judge Cradlebaugh then proceeds to enumerate the specific crimes and atrocities committed by the Mormon priesthood, showing that the head of the Mormon Church is supreme autocrat, from whose command there is no appeal and whose power to enforce his will is swiftly put forth and effectively executed, by fraud if profitable, by force if expedient, by murder if necessary.

Judge Cradlebaugh shows how the Mormon Church controlled juries and judges, how it intimidated its opponents, how it degraded and bestialized the women, how it browbeat the officers of the United States and forced them to resign, how the Danites, or "destroying angels," stood ever ready to execute the orders of the Mormon Church, how Gentiles were murdered for suing Mormons in the courts, how many other Gentiles were murdered on various pretexts, and how, at the Mountain Meadows, a whole emigrant train of Arkansas people on their way to California were treacherously massacred and their unburied bodies left on the naked earth to be the food of vultures, crows, and wolves—123 men, women, and children being butchered as though they were noxious beasts.

Judge Cradlebaugh quotes a large number of extracts from the sermons and discourses of the Mormon leaders, and then, by way of summary, adds:

It will be seen that the scheme of these religionists is quite broad enough to embrace polygamy, adultery, incest, perjury, blasphemy, robbery, and murder as a part of their devilish plan.

Brigham Young was then the head of the Mormon hierarchy, and Judge Cradlebaugh thus characterizes him:

Brigham's house is at once tabernacle, capitol, and harem, and Brigham himself is king, priest, lawgiver, and chief polygamist. Is treason hatched in Utah? Brigham is the head traitor. Are rebel troops mustered against the United States? Brigham is their commander in chief. Is a law to be enacted? Brigham's advice determines it. Is an offending "Gentile" or an apostate Mormon to be assassinated? The order emanates from Brigham. In addition to all this he heals the afflicted by the laying on of hands and comforts the widow by becoming her husband.

THE DISLOYALTY OF THE MORMON CHURCH.

Judge Cradlebaugh thus concludes his terrible indictment of Mormonism:

The people of Utah have nothing but ill will toward our Government. The great masses know nothing of our institutions—they come to Zion, not to America. * * * Upon arriving in Utah they hear nothing but abuse of our people. The whole fountain of patriotism is polluted, and they are taught that they owe neither allegiance nor love to our Government. Treason and insubordination are openly taught.

And this is the monstrous consolidation of church and state, of polygamy and villainy, of fraud and treason that has sworn, in its ambitious and lecherous heart, to "cram polygamy down the throat of the American Congress," and some men on this floor say we must swallow the dose, even if we have to vomit it up the next minute. Mr. Speaker, I for one refuse to take the medicine; my stomach gags at the dose. [Laughter and applause.]

CONGRESSMAN CASSIDY'S DECLARATIONS.

My third witness is Hon. George W. Cassidy, another Congressman from the State of Nevada, who, in March, 1882, said in a speech on this floor:

The Mormon religion, so called, as advocated and promulgated by the lecherous element in Utah, is not a religion of any kind within the true meaning of that word. I denounce it as licentiousness, as lust, as prostitution, as a parody on religion, and as a corrupt and corrupting system, utterly and absolutely unworthy of a moment's consideration on the ground of religious toleration.

It is a menace to and at war with every principle of free government as established irrevocably, let us hope, in the fundamental law of the land. It knows no allegience to the Constitution of the United States; it seeks to place church high above state; it mocks at our institutions; it defies our laws; it condones perjury; it justifies murder and assassination, and, finally, it exalts the vilest of social evils above the decencies and proprieties of life as taught by every other civilized community on God's green earth. Such is the Mormon Church, and such is Mormonism as we find it to-day, strongly intrenched, almost beyond the legislative power of the Government to dislodge, in the mountains of Utah. It has grown from a mere handful at Nauvoo to a membership of nearly 200,000 in the West—

That was in 1882, remember, Mr. Speaker—

absolutely controlling and dominating the civil administration of Utah and holding the balance of powe between the two great political parties in all the adjacent States and Territories. I submit that it is time that the mailed hand was applied; time that this vile monster was checked and placed in course of ultimate extinction.

Such are the words of Congressman Cassidy, who lived among these Mormons and represented the State of Nevada, which adjoins Utah on the west, and he knew whereof he spoke.

In the same speech, referring to the mass of the people of Utah, Mr. Cassidy said:

The great mass of Mormons are foreign born. They are proselyted and transplanted from grinding poverty in the Old World to comfortable homes in Utah by the Mormon Church. The change is so marked and marvelous that they regard it as an inspiration and praise the Mormon faith accordingly. They are incapable of explaining the betterment of their condition on any other hypothesis. Hence the deep hold which their plotting leaders have on them. All they are, and all they have, and all they hope to be, they ascribe to the Mormon Church. They attest their fidelity and gratitude fully and unanswerably year after year by the voluntary surrender of a one-tenth part of their earnings in the shape of tithings for the maintenance of the church and the dissemination of its doctrines among the heathens here in the East and in European countries.

CONGRESSMAN BELTZHOOVER'S SUMMARY STATEMENT.

I will call one more witness and then close the evidence. This witness is Congressman Frank E. Beltzhoover, of Pennsylvania, who, after a careful examination of the reports of the committee of Congress that investigated Utah affairs, reached the following conclusions, which he announced on the floor of this House:

1. Polygamy is the basis of a fanatical hierarchy which is antagonistic to our institutions and laws, and no one who is subject to it can be well disposed toward the Government of the United States.

2. It is a disgrace to our civilization and offensive to the moral sense of mankind.

3. It breeds open defiance to our laws and renders a republican form of government impossible.

4. It is hostile to civil society and fatal to the welfare of the state.

Having shown what the Mormon Church is and what its nefarious plans are, I will now show what sort of a man Brigham H. Roberts is; and I know no better way to do this than to read these extracts from the report of the committee in his case:

THE STATUS OF THE CLAIMANT.

Let us see in what attitude and status the claimant appears and claims the right to be sworn in. No appreciative opinion as to his status can be formed without some knowledge of the judicial and statutory characterization of his offense.

Section 5352, passed by Congress in 1862, declared:

"Every person having a husband or wife living who marries another, whether married or single, in a Territory or other place over which the United States have exclusive jurisdiction, is guilty of bigamy, and shall be punished by a fine of not more than $500, and by imprisonment for a term of not more than five years."

It did not, however, make unlawful the practice of polygamous living.

There was no pretense of obedience to this law in Utah, the claim being made that it was unconstitutional because an interference with the religion of the Mormons. There is no doubt but that a large body of the Mormons, not only those who practiced polygamy but those that did not, believed that the act of 1862 was an unconstitutional infraction of their rights.

In 1878, however, in the case of Reynolds *vs.* The United States (98 U. S., 145), the Supreme Court held that section 5352 was "in all respects valid and constitutional." So that after 1878 no man in Utan could claim that the practice of polygamy was right as related to the laws of the land without doing

violence not only to the statute but to the unanimous opinion of the highest court of the land.

The opinion in this case was by Chief Justice Waite, and in the course of it polygamy receives judicial characterization as follows:

"Polygamy has always been odious among the northern and western nations of Europe, and, until the establishment of the Mormon Church, was almost exclusively a feature of the life of Asiatic and of African people."

* * * * * * *

POLYGAMY DESTRUCTIVE OF FREE GOVERNMENT.

"Marriage, while from its very nature a sacred obligation, is nevertheless, in most civilized nations, a civil contract, and usually regulated by law. Upon it society may be said to be built, and out of its fruits spring social relations and social obligations and duties, with which government is necessarily required to deal. In fact, according as monogamous or polygamous marriages are allowed, do we find the principles on which the government of the people to a greater or less extent rests. Professor Lieber says polygamy leads to the patriarchal principle, and which, when applied to large communities, fetters the people in stationary despotism, while that principle can not long exist in connection with monogamy. Chancellor Kent observes that this remark is equally striking and profound.

"Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land and, in effect, to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances."

There was no machinery for enforcing the act of 1862 until 1882, when Congress passed what is known as the Edmunds law. This act defined and punished bigamy and polygamy in the same terms as the act of 1862, but also punished unlawful cohabitation, and declared ineligible for office any person who maintained the status of a polygamist or who cohabited with more than one woman.

Section 8 of that act is as follows:

"That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for such Territory or place, or under the United States."

This law had not only the force of a public law, but it was the outcome of years of agitation and reflection. It crystallized the sober sense of the American people; it represented the settled views of our wisest and most conservative statesmen and later received the stamp of approval from the Supreme Court of the United States in many well-considered cases.

ROBERTS LIVING IN POLYGAMY.

Prior to 1882 Brigham H. Roberts had married one Louisa Smith. She has borne him six children, and is still living.

About 1885, when Utah was fairly ringing with the blows of the Edmunds Act of 1882; while numerous prosecutions were going on, and after the Supreme Court had passed upon the validity of the act; when the American people supposed that polygamy had received its deathblow; when no man of the many whose cases went to the United States Supreme Court pretended that the provisions against polygamous marriages were invalid, with all these facts insistently before him, Brigham H. Roberts took another wife—his first polygamous wife—Celia Dibble by name, who in the following twelve years bore him six children.

This second wife he married in defiance of the Edmunds law. He spat upon that law; he declared by his act that he recognized no binding rule upon him of a law of Congress; he declared by it that he recognized a higher law. The Congress of the United States was to him an object of contempt. The Supreme Court of the United States might declare the law for others, but not for him. He laughed at its futile decrees and spurned its admonitions. The Executive which had declared in solemn messages its gratification that polygamy seemed gone forever he defied and despised. Of what consequence to him were laws of Congress and declarations of the highest court and proclamations of Presidents as against his sensual interpretation of a sensual doctrine?

And all the time the Edmunds law declared not only polygamy but cohabitation with more than one woman unlawful. Roberts not only bigamously married a second wife, but he persisted in violating and defiantly trampling under foot every other provision of the act.

But he had not yet sufficiently proclaimed his utter contempt for the Supreme Court, for Congress and its most solemn enactments. A few years later he took a third wife.

From the time of his second marriage to the third he cohabited with two women. From the date of his third marriage down to his election, and, we doubt not to the present time, he has been cohabiting with three women. * * *

ROBERTS'S CONDUCT DISLOYAL.

The amnesty proclamation of 1868 and 1894 never embraced him. There was never a moment when its provisions were complied with by him. There has never been a moment since he married Celia Dibble down to the present moment when he has not been a persistent, notorious, defiant, demoralizing, audacious violator of every provision of the State and Federal law relating to polygamy and its attendant crimes. And this is the man who seeks admission to this body.

It was declared in the Kentucky cases, and in the Thomas case in the Senate, and in the test-oath act of 1862 that disloyalty created ineligibility; that fidelity to the Constitution was a necessary qualification to membership in this body. What is loyalty? It is faithfulness to the sovereign or the lawful government. A mere violator of the law may not necessarily be disloyal. One may violate the law and still recognize the sovereign and the lawfulness of the government. His only concern may be that he shall not be found out and punished. But that man is surely disloyal, and in the fullest sense disloyal, when by his words, his acts, and his persistent practices he declares unequivocally in this wise:

"You have solemnly enacted certain laws; you have crystallized into statute the will of the sovereign people. I bid defiance to your law. I will not recognize it. I here and now before your very eyes do the things you say I shall not do. I recognize a higher law than your man-made law—no law of yours can relieve me from the obligations which I thus take in defiance of your enactments. The only thing I promise not to do is to take a fourth wife."

The case of a bribe taker, or of a burglar, or of a murderer is trivial, is a mere ripple on the surface of things, compared with this far-reaching, deep-rooted, audacious lawlessness.

What was the case of Whittemore, who was excluded, as hereafter set out? He had not been convicted of any crime, but a committee had found that he had sold a cadetship. He did not pretend that he was wiser or greater than the people, or that he had the right to sell cadetships and was above the law. The acts of Roberts are essentially disloyal. They deny the sovereign, they repudiate the lawful, government. Look at them from whatever point you will, they are subversive of government. They do not merely breed anarchy, they are anarchy.

We observe that this is not a moral question. It goes to the root of our own constitutional government. What we have just quoted from Justice Waite and Justice Matthews are as much a part of our Constitution as the written instrument itself.

We have thus presented to our view the status of Roberts. What are we going to do about it?

We assert that it is our duty, as it is our right, to exclude him; to prevent his taking the oath and participating in the councils of the nation.

ROBERTS'S DECLARATION ON POLYGAMY.

In an article published in his newspaper, the Improvement Era, in May, 1898, and signed by him, this man, Brigham H. Roberts, says:

Therefore I conclude that since God did approve of the plural-marriage custom of the ancient patriarchs, prophets, and kings of Israel, it is not at all to be wondered at that, in the dispensation of the fullness of time, in which He has promised restitution of all things, that God should again establish that system of marriage. And the fact of God's approval of plural marriage in ancient times is a complete defense of the righteousness of the marriage system introduced by revelation through the Prophet Joseph Smith.

Joseph Smith received a commandment from the Lord to introduce that order of marriage into the church, and on the strength of that revelation, and not by reason of anything that is written in the Jewish scriptures, the Latter-Day Saints practice plural marriage.

Polygamy is not adultery, for, were it so considered, then Abraham, Jacob, and the prophets who practiced it would not be allowed an inheritance in the kingdom of heaven, and if polygamy is not adultery, then it can not be classed as a sin at all.

It appears to the writer that modern Christians must either learn to tolerate polygamy or give up forever the glorious hope of resting in Abraham's bosom.

That which He (God) approves, and so strikingly approves, must be not only not bad, but positively good, pure, and holy.

Now, Mr. Speaker, I think I have demonstrated the truth of my charge that the Mormon Church is a treasonable and fanatical conspiracy that aims to supplant the Christian religion and overthrow the Constitution of the United States; and Brigham H. Roberts, by preferring the laws of Mormonism to those of the United States, by preferring the practices of Mormonism to those of Christianity, shows that he appears here to represent the monstrosities of Mormonism rather than the State of Utah, and on this ground alone I would deem myself abundantly justified in voting against his admission to a seat in this House. [Applause on the floor and in the galleries.]

THE CONSTITUTION MUST PROHIBIT POLYGAMY.

Mr. Speaker, the welfare of Utah and the welfare of the United States require that polygamy should be wiped out of existence, and that a brand of shame should be burned into the forehead of every man who is guilty of this crime, so demoralizing to the parties and so destructive to society, and in order most effectually to do this, on the 8th of this month I introduced into this House the following joint resolution to amend the Constitution of the United States:

Joint resolution proposing an amendment to the Constitution to disqualify persons found guilty of polygamy or polygamous cohabitation from holding office.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment be proposed to the legislatures of the several States, which, when ratified by three fourths of said legislatures, shall become and be a part of the Constitution of the United States, namely:

"ARTICLE XVI.

"SECTION 1. No person shall be a Senator or Representative in Congress, or elector for President or Vice-President, or hold any other office of honor, trust, or profit under the United States or under any State who shall be found guilty of polygamy or polygamous cohabitation; but Congress may, by a vote of two-thirds of each House, remove such disability.

"SEC. 2. The Congress shall have power to enforce the provisions of this article by appropriate legislation."

This amendment, if adopted and duly enforced by appropriate legislation, will forever end polygamy, and when polygamy is ended the Mormon Church will disintegrate and tumble into ruins, and we will be plagued with its debaucheries, conspiracies, impieties, and other villainies no more forever.

UTAH'S BREACH OF FAITH.

When Congress voted that Utah might be a State of the Union, there was a solemn compact made that polygamy and polygamous cohabitation should be forever things of the past. Congress, in the enabling act, stipulated that the convention of Utah "should provide by ordinance, irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

Pursuant to the said act, a constitutional convention was held at Salt Lake City, and the following provisions were framed by the convention and adopted by the people as a part of the constitution:

ARTICLE III.—ORDINANCE.

The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

First. Perfect toleration of religious sentiment is guaranteed. No inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship; but polygamous or plural marriages are forever prohibited.

Utah had long been denied statehood because of the fear that if made a State she would legalize polygamy and drive out of her midst all who were not Mormons. But Utah came forward with all manner of solemn promises. The Mormon Church pretended to have a revelation prohibiting polygamy in the future, and the constitutional convention pretended to solemnly adopt the provision I have just read, forever prohibiting polygamy. Some of us had doubts, but the great majority of us said, "Admit her; she has pledged herself to do away with polygamy forever."

UTAH HAS FORFEITED HER RIGHT TO REPRESENTATION.

And so Utah was admitted into the Union. And what was her first act, Mr. Speaker? It was to spit upon her promises and tread them under her feet; it was to practically ignore her own constitution and to violate the enabling act of Congress; it was to perpetrate the most flagrant, willful, and wicked act of bad faith ever committed in the history of any people, civilized or barbarous. How? By sending as her Representative to the Congress of the United States a man who is not only an open, avowed, defiant polygamist, living with three wives and raising families by each of them, but who is a teacher, an advocate, a champion of polygamy, and maintains that it is a divine institution and to practice it is to conform to the highest and best phase of religion!

And so I charge here, in my place on this floor, as a member of the American Congress, that the State of Utah, by this wicked, causeless, unprovoked, and wanton breach of good faith, has forfeited her right to representation in this Congress, and on this ground alone I would feel abundantly justified in denying Mr. Roberts a seat on this floor and denying Utah any Representative until she make amends by electing and sending here as her Representative a man who, by precept and practice, shows to the world that he believes polygamy to be a crime and those who are guilty of it to be criminals who should be punished by confinement in the penitentiary of the State rather than honored by a seat in the Congress of the United States. [Applause.]

CHRISTIANITY OUR HIGHER LAW.

I maintain that this is a Christian country and that we are a Christian people. Our forefathers brought our Christianity with them when they came across the Atlantic, just as they brought the English language with them, just as they brought the common law and the jurisprudence of equity with them; and when we set up here a Government of ourselves, by ourselves, and for ourselves, it was no more necessary to write in the body of our Constitution that this shall be a Christian country than to write that our language shall be English and that the common law and equity shall be the foundations of our jurisprudence.

No, Mr. Speaker, when our ancestors crossed the desert of sea to reach this new Canaan, as the Israelites crossed the desert of sand to reach the old Canaan, they no more left the Christian religion behind them than did the children of Israel leave behind them in Egypt the religion of Abraham. Christianity was written in the hearts of our ancestors a thousand years before they came to America, and our Constitution and laws presuppose Christianity and are founded upon it as this Capitol is founded on the solid earth.

And when the Constitution of the United States had been framed after many trials and tribulations, when it had been duly written out in solemn form on parchment sheets to be signed by the immortal sages who framed it, there were added these significant words:

> Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven.

And thus it will be seen that the signers of the Constitution recognized the Christian religion in calling its founder their "Lord." Men who fought seven years and made many sacrifices to expel royalty and extirpate lordship from the earth uncovered their heads and bowed down in homage of their Lord, Jesus, the founder of their religion; and herein, I maintain, is a recognition by the Constitution itself that the religion founded by "our Lord" Jesus Christ is the religion of the United States, and that all other religions are foreign and their existence only tolerated.

Thus, believing that Christianity is the religion of our nation and a part of the higher law of our land, I boldly maintain and declare that Mormonism is a vicious excrescence on the body of our religion, and is only Mohammedanism set up in our country disguised in new garments and passing under the alias of a new name. [Loud applause on the floor and in the galleries.]

THE VILLAINIES OF THE MORMON HIERARCHY.

The Mormon Church, as I have shown, has been guilty of every great crime found in the catalogue of infamy. It preached and practiced treason and raised a rebellion against the Government of the United States, so that it took a large army to suppress it. In September, 1857, at the Mountain Meadows, the Mormon priesthood massacred an Arkansas emigrant train, containing 132 men, women, and children, under circumstances of appalling and unparalleled treachery and barbarity, and their bones lay unburied on the plains for years.

The Mormon Danites, sometimes called the "Destroying Angels," were an organized band of murderers, acting as the sword of the priesthood to slay every man against whose name the mark of death was placed, and the terrorism they caused by their secret and deadly work silenced all opposition to the despotic mandates of Mormonism and made the rule of the priesthood more supreme and absolute than any tyranny of church or state that has ever existed in a civilized land since civilization began. I am informed that in their Endowment House at Salt Lake City those Mormons who take the highest degree in their hierarchy swear "eternal hostility to the Government of the United States." and are taught that the Government of the United States is the Antichrist, and that the Mormon Church will eventually overthrow it on the field of Armageddon.

During the war of the rebellion the Mormon leaders rejoiced over the strife and the bloodshed and the prospect of the destruction of the Union, and when Gen. Albert Sidney Johnston was killed at Shiloh the Mormon Church offered up thanksgiving, because he had commanded the United States Army that put down the Mormon rebellion in 1858.

ROBERTS A PUBLIC ENEMY.

And this man Roberts, I brand him as the enemy of public and private morality, as an impudent and high-handed violator of one of our most sacred laws, as a glaring example of an attempt to enthrone a monstrous crime in one of the highest places in our land, and charge that any favor shown him is an outrage upon our Christian citizenship, a palliation of an offense utterly without excuse or extenuation, and a condonation of a transgression of the laws both of God and man so monstrous as to make the condonation itself closely akin to a crime.

But while thus characterizing Roberts I do not forget, nor must any of us forget, that he is also the representative of a criminal organization in the State of Utah, and was sent here by that organization to gain honor for itself by dishonoring us, to glorify its high priests and bishops by bringing Christianity to shame, and to fulfill the pretended prophecies of its apostles by setting up their abomination of desolation in our holy places.

The people of the United States have called upon us to bar the doors of Congress against this man. More than forty bishops of various churches, the presidents of nearly all of our leading colleges, thousands of our most eminent public men, and hundreds of thousands of men and women in every walk of life have petitioned us not to admit him. The legislatures of many of our States have joined in these appeals.

The General Assembly of the Presbyterian Church, the American Baptist Home Mission Society, the Epworth League, the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, the Presbyterian Board of Home Missions, the American Missionary Association, the Congregational Home Missionary Society, the Methodist Episcopal Church, the Woman's Christian Temperance Union, and scores of other organizations of the Baptist, Methodist, Presbyterian, and other religious, charitable, moral, and social organizations, representing millions of the best men and the best women in our country, have joined in the universal chorus for the exclusion of Roberts from this Hall.

We can not admit these polygamous Mormons to places of honor and trust.

> It is as if the fiends prevailed
> Against the Seraphs they assailed,
> And throned on heavenly seats should dwell
> The freed inheritors of hell.

[Applause on the floor and in the galleries.]

Mr. GROSVENOR. Mr. Speaker, I want to supplement the very concise and able speech of the gentleman from Massachusetts [Mr. MOODY] by stating the road that I have traveled in reaching the result that will be demonstrated in my vote upon this question. I entered upon the study of the question with serious doubt about the power or propriety of the House of Representatives excluding a member at the door of the House; but I was very greatly encouraged in the fact that it can be done by the vote of those distinguished gentlemen, the gentleman from Maine [Mr. LITTLEFIELD] and the gentleman from Missouri [Mr. DE ARMOND], who both voted, with their eyes wide open, after full discussion of both sides of the question, that he may be stopped at the threshold of the House.

Now, I have listened to all that has been said; I have heard practically every word. I have read all that has been printed and published. I listened with the greatest interest to the wonderfully able speech of the gentleman from Maine; and I make this remark simply because of the foolish publication made last evening in one of the daily papers, a publication that was absolutely and totally unwarranted as a matter of fact in every respect. I have never heard an abler argument upon false ground than the argument of the gentleman from Maine. I never heard a greater

struggle in behalf of any man than has been made by the gentleman from Maine in behalf of this member as to his claim to be sworn in. I have heard, I suppose, more than 300 criminal cases. I heard the case of Dr. Jamieson before the Lord Chief Justice's court in England. I read and heard the Guiteau case in Washington, and have read the Mollineux case in New York, and have never known so able a defense of any man's position as has been made by the gentleman from Maine. So much for that.

Now, having listened to the gentleman's speech and carefully weighed it, I will summarize my speech, and then the time will be at the disposal of the gentlemen controlling it.

I find, and I defy contradiction, and it has not been contradicted yet by any man who has spoken on either side of this question—

First. That the House has never denied that it had the right to refuse to permit a member-elect to be sworn in, although he had all of the three constitutional qualifications.

Second. That it has in many instances affirmatively declared that it had the right to thus refuse.

Third. That the right to so refuse is supported on principle, and by the overwhelming weight of authority of constitutional writers and judicial opinions on analogous constitutional questions; and

Fourth. Upon the converse proposition of admission and then expulsion—

And I assert in the language of the committee:

First. That the House has never declared that it had the right to expel a member for acts unrelated to him as such, or for acts committed prior to his election.

There you have got to meet an unqualified and unbroken line of precedents. We have had Congress for a hundred-odd years now. We have had some exceedingly bad members, and there has been one unbroken ruling that, except for some act done after the election and in his relation as a member, there was no power to expel. And—

Second. That both the House and the Senate have in many instances refused to expel members where the proof of guilt was conclusive, but where the acts complained of were unrelated to the members as such.

No man has assailed successfully any of these propositions. They stand here as axioms of the law of the land, and, so believing, I shall vote for the majority report, the result of long labor, patient investigation, and patriotic devotion to duty. [Loud applause.]

Mr. MORRIS. Mr. Speaker, in the brief time that has been placed at my disposal I can not hope to cover all the questions that arise in this case. I do not complain of that limit of time, because it was with my own consent that a part of the time which might have fallen to me was yielded to others. I thought it entirely proper that the chairman of the committee and the one of the minority whom they might select should have all the time necessary to present completely and exhaustively their respective positions, and that as many members as possible who had not been upon the committee should also be heard in this, as I consider, great case. If I consulted my own wishes only, I would not say anything, but inasmuch as I was a member of the committee I feel that it is a duty I owe to the House to lay before it the reasons which have governed me in reaching the conclusion at which we have arrived.

I approached this case, Mr. Speaker, absolutely without bias and without previous investigation. I was satisfied on the second day of our meeting here, on the statement and arguments made by the gentleman from Ohio [Mr. TAYLER], that this House had the right to send this matter to a committee for investigation, and I voted that that should be done. When, greatly to my surprise, I had been made a member of that committee, I again approached this matter with the same complete absence of bias and previous investigation, and I determined to ascertain, along with the other members of that committee, the actual facts as they should be established by the evidence, without reference to popular prejudice or clamor, and then upon these facts, without reference to that prejudice and clamor, to determine what right and duty of action devolved upon us.

The investigation of that committee was full and complete. Its discussions were long and searching, but I am obliged to say here that the methods of its discussion were somewhat different from those indulged in on this floor. We heard nothing there about constitutional sewing circles, clearly implying that the members of the majority belong to such an august body. We heard nothing there of sarcastic and ad captandum references to distinguished men from Ohio. We heard nothing there of these brilliant and taking, but, I must confess, somewhat irrelevant, allusions to trusts and octopuses. I heard all that was said; there was not an hour of the investigation of that committee at which I was not present.

Now, sir, I think that the best method I can pursue here is to follow before this House the same line which I followed in the committee. And first I desire as briefly as I can, and as clearly as I can, to state the facts which were established. I do not believe there was any difference as to these.

We found upon the statute book of the United States a law, passed in 1862, making the act of polygamous marriage, but not the practice of polygamous living, unlawful. We found that it had been contended that that law was unconstitutional as abridging the right of religious belief and practice, but that the Supreme Court of the United States had fully sustained it.

We found another law of the United States, known as the Edmunds law, passed in 1882, making polygamy and the practice of polygamous living unlawful. It disqualified any polygamist—that is, any person in that status—in any Territory under the exclusive jurisdiction of the United States from holding any office of public trust, honor, or emolument under the United States. We found this law—this provision, at least—still in force. We found that notwithstanding this law polygamy and polygamous practices had still continued in the Territory of Utah, and in consequence thereof Congress had for a long time refused to admit the people of that Territory into the Union, although in every other respect fulfilling the requirements of statehood.

We found that in order to put an end to the violations of the law and to remove the obstacles to statehood the head of the Mormon Church had in 1890 issued a manifesto, in effect, forbidding polygamous marriages, which, according to his own construction, included the practice of polygamous living. We found that some years after that manifesto the people of Utah again sought statehood, and represented to Congress, through those who spoke for them, that polygamy, polygamous marriage ceremonies, and polygamous living, had ceased in Utah, that polygamy in all that the term implies was dead in that Territory, and pledged themselves that if the Territory was admitted to the Union as a State it should be kept dead.

We found that these representations and pledges having been made, Congress passed an act enabling the people of that Territory to frame a constitution with a view to their admission into the Union. We found that so abhorrent was polygamy, so utterly subversive of organized society and good government in the eyes of the Representatives of the people of the United States, that they placed in that enabling act a requirement the like of which has never been placed in any other enabling act, except as to slavery, or where the Representatives of the people thought that certain requirements were necessary against those whom they thought had been guilty of treason. That requirement was that the people of Utah should ingraft upon their constitution an ordinance, irrevocable except by the consent of the United States, containing a proviso that polygamous marriages, in all that the term implies, should be forever prohibited. We found that that ordinance was adopted, and with a constitution containing it the State had been admitted. We found that the State of Utah had passed laws against polygamy, making it a crime.

We found that this man—and now I ask the close attention of the House—we found that this man who is now seeking admission to this body had lived in Utah from boyhood; that about 1885, three years, mark you, after the passage of the Edmunds law, in violation and defiance of that law, he married his first plural wife; that he was prosecuted and convicted under the law and served a term in the penitentiary for unlawful cohabitation with this woman; that notwithstanding that conviction and punishment he afterwards, and ever since has, continued openly and notoriously to live in the relation of husband and wife with her and his first lawful wife; that later, we could not tell when, but not until the year 1897, after the admission of the State, holding her out as such, he took a second plural wife; and that he has ever since lived in the relation of husband and wife with all three of these women.

The head of the Mormon Church enjoined the keeping of the law. The chief officials of that church represented to the President that that injunction was being complied with, and pledged themselves and their people to obey and keep the laws. Proclamations of amnesty and pardon were issued by two Presidents. Although a Mormon, he refused to heed this injunction or to keep these pledges, and while others brought themselves within the amnesty proclamations, he never did. The status of polygamy which he assumed in violation of the law, which disqualified him for any office or place under the United States, he has never relinquished or abandoned.

He was a polygamist in all that the term implies in the Territory before the manifesto and afterwards, before the proclamation of amnesty and afterwards, before the people of the Territory made application for statehood, while that application was being made, after it was granted by the passage of the enabling act, while the constitution of the State was being framed, after it was completed. He was a polygamist when the State was admitted. He is a polygamist now. When he shall come to the bar of this House and hold up his hand in front of the Speaker, he will then be a polygamist, living in the status of polygamy. And all these facts were well known to the people of Utah when they elected him.

These are the facts of the case. Having found that these were the facts, the next question was what did these facts justify us in recommending to the House. The question was what did these facts justify the House in doing. There was one thing upon which all were agreed, if I may use the expression of one of the

minority in the deliberations in that committee, and that was that we should part company with Mr. Roberts. Those were the exact words. The division arose on the question as to how we should do this, keep him out or turn him in and then put him out; exclude him, or swear him in and then expel him. You have now heard the views of most of the members of the committee. I shall as briefly as possible give mine.

I do not hold that if this man were in, he could not on just and constitutional grounds be turned out or expelled. I agree with the majority that the power of expulsion should only be exercised for some offense relating to the duty and trust of the member as such. And I wish to say that in the speech of five minutes which the gentleman from Massachusetts [Mr. MOODY] has delivered he summarized completely my exact view of this case. I agree that the power of expulsion should only be exercised for some offense relating to the duty and trust of the member as such, and I have not seen or heard of a precedent to the contrary.

The gentleman from Maine [Mr. LITTLEFIELD] insists that the right of expulsion can be exercised for any cause, according to the arbitrary discretion of the House. He read the words of Judge Shaw in the case of Hiss *vs.* Bartlett—wherein the judge says, in effect, that, the right of expulsion existing and the legislative body having exercised the right, the court can not inquire into the cause of it—to sustain his position that we could expel for any cause, however arbitrary. By the same course of reasoning I might show that the right of exclusion can be exercised for any cause; for the right of exclusion does exist, and the legislative body having exercised the right, no court can inquire into the cause of it. Ergo, to use the method of reasoning of the gentleman from Maine [Mr. LITTLEFIELD], the right to exclude for any cause exists.

Now, the right to exclude and the right to expel both exist, but in my view can not be constitutionally exercised, either of them, for any cause—that is, not under our oaths. We can do anything, possibly, in regard to excluding or expelling members, and our action will be final and unreviewable, but I am speaking of action under the sanction of our oaths. In my opinion, and I think it is sustained by precedent and authority, prior to admission the right to exclude can be exercised for anything which, in the judgment of the House, is a reasonable and necessary disqualification. That is the proposition—for anything which, in the judgment of the House, is a reasonable and necessary disqualification existing at that time. The right to expel can be exercised, after admission, for some offense committed by the member while a member in full fellowship, touching his duty and trust as a member, which, in the judgment of the House, renders him unfit to remain in this body.

If Mr. Roberts had been admitted, I would vote to expel him, because, in my judgment, his present status—that of a polygamist—touches his duty and trust as a member and makes him unfit to be a member. If he is admitted to-day, I shall then vote to expel him, if a resolution to that effect is offered, for the same reason. But it is my view of this case, and my contention, that standing, as he does here, disqualified at the bar of this House, and we having full knowledge of it, we have the right to exclude; and the right existing, it ought, under the duty of the members of the House, to be exercised.

Now, under the statement of facts which I have given, it did seem to me, after careful consideration, that any man of common sense would say—what? Would any man of common sense say, "Take him in, and then," without another additional fact being brought to light, knowing then what we know now and nothing more, "turn him out"—declare one minute that he is fit to occupy a seat on this floor, and the next, knowing nothing more, that he is not fit to retain it? I do not think any man of common sense would say that. He would say, "if he is not fit to stay, if his character and status is such that if we take him in he would not be fit to stay, he can not be fit to enter." [Applause.]

This is the common sense of it. This is what the law ought to be. And I believe that it will be found that this is what the law is. I know that some people seem to have the impression that to be a great lawyer one must be able to give legal grounds for doing that which common sense would dictate ought not to be done, and for not doing that which ought to be done. I have always found that what common sense dictates the law almost invariably sanctions. This is what the gentleman from Maine [Mr. LITTLEFIELD] himself would say, if it were not for the second clause of the second section of the first article of the Constitution. That clause is the beginning and the end of it with the gentleman from Maine, and if he is right in his construction of that clause, in my judgment he is right in his conclusion.

I will not stop to read this clause. We all know it by heart: No person shall be a Representative who shall not have attained, etc., twenty-five years of age, seven years a citizen, and an inhabitant of the State. These are the qualifications. Now, mark this, gentlemen. These are the qualifications that he must have, and none others can be required, says the gentleman from Maine. And if he has these, no matter what else he may be, you must take him in, even if you have to turn him out the next minute.

He may be a driveling idiot, an avowed traitor, a convicted felon, a person known to be disloyal to the Government, a person occupying a status and living in a practice so abhorrent to the moral sentiment of the country, so utterly subversive of our ideas of civilization, organized society, and stable government, that the law passed by this body and now in force, wherever its jurisdiction to pass such laws extends, has made it a disqualification for any office or place of public trust, honor, or emolument, great or small, from a Cabinet office to the smallest crossroads post-office, and yet we are obliged to admit him.

Now, I have the greatest respect for and I stand in awe of a great lawyer, especially a great constitutional lawyer, and I suppose my friend from Maine is one. I listened day before yesterday with unflagging interest to his long speech. I felt the spell of his magnificent presence, his splendid voice, his brilliant eloquence, his keen sarcasm, and his incomparable and incomparably unconscious sophistry. [Laughter and applause.] I heard that string of glittering adjectives, winding up with the word "absurd," with which he was pleased to characterize one of the conclusions reported by what he was pleased to imply was the constitutional sewing circle, composed of the majority of the special committee. Notwithstanding the awe with which I have been inspired, while I can not match him in adjectives, I do say that to my mind this proposition is simply "absurd."

Here are negatives everywhere in this clause. Shall we be stampeded, as it were, by the rule of construction, Expressio unius est exclusio alterius? (I give you the English pronunciation, and if there are Latin critics here I should probably be able to give you the Continental.) [Laughter.] Shall we not rather recognize that it may not apply, and in expressions of this kind usually does not apply? Shall we be chained to the letter and discard the reason? Read it again. Does it mean any more than it says? The Representative must not be under 25 years of age, he must have been seven years a citizen, he must be an inhabitant of the State in which he is chosen. These qualifications he must have. We can not permit him to have any less. But does it say, does it even imply, that we can not require something more? Does it say, does it even imply, that we can not protect ourselves against a traitor, or one so grossly unfit that it would be our imperative duty, to preserve the honor of the House, to cast him out immediately upon his admission, and we know this, when he comes to the bar of the House, unless he is so young that he may be reformed and therefore had better be kept out of Congress? [Laughter.]

If he is old and hardened, must we take him in? Does not the language imply exactly the reverse? Does it not leave to the House some latitude of judgment as to who is fit to sit in this exalted body? It seems to me to be too plain for argument. And here I call attention to something which the gentleman from Maine failed to notice, or forgot to state, as to the extract which he read in this connection from Judge Story. He has no greater reverence for that great man than I have. That extract was taken from a discussion by that eminent jurist of the question of whether a State could by law require more than is specifically mentioned in this clause of the Constitution. To the proposition that it can not, we all say, Amen, although Mr. Jefferson was disposed to think the other way. But we are now considering our power. Mark that, gentlemen. We are now considering our power—that is, the power of this body.

But I am debating this question with a great constitutional lawyer, and there are others here too. I do not dare to have the rashness to put my construction of this clause alone against theirs. I must have something more to sustain my timidity and overcome my awe in their presence, and so I go along a little further and I find this provision in the Constitution:

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

And I feel a little strengthened. I think it may be barely possible that I am not utterly and absurdly wrong in thinking that the Constitution leaves us a little leeway.

And still further on, this provision:

> The Senators and Representatives * * * shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification, etc.

"Shall be required as a *qualification*." Does not this language mean something? And can it mean anything else than that while we can not require a religious test as a qualification, we may require other tests as qualifications? [Applause.]

If the former section was the beginning and the end of the matter of qualifications, why use the word at all here? And again—still timidly I confess, for it is still possible that not a single ray of light has found its way to the constitutional sewing circle [laughter]—I venture to think that perhaps this language may mean that while we can not prescribe an oath in which a member seeking admission shall swear that he is or is not a Catholic, or a Presbyterian, or a Baptist, or believes in the Trinity, or conforms to this or that ceremonial, and if he does not take it, keep him out; yet we might prescribe one in which he must swear that

he has not voluntarily given aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States, and if he will not so swear, and even we are satisfied that he can not so swear, keep him out. [Applause.]

And I venture to think, further, that we may prescribe an oath in which a man shall swear that he is not a polygamist, and if he does not so swear we may keep him out. For the Supreme Court of the United States has held that in no way can polygamy be considered a religious tenet or practice. And I venture further to believe that we could keep him out even if we believed that he would so swear, if we were satisfied that in doing so he would commit perjury. Do we believe that this man would so swear, or could so swear?

When I have got thus far—now, mark you, I have been considering the Constitution; I have not looked a step further than the Constitution itself, reading it in its own light—when I get thus far, I venture to think, still timidly, I confess, but the thought takes hold of me, as it were, that from the very nature of things the power to keep out such persons as I have described must be inherent and implied in every legislative body, and that the body must be the sole judge of when the necessity exists, and that perhaps it was possible that when those wise old fathers framed the Constitution they recognized this ever-present and ever-necessary power, and therefore framed the age, citizenship, and inhabitancy clause, negatively as they did, and added these other clauses, so that the less able and conspicuous members of our ancient profession might stumble on their meaning. [Laughter.] And that perhaps some not lawyers at all, like my eloquent friend from Indiana [Mr. LANDIS], who spoke yesterday, might at least catch a little glimpse of it. [Laughter.]

When my mind begins to run in this direction I feel a little uneasy. I think that perhaps it may be going like a wild engine, on the track it may be, but likely at any moment to run smash into one of these more majestic and ponderous pieces of legal machinery. [Laughter.] And so I wonder if anybody else has entertained these thoughts before. I wonder if anybody else has traveled the same road. I begin to feel the need of company. I begin to feel the need of authority, as the gentleman from Maine would say. [Laughter.] And so I turn to the fathers themselves. I look to see what they said while they were making this instrument, and as I read their debates and examine the final draft of this clause I interpret what they say as in accord with my view, and so do the majority of your committee.

But the gentlemen of the minority say that we are dismally and hopelessly wrong in our interpretation. You have seen and heard read, and ably debated here, these debates. Only fragments have been preserved, and they are not at all satisfactory. I shall not now go over that ground, so well covered by others. I leave it to the House. But if they are right, it does seem very strange that some of the text writers, to whom I turn next, have not discovered it. It would seem that what these old fathers said would have deterred some of them from being so positive in expressing themselves according to our contention, and would have encouraged others to come out a little stronger for the contention of the minority than they have done.

Turning to these text-book writers, and I think the committee examined them all, I do not find any of them directly holding that we can not impose additional qualifications to those mentioned in section 2 of Article I. And I do find a number of them who assert in so many words that we can. But our friends of the minority say these text writers are not to be relied on. They are not authority. It is true they have spent their days and nights in poring over the Constitution and the decisions directly and remotely bearing upon it, and trying to extract from it and from these decisions its true meaning, but they may be mystified and confused. We must examine the case ourselves. So let us pass on.

We then go to the cases, and what do we find there? I assert here, what the gentleman from Massachusetts said a while ago, that there is no authority in the case books directly in point on this question—that is, no case in which this clause of the Constitution has been directly construed. Any lawyer can understand why there would not be. We being the judges of the qualifications of our members, and we having decided, what court can review our decision? You may look in all the Supreme Court reports and you find none. You may look through the State reports and you find none except those construing somewhat analogous provisions of State constitutions.

Amongst these State cases you will find some which seem to sustain the view of the minority. You will find others which seem to sustain the position of the majority. Of these it seemed to me that those sustaining our position were the best considered and were the most cogent in their reasoning. I can not stop to consider these cases in detail. My time will not permit. But let us for a minute examine that one to which the gentleman from Maine [Mr. LITTLEFIELD] referred, and which he pushed aside with a wave of his hand—the case in Ohio, considered, as it was, by one of the ablest judges of that State. There the provision of the constitution was that no person should be elected or appointed to any office in the State unless he possessed the qualifications of an elector. The legislature created an office. That is admitted. It was an office. And they imposed certain additional qualifications which, in their judgment, were reasonable and necessary and which were conceded to be reasonable and necessary to the proper exercise of the duties of the office. It was contended that they could not do that. The case was taken to the supreme court, and that court held that they could impose these additional qualifications.

Now, mark you, there was a similar provision to the one under consideration, similarly expressed in negative form: "No person shall be elected or appointed to any office in this State unless he possesses the qualifications of an elector." And the court held that this meant that the legislature could not authorize the appointment of a person not possessing the qualifications of an elector, but they could require additional qualifications which were reasonable and necessary for the proper discharge of his duties. The reasoning of that case is to my mind extremely cogent and, indeed conclusive, and it sustains the position of the majority of your committee. Now, how does the gentleman from Maine distinguish that case? He meets it by saying that it was an office created by the legislature. But he admits it was an office. The words are "any office in the State." Was it an office in the State? In some way or other the gentleman reasons it out of the State. How it got away I can not tell; neither can you. [Laughter.]

Mr. MCPHERSON. And he read words into the Ohio State constitution.

Mr. MORRIS. I do not remember that. Now, so much for that case. There is another case in the reports of the Supreme Court of the United States. I forgot to mention it in the proper place. I state here that it is not directly in point, because it was upon another subject. In it Chief Justice Marshall used words which can have no other construction than that which sustains my position. He said that one would be charged with insanity who should contend that we could not superadd to the oath directed by the Constitution. Now, that is as nearly in point as any case from our highest court. It does not construe this particular provision, but it does throw some light upon it by its interpretation of one of the other provisions to which I have referred.

Now, I leave the cases and come to the lawmakers—this House, the Senate of the United States, and the President of the United States. And what do I find? As far back as 1790 I find the lawmakers passing a statute that any man who gives a bribe to a judge, or any judge who receives one, shall be forever disqualified to hold any office under the United States.

I come a little further down and I find another statute which disqualifies any member of Congress who receives or asks a bribe from holding any office under the United States. A little further on I find another statute disqualifying any person who shall incite, set on foot, assist, or engage in any rebellion or insurrection against the authority of the United States from holding any office under the United States, and still further on another requiring men who should stand at the bar of this House demanding admission to swear that they had not voluntarily given aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the Government. I find these and I suppose I might find others of similar object and import. Here they are. The lawmakers constantly asserting and exercising the right to impose such disqualifications, and thereby asserting negatively the right to require additional qualifications, and I find nowhere this authority or right questioned. Gentlemen have only to examine these statutes to see that in the term "office under the United States," they all by necessary implication include that of member of Congress, and in two of them they do so in so many words.

But gentlemen say that legislatures and lawmakers act upon the passions of the hour. Great heavens! Is a legislature acting upon the passions of the hour when it imposes this penalty for taking a bribe?

Mr. WM. ALDEN SMITH. It is rather wholesome.

Mr. MORRIS. We will leave out the question of treason, we will leave out the question of giving aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the Government. Is there anything indicating passion, is there anything indicating haste, is there anything indicating any undue or improper motive, in requiring that a man who accepts a bribe shall not sit in this exalted body?

And then I come to where I do find precedent. I come to where I find precedent directly in point, where this question was directly up, where it has been directly decided. I come to the place alone where it could come up. I come to this House and to that body at the other end of the Capitol, and what do I find? I find the most eminent members of both bodies advocating precisely the doctrine which I have laid down, and both Houses in a number of cases adopting and sustaining it, and in no case denying it.

Now, gentlemen may say, some lawyers may say, that these

gentlemen, Senators of the United States and members of this House, do not live and move and have their being in that high, calm, pure, serene atmosphere from which judges look down. They were only Senators and Representatives in Congress. They were not judges. They were swayed by the passions and prejudices of the hour. I for one can not help being so unorthodox as to believe that they were just as upright, just as pure, just as ready to stand for the right interpretation of the Constitution, lead to whatever result it might, as any judge. Read what they say. It is just as calm, just as cold, just as deliberate, just as full of sound reason as are the deliverances of any judge. Why, gentlemen, there are many judges in both bodies, and I will guarantee that there are a thousand judges (perhaps I should say hundreds) in the United States who never will be United States Senators, or members of this body either, for that matter, because nobody will ever think they ought to be. [Laughter.]

These men, trained public men, many of them great constitutional lawyers, held, and contended for and established, by the votes of such men as Garfield and others that were mentioned by my friend from Iowa [Mr. McPHERSON], this exact doctrine. The gentleman from Maine spoke of "one Boutwell." I suppose that is the right way, the legal way, the constitutional way, to speak of our great Senators. He spoke of "one Dawes" and "one Shellabarger" and "one John A. Bingham." I venture to believe that these men will be considered great constitutional lawyers as long as any member of this House will be. I will not say until long after most of us are forgotten.

Now I do not wish either to consume my time or to detain the House unnecessarily, but let me read from these gentlemen. Here is Mr. Boutwell in a case where the question was exactly the one presented here:

That an avowed traitor, a convicted felon, or a person known to be disloyal to the Government has a constitutional right to be admitted into the body would imply that the Senate had no power of protecting itself—a power which, from the nature of things, must be inherent in every legislative body.

The gentleman from Maine [Mr. LITTLEFIELD] spoke of what he was pleased to designate a general-welfare proposition, that we were acting on a general-welfare proposition. I say we are acting under the very first law of nature. We are acting under the law of self-preservation, not the self-preservation of the individual member, as was hinted in an article read from the desk here by the Clerk a short time ago, but the self-preservation of the life and the honor of this House. [Applause.]

A man has the right—higher than all law, recognized as inherent in and a part of all law—to protect his life and his honor; and I say that in a proposition of this kind the life of the Government and the life and honor of this House are involved. [Applause.]

The SPEAKER pro tempore (Mr. CANNON). The time of the gentleman from Minnesota has expired.

Mr. McCLEARY. The gentleman would like a little more time, and I ask that he may be permitted to finish his remarks.

Mr. MORRIS. I would like a little more time. I shall only consider one branch of the subject.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the time of his colleague be extended to allow him to conclude his remarks. Is there objection?

There was no objection.

Mr. MORRIS. Now, I said I ventured to entertain this opinion. Here is Mr. Boutwell fully sustaining me in it. Here is another—a man who was for years a member of this body, who was for years a Senator of the United States, who was offered and declined the chief justiceship of the State of Massachusetts—Mr. Dawes. Let us read from him:

The committee adhere to the views expressed in the former report, that no man who has been engaged in an attempt to overthrow the Government and subvert the Constitution by force of arms, or who has voluntarily given aid, countenance, counsel, or encouragement to persons so engaged, ought to be admitted to a seat in this House to make laws for the nation he has traitorously sought to destroy; and it is apparent that there must be power in this House to prevent this, the House being the judge of the qualifications of its members, of which fidelity to the Constitution is one, and that this end can only be certainly accomplished by the investigating of any specific and apparently well-grounded charge of personal disloyalty made against a person claiming his seat as a member of this House before such person is permitted to take the seat.

The House concurred in this view of the committee by adopting the resolution under which the committee is now acting. The principle upon which this preliminary investigation was ordered was adopted by Congress when the oath of office to be taken by members of this House was prescribed by law, and the preliminary investigation of specific and apparently well-founded charges against a person claiming a seat in this House is only an additional mode of attaining the same result sought to be secured by requiring the oath to be taken by all persons who become members of the House. The same principle has been affirmed by the President of the United States in his annual message, December 4, 1866, in which he says:

"In the admission of Senators and Representatives from all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress. Each House is made the judge of the election, qualifications, and returns of its own members, and may, with the concurrence of two-thirds, expel a member. When a Senator or Representative presents his certificate of election he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee.

"If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interest of loyalty to the Government of the United States and fidelity to the Union."

Something was said by the gentleman from Maine about the fourteenth amendment and its having been adopted about the time that Mr. Dawes made this report. To show that his opinion and report were not based on that amendment we have only to read his speech. Here it is:

Now, sir, to those of us who believe that that fourteenth article is already a part of the Constitution, there is an expressed inhibition upon this man contained in that article. I do not care to take the time of the House in discussing the question whether it is or is not a part of the Constitution. I plant myself upon the Constitution without amendment.

Mark that!

I plant myself upon the Constitution without amendment. I hold that in its lifeblood there is power to protect itself by all means not prohibited and adequate to the end.

Here is another—Mr. Shellabarger, of Ohio. And certainly these gentlemen will not contend that Mr. Shellabarger is not an authority. Speaking of this oath clause, he says:

To hold that the oath of office required to be taken by Representatives and other officers named in the sixth article and first section of the Constitution excludes them from being required by law to take any further obligation is, as seems to me, not only in violation of the express terms of the Constitution—

Mark that!

but is in the face of both the reason and the practice which construes this section. Such construction is against the text itself of the Constitution, because that prescribes the thing which shall not be required as a qualification for office, to wit, "religious tests." Now surely, if the prescribing of one thing which each member should be required to do and swear was in this case meant to exclude all other requirements, then it was not only useless but calculated to mislead and deceive, to go on and give one and only one qualification as the one which Congress might not require the officer to have. Surely the prescribing of one test as one that may not be required as much proves that any other test may be established as the fixing of one test being required excludes others from being required.

The plain sense, therefore, of this clause is to name one quality which at least every member shall have, and one which at least shall not be required, and to leave the other qualifications to be regulated by the laws of the Government which the Constitution established. If this is not so, and if this clause excludes any officer named in the clause from being required to take any further obligation by his oath of office than that one named in the Constitution, then no State officer named in the same clause could be required to swear to support his State constitution; and no officer, State or Federal, could be required by law to take an oath to discharge well the duties of his office. Plainly this clause is not meant to exclude all other qualifications for Federal office as unconstitutional.

Exactly the same remarks apply to all other clauses touching the qualifications, etc., of officers and members. None of them can be construed to prohibit Congress from excluding from office an open and avowed traitor to his country any more than they can be construed to deny Congress the right to exclude the convicted felon or the insane from such offices. Congress, then, may by law exclude traitors from the offices of the Government, and "each House," if not bound by such law as a law, may and ought at least to adopt such a "law" as a "rule," not to be departed from as to the qualifications of its members. I therefore hold that the House would do—against its dignity, its purity, its patriotism, and fitness to make laws—an act most monstrous, if not absolutely fatal, did it not, with unremitting vigor and sleepless vigilance, enforce this great act for the exclusion of the Government's enemies from the control of the Government's life, and of course this law, which should have to each House at least the force of an inflexible "rule," should be applied alike in each House.

Here we see the difference between the affirmative and the negative form in naming and fixing qualifications. Had the second clause of the second section of Article I said that every person who is 25 years of age, who has been seven years a citizen, and who is an inhabitant of the State, may be a Representative, then it might be said that, possessing these qualifications, nothing in addition could be required. But the form of expression being that no person shall be unless he is, etc., then he is obliged to have the qualifications mentioned. But you may impose something more upon him; something that he ought to have as he stands in this great and honorable body; something that ought to be about every member here; something that would make its standard such as to command the respect of the people, or at least not to degrade and dishonor it or make it contemptible.

That was Mr. Shellabarger's position. But let us go on. Here is another, Mr. Beltzhoover of Pennsylvania:

But admitting for the purposes of this discussion—

Now, gentlemen, I want you to consider this language, because we have heard it slightingly said that that was Delegate and not Representative Cannon, and therefore that case could not be cited as authority here. I admit that there would be a great difference between the case of a Delegate and a Representative. But I am citing the opinions of the men who passed on it—the opinion of the court, as it were; and it shows that they did not think it necessary in such a case to distinguish between Delegate and

Representative. They held that the right and authority existed in either case—

But admitting for the purposes of this discussion what can not be maintained, that the same qualifications which entitle a Member of Congress to admission shall also entitle a Delegate to the same right, and I still hold—

Whether Delegate or Member—

that Congress has the right and power to say—

What?—

to say that a polygamist shall not be admitted as a Delegate. Under the high power inherent in every organization on earth to preserve its integrity and existence—

Mark that—the doctrine of self-preservation—

Congress has the indubitable right to keep out of its councils any person whom it believes to be dangerous and hostile to the Government.

That was Mr. Beltzhoover. And so I might read others; but in view of the fact that the House has so kindly extended my time, under the impression that I would be as brief as possible, and since there are others who must be heard to-day, I shall not do so.

These were the views expressed by the leading men in both Houses in cases involving the identical question now under consideration, and these were the grounds on which action was taken.

And I assert that in every case where either body has found it necessary to do it, where some such trouble as this which confronts us has been suggested in reference to the member-elect, whether they have finally excluded him or not, they have always upheld their power and right to exclude him. They have invariably asserted their jurisdiction to exclude him. Not a case can be found to the contrary.

Now, gentlemen, when I find myself in such very respectable company as this, I begin to shake off a little of that awe with which I had been inspired by these great constitutional lawyers, and begin to think that I may after all know as much about it as they do. [Laughter.] And so when I find I am in company with such men as Boutwell, and Sumner, and Dawes, and Beltzhoover, and Garfield, and Logan, and BURROWS, and a host of others, I begin to think that maybe we can report to this House the resolution which we have adopted. In fact, I lead myself to the conclusion that not only am I right to report it, but that under my honor, my oath, and my duty as a member of this House I am bound to report it.

I hold then, Mr. Speaker, we have the right to do this by virtue of the power which from the nature of things must be inherent in every legislative body. I hold that we have the right to do this by virtue of the power clearly existing in and under the Constitution by the form of expression and the evident meaning of the clause naming the minimum qualifications, by the clause making the House the judge of the member's qualifications, and by the oath clause clearly and by necessary implication conferring the power to require such reasonable and necessary tests in the nature of qualifications as the safety of the country and the dignity, the honor, the practical and potential existence of the House shall demand. And, having this right, I hold that in a proper case we are, under our oaths, in honor bound to exercise it.

But some gentleman may inquire, How shall it be determined what is a proper case? I answer by the conscientious judgment of a majority of the House. And I say further that the majority, having reached that judgment prior to admission, is in duty bound to exercise and enforce it. Let us suppose a man standing here in front of the Speaker ready to take the oath, who, as the majority believe, is, by reason of his being a notorious and defiant lawbreaker, by reason of his standing as the representative, or at least the practicer and apologist, of a social status and practice at which public opinion revolts as striking at the foundations of civilization and society, so absolutely unfit for the duties and responsibilities of membership here that if we let him in, we ought, without doing another thing about it, without making an additional inquiry, without waiting for another suggestion, to cast him out at once. Must we, the majority, authorized by the Constitution to judge not only of the elections and returns but also of the qualifications of those who are to sit here, authorized to add to the oath qualifications, testing the moral character and fitness of the man presenting himself, provided they do not contain religious tests—must we, because it happens that a minority greater than one-third disagrees with us, be obliged not only to take this man in but to keep him in? Must we be obliged to accept a man here whose presence would, in our judgment, be contrary to the public safety, a blow at one of the most cherished institutions of our social order, and a stain upon the honor of the country and of the House?

Must we, because a minority greater than one-third should say we had no right to expel him, be prevented from protecting the country, this House, and ourselves? Should we not rather say that such a person is disqualified to sit here, and that it is our duty to see to it that he is not permitted to do so?

But gentlemen say they would vote to expel him. Let us take him in and then put him out.

I say no. To paraphrase the language of Mr. Dawes: If he has a right to enter this body notwithstanding his status, what right have we to expel him afterwards for being in that status? If we have the right to expel him for that status, have we not the right to keep him out for the same status? Why would they expel? There can be no other reason except that we believe it for the public safety and for the safety, dignity, and honor of this House. If it is unsafe to trust the public safety and the safety and honor of this House to the keeping of such a man by permitting him to remain in his seat here, is it not equally unsafe to admit him into his seat?

If the public safety calls upon us to expel a man after he has put himself into the seat, is not the public safety regarded more and is not the public safer by not letting him into the seat at all? If the public safety is intrusted to us, is it not the bounden duty of the majority, when in their judgment the public safety requires it, to protect itself and the public against the will of the minority, however great? It does not matter how great the minority is. When the majority thinks the public safety and the safety and honor of this House are involved, not only is it its right but it is its imperative duty to protect that safety and honor.

The gentleman from Maine [Mr. LITTLEFIELD] wants to know where this is going to stop. He says the next thing we will be keeping out the adulterer. I say that when an open, notorious, and defiant adulterer shall present himself at the bar of this House, and the House shall know it then, as we know the facts in this case now, and the majority of it shall think that he ought to be put out the instant he is let in, it will be the duty of that majority to keep him out. [Applause.] The gentleman says that a great many people in his State, perhaps a majority, think a rumseller is as bad as a polygamist, and that the next thing they will be demanding, and we will, by the rule we now adopt, be obliged to comply with that demand, that a rumseller be kept out. I say no. The gentleman knows that rumselling is not a crime, and that, on the contrary, it is a licensed and recognized occupation by most of the States and by the United States. But I do say that if the time shall ever come, as I do not believe it ever will, when rumselling shall be a crime under the laws of every Commonwealth represented here, under the laws of the United States, a crime of universal abhorrence, and universally regarded as against civilization, society, and good government, then it will be the duty of the Representatives who shall then be here to keep such a person out. [Applause.]

He says we will be stopping men at the threshold of this body on this or that trivial and insignificant ground. The gentleman knows, or ought to know, that the doctrine we advocate leads to no such conclusion. The doctrine we advocate is that Congress, this House, can disqualify and reject a man as a member here who is shown to be guilty of such crimes or occupying such a status as in the judgment of decent and law-abiding men everywhere render him unfit to act as a member of this body. And this doctrine is upheld by courts and legislatures, and by lawmakers and law interpreters on the floors of both Houses in this Capitol.

Gentlemen on the other side say one minute that we are setting a dangerous precedent, and the next that we are bound by no precedents. They talk about the passion and prejudice of the hour when we speak of the precedents already established in this and the other House of Congress, and say that we should be guided only by what our judgment and reason and conscience demand. While I do not agree with them as to these precedents, while they command my respect and satisfy my judgment, I accept in a measure what they say.

I, too, agree that we must do our duty as we see it and let any House that may come after us do their duty as they shall see it. But they say that by this action we are setting a precedent which will open the gates to revolution. Let me say that if any House shall come after us ready and in the spirit of revolution, they will not stop to consult the precedents made by this or any other House. When they get ready for revolution, ready to violate both the spirit and letter of the Constitution, no precedent will bind them. If they should seek them, and are willing to torture the meaning of the one which will be set by the adoption of this report to their unlawful purposes, they already have them in former Houses and in former Senates. They already have one in this case which will be just as effective for those who wish to misconstrue it and turn it to unlawful purposes as any we can make. If they shall be so lost to the dictates of prudence and patriotism, so forgetful of the obligation of their oaths, as to be willing to accomplish their ends by arbitrary and unjustifiable action, they will not stop for precedents.

If they shall determine arbitrarily to keep men out who have been elected here and who are fit and worthy to be here, they will not stop to inquire whether we were justified in our action or not. When such a time shall come, as I hope it never will come, there will be nothing left to do but for the people to rise in their might and turn them out of this Capitol. When revolution comes, gentlemen, the only remedy is the gun. No, gentlemen, it is enough for us to do our duty as we see it under our consciences, under our

responsibility to our constituencies and to the whole people and leave those who come after us to their consciences and their responsibility as they shall see it. [Applause.] As we see it, if this man as he stands here ought immediately to be thrown out if we let him in, we ought not to let him in; and if it is within the power of the majority to keep him out, it is the duty of that majority to do so. The universal sentiment of the people is that he ought not to disgrace and degrade this body with his presence for one minute or for one second; and the people are right. They know that he is now and has been for a long time living in a status and guilty of a practice which is in violation of the law of every State in the Union, which is in violation of the law of the United States, and for which that law disqualifies any person from holding any office in the Government.

I wish I had the time to refer to this Edmunds Act and its bearing on this case. But I can not take more of the time of the House from my associates on the committee, who are to follow me. I only say this, that this man assumed the status of a polygamist in the Territory of Utah after that law was passed, in open and defiant violation of it. He has kept that status ever since. He is a polygamist now. When he shall stand in front of the Speaker to be sworn he will be a polygamist. And as such polygamist he has been and is now disqualified from holding any office under the Government. I do not say that we are absolutely bound by that law. I agree with Mr. Boutwell when he says—let me read it:

> Doubtless a law of Congress declaring that a person convicted of a particular offense should not hold office under the United States, and the decision of the courts sustaining such a law, would not preclude the Senate from admitting such a person to a seat, should it think proper, because the Senate is the exclusive judge of the elections, returns, and qualifications of its own members. Yet it is hardly conceivable that the Senate ever would admit such a person to be sworn.

And I say it is hardly conceivable that this House ever would admit such a person to be sworn.

And not only has he put himself in that status in violation of the law, but he makes no apology or excuse. On the contrary, he defends and takes pride in it. No longer than day before yesterday, on the floor of this House, he proclaimed in effect—I can not give his exact words—that, do what we might with him, exclude him or expel him, he would feel no sense of shame, he would acknowledge no delinquency, but as he walked from our presence the angels of light would "walk not half so dazzlingly the sapphire walls of heaven."

Nor have I the time to speak of the bad faith of the people of Utah. That in sending this man here they have been guilty of bad faith we all know. Expel him, in the face of all these facts! Make this a matter entirely personal to him! Shall we not rather say to these people, "We judge you by your representative. When you come to a realization of what this country considers to be decency, and honor, and law, and civilization, and good government, and send us one here who does not fly in the face of all of it—when you do this, send him along; but until you do, neither you nor your representative shall be recognized here." [Applause.]

And, now, can there be any question of our duty? Will a majority of this House flee from its responsibility and duty? I for one protest against the giving of this man a seat in this House for one instant by our own will and consent. We could not help his being elected and certified here. I protest against it in the name of those unfortunate women whom this practice can but disgrace and degrade. I protest against it in the name of those children whom it has been, and is, and will be branding with the ineradicable stain, the scarlet letter of illegitimacy. I protest against it in the name of the motherhood and womanhood of the land. I protest against it in the name of all the people of the purest and best nation of the earth. I protest against it by the Constitution of our country. I protest against it by the law of the land which this man has broken and defied. I protest against it in the name of civilization and society, whose pillars he would pull down. [Applause.]

Make a precedent! Make a precedent of this case! Will ever such another be seen? Make a precedent of this case! I hope, I trust, I believe that there never will be tried at the bar of this House another like it. Solve this matter as I would have you, and you can set no precedent for any House. This is a case of its own kind. It stands solitary and alone, and in the name of the womanhood and manhood of the country I pray you, gentlemen, let it stand forever solitary and alone. [Applause.]

This is a question that every man must answer on his honor and his conscience. I keep no man's conscience. I accord and concede to every man honesty of conviction and belief. But when the law sustains us, and precedent sustains us, and decency sustains us, and that which is higher than all law, which inheres in all law, sustains us, as we are confronted with this man, there can be but one duty, and I hope, I believe, this House will perform it. [Applause.]

Mr. GREEN of Pennsylvania. Mr. Speaker, I have listened with interest to the speeches of this session, and am glad to find that there are so many saints in this body, and such good saints. This House is composed of editors, preachers, merchants—men following many vocations—as well as lawyers, and, as usual, the laymen seem to know more about this complicated question of constitutional procedure than the lawyers of acknowledged reputation.

Mr. Speaker, it seems to me that by the recent speeches we have been led away from the main proposition. Some of the speakers, especially the one who has last closed his remarks, have been standing up straw men and then knocking them down for the amusement of himself and the galleries and the delectation of his constituency.

The real proposition before this body is a plain one and should be dealt with in a practical manner, with due regard to the mandates of the Constitution.

A committee brings in reports, one a majority and the other a minority. Both reports agree that the Representative sent by the State of Utah shall not be permitted to retain a seat in this body by reason of the fact that he is a polygamist—that against the mandates of the constitution of the State of Utah and against her laws he has remained a polygamist, and has continued up to the present time to cohabit with plural wives, and by reason of this behavior he is not a fit person to remain a member of Congress.

I believe this last conclusion is held by not only two-thirds of the members of this House but by everyone. I certainly hold it and will vote for his expulsion as soon as he has taken the oath, if he is permitted to take it.

The real question before us is one of procedure. What is the proper course to be pursued in ridding this body of the gentleman from Utah? What is the best course to take, the legal course, the course which will neither strain nor break the mandates of the Constitution? There being over two-thirds of the members of this body ready to vote for his expulsion, it can not fairly be urged that the desire to get rid of him justifies irregular procedure of, to say the least, doubtful constitutionality, and necessitates the establishment of a bad precedent.

This will always be a celebrated case, not only by reason of the interest it has excited among the people residing in every State of the Union, but by reason of the subject-matter—polygamy.

We are about to establish a precedent, not hastily and without due consideration, but after careful examination, due deliberation, and the widest discussion.

The constitutional questions involved have been examined with especial care; the speeches and writings of the framers of our great Constitution have been searched and presented; precedents have been unearthed, distinguished, and applied. The minority report is the result of the most diligent research, the most mature deliberation of trained judicial minds.

I believe the conclusions they have reached are not only logical and convincing, but incontrovertible. The speech of the gentleman from Maine [Mr. LITTLEFIELD] is not only a masterpiece of forensic oratory—admittedly the greatest speech made in this body for many years, one which marks him as a leader in this House—but bears microscopic examination, and up to this time has not been answered on a single important point by those who favor the majority report.

My time is entirely too limited to even point out what in my judgment are the vital points in the contention. The ground has been well and carefully gone over, and I could add little if anything to what has been said already by those who will support the minority report.

But this I do wish to say, that under my oath of office I feel bound to act in accordance with the plain path pointed out by the Constitution of this country strictly construed.

Brigham Roberts comes with the credentials of the State of Utah. He presents himself at the bar of this House and asks to be sworn in, not as Brigham Roberts, but as Utah's Representative.

The committee report that they have unanimously found him to possess the qualifications demanded by the Constitution for membership to the House of Representatives. I quote their words:

> We find that Brigham H. Roberts was elected as a Representative to the Fifty-sixth Congress from the State of Utah, and was at the date of his election above the age of 25 years; that he has been for more than seven years a naturalized citizen of the United States, and was an inhabitant of the State of Utah.

Under this finding I deny the right of this House to add any other qualification than those mentioned in the Constitution, and believe they are in duty bound to swear him in.

I very much doubt whether before he is sworn in and admitted to this body we have any right to take any action leading to his expulsion. I claim, further, that the action of exclusion advised by the majority report is tantamount to a vote to expel, and as such requires a two-thirds vote. I am informed that there are men who have signed the majority report that believe this doctrine, and claim that in order to be valid the majority report should be adopted by a two-thirds vote.

If this be true, why should not this question be disposed of in an orderly way, avoiding all questions of doubtful constitutional action and the establishment of a dangerous precedent?

The Constitution plainly states that "each House of Congress may, with the concurrence of two-thirds, expel a member," thus pointing out plainly the proper manner of proceeding.

Such expulsion may be for any cause or reason which may seem sufficient to two-thirds of the members; in fact, it may be for no cause or reason, and merely arbitrary, if two-thirds of the House so decide; and there is no appeal to any other tribunal from such action.

This may not be so if the plan of exclusion is adopted and followed. In that case I believe such action may be nullified by the action of the Supreme Court and a mandamus awarded requiring him to be sworn in. The question of his right to pay beyond the date of his exclusion will arise and many other incidental questions, all of which will be obviated by his being sworn in and then expelled. Every petition coming from my district prays that he be expelled after being sworn in, showing that the lawyers who represented those who are at the head of this crusade against polygamy recognized the procedure advised by the minority report of the committee, and I believe they hold the right views and do not advise a violation of the plain words of the Constitution.

There is no room nor excuse for a proceeding which is not a whit different from lynch law. I have carefully examined the law and precedents and am convinced there is but one right, legal, and constitutional manner of proceeding—that that is to pass the minority report, swear him in, and then by a two-thirds vote immediately expel him. With this firm conviction of my duty under my constitutional oath, I will vote for the adoption of the minority report; and should it pass, I pledge myself to vote for his expulsion as soon as he by that action is admitted into this House. Believing as I do, under no circumstances can I vote for the majority report, which advises an unconstitutional procedure.

Mr. GROW. Mr. Speaker, the House, by the Constitution, is sole judge of the qualifications as well as the returns and election of its members. The qualifications specifically named in the Constitution—age, citizenship, and residence—the House has no power to change or vary in any way. But the unrestricted power to judge of qualifications includes moral turpitude in private character, being questions of personal fitness, ascertainable in well-known public acts or by judicial proceedings. The power to do this, even if it was not conferred in the Constitution, is inherent in every legislative body. It is upon this power the right of expulsion rests. In such cases the Constitution restricts its exercise by requiring a two-thirds vote. But the moral sense of the House and its duty to itself is the same whether its action is controlled by a majority or by two-thirds of its members, and the apprehended danger of bad precedents is just the same in one case as in the other.

Whether precedents are good or bad, they have no binding force upon the future. It would be an unwarranted reflection upon our institutions to suppose that the people's representatives who shall occupy these seats in the future will not discharge their duties as wisely as the present occupants.

Whatever fact would be a good and sufficient reason for the expulsion of a member, if the fact existed at the time of his application for admission to a seat, would be a good and sufficient reason for excluding him from taking a seat. Admit to-day and expel to-morrow for identically the same reason, well known to exist at the time of admission, would seem to be a useless proceeding for a legislative body. Expelling for identically the same offense that was condoned by admission would be the superlative refinement of hairsplitting constructions of the Constitution.

If it were true, which it is not, that there is no precedent for excluding an open, publicly avowed polygamist, even though duly elected, from taking a seat in the Congress of the United States, then it is time the House made one. In the entire history of Congress there never has been but one application for admission to a seat precisely like the one now before us. And in that case the House refused a seat to the applicant.

But in the consideration of grave questions of right and wrong, precedents are of little consequence, for the wrong always has them and the right must always make the new ones. In the onward progress of the race most of its great benefits have come to it by repealing old laws or by the abolition of old customs. And the greatest of all benefits through historic times was that of the crucified Nazarene in supplanting the old Mosaic dispensation by the new. In rebuking the Pharisees, who were seeking a justification for the Mosaic law of divorce, He said, "From the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother and cleave to his wife, and they twain shall be one flesh." To His precepts and to the new dispensation which He established, supplanting the old, is woman indebted for her release from the degradation and thralldom to which through the ages she had been consigned by barbaric and Asiatic civilizations.

Any system or element of society that degrades woman strikes a deadly blow at Christian civilization and inflicts a cruel wrong upon the motherhood of the race. While professed religious belief on any subject by the Constitution is no offense against the law, yet unlawful acts resting for their authority or defense on beliefs or opinions repugnant to the Christian civilization of the age are subject to, and in such cases deserve, the severest penalties of the law.

Polygamy, the worst of the lingering relics of the civilization of olden times, exists in this nation only among its tribes of wild Indians, the Mormons of Utah, and the inhabitants of the Sulu Islands. But the better influences of the new Christian dispensation, established by the Saviour in His teachings on the seashore and along the hillsides of Judea will ere long supplant everywhere this barbaric relic of Asiatic civilization. In the meantime I trust no countenance or approval is to be given to it by any act of Congress in admitting to a seat a well-known, publicly avowed polygamist, no matter how or by whom elected. For if there is a Congressional district which has no inhabitant to represent it free from such stain upon his character, then such district ought to be without representation in the Congress of the United States.

Mr. GRIGGS. Mr. Speaker, coming as I do from that section where, in the language of the gentleman from Indiana [Mr. LANDIS], "honor is religion, where gallantry is law, and virtue the high ideal of beautiful womanhood," it is unnecessary for me to indulge in a philippic against Roberts or a diatribe on the horrors of polygamy. The opinion of the Southern people on this question is as firmly fixed as Christianity itself, and there is no member here from any one of the States of that section, or, indeed, from any section, who believes or will vote that a polygamist ought to hold a seat in this House.

It is impracticable, and, indeed, unnecessary, since the great legal argument of that great lawyer from Maine [Mr. LITTLEFIELD] on this question, for me now to go into an extended discussion of the legal questions involved. There is no question as to the facts. That Mr. Roberts is a polygamist, living in open defiance of the law, is practically admitted by himself. It follows, Mr. Speaker, that he should not hold a seat in the American Congress. But the question of how we shall get him out arises, and here we reach the "parting of the ways." The majority resolution provides—

That under the facts and circumstances of this case, Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and the seat to which he was elected is hereby declared vacant.

The minority of the committee proposes as a substitute—

That Brigham H. Roberts, having been duly elected a Representative from the State of Utah, with the qualifications requisite for admission to the House as such, is entitled, as a constitutional right, to take the oath of office prescribed for members-elect, his status as a polygamist, unlawfully cohabiting with plural wives, affording constitutional grounds for expulsion, but not for exclusion from the House.

And if the House shall hold with us and swear in Mr. Roberts as a member, we shall, as soon as recognition can be had, offer a resolution to expel him as a polygamist, unlawfully cohabiting with plural wives.

The gentleman from Iowa [Mr. LACEY], whose great ability and fairness, as exhibited on this floor, I have often had occasion to admire, offers this amendment to the majority resolution:

Insert, in line 4, page 1, after the word "and," the following: "he is expelled and;" so as to read:

"*Resolved*, That under the facts and circumstances in this case Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and he is hereby expelled, and that the seat to which he was elected is hereby declared vacant."

These are the three ways presented to the House by any one of which the member from Utah and his polygamous practices will be effectually and finally disposed of so far as this House is concerned.

For one, although coming under the ban of the criticism of some gentlemen here of being a lawyer, I care very little for the technicalities of the law, unless by their invocation some great principle is protected or some great human right is preserved.

The Constitution names the qualifications of a member of this House. He "shall (1) have attained the age of 25 years, (2) been seven years a citizen of the United States, and (3) an inhabitant of the State in which he shall be chosen." These are the qualifications named in the Constitution, and this House, acting alone, has no right to add to or take from these qualifications.

The claimant in this case comes here with a certificate from the governor of his State, declaring him to be possessed of these three requisites to admission, just as every other member came. We are not bound to keep him here. He can be expelled immediately, and will be expelled by a unanimous vote of the House. No man here will vote to hold him here, and whether he sees fit to take the oath or not he will be expelled as quickly as the roll of the House can be called after the adoption of the resolution reported by the minority. We must either accept this view of the matter or we must add another qualification to those prescribed in the Constitution, which instrument, in the light of history, in the light of

reason and common sense, excludes any other qualification. Gentlemen say that we must protect Congress from association with this moral leper. Granting the correctness of that proposition, must we not also protect the American people in their right to be represented here? Must we not defend the Constitution, which has been the protecting ægis of our liberties for all these years, from the attack of those who, careless of its safeguards, would bend or break that great instrument to fit every passing fancy or to gratify every momentary desire?

Mr. Speaker, without reflecting on the position of any gentleman here, when I became a member of this House I took an oath to "support the Constitution," and I would be derelict in my duty to myself and a disgrace to my constituency if I had not the moral courage to vote in accordance with my understanding of that Constitution. I voted for the Tayler resolution to stop him at the threshold in the hope that the committee to be appointed thereunder would unanimously agree upon a safe, orderly, and constitutional way to rid the House of the polygamous member from Utah. That hope was a vain one. The committee comes with two widely divergent views, and every member must determine for himself the road he will travel. My own investigation since that time has convinced me that expulsion is the only safe and constitutional remedy, and I have been but more firmly intrenched in that opinion by a careful reading of the majority and minority reports of the committee.

Mr. Speaker, I believe I may truthfully say that this debate has been the greatest for years in any legislative assembly in the world. Since its opening, in the strong argument of the gentleman from Ohio [Mr. TAYLER] and the magnificent speech of the gentleman from Maine [Mr. LITTLEFIELD], in my opinion unsurpassed in the history of legislative debates, there has not been a single dull moment. Every speech, on whatever side delivered, has but made me stronger in the belief that expulsion is the only lawful remedy.

The gentleman from Iowa [Mr. LACEY] has offered an amendment to the majority report which, it seems to me, Mr. Speaker, might be common ground for all. Its adoption would, in my opinion, make the vote unanimous for the expulsion of the member from Utah. Then why not adopt it, Mr. Speaker? The majority of the committee favor exclusion. The minority favor expulsion. The amendment of the gentleman from Iowa [Mr. LACEY] provides for his exclusion without first being seated, and simply adds the requirement that in accordance with the constitutional provision a two-thirds majority be required to exclude. The swearing in of a member is but a technical and perfunctory act, so far as giving the House jurisdiction over him is concerned. While it is a necessary prerequisite to his participation in legislation, it is not prerequisite to the drawing of his salary, the franking of his mail, or his participation in the election of a Speaker.

The mere administration of the oath of office does not change in any wise the relations of a member to his fellow-members; and if it be pollution to sit with the member from Utah long enough to constitutionally expel him, the Congress has been polluted already, for he has been a member since March 4, 1899, performing all the offices and functions and enjoying all the privileges of any other member since that date. It might be, as some gentlemen have claimed in this debate, farcical in the extreme to insist on the mere technical right of swearing in the member before expelling him, if that were all that is involved in the question. But, Mr. Speaker, the great difference, the constitutional difference, the irreconcilable difference, between the majority and the minority reports is this:

The adoption of the majority report requires only a majority of a quorum, which might be only 1 vote more than one-fourth of the membership of the House, to exclude a member-elect from the House. The adoption of the minority report would require two-thirds before a member-elect could be expelled or excluded. That is the difference, Mr. Speaker, and that is why those of us who are supporting the minority report stand as we do. We favor the expulsion of Mr. Roberts, we favor his prompt expulsion, but we favor his expulsion under the law and the Constitution. We believe, Mr. Speaker, that it was the intention of the framers of that great instrument that when a district or a State sends a member here whose election is undoubted and unquestioned by anybody, he should stay here unless the resolution for his expulsion or exclusion should command the "concurrence of two-thirds." Gentlemen say we can not expel for anything which happened before a member's election. Mr. Speaker, there is no limitation on this power, beyond its requirement of a two-thirds vote, but the conscience of an honest and enlightened member of this House.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

This is the reading of the Constitution, and it seems to me that no strain on the mind or conscience of anyone is required to so understand it. They pretend to be afraid that Roberts may, by some technicality, be permitted to retain his seat, and thus they justify this unconstitutional and revolutionary proceeding. Does anybody believe that, with this House and the country practically unanimous in support of his expulsion, Roberts can hold a seat in this House?

Why, Mr. Speaker, granting, for the sake of argument, that the contention of these gentlemen is true, that he can not be expelled except for conduct after his election, polygamy is a continuing offense, just as marriage is a continuing state. So long as the member from Utah clings to the plural wives which he left behind him in Utah, he is a polygamist and subject to the discipline of this body under the expulsion clause of the Constitution. He is as much a polygamist to-day as he was ten years ago. He is a polygamist now and will be a polygamist morally and legally until he, in good faith, abandons all except that first wife to whom he pledged his troth in the long ago. Every day he lives and continues his marital relations with his second and third wives he is guilty of polygamy. Every day he declines to sever those relations he is guilty of polygamy. And, as I have already said, it will not require a longer time than the calling of the roll of the members of the House to expel him after the adoption of the minority report. As I have also said, Mr. Speaker, believing, as I do, that the only essential right involved in this controversy between the majority and the minority is the requirement by the minority report of a two-thirds vote to put out of this House a man sent here with an unquestioned title, I for one am willing to accept the Lacey amendment.

Why, Mr. Speaker, if a majority can exclude a member for reasons other than those affecting his title, in times of great partisan excitement it might be used to subvert the will of the people of a great State, and even reverse the majority elected to this House. For these reasons, Mr. Speaker, I shall vote for the minority report, which expels Roberts in the unquestioned constitutional way. If that is defeated, I shall vote for the Lacey amendment, which requires a two-thirds vote to pass it, and thus, while not technically constitutional, preserves inviolate the right of an electorate to send one of its citizens here to stay unless declared unfit by at least two-thirds of the House. In this case there is no doubt, as a two-thirds vote is not only a certainty, but a unanimous vote is equally a certainty if taken in this way. If they both are defeated, I shall regretfully but certainly vote against the majority resolution, because subversive of law and destructive of the rights of the people.

I do not believe this vote inconsistent with my vote on the resolution of inquiry; but if so, I would rather be right than consistent.

Mr. CLAYTON of Alabama. Mr. Speaker, the gentleman from Utah [Mr. Roberts] was duly elected a member of the Fifty-sixth Congress and has exercised the franking privilege of the postal law, voted for Speaker in the organization of this House, and has enjoyed the emoluments of his office ever since his election. The special committee appointed by the House to investigate the legal status of his case and the facts thereof have disagreed. The majority of the committee have reported for adoption the following resolution:

Resolved, That under the facts and circumstances of this case, Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and that the seat to which he was elected is hereby declared vacant.

And the minority proposes the following substitute:

That Brigham H. Roberts, having been duly elected a Representative from the State of Utah, with the qualifications requisite for admission to the House as such, is entitled, as a constitutional right, to take the oath of office prescribed for members-elect, his status as a polygamist, unlawfully cohabiting with plural wives, affording constitutional grounds for expulsion, but not for exclusion from the House.

And if the House shall hold with us and swear in Mr. Roberts as a member, we shall, as soon as recognition can be had, offer a resolution to expel him as a polygamist, unlawfully cohabiting with plural wives.

So that, Mr. Speaker, it is not a question of sending the gentleman from Utah away from this House, but it is as to the manner of his going. Not a member of this House doubts that the gentleman from Utah will be allowed to remain a member of this Congress any longer than a decisive vote can be had on his case. I believe that most every gentleman who coincides with the views presented by the minority of the committee would vote against the proposition to permit the gentleman from Utah to retain a seat in Congress. I shall so vote, if the opportunity be presented; but, Mr. Speaker, I can not vote for his exclusion from this body. The Constitution nowhere provides for such a proceeding, and I do not believe that the precedents cited for such action are sound or binding.

No custom, no precedent, can become law unless it be a good custom or precedent. No parliamentary body is bound by precedent, and it certainly ought not to respect a bad precedent. There is no constitutional provision for the exclusion of a member.

Section 2 of Article I of that Constitution declares that—

The House of Representatives shall be composed of members chosen every second year by the people of the several States.

And in regard to the qualification of members it provides:

No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

In regard to the Constitution I am a strict constructionist rather than a latitudinarian. I believe unless the power invoked is expressly granted, or derived by fair implication from what is expressly granted, that the power does not exist. Mr. Roberts was duly and fairly elected. This is universally conceded. He is 25 years of age, and has been for seven years a citizen of the United States, and when elected was an inhabitant of the State of Utah. I think, therefore, he is entitled to take the oath as a member of Congress.

If he is allowed to take the oath, I shall then, following out the law as found by the minority and the facts as found by the whole committee, vote to expel the member from Utah from this body. I think there is express authority for such action. It is found in Article I, section 5, subdivision 2, of the Constitution, which says that—

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

On this subject I quote from Tucker on the Constitution:

This clause is essential to support the autonomy of each House, and rules for its proceedings, unless opposed to some express provision of the Constitution may be established by each according to its pleasure. These powers are similar to those of the two houses of the British Parliament.

The disorderly behavior for which a member may be punished has been a matter of some conflict of opinion. Must it be for such behavior in the House only, or for misbehavior outside of the House? Blount was expelled from the Senate for an offense inconsistent with public duty, but it was not for a statutory offense, nor was it in his official character nor during the session of Congress nor at the seat of the government. The vote for expulsion was 25 to 1. In the case of Smith, the motion to expel was made against him for supposed conspiracy in the alleged treason of Burr; the vote was 19 to 10, and he was not expelled, but it would seem that a large majority of the Senate thought that the accusation was proper ground for expulsion, though the act was not done in the Senate nor by him as a Senator. Perhaps, from the language of the clause, a member may be punished for disorderly behavior on the floor, or for conduct in the House, or perhaps in the committee room, which produces disorder and disturbs the proceedings and business of the House.

Such punishment, it is obvious, may be inflicted by the majority of the vote of the House. The motion to expel a member may be for disorderly behavior or disobedience of the rules of the House in such aggravated form as to show his unfitness longer to remain in the House; and the cases above cited, as well as the reason of the provision, would justify the expulsion of a member from the House where his treasonable and criminal misconduct would show his unfitness for the public trust and duty of a member of either House. But expulsion, which is an extreme punishment, denying to his constituency the right to be represented by him, can only be inflicted by the concurrence of two-thirds of the House, and not by a bare majority. The requirement of a two-thirds vote for expulsion was inserted as an amendment to the original provision by a vote of ten States, one other being divided. This authority to expel had existed in the House of Commons and was exercised for misconduct on the part of the member during the session of the House, and was extended to all cases where the offense clearly unfitted a member for parliamentary duties.

And Mr. Cooley, in his work on Constitutional Limitation, page 133, says as to the power of this House as to expulsion:

Each House has also the power to punish members for disorderly behavior and other contempts of its authority, and also to expel a member for any cause which seems to the body to render it unfit that he continue to occupy one of its seats.

This power is sometimes conferred in the Constitution, but it exists whether expressly conferred or not. It is a necessary and incidental power, to enable the House to perform its high functions, and is a necessary power to the safety of the state. It is a power of protection. A member may be physically, mentally, or morally unfit; he may be affected with a contagious disease, or insane, or noisy, violent, and disorderly, or in the habit of using profane, obscene, and abusive language. And, independently of parliamentary customs and usages, our legislative houses have the power to protect themselves by the punishment and expulsion of a member, and the courts can not inquire into the justice of the decision or look into the proceedings to see whether opportunity for defense was furnished or not.

There is the doctrine laid down by Mr. Cooley, that the House has power to expel for any cause that in its opinion renders the member unfit to occupy a seat.

I have not had the time to investigate the numerous cases or alleged precedents that have been referred to during this debate. Most of these, it is evident, are not analogous to the case now under consideration; and if they are, this House is just as capable of judging the law of this case or the law of any case as the members of any former Congress. Indeed, the oath which each of us took requires us each to support the Constitution. Each one of us must try this case in foro conscientiæ. No member here is to be lectured on this floor as to what his duty is in dealing with this question. Doubtless every member will vote as his conscience and his best judgment may dictate, and the Constitution will live, the Government survive, society will be preserved, and the member from Utah will go hence, whether exclusion or expulsion be the method. But I think this House is not authorized to add to the constitutional qualifications as to age, citizenship, and inhabitancy that of polygamy in judging of the prima facie rights of a member who has attained the age of 25 years and been seven years a citizen of the United States, and who, when elected, was an inhabitant of the State from which he was chosen.

Much has been said in this debate about petitions against the member of Utah, but I believe not a single petition has been received by any member of Congress asking the exclusion of Mr. Roberts. These petitions have uniformly asked for his expulsion and for an amendment to the Constitution prohibiting polygamy. I now read a copy of one of the petitions. It is as follows:

To the Hon. ——— ———, Representative-elect of the ——— Congressional district of the State of ——— to the Fifty-sixth Congress of the United States of America:

We, the undersigned, legally qualified voters of the said ——— Congressional district of the State of ———, do hereby most respectfully and most earnestly call upon you as our Representative in the Fifty-sixth Congress to use your utmost endeavor and to exhaust all honorable means to secure the prompt expulsion of Mr. B. H. Roberts, of Utah, the avowed polygamist and covenant breaker, from the House of Representatives, in accordance with the provisions of the national Constitution in Article I, section 5, paragraph 2, which reads as follows: "Each House of Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member."

We also do most earnestly and most respectfully call upon you to use your utmost endeavor and to exhaust all honorable means to secure action by the Fifty-sixth Congress proposing an amendment to the national Constitution, and submitting the same to the legislatures of the several States, defining legal marriage to be monogamic, and making polygamy, under whatever guise or pretense, a crime against the United States punishable by severe penalties, including disfranchisement and disqualification to vote or to hold any office of honor or emolument under the United States or any State or Territory therein.

It would seem from these petitions that the laity of the country understand the constitutional provisions relating to this subject better than some of the constitutional lawyers here, with due deference to these lawyers.

Mr. Speaker, I have been much amused by some of the arguments made in favor of exclusion. I will mention two instances. The gentleman from Vermont [Mr. POWERS], who is a very able lawyer, says that "the result in this case must by force of this reasoning (his reasoning) be exclusion or nothing. We are confronted with just that dire necessity." I do not think there is any dire necessity in the case. I think the world will move on, constitutional government survive, and organized society exist long after Roberts and the Roberts case have been forgotten. This same gentleman pronounces an apostrophe to the general-welfare clause of the Constitution:

It is true my friend from Maine yesterday rather flippantly alluded to the general-welfare clause in the Constitution. But I beg to say to him that under that clause promoting the general welfare there has been more legislation that has uplifted the people, that has accomplished the public welfare, than under any other clause in that sacred instrument. And when the people of Utah were called upon to act under the Constitution by electing a Representative to Congress, they owed a duty to all the other people in the country to elect a man, to inaugurate a policy that would minister to the public welfare, and not send a man here that would imperil the very Constitution under which we are living.

It is well settled that the welfare clause of the Constitution is a limitation upon powers that are granted in the Constitution rather than a grant of powers itself. And my friend the able and eloquent member from Indiana [Mr. LANDIS] waived aside the law in this case and said:

I am not hairsplitting now, I am not chasing legal technicalities now; I am a layman; I am after facts.

That is exactly what has been the argument of the leader of every mob. This leader generally says, "We have caught the criminal. What's the use of going through legal formality, of respecting legal technicality? It will cause delay, create expense. Let's hang the criminal now. Here's the culprit; here's the rope; there's the tree. Men and patriots, let us do our duty." Such is the dire necessity invoked by the mob, such is the legal technicality abhorred by those who want the facts only and despise legal technicalities.

Mr. Speaker, let us proceed to dispose of this case in an orderly and constitutional way. Let us obey the Constitution and permit the member from Utah, who has been duly elected and who is duly qualified, to take his oath; then let us expel him for his continuous disorderly conduct, continued ever since his election; expel him, because he is now guilty of the disorderly conduct of living in violation of law and of moral sense of this House. Let us stand by the Constitution and the law, and the common sense of the American people will approve our action. [Applause.]

Mr. DE ARMOND. Mr. Speaker, I know it is immaterial whether I speak at length or briefly, or not at all, for the argument in support of the views of the minority was made—made, it seems to me, beyond the reach of refutation, either in the House or outside of it—when the gentleman from Maine [Mr. LITTLEFIELD] concluded his masterful speech.

Some will not consider how Roberts should be sent hence, and yet the only thing for consideration is the course of procedure, for all agree that he must go. I wish I could be sure that none insist upon excluding instead of expelling him, in the hope of gaining a mean advantage by forcing some to vote against exclusion, as being unconstitutional, whereas the vote of every member present could be had for expulsion.

It was left for the gentleman from South Carolina [Mr. TALBERT], open and bold, upon the third day of this debate, to uncover

the real position of not a few—indeed, of dozens—of those who favor exclusion and oppose expulsion. He would get rid of Roberts at the earliest opportunity and by the most expeditious method, without reference to the law or the Constitution.

It must be admitted that this philosophy is not altogether new, and it can not be denied that from time to time, in different sections of our own country, as well as in other parts of the world, it has been tested in cases actually arising in tragedies, real and awful, and not merely in fictions for the moot court or in fancies for the entertainment of those who seek amusement at the playhouses. But the House of Representatives has not yet formally embedded it in its rules, and apparently the Constitution makers did not even think of it. The jurist to whom it is necessary to go for this across-the-law-and-the-Constitution doctrine has not been named, nor has a single one of his long line of harmonious decisions been cited in this discussion. The jurist is Judge Lynch, and his decisions appear occasionally instead of at stated times.

When Judge Lynch decides that a man ought to be hanged, he decides, too, that the method of procedure is immaterial. Law, Constitution, order need not be considered; the thing to do is to hang the man as quickly as possible. Generally Judge Lynch acts because he is impatient of the law's delays or fearful of its miscarriages. I do not know that Judge Lynch ever projected himself into a case at the moment when the sheriff was reaching forth his hand to perform the final act at the scaffold.

And now it has come to pass, in the closing hours of the nineteenth century, in the noonday blaze of civilization, under the Constitution and the laws of the United States, in the representative body of the people, that the real question is, Shall that which is equivalent in principle to lynch law be applied or not applied in this case? Confident as we were when we submitted them that the views of the minority, however they may be regarded here and now, must find safe shelter under the Constitution, an instrument not to be lightly overturned or "whistled down the wind" (to employ a phrase popular in this discussion), those who have argued against us and those who have declaimed in opposition to our contention have confirmed us in the conviction that we are right.

Some gentlemen on the other side have presented with ability, with research, and with learning the view which they entertain. The fact that industry and research and learning and experience and skill have all been invoked in vain to answer the views of the minority and meet the powerful argument of the gentleman from Maine [Mr. LITTLEFIELD] may excuse—aye, from the standpoint of those who favor exclusion, may justify—a resort to the philosophy of Judge Lynch. At all events, under the law, according to the weight of authority, by the test of human reason, by the standard of the Constitution, I submit (and if I do so positively, I do so at the same time modestly) that those views of the minority and the arguments advanced by the gentleman from Maine stand absolutely unshaken, the weakest and most incidental parts of them firm, as if untouched by the opposing arguments, and, of course, unaffected by the irrelevant rhetoric hurled at them.

Perhaps I should not wonder under these circumstances, and yet, Mr. Speaker, I do marvel that it may have been thought necessary for somebody equal to the emergency to make such a speech and such an appeal as came from the able and experienced gentleman from Ohio, General GROSVENOR. I listen to that distinguished statesman always with interest, and very seldom, if ever, with approval. [Laughter.] That he may have, in this House, upon this vote, and before the country, the full benefit of his performance, I wish to invite special attention to it.

The gentleman from Ohio, appearing to argue this case, left the Constitution and the spirit of the law and dropped under the jurisdiction of Judge Lynch when he "congratulated" the gentleman from Maine upon having made so able a defense of Mr. Roberts, citing the Guiteau case and other noted criminal trials for comparison. The gentleman from Ohio knows that the gentleman from Maine addressed himself, as a lawyer and statesman, independent enough to assert his opinion, as well as manly enough to have it, to the real questions involved, without cheap abuse of Roberts, it is true, and without a word of defense or apology for him. He defended Roberts, did he? He made the ablest defense which the gentleman from Ohio ever knew to be made!

How weak must be the cause, how desperate must be the straits, of any man or body of men driven into such a position, upon a matter so solemn, so weighty, as determining the meaning of the Constitution, and deserving so well the best thought and honest judgment of all!

Passing from the gentleman from Ohio and speaking generally, I may say that I would scorn to lend myself to the easy work of piling cheap adjective upon cheap adjective and terms of reproach and abuse upon other terms of reproach and abuse, leveling the whole at anyone so utterly helpless and friendless as Roberts is here, without a solitary champion, defender, or apologist, where every man in the House is ready and waiting to send him from this body, nevermore to return.

I would scorn as beneath the contempt of decent men to try to evoke applause from the thoughtless or the excited by denunciations so easily made and so unnecessary under the circumstances. Let me not leave room here for any carping critic, for some one ready to misrepresent and to do wrong and slow to do right, to say that I sympathize with polygamy. I loathe it as much as do the other members of the House, but I do not deem it necessary, in order to show how good I am, and how I love home and motherhood and wifehood and childhood, to lend myself, outside the constitutional considerations involved and against propriety, to denunciation which is simply cheap abuse, requiring neither ability nor courage. [Applause on the Democratic side.]

It is suggested that if the resolution offered by the gentleman from Maine [Mr. LITTLEFIELD] should prevail, all future efforts to deal with Roberts would be nugatory, all would be lost, because, perchance, if the opportunity be given him to be sworn in as a member of the House—the opportunity for which he has contended from the hour of the organization of the House to this moment—perchance he would hie himself away to Utah, and then what would the House do? What a petty difficulty if real; how gauzy when existing in fancy alone! Do gentlemen in their senses candidly believe that any difficulty could arise in that remote and most improbable contingency? What would the House do when the opportunity is given a member-elect to be sworn in and he refuses to take the oath? Vacate his seat instanter, if the House please; not by a two-thirds vote, but by a majority vote. Who doubts that that can be done, or doubts that it would be done in this case, if need be?

But it seems that there is another trouble which harasses some gentlemen. While Roberts, they say, possessed certain rights when he presented himself at the bar of the House, they fancy that those rights have slipped away. It is suggested that though he had a right to be sworn in, possessing the constitutional qualifications and a certificate of election, formal and regular, yet, not having been sworn in, but having been stood aside and the matter referred to a committee of this House to investigate, he now comes back before the House, shorn of rights which the Constitution secures to all. Certainly, it should not be held that one waives a right by persistently asserting it.

Some seem to be troubled with a situation in which I think there is no trouble but that of their imagination. They say that by a very large majority the House decided upon standing Roberts aside and appointing a committee to investigate his case, and to report to the House upon it; and that those who voted for that resolution will be inconsistent now if they vote for the resolution submitted by the minority. According to their view, rending the Constitution is a trifling circumstance compared with that brand of consistency which favors the exit which first attracted the attention of certain persons, groping in the dark.

It seems to me that a very little of the discriminating faculty, exercised to a point much short of weariness, ought to bring one to the conclusion that the question now presented should not be minimized or changed in anyone's mind, on account of his vote to refer Roberts's case to a committee.

The gentleman from Maine [Mr. LITTLEFIELD] and I voted for the resolution under which this committee was appointed. I see nothing inconsistent in voting for that, in the comparative state of ignorance in which we then were, and voting now, in the comparative state of enlightenment in which it seems to me we are, after the investigation made, for the resolution which he and I submit. But if there be any inconsistency in it, I would rather be rated as inconsistent than as cowardly enough, mentally and morally, to tie myself to the error of the past, instead of exercising my judgment and conscience in the light of the present. [Applause.]

Roberts being a polygamist, unlawfully cohabiting with plural wives, how shall we dispose of his case? Let us turn to the Constitution and there learn how we *should* dispose of it.

The Constitution (Article I, section 2, paragraph 2) provides that—

> No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

If the qualifications of a Representative in Congress are determined and fixed by the Constitution, then Roberts is entitled to be sworn in as a member of this House, since all admit that he was elected, and that he lacks none of the specified qualifications.

In the report of the Committee of Detail, giving the first draft of the Constitution, August 6, 1787 (Madison Papers, etc., volume 5, page 376), this paragraph appears as an independent section, i. e., section 2, Article IV, in these words:

> SEC. 2. Every member of the House of Representatives shall be of the age of twenty-five years at least, shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

In the same draft of the Constitution was section 2 of Article VI, as follows:

> SEC. 2. The Legislature of the United States shall have authority to establish such uniform qualifications of the members of each House with regard to property as to the said Legislature shall seem expedient.

Now, if section 2 of Article IV was not exclusive, if it did not fix absolutely the qualifications of Representatives, why was section 2 of Article VI put into the same draft of the Constitution? What office could it have except to enlarge section 2 of Article IV? And what need could there be for enlarging that section if additions could be made by law or by action of the House alone without enlargement?

Madison was opposed to this section 2 of Article VI—

"as vesting an improper and dangerous power in the Legislature. The qualifications of elector and elected were fundamental articles in a republican government and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution.

"A republic may be converted into an aristocracy or oligarchy as well by limiting the number capable of being elected as the number authorized to elect. In all cases where the representatives of the people will have a personal interest distinct from that of their constituents, there was the same reason for being jealous of them as there was for relying upon them with full confidence when they had a common interest. This was one of the former cases."

Gouverneur Morris moved to strike out "with regard to property," in order, as he said, "to leave the Legislature entirely at large."

Earlier in the discussion Mr. Dickinson opposed section 2 of Article IV, because it would be exclusive, saying he—

Was against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions.—*Madison Papers, etc.*, volume 5, page 371.

Mr. Wilson took the same view, saying—

Besides, a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters.—*Ibid.*, 373.

The opposition, led by Madison, defeated section 2 of Article VI, and so neither in its original form nor amended, as Morris and others proposed, did it get into the Constitution as finally agreed upon. The citizenship qualification of three years, as it first appeared in section 2 of Article IV, was changed by amendment to seven years.

Then this provision, being agreed upon by the Convention, went, with others likewise adopted, to the Committee of Detail, the most influential member of which was Madison.

This Committee of Detail had no authority to change the meaning of what was referred to them, but only "to revise the style of and arrange" the several parts of the Constitution submitted to them.

The majority of the Roberts committee and others tell us that this section 2 of Article IV, as it went to the committee of detail, specified the only qualifications that could be exacted of one claiming a seat in the House as a Representative-elect. They say that if it had gone into the Constitution as it then was, namely—

Every member of the House of Representatives shall be of the age of twenty-five years at least, shall have been a citizen of the United States for at least seven years before his election, and shall be, at the time of his election, a resident of the State in which he shall be chosen—

there could be no doubt but that Roberts would be entitled to take the oath of office and become a member of the House.

"But," they say, "behold what a change has been wrought!" And they base the right to exclude upon the negative form of expression used in the Constitution:

No person shall be a Representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Why so much stress should be laid upon this change in the form of expression, used to convey precisely the same meaning, I am at a loss to determine. And yet the majority of the committee really rest their whole case upon the supposed radical difference in the meaning of a statement when the affirmative form of expression is used, and the same statement when it is made by a negative form of expression.

Now, let us see whether there is anything but error, demonstrable error, in what our friends upon the other side work out as critics. Let us pick these paragraphs to pieces and then reconstruct them, note the result, and profit by what we learn.

In one we have, first:

Every member of the House of Representatives shall be of the age of twenty-five years at least.

In the other:

No person shall be a Representative who shall not have attained to the age of twenty-five years.

Tell me, some of ye wise men, who know more about the meaning of what the fathers said in the Constitution than they themselves knew, pray tell me what you find in one of the clauses which you do not also find in the other. And tell me what is absent from the one that is not absent also from the other. As to age, who that could be excluded under the one could be entitled to admission under the other; and who entitled to admission under the one can be excluded under the other. Not one of you has the hardihood to go into such an analysis, for to do so would be to prove that you are wrong.

Are you any better off when the second clauses are compared and studied? Here they are:

Shall have been a citizen of the United States for at least seven years before his election.

And—

Been seven years a citizen of the United States.

What is the difference here except in phraseology?

And, finally, what is the difference between the concluding clauses, save in form of expression? Will you contend that "inhabitant" means more or less than "resident?"

Considering the clauses separately, nothing can be found in one except what is also found to be in the other and corresponding clause, and everything which is excluded by or from one is likewise found to be excluded by or from the other. Put them all back into their places and point out, if you can, any difference of meaning evolved out of the association.

One place the expression is "at least twenty-five years of age;" in another, "attained to the age of twenty-five years." Neither places an upward or seniority limit, and yet you will not follow your own reasoning to its logical conclusion, for while you claim that qualifications outside of those mentioned in the Constitution may be added, you insist that they can not be as to age, citizenship, or residence. If not, then, on your theory, why not? You can give no reason worthy of the name which will not destroy your entire exclusion theory.

As already observed, Madison was the chief spirit on the Committee of Detail. He contended in the convention that the qualifications of members of Congress ought to be determined and fixed in and by the Constitution, and the convention agreed with him. He regarded the matter as of vital importance, going to the foundation of free government. Is it, then, supposable that, having won the fight in the convention, this great man reversed himself in the Committee of Detail, either intentionally or unwittingly? I think not.

And Hamilton and the others, were they so thick-witted as not to know it, if what they had done in the convention had been undone in the committee of detail? I am glad that I find myself able to read the Constitution and to apply it to the facts of the case before us, without imputing to the illustrious patriots, scholars, and statesmen who made it either ignorance or duplicity.

The majority of the committee appear to hang some hopes upon the name and fame of John Randolph. Upon looking into what they quote from him, in connection with the matter then under consideration, and the disposition made of it, we find that John Randolph's contention, vain then, was that the States could add qualifications to those prescribed by the Constitution for Representatives in Congress. This John Randolph notion has drifted away on the tide of time, and is as dead as John Randolph himself, but, of course, not too dead for those who have resurrected it and are trying to galvanize into it an appearance of life.

Observe, if you please, what the Constitution says about the qualifications of the President:

No person except a natural-born citizen or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.—*Constitution*, Article II, section 1, paragraph 4.

Here, again, the negative form of statement is employed; and if "our friends, the enemy," be correct in their contention as to the paragraph concerning the qualifications of Representatives, any number of additional reasonable qualifications (the agency imposing them determining whether they are reasonable) may be prescribed for the Presidency. The same is true respecting Senators, whose qualifications also are stated negatively.

It appears to be the belief of some that another provision of the Constitution has a peculiar effect in supporting the construction of those opposed to us. I refer to this passage from section 5, Article I:

Each House shall be the judge of the elections, returns, and qualifications of its own members.

Here members are spoken of in the aggregate, and the power given is to judge of their elections—i. e., to determine whether they were elected, not to elect them; to judge of their returns—i. e., to determine whether the returns are or are not sufficient, in substance and form, to show the result of the election, not to make returns; and to judge of their qualifications—i. e., to determine whether they have or have not the qualifications already prescribed, not to add to or take from the prescribed qualifications.

Under this clause the House has just as much right to elect its members as it has to make any member-elect eligible or ineligible, entitled to admission or not entitled to admission, by changing, either by addition or subtraction, the qualifications definitely prescribed, not for one member at one time, but for all members at all times.

Some insist that as "each House shall be the judge of the elections, returns, and qualifications of its own members," it may be such judge before as well as after the member is sworn in. But

if that be true, who will say that before the member is sworn in the House can judge of anything of which it can not judge after the oath of office has been administered?

The question before us is not one of time. It is whether the power to judge is the equivalent of the power to make—whether to judge under existing law is to make law.

Some warrant for the exclusion of a member-elect, possessing all the qualifications prescribed by the Constitution, is supposed to reside in the concluding clause of Article VI of that instrument:

No religious test shall ever be required as a qualification to any office or public trust under the United States.

Clearly, religious test has reference to religious belief, observance, or affiliation, and some promise under oath with respect thereto for the future. The entire paragraph has relation to qualification by taking the oath of office, and presupposes the election or appointment, as the case may be, of the person to be thus qualified or sworn into office, and that he has been shown to possess the prescribed qualifications, at least to the extent of being entitled to take the oath, the final act, at the conclusion of which he is in office.

The war-time test oath, exacted upon the theory opposed to that for which we contend, was declared unconstitutional, and fell to the ground, with the House rules and House precedents based upon or deduced from it.

Indeed, the third section of the fourteenth amendment to the Constitution is proof positive that the doctrine of reconstruction days, that members-elect could be stood aside at the will of a majority, or could be kept out by the exaction of an iron-clad oath, which some of them were unable to take, was without constitutional sanction.

The fourteenth amendment went into effect as part of the Constitution in July, 1868. This is section 3 of it:

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Not only does this constitutional amendment afford most convincing evidence that procedure in either House, such as it authorized, was unauthorized before, but it affords equally strong evidence, in prescribing another or further qualification for membership in either House, that nothing else can be required in the way of qualification except what already was in the Constitution—the requirement respecting age, citizenship, and residence.

Here, then, it appears to me, is the way the matter stands:

The Constitution fixed the qualifications for a Representative by requiring that he shall have attained to the age of twenty-five years; shall have been seven years a citizen of the United States, and shall be an inhabitant of the State in which he shall be chosen. By section 3 of the fourteenth amendment the further requirement just set forth is made.

Now, how can anything be added to or taken from these qualifications except by another constitutional amendment? How can they be right who insist that such things can be done by statute, or, worse still, by the House without the concurrence of the Senate or the President?

Since those who advocate exclusion as against expulsion find themselves driven to seek shelter behind the Edmunds Act of 1882, a word may be said as to this refuge.

They say the Edmunds Act comes in and plays an important part. Finding that their proposed action can not be predicated upon the Constitution, they may be excusable for flying hither and thither, to this and to that, to make what argument they can upon other things.

They must have been under some stress when they approached this act. I find this stated on page 39 of the report made by the majority of the special committee:

Reading that act [the Edmunds Act] as applicable to this case, eliminating the irrelevant portions, it appears as follows: "No polygamist shall be entitled to hold any office or place of public trust, honor, or emolument under the United States."

I will now read to you, Mr. Speaker, and to the House, section 8 of that act, not as rendered by the committee, but as the Congress of the United States made it; and let us see whether they have eliminated "the irrelevant portions" of it:

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

It is clear, I think, that the Edmunds Act can not be pressed into service as a support for the exclusion philosophy without "eliminating" its material parts, as is done in the report of the majority of the special committee. But even then it will not answer.

But once or twice, if at all, and probably not once, does "office" or "officer," as used in the Constitution or the amendments thereto, relate to or embrace a Senator or Representative in Congress. This being true, the Edmunds Act, even "eliminating the irrelevant portions," must fall short of helping out the weak argument into which—not naturally, but with force and violence—it is pushed.

Not only was and is that act, by its own express terms, limited to "any Territory or other place over which the United States have exclusive jurisdiction," but it can have no application to Utah, the State, or to this Roberts case for another reason, an unanswerable reason. No "Territory or other place over which the United States have exclusive jurisdiction" could, in 1882, or now, or ever, have a Representative or Senator in Congress. States only can send Senators and Representatives to Congress. Then, as it was not and is not constitutionally possible for "any Territory or other place over which the United States have exclusive jurisdiction" to elect a Congressman, it is straining human reason and overtaxing human credulity to call for acceptance of the claim that the Edmunds Act has or can have, or ever was intended to have, any control over or relation to members of Congress or their qualifications.

Stress is laid upon an alleged "compact" between Utah and the United States, and the House is gravely urged to punish Utah by excluding Roberts, instead of dealing with Roberts, as the duly elected Representative from Utah, by expelling him because he is a polygamist.

The United States never asked Utah not to elect Roberts or such men as he as Representatives in Congress, and Utah never promised not to elect him or them. All that the United States demanded of Utah, and that as a condition precedent to her admission into the sisterhood of States, was and is that the people of Utah should put into the constitution of the prospective State an express prohibition against polygamy. What the United States demanded that Utah should put into her constitution went into that constitution and is in it to-day, in the precise words of the Congress of the United States.

Utah did exactly what she was required to do, and now she is one of the forty-five States of the Union, upon a complete equality under the Constitution of the United States with each and every other State.

It was suggested in argument by the able gentleman from Iowa [Mr. MCPHERSON] that the Supreme Court, in Texas *vs.* White, reported in 7 Wallace, upheld the "compact" doctrine for which he and other exclusionists contend. An examination of that case I think will show that the court expressly repudiated that doctrine. The court said:

When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union and all the guaranties of republican government in the Union attached at once to the State. The act which consummated her admission into the Union was something more than a compact, it was the incorporation of a new member into the political body. And it was final.

As my colleague from Maine [Mr. LITTLEFIELD] said, the question of whether the relation of a State to the Union is a compact or contract—and the words are the same in significance—dissoluble by either party to the contract upon what to that party shall seem proper ground for dissolution, was settled upon the battlefield in four years of dreadful war, when, as he stated, hundreds of thousands of the bravest and best of American citizens went down to death upon either side.

And now, at this late day, we have exploited here in this Chamber the proposition that there is a special and peculiar contract existing between the United States and Utah, and that the House of Representatives, to the exclusion of the Senate and the President, has the power, derived from the Constitution of the United States, to discipline and punish the people of Utah for an alleged violation of that contract, by excluding from this House the man who was elected a Representative in this Congress from Utah.

That the House has the constitutional right to expel Roberts on the ground that he is a polygamist, unlawfully cohabiting with plural wives, is a proposition which, in my judgment, can not only be sustained by argument but may be established with little, if anything, short of the certainty of a demonstration in mathematics.

The Constitution (Article I, section 5, paragraph 2) provides that—

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

This provision originally appeared in the Constitution, in section 6 of Article VI, in words and with punctuation as follows:

Each house may determine the rules of its proceedings; may punish its members for disorderly behavior; and may expel a member.

These clauses were distinct; separated by semicolons. Each was complete in itself and independent of the others. Who could

claim, with any reason, that the power of expulsion as expressed in the words "and may expel a member" was limited or qualified? Certainly the members of the Constitutional Convention understood it to be without limit or qualification. Note what leading ones said when it was under consideration:

Mr. Madison observed that the right of expulsion (Article VI, section 6) was too important to be exercised by a bare majority of a quorum, and in emergencies of faction might be dangerously abused. He moved that "with the concurrence of two-thirds" might be inserted between "may" and "expel."

Mr. Randolph and Mr. Mason approved the idea.

Mr. Gouverneur Morris. This power may be safely trusted to a majority. A few men, from factious motives, may keep in a member who ought to be expelled.

Mr. Carroll thought that the concurrence of two-thirds at least ought to be required.

On the question requiring two-thirds in cases of expelling a member, ten States were in the affirmative; Pennsylvania divided.—*Madison Papers*, volume 5, page 406.

The article as amended was then agreed to unanimously, and went to the Committee of Detail, to be put into better English, if possible, but not to be changed in the least in meaning. It came from the Committee of Detail and went into the final draft of the Constitution as it now appears, as the second paragraph of the fifth section of the first article of that instrument. To read into it now any limitation or qualification is to impeach either the honor or the capacity of those who framed the Constitution.

John Quincy Adams, the "Old Man Eloquent," expressed very happily what we now, humbly following the fathers, believe:

By letter of the Constitution the power of expelling a member is given to each of the two Houses of Congress, without any limitation other than that which requires a concurrence of two-thirds of the votes to give it effect.

How striking is the fact that our opponents find it necessary to enlarge the provision of the Constitution concerning the qualifications of members of Congress to enable them to exclude a member-elect, and to limit and impair the power of expulsion, without constitutional warrant, while we are quite willing to rest our contention upon the Constitution as it is!

It is insisted that the power to expel is but an enlargement of the power to punish "for disorderly behavior." In other words, that the two clauses are so closely connected, being separated by a comma only, that "disorderly behavior" is the specified ground for expulsion as for punishment. We have seen, by reference to the proceedings of the Convention which framed the Constitution, how foundationless is this contention. Those who make it seem to realize this; for having, by a criticism resting upon a comma, arrived at the conclusion that the power to expel is confined by the Constitution to cases of "disorderly behavior"—aggravated cases, they say—they abandon their chosen position and add cases of misdeeds done in the capacity of a member. This not being sufficient, they add cases affecting the standing of a member, and even this not being enough, they include cases affecting the honor and dignity of the House, and so on to the end of the chapter.

Now, if "disorderly behavior" is the only ground of expulsion provided by the Constitution—and that they proclaim—then these gentlemen run some risk of making themselves ridiculous when they wantonly add other grounds. If the other grounds of expulsion exist under the Constitution, then "disorderly behavior" is not the only constitutional ground therefor.

But having contradicted themselves and refuted their own arguments and destroyed their own interpretation of the Constitution, hung upon a comma, they assume a thus-far-and-no-farther air, and declare that the power of expulsion can not reach a member on account of anything done before his term as Representative began. This is a fresh abandonment of the "disorderly behavior" limitation. The Matteson case is relied on to support this contention. Matteson resigned to escape expulsion from the House in the Thirty-fourth Congress, and the House in the Thirty-fifth Congress did not expel him for the past offense, apparently considering that the former House had dealt with him.

It is not too harsh, and certainly warranted by the facts, to say of the cases of Oakes Ames and others mixed up in the Crédit Mobilier scandal that the offenders were "whitewashed;" not entirely, it is true, but as completely as circumstances would permit. The greatest and best men in the House favored expulsion, and the people doomed to political death some, at least, of the offenders.

The real reason why it is so seldom that expulsion is resorted to for offenses committed before the election of the offender is that the people have a right to elect anybody not disqualified by the Constitution, and that, respecting this sacred right, it rarely happens that the offending is of such a nature or the individual such a person that an exercise of the power of expulsion really is called for.

The power to expel is a power to purge the House of a member who should not remain in it, rather than a power to punish. The courts and the executive are charged with the duty of punishing those guilty of crime whereof they have been duly convicted.

In a well-considered case in Massachusetts—the Hiss case—it is held that the power to expel is an inherent, necessary power, possessed by all legislative bodies, without any constitutional grant. It exists for the protection of the body, not for the punishment of the offender. I believe many persons fall into error and remain in error in consequence of regarding expulsion as punishment instead of protection and purification.

The "disorderly behavior" for which the House may inflict punishment is that which disturbs its proceedings, or interferes with the transaction of its business in an orderly way.

Our friends on the other side are fond of supposing cases. Let us suppose one or two.

Suppose a Representative is and for years has been the chief of a band of forgers, but not a thing can be said against his demeanor while a member or as a member. Suppose, further, that a dozen of his gang also are members, the equals in deportment of their chief. Now, is the House without constitutional power to rid itself of them by expulsion?

Suppose a member of the House, gentlemanly in behavior and devoted to his duties as a member, is one of a band of burglars with whom, when and only when no Congressional duties are to be discharged, he operates as a housebreaker. Is there constitutional power to expel him?

The right of admission to the House is to be determined according to legal principles, and the right of expulsion according to equitable principles—that is, if the Constitution shall be respected. As to expulsion, nothing save the requirement of a two-thirds vote and the judgment and conscience of each individual member can control, influence, or limit action. As to the question of admission or exclusion, the straight lines of constitutional requirement can not be effaced otherwise than through a violation of the supreme law of the land.

The general-welfare clause of the Constitution is invoked to excuse the proposed exclusion of Roberts, who ought to be expelled. I will not contest the proposition, that when a power is granted in and by the Constitution, the incidental powers necessary to make the grant operative, go with it; but that doctrine has no application in this case. The question here is as to original, primary power, and not as to incidental power.

Indeed, our brethren of the other side have only furnished another instance of resorting in desperate cases to the doctrine that "The end justifies the means."

How comforting should be the assurance of these gentlemen, oft repeated, that the action which they recommend—the exclusion of Roberts, though duly elected and possessing all the qualifications which the Constitution requires of any Representative—will not be regarded as a precedent and so will not work harm in the future! Why do they solace themselves with the prediction that what they insist upon having done in this case will not be considered as establishing a precedent to influence the action of future Houses?

Can any plausible reason be given, except that they realize that what they are about to do others ought not to do? If confident that they are right, they ought to hope and pray that they might make a precedent for all hereafter to accept and follow.

Despite these apologetic assurances of these gentlemen, I can not banish the fear that what they advocate will, if accomplished, make a precedent for much wrong-doing. If Roberts may be excluded, instead of being expelled, because he is a polygamist, then others may be excluded at any time for anything that a majority may consider sufficient under the temptations of the hour or the exigencies of party.

In the same breath that brings us the assurance, suggested by conscience, that the excluding of Roberts will not be regarded as a precedent, we are urged to exclude him because, perchance, some other House—not this one—may find itself able to muster a majority, but not two-thirds of its members, against an obnoxious person, elected by the people of his district! Is not this an argument, so called, for making the precedent which (they also say) will not do harm because it will not be regarded as a precedent?

One is reminded of what Shakespeare says about conscience making cowards of us all; but not to the exclusion of the suggestion that upon some other agencies may operate to the same end.

It is claimed in the report of the majority and in argument upon the floor "that if a vote to declare the seat vacant is sustained by a two-thirds majority, the Constitution is substantially complied with."

Everything which the Congress or either House can do at all can, unless a two-thirds vote is required by the Constitution, be done by a majority of a quorum as effectually, and with the like constitutional sanction, as if done by unanimous vote, with every member present and voting. Either a majority of a quorum can constitutionally exclude or declare a seat vacant or all the members can not do it constitutionally.

Some commentators upon the Constitution support, generally by implication, some of the minor points in the contention of the exclusionists, and straightway these gentlemen parade with ropes in their hands, if not with masks upon their faces. But the great weight of authority is against their contention and in support of ours, as I think fully appears by the two reports.

The fertile imagination of the gentleman from Indiana [Mr. LANDIS] leaped over the narrow bounds within which is confined the evidence taken in this particular case and ranged at will through newspaperdom, borne abroad on the wings of rumor, and appealed to "the jury." No man has more respect than I have for the jury system or for the verdict of the jury. The court instructs the jury as to what the law is. The Constitution, to support which we have taken an oath, instructs us as to what is the supreme law in these United States. The facts, so far as they have significance and importance here, appear in the testimony as it has been reported to this House.

One might wake the echoes on the stump, or gain the applause of the galleries, or be cheered on by the enthusiastic outbursts of sympathetic members upon the floor, when he goes abroad beyond the record, exercises his inventive ingenuity, and lets himself loose to his full capacity in denunciation and romance. Of course, it is with each gentleman to determine for himself whether he will cast his vote in this matter under the Constitution and upon the facts, or upon the broad principles of general goodness, which the gentleman from Indiana [Mr. LANDIS] will have us understand that he enunciated, outside the record and beyond the pale of the testimony.

One reason for the exclusion of this man contrary to the Constitution is that he is said to have vilified or sneered at Miss Helen Gould. Did he? Let us see how much of sneer or vilification is in what he did say. Speaking of her he said:

> I mention that lady's name with the profoundest respect and admiration for her good works, her womanly charity, and, withal, her broad-mindedness, and only regret that she has been misled in relation to the conditions in Utah.

I am not here, as my colleague [Mr. LITTLEFIELD] was not here, to defend Mr. Roberts or to apologize for him. But if there be either sneer or vilification in Roberts's language of respect and admiration concerning Miss Gould, where are the bounds to ordinary truthfulness and ordinary regard for propriety upon this floor?

I too have admiration for Miss Helen Gould and commendation for the good that she has done. Only a few days ago I had a pathetic letter from a childless widow dwelling in my own district, whose husband fought under Lee and Jackson. Weakened and broken with wounds, he crossed over the river to "rest under the shade of the trees" with the chieftain whom he followed in many hard-fought battles. He left one child, the son of the father's pride, the mother's hope and joy.

They were poor, and the boy was the stay of the mother's declining years, her prop as the weight of age gathered upon her and the infirmities incident to life increased. The Spanish war came on. Burning in his soul was the same martial fire that blazed in the soul of his sire; the youth was one of the first to volunteer to fight under the old Star Spangled Banner, waving again in glory over a united country, a noble people. In the service he contracted disease and suffered injuries from which about a week ago he, too, crossed over the river, to "rest under the shade of the trees." That boy gave his life, that mother gave more than life, to our country, and they are but types of thousands.

So, while admiration may go to your Helen Goulds, while praise may sound the land over for those who from their great abundance give a pittance, and while I may join in the acclaim, yet to me, here and elsewhere, there is a higher glory which belongs to the poor and the lowly for their services, sacrifices, and sufferings. There is the holy sacrifice of the mother who gives up her only son to her country's cause; the sacrifice of the sister, from the humble walks of life, if you please, who sees the idolized brother go forth, a soldier with his shield upon his arm, to return—ah, who can tell how?—with it or upon it! And the sweet angels of mercy who humbly, but with a tenderness little less than divine, minister to sick, wounded, and dying—who trumpets to fame these devoted daughters of the plain people!

There is an unsung nobility from the walks of private life, in the humble retreats of common citizenship, which brings from my heart and out of my soul a meed of praise, and if I had the power, would call forth a paean of glory that would sound far above all the adulation offered to wealth, that contributes of its abundance without sacrifice and with the certainty of glory to attend. [Applause.]

The able gentleman from Ohio [Mr. TAYLER] draws upon his fancy for pictures with which, perhaps, he may frighten some whom his argument fails to convince into supporting him in his determination to exclude Roberts. For instance, he draws the curtain and discloses to us, revealed upon the background of his imagination, the picture of a member-elect who admits that he was a traitor to his country, fighting in the army of Spain against his native land; and by his side is projected the figure of a most reputable witness, who swears to the truthfulness of the shameful confession. The traitor, the gentleman from Ohio says, can not be convicted, because there is but one witness to his treason, and the Constitution requires two. Then, deeply distressed in contemplating the horror of his own imagining, this gentleman reaches one of his climaxes by demanding information as to whether anyone believes the House could not protect itself by excluding the monster!

Now, does he really fear that the House would not promptly expel his champion culprit? If not, the awful gravity of the case does not put it beyond the efficacy of constitutional treatment.

But suppose the man manufactured for the occasion by the gentleman from Ohio does not admit his guilt, and suppose further that the other man does not swear that he is guilty. Still, a majority may exclude, and the gentleman's argument, and the action of the House if it shall follow him, will stand as an authoritative declaration that the right to do so exists under the Constitution.

Other cases are "supposed," for use as object lessons. Suppose an insane man appears and asks to be allowed to take the oath of office? What power, we are asked, but that of exclusion, can then be invoked? And the case of Senator Niles, of Connecticut, is cited.

It was said that Niles was deranged, and the Senate appointed a committee to ascertain whether he possessed the mental capacity to understand the obligation of the oath of office. The committee reported that he had such capacity, and he was sworn in as a member of the Senate. That procedure seems to be adapted to such cases; and how different it is from the exclusion of a sane man who does comprehend what it is to take an oath of office!

And what of the case of the man with a contagious disease?

If you admit him to the floor of the House, the danger from his presence would not be materially increased by swearing him in and at once expelling him, if he would not at once voluntarily retire and keep away until no longer thus afflicted. But why should anyone be suffered to enter any public building or to go at large at all while in a condition to scatter disease far and wide? Ordinary police regulations are quite sufficient for such cases; the Constitution need not be broken to meet them.

And then there is the case of the imaginary being, who swears and howls and fires pistol bullets at the portraits on the walls, demanding all the while that the oath of office be administered to him. "How can you deal with him," these naive gentlemen inquire, "if the constitutional power to exclude Roberts does not exist?"

Who that will refresh himself with a moment of calm, absolutely free from hysteria, can doubt that the presiding officer would at once direct the arrest of the offender, whether member, member-elect, or anyone else, if other officers of the body or employees or members did not at once perform that necessary service? And then the offender would be turned over to the jailer and the courts or would be punished by the House itself.

And the member-elect confined in the penitentiary for a period covering the entire life of the Congress, or expiring only the day before the final adjournment of the Congress—how can he be dealt with, if it be not in order under the Constitution to exclude Roberts instead of expelling him? This is another sample conundrum, supplied by the exclusionists.

Note the difference between the case at bar and the supposed case: Roberts is not in the penitentiary, but is here claiming a seat in the House as a Representative-elect; the other fellow is not here claiming a seat and can not be here. No one denies the power or right of the House by a majority vote to declare vacant a seat which a member-elect will not or can not take, as it is his duty to do; and thus disappears another lion spirited from dreamland and thrown into the pathway of the Constitution.

Let it be observed now, once for all, that not a single argument has been advanced for the majority report which is not more potent for expulsion than for exclusion.

The "anti-contamination" plea is mirth provoking. Some gentlemen affect much concern lest we be "contaminated" if the oath of office be administered to Roberts, even though he be then expelled just as quickly as the roll could be called upon the adoption of the resolution to expel. They know very well that from the 4th day of December until this hour Roberts has been privileged to come into this House and remain in it at will. They know that during all the time since this House convened in December he has had a seat and a desk upon this floor, the same as each of them. In view of these facts, known to everyone here, the anti-contamination plea for leave to lay aside the Constitution may go to join its fellows.

Often I have been impressed with a display of the depth of the wisdom of the plain, common-sense people of our land. Indeed, I rate their homely judgment, evolved from the everyday thought of the millions, as worth much more than the conclusions of the supposed wise men, titled or in official station. This case, I think, affords an example in point.

Millions of good, conscientious, God-loving, God-fearing people who petitioned us for action in this Roberts case, prayed us to

expel him! Here is the prayer that came to us, in thousands of petitions, signed by millions of devoted Christians:

To the Hon. ——— ———, Representative-elect of the ——— Congressional district of the State of ——— to the Fifty-sixth Congress of the United States of America:

We, the undersigned, legally qualified voters of the said ——— Congressional district of the said State of ———, do hereby most respectfully and most earnestly call upon you as our Representative in the Fifty-sixth Congress to use your utmost endeavor and to exhaust all honorable means to secure the prompt expulsion of Mr. B. H. Roberts, of Utah, the avowed polygamist and covenant breaker, from the House of Representatives, in accordance with the provision of the National Constitution in Article I, section 5, paragraph 2, which reads as follows: "Each House [of Congress] may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

We also do most respectfully and most earnestly call upon you to use your utmost endeavor and to exhaust all honorable means to secure action by the Fifty-sixth Congress proposing an amendment to the National Constitution, and submitting the same to the legislatures of the several States, defining legal marriage to be monogamic, and making polygamy, under whatever guise or pretense, a crime against the United States, punishable by severe penalties, including disfranchisement and disqualification to vote or to hold any office of honor or emolument under the United States or any State or Territory therein.

How fine is the intuition of the American citizen when his honest mind is moved and his Christian conscience is stirred! Our modest, unassuming constituents must have appreciated more than some of us do that while the polygamist should be cast out, he should go hence as the Constitution has ordained—by expulsion. They seem to realize that the preservation of the Constitution is of vital importance to them and theirs. When they ask for bread, why give them a stone?

Much has been said about the protection of the House. A word about the protection of the people. They have the right to elect as their Representative in Congress whomsoever they choose. If the person elected possess the prescribed qualifications, the refusal to admit him to a seat in the House is a deadly blow at the representative government of a free people. Every member is elected subject to the constitutional right of the House to expel him for anything which, by a two-thirds vote, is declared to be a sufficient reason for the exercise of the power to expel. Both the House and the people will be best protected when the constitutional rights of the humblest or most odious claimant of a seat in the House are respected and preserved.

Mr. Speaker, I have consumed more of the time of the House than I meant to take, and I have been listened to with that close and respectful attention for which, I assure you and assure the House, I am profoundly grateful. I shall close with my humble but heartfelt tribute to the Constitution, that incomparable work of the Revolutionary patriots, which has commanded the admiration of the noblest of men from the day of its creation until this hour; has compelled the commendation, almost the worship, of independent free men everywhere.

Matchless instrument! Mighty chart of human freedom! Splendid tribute to human genius! Invaluable guardian and surety of the safety of the Republic and of the perpetuity of the liberties of millions and millions of American citizens, now and in all the coming years and ages! Who need fear for being faithful to it? Who need be frightened from it? Who need apologize for standing by it and cleaving to it, whatever may happen, whatever timidity may suggest? Long after all of us shall have passed from this scene of action and from this stage of existence; when the very stones that mark the places of our long rest shall have crumbled; when our names and our deeds, good or bad, great or small, shall have faded from the memory of man, people of greater enlightenment, aspiring to higher glories of citizenship, excelling in nobler triumphs of liberty, will revere that sacred instrument.

But, however this House may vote, whatever the procedure in this case may be, while I live, and during the lives of my children after me, I and they at least will cherish the proud recollection that I stood by the Constitution as the fathers made it and as the fathers interpreted it; and whether many or few of you vote to sustain the view advanced by my friend from Maine [Mr. LITTLEFIELD] and me, whether that view be vindicated or go down—aye, were not a man to sustain it but us two—we will stand by it proudly, and will welcome and cheerfully abide by the judgment of our constituents. And in our small way, and our brief day in history, we shall expect that the majority of the thoughtful men of our own profession, and of the broad-minded people of this land generally, at least such of them as may have occasion to look into this question and consider it, will be found with us.

He who stands by the Constitution, especially when there is no temptation to overturn it, no war spirit rife, no bitter prejudice, no division of the parties, the Democrat on one side and the Republican on the other—he who stands by the Constitution then certainly stands upon solid ground. And he who departs from it then can not have the excuse, or the justification, if you please, of the stress of troublous times, of the might of a swelling wave of passion and prejudice, or the urgency of necessity.

Calmly, unnecessarily, inexcusably, he will, so far as in him lies, have trodden under foot the noblest instrument ever given by man to man, to band together and hold together free men and free States in their triumphal march, onward through the years and through the centuries, to a loftier civilization and a mightier destiny, not only for our Republic, but for the people of the world. And so, whatever the decision may be, however you may align yourselves in this contest, throwing aside personal feelings, we will gladly stand with the Constitution if it is to be upheld, and will proudly, though in sorrow, go down with it if it is to be crushed. [Prolonged applause.]

Mr. LANHAM. Mr. Speaker, I appear in behalf of the highest privilege of this great House of the People, and if there ever was a necessity for a rational exercise and emphatic assertion of its supreme prerogative, that occasion is now upon us. If I know my own heart, I love the Constitution of my country and the institutions of my Government and would not wittingly do either of them the slightest violence. I have no sympathy with and am no apologist for Judge Lynch or any of his methods, about which the gentleman from Missouri [Mr. DE ARMOND] has said so much. I can not bring myself to believe that the Constitution requires or that the country expects the House of Representatives to do anything absurd or ridiculous. I can not drive away the thought from my mind that if Mr. Roberts shall be sworn into this House and then immediately expelled, it will be an illogical and inconsistent procedure.

Let me impress upon the attention of members one thought at the very outset. Those of us who vote for exclusion will do so essentially because Mr. Roberts is a polygamist. Those of you who may vote for expulsion will cast that vote, when you carefully introspect and analyze your real motives, because of the fact that he is a polygamist. Let us not deceive ourselves. If we who vote for exclusion shall thereby impose, as is contended, a disqualification not specifically mentioned in the Constitution, we shall do it openly and avowedly. Those of you who vote for expulsion, and for the very same cause that actuates us, will also be adding a disqualification not prescribed in the Constitution, and while tacit and undeclared the reason may be, it will nevertheless amount to the same thing. Expulsion, according to Story and the weight of authority and precedents, seems to be authorized only on account of extreme "disorderly behavior" or criminal conduct by a member during the period of his membership, or in some way related to his status as a member, and not for something done antedating his membership. Of what possible disturbance of the House or infraction of its rules or outrageous crime could Mr. Roberts be guilty in the brief interval between swearing him in and forthwith turning him out, as proposed by the minority of the committee?

Every deliberative body should, and I believe does, possess the inherent right to uphold and protect itself in its dignity, its integrity, and its reputation. If unexpressed by its charter, this right would arise and result by necessary implication as a logical consequence.

Every body of men peaceably assembled for a lawful purpose should, and I believe does, have the primary authority in its organization and conduct, to determine and enforce the rules and regulations by which it is to be governed and through which it is to attain its purpose.

The great first law of order naturally attaches to every correct human association. It were folly for men to meet for any proper reason, unless there should reside in those constituting the meeting, some authority to regulate the proceedings and some jurisdiction to promote and accomplish in an orderly manner the object of such meeting. In recognition of this inherent power and natural course of things, the Constitution of the United States provides that "each House may determine the rules of its proceedings." Neither the time, nor the method, nor the general character of such determination is prescribed.

These things are wisely and amply confided to each House. In keeping with this provision, it has been maintained from time immemorial, and, so far as I know, without controversy, that "questions of privilege shall be first—those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." This is, I believe, the greatest rule of the House of Representatives, and is made under the warrant of the Constitution, and, so long as it exists, has all the sanction and binding force of the Constitution itself upon those whose duty it is to observe it. While this has been formulated into a well-accepted and long-standing rule of the House of Representatives, and has been uniformly observed and respected, nevertheless I think the privilege so defined and the power for its appropriate enforcement, from the very necessity of the case, would appertain and be vested in the House even were there no such rule declared.

In the language of a great judge, this—

Power is inherent, incidental, and necessary, and must exist in every aggregate and deliberative body in order to the exercise of its functions, and because without it such body would be powerless to accomplish the purposes of its constitution.

Again:

It is a power of protection, and is necessary to the safety of the state.

I believe that I may safely go further and say that were the Constitution absolutely silent touching the right of the House to "determine the rules of its proceedings," it would still have the right to do any act and make any rule which might be "necessary and proper for carrying into execution the power" belonging to it by virtue of its creation and existence.

If at the threshold, or during the primary stages of its organization, or at any time, the House should find itself confronted with any condition which would be reasonably calculated to injuriously affect "its rights, safety, dignity, or the integrity of its proceedings," would it not be competent, as well as suitable, to promptly advertise the situation and investigate the matter in limine? It is not difficult to imagine cases which might menace the House and warrant such action.

Suppose, for example, and it is an old and familiar one, that a person afflicted with a serious and contagious disease, or one guilty of treason, or one fraudulently impersonating a Representative-elect, or a maniac breathing out threatenings and wrath, or one in the frenzy of delirium tremens, or one so intoxicated as not to understand the consequences of his acts, or one who had on the morning of the assembling of Congress maliciously taken the life of his fellow-man, in either case, should, at the time of the swearing in of members, present himself and insist upon then and there having the oath administered to him by virtue of a certificate of election, will it be contended that, upon the solemn protest and responsible charge of a member of the House, acting upon his knowledge or information and belief as to the facts, such a person could not be required to stand aside until an inquiry could be had?

To make a more pertinent, modern, and perhaps a more interesting illustration, suppose that there had been an election held in our alleged antipodal possessions, the Philippine Islands, to select a Delegate to Congress, and that, coming with a certificate of election issued by the proconsul, or whoever might be the proper party to sign a commission, there should appear the Sultan of Jolo, fresh from his seraglio, hailing from the archipelago, claiming an imperium in imperio, accompanied by his chief dato, armed with his bolo [great laughter and applause], and demand that he be sworn in as a Territorial Delegate, should we not exclude him, if the facts which have been alleged against him had been ascertained to be true? Upon the theory of the minority, perhaps the proper procedure would be to say to him, "Will your royal highness kindly come down to the bar of the House and have the oath administered?" and then kick him out. [Renewed laughter.] Under our theory, we would say to him at the threshold, "You keeper of an oriental harem, 'Avaunt, and quit our sight!'" [Applause on the floor and in the galleries.]

It may be urged that these cases are conjectural and improbable to arise, but they and others that have been cited and might be supposed will serve to illustrate the absurdity of limiting and circumscribing the House of Representatives in the proper exercise of an inherent power. In either of the cases mentioned, it would clearly be the duty of any member of the House having knowledge or well-grounded belief of the facts, to acquaint the House therewith and protest accordingly; and it seems to me that it would be unreasonable for the House to deny itself or be denied the privilege of asserting adequate power to protect and safeguard itself against such impending injury and trouble; otherwise, there would be presented the strange and grotesque anomaly of an independent body being ridiculously helpless and impotent to defend itself or maintain its dignity and respectability; and the House of Representatives, authorized by the Constitution, would be deprived of the power to vindicate its distinctive function as a deliberative assembly or determine and enforce its procedure.

While it may be admitted that a person bearing a regular certificate of election as a member of Congress, issued by the proper authority, has the prima facie right to appear and be sworn in, and so long as such right is undisputed and no opposing evidence is offered, is entitled to every privilege and favorable presumption which such certificate implies and carries with it, nevertheless there may exist facts and conditions which will, at least for the time being, rebut the prima facie case. Not all presumptions are conclusive; some are disputable and may be negatived. "Stabit presumptio donec probetur in contrarium" is a maxim well recognized in law and of common acceptation.

Mr. Speaker, for some reasons I desire to submit a brief historical résumé of this case. Mr. Roberts appeared in the House and bore in the form of his certificate of election, a prima facie or presumptive right to take the oath as a member thereof, and presented himself for the execution and enjoyment of that right; but simultaneously therewith, a duly accredited and qualified member of this House [Mr. TAYLER of Ohio] arose in his place, interposed an objection (in which he was joined by as good a man as ever sat in this House, or will ever sit in any future Congress, my friend from Arkansas, Mr. MCRAE), and with solemnity declared that—

It is charged that Brigham H. Roberts, a Representative-elect to the Fifty-sixth Congress from the State of Utah, is ineligible to a seat in the House of Representatives, and that such charge is made through a member of this House on his responsibility as such member, and on the basis, as he asserts, of public records, affidavits, and papers evidencing such ineligibility.

This charge was manifestly preferred in good faith, and not through caprice or partisan prejudice, and evidently with no sinister or selfish motive; for it must be admitted as historically true that every member of the House had for months, and continuously, been put upon notice of the facts out of which the charge arose, as well as the gravity of its nature, and hence realized the sincerity with which the accusation was made. Had there been the slightest suspicion to the contrary, it was within the province of any member of the House to have demanded the production and called for the reading of the records, affidavits, and papers the existence of which had been affirmed. It was known and published in advance just what action was contemplated in the Roberts case and why it was to be taken. "None of these things were hidden," nor were they "done in a corner."

Here we have the certificate of election, with all its supporting presumptions; in other words, the prima facie case on the one side, and on the other the objections and the accompanying statements of two reputable members of the House, fortified with the most extensively circulated notice and general information bearing upon the allegations, coming as they did through the press, metropolitan and rural, personal correspondence, pamphlets, public meetings, petitions, protests, and every channel of notification—everything and in every way calculated to put reasonable men on inquiry, to challenge their attention, and elicit their investigation, as well as to carry conviction as to a substantial foundation for the charges made. No such case, with all its antecedent discussion and publicity, had ever occurred; a similar one will never likely arise in the future. It is notably sui generis.

In the light of all these facts and circumstances, with a caveat continental in its scope and character, was not the prima facie case rebutted, and was not the presumptive right involved so impaired and discredited as to justify the House of Representatives of the American Congress, in the exercise of its sound discretion and inherent power, in at least holding in abeyance the claim urged by Mr. Roberts for his immediate admission to that great body, and instituting, through its own agency and under its own direction, an investigation of the matters in issue?

It is certainly constitutional for the House to "judge of the qualifications of its own members." When, where in its proceeding, and how shall that judgment be employed? Are not the right to judge, and the reasoning by which a conclusion shall be reached, and the entire mental modus operandi, absolutely and in all they imply, conclusively reposed and vested in the House of Representatives?

The prerogative of the aggregate body, independent of its expressed and clearly implied constitutional warrant, could surely be invoked and reasonably asserted to such an extent as to render an interlocutory judgment, and to say to the insistent Representative-elect, "We will pause and consider. We will investigate and ascertain." It does not appear that there could result any serious lesion to the Constitution or any essential deprivation of the rights of the member-elect present, or the constituency behind him, if there should be a temporary deferment and consequent inquest; nor does it seem that when the House said to Mr. Roberts, "You may stand aside for the present, in order that we may have time and opportunity to inquire and judge and determine concerning the issue raised," there was anything harshly arbitrary in its action or abusive of its constitutional province and jurisdiction.

Mr. Speaker, the framers of the Constitution were men of great wisdom, and the whole world honors them, and I respect their handiwork, I am sure, fully as much as does my friend who has last spoken. It will stand while the ages endure. While they had the loftiest conceptions of the principles of popular government, and "builded better than they knew," they were withal men of the strongest order and the best qualities of common sense. They were practical men. They never contemplated for one moment that their work or any part of it should lead to or cause the operation of any absurdity.

When they said, "There shall be a House of Representatives, that it shall choose its Speaker and other officers, that it shall judge, that it may compel the attendance of absent members under such penalties as it may prescribe, that it may determine the rules of its proceedings, punish or expel a member, and keep a Journal," they did not intend that these were all and the only things that the House should or might do. They never designed that a great organic, legislative body should be incapable of its own conservation or that the specific enumeration of the powers and duties mentioned, should exclude other privileges, authority, or details of procedure which, by fair inference and in the very nature of things,

must attend and belong to such an organization in its collective capacity. It would discredit their good sense and do violence to every reasonable intendment and the contemporaneous parliamentary usage and government then obtaining among the civilized nations of the world, and especially the mother country, to suppose that it was their purpose to shear the House of Representatives of its power of self-protection and the maintenance of its dignity, safety, integrity, and representative character. This is clearly deducible from that section of the Constitution which declares that "The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

To create a House logically carries with the act of creation every necessary and proper authority in and attaching to such House. I therefore conclude—and I will be ingenuous enough to say, in opposition to my preconceived or prima facie opinion, formed without elaborate research and reflection—that under all the circumstances, it was competent for the House of Representatives to interdict as it did the claim of Mr. Roberts to be sworn in as a member of this House and to pursue the course and pass the resolution which it adopted on the 5th of December, 1899, and that his prima facie right to have the oath instantly administered to him was accordingly rebutted.

It will be remembered that each of the resolutions offered in the House in relation to the Roberts case contemplated an immediate investigation and report, the one first voted on requiring that the oath should be first administered by virtue of the prima facie right growing out of the certificate of election; the other that Mr. Roberts should not be sworn in pending the investigation. The propriety, the importance, the necessity of prompt investigation were avowed and recognized in both resolutions. The House decided in favor of the latter.

Mr. Speaker, I am not unmindful of the unfriendly criticism that this action of the House has provoked, nor insensible to the animadversion it has pleased some writers to visit upon the heads of those who supported the majority resolution. Have we by this action established a dangerous precedent and one that will return as a plague in the future? Is it to be supposed that what we have so done will ever hereafter be invoked and relied upon in justification of some extreme and unpatriotic, partisan and selfish proposition, or that any member of Congress upon his responsibility as such, will ever be so stupid and dishonest as to attempt to shelter himself behind the Roberts case in support of any vicious or mere exigent party purpose? Will those who are to come after us be less devoted to duty and patriotic obligation than we are?

I believe such apprehensions are groundless, and that the case under consideration is unique, abnormal, solitary in its originality, and the like of it will never again be known. Let us see. The movement adverse to Roberts does not take its origin from political, partisan hostility—his political affiliations are in no way involved—the opposition to him is not personal, nor confined to any political party, for no political party could endure for a day in this Christian Republic if it were unfriendly to monogamy.

It is not attributable to religious intolerance or sectarian prejudice or fanaticism, for in connection with this movement, denominational unity is everywhere exhibited; it is not because he is a Mormon, for many of us have the most pleasant recollections of our associations with his predecessors, Caine and RAWLINS and King, who, while Mormons, were each the husband of only one wife, and were worthy and admirable men, and were admitted to the House as Delegates and Member without the slightest protest, either upon the part of the House or the country, and proved themselves useful and efficient in their public service.

It is on account of no sectionalism, for the remonstrance has hailed from every part of the Union and even from some of the people of Utah; it is the result of no division of sentiment in the great body of American citizenship concerning the national policy of antagonism to polygamy, for all men and all parties have for years mutually joined and cooperated for its suppression; nor is it because of any divergent opinions as to the claims and processes and objects of civilization, the general welfare, the domestic tranquillity, the blessings of liberty, the pursuit of happiness, the free exercise of religion, or the right of representation. This case and this precedent will expire with each other, and, relying upon the considerate judgment of thoughtful men and resting upon the consciousness of representative duty faithfully performed and an honest interpretation of the power with which we have been clothed, we are confident of our rectitude and content with our action.

Mr. Speaker, your committee have patiently, faithfully, and carefully made the investigation which the House required, with all reasonable economy and dispatch consistent with the gravity and importance of the work assigned them. With an earnest purpose to truly inquire into and duly ascertain the facts bearing upon the case, we have brought witnesses from Utah, from the very home of Mr. Roberts, and in his presence and with open doors we have taken their sworn testimony. He has been allowed and availed himself of ample opportunity for cross-examination. We have examined record and other documentary evidence.

We have inquired into the whole matter as fully as we could and sought light and truth from every available and legitimate source of information. We have tested the weight of the testimony and the credibility of the witnesses and acquainted ourselves with actual conditions as they exist. We have had printed and made public the evidence we have obtained, and it is accessible to anyone who may desire to inspect it. We have taken upon ourselves the burden of proof, Mr. Roberts admitting only the fact of his having pleaded guilty to the charge of unlawful cohabitation with Celia Dibble, sometimes called Celia Roberts, in 1889, and otherwise making full denial.

We have solemnly found and do say that Brigham H. Roberts, the Representative-elect from the State of Utah, is now and for years has been a polygamist; that he does now sustain, and for a long period of time has sustained, polygamous relations with plural wives; that he is now and has for years been the head of three families; that the children of different living mothers owe their paternity to him and recognize him, as does the community where they live, as their father; and that the epitaph of a deceased child, buried in the very town where he resides, recites, "Lena, daughter of B. H. and Celia Dibble Roberts," and that twins were born to him in 1897 by Celia Dibble Roberts, and that he now lives in the habit and repute of marriage with Louisa Smith Roberts, Celia Dibble Roberts, and Dr. Margaret Shipp Roberts. And so say we all.

These relations existed and were well known at the time and long before Mr. Roberts was elected to this Congress. We admit that he has "attained the age of 25 years, that he has been for seven years a naturalized citizen of the United States, and was when elected an inhabitant of the State in which he was chosen."

These are the facts upon which this House is now called to pass, and upon them it must be determined whether Mr. Roberts should be a member of this Congress. If upon these facts the House would or could expel him, should not the House now exclude him? And is not the prima facie right to be sworn in foreclosed and concluded by the facts ascertained? Do they constitute a sufficient cause to warrant the House of Representatives in refusing to him admission and membership?

I will pass over the long chapter of the Territorial history of Utah with reference to polygamy—the statutes and prohibitions and penalties enacted by Congress for its punishment and suppression; repeated petitions and appeals of Utah for admission as a State, first refused and finally granted; proclamations of amnesty by two Presidents of the United States conditioned upon the faithful observance of the laws; manifestoes and representations of the official authorities of the Mormon Church in recognition of and acquiescence in the laws of the United States; the enabling act, the conditions precedent, the pledges made and the spirit and intention of the contemporaneous compact between Utah and the United States; the constitutional inhibition of polygamy by the State of Utah; the adoption of anti-polygamy statutes accompanying the transition to statehood; laws enacted by the legislature of Utah against adultery and unlawful cohabitation—I will pretermit all these things and their discussion in extenso, because they have already been fully quoted and analyzed and, besides, are commonly known, and content myself here with the statement that the people of the United States, both through Congressional enactment and universal sentiment, denunciation, and conduct, have for many years, in every way they could, made their will and judgment manifest, uniformly, consistently, and persistently displayed their implacable hostility to and unwavering condemnation of polygamy and its practices; and neither they nor Congress as their agency would ever have consented to conferring statehood on Utah except with the understanding that such crimes should cease.

The laws and the conscience of the American people have considered and do consider polygamy and polygamous relations as criminal, and they can not and will not tolerate nor condone them, much less indorse them as having any proper place in the decent civilization of the country. In their concept, they stand out as a monumental defiance and contempt of what they consider the essential foundations of social purity and domestic felicity. Moreover, they do and will regard their advocacy, recognition, and practice as rank disloyalty to the very integrity of the Republic [loud applause]; and are they not warranted in this attitude?

Mr. Speaker, the Constitution requires that Representatives shall be citizens of the United States for seven years, Senators for nine years, and that the President shall be a natural-born citizen, or a citizen of the United States at the time of the adoption of the Constitution. It neither prescribes citizenship nor age nor inhabitancy in the case of judges, ambassadors, public ministers, consuls, or other officers. It requires these things of you and me as Representatives of Congressional districts, but no qualifications are prescribed for a judge of the Supreme Court, whose

far-reaching power and influence may, on a close division, by his opinion or a change of his views, overturn the judicial precedents of a century.

To understand what was intended and had in view, present and prospective, we must look to what was said in the Convention, the times, and the surroundings. We had but recently emerged from a war with Great Britain and colonial dependency. The framers of the Constitution were naturally jealous and suspicious of their late enemy and were doubtless apprehensive that the British Crown might in some way seek to encompass confusion, embarrassment, and detriment of some kind to the new Republic. They wished to preclude any foreign intrusion or interference in the establishment of their Government and to anticipate and provide against any extraneous influence upon its legislative action after the Constitution should be ratified. They desired to accentuate in every way their independence and to set up a new government in their own manner and by their own people, and assert their right to "do all acts and things that independent States may of right do." They intended to have for their agents men of their own kind and persuasion, either native to the soil or so associated by effort and experience in their struggle for liberty, as to assure their unstinted sympathy, loyalty, and devotion to the new order of things. There was reason for their action and method in what they did.

I find in Bancroft's History that when the question of qualifications for Representatives was under consideration especial importance was attached to citizenship. It was regarded as indispensable. The possible election of a newcomer from a foreign country was viewed with distrust and to be expressly prevented. There was at first a difference of opinion as to the length of citizenship requisite for eligibility of Representatives, some favoring a less period than seven years. There were even in the Convention some members who were not native Americans, notably Wilson, Robert Morris, and Fitzsimmons. As illustrating the mind and purpose of the Convention, I quote from the debates and proceedings:

> I do not choose—
>
> Said Mason—
>
> to let foreigners and adventurers make laws for us and govern us without that local knowledge which ought to be possessed by the Representatives.

And it is said he moved for seven years instead of three, and that all the States agreed to this except Connecticut. Bancroft says that from respect for Wilson, who was born and educated in Scotland, the subject was taken up once more. Gerry, on the 13th of August, 1787, "wished that none should be elected but men born in the land." Williamson preferred a residence of nine years to seven; Hamilton to require only citizenship and inhabitancy, and Madison seconded him.

The organization of the legislative and executive departments of the Government was naturally to precede the designation and appointment of judges and other public officers, and for that reason, doubtless, as to them no qualifications were prescribed, notwithstanding the judicial branch was to be equal in rank and dignity with the others. I suppose it was presumed that these matters could be safely intrusted to the discretion and patriotism of the appointing and confirming powers. Upon these two departments, the executive and the legislative, was to rest the primary responsibility of launching the craft of the "more perfect union," and that accomplished, the future sailing would be confided to competent pilots whose vigilance would avoid any breakers in its course.

It is to be noted that provision for a future uniform rule of naturalization was made, and if I mistake not, this was discussed in the Convention with reference to and in connection with the ineligibility of foreigners.

There was obviously a good and special reason for prohibiting "any person holding any office under the United States from being a member of either House." The separation and free exercise of the functions of the independent departments of the Government were to be fully conserved.

Nearly three-quarters of a century after our fathers sat in the Constitutional Convention and formulated the great principles of republican institutions, there occurred a terrible civil war between the States. When it was over and the Union was preserved, there was incorporated into the Constitution an amendment denying to any person who had previously taken an oath as a member of Congress, etc., to support the Constitution of the United States, and who should have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof, the right to be a Senator or Representative; providing, however, for removal of such disability. The recollection of this fearful conflict is so fresh in the memory of all of us and the reasons for and the circumstances attending the adoption of this amendment are so well understood, as to call for no special interpretation of its spirit and intent.

There is and was a reason for each rule of disqualification, and each was designed and constructed for a specific purpose pertinent to particular conditions and surroundings, and each and all are declared negatively in form and preceded by the words:

> No person shall.

It is, I think, of special significance that the first draft of the section which prescribes the qualifications of Representatives, when reported to the Convention, read as follows:

> Every member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen of the United States for at least three years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen.

And is affirmative in form.

As it was finally adopted and now appears in the Constitution it reads as follows:

> No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not when elected be an inhabitant of that State in which he shall be chosen.

And is negative in form. There must have been some reason for this change. Evidently there is a substantial difference not only in phraseology, but in the respective constructions to be given.

The first is, I think, exclusive in effect, while the last is not. The chronological order in which they were discussed and considered in the Convention is not material. It is enough to know that when the subject was under consideration Mr. Dickinson said he—

> was against any recitals of qualifications in the Constitution. It was impossible to make a complete one; and a partial one would, by implication, tie up the hands of the legislature from supplying omissions.

Wilson concurred in the opinion of Dickinson, and said:

> Besides, a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters.

In view of the objections urged by Dickinson and Wilson, as we say in the report of the committee, and their opinions as to the construction that would arise and the consequences thereof, the conclusion seems certainly reasonable, if not absolutely irresistible, that the change from the affirmative to the negative form was intentionally made, and with the very purpose of obviating such objections, and hence that in being negatively stated, it was considered by the Convention that the particular qualifications mentioned would not be exclusive, and would not render impossible the "disqualifying, odious, and dangerous characters," and would not prevent "supplying omissions."

In consideration of all these things, is it reasonable to conclude that nonage and alienage and noninhabitancy, and nothing more, should ever stand in the way of membership in the House of Representatives? And does the expression of these particular disqualifications, negatively stated, necessarily exclude every other possible cause of ineligibility? And if a person be not obnoxious to either of them, is he therefore conclusively fitted and suited for the responsible duties of and participation in the all-important and dignified work of making laws for the whole country? Are age and citizenship and inhabitancy all that are needed to make good Congressional material, and if equipped with these only, is a person elected, propter hoc, duly and truly prepared, worthy and well qualified for all the weighty and solemn engagements of Representative service? Was it intended that a capable and upright man, who might lack one day of being 25 years old, or one day of citizenship for seven years, should be disqualified, and that a malefactor or "odious and dangerous character" of any kind, should be constitutionally eligible to a seat in the House of Representatives?

Mr. Speaker, my judgment, my conscience, my common sense, my respect for the authors of the Constitution and regard for their practical wisdom, my concept of the reason of rules and their unstrained construction, the fair interpretation of language, the ethics of government, the proprieties and integrities of legislative assemblies, and the respect to which they are entitled and the esteem in which they should be held, the claims of organized society, the responsibility of the House to the great body politic and what it owes to itself in the just estimate of its high privileges and the rightful assertion of its intrinsic potentiality, constrain me to answer "no."

We, as members here, not only represent our own immediate constituencies and respective localities, but we stand for the whole Union. We are a composite body and must work for what concerns the well-being of the entire country, and it behooves us to unite our efforts in the condemnation of any general organized evil or infidelity to the laws and crystallized policy of the whole American people. We owe something to each other, something to social order, something to public morals and associated Christianity, something to society at large, something to the land in which we live, the Government of which we are a part, and the perpetuation of our distinctive civilization.

Mr. Speaker, some reference has been made to the religious features of this case. While I maintain in all earnestness and in its proper vigor the ancient and fundamental doctrine of divorce between church and state, while I shall never cease to do honor to Roger Williams and his colaborers for the initiation in our polity and their faithful successors later on, for their instrumentality in the incorporation in our Constitution of the great principle of religious freedom and the declaration that no statutory mandate shall invade "the home of reason," assault "the citadel of conscience," or disturb "the sanctuary of the soul," while I concede and fully approve the well-defined separation of ecclesiastic and political functions, and shall ever oppose the trenching of the one upon the other, still the conviction grows upon my mind that the Christian people of this country are the hope of the Republic and the shield and buckler of our civilization. [Applause.]

Neither they nor we can afford to allow any man or set of men, under the claim of religious faith, to practice what the enlightened world denounces as a crime, and escape our disapprobation.

Civilization—

Said Lord Russell, the lord chief justice of England, in a speech a few years ago before the American Bar Association—

is not a veneer; it must penetrate to the very heart and core of the societies of men. Its true signs are, thoughts for the poor and suffering, chivalrous regard and respect for woman, * * * the love of ordered freedom, abhorrence of what is mean and cruel and vile.

Civilization with us owes most of all that it is and will be, in its highest development, to Christianity. It is our duty in every suitable way to promote that civilization, and to stand resolutely against all that obstructs its proper progress and successful operation. Who is there among us that will not rejoice to see the full realization of Emerson's prophecy, that "Every useful, every elegant art, every exercise of the imagination, the height of reason, the noblest affection, the purest religion will find their home in our institutions and write our laws for the benefit of men?"

Mr. Speaker, the framers of our Constitution realized their dependence upon an all-wise Providence, and were not indifferent to religious obligations. I find that at one time during their deliberations, when, as Martin reported, "the Convention was on the verge of dissolution, scarce held together by the strength of a hair," Benjamin Franklin, the oldest one among them, to restore calm, just as the House was about to adjourn, proposed that the Convention should be opened every morning by prayer, and said:

The longer I live the more convincing proofs I see that God governs in the affairs of men. I firmly believe that "except the Lord build the house, they labor in vain that build it."

George Washington, who was President of the Constitutional Convention, in his Farewell Address, which will be a classic while the English language is spoken and political scripture wherever Americans dwell, said:

Of all the dispositions and habits which lead to political prosperity, religion and morality are the indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connection with private and public felicity. * * *

Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

Mr. Speaker, notwithstanding the Constitution declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," and that "no religious test shall ever be required as a qualification to any office or public trust under the United States," I can not believe for one moment that it was ever even remotely contemplated that polygamy and polygamous customs should masquerade in the guise and under the auspices of the Christian religion; and were it possible for Franklin and Washington and any of their illustrious coadjutors to stand incarnate among us to-day, they would, like us, regard them as inimical to the peace and dignity of our institutions and be amazed at any such perversion of the Constitution as a contrary contention would involve. They would, I think, be among the very first to indorse and uphold the united moral sentiment and Christian convictions of the great body of the people, and remain among the very last in insisting that the House of Representatives should do them no violence.

We are not here, Mr. Speaker, to refuse any proper representation to the people of any Congressional district in the United States; we are not here to usurp the province of electors at the polls; we are not here to institute inquiry into the private lives and sit in censorship upon the characters of our fellows; we are not here to impose general, moral, or religious tests. It is nothing to us, in our representative capacity, whether a man be a gnostic or an agnostic, an infidel or a believer, a Catholic or a Protestant, a Mormon or an anti-Mormon; but we are here to discountenance polygamy and its relations as a public enormity, and to refuse to anyone practicing the same that national recognition which admission to membership in this great House of the People would signify. [Applause.]

We are here to say to the people of Utah that we are ready and cheerful to accord to them all the privileges and immunities belonging to the citizens of sovereign States. We say to them, "You may send to Congress whomsoever you will, Mormon or Gentile, and freely exercise your own judgment as to his merits, whatever may be his political or religious persuasion; we guarantee to you a republican form of government; but we will never honor your credentials nor welcome your Representative-elect if he be in fact a polygamist and have, in the habit and repute of marriage, more than one living wife. You must keep your covenant with the American people and respect the laws and civilization of the age."

Mr. Speaker, I have read much of the interesting and in many respects pathetic history of the Mormon people; of their original faith, when no alleged revelation had sanctioned plural wives; of their incipient organization as a church; of their industry and frugality; of the severity with which some of them were treated; of their banishment and exodus, and their weary and perilous pilgrimage to the distant plains; of their suffering and sorrow; of their industrial progress and the marvelous development of their new land, and of how they "have made the wilderness and the solitary place glad and the desert to blossom as the rose," and often at the perusal my commiseration has been aroused. While I can tolerate if not approve their primary faith, and concede to them the full right "to worship God according to the dictates of their own consciences," I can never look with allowance upon any avowal and practice of polygamy.

And now, Mr. Speaker, in behalf of the altars and the firesides of our common land, the rooftrees of American homes, the holy estate of matrimony, and the sacred and inviolable associations of the family circle, with a solemn regard for the Constitution of my country and the dignity of the great popular branch of its Legislature, and "a decent respect to the opinions of mankind," and the fear of God before my eyes, I declare my belief that Brigham H. Roberts ought not for one instant of time to be admitted to membership in this House of Representatives. [Prolonged applause.]

Mr. MAHON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAHON. If the minority report is adopted, establishing his right to be sworn in, will he be entitled to pay and privileges of the House as a member-elect?

What procedure under the rules of the House will be required to bring him to the bar of the House to be sworn in if he should fail to voluntarily appear, as he can not be expelled until after he is sworn in?

If he is sworn in and becomes a member of the House, will his expulsion deprive him, as an ex-member, under rules of the House, of admission "to the Hall of the House and rooms leading thereto?"

The SPEAKER. Those several questions will be disposed of as they arise. [Laughter.] They do not arise at this time.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that the resolution, the substitute, and the amendment offered by the gentleman from Iowa, or to be offered by him, which may be considered, for the purpose of this unanimous consent, as offered, be considered as pending, subject to a point of order, and that the previous question be considered as ordered upon the resolution, the substitute, and the amendment so offered by the gentleman from Iowa.

Mr. BAILEY of Texas. Pending that request, Mr. Speaker, I first desire to know if any previous question has been ordered on the resolution reported by the committee and the substitute?

The SPEAKER. No previous question has been ordered thus far.

Mr. BAILEY of Texas. Well, then, it would not be necessary to obtain unanimous consent that the amendment should be pending and the previous question ordered.

Mr. TAYLER of Ohio. Mr. Speaker, objection seems to be made to the request for unanimous consent, and I move the previous question on the resolution and substitute.

The SPEAKER. The gentleman from Ohio moves the previous question on the resolution reported by the majority and the substitute therefor reported by the minority.

Mr. LACEY. Mr. Speaker——

Mr. RICHARDSON. Did you not include the amendment?

Mr. LACEY. No, sir.

Mr. RICHARDSON. Did the gentleman from Ohio not include in his demand for the previous question that the amendment should be included? I so understood the gentleman from Ohio.

Mr. LACEY. He did not.

The SPEAKER. There is nothing before the House, the Chair will state, but the resolution reported by the majority and the

substitute reported by the minority; and the gentleman from Ohio demands the previous question on those two resolutions.

Mr. TAYLER of Ohio. Mr. Speaker, I withdraw that motion, and will yield to the gentleman from Iowa solely for the purpose of offering the amendment, upon which I will reserve the point of order.

The SPEAKER. The gentleman from Ohio yields for the purpose of permitting the gentleman from Iowa to offer the amendment which the Clerk will report.

Mr. TAYLER of Ohio. Reserving the point of order.

Mr. BAILEY of Texas. What is it to be offered as an amendment to?

Mr. LACEY. It will be stated in a moment.

Mr. TAYLER of Ohio. It will be offered as an amendment to the resolution of the majority.

The SPEAKER. The amendment will be read for the information of the House.

The Clerk read as follows:

Insert in line 4, page 1, after the word "and," the following: "he is expelled, and;" so as to read:

"*Resolved*, That under the facts and circumstances in this case Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a seat in the House of Representatives, and he is hereby expelled, and that the seat to which he was elected is hereby declared vacant."

Mr. TAYLER of Ohio. Upon that amendment I make the point of order that it is not germane to the resolution which it seeks to amend.

The SPEAKER. The gentleman from Iowa offers the amendment just read to the resolution reported by the majority, and the gentleman from Ohio makes the point of order that it is not germane to the resolution. The Chair desires to know if the gentleman from Ohio withdrew the demand for the previous question?

Mr. TAYLER of Ohio. I did.

The SPEAKER. Very well. Then the point of order is debatable. The Chair will hear the gentleman from Ohio.

Mr. TAYLER of Ohio. I understand the discussion of the point of order is entirely within the control of the Chair.

The SPEAKER. As to the length of it, yes. Does the gentleman desire to be heard on the point of order?

Mr. TAYLER of Ohio. I have an idea about the parliamentary situation here, but my idea is disputed in my hearing, and I wish to make this parliamentary inquiry: Whether it is in order now for me to move the previous question on the resolution, the substitute, and the amendment without waiving the point of order? I do not think it is.

The SPEAKER. The Chair is of the opinion that the point of order must first be disposed of.

Mr. BAILEY of Texas. As there seems to be no disposition to debate it, I hope the Chair will decide it.

The SPEAKER. Does the gentleman desire to debate the point of order?

Mr. TAYLER of Ohio. Yes, sir; I did not clearly understand the question of the Chair.

The SPEAKER. The Chair asks if the gentleman desires to be heard upon his point of order?

Mr. TAYLER of Ohio. I desire to be heard for a moment.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. TAYLER of Ohio. I make the point of order upon this amendment, Mr. Speaker, that it is not germane to the resolution. The resolution provides for the exercise of a well-defined power of the House of Representatives, to exclude a member elected from its councils. That is one great power allowed to the House; the amendment seeks to invoke another great power of the House, entirely independent, namely, the power to expel.

Now, then, the power to expel can in no way be connected with the power to exclude. They are entirely different and separate operations and efforts upon the part of the House of Representatives. Similar questions have been decided in this House, and I do not know that there is any doubt about the proposition that a resolution to expel is not germane to a resolution to exclude.

Mr. LACEY. Mr. Speaker, the gentleman from Ohio is rather late in his discovery that no question of expulsion is contained in this proposition. He should have made a point of order against the substitute resolution offered by the gentleman from Maine, which directly involves the proposition of expulsion. Having failed to make the point of order on the minority resolution, it is properly before the House, and a point of order against an amendment upon the subject of expulsion comes too late. If the substitute did not in terms bring before the House the question of expulsion, the proposition of the gentleman from Ohio and the majority of the committee does bring it up, and I quote from page 6 of the majority report as follows:

Nor are those who assert that expulsion is the remedy necessarily barred from voting for the resolution declaring the seat vacant. He must, indeed, be technical and narrow in his construction of the Constitution who will not admit that if a vote to declare the seat vacant is sustained by a two-thirds majority the Constitution is substantially complied with.

That is the official statement made by the gentleman himself, that this resolution if passed by a two-thirds vote would be substantially a resolution of expulsion, and therefore that question is before the House. The question is brought before the House. For three days, without objection, without any point of order having been made, without a single member having been called to order for discussing this proposition, we have gone thoroughly over the entire ground of expulsion.

I say the point is made entirely too late if it ever was proper. But the point of order will not lie against a proposition of this kind. The question involved is as to the right of a member to a seat. It rises above the rules of this House; it rises to the very source from which this House obtains its authority to sit. The right of expulsion and the right of exclusion are constitutional questions, and this House is not acting upon mere parliamentary rules, but we are passing on the great constitutional question as to the right of this member to occupy, to retain, to have, to hold in the future a seat in this body. That may be reached in various ways. It involves the very proposition that was embraced in the report of the committee.

This matter need not, in fact, have gone to a committee at all. This is a matter that the House could have acted on and have taken the whole testimony before the House itself. It is not a question about committee authority. We are trying before the House a constitutional question that this body could have decided directly without the intervention of a committee, and we are not limited by any technical rules.

The House could have heard this testimony. The House submitted the taking of testimony to nine gentlemen. They have reported the facts—they have reported them unanimously. The House need not look at the testimony; the House accepts the unanimous findings. With that finding of facts we are content; and the question arises now, What shall we do with the facts reported before the House? Let me read the facts. They are brief.

We find that Brigham H. Roberts was elected as a Representative to the Fifty-sixth Congress from the State of Utah and was at the date of his election above the age of 25 years; that he had been for more than seven years a naturalized citizen of the United States and was an inhabitant of the State of Utah.

We further find that about 1878 he married Louisa Smith, his first and lawful wife, with whom he has ever since lived as such, and who since their marriage has borne him six children.

That about 1885 he married as his plural wife Celia Dibble, with whom he has ever since lived as such, and who since such marriage has borne him six children, of whom the last were twins, born August 11, 1897.

Mr. LOUDENSLAGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOUDENSLAGER. Is this directed to the point of order?

The SPEAKER. That is the question to which the gentleman is addressing himself.

Mr. LACEY. I am reading only the specific facts.

The SPEAKER. The Chair can not yet determine the application the gentleman will make of those facts.

Mr. LACEY. I am nearly through the finding.

That some years after his said marriage to Celia Dibble he contracted another plural marriage with Margaret C. Shipp, with whom he has ever since lived in the habit and repute of marriage. Your committee is unable to fix the exact date of this marriage. It does not appear that he held her out as his wife before January, 1897, or that she before that date held him out as her husband, or that before that date they were reputed to be husband and wife.

That these facts were generally known in Utah, publicly charged against him during his campaign for election, and were not denied by him.

That the testimony bearing on these facts was taken in the presence of Mr. Roberts, and that he fully cross-examined the witnesses, but declined to place himself upon the witness stand.

Those are the only facts.

Several MEMBERS. Rule! Rule!

Mr. LACEY. I know it is a late hour, gentlemen, but this is an important matter. This resolution does not simply say that Mr. Roberts is not entitled to have a seat. It goes further, and says he ought not to hold a seat. That involves the question of expulsion, and gentlemen who hold the views that I hold are invited to vote for the proposition because it is one in which expulsion is involved.

Mr. DALZELL. Mr. Speaker, if the Speaker has any doubt about this question I would be glad to be heard for a few moments. If he has not, I do not want to trespass on the patience of the House.

The SPEAKER. The Chair has no doubt about the question.

Mr. DALZELL. Then I do not desire to be heard.

The SPEAKER. The Chair will call attention to one or two facts preliminary to the decision of this question. We have two propositions pending before the House—one of exclusion, which is the proposition of the majority, and one in which we are served with notice that expulsion will be asked for, but involving first the swearing in of Mr. Roberts.

The resolution of the minority does not contain any element of expulsion, but notice is served by the minority that so soon as the oath is administered to Mr. Roberts his expulsion will be moved. The proposition offered by the gentleman from Iowa [Mr. LACEY]

adds to the proposition recommended by the majority the idea of expulsion.

The proposition as it stands will deny Mr. Roberts a seat, will not allow him to sit for one instant in this House. That is the proposition of the majority. The amendment offered by the gentleman from Iowa [Mr. LACEY] does not deny him a seat alone, but says, with the majority, that he must not have or hold a seat, but that he must also be excluded from his seat.

The proposition of the majority, which denies Mr. Roberts a seat, can be carried through this House, under the rules, by a majority vote. With the amendment of the gentleman from Iowa [Mr. LACEY] added, that of expulsion, it will require a two-thirds vote to carry the amended resolution. Does anyone contend that changing a resolution from a condition where a mere majority can carry it through to a resolution which will require a two-thirds vote to carry it through—that such an amendment is germane to the original proposition?

The Chair does not entertain a single doubt but that this is not germane to the original resolution. [Applause.]

The gentleman from Iowa [Mr. LACEY] says, however, that this involves a question above and beyond the rules, being a question of the highest privilege.

The Chair holds with the gentleman from Iowa [Mr. LACEY] that it is a constitutional question and one of the highest privilege, but this body has pursued constitutional methods in treating it, and is now, through a committee appointed in recognition of this high right, considering the matter, and that committee, in the discharge of its great duty to this House under the Constitution, has brought in its two propositions.

The Chair therefore holds that the amendment is out of order, and recognizes the gentleman from Ohio [Mr. TAYLER].

Mr. LACEY. With all due respect to the Chair, I appeal from the decision of the Chair.

Mr. HOPKINS. And I move to lay that appeal on the table.

The SPEAKER. Gentlemen, let us move with calmness and care. The gentleman from Iowa [Mr. LACEY] rises to exercise a sacred right, that of appeal from the decision of the Chair.

Mr. TAYLER of Ohio. I move to lay the appeal on the table, Mr. Speaker.

The SPEAKER. And the gentleman from Ohio [Mr. TAYLER] moves to lay the appeal on the table. The question is on agreeing to the motion made by the gentleman from Ohio, to lay the appeal of the gentleman from Iowa on the table.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. LACEY. A division.

The SPEAKER. The gentleman from Iowa demands a division. On this point, however, the Chair desires to say that he has the right to order tellers and will not count on a matter involving his decision. The Chair, therefore, will appoint as tellers the gentleman from Ohio [Mr. TAYLER] and the gentleman from Iowa [Mr. LACEY].

The tellers having taken their places, the House proceeded to divide.

Pending the announcement of the result,

Mr. LACEY said: Mr. Speaker, in view of the evident spirit of the House on the question, I withdraw the appeal.

The SPEAKER. The gentleman from Iowa withdraws his appeal.

Mr. TAYLER of Ohio. Mr. Speaker, I move the previous question on the resolution and substitute.

The SPEAKER. The gentleman from Ohio moves the previous question on the original resolution and the substitute.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the substitute reported by the minority.

Mr. RICHARDSON. Now, let us adjourn. There will be two yea-and-nay votes.

Several MEMBERS. Oh, no!

The SPEAKER. As many as are in favor of the adoption of the substitute reported by the minority will vote "aye"——

Mr. SLAYDEN. The yeas and nays.

The yeas and nays were ordered.

Mr. LANHAM. We should like to have the resolution read.

The SPEAKER. The gentleman from Texas calls for the reading of the minority substitute. Without objection, it will be again read.

The Clerk read as follows:

Resolved, That Brigham H. Roberts, having been duly elected a Representative in the Fifty-sixth Congress from the State of Utah, with the qualifications requisite for admission to the House as such, is entitled, as a constitutional right, to take the oath of office prescribed for members-elect; his status as a polygamist, unlawfully cohabiting with plural wives, affording constitutional ground for expulsion, but not for exclusion from the House.

The SPEAKER. The question is on the adoption of the substitute which has been read.

The question was taken, and there were—yeas 81, nays 244, not voting 29; as follows:

YEAS—81.

Adamson,	Elliott,	Loud,	Rucker,
Allen, Ky.	Epes,	McCall,	Ruppert,
Allen, Miss.	Fitzgerald, N. Y.	McClellan,	Ryan, N. Y.
Atwater,	Gayle,	McCulloch,	Ryan, Pa.
Bailey, Tex.	Gordon,	Maddox,	Scudder,
Ball,	Green, Pa.	May,	Sims,
Bankhead,	Griggs,	Meekison,	Slayden,
Bartholdt,	Hay,	Meyer, La.	Small,
Bartlett,	Howard,	Newlands,	Smith, Ky.
Bell,	Jenkins,	Norton, Ohio	Snodgrass,
Brewer,	Johnston,	Norton, S. C.	Stephens, Tex.
Broussard,	Jones, Va.	Otey,	Swanson,
Burleson,	Kahn,	Polk,	Turner,
Catchings,	Kitchin,	Quarles,	Underwood,
Chanler,	Kluttz,	Ransdell,	Vandiver,
Clayton, Ala.	Lester,	Rhea, Ky.	Wheeler, Ky.
Cooney,	Levy,	Richardson,	Wilson, Idaho
Cooper, Tex.	Lewis,	Ridgely,	Young, Va.
De Armond,	Littlefield,	Rixey,	
De Graffenreid,	Livingston,	Robbins,	
Dinsmore,	Lloyd,	Robertson, La.	

NAYS—244.

Acheson,	Dayton,	Knox,	Robinson, Ind.
Adams,	Denny,	Lacey,	Robinson, Nebr.
Allen, Me.	De Vries,	Lamb,	Russell,
Babcock,	Dick,	Landis,	Salmon,
Bailey, Kans.	Dolliver,	Lane,	Shafroth,
Baker,	Dougherty,	Lanham,	Shattuc,
Barber,	Dovener,	Latimer,	Shelden,
Barham,	Driggs,	Lawrence,	Sheppard,
Barney,	Driscoll,	Lentz,	Sherman,
Benton,	Eddy,	Littauer,	Showalter,
Berry,	Emerson,	Little,	Sibley,
Bishop,	Esch,	Long,	Smith, Ill.
Boreing,	Faris,	Lorimer,	Smith, H. C.
Boutell, Ill.	Finley,	Loudenslager,	Smith, Samuel W.
Bowersock,	Fitzgerald, Mass.	Lovering,	Smith, Wm. Alden
Bradley,	Fletcher,	Lybrand,	Southard,
Brantley,	Fordney,	McAleer,	Sperry,
Breazeale,	Foss,	McCleary,	Sprague,
Brenner,	Foster,	McDowell,	Stark,
Brick,	Fowler,	McLain,	Steele,
Brosius,	Freer,	McPherson,	Stevens, Minn.
Brown,	Gaines,	McRae,	Stewart, N. J.
Brownlow,	Gamble,	Mahon,	Stewart, N. Y.
Brundidge,	Gardner, Mich.	Mann,	Stewart, Wis.
Bull,	Gardner, N. J.	Marsh,	Stokes,
Burke, S. Dak.	Gaston,	Mercer,	Sulloway,
Burke, Tex.	Gibson,	Mesick,	Sulzer,
Burkett,	Gilbert,	Metcalf,	Sutherland,
Burleigh,	Gill,	Miers, Ind.	Talbert,
Burnett,	Gillet, N. Y.	Miller,	Tate,
Burton,	Gillett, Mass.	Minor,	Tawney,
Butler,	Glynn,	Mondell,	Tayler, Ohio
Calderhead,	Graff,	Moody, Mass.	Taylor, Ala.
Caldwell,	Graham,	Moody, Oreg.	Terry,
Cannon,	Greene, Mass.	Moon,	Thayer,
Capron,	Griffith,	Morgan,	Thomas, Iowa
Chickering,	Grosvenor,	Morris,	Thomas, N. C.
Clark, Mo.	Grout,	Mudd,	Thropp,
Clayton, N. Y.	Grow,	Muller,	Tompkins,
Cochran, Mo.	Hall,	Naphen,	Tongue,
Cochrane, N. Y.	Hamilton,	Needham,	Underhill,
Connell,	Haugen,	Neville,	Van Voorhis,
Cooper, Wis.	Hawley,	O'Grady,	Vreeland,
Corliss,	Heatwole,	Olmsted,	Wachter,
Cousins,	Hedge,	Otjen,	Wadsworth,
Cowherd,	Hemenway,	Overstreet,	Wanger,
Cox,	Henry, Conn.	Packer, Pa.	Warner,
Crawford,	Henry, Miss.	Parker, N. J.	Waters,
Cromer,	Henry, Tex.	Payne,	Watson,
Crowley,	Hepburn,	Pearce, Mo.	Weaver,
Crump,	Hill,	Pearre,	Weeks,
Crumpacker,	Hoffecker,	Phillips,	White,
Cummings,	Hopkins,	Pierce, Tenn.	Williams, J. R.
Curtis,	Howell,	Powers,	Williams, W. E.
Dahle, Wis.	Hull,	Prince,	Williams, Miss.
Daly, N. J.	Jack,	Pugh,	Wilson, N. Y.
Dalzell,	Jett,	Ray,	Wilson, S. C.
Davenport, S. A.	Jones, Wash.	Reeder,	Wright,
Davenport, S. W.	Joy,	Rhea, Va.	Young, Pa.
Davidson,	Ketcham,	Robb,	Zenor,
Davis,	Kleberg,	Roberts, Mass.	Ziegler.

NOT VOTING—29.

Alexander,	Cusack,	Kerr,	Sparkman,
Bellamy,	Cushman,	Linney,	Spight,
Bingham,	Davey,	Noonan,	Stallings,
Boutelle, Me.	Fitzpatrick,	Reeves,	Weymouth,
Bromwell,	Fleming,	Riordon,	Wheeler, Ala.
Campbell,	Fox,	Rodenberg,	
Carmack,	Harmer,	Shackleford,	
Clarke, N. H.	Hitt,	Spalding,	

So the substitute resolution was rejected.

Mr. TAWNEY. Mr. Speaker, before the pairs are announced, I wish to state to the House that owing to the importance of this question and its nonpolitical character I have not assumed the responsibility or attempted to pair absent members on this question or on the one which will follow this, nor have I been able to secure pairs for absent members on this particular question who have requested me to do so. I have names here of those members who have requested me to obtain pairs for whom I could obtain no pairs, and who desired to be paired in favor of the majority report. I will announce the names now: Mr. CLARKE of New

Hampshire, Mr. BOUTELLE of Maine, Mr. CUSHMAN, Mr. RODENBERG, Mr. BROMWELL, Mr. KERR, and Mr. WEYMOUTH.

Mr. UNDERWOOD. Mr. Speaker, I wish also to make the statement that not knowing how gentlemen on this side of the House desired to be paired upon the vote upon this question, I have not secured a pair for any gentleman except for those who will be announced from the Speaker's desk, who have expressed how they desired to vote upon the question. All other absentees who did not express how they desired to vote on this question I have not attempted to pair. I wish to state that the gentleman from Mississippi, Mr. FOX, desired to be paired in favor of the majority report, but I was unable to obtain a pair for him; and if he were here he would have voted for it.

Mr. BUTLER. Mr. Speaker, my colleague, Mr. HARMER, has requested me to state that he is kept at home by reason of sickness. If he were here, he would have voted to sustain the majority report of this committee.

Mr. LINNEY. Mr. Speaker, I desire to inquire if my colleague, Mr. BELLAMY, from North Carolina, has voted?

The SPEAKER. There is a pair for the gentleman from North Carolina, Mr. BELLAMY.

Mr. LINNEY. I voted, then, under misapprehension. I voted "nay." I withdraw my vote.

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. MANN. Mr. Speaker, I desire to state that my colleague, Mr. RODENBERG, who is unavoidably detained from the House and the city, wired me to say that he would like me to secure a pair for him and, if a pair were not obtained, to announce that he would have voted for the majority as against the minority report.

Mr. GROSVENOR. Mr. Speaker, I desire to state that my colleague, Mr. BROMWELL, necessarily called away yesterday, desired me to state that if he were present, he would have voted to sustain the majority report and expected that he would be paired.

The SPEAKER. That information has been given to the House by the gentleman from Minnesota.

The following pairs were announced:

After Monday, 22d:

Mr. LINNEY with Mr. BELLAMY.

Until Monday:

Mr. REEVES with Mr. SPARKMAN.

For this day:

Mr. BINGHAM with Mr. RIORDAN.

Mr. HARMER with Mr. DAVEY.

The result of the vote was then announced as above recorded. [Applause.]

The SPEAKER. The question now is on the resolution reported by the majority.

Mr. TAYLER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 268, nays 50, not voting 36; as follows:

YEAS—268.

Acheson,	Cooney,	Gamble,	Klutts,
Adams,	Cooper, Wis.	Gardner, Mich.	Knox,
Allen, Me.	Corliss,	Gardner, N. J.	Lacey,
Atwater,	Cousins,	Gaston,	Lamb,
Babcock,	Cowherd,	Gibson,	Landis,
Bailey, Kans.	Cox,	Gilbert,	Lane,
Baker,	Crawford,	Gill,	Lanham,
Barber,	Cromer,	Gillet, N. Y.	Latimer,
Barham,	Crowley,	Gillett, Mass.	Lawrence,
Barney,	Crump,	Glynn,	Lentz,
Bartholdt,	Crumpacker,	Gordon,	Littauer,
Benton,	Cummings,	Graff,	Little,
Bishop,	Curtis,	Graham,	Lloyd,
Boreing,	Dahle, Wis.	Greene, Mass.	Long,
Boutell, Ill.	Daly, N. J.	Griffith,	Lorimer,
Bowersock,	Dalzell,	Grosvenor,	Loudenslager,
Bradley,	Davenport, S. A.	Grout,	Lovering,
Brantley,	Davenport, S. W.	Grow,	Lybrand,
Breazeale,	Davidson,	Hall,	McAleer,
Brenner,	Davis,	Hamilton,	McCleary,
Brick,	Dayton,	Haugen,	McDowell,
Brosius,	De Vries,	Hawley,	McLain,
Brown,	Denny,	Heatwole,	McPherson,
Brownlow,	Dick,	Hedge,	McRae,
Brundidge,	Dolliver,	Hemenway,	Mahon,
Bull,	Dougherty,	Henry, Conn.	Mann,
Burke, S. Dak.	Dovener,	Henry, Miss.	Marsh,
Burke, Tex.	Driggs,	Henry, Tex.	Meekison,
Burkett,	Driscoll,	Hepburn,	Mercer,
Burleigh,	Eddy,	Hill,	Mesick,
Burnett,	Emerson,	Hoffecker,	Metcalf,
Burton,	Epes,	Hopkins,	Miers, Ind.
Butler,	Esch,	Howell,	Miller,
Calderhead,	Faris,	Hull,	Minor,
Caldwell,	Finley,	Jack,	Mondell,
Cannon,	Fitzgerald, Mass.	Jenkins,	Moody, Mass.
Capron,	Fletcher,	Jett,	Moody, Oreg.
Chickering,	Fordney,	Johnston,	Moon,
Clark, Mo.	Foss,	Jones, Va.	Morgan,
Clayton, N. Y.	Foster,	Jones, Wash.	Morris,
Cochran, Mo.	Fowler,	Joy,	Mudd,
Cochrane, N. Y.	Freer,	Ketcham,	Muller,
Connell,	Gaines,	Kleberg,	Naphen,
Needham,	Ridgely,	Smith, Samuel W.	Thropp,
Neville,	Rixey,	Smith, Wm. Alden	Tompkins,
Norton, Ohio	Robb,	Southard,	Tongue,
Norton, S. C.	Roberts, Mass.	Sperry,	Underhill,
O'Grady,	Robinson, Ind.	Sprague,	Van Voorhis,
Olmsted,	Robinson, Nebr.	Stark,	Vreeland,
Otey,	Rucker,	Steele,	Wachter,
Otjen,	Ruppert,	Stevens, Minn.	Wadsworth,
Overstreet,	Russell,	Stewart, N. J	Wanger,
Packer, Pa.	Ryan, N. Y.	Stewart, N. Y.	Warner,
Parker, N. J.	Ryan, Pa.	Stewart, Wis.	Waters,
Payne,	Salmon,	Stokes,	Watson,
Pearce, Mo.	Scudder,	Sulloway,	Weaver,
Pearre,	Shackleford,	Sulzer,	Weeks,
Pierce, Tenn.	Shafroth,	Sutherland,	White,
Phillips,	Shattuc,	Talbert,	Williams, J. R.
Polk,	Shelden,	Tate,	Williams, W. E.
Powers,	Sheppard,	Tawney,	Williams, Miss.
Prince,	Sherman,	Taylor, Ohio	Wilson, N. Y.
Pugh,	Showalter,	Taylor, Ala.	Wilson, S. C.
Quarles,	Sibley,	Terry,	Wright,
Ray,	Small,	Thayer,	Young, Pa.
Reeder,	Smith, Ill.	Thomas, Iowa	Zenor,
Rhea, Va.	Smith, H. C.	Thomas, N. C.	Ziegler.

NAYS—50.

Adamson,	Cooper, Tex.	Lewis,	Robertson, La.
Allen, Ky.	De Armond,	Littlefield,	Sims,
Allen, Miss.	De Graffenreid,	Livingston,	Slayden,
Bailey, Tex.	Dinsmore,	McClellan,	Smith, Ky.
Ball,	Elliott,	McCulloch,	Snodgrass,
Bankhead,	Fitzgerald, N. Y.	Maddox,	Stephens, Tex.
Bartlett,	Gayle,	May,	Swanson,
Brewer,	Green, Pa.	Meyer, La.	Turner,
Broussard,	Griggs,	Newlands,	Underwood,
Burleson,	Hay,	Ransdell,	Wheeler, Ky.
Catchings,	Howard,	Rhea, Ky.	Wilson, Idaho.
Chanler,	Kitchin,	Richardson,	
Clayton, Ala.	Lester,	Robbins,	

NOT VOTING—36.

Alexander,	Clarke, N. H.	Kahn,	Rodenberg,
Bell,	Cusack,	Kerr,	Spalding.
Bellamy,	Cushman,	Levy,	Sparkman,
Berry,	Davey,	Linney,	Spight,
Bingham,	Fitzpatrick,	Loud,	Stallings.
Boutelle, Me.	Fleming,	McCall,	Vandiver,
Bromwell,	Fox,	Noonan,	Weymouth,
Campbell,	Harmer,	Reeves,	Wheeler, Ala.
Carmack,	Hitt,	Riordon,	Young, Va.

So the resolution was agreed to.

Mr. GRIGGS. Mr. Speaker, I think it is due my colleague, Mr. FLEMING, to state that he is absent on account of serious illness.

Mr. SHERMAN. Mr. Speaker, my colleague, Mr. ALEXANDER, is quarantined at his residence. Were he here, he would have voted against the minority report and for the majority report.

The following additional pair was announced:

Mr. ALEXANDER with Mr. MCCALL, on this question.

The result of the vote was then announced as above recorded. [Loud applause.]

On motion of Mr. TAYLER of Ohio, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature of the enrolled bill (S. 1933) to provide an American register for steam whaler *Bowhead*.

Mr. PAYNE. Mr. Speaker, I move that the House adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 42 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Clara N. Flower et al. against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William J. Webb, administrator of estate of John Webb, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 7081) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence, reported the same without amendment, accom-

panied by a report (No. 119); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2336) repealing section 4716 of the Revised Statutes so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain, reported the same without amendment, accompanied by a report (No. 120); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 1806) for the relief of W. W. Riley, reported the same without amendment, accompanied by a report (No. 118); which said bill and report were referred to the Private Calendar.

Mr. GAMBLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5355) for the relief of John D. Hale, of Tilford, Meade County, S. Dak., reported the same without amendment, accompanied by a report (No. 121); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bill and resolution of the following titles; which were thereupon referred as follows:

A bill (H. R. 5939) for the relief of Franklin Buchanan Sullivan—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

Joint resolution (H. J. Res. 108) for the relief of Thomas Hoyne—Committee on Appropriations discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JONES of Washington: A bill (H. R. 7331) for the establishment of joint light-houses and fog-signal stations on the coast of the district of Alaska—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7332) prohibiting the establishment or extension of forest reserves in the State of Washington except by act of Congress—to the Committee on the Public Lands.

Also, a bill (H. R. 7333) providing for the payment of certain sums to volunteer soldiers in the war with Spain and the insurrection in the Philippines—to the Committee on Military Affairs.

Also, a bill (H. R. 7334) for the relief of certain settlers on the public lands, and to repay them certain moneys paid upon lands within the limits of railroad grants forfeited to the Government by act of Congress—to the Committee on the Public Lands.

By Mr. THOMAS of North Carolina: A bill (H. R. 7335) to authorize and direct the Secretary of War to cause a survey to be made of Trent River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7336) to authorize and direct the Secretary of War to cause a survey to be made of Big Swift Creek, Craven County, N. C.—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: A bill (H. R. 7337) to regulate insurance in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. DALZELL: A bill (H. R. 7338) to amend an act approved March 3, 1899, entitled "An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes"—to the Committee on Ways and Means.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 7339) prohibiting the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service of the United States, and so forth—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: A bill (H. R. 7340) to authorize the Secretary of the Interior to refund to settlers and entrymen fees and commissions and payments made in land entries in certain cases—to the Committee on the Public Lands.

By Mr. GAINES: A bill (H. R. 7341) to provide for an addition to the custom-house at Nashville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD (by request): A bill (H. R. 7342) to incorporate the East Washington and Bennings Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. ACHESON: A bill (H. R. 7343) to establish a fish-hatching and fish station in the State of Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. SAMUEL W. DAVENPORT: A bill (H. R. 7344) to increase the limit of cost for the purchase of site and erection of a public building thereon at Wilkesbarre, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. EPES: A bill (H. R. 7345) to establish a national military park at the battlefields around Petersburg, Va.—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 7346) for the improvement of the Missouri River at and near the mouth of Smiths Creek, near Bernheimer, Warren County, Mo.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7347) making an appropriation to improve the harbor of Hermann, on the Missouri River, in Gasconade County, Mo.—to the Committee on Rivers and Harbors.

By Mr. MOON: A bill (H. R. 7348) to pension United States soldiers in Mexican and Indian wars—to the Committee on Pensions.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 7349) fixing the compensation of customs inspectors at the port of Philadelphia in lieu of extra compensation for night services hereafter to be rendered in the examination of baggage, and for other purposes—to the Committee on Ways and Means.

By Mr. RAY of New York: A bill (H. R. 7350) for the appointment of a reporter and for the publication and destribution of the decisions of the United States circuit courts of appeals—to the Committee on the Judiciary.

By Mr. SULZER: A bill (H. R. 7427) providing for the adjustment and payment of the accounts of laborers and mechanics arising under the eight-hour law—to the Committee on Claims.

By Mr. BABCOCK: A bill (H. R. 7428) to provide for the compulsory support of children by parents in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. DAVIDSON: A bill (H. R. 7429) to prevent desecration of the American flag—to the Committee on the Judicary.

By Mr. SHOWALTER: A joint resolution (H. J. Res. 137) proposing an amendment to the Constitution of the United States prohibiting polygamy and polygamous cohabitation within the bounds of a State or Territory of the United States—to the Committee on the Judiciary.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 116) relating to the establishment of a light-house and fog-signal stations on State Ledge, Boston Harbor—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 7351) to correct the military record of Samuel Craven, of Gillhall, Allegheny County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7352) for the relief of James M. Andrews—to the Committee on War Claims.

Also, a bill (H. R. 7353) granting a pension to William P. Bane, of Hackney, Washington County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7354) granting a pension to M. V. Douglass, of Canonsburg, Washington County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7355) granting a pension to Henry H. Wilson, of Fallowfield, Washington County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7356) granting a pension to Mary Leonard, formerly Marie Tebe—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 7357) for the relief of Charles Banks, of the parish of Rapides, La.—to the Committee on War Claims.

Also, a bill (H. R. 7358) for the relief of the estate of Terence Chaler, deceased, late of Natchitoches Parish, La.—to the Committee on War Claims.

By Mr. COOPER of Texas: A bill (H. R. 7359) for the relief of Louis Levy, of Jefferson County, State of Texas—to the Committee on War Claims.

By Mr. CLAYTON of New York: A bill (H. R. 7360) granting a pension to Jacob Weiss—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 7361) to grant a pension to Gevert Schutte—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 7362) granting a pension to Mary F. Wright—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 7363) to correct the military record of David W. Smythe—to the Committee on Military Affairs.

Also, a bill (H. R. 7364) removing the charge of desertion from the military record of James Charles Cramer—to the Committee on Military Affairs.

By Mr. DOLLIVER: A bill (H. R. 7365) to increase the pension of Seymore Bookman—to the Committee on Invalid Pensions.

By Mr. DRIGGS: A bill (H. R. 7366) to remove charge of desertion against the name of John S. Wood—to the Committee on Military Affairs.

By Mr. EPES: A bill (H. R. 7367) for the relief of Reuben Ragland—to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 7368) for the relief of Sherman D. Plues—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 7369) for the relief of the estate of John J. Hamel, Davidson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7370) for the relief of Elizabeth J. Cleveland, of Davidson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7371) for the relief of Daniel Collins, Davidson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7372) for the relief of Sarah McClay, administratrix of Robert McClay, deceased, late of Davidson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7373) for the relief of Louisa E. McLean—to the Committee on War Claims.

Also, a bill (H. R. 7374) for the relief of West H. Washburn, of Waverly, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7375) for the relief of the La Grange Synodical College, of Tennessee—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: A bill (H. R. 7376) to rerate the pension allowed to J. H. Braynard—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 7377) granting a pension to Mary Sherwood—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 7378) for the relief of George Rea, deceased, late of Copiah County, Miss.—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 7379) for the relief of David Sheetz, of Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7380) for the relief of William Weaver, of Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7381) for the relief of Michael Good, of Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7382) for the relief of estate of John Catlett, deceased, late of Warren County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7383) for the relief of Martin Buckholder, administrator of Abraham Buckholder, deceased, late of Rockingham County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7384) for the relief of David Rudy, of Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7385) for the relief of the estate of Jacob B. Snapp, of Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7386) for the relief of Samuel E. Long, of Rockingham County, Va.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 7387) granting a pension to Mary Cathran—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 7388) increasing the pension of William H. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7389) to grant $30 per month pension to Mary R. Miller, widow of William E. Miller, late colonel Twenty-eighth Iowa Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7390) for the relief of James W. Hall, late of Company A, First Indiana Volunteer Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7391) granting a pension to Maria B. Woolson—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 7392) for the relief of William P. Cockey—to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 7393) referring the claim of Hannah S. Crane and others to the Court of Claims—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 7394) granting an increase of pension to Clinton W. Pursel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7395) granting a pension to Martha J. Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7396) granting an increase of pension to John Blasiar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7397) granting an increase of pension to James Hoover—to the Committee on Pensions.

By Mr. LOVERING: A bill (H. R. 7398) for the relief of Hudson Maxim and W. H. Graham, in connection with various inventions—to the Committee on Patents.

By Mr. LANE: A bill (H. R. 7399) granting an increase of pension to Adam Crawshaw—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 7400) for the relief of James J. Wheeler, Lagrande, Union County, Oregon Volunteers—to the Committee on Pensions.

By Mr. McRAE (by request): A bill (H. R. 7401) for the relief of Mrs. S. A. Johnson, of Desha County, Ark.—to the Committee on War Claims.

Also (by request), a bill (H. R. 7402) for the relief of William Crow—to the Committee on War Claims.

Also (by request), a bill (H. R. 7403) for relief of estate of Joshua Hill—to the Committee on War Claims.

By Mr. MOON: A bill (H. R. 7404) for the relief of the trustees of McDaniel's Chapel, Methodist Episcopal Church South, at Shellmound, Marion County, Tenn.—to the Committee on Claims.

Also, a bill (H. R. 7405) for the relief of Sarah Crabtree—to the Committee on War Claims.

Also, a bill (H. R. 7406) to remove the charge of desertion from the name of Henry A. Cryderman, and so forth—to the Committee on Military Affairs.

By Mr. MUDD (by request): A bill (H. R. 7407) for the relief of Rinaldo P. Smith, of Baltimore, Md.—to the Committee on Claims.

By Mr. MAHON: A bill (H. R. 7408) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain—to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 7409) for the relief of Mary E. Whitehead—to the Committee on War Claims.

By Mr. OTEY: A bill (H. R. 7410) for relief of C. T. Bowen—to the Committee on War Claims.

Also, a bill (H. R. 7411) for the relief of Gertrude S. Tarlton, widow of E. W. Tarlton, major, Third United States Cavalry—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 7412) granting a pension to Chauncey Kimmell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7413) for the relief of Abraham G. Wilson—to the Committee on War Claims.

Also, a bill (H. R. 7414) granting an increase of pension to Jacob H. Heck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7415) granting a pension to William H. Jones—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 7416) granting an increase of pension to Catharine Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7417) for the relief of Thomas Hopkins—to the Committee on War Claims.

Also, a bill (H. R. 7418) granting an increase of pension to George Garrett—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 7419) for the relief of Lorenzo Thomas, jr., and Henry C. Thomas, both of Washington, D. C.—to the Committee on War Claims.

By Mr. RYAN of New York: A bill (H. R. 7420) to grant a pension to Esther B. Guthrie—to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 7421) granting a pension to Esther Dyer Hammond—to the Committee on Pensions.

By Mr. SCUDDER: A bill (H. R. 7422) to remove the charge of desertion against Charles L. Herbeck, late of Company E, Eighty-third New York Infantry Volunteers, and authorize his honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 7423) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company, and making an appropriation to satisfy said claim of $1,800, or so much thereof as may be necessary—to the Committee on Claims.

Also, a bill (H. R. 7424) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company, and making an appropriation to satisfy said claim of $237.36, or so much thereof as may be necessary—to the Committee on Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 7425) for the relief of James M. Howard, administrator of Thomas S. Howard, deceased—to the Committee on War Claims.

By Mr. WHEELER of Kentucky: A bill (H. R. 7426) to remove the charge of desertion from the record of George W. Goldsby—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 7430) for the relief of Mary Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7431) for relief of Henry Barlow—to the Committee on Pensions.

Also, a bill (H. R. 7432) granting an increase of pension to E. H. Mileisen—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Manufacturers' Club of

Philadelphia, Pa., indorsing House bill No. 887, to provide for adding and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of post-office clerks of Augusta, Me., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Missouri: Protest of the American Federation of Labor, against the ceding of large areas of the public domain to individuals and corporations—to the Committee on Labor.

By Mr. COWHERD: Papers to accompany House bill granting a pension to Gevert Schutte—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Manufacturers' Club of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Papers to accompany House bill to increase the pension of Seymore Bookman—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Petition of citizens of Charleston County, S. C., for improvement of the inland water course for navigation north of Sullivan and Long Island, South Carolina—to the Committee on Rivers and Harbors.

By Mr. EPES: Paper to accompany House bill for the relief of Reuben Ragland—to the Committee on Claims.

Also, paper to accompany House bill No. 7345, to establish a national military park at the battlefields around Fredericksburg, Va.—to the Committee on Military Affairs.

By Mr. ESCH: Resolutions of Eagle Post, No. 52, Grand Army of the Republic, Department of Wisconsin, praying for the reintroduction and passage of bill for the appointment of honorably discharged soldiers, sailors, and marines to office—to the Committee on Reform in the Civil Service.

Also, resolutions of E. B. Wolcott Post, Grand Army of the Republic, Department of Wisconsin, protesting against the passage of a proposed bill providing for the removal of disabilities of all deserters from the military service of the United States—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Petition of the National Woman Suffragists of Massachusetts, against the insertion of the word "male" in the suffrage clauses of the constitutions of Hawaii, Cuba, etc.—to the Committee on Insular Affairs.

By Mr. HENRY of Mississippi: Papers in support of House bill for the relief of the estate of George Rea, deceased, late of Copiah County, Miss.—to the Committee on War Claims.

By Mr. HULL: Papers to accompany bill granting a pension to Mira B. Woolson—to the Committee on Invalid Pensions.

By Mr. JACK: Evidence submitted in support of House bill No. 5148, for the relief of W. B. Sutter—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of citizens of the town of Brewster, N. Y., for legislation relating to dairy or food products—to the Committee on Agriculture.

By Mr. LACEY: Resolution of the Chicago Federation of Labor, against granting the arid lands to the States—to the Committee on the Public Lands.

By Mr. LONG: Petition of R. P. Murdock and 6 others, of Wichita, Kans., asking for strict neutrality on the part of the United States in the war between Great Britain and the South African Republic—to the Committee on Foreign Affairs.

By Mr. McDOWELL: Petitions of the publishers of the Ashtabula Beacon and Telegraph and the Millersburg Farmer, in the State of Ohio, urging the passage of House bill No. 5029, to put wood pulp and printing paper on the free list—to the Committee on Ways and Means.

By Mr. MOON: Papers to accompany House bill to remove the charge of desertion against the military record of Henry A. Cryderman—to the Committee on Military Affairs.

By Mr. NORTON of South Carolina: Petition of the board of health of the city of Charleston, S. C., with reference to yellow fever in Habana, Cuba—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: Paper to accompany House bill for the relief of Chauncey Kimmell—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Resolutions of Division No. 1, Ancient Order of Hibernians, of Stonington, Conn., expressing sympathy with the Boers—to the Committee on Foreign Affairs.

Also, petition of the Woman Suffrage Association of Connecticut, relating to suffrage in insular possessions—to the Committee on Insular Affairs.

By Mr. RYAN of New York: Petition of Buffalo Merchants' Exchange, to order a preliminary survey of Black Rock Harbor and approaches thereto from Lake Erie—to the Committee on Rivers and Harbors.

Also, petition of the Lake Carriers' Association, asking for the passage of the bill to establish an admiralty court at Buffalo, N. Y.—to the Committee on the Judiciary.

Also, papers in behalf of the people of the Seneca Nation, New York Indians—to the Committee of Indian Affairs.

By Mr. SHACKLEFORD: Petitions of the publishers of the Weatherford Democrat, Granville Herald, Shiner Gazette, Shulenburg Sticker, Corsicana Truth, Lancaster Herald, Denton Monitor, Bonham News, Comanche Exponent, Dublin Progress, Myrtle Springs Herald, Georgetown Sun, Circo Roundup, Honey Grove Citizen, Bryan Eagle, Greenville Observer, Greenville Independent Farmer, Jacksonville Reformer, Goldthwaite Eagle, Farmersville Times, Garland News, Brenham Banner, Hillsboro Mirror, Temple Times, Waxahachie Enterprise, Gainesville Register, Itasca Item, Longville Times-Clarion, and Henderson Times, all in Texas; New York Mills Uusi Kotimaa, Minnesota; Dover (Del.) Sentinel, Gloucester (Mass.) Breeze, Willows (Cal.) Journal, Waukegan (Ill.) Gazette, Toronto (Ohio) Tribune, Cleveland (Ohio) Advocate, Pioneer (Ohio) Alliance, Sidney (Ohio) Gazette, Independence (Iowa) Farmers' Advocate, Burlington (Iowa) Post, Manchester (Iowa) Democrat, Ackley (Iowa) World, Omaha (Nebr.) Amerika, Honesdale (Pa.) Citizen, West Point (Nebr.) Republican, Carbondale (Pa.) Leader, Latrobe (Pa.) Clipper, Pottsville (Pa.) Journal, Susquehanna (Pa.) Transcript and Journal, and Madisonville (Tenn.) Democrat, for relief from the paper trust—to the Committee on Ways and Means.

By Mr. STEELE: Petition of Eli March and others, of Logansport, Ind., for the reclassification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. UNDERHILL: Petition of clerks in the post-office at Sing Sing, N. Y., in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Resolutions adopted by the Lake Carriers' Association, Detroit, Mich., favoring the passage of House bill No. 3988, to reorganize and improve the Weather Bureau—to the Committee on Agriculture.

Also, resolutions adopted by the trustees of Buffalo, N. Y., Merchants' Exchange, to amend the Revised Statutes of the United States relating to the northern district of New York, to divide same into two districts and provide for terms of court to be held therein—to the Committee on the Judiciary.

Also, resolution adopted by the Lake Carriers' Association, held at Detroit, Mich., favoring the division of the northern judicial district of New York, etc.—to the Committee on the Judiciary.

By Mr. YOUNG of Pennsylvania: Petition of druggists of the Twenty-first Ward, Philadelphia, Pa., Frederick Humphreys, M. D., and others, asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

Also, resolution of the Manufacturers' Club of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 26, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

H. J. Res. 129. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Olmedo Alfaro, of Ecuador; and

H. R. 4602. An act to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, in which the concurrence of the House was requested.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 6777. An act relative to the widening and extension of Sixteenth street in the District of Columbia.

CENSUS.

Mr. HOPKINS. Mr. Speaker, I have a privileged report which I desire to present—a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 2179) entitled "An act relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the word "censuses," at the end of the matter inserted by said amendment, insert the following:

"*Provided*, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address."

And the House agree to the same.

That the House recede from its amendment numbered 2.

A. J. HOPKINS,
CHARLES A. RUSSELL,
F. M. GRIFFITH,
Managers on the part of the House.

THOS. H. CARTER,
EUGENE HALE,
S. D. McENERY,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2179) relating to the Twelfth and subsequent censuses submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report, namely:

On amendment numbered 1, concerning statistics of deaf, dumb, and blind, it is proposed to add that in taking the census of said classes the inquiries shall be confined to the questions of name, age, sex, and post-office address.

The amendment of the House numbered 2, relating to statistics in regard to mines, mining, and minerals, is stricken out.

A. J. HOPKINS,
CHARLES A. RUSSELL,
F. M. GRIFFITH,
Managers on the part of the House.

Mr. HOPKINS. Mr. Speaker, I move the adoption of this report; and if no gentleman desires to ask any question, I move the previous question.

The previous question was ordered; and under the adoption thereof the report of the committee of conference was adopted.

On motion of Mr. HOPKINS, a motion to reconsider the vote by which the report was adopted was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported a bill (H. R. 7433) making appropriations for current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes; which was read a first and second time.

Mr. RICHARDSON. I reserve all points of order upon the bill.

The bill, with the accompanying report, was then referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

SAC AND FOX INDIANS IN IOWA.

Mr. SHERMAN. I am instructed by the Committee on Indian Affairs to report back favorably the resolution which I send to the desk, and ask its present consideration.

The Clerk read the following resolution, submitted January 18, 1900, by Mr. COUSINS:

Resolved, That the Secretary of the Interior be, and he is hereby, authorized and directed to ascertain and report to the House, as early as practicable, what was the number of Indians of that part of the confederated tribes known as the Sac and Fox of the Mississippi, residing in the State of Iowa, to and for whom no portion of the tribal annuities was paid or expended for the period from 1855 to 1869, both inclusive, as reported by him to Congress March 12, 1896 (Senate Document No. 167, Fifty-fourth Congress, first session), and what would have been the amount of their shares if said tribal annuities, less the amounts annually expended to meet requirements of treaty provisions, had been apportioned and distributed pro rata to the members of the different portions of said tribes; also, what were the numbers, annually, of the members of said tribes, as shown by the accounts of the proper disbursing officers, from 1867 to 1899, both inclusive, receiving annuities at the agencies having charge of the respective portions of said tribes and the amounts of the tribal annuities paid to or expended for each portion, less the amounts annually expended to meet the requirements of treaty provisions, and to state and report an account showing in detail any unequal apportionment and distribution of said tribal annuities to that portion of the tribes now residing in the State of Iowa; and, further, to report what amount, if any, of the salary of the principal chief of the Fox Indians of said confederated tribes for the period from 1855 to 1899, both inclusive, has not been paid to him from said tribal annuities, as required by the fourth article of the treaty of 1842 and the ninth article of the treaty of 1867 with said Indians.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the House proceeded to the consideration of the resolution; which was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I understand the deficiency bill has been returned from the Senate and is on the Speaker's table.

The SPEAKER. It is.

Mr. CANNON. I ask unanimous consent that the House nonconcur in the amendments of the Senate and ask for a conference.

There was no objection, and it was ordered accordingly,

The SPEAKER announced the appointment of Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON as conferees on the part of the House.

PRINTING FOR COMMITTEE ON RIVERS AND HARBORS.

Mr. BURTON. I ask for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Rivers and Harbors be authorized to have printed and bound such papers and documents for the use of said committee as it may deem necessary in connection with the subjects considered or to be considered by said committee during the Fifty-sixth Congress.

There being no objection, the House proceeded to consider the resolution; which was agreed to.

COMMITTEE ON RIVERS AND HARBORS.

Mr. BURTON. Mr. Speaker, I also ask unanimous consent for the present consideration of the resolution I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Rivers and Harbors be granted permission to sit during the sessions of the House and during the recess of Congress.

The SPEAKER. Is there objection to the present consideration of the resolution presented by the gentleman from Ohio?

There was no objection, and the resolution was agreed to.

FORT HAYS MILITARY RESERVATION.

Mr. MILLER. Mr. Speaker, I desire to ask the privilege of the House to call up a report from the Committee on the Public Lands on the bill (H. R. 955) granting to the State of Kansas the abandoned Fort Hays Military Reservation in said State for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park, and ask immediate consideration of the same.

The SPEAKER. The bill to which the gentleman refers will be read; after which the Chair will ask if there be objection.

The bill was read, as follows:

Be it enacted, etc., That the abandoned Fort Hays Military Reservation, and all the improvements thereon, situated in the State of Kansas, be, and the same is hereby, granted to said State upon the conditions that said State shall establish and maintain perpetually thereon, first, a western branch of the Kansas Agricultural College; second, a western branch of the Kansas State Normal School, and that in connection therewith the said reservation shall be used and maintained as a public park: *Provided*, That said State shall, within five years from and after the passage of this act, accept this grant, and shall by proper legislative action establish on said reservation western branches of the Kansas Agricultural College and the Kansas State Normal School; and whenever the lands shall cease to be used by said State for the purposes herein mentioned the same shall revert to the United States.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask if there is a report accompanying this bill. And if so, I should like to have it read, reserving the right to object.

Mr. HITT. Mr. Speaker, if the gentleman from Alabama will permit me to make a statement, he will probably not insist upon his demand. The report is quite a lengthy document; and the gentleman from Kansas who calls up the bill can state the purport of it very much more briefly and present the facts accompanying it. I may state also that this is the unanimous report of the Committee on the Public Lands.

Mr. UNDERWOOD. I have no objection.

Mr. MILLER. Mr. Speaker, I desire to say that this bill is an exact copy of the bill presented to the Fifty-third Congress, and which was passed both by the House and Senate, but failed to become a law by reason of the fact that it did not receive the President's signature. It was also introduced in the last session of the Fifty-fifth Congress and passed the Senate, but failed to reach a vote in the House by reason of the refusal of the Speaker to permit it to be taken up.

It is unanimously reported from the Committee on the Public Lands of the House; and the Committee on the Public Lands of the Senate have also unanimously reported in favor of it.

A provision of the bill—and the only essential feature of it—is to give to the State of Kansas an abandoned military reservation, known as the Fort Hays Military Reservation, containing somewhere about 7,000 acres of land. This land is to be used by the State, as provided in the bill, exclusively for educational purposes, to establish a branch agricultural college and State normal school for the benefit of the people of that State, and the legislature has unanimously asked that it be done. It is a matter of considerable importance to our people, and we appreciate the necessity and the importance of the legislation which is now proposed.

I may add that there is a provision embodied in the bill that if the land is not perpetually used for such purpose as is contemplated in the bill it shall revert to the General Government.

As I said, there are about 7,000 acres of land contained in this abandoned military reservation. When the Indians were removed from that western country to the Indian Territory many years ago it was abandoned. There are about forty buildings upon the reservation, which during all these years have been going to waste. The land is absolutely useless for Government purposes, and it is expensive for the Government even to try to protect its property. The reservation was opened up for settlement, but, being out in

that section of the State where the land is arid, it was not settled, and was afterwards withdrawn from sale by the Secretary of the Interior in order that the Congress of the United States might take the action that was then contemplated in relation thereto. That is the present condition of this military reservation, and we are simply asking that it may be donated to the State to be used for these specific educational purposes.

I might say that the agricultural college of the State of Kansas is the largest agricultural college in the United States. It is now overcrowded, and the lands that are being used by that institution are not nearly large enough for the work that they desire to do. If this reservation is given to the State for that purpose, immediately there will be a branch agricultural college located there, and also a branch of the State Normal School, which has more than 1,200 pupils in it, and is one of the great educational institutions of our country. The people of the western part of the State particularly are anxious that this should be done in order that they may enjoy the privileges of these additional educational facilities. I trust that there will be no objection; that this matter may be taken up now and passed upon.

Mr. RICHARDSON. I should like to ask the gentleman what these lands are supposed to be worth?

Mr. MILLER. I think the lands were appraised at $4 an acre. The land is not valuable for any purpose as it is at present, but when once irrigated will become productive and valuable. Then, if it is not used for educational purposes, it will revert back to the Government of the United States in a much more valuable condition than it now is.

Mr. TERRY. Is this body of 7,000 acres of land to remain intact, or can you, under the bill, sell it off from time to time?

Mr. MILLER. It is to remain intact, with the exception of a portion of it that has some growing timber upon it, which is to be used for parking purposes, simply to beautify the school grounds for the Agricultural College and the State Normal School.

Mr. UNDERWOOD. I should like to ask the gentleman from Kansas if I understood his statement that this land had ever been open to homestead settlement?

Mr. MILLER. The land was opened for homestead settlement under the law of 1884, but afterwards withdrawn from settlement because of the contemplated action of Congress.

Mr. UNDERWOOD. Settlers were never given an opportunity to enter the land, were they?

Mr. MILLER. Yes; it was open for settlement for a number of years, but no settlers desired to go in and take the land for farming.

Mr. UNDERWOOD. When was that done?

Mr. MILLER. The report shows the date when it was opened up, and it also shows when it was withdrawn.

Mr. UNDERWOOD. When does the report say this reservation was turned over to the public domain? When did it cease to be a military reservation and become a part of the public domain of the United States?

Mr. MILLER. Its use as a military reservation was abandoned some sixteen years ago, and no action of any kind was taken, excepting the opening up of this land for a settlement, until the action of the Fifty-third Congress.

Mr. UNDERWOOD. Now, I should like to ask the gentleman this question: I understand this property is located near Fort Dodge.

Mr. MILLER. No; it is not near Fort Dodge; it is north of Fort Dodge.

Mr. UNDERWOOD. How far?

Mr. MILLER. About a hundred miles north of Fort Dodge.

Mr. UNDERWOOD. Is not the surrounding country settled?

Mr. MILLER. Yes; some portions of that country are settled near there, and then immediately north of that, some 10 or 12 miles, it is thickly settled, and then again, some miles south it is well settled.

Mr. UNDERWOOD. Mr. Speaker, I think I have some recollection of this bill in the last Congress, and from the information I have, I think this bill covers valuable lands. When the matter was before Congress on a former occasion, I think it was stated that those lands were worth from $20 to $25 an acre, that they are not arid lands, that they are not unused lands, that the balance of the country surrounding it is open to settlement, and that it ought to be thrown open, at least to homestead settlement. For that reason I am constrained to object to the present consideration of the bill.

The SPEAKER. Objection is made by the gentleman from Alabama [Mr. UNDERWOOD].

Mr. CALDERHEAD. Just a moment. I do not think the gentleman from Alabama will persist in his objection if he knows the facts concerning the value of that land.

The SPEAKER. Objection is made, unless the gentleman from Alabama withdraws it.

Mr. RIDGELY. Will the gentleman from Alabama withdraw his objection until I can make a statement?

The SPEAKER. The Chair has no discretion, unless the gentleman from Alabama withdraws his objection.

Mr. RIDGELY. Will the gentleman withdraw his objection, to allow me to make a statement?

Mr. UNDERWOOD. Yes; I will withdraw it temporarily.

The SPEAKER. The objection is withdrawn.

Mr. RIDGELY. Mr. Speaker, for the information of members, and especially for the information of the gentleman from Alabama——

Mr. UNDERWOOD. Mr. Speaker, is it understood that I only withdrew my objection to let the gentleman have the floor temporarily?

The SPEAKER. The Chair understood that the gentleman from Alabama withdrew his objection.

Mr. UNDERWOOD. Mr. Speaker, I made the statement that I withdrew it temporarily.

The SPEAKER. There is no such thing as a temporary withdrawal, but there is nothing to prevent the gentleman renewing the objection.

Mr. UNDERWOOD. I wish to have the privilege of renewing it.

Mr. RIDGELY. I would like to state, for the information of members, that I have a personal knowledge of the country wherein this land is situated. It is in the extreme western portion of the State, or at least in the western one-third of the State, where the land is exceedingly dry and lies high above the streams. Immediately upon the streams, so far as their water supply will irrigate, we have population and agricultural use of the country. The higher lands, upon the prairie, that can not be irrigated, are practically worthless for agricultural purposes in their present condition. Occasionally we do get some wheat upon these high lands, but even that is precarious. These lands were open for settlement for a number of years, as the gentleman tells us, and no settler felt that he could afford to make the venture.

If the State of Kansas could be permitted to simply use these lands—we do not ask the title from the General Government, we simply ask permission to locate an experiment station of our agricultural college thereon—the State of Kansas could afford to sink artesian wells and lift to the surface a sufficient amount of water to sustain the experiment and determine the best way of utilizing these semidesert lands for the benefit of the entire State and the nation. We do not feel that the General Government would lose anything in ceding the mere use of these lands and what little improvements there may be upon them, which, as has been stated, are an expense to the Government to preserve them. It is impossible to sell these improvements for much.

Therefore I ask and hope the gentleman from Alabama will withdraw his objection. This is the same legislation that once passed this House and simply failed on account of the limited time. It comes before us again with the unanimous report of the entire committee, and I hope the gentleman will not insist on his objection.

Mr. STEPHENS of Texas. I understand the gentleman to say that the land covered by this bill is a military reservation?

Mr. RIDGELY. Yes, sir. Its use, however, has been abandoned for some years.

Mr. STEPHENS of Texas. Did the United States buy that land from anyone; and if so, from whom?

Mr. RIDGELY. The land has always been United States land. The Government allowed the Indians about 10 cents per acre for it by treaty.

Mr. STEPHENS of Texas. Public domain?

Mr. RIDGELY. It is a part of the public domain, away out in what is called the short-grass country.

Mr. STEPHENS of Texas. When was it transferred to the War Department for military purposes?

Mr. RIDGELY. It was simply made a military reservation, and now the Government has abandoned its use entirely.

Mr. STEPHENS of Texas. And it was transferred to the public domain?

Mr. RIDGELY. For a time.

Mr. STEPHENS of Texas. Is it a part of the public domain at present?

Mr. RIDGELY. At present it is withdrawn from the public domain. That is, withheld from settlement.

Mr. MILLER. By order of the Secretary of the Interior.

Mr. STEPHENS of Texas. But the legal status is that it is public land of the United States.

Mr. RIDGELY. Oh, yes.

Mr. HENRY of Mississippi. How many acres are there in this reservation?

Mr. RIDGELY. Seven thousand acres.

Mr. SMITH of Kentucky. How long is it proposed to cede it to the State of Kansas?

Mr. RIDGELY. So long as the State shall use it as an experiment station and for school purposes, and it must begin this use within five years.

Mr. PARKER of New Jersey. I would like to inquire of the gentleman if this is not the sort of land that would be needed in case of another war for camp purposes for troops?

Mr. RIDGELY. I do not hear the gentleman.

Mr. PARKER of New Jersey. In case we have to establish camps in time of war, would not this be the kind of property that we ought to have in reserve for putting and training troops on?

Mr. RIDGELY. I think not. I think this Government will not have occasion to so use it within a century. We would not place an army so far from water and transportation; we have so much better and so much more highly improved military camps and military reservations already equipped to take care of our soldiers.

Mr. PARKER of New Jersey. But we did use them during the late war for camping purposes when we raised troops in the various States. Is not this available for camp purposes?

Mr. RIDGELY. The transportation facilities would not make it valuable or available for such purposes; nor is there sufficient water in the vicinity to admit of using this reservation as a camp for more than a small garrison force, and the necessity for this use has long since passed.

Mr. CALDERHEAD. I would state to the gentleman from New Jersey that there is a military reservation of 22,000 acres at Fort Riley.

Mr. LACEY. Mr. Speaker, I think there is a slight misunderstanding upon the part of the House and upon the part of Congress in regard to this reservation. The reservation is a military reservation, which was transferred to the Interior Department to be disposed of under the McRae Act. It was to be appraised; and it has been appraised, opening the settlement under the McRae Act at the appraised value. After this had been done and before the time that it was to be settled, Congress took the matter up, and a bill was introduced, either in this House or in the Senate, to allow the State of Kansas to take possession of this property for educational purposes.

A large number of buildings there, practically worthless for any commercial purpose, can be utilized by the State for educational purposes. The property was appraised at about $5 an acre. It is worth in the neighborhood of $35,000, I am told. On account of the buildings there, which would be useful to the State for educational purposes, and in view of the comparatively small value of the land, if sold by the United States and the proceeds turned into the Treasury, it has been thought best to let the reservation go in this way for educational purposes. The Secretary of the Interior withdrew the land from market under the McRae Act, and a bill has been reported or passed in each Congress making this grant. Congress having the subject under investigation, the Secretary of the Interior declined to go on and dispose of the property until Congress has reached a determination upon the subject.

The property stands there in that way. In the meanwhile it is in charge of a custodian appointed by the Interior Department. It is rapidly deteriorating in value so far as the improvements are concerned. It is swept by the gentle Kansas cyclones and is subject to the other unfavorable influences of the weather, which affects buildings in that State perhaps more rapidly than in any other. The buildings are now in bad repair. Either Congress ought to vote down this proposition and let the property be disposed of under the McRae Act or else the grant to the State ought to be made as here proposed.

Mr. UNDERWOOD. What does the Government pay the Indians for the land?

Mr. LACEY. This is an old reservation which was occupied for years as a military reservation. The people of Kansas and the Indians of Kansas are now all very peaceful. It is no longer of any use as a military reservation and has been abandoned.

Mr. CURTIS. I would like to make a statement for the benefit of the gentleman from Alabama [Mr. UNDERWOOD]. The statement was made on the floor of the House that this land was not worth exceeding seven or eight dollars an acre. It has generally been considered worth four or five dollars an acre. As the gentleman from Iowa [Mr. LACEY] has said, a custodian has been placed in charge of this military reservation, and year after year a bill is brought in here providing for its care. This property, if the proposed grant be made, will be used by the State for educational purposes. I hope the gentleman from Alabama will not object.

Mr. REEDER. Let me say to the gentleman from Alabama that this is semiarid land. The experiments by the agricultural college will be very much more valuable than any use to which the land is now being put. The land, not arid, but semiarid, could be purchased for five to seven dollars an acre.

Let me add for the information of the House that the buildings, forty in number, were abandoned sixteen years ago, after having been in use for some years. They are now being destroyed by the cattle that range over the land. They are not being properly cared for, and if present circumstances continue will be in a few years absolutely worthless. With proper repairs they can be used for educational purposes. Two colleges can be established there by the State, and they will be highly advantageous by reason of the State of Kansas being 150 to 250 miles farther west than any of the existing colleges. Under the existing circumstances the Government, it seems to me, can not make any better disposition of this property.

Mr. KLEBERG. Is it not a fact that this is the best general purpose to which that property can be put?

Mr. REEDER. Very much so.

Mr. KLEBERG. Very much better than opening the lands to settlement?

Mr. REEDER. Decidedly.

Mr. KLEBERG. And if the property be disposed of in the way now proposed, it will redound to the benefit of the State and the country?

Mr. REEDER. Undoubtedly. There is no question about that.

Under present circumstances the property is of no value to the United States, and, as the gentleman has suggested, this is very much the best general purpose to which it can be devoted. I trust the gentleman from Alabama will withdraw any objection he may be disposed to urge, because this subject has been thoroughly considered by the committee. A measure of this kind has already twice passed the House and twice passed the Senate, and this bill has been unanimously reported by the Senate committee and by the committee of this House.

Mr. UNDERWOOD. I have been opposed generally to the policy of the Government giving away military or Indian reservations when the property was of value. Sometimes the Government is the owner of certain classes of land which can not be used for settlement, and in such cases it may sometimes be proper to give them away for purposes of this kind.

But the question presented here is one entirely different. Here is a reservation which is recognized by the authorities as well as by gentlemen who have spoken upon this question—a reservation that the Government has purchased that can be sold for at least $35,000. It is a valuable piece of property. There is no reason, as far as I have seen up to the present time, for giving this amount to this particular school and not to some other. Besides that, it is not a part of the original domain. This same precedent, if carried into effect, would authorize us to give away the land that we buy from the Indians from year to year as we move them back.

Mr. LACEY. Will the gentleman allow me to interrupt him for a question?

Mr. UNDERWOOD. Certainly.

Mr. LACEY. The Scripture says that we shall make our swords into plowshares and our barracks into schoolhouses. [Laughter.] Does the gentleman object to that?

Mr. UNDERWOOD. But when you do that I for one want to be certain that they are properly located. [Laughter.]

Mr. Speaker, I feel constrained, under the circumstances, to renew my objection.

Mr. ROBERTSON of Louisiana. Mr. Speaker, if I can have the attention of my friend from Alabama for a moment, I wish to state for his information a circumstance which may have possibly escaped his attention.

It is a fact that these abandoned military reservations have been given to the States for educational purposes for a long time. Many of them have been exceedingly valuable. A most valuable one in the State of Louisiana was given to the agricultural college of that State in 1886, and the possession of it by the State has been of immense benefit to our people. Upon that reservation when it was turned over to our State were buildings worth at least $75,000. There was a tract of desirable land containing about 210 acres. But this was given to the people of the State by the Government, and is being used to the advantage of all of our people.

In Boston, I remember, some years ago, the military reservation near that city, when it was abandoned, was given to the city simply for the purpose of using it for a park, and I am in favor of disposing of these reservations, abandoned as they have been, for educational purposes and the needs of the country. I ask the gentleman from Alabama, therefore, if, under the circumstances and in view of the fact that this is no new proposition, he will not withdraw his objection and at least allow a vote to be taken upon the bill as it comes from the committee?

The SPEAKER. The trouble is that the gentleman has objected, and the Chair has no discretion in the matter.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, this being Friday, the day on which the Private Calendar is entitled to consideration, and there being on the Calendar a bill (H. R. 1900) which the Department of State are very anxious to have considered, I think it would be a good thing for the House to consider it and get it out of the road. I want it considered in Committee of the Whole, because there may be some amendments offered. I therefore move that the House resolve itself into the Committee of the Whole for the purpose of considering House bill 1900, on the Private Calendar.

Mr. GIBSON. Why not all bills on the Private Calendar?

Mr. MAHON. We have not time to-day.

Mr. LOUD. I should like to ask the gentleman what House bill 1900 is?

Mr. MAHON. It is in regard to the cutting of the Manila cable. The amount involved is about $5,000.

Mr. RAY of New York. Is that the first bill on the Private Calendar?

The SPEAKER. The Chair will state to the gentleman from Pennsylvania [Mr. MAHON] that the motion should be to go into the Committee of the Whole House to consider business on the Private Calendar.

Mr. MAHON. Mr. Speaker, let me make a brief statement.

The SPEAKER. Is that the motion the gentleman makes?

Mr. MAHON. No; I should like to make a brief statement before I make any motion.

The SPEAKER. The gentleman desires to make a brief statement. Without objection, he will be permitted to do so.

Mr. RICHARDSON. I very much wish we could hear what is going on.

The SPEAKER. The gentleman requests permission to make a brief statement. He made a motion that the House go into the Committee of the Whole to consider a particular bill on the Private Calendar. The Chair holds that his motion must be that the House resolve itself into the Committee of the Whole to consider bills on the Private Calendar. The gentleman now desires to make a brief statement, and that is the matter before the House. Is there objection?

There was no objection.

Mr. MAHON. Mr. Speaker, this being the day set apart by unanimous consent for the purpose of eulogies on the late Mr. HOBART, the Vice-President, it is very evident that under that special order, which begins at 2 o'clock, it will be useless to take up the Private Calendar generally, because it will be merely a waste of time. This bill, which I ask unanimous consent to bring up, is in relation to the cutting of the Manila cable by Admiral Dewey, in Manila Harbor, after his famous fight. The bill in its present form involves about $5,000.

The report will show that there was a long correspondence between the British ambassador and this Government, and the first question related to damages, but that was settled between them by an agreement between the two Governments that no damages should be allowed for loss of business. But the British ambassador, Sir Julian Pauncefote, requested that this Government pay the actual expenses for the repairing of that cable. The Secretary of State has concurred in that, and the President has sent in a short message asking that this House make that appropriation, which will not exceed $5,000. Now, that is the statement of the case. They are very anxious to get this bill out of the way before any further complications grow out of it. It is immaterial to me whether the House passes this bill or not, but I think the House should consider it.

The SPEAKER. The Chair will remind the gentleman from Pennsylvania that when in Committee of the Whole House, the committee has the right to take up any particular bill. Does the gentleman renew his motion?

Mr. MAHON. No, Mr. Speaker. I understand that the committee can take up any bill, but I now ask unanimous consent that this bill be considered in the House as in Committee of the Whole. Then we will not go into Committee of the Whole.

The SPEAKER. The Chair would like to state to the gentleman from Pennsylvania that he promised to recognize the gentleman from Arkansas [Mr. LITTLE] to make a request for unanimous consent; and as two or three recognitions have taken place on the left, the Chair would be glad to recognize the gentleman from Arkansas first for a request, after which he will submit the request of the gentleman from Pennsylvania.

CITY PARK IN HOT SPRINGS, ARK.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6078) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., a parcel of land known as the cemetery lot for a city park only, be amended so as to read as follows:

"That whenever the city of Hot Springs, Ark., shall relinquish to the United States of America all its right, title, and interest in and to the following-described lot or parcel of land, being a part of said cemetery lot, but which is now described in the plats and surveys of said city as lot 16, block 78, to wit: Commencing at the southwest corner of the said city park, in block 78 of the Hot Springs Reservation, and formerly known as cemetery lot, and running thence easterly along the north line of Benton street 150 feet; thence northerly 285 feet to a point on the north line of said park 150 feet easterly of the northwest corner thereof; thence to said northeast corner; thence along the west boundary line of said park 285 feet to the point of beginning, the same being a part of said lot 16, in block 78 aforesaid, which is hereby reserved by the United States as a site for the public building provided for by act of Congress approved March 2, 1899, the right and title of the United States to all the remaining part of said cemetery lot, now known as lot 16, in block 78, shall vest absolutely in the city of Hot Springs, Ark., for city park, city building, auditorium, or other public purposes."

The SPEAKER. Is there any objection to the present consideration of the bill?

Mr. PAYNE. Reserving the right to object, I would like to ask the gentleman from Arkansas how much there is in this cemetery granted to Hot Springs for the purposes of a park.

Mr. LITTLE. I would state to the gentleman from New York that the plat of ground referred to in this bill was originally an old cemetery lot, being a piece of ground 310 feet by 260 feet substantially, and by the act of 1880 this plat of ground was ceded to the city of Hot Springs for a public park only, on condition that the city of Hot Springs remove and reinter the dead at a place to be provided by the city. This has been done. The necessity for this bill arises in this way: A bill providing for a public building for Hot Springs, passed at the last Congress, provided that it should be located on the public reservation.

There was one lot in contemplation formerly, but it was found not feasible to locate it at that point. The city proposes now to relinquish back to the Government the amount of land that the Government desires for a public building if the Government would cede to the city the right to use this small piece which is not ceded for a city park for said building, which I think is a very desirable thing to do, both for the Government and the city. Within a block is the East Mountain Reservation, which is a park within itself. The agent of the Secretary of the Interior, who was sent down to examine this property, was very much impressed with the feasibility of that course of action, and the bill is really introduced and if passed it will be upon the recommendation of the Secretary of the Interior. I would be very glad to read his statement if the gentleman from New York desires to have it read.

Mr. PAYNE. Mr. Speaker, if I remember correctly, when the bill to cede this cemetery to the city of Hot Springs was up before the House for consideration it was to be an absolute grant, and after some discussion consent was given to amend it so that it should be deeded for park purposes, and for park purposes only. I think it was predicted at that time that in two years there would be a demand on the part of Hot Springs to have this land absolutely, and it seems the demand has come now. But it has come with a piece or a little reservation and benefit to the United States, and instead of using a part of the large amount of the public lands at Hot Springs for the purpose of the public building, as it is to put a small portion of it back for use as a public building and the balance going to Hot Springs absolutely, I congratulate the House and the country that the United States Government gets a little something out of this by reason of what occurred years ago. I think I will not object.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

AUSTRALASIA AND CHINA TELEGRAPH COMPANY.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 6909.

The Clerk read as follows:

A bill (H. R. 6909) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company (Limited) for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain.

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized and directed to pay the claim of the Eastern Extension Australasia and China Telegraph Company (Limited) for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain; and a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claim.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAY of New York. Mr. Speaker, I desire to call the attention of the House to this bill and what is involved in it. I find the Secretary of State——

Mr. RIDGELY. I wish to reserve the right to object, if the gentleman from New York does not object, before discussion.

The SPEAKER. There is no reservation. If the gentleman wants to object, he must be here to object.

Mr. RAY of New York. I was making this statement as preliminary, possibly, to an objection. I suppose I am speaking by the grace of the House. Of course I only want to find what we are desired to consent to. The Secretary of State says:

It will be seen from the papers that no formal claim in behalf of the company is presented by Her Majesty's Government, but that that Government submits whether, as an act of grace, some pecuniary compensation may not be granted to the company for the loss which it alleges to have suffered in this regard.

Then this whole matter involved in this claim was referred to the Attorney-General of the United States; and after he had

reviewed the whole matter, in a letter under date of February 1, 1899, he concludes with this statement:

I am of opinion, therefore, that, upon the law of the case, there is no ground for the claim of indemnity.

Now, when we look at this bill I find that the Secretary of State is directed to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited. And there is no amount named in this bill whatever.

Mr. MAHON. There is $5,000 in the amendment which the committee propose.

Mr. RAY of New York. And we are to pay it when there is no legal ground for it.

Mr. MAHON. That is only a part of the case. If the gentleman will read the whole report, he will understand it better. I am willing that the report be read to the House, and then ask unanimous consent.

Mr. RAY of New York. If we go into these matters, it seems to me, and pay all claims that are asked as a matter of grace by foreign governments and foreign companies in foreign countries to pay, we would pay out more money than we have in the Treasury, because we must have done a great deal of damage to the property of foreign individuals and to foreign companies; and it seems to me this bill, if passed, will make a very dangerous precedent. If it is a matter that we are going into, we should go into it with most careful consideration and thought; and unless the gentleman can present some better reasons than appear from these papers, I shall be constrained to object; but I am willing to hear the gentleman, and if I can reserve the right until he makes a statement, I will do so.

Mr. RICHARDSON. I would ask the gentleman from Pennsylvania if this is not the bill he said he wanted to consider if the House went into Committee of the Whole on the Private Calendar?

Mr. MAHON. Yes, sir.

Mr. RICHARDSON. Then why not go into Committee of the Whole? The gentleman can make the motion under the rule, and then we can all debate it.

Mr. MAHON. I will make that motion.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. STEELE in the chair.

The CHAIRMAN. The House is in Committee of the Whole to consider business on the Private Calendar, and the Clerk will report the first bill.

EASTERN EXTENSION AUSTRALASIA AND CHINA TELEGRAPH COMPANY.

The first bill in order was the bill (H. R. 6909) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain.

Mr. MAHON. I move that the Committee of the Whole proceed to the consideration of this bill. I am perfectly willing that it should receive full and fair consideration. If we can not dispose of it finally to-day, let it go over as unfinished business. It is a matter in which not only this Government but other governments are interested. After the House has given this subject a full and fair hearing, let it make whatever disposition of it it may deem proper.

Mr. HITT. Mr. Chairman, I protest against the passage of a bill which may establish so dangerous a precedent. It omits the clause which has always been customary in all cases of this kind. Let it be understood that the bill, if passed, is simply an act of grace; yet the provision usual in such cases is in this case omitted.

Mr. MAHON. I have no objection to an amendment such as the gentleman suggests.

Mr. HITT. The bill is in bad form and establishes a dangerous precedent.

Mr. MAHON. I ask the consideration of the bill.

The CHAIRMAN. The question is whether the Committee of the Whole will take up the bill.

The Clerk read the title of the bill.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. MAHON].

Mr. RAY of New York. Mr. Chairman, is that motion debatable?

The CHAIRMAN. As it relates to the order of business, it is not debatable.

The question being taken, the motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized and directed to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain; and a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claim.

Mr. BARTLETT. I should like to hear the report of the committee.

The CHAIRMAN. The bill is open for debate. The gentleman from Pennsylvania [Mr. MAHON] is entitled to the floor.

Mr. MAHON. In the first place, there is an amendment I desire to offer—to insert, at the end of line 11, these words:

Provided, That said sum shall not exceed the sum of $5,000.

The CHAIRMAN. After the general debate the amendment would be in order.

Mr. MAHON. I simply want to offer that amendment so that the House may understand what is intended.

The CHAIRMAN. The amendment can be offered later.

Mr. MOODY of Massachusetts. I should like to understand the status of this bill. As I understand, it is in Committee of the Whole and open for amendment.

Mr. RICHARDSON. Not now open for amendment.

Mr. MOODY of Massachusetts. I mean at a later time.

Mr. RICHARDSON. Yes, sir.

Mr. MAHON. Mr. Chairman, the cable of this company belonged to citizens of other governments who were not at war with the United States. It was cut as a military necessity by Admiral Dewey, in order to cut off communication from Spain and also to cut off communication from China and other countries. The cable did not belong to a company of Spaniards. It belonged to people who were mostly Englishmen; some of them Chinamen. This demand was made upon our Government through their state department—through the regular channels—as to these payments for the work of repairing the cable which had been cut and also for damages running up into thousands of dollars because of the interruption of business on the line by reason of its cutting. Of course, Mr. Chairman, I need not go into any extended remarks to convince the House that the cutting of this cable, under present circumstances, created a liability which ought to be acknowledged and considered and met in some shape.

Mr. RAY of New York. Will the gentleman allow me to ask him one or two questions?

Mr. MAHON. Certainly.

Mr. RAY of New York. Now, as I understand this matter, the cable referred to by the gentleman from Pennsylvania is the only cable from the island of Luzon to the continent of Asia. Is that correct?

Mr. MAHON. I think so.

Mr. RAY of New York. Well, ever since the repair has been made in the cable it has been the only medium by which the Government of the United States could transmit its messages, and the only means by which we could, by telegraph, communicate with our forces on that island. Is that a fact?

Mr. MAHON. I think that is true.

Mr. RAY of New York. And we have been paying large sums of money for that work to these Englishmen and Chinamen who are the owners of this cable?

Mr. MAHON. Certainly.

Mr. RAY of New York. And they have done more business in the last year, since the cable was cut and repaired, than they ever did before, and have received larger sums of money for doing business?

Mr. MAHON. Oh, well, the gentleman makes his questions too long.

Mr. RAY of New York. Just a moment. I say they have received more compensation and have done more business on account of the war, and the business of the United States given them in consequence and done over that telegraph line by it, than in twenty years they could possibly have received or done if the cable had not been cut. The war has worked to their benefit. Now, the question is, where is the equity in the bill which is presented by the gentleman, and why should we make this compensation at all?

Mr. MAHON. That is your side of the case; it is not mine.

Mr. LLOYD. Will the gentleman allow me——

Mr. MAHON. Now, after I have finished my statement I shall be glad to answer all questions.

Mr. LLOYD. I want to ask if this claim has been passed upon by the Government through any of its Departments?

Mr. MAHON. Yes; I will come to that.

Now, Mr. Chairman, in reply to the gentleman from New York [Mr. RAY], the Government or this company, one or the other, had to repair this cable at once, or it could not have been used by the Government of the United States afterwards. This situation presented itself to this cable company: They were thoroughly equipped with all the machinery for taking up the cable and reuniting it, and Admiral Dewey and the United States forces in Manila Harbor had no appliances of that kind.

So this company promptly went to work and repaired this cable at the request of the Government, so that they could get it into use, as well as for the benefit of the cable company. It cost £912 5s. 6d., something over $4,400. Now, as to whether the United

States used this cable or not, they used it as they use all other cables and all other telegraph lines, paying certain fixed rates and receiving in return a dollar's worth of service for every dollar paid; so that that does not come into this case at all. The Government was simply paying for valuable services rendered.

When this claim was made it was presented to the proper legal department of the British Government, and Sir R. T. Reid, Queen's counsel and member of Parliament, and Mr. Henry Sutton prepared an opinion in which they distinctly held that under international law, the United States not being at war with England, and the United States having taken the property of another nation and destroyed it for military purposes, under their view of the law governing international relations, the Government of the United States was not only responsible for the expense of repairing this cable, but responsible for the damages incurred by this company, running into the thousands of dollars, by reason of the nonuse of the cable. The account and this opinion were submitted to the State Department of the United States by the British ambassador. Mr. Hay, the Secretary of State, transmitted it to the Attorney-General, the law officer of the United States. He refutes the position taken by the British Government as to the liability of the United States Government.

Mr. UNDERWOOD. Will the gentleman allow me? Do I understand him to say that the Attorney-General of the United States holds that this Government is not liable for the damage done?

Mr. MAHON. Yes.

Mr. UNDERWOOD. Not legally liable?

Mr. MAHON. There is his opinion. I will not read either that or the opinion of the Queen's counsel. They simply say that under international law this Government is responsible, and this claim is pressed here by the British Government for her subjects, under the law regulating international affairs. The Attorney-General, after writing a long opinion, which I have briefed here, concludes as follows:

I am of the opinion, therefore, that upon the law of the case there is no ground for the claim of indemnity.

Now, here we have in dispute a claim of the subjects of another Government, presented by another Government, in which their highest law department insists that we are responsible under international law. This Government declares that that is not the law and that we are not responsible. After this case had reached that point the British minister addressed this letter to the Secretary of State:

[Unofficial.]

BRITISH EMBASSY, *Washington, March 13, 1899.*

DEAR MR. HAY: Referring to our conversation on Thursday last respecting the right to compensation for the cutting of submarine telegraphic cables in time of war, I write to express the hope that, in the absence of any positive rule of international law governing the subject, the claim to compensation by the owners of a cable in respect of injury to their property by a belligerent under circumstances involving no blame on their part will be recognized by your Government, from an equitable point of view at least, to the following extent:

In the opinion of my Government it would be reasonable that a rule should be established that under such circumstances compensation should be made to the extent of the actual cost of repairs.

I am desired by Lord Salisbury to submit that view to the favorable consideration of your Government, and in that connection to support unofficially the claim of the Eastern Extension Telegraph Company on account of the cutting of their Hongkong-Manila and Manila-Capiz cables to the extent of repairs rendered necessary by that act.

I trust that your Government will be disposed to entertain this claim, apart from strictly legal consideration, and in fact to adopt the equitable rule suggested by my Government in such cases.

I remain, with great regard, yours, very truly,

JULIAN PAUNCEFOTE.

Mr. LLOYD. In that connection I wish to ask this question: On what ground does the English Government base its claim that this should be paid by the United States Government?

Mr. MAHON. Well, I would have to read the opinion quoted here.

Mr. LLOYD. Is it not based on this ground——

Mr. MAHON. You will find it on page 5 of the report.

Mr. LLOYD. Is it not based on this ground, that because we obtained the Philippine Islands from the Spanish Government we succeed to certain liabilities——

Mr. MAHON. I shall conclude my statement in a few moments, and if the gentleman will just wait, I will answer his question.

Now, Mr. Chairman, in reply to that, to get a settlement of this matter, that no future complications may arise, this is the letter of the Secretary of State, addressed to Mr. Tower, who, I suppose, is the secretary of legation:

DEPARTMENT OF STATE, *Washington, July 26, 1899.*

MY DEAR MR. TOWER: Referring to your note of the 15th of July and to other correspondence which I have had the honor of exchanging with you and Sir Julian Pauncefote, I can only say, so far as the legal aspects of the case are concerned, that I am compelled to reiterate the opinion which I have heretofore made known to you of the law officers of the Government, that the Government of the United States is not in any way bound to reimburse the British Eastern Extension Australasia and China Telegraph Company for damages and losses alleged to have been sustained in consequence of the cutting of its cable during the war with Spain, and, furthermore, there are no funds at the disposition of the President without the consent of Congress of making such payment.

But, in view of all the circumstances of the case, as a matter of equity and comity, the President is inclined to consider the question of reimbursement to that company of its actual expenses incurred in the repair of its cable to Hongkong after it was cut by the military officers of the United States.

I am, my dear Mr. Tower, very faithfully, yours,

JOHN HAY.

MR. REGINALD TOWER, etc.

Now, in pursuance of that letter, and of this agreement which they were trying to reach, the President addressed this message to the Senate and the House:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, with reference to the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain.

I recommend that as an act of equity and comity provision be made by the Congress for reimbursement to the company of the actual expenses incurred by it in the repair of the cables.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, January 16, 1900.

Mr. MAHON. Now I will answer the question of the gentleman.

Mr. MOODY of Massachusetts. Mr. Chairman——

Mr. MAHON. I promised to yield to the gentleman from Missouri first, and then I will yield to the gentleman from Massachusetts.

Mr. LLOYD. The question I asked was this: On what ground do they base a claim that the United States Government should make this payment?

Mr. MAHON. Mr. Chairman, in answer to that, so that the House may have the benefit of it as well as the gentleman, I will have the Clerk read the chief points in the opinion of the Queen's counsel. That will be a complete answer to the gentleman's question.

Mr. MOODY of Massachusetts. Mr. Chairman, I would like to ask the gentleman from Pennsylvania if this is not the first of a series of like claims?

Mr. MAHON. I think there is only one more, for a cable that is somewhere on the shores of Cuba, but I do not know where.

Mr. MOODY of Massachusetts. That amounts to $40,000 as against $5,000 in this case.

Mr. MAHON. That bill is in my committee, and they have accepted the same thing as in this bill—that is, the actual expenses of repairing and renewing the cable. They had damages in the bill, but that has been settled.

Mr. MOODY of Massachusetts. Mr. Chairman, if the gentleman is through, I want to say a few words.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPINION OF SIR ROBERT T. REID, Q. C., M. P., AND MR. HENRY SUTTON.

The rule usually acted upon is that neutral property permanently situated in belligerent territory must take its chance in war in common with the property of the belligerent.

But we think that when the property in question has an international character (as all submarine cables have, especially where, as in the present case, they form links in a wider system) the rule above mentioned ought not to be applied, and it has not in fact been applied in any case known to us. We consider that it is consistent with international usage as well as equitable in itself that the claim of this company should be entertained unless there are circumstances either in the relations between the Spanish Government and the company or in the actual conduct of the company's representatives sufficient to deprive it of the benefit of a neutral character.

It is worthy of note in this connection that the whole utility of the cable over, it may be, very many miles is as much destroyed by cutting it within territorial waters as by cutting it on the high seas, which last act would undoubtedly entitle its owners to compensation.

This consideration confirms and illustrates the international character which we have already said belongs in some degree to a submarine cable.

It remains to be considered whether the prima facie right to compensation is in the circumstances of this case affected by reason of the relations existing between the Spanish Government and the company at the outbreak of the war, or subsequently thereto, by the conduct of the company's representative.

The relations between the company and the Spanish Government depend upon the terms of the concession. These terms do not appear to us to be unreasonable in themselves, either for the Spanish Government to impose or for the company to accept, and are nothing more than the occasion upon which they were agreed to reasonably demanded.

As regards the conduct of the company's representatives, they were prevented by Spanish officers from entering into relations with the United States Admiral, and what was done under coercion can not be regarded as unfriendly, and though they might have allowed the United States Admiral to use their cable instead of preventing him by sealing the Hongkong end, there is no doubt that had they allowed its use it would have been a complete departure from a neutral attitude, and would most likely have entailed ruin if the Spaniards had recovered the Philippines.

No indemnity was offered by the United States, and it is not, in our opinion, a fair position to impose on a private company that they should be placed in a dilemma of being obliged to choose sides and expose themselves to ruin if the belligerent of their choice proves to be the unsuccessful belligerent.

There is nothing in all this to disentitle the company to compensation.

The only point which may be considered adverse to the claim of the company is as follows:

It appears to us that the Spanish Government was in fact using this cable for military purposes hostile to the United States, and we think it is open to question whether that circumstance did not warrant it being cut without compensation, as a necessary act of war, not because of the misconduct of the company, but because of a military necessity. If this had been ordinary property of neutrals, we think this point would have been fatal to this claim;

but on the whole we consider that it does not apply to such property as this cable. And, further, it appears to us that the United States Admiral did not merely aim at preventing the use of the cable by the Spaniards, but also at using it for himself. Under these circumstances we think that the claim for compensation is legitimate and ought to be entertained.

With respect to the loss of traffic, we do not consider that a claim can be substantiated in respect of loss caused by the necessary disturbance of this as of other industrial pursuits in the time of war. The question as applied to a cable is of novel character and we can not say there is any precedent, but we think the proper conclusion is what we have stated.

The proper course to pursue in order to bring the company's claim before the Government of the United States will be for the company to prefer it through the foreign office.

R. T. REID.
HENRY SUTTON.

NOVEMBER 21, 1898.

Mr. MAHON. That is the only answer I can make the gentleman. Now I will answer the gentleman from Massachusetts.

Mr. MOODY of Massachusetts. Mr. Chairman, I have asked all the questions I wish. I desire to be heard at the proper time.

Mr. RAY of New York. Mr. Chairman, I desire to ask the gentleman from Pennsylvania if he will agree to this substitute?

Mr. MAHON. I will yield to the gentleman.

Mr. RAY of New York. I will read it. Amend the title so as to read: "Authorizing the Secretary of State to reimburse the Eastern Extension Australasia and China Telegraph Company, Limited, for expenses," striking out the words "compensation on account of," and striking out "pay the claim of;" and then have the bill read this way:

That the Secretary of State be, and he is hereby, authorized and directed, as an act of grace and comity, to reimburse an amount not exceeding $4,500 to the Eastern Extension Australasia and China Telegraph Company, Limited, for expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain; and a sufficient sum of money, not exceeding $4,500, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse said company such expenses.

That would do away with an objection, as I think, which would establish a dangerous precedent and would recognize the bill as a valid claim against the United States.

Mr. MAHON. Mr. Chairman, I anticipated this objection myself, and I have this amendment prepared, which I will offer at the proper time, and that may answer the gentleman's purpose. I intended at the proper time to amend, in line 4, by striking out "to pay the claim of" and insert in lieu thereof the word "reimburse;" and in lines 5 and 6 strike out the words "for compensation" and insert in lieu thereof "as an act of comity and grace;" and after "expenses," in line 6, insert "not exceeding $4,500." Then the gentleman from New York can amend the title, which ought to be amended accordingly.

Mr. RAY of New York. Oh, no; you leave in also, in lines 10 and 11, "to pay the claim;" and you leave in "compensation on account of," recognizing it, in fact, as a claim. I think, perhaps, you intended all right.

Mr. RICHARDSON. Better agree with thine adversary while he is in the way.

Mr. RAY of New York. That would carry out the idea of the President and of the Secretary of State, that it would be an act of grace.

Mr. MAHON. I have no objection, Mr. Speaker, to the substitute if the gentleman will offer it.

Mr. MOODY of Massachusetts. I would like to ask the gentleman from Pennsylvania if he would accept an amendment which would provide that the British Government should pay the claims of American citizens against that Government "as an act of comity and grace?"

Mr. MAHON. Oh, while I may be in sympathy with the gentleman's position, this would not be the place to put it. I do not know whether there is anything in the claim.

Mr. MOODY of Massachusetts. I do. The difficulty is, when claims are presented to this Government, they are paid; but when presented to the Government of Her Britannic Majesty, they are simply talked about for years, and I am not ready to stand here and pay any of those claims until those that our own people have against that Government are considered as well. By and by I will state what those claims are.

Mr. MAHON. If the gentleman will carefully examine the payment of claims and counterclaims between the United States and the British Government, he will find that this Government has a long-barreled shotgun in its hands. This Government has always received millions of dollars more than we have paid to them, and this Government always has been able and always will be able to make the British Government pay to her citizens what is legally due to them.

Mr. MOODY of Massachusetts. This Government does not always succeed in doing it.

Mr. MAHON. Perhaps not, in a few isolated cases. A great many gentlemen in this country think they have claims, when they have no claim against any person.

Now, Mr. Chairman, I have presented this case, I think, as fully as I need to, so that the House now thoroughly understands it. I am not going to weary the House with any long argument.

Summarized briefly, there is no doubt about the fact that that cable was cut. There is doubt that it cost at least $4,500 for repairs. There is no doubt that the people who owned this property were neutrals and were in no way hostile to our Government during that war.

Mr. BARTLETT. May I be pardoned to ask the gentleman a question in reference to this matter?

Mr. MAHON. In a moment.

Mr. BARTLETT. I merely wish to ask a question right on that point.

Mr. MAHON. The next step is that the British Government has presented this claim of her citizens through the proper governmental channels of England. The opinions of this high law officer, on account of his high position and great ability, must carry some weight.

Mr. LLOYD. I want to ask the gentleman one question in that connection. Why is it that this Congress should be governed by the opinions of Her Majesty's counsel rather than by the Attorney-General of the United States?

Mr. MAHON. Every gentleman ought to be controlled by the opinions of great legal men. I will come to that. Now, I say this——

Mr. LLOYD. Mr. Chairman, I wish to say that I will stand up for my own country.

Mr. MAHON. There is no doubt that the position taken by the English Government, through its proper department, backed up by the legal opinions of her legal representatives, is what I have stated. Counsel for the Queen says we are responsible, not only for the actual repair, but for the damages arising from loss of business. This claim was presented to this Government, backed up by the authority of the British Government to present it, through the British ambassador. The Secretary of State very properly presented this claim to the Attorney-General, who is the law officer of this Government. He reviewed all the facts, and from his standpoint he said there was no liability on the part of this Government, either as to losses incurred or the expense of repairing the cable. Here we have an issue between the two Governments and opposite opinions from law officers.

Mr. DALZELL. I should like to make an observation just there. If the gentleman is right, I should be disposed to vote against the payment of this claim, but I do not so understand it. I do not so understand it. These gentlemen who render this opinion, which, in my judgment, is a very thin one, are not the counsel of the British Government, but the counsel of this Australasia-China Telegraph Company; and so far from making a claim against this Government as a matter of right, the British ambassador trusts that our Government will be disposed to entertain this claim apart from strictly legal considerations and to adopt the equitable rule suggested by the Government in such cases. Now, if this were a claim put on the ground of right, I should vote against it. If it is on the other ground, I should be disposed to favor it.

Mr. RAY of New York. I call the attention of my friend to the letter of the Secretary of State on that subject.

Mr. DALZELL. And, furthermore, as my colleague [Mr. RAY of New York] suggests in this connection, the Secretary of State says to the President:

It will be seen from the papers that no formal claim in behalf of the company is presented by Her Majesty's Government, but that that Government submits whether, as an act of grace, some pecuniary compensation may not be granted to the company for the loss which it alleges to have suffered in this regard.

And, furthermore, the President of the United States, in his message sending the papers to this House, says:

I recommend that as an act of equity and comity provision be made by the Congress for reimbursement to the company of the actual expenses incurred by it in the repair of the cable.

So that I think the claim is really before the House upon the ground of equity and not as a legal claim.

Mr. MAHON. The gentleman from Pennsylvania [Mr. DALZELL] will understand that I am not insisting that there is any legal obligation on the part of the United States to pay either damages or the expenses incurred. I have not examined that part of it. This case, however, has come through the British ambassador, and has been sent here as stated. I do not know who Robert T. Reid is. Probably he is an ordinary counselor. The gentleman may be right about that. In looking over the papers I supposed he was the legal adviser of that department of the English Government.

Mr. RIDGELY. Do we understand that this claim has been submitted to our Attorney-General?

Mr. MAHON. Yes.

Mr. RIDGELY. And that he reports officially that we are not legally liable?

Mr. MAHON. He does.

Mr. RICHARDSON. He says that we are not legally bound.

Mr. MAHON. Now, Mr. Chairman, as I was just going to state, this claim is not presented here by the Committee on War Claims. The committee have not so reported. They have offered no opinion, excepting the papers in the case, the opinion of the counsel for the claimant and the opinion of the Attorney-General of the

United States against that legal position. Then they present, further, the proposition made by the British ambassador that the proper way to settle this case is to get away from all things like legal distinctions and settle it as a matter of comity and grace between these claimants and the Government of the United States. In pursuance of that I had an amendment prepared reciting that we do not pay this as a matter of legal right, but merely as a matter of comity and grace that ought always to exist between friendly powers. But the gentleman from New York [Mr. RAY] has offered a substitute which covers my amendment and makes the bill still safer, and I am willing to accept that substitute.

Mr. LLOYD. I wish to ask in this connection, suppose it had occurred that in the conflict between the United States and Spain the Philippine Islands had not come under the protectorate of the United States. Does the gentleman then hold that either in law or in equity we would be responsible for damages for acts which were committed as an incident to military operations?

Mr. MAHON. I do not insist that this claim now stands on any legal obligation to pay it.

Mr. LLOYD. Would you say that it stood as an equitable claim under those circumstances?

Mr. MAHON. Always, if there is any equity in it.

Mr. LLOYD. I should like to call attention, then, to the second opinion of Messrs. Reid and Sutton with reference to the liability on that account.

Mr. MAHON. Well, I have ignored their opinion and have accepted the opinion of the Attorney-General of the United States.

Mr. LLOYD. Then you ignore the opinion of Mr. Sutton and Mr. Reid when they say we should pay on account of the fact that we obtained the Philippine Islands?

Mr. MAHON. I hope the gentleman will not make a speech in my time. If he will allow me, I will answer him. I am not pressing this bill on the legal opinion of Mr. Reid or Mr. Sutton. I can not press it as a legal obligation on this Government, because the Attorney-General of the United States has decided against it, and in his opinion we all ought to acquiesce; but we are presenting it on the ground that this was a neutral party, and the cable was cut as a military necessity; that the cable company suffered a great hardship and a great loss, and simply as a matter of comity existing between people who are friendly and as a matter of grace the Secretary of State and the President of the United States recommend that we pay this claim.

Mr. LLOYD. Then do you think it is the duty of the United States to pay all neutrals the damages that may come to them by reason of a war that may exist between nations?

Mr. MAHON. It would take too long to answer that question.

Mr. LLOYD. That is the logical sequence of your reasoning.

Mr. MAHON. How much time have I remaining?

The CHAIRMAN. The gentleman has twenty-seven minutes.

Mr. MAHON. We have passed bills against this Government to pay thousands of dollars where there was no legal obligation, but simply as a matter of comity and grace.

Mr. RAY of New York. Do you know of any case similar to this?

Mr. MAHON. No; I do not say that. Now, I yield ten minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. I desire to call the attention of the committee to the fact that we are on this bill considering an entirely new question. The rule of international law is well settled that if the property of a neutral is within the theater of military operations it must take its chance of destruction by military operations, and for that destruction the owner has no lawful claim against the belligerent government. I do not understand that the gentleman from Pennsylvania disputes that proposition. On the other hand, he affirms it.

The cable of the claimant was cut by the orders of Admiral Dewey in the course of his naval operations. We are asked to pay as a matter of equity—I am not sure we ought not to pay it—a claim of the owner of the cable, based upon the opinion of its own counsel, who himself says that "the question is of a novel character and we can not say that there is any precedent for it." On the other hand, the Attorney-General of the United States is of the opinion that the claim is groundless in law. This claim will be followed by others of the same character. Everybody who remembers how every day the press contained accounts of some new cable-cutting operation by our Navy along the shores of Cuba during the late war understands very well that when we begin by paying one of these claims we shall have to pay them all. I noticed yesterday that the President sent to Congress a recommendation that we pay the claim of some company whose cable was cut upon the shores of Cuba, the claim amounting to between £800 and £900—a great deal larger claim than this.

Now, I think, if we are going to undertake to make compensation—and I again say I am not sure we ought not to do so in view of all the international circumstances which have existed during the past two years—we ought to do so deliberately. We ought to find out what the cases are and how many there are. We ought to have the fullest information on the subject from the State Department. For this reason when the proper time comes I shall offer by way of amendment to the bill a proposition to this effect:

That the Secretary of State is hereby requested to furnish Congress with full information as to the claims of citizens of the British Government against this Government and of citizens of the United States against the British Government.

While I am willing to do equity toward the subjects of Her Britannic Majesty, I want Her Britannic Majesty's Government to do the same equity toward the citizens of the United States. I represent a district in which many of the people are in constant contact with the authority of the British Government, exercised through the Dominion of Canada. The conduct of the Canadian government for these many years toward those engaged in the American deep-sea fisheries is not pleasant to contemplate. It does not tend to increase the international good will which I should be glad to see. When I spoke of this matter before, some gentlemen asked me what case I had in mind.

I will state one of many, and one only. A man who by many years of toil upon the sea had gathered together money enough to own a little vessel of his own was fishing some years ago off the coast of Nova Scotia, more than 6 miles from any part of the mainland. He was fishing upon the high seas, upon God's highway, where American citizens have the same right as citizens of Great Britain. Desiring to be within the law, he learned from one Canadian cruiser that he was outside the 3-mile limit. Acting upon that information, he surrounded a school of mackerel with a seine. After he had caught the fish and secured them in his seine, but before he had landed them upon the deck of his schooner, a second Dominion cruiser came along and claimed that, although he had caught the fish upon the high seas, yet while they were in his seine and before he had landed them upon the deck of his vessel, he had drifted within the 3-mile limit and consequently within the jurisdiction of the Dominion government.

The owner of the American vessel protested and has always claimed that he was even at the time of seizure upon the high seas and beyond British jurisdiction; but his vessel was seized, condemned, and forfeited by a Canadian court, and the forfeiture was affirmed by the supreme court of the Dominion of Canada by a majority of one of the judges. It was admitted by the Crown that the fish were actually caught and secured in the seine upon the high seas, and the only claim upon which the forfeiture was based was that the mere drifting across the line with the fish in the seine attached to the vessel was an offense against British law. Yet, drawing a line from headland to headland at that part of the Nova Scotian coast, the point of seizure was 4½ miles outside the line thus drawn, and very much more than that beyond any point of the mainland of Nova Scotia.

The only manner in which the jurisdiction of the Canadian court could be sustained was by measuring from an isolated ledge, uninhabitable and without vegetation, over which the sea breaks in a high wind, and which projects from the bottom of the ocean. After a weary litigation the British Government offered to return the vessel to its owner, but upon the condition that costs should be paid, which were beyond his means and far exceeded the value of the vessel which had been left to decay and rot and go to ruin. This is the case of the *Frederick Gerring, Jr.*, an American fishing vessel, owned by an American citizen, Edward Morris. Thus, not in time of war but in time of peace the savings of a lifetime, earned amid the perils of the sea, have been swept away. That is the claim against the British Government for which the Senators from my State and I have been haunting the chamber of the Secretary of State for years past. Before we sit here to do an act of grace to subjects of Great Britain, we ought in justice to our own people to compel Great Britain to do equity by us. [Loud applause.]

I hope that the substitute that I offer will be adopted by this committee. I hope that we shall proceed in this matter deliberately; that we shall find out what we owe in equity to the citizens of Great Britain and pay them, and find out at the same time what Great Britain owes to our citizens and compel her to pay them. [Loud applause.]

Mr. MAHON. I now yield eight minutes to the gentleman from Pennsylvania.

Mr. ADAMS. Mr. Chairman, as this proposition comes to the House from the State Department, it comes in a very simple form. It is not embarrassed by any relation to the opinion of those English counselors. It does not undertake to set aside the opinion of the Attorney-General of the United States, whose opinion would be binding upon the State Department in any question. It comes from that Department of Government which is intrusted with our foreign affairs and with relations existing between this and other countries. It furthermore comes from a still higher authority, from the Executive Officer of our Government, the President of the United States.

Neither of these departments of the Government ask for the payment of any legal claim or for the recognition of any legal liability on the part of this Government. On the contrary, it is specially excluded, and it is asked to be done as an act of grace

between this country and the inhabitants of Great Britain. The question of liability incurred on cables is a new one in international law, and there has been no ruling to amount to anything on that question so far. Therefore, it is a delicate subject for any government to commit itself upon, and it should be proceeded with very slowly.

I think the amendment, or substitute, offered by the gentleman from New York makes it very plain that this is nothing but an act of grace on matters arising between the two countries and will not tend to establish any precedent, which the gentleman from Massachusetts seems to fear. Any country that performs any act of grace in so doing distinctly states it is purely an act of grace and comity between the nations, which precludes it from ever being quoted as a precedent for cases that may come afterwards. I have full sympathy with what the gentleman from Massachusetts says, that our Government should insist upon the collection of every claim due us from Great Britain, but I would submit to the fair judgment of this House if a good way to do that is not to show that we are willing to be fair with claims coming from our own State Department, indorsed by the Executive, and that they should be granted an appropriation for this act of comity? Let us set an example as to the way our Government seems desirous of doing, and they may follow it.

Mr. MOODY of Massachusetts. But they do not follow, Mr. Chairman. We keep setting an example, and they keep refusing to follow it.

Mr. ADAMS. That is a statement that the gentleman might not be able to sustain with facts. He has referred to the fishery question, which is one that has involved a long consultation between this country and Great Britain. It is not only limited there, but it is also a dispute in regard to France. The gentleman has touched upon a question that is very open and debatable, and however much there may be in individual cases that exist that would appeal to our sympathies, still it is not fair to bring up a question that has been long debated and never finally settled as a set-off to a claim which the Executive of our Government and the State Department, which is intrusted with this particular phase of our Government, comes and asks the Congress of the United States to grant.

Furthermore, the ambassador of Great Britain, in his communication to the State Department, distinctly makes no claim. He asks it as an act of comity and equity, and the word equity in this connection must not be confounded with the word equity in law. It simply means equity as justice between two nations. Therefore we will establish no precedent, and when that Department to which our foreign relations is intrusted—the State Department, and further indorsed and supported by the Executive of our country, the President—asks the House as an act of comity and justice between two nations to grant a small sum of $5,000, I think it would ill-befit us not to respond to the Executive in that particular, in order that we may show our good will and feeling in this matter, and set an example to other nations, which we have been doing lately in such a high degree on other matters as to prove that we stand ready to repair any act we have done that can not be sustained with established precedent and fullest right of international law.

Mr. MAHON. As I before stated, I have no intention of pressing a vote on this bill. I think it ought to be discussed. I now want to reserve the balance of my time for the future.

The CHAIRMAN. The gentleman has twelve minutes remaining. The gentleman from New York is recognized.

Mr. MAHON. As there does not appear to be any opposition to the bill, I suppose the gentleman will be recognized in his own time.

Mr. RAY of New York. I ask to be recognized in my own time.

Now, Mr. Chairman, I am not exactly in sympathy with all that might be said in opposition to the action of the English Government in regard to this claim, or with all that has been said on that subject by the gentleman from Massachusetts. Englishmen move slowly always. In the war in South Africa we have an exemplification of that fact, for they are now moving with exceeding deliberation to the relief of Ladysmith. And if they are acting with deliberation there, what can we expect in the matter of claims for the compensation of American citizens? I think, as a rule, Englishmen and the English Government endeavor to be just in their dealings with the United States and with the citizens of the United States.

What the facts are in relation to the claim to which the gentleman from Massachusetts [Mr. MOODY] has called attention I do not know, but if there is justice in the claim I have no doubt that justice will be done in due time. As this bill originally came before the House for consideration this morning I was opposed to it in almost every feature, because it recognized a claim of this company and a liability to pay that claim, and thereby to establish a most dangerous precedent. We have here the case of a foreign company, or, I assume, a foreign corporation, composed entirely of citizens of China and citizens of Great Britain. When the war with Spain broke out they were the owners of a cable line between the island of Luzon, entirely within the Kingdom of Spain, and Hongkong, which was within the jurisdiction of Great Britain or China. I take it Spain had nothing to do with the line, except as she had granted the privilege to this company to land the cable. I understand that the Government of Spain had no ownership in the line. Is that true?

Mr. MAHON. I so understand.

Mr. RAY of New York. Therefore we have a claim made by citizens of China and of Great Britain for damage to their property done by the Government of the United States in the prosecution of the war. This property damaged was not entirely situate within Spanish territory, within the theater of military operations, and it was not exclusively under the Spanish flag. It seems to me, Mr. Chairman, that there is a great deal that may be said in favor of the enactment of this measure into law. It seems to me that it would be wise and just to recognize this claim, as the President of the United States has done by recommending, as an act of grace, simply and purely, recognizing the rights of these citizens, that we make some compensation.

And it seems to me, furthermore, that there is a great deal of wisdom in the proposition of the gentleman from Massachusetts [Mr. MOODY], which is that before enacting any measure of this kind into law we ask the Secretary of State to furnish us with a list of all claims of this character that have been brought to the attention of the Government of the United States; that he give us the history of the circumstances connected with the damage done by our Government or military forces to all of these cable lines connected with Cuba and Puerto Rico, Luzon, and any other point where we may have had occasion to interfere with these great means of international communication, these cable lines.

I take it that we could not find a precedent anywhere that would sustain us either in refusing to pay such a claim or in paying it, and it is a matter that will involve the payment, I think, before we get through with the subject, of at least a million dollars; that is the way I understand the matter. I understand that one claim, aside from this one, has already been presented to the Government of the United States which involves in the neighborhood of half a million dollars.

Now, Mr. Chairman, I would say, with all respect to the chairman of the committee who reported this claim—and I notice that he wrote the report himself—that it seems to me this bill had better lie by and be withdrawn from the consideration of the committee until some future occasion, and that an inquiry be made into all these claims, all the circumstances connected with them, and that this committee having the subject in charge give it most careful attention, examine the legal propositions connected with it, examine the precedents relating to the subject, and make a full report to this House that will inform us just where we stand—in other words, so that when we come to consider this subject we may know "where we are at." I understand, of course, that this is a very small matter——

Mr. MAHON. I ask the gentleman to yield to me now to make a motion that the committee rise.

Mr. RAY of New York. I will yield, Mr. Chairman, with the understanding that I have the floor when this matter comes up again.

And then, on motion of Mr. MAHON, the committee rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, Mr. STEELE, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration the bill (H. R. 6909) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, and had come to no resolution thereon.

EULOGIES ON THE LATE VICE-PRESIDENT HOBART.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. GARDNER] offers the resolutions which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has received with profound sorrow the intelligence of the death of GARRET A. HOBART, late Vice-President of the United States.

Resolved, That the business of the House be suspended in order that the public services and private virtues of the deceased may be appropriately commemorated.

Resolved, That the Clerk of the House be directed to communicate these resolutions to the Senate.

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

Mr. STEWART of New Jersey. Mr. Speaker, I will occupy the attention of the House but a very few minutes.

Vice-President HOBART is dead. The nation was profoundly startled at the sad announcement. When we last saw him he was apparently in robust and vigorous health; but the black-robed messenger of death beckoned from the hilltops, and he followed with the dying to an eternal rest. I knew him well. I attended his marriage to one of the most delightful young women in our community. Now she is his sorrow-laden widow, cloistered in gloom and loneliness.

His administration was unique, and the unusual friendship existing between the dead Vice-President and our distinguished

President was of the tenderest kind, and gave him personally and officially a dignity and importance herebefore lacking, and raised the office of Vice-President from one of perfunctory faculty to an exalted power. In early life he gave emphatic promise of future wealth and greatness.

Our deeds do follow us from afar;
And what we have been makes us what we are.

He possessed greater business capacity and executive ability than any man I ever knew. He loved wealth and power, and dispensed both liberally. As the great poet says:

The time of life is short;
To spend it basely were too long.

His neighbors and friends best know how his shortened time of life was spent. Midas-like, everything he touched turned to gold, and his genial, robust, and cheerful appearance loaded him down with preferment and power. But it is not to the dead our words should be alone or particularly addressed, but to the widowed wife and son who must carry this burden of sorrow throughout a lifetime. To this grand widow and stricken boy let our hearts go out with tenderness, sympathy, and love, and appeal to the Almighty, who is especially the widows' God, to strengthen her in her loneliness for all struggles to come; and when she approaches the eternal throne may she bid a fond adieu to this world to embrace her beloved husband in the life everlasting.

In this life there is a continual parting—by death, marriage, absence; all are profoundly sad; but death is saddest, for it is for life. How pathetic does our own great poet sing of this sad truth:

All are scattered now and fled,
Some are married, some are dead;
And when I ask, with throbs of pain—
"Ah! when shall they all meet again,
As in the days long since gone by?"
The ancient timepiece made reply:
"Forever—never;
Never—forever."

Never here, forever there,
Where all parting, pain, and care,
And death, and time shall disappear,
Forever there, but never here,
The horologe of eternity
Sayeth this incessantly,
"Forever—never;
Never—forever."

Soon as age greets us we have more friends in eternity than here; and when we are required to depart, death's journey is made easier by this thought. God grant we may all view life as a very transient state and always regard the star of eternity as soon to surround us in its effulgent rays.

Mr. PAYNE. Mr. Speaker, my acquaintance with GARRET A. HOBART began on the day he was nominated to the office of Vice-President at St. Louis. His quiet, cordial, winsome greeting when I first met him lingered in my memory long after an acquaintance had ripened into a lasting friendship. I desire to add my testimony to those noble qualities of head and heart that characterized our late Vice-President.

In our system of government the Vice-President occupies an anomalous and ofttimes uncomfortable position. His is an office of high rank, carrying with it the greatest possibilities of political heirship and yet bringing little power or responsibility. He is the presiding officer of the Senate, and is chosen for that august body and not by them. He has the right to vote only in case of a tie; he rarely has an opportunity to exercise this right while he presides over the deliberations of the Senate. In exercising the prerogatives of a presiding officer he can never be a potent factor, but is alway the servant of the Senate.

It is to be regretted that in our political system more important duties and greater responsibility could not have been imposed upon an office of such high rank. The duties of the office should have been in keeping with its great possibilities. In case of a vacancy, he is the constitutional successor of the highest officer in our system. Only a single life stands between him and the Presidency. While he is clothed with the high rank and dignity of presiding over one coordinate branch of Congress, he is shorn of responsibility and power. He has no place in the Cabinet counsels of the Executive. He can not raise his voice in debate in the Senate; he can not vote on the questions, great or small, that come before that body unless the Senators happen to be equally divided. He has no influence there or elsewhere, except that which comes from his own personality; scarcely more than he would exercise as a private citizen. Often his position is scarcely more enviable than that of the heir apparent to a European throne.

In the early days of the Republic great care was taken in the selection of candidates for this office. The fact that this officer was the constitutional successor to the Presidency whenever a vacancy happened seemed to be the all-pervading influence in the naming of the Vice-President. Down to 1804 the Constitution distinctly recognized this principle. The electors voted for two persons. The one receiving the greatest number was chosen President, and he who received the second greatest was chosen Vice-President. Under this provision John Adams and Thomas Jefferson were each chosen Vice-President and each succeeded, by election to the Presidential office, the President with whom they had previously been chosen as Vice-President. In like manner at a later period Martin Van Buren also succeeded the President under whom he had served as Vice-President. This method of selection was changed by the amendment of 1804, owing to an unfortunate complication which arose under the old system. But the reason still existed why a candidate for the Vice-Presidency should be in all respects equal to the emergency should he succeed to the Presidency.

Since the change in the constitutional method of selection less care has been taken, as a general rule, in the selection of the Vice-President. Frequently the question of fitness has been sacrificed to that of availability. After hot and bitter strife within the party the Vice-Presidency has sometimes been thrown as a matter of consolation to appease a disappointed and defeated faction. The President always represents the predominant thought and principles of his party; his possible successor should be chosen for the same reason. He ought not to be the exponent of the tendencies of the minority. His selection ought not to be the result of a desire simply to gain more votes for the ticket.

GARRET A. HOBART did much to restore the office to its old-time dignity and rank. No one who knew him well doubted his fitness and ability to fill with honor to himself and to the lasting glory of his country the place of its Chief Executive. He had the ability, the tact, the statesmanship to take a high place in the long line of illustrious men who have served their country in the greatest office in all the world.

Mr. HOBART, not officially, but by the force of his character, was a part of the Administration. His counsels were listened to in the executive chamber, and his voice was heeded in legislative halls. May his successor be of the same high character and intellectual endownment, amply qualified for all the emergencies which the Constitution has imposed upon the office.

GARRET A. HOBART exemplified the typical life of a successful American boy. He worked his way through college and won the right to practice in the courts of his State by dint of hard work and on the meager pay as a teacher in the public schools. The school teacher became a lawyer at the age of 25, and this was the beginning of his success, culminating in the Vice-Presidency at the age of 53. While engaged in an active and exacting profession, he found time to enter into the councils of his party and perform all the duties of an American citizen. Courage, common sense, ability, and persevering work brought success in every sphere of his usefulness. Responsibilities multiplied upon him, but, like every busy man, he found time for all.

No interest intrusted to his care was ever neglected. His fellow-citizens honored him and he honored them in the faithful and conspicuous discharge of private and official duties. He was successively presiding officer of each branch of the legislature of his own State. His advice was eagerly sought by clients and party managers. And with all the burden of responsibility he found time for his social duties, his family, and his church. He passed away in the ripe maturity of his powers, seemingly in the day of his greatest possibilities and power, yet it was the close of a life abounding in influence and full of honorable achievements.

As presiding officer of the Senate, he has had few equals and no superior. He seldom left the chair during the session of the Senate, was always fully informed as to the progress of business, never shirked the responsibility of a decision, was ever courteous, tactful, and ready, and with all just and honest. He was respected by political friend and foe alike.

In these few words, Mr. Speaker, I have sought, as it were, to place a single flower on the grave of GARRET A. HOBART. His life work, how worthily and well done, the whole nation bears witness. His days were full of usefulness and crowned with honor. His last victory was his best; it was the victory of the Christian's faith. As he calmly bade his family farewell, and with courage turned to meet the great destroyer, it was with the calm confidence in a new life, unnumbered by the years. His death was the crowning triumph of his successful life. Verily, "His works do follow him."

Mr. DALZELL. Mr. Speaker, since I have been a member of this House I have very seldom taken any part in such exercises as engage our attention to-day. I have never felt that it was my duty to speak when speech would necessarily be only perfunctory. I have felt that the language of eulogy is too often the language of extravagance, and that this is the more apt to be so when it is the result of a seeming regard for the demands of propriety than when it is an answer to the promptings of an appreciative regard. Propriety suggests that we should put upon record our estimate of the nation's loss sustained in the death of the Vice-President; but if that were all that appealed to me to-day, I should remain silent and leave to others the duty of formulating that estimate.

I come to bring my humble tribute to the memory of GARRET

A. HOBART because of my personal esteem for him, because of my admiration of his career, and because I believe him to have been a high type of American manhood, illustrating in his life the splendid possibilities of American citizenship.

As may be said of many Americans—perhaps of the most who are successful—he was the architect of his own fortune. And yet we are not prepared to say of all who thus achieve success that their lives command our admiration. It is the means by which the success is attained that challenges a place in our regard.

Mr. HOBART had sterling qualities of character—industry, the love of work that brings experience; the wisdom that turns that experience to account in the seizure and improvement of opportunities; the desire to excel that, faithfully pursued, insures excellence; the integrity and strength of character, the fixedness of purpose, and the healthy ambition that sooner or later bring distinction to their possessor and make him a marked man among his fellows.

He was a successful man in every sphere that he entered, and the story of his life has to do with many and varied spheres. He realized success not because of mere accident of fortune or of opportunity, but by reason, above all, of the possession of those faculties and traits of character that appeal to the confidence of men. He attained eminence as a business man. He accumulated wealth and shared it with others. His was the guiding mind in large projects and enterprises whose success meant not only individual but the general weal. He was a public-spirited man. As his means grew so he grew in mind and character. He shared his good fortune with others. His hand was open as his heart was warm.

He had the conception of a broad-minded man as to his duties and responsibilities. He was one of those who conscientiously assume the burdens and face the duties of citizenship. He knew that good government is an individual affair, that there can be no honest mass unless there be honest particles. And so he gave of his time and of his means to the choice of good men to office. It was regardless of selfish purposes that he took place himself at the call of his fellows; for with him private interest yielded to public, and public office was a public trust.

As the years went by the sphere of his usefulness and of his influence grew. He became a leading man in his city, in his neighborhood, in his State, and at last in the nation.

He was the law adviser of his city. He was more than once a member of his State legislature, and its speaker. He was for six years a member of his State senate, and its president. He was the nominee of his party for a seat in the United States Senate. He was Vice-President of the United States. In all these various positions of trust he so bore himself that few could criticise, no one blame, and all must praise.

He was a recognized power in his church. He was benevolent and beneficent, exercising an influence for good among high and low, rich and poor, to the remotest places to which that influence reached. And how many those places were only those can tell to whom his departure came with a sense of personal loss.

It is not for us to penetrate the sacred precincts and attempt to measure the void made there where he was loved and loving husband and father, counselor, and bosom friend.

Mr. HOBART'S was a well-rounded character. He was a well-poised man; evenly developed on all sides, remarkably free from faults, and well equipped with the everyday virtues that count for so much in making life happy for those around us.

But it is the crowning glory of Mr. HOBART'S life and that which makes secure his place in history that during his incumbency of the Vice-Presidency of the United States he restored to that office its old-time dignity and honor. He gave to this generation a conception of that office which for many previous generations had faded from the minds of men.

The framers of the Constitution intended that the qualifications for President and for Vice-President should be identical. Inasmuch as upon the death of the President the Vice-President succeeds him, no reason appeared to their minds why the candidates for these offices should not in all respects be equals, and so the Constitution provided that the electors should vote for two persons, and that the one having the highest number of votes should be President and the next in number the Vice-President. So John Adams was chosen as the first Vice-President, and subsequently Thomas Jefferson as the second Vice-President, and both were chosen as Presidents upon the expiration of their respective terms. Since their day only one single man has been chosen President of the United States who had previously served as Vice-President, and that was Martin Van Buren. And yet we have learned in four cases—those of Tyler, Fillmore, Johnson, and Arthur, who each succeeded to the Presidency on the death of the President—how essential it is that the Vice-President should be as well equipped for the first office as is the man chosen for the first office himself.

The alarm occasioned by the rivalry between Jefferson and Aaron Burr in the election of 1800, when Burr almost succeeded to the Presidency, moved our fathers to amend the Constitution and to provide for the selection of a President as such and a Vice-President as such. At the time of this change in our system there were not wanting those who, measured by subsequent events, have been proven to be true prophets. In the debate in the House in 1803 upon the proposed amendment to the Constitution Mr. Roger Griswold said:

> The President is elected for four years. He may die within that period, he may be removed from office, or he may become disqualified to perform its duties. In either of these events the Vice-President succeeds to the power. Under the existing arrangement you will secure, as far as human prudence can accomplish it, the most eminent men for these two offices. Each candidate must be voted for as President, and if the electors fairly execute the Constitution they will give their votes for those men who are the best qualified to administer the Government. Thus under every probable event you will find one of the most eminent of your citizens at the head of your Government.
>
> But if the amendment prevails, the case must be greatly changed. The man voted for as Vice-President will be selected without any decisive view to his qualifications to administer the Government. The office will generally be carried into the market to be exchanged for the votes of some large States for President. And the only criterion which will be regarded as a qualification for the office of Vice-President will be the temporary influence of the candidates over the electors of his State. It is in this manner you must expect to obtain a man to fill the second office in the Government and who must succeed to the power of President upon every vacancy. The momentary views of party may perhaps be promoted by such arrangements, but the permanent interests of the country are sacrificed.

In how many national conventions have we seen the realizations of these forebodings! In how many conventions have we seen men chosen as Vice-Presidential candidates without any controlling regard to their fitness for the office of President, but simply because of expediency and availability for ulterior purposes! The consequence has been a lowering of the dignity of the second office in the Government in the minds and estimate of the people, and a consequent diminution of the power and dignity pertaining to the office itself. And while our Vice-Presidents, as a rule, have been distinguished men, they have acquiesced in the popular estimate, and have sought no wider sphere or broader duties than pertain to the Presidency of the Senate.

To this rule Mr. HOBART was a conspicuous exception. He brought to the administration of his office a lofty conception of the place, and a feeling of personal interest in and sympathy with legislation. His strong personality pervaded the Senate Chamber. His clear convictions, his earnestness, his patriotism, made themselves felt upon his associates. He was not a looker-on, but an actor, an efficient instrument in the administration of governmental affairs. Unlike his predecessors, he did not stand apart from responsibility. He had the confidence of the President; he participated in the councils of the Cabinet; he helped to shape and mold policies and direct events. He kept abreast of the times and had Providence so decreed he could at any moment have taken up the task had the President been compelled to lay it down.

It was his fortune to live in stirring times, to participate in grave events. He belonged to an Administration that will mark a new epoch in American history and shape for good or ill our future destiny. Of that Administration he was a part. Toward the shaping of that destiny he contributed his share of counsel and control. He magnified his office. He taught the people to estimate it as he estimated it. He taught us all a lesson that I doubt not will bring results in our future history. He restored the Vice-Presidency to the place in our system that it held in the system of the fathers.

And so when death claimed him all the people mourned his loss. They said of him as we say of him: He was a good man, a good citizen, a loyal friend, our great Vice-President.

Mr. BROSIUS. Mr. Speaker—

> Sir Launcelot, there thou lyest; thou were never matched by none earthly knight's hands; thou were the truest friend to thy lover that ever bestrode a horse; thou were the kindest man that ever struck with a sword.—*La Morte d'Arthur.*

The Arabs had a saying that death is a camel that kneels at every man's door. This expresses how common an event it is in the providential order, as common and familiar as birth; yet of all natural events it produces the most profound and lasting impression upon the mind. This is true even when it comes to the humble and undistinguished; much more so when it overtakes those eminent persons who have achieved honor and distinction in the public service and occupy positions of great elevation in the public eye and in general esteem.

The death of the gifted and great has always been and will ever be a solemn, impressive, and imposing circumstance. Its value in the way of example, admonition, and instruction is in proportion to the elevation from which the subject falls to his natural end. It comes to the surviving like a faithful schoolmaster with the open book of a closed life and assigns the lesson which we must study or lose its teaching. The fame of the great and noble dead is among the most enduring and valuable of our public possessions, and the contemplation of their example and their virtues exerts a salutary and ennobling influence upon the living.

It is one of the very best of men—and there is no higher praise—that we contemplate to-day. It is the universal estimation, the consensus of opinion among those who knew him, that the late Vice-

President, in the essential elements of a well-organized being and the necessary excellencies of a character of the very first rank, had few, if any, superiors. The high success he achieved, the eminence he attained, the perfect character he formed, were not due to any adventitious aids. Neither birth nor rank nor fortune smoothed his upward way to the clear-aired heights he reached and kept. True, he had the good fortune to be born in a country one of whose glories is that its social formation is not in horizontal strata common in the Old World, through which few ever pass from below upward, but is mobile as the sea, where the lowest drop, winged with merit, may rise and glitter on the highest wave that rolls. All else was due to principles, qualities, and forces which summed up a strong, interesting, and attractive personality.

If the limits of the occasion permitted, we could easily name the traits which were chief agencies in the development of his splendid manhood. Honor, sympathy, courage, and duty were the precious and conspicuous jewels in the crown of his superb character, and we may set them apart to-day and lift them over his new-made grave as the golden texts in the lesson of his life.

Some one has said he had an unusual capacity for winning affection. This was due to his deep human sympathy. He was not deficient in imagination and could place himself in the position of others and realize their distresses and their needs. His kindness to every human creature was proverbial. He was happy in promoting the comfort of those who served him. In his business career, which was a conspicuous success, his example if followed would cure two maladies said to afflict our time—the envious hatred of him who suffers want and the selfish forgetfulness of him who lives in affluence. This problem can be solved by sympathy, love, and good will.

There is no sunshine like that of kindness to open those beautiful flowers, sympathy, love, hope, and trust, which ought to bloom over the garden walls which separate the rich and the poor. Mr. HOBART was thoroughly imbued with that beautiful sentiment which holds the human family in the bonds of unity and love, "that we are children of the same Father, traveling toward the same home, and hoping to sit down at last at the same banquet, and therefore we should love one another."

So many gods, so many creeds,
So many ways so hard to find,
When all this wicked world needs
Is just the art of being kind.

Our distinguished friend has been twice ennobled. Death and duty ennoble all men. Devotion to duty was one of his characteristic traits. Her command to him a "Thus saith the Lord." He was unremitting in his attention to his public engagements. His entire life exemplified the truth that the path of duty is the upward way; that—

Not once or twice in our fair land's story
The path of duty was the way to glory.

Our souls should bow before the temple that enshrines the divinity of duty. These superb characters are the rarest fruit of earth, and their surviving countrymen may well cherish the fine vintage of their example for their perpetual refreshment.

The Vice-President, whom we mourn, was stricken in the midst of his usefulness from the highest public place save one in the gift of the people, a position which, despite its elevation, he honored more than it could honor him. The character and relative eminence of the office of Vice-President has been the subject of diverse comment for a hundred years, many people regarding it as quite subordinate in consequence and rank. The original constitutional mode of selecting the President and Vice-President denoted the estimation in which the framers of the Constitution held the Vice-Presidential office, and yet some of them and their contemporaries spoke slightingly of that office. John Adams said:

My country has in its wisdom contrived for us the most insignificant office that ever the invention of man contrived or his imagination conceived.

Thomas Jefferson said:

It is the only office in the world about which I am unable to decide whether I had rather have it or not have it.

Whatever rank may have been assigned to it at different periods of our history, it is the glory of its last incumbent that he restored the Vice-Presidency to its true rank, redeemed it from any obscurity into which it may have fallen, rescued it from the insignificance in which it came to be regarded by some, and established its title to the dignity and elevation appropriate to the second office in the gift of the American people.

It is thus seen what a beautiful and instructive career has closed on earth. He did not live man's appointed time. The mysterious clock to which Dr. Holmes so beautifully refers, which the angel of life wound up to run three score years and ten, ran down before the lapse of the allotted time. But the bounds which are fixed to the duration of life do not always measure its worth. His career, though cut off in the midst of its usefulness, has been a sweet and wholesome example in right living, high thinking, and unselfish service in private and public walks of life, and his fragrant memory will ever remain an inspiration to those who loved him living and mourn him dead.

There is a tradition that among the Seneca Indians a singularly beautiful belief prevailed that when a loved one died, if they caught a singing bird and, binding it with messages of love and affection, released it over the grave of the departed, it would not fold its wings nor close its eyes until it reached the spirit land and delivered the messages to the loved and lost. So may the friends who mourn to-day bind with messages of love the birds that are singing in their hearts songs of homage and affection, and, releasing them at the grave of the departed, may enjoy the solace of believing that they will not fold their wings until they reach the spirit land and deliver the messages to the loved and lost.

Mr. RICHARDSON. Mr. Speaker, I did not have the good fortune to enjoy a long and intimate acquaintance with the illustrious man whose memory and deeds we honor here to-day. Death is a theme not lightly to be mentioned by those who are subject to its power; for the young may die, the old must die, and the wisest of us know not how soon. In the prime of years, in the full strength of manhood apparently, and with short notice, Vice-President HOBART was called hence. As already stated, my acquaintance with him being limited, I shall not attempt to speak at length in respect to his private character and inner life. I leave these remarks to be made by those who knew him longer and more intimately. We learn that he was born in New Jersey in 1844; that he spent all the years of his busy life in that State; that in early manhood he followed the profession of school-teacher, and later became a lawyer.

The first public office he held was that of attorney for the city of Paterson, where he resided, in 1871. That later he was counsel of the board of freeholders of his county; that he was several times chosen a member of the legislature of his State, serving in both branches thereof, and filling the presiding officer's chair in each body. Once when his party was in the minority in the legislature he was voted for as its nominee for the United States Senate. In 1896, at St. Louis, he was nominated for Vice-President, and was duly elected in November of that year. The same month three years later he died.

During the comparatively brief time I have had the honor to occupy a seat in the House of Representatives I have witnessed the death of two incumbents of the Vice-President's chair. The first was that of the highly favored son of Indiana, Hon. Thomas A. Hendricks. He died in November, 1885. While Vice-President HOBART had not figured or participated in the public affairs of the nation at large so extensively as had Mr. Hendricks, yet in the narrower field of his State politics he was idolized to the same passionate extent. As there was nothing in the gift of the people of Indiana too good for Mr. Hendricks, so the people of New Jersey felt that Mr. HOBART richly deserved their warmest affection and most exalted honors.

In my personal experience in public life I have met but few men more easily approached and more civil and courteous in intercourse than was the late Vice-President. I recall well the first time I met him, shortly after he entered upon his duties as presiding officer of the Senate. The circumstances of our meeting made it necessary for me to speak to him without the formality of an introduction. I was immediately impressed with his mild manner, his dignified and pleasing address and polite attention. Gifted as he was in these respects, it is not singular or strange that he was personally popular and was held in such affectionate regard by those who knew him best.

He was blessed with a large estate, which he had amassed by an active life and successful business methods and management. He was enabled thereby to entertain, and he dispensed his hospitality in an almost lavish manner. This he did not for the mere sake of entertaining, but because of his generous and purely hospitable nature and the disposition to give good cheer and contribute to the comfort, happiness, and pleasure of those around him. He was, nevertheless, a man of duty, and rarely failed of success in any undertaking. This was because of his great energy, unflagging industry, good judgment, earnest convictions, and sound common sense. As the presiding officer of the United States Senate he was unusually successful and popular. By many members of that body he was pronounced a model presiding officer.

It can be truly said of him that in all the circumstances and conditions of life in which he was placed he bore himself well, and did no act to provoke the unfriendly criticisms of partisan opponents or to mortify a friend. I had the honor to attend his funeral services at his home, and I shall never forget the impressiveness of the scene there. It seemed that every man, woman, and child in his home city and, indeed, for miles around came to do him honor and pay a tribute of respect to his memory. There was scarcely standing room in Paterson that day, and all were moved with pity and sorrow, the highest evidence of sincere and genuine affection for their honored dead. Though ill for many months, we learn he bore his illness with fortitude and quiet resignation. He never lost his heart or became impatient. He knew

his end was approaching, but he contemplated the fact with that sublime confidence which belongs only to those who rely upon a past life marked by purity of conduct, integrity of action, Christian piety, and religious convictions. The Vice-President is dead, but his example in public and in private life is left to us all as a priceless heritage. As I close this brief tribute the poet's description of how a man should live comes to my mind, for I believe he so lived:

So live that when thy summons comes,
Thou can take thy place with patriarchs, prophets, and the blest,
Gone up from every land to people in heaven,
And when that mighty caravan which halts one night time
In the vale of death shall strike its white tents for the morning march,
Thou shalt mount onward to the eternal hills,
Thy feet unweary and thy strength renewed,
Like the strong eagle for his upward flight.

[Mr. GROSVENOR addressed the House. See Appendix.]

Mr. PARKER of New Jersey. Mr. Speaker, GARRET A. HOBART was born June 3, 1844, and died November 21, 1899, at the age of 55 years. During this comparatively short life he did well his part as husband and father, as counselor and friend to high and low, at the bar, in the legislature of his native State, in the conduct of great business enterprises, as a leader in politics, and finally as President of the Senate and Vice-President.

His death brought tributes of love, grief, and honor from a nation. The words of the great men in the Senate as to their young President read as if they had lost a Nestor. The speech of a Senator who had been at the head of a great railroad recalls that Mr. HOBART had been the arbitrator of traffic between the railroad systems of the whole country. He says:

No judge ever held office by so precarious a tenure or had to decide more important matters. There can be no more significant tribute to his unfailing judgment, tact, and character than the remarkable fact that there was never an appeal from his decisions or complaint of their fairness or justice.

The Senator from Massachusetts tells us that in two short years "he restored the Vice-Presidency to its proper position, and lifted it up before the people to the dignity and importance which it merits;" that he lifted it out of neglect and misconception, and made himself part of the Administration as one of the President's friends, advisers, and supporters.

Other Senators say:

"His close attachment for the President was as rare as it was generous and beautiful."

"The Vice-President loved justice. His sense of fairness made him the friend of the people and the people his friend."

"He appeared not to be an ambitious man, but carried wisdom and justice in his bosom, and friendship in his heart; love for his fellow-man and for his country."

"As he loved us, so we love and revere his memory."

A close friend, who knew and loved him, has said that it was a peculiarity of Mr. HOBART that he never made a mistake; that he seemed to know intuitively what to do, and when he once made a friend he never made the mistake of losing that friend.

Governor Roosevelt says:

With great titular rank he was not supposed to have any active share in formulating the policy of the Government and helping carry it through. What he did was done, not by force of position, but by force of character, his rare tact, his extraordinary common sense, and the impression of sincerity he created upon every man with whom he was brought in contact.

These and like sentiments, said here and elsewhere, are not common utterances, nor made by ordinary men. They speak the love and admiration which our friend's character inspired in all who knew him, and tell us the fact that he was not one of a class of great men, but that his work and character were unique. His was a rare union of qualities not ordinarily found in one man. He was active, but calm; earnest and judicious; wise, simple, and modest; witty, but never in derision; kind and gentle, yet courageous; a partisan, but absolutely fair; a skillful politician, yet entirely true; severely honest, but never puritanical; sweet as a good woman and strong as a true man, and loved with the affection that we give to each.

One can not paint the rainbow, nor will words depict the blending qualities which make up an arched and rounded character and which shade into each other so imperceptibly that even in looking at the man it can not be seen where one ends and the other begins. His sun is set and the rainbow is gone forever. We can not portray it to those who have not seen it, but we remember its presence as a joyful memory, bringing the world nearer to the sky. He was perhaps most remarkable in that he was always at his best, never failing in instinctive and instant perception as to what should be said or done, and what should be left unsaid or not done. His business energy was wonderful. His letters were always answered and his table clear, and his friends wondered when it was accomplished. He always had the time to see a friend, even when the stress of nations brought perplexity to the wisest.

Those who were with him at St. Louis know how calm he was before his nomination. He had felt the pulse of the political situation so distinctly that he calmly expected his nomination, and said so. Yet when it came, he was for a while as if overwhelmed. He realized instantly the change in his life, the greatness of his new duties and of the place that he had to fill—the stand which must be taken and the responsibility that was upon him. He shrank from public welcomes and retired to the counsels of his own heart. And when he spoke, a single sentence of his brief letter of acceptance rang through the country like a trumpet as he manfully proclaimed his belief that a dollar could not be made of "fifty-three cents' worth of silver plus a legislative fiat."

Such a sentence tells of his character more than any description. His simplicity of thought, his "veracity of mind" (as the Senator from Massachusetts terms it), his lightning and enlightening perception of facts, his simple statement of the issue, his power to put volumes of financial argument into a phrase, and, above all, his political truth and courage—all these appear written in that sentence as if in the handwriting on the wall. Those who then lived with him know what resolution it took to put and keep that sentence in his letter, how many of the wisest wished to disguise the issue, and what influences he had to meet and conquer. In it is seen, too, his political insight, then, as always, instinctive and unerring. From that moment the nation knew him as a leader.

He was born to be such, for he always dealt with realities and with great issues, and not with little ones. He faced what had to be done. He decided instantly, when others reasoned or doubted, and was never entangled with words or phrases.

Like all great leaders, he also knew men, and loved them as men, and recognized the best that was in them. He was informed not only by wide experience, but by a universal sympathy with others, that enabled him to know the mind and heart of the nation.

The office of Vice-President, carrying with it no official duty except to preside in the Senate, and no power except that of the casting vote in case of a tie, gave to him opportunity to bring all branches of the Government closer together. In the century of national life the Senate has grown from 26 to 90 and the House from 65 to over 350, while the details and departments of the work of the Executive and of the courts have grown until this great Government, in its various branches, is hardly to be recognized as the offspring of the simple assemblage of gentlemen who first met under the Constitution.

Naturally these branches have grown apart. It was Mr. HOBART'S work to bring each nearer to the other and to the nation. By his loving friendship with the President, by the relations which he maintained with men of all parties in the Senate, by his close affiliation with the House and with the leaders of national politics, he was enabled to bring each in touch with the other. All consulted him and wished to know his opinion. All trusted him. Senate and House, the Executive, the Army and Navy, the judges and the diplomats, were drawn closer together and felt how much he made for mutual confidence and peace.

If dispute threatened a deadlock, his advice was sought by men of the most various opinions. His decisions were accepted because he was known to be always true and fair. "He had a perfect genius for friendship." His influence in the Senate was almost unbounded, and yet he never infringed the privileges of that body. His advice was all the more powerful because it was always sought and never obtruded. It will never be known how much the leaders relied upon him in the crises that preceded the appeal to arms or how much they recognized his conservatism, courage, and Americanism.

Blessed are the peacemakers. But it takes rare wisdom to be a peacemaker—rare tact and disinterestedness.

When he fell ill, a shock came to us all, a sense of national calamity. His life had crept into that of the nation! We felt how much we might have to miss him in the reconstruction that follows after war; how much he could do, and how much he could prevent. The nation watched at his bedside, and finally wept by his grave.

The President himself has written his touching epitaph:

In him the nation has lost one of its most illustrious citizens and one of its most faithful servants. His participation in the business life and the lawmaking body of his native State was marked by unswerving fidelity and by a high order of talents and attainments, and his too brief career as Vice-President of the United States and President of the Senate exhibited the loftiest qualities of upright and sagacious statesmanship. In the world of affairs he had few equals among his contemporaries. His private character was gentle and noble. He will long be mourned by his friends as a man of singular purity and attractiveness, whose sweetness of disposition won all hearts, while his elevated purposes, his unbending integrity, and wholehearted devotion to the public good deserved and acquired universal respect and esteem.

As an American and from his own State, "I will instruct my sorrows to be proud." He is one who served his country faithfully. He died for that country as truly as any soldier in battle, welcoming the work that killed and meeting death without fear as patriot, statesman, and Christian gentleman, the Nation's servant and the People's friend, leaving a memory that is unstained and that best of monuments, the universal affection of the People for whom he worked.

Mr. DOLLIVER. Mr. Speaker, it is not certain that the death of any man ought to be spoken of as untimely, because the world

in which we live is without meaning or significance of any noble kind if we forget that our times are in the Hand which is upon all things. Yet the death of such a man as GARRET A. HOBART seems to the feeble insight which is granted to us amid the perplexities and mysteries of human affairs like the squandering of an estate or the loss of a priceless treasure.

He died in the midst of his labors and his honors, at the very moment of his largest usefulness in the world. The career of such a man is not an accident. it illustrates not only the opportunities of American life, but the benevolent working of the laws under which the progress of society is made sure. There is a doctrine grown to influence in these days which impeaches the whole framework of society, because it imposes upon all a struggle for existence in which only the fit survive. In order to put an end to such a tragedy, the world is filled with dreams of impossible conditions, in which all shall share alike in the rewards of life. According to the teachings of this school of thought, all who win success under the present condition of things are reckoned enemies of those who fail; and there are men who, in their eagerness to do away with the battlefields of life, are ready to set mankind on a dead level, in which there shall be neither failure nor success, but a perfect calm, in which all may enjoy the luxury of a common repose.

It is a sign of unhealthy times when the social and political philosophy of a race like ours becomes infected with these morbid opinions, for they not only pull down the fabric of society which has been slowly builded through the ages, but make any worthy and progressive human institutions impracticable.

A Senator of the United States, famous in the world of business and politics, in paying tribute to Mr. HOBART'S memory, found an illustration of the probity of his character in the success of his work as arbitrator of the Joint Traffic Association. The orator said that every one of the thirty-seven railway managers concerned had come up from the ranks and had won his way by his own ability. And no one could listen to his words without perceiving in them not only a tribute to GARRET A. HOBART, but a justification of the law of labor, under which the victories of life belong to those who win them.

While the world is larger than it was when GARRET A. HOBART was born, the fear is just as groundless as it was then that the sons of the rich are to drive the sons of the poor out of the race of life. The poor boy is the only boy that has any chance in the world or ever did have. This world will always be governed by the intellectual and moral strength there is in it, and neither the one or the other will ever be possible except under the discipline of hardship and necessity. The hope of mankind to-day lies not in the palaces of luxury and wealth, but in the cottages of the people, about humble family altars, in obscure places where the storms of all skies beat and where the rugged fiber of manhood is made, which is a victor over circumstances, a master of opportunities, a crowned athlete in the games of fortune and achievement.

The ancestors of Mr. HOBART were pioneers in the woods of New Hampshire, so far as the favor of nature is concerned probably the most backward of that marvelous group of communities called New England, which not only nurtured the intellectual life of America, but has sent forth her children to lay the foundations of new commonwealths and bequeathed to them the imperishable riches of the old homestead.

It may be counted fortunate for Mr. HOBART that he did not enter upon the responsibilities of life without an adequate preparation. It may be true, as Thomas Carlyle has said, that "your true university is the collection of books," and that men may obtain knowledge without the advantages of other education, but the number of self-educated men who have reached great eminence, without the patient training of the schools, is not sufficiently large to mislead the youth of our day. The estimate which General Garfield once gave of the influence of the small colleges of the country compared with the great seats of learning is justified by a thousand illustrations, and by none more completely than by the case of the late Vice-President. At Rutgers College, a struggling institution within easy reach of his home, in an atmosphere free from every contagion, surrounded by teachers who entered into the personal life of the student and kindled within him that love of learning which can not be communicated without the touch of sympathy, he found the exact environment adapted to his case.

The fabulous endowments now steadily flowing to the centers of American culture, new and old, are not to be despised, but the youth of America ought to be warned against the temptation never absent in circumstances of ease and extravagance, of degrading the ideals of learning by the parade of material things; and the universities boasting themselves of size without age need to be often reminded of the blasphemy of the imposter in the Acts of the Apostles, who thought to buy the gift of God with money.

It is not to be supposed that Mr. HOBART, graduating at the age of 19, founded his success in life upon what he learned at college, or even upon what he acquired as a school-teacher and student of of law. Yet, it would be hard to overstate the advantages which a young man derives from the training of a college course and the arduous self-discipline of a school-teacher. A good teacher gives much to a school, but the school gives to the teacher even more; so that it is not strange that so many men and women have come from the patient labor of the district schoolroom into the larger service of their day and generation. Mr. HOBART was in some sense a pioneer of the new professional life which in the larger American cities has abolished the old-fashioned attorney and made the new counselor at law a part of the industrial and commercial activity of the community. While he had the faculty of plain and direct speech, he was at no time in his career noted as an advocate, nor did he ever pose as a jurist weighed down with the obsolete lore of the profession.

He had the genius of success. As a student he copied papers and records in the law office which he afterwards owned, and for twenty years he was president of the bank in which he began as a clerk, during the trying period in which he was getting a foothold in the world. He was a man of affairs, who understood the law as applied to modern business with perfect accuracy, and whose opinion on practical questions involved in large enterprises soon came to be counted everywhere as sound.

It has been observed by the older judges that the legal profession as it was known to our fathers has been noticeably influenced to the revolutions of the modern business world. The orator who once captivated juries by his persuasive eloquence is hardly more than a tradition, while the leader of the bar who once overawed the courts by the weight of his personal authority no longer finds an appreciative audience outside of the rural circuit. In their places have come experts in the various fields of business enterprise, shrewd and limited men who have taken the pains to know more about a few things than their predecessors ever had time to find out about everything. In such a professional atmosphere the common man is lost, and sinks to a cipher without vital relation to the world at large of any sort, while the profession itself runs the risk of becoming a mere case-grinding drudgery in which the larger faculties of the mind perish altogether.

Mr. HOBART lived through the perils which beset the corporation lawyer of our times, rising year by year into a broader intellectual horizon; and when the American people called him to the second office in their gift, he was able to lock up his law office at Paterson, close the business engagements of a lifetime, and become the trusted counselor of all with whom he was associated in the Government of the United States. By his singular foresight he became a man of wealth, yet in his whole career no man ever suspected his integrity or disparaged his prosperity. He had the respect of poor and rich alike, and in the city where he lived his name inspired the confidence and affection of all. He gained his wealth in a manly, honest way, and used it while he lived to help and bless the world. Few men have ever exhibited a more symmetrical life than his.

The thing that struck me most forcibly about him when I first knew him nearly twenty years ago was the fact that though his time was pressed upon by a variety of engagements so innumerable as to encumber and bewilder any but an extraordinary man, yet in the midst of all the cares of business he had time for politics, local and national; time for his church, time for his friends, and time for the fireside, from which he drew the gentlest inspirations of his laborious life.

My acquaintance with Mr. HOBART began in the summer of 1884, when, as an inexperienced campaign speaker, I saw much of him at the national headquarters of the committee which managed Mr. Blaine's Presidential canvass. He was one of the extraordinary group of young men who were drawn about the person of Mr. Blaine by those remarkable qualities which made him so long the leader of his party, and I speak here to-day on this mournful occasion because in those years I found in Mr. HOBART a friend whose counsel was always unselfish and whose hand was ever ready in acts of kindness and good will. In three Presidential campaigns I knew him as a political manager charged with the success of the party to which he was devoted. I saw him day and night in the work of the campaign, and while I have seen the storm of clamor and detraction gather about the heads of those who were associated with him in this party service, the fact that GARRET A. HOBART shared in every responsibility of his associates has always enabled me to feel that the working field of American politics, instead of being a corrupt and corrupting thing, is a high arena in which men of character may serve their countrymen without dishonor or reproach.

Surprise has been expressed by some that this plain man, whose name was comparatively obscure until his party selected him as its candidate for the Vice-Presidency, should have been able to so exalt that office as to bring back the prestige which it bore in the earlier days of the Republic. To those who knew Mr. HOBART well there is nothing strange in the fact that his brief service in the chair of the Senate dignified that public station with a new and high distinction. Few men knew more about American

politics or had studied the public service of the United States to a better purpose than he. From the day he opened his law office in Paterson he was profoundly interested, both in theory and in practice, in the politics of his town, his county, his State, and his country.

Mr. HOBART was a great Vice-President; first, because he became easily the master of the duties of that office; and then, so large and generous was the man himself that he brought to the office a personality which attracted at once the consideration of the whole Senate and the whole country. No man ever met him without receiving from him a word of helpfulness and good cheer, and no man ever entered his door without breathing at once the air of a perfect hospitality. His judgment was unerring upon questions involving public or party policy, and the man himself was too great to use a minute of his time in spiteful disparagement of other men.

It has been observed as worthy at least of note that the late Vice-President, while he lived, was an adviser and intimate friend of the President, helping him to bear his burdens and giving him with an unselfish motive continual help and guidance in the midst of difficult affairs. It has been said that no such relation between the two offices was ever known before, and that with no exception our American Vice-Presidents, though many of them were strong and famous, have spent their influence in undermining the Administration of the President or in stupid lamentations over their own neglected and unimportant lot.

If Mr. HOBART was loyal to the President it was not, as some have thought, because he was conscious of any disqualification in himself that would make his own aspirations to the Presidency out of place. It was partly at least because, knowing by experience more probably than anybody else about the nomination of Presidents and the election of them, he had acquired the wisdom to know that men are not lifted up in the estimation of the world by trying to drag others down; and that the forces which make Presidents of the United States out of men operate on too large a scale to be seriously affected by the gossip of the dinner table or the whispers of the cloakroom.

Therefore, with a sane mind, grateful to his countrymen for the honor they had given him, he set himself to deliver the office of Vice-President from the cheap and petulant influences that have always surrounded it. How well he succeeded all men know, and it is not too much to say that had he lived he would have drawn to himself such a measure of popular enthusiasm that his countrymen would have invited him to step from the second chariot into the first. Already his name was spoken with honor in every section of the country. On the day he died, in traveling over the prairies west of the Missouri, I saw upon every schoolhouse the flag at half-mast, and at every railway station groups of people talking in subdued voices of the death of Vice-President HOBART; and wherever the flag of the United States is known, even in the ends of the earth, it became the sign of the universal affliction of his countrymen. We come here to-day to add our tribute to his memory. We can not hope by what we say in the least to repair the loss which the nation has sustained in his death. We may not even presume with our faltering words of eulogy to console the broken hearts which have so recently followed him to the grave; we can only commend them to God and the Word of His grace.

Mr. DALY of New Jersey. Mr. Speaker, GARRET AUGUSTUS HOBART, Vice-President of the United States, died at half past 8 o'clock on the morning of Tuesday, November 21, 1899, at his home in the city of Paterson, N. J. His death was not unexpected, for Mr. HOBART had made a strong battle for life before the summons came. All that medical science and the encouragement of friends could do was exerted in his behalf, but he had to succumb finally to the hand of death.

Few men in the history of this country have grown into such great prominence as Mr. HOBART from the time he became Vice-President of the United States until the day of his death. It was an unusual spectacle to behold, contrasted with the past, a Vice-President of these United States who was close in touch with the molding of the policy of his party, being accorded that consideration in the councils of the nation which has seldom been accorded to one occupying the position he did. It can not be said that this recognition grew out of any prominence he had attained in public life or from any great attainments that he was himself master of; nor can it be said that it was due to any transcendent position he occupied in his chosen profession; but it can be truthfully asserted that it was due to the strong personal character that admitted of his grasping situations with celerity and a power of discrimination in his judgment of men and measures which come to those who by perseverance and aggressiveness have been able to surmount obstacles and throw down barriers in order to accomplish the object sought.

Born in comparative obscurity, he possessed to a remarkable degree the energy and determination which have proved the mainspring of success in the lives of all successful men.

He was born in historic Monmouth County, in the month of June, 1844. Monmouth, whose fields were consecrated to American liberty by the blood of patriots at old Monmouth Court-House, nigh unto the very soil that was trodden by such heroes as Washington, Wayne, Lafayette, Knox, Green, Steuben, and a host of others; near where Washington and Lafayette, wrapped in a single cloak, lay down to rest the night before the battle of Monmouth Court-House, and near where the brave Mollie Pitcher became famous and went down into history as the "woman cannoneer of Monmouth." With these environments it is little to be wondered at that the late Vice-President, no doubt inspired by his patriotic surroundings, was urged onward to achieve glory in civil life, which finally ended in his becoming the second citizen of this great Republic.

Like the majority of the great men of this nation, his early education was obtained in our country's greatest institution—its common schools. He finished his education at old Rutgers College, graduating in the year 1863, and, as I understand it, soon entered upon the duties of a schoolmaster, finally taking up the study of law and entering the ranks of that profession, no doubt, when he started out, intending to reach a position that might place him with some of the great legal lights that have made New Jersey famous.

He was not long destined to remain in the ranks of the struggling attorney. This was not due to lack of education or legal attainments, but to the fact that he found other pursuits more congenial, and he directed his attention to some of the great industrial interests of New Jersey. His legal ability must have been of a superior order, for we find that early in his professional career (1871) he became counsel to the manufacturing city of Paterson, and a year later counsel to the board of chosen freeholders of the county of Passaic. The appointment to these positions indicate that young HOBART was possessed of superior legal ability, for in the exercise of his duties he was compelled to pass upon grave constitutional and municipal questions, and no one could occupy either position unless a sure and safe legal education had been acquired.

About this time—1872—he entered the field of politics by being elected a member of the house of assembly for the city of Paterson. He was reelected in 1873, and in the year 1874 his rank was such in his party that they honored him with the position of speaker. He entered the senate of the State in 1876 and served in that body six years, twice occupying the distinguished position of president of the senate. During all this time he kept growing in the confidence of the people, and his ability was such that he ranked as one of the leaders of the Republican party in the State, and during this period, either in the house of assembly or in the senate, he was associated with and had for his colleagues some of New Jersey's most eminent citizens.

At one time or another there sat with him the distinguished and learned Chancellor Magill, Chief Justice Magee, of the supreme court of the State, ex-Governor George C. Ludlow, the senior Senator from New Jersey, WILLIAM J. SEWELL, and my colleague, Mr. GARDNER, of the First Congressional district of the State. Some of these that I have named were then but young men; some of them had not reached middle life, but they have since arisen preeminent in my State and in the nation, and do you wonder that with these surroundings the lamented Vice-President paved the way to ascend the ladder of fame? His very contact with these men must have further excited his ambition as they moved along side by side in life's struggle.

After he left the senate of New Jersey the bent of his energies was directed in the channel of business enterprise, and I am informed that at the time of his death he was interested to the extent of being director in more than sixty companies, banking and business interests. He became general manager of the East Jersey Water Company, and was president of the Passaic Water Company, the Paterson Railroad Company, and the People's Gas Company. He was director in the First National and other banks of Paterson and elsewhere; was director of the New York, Susquehanna and Western Railroad, the Lehigh and Hudson Valley Railroad, Barbour Brothers Company, Barbour Flax Spinning Company, the Edison Electric Illuminating Company, and many other large institutions. His connection with these great concerns demonstrated his great financial and business ability, for from struggling corporations he built some of them up, by his perseverance and the exercise of wisdom and discretion, to be the greatest industries of our State, and through his connection with these institutions he laid the foundation for the building up of the great fortune he left behind.

With all these interests absorbing his time and energies, you would imagine he would lose sight of the people; that he would lose sight of the governmental interests and policies of State and nation; but, nevertheless, he kept in close touch with his party and his party's leaders and the country. Ever genial, ever kind, possessed of a strong magnetism, his party and people sought his advice and counsel, and he maintained that hold upon them that even while occupied with business interests he guided the policy of his party in his State and guided its policy in the nation. The

power that he possessed in the great interests of his State would have made some men arrogant, overbearing, and selfish; but never once have I known it to be said of him that his political or his business preferment ever made him lose sight of the fact that he was plain GARRET A. HOBART. He possessed all the attributes of a leader. He was conciliatory, yet brave; extremely partisan, but generous to a political opponent. His presiding over the Senate and his ever-courteous bearing toward all parties demonstrated his strength of character, for public history has recorded the fact that the stronger the partisan and the greater the leader the less arbitrary his conduct when called upon to exercise discretion in trying situations. Of course there are exceptions to this rule, but in the main this principle will apply.

I knew Mr. HOBART well. As a member of the senate of the State of New Jersey I frequently came in contact with him at the statehouse and had many opportunities to judge of his character. I do not wonder that when he came to Washington he made the same impression upon those he came in contact with that he did in his own State. Those who knew him well loved him; those who knew him not so well admired him.

The tribute paid Mr. HOBART by his colleagues in the Senate speaks eloquently and forcibly of his fairness in presiding over the deliberations of that body. Grave public questions were involved during his occupancy of the chair as presiding officer and it has yet to be said that he ever exercised any arbitrary power or discriminated in favor of one or the other, but treated all alike.

I have never heard Mr. HOBART criticised save for being a partisan; but, Mr. Speaker, to my mind that was a tribute, for when a man enters public life he does it through the channels of some political party to which he has become devoted, and if, forsooth, his party err on some given proposition, yet for the good his party has done he remains true, relying upon the conservative element to correct the error when the proper time comes, and not rise and strike it down that upon its ruins might be erected and perpetuated another. Such a partisan was Mr. HOBART, and such political characters live in the hearts of men when party destroyers have passed into oblivion.

Mr. HOBART'S strict attention to public business, his attention to his private interests, and that genial disposition of his nature which led him to attend to the calls that society made upon him soon undermined the vigorous constitution of which he was possessed, so that on the 4th of March, 1899, he with the President and Senator HANNA took themselves to the quiet retreat of Thomasville, Ga., there to recuperate and build up his physical and nervous condition. It was there that he was first taken seriously ill, and he soon returned to Washington. As his sickness progressed he longed for his home by the sea at Long Branch, to be near the scenes of his earliest childhood in the county of his nativity, hoping that the ocean's breezes might benefit him and the dreary monotony be relieved by gazing upon the scenes of pleasure of that locality. But relief came not, and I have no doubt as he looked on the waves breaking their force upon the shores and calmly receding the thought of the poet was suggested:

Faded wave, joy to thee;
Now thy flight and toil are over;
Oh, may my departure be
Calm as thine, thou ocean rover.

When this sad soul's last joy on earth
On the shore of time is driven,
Be its lot like thine on earth,
To be lost away in heaven.

He practically spent the entire summer at Long Branch, save for a short trip to Lake Champlain, where he went to join the President. In the early fall he returned to his home in Paterson, and there lingered, battling with disease, until the date I have mentioned, when he departed this life.

No tribute that tongue can pay can be as grand as the tribute paid by the people of his adopted city as he lay in death in Carroll Hall. Public business was suspended, great manufacturing interests closed that thousands in that busy city might join in the manifestations of sorrow that pervaded our entire country. What a scene was that, Mr. Speaker, when the rich and the poor and the great men of our nation were bending their heads in sorrow in the streets of that city, all alike feeling the loss of a great public servant and benefactor. The personality of the man was alike to all; the same sunny smile was for the rich as the poor, and the same cordial greeting was bestowed upon everyone he came in contact with. His generous liberality was appreciated by everyone.

I wish that I had the eloquence to pay that tribute his memory deserves. By those who knew him he will be fondly spoken of until the last survivor has passed away, and when history shall write him, he shall live as one who loved his country, who loved its institutions and its people. I can not better summarize than to say he lived a true life, and in the language of the great philanthropist, Horace Greeley, who said, "Whoever seeks to know if his career has been prosperous and brightening from its outset to its close should ask not for broad acres or towering edifices or laden coffers; ask rather, Did he live a true life?"

GARRET HOBART lived a true life, and as he lived a true life, so much greater shall be his reward in the hereafter. In a quiet spot in Cedar Lawn Cemetery reposes all that of him was mortal, there to rest until called forth on the resurrection morning to enjoy eternal happiness in the presence of his Redeemer.

Mr. FOWLER. Mr. Speaker, GARRET A. HOBART still lives, both yonder and here. His soul nourished the hope of immortality, and his life here was so consonant with that hope that his life there will be but an exalted, beautified, and glorified realization of his ideals.

He was a typical man; typical because he illustrated in an almost matchless degree the best of our civilization. During all the ages, in art and architecture, in poetry and philosophy, those only have left permanent influences for the welfare of the human race and have moved the standards of right living onward and upward who typified those ideals that will forever mark their times. GARRET A. HOBART was the highest type of the American citizen of his day.

In this eager age of wealth gathering, over against the hot haste, in bold relief, stands every virtue; and he who in the midst of the mad rush illustrates those virtues truly typifies all that is best of his time. You will search in vain the long list of noble lives ending with the century for a life that more completely and beautifully exemplifies and symbolizes the essential virtues of our civilization than that of HOBART.

Born upon a farm, he started life at the lowest round of the ladder of human endeavor, but never missed a step in its ascent, as the farm boy, the district-school lad, the college student, the teacher, the lawyer, the State representative, the man of stupendous business affairs, the ideal Vice-President of the United States.

Is honesty for its own sake one of the essentials of American manhood? GARRET A. HOBART stood for all that that word can suggest; he could not even think dishonestly. He was a stranger to indirection. His plans were great, but as open as the sunlight. His honor was the "finest sense of justice the human mind can frame." He was too broad and generous to cavil over technicalities; with him implication was as binding as his bond. Intent, not forms of words, determined his action.

Are the boundless burdens of our highly organized society to be voluntarily assumed by every true friend of mankind? This was his belief, for he gave his great heart of sympathy and generous hand to every good work.

If the influence of loyalty to principle and fidelity to duty be sought in its highest development, we need seek no other illustration than his life.

No man had a profounder and sweeter sympathy or enjoyed more the fragrance of a friend's heart. His was a friendship which, once pledged, never swerved; weighed well before it trusted, but did not weigh before it served.

Very recently a lifelong companion remarked that if HOBART happened by any chance to learn that a friend wanted something, he would straightway try to obtain it for him. When the shadows of life were thickening, and he knew well that the sun would shine through them no more, he expressed an earnest wish that he might do a kindness for one, who, he said, had been true to him.

His was a truly noble life; simple, yet exalted. He made his character by being what he desired to seem.

What essential quality or virtue did he not possess? He was instinctively intelligent and profoundly just. He possessed great talents, and his tact was boundless. His judgment was almost unerring and his generosity limitless. His patriotism was calm and unswerving. He was the very soul of honor. He harbored no bitter hatreds; he nursed no relentless animosities. His friendship was a devotion. His character was as pure and spotless as a star.

His was a life of sunshine, and it cast no shadows. What circumstance, what incident, what event, what endeavor, what achievement, what private obligation, what public duty, what institution, what personal relationship, what human life was not more fortunate because the soul of GARRET A. HOBART had touched it? And so he still speaks in ten thousand sweet influences that can know no ending; and the world will forever be the better because he once lived in it.

His name, reaching down the age of time,
Will still through the age of eternity shine
Like a star, sailing on through the depths of the blue,
On whose brightness we gaze every evening anew.

[Mr. SALMON addressed the House. See Appendix.]

Mr. GARDNER of New Jersey. Mr. Speaker, several gentlemen who desired to contribute something on this occasion having been unavoidably compelled to be absent, I ask unanimous consent for general leave to print.

The SPEAKER. The gentleman from New Jersey asks for general leave to print upon the life and character of the late

Vice-President of the United States, Mr. GARRET A. HOBART. Is there objection?

There was no objection.

The resolutions were unanimously agreed to.

Mr. GARDNER of New Jersey. Mr. Speaker, as a further mark of respect to the memory of the deceased, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 14 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Waukegan Harbor, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of State, transmitting correspondence relating to complaints of the German Government against certain customs regulations—to the Committee on Ways and Means, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Marie P. Evans against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MILLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 955) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park, reported the same without amendment, accompanied by a report (No. 123); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, reported the same without amendment, accompanied by a report (No. 124); which said bill and report were referred to the House Calendar.

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 3988) to reorganize and improve the United States Weather Bureau, reported the same with amendment, accompanied by a report (No. 125); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 212) for the relief of the owners of the British ship *Foscolia* and cargo—Committee on Foreign Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 527) granting a pension to Lucy D. Young—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4571) for the relief of Helen W. Mauck—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7136) for the relief of Michael McLaughlin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7144) granting an increase of pension to Agnes Capron—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7156) to increase the pension of Juliet C. Nichols—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7204) for the relief of William Gregory—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 5308) granting a pension to William Conover—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7135) for the relief of Franklin J. Robbins—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes—committed to the Union Calendar.

By Mr. GAYLE: A bill (H. R. 7434) for the erection of a public building at Paris, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. ALLEN of Maine: A bill (H. R. 7435) to provide for the purchase of a site and the erection of a public building thereon at Portland, in the State of Maine—to the Committee on Public Buildings and Grounds.

By Mr. SCUDDER: A bill (H. R. 7436) to fix the compensation and pay of surfmen employed in the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD (by request): A bill (H. R. 7501) for the extension of M street NE.—to the Committee on the District of Columbia.

Also (by request): A bill (H. R. 7502) to incorporate the Wesley Heights Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHELDEN: A bill (H. R. 7503) to provide for the construction of a revenue cutter for use in St. Marys River, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 7504) to receive arrearages of taxes due the District of Columbia to July 1, 1898, at 6 per cent per annum in lieu of penalties and costs—to the Committee on the District of Columbia.

By Mr. BINGHAM: A bill (H. R. 7505) appropriating five millions of dollars for the building of public roads in the several States in the United States of America—to the Committee on Agriculture.

By Mr. JENKINS: A joint resolution (H. J. Res. 138) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 7437) for the relief of James N. Curry—to the Committee on Military Affairs.

Also, a bill (H. R. 7438) for the relief of Isaac J. Tucker—to the Committee on Military Affairs.

By Mr. ALLEN of Maine: A bill (H. R. 7439) to restore Henry D. Hall to the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BARHAM: A bill (H. R. 7440) granting a pension to Henry Dority—to the Committee on Pensions.

By Mr. BAKER: A bill (H. R. 7441) granting an increase of pension to Mrs. Annie Dulany—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 7442) for the relief of A. G. Bopne—to the Committee on Claims.

By Mr. BANKHEAD: A bill (H. R. 7443) for the relief of W. H. Bickerstaff, of Walker County, Ala.—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 7444) to provide for certificates of honorable service to the officers and men of Foster's cavalry battalion, Missouri Volunteers—to the Committee on Military Affairs.

By Mr. BROSIUS: A bill (H. R. 7445) granting a pension to Emma B. Reed—to the Committee on Invalid Pensions.

By Mr. CARMACK: A bill (H. R. 7446) for the relief of Ellen Savage, administratrix of T. H. O'Donnell, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7447) for the relief of the estate of George W. Reeves, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7448) for the relief of Finess E. Wirt, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7449) for the relief of the estate of James Dickenson, deceased, late of Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7450) for the relief of Arthur P. McKinney, administrator of John F. McKinney, deceased, late of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7451) for the relief of estate of Mrs. C. M. Lock, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7452) for the relief of John Morrison, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7453) for the relief of the estate of Leander Black, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7454) for the relief of Alfred B. Carter—to the Committee on War Claims.

Also, a bill (H. R. 7455) for the relief of William J. Bishop, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7456) for the relief of John A. Farley, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7457) for the relief of estate of B. B. Neville, deceased, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7458) for the relief of the estate of Henry E. Sills, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7459) for the relief of John D. Ussery, of Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7460) for the relief of Thomas S. Gallaway, administrator of John H. Mebane, deceased, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7461) for the relief of Nicolla Malatesta, of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7462) for the relief of Mrs. W. A. Scott, of Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7463) for the relief of Thomas J. Graves, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7464) for the relief of estate of Caroline Mulhaupt, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7465) for the relief of E. J. Sullivan, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7466) for the relief of Mrs. Sarah E. Norton, of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7467) for the relief of the estate of William Parham Butterworth, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7468) for the relief of the estate of T. P. Lloyd, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7469) for the relief of Daniel Butts, of Moscow, Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7470) for the relief of the estate of Nancy J. Carr, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7471) for the relief of the estate of Andrew B. Conley, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7472) for the relief of Benjamin Hahn, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7473) for the relief of Henry M. Green, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7474) for the relief of F. A. Jones, administrator of R. S. Jones, deceased, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7475) for the relief of E. C. Oakley, administrator of W. H. Neal, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7476) for the relief of the estate of Zeno T. Harris, deceased—to the Committee on Claims.

Also, a bill (H. R. 7477) for the relief of S. R. McAlexander, of Hardeman County, Tenn.—to the Committee on War Claims.

By Mr. CUMMINGS: A bill (H. R. 7478) for the relief of Isaac W. Busey, of Washington, D. C.—to the Committee on Claims.

Also, a bill (H. R. 7479) for the relief of John A. Narjes, of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. DALZELL: A bill (H. R. 7480) for the relief of the legal representatives of Tomlinson & Hartupee & Co.—to the Committee on War Claims.

By Mr. GAINES: A bill (H. R. 7481) for the relief of the heirs of James M. Hinton, deceased—to the Committee on War Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 7482) granting increase of pension to Caroline N. Lovejoy—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 7483) for the relief of James T. Ellis, of Rankin County, Miss.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 7484) granting a pension to John W. Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7485) for the relief of William E. Keene—to the Committee on Military Affairs.

Also, a bill (H. R. 7486) granting a pension to G. W. Rockwell—to the Committee on Pensions.

By Mr. LONG: A bill (H. R. 7487) granting an increase of pension to Edwin Inscho—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7488) to pension John C. Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7489) to pension Elvira Hunter—to the Committee on Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 7490) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon—to the Committee on Pensions.

By Mr. NEVILLE: A bill (H. R. 7491) granting a pension to John Devine, of Greeley, in the State of Nebraska—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 7492) for the relief of Mrs. Pinnie L. Carr—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 7493) to compensate Luther M. Cresap, a loyal citizen of Allegany County, Md., for the destruction of a bridge attached to his merchant mill in 1864 under the orders of Gen. B. F. Kelley—to the Committee on War Claims.

Also, a bill (H. R. 7494) for the relief of Ann R. Widmayer, of Washington City, D. C.—to the Committee on Claims.

By Mr. PARKER of New Jersey: A bill (H. R. 7495) granting an increase of pension to Richard Holloway—to the Committee on Invalid Pensions.

By Mr. PIERCE of Tennessee: A bill (H. R. 7496) for the relief of H. S. Simmons's estate—to the Committee on War Claims.

By Mr. QUARLES: A bill (H. R. 7497) for the relief of the estate of George W. Taylor, deceased, Augusta County, Va.—to the Committee on War Claims.

By Mr. RUPPERT: A bill (H. R. 7498) for the relief of Augustin Walsh—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 7499) to remove the charge of desertion from the military record of Joseph Kennedy—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 7500) for the relief James Marr for services as custodian of Fort Hancock—to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 7506) for the relief of John Martin—to the Committee on Military Affairs.

Also, a bill (H. R. 7507) for the relief of John McNaughton—to the Committee on War Claims.

Also, a bill (H. R. 7508) granting a pension to Anna M. Dammert—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 7509) granting an honorable discharge to Patrick Diamond—to the Committee on Military Affairs.

Also, a bill (H. R. 7510) granting a pension to Elizabeth F. Beaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7511) granting an increase of pension to Charlotte Youngs—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Manufacturers' Club of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: Resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the enactment of House bill No. 887 and of Senate bill No. 417—to the Committee on Interstate and Foreign Commerce.

Also, joint memorial of the commercial, maritime, and trade bodies of Philadelphia, Pa., urging the establishment of a new light-house at the southern end of the new breakwater of the national harbor of refuge, entrance of Delaware Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. BRENNER: Petition of Joseph J. Pater, of Hamilton, Ohio, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. BURKETT: Resolution of the Manufacturers' Club of Philadelphia, favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, memorial of South Omaha Live Stock Association, for the removal of the internal-revenue tax on notes and mortgages—to the Committee on Ways and Means.

By Mr. CHICKERING: Petition of clerks in the post-office at Watertown, N. Y., asking for the passage of House bill No. 4351, for the classification of clerks in the first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of post-office clerks at Allegheny, Pa., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Manufacturers' Club of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of Rev. Edw. T. Fairbanks and 48

other citizens of St. Johnsbury, Vt., for the passage of Senate bill No. 34, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENRY of Mississippi: Paper to accompany House bill relating to the claim of Joseph T. Ellis—to the Committee on War Claims.

By Mr. LATIMER: Resolution of the board of health of the city of Charleston, S. C., with reference to yellow fever in Habana, Cuba—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Branch No. 454, National Association of Letter Carriers, of Charleston, S. C., favoring the passage of House bill No. 4911, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. McALEER: Resolutions of the Manufacturers' Club of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Paper to accompany House bill No. 7177, for the relief of John N. Breed—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of Manufacturers' Club of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chicago Federation of Labor, with reference to arid lands—to the Committee on the Public Lands.

By Mr. MIERS of Indiana: Petition of ex-soldiers of the war residing in the State of Indiana, in opposition to the passage of House bills 1746 and 1747, relating to the revision of the pension laws—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of the passage of House bill No. 3988, to reorganize the Weather Bureau—to the Committee on Agriculture.

Also, petition of the railway mail clerks of the State of California, Los Angeles Branch, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the San Diego, Cal., Chamber of Commerce, relative to the reciprocity interests of the country—to the Committee on Ways and Means.

Also, resolutions of the San Diego, Cal., Chamber of Commerce, favoring the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the San Diego, Cal., Chamber of Commerce, favoring the bill relating to food products—to the Committee on Agriculture.

Also, resolutions of the San Diego Chamber of Commerce, for an appropriation for the measurement of streams in California and Arizona—to the Committee on Appropriations.

By Mr. NEVILLE: Papers to accompany House bill No. 6915, granting a pension to William C. Wilson—to the Committee on Invalid Pensions.

By Mr. SCUDDER: Petition of patrons of the post-offices at Woodhaven, Ozone Park, and Clarenceville, State of New York, for the establishment of the free-delivery system with the post-office at Jamaica, and opposing House bill No. 3729—to the Committee on the Post-Office and Post-Roads.

By Mr. SHACKLEFORD: Petitions of the publishers of the Clay Center Times, Ashland Clipper, Erie Sentinel, Manhattan Mercury, Iola Register, Horton Headlight, Ottawa Republican-Times, Winfield Courier, Abilene News, Lincoln Sentinel, Paola Times, Salina Herald, Mound City Torch of Liberty, Marion Headlight, Wellington People's Voice, St. Marys Star, Pratt Union, McPherson Opinion, Concordia Kansan, Clay Center Dispatch, Emporia Gazette, in the State of Kansas; also Rock Rapids Review, McGregor News, Fort Madison Gem City, Winterset News, Farmington Herald, Cresco Plaindealer, Clinton Advertiser, Fort Madison Democrat, Montezuma Democrat, Reinbeck Courier, Orange Herald, Marshalltown Reflector, Bedford Free Press, Chariton Democrat, Creston America, Boone Democrat, Oelwein Record, Fayette County Union, Grundy Center Democrat, Jackson Sentinel, Independence Conservative, Spencer Herald, in the State of Iowa; also Marshall Statesman, Monroe Commercial, Fenton Independent, Romeo Observer, Caro Advertiser, Lansing Republican, Ludington Appeal; also Meadville Star, Blairsville Courier, Montrose Republican, Grove City Recorder, Shippensburg News, Shamokin News, Mount Carmel Item, Milford Press; also Sedalia (Mo.) Journal; also Mason News, Gonzales Inquirer, Texas; also McMinnville New Era, Columbus Republican, Indiana; also Piedmont (S. C.) Sun-Herald; also Cape May Star, Trenton Gazette, Plainfield Courier-News, Newark Advertiser, Passaic Record, Morristown Express, New Jersey; also Perry Herald and News, Randolph Register, Kingston Freeman, Poughkeepsie Star, Middletown Times, Johnstown Republican, State of New York; Rushville Graphic, Fort Wayne Journal-Gazette, Union City Eagle, Knightstown Sun, Terre Haute Express, State of Indiana; Rochester Post and Record, Northfield News, State of Minnesota; Martinsburg Democrat, Union Watchman, Sutton Democrat, Romney Review, Kingwood Argus, Point Pleasant Register, of West Virginia; also Jamestown (N. Dak.) Alert, Centerville Chronicle, Mellette Tribune, Huron Huronite, of South Dakota; also Caribou (Me.) Republican, Hailey (Idaho) Times; also Ashland Gazette and Port Clinton Republican, of the State of Ohio; Eldorado Times and the Wamego Times, State of Kansas, favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

By Mr. SPARKMAN: Resolution of the Jacksonville (Fla.) Board of Trade, in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. WADSWORTH: Petition of citizens of the town of Orangeville, N. Y., for legislation relating to dairy or food products—to the Committee on Agriculture.

By Mr. ZIEGLER: Petition of E. L. Eshleman, druggist, asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 27, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MILITARY HOSPITAL, FORT LEAVENWORTH, KANS.

Mr. CURTIS. I ask unanimous consent for the present consideration of House joint resolution No. 6.

The Clerk read, with the amendments reported by the Committee on Military Affairs, the joint resolution (H. J. Res. 6) authorizing the Secretary of the Treasury to use $100,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans.

Mr. CURTIS. After the estimates were sent in last year the War Department made a special estimate of $100,000 for the construction of a hospital at Fort Leavenworth, Kans.

The following is the special estimate:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 5, 1899

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War, of the 28th ultimo, submitting an estimate of appropriation ($100,000) for the erection of a modern hospital at Fort Leavenworth, Kans.

Respectfully, yours,
O. L. SPAULDING,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, *Washington, December 28, 1898.*

SIR: I have the honor to forward herewith, for transmission to Congress, an estimate ($100,000) of appropriation for "Hospital construction," for the erection of a modern hospital at Fort Leavenworth, Kans., required by the War Department for the service of the fiscal year ending June 30, 1900.

Very respectfully,
R. A. ALGER, *Secretary of War.*

The SECRETARY OF THE TREASURY.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1900, by the Surgeon-General United States Army.

Hospital construction:

For the erection of a modern hospital, for 100 beds, of stone and brick, at Fort Leavenworth, Kans., including heating, ventilating, plumbing, wiring for electric lights, gas piping, elevator, dynamo, electric motor, bookcases, lockers, closets, mortuary, ambulance shelter, stable, etc. (Submitted) $100,000

NOTE.—In explanation of the foregoing estimate the following communication of Maj. George H. Torney, United States Army, surgeon in charge of the post hospital at Fort Leavenworth, transmitted to the War Department through military channels, is respectfully submitted:

UNITED STATES ARMY POST HOSPITAL,
Fort Leavenworth, Kans., November 27, 1898.

SIR: I have respectfully to report that the post hospital now in use at this post is inadequate and of insufficient capacity for the requirements of the sick of this command.

It is what is known as a 24-bed army hospital, which at this moment contains 60 patients. In order to provide space for beds for the additional patients, the storerooms and rooms heretofore used for administrative purposes are being utilized, under many disadvantages.

The dining room and kitchen are, of course, too small for the use of the convalescent sick and the men of the hospital corps, rendering it necessary to serve two separate sittings for each of the three daily meals to seat all the men for whom provision must be made.

When this hospital was constructed, it was intended to provide for the sick of a command numbering between 300 and 400 men. The command now numbers nearly 900 men, and will reach over 1,200 when the regiment is recruited to its full capacity. Its inadequacy is therefore apparent.

At this time it is in need of extensive repairs in the way of repainting, reflooring, entire change in the plumbing arrangements, involving a large increase in the closet accommodation (there being now only one water-closet for each ward), change in the ventilation, etc., which will involve a large outlay in money without increasing the capacity of the building for the care of the sick.

In view of these facts, and the prospective increase of the number of men in this garrison, of the reestablishment of the school of instruction, and of the designation of this post as a place of rendezvous for troops returning from the Tropics for recuperation of the health of the men who have been

serving in Cuba and Puerto Rico, I have urgently to recommend that application be made for funds for the construction at Fort Leavenworth, Kans., of a modern brick hospital of 100 beds.

A building of this kind and size will, according to recent estimates and experience, cost about $1,000 per bed, making a total outlay of $100,000 for a new hospital of sufficient capacity to meet the requirements of a garrison of 1,800 men.

It is, however, essential that this question should receive early consideration, as the present hospital can not be enlarged to meet the demands that will be made upon it for the care of the sick admitted to it from an increased garrison and from other posts.

Very respectfully,

GEO. H. TORNEY,
Major and Surgeon, U. S. A., Surgeon in Charge.

The ADJUTANT, *Fort Leavenworth, Kans.*

A hearing was had before the committee, and the original estimate was increased the sum of $100,000 in order that the money might be used for that purpose. It was distinctly understood that the money, or so much thereof as might be necessary, was to be expended to build a hospital at Fort Leavenworth. But the committee desired not to specifically name the place. This appropriation, however, of $100,000 was made. The money was set aside at the War Department. But upon investigation it was found that without the place being specifically named in the bill the Department was limited to an expenditure of $20,000. So the appropriation was not used. Plans and specifications, however, were drawn, and the Surgeon-General has held the money and desires to use it for the purpose for which it was appropriated. His letters on this subject appear in the report of the committee.

I will say to the gentleman from Massachusetts [Mr. MOODY] that this resolution was drawn at the Department. The money is already appropriated. The resolution makes no extra appropriation. It was unanimously reported from the Committee on Military Affairs.

Mr. TALBERT. Do I understand the gentleman to say that this resolution has been considered by the appropriate committee?

Mr. CURTIS. As I have just said, it was unanimously reported by the Committee on Military Affairs. There was a hearing before the full committee—an open meeting. I have the report here, which embodies two letters from the Surgeon-General.

Mr. MOODY of Massachusetts. Let it be read.

The report of the Committee on Military Affairs (by Mr. HULL) was read, as follows:

The Committee on Military Affairs, to whom was referred House joint resolution (H. J. Res. 6) authorizing the Secretary of the Treasury to use $100,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a military hospital at Fort Leavenworth, Kans., having had the same under consideration, report back to the House, recommending that said resolution do pass, with the following amendments:

Strike out the word "Treasury" where it appears in the title of the resolution and in line 3 and insert in lieu thereof the word "War."

Letters of the Surgeon-General United States Army bearing on the subject of this resolution are herewith submitted and made a part of this report.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, March 20, 1899.

MY DEAR MR. CURTIS: Your letter of March 18 has just reached me. I fully understood that a portion of the appropriation made by Congress was to be used for the erection of a hospital at Fort Leavenworth, and it is my intention to build at that place a first-class modern hospital of proper capacity for the needs of the post. But it did not occur to me at the time I promised you and when I was before the committee that I had not authority to expend a sufficient sum for building such a hospital as we need at Fort Leavenworth. I had forgotten that I am restricted to an expenditure of $20,000 by some previous legislation—that is, no hospital can be constructed at an expense exceeding $20,000 without first obtaining specific authority from Congress. What I propose to do now is to have the plans drawn for such a hospital as is needed at Fort Leavenworth, and to ask for the necessary authority, when Congress meets again in the autumn, to expend so much of the appropriation already made as may be necessary to build a hospital at Fort Leavenworth. The appropriation already made will be available as soon as I get this authority, and as no additional appropriation will be asked for there should be no difficulty in obtaining the necessary legislation. Contracts can then be made and the work commenced in the spring of 1900.

Very truly, yours,

GEO. M. STERNBERG,
Surgeon-General United States Army.

Hon. CHARLES CURTIS, M. C.,
Topeka, Kans.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, November 27, 1899.

DEAR SIR: The appropriation for the construction and repair of hospitals for the fiscal year ending June 30, 1900, was increased by $100,000 for the purpose of constructing a modern post hospital at Fort Leavenworth, Kans., but owing to the fact that under existing laws not more than $20,000 of this appropriation can be used for any one building unless specially authorized by act of Congress, I have been unable to call for bids for the construction of this hospital. In order that the money may be available, I transmit herewith a draft of a joint resolution, with request that it may be introduced at an early date. In my opinion the amount mentioned will not be necessary, and it is probable that an entirely satisfactory post hospital of fifty beds can be erected for $60,000. Any balance of the appropriation which may remain will of course be available for use elsewhere.

Very truly, yours,

GEO. M. STERNBERG,
Surgeon-General United States Army.

Hon. CHARLES CURTIS, M. C.,
House of Representatives, Washington, D. C.

Mr. CLAYTON of Alabama. I would like to ask the gentleman whether this increases the expense in any way?

Mr. CURTIS. It does not increase the appropriation at all. It simply authorizes the use of money heretofore appropriated for the purpose for which it was appropriated.

Mr. CLAYTON of Alabama. This is an appropriation which has already been made?

Mr. CURTIS. Yes, sir; made upon the recommendation of the Department.

Mr. MOODY of Massachusetts. I understand that this proposes to divert an appropriation already made and which under existing law can not be used for the purpose proposed.

Mr. CURTIS. The appropriation was made for the purpose of erecting a hospital; but at that time neither the committee nor the Surgeon-General bore in mind the fact that $20,000 was the limit. Therefore the name of this specific hospital was not inserted, although the estimate was made for Fort Leavenworth. The hearing before the committee was on the subject of Fort Leavenworth; it was so published in the report. But the name was left out in the bill, though the understanding of both the Department and the committee was that the money was to be used at Fort Leavenworth. There is no place in the country where a new hospital is so much needed as at Fort Leavenworth.

Mr. MOODY of Massachusetts. It seems to me that this is a matter which properly comes within the jurisdiction of another committee. Having that view, while I do not desire to object at this time, I ask the gentleman to let this matter stand over until Monday, so that it may receive further examination.

Mr. CURTIS. That is perfectly satisfactory to me.

Mr. CLAYTON of Alabama. Before the matter goes over, allow me to ask why was $100,000 necessary for the erection of this hospital at Fort Leavenworth, whereas under the general law the limit of expense in such cases is $20,000?

Mr. CURTIS. They desire to erect a hospital larger than is usually erected. A hospital with 50 beds will cost about $60,000. On account of the size of the fort the number of invalids at Fort Leavenworth is larger, and hence a larger building was deemed necessary.

Mr. CLAYTON of Alabama. It was thought necessary to have a larger hospital at that place than anywhere else in the country?

Mr. CURTIS. Oh, no; there are larger hospitals in other parts of the country, but in such cases the hospital was specifically named in the appropriation. In this case that was not done.

Mr. CLAYTON of Alabama. So you want to abrogate, so far as Fort Leavenworth is concerned, the general law providing the limit of $20,000?

Mr. CURTIS. Yes, sir; because this place was named in the estimate and $100,000 was asked for.

Mr. COX. Has there been a report in this case from the Committee on Military Affairs?

Mr. CURTIS. Yes, sir; the resolution is unanimously reported by the committee.

Mr. COX. When was that report made?

Mr. CURTIS. A week or ten days ago. I appeared before the committee.

Mr. COX. Oh, I have no doubt the gentleman appeared there.

The SPEAKER. The Chair will state that the report was made January 16.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the Chair understand that the gentleman from Kansas withdraws this?

Mr. CURTIS. With the understanding that it will come up Monday morning.

The SPEAKER. It is withdrawn for the present?

Mr. CURTIS. Yes.

The SPEAKER. Then the matter is not before the House. The Chair will state to the gentleman from Kansas that unanimous consent will have to be given before it can occupy the position of unfinished business.

Mr. CURTIS. I ask unanimous consent that it may be called up after the reading of the Journal on Monday morning.

The SPEAKER. Is there objection to the request of the gentleman for the consideration of this bill?

Mr. RICHARDSON. I think we had better let it go over and let the gentleman have recognition to ask again for its consideration. That is the better course.

The SPEAKER. Objection is made.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. R. 4602. An act to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations in the Territory of Oklahoma, and for other purposes; and

H. J. Res. 129. Joint resolution authorizing the Secretary of

War to receive for instruction at the Military Academy, at West Point, Olmedo Alfaro, of Ecuador.

EULOGIES ON THE LATE REPRESENTATIVE SETTLE.

Mr. GAYLE. Mr. Speaker, I ask unanimous consent to vacate the order heretofore made setting apart February 10 next for eulogies on my predecessor, the late Representative SETTLE, of Kentucky.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to withdraw for the time being the special order for the eulogies upon the death of the late Mr. SETTLE, of Kentucky, heretofore fixed for February 10. Is there objection?

There was no objection.

EULOGIES ON THE LATE REPRESENTATIVE BAIRD.

The SPEAKER. As there is no further business this morning for the consideration of the House, and as 1 o'clock is set for the memorial exercises on the death of the late SAMUEL T. BAIRD, of Louisiana, the Chair, if there is no objection, will call up that matter now for the consideration of the House.

Tnere was no objection.

Mr. ROBERTSON of Louisiana. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. RANSDELL].

Mr. RANSDELL. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk and move their adoption.

The resolutions were read, as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. SAMUEL T. BAIRD, late a member of the House of Representatives from the State of Louisiana.

Resolved, That the business of the House be now suspended, that opportunity may be given for fitting tribute to his memory.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That, as an additional mark of respect, the House, at the conclusion of these memorial proceedings, do adjourn.

The SPEAKER. In the form in which these resolutions are drawn it is proper that they should be submitted now.

The resolutions were unanimously agreed to.

Mr. RANSDELL. Mr. Speaker, one of the most appropriate customs of this House is that of paying grateful tribute to the memory of departed members. We live in the most rapid and progressive age the world has ever seen. There is great progress in every line of human endeavor, in every art and science, in every phase of life—social or political, public or private—and we Americans are the most advanced people of this age; but, thank God, the march of progress has not dulled the feelings of our hearts, and we are ready to pause and mourn for a deceased brother as was our blessed Lord two thousand years ago when he wept over the body of his beloved Lazarus. Indeed, I believe that the world is growing better in this respect and that we love and honor our dead more now than at any other period of history. This may be due to our superior educational advancement, but I think it flows rather from a clearer conception of the truths of religion. Be that as it may, this beautiful custom has become firmly fixed in Congress, and no matter how important our duties may be, we deem it a sad pleasure to turn from them and from the rush of busy life in order to weave memorial chaplets over the graves of our departed brothers.

Among those who have gone from us into the valley of the shadow, into a bright and, I hope, more glorious beyond, is SAMUEL T. BAIRD, of Louisiana, who died at the Riggs Hotel, in this city, on the 22d of April last, and as his successor on the floor of this House it is my sad duty to speak to you of him. This task can better be filled, Mr. Speaker, by his associates here, who knew him so much better than I, but I can not let this opportunity pass without saying a few words to help keep his memory green.

SAMUEL T. BAIRD was born in Morehouse Parish, La., on May 5, 1861, and had he lived thirteen days longer, would have been 38 at the time of his death.

He was educated at home and at Vincennes, Ind. In 1879 he began the study of law and was admitted to the bar in 1882, when barely 21 years of age. So successful and promising was he in his profession that in April, 1884, he was elected to the lucrative and responsible position of district attorney of his judicial district, a position which he filled with great credit and honor to himself and people for four years. The young barrister was a favorite of fortune. On the expiration of his term as district attorney he was elected judge of the Sixth judicial district of Louisiana, a position eagerly sought for by the oldest and best attorneys of the district. He presided for four years as sole judge of one of the highest courts of original jurisdiction in the State, and his bearing on the bench was dignified, affable, and courteous. He enjoyed at the time the distinction of being the youngest judge in Louisiana, but, though young in years, his decisions evinced a mature, well-trained mind and gave eminent satisfaction to the bar and to the people.

At the end of his term he resumed the active practice of his profession, but his people had tested his ability and would not let him remain long in private life. In April, 1896, he was elected a member of the Louisiana State senate. In that body he served with distinction on three important committees, and was chairman of the joint Democratic caucus during that session of the general assembly. As one of the delegates from Louisiana to the Chicago convention in 1896 he aided in the nomination of Mr. Bryan for President, and was an enthusiastic supporter of the brilliant Nebraskan. He was elected to the Fifty-fifth Congress without much opposition, and was reelected to the Fifty-sixth as the unanimous choice of the Democrats of his district. Few men of his age can point to so brilliant a record and such continued political success. His public career began at 23, and when he died, in his thirty-eighth year, he had given to his people faithful and efficient service as district attorney, judge, State senator, and Congressman. Surely a bright career lay before him if the past be any criterion for the future, for he was not the man to tarry or lag in the march of fame. It is said that "death loves a shining mark," and it certainly found one when SAM BAIRD was called to meet his God.

In the closing days of the Fifty-fifth Congress he contracted violent rheumatism during the terribly cold weather of last February. His splendid constitution bore up against it for a while, but the insidious disease gradually sapped his strength. To add to his difficulties, his youngest child, a lovely boy, was stricken with meningitis and lay for weeks at death's door. He was passionately fond of his son, and the constant watching at his bedside, with its attendant anxiety and worry, made serious inroads on his enfeebled condition. His devoted wife and loving brother, aided by kind friends, ministered faithfully to him, and medical science did its utmost, but the grim destroyer had marked him as her own. On the 22d of April last, in the full vigor of a magnificent manhood—physical and intellectual—he bade his loved ones good-bye and departed on a long journey to that land from whose bourn no traveler returns. Death is always sad, but when an old man is called whose feeble steps and whitened hair indicate that the sands of life are nearly run, we easily reconcile ourselves to the loss. Not so, however, when one dies whose keen eye, elastic step, ruddy cheeks, and glossy hair tell us that youth is in his veins and that the world, with all its joys, its hopes, its ambitions, lies before him.

Previous to BAIRD's last illness there was no finer specimen of physical manhood in this House. Tall, erect, well proportioned, a fine eye and pleasant expression, he was indeed strikingly handsome. Prior to that sickness he had enjoyed nearly perfect health, and dying as he did at the post of duty, from a disease contracted while on duty, it may truly be said of him that he died in the cause of his country. When a soldier falls while fighting in battle, his grateful countrymen sing pæans of praise to him and provide generously for the widow and orphans left behind him. In my humble opinion the soldier who dies in camp from sickness due to exposure is as much entitled to remembrance as he who is stricken by the bullet of the enemy; and what was our deceased friend but a soldier doing camp duty for his people and dying from exposure at his post? Let us accord to his memory the same grateful honor we render to our dead heroes of battle.

I first met SAM BAIRD in Lake Providence in the fall of 1883, when he was quite a young man. I remember well what a handsome fellow he was at that time, and how genial and pleasant to everyone. With the girls he was a special favorite, but that did not seem to make the boys jealous, and no young man in north Louisiana was more universally popular than he. After that I saw little of him, as our homes were some distance apart, but from time to time I met him and watched his brilliant career with much interest. He had a wonderful faculty for making friends, and few came in contact with him without being drawn to him by that indefinable something which attracts and binds all who come within its reach. I have heard many of the brightest men of his acquaintance say that they actually loved SAM BAIRD, and I know of no greater praise than that, for love is the most precious of all earthly treasures, and he who can beget love among many must indeed be a true man. Such a man was our deceased brother, and I believe that all of you who knew him well will attest the truth of this statement. I do not think anyone well acquainted with him, whatever his feelings may have been, will take issue with me when I apply to him the lines of the great poet:

> His years but young, but his experience old;
> His head unmellow'd, but his judgment ripe;
> And, in a word (for far behind his worth
> Come all the praises that I now bestow),
> He was complete in feature and in mind,
> With all good grace to grace a gentleman.

It is sad for such a one to be taken when scarcely in the full vigor of his manhood, with his capacity for enjoyment undiminished, his appetites unsatisfied, and his ambitions unfulfilled. Truly death is a careless reaper who cuts down the ripe and the unripe grain alike. It is wrong to murmur at that Providence whose dispositions are inscrutable and whose ways past finding out, but when such a man as BAIRD is taken from us in his vigorous

youth, it requires all our philosophy and religion to submit with resignation. Let us try not murmur, however, for we know not the secrets of the Master, who, though His decree seems hard, doeth all things best.

Ah, why should bitter tears be shed
In sorrow o'er the mounded sod,
When verily there are no dead
Of all the children of our God?

They who are lost to outward sense
Have but flung off their robes of clay,
And, clothed in heavenly radiance,
Attend us on our lonely way.

While sorrow's tears our eyes have wet,
Shed o'er the consecrated dust,
Too much our darkened souls forget
The lessons of enduring trust.

Let living faith serenely pour
Her sunlight on our pathway dim,
And death can have no terrors more,
But holy joy shall walk with him.

Mr. EDDY. Mr. Speaker, my acquaintance with the member in whose honor these observances are held, if measured by time limitations, was very brief; yet he was such an one that when with his genial smile he bade you good morning you felt you had known him for a lifetime; and although my time acquaintance with him was short and my personal association with him was meager, I do not feel that I am offering the tribute of a stranger, but of a personal friend.

I was one of that sad company that journeyed on the funeral train from the capital of the nation to his Southern home. It was my first visit to the Southland at this season of the year, the season when my Northern home was yet locked in the icy embrace of winter. And to see the luxuriant foliage, green grasses, and blooming flowers, to see the people arrayed in summer habiliments and carrying umbrellas to protect themselves from the rays of the sun, at a time when Minnesota was in midwinter, impressed me deeply. But the fact that made the most indelible impression on my mind was that the people there assembled—and it seemed to me that the whole countryside had turned out—were animated by a common purpose, and this purpose did not appear to be so much in honor of his achievements, though on every side these achievements were spoken of with pride; not so much a feeling of respect, although the high respect in which he was held was everywhere manifest, as it was a spirit of personal bereavement, such as one feels when he stands at the bier of a dear relative.

Men clad in broadcloth cut by the fashionable tailor sat beside the farmer and laborer arrayed in their Sunday best that bore the unmistakable marks of the "ready-made" clothing store, and mingled their tears together. Women draped in rustling silks and women clad in gingham and calico gowns sat in the same pew and sobbed in common sympathy. It seemed to me he was a brother to them all, and the infallible sign of this brotherly affection in which he was held was everywhere in evidence. What is this infallible sign? When a man achieves distinguished success in public life and when honor and respect are the predominant features of the regard in which he is held, he is known and addressed by the title of his office, as Congressman A, Governor B, or Senator C. When honor and respect exist in a lesser degree they know him and call him by the cold, hollow, society-created title of Mr. But when they love him for winning qualities of mind and soul they discard all official titles, all society-created addresses, and know him and address him and speak of him by the name whispered by loving lips when the man of God sprinkled the emblematic waters of baptism on his brow.

Go out in the Commonwealth of Illinois, to the early home and among the early associates of the greatest President of modern times, and he is never spoken of as President Lincoln, but always as "Abe" Lincoln.

Go to my own State, go into the home of the millionaire or the log cabin of the frontiersman, and you will never hear our junior Senator referred to as Congressman NELSON, Governor NELSON, or Senator NELSON. He is KNUTE NELSON. Go with me to a certain Congressional district in the Hawkeye State—a Congressional district that has as much reason to be proud of and is as proud of their brilliant Representative as any Congressional district in the United States. Traverse the length of it as I did last midsummer, you will hear no one speak of General HENDERSON, Congressman HENDERSON, or Speaker HENDERSON; but the name "DAVE" HENDERSON is in everyone's mouth. And in that sorrowing multitude gathered under Louisiana's sunny skies, I heard no one mention Congressman BAIRD, but in hushed whispers it was passed among the throng, "SAM" BAIRD is dead.

The humble home, its plain furnishings, the modest surroundings denoted the fact that he was possessed of but moderate competence, but the lingering affection with which the name "SAM" BAIRD was whispered proclaimed the fact that in the bank of love and friendship—the only financial institution whose drafts are honored in the realm beyond the grave—he had an unlimited deposit.

When a promising public man passes away in the morning of his life, his constituency, the State, and the nation feel and appreciate the loss. But I sometimes think it is a gain for the individual. SAMUEL T. BAIRD lived long enough to demonstrate that the possibilities in his public career were almost limitless, but he did not live long enough to experience the envyings, the jealousies, the heart-burnings that always accompany great public successes.

It is a theory among some that a man's feature, form, and manner proclaim in unmistakable terms his character—form an open book that all men can read. I believe this, and the first time SAMUEL T. BAIRD walked into this Hall his commanding figure attracted my attention, and it was a figure to command attention in any throng. Its athletic mold bespoke strength and power; the clear eye, courage; the bright and winning smile, kindliness of heart; his springing and elastic step, buoyancy and hope—face, form, and feature proclaimed him what he was, the ideal Southern gentleman; an "ideal Southern gentleman," and this phrase itself exhausts eulogy.

Mr. BARTLETT. Mr. Speaker—

To every man upon this earth
Death cometh soon or late.

But to the members of this Congress it has come with unusual frequency. Day after day we have met in this Hall to pay our tributes of respect to those who but a few months ago were occupying their accustomed places here, but whose forms and faces we shall see no more upon earth.

The grim reaper, Death, has indeed gathered a rich harvest for the tomb from the members of the Fifty-sixth Congress—the distinguished gentleman from Maine, Mr. Dingley, the acknowledged leader of his party in the House, ripe in years and experience; the faithful and devoted tribunal of the people from Missouri, Mr. Bland; the gentleman from Nebraska, Mr. Greene; the gentleman from Ohio, Mr. Danford; the gentleman from Pennsylvania, Mr. Ermentrout; the gentleman from Kentucky, Mr. Settle, and the young and talented Representative from the State of Louisiana, SAMUEL T. BAIRD.

Truly are we warned of the certainty of death and of the uncertainty of life by the frequency with which death has invaded this House. It has spared neither the young nor the old in years or in legislative experience, but all alike have been marks for the arrows of the grim Archer, who has respected neither youth nor age nor party. The frequency of the deaths in this House reminds us of the truth of what the great Latin poet declared when he said:

Pallida mors aequo pulsat pedo
Pauperum tabernas, regumque turres.

Peasants and princes, the rich and the poor, the member of Congress and the humblest of his constituency are alike subject to the immutable law of mortality. As frequent and sudden and unexpected as have been the deaths of members of this House, yet the death of none came so unexpectedly or caused more sadness than that of our lamented friend, Hon. SAMUEL T. BAIRD, of Louisiana. Young, in the very prime of life, strong in body, boasting that he had never known a day's sickness, manly in form and handsome in appearance, the very picture of health; surely no one who knew him and saw him as he appeared in the Fifty-fifth Congress, during the last session, would have believed or predicted that ere the members should reach their homes, and ere the spring should come and clothe the earth with flowers, he would have fallen a victim to the insatiable enemy of mankind.

During the last week of the Fifty-fifth Congress he was taken suddenly ill and, after lingering for eight weeks, died in this city on the 22d day of April, 1899. It was indeed a sad death—away from his home, to which he continually during his sickness expressed his desire to return—in a city of strangers, with his youngest son, a bright and beautiful boy, lying in an adjoining room, hovering between life and death; with his faithful and devoted wife, distracted with grief at the coming death of her husband and the suffering of the child—all the surroundings united to make it sorrowful in the extreme and to excite the sympathy and pity of all.

He had been elected to this Congress without opposition, and from his devotion to his duties as a member, from his high sense of honor and integrity, from his careful attention to the interests of his constituents and the interests of the common country as well, and from his ability and the popularity he so justly enjoyed amongst his own people, there was every evidence that he had entered upon a Congressional career which was to grow more illustrious in the future. But to all of these hopes of his friends and this promotion which he gave promise of death put an end; and when we met in December we looked in vain for him, and listened

in vain for his voice, which was still, and longed for the touch of his vanished hand.

SAM BAIRD, as those who knew him called him, was possessed of those qualities which attracted men to him. He was generous; he was noble; he was courteous and courtly and true; he was manly and brave, as gentle as a woman, as courageous as a knight in the defense of what he deemed to be right. No one who came to know him well but loved and admired him. To those who were fortunate enough to be classed as his friends he exhibited a devotion and fidelity which is rare among men. Deception formed no part of his character. You could rest implicitly upon his word and know that when once given it would be fulfilled; and no greater tribute can be paid to him, as we stand to-day over his newmade grave, than to say: "To his own self he was true, and therefore he was false to no man."

The career of Mr. BAIRD, though short in years, was a remarkable one. He was a lawyer, admitted to the bar in 1882, and from the time of his admission until his death enjoyed the confidence of his clients and engaged in an active practice. As a lawyer he was devoted to those principles which lie at the foundations of this great profession, and he practiced his profession according to the teachings and doctrines of those great lawyers who have illustrated and illumined it. In all of his professional life there was no act that was not in full accord with the principles that should guide an upright, conscientious, and ethical lawyer. Not only was he distinguished in his profession as a practitioner, but he had scarcely been at the bar two years when he had gained such distinction that he was elected district attorney of his judicial district.

In this office he displayed that ability which so distinguished him and those qualities of high character and devotion to duty which so easily marked him. In the discharge of his duties as prosecuting attorney he received the approbation of those amongst whom he lived; and while he prosecuted crime and endeavored to convict and punish it, he was careful that innocence should not suffer. At the end of four years' service in the office of prosecuting attorney he was called by the people of his district to be judge, and he served four years upon the bench as such. In that important position he was just, impartial, and upright, patient in hearing the cases before him, fair and firm in his judicial decisions. No charge of partiality was ever made, and he left the bench honored and respected by all as an upright judge. No one who had witnessed his administration of the high office of judge could but say, and all did say, that he wore the ermine most worthily.

He was a member of the legislature of his native State, having been elected to the State senate in 1896, and in that body served upon some of the most important committees. So ably and efficiently did he discharge his duty as a member of the State legislature that in the fall of 1896, when his district came to select and nominate a man to represent it in the halls of Congress, he was almost unanimously chosen for this high office.

Thus, step by step, from the young lawyer to the prosecuting attorney, from the prosecuting attorney's office to that of judge and a seat on the bench, from the bench to the halls of the State legislature, from the halls of State legislation to the National Congress, was the rapid progress of this man, whose life and death we commemorate to-day as fitting evidence of his character, worth, and the esteem in which he was held by the people amongst whom he lived.

In all his professional career he discharged his duty with ability, integrity, and fidelity to the truth, and as a legislator and member of Congress he was guided by the same lights.

He was a devoted husband and a fond father. It was my pleasure to know him as such. I was intimately associated with him, living in the same hotel in Washington, and it was indeed a beautiful thing to see and know the devotion that existed between him and his wife; and no words can express or language convey the sad and sorrowful scene I witnessed the day he died. The wife, broken down by long weeks of care and attention, both to the sick and dying husband and the afflicted child, had bravely stood the terrible ordeal and trial until the dreadful announcement was made that he was no more, and nature could stand no more, and in the anguish and sorrow of her heart she wanted to know why she could not have been taken and he spared. But the ways of Providence are past finding out, and the widow and orphan now live, and the stalwart, strong, and healthy man is dead. May He who holds the universe in His hand, and doeth all things well, and marks each sparrow's fall comfort her broken heart, bind up her wounds, and be a Father to her fatherless children, that they may live to illustrate in their lives the character and qualities of their lamented father.

In no place or position in which he was called to discharge a duty did he fail to so act as to receive the approbation of his own conscience and the approval of his own people. And thus we find that they recognized his worth and character, and were ever ready to promote and advance him; but just as he had reached the highest office in their gift, just as new honors were about to be bestowed upon him, without warning the summons came to him to lay his burdens down and to cross the river whose waves wash the great unknown shores of Eternity.

And he is dead:

> The earth that bears him dead
> Bears not alive a truer gentleman.

But through the mist that blinds us here, we look beyond and feel that while it is true that we shall see him no more—that the grave covers all that is mortal of our friend—he is not dead. That which made him noble, true, and brave can never die.

Although with bowed heads and saddened hearts we have borne his senseless dust to rest and said, "He is dead," yet he is not dead:

> He has but passed
> Beyond the mist that blinds us here,
> Into the new and larger life
> Of that serener sphere.
>
> And ever near us, though unseen,
> The dear, immortal spirits tread,
> For all the boundless universe
> Is Life! There are no dead.

Mr. MEEKISON. Mr. Speaker, the death of Mr. BAIRD was a great shock to me. I could not realize that the vigorous young man with bright eyes and firm grasp who had greeted me but a short time before in the Chamber was no more.

He had just been elected for the second time to this House and was full of hope and confidence.

He was in the noon of young manhood, strong and vigorous, keen and alert; all predicted for him a long and useful career in this House, and little did I think that he would have been so soon cut down.

We must all meet death, and it matters little whether it is extended a few years longer or not. Still no philosophy reconciles us to the death of one so young and promising, or to the family that knows best what his loss means.

Mr. Speaker, it was my sad duty to accompany the remains of our brother to his former home in Louisiana, and I can say that the old proverb that "a prophet is not without honor save in his own country" did not apply to our departed friend. We went through two towns in his district, and as a tribute to his memory and worth business was suspended. In his home town everywhere was evidence of sincere sorrow. To all it seemed like a personal bereavement.

The older men mourned a son, the younger that of a brother. Had I not known Mr. BAIRD in this House the touching tributes that were universal from his neighbors and townsmen would have proven him to be a man in whom public confidence rested and who could be trusted. Those who knew him best loved and trusted him most.

Almost since attaining his majority he has been in the public service, as district attorney, district judge, a member of his State legislature, and member of Congress.

Such long and varied public service is not chance, but proof of sterling qualities, faithful service, duty well done.

Mr. Speaker, this faithful public servant, tender husband and father, sleeps in his native Southland where flowers ever bloom and it is always summer.

If his years had been prolonged, I am sure his services would have been valuable to his State and the country and his death a great loss to each.

May he rest in peace.

Mr. CLAYTON of Alabama. Mr. Speaker, he had been a district attorney, a district judge, a State senator, and a Representative in Congress, and he died at 38 years of age. This is a brief statement of the life and career of SAMUEL T. BAIRD.

In thinking of the death of our departed friend it has occurred to me that the grim Reaper has been unusually remorseless in his treatment of the Fifty-sixth Congress. Seven Representatives in the Fifty-fifth Congress who were elected to the Fifty-sixth Congress died before entering upon their duties in the present House of Representatives. Mr. Dingley, of Maine; Mr. Greene, of Nebraska; Mr. Bland, of Missouri; Mr. Danford, of Ohio; Mr. Ermentrout, of Pennsylvania; Mr. Settle, of Kentucky, and Mr. BAIRD, of Louisiana, were the conspicuous figures that were stricken down by the fell destroyer.

Mr. Speaker, if I had been asked during the last Congress to select a dozen men whose physique, youthfulness, and health indicated long life, I would have readily selected Mr. BAIRD as one of them. He was a fine specimen of manly beauty, and I think he was easily the handsomest in the Fifty-fifth Congress. He was tall, erect, and well proportioned. He was graceful in his carriage, commanding in his appearance, and, withal, courteous in his treatment of everybody.

I never knew Mr. BAIRD until the Fifty-fifth Congress met in extraordinary session in March, 1897. He and I came to that Congress as new men upon this scene of action. We were assigned

to the same committee—the Committee on Merchant Marine and Fisheries. Perhaps no man here knows better than I do of his devotion to public duty. That committee was charged with, among other things, the consideration of one of the most important measures proposed in the last Congress, and one of the most important that has been proposed in this Congress—the ship-subsidy scheme. I believe that at all hearings and arguments had before that committee Mr. BAIRD was always in attendance. He was a good listener, an industrious student, and a good judge of the worth of any argument. He was always faithful in his endeavor to find the facts and the reasons that should underlie any action that Congress was proposing to take. He was a man of strong convictions. He did not thrust his opinions on other people, but he asserted them and maintained them ably and fearlessly when it became necessary for him to act or to declare his convictions.

But, Mr. Speaker, SAM BAIRD, as those who knew him best always called him, has gone from among us. I shall not attempt to express my own feelings over the personal loss that I sustained, and I am unable to pay a fitting tribute to his memory. His successor, Mr. RANSDELL, said a moment ago that men loved SAM BAIRD. That is a beautiful tribute to pay a man, and very beautiful here, because it is so true. There is not an associate of his in the last Congress or in this Congress who did not respect, admire, and love him. He was not of a cold, metallic nature. He was ambitious, but not selfish or envious. He was gifted, learned, warm-hearted, generous, and always considerate. While he rests now in the bosom of his native Louisiana I have come to offer a few flowers of affectionate regard.

Mr. BAIRD, I doubt not, went to his death as bravely as any soldier on any crimson field. He did not believe that it was all of life to live, or that death was the end of all. He looked beyond that to that life which comes after this transitory existence. In faith he belonged to the Anglican communion. He believed in the resurrection of the dead and in the life everlasting. His life was a useful one and was made up of a series of successes. He was taken away just when his career in the broader field of national affairs had begun. We need not speculate as to why his useful and still more promising career was so soon ended. There is no philosophy that can explain the enigma of life or the mystery of death except the highest and most beautiful and truest of all philosophy, the Christian religion. And in the presence of the dead even that can offer us no more than the consolation of a sublime faith in the goodness of the great Father and the blessed promises of His revealed religion. Let us cherish the memory of the dead and follow his example of devotion to duty. We shall not have among us a more faithful Representative than SAMUEL T. BAIRD. We shall not look upon a manlier man.

Mr. HENRY of Texas. Mr. Speaker, I believe that I knew SAM BAIRD better personally than any of his colleagues of the Fifty-fifth Congress. I can not pronounce studied eulogiums upon his life and character. I can only undertake to give utterance to those feelings that are pulsating in my heart to-day, when I remember him as my friend. I believe that I knew him as intimately as any man with whom he was ever associated. Not only did I know him in public life, but I knew him in private life. His life in the midst of his family enriched it with the most tender love and the purest happiness.

I do not wonder that his career as district attorney in the State of Louisiana was a remarkable one for a young man, so faithful was he in his devotion to duty and law. I do not marvel that he adorned the bench of his State in such a brilliant manner while serving as district judge, so accurate was his splendid intellect and so warm and merciful were the feelings of his great heart.

I am not surprised that he was a man amongst men as a legislator in the State of Louisiana, so accomplished was he as a scholar and so loyal to the rights of his fellow-man. And while I speak of him to-day, I shall give utterance only to those things that I do know about him and his character.

I was with him frequently during the Fifty-fifth Congress and studied his character. I knew his characteristics as a man and feel that I may be pardoned for alluding to a few of them.

He was one of the few men that I have ever known that was as gentle as a woman and as brave as the bravest. He was loyal and faithful to his friends, and during my association with him I never knew him to pass any sort of criticism upon a friend. If they were liable to error, if they had their weaknesses and were justly subject to criticism by others, SAM BAIRD always withheld criticism and helped to sustain his friends. He was a conservative and broad-minded member of the Fifty-fifth Congress.

He had his opinions and his convictions, and they were always based upon thorough investigation and upon his best deliberate judgment. He was ready to defend those convictions upon any and all occasions. So much did the man despise error and hate wrong that he combated it whenever and wherever he met it. For two years I enjoyed the very closest personal friendship with him, and I can truthfully say that there was never a day that I associated with him but what I saw some magnificent quality about his character that deserved to be emulated. His life as a public man, his keen appreciation of justice and equity, and his hundreds of manly qualities should be recorded as a rich heritage to the youth of his State.

We do not know why he was stricken down in the prime of life. The reason for these things are not revealed to us, but we do know that there must have been some good reason by the overruling Providence. When he was taken from amongst his colleagues the State of Louisiana lost one of its most influential members. He was not an obtrusive individual, but had a wonderful influence over his colleagues, and we can not point to a single young member of that Congress that could accomplish so much in a modest and unassuming way as could SAMUEL T. BAIRD, of Louisiana. His patience was a marvel of sweetness and influence, and his tolerance a tower of overwhelming strength.

Mr. Speaker, when in Washington, just before his great soul took its flight and the death angel was hovering over him, summoning him to the great Unknown, I was profoundly happy to learn that he communed with his family and friends, and, with that superb courage that characterized all his acts, assured them that he did not fear the issue, that he was ready to go, and would enter into the great eternity with that sublime faith and hope that sustains the true Christian. We never talked of religion or that undiscovered hereafter, but I felt and knew that the great God, who had fashioned and finished such a magnificent character, had tenanted his immortal soul with a blessed belief that would lead him out from the walks of men to the bosom of our Redeemer.

Louisiana can ill afford to lose such a Representative. Many sunny days will pass in that great old State, the place of his nativity, before she sends to this body a completer gentleman or a better rounded character. Well may the citizens of his State cherish his memory and public deeds and boast that this far Southern clime produced this superb and remarkable young man.

Mr. BROUSSARD. Mr. Speaker, it is ever a sad occasion when this great body pauses in its accustomed activity to mourn the loss of one of its members. What a perpetual reminder, indeed, is it of the uncertainty of human life and what an admonition to those who would accomplish much here not to be laggards. He whose memory we here revere and to whom we here pay possibly the last sad earthly rites until the triumphant blast of the summoning angel shall clothe his bones with flesh again was in many respects a remarkable man.

SAMUEL T. BAIRD was born in Louisiana in 1861 and was educated in that State and at Vincennes, Ind. At 18 we find him studying law. Three years later he was admitted to the bar. At 23 he was elected district attorney of the Sixth Louisiana judicial district and filled that difficult and laborious position with so much ability that at the expiration of the term of four years, in 1888, when only 27 years of age, he was elected the judge of that district. After serving his people for four years on the bench with great distinction, he withdrew from active participation in politics and returned to the practice of his profession. But in 1896 his people called him back to it by electing him a member of the State senate, and while a member of that body he was both prominent and active, easily taking the leadership.

He was the chairman of the committee on railroads and a member, besides, of such important committees as judiciary, lands and levees, and elections. From that time his promotion became even more rapid. A strong, an earnest, and a consistent Democrat, his party loved to honor him no less than the people of his section, for no sooner had he entered the senate than he was elected the chairman of the joint Democratic caucus of the general assembly, and a few months later the Democratic State convention elected him both its temporary chairman and a delegate to the national Democratic convention held at Chicago in the summer of that year. Having supported the candidacy of the great leader of the "common people" and assisted in his nomination for President, upon his return home his people, loving him as they did, saw no fitter compliment to pay this intrepid young Democratic leader than to nominate and elect him to the Fifty-fifth Congress. He was reelected to the Fifty-sixth Congress with practical unanimity. He died at the age of 38. So that when he had scarcely reached the prime of his magnificent manhood we find him to have filled all the important positions of prosecuting attorney, judge, State senator, and twice elected to this body. In the Democratic party of his State he was equally honored and respected, even as he was by his own people.

I knew BAIRD well and intimately. A young man of marked ability, of splendid virtue, wise, honest, honorable; a man whose word was sacred and who never forsook a cause he once espoused; a man whose judgment was rarely, if ever, at fault; aggressive, yet tractable; stern when occasion required, yet just always. Of superb physique, who would have thought to look upon him at

the last session of the Fifty-fifth Congress that death should gather him in its cold embrace before the convening of the Fifty-sixth?

While his career in public life was brief, it was brilliant. It does indeed seem hard that one so young and useful should so soon be called to the judgment seat. And when the thread of life is cut suddenly and without premonition, the finite mind is apt to question the inscrutable justice of Him who shapes it and rounds it and terminates him. So it was with me. I felt startled and shocked when I heard of BAIRD'S untimely death. But, after all, the culmination of physical life is death, and who knows but that the early accomplishment of the end is not a mark of Omnipotent favor and esteem?

> And if through patient toil we reach the land
> Where tired feet, with sandals loose, may rest,
> Where we shall clearly see and understand,
> I think that we will say, "God knew the best."

In his death the Democratic party of Louisiana suffered great loss, and Louisiana herself lost a well-beloved son, who was destined to play no unimportant part in carving her destiny. Sad to us was the parting; sad to his many friends here, but sadder than all was his loss to his own people who so loved him, and loving him so uniformly honored him.

Ah, Mr. Speaker, well do I recall the sad rites paid the remains of SAMUEL T. BAIRD. The people of north Louisiana, who had so loved and honored him in life, now crowded about the bier that bore him to mourn his loss. From all over the district they came and by all manner of conveyances, until the beautiful village among the hills was filled with the gathered multitude. The church bell summoned all, and on the sad, solemn march to the grave there joined men of all classes and conditions and colors.

Out of the pretty church and of Bastrop we slowly moved, and on the side of a hill of red clay, amid the tall pines that stood as sentinels around, in stern silence, we buried him, and then reluctantly the multitude departed and dispersed as the sun dipped in the ocean on the west.

Mr. MEYER of Louisiana. Mr. Speaker, I rise to second the resolution in memory of my late colleague from the Fifth Congressional district, SAMUEL T. BAIRD, and to pay a brief and humble tribute to his private virtues and public services.

The graphic sketch presented by my friend Mr. RANSDELL, his successor on the floor of this House, depicts a character at once courteous and gentle, with a firmness and devotion to high principle that readily explains the esteem and honors bestowed upon him by a community always ready to appreciate noble and manly qualities.

His record seems brief, yet it covers a period fraught with vital issues to his State and section. Though but a youth, he appeared upon the active scenes of political life and bore a man's part at an epoch to recall which now seems like reviving a painful dream. The State of Louisiana was fast bound in misery and chains; it was held in the iron grasp of an alien rule, under which neither its intelligence nor property had a voice. By the devastation of the civil war the State had been left but a few years before literally a wreck, ruined and desolate.

It fell to the youth and growing manhood of that day to retrieve these disasters; the rebuilding the waste places, the restoration of paralyzed industries, the reorganization of society, education, and the healthful process of recovery; to fight for the building up again the material prosperity and political future of a despondent and oppressed people.

In all these difficult tasks young BAIRD bore a conspicuous and honorable part, leading with energy and enthusiasm, tempered by wisdom, to a better sentiment, inspiring his community with greater courage to face and solve the mighty problems that confronted them.

He came to the Fifty-fifth Congress full of hope and spirit, amply equipped for the performance of high and responsible duties; and in his service, alas, too brief, he early developed qualities of usefulness and success. With characteristic modesty he spoke but rarely and aimed at no display; yet he neglected no public duty. He wasted no time in dissipation. He was practical, laborious, and after careful study of all the public questions that came up he formed his opinions quietly and firmly. Thoughtful, observant, and upright, courteous, yet frank and truthful, everyone knew where to find him.

To speak the truth, to avow and defend the right, to follow the line of duty, were the ambitions of this young statesman, called away before he had reached the meridian of his life and the full maturity of his powers.

His colleagues loved and honored this noble son of Louisiana. We shall ever remember with pleasant thought the dear friend; his inborn grace, the courteous mien, the kindly, frank tone, the countenance in which never lurked an ignoble thought.

And as he winged his flight while yet in the prime of early manhood, the words from Festus match well with the aspirations, the soul and aims of him whom we commemorate to-day:

> Life is more than breath and the quick round of blood;
> It is a great spirit and a busy heart.
> The coward and the small in soul scarce do live
> One generous feeling—one great thought—one deed
> Of good, ere night, would make life longer seem
> Than if each year might number a thousand days
> Spent as this is by nations of mankind.
> We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart-throbs. He most lives
> Who thinks most, feels the noblest, acts the best.

The SPEAKER pro tempore (Mr. ROBERTSON of Louisiana, at 1 o'clock and 25 minutes p. m.). In accordance with the resolution adopted by the House, and as a further mark of respect to the memory of our deceased colleague, the House stands adjourned until Monday next at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James S. Oakley against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the President of the United States Civil Service Commission, relating to an amendment to the estimate of appropriation for the fiscal year ending June 30, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a reply to the resolution of the House of Representatives relating to the shipment, distribution, etc., of the oleomargarine product—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of names of civilian engineers employed on river and harbor work—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Maurice River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6163) granting a pension to Flavel H. Van Eaton—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4849) for the relief of Mary Chambers, widow of Thomas Chambers—Committee on War Claims discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ROBB: A bill (H. R. 7512) placing wire and wire nails on the free list—to the Committee on Ways and Means.

By Mr. LAWRENCE: A bill (H. R. 7513) to establish a library post—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN (by request): A bill (H. R. 7514) to provide for the construction of a submarine tunnel under the Bay of San Francisco, with air shafts and openings on Yerba Buena Island, Bay of San Francisco, State of California—to the Committee on Military Affairs.

Also, a bill (H. R. 7515) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion—to the Committee on War Claims.

By Mr. DE VRIES: A bill (H. R. 7516) to amend section 4136, Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. COONEY: A bill (H. R. 7517) to amend the act approved June 27, 1890, relative to pensions—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 7518) to provide for the purchase of a site and the erection of a building thereon at Pittsburg, State of Kansas—to the Committee on Public Buildings and Grounds.

By Mr. GLYNN: A bill (H. R. 7519) to protect free labor and the industries in which it is employed from the injurious effect of convict competition by confining the sale of goods, wares, and merchandise manufactured by convict labor to the State or Territory in which they are made—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7520) to establish a dollar-and-a-half-day standard of wages for labor—to the Committee on Labor.

By Mr. PRINCE: A joint resolution (H. J. Res. 139) providing for a preliminary survey for the construction of a steamboat lock in the Mississippi River at Moline, Ill.—to the Committee on Rivers and Harbors.

By Mr. DALZELL: A joint resolution (H. J. Res. 140) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann—to the Committee on the Library.

Also, a joint resolution (H. J. Res. 141) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow—to the Committee on the Library.

By Mr. ALLEN of Maine: A joint resolution (H. J. Res. 142) providing for a preliminary survey of York Harbor, in York, Me.—to the Committee on Rivers and Harbors.

By Mr. BURTON: A resolution (H. Res. 119) relative to the appointment of an assistant clerk to the Committee on Rivers and Harbors—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 7521) for the relief of the estate of R. E. Bonds, deceased, late of Monroe County, Ark.—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 7522) for the relief of the legal representatives of Mary Counts, of Morristown, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7523) to pension John B. Graves—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 7524) for the relief of the estate of Nancy Barrow, deceased, late of Bolivar County, Miss.—to the Committee on War Claims.

By Mr. COONEY: A bill (H. R. 7525) to pension James P. Hopkins—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 7526) for the relief of George W. Graves—to the Committee on Pensions.

Also, a bill (H. R. 7527) for the relief of David O. Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7528) for the relief of Charles F. Coles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7529) for the relief of Seth Davis, Company E, Fourth Michigan Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7530) to grant a pension to Mrs. H. Angelia West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7531) for the relief of George C. Jacobs—to the Committee on Military Affairs.

Also, a bill (H. R. 7532) for the relief of George G. Tuttle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7533) to grant a pension to Anna Hoepner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7534) for the relief of William Warner—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 7535) granting an increase of pension to Clare H. Burleigh—to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 7536) to pension Ellen Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7537) for the relief of John Green—to the Committee on Military Affairs.

Also, a bill (H. R. 7538) to increase the pension of Edward P. Quinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7539) granting a pension to Peter J. Keleher—to the Committee on Pensions.

By Mr. GILBERT: A bill (H. R. 7540) for the relief of John Nolan, or Nolen—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 7541) granting an increase of pension to Joseph R. Carter—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 7542) granting an increase of pension to Caroline L. Guild—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7543) for the relief of Melinda E. Fellers—to the Committee on Claims.

By Mr. LESTER: A bill (H. R. 7544) granting an increase of pension to Mrs. Florence E. Stuart—to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 7545) for the relief of James A. Mitchell, of Sebastian County, Ark.—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 7546) granting an increase of pension to William M. Gwinn—to the Committee on Invalid Pensions.

By Mr. MESICK: A bill (H. R. 7547) to remove the charge of desertion against the name of Edwin K. Ellis—to the Committee on Military Affairs.

Also, a bill (H. R. 7548) granting an increase of pension to Benjamin Bolser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7549) for the relief of I. Winslow Ayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7550) granting an increase of pension to Gilbert G. Gabrion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7551) granting an increase of pension to Myron C. Lathrop—to the Committee on Pensions.

By Mr. MERCER: A bill (H. R. 7552) granting a pension to Marietta Elizabeth Stanton—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 7553) granting a pension to Fannie M. O'Linn, of Chadron, in the State of Nebraska—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7554) granting a pension to Frederick Wright, of North Platte, in the State of Nebraska—to the Committee on Invalid Pensions.

By Mr. QUARLES: A bill (H. R. 7555) granting a pension to Mrs. Nellie L. Parsons, of Rockbridge County, Va.—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 7556) granting a pension to J. A. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7557) granting a pension to Marcus Klingler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7558) granting a pension to Hynes Woodring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7559) granting a pension to Thomas Louderback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7560) granting a pension to Abraham C. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7561) granting a pension to Joseph Page—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7562) granting a pension to George W. Bradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7563) granting a pension to John C. Bickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7564) granting a pension to Stephen Pilant—to the Committee on Invalid Pensions.

By Mr. WILSON of Arizona (by request): A bill (H. R. 7565) granting land in the Territory of Arizona to Mother Katharine Drexel for mission and school purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 7566) to authorize the Arizona Water Company to erect water-power plants on its canals across the reservation set apart for the Pima and Maricopa Indians by Executive order dated June 14, 1879, in the county of Maricopa, Territory of Arizona—to the Committee on Indian Affairs.

By Mr. WILSON of New York: A bill (H. R. 7567) to grant an increase of pension to Dorcas V. Warner—to the Committee on Invalid Pensions.

By Mr. WRIGHT (by request): A bill (H. R. 7568) for the relief of Mrs. Sarah Maria Meredith Graham, of Tunkhannock, Pa.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. GAMBLE: Resolutions of Manufacturers' Club of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chicago Federation of Labor, with reference to arid lands, etc.—to the Committee on Irrigation of Arid Lands.

By Mr. GLYNN: Resolutions of a meeting of employees of the New York Navy-Yard, asking that some of the new ships be constructed at the New York Navy-Yard—to the Committee on Naval Affairs.

By Mr. GRAHAM: Petition of Frederick Humphreys, M. D., and others, asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

Also, resolution of the Thirty-third Encampment of the Grand Army of the Republic, held in Philadelphia, indorsing House bill No. 4742 and Senate bill 1716, relating to military instruction in public schools, etc.—to the Committee on Military Affairs.

By Mr. HALL: Affidavits of J. L. Thompson, Charles C. Ross, and R. H. Speer in the case of John Williams, Company H, One hundred and forty-ninth Pennsylvania Volunteer Infantry, to accompany House bill No. 4513—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: Resolution of the Chamber of Commerce and city council of the city of Olympia, Wash., for the construction of Puget Sound and Grays Harbor Canal, Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: Petition of druggists of Pittsfield, Mass., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of clerks in the post-office at Ogdensburg, N. Y., asking for the passage of House bill No. 4351, for the classification of clerks in the first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of the Twenty-second Congressional district of New York, for a law subjecting imported food products to the laws of the State into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Petition of G. N. Spradling and others, of Greenwood, Ark., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. W. Sanders and other citizens of Warren, Ark., urging the passage of certain neutrality laws—to the Committee on Foreign Affairs.

Also, petition of G. W. West and other citizens of the Indian Territory, praying for the enactment of laws to protect the game in said Territory—to the Committee on Indian Affairs.

Also, petition of William Mays, of Company M, Second Regiment Missouri Mounted Volunteers, and a Mexican war survivor, for increase of pension—to the Committee on Pensions.

By Mr. MOODY of Oregon: Petition of A. W. Gowan and 1,000 citizens of Harney County, Oreg., protesting against the leasing of public lands—to the Committee on the Public Lands.

By Mr. NORTON of South Carolina: Petition of the Charleston, S. C., Chamber of Commerce, against the passage of House bill No. 5462, in reference to license for pilots—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Manufacturers' Club of Philadelphia, Pa., urging the enactment of House bill No. 887 and of Senate bill No. 417—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the employees of the New York Navy-Yard, protesting against discrimination against that yard in governmental work—to the Committee on Naval Affairs.

Also, petitions of the Merchants' Exchange, Young Men's Business League, and Chamber of Commerce, of Charleston, S. C., favoring amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of Westfield Post, Grand Army of the Republic, in favor of establishing national battlefield parks at Stone River, Murfreesboro, Tenn.—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: Petitions of the publishers of the Shreveport (La.) Caucasian, Plaquemine (La.) South, Poultney (Vt.) Journal, Charlotte (Mich.) Tribune; Van Wert Republican, Defiance Record, Warren Tribune, State of Ohio; also San Antonio Republican, Stephensville Empire, State of Texas; Kittanning Democrat and Sentinel, Bradford Star, Duncannon Record, Coudersport Journal, State of Pennsylvania; Nevada City (Cal.) Transcript, Mandan (N. Dak.) Pioneer; Plankinton Standard, Iroquois Chief, White Enterprise, State of South Dakota; Nashville Citizen, Maryville Times, State of Tennessee; Somerville Democrat, Flemington Democrat, Harrison Record, Freehold Democrat, Dover Index, Norristown Banner, Rutherford News, Belmar Echo, Washington Star, Clinton Democrat, State of New Jersey; Fonda (N. Y.) Democrat, Lesueur Sentinel, Wilmar Tribune, Shakopee Argus, Little Falls Herald, Winona Farm, Field and Stockman, Jordan Independent, State of Minnesota; Natchez Democrat and Courier, Summit Sentinel, McComb City Enterprise, Yazoo City Herald, Columbus Dispatch, State of Mississippi; Oconto Enquirer, Sparta Democrat, Mayville Pioneer, Waukesha Dispatch, Watertown Gazette, Hartford Times, Baraboo Democrat, Milwaukee Signal, Racine Advance, Oshkosh Labor Advocate, State of Wisconsin; Westminster Advocate, Belair Times, Salisbury News, Annapolis Examiner, Easton Ledger, Hagerstown Mail, Havre de Grace Ledger, Centerville Observer, Marlboro Gazette, State of Maryland; Winchester Sun, Louisville Anzeiger, Princeton Banner, Murray Ledger, Murray Times, Eddyville Two Cities, Taylorville Courier, Bloomfield Sentinel, Lexington Herald, Harrodsburg Sayings, State of Kentucky; Greensburg Standard, Richmond Sun-Telegram, Marion Herald, Centerville Record, Shelbyville Democrat, Angola Herald, Logansport Times, Michigan City Dispatch, Greensburg New Era, Warsaw National Union, Elkhart Truth, Madison Courier, Winamac Democrat-Courier, Auburn Courier, Lebanon Reporter, Terre Haute Gazette, Princeton Democrat, Vincennes Western Sun, Danville Gazette, Kokomo Dispatch, Greenfield Democrat, Franklin Star, Evansville Courier, Jasper Courier, Cannelton Telephone, Frankfort Crescent, Batesville Democratic Herald, Fort Wayne Staats-Zeitung, Madison Democrat, Hartford City Telegram and News, English Democrat, Monticello Democrat, Aurora Bulletin, Osgood Journal, Fowler Review, Salem Democrat, in the State of Indiana, favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of citizens of the Twenty-fifth Congressional district of New York, for a law subjecting imported food products to the laws of the State into which they are imported—to the Committee on Interstate and Foreign Commerce.

Also, petition of the post-office clerks of Utica, N. Y., post-office, urging the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. SLAYDEN: Papers to accompany House bill No. 5219, to confer jurisdiction on the Court of Claims to hear and determine the claim of Luther Sargeant—to the Committee on Claims.

Also, papers to accompany House bill No. 3274, for the relief of Julius E. Mugge, of San Antonio, Tex.—to the Committee on Claims.

By Mr. THOMAS of Iowa: Petition of the clerks in the post-office at Lemars, Iowa, favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *January 29, 1900.*

Prayer by Rev. STOWELL L. BRYANT, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will, without objection, stand approved.

INCREASE OF POST QUARTERMASTER SERGEANTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army, recommending, for reasons stated, that the number of post quartermaster sergeants, now authorized by law, be increased from 105 to 150, and stating that the proposed legislation meets with the approval of the Commanding General of the Army and the Adjutant-General; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

COAST SURVEYS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 20, 1899, certain information relative to the progress and present state of the survey of the coast of the United States, including Alaska; which, with the accompanying papers, was referred to the Committee on Coast and Insular Survey, and ordered to be printed.

WAR-REVENUE EXPENDITURES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 8th instant, schedules prepared by the Auditor for the Treasury Department relative to the portion expended by and under the direction of the Treasury Department of the $50,000,000 appropriated by Congress under the act approved March 9, 1898, entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes;" which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

MERCHANDISE IMPORTED FROM GERMANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting copies of listed correspondence relative to the complaint of the German Government, presented by its ambassador at Washington, against the existing customs regulations of the United States applicable to merchandise imported from Germany; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

TRANSACTIONS WITH NATIONAL CITY BANK OF NEW YORK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 23d instant, certain information relative to the correspondence between the Secretary of the Treasury and the officials of the National City Bank of New York; which, on motion of Mr. ALLEN, was referred to the Committee on Finance, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had agreed to the

second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2179) relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 947) to create a new division in the eastern judicial district of the State of Tennessee;

A bill (H. R. 6073) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes;

A bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C.; and

A joint resolution (H. J. Res. 136) providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

The message also transmitted to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. GARRET A. HOBART, late Vice-President of the United States.

The message further communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. SAMUEL T. BAIRD, late a member of the House of Representatives from Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4602) to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes;

A bill (H. R. 6777) relative to the widening and extension of Sixteenth street, in the District of Columbia; and

A joint resolution (H. J. Res. 129) authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Olmedo Alfaro, of Ecuador.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Will the Chair lay the urgent deficiency bill, which has just come from the House, before the Senate, in order that I may make a motion?

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

Mr. HALE. I move that the Senate insist on its amendments, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the North Side Board of Trade, of New York City, praying for the enactment of legislation providing for the construction of the Harlem Kills Canal, connecting the waters of the Hudson with the deep water of Long Island Sound; which was referred to the Committee on Commerce.

He also presented the petition of E. B. Swain, of New York, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented sundry petitions of railway mail clerks of Rome and New York City, in the State of New York, praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Post No. 140, Department of New York, Grand Army of the Republic, praying for the enactment of legislation providing for the detailing of active and retired officers of the Army and Navy to assist in military instruction in public schools; which was referred to the Committee on Military Affairs.

Mr. PROCTOR presented the petition of Kimball Bros. & Co., of Enosburg, Vt., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of D. K. Simonds and sundry other postmasters of Bennington County, Vt., praying for the enactment of legislation providing for an increase in the salaries of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented the petition of J. B. Smith, of Lexington, N. C., president of the North Carolina Pharmaceutical Association, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. ROSS presented the petition of C. C. Bingham and 67 other druggists of St. Johnsbury, Vt., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of George R. Storey, president, and Laura Moore, secretary, on behalf of the Woman Suffrage Association of Vermont, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented the petition of George R. Storey, president, and Laura Moore, secretary, on behalf of the Woman Suffrage Association of Vermont, praying for the omission of the word "male" in the suffrage clause of the constitution to be framed for Cuba, Hawaii, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

Mr. KYLE presented a petition of the Federation of Labor of Chicago, Ill., praying that all the remaining public lands be retained for actual settlers, and also for the construction of reservoirs by the Government for the purpose of reclaiming the arid lands, etc.; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. KENNEY presented the petition of Martha S. Cranston, president, and May P. Phillips, secretary, on behalf of the Woman Suffrage Association of Delaware, praying that the word "male" be omitted from the suffrage clause of the constitution to be framed for the government of Cuba, Hawaii, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

Mr. BEVERIDGE presented a paper in support of the bill (S. 2542) to correct the military record of William B. Young; which was referred to the Committee on Military Affairs.

He also presented papers in support of the bill (S. 2539) granting an increase of pension to Capt. Milton H. Daniels; which were referred to the Committee on Pensions.

Mr. JONES of Arkansas. I present a resolution adopted by the Fourth Biennial Convention of the Brotherhood of Railroad Trainmen, and, as the shortest way to state its substance, I will read it:

Whereas we believe the laws of nature demand that man should have at least one day's rest out of seven, and if the great political and industrial questions are to receive intelligent consideration at the hands of the toiling masses more time must be given them for recuperation and thought; and as Sunday, the first day of the week, is observed more than any other day of the week for rest, and therefore can be easily reserved as a rest day, and as the growing demand of the public for Sunday trains and the eagerness of railroad companies to increase dividends by running Sunday trains threatens to entirely deprive the railway employees of a day of rest: Therefore, be it

Resolved, That while we realize the quasi-public nature of our positions and that it is our duty to meet all reasonable demands of the public and of our employers, we believe a rest day is just as dear to us as it is to all other classes; and the demands made upon us for Sunday service are unreasonable. We believe the adoption of the refrigerator car has removed all necessity for the moving of perishable freight on Sunday; that no harm can come from the unloading of live stock to rest over Sunday; that the demand of the public for Sunday trains by railroad companies for the purpose of pleasure and convenience, and the running of trains by railroad companies for the purpose of increasing dividends, come from selfish motives, which experience has taught us can not be overcome by suasion, and as there seems to be no hope of our having a rest day unless it be secured by legislative enactment, we urge the United States Industrial Commission and Congress to investigate this question; and we earnestly ask that Congress pass a law which will prohibit the running of Sunday trains on all interstate railroads; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Senate, the House of Representatives, the United States Industrial Commission, the press, and be printed in the Trainmen's Journal.

I move that the resolution be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. HALE presented the petition of George R. Fuller and 5 other railway mail clerks of Waterville, Me., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented petitions of D. E. Prall & Co. and sundry other druggists of Saginaw, Mich., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

Mr. MASON presented the petition of Mrs. M. K. East and Mrs. C. S. Willoughby, on behalf of sundry citizens of Duquoin, Ill., praying that the word "male" be omitted from the suffrage clause of the constitution to be framed for the government of Cuba, Hawaii, Puerto Rico, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

Mr. GALLINGER presented the petition of Underhill & Kittridge, of Concord, N. H., and the petition of Andrew P. Preston, of Portsmouth, N. H., praying for the repeal of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. FRYE presented the petition of Z. H. Spinney and 123 other citizens of Maine, praying for the enactment of legislation requiring the licensing of the masters of sailing vessels and yachts

carrying passengers; which was referred to the Committee on Commerce.

He also presented the petition of Mrs. Darwin R. James and 207 other citizens of New York, representing various religious organizations throughout the United States, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 557) for the relief of Thomas Rosbrugh, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 76) for the relief of the University of Kansas, reported it without amendment, and submitted a report thereon.

Mr. HEITFELD, from the Committee on Public Lands, to whom was referred the bill (S. 1749) for the payment to Joshua T. Roberts of balance due for surveying public lands, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 917) granting a pension to Sarah E. Campbell, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 793) providing for the adjustment of the swamp-land grant to the State of Wisconsin, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. DANIEL, from the Committee on Foreign Relations, to whom was referred the bill (S. 631) for the relief of James and William Crooks, of Canada, reported it without amendment, and submitted a report thereon.

Mr. KYLE. I am directed by the Committee on Pensions, to whom was referred the bill (S. 919) granting a pension to James Ballard, to submit an adverse report thereon, and to ask that the bill be postponed indefinitely, the claimant having died one year ago.

The PRESIDENT pro tempore. The report will be agreed to, and the bill will be postponed indefinitely.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (S. 763) to aid the State of South Dakota to support schools of mines, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on Public Lands, to whom the subject was referred, submitted a report thereon, accompanied by a bill (S. 2746) to aid the public-land States to support schools of mines; which was read twice by its title.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 779) for the relief of the Potomac Steamboat Company, reported it without amendment, and submitted a report thereon.

ESTATE OF GEORGE W. LAWRENCE.

Mr. WARREN. I desire to recall a report made a few days ago from the Committee on Claims on the bill (S. 739) for the relief of the estate of George W. Lawrence and substitute the one I send to the desk. It is to correct an error, the wrong report having accompanied the bill.

The PRESIDENT pro tempore. The report will be received and substituted for the one heretofore made.

REPORT OF NICARAGUA CANAL COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 5,000 copies, additional to the usual number, of the report of the Nicaragua Canal Commission, 1897-1899, of which 1,500 copies shall be for the use of the Senate and 3,500 copies for the use of the House of Representatives.

MRS. ANN M. SMITH, DECEASED.

Mr. COCKRELL. I ask that the Committee on Pensions may be discharged from the further consideration of the bill (S. 530) granting a pension to Mrs. Ann M. Smith, widow of the late Maj. Gen. Andrew J. Smith, and that the bill be brought before the Senate and indefinitely postponed, as Mrs. Smith died only a few days ago.

The PRESIDENT pro tempore. If there be no objection, the order will be entered discharging the Committee on Pensions from the further consideration of the bill and postponing the bill indefinitely.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 2710) for the relief of James Ballard; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 2711) for the relief of David Tweed; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 2712) providing for a naval training station at Gig Harbor, Washington, and for other purposes; which was read twice by its title, and referred to the Committee of Naval Affairs.

Mr. HANSBROUGH introduced a bill (S. 2713) authorizing negotiations with the Indians of Devils Lake Reservation, in North Dakota, for the cession of lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2714) for the extension of M street NE.; was was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUARLES introduced a bill (S. 2715) to prevent the desecration of the American flag; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HEITFELD introduced a bill (S. 2716) authorizing the Secretary of the Interior to repay purchase money, fees, and commissions in public-land entries in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BERRY introduced a bill (S. 2717) for the relief of the estate of Parkes and Ward; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 2718) for the relief of the estate of John G. Archer;

A bill (S. 2719) for the relief of the estate of S. E. Hackett, deceased; and

A bill (S. 2720) for the relief of the estate of William Brown Millican, deceased.

Mr. KYLE introduced a bill (S. 2721) to correct the military record of Albert E. Anderson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of New York introduced a bill (S. 2722) for the relief of Augustin Walsh; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2723) for the relief of Gottleib Schlecht and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 2724) relating to certain railway corporations owning or operating street railways in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2725) to transfer certain old records of the city of Washington from the custody of the Chief of Engineers, United States Army, to that of the surveyor of the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE. I introduce two bills for reference to the Committee on Naval Affairs. I ask that they be printed with the documents which acccompany them and sent to that committee.

The bill (S. 2726) providing for the disposition of unclaimed property of beneficiaries of a naval home dying intestate was read twice by its title, and referred to the Committee on Naval Affairs, with the accompanying letter from the Secretary of the Navy, which was ordered to be printed.

The bill (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899, was read twice by its title, and referred to the Committee on Naval Affairs, with the accompanying letter from the Secretary of the Navy, which was ordered to be printed.

Mr. COCKRELL (by request) introduced a bill (S. 2728) granting a pension to Fritz Meyer; which was read twice by its title.

Mr. COCKRELL. In connection with the bill I present the petition of Fritz Meyer. I move that the bill and accompanying petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PETTUS introduced a bill (S. 2729) granting a pension to Eliza L. Reese; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2730) granting an increase of pension to William V. Carr (with an accompanying paper);

A bill (S. 2731) granting an increase of pension to P. W. Wilcox; and

A bill (S. 2732) granting an increase of pension to James Cunningham (with an accompanying paper).

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (by request) (S. 2733) for the relief of the legal representative of John Avery, deceased;

A bill (by request) (S. 2734) for the relief of the heirs of William Pollock (with accompanying papers);

A bill (S. 2735) for the relief of the estate of Dr. Bailey Shumate; and

A bill (by request) (S. 2736) for the relief of the personal representative of John Johns, deceased (with accompanying papers).

Mr. MASON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2737) to increase the rating of pensions for disease, wounds, or injuries received while in line of duty;

A bill (S. 2738) granting an increase of pension to James M. Munn (with accompanying papers); and

A bill (S. 2739) granting a pension to Lorenzo D. Brinker (with an accompanying paper).

Mr. MASON introduced a bill (S. 2740) for the relief of Thomas Sherman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 2741) for the relief of Valentine Lapham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER introduced a bill (S. 2742) restoring to the pension roll the name of Annie A. Gibson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 2743) for the relief of Caleb Wollpert; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 2744) to create an additional life-saving district, and authorizing certain changes in the serial numbers of existing districts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON (by request) introduced a bill (S. 2745) to amend section 10 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 2747) to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States, by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, forest, and sea, in the city of St. Louis, in the State of Missouri; which was read twice by its title, and referred to the Committee on Industrial Expositions.

Mr. SEWELL introduced a joint resolution (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States; which was read twice by its title, and referred to the Committee on Printing.

Mr. CLARK of Wyoming introduced a joint resolution (S. R. 76) withdrawing certain lands on the island of Oahu, Hawaii, from the public domain; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PROCTOR introduced a joint resolution (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Printing.

Mr. CHILTON introduced a joint resolution (S. R. 78) authorizing articles imported from foreign countries for the sole purpose of exhibition at the San Antonio International Fair and at the Texas State Fair and Dallas Exposition, to be held in the cities of San Antonio, Tex., and Dallas, Tex., to be imported free of duty, under regulations prescribed by the Secretary of the Treasury; which was read twice by its title, and referred to the Committee on Finance.

Mr. McMILLAN introduced a joint resolution (S. R. 79) providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. JONES of Arkansas (by request) submitted an amendment proposing an appropriation of $30,000 for the payment of subsistence and transportation money to certain Cherokee Indians for removal from Tennessee, Alabama, Georgia, and other States to the present Cherokee Nation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED MISSOURI MILITIA REGIMENTS.

Mr. COCKRELL. I submit a resolution to provide for the reprint of a document, and ask for its present consideration. The document comprises only a page and a half.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 500 copies of Senate Document No. 130 of the second session Fifty-fifth Congress, relative to the pensionable status of the Enrolled Missouri Militia regiments.

SUITS AGAINST THE GOVERNMENT.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 500 copies of the act to provide for the bringing of suits against the Government of the United States, approved March 3, 1887.

EFFICIENCY OF THE ARMY.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 500 copies of the act for increasing the efficiency of the Army of the United States, and for other purposes, approved March 2, 1899.

Mr. COCKRELL. Those resolutions provide for a reprint of documents that have been exhausted in the document room and for which calls are frequently made.

SHIP CANAL IN THE STATE OF WASHINGTON.

Mr. FOSTER submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of constructing a ship canal to connect Puget Sound with Grays Harbor, via the Chehalis River, in the State of Washington, in accordance with recommendations heretofore made and filed with the War Department.

TREATY RELATIVE TO SAMOAN ISLANDS.

Mr. PETTIGREW submitted the following resolution; which was read:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to inform the Senate whether the people of Samoa were consulted or their wishes ascertained in relation to the treaty recently made between the United States and Germany in relation to said islands. The President is also requested to inform the Senate whether any protest has been received by him or the Department of State from the people of Samoa, or any of them, against said treaty.

Mr. PETTIGREW. I ask that the resolution be printed and lie over until to-morrow.

The PRESIDENT pro tempore. The resolution will be printed and go over under the rule.

ELECTION OF SECRETARY AND SERGEANT-AT-ARMS.

On motion of Mr. ALLISON, it was

Ordered, That the Senate do now proceed to the election of the following officers, in the order named: First, Secretary of the Senate, and second, Sergeant-at-Arms of the Senate.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Charles G. Bennett, of New York, be, and is hereby, chosen Secretary of the Senate.

Mr. ALLISON submitted the following resolution; which was read:

Resolved, That Daniel M. Ransdell, of Indiana, be, and is hereby, chosen Sergeant-at-Arms of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I should like to inquire of the Senator from Iowa whether the resolution does not instantly displace the officials instead of taking effect on the 1st of the month, when the oath is taken?

Mr. ALLISON. As I understand it, both these officers are required to take an oath of office, and they are not in office until that oath is taken. It is understood that these offices shall be changed on the 1st day of February, for the convenience of accounting.

Mr. HOAR. So I understood. I have not investigated the matter and have not thought of it until this moment; but it occurs to me that where, as in an ordinary nomination for office by the President, the phrase is to take effect as soon as the successor is qualified, and frequently in those cases when the appointments are made that is one thing, but where there is a distinct appointment of a new officer it may be held to take effect immediately. Suppose Mr. Bennett should die, would the present official remain the Secretary of the Senate for a year when a new person has been appointed by the Senate? I merely ask that question. I am not answering it myself. I think it would be better in each of the resolutions to state that the resolutions shall take effect on the 1st of February, 1900. But the Senator from Iowa will give his reasons for the present form.

Mr. ALLISON. There is no objection to inserting those words if the Senator thinks it would be safer?

Mr. HOAR. I think it is safer; certainly.

The PRESIDENT pro tempore. Does the Senator from Massachusetts move an amendment to the resolution?

Mr. HOAR. I merely make the suggestion.

Mr. TELLER. Let the pending resolution be read again. Let us see what it says.

The Secretary again read the resolution.

Mr. HOAR. Senators about me seem so confident that there is a sufficient practice grown up and that it is so uniform as to control this matter that I shall not make any further suggestion about it, though my own impression remains unchanged.

Mr. ALLISON. I am sure that the effect of the resolution will

be as stated by me, and unless the Senator thinks the amendment important it can be adopted in its present form.

Mr. COCKRELL. It is the understanding that these officers will not take the oath until the 1st day of February.

Mr. ALLISON. That is the understanding.

Mr. COCKRELL. I say there is no question about that. Now, if anyone after having taken the oath of office should undertake to draw pay for the few days preceding the 1st of February I think we would have the power to stop it, and I believe the Senate would peremptorily and arbitrarily exercise the power.

Mr. ALLISON. I think there is no doubt about it.

Mr. COCKRELL. So I think no harm will come if we pass the resolution in the present form.

Mr. ALLISON. No officer of this body can draw pay until he takes the oath of office.

Mr. HOAR. A question might arise in this way, for instance: Suppose the present Secretary of the Senate should sign a subpœna for a witness or an order for the arrest of a witness who refuses to obey the summons; the question is whether his authority continues. But, as I said, I do not press the point.

Mr. CULLOM. Question.

Mr. ALLISON. I ask that a vote may be taken on the pending resolution.

The resolution was agreed to.

STENOGRAPHER FOR COMMITTEE ON FOREIGN RELATIONS.

Mr. DAVIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the statements made before the Committee on Foreign Relations in regard to the effect of the reciprocity treaties made between the United States and the several foreign governments on the revenues and industries of the United States be paid out of the contingent fund of the Senate, and that the said committee be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings or proceedings as may be had before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

IRRIGATION ON THE GILA RIVER, ARIZONA.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit to the Senate the results of the investigation by the Geological Survey on the general conditions and cost of water storage for irrigation on the Gila River, Arizona, for the benefit of the Indians occupying the Gila River Reservation, as prepared by the consulting engineer of said investigation.

PERSONAL EXPLANATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day.

Mr. MASON. Mr. President, I desire to take a moment upon a question of privilege, as I understand the rule of the Senate.

The PRESIDENT pro tempore. The Senator from Illinois rises to a question of privilege.

Mr. MASON. I ask first to have read the following statement from the English consul located at New Orleans.

The PRESIDENT pro tempore. Without objection, the Secretary will read the communication.

The Secretary read as follows:

[New York Times, January 14.]

BRITISH CONSUL GROWS ANGRY—REPRESENTATIVE AT NEW ORLEANS ACCUSES AMERICAN PEOPLE OF ACTING IN BAD FAITH.

NEW ORLEANS, LA., *January 13, 1900.*

Arthur G. Vansittart, the British consul to this city, entertains some very drastic views with reference to American methods generally and American friendships in particular, and he does not hesitate to express his opinions on the subject. Speaking to-day on the present attitude of the people of the United States on the war in the Transvaal, he said:

"The English people are thoroughly disgusted with the way the people of this country are acting, and can not understand the bombast and political buncombe which seems to actuate the Congress. To-day the American people are against Great Britain, because the Boers have been successful so far in the South African war. To-morrow the English will be successful and the sentiment will undergo a complete and rapid change. Why? Simply because it's the nature of the American people, who are mercenary in everything they do; but what the English can not comprehend is the bombast of the Senators at Washington, who, to secure a reelection, make political capital by shouting out patriotic encouragement to the enemies of Great Britain, while in private they are anti-Boer in their opinions.

"Can it be that the people of the United States have so soon forgotten that in their war against Spain British ships were seized and held as prizes of war for months before a prize court passed on the legality of the seizure? England made no protest then, but quietly awaited the action of the court. But when American goods are seized at Delagoa Bay, the Americans send up a great cry that England has trampled on their rights, and expect the matter to be adjusted within twenty-four hours. International law recognizes the right of any nation at war with another to seize anything which is contraband of war. Should a mistake be made, why, it is rectified as soon as possible, and there the matter should end.

"But what are the people of my country to think when such men as Senator MASON adopt the rôle of mountebank in the Senate Chamber of the United States and hurl invectives at England, the friend, and encourages the half-civilized people who are fighting her? I have been in this country five years, and understand fully what it all means. I know nothing can come of it except votes from the constituency for whose benefit it was done. It was never intended that such speeches should change the friendly relations between England and the United States; consequently it was all for show and for votes. I know these men, and I know they are double-faced. They say one thing to-day and to-morrow express sentiments directly to the contrary. There is no faith to be put in them. The Administration at Washington understands the status of affairs perfectly and is very friendly to England. If the people of the country were as well informed as the Administration there would be much less political capital made of such buncombe as Senator MASON makes use of."

Mr. MASON. Mr. President, I shall take but just a moment upon this matter. It is hardly worth attention except that it is the expression of one of the accredited representatives of England to the United States. I want to call his attention and the attention of his friends to the fact that it is not the first time when an English diplomat has attempted to run the politics of this country; but having begun thus early in the campaign to injure the Administration—the party in power—I thought it well enough to call attention early that it might not have the same effect it had when President Cleveland was in the White House.

So far as his personal attacks upon me are concerned, of course they do me great honor. My correspondent who sent it to me suggested that it be called to the attention of the State Department and dignify his assault upon me in that way. I have no doubt the State Department would give me all the protection it gives to any American citizen and that the State Department would give every American citizen any protection that it could, but as for me, I am for the Boers, and the more of English stupidity and assininity that come in this country from men of this class the more sure the American people are to become educated on the real merits of this case.

I made no assault upon the English people in my speech in favor of the Boers. I said they were our friends, but that the Government as contradistinguished from the people never had been our friends. We had friends in England during the Revolutionary war—men who stood and answered for the American people. The people were our friends in England during the civil war. Lincoln said in his great speech to the working people of this country that the working people had always been foremost upon the right side, and I could have paid no higher compliment to the English people than to recall the language of Lincoln when he said that the starving weavers refused to give aid and comfort to their own home Government that recognized the belligerency of the Southern Confederacy. Although their looms were empty and they were starving, they stood for the maintenance of our Union and would rather starve than strike a blow for slavery.

Cheap men coming from England in the diplomatic or consular service, who are permitted to come to this country as the friends of this country and who misquote the statements made by Senators of the United States, only call attention to the avarice and the cowardice and the brutality of the English Government. I speak of the English Government. I had in that very speech quoted from the language of the distinguished Senator who now occupies the chair. When asking for a resolution in favor of the Armenians, he called attention to the difference between the English people and the English Government, and you may remember that when I quoted from him I called attention to the distinction between the Government of England and the feeling of the people of that country.

I say to-day that from the best information I have among the enlightened people of Scotland, judging from their press and from correspondence, not half of them favor this cruel war against the Boers for the destruction of their Republic; not one-tenth in Ireland favor it, and 95 per cent of the American people to-day, if you can judge by the expression of public meetings and the press, are in favor of the maintenance of liberty and the continuance of the Republic of South Africa.

Now, Mr. President, I do not care for any special defense from the State Department. I shall endeavor, with the help of God, to take care of myself from that class of cattle—people who are sent here to this country under English pay and who have an open sesame through the American papers to belittle every effort that I have been able to make to get an expression from the American Congress along the line laid down when we began at an early day to follow the suggestion of Webster: Since the kings have formed a combine, let us answer with a combination of the republics.

Mr. President, before I sit down I desire to make an inquiry and one further suggestion. I suppose the records of the Senate would show, but there has been a dispute as to where the treaty of arbitration now is, whether it is in the State Department or before the Senate committee. I understand that it is before the Committee on Foreign Relations of the Senate, or has been favorably reported and is now before the Senate. I refer to the treaty of The Hague, the arbitration treaty, I should say.

Mr. DAVIS. That is a matter of executive business. The Senator can ascertain that fact from the records of the executive sessions.

Mr. MASON. I do not want to do anything that it is not proper for everyone to do. I merely wanted to state that I saw a statement somewhere that it had not been sent to the Senate, and I saw another statement that it had been sent.

Mr. DAVIS. It has been sent to the Senate.

Mr. MASON. That is all I wanted to know; and I was going

simply to say that so far as one vote is concerned I should like to have an opportunity, and I have no doubt the Senator from Minnesota will give us an opportunity, to vote upon it. There has been a petition filed with the executive department; and I presented a petition to the United States Senate which claimed to represent nearly 100,000 names, which was sent to the Committee on Foreign Relations. That petition was a prayer of the people of this country that under a certain section, I think section 3, the American people should intervene as a friendly nation and that under that section we could intervene or tender our friendly services without violating the law of nations as between friendly powers.

I am informed that one of the reasons given—and it is one of the reasons given by some of my colleagues here—why they do not favor the stopping of this bloody war that is going on to destroy a republic, a bloody war that is without parallel in all history—that they can not consider the question of intervention because the Senate has not ratified the treaty of arbitration. If that is so, I simply add my petition to that of the others which have been presented to the chairman of the Committee on Foreign Relations. I say I add my petition with perfect respect, for I do not intend to be disrespectful in this or any other thing. Out of 70,000,000 people not one has ever protested against it, so far as I know. If that is so, let us ratify the treaty and at least take away one of the other barriers which prevent us from asking the right to make a friendly intervention.

Mr. DAVIS. Mr. President, I will take the liberty of saying to the Senator from Illinois that the treaty of arbitration has been reported to the Senate.

Mr. MASON. That is all right. I am very glad to hear it. Then I suppose it is not necessarily in the control of any one Senator or any one committee, but that any Senator can call it up. I merely wanted to know about it. We live and learn, and I desire to be good-natured about it.

One other question, Mr. President, and I shall finish for this morning. In the early part of this session I offered a resolution, copied from the Republican platform of 1896, of sympathy for the struggling Boers. It was referred to the Committee on Foreign Relations. I do not know how many weeks or months it has been there; but I want to be perfectly fair with the committee, and I intend to be perfectly respectful.

Unless I can get some report, favorable or unfavorable, I shall adopt some other means to get a vote upon that resolution. If there is a majority of Senators opposed to that resolution, I shall be satisfied if we can have a vote taken upon it, and if a majority of the Senate favor it, I want a vote. If the resolution is not fair, change it until it is fair. If our sympathy is not expressed in proper language in the opinion of the majority of this Chamber, let it be changed, but give us a chance.

I shall adopt one of several courses I have in mind. It is only fair to you, gentlemen of the committee, that you should know that I intend to ask that the committee be discharged from the further consideration of that resolution, or, if that be deemed unfair and impracticable, I shall introduce another resolution and ask that it be voted on without going to a committee.

I have waited now several weeks since December 6, 1899. The committee has had a great many meetings. The London newspapers, which were kindly sent to me on the morning after I introduced the resolution, contained the statement of a Washington correspondent that he was absolutely sure—I think the words "absolutely sure" were used—he said, "I am credibly informed and am absolutely certain that the Mason resolution will go to the committee and never be resurrected." Not one newspaper alone in London, but every one of them said this, and contained the absolute assurance that the Senate of the United States would never have a chance to vote upon that resolution—another sample of the Senate rules where a majority has nothing to say, if there is a majority. I do not say that there is a majority on this question, but I do say that I am entitled and that the people of the United States are entitled to some expression, and I think it is pretty near time that such an expression should be had.

The Boer war will be over in the next six weeks if the Boer successes continue to be as great as they have been during the last six weeks, and it may be that you gentlemen, who are, as the English statesman says, looking to the winner and willing to change your sentiments every time there is a change in the war cloud, may want to express sympathy for the English instead of for the Boers. [Laughter.] You may, if you please, amend my resolution, but bring it in, I beg of you. Do not take that child to the graveyard, because there will be a resurrection of it every morning after next week until I can get a vote of some kind upon it.

Mr. President, I want the committee to understand me. I do not charge them with trying to smother that child. That would be undiplomatic and unstatesmanlike; but I will say that I have a sneaking sort of suspicion that a majority of the committee want to consider that resolution three years or three months after the war is over. I say it must be considered. You will have to think about it at least once a day or else go into the cloakroom while I am speaking.

Mr. HOAR. Mr. President, I should like to be allowed to say a word on this question of privilege. It seems to me to be a very serious one.

The PRESIDENT pro tempore. If there be no objection, the Senator from Massachusetts will proceed.

Mr. HOAR. Mr. President, the Senator from Illinois [Mr. MASON] in his impassioned remarks to the Senate possibly draws away the attention of the Senate from the very serious communication that he made at the outset, which is that a consul who is representing a foreign country at one of our most important commercial ports has uttered in the public press a violent attack not only on the character of an individual member of this body, but on the character of the Senate and on the character of the American people; representing the Senate and the people as a mob, without serious convictions, swaying from side to side, and desirous of acting with the winner in a war which is now pending, without regard to the merits of the controversy. It seems to me, as that matter has been brought officially to the attention of this body, it ought not to be dropped without some action; and it seems to me that the action should be to refer it to the Committee on Foreign Relations, which will, I have no doubt, deal in a proper way with it.

My own hope is that the Committee on Foreign Relations will send the communication to the Secretary of State or to the President for his information. Then the proper action, whatever it may be, will undoubtedly be taken—either the revocation of the exequatur of the consul or the facts be transmitted to the English Government for its information, who would itself deal with the matter. I shall make the motion that the communication laid before the Senate by the Senator from Illinois be referred to the Committee on Foreign Relations.

Mr. President, I wish to add one other word, if I may, and that is, that I regret, for one, the earnest and impassioned attack which has been made in the Senate by the Senator from Illinois upon the Government of a friendly nation. I know the kind and liberty-loving heart of that Senator. I know that the attack comes from the most generous motives, that most generous of all human motives—sympathy with a weak power struggling with a strong power. The Boers are a republic of one million, fighting for their life with an empire of four hundred millions, and it is quite natural that the Senator from Illinois should have his sympathies strongly stirred; but, after all, the Senate is a part of the diplomatic power of the United States. Every treaty that is made with a foreign government is made with our advice and consent.

I do not see how my honorable friend from Illinois can hope that his proposed offer of mediation between Great Britain and her spirited and gallant adversary can ever be received or effectual if it is accompanied at the same time with an angry, impassioned attack on the Government of Great Britain, not only with reference to her conduct in the very transaction which we propose to ask her to submit to us as an impartial arbitrator, but also an attack on her character through all history, and an especial charge that she is our bitter enemy, and the information that we have in our hearts now the feelings which her former misconduct was calculated to excite.

My honorable friend from Illinois, in other words, has a resolution before the Committee on Foreign Relations in which he wants us to say, in substance, to Great Britain, "You miserable tyrant, disgraceful and hateful, base and infamous through all history, you are especially base and infamous in your present conduct; now leave your conduct in this question to us as an impartial and just and calm arbitrator." It seems to me that is not a very logical position for us to take. I have myself hoped that the time would come when in this Boer war either the express offer from our Government in mediation or the opinion of the people of the United States, calmly and modestly made known, would have its effect on those contending parties and bring about peace—peace with justice and liberty, without which there can be no permanent peace anywhere.

I suppose, Mr. President, that the attitude of the people of the United States in general toward Great Britain is an attitude of warm, cordial friendship (I might almost say an attitude of attachment and love) and that when we think her in the wrong—as we pretty often have had occasion to do and as so many of our people do now—we have the same feeling which patriotic Englishmen have toward their own Government when they think her in the wrong, and the same feelings which patriotic Americans have toward their own Government when they think her in the wrong—valuing her honor, jealous of her honor, desiring that her honor may be preserved unstained.

I do not believe that any considerable number of the American people believe in the doctrine, "Our country, right or wrong." I think the number still less of the American people who would be prepared to follow anybody who says as a corollary from the doctrine "Our country, right or wrong," we are prepared to say, "England, right or wrong," because she sympathized

with us in our struggle with Spain. So the feeling of the people of the United States toward England, and the relation of the people of the United States toward England, comes from a good many other sources than the mere conduct of a political party in possession of her Government at some particular time in history.

We remember George III and Lord North, but we remember Chatham and Burke and Charles Fox. We remember Lord Russell, whose sympathies had been against us, but who lived to express his own sense that he had been wrong in his conduct toward us during our rebellion. We think also of the brave and noble workingmen of Lancashire, who said they would prefer to encounter starvation rather than have England interfere to break up the American Union.

We are of the same blood; they are our kith and kin, and whatever a few men may say in the English Government, or a few men may say in the Senate of the United States, the feeling of the American people toward the people of England and the feeling of the English people toward the people of America at this day is a feeling of cordial good will and affection. But it is so much more for that reason have we the right, so much more for that reason are we bound, when we think the Government of England is taking a course injurious to liberty, contrary to justice, and a stain upon her honor, to say so; but we are to say so temperately, quietly, courteously, as lovers and friends speak to lovers and friends, and not in the language of denunciation and abuse; and especially is that true when the utterances come from a part of the diplomatic power of this Republic.

Mr. LODGE and Mr. MASON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] is recognized; but the Chair will state that this debate is proceeding by unanimous consent.

Mr. LODGE. I understand that a motion has been made to refer.

Mr. HOAR. I made the motion to refer the communication just received to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to refer the newspaper communication—it is to that the Senator refers, as the Chair understands—to the Committee on Foreign Relations.

Mr. HOAR. Certainly.

Mr. LODGE. Mr. President, about three years ago—not a very long time—the minister of Spain in this country made a public attack in the newspapers on certain Senators for remarks uttered in the Senate. That seemed to me in the highest degree improper. I called attention to it at the time. I remember very well the criticisms to which I was subjected in the press; I remember very well the indifference, I might almost say the sneers, which I was obliged to encounter in certain quarters.

At that time Spain was engaged in crushing the life out of the people of Cuba—which I considered to be a very great wrong. But that was not the reason that I made objections to the utterances of the Spanish minister. I thought that notice ought to have been taken of those utterances by the Senate of the United States, and I thought notice ought to have been taken of them at that time by the Administration. I do not think that the diplomatic or consular officers of any power, no matter what that power may be, have the right to come into this country and in their diplomatic or consular capacity, shielded as they are by laws of nations, criticise the utterances of Senators or Members of the House of Representatives of the United States. I have not changed my view in regard to that general principle. If a diplomatic or consular officer has made attacks upon Senators or officers of the Government, I think it is a matter which should be brought to the attention of the Administration, and I think notice should be taken of it by them through the proper channels.

I am very glad, Mr. President, that the matter has been received by the Senate in the manner which has been displayed toward it, for I think it is something which can not be too soon understood, that we can not tolerate that sort of thing. It is no worse coming from a British consul than it was coming from the Spanish minister; but at that time we were somewhat divided on the question of the Cubans, and some of the sympathy which flows so strongly toward the Boers—whose magnificent fight for their own firesides and homes commands the admiration of every generous man—that sympathy which flows so generously now for them in all quarters, seemed to me at that time to be stopped and impeded when it was trying to flow toward a people who were being starved to death at the threshold of the United States.

Mr. CARTER and Mr. MASON addressed the Chair.

The PRESIDENT pro tempore. There is a resolution pending before the Senate.

Mr. MASON. I merely desire two or three minutes.

Mr. CARTER. I will yield to the Senator from Illinois.

Mr. MASON. I do not care to have the Senator yield. I will bring the matter up again, if necessary. I only want two or three minutes to reply to a suggestion made in regard to my question of privilege.

The PRESIDENT pro tempore. In the absence of objection, the Senator from Illinois will proceed.

Mr. MASON. I do not want to feel that I am trespassing on the right of any committee or of any Senator. I am perfectly willing to wait. The principal business of this body is to wait. I have found it so. I introduced this resolution on the 6th of December, and I have been waiting ever since to hear some murmur from the door of that crypt where all resolutions are locked as to which the majority are not favorable and as to which they do not care to have any expression made one way or the other. I have waited from the 6th of December. You gentlemen of the committee should remember that you have had your Christmas turkey in the meantime, and you come back after Christmas and yet you have not passed on that resolution. You have passed into the last year of this century since then, and some of you say into a new century.

I do not care to discuss that, but I expect the reason you have not reached my resolution is because you have been discussing the question of the beginning of the century in your committee. [Laughter.] But on the 6th of December the resolution was sent to you. You kept it all through that beautiful month. During the holidays you had time to think it over. Then came the new year; and yet the resolution of sympathy has not yet been reported; and the distinguished Senator who has just taken his seat [Mr. LODGE], who, with me, sympathized with Cuba and had not then moved up into the class where he could give sneers instead of receiving them, is on the committee. He says that the gallant fight the Boers are making stirs the heart of every fair and generous man, and yet from the 6th of December his heart has been stirred, but the stir has not reached the movement of his lips nor his action in his committee.

The other distinguished Senator from Massachusetts says that we are a part of the treaty-making power, and that we ought to be very careful and gentle. I believe a Massachusetts man once came out to Illinois to teach school, and the committee asked him the question whether he had the fool notion that the world was round. He said it depended upon the committee; that he taught it both ways.

Mr. HOAR. Am I to understand from the Senator that the people of Illinois all thought it was flat at that time?

Mr. MASON. I say the committee was divided upon that subject, but we had an accommodating gentleman from Massachusetts who was willing to teach it both ways for the price. History does not say which way he did teach; but I can not teach both ways. I can not say here in the Senate of the United States that I admire a government after having read their diplomatic papers and spent three months observing the perfidy that has been perpetrated on this man Kruger. At the very opening he suggested arbitration.

This man Milner, Lord Milner, writes to his Government—and there is not a Senator here who would hear me read it, hardly one upon this side of the Chamber; I have been unable to get to read it—in his communication to Chamberlain he says he notified him at once that no arbitration would be considered; that they would "brook no outside interference." He intended to force a fight. He got the glint of the gold and the diamonds that this man Rhodes had shaken before his eyes. He intended to use the British army.

Kruger had a twenty-one-year suffrage. He reduced it to fourteen and then to seven and then practically to five for the uitlander, including the Englishman, and Milner himself said he thought that would be satisfactory to his Government. Kruger gave them everything they asked, and Milner told him to his face, and it is reported that he said in substance, "Your proposition is fair; my Government will probably accept;" but when it was taken to the home Government, there was the determination to bullyrag and browbeat the Boer, to make him fight, that they might kill him. Yet while we sympathize with the Boer, since the 6th of December the committee has not opened its doors or given one moment to the consideration of the resolution.

The distinguished junior Senator from Massachusetts, who has just taken his seat, remembers that when he was fighting for Cuban independence he taught me the word "mañana." And when I came to the United States Senate I followed his lead for the suffering people there. I ask, Mr. President, only fair play. I can not be a diplomat and talk about the English Government being a nice, gentle pussy cat of a Government when I have read their record in this particular case. If the English flag had been assailed by a foreign power unjustly, and she was fighting for her own land and her own homes, there is not an American or an Irish or a Scotch heart that would not beat for her; but she is fighting to-day to destroy a Republic, and for the first time in the history of our Republic we are silent lipped and cold while the Republic is being destroyed.

No, Mr. President, I am not learned in the art of diplomacy. Language, where I come from, means the way of communicating

thought, and not concealing thought and intention. I say that the conduct of the British Government in driving these poor men to war for no other purpose than to use the British army to take their mines and destroy their homes is unjustifiable, and 95 per cent of the American people say, "God bless Paul Kruger and the farmers of South Africa."

Mr. PLATT of Connecticut. Mr. President, I do not feel like letting this occasion pass without entering, for one, my protest against the abuse of the privilege of free speech in the Senate of the United States.

The PRESIDENT pro tempore. The question is, Will the Senate refer the printed communication, to which the Chair takes it the Senator from Massachusetts refers, to the Committee on Foreign Relations?

Mr. MASON. Mr. President, I desire to reply in just one word. If the distinguished Senator from Connecticut, who always takes opportunity to rebuke me, had done me the favor to have heard read the abuse of the English consul at New Orleans upon me and upon the Senate and upon the American people, he might have found some excuse for me when I rose to defend my own character and the character of the Senate and of the American people; but the Senator from Connecticut did not hear it.

The PRESIDENT pro tempore. The question is on agreeing to the motion to refer the communication to the Committee on Foreign Relations.

The motion was agreed to.

SEIZURE OF FOOD PRODUCTS.

The PRESIDENT pro tempore. The Secretary will now read the resolution which the Chair laid before the Senate, coming over from a former day.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 24th instant, as follows:

Whereas food products are not in their nature instruments of warfare; and

Whereas the United States is the greatest producer of such products in the world, and it is therefore essential to our prosperity that these products be freely sold and delivered wherever purchased; and

Whereas to permit such products to be declared contraband of war and subject to seizure by foreign nations at war among themselves would work irreparable injury to the great body of our agricultural population: Therefore,

Resolved, That the United States of America will not recognize the right of any nation to declare food products contraband of war or to seize such products belonging to citizens of the United States or being transported in vessels owned by citizens of the United States, and that any such seizure will be deemed by this Government an act unfriendly to the United States.

Mr. DAVIS. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. PETTIGREW. Mr. President, I do not care to discuss the resolution except very briefly. It appears that American flour has been seized by English gunboats on the east coast of Africa. This country is the greatest producer of provisions in the world. I believe it has been the policy of this Government since its foundation to insist that provisions are not contraband of war. In 1794, it is true, we made a treaty with Great Britain by which we agreed that flour or provisions might under certain circumstances be considered contraband of war, but the belligerent nation seizing the provisions should pay the market price and a fair profit. But that treaty was secured under peculiar circumstances. American provisions were on their way in our ships to France, with whom England was at war, and those vessels were seized by the English Government. We protested, insisting that the doctrine was that only things used exclusively in war or absolutely necessary to the carrying on of war should be considered as contraband under the laws of nations.

Finally, as England insisted, we agreed to a treaty which provided that they should pay for the provisions the market price and a fair profit. But that treaty has lapsed by time and is no longer in force. Aside from that I think there is no case in our history where we have not insisted that provisions were not and could not be contraband of war.

We made a treaty in 1846 and another in 1850 with the United States of Colombia and with Salvador, I think, by which we agreed that provisions striving to enter a blockaded port were contraband of war, but these treaties can certainly have no significance and no force because for another reason provisions trying to enter a blockaded port could be seized and confiscated.

Mr. President, I think we ought to have an expression upon this subject, because I do not think we ought for one moment to tolerate the doctrine of preemption, the doctrine that a belligerent can seize our provisions on their way to a neutral port and pay for them, even. Such a doctrine would leave it in the hands of a belligerent power that commanded the seas to make their own rules as to what is contraband of war and when they would have the right of seizure. Besides, the delay and the controversy would ruin our trade. If we admit that provisions can be contraband of war under any circumstances, then a conflict between our two best customers would make the war more ruinous and more injurious to us than though we were engaged in the conflict ourselves. I think, owing to the fact that this question is not thoroughly settled among the other nations of the world, although our position has been clear upon it, some action ought to be taken by the Committee on Foreign Relations and the Senate on this subject.

In 1885 France declared rice contraband of war that was on its way to any port in China north of Canton. The declaration itself ruined the trade, and therefore there were no seizures. Yet they enunciated the doctrine, and they have never relinquished their position. We have more interest in this subject than any other nation in the world, and we ought to make a clear and distinct declaration about it.

Mr. HALE. Is not this the very trouble, Mr. President? The admission for a moment by us that these food products may be contraband of war destroys the trade. The suspicion, the feeling of doubt in the mind of the shipper that this question may be raised and get into diplomacy and may be continued and strung out destroys American trade. Is not that the whole controversy?

Mr. PETTIGREW. I think so, Mr. President. Therefore, I think we ought to insist, and insist very promptly, upon our position and reiterate it and then enforce it. In view of the fact that there is some tendency in the world to declare that war is a conflict between nations and that, therefore, the private property of individuals shall not be taken, the tendency being in the direction of not allowing the seizure of ships upon the sea belonging to the individuals of the nations at war, I believe that nothing shall be considered contraband of war unless there is a treaty stipulation to that effect, and that we ought to insist upon that doctrine.

But certainly, Mr. President, without waiting to go that far, we ought promptly to insist upon our position on this subject. We have already made treaties with very many of the nations of the world by which we have stipulated what is contraband of war. We have treaties with Bolivia, Colombia, Santo Domingo, Ecuador, France, Guatemala, Haiti, the Netherlands, Italy, Mexico, Prussia, Salvador, Sweden, Norway, Venezuela, and we did have with Spain, enumerating what is contraband of war; and in none of those treaties are provisions enumerated.

Mr. President, under these circumstances, with those nations so far as their relations with us are concerned, provisions are not contraband of war, and it is so stipulated, because if they could under any circumstances be regarded as contraband of war the treaties would have so enumerated. Therefore, I believe we ought to insist that nothing is contraband of war unless it is stipulated in the treaties. With all other nations but those enumerated we are left to-day to the law of nations and to the decisions of prize courts, which endangers the peace of neutrality, and is a policy that ought not to be tolerated or continued. Neither should we tolerate the doctrine of preemption as to provisions.

That doctrine is, that a belligerent may seize the goods destined to the port of its enemy and pay the market price and a fair profit.

The risk, the delay, the controversy would discourage trade and entail great loss and hardship upon us, and be almost as ruinous as to allow provisions to be declared contraband. I do not know what has been done with the American flour. No answer, I believe, has come to the State Department. But no matter what the answer is, our position upon this question ought to be made clear and distinct and unquestioned. Therefore, I hope the Committee on Foreign Relations will take up this resolution at once and report it back to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the motion to refer the resolution to the Committee on Foreign Relations.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 947) to create a new division in the eastern judicial district of the State of Tennessee was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 6073) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C., was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. J. Res. 136) providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives was read twice by its title, and referred to the Committee on Printing.

TWELFTH AND SUBSEQUENT CENSUSES.

Mr. CARTER. I move that the Senate proceed to the consideration of the conference report on the census bill.

The PRESIDENT pro tempore. Has the conference report been submitted?

Mr. CHANDLER. It is in order, I suppose, without a motion.

The PRESIDENT pro tempore. It is in order, if it is submitted.

Mr. CARTER. I submit the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 2179) entitled "An act relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: After the word "censuses," at the end of the matter inserted by said amendment, insert the following:

"*Provided*, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address."

And the House agree to the same.

That the House recede from its amendment numbered 2.

THOS. H. CARTER,
EUGENE HALE,
S. D. McENERY,
Managers on the part of the Senate.

A. J. HOPKINS,
CHARLES A. RUSSELL,
F. M. GRIFFITH,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the report of the committee of conference?

Mr. COCKRELL. What is the result? Let us have an explanation. We can not tell by the numbers of the amendments.

Mr. CARTER. Mr. President, in respect to the agreement relative to amendment No. 1, relating to the classes of deaf, dumb, and blind, the Senate recedes from its disagreement, subject, however, to an amendment which limits the inquiries to be propounded on the schedule with reference to these classes to four questions—the name, age, sex, and post-office address. This amendment was thought proper, because, if no restraint were fixed by law, this schedule would become one of considerable extent and would lead out to questions as to the degree of afflictions, the degree of defective hearing, the time when the hearing became defective; degrees of defective speech, degrees of blindness, the age at which the affliction commenced, and almost an innumerable list of inquiries, which would probably be propounded unless by law the schedule should be confined to these four elementary and necessary questions.

We think the amendment will result in a concise schedule, at the same time disclosing all the information contemplated by the parties who have so earnestly pressed the adoption of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

MONUMENT TO SAMUEL HAHNEMANN.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the joint resolution (S. R. 3) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

I will say that a joint resolution for this purpose has twice passed the Senate. In the Fifty-fourth Congress one passed both Houses of Congress, but the President at the close of the session had not time or did not sign it. I think it will provoke no discussion whatever.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of the joint resolution indicated by him.

Mr. COCKRELL. Let it be read for information.

The joint resolution was read; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. COCKRELL. Now let us go to the Calendar, Mr. President.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order. The Secretary will state the first bill on the Calendar.

The bill (S. 1481) appropriating money to reimburse Capt. B. Tellefsen was announced as the first bill in order on the Calendar, and was read.

Mr. COCKRELL. What is the Calendar number of the bill?

The PRESIDENT pro tempore. Calendar No. 11.

Mr. COCKRELL. I have Calendar No. 10 here, Senate bill 1394, and I also have Calendar No. 10, House bill No. 1. Calendar No. 10 is Senate bill 1394, a bill for the relief of Bvt. Col. Thomas P. O'Reilly. I do not find that on the Calendar, and I do not know how two separate bills on distinct and diverse subjects can have the same number.

Mr. TILLMAN. As there seems to be some hitch in the passage of this measure, and as I gave notice that I would take the floor at the expiration of the morning business to-day, I do not think I ought to be cut out by this manner of carrying on business.

Mr. COCKRELL. Has the Senator been cut out?

Mr. TILLMAN. I do not know who brought this bill up.

Mr. COCKRELL. I called for the Calendar. Nothing else was called for.

Mr. TILLMAN. I did not hear the Chair announce that morning business was closed.

Mr. COCKRELL. The very moment the Senator from South Carolina announces that he is ready to take the floor he will have it.

Mr. TILLMAN. I have been waiting for an hour or more to unbosom myself to my brethren here, and first one and then another——

Mr. COCKRELL. I am sorry the Senator is so modest that he can not ask to be recognized.

Mr. CHANDLER. I suppose the Senator was so modest that he wanted us to notify him when we wanted him to start.

Mr. TILLMAN. Oh, no. I did not hear the Chair announce that morning business was closed; I did not know it was closed until I saw that bundle of bills drawn out and the rigmarole started that no one seemed to know anything about, not even the distinguished Senator from Missouri.

Mr. CHANDLER. There is no doubt of the fact that everybody wants the Senator to begin, so that he will get through.

Mr. TILLMAN. Perhaps if the Senator will do me the courtesy to stay and listen to what I have to say he will laugh on the other side of his mouth before he gets through.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the act (S. 2284) extending the time for the completion of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896.

POLICY REGARDING THE PHILIPPINES.

Mr. TILLMAN. Mr. President, in order to refresh Senators' minds, because I know from my own experience that these things pass from our memories very quickly, I ask to have read Senate bill 2355.

The PRESIDENT pro tempore. Without objection, the Secretary will read as directed.

The Secretary read the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898, introduced by Mr. SPOONER on the 11th instant, as follows:

That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Mr. TILLMAN. I should like to have Senate joint resolution 53 read.

The joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands, introduced by Mr. BEVERIDGE on the 4th instant, was read, as follows:

Resolved, etc., That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

Mr. TILLMAN. Now I should like to have Senate resolution No. 34 read, which I had the honor to introduce myself, and upon which I will speak.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution submitted by Mr. TILLMAN December 18, 1899, as follows:

Resolved, First. That, in the words of the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Second. That under the Constitution of the United States the Federal Government has no power to rule over colonial dependencies, but is restricted in its operations to States as integral parts of the Union and to Territories intended for future States.

Third. That the expansion of our commerce has not been, and can not be, dependent upon the adoption of a policy of imperialism, involving the subjugation and annexation of Asiatic colonies, but would in the end be hindered by such a policy.

Fourth. That we are opposed to the retention of the Philippine Islands by the United States, and that it is our purpose to consent to the independence of the Filipinos as soon as a stable government shall be established by them; and toward the prompt establishment of such government we pledge our friendly assistance.

Mr. TILLMAN. Mr. President, the subject-matter of the various resolutions which have been read has been discussed very extensively throughout the United States and quite exhaustively in this body. There is a wide difference of opinion in regard to the policy that the United States ought to pursue. It is not a party question, because there are men who are earnest advocates of the policy outlined and followed up to this time by the President who would hate to be considered other than the most loyal Democrats, and there are others belonging to the party of the President—able, influential men in the councils of that party—who are just as pronounced in opposition to his policy as anybody possibly can be.

It is contended by those whom we term imperialists that they are not imperialists; that there is no danger in this policy; that the people of the United States are capable of grappling with and solving any problem of government without regard to the old ideals or principles which have hitherto controlled in our affairs. They say there is nothing to menace the Republic in this matter, and that we will move forward boldly, bravely, seizing the opportunities that have come to us, and that it would be nothing but cowardice to follow any other course.

Very few students of history will deny that we now have strange and unaccountable, almost inexplicable, utterances by men who have been trained to look upon the Declaration of Independence as akin almost to the Sermon on the Mount in its sacred character, in its office of guiding the destinies of this country and of offering hope and inspirations to the downtrodden millions of the earth.

Mr. President, I propose to speak with a great deal of candor in discussing this question, because, as the Senator from Indiana [Mr. BEVERIDGE] declared in his remarkable speech the other day, the times call for candor. While I shall hew to the line and let the chips fall where they may, I disclaim in the outset any purpose other than that of discharging my duty as I see and understand it.

Before I begin to discuss the main issue that I shall present to the Senate, I wish to call attention to the propositions laid down in the resolution which I have introduced.

I feel like apologizing to those who have come to regard the Declaration of Independence as an academic utterance, or the principles and motives which prompted that declaration as such, for having introduced a resolution embracing any part of that immortal instrument in it. No doubt there are a great many men in this Chamber and outside of it who have come to regard Jefferson, Washington, Madison, and Adams and the other fathers of the Republic as old fogies, as men who had to deal with conditions which confronted them, and which they solved to their satisfaction, and who in this day and time would be far behind the men of our day and unfit to be leaders.

There are men on this floor who feel that in statecraft they are far superior to Jefferson, and there are men both inside and outside of this Chamber who consider that in directing the affairs of a great government the principles which he laid down should no longer control. We have to-day new doctrines brought forward here and advanced with solemnity and with all the earnestness and ability that men can give to them which even fifteen years ago would have caused this country to be shocked from one end to the other. And yet, Mr. President, we hear nothing in the newspapers except praise for this new evangel. We find the press of the country controlled by the new influences which dominate our affairs, yelping in chorus in favor of these new doctrines, and there is no longer any pretense that the Declaration of Independence is a governing force in our affairs, or that the Constitution itself can apply to all people under our jurisdiction.

The resolution, as I said, embraces a rehearsal of the famous beginning to the Declaration of Independence in regard to the equality of men, the unalienable right to life, liberty, and happiness; that governments derive their just powers from the consent of the governed, and so forth. These ideas are stale and outworn, it seems, and I shall not discuss them, except incidentally. I shall illustrate some of my arguments by reference to this immortal declaration, but I will go on to the next proposition, which is that this Government can not hold territories for the purpose of governing them as colonies only, and that there is no power under our Constitution or under our laws to govern people and territory with other purpose than to create States.

That is a legal proposition about which men will differ. Men who are lawyers always differ. It is their business to differ. If all lawyers agreed, there would be no attorney on the other side, and one fee would not be earned.

I lay down this broad proposition, which I will not undertake to argue out from a legal standpoint, but which rests on the basis of common sense, that the United States can not govern any country that does not belong to the United States, and that if we have any territory anywhere above which our flag floats there the Declaration of Independence and the Constitution of the country go together, and if the flag goes there the Constitution and the principles underlying the Constitution and Declaration of Independence go too. If we surrender these, if we by our action here claim that we have other and further power, then, Mr. President, the beginning of the end has come.

I will print in my remarks, but will not take time to read them, some decisions of the Supreme Court bearing on this question, in which, if language, the strongest, clearest, most emphatic, most undoubted in its meaning can convey any meaning, it is shown that according to the opinion of the Supreme Court the proposition I have laid down is the law of the land and that Congress must carry it out.

Our Supreme Court, the authorized interpreter of our Constitution, has said:

> A power in the General Government to obtain and hold colonies and dependent territories over which they (the Congress) might legislate without restriction would be inconsistent with its own existence in its present form. (Scott *vs.* Sanford, 19 How., 397.)

In another case that court has said:

> The power of Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union. (Murphy *vs.* Ramsey, 114 U. S. Rep., 15.)

In still another case it said:

> The Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States upon an equal footing with the original States in all respects. (Shively *vs.* Bowlby, 152 U. S., 1.)

In still another case it said:

> The Constitution was made for the benefit of every citizen of the United States, and there is no citizen, whatever his condition or wherever he may be within the territory of the United States, who has not a right to its protection. (United States *vs.* Moore, 3 Cranch, 159.)

And in defining the rights of the inhabitants of Territories it said:

> The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, State and national. (Murphy *vs.* Ramsey, 114 U. S. Rep., 15. See also Mormon Church *vs.* United States, 136 U. S. Rep., 1.)

The fourteenth amendment to the Constitution of the United States provides that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States."

Chief Justice Marshall, for the entire court, defined the term "United States" as follows:

> Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania. (Loughborough *vs.* Blake, 5 Wheaton, 317.)

Judge Cooley, whose commentaries are universally accepted as conclusive interpretations of our constitutional law, summarizes the doctrine as follows:

> And when territory is acquired the right to suffer States to be formed therefrom and to receive them into the Union must follow of course, not only because the Constitution confers the power to admit new States without restriction, but also because it would be inconsistent with institutions founded on the fundamental idea of self-government that the Federal Government should retain territory under its own imperial rule and deny the people the customary local institutions. (Cooley's Principles of Constitutional Law, 179.)

Having given these opinions of our court of last resort, I will leave this part of my subject and pass on.

The next proposition which is involved in the resolution is that our commerce does not depend upon the acquisition of Asiatic territory, and I will only draw the attention of Senators, without going into statistics, to the fact, which can not be disputed, that of the exports of the American people at least 90 per cent at this time go to Europe. Our commerce in the Pacific is comparatively small.

While visions of greatness, of empire, and of untold wealth which is to flow therefrom, which so dazzled the eyes of the Senator from Indiana the other day, are in the air, and every man imagines that a new Aladdin's palace is going to spring up in that quarter of the globe which we are to march forward to and occupy, I say to him that if I know anything about it—and I at least am entitled to my opinion, if nothing else—the nations of Europe, which has a comparatively small area and is densely populated, will call on us in future as they have in the past for our surplus agricultural products to feed their teeming millions, and that our manufactured products, if we shall become possessors of this eastern empire, will only go there if we can sell those people the best goods at the lowest price. We need not establish in that territory a despotism which will bar out by our tariff laws the products of other nationalities, and we are reaching after a shadow while we can get the substance without any army, without any risk to our Constitution, without straining our power as a Congress, without going contrary to or being false to the traditions of our people; and I say that the flag is not necessary to be backed by bayonets in order to sell our calico and our other manufactures in that market.

Our trade with the Philippine Islands, which is the immediate

subject of discussion, is comparatively trifling. The trade of the whole Philippine Islands is so small that it can cut no figure in this discussion. I think the exports and imports of the whole islands amount to something less than $30,000,000.

Of course, we are told that with the enlivening influences of American genius and money, and with the granting of franchises to certain people to exploit and to develop those islands, that commerce will double and treble and quintuple, and all that. It may be that it will; I presume it could. But if it does, it will be at the expense of one of two great principles:

We must ignore the rights and interests of the people of those islands and allow capitalists to exploit those islands as England has done in India—in other words, rob the people; or we shall have a part of the territory of the United States, a people, a land, under our flag against which we must discriminate by having their products barred from our shores while we force on them our manufactures. Either we must admit them, if the Supreme Court's dictum is right, and have their products come here in competition with ours, or we must exclude them against all the principles and opinions of that court hitherto. If that be true, if we come to that, if we can discriminate against the Philippines after they have been annexed lawfully or unlawfully and become a part of the territory of this country, then we can discriminate as between Massachusetts and South Carolina or any other part of our domain if Congress says so.

But, Mr. President, to come down to the milk in the cocoanut, the real subject of my speech, have we got a legal title to the Philippines? Upon the decision of that question in the minds of the American people and of Congress will turn the question as to what action we shall take.

Now, what are the facts? I shall trespass upon the time of the Senate to rehearse in a general way some undisputed facts proven by the documents sent to us by the President of the United States and from General Otis's reports, and I shall do that in the briefest possible way.

Nobody denies that the Filipinos commenced their insurrection against Spain in 1896; that they were at war with Spain, and that after successes more or less indicative of Spain's inability to conquer the islands and hold them, or rather retain them, Spain made a treaty December, 1897, with Aguinaldo and his lieutenants by which certain reforms were to be granted, and these lieutenants and chiefs were to leave the islands and receive $400,000 as compensation for deserting or leaving their own property. The people of the Philippine Islands did not cease their war, however. Aguinaldo departed, the $400,000 was paid, but the insurrection went on, and nobody denies it, because our consul said so. It went on because Spain, ever treacherous, failed to grant the reforms promised.

Dewey went to Manila the 1st of May, 1898. Fifteen days later Aguinaldo followed, brought there in an American ship; he landed; issued his proclamation; Dewey gave him arms, rifles, and artillery with which to fight the Spaniards. He acted in the capacity of an ally, under the direction of Dewey, and with his full knowledge and consent, and Dewey encouraged it. He moved forward, capturing Spanish stronghold after stronghold until he had cooped up the last Spaniard in Luzon in the city of Manila. He did that before any of our troops arrived there.

In the meantime he had issued his proclamation calling upon the Filipinos to elect delegates to a congress. That congress assembled; a provisional government was formed, of which he was given the dictatorship. His army participated in the siege of Manila, after General Merritt had reached there with some American soldiers. When the city surrendered he occupied part of it with his troops, and was recognized by Merritt as an ally.

The Spaniards later on abandoned the only other place they had in the islands, Iloilo, and it was occupied by the Filipinos. They had a little garrison at Zamboanga and one or two other small towns on the seacoast. The Filipino republic established its authority over every foot of the territory in those islands, with the exception of the Sulu group and of the four towns I have mentioned. Its authority was recognized everywhere as supreme. Everywhere law and order prevailed, according to the statement of our naval officers who went on a tour of inspection through Luzon; and the Filipino government was as firmly established in the control of those islands as though there were no Spaniards on them. There was no looting and no fighting. There is no doubt that Aguinaldo could have captured Manila, if Dewey had permitted it, before Merritt got there.

Well, what are the legal points involved here? That Spain's colonists revolted against her before we declared war; that they drove her troops into Manila and established a government of their own, and all before the United States had even thought of claiming the islands; because if we read the report of General Otis, we will find that those people had been encouraged to hope for self-government. They had been assured that the Government of the United States had no selfish or sinister purposes; that the war had been begun because we loved humanity and liberty; and the only friction that arose between Aguinaldo and General Merritt's successor, General Otis, was from the suspicion Aguinaldo had that we might leave the islands in the possession of Spain when the treaty was made, and thereby they would be endangered by the possession of fortified places which were held by Americans and surrendered when the Spaniards returned to try and reestablish their authority.

I will read here a very brief extract from the first letter that General Otis ever wrote to Aguinaldo. The city of Manila surrendered on the 12th of August. Merritt was relieved in a very few days later, and Otis took his place. He found an unanswered letter from Aguinaldo making some inquiries as to the purpose of this Government and protesting against yielding up positions which his army held. After Otis had had time to familiarize himself with the conditions, I will read what he said in a letter dated September 8. Now, Senators, listen here:

> Permit me, General, to assure you that I fully appreciate the difficulties under which you labor in your endeavors to carry out the desires and demands of your people. As I have already expressed myself in former communications, I am fully convinced of your wish to maintain harmonious relations with the United States forces and government of Manila, and that you deplore, with me, any proceeding which may disturb that harmony and friendly feeling. I have been fully aware that all unpleasant incidents which have occurred, and to which I alluded in my former letter, were due entirely to irresponsible and unwarranted action of subordinates, and I am constantly called upon to correct misconceptions entertained by my troops and to punish offenses which they have wantonly committed.

I made a mistake in getting hold of the wrong letter. That is one I intended to read later on, but it shows that Otis felt that Aguinaldo at heart had no purpose to bring about any conflict and that he was not complaining captiously.

Here is the letter I intended to read in regard to Otis's pledges or promises to this man in his first official communication, and remember, Senators, that Otis was there as the Governor-General of the United States, our representative with full authority to do as he pleased or as in his judgment was best for this country. Here is what he wrote to this man September 8, 1898:

> Rather than see the ships of the Navy of the United States controlling the navigable waters of these islands and its Army devastating their territory, I would greatly prefer to advise my Government that there is no longer need to send more of its troops to this section of the country and that those whom it holds waiting on its Pacific slope can be remanded to their homes or employed elsewhere, as it may determine.

People will say that Otis had no authority to bind the United States. Mind you, he had disclaimed any authority, but here he was expressing that feeling as one which actuated him and the American people. He did not know the President was going to change his mind.

But I will go back without further touching the point as to our bad faith. Without adding to the mountain of evidence produced by the Senator from Washington [Mr. TURNER] in his speech on that subject, without appealing to the equities in this case, we will come down to the legal principles of international law.

First, the Filipinos had revolted and were fighting for their liberty before we declared war with Spain. Second, they had conquered the archipelago and had possession of it, and Aguinaldo's authority was recognized throughout it except in the Mohammedan islands in the south. I might—but I will come to that later if I do not forget it; I believe I will do it now for fear I may forget it—I might ask the question why, in dealing with those people, we selected the barbarians, the savages, the Mohammedans, who practice polygamy, to treat with pacifically and to bribe or buy their allegiance, and took the Christians, who acknowledge the same God as we do and the same Christ, as the targets for our bullets, under the plea that they must submit abjectly and absolutely to whatever we told them?

If, as some people proclaim, and I have grown a little nauseated at the continued reiteration of the sentiment, we have gone into a partnership with God in this business, why did we not recognize those who acknowledge His Son and treat with them as one Christian people should treat with another rather than present to their bosoms our bayonets and say, "Get on your knees; surrender your liberties, your lives, your property, and all you hold dear to the dictation of our people without any guaranties, or we will shoot you to death?"

Aguinaldo sent his representative, Agoncillo, here in October, 1898, I think it was. He begged and pleaded with the President for some recognition, some indication as to what the purpose of the President was. Aguinaldo himself, being the representative of his people and having their confidence and love, their dictator, if you please, with absolute autocratic power, as this correspondence shows, was forced to do certain things and to maintain an attitude of resistance, because his own soldiers would have shot him to death if they had felt that he was willing to have the authority of the United States substituted for that of Spain. No autonomy or recognition of the aspirations of the Filipinos for self-government was allowed.

But to get back to the proposition; these people had conquered their liberties from Spain before we conquered Manila. We helped them. Well and good. That did not give us any more

title to their property or to their land than it did the French when they helped us in the Revolutionary war. The legal status was that the Filipinos had a government of their own, and we had only Manila. The treaty of peace came; we made a demand.

The President went West; he held his ear to the ground, so the newspapers stated; he was applauded everywhere on his way in Iowa, Illinois, and other Western States when he spoke about the flag having been planted on lands watered by the blood of our soldiers and asked who would "tear it down." He thought he was doing a popular thing. I can not believe he thought he was doing a right thing. So he demanded that the islands should be bought, giving $20,000,000 for something that Spain did not possess, which Spain could not deliver. Spain's right, title, and interest, whatever that was, passed to us. That is the legal status.

Now, what is the legal result? Did we get any title? I say no. I could not get any property in this city or in any other place on such conditions. I have to go into court; I must have delivery follow the deed; I have got to prove that the property belonged to the man who sold it. We can not prove Spain's title. We therefore simply bought what Spain did not have—the legal title to the Philippine Islands—and we have conquered those islands at the point of the bayonet. So whatever title we now possess rests upon conquest and conquest only. Here is an undoubted authority as to the law of the case.

Chancellor Kent, in his Commentaries, volume 1, page 178, referring to territories added or acquired, said:

> Full sovereignty can not be held to have passed by the mere words of the treaty without actual delivery. To complete the right of property, the right to the thing and the possession of the thing must be united. This is a necessary principle in the law of property in all systems of jurisprudence. * * *
>
> This general law of property applies to the right of territory no less than to other rights. The practice of nations has been conformable to this principle, and the conventional law of nations is full of instances of this kind.

In a treatise on international law by Sir Shurston Baker, just published, at Boston, by Little, Brown & Co., at page 61, that author says:

> In modern times sales and transfers of national territory to another power can only be made by treaty or some solemn act of the sovereign authority of the State. And such transfers of territory do not include the allegiance of its inhabitants without their consent, express or implied.

At page 355 the same author says:

> The rule of public law with respect to the allegiance of the inhabitants of a conquered territory is, therefore, no longer to be interpreted as meaning that it is absolutely and unconditionally acquired by conquest, or transferred and handed over by treaty as a thing assignable by contract and without the assent of the subject.
>
> On the contrary, the express or implied assent of the subject is now regarded as essential to a complete new allegiance.

We have only got the color of a claim, but no title. Are those people, then, rebels? I have not noticed that word being used so much in the dispatches recently. They are now called insurgents. But if they were insurgents, against whom did they rise? Spain. They never rose against us. We began war on them by shooting down one of their men. The President issued his proclamation in December, six weeks before the ratification of the treaty of peace, proclaiming his purpose to annex and control those islands absolutely. He had no law for it; he had no authority for it, for the treaty had not been ratified.

Congress was in session and had not told him to do it; yet men contend that we have a perfect title to the Philippines; that there is nothing in the contention of the Filipinos that they had won their liberty and the control of their country with their arms. It is contended that we are rightfully putting our authority in force and extending it over those people and those islands because the United States does not treat with rebels. It only buys allegiance from savages and polygamous Mohammedans!! God save the mark!

Mr. President, suppose we acknowledge, for the sake of argument, that we own the Philippine Islands; that our title is good; that whether it is good or not, we have made it good by force; that we have a de facto if not a de jure title that nobody disputes except the guerrillas who are now out there killing an occasional American soldier and still struggling for liberty.

Senators, do not forget, when you come to consider this question and determine it, that we brought Spain, the mistress of those people, to her knees in sixty days after the declaration of war with the use of only 15,000 of our troops and of our Navy, but that this Filipino war has cost us the lives of 2,000 American soldiers, $200,000,000 in money, and the use of 60,000 men for over a year, and those men who are fighting there for the love of liberty, who have forced us to display this power and spend this money, have proved that they are worthy of liberty, whether we give it to them or not.

The distinguished Senator from Indiana [Mr. BEVERIDGE] expressed some very queer ideas about liberty. He said that self-government is a sacred thing. I shall not quote his exact language now, because I am going to read just what he said directly. I have some argument here, put into words which I have selected, where I have said exactly what I want to say, no more and no less, and I will come to it directly.

I wish to allude in passing to the proposition that self-government, as understood by historians and all the peoples who have fought for that inestimable blessing, is a government of your own people—not a republic, not a government by ballot, not any special form of government, but a government of Germans by Germans, of Frenchmen by Frenchmen, and so on. That is self-government. A people who want to have an empire or a dictatorship or a limited monarchy or an autocracy have a perfect right to live under it. It does not gall like a foreign yoke.

Mr. BEVERIDGE. Will the Senator allow me a question?

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. Does the Senator think that the Government of the Czar of Russia is self-government?

Mr. TILLMAN. It is Russian Government.

Mr. BEVERIDGE. But is it self-government?

Mr. TILLMAN. It is self-government to the extent that it is satisfactory to the Russian people. No one else has any right to complain.

Mr. BEVERIDGE. I fear the Senator has misread my speech. The Senator has said that his interpretation of self-government was a government which was by——

Mr. TILLMAN. By one's own people, one's own kindred.

Mr. BEVERIDGE. Is the Government of the Czar of Russia self-government?

Mr. TILLMAN. It is not, according to our standard.

Mr. BEVERIDGE. Very well.

Mr. TILLMAN. And there is no self-government in Europe, according to our standard, outside of England. France has not got it, although she has the form of a republic, because she is really an oligarchy. Switzerland has it. I beg pardon; I should have said that Switzerland and England were the only two self-governing nations in Europe, judged by our standards.

I want to direct the Senator's attention to one thing in his speech. He said that Aguinaldo was capable and honorable, and I do not know how many other good adjectives the Senator applied to him, but he concluded by saying he was a Malay Sylla, not a Filipino Washington. I will quote him accurately when I come to make up the record, but I now direct his attention, and the attention of the country and of the Senate to the fact that the scheme of government which the Senator would have set up and which he stands for, which the Senator from Wisconsin stands for, and which the President of the United Stands for—unless you all repudiate it—is one which Aguinaldo could have carried out to perfection, because he has in his own person the very attributes of the kind of autocrat that you would put there under our flag.

Here is the description given by the Senator from Indiana of the Filipino leader:

> Aguinaldo is the highest type of subtlety and the most constructive mind that race has yet produced. Aguinaldo is a clever, popular leader, able, brave, resourceful, cunning, ambitious, unscrupulous, and masterful. He is full of decision, initiative, and authority, and had the confidence of the masses. He is a natural dictator. His ideas of government are absolute orders, implicit obedience, or immediate death. He understands the character of his countrymen. He is a Malay Sylla; not a Filipino Washington.

I will show later how well he would have fitted in the Senator's scheme when I come to that.

Mr. President, for sake of comparison, look at Mexico. For fifty years she was the laughingstock of the nations because of the inability of her people to realize what it was to elect anybody to govern them. One military chieftain after another seized upon power, revolution followed revolution, until, under the benign rule of a dictator—Diaz—peace, good order, prosperity, happiness have come to those people, because he possessed in himself the capacity to restore law and order and to maintain a government which was equal in its application to all and free from tyranny and just what was needed. He alone has given his people what Aguinaldo would, I believe, give to the Filipinos if he had an opportunity.

Therefore I deny, I repudiate—and I love our institutions as much as any man—the pretension that we must have a Procrustean bed and cause all people to lie on it, whether they are long enough to fill it out or too long and have to be cut off. And with this stench of dirty, low, roguish politics we have in two of our largest American cities—one under Democratic and the other under Republican rule—I want to ask the Senator if we are in any condition to stand up and boast of our institutions as alone worthy of imitation and that they must be adopted by everybody who comes in contact with us?

But we had a great dream of profit, of wealth, and of the inestimable blessings which would flow to the American people by the possession of the Philippine Archipelago as the doorway to the East. If you take the money we have spent and put it out at interest, it would yield a far larger sum than any possible profit that will ever come to us as a people.

Some franchises may be granted to sugar planters, tobacco growers, cotton growers, or rice growers; some contract laborers may be imported from China who will work—for the Senator from Indiana says the Filipinos will not—who will be driven by

the whip, as the slaves were in the South before the war, and as they are now driven in Hawaii, to develop the rich lands of which we have heard; and there may be teeming imports coming to our country from such labor thus employed and protected by our bayonets, and the few will reap the benefits. Those bayonets must be supported by taxation, and the taxation will be paid by the laboring classes of the United States, the common, everyday citizens. The benefit of the wealth will flow into the coffers of the capitalists or corporations who go out there and invest their capital, but the everyday taxpayer of the United States will never see one dollar's profit from the Philippine Islands.

Then their products will come in competition with the products of the Southern people—cotton, tobacco, rice, sugar. They must be admitted free or we shall establish a barrier between two parts of the United States. If they are admitted free, those States where those products are raised are to suffer and be ruined for the benefit of the capitalists who will import those products from their plantations in the Philippine Islands. We must compete with "pauper labor" held down by bayonets.

There is one other aspect of this question which must appeal to any thinking man, and that is the question as to whether we can maintain the Monroe doctrine in the Western Hemisphere, warn off trespassers and fight and beat off any nationality in Europe, or any combination of nationalities, who dare to come on this continent and establish any of their despotisms or governments, whatever they may be. Can we maintain that doctrine after we have invaded the other hemisphere, have occupied territory, and stand ready to participate—for it is no use to deny it, it is the purpose fully outlined in this Chamber in more ways than one and at more times than one—to participate in the partition of China whenever that comes.

We have become a "world power." We are to create a big navy and maintain a large army. I am in favor of navy enough to warn all people off from this continent and keep them off of it; but if we are going to undertake to warn others to keep outside of our preserves and then claim the right to invade their area of jurisdiction and territory, the beginning of the wars in which we shall be involved and the cost of those wars in life and treasure, the probable consequences of surrendering a tenable position for one full of danger and always inviting attack, should at least give Senators pause and make them stop and think and consider calmly whether the game is worth the candle; whether we have a title to the Philippines; whether we have made a mistake, and if so, what we ought to do.

Mr. President, I now approach a phase of this question which is very unpleasant because it deals with the personality of men, and I would not willingly wound the sensibilities of any of those who, like myself, are charged here with governmental responsibility. Those of us who from the very beginning have opposed this policy have appealed and argued for what we conceived to be right; that our Government should pursue the only course which to our minds was honorable and just, have been met with accusations of treason, have been charged with lack of patriotism, and the Senator from Indiana has not even hesitated to tell us to our faces that we are responsible for the war and its consequences. His ignorance of the facts may explain his effrontery and in part excuse it. He said:

> American opposition to the war has been the chief factor in prolonging it. Had Aguinaldo not understood that in America, even in the American Congress, even here in the Senate, he and his cause were supported; had he not known that it was proclaimed on the stump and in the press of a faction in the United States that every shot that his misguided followers fired into the breasts of American soldiers was like the volleys fired by Washington's men against the soldiers of King George, his insurrection would have dissolved before it entirely crystallized.

Then again he said:

> I have stood on the firing line and beheld our dead soldiers, their faces turned to the pitiless Southern sky, and in sorrow rather than anger I say to those whose voices in America have cheered those misguided natives on to shoot our soldiers down that the blood of those dead and wounded boys of ours is on their hands, and the flood of all the years can never wash that stain away.

Mr. President, if Senators on this floor and patriotic Americans throughout the country—thousands of them belonging to the party which elected Mr. McKinley President—have felt it their duty to protest against the inhuman and dishonorable conduct of our Government, if they have believed that the Stars and Stripes were being disgraced and that the United States was waging a war of conquest upon a liberty-loving people, I ask that Senator in God's name would he have us remain silent? He has his opinions on this subject. So have we. He has a right to speak those opinions without question anywhere. So have we. Are Senators and citizens to be afraid to speak the truth? Must we close our eyes and shut our mouths to all the grave dangers to our institutions by reason of this policy? Must we be accused of disloyalty to the flag because we declare our belief that in prosecuting this war it is in disloyalty to the Declaration of Independence? I repel with scorn the charge coming from any source whatever that I am not as loyal to the flag as any man on this floor, and if it is sought to locate the responsibility for the blood that has been spilled I am ready in this presence to speak what I believe and to declare the truth as I see it.

There are three classes of men in the United States Congress, those who are honest and independent, those who are corrupt, and those who are merely weak. When I first came to this Capitol I thought there were as many of the one class as of the other. A closer view and fuller acquaintance has taught me that the really corrupt men are few in number, but the weak ones are in a large majority. I speak now from personal knowledge and inquiry and investigation. I do not hesitate to assert that when it was first proposed to annex the Philippines a majority in both Houses of Congress were opposed to it.

After the President went on his Western tour his own misgivings and doubts were pushed aside, and he felt that he was doing a popular thing in demanding that Spain should cede us the islands. Then, by the instrumentalities that are so well understood in this Chamber and in the other Chamber, in the use of which he is not alone, because they were alike characteristic of his predecessor, Executive influence was brought to bear; the party whip was cracked; the men who thought the Filipinos ought to be let alone, we exercising some kind of a protectorate over them and getting such advantages as we might need in our business as a naval power and as a commercial power—those men, I say, surrendered their independence as Senators and the treaty was ratified.

Party was everything; principle was nothing; everything for Republicanism, nothing for America. There were some honorable exceptions among the adherents of the President; and, Mr. President, if there are any men in this Chamber whom I honor, it is those Republicans here who, in spite of all the threatening lightnings that were flashing around their heads, stood steadfast as the advocates of that policy which was alone honorable, patriotic, and in accordance with fairness and justice. But with those Republicans all lined up and some Democrats who, from purity of motive or from honesty of belief, had joined with them, there was still lacking the two-thirds vote necessary; the President's hands were tied unless the treaty was ratified, and his proclamation of annexation would have no authority and would have died. Where did he get the votes, and how?

If you want my opinion as to whose hands are red with the blood of American soldiers, and of tens of thousands of Filipinos—men, women, and children—who have been slaughtered like cattle, look around and call to mind the men who made those strong and eloquent pleas, those earnest protests on this floor in opposition to the treaty, and even gave personal pledges to their fellows as to how they would vote. Those are the men who, whether from corruption or from weakness or both, gave the President the legal excuse which he needed to prosecute the war.

I impugn no man's motives; I have no proofs of corruption and I want none; but whether the President be most to blame or whether the crime rests on his dupes and subservient party dependents I say, with all the emphasis of my nature, that I and none of those who voted against the treaty are responsible for the spilling of one drop of this innocent blood that has been shed, and I will not endure patiently and without resentment any such accusation. With the ratification of the treaty Spain's rights, whatever they were, passed to us, and as the President had determined six weeks before that the islands should be brought under the rule of our Government and issued his proclamation to that effect without any authority of law, the impartial historian will declare that he is primarily responsible for the war, responsible for the loss of the lives of our soldiers, responsible for the inhuman and devastating conflict that has followed, and that he obtained the permission which was necessary through the cowardice, venality, or weakness of men in this Chamber.

Therefore I say to the Senator from Indiana:

> Thou canst not say I did it; never shake
> Thy gory locks at me.

I stand by the record as it has been presented in this Senate, the documents sent us by the President himself, and the report of General Otis. The record of speeches made in this Chamber will sustain every assertion I have made, and the American people can not be deceived any longer unless they want to be.

I have left to the last the discussion of that phase of this subject which is most important and vital—the race question. It is well understood that the people who inhabit the Philippines belong to what we call the colored races, and the most perplexing and disturbing factor in the whole question arises from this fact. The number of these people is variously estimated at from six to ten millions, and the Senator from Indiana, who has spent some time in personal investigation, asserts in the most positive manner that they are unfit for self-government, and he gives us some very strange and unaccountable reasons as to why this is so. I say unaccountable because the Senator comes from a State and belongs to a party that in the very recent past held very different views in regard to

the capabilities of the blackest and lowest type of the colored peoples.

I pause here to state the necessity I feel for speaking with absolute candor and frankness. It is not pleasant to open old wounds or to stir the embers—I prefer to think that they are ashes—of those dead passions which brought on our great civil conflict, but, Mr. President, coming as I do from a State where this race question has been the cause of untold misery and woe, and where, for thirty-two years, it has been and is now the paramount issue; remembering the wrongs that have been heaped upon my people, the sons of Revolutionary sires, who suffered more and endured more in the cause of liberty in that struggle than those of any other State and feeling the race question in its broadest sense, as we know it, may be likened to the "worm that dieth not," that it is a new "irrepressible conflict" that can not be shunned, but presents ever growing and ever formidable dangers—I must speak my thoughts though I die for it.

I will not join the Senator from Alabama, who is not in the Chamber, in the assertions made in his speech on the Pritchard resolution:

> I was a soldier of the Confederacy, and, while I have always regretted the necessity that put me under arms in open hostility to the flag of our common country, I feel, as every Confederate soldier feels, that it is a peculiar honor that we were the only white men ever called upon as soldiers to defend the white race against a fanatical attack of so-called reformers and the deliberate organization of ambitious politicians, who forced us into war by their cruel design to put negro slaves on a political and social footing of equality with us.

I do not believe any such thing. The war had no such origin. The condition in regard to slavery and the ceaseless agitation had embittered the South against the North and the North against the South. Secession and belief in States' rights, for which the South has always contended, precipitated the conflict. The North fought to preserve the Union and to free the slaves, and the South fought for self-government and the inherited belief in the justice of holding slaves as property. The Declaration of Independence was the slogan of both sections. The North contended that the Declaration embraced the negroes, while the South, remembering that Jefferson had been a slaveholder, contended that it did not. I was only a boy of thirteen when the great struggle began; but who can forget, even though a child, the angry outbursts, the battle cries that had led up to the bloody contest? Amid the storm of passion, who was the man, the embodiment of all that was best and noblest in Northern civilization, and even in American civilization, who stood as the great apostle of liberty? Whose words of fervid eloquence marshaled the Northern hosts? Whose high moral purpose, whose grandeur of character and greatness of soul, sustained those hosts in adversity and defeat? Who stood like a colossus towering above the smaller, meaner men who surrounded him, and who must ever stand above them, commanding the admiration and love of all true men everywhere? Who? Abraham Lincoln; and I from South Carolina tell you so and feel honored in doing it.

Whatever motives may be attributed to others, whatever of selfishness or ambition that entered into the calculations of others, I here declare it is my belief that he never had a thought in connection with the whole subject nor uttered a word that did not have its inspiration in the purest patriotism and the noblest aspiration for humanity. He did not consider the Declaration of Independence an academic question. It was to him a religion.

Now, after all the bloodshed, what have we as a people gained? What has the conflict left to us? Although this city is filled with monuments erected to the brave men who bared their bosoms to the storms of shot and shell from Confederate rifles and cannon, although the thirteenth, fourteenth, and fifteenth amendments to the Constitution were declared to be necessary to secure the fruits of this victory for liberty in the Union, and were said to be the fruit, the gathering in, the perfecting and solidifying of the structure of liberty; although no honest man will deny that the words of Webster, "Liberty and union, one and inseparable, now and forever," had been the inspiration which filled the Northern armies and under Lincoln's leadership won the fight; although we now have a nation whose States are cemented together with blood, it is a Union only; the spirit, the vitalizing essence, love of liberty, appears to have died and little remains of Webster's and Lincoln's ideas.

We have come, within forty years from the beginning of that great struggle, to have a leading Senator on the floor of this Chamber, a man who stands high in the councils of the dominant party—the party of Lincoln, of Sumner, of Phillips, of Seward—declare that "Governments derive their just powers from the consent of *some* of the governed." Another Senator, he from Indiana, whose brilliant speech has been heralded by the imperialist press as the slogan of twentieth-century Republicanism, makes this declaration:

> Let men beware how they employ the term "self-government." It is a sacred term. It is the watchword at the door of the inner temple of liberty, for liberty does not always mean self-government. Self-government is a method of liberty—the highest, simplest, best—and it is acquired only after centuries of study and struggle and experiment and instruction and all the elements of the progress of man. Self-government is no base and common thing, to be bestowed on the merely audacious. It is the degree which crowns the graduate of liberty, not the name of liberty's infant class who have not yet mastered the alphabet of freedom.

Ah, Mr. President, has it come to this? If we attacked the Filipino leaders and their followers, those men of affairs, men so strong in the faith of the right of men to govern themselves after our great example that, although illy armed and without artillery, it has required 60,000 American troops over a year to drive them from the field, and even yet they have not surrendered, but have adopted a guerrilla warfare—if these are not fit for self-government under our kindly tutelage, let me ask of those Republicans here who in part are responsible for it, and who were and are now in absolute sympathy with it, how dared they give the control of the Southern States into the hands of negroes as being fit not only to govern themselves but also to govern white men? How dared you do it? If the Filipinos are children, what were and are the ex-slaves of the South? How dared Republicans appeal to the Northern masses to compel the South to grant the negroes a free vote and a fair count when it involved negro rule pure and simple?

One Sunday morning, while stopping over in Indianapolis, the beautiful capital of the Senator's State, I walked out to take some exercise, and had only gone a little distance from the hotel when I came on a square which the street entered at the corner, and in the center of it is one of the most artistic and beautiful structures in stone I have ever seen—the State's monument to its dead soldiers, costing, I am told, something in the neighborhood of a million dollars. I approached and read on one side, chiseled into the stone, this legend:

TO INDIANA'S SILENT VICTORS, WAR FOR THE UNION, 1861–1865.

129 regiments of volunteer infantry	175,776
14 regiments of volunteer cavalry	21,605
27 regiments of volunteer artillery	10,986
Indiana volunteers in the Navy	2,130
Total Indiana volunteers engaged in battle	210,497
Killed and died:	
Commissioned officers	632
Noncommissioned officers and enlisted men	23,784
Total killed and died	24,416

For the purpose of comparison I will give the figures from my own State of South Carolina: Total number of officers and men who volunteered, 71,083; died in battle, died from disease, died in prison—total, 15,495.

I took the trouble to compare the patriotism of the two sides to the quarrel as evinced by their willingness to die for what they fought. The voting population of South Carolina in 1860 was 60,000—that is, those 21 years of age and white. We put into the field 11,000 more men than we had voters. Indiana's voting population was 300,000 in round numbers. Ninety thousand of her voters or their substitutes did not volunteer. They were not needed, I suppose. Now for the deaths. The percentage of deaths in Indiana was 11½; in South Carolina, 22, nearly double.

I will make no comment on this, Mr. President, other than to remark that I believe the men on both sides thought they were right, and the South Carolinians, true to their State motto, "Animis opibusque parati," "Ready with our lives and fortunes," died for their convictions. No man can do more, and I pity the narrow soul who would charge them with being rebels or traitors. As did South Carolina and Indiana, so did they all. The embattled South met the embattled North, and the issue was thought to be settled.

That issue, as I have stated, was whether all men are created free and equal, including the negro. But for that there would have been no secession; but for that there would have been no war. Therefore, while I have acknowledged in the fullest sense that the Union sentiment caused the Northern people to pour out their blood like water to maintain it, do not forget that the issue was the equality of man and liberty in the Union. Is the question settled? Did the 24,000 men from Indiana who offered up their lives for the Union and liberty believe that in thirty-five years the party and the men of the party whose principles they died for would come back to believe with Stephen A. Douglas that the "Declaration of Independence was intended only for white men?"

Did they believe that Lincoln's famous utterance, "The Union can not exist half slave and half free," would be forgotten, and that we would have Senators here contending for the right of Congress to govern indefinitely in absolutism 10,000,000 people under a form of government that is to be "simple and strong," a government of force resting on principles and ideas entirely foreign to those for which Lincoln died? Were the fruits of the war mere Sodom apples, to be turned to ashes on our lips within the generation of the men who fought in that struggle—men who were as earnest, honest, and patriotic in sustaining the Government as any men ever were? Have we got Sodom apples as the fruit of that great contest?

Are the thirteenth, fourteenth, and fifteenth amendments to be

nullified in their essence because they have failed of their purposes in the South? Are they for home use only? Is the flag to become again a "flaunting lie" and float over a military despotism first in the Philippines and later at home? Was the memorable conflict between slavery and freedom useless? Have we gained nothing? Is the commercial greed which dominates in our councils and coerces the President to do his bloody and horrible work to make of the Constitution a new "league with death and a covenant with hell" in the interest of oppression akin to slavery? In order to do all these things must we "camp outside the Constitution" and give the old interpretation of the Southern slaveholders to the Declaration of Independence, and nullify all precedents and decisions of our Supreme Court? Did this nation offer up of its best and bravest upon the altar of liberty the blood of seven hundred thousand men and spend and destroy five billions of treasure that we might have a "government of the people, by the people, for the people," to find that in the brief span of one man's life the sacrifice was vain, the civil war a mistake, and that the colored race has no rights we are bound to respect at home or abroad?

Says the Book, "O ye hypocrites, ye hypocrites!"

Hitherto the South has enjoyed a monopoly in and the odium of shooting and hanging men of the colored race. Have the Northern people grown envious and do they seek to emulate our example? The South has had no choice, and much of the blood of negroes shed by white men is the direct result of the attempt to place that race in control of our Southern States. The irrepressible conflict between liberty and slavery destroyed slavery, but it has left to the South an irrepressible conflict between intelligence and ignorance, between vice and virtue, between barbarism and civilization. We inherited our race problem. You are going out wantonly in search of yours and of the nation's. The sins of our fathers are being visited on the children to the third and fourth generation. The ill consequences of having been bred in an atmosphere of slavery clings to us like the shirt of Nessus in our attempt to throw off the yoke and go forward with progress. But have we not enough of debased and ignoble people in our midst that we should seek by conquest, without any right other than a shadowy one, to incorporate 10,000,000 more colored peoples?

If the North is jealous of the South's "bad eminence" in the murder of colored people, is it not strange, is is not passing strange that almost the only protest against this infamous policy of the President comes from men from the South who are representatives of their States in this Chamber? We know whereof we speak. We are in contact with the race question at close quarters and have been and will have to continue to be. You know not what you do.

We are tied to the "body of death," represented by the presence in our midst of a debased and ignorant race. We are doing the best we can. Can we incorporate a larger number without increasing the danger to our institutions, especially when it is boldly asserted they are not fit for self-government? Is there any reason either in policy or in morals why the already hard task and hopeless future of the blacks of the South, the burdens under which they bend, should be increased by having the "sullen, silent peoples" of the East brought into direct competition with them in the cultivation of cotton, rice, and other subtropical products? Do the imperialists worship at no shrine except that of Mammon?

I mean you men who believe in this new policy. Is the dream of empire in the East and of the wealth that is to flow into our coffers therefrom to drive the nation onward in its downward course, unchecked by any memories of the past, without any regard for the rights and interests of our own people, black or white?

In the rice and sugar industries in Louisiana and South Carolina the labor, which represents three-fourths of the cost, is black, and it is these men who will suffer most.

The Senator from Indiana would have the subjugation of the Filipinos thoroughly performed. His heart is hard as flint, although his face is as tender as that of a smiling girl. Personally I know he is a genial and pleasant gentleman, a man whom I like, and he comes from a State where there are such monuments to the dead who offered up their lives for liberty as should be an inspiration for the love of liberty, and I say it is astounding, Mr. President, that a man coming from such a State should dare get up here and offer such a scheme of government for any people anywhere under the Stars and Stripes as he did.

I beg you to remember that he did not trust that marvelous memory of his, because we all know, at least those of us who have made speeches—and we sometimes talk ourselves—that those flowing periods and those beautiful sentences and that rhetorical beauty and finish and glitter did not come from any well into which he can dip a bucket and draw it out at will. [Laughter.]

Listen to the programme to be followed. He read it, mind you, showing that he either had not had time to commit it to memory or he wanted to be exactly sure of every word. Announcing, as he did, that he was doing it at the request of men at both ends of this Capitol and leading Republicans everywhere, knowing that the papers had stated that he had conferred with the President time and again, I say his theory or his plan of government stands and will continue to stand as that which the Republican party proposes for the government of the Philippines.

I say, further, that while he was candid enough to throw off all disguise, having been a baby or having been born during the war, and remembering nothing about it except a vague and indefinite idea of glory, never having been through it, even in part (although I was not in the army, I know what there was in my country in the way of suffering and tears and blood), he, I say, came here at the end of the nineteenth century, when we are blossoming, so to speak, for a new fruitage; and what is it that he offers us in the way of government? Listen. I can not conceive that any of you caught the full import unless you have studied it:

> And so our Government must be simple and strong. Simple and strong! The meaning of those two words must be written in every line of Philippine legislation, realized in every act of Philippine administration. A Philippine office in our Department of State; an American governor-general in Manila, with power to meet daily emergencies; possibly an advisory council with no power except that of discussing measures with the governor-general, which council would be the germ for future legislatures, a school in practical Government; American lieutenant-governors in each province, with a like council about him; if possible, an American resident in each district and a like council grouped about him; frequent and unannounced visits of provincial governors to the districts of their province; periodical reports to the governor-general; an American board of visitation to make semiannual trips to the archipelago without power of suggestion or interference to officials or people, but only to report and recommend to the Philippine office of our State Department; a Philippine civil service, with promotion for efficiency; the abolition of duties on exports from the Philippines; the establishment of import duties on a revenue basis, with such discrimination in favor of American imports as will prevent the cheaper goods of other nations from destroying American trade; a complete reform of local taxation on a just and scientific basis, beginning with the establishment of a tax on land according to its assessed value; the minting of abundant money for Philippine and Oriental use; the granting of franchises and concessions upon the theory of developing the resources of the archipelago, and therefore not by sale, but upon participation in the profits of the enterprise—

A new socialism—

> the formation of a system of public schools everywhere, with compulsory attendance rigidly enforced; the establishment of the English language throughout the islands, teaching it exclusively in the schools and using it, through interpreters, exclusively in the courts; a simple civil code and a still simpler criminal code, and both common to all the islands except Sulu, Mindanao, and Paluan—

These latter, I suppose, belong to the Sultan of Sulu. We have bought his allegiance—

> American judges for all but smallest offenses; gradual, slow, and careful introduction of the best Filipinos into the working machinery of the government; no promise whatever of the franchise until the people have been prepared for it; all this backed by the necessary force to execute it. This outline of government the situation demands as soon as tranquillity is established. Until then military government is advisable.

And I ask Senators to remember the description he gave of Aguinaldo and see how he fits the place of governor-general, and he had already organized just such a government in many respects.

The Senator from Colorado [Mr. WOLCOTT], who took issue with the Senator from Indiana the other day, committed himself to this proposition in general terms. While criticising our young friend he recognized the necessity for force. The Senator from Wisconsin [Mr. SPOONER], who had a bill introduced which I read, turns the whole thing over to the President, and as to Congress, we know he has got no use for us in carrying on the Government. It does not matter, because we obey orders anyhow—at least Senators on the other side do. [Laughter.]

Now, Mr. President, if you will take that scheme, that plan, that outline, and analyze it, what is the first thought that will come to your mind? That Nero or Caligula prepared it as a memorandum for a Roman general sent to govern a newly conquered province. Under such a scheme of despotism, backed by force, you have soldiers at every turn, to be supported by the people here, and, Mr. President, that scheme is the one that will be followed unless the American people shall rise in their wrath, like Uncle Sam did at the Gridiron dinner Saturday night, and march up to the new emperor, Mr. McKinley, and take his crown and purple robe off, and tell him it is time for this foolishness to stop. It is time for this foolishness to stop, Mr. President. It never ought to have started. But there is time yet for us to retrace our steps.

In addition to this scheme outlined by the Senator from Indiana with such fullness, and to show whither we are drifting, I saw in yesterday's paper that the Committee on Puerto Rico had decided that wherever in the bill before this body for the government of that island the word "constitution" occurs, it was to be stricken out, and that law, if it becomes a law, will allow those people to be governed by Congress, and the guaranties of the Constitution are to remain in a condition of paralysis. Why? Puerto Rico has not been in insurrection! Puerto Rico even stood Spain's tyranny without complaint, and its people are peaceful and obedient. What is the matter with Puerto Rico?

I do not know, but from the source that the amendment came I judge that there is tobacco raised in Puerto Rico, and that there is some similar tobacco raised in Connecticut, and that is the reason the Constitution shall not be extended over Puerto Rico. I will be

obliged if some one will tell me where Congress gets such power. I have been innocent and foolish enough to think that whatever the United States bought or conquered belonged to it and came under the flag and the Constitution both; but the Constitution will not apply to Puerto Rico if this committee has its way. The reason is that under the Constitution, if the Supreme Court does not retrace its steps, our excises and taxes must be uniform everywhere within the jurisdiction of the United States, and therefore we can not put a tariff against Puerto Rican tobacco for the protection of the Connecticut seed leaf.

Mind you, that is a mere guess. I hope I will not do anybody from Connecticut any wrong in charging that this scheme emanated there. It is certainly a startling proposition, and Puerto Rico is to be governed just as Spain governed it.

According to the best reports, we have already done to death anywhere from 50,000 to 100,000 Filipinos—men, women, and children. If Otis's dispatches are even approximately correct, the number will exceed the larger figure.

Mr. President, is it any source of satisfaction to those who gave the President the excuse for this war, who backed him in it, to know, as I will now tell them, that during the three hundred years of Spanish domination the Spaniards never put to death one-half that number? Yet the President proclaims that it is the providence of God and in the interest of liberty, law, and order. I recall the famous saying, I do not know who was the author of it, probably it may have been Suwarrow, that "order reigns in Warsaw."

It was a dispatch sent, I think, to the Empress Catherine; if not, it could have been. Order in Warsaw meant that that devoted city had been taken by assault; that it lay in ashes, or the largest proportion of it, and that nearly all of its inhabitants, men, women, and children, had been put to the sword. We have heard that order reigns in Iloilo. We know that once flourishing city, a large proportion of it, is now in ashes; and in many parts of the Philippine Islands there is no description at all adequate or that will give us a clear idea of the situation better than that contained in Byron's line:

> He makes a solitude and calls it peace.

Now, here is the most astonishing part. I do not know that I ought to say anything about it after the crushing answer of the Senator from Massachusetts [Mr. HOAR], but I have to do it to round out my thought. The Senator from Indiana, after giving us the outline of the plan of government for these islands, said:

> Such a government will have its effect upon us here in America, too. Model administration there will be an example created by ourselves for model administration here; and our own example is the only one Americans ever heed. It is not true that charity begins at home. Selfishness begins there; but charity begins abroad and ends in its full glory in the home. It is not true that perfect government must be achieved at home before administering it abroad; its exercise abroad is a suggestion, an example, and a stimulus for the best government at home. It is as if we projected ourselves upon a living screen and beheld ourselves at work.

The government we set up, this despotism propped by bayonets, is to be a school in which Americans will learn how to govern so well they will be brought back to improve on our own boasted self-government.

The Senator quotes Scripture. We are urged as follows:

> Cast thy bread upon the waters, and after many days it shall return unto you.
>
> With what measure ye mete, it shall be measured to you again.

We are going to measure out good government or this kind of government, and we are to receive it back to us after many days. I have heard somewhere that "the devil can quote Scripture for his purpose," and, Mr. President, even I can quote Scripture for my purpose. [Laughter.] "And verily, verily, I say unto you," Senator from Indiana, "that ye can not gather grapes from thorns nor figs from thistles," and if ye mete out despotism and bayonet rule to those unfortunate people, that rule will come back to you again as sure as there is a God in heaven who watches over the destinies of peoples. The despotism of rule by the bayonet can not come to us through any foreign foe. We are too strong for any nation—for any combination of nations—to dare attack us.

We read in history that the Roman Empire traveled this path of glory and universal control over the nations of the world; that the liberties of the people disappeared at the center and the empire rotted at the core. We read that the Roman cohorts and legions which were sent to maintain Roman authority in Germany, in Dalmatia, in Asia Minor, in Spain, in Gaul, in England, in Africa, in Egypt, occasionally returned and got together and put the emperorship up at auction to the highest bidder so as to have money with which to gratify their lusts. "Old age, sickness, death, and hell" are believed by some men to be the destiny of everybody except themselves. History and historical illustration and the lessons which may be obtained by reading carefully the course of other nations are not for our Republic. This one has a charmed life; it can not go that way. So gentlemen seem to think.

Mr. President, what have we got right now? We have men, liberty-loving and free-born American citizens, under the throttle of the Army of the United States in Idaho, and any other State in this Union is liable at any moment to undergo the same experience. Our danger lies in familiarizing our citizens to uphold a despotic and a military government in those islands, the inevitable consequence of which is a large standing army with which to do it; and that large standing army will afford the means and the temptation to use it for a similar purpose here when some future Cæsar comes along and our rottenness and corruption will have gone far enough to make us look on quietly in one part of the country while the other is being despotically governed by military rule.

That has been the history of every republic of the past. Men of the North, you have never lived under a carpetbag government, propped by bayonets, as I have, and seen negro militia march by your door threatening the lives of your wives and children. You do not know what it is to have bayonet rule. God forbid you ever should. But are we going to have any peace in the Philippines? Is the conquest of those islands going to be perfect? There is some talk that now they will hang these scattered bands if they catch any of them, those guerrillas, and it is said that they are mere robbers.

Why, Mr. President, during the Revolutionary war, when Great Britain's armies overran the entire State of South Carolina from the mountain to the sea; when there was not a foot of territory that was not occupied by British troops and all the Whigs had to hide in the woods or to cross over into North Carolina or into Georgia; when Marion, the "Swamp Fox," and Sumter, the "Gamecock," and the other men who fought and continued to fight were hiding out and making their little expeditions against the redcoats with 30, 40, or 100 men, they were guerrillas. They were like these Tagals.

Is it proposed that we shall forget everything of our own history that is noble and ennobling in order to carry out this damnable programme? The Tagals having once tasted of the fruit of the tree of knowledge, having had a taste of liberty—and freedom from Spanish rule is my definition of Tagal liberty—having, as I say, had that taste, are they going to quietly subside and become the simple, cowardly, peaceful, submissive creatures that they were before?

All history teaches us to the contrary. Bruce and Wallace in Scotland, Tell in Switzerland, William of Orange in Holland, Kosciusko in Poland, the only one who failed, and last but not least—no, possibly the greatest of them all—Oom Paul Kruger and his little band of Dutch in South Africa give the lie to the proposition that these men will quietly submit and become the abject slaves even of the great United States. They do not want our liberty. They want their own liberty, worse than ours though it may be. And remembering that the death of Leonidas and his 300 spartans inspired the Greeks with such courage that although the struggle seemed hopeless and very few of the Grecian confederates were willing even to dare make the fight, the Athenians, with the few auxiliaries inspired by his deathless example, fought the battle of Marathon and drove the Persian hordes, twenty times their number, back to Asia.

Nobody expects the Tagals to drive us out. They do not know the hopelessness of attempting to get their freedom. No brave people ever did calculate as to whether they would win or not, and no brave people ever will.

Right here I want to say that the blood of the American soldiers is as dear to me as anybody. I pity, from the bottom of my soul, the officers and men of the American Army who are out there doing this dirty work because they have to obey orders. But I love to believe, and I do believe, with Byron that—

> Freedom's battle once begun,
> Bequeathed by bleeding sire to son,
> Tho' baffled oft is ever won.

Mr. President, as one who loves liberty and loves his country and believes that its true greatness lies in clinging to the ideals of our fathers, I protest against the continuance of this unholy war. Let us be rid of the dangers and pitfalls that lie in the course we are pursuing. Let us remain true to the precepts of the great founders of our Government.

What is it our duty to do? First, stop this war. How? By telling those people that we do not want to have them governed after our methods. By saying to them, "Come together and piece up the government you had, or any other you now want. We will warn Europe and all other depredators off your shores."

That will be some recompense. We can protect them against outside interference. We can retain whatever territory we may need for a naval station. We could make a compact with them which would give us any advantages we might desire or need in the way of commerce. We could have done this a year ago much easier than we can now, but it is not too late to do right. It is never too late to do right. If we do not, if we continue our bloody tyrannical course, if we say to them you must submit to the last man, and there must not be a man left in those islands who declares or claims that he is not a subject of the United States, we may establish peace.

We can, I suppose, suppress and repress and continue to kill and murder, for it is murder. We had no right there at the beginning—I mean in the way we have undertaken. We captured Manila from Spain, and that we had title to. Spain ceded it to us. We can retain it if we want to in law and in morals. But the balance of the islands are not ours, and they never were ours in any legal aspect or sense. I repeat what I have already said, that if the civil war was not a mistake, if it was not a hideous blunder and crime, let us stop; because if that war was for freeing the slave and establishing in this Government the principle that equality and liberty in the Union were its purposes, this Filipino war is a war of conquest and nothing else, and is a crime in the sight of God and man. [Applause in the galleries.]

During the delivery of Mr. TILLMAN'S speech,

The PRESIDING OFFICER (Mr. RAWLINS in the chair). Will the Senator from South Carolina suspend for a moment? The Chair lays before the Senate, the hour of 2 o'clock having arrived, the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I ask that the unfinished business may be temporarily laid aside to allow the Senator from South Carolina to finish his speech.

The PRESIDING OFFICER. Without objection that order will be made.

Mr. TILLMAN. I thank the Senator for his courtesy.

After the conclusion of Mr. TILLMAN'S speech,

Mr. DAVIS. Mr. President, I suggest the want of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Elkins,	McBride,	Rawlins,
Allen,	Fairbanks,	McEnery,	Ross,
Allison,	Foraker,	McLaurin,	Scott,
Bacon,	Frye,	McMillan,	Shoup,
Bate,	Gallinger,	Martin,	Spooner,
Berry,	Hanna,	Mason,	Stewart,
Beveridge,	Hansbrough,	Money,	Taliaferro,
Butler,	Harris,	Nelson,	Teller,
Chilton,	Hawley,	Penrose,	Thurston,
Clark, Mont.	Heitfeld,	Perkins,	Tillman,
Clay,	Kean,	Pettus,	Turner,
Cockrell,	Kenney,	Platt, Conn.	Warren,
Cullom,	Lindsay,	Proctor,	Wellington,
Davis,	Lodge,	Quarles,	Wetmore.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. Will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield?

Mr. DAVIS. Yes, sir.

Mr. SPOONER. I ask unanimons consent to take from the table for a moment the bill which I introduced some time ago in relation to the Philippines.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent to take from the table a bill the title of which will be stated.

The SECRETARY. A bill (S. 2355) relative to the suppression of insurrection in and to the government of the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. SPOONER. I asked that that bill might lie upon the table when it was introduced, intending to call it up and submit to the Senate some observations upon it and upon the general subject. I have been requested to have the bill referred to the Committee on the Philippines. I ask, therefore, that it be so referred. I intend, if I may be permitted to say so, at an early day, when consistent with the convenience of the Senate, to address the Senate upon the general subject, but I can do so upon some of the pending resolutions.

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on the Philippines.

EXECUTIVE SESSION.

Mr. DAVIS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened.

MARY STOTSENBURG.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 2052) granting a pension to Mary Stotsenberg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 6, after the name "Mary," to strike out "Stotsenberg" and insert "La Tourrette Stotsenburg;" and in line 7, after the name "John M.," to strike out "Stotsenberg" and insert "Stotsenburg;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary La Tourrette Stotsenburg, widow of the late Col. John M. Stotsenburg, of the First Nebraska Volunteer Infantry, in the year 1898, and pay her a pension of $50 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mary La Tourrette Stotsenburg."

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that twenty minutes may now be given to the consideration of unobjected pension bills on the Calendar favorably reported.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that twenty minutes may now be given to the consideration of pension bills on the Calendar.

Mr. COCKRELL. Unobjected cases.

Mr. GALLINGER. Unobjected cases.

The PRESIDENT pro tempore. Unobjected pension bills on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

JAMES H. LATHAM.

Mr. HAWLEY. Will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. I will, with the understanding that it will not be taken from the twenty minutes.

Mr. HAWLEY. I ask unanimous consent that the bill (S. 6) for the relief of James H. Latham may be now considered. A similar bill passed the Senate at the last session.

Mr. COCKRELL. I give notice that after this bill is passed I shall object to any bill on the Calendar except the regular order. There are forty or fifty bills on the Calendar which have passed Congress heretofore, and we must take them in their order.

Mr. HAWLEY. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from Connecticut?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke the order dismissing James H. Latham from service as a captain of the Twenty-first Regiment of Connecticut Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 14th day of June, 1865; and provides that Latham shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the date above mentioned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The first pension bill, under the unanimous-consent agreement, will be stated.

MARY JACKMAN.

The bill (S. 1329) granting a pension to Mary Jackman was announced as the first case in order on the Calendar, and was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Jackman, dependent mother of James M. Jackman, late of Company E, First Regiment Heavy Artillery, New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA P. QUINT.

The bill (S. 1796) granting an increase of pension to Rebecca P. Quint was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca P. Quint, widow of Alonzo H. Quint, late chaplain of the Second Regiment Massachusetts Infantry Volunteers, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE DONATH.

The bill (S. 35) granting a pension to Louise Donath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise Donath, permanently helpless and dependent child of John G. Donath, late a hospital steward in

the military service of the United States, and to pay her a pension of $12 per month, payable to her legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE V. ENGLISH.

The bill (S. 39) granting an increase of pension to Caroline V. English, widow of Lieut. Col. Thomas C. English, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "provisions," to insert "and limitations;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline V. English, widow of Lieut. Col. Thomas C. English, Second United States Infantry, and pay her a pension at the rate of $50 per month in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Caroline V. English."

CHARLES L. GREEN.

The bill (S. 1711) granting an increase of pension to Charles L. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles L. Green, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. RANDALL.

The bill (S. 2368) granting a pension to Mary A. Randall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Randall, dependent mother of Frank B. Randall, late chief engineer of the U. S. revenue cutter *McCulloch*, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN STRATTON.

The bill (S. 2367) granting a pension to Susan Stratton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Stratton, dependent mother of Edward P. Stratton, late of Company K, Sixth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE S. JORDAN.

The bill (S. 1713) granting an increase of pension to Alice S. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice S. Jordan, widow of John W. Jordan, late paymaster in the United States Navy, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY ELLEN BESSOM.

The bill (S. 240) granting a pension to Nancy Ellen Bessom was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "daughter," to insert "invalid and dependent;" in line 9, after the word "her," to insert "a pension at the rate of;" in the same line, before the word "dollars," to strike out "thirty" and insert "twelve," and in the same line, before the word "month," to strike out the letter "a" and insert "per;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Ellen Bessom, invalid and dependent daughter of James F. Bessom, deceased, late a private in Company C, Eighth Regiment Massachusetts Infantry Volunteers, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA M. WRIGHT.

The bill (S. 1353) granting an increase of pension to Louisa M. Wright was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, in line 6, after the name "Wright," to strike out "deceased," and, in line 7, after the word "late," to strike out "brigadier-general" and insert "major-general;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa M. Wright, widow of Horatio G. Wright, late major-general and Chief of Engineers, United States Army.

The amendment was agreed to.

The next amendment was, before the word "dollars," in line 9, to strike out "one hundred" and insert "fifty;" in the same line, after the word "dollars," to strike out "a" and insert "per;" and in the same line, after the word "month," to strike out "in lieu of the pension she is now receiving;" so as to read:

And grant her a pension at the rate of $50 per month.

Mr. HAWLEY. Mr. President, the original bill provided a hundred dollars a month, and this as it stands is a House amendment.

Mr. GALLINGER. No; a Senate amendment. The bill has recently been reported from the Senate Committee.

Mr. HAWLEY. Then the Senate committee, to my sorrow, cuts it down to $50. Horatio G. Wright was a very distinguished officer, and his widow is, I think, 80 years old or more, with limited means. I think the Congress of the United States would do itself justice by leaving the bill as it originally was, providing a pension of a hundred dollars a month instead of giving to an old lady for the few years that remain to her a pension of $50 a month only.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as stated.

Mr. BERRY. What is the amendment?

Mr. HAWLEY. I hope the amendment may be rejected. It reduces the pension from a hundred dollars to fifty dollars.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. In line 9, before the word "dollars," strike out "one hundred" and insert "fifty;" after the word "dollars" strike out "a" and insert "per," and after the word "month" strike out "in lieu of the pension she is now receiving;" so as to read:

And grant her a pension at the rate of $50 per month.

Mr. BERRY. I should like to ask the Senator from Connecticut if there are not a number of widows of other officers of the same rank that this officer held who get only $50?

Mr. HAWLEY. I do not know that there are, but I do not think that the cases are so strong as this is.

Mr. BERRY. Mr. President, I simply wish to say that I can see no reason why one lady should be selected out of a class and given a hundred dollars a month while others whose husbands bore the same rank in the war and rendered the same service, at least rendered the best service they could, receive fifty. I think it is unjust, unfair, and there is no reason in it. I think the committee were right about it when they cut it down to $50, and the Senate ought to ratify the action of the committee.

Mr. HAWLEY. I do not know of any widows of major-generals whose pensions have been cut down and kept at $50. This was a very distinguished officer, who rendered great service. His wife is over 80 years of age and of limited means.

Mr. BERRY. I should like to ask the Senator from New Hampshire what, under the law, is the pension for the widow of a major-general?

Mr. GALLINGER. Under the law, $30; but Mrs. Wright was unable to get that at the Bureau. She is not pensionable at all under the general law, her husband not having died of pensionable disabilities.

Mr. BERRY. So that under the law she is really entitled to no pension?

Mr. GALLINGER. Not at all.

Mr. BERRY. But the pension of a major-general's widow is $30.

Mr. GALLINGER. Yes, sir; provided she has a pensionable status.

Mr. BERRY. It seems to me that ought to be conclusive.

Mr. HAWLEY. Her claim was rejected at the Pension Office because it can not be said that her husband's death was due to disease incurred in the service.

Mr. GALLINGER. That is right.

Mr. HAWLEY. He lived to a very respectable age—something like 80 years, I believe.

Mr. GALLINGER. Eighty years.

Mr. President, I do not care to discuss this case much, and shall not, but I simply want to say to the Senate that the Committee on Pensions has before it a very serious problem in the matter of granting large pensions to general officers and the widows of general officers. I have heretofore expressed myself in regard to what I think was improvident legislation a few years ago, whereby very large pensions were granted to certain widows, and which

has led all other widows of general officers to feel that they can come here and get pretty much what they ask for.

Mr. HAWLEY. The Senator will pardon me. He is speaking of pensions of two or three thousand dollars a year, I suppose.

Mr. GALLINGER. Well, Mr. President, a hundred dollars a month. There are a good many of those.

Everybody admits that General Wright was a very distinguished officer; there is no question at all about it. The committee has not ascertained the precise amount of property Mrs. Wright has, but we have taken the word of her friends that she has not much property. The fact is, we are giving this lady by this proposed pension act a gratuity of $50 a month.

Mr. HAWLEY. A gratuity?

Mr. GALLINGER. I think it is right to say that it is a gratuity, inasmuch as she has no pensionable status. If, on the other hand, we should increase the pension of another officer's widow from $30 under the general law she having a status there, to $75, she would only get $45 a month. Pass the pending bill at $100, and it will be utterly impossible for this committee to resist the importunities which are coming to me every day in my committee room and in my hotel and on the street of a large class of worthy widows, whose husbands gave distinguished services to the Government in the Army, and we will be forced to amend our rules and to grant the same rate of pension to all widows under similar circumstances.

We adopted a rule in the last Congress, Mr. President, that this committee would not report a pension for any widow at a higher rate than $50 a month. Of course the Senate in its wisdom can overrule the committee and grant a hundred dollars a month to this particular widow if it chooses to do it, but, representing the committee, I am bound to say I hope the Senate will not do it, and I shall have to vote against the proposition made by the Senator from Connecticut.

Mr. COCKRELL. Mr. President, I do hope that the Senate will stand by the Committee on Pensions in this matter. I believe the position they have taken is fair, and reasonable, and just; and to my certain knowledge if you transgress the limit of $50 a month, you will have hundreds upon hundreds of cases here demanding the higher rate, and I for one shall feel that it will be my duty to advocate them at a hundred dollars a month just as much as this one. You can not make fish of one and something else of another. The Committee on Pensions have deliberately settled upon this. We maintained that position during the last Congress; and if it is maintained a short time longer, we will have none of these applications and we will not have the heartburning that we have throughout the length and breadth of this land on the part of widows, helpless and dependent, who are at the washtub making their living, and who say it is a crime that these ladies in comparatively comfortable circumstances shall be paid a hundred dollars a month and they paid the little pittance of eight or twelve dollars.

I tell you it is creating an intense feeling in this country, and I have had letter after letter in regard to it. But I have stood by the Committee on Pensions. If the Senate will continue to stand by them, I will do so; but if the bars are to be torn down, then grab and take everything you can get.

Mr. PLATT of Connecticut. Mr. President, if this rule is going to be rigidly enforced now, after all these years, it is very unfortunate for the widow of this major-general. There have been plenty of pensions granted over and over again by the Senate where there was not the real merit that should govern this case—pensions of a hundred dollars to the widows of Army officers.

General Wright was indeed a very distinguished officer of the Army, much more so than in the case of many pensions of a hundred dollars which have been granted to widows in times past. He was in command of the Sixth Army Corps, and I think I do not stop outside of the bounds of truth when I say that it was his energy and his remarkable celerity in bringing up the Sixth Army Corps through Washington that saved the capital of the country from capture by the Confederate troops.

The history of that is familiar. If it had not been for his unusual promptness and unusual effort in marching the Sixth Army Corps to the relief of Washington and through Washington, confronting the enemy just outside of Washington, the capital of the country would, in my judgment, have been in Confederate hands.

Now, it seems to me that it is a poor time to make a discrimination, for it is a discrimination, between this pension and the pensions of $100 a month which have been granted heretofore.

Mr. COCKRELL. There have been very few comparatively granted at $100 a month. It has been a long time since one has been granted at $100 a month.

Mr. ALDRICH. I would suggest, as long as this case is liable to lead to discussion more or less prolonged, that it be passed over for the time being, holding its place on the Calendar, and that we take up the uncontested cases on the Calendar of the Senate and dispose of those. It seems to me that that would be the better course to pursue, and I make that suggestion to the chairman of the committee.

Mr. GALLINGER. I think that is proper.

Mr. ALLEN. Mr. President, I wish to make an observation before this case is passed over. I am decidedly in favor of sustaining the committee rule. There is a rule adopted by the committee that no pension shall exceed $50 a month. Fifty dollars is quite a sum of money if it is judiciously used. It will not buy many luxuries, but it will buy the necessaries of life.

The odious distinction that is sought to be thrust upon the bill and upon the country by this amendment is not by any means a new distinction in this Chamber. Whenever it is sought to increase a pension beyond its proper proportions, it is always upon the argument that the soldier whose widow is to be pensioned was a distinguished officer of the Army, as though all men who performed their duty, whether officers or private soldiers, are not properly classified as distinguished men.

I knew of General Wright only as a historical character. I did not serve in the eastern part of the country during the war. I knew of him as the successor, I think, of Sedgwick, after the death of that distinguished general.

Mr. PLATT of Connecticut. Yes.

Mr. ALLEN. I do not doubt, Mr. President, that he was an excellent soldier. I do not want anyone to suppose that I would question his capacity, or his loyalty, or the character of his services. But, Mr. President, there were other soldiers in the war besides General Wright who performed their duty equally as well. Some of them lost their lives during the service. Their widows are not getting a pension of $50 a month, and it is not proposed to pension them beyond eight or twelve dollars, as stated by the Senator from Missouri, because they happen to be the wives of men who were carrying guns and doing the fighting while the other man was carrying a sword and doing the directing.

All soldiers, in my judgment, who performed their duty, from the humblest in the ranks to the man in chief who was commanding the army, ought to stand equally before the law; and I hope I may never become so old and so feeble in intellect as to reach the conclusion that there is a distinction between this deserving class of people. We undertake here by these distinctions, these distinctions created by statute, to say to the people of this Republic that one man by force of the mere fact that he was in command of an army is entitled to more recognition at the hands of his Government than the men who did his bidding under him. That is not right; that is not true.

Mr. HAWLEY. Will the Senator allow me to interrupt him?

Mr. ALLEN. Yes, sir.

Mr. HAWLEY. Is it not true that General Wright received far above the average of pay? He had the pay of a brigadier-general and of a major-general. Now, do you want to bring suit against his estate for the recovery of the surplus?

Mr. ALLEN. No, Mr. President, I would leave it to the Senator from Connecticut to do a thing so foolish as that; I would not do it. That seems to be his method of reasoning.

Mr. PLATT of Connecticut. Will the Senator from Nebraska permit me?

Mr. ALLEN. Certainly.

Mr. PLATT of Connecticut. By the law a lieutenant-colonel's widow gets $30 per month. Does the Senator think there should be no distinction as to the amount between the widow of a private and the widow of a lieutenant-colonel or a colonel?

M. ALLEN. If they are equally meritorious, no. Why should there be a distinction?

Mr. PLATT of Connecticut. It has been the law always that there has been a distinction. If it has gone on a false basis——

Mr. ALLEN. There have been a great many laws in the history of the world that were wrong. I suppose the Senator from Connecticut would not repeal a law that has existed for one hundred years because it had been enacted at one time and was still the law.

Mr. PLATT of Connecticut. But in all the Senator's service in Congress he has introduced no bill to repeal the law which gives to a lieutenant-colonel's widow $30 a month.

Mr. ALLEN. No; I do not want to repeal it, either.

Mr. PLATT of Connecticut. Then the Senator thinks there should be some distinction?

Mr. ALLEN. I would bring the pension of the meritorious wife of the private soldier up to $30 a month.

Mr. ALLISON. I will state to the Senator from Nebraska that the pension proposed in this case is $50 a month under the committee report. I do not understand him to oppose the report of the committee.

Mr. ALLEN. I am not opposing $50 a month.

Mr. ALLISON. The Senator favors $50 a month for this widow.

Mr. PLATT of Connecticut. But as I understood the Senator from Nebraska, he was saying that there should be no distinction.

Mr. ALLEN. There should be none.

Mr. PLATT of Connecticut. Between the widow of a private and the widow of a general officer.

Mr. ALLEN. Can the Senator from Connecticut on my right—I do not know whether he is the junior or senior Senator; I have never looked up the classification——

Mr. HAWLEY. The senior.

Mr. ALLEN. Can the senior Senator from Connecticut tell me why there should be a distinction between the equally meritorious wife of an officer and of a private soldier?

Mr. HAWLEY. The law makes it, and always has made it.

Mr. PLATT of Connecticut. The law makes it.

Mr. ALLEN. Both gentlemen from Connecticut answer that the law makes the distinction and always has made it. The law, Mr. President, years ago made it lawful to kill men who had epilepsy, upon the supposition that they were afflicted with witches. Because that law existed I suppose we are to be told that men must be still killed for that cause, and that the law shall never be changed.

The men, Mr. President, who through the enactment of law made a distinction between the meritorious wife of a private soldier and the meritorious wife of an officer did not, in my humble judgment, understand their business and were not warranted in doing so.

Mr. GALLINGER. Mr. President, if the Senator from Nebraska will permit me, I hope he will agree to let this bill be passed over and allow the time to be extended for the consideration of a few more unobjected cases.

Mr. ALLEN. I am willing that the bill shall be passed over.

Mr. GALLINGER. Let the time be extended ten minutes, and we can dispose of them.

The PRESIDENT pro tempore. The twenty minutes which were granted for the consideration of pension bills have been exhausted.

Mr. GALLINGER. That ends it on this bill.

Mr. ALLEN. I infer from that remark that it is the desire of the Chair that I shall not speak any further.

The PRESIDENT pro tempore. The Senator has no right to make such an inference.

Mr. ALLEN. Possibly that is true; possibly I have no right to debate this bill.

Mr. GALLINGER. I spoke simply because there are several bills still on the Calendar pensioning private soldiers and the widows of private soldiers and I hoped to get them passed at this time.

Mr. ALLEN. I desire to be heard further on this bill, but I can make my remarks at some other time. Let the bill go over.

The PRESIDENT pro tempore. Without objection, the bill will go over, retaining its place on the Calendar.

Mr. GALLINGER. I ask that the time be extended until 5 o'clock.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the time allotted for the consideration of pension bills be extended until 5 o'clock. Is there objection? The Chair hears none, and it is so ordered. The Secretary will report the next pension bill on the Calendar.

WILLIAM H. H. NEVITT.

The bill (S. 872) granting an increase of pension to William H. H. Nevitt was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word "Ohio," to insert "Volunteer;" in the same line, after the word "Infantry," to strike out "Volunteers;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Nevitt, late a private in Company F, One hundred and fifty-ninth Regiment of Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HAMLEY.

The bill (S. 266) granting an increase of pension to William Hamley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Hamley, late private in Company B, Forty-first Wisconsin Volunteers, at the rate of $50 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE M'MAHON.

The bill (S. 265) granting an increase of pension to Jane McMahon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane McMahon, widow of Bernard J. McMahon, late captain Companies F and C, Seventy-first Pennsylvania Infantry, and sergeant, Company G, Fifth United States Artillery, and to pay her a pension of $12 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY R. BACON.

The bill (S. 1296) granting a pension to Mary R. Bacon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Bacon, widow of Columbus Bacon, late of Capt. Joseph Hitching's company, Maine Militia, war of 1812, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA M. JOHNSON.

The bill (S. 1003) granting a pension to Julia M. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia M. Johnson, widow of Richard W. Johnson, late brevet major-general, United States Army, and pay her a pension at the rate of $30 per month,

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. M. A. DENNIS.

The bill (S. 899) granting an increase of pension to Mrs. M. A. Dennis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Dennis, widow of Elias S. Dennis, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. GALLINGER. I move to amend the amendment by inserting, in line 12, after the word "brigadier," the words "and brevet major-general."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary A. Dennis."

HENRIETTA CUMMINS.

The bill (S. 531) granting a pension to Henrietta Cummins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta Cummins, widow of Vincent Cummins, late captain of Company H, Seventy-second Regiment Enrolled Missouri Militia, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. M'MAHON.

The bill (S. 548) granting an increase of pension to John F. McMahon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "he," to insert "is;" in the same line, after the word "hereby," to strike out "is;" in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word

"Cavalry," to strike out "subject to the provisions and limitations of the pension laws;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. McMahon, late colonel Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY E. NEELY.

The bill (S. 517) granting a pension to Nancy E. Neely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy E. Neely, widow of Alexander Neely, deceased, who was a soldier in Captain Yoacum's company, Tennessee Volunteers, called out for the protection of the Sabine frontier in 1836, and to pay her a pension of $12 per month.

Mr. GALLINGER. Let the word "deceased" be stricken out in line 6.

The SECRETARY. In line 6, after the word "Neely," strike out "deceased."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLIE KEE.

The bill (S. 1771) granting a pension to Ellie Kee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Thomas," to strike out "the late," and in the same line, before the word "Company," to insert "late of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellie Kee, widow of Thomas Kee, late of Company F, Seventh Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMINDA D. DAVIS.

The bill (S. 1712) granting a pension to Arminda D. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arminda D. Davis, widow of Frank M. Davis, late of Company D, Twenty-seventh Regiment Maine Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VINCENT DE FRIETAS.

The bill (S. 354) granting a pension to Vincent de Frietas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Vincent de Frietas, late officers' steward, U. S. S. *Vincennes*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. COVENTON.

The bill (S. 349) granting an increase of pension to James H. Coventon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Coventon, late of Company F, Twelfth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. FREEMAN.

The bill (S. 343) granting a pension to Mary J. Freeman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Freeman, widow of David Freeman, late of Company H, One hundred and sixty-eighth Ohio (National Guard) Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary J. Freeman."

Mr. GALLINGER. Mr. President, the time has expired. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, January 30, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1900.

CONSUL.

Edwin N. Gunsaulus, of Ohio, to be consul of the United States at Pernambuco, Brazil, vice Benjamin F. Clark, deceased.

POSTMASTERS.

Frank S. Huckins, to be postmaster at Ashland, in the county of Grafton and State of New Hampshire, in the place of W. F. Hardy, whose commission expired December 30, 1899.

Through error Mr. Huckins was nominated to the Senate and confirmed as Fred S. Huckins.

Samuel H. Hurst, to be postmaster at Chillicothe, in the county of Ross and State of Ohio, in the place of R. R. Freeman, whose commission expires February 13, 1900.

William H. Mosby, to be postmaster at Bedford City, in the county of Bedford and State of Virginia, in the place of A. B. Claytor, whose commission expires February 11, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

THIRTY-FIFTH INFANTRY.

Sergt. Frank I. Otis, Company A, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, January 25, 1900, vice Elliott, promoted.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

First Lieut. Odus C. Horney, Ordnance Department, to be captain, December 8, 1899, vice Ayres, deceased.

CAVALRY ARM.

Lieut. Col. Camillo C. C. Carr, Fifth Cavalry, to be colonel, January 23, 1900, vice Viele, Fourth Cavalry, retired from active service.

Maj. Henry Jackson, Third Cavalry, to be lieutenant-colonel, January 23, 1900, vice Carr, Fifth Cavalry, promoted.

Capt. Henry P. Kingsbury, Sixth Cavalry, to be major, January 23, 1900, vice Jackson, Third Cavalry, promoted.

First Lieut. George L. Byram, First Cavalry, to be captain, January 23, 1900, vice Kingsbury, Sixth Cavalry, promoted.

INFANTRY ARM.

To be majors.

Capt. Herbert S. Foster, Eighteenth Infantry, November 15, 1899, vice Gerlach, Twelfth Infantry, retired from active service.

Capt. John C. Dent, Twentieth Infantry, December 15, 1899, vice Davis, Eleventh Infantry, promoted.

Capt. George K. McGunnegle, Fifteenth Infantry, December 18, 1899, vice Baldwin, Third Infantry, promoted.

Capt. Edgar B. Robertson, Twentieth Infantry, January 12, 1900, vice Guthrie, Fifteenth Infantry, deceased.

Capt. Charles A. Booth, Seventh Infantry, January 15, 1900 (subject to examination), vice Crowell, Sixth Infantry, retired from active service.

To be captains.

First Lieut. Harry H. Bandholtz, Seventh Infantry, November 15, 1899, vice Waring, Second Infantry, retired from active service.

First Lieut. Henry T. Ferguson, Thirteenth Infantry, November 15, 1899, vice Foster, Eighteenth Infantry, promoted.

First Lieut. Henry G. Learnard, Fourteenth Infantry, November 15, 1899, vice Hollis, Fourth Infantry, deceased.

First Lieut. John H. Wholley, Twenty-fourth Infantry, November 20, 1899, vice Van Liew, Second Infantry, dismissed.

First Lieut. Peter Murray, Twenty-first Infantry, November 26, 1899, vice Warwick, Eighteenth Infantry, killed in action.

First Lieut. Paul A. Wolf, Fourth Infantry, December 2, 1899, vice Brereton, Twenty-fourth Infantry, deceased.

First Lieut. Henry G. Lyon, Twenty-fourth Infantry, December 15, 1899, vice Kell, Twenty-second Infantry, retired from active service.

First Lieut. George D. Moore, Twenty-third Infantry, December 15, 1899, vice Dent, Twentieth Infantry, promoted.

First Lieut. Willis Uline, Twelfth Infantry, December 18, 1899, vice McGunnegle, Fifteenth Infantry, promoted.

First Lieut. Ernest B. Gose, Thirteenth Infantry, December 23, 1899, vice Brett, Twenty-fourth Infantry, retired from active service.

First Lieut. Charles C. Clark, Fifth Infantry, January 12, 1900, vice Robertson, Twentieth Infantry, promoted.

First Lieut. Vernon A. Caldwell, Twenty-fifth Infantry, January 15, 1900, vice Booth, Seventh Infantry, promoted.

First Lieut. Edmund L. Butts, Fifth Infantry, January 18, 1900, vice Steele, Eighteenth Infantry, deceased.

APPOINTMENTS IN THE VOLUNTEER ARMY.

TO BE ASSISTANT ADJUTANT-GENERAL WITH THE RANK OF LIEUTENANT-COLONEL.

Maj. Samuel D. Sturgis, assistant adjutant-general, United States Volunteers (first lieutenant, Sixth Artillery, United States Army), January 24, 1900, vice Barry, who vacates by promotion to lieutenant-colonel and assistant adjutant-general, United States Army.

TO BE INSPECTOR-GENERAL WITH THE RANK OF LIEUTENANT-COLONEL.

Maj. Russell B. Harrison, inspector-general, United States Volunteers, January 24, 1900, vice Heyl, who vacates by promotion to lieutenant-colonel and inspector-general, United States Army.

TO BE SURGEON WITH THE RANK OF MAJOR.

Maj. Eugene L. Swift, surgeon, Thirty-fifth Infantry, United States Volunteers (captain and assistant surgeon, United States Army), January 24, 1900, vice Raymond, resigned.

APPOINTMENT IN THE ARMY.

TO BE CHAPLAIN.

Rev. Edmund P. Easterbrook (late chaplain Two hundred and second New York Volunteers), of New York, January 31, 1900, vice Shields, dismissed, to take effect on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1900.

RECEIVER OF PUBLIC MONEYS.

Peter F. Barclay, of Del Norte, Colo., to be receiver of public moneys at Del Norte, Colo.

INDIAN AGENT.

Charles S. McNichols, of Parker, Ariz., to be agent for the Indians of the Colorado River Agency, in Arizona.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants, to rank from January 1, 1900.

Davis C. Anderson, of Ohio, now serving as second lieutenant, Fortieth Infantry, United States Volunteers.

Robert D. Carter, of the District of Columbia.

Douglas Potts, of the District of Columbia, now serving as private, Troop C, Fourth Cavalry, United States Army.

Second Lieut. Arthur S. Cowan, from the infantry arm to the cavalry arm, January 12, 1900, with rank from February 16, 1899.

PAY DEPARTMENT.

Capt. Alfred S. Frost, Twenty-second United States Infantry, to be paymaster with the rank of major, January 20, 1900.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. John F. B. Mitchell, jr., Twelfth Infantry, September 20, 1899.

Second Lieut. James P. Drouillard, Sixth Infantry, September 30, 1899.

Second Lieut. Martin L. Crimmins, Eighteenth Infantry, October 1, 1899.

Second Lieut. Marion M. Weeks, Twenty-first Infantry, October 2, 1899.

Second Lieut. James M. Love, jr., Twenty-first Infantry, October 8, 1899.

Second Lieut. Paul H. McCook, Fifth Infantry, October 10, 1899.

Second Lieut. Frederick W. Coleman, jr., Thirteenth Infantry, October 11, 1899.

QUARTERMASTER'S DEPARTMENT.

To be quartermaster with the rank of major.

Capt. George Ruhlen, assistant quartermaster, January 6, 1900.

Cavalry arm.

Second Lieut. Charles B. Drake, Fifth Cavalry, to be first lieutenant, December 13, 1899.

Second Lieut. Charles McK. Saltzman, First Cavalry, to be first lieutenant, December 13, 1899.

ADJUTANT-GENERAL'S DEPARTMENT.

Maj. Thomas H. Barry, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, January 10, 1900.

CAVALRY ARM.

Lieut. Col. Wirt Davis, Eighth Cavalry, to be colonel, January 10, 1900.

Maj. James M. Bell, First Cavalry, to be lieutenant-colonel, January 10, 1900.

Capt. Samuel L. Woodward, Tenth Cavalry, to be major, January 10, 1900.

First Lieut. Robert E. L. Michie, Second Cavalry, to be captain, January 10, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. George M. Randall, Eighth Infantry, United States Army, January 20, 1900.

Col. James M. Bell, Twenty-seventh Infantry, United States Volunteers (lieutenant-colonel Eighth Cavalry, United States Army), January 20, 1900.

To be quartermaster of volunteers with the rank of major.

Capt. Robert R. Stevens, assistant quartermaster, United States Army, January 11, 1900.

To be assistant surgeon of volunteers with the rank of captain, to rank from July 5, 1899.

Frederick Hadra, of Texas.

ELEVENTH CAVALRY.

To be lieutenant-colonel, to rank from August 12, 1899.

Capt. Charles G. Starr, First United States Infantry.

To be majors, to rank from August 10, 1899.

First Lieut. Thomas G. Carson, Fourth United States Cavalry.

First Lieut. Dennis E. Nolan, Thirteenth United States Infantry.

Maj. Hugh T. Sime, First California Volunteers.

To be first lieutenants, to rank from August 12, 1899.

Second Lieut. Charles C. Winnia, First Tennessee Volunteers.

Sergt. Lewis Foerster, Troop K, Fourth United States Cavalry.

THIRTY-SEVENTH INFANTRY.

Battalion Sergt. Maj. Richard W. Walker, Thirty-seventh Infantry, United States Volunteers, to be second lieutenant, January 11, 1900.

THIRTY-THIRD INFANTRY.

First Sergt. Walter J. Scott, Company C, Thirty-third Infantry, United States Volunteers, to be second lieutenant, January 11, 1900.

THIRTY-FOURTH INFANTRY.

Sergt. Maj. Ode C. Nichols, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, January 10, 1900.

TWENTY-SIXTH INFANTRY.

Philip S. Golderman, of New York, to be first lieutenant, July 5, 1899.

TWENTY-SEVENTH INFANTRY.

First Lieut. George T. Langhorne, First United States Cavalry, to be captain, Twenty-seventh Infantry, United States Volunteers, July 5, 1899.

THIRTY-FOURTH INFANTRY.

Cleveland C. Lansing, of Maryland, to be second lieutenant, July 5, 1899.

THIRTY-FIFTH INFANTRY.

Harry T. Matthews, of California, to be captain, July 5, 1899.

THIRTY-SEVENTH INFANTRY.

First Lieut. Charles N. Clark, Thirteenth Minnesota Volunteers, to be captain, Thirty-seventh Infantry, United States Volunteers, July 5, 1899.

FORTY-SECOND INFANTRY.

Augustus B. Warfield, of New York, to be second lieutenant, August 17, 1899.

FORTY-FOURTH INFANTRY.

Frederick L. Dengler, late first lieutenant, First Arkansas Volunteers, to be second lieutenant, Forty-fourth Infantry, United States Volunteers, August 17, 1899.

FORTY-EIGHTH INFANTRY.

Sergt. William H. Allen, Troop A, Ninth United States Cavalry, to be first lieutenant, Forty-eighth Infantry, United States Volunteers, September 9, 1899.

FORTY-FIFTH INFANTRY.

Sergt. Charles McG. Sweitzer, Company B, Forty-fifth Infantry, United States Volunteers, to be second lieutenant, January 19, 1900.

ELEVENTH CAVALRY.

To be second lieutenants, to rank from August 12, 1899.

Sergt. Maj. Dennis P. Quinlan, Eleventh Cavalry, United States Volunteers.

Private Otto W. Rethorst, Eleventh Cavalry, United States Volunteers.

Henry C. White, jr., of Ohio.

James D. Keene, of the District of Columbia.

PUERTO RICO BATTALION.

Christian Briand, late first lieutenant, Fifth United States Volunteer Infantry, to be first lieutenant, Puerto Rico Battalion, June 26, 1899.

First-Class Sergt. William W. Bessell, Signal Corps, United States Army, to be second lieutenant, Puerto Rico Battalion, November 3, 1899.

TWENTY-SIXTH INFANTRY.

Sergt. Maj. George R. D. MacGregor, Twenty-sixth Infantry, United States Volunteers, to be second lieutenant, September 13, 1899.

PROMOTIONS IN THE VOLUNTEER ARMY.

THIRTY-SEVENTH INFANTRY.

Second Lieut. Winston Pilcher, Thirty-seventh Infantry, United States Volunteers, to be first lieutenant, January 9, 1900.

THIRTY-NINTH INFANTRY.

Second Lieut. Arthur W. Orton, Thirty-ninth Infantry, United States Volunteers, to be first lieutenant, October 13, 1899.

FORTIETH INFANTRY.

First Lieut. William J. Watson, Fortieth Infantry, United States Volunteers, to be captain, November 11, 1899.

POSTMASTERS.

Henry J. Cheesman, to be postmaster at Princeville, in the county of Peoria and State of Illinois.

August J. Beger, to be postmaster at Nauvoo, in the county of Hancock and State of Illinois.

Benjamin F. Shaw, to be postmaster at Dixon, in the county of Lee and State of Illinois.

Isaac W. Parkinson, to be postmaster at Stockton, in the county of Jo Daviess and State of Illinois.

William A. McKnight, to be postmaster at Alexis, in the county of Warren and State of Illinois.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 29, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

TREASURY DEPARTMENT, NATIONAL CITY BANK, NEW YORK, ETC.

Mr. DALZELL. I submit a privileged report from the Committee on Rules.

The Clerk read the following resolution, introduced by Mr. SULZER January 12, and referred to the Committee on Rules:

Resolved, That a special committee, consisting of nine members of the House of Representatives, be immediately appointed by the Speaker to make a thorough and complete investigation of all dealings and transactions between the Secretary of the Treasury or the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York, or any other national bank of the United States, from the 4th day of March, 1897, to the present time, and especially in regard to all letters, agreements, papers, or documents between the Treasury Department of the United States, or any person connected therewith, and the National City Bank and the Hanover National Bank, of the city of New York, or any person acting for them, or either of them, since the 4th day of March, 1897, relating to the depositing of public funds, bonds, or revenues in said bank or banks or any other relations or business transactions now existing or heretofore had between the Government and the said banks, or either of them, and the amount of public money, bonds, or revenue deposited with said banks, or either of them, or with any national bank, by the Government, upon what security, for what length of time, and the reasons therefor, and whether said banks, or any of them, have paid the Government any interest on said deposits, and if so, how much, and all other information concerning the same or in any way relating thereto; and also the date of the sale of the custom-house property of the United States in New York City to said National City Bank, the date of the execution of the deed thereto, the date and manner of payment of the purchase money therefor, the disposition of the proceeds of said sale, and whether or not the Government has paid any rents for said property, or any portion thereof, for any purpose since the day of sale, and if so, to whom, and all facts relating to said transaction, and all other matters in connection therewith or in any way relating thereto; and said committee is authorized to send for persons, books, letters, telegrams, papers, documents, and agreements, administer oaths, and hold open sessions, and sit at any time in any place in the city of Washington, New York, or Chicago, the expense for the same to be paid out of the contingent fund of the House; and the Sergeant-at-Arms, or some one acting for him, shall attend said committee and carry out its mandates; and said committee is instructed to make a report to the House of Representatives, with testimony and exhibits, with all convenient speed.

The recommendation of the Committee on Rules was read, as follows:

The Committee on Rules, having had under consideration House resolution No. 90, relating to a proposed investigation of the Treasury Department, refer the same back to the House with a recommendation that said resolution be referred to the Committee on Ways and Means.

Mr. DALZELL. Mr. Speaker, it will be recollected——

Mr. RICHARDSON. I want to ask the gentleman why we can not have the previous question on this resolution, and thus allow the usual debate of a few minutes on each side?

Mr. DALZELL. How much time does the gentleman want?

Mr. RICHARDSON. Just move the previous question. That will give us twenty minutes. We may not use half of that.

Mr. DALZELL. We may save time by making some arrangement without the previous question. I may be willing to yield the gentleman perhaps as much time as he desires. How much would he like to occupy?

Mr. RICHARDSON. I would like to have five minutes and the gentleman from New York [Mr. SULZER] five minutes.

Mr. DALZELL. I will yield five minutes to each gentleman.

Mr. Speaker, it will be recollected that some time since the gentleman from New York addressed a resolution of inquiry to the Secretary of the Treasury which is substantially covered by this resolution. To that inquiry the Secretary of the Treasury made reply. That reply has been sent, under the rules of the House, to the Committee on Ways and Means. It has seemed proper, therefore, to the Committee on Rules that, as the Committee on Ways and Means is already in possession of all the information that has been sent here by the Secretary of the Treasury, it would be the proper committee to pass on this resolution.

I now yield five minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I am not going to antagonize this matter, because there is something in the suggestion made by the gentleman from Pennsylvania that the Committee on Ways and Means ought to make this investigation, if there is to be one. I am decidedly of the opinion that there ought to be an investigation of this matter. In speaking of this matter a few days ago I insisted that there must be some motive, some reason why the Secretary of the Treasury, when he sold this custom-house property in New York to the City National Bank, did not complete the title by conveying the property to that bank. I at that time called attention to the fact that the Secretary of the Treasury took a paper credit with that bank for a considerable part of the purchase money, $3,215,000, the total amount being $3,265,000, leaving the pitiful sum of $50,000 unpaid or uncredited.

Now, I ask, Mr. Speaker, why that was done? Not a dollar of money, it seems, was ever checked out of that money. The entire $3,215,000 remained credited by him, not a dollar of the money having ever been used.

There was some reason for that. What was it? I insist that the reason has been developed, and that it was the intention of the Secretary of the Treasury, by agreement with the City National Bank of New York, to excuse that bank from paying taxes to the city and State of New York. The Government of the United States agreed to pay rent to the City National Bank for the property that they sold, and yet they acted in such a way as to prevent the city and State of New York from collecting taxes on the property.

The following letter was sent by the Secretary of the Treasury to the United States Senate, and shows the Government has agreed to pay rent for the property:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 22, 1900.

SIR: I have the honor to recommend that there be included in the urgent deficiency bill, now under consideration, the following item of appropriation:

"To enable the Secretary of the Treasury to pay rent for use of property known as the old custom-house in New York City, formerly belonging to the United States, from August 28, 1899, to June 30, 1900, both inclusive, 307 days, at the rate of 4 per cent per annum on the purchasing price, as provided in the act of Congress approved March 2, 1899 (30 Stat., 969), $109,847.12."

Respectfully,

L. J. GAGE, *Secretary.*

The PRESIDENT OF THE SENATE.

The Secretary of the Treasury made this special request to Congress to allow him $109,000 for the purpose of paying rent upon property sold in the manner I have described. The bank has kept back the $50,000. The Secretary has not demanded that credit upon the books of the bank. I insist that this was for some purpose. What was it? Simply to prevent the bank from being liable to the city and State of New York for something like fifty or

one hundred thousand dollars (whatever the amount may be) of taxation which would have been collectible upon that property. What other motive could there have been?

If it be true that the Secretary of the Treasury has, in his official capacity, exercising the great powers of the office conferred upon him, entered into a personal partnership with a favored bank in the city of New York to prevent the city and State from collecting taxes, no man on this floor, I take it, will contend that he does not deserve censure and condemnation. If in the exercise of official powers he has enabled a favored national bank to escape taxation due to the city and State of New York to the amount of $75,000, if his action was taken with that object, then certainly some cognizance should be taken of the fact. The statement made shows that a large amount of money has been made by this bank by reason of his action. It shows that the Government of the United States did not receive the purchase money, for a large amount was retained in the bank, and at the same time the State and city of New York were not allowed the opportunity of taxing this property. The whole amount, as I am informed, reaches something like the sum of $357,000 that this juggling on the part of the Secretary of the Treasury had enabled this bank to make.

It is not right or proper, Mr. Speaker, for the Secretary of the Treasury to go into partnership with a banking institution, such as is indicated here, while he is occupying the high position that he is now filling. This bank is favored for some reason or other which has not been fully defined or stated to the House.

But I am content to let this resolution go to the Committee on Ways and Means. The Secretary of the Treasury himself ought to come and ask for permission to appear before some committee of the House to make explanation why he left the $50,000 unpaid in this transaction.

Mr. DALZELL. I yield five minutes now to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I congratulate the chairman of the Committee on Rules for acting so promptly on my request for immediate action on this resolution for an investigation of the Secretary of the Treasury, and the Speaker is to be commended for his determination to take some action on my resolution for an investigation of the Treasury Department in relation to its transactions with the Standard Oil trust.

I introduced this resolution on the 12th day of this month, because the answer of the Secretary of the Treasury to my first resolution was incomplete, evasive, unsatisfactory, and on its face clearly demonstrated that an investigation was imperative.

A few days ago I requested the Speaker, who is chairman of the Committee on Rules, verbally and in writing, for a hearing for myself and others, and demanded that the Committee on Rules take action in regard to this resolution for an investigation. All the facts and all the circumstances of the case made this necessary. Every day, as the light is let in and the facts come out, the matter grows worse.

In the remarks I made in this House on the 17th day of January I said most emphatically that the Republican party could not afford to smother this resolution for an investigation, that it could not ignore it, and that action must be taken by this House.

This is a grave public matter, and the people of the entire country are deeply exercised and interested in it. They are watching the Administration and the majority of this House to find out whether this investigation shall be had in order that the whole truth shall come out, or whether the Republican party intends to stand by and shield the scandalous conduct of the Secretary of the Treasury and endeavor to cover up the iniquities of his administration of the Treasury Department. In a little while we shall know. Let me suggest to you, however, that the people are not in a mood to be trifled with. In this matter you should act promptly and go to the end.

Mr. Speaker, the people of the country demand a rigid and searching investigation. Nothing must be left to conjecture or suspicion. They want to know all the facts in the interest of truth and publicity. They demand this investigation in order that the facts may be ascertained, to the end that remedial legislation be enacted that will forever prevent a repetition of governmental favoritism to the Standard Oil trust, the most heartless monopoly of the times and the greatest menace to our free institutions. In my judgment, the conduct of the Secretary of the Treasury in connection with the Standard Oil trust is infamous.

I agree with all that my colleague from Tennessee [Mr. RICHARDSON] has so forcibly and truly said regarding the New York custom-house scandal. That is bad enough, to be sure, but there are matters of much greater importance, graver significance, and of a more infamous character regarding the administration of the Treasury Department that will come out if we have a fair and impartial investigation.

If I mistake not public opinion, the people of the country are deeply incensed by the conduct of the Secretary of the Treasury. They believe that he has willfully violated the law, that he has done wrong, and that any attempt on the part of the majority members of this House to now apologize for his conduct or to cover up his iniquities will only make the matter worse and the demand for this investigation louder and stronger.

It is said, sir, and not denied, that the Secretary of the Treasury permitted himself to be used by and was a tool of the Standard Oil trust; that he gave his influence, lent his aid and the money of the people to that gigantic trust to manipulate the stock market in Wall street to the injury of its competitors, to the financial ruin of many, and all to the advantage of the Rockefellers. The people of this country will never consent that the money in their Treasury be turned over to the Standard Oil Trust for speculative purposes.

There seems to be no doubt that the National City Bank, the mere agency of the Standard Oil people, and owned and controlled by that insatiable trust, received special privileges from the Secretary of the Treasury beyond all reason. Perhaps there was a reason for it. Perhaps it was because the Standard Oil trust directors of the National City Bank rendered great aid to the Republican party in the campaign of 1896, as Mr. Hepburn in his letter to the Secretary of the Treasury unwittingly says, and that the campaign debt and the great political claims of the directors were being paid by the Republican party with the money of the people through the agency of the Treasury Department.

An investigation will bring out all the facts in connection with this matter, and you dare not refuse it. We want to subpœna the officers and the directors of the National City Bank and find out from them what aid they rendered the Republican party in the last national campaign, what great political claims they have, and just what favors, by way of payment, they have received from the Republican party since the 4th day of March, 1897.

We charge that the selection and the singling out of this Standard Oil bank in Wall street for special favors by the Secretary of the Treasury in the face of what he knew and what the country now knows is the most suspicious circumstance in all the transactions between the Treasury Department and the national banks, and ought to be and must be probed to the bottom to the end that the truth shall be known and the responsibility fixed.

Mr. Speaker, it is said, and the letters in the answer submitted by the Secretary of the Treasury seem to bear it out, that the Treasury Department has been used by the Standard Oil trust to rob its rivals, depress the stock market, and force innocent men to sacrifice securities at a ruinous loss. The trust made millions by it. This should not be, and the people will never condone the offense. No gambling with the money of the people should be the watchword of the day.

The Secretary of the Treasury has been aiding and helping the National City Bank ever since he has been in office, and the bank and the men behind it, by reason of this favoritism, have made millions and millions of dollars out of the people—yes, out of the people and by the money of the taxpayers. The people of this country know something about the Standard Oil trust; no one on this floor dares to defend it; and in my judgment no agent of this gigantic monopoly should administer the affairs of the Treasury Department.

This whole matter presents a sad spectacle of public ethics and official degeneration. When all the truth comes out I predict it will be one of the gravest public scandals ever known in our history. Let me say to you that it can not be covered up and it can not be smothered. The truth will and must come out, and when it does I believe it will be graver and more scandalous than the people imagine.

I indulged the hope, Mr. Speaker, that the Committee on Rules would have the courage to report this resolution favorably and not shift responsibility to the Committee on Ways and Means. I asked and I wanted the Committee on Rules to report the resolution favorably. That is what you should have done.

I trusted the Speaker to select a committee that would do impartial justice to the Secretary of the Treasury and the people. Now that the whole matter is to be referred to the Committee on Ways and Means for its action, I desire to say that I hope the Ways and Means Committee will immediately begin the investigation or, if it does not want to make the investigation, that it will forthwith report this resolution back to the House and instruct the Speaker to select a committee of nine to immediately begin a searching and a rigid investigation of all the dealings and all the transactions of the Secretary of the Treasury with the National City Bank and the Hanover National Bank from the 4th day of March, 1897, down to the present time.

I hope there will be no more shifting, no more evasion, no more jugglery, and in that respect, sir, I serve notice on the Ways and Means Committee that any attempt on its part to ignore this investigation, or to cover it up in order to protect and shield the Secretary of the Treasury or the Administration, will not be tolerated by the people of this country. You have the matter squarely presented and must take action. Refuse the investigation, and your refusal will be confession.

The whole country is now familiar with the facts which the Secretary of the Treasury has presented and with the surrounding circumstances growing out of the same, and it believes, and will continue to believe, that the Secretary of the Treasury has been guilty of malfeasance in office, of dereliction in the faithful performance of duty, and that his conduct in office should be thoroughly investigated.

I want to say that any man who permits himself to be made the tool of the Standard Oil trust is unfit to be Secretary of the Treasury. The Secretary of the Treasury should demand this investigation if he is an honest man, in justice to himself and to his reputation. If he does not, he must not blame the people of the country if they take his refusal as an admission of guilt, and all the power of the Administration, let me tell you, will not be able to protect him or save the Republican party from the condemnation of the people.

It is all well enough for the President to say that the person who attacks the Secretary of the Treasury attacks him. But such a feeble assertion and such a flimsy excuse will deceive no one, and ought not to, and I hope will not, deter honest and fearless members of Congress from doing their duty. If the President does not want the Secretary of the Treasury attacked for his wanton violations of law, he should select a Secretary who will faithfully perform his duty and not act as the agent of the Standard Oil trust.

The President is responsible for the Secretary of the Treasury and for his conduct and his acts in office, and he can not escape responsibility.

Mr. Speaker, if what is charged against the Secretary of the Treasury is true, and he has not denied it, and no one on the other side of this House has successfully denied it, then he is unfit to hold the great office he does and should be removed.

No man should hold the purse strings of the people of this great country who permits himself and the money of the people to be used by the Standard Oil trust to manipulate the stock market and force into bankruptcy competitors who can not be otherwise absorbed. Aye, sir, more than that, the people of this country who have looked into this matter and who believe the Secretary of the Treasury has been guilty of scandalous and outrageous conduct in regard to these transactions with the Standard Oil trust, demand and will continue to demand that he not alone should resign the great office he now occupies, but that this House should order his impeachment.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield to the gentleman from Illinois [Mr. HOPKINS] five minutes.

Mr. HOPKINS. Mr. Speaker, this discussion on the part of the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from New York [Mr. SULZER] is a little premature. The resolution that has been reported here by the Committee on Rules has remitted this whole matter to the Committee on Ways and Means, with authority to investigate the alleged charges and to probe any question that may be open for investigation.

I simply rise for the purpose of protesting against the unfounded, unwarranted, and malicious charges that are made against the Secretary of the Treasury by these gentlemen. What right has the gentleman from Tennessee [Mr. RICHARDSON] to impute such false and fraudulent motives to the Secretary of the Treasury as those indulged by him this morning? Has he any evidence upon which to base these remarks? None whatever. When the Secretary of the Treasury was called upon, he presented the entire correspondence and a complete statement of his relations with the bank and the sale of this custom-house, and it is printed and before every member of the House.

Mr. RICHARDSON. Will the gentleman tell us why $50,000 of the purchase money was left unpaid?

Mr. HOPKINS. I will come to that in a moment.

Mr. RICHARDSON. I should like to have the gentleman answer that.

Mr. HOPKINS. Every item is presented here, so that he who runs may read; and yet the gentleman, for some purpose not apparent at this time, makes the charge that the Secretary of the Treasury, without any motive upon his part, has entered into a fraudulent contract with the City Bank of the City of New York for the purpose of saving it—what? Something from the Government of the United States? No; for the purpose of saving them from paying taxes to the city of New York and to the State of New York.

What evidence is there of that? I affirm, Mr. Speaker, that there is no evidence whatever. This property was sold; this bank took possession and made a lease; and I claim that the city of New York and the State of New York have the same right to proceed against the bank to pay taxes, if any are due, that they would have if a paper title had actually passed.

These gentlemen would seem to assume, from their statements, that the Government of the United States has lost something by the action of the Secretary of the Treasury. Let us look for a moment, Mr. Speaker, at the facts. Under the law the Secretary sold this property. He sold it to the highest and best bidder, and this national bank that has been denounced again and again by the gentleman from New York [Mr. SULZER] and the gentleman from Tennessee [Mr. RICHARDSON] bid $190,000 for that property more than any other bidder.

So that the Secretary, under the law, was compelled to sell this property to it; and its good faith is demonstrated by the fact that it paid more than $190,000 more than any other person was willing to pay.

Now, what is the next offense? It is that the purchase price of this property was deposited with this bank. Is there anything in law or morals that is wrong in that? This bank, as I showed to the members of the House the other day, is a Government depository, not selected by the present Secretary of the Treasury, but a Government depository selected by a Democratic Administration, selected because of its well-known financial standing; and when the present Secretary came into office, finding the prompt manner in which all of the Government affairs were conducted by it, he simply continued it as one of the depositories.

It has been decided again and again, and can not be disputed by any gentleman familiar with the law and the facts, that a deposit in that bank is the same as a deposit in the subtreasury in the city of New York. The Government of the United States is in the same position exactly, so far as this purchase price is concerned, with the money deposited in that bank as it would have been if the money had been deposited in the subtreasury in the city of New York or in the Treasury here in the city of Washington. I ask them, in the name of common decency and justice, what great wrong has been done by the gentleman who is now presiding with such ability and such patriotism, too, over that great Department of the Government?

[Here the hammer fell.]

Mr. DALZELL. I yield five minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, this resolution is pure buncombe. It is intended for political purposes. Better speeches than those that have been made by gentlemen on this occasion could be found by going back into the RECORD with reference to a former Democratic Secretary of the Treasury making deposits in national banks, and I would advise gentlemen on that side of the House to copy some of the speeches that were made in previous Congresses and repeat them verbatim et literatim. They were made for demagogic purposes then, just as they are now made on that side.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. HILL. Two propositions have been submitted by the gentleman from Tennessee.

Mr. RICHARDSON. Will the gentleman permit me to ask a question?

Mr. HILL. Certainly.

Mr. RICHARDSON. I will ask him this question. I asked the gentleman from Illinois to give us one simple reason why the Secretary of the Treasury retained $50,000, or allowed the bank to retain $50,000, out of the purchase price, and he did not answer.

Mr. HILL. I did not yield for a question to be asked the gentleman from Illinois.

Mr. RICHARDSON. Now I will ask you to answer that.

The SPEAKER. The gentleman refuses to yield, and the gentleman from Tennessee is out of order.

Mr. RICHARDSON. The gentleman stated he yielded to me for a question.

Mr. HILL. I yielded for a question to myself, and not to the gentleman from Illinois.

Mr. RICHARDSON. But I want you to answer the question.

The SPEAKER. Does the gentleman from Connecticut yield?

Mr. HILL. I do not yield for that purpose.

Mr. RICHARDSON. I asked the gentleman to yield for a question, and the Chair would not address me that way, knowing I asked leave to ask a question. I asked a question.

The SPEAKER. The gentleman said he did not yield.

Mr. RICHARDSON. The gentleman yielded to me for a question.

Mr. HILL. But not to the gentleman from Illinois.

I wish to answer the two questions propounded by the gentleman from Tennessee. First, as to why the Secretary of the Treasury sold this piece of real estate upon the terms on which he did sell it; and the reason was because Congress passed an act in February, 1899, compelling him to do it, and he had no option in the matter. That was one reason and a very essential reason for it. He called for $750,000 cash payment, and the act provided that he might receive from time to time further payments. He did not require an entire cash payment. So that the act itself, passed by the last Congress, is responsible for the mode of sale, and every bidder on that piece of real estate had the same opportunity (and

the Secretary of the Treasury could not help himself in this matter) to avail themselves of the terms of the act. So much for that. Now, the gentleman makes a second charge.

Mr. RICHARDSON. Will the gentleman yield to me for a question?

Mr. HILL. No; I do not.

The gentleman makes a specific charge that the Secretary of the Treasury did this for the purpose of holding the title in the United States and so defrauding the city of New York of the taxes due on that property. That goes to the intent of the Secretary of the Treasury, and it ill becomes the gentleman from Tennessee to charge upon the floor of this House a fraudulent intent upon the part of the Secretary of the Treasury in a matter of this kind. Furthermore, if the investigations of the gentleman from Tennessee had gone a little further he would have found that his statement was entirely unfounded, from the fact that the city of New York can lose no taxes by this transaction. I propose to show that. I ask the gentleman to yield me a little further time for the purpose.

Mr. DALZELL. I yield the gentleman three minutes more.

Mr. HILL. Taxes on national banks——

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman from Tennessee makes a point of order, and the gentlemen will suspend for a moment.

Mr. RICHARDSON. I understood the gentleman had four or five minutes, and the Chair rapped him down; so——

The SPEAKER. The Chair was under the impression that the gentleman from Connecticut had yielded the floor, whereas he was consulting his notes.

Mr. RICHARDSON. That, of course, does not come out of the gentleman's time.

Mr. HILL. Mr. Speaker, upon the question of taxes on national banks, if gentlemen will take the trouble to look at section 5219 of the Revised Statutes they will find that national banks pay tax upon their shares of stock, and it is in the power of the legislature of each State to fix the method by which this tax shall be estimated. As a rule—I am giving the rule of the State of Connecticut, and I presume it is the same in New York—the stock is estimated by the appraisers. Now, it becomes a plain proposition, when real estate is held by the bank and not used for banking purposes it is clearly required to be taxed separately, is taken out of the value of the shares, and that the assessment is so much less on the shares of the stock.

If it is in actual use for banking purposes it is included in the shares of the stock, and then such real estate itself is not taxed separately. But the law of the United States provides:

> But the legislature of each State may determine and direct the manner of taxing all the shares of national banking associations located within the State, subject only to the restrictions that the taxation shall not be at a greater rate than is assessed on other moneyed capital in the hands of individual citizens of such State.

Now, the gentleman does not for a moment assume that if he held real estate and also personal property, and the whole thing were assessed as personal property, anybody would be defrauded in that matter. The law continues:

> Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes to the same extent according to its value as other real property is taxed.

[Here the hammer fell.]

Mr. HILL. I should like a couple of minutes more to finish this statement.

Mr. DALZELL. I yield the gentleman two minutes more.

Mr. HILL. Mr. Speaker, I therefore state to the gentleman from Tennessee that the city of New York has lost nothing and can lose nothing by the condition in which this property is placed; for if it were taxed as real estate it would not be included in the capital of the bank, and the shares of the bank which are taxed would be reduced precisely in proportionate value.

I think I have answered the two questions which have been raised here. First, I state that the Secretary of the Treasury was obliged to sell this property on precisely the terms that he did; second, that the city of New York lost not a dollar in the matter of taxation. Therefore, the disreputable charge of the gentleman that the Secretary of the Treasury did this thing with fraudulent intent falls to the ground from the very nature of the case. [Applause.]

Mr. DALZELL. Mr. Speaker, how much time is there remaining on each side?

The SPEAKER. Ten minutes have been used on the right and twelve minutes on the left.

Mr. DALZELL. I then yield two minutes to the gentleman from Tennessee [Mr. RICHARDSON] to make the division even.

Mr. RICHARDSON. Mr. Speaker, I recur to the question which I propounded to the gentleman from Illinois [Mr. HOPKINS], and which I propounded also to the able and astute gentleman from Connecticut. Neither of these gentlemen has vouchsafed any answer to my question. What I asked and what I now repeat is, Why is it that the Secretary of the Treasury did not take a paper credit upon the books of the bank for the additional $50,000 and pass title to the bank?

Why did he not do it? It would have been just as easy to have taken a credit for $3,265,000 as for $3,215,000; no money was being paid. But he did not do it, and as a matter of fact I insist that it was left open to affect the question of taxation. The letters from the bank officers to the Secretary and from him to them show this was the object. Property owned by the Government of the United States, where the Government has the legal title, can not be taxed by the State or city of New York, as I am informed. The National City Bank of New York is refusing to pay taxes claimed by the city and State of New York on this custom-house property by reason of the fact that the legal title is in the Government of the United States. Why was it kept there? That is what I ask. Why was not the $50,000 additional credit taken?

Mr. Speaker, national banks, as is known by all lawyers, have no right under the national-bank law to take title to real estate for renting or speculative purposes. They only have the right to take it in the course of the collection of debts or for their own banking facility.

This bank has, by the statement of the Secretary of the Treasury, purchased real estate worth $3,500,000. While its capital stock is only $7,000,000, it has put into real estate one-half of that capital stock. Mr. Speaker, is that legitimate? I say it is not.

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, it must be very obvious to the House that the question which has been discussed during the last few minutes is not the question before the House at all. A resolution was sent to the Committee on Rules calling for the appointment of a special committee to investigate certain charges made against the Secretary of the Treasury. Those charges have already been replied to by the Secretary of the Treasury, and his reply has been sent to the Committee on Ways and Means. It is perfectly patent, therefore, that the proper instrument of this House to make the investigation, if an investigation is to be made, is the Committee on Ways and Means; and the only question is whether or not the report of the Committee on Rules sending this matter to the Committee on Ways and Means ought to be adopted.

But our friends on the other side of the House seize this as a pretext to renew a charge made against the Secretary of the Treasury that has been answered over and over again, and by nobody better answered than by some of the most prominent Democrats in this House and in the country. These charges that gentlemen repeat here to-day have been, as I say, replied to fully. For instance, the gentleman from Connecticut [Mr. HILL] who has just yielded the floor has shown most conclusively that under the law no change will be made in the taxation of this property by reason of this transaction.

So far as the last charge made by the gentleman from Tennessee is concerned, that this national bank is buying property that it has no right to buy, I will say that the purchase of this property was authorized by the act that authorized the Secretary of the Treasury to make the sale.

Now, Mr. Speaker, I demand the previous question.

Mr. SULZER. Mr. Speaker, I should like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. In order to save time, I would like to know whether it is now in order to move, as an amendment or otherwise, that the House now adopt this resolution for an investigation without referring it to the Committee on Ways and Means?

The SPEAKER. It would not be in order.

The question being taken, the report of the Committee on Rules was adopted.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

MILITARY HOSPITAL, FORT LEAVENWORTH, KANS.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 6) authorizing the Secretary of the Treasury to use $100,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans.

The SPEAKER. The joint resolution will be read, subject to the right of objection.

The joint resolution was read, as follows:

> Whereas the appropriation for the construction and repair of hospitals in the act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, was increased $100,000 over the original estimate for the purpose of using that amount, or so much thereof as might be necessary, for the erection of a modern hospital at Fort Leavenworth, Kans.; and
>
> Whereas no specific reference to the place was made in said act: Therefore be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and empowered to use the sum of $100,000 out of the amount appropriated for the construction and repair of hospitals mentioned

in said act, or so much thereof as may be necessary, for the construction of a modern military post hospital at the said Fort Leavenworth, Kans.

Amend the title so as to read: "Joint resolution authorizing the Secretary of War to use $100,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans."

The Committee on Military Affairs recommend the adoption of the following amendment:

In line 1, after the words "Secretary of," strike out the words "the Treasury" and insert the word "War."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LIVINGSTON. Before unanimous consent is granted, I would like to ask the gentleman from Kansas what is the necessity for this unusual proceeding in the way of an appropriation?

Mr. CURTIS. The matter, Mr. Speaker, was fully explained to the House on Saturday last. It was then stated that a hearing was had before the Committee on Military Affairs, and the estimate was increased by the sum of $100,000 in order that the money might be used for that purpose. It was then distinctly understood that so much as might be necessary was to be expended to build a hospital at Fort Leavenworth. The money was set aside at the Department, but upon an investigation it was found that without the location being specifically named in the bill the law limited the Department to the expenditure of $20,000 for this purpose.

The matter was referred to the Committee on Military Affairs, and they had a full and thorough hearing, and increased the appropriation originally made $100,000 more for this purpose. But under the law, as I have stated, they found that they were limited to the expenditure of $20,000 under the circumstances.

The Surgeon-General asked for the introduction of this resolution, and asked the use of $100,000 for the purpose contemplated here. The matter is set out fully and thoroughly in the report, and it shows without question that this appropriation should be used for the purpose contemplated.

Mr. LIVINGSTON. You provided an appropriation of $100,000 originally and found that you could only appropriate $20,000 under the law?

Mr. CURTIS. That is correct.

Mr. LIVINGSTON. Then this is simply to correct a serious mistake of the Military Committee in appropriating money they had no authority to appropriate?

Mr. CURTIS. It is not a mistake, Mr. Speaker. It was simply an oversight of the Department. It was found after the authorization was given that they were limited to $20,000.

Mr. LIVINGSTON. Well, I said it was a mistake. An oversight is a mistake at times, is it not?

Mr. CURTIS. That may be.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. The question will be first taken on the amendments recommended by the committee.

The amendments were agreed to.

Mr. MOODY of Massachusetts. Mr. Speaker, I move to amend by striking out the words "one hundred thousand dollars" in the resolution and inserting in lieu thereof the words "sixty thousand dollars."

In this connection I wish to call the attention of the House to the letter from the Surgeon-General, which is made a part of the report of the Committee on Military Affairs in connection with the bill. This letter bears date November 27, 1899, and after referring to the appropriation for the construction and the repair of hospitals, goes on to say:

In my opinion the amount mentioned will not be necessary, and it is probable that an entirely satisfactory post hospital of 50 beds can be erected for $60,000.

I think the gentleman from Kansas will agree with me that the appropriation should be reduced to $60,000.

Mr. CURTIS. I would rather it would be made $75,000, because I doubt very much whether they can build a 50-bed hospital for $60,000; but I will consent to $60,000 rather than have any controversy about it.

Mr. MOODY of Massachusetts. Then I understand the amendment is agreed to, so far as it can be by the gentleman from Kansas [Mr. CURTIS]. Now, I want to say one word more upon the subject, not for the purpose of entering into any controversy, but simply for the purpose of challenging the action of the Committee on Military Affairs upon this subject-matter.

It is perfectly clear, Mr. Speaker, that the jurisdiction to consider this proposition was with the Committee on Appropriations. It is a jurisdiction which that committee has exercised since the fiscal year 1879, without challenge, and with little, if any, objection or exception. I do not expect the Chair to rule upon this question, and I do not want to precipitate it into the debate to the detriment of this bill, which I think ought to pass at this time; but I do not wish this action to proceed without challenge. Whenever it may be quoted, it ought to be quoted with the understanding that the Committee on Appropriations questions the jurisdiction of the Committee on Military Affairs to deal with this subject-matter. I do not expect that the gentleman from Iowa [Mr. HULL] will agree to that, and I do not want to precipitate an extended debate. I simply want it put upon record that we protest.

Mr. HULL. Mr. Speaker, a very brief review of the way in which this appropriation came in. Before the appropriation bills were distributed among the different committees of the House the appropriation for hospitals and hospital supplies was always carried in the Army bill. It has been carried in the Army bill ever since the distribution among the different committees of the House.

For the appropriation for the fiscal year ending June 30, 1901, in the hearings before the committee, the Surgeon-General stated that $100,000 would be profitably used in the construction of a new hospital urgently needed at Fort Leavenworth. We have never adopted the rule of apportioning this sum, no matter what it might be, to the different hospitals, believing that the Department could better apportion it than could the committee.

We appropriate a lump sum. In figuring for this fiscal year we took the amount the Surgeon-General stated was necessary, including $100,000 for the hospital at Fort Leavenworth, and at his request did not state that so much of it should be used at Fort Leavenworth, on his statement that he wanted the increased amount for the purpose of building a hospital there. In the case of Hot Springs, Ark., we specifically provided that $25,000 should be used at that place. We have had jurisdiction of this question from the beginning.

The Surgeon-General himself and the committee had overlooked a law of a great many years' standing, that unless specifically provided in the apportionment of the sum to hospitals not more than $20,000 could be apportioned to any one hospital, and this resolution is simply to cure the defect in the Army bill of this fiscal year. If we had inserted in it a provision that $100,000 shall be used for the hospital at Fort Leavenworth, it would have cured it. The resolution simply does that. As to the question of jurisdiction, Mr. Speaker, we can meet that when it comes up; but I certainly protest against the protest of the gentleman from Massachusetts [Mr. MOODY].

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. MOODY].

The amendment was agreed to.

Mr. McRAE. I desire to offer, at the end of line 7, the following amendment:

And the limit of cost of said hospital is fixed at said sum.

We ought to know what the cost of this article is to be, and it is customary in public-building bills to fix the limit of cost. That is not done by this bill, so I propose to add it at the end of this line.

Mr. CURTIS. I hope the gentleman will not offer that.

The SPEAKER. The Clerk will report the amendment before it is discussed, so that the House will understand it.

The Clerk read as follows:

At the end of line 7, on page 2, insert "and the limit of cost of said hospital is fixed at said sum."

The amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CURTIS. The title should be amended, Mr. Speaker.

Mr. McRAE. I suggest to the gentleman from Kansas that the preamble should be stricken out.

Mr. CURTIS. That has been done, as I understand it, by the adoption of the committee amendments.

Mr. McRAE. It is not indicated in the print which I have.

The SPEAKER. The preamble is still retained in the resolution.

Mr. McRAE. I move to amend by striking it out.

Mr. CURTIS. I ask that the title be amended and that the preamble be stricken out.

The SPEAKER. The gentleman from Kansas moves that the preamble be stricken from the bill. Is there objection?

There was no objection.

The SPEAKER. The Chair will call attention to the fact that as the sum in the bill has been changed there should be a change in the title to correspond with that. Without objection, there will be a change to correspond with the amendments which have been agreed to.

There was no objection.

On motion of Mr. CURTIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WADSWORTH. Regular order, Mr. Speaker.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The SPEAKER. Does the gentleman from New York call for the regular order?

Mr. WADSWORTH. I do.

Mr. WEAVER. This is only a resolution authorizing the committee to sit during the sessions of the House.

Mr. WADSWORTH. I withdraw the demand for the regular order at the present.

The SPEAKER. The gentleman from New York withdraws the demand for the regular order, and the Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Committee on Elections No. 2, be permitted to sit during sessions of the House.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

The SPEAKER. The gentleman from New York demands the regular order, which is the call of committees. The Clerk will report the first committee.

LICENSES OF MASTERS, ENGINEERS, AND PILOTS.

Mr. SMALL (when the Committee on the Merchant Marine and Fisheries was called). Mr. Speaker, I ask for consideration of the bill (H. R. 1040) to amend section 4445 of Title LII of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels.

The bill was read, as follows:

Be it enacted, etc., That section 4445 of Title LII of the Revised Statutes be, and is hereby, amended by adding thereto the following paragraphs:

"Every applicant for license as either master, mate, pilot, or engineer under the provisions of this title shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

"Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be deemed guilty of perjury.

"Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this title shall, for every such offense, upon conviction, be punished by a fine of not more than $500 and by imprisonment at hard labor for a term not exceeding three years."

SEC. 2. That this act shall take effect immediately.

Mr. SMALL. Mr. Speaker, this bill comes with a unanimous report from the Committee on Merchant Marine and Fisheries. The object of this bill, as appears from the reading of it, is twofold. The first two paragraphs of the bill are intended to remedy an existing evil. At present applicants for licenses as master, mate, engineer, or pilot are required to make application in writing to the inspectors of vessels of the district to which they belong; and for the information of the House I will read from an application for license, so that the House may see the importance of the same with reference to the license which is to be granted. The applicant is required to state the place of his birth, whether naturalized, his place of residence, and also to—

submit the following statement of my experience and testimonials of character and qualifications. * * *

And I further say that I have not made application to the inspectors of any other district and been rejected within twelve months before the date of this application.

The form requires it to be sworn to, but there is no existing provision of law which requires the oath. This bill makes it necessary and makes it perjury if a false oath be taken. There have been numerous instances in United States courts where engineers, pilots, and masters have been under indictment for making false statements in this application; but by reason of the fact that there was no law requiring such an oath to be taken, the indictment for making a false statement has failed. A report from the Attorney-General, embodied in the report of the committee, goes into the matter fully and shows that there is no existing law for this oath; and therefore it is not a violation of law to make a false oath in the applications which are required to be made.

The next provision of the bill is intended to remedy another evil. It has frequently been the case, where masters, engineers, and pilots make an application for these licenses and have had them granted, that they, by interpolation, erasure, and otherwise, changed the license and thus perpetrated a fraud upon the steamboat service. There is no existing provision of law punishing this for forgery, so that the remaining provision of the bill provides that such "addition, interpolation, or erasure of any kind" shall be punished by a fine of not more than $500 and by imprisonment at hard labor for a term not exceeding three years.

It was suggested a few days ago by the gentleman from Kentucky [Mr. WHEELER], when it was attempted to call this bill up by unanimous consent, that the punishment imposed for this offense was unusual and severe. I want to call the attention of the House to the fact that this is a minimum punishment for forgery in comparison with the penalty for forgeries of different kinds as provided in the Revised Statutes, as I have ascertained by an examination of the statutes, which I can demonstrate if any gentleman desires further information. This it a meritorious bill in every respect. It is intended to improve the service. It is intended to render more secure human life; and there is no section of the country, no matter how remote it is from the waterways, that is not interested in this bill. In addition to having the unanimous report of the committee, it is recommended by the organizations of the masters, pilots, and engineers throughout the country.

Mr. BERRY. I would like to ask the gentleman if the law does not provide now for the examination of every man who is an applicant for pilot as to his qualifications, and has not he to go before a board for examination as to color blindness and everything of that kind? Why there is necessity for any additional requirements I do not understand.

Mr. SMALL. I will state, in reply to the inquiry of the gentleman from Kentucky, that I understand the examination to which he has referred, but such examination does not cover the objects of this bill, because in the consideration of the applicant's written application he is required to give a statement of his experience and testimonials of character and qualification, which necessarily to a large extent governs the granting of his application.

Mr. BERRY. I understand that masters, pilots, and engineers of all steam vessels have a license from the inspector. I know that is true.

Mr. SMALL. In the application vital information is called for of which the applicant has exclusive knowledge, and which relates to the past life and personal record of the applicant, a knowledge of which is absolutely essential in determining his fitness for such a responsible position. Now, that is a matter of which the inspectors are necessarily ignorant, and which necessarily must enter as an important factor in arriving at the conclusion as to whether the man should have his license. The man may be an entire stranger to them, and as a usual thing the examination, which is ordinarily oral, is only for the purpose of ascertaining the mental qualifications and knowledge of the applicant. An engineer, for instance, may be mentally a bright man and yet make a very unsafe engineer, because he may lack character and experience.

Mr. BERRY. I understand that the applications have to be in writing?

Mr. SMALL. They are written and sworn to.

Mr. BERRY. But are they not written and are they not examined by members of this board, except as to color, where they have to use skeins of yarn for the purpose of ascertaining whether they are color blind or not?

Mr. SMALL. The applications are in writing; but there is no provision of law by which they must be sworn to, no provision of law which makes a false oath perjury.

Mr. BERRY. I should like to know why it is any more necessary for a man to swear to his answers upon examinations such as these than for a man to swear to his answers upon a civil-service examination.

Mr. SMALL. The difference is that these are engineers and pilots. They control the passenger and freight steamers and have under their control property and human life. It is necessary that they should be men of character and experience. Mere mental qualifications are not all that is required in order that they should discharge the important and responsible duties devolving upon them.

Mr. BERRY. I have seen many of these examinations in which the parties are required to give the tensile strength of iron and what amount of pressure there would be with a certain amount of steam and other practical questions. Then, again, those being examined as pilots are asked questions about the river and its obstructions; or, if the question be ocean navigation, they are asked corresponding questions in regard to that subject. But why men should swear to their answers under such circumstances I do not understand.

Mr. SMALL. I yield to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER of Kentucky. Mr. Speaker, I am not opposed to the object sought to be attained by this bill. With some modifications the measure ought to become a law. I have in my district several very large rivers, and a great number of crafts ply those rivers. I am somewhat familiar with the character of the individuals who are masters, mates, pilots, and engineers on board those crafts. The objection that I made to this measure a few days since was that the punishment provided was too severe. I desire now to give the House a brief account of this matter for the benefit of those who have no navigable waters in their district and who may know nothing of the character of the citizens who will be affected by this measure.

On the inland waters of the United States we have crafts corresponding, it may be said, with the traffic vehicles in our great cities. The difference between a great number of our smaller crafts as compared with the great steamboats plying those rivers is about as marked as the difference between the ordinary traffic vehicle of a city and our great street-car lines. If this bill be modified so as to make it apply only to those steamers that make it a business to carry passengers, I would have no objection. But, sir,

take the Ohio or the Mississippi River. There may be some man who has earned his living on the river managing a skiff, or running a ferry, or something of that sort, who, having got together five or six hundred dollars, buys a little scow-bottomed tug or some similar craft. He proposes to ply that little steamer perhaps over a course of 40 or 50 miles up and down the river. He is familiar with the channel. It requires no very great knowledge of seamanship to manage such craft.

That man, we will suppose, applies for a license as master, mate, pilot, and engineer, all in one. The very great probability is that he is an ignorant man, has had no experience generally in river matters. He makes his application before the inspectors. Gentlemen will understand that the country is divided into inspection districts, one inspection district embracing perhaps Tennessee, Kentucky, Illinois, and Indiana. The board of inspectors, we will suppose, sits at Cincinnati, and the applicant may have to go two or three hundred miles away from home to make his application. Now, this man owning a very small craft will make application before these inspectors for a license to authorize him to manage his own craft. Perhaps he does not carry five passengers in twelve months. The range of his navigation is not over 50 miles.

Now, for a misstatement which he may make as to his experience on the river this bill proposes a maximum fine of $500 and imprisonment for three years in the penitentiary. I think these penalties are too severe. Certainly a man should be punished for making a false statement; and if this provision applied only to steamers carrying hundreds of passengers I would be in favor of it. But to send to the penitentiary every man who may make a false statement in his application for license to navigate one of these small crafts would be, in my opinion, a very great hardship. Now, I ask the gentleman from North Carolina [Mr. SMALL] whether he will not consent to an amendment to the effect that the provisions of this bill shall apply only to steamers of more than 150 tons burden. If he will consent to such a modification, or will consent to modify the penalties as I have suggested, I will withdraw all opposition to the measure.

Mr. SMALL. I will not consent to such an amendment.

Mr. WHEELER of Kentucky. Will you consent to an amendment making the provisions of the bill applicable only to steamers of over 150 tons burden?

Mr. SMALL. We can not.

Mr. WHEELER of Kentucky. Then, Mr. Speaker, I think it would be a great injustice upon many citizens of this country to pass such a bill as this. There is no doubt in the world that many of these little steamers that perhaps would carry, as I say, 20 or 50 passengers in a year—whose master, pilot, and mate are all one man—to subject them to the penalties and fines, and so forth, in this bill, would be an injustice. If it applied solely to passenger steamers nobody would object; but, for instance, we will take this case: Any man living in a river district knows the character of individual who generally acts as mate on board one of these steamers. His entire duty consists in managing a lot of negroes. He is not required to know anything about navigation, he has nothing to do with the management of the craft, except in the event that the captain, all of the clerks, and the pilot are disabled. Yet this man, generally a man of the densest ignorance, whose only requisite is that he possesses bulldog courage and great tenacity, is subject to the operation of this measure. You propose to send him to the penitentiary for three years and fine him $500.

Mr. SMALL. I yield to the gentleman from Ohio [Mr. GROSVENOR] such time as he desires.

Mr. WHEELER of Kentucky. Mr. Speaker, a parliamentary inquiry. I was recognized only for the purpose of debating this measure. Would it be proper at this time to offer an amendment to the bill?

The SPEAKER. Not when the gentleman was yielded to solely for the purpose of debate. The gentleman from North Carolina [Mr. SMALL] controls the floor.

Mr. GROSVENOR. I think if the gentleman from Kentucky [Mr. WHEELER] will give me a little attention he will not desire to make either one of the amendments that he has proposed.

Now, in the first place, if this was a proposition to consign every man who violates this law to imprisonment for three years or to be fined $500, there would be great force in the argument of the gentleman from Kentucky [Mr. WHEELER]. But the provision of the bill commits the whole question of the penalty to the judgment of the court. An offender is not to be imprisoned longer than three years. There is no minimum time. The judge might sentence him to twenty-four hours' imprisonment, and the same is true of the fine.

Shall be fined not more than $500.

Mr. WHEELER of Kentucky. Will the gentleman yield?

Mr. GROSVENOR. Certainly.

Mr. WHEELER of Kentucky. The gentleman represents a river district, does he not?

Mr. GROSVENOR. I do.

Mr. WHEELER of Kentucky. I should like to ask the gentleman if he does not know the character of individuals who generally act as mates?

Mr. GROSVENOR. I will come to that.

Mr. WHEELER of Kentucky. Does the gentleman think it to be best to brand a man of that kind as a felon and send him to the penitentiary for even two hours for making a misstatement connected with his avocation?

Mr. GROSVENOR. I will cheerfully give my views to the House. The next point made by the gentleman is that there are certain small craft in the rivers, conspicuously in the rivers that I represent in part, and which the gentleman from Kentucky [Mr. WHEELER] more fully represents, where the master, the mate, the pilot, and the engineer, perhaps, are all in one person. They carry, perhaps, only a few passengers during the year. They do carry their crew, whatever that may be, small or large; but the difficulty is this, if one of those men can procure a license, then he is liable to make his appearance on one of the great steamers of the river.

Mr. WHEELER of Kentucky. Will the gentleman yield?

Mr. GROSVENOR. Yes.

Mr. WHEELER of Kentucky. I beg leave to differ with the gentleman on that. The character of license, the amount of steam, the number of passengers that are proposed to be carried, and all that, are regulated in the license issued to the man.

Mr. GROSVENOR. That is all true enough, but the difficulty lies in the fact that the gentleman from Kentucky [Mr. WHEELER] does not, I imagine, appreciate the purpose of this bill.

It came to the knowledge of the committee, from the Treasury Department, that these masters, mates, pilots, and engineers will file written statements of the employment that they have had, stating that they had been employed under the auspices of some of the great navigation companies, speaking of the ships on which they had been employed, stating the length of time they have served in the various branches; and when the matter has been investigated, it has been found repeatedly that many of these men have never had any license for any such purpose, have never served in any such capacity; and then when the Treasury Department begin to look around they discover that there is no law to give any relief whatever except to revoke the license of the person so guilty of fraud.

It is not a little thing for a pilot to make a written statement that he knows how to steer a steamship across the Atlantic Ocean or a steamboat down the Ohio River, and then, when he has wrecked her upon a rock or run her into a bank on a dark night, that it shall be determined that the representation upon which he secured his license was absolutely false.

Mr. WHEELER of Kentucky. Will the gentleman yield there?

Mr. GROSVENOR. Yes.

Mr. WHEELER of Kentucky. Will not the gentleman agree with me in this statement, that there is no pilot on the Ohio River who ever runs a craft a greater distance than 100 or 150 miles where the craft does not exceed 150 tons burden?

Mr. GROSVENOR. That is quite likely, but does the gentleman propose to do anything to endanger human life by a refusal to compel a statement from the applicant which shall be under oath?

Mr. WHEELER of Kentucky. I am for the bill. I want the measure to become a law, if the gentleman will pardon me, but I want to see it amended.

Mr. GROSVENOR. What possible objection is there, then, to treating a man's statement as perjury if he makes misstatements under oath?

Mr. WHEELER of Kentucky. If the gentleman will pardon me, he represents a river district, and he knows that there are innumerable craft that carry practically no passengers plying up and down the river, and he is going to leave it in the power of the court to inflict the maximum penalty in cases of that kind. I know the gentleman has practiced before the Federal courts enough to know that they generally impose pretty heavy penalties, and here is a proposition which will allow the imposing of a maximum penalty on men who stand in about the same position to the great lines of common carriers that the hack drivers do in cities. I want to exempt them and let the bill reach the big fellows.

Mr. GROSVENOR. I am not willing to exempt them. I think when Congress comes to legislate for the purpose of protecting passengers upon an ocean steamship, or upon a palatial steamship on the Ohio River, that Congress is just as much bound to legislate to protect the humblest member of the crew on a little vessel as to protect anybody else.

And I can see no reason why the applicant, in the case of a small vessel, should not give his statement under oath, the same as anybody else. I ask the gentleman from Kentucky [Mr. WHEELER] to meet this proposition: Why require a license, why require an inspection, why require an examination at all if it has

not been the policy of the law to treat all the engines and boilers and hulls upon an equality of right? It is not necessary for the navigator of one of these small vessels to state in his application that he is capable of steering his boat through the intricacies of the Mississippi River or the Missouri River, but it is necessary for him to tell the truth, and that is all we ask in this bill.

We do not add anything to his burden. We do not say the men upon these little crafts must do something which they never had to do before. They have always had to make this application. We simply say to them, "When you make your application you must tell the truth, and if you do not tell the truth you shall be punished for it." Now, so far as the penalty is concerned, I certainly think that to sentence a man to prison for three years for perjury may or may not be a hardship. I do not know that because a man swears to a lie about a little steamship he is guilty of any less moral turpitude than though it was a magnificent ocean liner.

I think it is all the same. The whole thing is left to the discretion of the court. He may fine; he may imprison. I would be entirely willing to consent, as an individual member of this committee, to one modification or amendment, inserting the word "or" where the word "and" occurs in the penalty clause. That would give to the judge of the court the power to inflict a mere nominal fine, if, in his judgment, the defendant had only nominally and perhaps unintentionally violated the law.

Mr. WHEELER of Kentucky. I think that would be a good amendment.

Mr. GROSVENOR. I would be entirely willing to do that. In other respects I think the bill ought to be passed as it is. I will say that this bill excludes nobody from the service who is competent to go into the service, and all that it demands is that those who shall obtain licenses of this character shall tell the truth.

Mr. WHEELER of Kentucky. Is the gentleman a member of the committee?

Mr. GROSVENOR. I am.

Mr. WHEELER of Kentucky. Was there anything like a demand from the river interests of the United States for a measure of this sort?

Mr. GROSVENOR. There was a strong representation from the Masters, Pilots, and Engineers' Association, and the gentleman from North Carolina, representing a different section of the country, presents also a strong request from there. The gentleman from Wisconsin, too, has knowledge of the matter.

Mr. MINOR. Will the gentleman yield to me for just a moment?

Mr. GROSVENOR. Certainly.

Mr. MINOR. I will say to the gentleman from Kentucky that the president of the Marine Engineers' Association of the United States prepared this bill by direction of the executive officers of that organization, and came before the committee representing the members of the organization in behalf of this bill. I want to say to him that it is indorsed by the licensed masters of this country, and I believe, Mr. Speaker, that if the gentleman would make inquiry in his own district, upon the rivers to which he refers, he would find that the very men that he seeks to protect are in favor of this bill, because I believe they are members of these organizations.

Mr. WHEELER of Kentucky. I do not want to take up any more time of the gentleman.

Mr. MINOR. And I do not want to inject a speech in his [Mr. GROSVENOR's] time.

Mr. GROSVENOR. I yield the gentleman time.

Mr. MINOR. I want to say to the gentleman that I myself hold a license as master of steam vessels, with many years' experience. I am also an honorary member of the Marine Engineers' Association of the United States; and I want to say that these two organizations come here and unanimously demand the elevation of that service by preventing fraud in procuring licenses. Listen for a moment to what the Supervising Inspector-General, James A. Dumont, says:

> I have the honor to report thereon that the object of the bill is to provide a legal means of preventing fraud in obtaining licenses by persons applying for license as steamboat officers, and for punishing officers who, after receiving licenses, fraudulently and by forgery increase, by interlineation or otherwise, the conditions originally stated on the face of such licenses.

I want to say to the gentleman from Kentucky, if he represents river men in his State that have been guilty of changing the face of the licenses there by raising them, authorizing them to navigate or operate machinery for larger ships, that it is just as much a crime and just as much an offense as if it were on the Atlantic Ocean or Lake Michigan. A lie well told and well sworn to on board a craft of 50 or 100 tons is just as serious and just as offensive as one sworn to on a craft that carries a thousand tons.

I know something about these river craft that he speaks about. A man possesses a little craft and is the engineer, master, and pilot himself. Every Sunday, unless it is an exception down in the gentleman's moral district, they are probably run on excursions up and down the river by men who have no business to have this license; and if they are run by men who have interlined this license and changed the original conditions, they ought to be punished as the bill provides; and I think that with the amendment offered by the gentleman from Ohio, to substitute the word "or" for the word "and," the bill ought to pass.

Mr. WHEELER of Kentucky. Will the gentleman allow me to ask him one question?

The SPEAKER. The gentleman from Ohio has the floor.

Mr. GROSVENOR. I yield to the gentleman to ask a question.

Mr. WHEELER of Kentucky. Do I understand the gentleman to say that the Pilots' Association had adopted this bill?

Mr. MINOR. The Pilots' Association, so far as I know, yes; and, so far as my personal knowledge goes, all these marine associations have adopted it for the purpose of rooting out these fraudulent parties.

Mr. GROSVENOR. I want to call the attention of the gentleman from Kentucky to the fact that the second section of the bill is legislation against the crime of forgery. Now, I assume that the gentleman will admit that because the vessel is a small one it is no less a crime to commit forgery to obtain a license to operate that vessel than it would be if it were a large vessel. Now, surely the gentleman will not attempt to palliate the crime of forgery because the pilot is trying to forge his way from one small vessel to perhaps one of larger dimensions.

Mr. WHEELER of Kentucky. No; I think that provision ought to stand.

Mr. GROSVENOR. Now, the penalty on the other branch is simply the penalty of perjury.

Mr. WHEELER of Kentucky. I hope I may have some time on this question.

Mr. BERRY. Is there not law enough now to punish a man who changes or interlines his license?

Mr. GROSVENOR. I should have thought so if the Attorney-General of the United States had not said to the contrary.

Mr. BERRY. I observe the statement of the Attorney-General; but does not the gentleman from Ohio, as a lawyer, believe that if a man takes a license issued by the United States and interlines it in order to give himself a higher grade of license than was really granted him, he is guilty of forgery?

Mr. GROSVENOR. I am willing that the gentleman shall put his opinion as a lawyer here against that of the Attorney-General.

Mr. BERRY. I am asking the gentleman the question. He is a distinguished lawyer, one of the best in Ohio. I supposed he could give me that information.

Mr. GROSVENOR. I should have thought that a license is a public record, and that an alteration of it would be forgery. But it having been decided, apparently by very high authority, that there is no law to punish such an offense, certainly the legislative department ought to meet the case by making the law explicit, as we had supposed it to be before this decision was made.

Mr. BERRY. I do not know, but I think there are some gentlemen in this House who are just as good lawyers as many gentlemen who have acted as Attorney-General.

Mr. GROSVENOR. At any rate, it having gone forth to the business interests of the country that there is no law to punish that sort of a change of record, I should not hesitate to make the law specific by the passage of an act of Congress.

Mr. MINOR. Mr. Speaker, in some cases which have come before the courts it has been found that the local steamboat inspectors have never been invested with authority to administer oaths except in cases of investigation.

Mr. BERRY. I take it that when a man presents himself for license under the laws of the United States he is subjected to a very rigid and thorough examination. Now, why should such a man, any more than a person applying for any other position, be held responsible in the future? Ought not the Government of the United States to satisfy itself by proper examination that the person is suitable for the position?

Mr. GROSVENOR. The gentleman from Kentucky will allow me to say that the statement here in question is a representation as to the person's experience, where he has been employed, what he has been doing, etc. That statement the law ought to require to be verified by oath.

Mr. BERRY. A man applying for a position as engineer is asked certain questions, such as, Supposing the boiler space so much and there is so much space at the valve and the steam is brought to bear upon the engine, how much will be the pressure per square inch? Questions of that difficult and intricate nature are propounded.

Mr. GROSVENOR. Why, we have had this same provision for I do not know how many years, and the only difficulty now is that there is no penalty for a false statement. A man is now required by law to make that statement.

Mr. WHEELER of Kentucky. Is it not the law to-day—has it not always been the law—that where a man makes a false statement in his application for increased grade as pilot, master, or

engineer, the board may not only refuse the application for an increase of grade, but may cancel the license he already holds?

Mr. GROSVENOR. That is the only remedy.

Mr. WHEELER of Kentucky. Does the gentleman want anything severer?

Mr. GROSVENOR. Yes, sir; I want something a good deal more severe. If a pilot makes a false statement that he is familiar with the Ohio River and afterwards, in consequence of his unfamiliarity, steers his boat upon the head of the falls and a number of passengers are drowned, I want him sent to the penitentiary for having falsely stated that he had had experience upon those waters.

Mr. PAYNE. Allow me to state that the gentleman from Kentucky [Mr. BERRY] helped to frame the original law some two or three years ago requiring these statements to be made.

Mr. BERRY. I recollect that the bill was considered by our committee, but I never agreed to the proposition that a man should be put under oath upon every matter as to which the Government may examine him.

The gentleman from Ohio says that an incompetent pilot may run his boat upon the falls. Now, one of the very questions they would ask a man under such circumstances would be, What direction would you take at that particular point; what lights would you follow? and so forth; and unless those questions were answered satisfactorily he would not get his license.

Mr. PAYNE. The law already requires this statement to be made. This bill simply proposes to add the provision that it shall be made in the form of an oath and subject to the penalties of perjury.

Mr. WHEELER of Kentucky. The gentleman from Ohio will understand that granting a man a license does not guarantee him employment at all.

Mr. GROSVENOR. Of course not.

Mr. WHEELER of Kentucky. As a matter of fact, all those employed as the working force of a vessel are generally known to the inspectors. As I have said, the mere fact that a man is licensed by the inspector does not insure his getting employment.

Mr. GROSVENOR. Why should he be licensed at all? Why not let everyone in?

Mr. WHEELER of Kentucky. I am coming to that point.

I would license him, simply because the Government, in its efforts to protect human life, has sought to obtain the highest skill possible in the management of a boat; but when the Government has exhausted its efforts to procure the skill, then the energy of the individual citizen comes in, and the owner of the craft exercises his right of selection from the vast number of pilots, masters, and engineers whom it is possible to employ, and the revocation of the license by the Government inspector and the deprivation of the opportunities to make a living, it occurs to me, is a sufficient punishment to any man for misrepresentation of the facts, especially these little fellows.

Mr. GROSVENOR. The gentleman and I differ about "these little fellows." I believe perjury to be perjury. I believe forgery to be forgery.

Mr. WHEELER of Kentucky. I do not propose to defend perjury.

Mr. GROSVENOR. The defense that was once made in another case, as to the size of the offspring, I think has great force here.

Mr. WHEELER of Kentucky. I am willing to differ with the gentleman even there, because I think that perjury upon the part of the gentleman from Ohio or myself would be a graver and more heinous offense than perjury on the part of a very ignorant man, unacquainted with the ordinary rules of legal procedure.

Mr. GROSVENOR. I say that, too; and I think if either one of us committed perjury, we ought to be sent to the penitentiary for three years and be fined $500. I can imagine a man who might commit perjury whom, if I were the judge on the bench, I would fine a dollar and tell him not to do it again.

Mr. WHEELER of Kentucky. All the Federal judges are not so charitable as the gentleman from Ohio.

Mr. GROSVENOR. I do not know. I think the Federal judges are very good judges on that very question. Not very long ago in the case of a young man who had committed a depredation upon the Post-Office Department, who was shown to have been of previous good character and to belong to a good family, who had never done anything of the kind before, it was a great satisfaction to me that a Federal judge gave him a mere nominal punishment, and I think saved him from the ultimate category of the criminal.

Mr. BERRY. Would the gentleman object to this bill lying over for a day or two until I can confer with gentlemen who live along the Ohio River?

Mr. GROSVENOR. We will never get to it again, probably, if that is done. We had better pass it now. Now, Mr. Speaker, I yield back the time to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, as a matter of information to the House and for the purpose of answering an inquiry, I will state that section 4445 of the Revised Statutes, which this bill seeks to amend, reads as follows:

> Every master, chief mate, engineer, and pilot who receives a license shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

That is the extent of the section which is sought to be amended, and the oath which has been administered by inspectors to applicants for license has been simply a matter of regulation of the board of inspectors, and not a requirement of law, and this section seeks to make this provision mandatory, to recognize it by law. I take it that that information will answer several objections which have been made to this bill.

I now yield five minutes to the gentleman from Wisconsin [Mr. MINOR] if he desires to be heard further.

Mr. MINOR. Mr. Speaker, I do not think I have anything further to say. It seems to me that this matter is too plain to need any further argument. The gentleman from Kentucky [Mr. WHEELER] proposes to except from the provisions of this bill craft of 150 tons burden. I want to say to the gentleman that there are millions and millions of dollars invested in tug property on the Great Lakes, and on board those tugs are thousands of employees, and if the amendment of the gentleman from Kentucky should prevail every tug would be exempt from the provision of this act, and the captains of those boats would have the glorious privilege of going before the inspectors and telling a lie and swearing to it and be beyond the reach of punishment, while if I was engaged in sailing a steamer carrying passengers I must tell the truth or go to State prison. It seems to me that that is clearly a malicious distinction and a piece of class legislation that I can not indorse.

The gentleman from Ohio [Mr. GROSVENOR], the chairman of this great Committee on Merchant Marine and Fisheries, proposes to accept an amendment inserting the word "or" in place of the word "and," and that in all conscience ought to satisfy the gentleman from Kentucky [Mr. WHEELER] or any other gentleman in this House.

Mr. TALBERT. Mr. Speaker, does this bill come with a unanimous report from the Committee on the Merchant Marine and Fisheries?

Mr. MINOR. It comes with a unanimous report, after having been fully discussed. The president of the United States Marine Engineers' Association presented their side of the case. I met a number of the engineers afterwards and they presented it to me, and every one of them asked me to urge the passage of the bill.

Mr. TALBERT. There was no division in the committee?

Mr. MINOR. Not at all; and no division anywhere, except down in Kentucky in some Congressional district.

Mr. LLOYD. Mr. Speaker——

Mr. SMALL. I yield to the gentleman from Missouri [Mr. LLOYD.]

Mr. LLOYD. I only want to ask a question. Perhaps the gentleman from North Carolina may be able to answer it. What is the penalty now for perjury, or what would be the penalty for perjury under this section?

Mr. SMALL. I can not answer that definitely.

Mr. LLOYD. As I understand this bill, it provides in one portion of it that if an individual subscribes to a false oath he shall be punished as for perjury as provided by the statute. It does not say what that punishment is, and I was only asking as a matter of information to know what was the penalty for perjury to which the individual would be liable under this section.

Mr. BERRY. Three years' imprisonment and $500 fine.

Mr. GROSVENOR. That is the maximum.

Mr. WHEELER of Kentucky. I should like to be recognized for a few moments to reply to something that has been said.

Mr. SMALL. I yield to the gentleman three minutes.

Mr. WHEELER of Kentucky. I should like to be recognized in my own right. I desire to offer an amendment at the conclusion of my remarks.

The SPEAKER. The gentleman from North Carolina [Mr. SMALL] controls the floor for an hour.

Mr. WHEELER of Kentucky. I ask the gentleman if he will yield to me for the purpose of offering an amendment at the expiration of what I have to say.

Mr. SMALL. Is it the amendment referred to by the gentleman from Ohio [Mr. GROSVENOR]?

Mr. WHEELER of Kentucky. One is the amendment referred to by the gentleman from Ohio.

Mr. SMALL. I yield for the purpose of allowing the gentleman to offer that amendment.

Mr. WHEELER of Kentucky. Mr. Speaker, I asked the gentleman from Ohio if there had been any demand on the part of the engineers and masters in behalf of this bill, and I asked that question for the purpose of eliciting the reply which the gentleman made.

The SPEAKER. The Chair understood the gentleman from North Carolina [Mr. SMALL] yielded only for the purpose of allowing the gentleman from Kentucky to offer an amendment.

Mr. SMALL. I yielded three minutes to the gentleman.

The SPEAKER. With the right to offer his amendment?

Mr. SMALL. With the right to offer his amendment at the close of his remarks.

Mr. WHEELER of Kentucky. I can not say what I desire to say in three minutes.

Mr. SMALL. How much time does the gentleman desire?

Mr. WHEELER of Kentucky. I suppose five or ten minutes.

Mr. SMALL. I yield five minutes to the gentleman, with the right to offer an amendment at the close of his remarks.

Mr. WHEELER of Kentucky. The House will understand that these pilot associations are more or less close corporations. The high-grade pilots have organized themselves into a kind of association, which I do not object to. Their efforts, like the effort of all other organized bodies, is to draw the lines as closely as possible. So it is with the masters, so it is with the engineers. You will find kindred organizations among the railroad people of this country, and while I am not hostile to these organizations, while I, in fact, commend the purpose of them, at the same time I think it would be unwise for Congress to pass a bill that will strike down the honest endeavors of the little fellows who are trying honestly to support themselves.

Now, I do not propose to permit myself to be placed in the attitude of attempting to defend perjury or a willful violation of law. But I do insist that I have the right to protest against the creation of an offense and to denominate it perjury which has none of the elements of a criminal act. The law is amply sufficient now. You can revoke the license of these men who make false statements about their experience. And gentlemen take an erroneous view in saying that the Government watches as jealously the management and navigation of a little craft, having absolutely nobody aboard of it, perhaps, except one man, who is perhaps master, pilot, and engineer, and one roustabout, as it watches the management of the great Atlantic steamers or the floating palaces on the Mississippi and the Ohio River.

I have indicated that all objection would be withdrawn, so far as I was concerned, if the provisions of this bill were made to apply to steamers of 150 tons burden and upwards. I am perfectly willing that those steamers that carry passengers should be required to conform to the provisions of this bill.

Now, the gentleman from Wisconsin, whose acquaintance I have not, undertakes to speak of the morality of my district as so great or something so peculiar to the people of Kentucky that I want this provision of the bill stricken out as to them! The morals of my district are not better or different from those of Wisconsin or any other district in the country, but of one thing I am assured—the people of the First district of Kentucky are too intelligent to select a man to represent them on the floor of Congress who can not debate a simple measure like this without trying to drag politics into it.

As the measure now stands, it is compulsory upon the trial judge to both fine and imprison the man. The gentleman from Ohio [Mr. GROSVENOR] has indicated that he is willing to substitute the disjunctive for the copulative conjunction and let him fine or imprison; and if the gentleman will yield for me to offer an amendment providing that the provisions of this bill shall apply only to steamers of 150 tons burden, or even 100 tons burden, I believe all objection would be withdrawn; but if the measure is pressed as it is, Mr. Speaker, I must insist that in my humble opinion the members of the House will impose a penalty for the violation of this provision that is far in excess of the offense. I am satisfied that if the rank and file of the river people of the United States could be heard from they would oppose this measure.

Mr. GROSVENOR. What distinction is made now between the small vessel and the large vessel?

Mr. WHEELER of Kentucky. No distinction is made so far as the vessel is concerned.

Mr. GROSVENOR. Now, all that we ask for is only that the man who applies for a license on the small vessel shall tell the truth, just exactly the same as the one on the large vessel.

Mr. WHEELER of Kentucky. I concede that to be true. But I desire to say to the gentleman from Ohio that those who are licensed to run these small craft never are men that hope to manage larger craft. And while the Government uses its diligence in trying to perfect the skill of the masters, pilots, and engineers, in every single case, they ought not to apply the same tests in the management of these small vessels that they do in the management of these great steamers and ocean liners.

The SPEAKER. The time of the gentleman has expired.

Mr. WHEELER of Kentucky. Now, I desire to offer an amendment, in line 8, page 2, by striking out the word "and" and inserting the word "or" in place thereof.

The Clerk read as follows:

Page 2, line 8, after the word "dollars," strike out the word "and," and insert in lieu thereof the word "or."

Mr. SMALL. Mr. Speaker, I desire only to offer a few remark with reference to the contention upon the part of the gentleman from Kentucky that the punishment for forgery, as provided for in this bill, is excessive. The punishment provided is that a man shall be fined not exceeding $500, and that he should be imprisoned at hard labor for a term not exceeding three years. The Revised Statutes, section 5415, providing punishment for forging United States securities, says that he "be fined not more than $5,000 or be imprisoned not more than fifteen years." By section 5417 of the Revised Statutes forgery of certificate of entry shall be punished "by a fine of not more than $10,000 and by imprisonment at hard labor for not more than three years."

By section 5421 forging "a deed, power of attorney, order, certificate, or receipt, or other writing for the purpose of obtaining money or to defraud the United States," etc., is to be punished by imprisonment "at hard labor for a period of not less than one year, or shall be imprisoned not more than five years and fined not more than $1,000." In this bill, the object of which is to provide greater security for human life, the punishment for the crime of forgery is less than is provided by any section of the Revised Statutes to which I have referred.

The other objections to the bill I think have been fully answered, Mr. Speaker, and I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. LLOYD. I would like to call attention, if the gentleman will permit, to the penalty for perjury.

The SPEAKER. Does the gentleman yield?

Mr. SMALL. I do.

Mr. LLOYD. It is to that part of it which states that an individual who violates his oath becomes guilty of the crime of perjury. Here is the law with reference to that:

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than $2,000, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

That provision, as will be observed, makes the penalty for perjury much stronger than that for forgery.

Mr. GROSVENOR. Mr. Speaker, the gentleman from Kentucky [Mr. WHEELER] desires to draw a distinction in this matter between smaller vessels and larger ones. The difficulty about that is that there would be constant controversy as to what class of vessel a man's license was taken out for—whether for a larger or a smaller vessel. There would be continual disturbance in the inspector's department as to the size of vessel for which a man had been licensed.

Now, while I have listened with great interest to the argument of the distinguished gentleman from Kentucky, I must say that I can see no distinction between a false statement made in order to become the master of a 100-ton vessel and a false statement made in order to become the master of a 200-ton vessel. This bill is one of the steps which the Supervising Inspector, General Dumont, has asked for in order that this system may be brought still further toward perfection than it has already reached.

Now, Mr. Speaker, as it seems desirable to put an end to this debate and give an opportunity for other gentlemen to call up their reports, I ask for the previous question on the bill and pending amendment.

The previous question was ordered; and under the operation thereof the amendment of Mr. WHEELER of Kentucky was adopted.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time.

Mr. WHEELER of Kentucky. I move to recommittee the bill with instructions to report it back with provisions making it apply only to vessels of 150 tons burden and over. And on that question I demand the yeas and nays.

On ordering the yeas and nays there were—ayes 15, noes 69.

Mr. WHEELER of Kentucky. I make the point that there is no quorum.

Mr. RICHARDSON. I am under the impression that upon the count announced by the Speaker the yeas and nays were ordered.

The SPEAKER. There were 15 voting in the affirmative and 69 in the negative, making a total of 84, of which the necessary one-fifth would be 17.

The point of order is made that no quorum has voted. The Chair can not entertain that point of order. It is not a proper point.

Mr. WHEELER of Kentucky. My point was not that no quorum had voted. I made the point that there was no quorum.

The SPEAKER. The Chair is not entirely clear upon the matter, but will count the House to ascertain whether a quorum is present. [After a count.] One hundred and eighty-six members are present—a quorum. The yeas and nays are refused. The question is on the motion to recommit with instructions.

The question being taken, the motion of Mr. WHEELER of Kentucky was rejected.

The bill as amended was then passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES WEATHER BUREAU.

The call of committees was proceeded with.

Mr. WADSWORTH (when the Committee on Agriculture was called). Mr. Speaker, I desire to call up House bill 3988, to organize and improve the United States Weather Bureau. I find that by some mistake the bill has been referred to the House Calendar instead of to the Union Calendar. I would like to have that mistake corrected.

The SPEAKER. The gentleman will state the ground of his request.

Mr. WADSWORTH. The bill carries an increase of salary, although, in fact, it does not make an appropriation.

The SPEAKER. The Chair will order the transfer of the bill to the appropriate Calendar.

Mr. WADSWORTH. The morning hour having expired, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill 3988.

The SPEAKER. The Chair will state that the morning hour has not expired; but an hour has expired since the call of committees began. The gentleman from New York moves that the House resolve itself into Committee of the Whole on the state of the Union to proceed to the consideration of House bill No. 3988.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MOODY of Massachusetts in the chair), and proceeded to the consideration of the bill (H. R. 3988) to organize and improve the United States Weather Bureau.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the bill which the Clerk will report.

The Clerk began the reading of the bill (H. R. 3988) to reorganize and improve the United States Weather Bureau.

Mr. WADSWORTH (interrupting the reading). I move to dispense with the first reading of the bill and that we take it up under the five-minute rule, section by section, unless some gentleman wishes to have general debate.

Mr. LOUD. That can not be done now.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. RICHARDSON. Before consent is given to that, I think it would be better to have some general statement about the bill. The chairman of the Committee on Agriculture, the gentleman from New York [Mr. WADSWORTH], can give us a general idea of its provisions.

Mr. WADSWORTH. If the gentleman wants general debate on it, I am perfectly willing to have it on both sides.

Mr. RICHARDSON. My idea was that only in general debate can we have that full explanation of the features of the bill which every bill should receive. I am not speaking for everybody; I am only speaking for myself.

Mr. LOUD. We ought not to close general debate on this bill at all.

Mr. BROWN. Mr. Chairman, I wish to say to the chairman of the committee reporting this bill [Mr. WADSWORTH] that I believe it is one which ought to be considered under general debate. For my part, I express that view and trust that will be done.

Mr. WADSWORTH. I am perfectly willing that there should be general debate.

Mr. BROWN. It is a very important measure, and I think there ought to be a reasonable time given to debate before we come to the five-minute rule. I would suggest two hours.

Mr. WADSWORTH. I have no objection to that, that the general debate be limited to two hours. I move that.

The CHAIRMAN. Does the gentleman from New York amend his request to include the time for the termination of the general debate?

Mr. WADSWORTH. I do. I ask that it be limited to two hours.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] asks unanimous consent that the first reading of the bill be dispensed with and that general debate be limited to two hours.

Mr. LOUD. I would ask the gentleman to segregate the two requests. I have no objection to the first request, but general debate on this bill shall never be closed if I can prevent it.

Mr. WADSWORTH. I insist on my request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. WADSWORTH]?

Mr. LOUD. Mr. Chairman, I object.

The CHAIRMAN. Objection is made.

Mr. RICHARDSON. Gentlemen on this side want some time for general debate, and I suggest to the gentleman that he proceed now in the usual form, and probably general debate can be closed inside of two hours, or later, if necessary. I think it would not be well to undertake to close it now in advance.

Mr. WADSWORTH. Objection has been made by the gentleman from California [Mr. LOUD] already.

The CHAIRMAN. The Clerk will proceed.

Mr. WADSWORTH. I ask unanimous consent to dispense with the first reading of the bill. That was not objected to.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, according to the report on this bill, which is ready for distribution, the bill aims to accomplish three objects which are practically departures from existing law. The first is the perpetuation by law of the present rigid system of discipline and merit obtaining in the Weather Bureau. That, I take it, no man on the floor of this House will object to. In support of that, I have received a great many resolutions passed by maritime and business associations and others. It is a Bureau which comes more directly and more closely in touch with the business interests of this country than any other bureau of this Government. So I do not care to discuss that part of the bill any further. I think that is a matter that we will all agree upon—any betterment of the service we will all uphold.

Passing to the second, the granting of authority to the employees of the Bureau to create, exclusively from their own moneys, a fund for the retirement of disabled and aged officials, this to be accomplished without one dollar of expense to the Federal Government, and in such a way that at no time in the future can the Federal Government be called upon to contribute anything in any manner to that fund.

Mr. HEPBURN. Will the gentleman yield for a question?

Mr. WADSWORTH. I will with pleasure.

Mr. HEPBURN. There has been some effort here at securing civil-service reform, I believe. I want to know if you have adoped the merit system?

Mr. WADSWORTH. Absolutely.

Mr. HEPBURN. Now, will you tell us what it is?

Mr. WADSWORTH. We do not do away with the civil-service examination as now carried on. We simply change the manner of nominating to appointment, that is all. I think the gentleman himself is very familiar with the present civil-service examination system.

Mr. LAWRENCE. Will the gentleman, just at that point, yield to me for a brief statement?

Mr. WADSWORTH. Certainly.

Mr. LAWRENCE. My colleague [Mr. GILLETT of Massachusetts], the chairman of the Committee on Civil Service Reform, has taken great interest in this bill and expected to be here during its discussion and to participate in it; but he has been called to Massachusetts to attend the funeral of a near relative, and consequently it has been impossible for him to say anything. An attempt was made to postpone its consideration, which attempt was unavailing. I make this brief statement simply to explain his absence at this time.

Mr. WADSWORTH. Now, Mr. Chairman, the question of the retirement fund, as I have said in the report, is a new departure; but I want to call to the attention of the House the fact that as provided for in this bill it is done without one dollar of expense to the Government, without any possibility of any future expense to the Government. It has been said here that if we authorize this the clerks will come here and form what might perhaps be called a labor union, and urge Congress to increase their salaries to the amount of the percentage deducted in order to form this retirement fund. But I do not know of any other way to get rid of the superannuated employees, men who have passed the time of useful service to the Government, who, by age or from other cause, have become partially or wholly disabled.

Mr. RIDGELY. Will the gentleman yield?

Mr. WADSWORTH. With pleasure.

Mr. RIDGELY. Does the bill provide for a voluntary fund or a compulsory fund?

Mr. WADSWORTH. A compulsory fund.

Mr. RIDGELY. That the money shall be taken out of the salary of every employee?

Mr. WADSWORTH. Out of the salary of every employee in the Weather Bureau. Now, as a matter of fact, the Government to-day is actually pensioning a large class of clerks; it is in this way: They have passed beyond the age of utility from one cause or another. Through a feeling of charity and kindness, and sometimes through political influence, these old people are kept in office, and the result is that the Departments are continually asking for an increase of force to do the work of these old clerks who

are still on the pay rolls. Therefore, these old people are practically pensioned to-day by the Government.

Mr. RIDGELY. How long does an employee have to pay into this fund before he is entitled to the benefits of it?

Mr. WADSWORTH. At least ten years.

Mr. RIDGELY. I simply ask that in order that it may go into the RECORD.

Mr. BROMWELL. I should like to ask a question about this.

Mr. WADSWORTH. I yield to the gentleman from Ohio.

Mr. BROMWELL. A doubt which suggests itself to my mind is as to whether these figures will permit the payment of this pension to the earlier withdrawals. I can imagine that the fund might gradually accumulate until the provisions of the bill may be carried out.

Mr. WADSWORTH. I have the figures here, and I am going to produce them.

Mr. BROMWELL. Have these figures been prepared by an expert actuary or other person competent to give them?

Mr. WADSWORTH. They have been furnished by the Weather Bureau, based on the number of employees, the age of the employees, and the salaries paid.

Mr. BROMWELL. There is one element that comes in there; that is, the ten years. Then there is a provision in this bill for retirement on account of incapacity. Does not that specifically include those?

Mr. WADSWORTH. Yes. In further answer to the gentleman from Ohio I have a statement here from the Weather Bureau showing the facts. It fixes the number of employees affected by the law at 654. The amount that will be paid annually to the retirement fund, at 3 per cent, under the present organization and appropriation, will be $18,000. Now, you take for the twelve years as an example, and the amount paid into the retirement fund will be $216,000. The amount credited to the fund in twelve years by death of retired employees, discharges, resignations, and other lapses, estimated in accordance with the record of past years, will amount to $14,000. That will make the total amount of revenues for twelve years $230,000.

Now, as to the expenses for twelve years from July 1, 1900, the date on which the retirements begin: During the first year 4 employees will retire, and the amount required to pay them until June 30, 1912, will be $19,656; during the second year 1 employee will retire, and the amount required to pay him to June 30, 1912, will be $1,606; during the third year 2 employees will retire, and the amount required to pay them will be, to June 30, 1912, $13,800: during the fourth year 2 employees will retire, and the amount required to pay them to June 30, 1912, will be $16,859; during the fifth year 4 employees will retire, and the amount required to pay them will be $23,758; during the sixth year 2 will retire, and the amount required to pay them will be $14,369; during the seventh year 6 employees will retire, and the amount required to pay them will be $18,193; during the eighth year 3 will retire, and the amount required to pay them will be $10,568; during the ninth year 5 employees will retire, and the amount required to pay them will be $11,826; during the tenth year 7 employees will retire, and the amount required to pay them will be $15,751; during the eleventh year 3 employees will retire, and the amount required to pay them will be $4,894, and during the twelfth year 4 employees will retire, and the amount required to pay them will be $635.

So the expenses against the fund on account of deaths of employees not retired, retirements on account of disability, and incidental expenses for twelve years from July 1, 1900, will be $15,750, leaving a total expense of $167,665, leaving a credit balance on hand on June 30, 1912, of $62,335.

Mr. BROMWELL. Now may I ask the gentleman one further question? It may be in the bill, but I do not recollect seeing it. Is there a provision in this bill by which a person who resigns voluntarily inside of the limit of being entitled to this pension may recover a big percentage of the amount that he has paid into this fund, or is the entire amount that he has paid in forfeited? I presume there is a provision of that kind in the bill.

Mr. WADSWORTH. There is no provision of that kind in the bill.

Mr. RICHARDSON. Mr. Chairman, the question asked by the gentleman from Ohio is the very inquiry I was going to make of the gentleman from New York. I would like to go a little further in my inquiry upon that point, so that he could answer both. What I desire to ask him is, as I understand the provisions of the bill——

Mr. WADSWORTH. Let me answer the gentleman.

Mr. RICHARDSON. Yes, sir.

Mr. WADSWORTH. The section covering the provision where employees voluntarily leave the service is found on page 13 of the bill:

Provided, That in all cases where employees shall voluntarily leave the Government service or be removed therefrom for cause they shall forfeit to the retirement fund the amount of salary withheld under the provisions of this act.

Mr. RICHARDSON. Now, what I wanted to ask the gentleman was, if there ought not to be a distinction between an employee where he goes out of the service voluntarily and where he is discharged from the Weather Bureau. For instance, you take it that an employee is there, and perhaps he is quite efficient. He has been in the service possibly ten or fifteen years, and then, on account of his qualifications and his efficiency, he is promoted, not in that Bureau, but beyond that Bureau. Now, during all these ten or fifteen years——

Mr. WADSWORTH. I will say to the gentleman this retirement fund only affects employees of the Weather Bureau.

Mr. RICHARDSON. I know it does. Now, during all these ten or fifteen years of this efficient employee's service in the Bureau there has been accumulated out of his salary so much, which would be to his credit if he were to die. I can see that it would be right if he was discharged for cause that it should be forfeited; but suppose on account of his efficiency, by reason of his qualifications and his merit, he is promoted to something better, not in this Bureau, but in some other bureau, why should he have that amount deducted from his salary during this ten or fifteen years?

Mr. WADSWORTH. I can only say that he leaves voluntarily; he was not forced to leave, and he was not forced into the service.

Mr. CANNON. He has had the benefit of being insured.

Mr. RICHARDSON. Am I not right in saying that when an employee leaves the service voluntarily or by discharge for cause he forfeits that which has been reserved from his salary?

Mr. WILLIAMS of Mississippi. The gentleman is partially right and partially wrong. This bill does not undertake to put anybody upon this retirement list unless he is at the time of his retirement an employee of the Weather Bureau. That far the gentleman is right. But if the man serves in the Weather Bureau and shall voluntarily leave or be transferred to some other department or goes out of the service altogether, and shall afterwards reenter the Bureau, then the time he had served during his first employment and the time of his service during the second employment are added together in order to get at the time of his employment; and if he shall reach the age of 60 prior to having served through the years fixed by the bill, then he shall draw at the rate of one-thirtieth for each year he had served. Suppose he serves fifteen years, he draws fifteen-thirtieths; and if the amount is $900, he would draw one-half of $900 and get $450.

Mr. RICHARDSON. Now, let me ask my friend a question there. Suppose that this employee is transferred because of his meritorious service, and he is invited to hold a higher position in some bureau or department and does not return to the Weather Bureau at any time? Now, it seems to me that portion of the bill should be amended so as to remedy that defect.

Mr. WILLIAMS of Mississippi. We thought we could not undertake—that, in fact, we had no jurisdiction as a committee—to report legislation relating to any other part of the public service than the Department of Agriculture. If a man voluntary retires from the Weather Bureau, so that he is no longer in its employmen, then, of course, this classification can not apply to him.

Mr. RICHARDSON. Of course not; but, as I understand, immediately upon his divorcing himself from the Bureau by a transfer to some other bureau or department he forfeits whatever sum may have been accumulated for his benefit under this bill. In other words, it is assumed that he will not return to the Bureau, and whatever he may have contributed to this general fund, whatever may have accumulated there which would have gone to his benefit, is forfeited, and in the event of his death he receives no benefit from it.

Now, it seems to me that if he is an entirely meritorious officer, if he may have left the Bureau by reason of promotion to some higher grade of service, he ought not to lose the amount accumulated to his credit while he was an efficient employee of the Bureau. If some provision could be made by which at least a portion of this fund should accrue to his benefit, it seems to me the measure would come nearer meeting the merits of the case. I am inclined, however, to defer very largely to the views of the members of the Agricultural Committee, who have investigated and studied this bill more than I have, though I have paid some little attention to it.

Mr. WILLIAMS of Mississippi. Whenever a man is transferred to any other department, of course the transfer is voluntary; it is made upon his own request. I know no instance of any transfer except in that way.

Mr. WADSWORTH. If any man voluntary resigns his place, he should not blame Congress if he loses the benefit of this provision.

Mr. RICHARDSON. But does not this put an embargo upon a man's undertaking to get a better place?

Mr. WILLIAMS of Mississippi. No; not at all. If a man receiving from the Weather Bureau $900 sees an opportunity to obtain $1,200 in the War Department, for instance, the transfer is made at his own request; in other words, he prefers to give up the

salary of $900, with the chances of retirement under a bill of this kind, and to accept the salary of $1,200 in another branch of the service. If he voluntarily makes that choice he ought not to receive the benefit of this provision as a Weather Bureau employee and at the same time receive the benefit of the advanced salary which he gains by the transfer to another department. It is a matter of choice with him whether he will take one or the other; he ought not to have the benefit of both.

Mr. TALBERT. I see by the report of the committee that this bill aims to accomplish three objects which are departures from the existing law. The second of these objects is thus stated in the report:

> The granting of authority to the employees of the Bureau to create, exclusively from their own moneys, a fund for the retirement of disabled and aged officials, this to be accomplished without one dollar of expense to the Federal Government, and in such a way that at no time in the future can the Federal Government be called on to contribute in any manner to the fund.

That all sounds very well and may be very proper; but is it not, in fact, an entering wedge to the establishment of a civil pension system—a system of pensioning a man after a certain term of employment in the civil service of the Government? Is not this an entering wedge in that direction? Will it not lead ultimately to that end?

There is another question I would like to ask.

Mr. WADSWORTH. Let me answer one question at a time. I do not think the bill will have any such tendency as the gentleman from South Carolina [Mr. TALBERT] apprehends. The system of retirement of employees upon a pension provided by themselves has been adopted by the Pennsylvania Railroad; it has been adopted in the Regular Army, where the soldier contributes monthly a small part of his pay for the maintenance of the Soldiers' Home. This is practically a life insurance association carried on by the contributions of the Bureau employees.

Mr. TALBERT. I am utterly opposed to anything like a system of civil-service pensions. Hence I ask, Would it not be possible for the employees of the Weather Bureau to establish this kind of a beneficial association for themselves, without any authority of law? Is it not a fact that in other departments of the Government there has been organized a kind of life insurance association among the employees similar to this, but without any authority of law?

Mr. WADSWORTH. I do not believe that in the Weather Bureau an entirely voluntary system, without any legal authority, would be effective.

Mr. TALBERT. One effect of this measure, it seems to me, will be that these employees, after making these contributions to this insurance fund, will be clamoring for an increase of salary to make up to them the amount which they thus contribute. Thus this will practically amount to a system of civil-service pensions.

I think that if we undertake to carry out the object stated in the report as the second object of the measure the bill will operate as nothing more nor less than an entering wedge for establishing under this Government a system to which I am absolutely opposed. I am opposed to anything that smacks of civil-service pensions.

Mr. WADSWORTH. So am I; but I do not think this "smacks" of it at all.

Mr. TALBERT. I wish to call the attention of the House particularly to the point I have stated. I hope that any provisions of the bill which undertake to carry out what is stated in the report as the second object of the bill will be entirely eliminated.

Mr. BROMWELL. I would like to say a word in answer to the gentleman from South Carolina. I do not think there is any such danger as he suggests unless we ourselves create that danger hereafter. In the city of Cincinnati we have a civil-service list, as it were, for the police department; also for the fire department, and recently for the school-teachers. Those systems have been in operation with us for a number of years, but no such difficulty as the gentleman from South Carolina anticipates has arisen. No one entertains the objection that the fund raised by these different employees may grow to be a claim against the city or the State. That fund is made up entirely by voluntary assessment, just as is provided under this bill with reference to these Weather Bureau employees.

Mr. TALBERT. Is there not already in several of the Departments an arrangement which practically meets the same object that this bill undertakes to accomplish?

Mr. BROMWELL. I am not able to hear the gentleman's interruption. I only desire to say that I believe there is no danger in this pension scheme provided it be properly worked out so as to accomplish what we want to accomplish—that these pensions may be paid as they become due from this fund raised by the contributions of the employees.

Now, I want to ask the gentleman from New York [Mr. WADSWORTH] who is in charge of this bill one question. There is a provision here for the payment of 75 per cent of the amount paid in by those who die. I want to ask the gentleman what justice is there in discriminating between those who die in the service or those who withdraw voluntarily from the service—say, for instance, a lady clerk who withdraws to be married or a gentleman clerk to be transferred to one of the other departments—and a person who on charges is expelled? He has paid so much money into this fund.

Now, you may say that he is insured; and yet so it is with the man who dies. He is upon the same footing, so far as the amount of money that he has paid in is concerned, and it seems to me it is a matter of justice that some provision should be made for the payment of 75 per cent, or whatever it may be, of the amount paid in by those who voluntarily withdraw from the service, as well as those who die in the service before the retirement age. I should like to have the gentleman please explain why the distinction is made.

Mr. WADSWORTH. In the first place no man can partake of this retirement fund unless he has paid into the fund for ten years. Now, if he voluntarily leaves it, I do not see why he does not sever his whole connection with the fund. No one compels him to do it. He does it with his eyes open and as a matter of judgment. He also enters this employment voluntarily. Now, most people who die do so involuntarily.

Mr. CLARK of Missouri. Now, suppose an extreme case. Suppose a man serves over there nine years and three hundred and sixty-four days, and the powers that be bounce him——

Mr. WADSWORTH. For cause?

Mr. CLARK of Missouri. They may call it for cause; but in nine cases out of ten it is not, if you get to the bottom of it. But suppose they bounce him: then what becomes of the money that he has paid into the fund?

Mr. WADSWORTH. That goes into the general fund.

Mr. CLARK of Missouri. He never gets any of it?

Mr. WADSWORTH. Not if he is dismissed for cause.

Mr. CLARK of Missouri. Well, under this whole civil-service business, from top to bottom of it now, as I understand, any officer of the Government can bounce any one of those employees and say it is for cause, and the man has no redress. Is not that true?

Mr. WADSWORTH. That has nothing to do with this bill. I am not going to discuss general civil-service rules with the gentleman from Missouri.

Mr. CLARK of Missouri. I know, and I do not want to discuss civil-service rules. I will take occasion to do that some other time. Now, another question: Have the mathematicians of this committee ciphered on this proposition to see whether this per cent that they subtract from the salaries of these people and pay into this fund will produce enough revenue to pay these pensions?

Mr. WADSWORTH. They have, and I gave the figures to the House only a few minutes ago.

Mr. CLARK of Missouri. You have ciphered that out satisfactorily, have you?

Mr. WADSWORTH. Yes; I want to say that I have not "ciphered" it out myself, but the figures have been produced from the Weather Bureau, based on the number of employees, the salaries paid, the amount which it will yield, and the estimated number of retirements.

Mr. CLARK of Missouri. Now, one question more. I am seeking information. Is or is not the provision in this bill to pension these men a part of the general proposition that is pending here in some shape or other—I do not know exactly what condition it has got into—to establish a general pension roll by reason of old age or other infirmities for all of the civil employees of the Government?

Mr. WADSWORTH. I think there is such a bill pending before the Civil-Service Committee.

Mr. CLARK of Missouri. I know there is a bill pending, and I do not know how far along it has got; but I am asking you, Is the provision in this bill a part of that general scheme or not?

Mr. WADSWORTH. No; it is not. It is entirely separate and only affects the Weather Bureau. That Bureau is a part of the Agricultural Department, but it is almost a department by itself.

Mr. ROBINSON of Indiana. But the gentleman does not doubt that the system, if it applies here, will eventually apply to all employees of the Government.

Mr. WADSWORTH. I hope it will eventually, but I am anxious to consider this bill entirely by itself.

Mr. ROBINSON of Indiana. But if it is a good thing, why can not these employees establish it without the sanction of law?

Mr. WADSWORTH. I do not believe that can be done. I do not believe you can get a unanimous judgment upon it among all the employees. Besides that, you have got to give them a charter, just as a State charters a fire insurance company or a life insurance company. Those things are regulated by laws.

Mr. ROBINSON of Indiana. But the Government, then, is going into this business.

Mr. WADSWORTH. Oh, no; and a State government does not go into the fire insurance business when it gives a charter to a fire insurance company.

Mr. ROBINSON of Indiana. But the Government, in this law,

undertakes to regulate the terms upon which this money shall be paid in and out——

Mr. WADSWORTH. So does a State law which gives a charter to a fire insurance company.

Mr. ROBINSON of Indiana. But the real purpose seems to be to pension persons who have been in the service a long time and who can not now be gotten rid of.

Mr. GROSVENOR. Mr. Chairman, I see there are three subdivisions of this report, the first speaking of the perpetuation of the rigid system of discipline and merit; the second, which relates to what, for the purpose of my question, I will call the pensioning of the employees; and third, the apportionment of the labor. Now, I can not get hold of the framework of this bill as readily as I can ask the gentleman the question. Is this bill drafted so that all that portion which relates to this civil-pension part of it can be stricken out and leave the bill competent for the other two purposes that the report speaks of?

Mr. WADSWORTH. Yes; it is so constituted; but I want to say that the committee never drafted it with any such idea.

Mr. GROSVENOR. They reported it, however, for the action of the House.

Mr. WADSWORTH. They did, and they will abide by that action very cheerfully.

Mr. GRIGGS. Will the gentleman from New York allow me to ask him a question?

Mr. WADSWORTH. Certainly.

Mr. GRIGGS. Would not the employees of this Bureau have the authority to establish this fund themselves without the special authority given them by this act?

Mr. WADSWORTH. It would only be by voluntary action, and you know how difficult it would be to secure such action among 600 employees scattered all over the country.

Mr. GRIGGS. The gentleman is aware, of course, of the association of railway mail clerks, is he not, the chief feature of which is an insurance against accidents?

Mr. WADSWORTH. Yes.

Mr. GRIGGS. Could not these employees in this Department establish an organization of that character and for that purpose?

Mr. TALBERT. They have it in other Departments, I will say to the gentleman.

Mr. WADSWORTH. Is not the railway mail clerks' organization chartered under the power of some State law?

Mr. GRIGGS. I do not know whether it is chartered at all. It is simply a voluntary association of clerks for the purpose of insuring themselves against accident.

Mr. WADSWORTH. All these voluntary associations have to have charters. Now, the question is asked, Why should the law be specially made with reference to these clerks in this Bureau——

Mr. GRIGGS. It is the entering wedge for establishing the system in all the Departments.

Mr. WADSWORTH. Why should not Congress give them the authority? They are employees of the Government, and the authority for their employment comes from Congress.

Mr. GRIGGS. Why should the Government go out of the banking business and now at once go into the insurance business?

Mr. WADSWORTH. I will not attempt to answer that question.

Mr. THROPP. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania [Mr. THROPP]?

Mr. WADSWORTH. I do.

Mr. THROPP. Do I understand the gentleman frankly to admit that this is the first step or the entering wedge toward establishing a civil service pension system under this Government?

Mr. WADSWORTH. No; I do not admit that; I deny that emphatically.

Mr. GRIGGS. Did not the gentleman say he thought it would eventually prevail in all the Departments, and that he favored that system?

Mr. WADSWORTH. Under these same rules and regulations, without one cent of cost to the United States Government.

Mr. MANN. May I ask the gentleman a question?

Mr. WADSWORTH. Certainly.

Mr. MANN. As I understand the purport of this bill, it provides for practically the retirement of all employees at the end of thirty years.

Mr. WADSWORTH. No; at the age of 65 years.

Mr. MANN. At the age of 65 years; but if not 65, then after thirty years' service.

Mr. WADSWORTH. They may be retired at that time, but after 65 it is compulsory.

Mr. MANN. At the end of thirty years they may be retired on 75 per cent of their average salary for the last five years of their service.

Mr. WADSWORTH. Yes.

Mr. MANN. Which, of course, is a practical inducement to retire and to provide for the retirement fund to pay all these people, it is proposed to segregate 3 per cent of their salaries, as I understand the bill.

Mr. WADSWORTH. Yes.

Mr. MANN. How would you manage it to pay the salaries that you will have to pay for the next twenty-five years out of 3 per cent of their salaries?

Mr. WADSWORTH. I have answered that question once, in reply to the gentleman from Ohio, by giving the figures for the first twelve years. At the end of twelve years, the computation shows, we will have a surplus of $62,325 to the credit of the fund.

Mr. MANN. Now, that I would like to have explained. It must be a new system of arithmetic.

Mr. WADSWORTH. If the House will bear with me, I will read the statement again, though I have already read it.

Mr. BROMWELL. It seems to me that there is an error made on page 12, in paragraph 2, which probably occurred in attempting to amend the bill from its original form. As it is, it does not make very good sense.

> Employees who have been employed as above named for a period of twenty years.

Now, that is one condition, and then:

> And those who have been employed thirty years and who are disabled from the performance of their duties may be retired.

Now, ought not that to be just the reverse? "Employees who have been employed as above named for a period of thirty years" and "those who have been employed twenty years and who are disabled," etc.

Mr. WADSWORTH. No; "those who are disabled" applies to both classes.

Mr. BROMWELL. Tell me, if you please, why there should be two periods of employees; those who have been employed "twenty" years and those who have been employed "thirty" years. Why not at once say this——

Mr. WADSWORTH. This says:

> Employees who have been employed as above named for a period of twenty years and those who have been employed thirty years and who are disabled from the performance of their duties may be retired, and when so retired shall be paid an annuity equal to 40 per cent and 50 per cent respectively.

There are two distinct classes.

Mr. BROMWELL. There are two classes, then, as to retirement?

Mr. WADSWORTH. Yes. One gets 40 per cent and the other gets 50 per cent.

Mr. GRIGGS. May I ask the gentleman another question?

Mr. WADSWORTH. Certainly.

Mr. GRIGGS. I notice you say: "That beginning on the 1st day of July."

Mr. WADSWORTH. What page?

Mr. GRIGGS. On page 11. "That beginning on the 1st day of July, 1900, there shall be withheld each month from the salaries of the employees of the Weather Bureau," and so forth, "3 per cent, or so much as the retirement board hereinafter described shall determine to be necessary for the purposes herein specified." Now, that is an involuntary contribution upon the part of those employees, is it not?

Mr. WADSWORTH. Yes; in a way.

Mr. GRIGGS. This law requires that?

Mr. WADSWORTH. This law would require that.

Mr. GRIGGS. Now, after having contributed to that fund for ten years, suppose that that employee is discharged?

Mr. WADSWORTH. If he is discharged for cause, he loses any equity that he may have under this fund.

Mr. GRIGGS. Then you have reduced his salary by just so much.

Mr. WADSWORTH. If he is discharged for cause; but mind the distinction we make——

Mr. GRIGGS. But prior to the discharge, during that ten years, you have reduced his salary in order that you may apply an amount to pay the insurance, or indemnity rather, to some other employee who may come in at the end of that time in his place.

Mr. WADSWORTH. That is true; but in the meantime he has been insured; and if his conduct had been faithful, he would not have forfeited his rights and equities in the retirement fund; and you must also bear in mind that he goes into this service voluntarily. He can read this law before he goes in.

Mr. GRIGGS. The gentleman understands so long as the party who is insured lives it is not worth much to him.

Mr. WADSWORTH. That is true.

Mr. BROMWELL. There is another paragraph, paragraph 5, on page 13, which provides:

> That any employee who has contributed as herein provided to the Weather Bureau retirement fund hereby authorized, who shall die before retirement, shall have paid to the person previously designated by him, but to no other person, etc.

Does that mean during ten years if the man be retired? What happens to him if he should pass ten years and still be in the service and then die?

Mr. WADSWORTH. He gets the benefit of the retirement fund.

Mr. MANN. May I ask the gentleman another question?

Mr. WADSWORTH. Certainly.

Mr. MANN. Having read with considerable interest the statement that the gentleman from New York presented to the House, I find that it is estimated that at the end of twelve years after the law has gone into operation 43 will have been retired out of 654 employees.

Mr. WADSWORTH. That is on account of age only.

Mr. MANN. Well, how soon will the rest of them be retired when there are only 43 retired out of 654 in twelve years? Is it safe to assume, as the chairman assumed, that few people will live long enough to be retired? But if there are to be as many as 300 in eight years, how is the 3 per cent going to furnish a sufficient amount to meet the charges against the fund?

Mr. WADSWORTH. That is simply a conjecture; you can not figure it out exactly. In figuring insurance you can not figure absolutely accurately. There are always certain chances.

Mr. MANN. But no insurance company has ever figured such a small percentage as 43 out of 654 in twelve years. You estimate that three-fourths of the people will still be in the employ of the Government for twenty years.

Mr. WADSWORTH. The gentleman must remember that under this bill no man is admitted to the service who is older than 35 years.

Mr. MANN. According to the bill as I read it, the maximum age for observers, clerks, and stenographers in making appointments is 30 years; for artisans, watchmen, and mechanics, 35 years; for messengers, 25 years. Of these classes probably 75 per cent would live long enough to take advantage of the retirement fund. As I understand, at the end of twenty years anybody can be retired——

Mr. WADSWORTH. Oh, no.

Mr. MANN. As I understand, the retiring board can retire them upon 40 per cent of their regular salary.

Mr. WADSWORTH. Not unless for disability. The question of retirement after thirty years of service rests entirely with the retiring board unless the employee has reached the age of 65. Then it is compulsory.

Mr. MANN. That is to say, upon application they are entitled to retirement.

Mr. WADSWORTH. Not unless in the judgment of the retiring board they are entitled to retirement on account of old age or disability.

Mr. MANN. The bill provides, as I understand, that after twenty years they shall receive 40 per cent, and after thirty years 60 per cent, of their regular salaries——

Mr. WADSWORTH. Only those who are disabled for the performance of their duty. I call attention particularly to that point.

Mr. ROBINSON of Indiana. The gentleman recognizes, I presume, the fact that no man when dismissed from the service will admit that there was just ground for his dismissal. A further suggestion which occurs to me is this: As to the right to retirement, what expense will the Government be subjected to in determining the judicial questions connected therewith?

Mr. WADSWORTH. Those questions are disposed of by the retirement board, consisting of the Chief of the Weather Bureau, with two assistants from the Bureau named by the Secretary of Agriculture.

Mr. ROBINSON of Indiana. In other words, these employees of the Government devote to this business time that should be devoted to the regular service of the Government.

Mr. WADSWORTH. I yield to the gentleman from Tennessee [Mr. GAINES] for a question.

Mr. GAINES. In this report one of the purposes of the bill is thus stated:

> The granting of authority to the employees of the Bureau to create, exclusively from their own moneys, a fund for the retirement of disabled and aged officials, this to be accomplished without one dollar of expense to the Federal Government, and in such a way that at no time in the future can the Federal Government be called on to contribute in any manner to the fund.

Now, have not these employees the right, without any bill of this kind, to get up a mutual benefit association, making contributions out of their own salaries? If that is so, what is the object of this part of the bill?

Mr. WADSWORTH. I have already answered that question.

Mr. GAINES. I did not catch the gentleman's answer.

Mr. WADSWORTH. I do not think that such a system without authority of law would be practically effective. I do not believe that the more than 600 employees of this Bureau scattered over different parts of the country could effectively carry on such an organization without some authority of law.

Mr. GAINES. Is there any other provision in this bill with reference to pensions?

Mr. WADSWORTH. I do not quite understand the gentleman's question.

Mr. GAINES. Is there any other provision in this bill—anything along the same line—in the way of pensions?

Mr. WADSWORTH. There are five or six sections of the bill treating this subject under different aspects, and making provision for this retirement fund. I do not know that I yet get the meaning of the gentleman's inquiry.

Mr. GAINES. The gentleman has already answered my first question. I am now asking, Is there any other provision in the bill of similar nature—pertaining to pensions for employees of this Bureau?

Mr. CANNON. Pensions by whom?

Mr. GAINES. Pensions by the employees—pensions referred to in the paragraph of the report stating the second object of the bill, which I read at first.

Mr. WADSWORTH. I should be glad to have the gentleman state his question again.

Mr. GAINES. The gentleman has answered my first question. I read from page 1, paragraph 2, of the report the committee's statement of the object of the bill:

> The granting of authority to the employees of the Bureau to create exclusively from their own moneys a fund for the retirement of disabled and aged officials, etc.

Which I read at first. Now, the gentleman has said that that plan is not feasible. If so, I presume he will strike the provision from the bill.

Mr. WADSWORTH. Strike what from the bill?

Mr. GAINES. As the gentleman has said that such a provision would not be feasible, I presume he does not desire to retain it.

Mr. WADSWORTH. I said that it would not be feasible to undertake to maintain a system of this kind by the mere voluntary action of the different employees of the Bureau without any authority of law.

Mr. GAINES. Are you then going to compel them to do this?

Mr. WADSWORTH. Yes, sir.

Mr. GAINES. Compel a man to contribute out of his salary to this pension fund?

Mr. WADSWORTH. Yes; he himself receives the benefit. It is, as I have said, a sort of insurance fund.

Mr. THROPP. Can not these employees, apart from any Government assistance, organize an association by means of which they can take care of themselves as efficiently as by the method here proposed?

Mr. WADSWORTH. I have already said that I do not believe such a system is practicable. By mere voluntary action it would be very hard to bring so numerous a body of employees into cooperation upon any line of action.

Mr. THROPP. In other words, this bill proposes to make them do what they would not do themselves?

Mr. WADSWORTH. No, sir. There has not been a single protest from any one employee of the Bureau against this measure. On the contrary, I understand, upon the best authority, that the employees of the Bureau all desire the adoption of such a measure. I have received many letters from employees all over the United States urging the passage of the bill, and not one single protest from any employee of the Bureau against it.

Mr. LACEY. Will the gentleman yield for a question?

Mr. WADSWORTH. I yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. As I understand my friend, he figures that of these 634 employees 43 would retire in twelve years. Those are the figures which have been stated, as I understand it. Now, it would take, on that basis, one hundred and eighty years to retire the whole 634, would it not? [Laughter.]

Mr. WADSWORTH. Oh, no; not necessarily.

Mr. LACEY. You divide them up into sections of 43 for every twelve years, and then you multiply it by a sufficient number of twelve-year terms to dispose of all these men, and that takes one hundred and eighty years.

Mr. BABCOCK. Is that algebra or arithmetic? [Laughter.]

Mr. LACEY. That is arithmetic.

Mr. WADSWORTH. That is not a fair statement of the case. You can not tell how many would retire every year, and under the operation of the bill it is proposed to get in younger clerks all the time.

Mr. LACEY. Then the basis of 43 to every twelve years is too low. Then, as I understand, it would take 86 in twenty-four years, and then, multiplying it again, 172 in the next twenty-four years.

Mr. BABCOCK. Why does the gentleman multiply thus?

Mr. LACEY. Because he has divided it into sections of twelve years, which disposes of 43 men every twelve years.

Mr. WADSWORTH. Oh, no; we have not done that. We have only shown what we have estimated will be the workings of it for the first twelve years.

Mr. LACEY. That is where the trouble comes in with all these mutual insurance companies. They get along first rate for twelve

years and then the trouble begins. Then the next twelve years instead of there being forty-three there would probably be very many more.

Mr. WADSWORTH. But you have the same number of employees all the time paying this 3 per cent.

Mr. LACEY. But this is a matter of arithmetic.

Mr. WADSWORTH. It is not absolutely a matter of arithmetic. You can not make it so.

Mr. LACEY. As soon as we get this thing started, what assurance have we that they will not come in here and ask us to raise their salaries this 3 per cent?

Mr. WADSWORTH. If Congress has not the courage to resist that demand, then we must take the consequences and be responsible to our constituents for it.

Mr. GAINES. As I understand, the gentleman's bill compels all employees of the Weather Bureau to contribute to this fund out of which these pensions are ultimately to be paid?

Mr. WADSWORTH. Yes; but no man is compelled to be an employee of the Government. If a man goes into that Bureau, he does it voluntarily and with a full knowledge of the law.

Mr. SHAFROTH. I should like to ask the gentleman a question.

Mr. FINLEY. Mr. Chairman——

The CHAIRMAN. The Chair will say that the gentleman from South Carolina [Mr. FINLEY] standing by his seat has addressed the Chair several times. Does the gentleman from New York yield to him?

Mr. WADSWORTH. I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. I wish to ask this question: Section 19 of this bill provides for a retiring board, and also that all retirements, both compulsory and voluntary, shall be made upon the report of said board, and so forth. Then there is a further provision that in no case shall a retirement be made unless the current revenues of the retirement fund be sufficient to bear the additional expense.

Now, I wish to ask the gentleman this question: What will be the practical effect of that last provision? In other words, will it not continue on the pay rolls of the Government all employees of this Bureau whether they are rendered inefficient by age, disease, or other cause? In other words, will they not retain their places on the pay rolls of the Government until the fund arising from this source is sufficient to retire them? Is not that true?

Mr. WADSWORTH. We put that proviso in as an additional safeguard that the Government should not be responsible in any manner for the payment of this retirement fund.

Mr. FINLEY. But in view of the fact that these employees can not be retired, either voluntarily or compulsorily, under this bill, until the current revenues are sufficient to pension them, then will they not remain on the pay rolls of the Government whether they are able to render any service or not?

Mr. WADSWORTH. Yes; that will be the practical effect of it until there are sufficient current revenues in the fund.

Mr. FINLEY. Does it not have the effect of pensioning in this way employees of the Government in this service who can no longer render service to the Government? Is not that the practical effect of it?

Mr. WADSWORTH. On the face of it that would appear to be the case, but it does not in effect. It simply would keep them in employment until the retirement fund reached the necessary amount. Then they would be retired.

Mr. FINLEY. Is not this an innovation, and a very important one?

Mr. WADSWORTH. I will say further to the gentleman that this can only be a temporary block, because the fund will quickly reach an amount sufficient to allow of their retirement.

Mr. FINLEY. But while this temporary condition lasts it will have the effect to pension this class of employees.

Mr. WADSWORTH. Why, no; not a bit of it.

Mr. WILLIAMS of Mississippi. Will the gentleman from New York yield to me?

Mr. WADSWORTH. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. I want to interrupt the gentleman merely for a moment to answer the suggestion made by the gentleman from South Carolina [Mr. FINLEY]. This does not mean, nor could it mean, that anybody would be deprived of his retirement and his right to share in this retirement fund. It simply means this—I will read the language:

> That in no case shall a retirement be made unless the current revenues of the retirement fund be sufficient to bear the additional expense.

Now, let us say there are seven men who are entitled to retirement, but the current revenues are sufficient only to bear the retirement in that year of five of those men. Then those five who are first entitled to their retirement take it, and the other two are merely delayed until the next year's current fund comes in, when they will be the first to be retired during that year, and in the meantime they pay nothing. They are still on the list of paid employees, and are not entitled to retirement for that current year, but are entitled to retirement as the first two men in the next current year, so that their retirement is merely delayed.

Now, that was put here for this purpose: We thought, perhaps, at some time in the future, notwithstanding the fact that this bill says that under no circumstances shall the Government have anything to do with this, except to fix the regulations under which the collections and payments shall be made and to take the money on deposit in the Treasury, that it might happen that some retirement might be made when there was not sufficient current revenue in the fund.

And then he would go to his Senator and all his Congressmen, and they would go to work and make appeals to Congress for the purpose of making a special fund for him. So that, in addition to the other, we put this clause in here so that he should not only not become a burden upon the Government, but that he should not become a burden upon that retirement fund unless the current fund was sufficient for his retirement.

Mr. GRIGGS. You contemplate retiring an employee when he reaches that age at which he is unfit for service?

Mr. WILLIAMS of Mississippi. Yes, sir; and then he is compulsorily retired by this act.

Mr. GRIGGS. If the employee reaches that period of incapacity, and there is not money enough in the fund, you carry him at the full salary by the Government for another year?

Mr. WILLIAMS of Mississippi, Yes, you do; and the only difference is this: That as now constituted we would be carrying two men upon the Government list for one year, but should we go on under the law and work as it stands now, we are carrying them on until they die; because just the minute that you discharge a man from Georgia, a man from South Carolina, a man from Texas, or a Vermonter, you do not stop it, for both the Senators and nearly all the Representatives from that particular State will go hounding around the Executive Departments of the Government telling them they are relegating this poor, old, worn-out servant to obscurity and to poverty, and there will be no way of getting rid of the superannuated people or getting them retired until the act of God relieves the people of the United States of the burden of supporting them.

Mr. WADSWORTH. I now yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. I would like to have ten minutes.

The CHAIRMAN. The gentleman from New York has not ten minutes at his disposal.

Mr. WADSWORTH. How much time have I?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. WILLIAMS of Mississippi. I rose a moment ago to a parliamentary inquiry. I would like now to be recognized in my own right as a member of the committee.

Mr. BROWN. Would not the gentleman add five minutes to the time given me by the gentleman from New York?

Mr. GRIGGS. Mr. Chairman, as I understand it, both gentlemen are on the same side of the question, and there are those of us who are opposed to their ideas on this bill who would like to be heard.

The CHAIRMAN. No arrangement has been made with reference to the division of the time.

Mr. GRIGGS. Those of us who are opposed to the bill would like to have a division of the time.

The CHAIRMAN. The Chair would first recognize, in accordance with the usual practice, members of the committee.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if I can be recognized in my own right, I will yield time.

Mr. WADSWORTH. Mr. Chairman, would it be in order to move that the committee rise and let the House fix the time for debate.

The CHAIRMAN. It would be in order.

Mr. WADSWORTH (to Mr. GRIGGS). Would not that be satisfactory?

Mr. GRIGGS. That would be satisfactory to me. The committee seems to be unanimous about it.

Mr. WHITE. No, sir; the committee was not unanimous. I am a member of the committee and voted against it. [Applause.]

Mr. WILLIAMS of Mississippi. The gentleman says he yields to the gentleman from Mississippi. I wish to yield five minutes of the time allotted to me to the gentleman from Ohio [Mr. BROWN]; and after that I would agree with the suggestion of the chairman of the committee, that the committee rise and let the House fix the time for the debate. I would like to yield five minutes to the gentleman from Ohio at the present.

The CHAIRMAN. Let the Chair understand. The gentleman from New York yields the remainder of his time, which is now three minutes, to the gentleman from Ohio, and the gentleman from Mississippi yields five minutes.

Mr. WADSWORTH. I yield all but a minute of my time.

Mr. BROWN. Will not the gentleman make it ten minutes altogether?

The CHAIRMAN. The Chair will say to the gentleman from

Ohio that there is nobody yet in possession of any time, except the gentleman from New York, who has the floor and has two minutes remaining. The Chair would, however, at the conclusion of the remarks of the gentleman from New York, recognize the gentleman from Mississippi, and he might make such disposition of the time as he sees best.

Mr. WILLIAMS of Mississippi. And I will yield sufficient time to make the total time of the gentleman from Ohio ten minutes.

Mr. RICHARDSON. Mr. Chairman, I rise to a point of order. I submit that inasmuch as the committee seems to be all on one side of this question, it would be a mistake to give each member of that committee his hour. As I understand the rule, as stated by the Chair, it is that after the committee has used an hour some gentleman in opposition to the measure would be recognized for an hour.

Mr. WADSWORTH. That is what I propose.

Mr. RICHARDSON. I do not think there would be any trouble about it. I think we can agree about general debate. I think you can do so in the committee by unanimous consent.

The CHAIRMAN. The Chair understands that the committee was not unanimous.

Mr. BROWN. Mr. Chairman, I wish to thank the gentleman from Mississippi [Mr. WILLIAMS] for helping me in my effort to get ten minutes of the time of this committee.

I think, sir, that when the members of this committee give careful attention to the 16 pages of this bill, they will find that it contains a good many things which are of interest to every member of the House, not only with respect to this particular measure, but with respect to other legislation that will probably come before the House at the present session.

I have given a hasty examination to the bill since the House went into Committee of the Whole. I find that the gentlemen of the committee reporting this bill have carefully and perhaps wisely refrained from the use of the word "pension." They have prepared a sugar-coated pill, if I may use that term with respect to the work of these gentlemen, and they call this allowance an "annuity," appearing to desire to avoid the use of the word "pension." But I submit that whatever word be used here, it is in fact the granting of a pension for civil service.

Now, it is provided by this bill that an employee of this Bureau who has served for ten years and who is disabled for the performance of his duty may be retired and paid an "annuity" equal to 30 per cent of his average annual pay during the last five years previous to his retirement; that an employee of the Bureau who has served twenty years, if so disabled, may be retired and paid an "annuity" of 40 per cent of his average annual salary for five years, and 50 per cent if he has served thirty years. It further provides that an employee who has reached the age of 60 years and been employed for thirty years, without reference to whether he is unable to perform his duties, may be retired and paid 60 per cent of his average annual salary for five years past; and that an employee who has reached the age of 65 years and who has been employed thirty years shall be compulsorily retired and paid 75 per cent of the average annual pay received by him during the last five years previous to his retirement. These "annuities" are to be paid out of a fund to be raised by assessing all the employees of the Bureau 3 per cent of their salaries, the amount so collected to be deposited in the Treasury of the United States and credited to what is called the "Weather Bureau retirement fund."

Mr. Chairman, I do not intend to inquire into the calculations by which the committee seems to think it has arrived at a safe conclusion that the 3 per cent withheld from the salaries will produce the amount necessary to pay these annuities. I am not particular about that point now. What I desire to say is that I think we may as well face the question, we may as well now look squarely in the face of the fact, that this is a proposition which is to be the beginning of what we are in the habit of speaking of as a civil pension roll; and I think no member of this committee can vote to report this bill favorably to the House without having made up his mind that it is time for the Government to adopt this policy of granting civil pensions.

I wish to say, Mr. Chairman, that I am utterly opposed to such a system. I am not more opposed to it in this bill than I would be elsewhere. I am opposed to it all along the line. I understand, Mr. Chairman, that there is now in the Committee on Civil Service Reform in this House a bill introduced by the chairman of this committee in the last Congress, providing for a general system or plan of giving pensions, or "annuities," as the gentleman on the Agricultural Committee would say, to those who, at certain ages or certain stages in their career, are retired from office in the civil service of the Government. I do not wish at this time to enter into a general discussion on this pension proposition. I simply want to say to members of this House that I do not see how they can favor such a proposition as is presented in this case in reference to the employees of the Weather Bureau without having made up their minds that the plan is a good one for the general civil service of the Government.

I reserve to some future time, when I may be fortunate enough to obtain the floor, an expression of my opinion at length on that question, or at least at greater length than now. But there is one other feature of this bill to which I wish to call the attention of the committee. Aside from all the other features of this bill which are objectionable to me, there is here a proposition—I ask the attention of gentlemen on the other side of the House and on this—to establish in this particular case a tenure of office for life, or substantially that, and this, Mr. Chairman, is another thing to which, speaking simply for myself, I am utterly opposed.

Gentlemen who will examine section 10 of this bill will find that when an employee has served for one year satisfactorily in this Bureau, he shall not after that be removed at any time except for causes mentioned in that section. In other words, if he shall have served one year satisfactorily—if his term of probation for one year shall be completed to the satisfaction of his superiors—then, Mr. Chairman, he shall hold his office in the service of this Weather Bureau for life unless he shall be retired under this sweet-coated "annuity" provision.

Now, is the House of Representatives or, more accurately speaking right now, is this Committee of the Whole prepared to report to the House that we have reached a piece of legislation which is wise and by which we are to establish the system of indefinite tenure in office and old-age pensions? Why is it not provided here that after a man shall have served one year satisfactorily he may not be removed, say, within four years, unless for some of the causes specified? I am perfectly ready, Mr. Chairman, to give to these employees a specified term of office—make it two years, three years, or four. I would be satisfied to give them four years; but at the end of four years I would make them subject to removal by their superiors, leaving it so that they might be reappointed or removed to make way for new men, as the appointing officer might deem best for the good of the public service.

In that respect, again, gentlemen of the committee, we are brought face to face with a proposition which is growing in all directions in this country, that we ought to establish a life tenure in office. I do not believe in it. I think the House does not believe in it, and it is because no particular attention has been called to this section that I here mention it as I do. I can not argue this now. There is not time to do it in ten minutes. I merely want, as far as I am able to do so, to have every member of this committee see, first, that it is here proposed to inaugurate a civil-pension system for employees in the civil service of the Government, and, secondly, that we are right here and now asked by this committee to put into this bill and establish as law the doctrine and theory of a life tenure in office. This is not right. It will still further strengthen and build up the present aristocracy of office holding. It is not in line with the principles on which our Government is supposed to be conducted. It will injure the public service and create a decrepit class of civil pensioners.

Mr. WADSWORTH. I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3988) to reorganize and improve the United States Weather Bureau, and had come to no resolution thereon.

Mr. WADSWORTH. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole for the further consideration of the bill H. R. 3988, and pending that motion, I move that the general debate upon the bill be concluded at 5 o'clock this evening, the time to be equally divided between those opposed to the bill and those in favor of it.

Mr. LOUD. Let me suggest to the gentleman that he has already occupied one hour and forty minutes.

Mr. WADSWORTH. I think all sides have used a good deal of that time.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill just referred to, and pending that, he moves that general debate be closed at 5 o'clock this evening, and that the time until 5 o'clock be equally divided between those opposing and those favoring the bill.

Mr. WADSWORTH. Now, I suggest that the gentleman from Georgia [Mr. GRIGGS] be allowed to control the time in opposition to the bill.

Mr. LOUD. That will give the opponents of this bill only forty minutes in which to discuss one of the greatest measures that has ever come before the House of Representatives.

The SPEAKER. The Chair will state for the information of the House that the question of the division of time should be arranged in Committee of the Whole and should not be coupled with this motion.

Mr. LOUD. I hope the gentleman will be a little more fair

than to take an hour and forty minutes for his side of the question and allow the opponents only forty minutes.

Mr. WADSWORTH. I occupied nearly my whole time in answering questions.

Mr. WILLIAMS of Mississippi. Fully half of the time was taken up in the answering of questions on both sides.

Mr. DINSMORE. I should like to ask if it is contemplated to come to a vote this afternoon?

Mr. WADSWORTH. No.

Mr. LOUD. Let it go back into Committee of the Whole and let us talk it out, because the whole civil-service list is back of this.

Mr. WADSWORTH. If the House requires more time to debate it, I am willing that there should be more time. I do not want to cut off anyone who wishes to debate the bill. I agree with the gentleman from California that this is a most important measure.

Mr. LOUD. Why not let the general debate go on?

Mr. WADSWORTH. We can not get the time.

Mr. LOUD. I should like to have a half hour myself.

Mr. GRIGGS. If the gentleman from New York will permit me, I know of enough gentlemen right around me here to take up more than an hour in this debate in opposition to the measure.

Mr. WADSWORTH. I say I am perfectly willing to yield more time if you want it.

Mr. WILLIAMS of Mississippi. I will suggest to the gentleman that he make his motion to allow three hours for general debate, and that he control the time in favor of the bill and the gentleman from Georgia [Mr. GRIGGS] control the time against it.

Mr. GRIGGS. Make it four hours, and I will not object to it.

Mr. WADSWORTH. I make that motion, that the general debate be closed in four hours.

The SPEAKER. Without any reference to the division of time, which must be arranged in Committee of the Whole; because if it were otherwise, it would deprive the Chairman of the Committee of the Whole of the right of recognition which he should have and place it in the hands of the Speaker. That matter must go untrammeled into the Committee of the Whole House on the state of the Union.

Mr. BROMWELL. Mr. Speaker, a parliamentary inquiry. If four hours are devoted to general debate under this motion, will the time be so divided that we shall adjourn at 5 o'clock and go on to-morrow afternoon?

The SPEAKER. It will be unfinished business when we are again in Committee of the Whole in the morning hour.

Mr. BROMWELL. Then we will adjourn at the usual time, 5 o'clock?

The SPEAKER. That is for the House to determine. They may run on until morning.

Mr. WHITE. Mr. Speaker, a parliamentary inquiry. How will the time be divided between the two sides?

The SPEAKER. That must be determined in Committee of the Whole.

Mr. WADSWORTH. We will give half to each side.

The SPEAKER. The House must not tie up the Committee of the Whole on that question. The motion of the gentleman from New York [Mr. WADSWORTH] is that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill 3988, and pending that, he moves that general debate in Committee of the Whole be limited to four hours.

Mr. LOUD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOUD. Suppose this measure should not be disposed of to-day. When would it be the order of business again?

The SPEAKER. When we are again in the Committee of the Whole in the morning hour.

Mr. LOUD. It may be to-morrow, and it may be a month hence.

The SPEAKER. It may be to-morrow, and it may be some days hence.

Mr. LOUD. I hope the gentleman from New York [Mr. WADSWORTH] will see the position in which he puts the House by debating the bill for an hour and forty minutes himself and then proposing a month from now to allow only half the time to the other side.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LOUD) there were—ayes 78, noes 49.

Mr. UNDERWOOD. The yeas and nays, Mr. Speaker.

The yeas and nays were refused, 3 members, not a sufficient number, rising in support of the demand therefor.

The SPEAKER. The ayes have it, and the motion to limit debate prevails. The question now recurs on the motion to resolve the House into Committee of the Whole on the state of the Union for the consideration of the bill.

The question being taken, the Speaker announced that he was in doubt; and on a division there were—ayes 57, noes 64.

Mr. WADSWORTH. Tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed Mr. WADSWORTH and Mr. LOUD.

The House again divided; and the tellers reported—ayes 57, noes 73.

So the motion to go into Committee of the Whole was lost.

Mr. WADSWORTH. Mr. Speaker, that motion was to go into Committee of the Whole, or was it to limit debate?

The SPEAKER. That was the motion that the House resolve itself into Committee of the Whole House to consider the bill.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

Mr. WADSWORTH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WADSWORTH. Does this bill continue as unfinished business?

The SPEAKER. The Chair thinks it will when the House is in Committee of the Whole and the House is pursuing the particular order that it has been this morning.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHACKLEFORD, for five days, on account of important business.

The motion to adjourn was then agreed to; and accordingly (at 3 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, submitting a detailed statement of expenditures of appropriations for contingent expenses of the Navy Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication relating to additional items in the appropriation for the Military Academy—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Quartermaster-General of the Army recommending an increase of the number of post quartermaster sergeants—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. Con. Res. No. 11) to print 7,000 copies of so much of the civil report of Maj. Gen. John R. Brooke, military governor of the island of Cuba, made to the Adjutant-General of the United States Army, reported the same with amendment, accompanied by a report (No. 126); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 3718), for the preservation of the frigate *Constitution*, reported the same without amendment, accompanied by a report (No. 143); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3538) granting an increase of pension to Charles Ross, reported the same with amendment, accompanied by a report (No. 128); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4652) granting a pension to Charles Perkins, reported the same with amendment, accompanied by a report (No. 129); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6575) for the relief of Mrs. Matilda G. Higbee, reported the same with amendment, accompanied by a report (No. 130); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5299) increasing the pension of Joseph McCune, reported the same with amendment, accompanied by a report (No. 131); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 854) to increase the pension of John J. McCormick, reported the same with amendment, accompanied by a report (No. 132); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1979) to pension Sophronia Bailey, reported the same with amendment, accompanied by a report (No. 133); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 232) granting a pension to John Vars, the totally blind son of Frank Vars, late master's mate on the U. S. S. *Reliance*, reported the same with amendment, accompanied by a report (No. 134); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2599) granting pension to Philip Yoe, late of Company C, Third Maryland Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 135); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 825) to increase the pension of F. H. Riggin, reported the same with amendment, accompanied by a report (No. 136); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2526) granting a pension to Margaret Bomke, reported the same with amendment, accompanied by a report (No. 137); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5186) for the increase of pension of Zadok C. Perkins, reported the same with amendment, accompanied by a report (No. 138); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4090) granting an increase of pension to Henry H. Brown, reported the same with amendment, accompanied by a report (No. 139); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6700) to increase the pension of Maria Andrews, reported the same with amendment, accompanied by a report (No. 140); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 434) granting an increase of pension to Jesse Smith, reported the same with amendment, accompanied by a report (No. 141); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5390) granting a pension to Mrs. Maria E. Mailley, reported the same with amendment, accompanied by a report (No. 142); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTEY (by request): A bill (H. R. 7569) providing for the changes of grades of streets, and so forth, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: A bill (H. R. 7570) for the erection of a public building at Xenia, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. HULL: A bill (H. R. 7571) to prevent the failure of military justice, and for other purposes—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 7572) extending in the district of Alaska the placer mining laws to lands reserved from sale in sections 1 and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes"—to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 7651) for a municipal hospital for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAMB: A bill (H. R. 7652) for the payment of claims of citizens of the United States—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 7653) to provide for the construction of a lock in Bayou Lafourche, near the Mississippi River, in the State of Louisiana, in accordance with survey and estimates of United States engineers made in 1886—to the Committee on Rivers and Harbors.

By Mr. METCALF: A bill (H. R. 7654) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal.—to the Committee on the Library.

By Mr. BROMWELL: A bill (H. R. 7655) to authorize the acquisition of certain real estate for the construction of a hall of records—to the Committee on Public Buildings and Grounds.

By Mr. NEEDHAM: A bill (H. R. 7656) to provide for the improvement of San Diego Harbor, California—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: A bill (H. R. 7657) making an appropriation for the Army and Navy General Hospital at Hot Springs, Ark., for the fiscal year ending June 1, 1901, and for other purposes—to the Committee on Appropriations.

By Mr. McDOWELL: A bill (H. R. 7658) to provide for the purchase of a site and the erection of a public building thereon at Newark, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON of Alabama: A joint resolution (H. J. Res. 143) providing for the withdrawal of the military and naval forces of the United States from the island of Cuba, and leaving the government thereof to the Cuban people—to the Committee on Insular Affairs.

By Mr. DRIGGS: A joint resolution (H. J. Res. 144) recognizing the patriotic devotion and benevolence of Helen Miller Gould—to the Committee on Military Affairs.

By Mr. RANSDELL: A resolution (H. Res. 121) to pay F. W. Turpin, jr., salary due as clerk to the late Representative-elect Baird—to the Committee on Accounts.

By Mr. GAINES: A resolution of the legislature of Tennessee, relating to the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 7573) for the relief of Lawrence H. Rousseau, of Somerset, Pulaski County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7574) for the relief of George J. Hurt, of Craycraft, Adair County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7575) for relief of John Stills, of Breeding, Adair County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7576) for relief of Melinda F. Montgomery, of Cane Valley, Adair County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7577) for the relief of D. M. Payne, of Nabob, Monroe County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7578) for the relief of John C. Wilder, of London, Laurel County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7579) for the relief of John Holbrooks, of Connellsville, Perry County, Ky.—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 7580) granting a pension to Samuel N. Haskins, of Providence, R. I.—to the Committee on Invalid Pensions.

By Mr. BREAZEALE: A bill (H. R. 7581) for the relief of the estate of John Blair Smith, deceased, late of Natchitoches Parish, La.—to the Committee on War Claims.

By Mr. CORLISS: A bill (H. R. 7582) for the relief of Lieut. Herman M. Lillie—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 7583) to remove the charge of desertion from the military record of John McFarland—to the Committee on Military Affairs.

By Mr. CROMER: A bill (H. R. 7584) for the relief of Eli Conner—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 7585) for the relief of Henry C. Barney, late Company A, Seventh Wisconsin Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7586) for the relief of Wiley B. Slaten—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 7587) granting a pension to George W. Gates, of Nittany, Pa.—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 7588) granting a pension to Robert Patterson—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 7589) for the relief of the estate of Francis Griffing, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7590) for the relief of the estate of Jesse M. Brent, deceased, late of Lincoln County, Miss.—to the Committee on War Claims.

By Mr. JOHNSTON: A bill (H. R. 7591) to pay trustees of Mouth of Greenbrier Baptist Church, or their successors, for injury to their property by the United States Army—to the Committee on War Claims.

By Mr. KERR: A bill (H. R. 7592) granting a pension to Mrs. Nancy J. Summers—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 7593) to authorize the auditing and payment of the claim of Charles Cowley—to the Committee on Claims.

By Mr. MIERS of Indiana: A bill (H. R. 7594) granting a pension to Amelia Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7595) granting a pension to Isaac A. Chandler—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 7596) granting an increase of pension to Mrs. Eliza Wight—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 7597) to restore Mary Welch to the pension roll—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 7598) for the relief of James L. Hutchin—to the Committee on Claims.

Also, a bill (H. R. 7599) granting an increase of pension to John F. Crawford—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 7600) granting an increase of pension to Charles Claussen—to the Committee on Invalid Pensions.

By Mr. MEEKISON: A bill (H. R. 7601) granting a pension to Sarah J. Ehret—to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 7602) to correct the military record of Palmer G. Percy—to the Committee on Military Affairs.

Also, a bill (H. R. 7603) to correct the military record of James A. Somerville—to the Committee on Military Affairs.

Also, a bill (H. R. 7604) to increase the pension of Stephen H. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7605) granting a pension to John Denny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7606) for the increase of pension of Mrs. Joseph Lyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7607) granting a pension to William Pouder—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 7608) granting a pension to Mrs. Murtilla Crawford—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 7609) to remove the charge of desertion against John G. Wolf—to the Committee on Military Affairs.

By Mr. PUGH: A bill (H. R. 7610) granting a pension to Lilburn E. Taber—to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 7611) for the relief of William H. Dress, of Shamokin, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7612) for the relief of Randolph Hayman, of Turbotville, Pa.—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 7613) granting an increase of pension to Philip Krohn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7614) granting an increase of pension to David P. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7615) granting a pension to Mabel Sliter—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 7616) for the relief of Henry M. Smith, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7617) granting an increase of pension to Rebecca Tolson, Clifton, Va.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7618) for the relief of John Compher, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7619) for the relief of W. J. Tapp & Co.—to the Committee on Claims.

By Mr. RUPPERT: A bill (H. R. 7620) granting a pension to George W. Farnum—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 7621) granting a pension to William H. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7622) granting a pension to Peter M. Heaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7623) to correct the military record of John Loney—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 7624) to increase the pension of Pleasant H. McBride—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 7625) for relief of Thomas Kennedy—to the Committee on Military Affairs.

Also, a bill (H. R. 7626) for relief of William Gilmore—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 7627) granting a pension to Catherine L. Nixon—to the Committee on Pensions.

By Mr. SIBLEY: A bill (H. R. 7628) to pension Rachael A. McKinney—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 7629) for the relief of T. M. D. Coln, of McNairy County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7630) for the relief of the estate of Dr. J. M. Walker, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7631) for the relief of Frederick Webb, of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7632) for the relief of M. Robison, administrator T. E. Robison, deceased, late of Henderson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7633) for the relief of James Anderson, Savannah, Tenn., surviving partner of Anderson & Warfield—to the Committee on War Claims.

Also, a bill (H. R. 7634) for the relief of the estate of Samuel Hayes, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7635) for the relief of B. J. Young—to the Committee on War Claims.

By Mr. SMALL: a bill (H. R. 7636) for the relief of the heirs of Samuel T. Carrow, deceased, late of North Carolina—to the Committee on War Claims.

Also, a bill (H. R. 7637) for the relief of E. W. Pelletier, of Carteret County, N. C.—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 7638) granting an increase of pension to William W. Basnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7639) for the relief of Hiram C. Walker—to the Committee on Military Affairs.

By Mr. TONGUE: A bill (H. R. 7640) to remove the charge of desertion against Joseph E. Woods, and place his name on the pension roll at the rate of $20 per month—to the Committee on Military Affairs.

Also, a bill (H. R. 7641) for the relief of Louis Schneider—to the Committee on Claims.

By Mr. WATERS (by request): A bill (H. R. 7642) for the relief of Riley Moutrey—to the Committee on Claims.

Also, a bill (H. R. 7643) to increase the pension of Isaac L. Blaisdell—to the Committee on Invalid Pensions.

By Mr. WILSON of South Carolina: A bill (H. R. 7644) for the relief of Cely & Bro.—to the Committee on War Claims.

Also, a bill (H. R. 7645) for the relief of H. F. Means—to the Committee on War Claims.

Also, a bill (H. R. 7646) for the relief of Robert R. Jackson—to the Committee on War Claims.

Also, a bill (H. R. 7647) for the relief of Columbia Hospital and Dr. E. A. Boozer—to the Committee on Claims.

By Mr. DE VRIES: A bill (H. R. 7648) for the relief of George Hill, jr.—to the Committee on Claims.

By. Mr. FLYNN: A bill (H. R. 7649) authorizing the Secretary of the Interior to issue patent to the city of Elreno, Okla., for cemetery purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 7650) for the relief of William A. Lowe—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Papers to accompany House bill No. 6624, granting an increase of pension to John C. Bradley—to the Committee on Invalid Pensions.

By Mr. BELL: Petition of Stock Growers' Associations of Colorado against State ownership of public lands—to the Committee on the Public Lands.

Also, petition of employees of Colorado Springs, Colo., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. BOREING: Paper to accompany House bill for the relief of John Holbrook—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of John C. Wilder—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of D. M. Payne—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Melinda F. Montgomery—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of John Stilts—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of George J. Hurt—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of L. H. Rousseau—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petition of clerks of the post-office at Fort Scott, Kans., favoring the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWLEY: Papers to accompany House bill No. 3759, relating to the claim of D. Horner, of Olney, Ill.—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 4198, for the relief of Susan J. Brewer—to the Committee on Pensions.

Also, papers to accompany House bill No. 7259, for the relief of William H. de Bord—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Resolutions of the Chamber of Commerce and of the Cotton Exchange of Charleston, S. C., in opposition to House bill No. 5462 relating to the licensing and control of pilots under the United States Steamboat-Inspection Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Merchants' Exchange, Young Men's Business League, and the Chamber of Commerce of Charleston, S. C., to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: Resolution of A. J. Walton Regiment No. 46, Bay City, Mich., Union Veterans Union, favoring the adoption of the Wadsworth bill, No. 3988, to reorganize and improve the Weather Bureau—to the Committee on Agriculture.

Also, petitions of Fred. Denny Lasbe and 158 citizens of Presque Isle County, Mich., and surfmen on Lake Huron, Michigan, relative to increase of pay and length of service of life-saving crews on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Protests of F. M. White, H. C. Peters, T. F. Frawley, and other members of the bar of the counties of Price, Pearce, and Eau Clare, Wis., against the passage of House bill No. 4726, providing for establishment of a northern division of the western district of United States court of Wisconsin—to the Committee on the Judiciary.

Also, paper to accompany House bill No. 3777, for the relief of Bernard Dunn—to the Committee on Invalid Pensions.

By Mr. GAINES: Petition of clerks of the post-office at Clarksville, Tenn., favoring the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tennessee State Druggists' Association, relating to the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. HALL: Petitions of business men of Johnsonburg and St. Marys, Pa., in favor of placing hides on the free list—to the Committee on Ways and Means.

By Mr. HAY: Papers relating to the claim of John R. Fugitt, of Clarke County, Va.—to the Committee on War Claims.

By Mr. KAHN: Petition of pilots of San Francisco, Cal., against the passage of House bill No. 5462—to the Committee on the Merchant Marine and Fisheries.

By Mr. KETCHAM: Petition of William O. Taylor and others of Patterson, N. Y., and vicinity, for legislation relating to dairy or food products and their transportation from one State into another State—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOX: Resolutions of the Board of Trade of Lawrence, Mass., favoring the appointment of a commission to study and report upon the industrial and commercial conditions of China—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: Petition of the Abbey Effervescent Salt Company, of New York City, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. McDOWELL: Petition of the publisher of the Londonville (Ohio) Democrat, to repeal the tariff on printing paper—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Evidence to accompany House bill for the relief of Amelia Taylor—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of the National Live Stock Exchange, of Indianapolis, Ind., against the passage of House bill No. 6, in relation to a tax upon the manufacture, sale, importation, and exportation of oleomargarine—to the Committee on Ways and Means.

By Mr. POLK: Papers to accompany House bill for the relief of Randolph Hayman, of Turbutville, Pa.—to the Committee on Invalid Pensions.

Also, petitions of James A. Osman and Weaver Brothes, druggists, of Shamokin, Pa., asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

Also, petitions of post-office clerks at Danville, Sunbury, Shamokin, Bloomsburg, and Milton, Pa., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS: Petition of Kimball Bros. & Co., of Enosburg Falls, Vt., druggists, asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

Also, petition of Woman Suffrage Association of Vermont, for a sixteenth amendment to the Constitution, prohibiting the disfranchisement of citizens on account of sex—to the Committee on the Judiciary.

Also, petition of fourth-class postmasters in Bennington County, Vt., urging the passage of House bill No. 4931, for increase of compensation, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petition of W. E. Beardsley and others, of Coventry, N. Y., for the passage of a bill relating to dairy food and products—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN of New York: Petition of marine engineers of Buffalo, N. Y., for a public building for a marine hospital for Buffalo, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: Petition of the publisher of the Gatesville (Tex.) Messenger, to repeal the tariff on printing paper—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of Jerome Warden and others, of Russia, N. Y., and vicinity, to subject imported food products to the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

By Mr. SIBLEY: Petition of H. J. Brennan and a number of business men of Pennsylvania, asking for repeal of the act placing 15 per cent duty on hides—to the Committee on Ways and Means.

By Mr. HENRY C. SMITH: Petition of druggists of the city of Jackson, Mich., asking for the repeal of the stamp tax upon proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Resolutions of the St. Paul Chamber of Commerce, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

Also, resolutions of the Minneapolis Board of Trade, for the improvement of South Pass, on the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. TONGUE: Petition of the Oregon Woman Suffrage Association, favoring a sixteenth amendment to the Constitution prohibiting disfranchisement of women—to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of clerks in the New York City post-offices, Port Chester, Westchester branch, Yonkers, and Mount Vernon, N. Y., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. WHITE: Petition of Isaac Williams and 76 other citizens of the State of Georgia, asking for the passage of a bill to reimburse depositors in the late Freedmen's Savings Bank—to the Committee on Claims.

By Mr. WILSON of South Carolina: Petition and affidavit to accompany House bill relating to the claim of Robert R. Jackson—to the Committee on War Claims.

SENATE.

TUESDAY, *January 30, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal stands approved, without objection.

BRUNSWICK, GA., HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d instant, a letter from Mr. Henry L. Marindin, United States Coast and Geodetic Survey, stating that his report on the survey of the outer bar of Brunswick, Ga., showing the amount of work done on that bar since the last report, its cost and its value to the Government, would be forwarded without unnecessary delay; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF THE CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Capital Traction Company of the District of Columbia for the fiscal year ended December 31, 1899; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 3) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

The message also announced that the House had passed the

following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1040) to amend section 445 of Title LII of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels; and

A joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans.

PETITIONS AND MEMORIALS.

Mr. TALIAFERRO presented sundry memorials of citizens and fruit growers of Manatee County, Hillsboro County, Polk County, De Soto County, and Orange County, all in the State of Florida, remonstrating against any reduction of the tariff on Jamaica oranges, as contemplated by the proposed reciprocity treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. BATE. I present a resolution of the legislature of Tennessee, in favor of the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people. As it is the action of the legislative body, I ask that the resolution be printed in the RECORD and that it be referred to the Committee on Privileges and Elections.

There being no objection, the resolution was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

House joint resolution No. 102. Concurrent resolution of the senate and house of representatives of the State of Tennessee to the Senate and House of Representatives of the United States, asking for the election of a United States Senator by a direct vote of the people.

Whereas experience has demonstrated that the interests of the people would be best served by the election of United States Senators by the vote of the people of the various States: Therefore be it

Resolved by the house of representatives of the State of Tennessee (the senate concurring), That our representatives in Congress are hereby requested to use all honorable means to secure the submission of an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people.

Resolved further, That copies of this resolution, properly attested, be sent to our representatives in Congress of the United States.

Adopted April 5, 1899.

JOSEPH W. BYRNS,
Speaker of the House of Representatives.
SEID WADDELL,
Speaker of the Senate.

Approved April 7, 1899.

BENTON McMILLIN, *Governor*

Mr. McLAURIN presented a memorial of the Chamber of Commerce of Charleston, S. C., and a memorial of the Merchants' Exchange of Charleston, S. C., remonstrating against the enactment of legislation to provide for the appointment and control of pilots exclusively by the United States Government; which were referred to the Committee on Commerce.

He also presented petitions of the Young Men's League of Charleston, of the Merchants' Exchange of Charleston, of the Chamber of Commerce of Charleston, all in the State of South Carolina, praying for the enactment of legislation to provide for the enlarging of the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Cotton Exchange of Charleston, S. C., remonstrating against the enactment of legislation regulating pilots; which was referred to the Committee on Commerce.

Mr. CULLOM presented the petition of Guy C. Larkin and three other citizens of Streator, Ill., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Elgin, Ill., praying for the enactment of legislation to prohibit the sale of alcoholic liquors in the Hawaiian Islands; which was referred to the Committee on Education and Labor.

He also presented the petition of Frank M. Bishop and 14 other citizens of Quincy, Ill., praying for the enactment of legislation to amend the act imposing a stamp tax upon insurance policies; which was referred to the Committee on Finance.

Mr. BERRY presented a petition of the Desha Levee Board of Arkansas City, Ark., praying that an appropriation be made to continue the work of the Mississippi River Commission; which was referred to the Committee on Commerce.

Mr. TILLMAN presented a memorial of the Chamber of Commerce of Charleston, S. C., remonstrating against the enactment of legislation to place the appointment, licensing, and control of all pilots under the United States Steamboat-Inspection Service; which was referred to the Committee on Commerce.

Mr. DANIEL presented the petition of James M. Newton and 59 other citizens of Virginia, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

EXTRA PAY FOR CUSTOMS NIGHT SERVICE.

Mr. PLATT of New York presented a paper suggesting an amendment to the act of June 26, 1884, so that compensation may be allowed to customs officers for services in the unloading of vessels between the setting and rising of the sun, under such regulations as the Secretary of the Treasury may prescribe; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 419) amending the act providing for the appointment of a "Mississippi River Commission," etc., approved June 28, 1879, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 921) granting an increase of pension to Samuel M. Howard; and

A bill (S. 58) granting a pension to Harry J. Hall.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 62) granting a pension to Robert Black; and

A bill (S. 1769) granting an increase of pension to Henry Frank.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1305) for the relief of Samuel A. Lundborg; and

A bill (S. 2028) for the relief of Marie J. Blaisdell.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 667) granting a pension to B. H. Randall, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 645) granting a pension to David Hunter; and

A bill (S. 677) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2742) restoring to the pension roll the name of Annie A. Gibson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2220) granting an increase of pension to Mrs. E. S. Kelly;

A bill (S. 1419) to increase the pension of Annie B. Goodrich;

A bill (S. 2650) granting an increase of pension to Katherine Taylor Dodge;

A bill (S. 1228) granting a pension to Thomas Jordan;

A bill (S. 239) granting a pension to Rhoda A. Foster; and

A bill (S. 241) granting a pension to Patrick Lahee.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 2008) granting a pension to Flavel H. Van Eaton, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 209) granting an increase of pension to Cornelia De Peyster Black; and

A bill (S. 208) granting a pension to Josephine I. Offley.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1919) granting a pension to Consolacion Victoria Kirkland; and

A bill (S. 1960) granting an increase of pension to Eli J. March.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 158) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2630) for the relief of the legal representatives of Merrick, Merrick & Cope, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 706) granting to the State of Montana 50,000 acres of land to aid in the establishment and maintenance of an asylum for the blind, reported it without amendment.

INTRODUCTION OF DOMESTIC REINDEER INTO ALASKA.

Mr. PLATT of New York, from the Committee on Printing, to whom the subject was referred, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 1,000 copies, additional to the usual number, of the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska for 1899," of which 250 copies shall be for the use of the Senate and 750 copies for the use of the House of Representatives.

Mr. TELLER subsequently said: I ask unanimous consent that the action of the Senate may be reconsidered in adopting the resolution providing for the printing of the report upon the introduction of domestic reindeer into Alaska.

The PRESIDENT pro tempore. Is there objection to a reconsideration? The Chair hears none, and the resolution is before the Senate by unanimous consent.

Mr. PLATT of New York. As chairman of the Committee on Printing I move to amend the resolution by increasing the number to 2,000 additional copies.

The PRESIDENT pro tempore. The Senator from New York moves to amend the resolution reported by the committee. The amendment will be stated.

The SECRETARY. Strike out "one," in line 2 of the resolution, before the word "thousand," and insert "two;" so as to read:

That there be printed 2,000 copies, additional, etc.

The amendment was agreed to.

The SECRETARY. In line 5 of the resolution, strike out "two hundred and fifty" and insert "five hundred;" and in line 6 strike out "seven hundred and fifty" and insert "fifteen hundred."

The amendment was agreed to.

The concurrent resolution as amended was agreed to, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 2,000 copies, additional to the usual number, of the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska for 1899," of which 500 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives.

PRESENTATION OF CANNON TO NASHVILLE, TENN.

Mr. PERKINS. On behalf of the Committee on Naval Affairs I report back from that committee, without amendment, the bill (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot of the Spanish-American war, and to make a verbal report favorable to the passage of the bill.

Mr. BATE. I wish to ask for the present consideration of the bill. There is no objection to it in the least.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to condemn and detach from the gunboat *Nashville* the cannon from which was fired the first shot in the Spanish-American war, and to deliver the same to the said city of Nashville, to be placed in some public place in that city, the title to the said cannon to be vested in the said city: *Provided*, That no expense shall be caused to the United States through delivery of said cannon.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. BATE. I ask that the very short series of resolutions adopted by the city council of Nashville be entered in the RECORD.

The PRESIDENT pro tempore. The Chair hears no objection, and the resolution will be entered in the RECORD.

The resolution referred to is as follows:

Resolution regarding the "initial gun."

Whereas in the recent Spanish-American war a new glory was added to American arms, and in the fortune of war it so happened that the initial shot was fired from the gunboat *Nashville*, then commanded by a son of our own State, a State which has borne its part in every conflict which has engaged American valor; and

Whereas this gunboat was not only commanded by one of our own sons and bore the name of the capital of this Commonwealth, but also bore the name of a distinguished soldier of the Revolution whose blood was shed for American liberty; and

Whereas it is the desire of the people of Nashville, expressed through the chamber of commerce, the park commission, the mayor and city council, the press, and the public generally, to possess the very gun which opened a war which will be illustrious in the history of nations, not only for the reason of its successful and brilliant termination, but also for the fact that it was inaugurated in a spirit of humanity and chivalry to relieve an oppressed people from starvation, tyranny, and despotism: Now, therefore, be it

Resolved by the mayor and city council of Nashville, That the members of Congress from the State of Tennessee are respectfully and earnestly requested to use their best offices and most strenuous efforts to induce the Congress of the United States to condemn the gun that fired the first shot from the gunboat *Nashville* and to intrust it to the keeping of our people; and we hereby authorize our Representatives in Congress to assure the Congress of the United States that if this request be granted we will receive and hold this gun as a dear and sacred trust; we will place it in a prominent position within the limits of our city, zealously keep and care for it, that it may as a monument of past valor and heroism, in the years to come, inspire our people with a higher idea of liberty and incite them to patriotic deeds in war and in peace. And be it further

Resolved, That a copy of this resolution be engrossed and signed by the mayor and the members of the city council and the board of public works and be transmitted to the Senate of the United States through our Senator, WILLIAM B. BATE.

Resolution introduced by Alfred E. Howell.

The foregoing resolution was unanimously adopted by the mayor and city council of Nashville, Tenn., on June 22, 1899.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

PUBLIC BUILDING AT CHEYENNE, WYO.

Mr. WARREN. My attention has just been called to the Calendar. Some time since I reported from the Committee on Public Buildings and Grounds the bill (S. 1893) to enable the Secretary of the Treasury to complete the public building at Cheyenne, Wyo. I find that the Calendar shows it to have been reported from the Committee on Claims. I desire now to present a report upon that bill. The report comes from the Committee on Public Buildings and Grounds. I ask that the Calendar be corrected.

The PRESIDENT pro tempore. The Calendar will be corrected, and the report will be received and printed under the rule.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 2748) to provide for a voluntary retirement fund in the several Executive Departments; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2749) granting a pension to Washington Butler;

A bill (S. 2750) granting a pension to Isaac Gifford;

A bill (S. 2751) granting a pension to Enos F. Henderson;

A bill (S. 2752) granting a pension to Abigail M. Wheeler;

A bill (S. 2753) granting an increase of pension to David H. Morey (with an accompanying photograph);

A bill (S. 2754) granting a pension to E. E. Harvey;

A bill (S. 2755) granting a pension to Isaac N. Cissna;

A bill (S. 2756) granting an increase of pension to Henry Prosser;

A bill (S. 2757) for the relief of Robert White; and

A bill (S. 2758) granting an increase of pension to John M. Graham (with accompanying papers).

Mr. BAKER introduced a bill (S. 2759) for the relief of Charles A. Bess; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2760) for the relief of Jerome Kunkel; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McLAURIN introduced a bill (S. 2761) for the relief of Philip Epstein, Mordecai David, Henry Stein, Julius Louis, and Herman Somers; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHOUP introduced a bill (S. 2762) to authorize the Secretary of War to correct the military record of Wynn W. Pefley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 2763) to amend the act of Congress approved February 11, 1897, authorizing the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KENNEY introduced a bill (S. 2764) granting an increase of pension to William Murphy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST (by request) introduced a bill (S. 2765) for the relief of Joseph Edward Montgomery and the heirs of Thomas Paul Leathers; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 2766) granting a pension to James M. Kercheval; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 2767) granting a pension to Nellie L. Parsons; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 2768) granting an increase of pension to George Howard Hitchcock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2769) for the relief of Warren Hall; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 2770) granting an increase of pension to Thomas M. Chill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2771) to amend sections 460, 463, and 468 of chapter 44, Title II, of an act entitled "An act

to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 2772) to prevent, within stated times, the hunting, trapping, injury, or killing of certain game animals in the Territory of Alaska, and to prohibit the killing of the same at any time for their skins, hides, or horns; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

He also introduced a bill (S. 2773) to amend sections 179, 180, 181, 182, and 183 of chapter 12, Title I, of an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. PLATT of Connecticut introduced a bill (S. 2774) granting an increase of pension to John H. Wilcox; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 2775) for the relief of the estate of Richard L. Brown, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2776) granting an increase of pension to Pinnie L. Carr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. THURSTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2777) granting a pension to Benjamin F. Trapp;
A bill (S. 2778) granting a pension to George Evans;
A bill (S. 2779) granting a pension to Robert Lenox;
A bill (S. 2780) granting a pension to Waity West;
A bill (S. 2781) granting a pension to William H. Moody;
A bill (S. 2782) granting a pension to Hattie Blanche Sears;
A bill (S. 2783) granting a pension to Mary A. Ellas;
A bill (S. 2784) granting an increase of pension to D. Cyrus Holdridge;
A bill (S. 2785) granting a pension to William H. Gardner;
A bill (S. 2786) granting an increase of pension to Aaron Stoughton; and
A bill (S. 2787) granting an increase of pension to E. L. Poston.

Mr. THURSTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 2788) for the relief of Wells C. McCool;
A bill (S. 2789) to remove the charge of desertion from the military record of Furman D. Lee; and
A bill (S. 2790) to remove the charge of desertion from the military record of Frederick Mause.

Mr. PROCTOR introduced a bill (S. 2791) authorizing the Commissioners of the District of Columbia to permit the Bacheller Pneumatic Tube Company to construct a pneumatic tube between the Government Printing Office and the Capitol, in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANNA introduced a bill (S. 2792) to correct the military record of Augustus Crowell; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2793) to correct the military record of James Kelly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 2794) granting an increase of pension to Rachel Wells;
A bill (S. 2795) granting an increase of pension to Christina Noll;
A bill (S. 2796) granting a pension to Jane Sheppard; and
A bill (S. 2797) granting a pension to Jonathan Budd.

Mr. HANNA introduced a bill (S. 2798) for the relief of William T. Alexander; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WARREN introduced a joint resolution (S. R. 80) proposing an amendment to the Constitution of the United States; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. WARREN submitted an amendment proposing to appropriate $12,311 to pay the claims for improvements made upon lands within the Wind River Indian Reservation in the State of Wyoming, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 1040) to amend section 445 of Title LII of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a military hospital at Fort Leavenworth, Kans., was read twice by its title, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. TALIAFERRO. I ask unanimous consent to call up the bill (S. 2100) granting a pension to Annie E. Brumby.

Mr. COCKRELL. I gave notice yesterday that I should object to any bill being taken up on the Calendar unless reached in its regular order. If we go to the Calendar, we can reach and dispose of all the unobjected bills in a very short time.

Mr. HALE. Why does not the Senator from Missouri now propose that at the end of the routine morning business we shall go to the Calendar and take it up for the consideration of unobjected cases, and have that settled now?

Mr. COCKRELL. I did not hear what the Senator said.

Mr. HALE. I was suggesting that the Senator might now propose, in the line he has just indicated, that at the end of the routine morning business we shall go to the Calendar and take it up, considering only unobjected cases under Rule VIII. That would give everybody a chance on the Calendar. That course can be pursued this morning unless some Senator has given notice that he wants to take the floor.

Mr. JONES of Arkansas. The Senator from Georgia [Mr. BACON] gave notice some time since that he would take the floor immediately after the conclusion of the routine business this morning.

Mr. HALE. Of course nobody would want to interfere with a speech to be made in pursuance of notice previously given.

The PRESIDENT pro tempore. The Senator from Georgia informed the Chair that he does not desire to take the floor before half past 1 to-day.

Mr. HALE. Then I hope the Senator from Missouri will make that proposition.

Mr. COCKRELL. I understand that the Senator from Florida desires to call up a pension bill for a very old lady. I have in charge two or three cases of exactly the same kind. We considered yesterday evening pension bills, and I am perfectly willing that the continuation of the consideration of unobjected pension bills shall be concluded the first thing when the Calendar is reached.

Mr. HALE. After the routine morning business.

Mr. COCKRELL. After the routine morning business. It will not take over fifteen or twenty minutes to dispose of the unobjected pension cases, and then there will be no necessity for Senators to appeal to the courtesy of the Senate to call them up and have them considered out of their regular order.

Mr. HOAR. What is the present order, Mr. President?

Mr. BERRY. It was stated by the Chair that the Senator from Georgia [Mr. BACON] has given notice that he will not desire to speak until half past 1 o'clock. I wish at some time during the day to make a few remarks, not lengthy, very short, on the financial bill. I had supposed that that bill would come up at 2 o'clock this afternoon, and I would then have the opportunity to make the remarks which I desire to make some time during the day. If the Senator from Georgia does not begin until half past 1 o'clock, the probabilities are that there will be no time to say anything on the financial bill to-day. However, I do not wish to interfere with his convenience in the premises, and I simply state that at some time after 2 o'clock to-day I wish to make a few remarks on the financial bill.

Mr. CLAY. My colleague [Mr. BACON] has just notified me that he can not reach here until half after 1 o'clock, and that at that time or shortly thereafter he will desire to address the Senate.

The PRESIDENT pro tempore. Concurrent and other resolutions are in order.

SPACE IN CAPITOL BUILDING.

Mr. HOAR. I submit a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Rules be directed to consider and report some suitable plan for an enlargement of the Capitol and for providing for the transaction of public business other than legislative business elsewhere, so that there may be sufficient space provided for the convenient transaction of the business of the two Houses of Congress.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for the present consideration of the resolution. Is there objection?

Mr. PLATT of Connecticut rose.

Mr. HOAR. It is merely a resolution of inquiry.

Mr. PLATT of Connecticut. I am not going to make a formal objection to the consideration of the resolution this morning. I merely wish to suggest that it seems to commit the Senate to the project of enlarging the Capitol, as I heard it read, and that appears to be a rather large subject to be committed to, without any debate or consideration.

Mr. HOAR. I will remove that objection. I merely intended to have the committee take jurisdiction of the subject. I will amend the resolution by directing the committee "to consider and report whether a suitable plan may be adopted."

Mr. PLATT of Connecticut. That will be satisfactory to me.

The PRESIDENT pro tempore. The Senator from Massachusetts modifies his resolution as follows.

Mr. HOAR. "Whether a suitable plan may be adopted."

Mr. PLATT of Connecticut. That is all right.

Mr. HOAR. I had no desire of committing the Senate to anything, and I do not understand that the resolution as I originally offered it does that; but I will remove the Senator's doubt.

The PRESIDENT pro tempore. The Secretary will read the resolution as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Committee on Rules be directed to consider and report whether a suitable plan may be adopted for an enlargement of the Capitol and for providing for the transaction of public business other than legislative business elsewhere, so that there may be sufficient space provided for the convenient transaction of the business of the two Houses of Congress.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. FAIRBANKS. I should like to inquire whether that is not a resolution which should go to the Committee on Public Buildings and Grounds?

Mr. HOAR. That particular subject, a provision for the convenience of the Senate and the House for legislative business, always has gone, as I understand it, in the past to the Committee on Rules. Of course if that committee should report that it was desirable to have an enlargement of the Capitol or desirable to have at once a hall of justice or to remove the library still in the Capitol, the subject would then go to the Committee on Public Buildings and Grounds, or the latter question to the Committee on the Library.

Mr. FAIRBANKS. If the resolution falls within the jurisdiction of the Committee on Rules, I have no objection.

Mr. HOAR. Our committee is now dealing with the subject of committee rooms by order of the Senate, and it is impossible to do the duty which is already assigned to it without considering whether the business of the public other than legislative is at some time or other to be banished from the Capitol.

Mr. FAIRBANKS. I agree with the Senator that there is great necessity for additional accommodations.

Mr. HOAR. I should like to say, though perhaps it is not necessary for the matter of this resolution, that I think this whole building will be required for legislative purposes, and some additions can probably be made between Pennsylvania avenue, where the Navy and Army statue is, and the basement of the Capitol. All the space will be needed for the two Houses of Congress, and the sooner provision is made elsewhere for the Supreme Court of the United States the better it will be for the public service. But I suppose that question, before any practical action is taken, would go to another committee than the Committee on Rules. However, I want the Committee on Rules, who are now dealing with the question between the two Houses, I understand, of the disposition of the space left vacant in the old library, to have before them the extent of the necessities of this and the other House for legislative business, so that they will have the right to inform us how much more space we need than is at present within our control.

Mr. VEST. I could not catch all that the Senator from Massachusetts said, but I infer from the little I did hear that he stated the precedent in the Senate to be that resolutions of this sort should go to the Committee on Rules.

Mr. HOAR. If the Senator will pardon me, perhaps before he proceeds he will allow me to restate what I said on that point. I said that it is within the jurisdiction of the Committee on Rules to dispose of such space as is at the command of the Senate for the legislative purposes of the Senate; that if new buildings are to be constructed, that is to be done under the direction of the Committee on Public Buildings and Grounds; and that if any change is to be made in the library now in the Capitol, that is to be done on a report from the Committee on the Library.

Now, the Committee on Rules are considering the question of the disposition, for committee rooms or other legislative objects, of some space now vacant in the Capitol by reason of the departure of the library. That they have been directed by the Senate to do; and the object of the resolution is simply to have the committee also inform themselves how much more space is needed for our legislative purposes than we now have. That is the whole of it.

Mr. VEST. I was about to say, Mr. President, that while it is not a question of vital importance as to what committee takes charge of this matter, I have known but one instance in which the Committee on Rules was given jurisdiction of a subject like this, and that was done by inadvertence. It was when the sanitary condition of the Senate Chamber was considered. That question was first sent to the Committee on Public Buildings and Grounds, and we spent some $140,000 in improving the sanitary condition of this Chamber and of the committee rooms of the Senate. Subsequently, without anyone on the Committee on Public Buildings and Grounds giving any attention to the matter, the Committee on Rules took charge of the same subject and a large amount of money was spent under the supervision of that committee for the same purpose that had been considered before by the Committee on Public Buildings and Grounds.

It seems to me that this question ought to go to the Committee on Public Buildings and Grounds. If it be a question of space the whole subject ought to be considered. If additions are to be made to the Capitol, as a matter of course the Committee on Public Buildings and Grounds, which is a joint committee of the two Houses, ought to consider that question.

During the last session of Congress, at the instance of our late lamented colleague, Senator Morrill, of Vermont, the Senate passed a bill to purchase ground immediately across the eastern space for the purpose of erecting a building for the Supreme Court of the United States; and if the question of space for the Supreme Court or the division of the space that has come from removing the library is to be considered, it ought to go to the Committee on Public Buildings and Grounds. If, however, the chairman of the committee, who sits on the other side of the Chamber, is willing to let it go to the Committee on Rules, as a matter of course I have no serious opposition to make; but it seems to me that the proper committee is not the Committee on Rules, which simply has cognizance, according to its name, of the rules that govern that portion of the Capitol which is assigned to the Senate. That ought not to be the committee to take this matter up; but the whole question can be considered by the joint committee of the two Houses on Public Buildings and Grounds.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate. The Senator from Indiana will proceed.

Mr. FAIRBANKS. I am not familiar, Mr. President, with the course of practice which has been followed in such matters in the past. In what I said a moment ago I did not wish to be understood as surrendering the jurisdiction of this question to the Committee on Rules unless according to the practice of the past it should go to that committee rather than to the Committee on Public Buildings and Grounds. It was my impression that the latter committee has jurisdiction of this subject.

My honorable friend the junior Senator from Missouri [Mr. VEST] has had long service upon the committee, and I would prefer rather to defer to his judgment upon the subject. It seems to me that the Committee on Public Buildings and Grounds is peculiarly charged with the control of the subject, though I may be in error. The question has not hitherto arisen since my service upon the committee. The committee has no desire whatever to enlarge its jurisdiction, nor does it wish to avoid its duty in anywise.

Mr. HOAR. I wish to read the rules that are in force for the regulation of the Senate wing of the Capitol:

RULE I.

The Sergeant-at-Arms of the Senate, under the direction of the Presiding Officer, shall be the executive officer of the body for the enforcement of all rules made by the Committee on Rules for the regulation of the Senate wing of the Capitol and Senate annex.

This has been the rule from 1886 or thereabouts. Then there is another rule:

RULE XVI.

All provisions of the foregoing rules, so far as practicable, are made applicable to the building called the Senate annex, the buildings used for the storage of Senate documents, and the Senate stables.

Now, the Senate at this session—and it also did at the last session—has committed to the Committee on Rules a proposition for the disposition of the part of the Capitol left vacant by the Congressional Library when it was moved into its new quarters, and they are dealing with that subject. It is my impression that there has been a conference ordered between the two Houses on a difference of opinion upon a joint resolution on that subject.

Now, all I desire by this resolve is simply that that committee, when they report finally upon the disposition of this portion of the building, may report to the Senate what additional space is required for the execution of their duty to provide suitable accommodations for our committees and other legislative work. That subject has, I understand, always been before that committee, and it is now.

Mr. FAIRBANKS. No; with his permission, I will correct the Senator. At the last session of Congress that subject was before the Committee on Public Buildings and Grounds.

Mr. HOAR. It was also before the Committee on Rules.

Mr. FAIRBANKS. That may be so; but there was a joint committee of the two Houses, of which the late Senator Morrill was chairman, and the subject was certainly before that committee for several months.

Mr. HOAR. But the matter of disposing of this space was also before the Committee on Rules.

I am a member of the Committee on Rules, and I have been for a great many years. I do not desire, and no member of that committee, I am sure, desires, to enlarge its jurisdiction on this subject by way of trenching on that of the Committee on Public Buildings and Grounds. The duty is very laborious, and it would be very unwelcome. Nobody would think of taking it away from the committee so well presided over by the Senator from Indiana [Mr. FAIRBANKS]. But the resolution was offered for the sake of calling the attention of the Senate pretty sharply to this need.

Mr. ALDRICH. The question as to which of the committees has jurisdiction over this subject is not a matter of very great importance, I assume. I remember very well a discussion which took place in this Chamber on the subject in the last Congress. It led me, as the then chairman of the Committee on Rules, to investigate what the precedents had been in regard to it. I found that prior to the present revision of the rules the Committee on Public Buildings and Grounds did have jurisdiction over all the space in the Senate wing of the Capitol, but at the time of that revision, upon the recommendation of the present Presiding Officer of this body, a change was made, and all that part of the Senate wing that was in the jurisdiction of the Senate was committed to the Committee on Rules.

The question arose as to what disposition should be made of the old library space, which was by law under the jurisdiction of both branches of Congress. That question was considered by the Committee on Public Buildings and Grounds, and perhaps properly. Certainly the Committee on Rules have no desire or disposition to infringe upon that committee in any of its work. By general consent there was an informal conference between the members of the two committees as to what disposition should be made of that space. Afterwards the Committee on Public Buildings and Grounds consented to have the resolution which had been reported by the Committee on Rules adopted. It was adopted and went to the other House, and no action was taken upon it. The chairman of the Committee on Rules in the present Congress offered a similar resolution, which went to the House, and that resolution is now, I think, in conference, or in the possession of the Committee on Rules. It is not a matter of any great consequence, but the facts are, I think, as I have stated them.

Mr. SPOONER. Mr. President, as chairman of the Committee on Rules I desire to say simply a word. These questions of jurisdiction between committees are always more or less disagreeable. Ever since I have been a member of the Senate, as I recollect it, the Committee on Rules has had jurisdiction over assignments of space in the Senate wing of the Capitol. It is an extremely delicate and annoying duty. I have found it a very great burden. I should be very glad, and I think the committee would cooperate with me, to have all that turned over to the Committee on Public Buildings and Grounds if they conceive it to be a part of their jurisdiction.

Anyway, Mr. President, we have exercised that jurisdiction. We have been obliged to ascertain every available foot of space in this end of the Capitol for the use of the Senate, and we know, perhaps better and more critically than the Committee on Public Buildings and Grounds, precisely what the situation is in the Senate wing of the Capitol. All, as I understand it, that the Senator from Massachusetts desires to accomplish by this resolution is a report to the Senate of the exact situation so far as this end of the Capitol is concerned.

Mr. HOAR. And the exact needs. That is the main thing.

Mr. SPOONER. The situation as to the necessities of the legislative service and the means now for meeting the requirements. The present situation is absolutely intolerable.

The Maltby Building never, I think, ought to have been purchased for the purpose for which it is used. It is impossible for Senators to discharge with any sort of comfort or convenience all of the duties of a Senator and occupy rooms in the Maltby Building. I tried it. Senators oftentimes during the session of the Senate, when not interested in some subject which is being discussed, work in their committee rooms and attend to correspondence, prepare reports, and do the immense work which devolves upon a Senator which is discharged outside of the Chamber. No man in the Maltby Building can reach the Senate Chamber, unless he runs half the way, in time to respond to his name when the roll is called. There are some Senators who are occupying rooms in the Maltby Building which are not fit for occupancy. There are Senators occupying rooms in this building, down in the crypt, which I think are absolutely injurious to health and which no Senator ought to be compelled to occupy. There is an absolute necessity for some change in the situation.

I care nothing about what committee makes report on the subject; but in view of what has been the course here in the last few years I think the Committee on Rules is perhaps better adapted at this moment to afford accurate and adequate information to the Senate as to the necessities of the situation than the Committee on Public Buildings and Grounds. If the Senate should pass a resolution looking to an enlargement of the Capitol, I should admit, of course, that that subject should be referred to the Committee on Public Buildings and Grounds. There is really no question of jurisdiction here between the two committees.

Mr. ALLISON. Mr. President, I understand the resolution of the Senator from Massachusetts to be simply a preliminary inquiry. It is manifest to Senators that at some time in the near future there must be a marked change in the disposition of the business of the two Houses. There seems to have been an objection to the enlargement of the Capitol, on account of increasing the weight, by the addition of another story or two stories, which would also result in the change of the architectural appearance of the building.

There are many people who believe that the present quarters of the Supreme Court are inadequate, and that their present situation interferes very largely with the convenience of members of the Senate in the Capitol, that court being located on the Senate side. I think it would be a wise thing to have a preliminary inquiry respecting this question; but when that inquiry is made and the facts are fully laid before the Senate, the result will be a largely increased expenditure, either for an independent building for the Supreme Court, which I think is desirable, or a large expenditure in this Capitol. When that comes, the Committee on Public Buildings and Grounds should deal with it.

Mr. HOAR. Of course.

Mr. ALLISON. Because it will involve a large expenditure of money and great detail respecting the extent of the expenditure and the places where it shall be made.

Mr. SPOONER. That is a public-building matter.

Mr. ALLISON. That is a public-building matter. So I think that the inquiry suggested by the Senator from Massachusetts is a proper one to be submitted now, either to the Committee on Rules or to the Committee on Public Buildings and Grounds, for what may be understood as a preliminary report preparatory to making such expenditure outside or such an enlargement of the Capitol as may be needed, leaving the Supreme Court within the Capitol building.

Mr. HOAR. Mr. President, I do not wish to speak further at any length on this question. What I desire to accomplish by the resolution is to have the Committee on Rules state to the Senate how much additional space is needed for the service of the Senate, which, under the rules, is under their direction. When they have said, "We want so much space, and it is practicable to get it," then I think the subject should go to the Committee on Public Buildings and Grounds.

But it does seem to me that the Senate is long-suffering and patient in this matter beyond all reason. I have no cause to complain. I have a most delightful committee room, and so has the Senator from Iowa [Mr. ALLISON], who has spoken so strongly of what is needed by the Senate. I have been here a great many years, but there are Senators who are perhaps more entitled to such conveniences than I am. Here is the Senator from New York [Mr. DEPEW] and the Senator from Illinois [Mr. MASON]—I happen to see the two gentlemen speaking together just now—who have rooms in the Maltby Building. They represent between them 11,000,000 people; that is, they represent each one-half of the power in the Senate of 11,000,000 people at least. They are condemned to those rooms in the Maltby Building, at a distance from the Capitol, where they can not get a document, where they can not see a constituent, and, if they are summoned to the Senate Chamber, can not be here in time for a roll call or a vote without perhaps traveling here on a stormy and inclement day, and my aged friend the junior Senator from Illinois [Mr. MASON] having the tempests of heaven coming down on his beautiful and devoted head.

The terrace of the Capitol is worse. The terrace is ill-ventilated, damp, dark, and there, I suppose, are thirty or forty Senators going around and exclaiming day after day, week after week, month after month, and year after year, with the Roman poet, "Quae regio in terris nostri non plena laboris."

Mr. FAIRBANKS. Mr. President, I wish to add simply a word. I concur most heartily in what has been said by the Senator from Massachusetts [Mr. HOAR] and the Senator from Iowa [Mr. ALLISON] as to the very great necessity of additional accommodations for the convenience of Senators in the transaction of the business of the Senate. The matter has been too long delayed.

I have, since this discussion began, read the resolution introduced by the Senator from Massachusetts, and it seems to me that it may very properly go to the Committee on Rules, and I have no objection to it being referred to that committee. The committee is simply to report upon a plan, a scheme, for the accommodation of the business of the Senate. After that is done, as the

Senator has said, the Committee on Public Buildings and Grounds may, under certain circumstances, properly take jurisdiction of the subject.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PROMOTION OF COMMERCE.

Mr. BUTLER. I submit an amendment which I intend to propose to the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary, accompanied by a memorial of Mr. David Lubin, being an argument in support of the amendment, which I ask may be printed with the amendment.

The PRESIDENT pro tempore. What disposition does the Senator wish made of the amendment?

Mr. BUTLER. I ask that the amendment be referred to the Committee on Commerce, which I think has the bill under consideration.

The PRESIDENT pro tempore. In the absence of objection, the amendment will be referred to the Committee on Commerce.

Mr. BUTLER. I also ask that the memorial which I have presented be printed immediately following the amendment, as it is an argument in support of the same.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

STENOGRAPHER FOR COMMITTEE ON RELATIONS WITH CUBA.

Mr. PLATT of Connecticut submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Relations with Cuba is hereby authorized to employ a stenographer from time to time to report hearings and proceedings before the committee, and that the expense of the same, together with that of hearings already had, be paid out of the contingent fund of the Senate.

READING OF WASHINGTON'S FAREWELL ADDRESS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That on Thursday, February 22, 1900, immediately after the reading of the Journal, Washington's Farewell Address be read to the Senate by Mr. FORAKER, a Senator from the State of Ohio, and that thereafter the Senate will proceed with its business.

TREATY RELATIVE TO SAMOAN ISLANDS.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to inform the Senate whether the people of Samoa were consulted or their wishes ascertained in relation to the treaty recently made between the United States and Germany in relation to said islands. The President is also requested to inform the Senate whether any protest has been received by him or the Department of State from the people of Samoa, or any of them, against said treaty.

Mr. DAVIS. I move that the resolution be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota, that the resolution be referred to the Committee on Foreign Relations.

Mr. PETTIGREW. Mr. President, this is simply a resolution of inquiry with regard to important facts, it seems to me, in relation to the treaty with Germany for the division of Samoa between this country and the Empire of Germany. A treaty has been made by which we have agreed, so far as I can ascertain, without consulting the people of Samoa, to take a portion of that country and consent that Germany shall take the rest of it, without consulting the people of that country upon the subject. That is a country with which we have had treaty relations, and, as I understand, we had guaranteed their sovereignty, joining with Germany and Great Britain in a treaty to that effect. Now, without consulting those people, without their being a party to the agreement, we take a portion of the islands and Germany takes the rest of them. We blot out, then, a sovereign nation, a people with whom we have treaty relations, and divide the spoils.

I can remember well the indignation that swept over this country when Poland was partitioned between the three great powers of Europe. It seems to me the moral turpitude of thus dividing a country is no less because its inhabitants are not supposed by us to occupy as high a place in the plane of civilization as we occupy, and that those people have a right to be consulted and their consent secured before we can be a party in any way to their partition or their subjection.

I have tried to ascertain the facts which I ask for in the resolution by inquiring of the members of the Committee on Foreign Relations, but it appears that nothing is before that committee, and there is no information on the subject. I therefore think the resolution ought to be passed and not referred to the Committee on Foreign Relations, because it is a fair inquiry with regard to facts which the people of this country ought to be in possession of, and because I fear that the resolution will remain in the Committee on Foreign Relations, as has the resolution expressing sympathy for the South African Republic.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota, that the resolution be referred to the Committee on Foreign Relations. [Putting the question.] By the sound the "ayes" have it.

Mr. PETTIGREW. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]. If he were present, I should vote "yea."

Mr. WETMORE (when his name was called). I inquire if the senior Senator from Georgia [Mr. BACON] has voted?

The PRESIDENT pro tempore. The Chair is informed that the senior Senator from Georgia has not voted.

Mr. WETMORE. Then I withhold my vote, as I am paired with that Senator. Otherwise I should vote "yea."

The roll call was concluded.

Mr. McMILLAN (after having voted in the affirmative). I inquire if the Senator from Kentucky [Mr. LINDSAY] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. McMILLAN. I am paired with that Senator, and therefore withdraw my vote.

Mr. CLARK of Wyoming (after having voted in the affirmative). I inquire if the Senator from Kansas [Mr. HARRIS] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator has not voted.

Mr. CLARK of Wyoming. I am paired with that Senator, and therefore withdraw my vote.

Mr. PLATT of New York. I inquire if the Senator from Idaho [Mr. HEITFELD] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Idaho has not voted.

Mr. PLATT of New York. I have a general pair with the Senator from Idaho, and therefore withhold my vote.

The result was announced—yeas 39, nays 23; as follows:

YEAS—39.

Aldrich,	Foraker,	McBride,	Scott,
Allison,	Foster,	McComas,	Sewell,
Beveridge,	Frye,	McCumber,	Shoup,
Burrows,	Gallinger,	McEnery,	Simon,
Carter,	Hanna,	Morgan,	Spooner,
Chandler,	Hansbrough,	Nelson,	Stewart,
Cullom,	Hawley,	Perkins,	Thurston,
Davis,	Kean,	Platt, Conn.	Warren,
Depew,	Kyle,	Quarles,	Wellington.
Fairbanks,	Lodge,	Ross,	

NAYS—23.

Allen,	Clark, Mont.	Jones, Ark.	Taliaferro,
Bate,	Clay,	Martin,	Teller,
Berry,	Cockrell,	Money,	Tillman,
Butler,	Culberson,	Pettigrew,	Turley,
Caffery,	Daniel,	Pettus,	Vest.
Chilton,	Hoar,	Rawlins,	

NOT VOTING—24.

Bacon,	Hale,	McLaurin,	Pritchard,
Baker,	Harris,	McMillan,	Proctor,
Clark, Wyo.	Heitfeld,	Mallory,	Sullivan,
Deboe,	Jones, Nev.	Mason,	Turner,
Elkins,	Kenney,	Penrose,	Wetmore,
Gear,	Lindsay,	Platt, N. Y.	Wolcott.

So the resolution was referred to the Committee on Foreign Relations.

HISTORY OF FILIPINO REVOLT.

Mr. PETTIGREW. Mr. President, at this time I wish to ask unanimous consent for the publication of the paper which I hold in my hand, and I shall be glad to briefly explain what it is before consent is asked.

It is a very interesting paper and is a statement by Aguinaldo of the controversy, giving a history of the revolt of the Filipinos against Spanish power from 1896 up to the 23d of last September. It is written in excellent temper and tone, is a very able document, and one, therefore, which must be of great interest not only to the Senate, but to the people of the United States, no matter what side they may take in this controversy.

I therefore ask unanimous consent that the paper be printed as a document for the information of the Senate.

Mr. GALLINGER. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. PETTIGREW. Then, I move that the paper——

Mr. CHANDLER. I raise the question that a motion is not in order at this time to print a document.

Mr. PETTIGREW. I offer a resolution then, Mr. President.

The PRESIDENT pro tempore. A resolution will be in order.

Mr. PETTIGREW. I offer a resolution that the paper which I submit be printed as a document.

Mr. CHANDLER. I ask that the resolution be read before it is acted upon by the Senate.

The PRESIDENT pro tempore. The Senator from South Dakota will reduce his resolution to writing. [A pause.]

Mr. PETTIGREW. I now offer the resolution which I send to the desk, and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read for information, subject to objection.

The Secretary read as follows:

Resolved, That the paper entitled an Authentic Review of the Philippine Revolution be printed as a document for the use of the Senate.

Mr. CHANDLER. Let that go over until to-morrow.

Mr. ALDRICH. I suggest that the resolution should go to the Committee on Printing under the twenty-ninth rule.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. ALDRICH] objects.

Mr. ALDRICH. I suggest that the resolution goes to the Committee on Printing.

Mr. CHANDLER. Objection being made, the resolution goes over anyway. It can not be acted on at all if objected to. There can be nothing done with the resolution until to-morrow.

Mr. ALDRICH and Mr. HOAR. Let the rule be read.

Mr. CHANDLER. I hope it will not frighten the Senator from Massachusetts that there are three Senators on the floor objecting to the resolution. I am afraid he will think that abolishes the Senate.

The PRESIDENT pro tempore. At the request of the Senator from Rhode Island, the rule to which he has referred will be read.

The Secretary read from Rule XXIX as follows:

1. Every motion to print documents, reports, and other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Printing. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

Mr. CHANDLER. Now, I submit, the resolution being objected to, nothing is in order except for it to go over.

The PRESIDENT pro tempore. The Chair thinks there is no conflict between the two rules. The Chair thinks the resolution goes over under the rule, and, unless otherwise ordered, to-morrow it will go to the Committee on Printing.

Mr. ALDRICH. That is right.

STATUE OF DANIEL WEBSTER.

Mr. CHANDLER. I desire to make a report.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. CHANDLER. From the committee appointed under a concurrent resolution of the Senate and House of Representatives to make arrangements for the reception and unveiling of the statue of Daniel Webster I submit a report which closes as follows:

The committee submits herewith a full report of the addresses delivered.

I ask that the report, with the accompanying documents, may be printed as a document for the use of the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is agreed to.

Mr. HOAR submitted the following concurrent resolution; which was read:

Resolved by the Senate (the House of Representatives concurring), That there be printed for immediate use as a public document 11,000 copies of the proceedings in connection with the reception of the Webster statue on January 18, 1900, as reported by the committee of arrangements, of which 1,000 shall be for the use of Mr. Stilson Hutchins, 4,000 for the use of the Senate, and 6,000 for the use of the House of Representatives; also, 10,000 copies in the form prescribed by law for printing eulogies, of which in cloth binding 1,000 shall be for the use of Mr. Hutchins, 3,000 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, 2,000 for the use of the Senate, and 4,000 for the use of the House of Representatives.

Mr. HOAR. I suppose the resolution goes to the Committee on Printing under the standing rule.

The PRESIDENT pro tempore. It will go to the Committee on Printing.

Mr. CHANDLER. In the meantime let the report and accompanying documents be printed in the ordinary form for the use of the Senate.

Mr. HOAR. And then referred to the Committee on Printing with the other.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

POLICY REGARDING THE PHILIPPINES.

Mr. CAFFERY. I desire to give notice that on next Monday morning, immediately after the morning business, I will address the Senate on the Philippine resolution.

CONSIDERATION OF PENSION BILLS.

The PRESIDENT pro tempore. Morning business is concluded.

Mr. COCKRELL. The Calendar.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. COCKRELL. I make the suggestion I made a while ago, that we devote a few minutes to the consideration of unobjected pension cases, in order to complete them. A number of Senators want them acted upon especially, and we can soon dispose of them. There are only a few.

The PRESIDENT pro tempore. Does the Senator make that request?

Mr. COCKRELL. I make that request.

The PRESIDENT pro tempore. How many minutes would the Senator suggest?

Mr. COCKRELL. Fifteen minutes.

The PRESIDENT pro tempore. The Senator from Missouri requests that fifteen minutes be devoted to the consideration of unobjected pension cases on the Calendar. Is there objection? The Chair hears none, and it is so ordered. The first pension bill on the Calendar will be stated.

LOUISA HALE.

The bill (S. 1295) granting a pension to Louisa Hale, announced as the first case in order on the Calendar, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 3, after the word "he," to insert "is;" in the same line, after the word "hereby," to strike out "is," and in line 7, before the word "Company," to strike out "a corporal in" and insert "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Hale, dependent stepmother of Joseph C. Hale, late of Company D, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID CARROLL.

The bill (S. 1533) granting a pension to David Carroll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Carroll, dependent father of Eugene Carroll, late steerage steward, United States Navy, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT C. ROGERS.

The bill (S. 1489) granting an increase of pension to Robert C. Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert C. Rogers, late passed midshipman, United States Navy, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK AUER.

The bill (S. 992) granting an increase of pension to Frederick Auer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Auer, late of Company F, Eighty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ARETHUSA WRIGHT.

The bill (S. 346) granting an increase of pension to Mrs. Arethusa Wright, of Sheridan, Oreg., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arethusa Wright, widow of Emanuel Wright, late of Company B, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Arethusa Wright."

ANNIE E. BRUMBY.

The bill (S. 2100) granting a pension to Annie E. Brumby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Brumby, dependent mother of Thomas M. Brumby, late lieutenant, United States Navy, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Pensions reported an amendment, to strike out the preamble; which was agreed to.

JOHN M. MORSE.

The bill (S. 2223) granting an increase of pension to John M. Morse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Morse, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP P. GETCHELL.

The bill (S. 1469) granting an increase of pension to Philip P. Getchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a member;" in line 7, before the word "Maine," to strike out "of;" in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" and in line 9, after the word "of," to strike out "the amount" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip P. Getchell, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY F. HOPKINS.

The bill (S. 2219) granting an increase of pension to Mary F. Hopkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws," and in line 7, after the words "Rhode Island," to strike out "Volunteers, and pay her the sum of $30 per month in lieu of the pension now paid her" and insert "Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Hopkins, widow of Stephen M. Hopkins, late first lieutenant Company I, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH E. HENDRICKSON.

The bill (S. 2386) granting a pension to Joseph E. Hendrickson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Hendrickson, late of Company F, First Regiment District of Columbia Volunteer Infantry, war with Spain, and to pay him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUTLER D. SANBORN.

The bill (S. 237) granting an increase of pension to Cutler D. Sanborn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, before the word "Second," to strike out "a private" and insert "late;" in line 7, before the word "Light," to strike out "of" and insert "Massachusetts Volunteer;" in the same line, after the word "Artillery," to strike out "Massachusetts Volunteers" and insert "and pay him a pension;" in line 9, before the word "dollars," to strike out "seventy-two" and insert "thirty;" and in the same line, after the word "of," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cutler D. Sanborn, late of Second Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ELLEN LAURIAT.

The bill (S. 236) granting an increase of pension to Mary Ellen Lauriat was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Massachusetts," to insert "Regiment;" in the same line, after the word "Volunteer," to strike out "Regiment" and insert "Infantry;" and in line 9, before the word "she," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ellen Lauriat, widow of George W. Lauriat, late a major of the Thirty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE E. AUGUR.

The bill (S. 1592) granting a pension to Jane E. Augur was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane E. Augur, widow of Christopher C. Augur, late brigadier-general of the United States Army, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. DELANEY.

The bill (S. 1850) granting an increase of pension to James C. Delaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Delaney, late of Company B, Second Regiment United States Infantry, Mexican war, and to pay him a pension of $20 per month, in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. WADDELL.

The bill (S. 526) granting a pension to Joseph M. Waddell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "a soldier in" and insert "of;" in line 7, after the word "Infantry," to strike out "in the Mexican;" in the same line, after the word "war," to insert "with Mexico;" in line 8, after the word "Wisconsin," to insert "Volunteer;" in line 10, before the word "Cavalry," to insert "Volunteer;" and in line 11, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Waddell, late of Company A, Sixteenth Regiment United States Infantry, war with Mexico, and Companies E, Twelfth Regiment Wisconsin Volunteer Infantry, and F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph M. Waddell."

AMBROSE J. VANARSDEL.

The bill (S. 495) granting a pension to Ambrose J. Vanarsdel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Vanarsdel," to strike out "a private" and insert "late," and in line 7, after the word "Militia," to strike out "on account of wounds received in battle with the enemy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Ambrose J. Vanarsdel, late of Company F, Forty-ninth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIZZIE H. HYNDMAN.

The bill (S. 261) granting an increase of pension to Lizzie H. Hyndman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "major" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie H. Hyndman, widow of William Hyndman, late captain, Fourth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $20 per month in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BAILEY.

The bill (S. 1058) granting a pension to John Bailey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, after the word "late," to strike out "private" and insert "of;" in the same line, after the word "Tenth," to insert "Regiment;" in line 7, after the word "Michigan," to insert "Volunteer;" in the same line, after the word "Cavalry," to strike out "Volunteers" and insert "and pay him a pension," and in line 8, after the word "month," to strike out "from the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bailey, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SILAS B. HENSLEY.

The bill (S. 1059) granting a pension to Silas B. Hensley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments; in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word "Infantry," to insert "and pay him a pension," and in line 8, after the word "month," to strike out "from the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas B. Hensley, late private, Company K, Third North Carolina Mounted Infantry, and pay him a pension at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE A. KERR.

The bill (S. 1068) granting a pension to Jennie A. Kerr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "John," to strike out "Second Lieutenant;" in line 7, after the name "Kerr," to insert "late brevet second lieutenant;" and in line 8, after the word "Riflemen," to insert "United States Army, and pay her a pension at the rate of $15 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie A. Kerr, widow of John M. Kerr, late brevet second lieutenant Company F, Mounted Riflemen, United States Army, and pay her a pension at the rate of $15 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'GRATH.

The bill (S. 1047) granting an increase of pension to John McGrath was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "a private in" and insert "late of;" in line 7, before the word "pay," to strike out "to," and in line 8, before the word "he," to strike out "which;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McGrath, late of Company C, Seventh Regiment United States Cavalry, and pay him a pension of $12 per month in lieu of that he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. At the beginning of line 8 I move to insert "at the rate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BIGELOW.

The bill (S. 2346) granting a pension to Alfred Bigelow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Bigelow, late of Company A, Nineteenth New York Volunteer Cavalry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alfred Bigelow."

JAMES C. CARLTON.

The bill (S. 2505) granting an increase of pension to James C. Carlton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 6, before the word "Company," to strike out "a corporal in" and insert "of;" in line 7, after the word "Regiment," to strike out "of;" in the same line, after the word "Indiana," to strike out "Volunteers in the Mexican" and insert "Volunteer Infantry;" in line 8, after the word "war," to insert "with Mexico;" in line 8, after the word "pension," to insert "at the rate;" in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" and in line 10, before the word "he," to strike out "the pension of $12 per month" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Carlton, late of Company F, Fifth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH B. PRESDEE.

The bill (S. 2158) granting a pension to Joseph B. Presdee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "lieutenant-colonel," to strike out "captain and;" in line 7, before the word "cavalry," to insert "Volunteer," and in line 8, before the word "dollars," to strike out "fifty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Presdee, late lieutenant-colonel Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BYRNE.

The bill (S. 1548) granting a pension to James Byrne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 7, before the word "Cavalry," to insert "Volunteer;" in line 8, before the word "at," to insert "and pay him a pension," and in line 9, before the word "of," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Byrne, late of Company H, Twenty-fifth New York Volunteer Cavalry, and Company G, First United States Cavalry, and pay him a pension at the rate of $17 a month in lieu of that he now receives.

The amendments were agreed to.

Mr. GALLINGER. I move to strike out the article "a" and insert the word "per," in line 9, so as to read "per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Byrne."

SARAH E. CAMPBELL.

The bill (S. 917) granting a pension to Sarah E. Campbell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "place," to strike out "upon" and insert "on;" in the same line, after the word "roll," to insert "subject to the provisions and limitations of the pension laws;" in line 9, after the word "pension," to insert "at the rate," and in line 10, after the word "month," to insert "in lieu of that she is now receiving;" so as make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Campbell, widow of Charles T. Campbell, late colonel of the First Pennsylvania Artillery Reserve Corps, colonel of the Fifty-seventh Pennsylvania Volunteer Infantry, and brigadier-general of volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah E. Campbell."

The PRESIDENT pro tempore. The fifteen minutes have expired.

Mr. COCKRELL. I think that was the last pension case on the Calendar.

The PRESIDENT pro tempore. The Chair is so informed.

Mr. COCKRELL. And the time has expired?

The PRESIDENT pro tempore. The time has expired.

Mr. COCKRELL. The time and case suited exactly.

The PRESIDENT pro tempore. The time expired at the right moment.

PUBLIC BUILDING AT CUMBERLAND, MD.

Mr. WELLINGTON. I ask unanimous consent for the present consideration of the bill (S. 1375) to increase the limit of cost of public building at Cumberland, Md.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limit of cost for construction of the public building at Cumberland, Md., $50,000; and the limit of cost of the building and site is increased from $75,000 to $125,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. B. TELLEFSEN.

Mr. LODGE. I ask unanimous consent to call up the first bill on the Calendar, the order of business being No. 11.

Mr. COCKRELL. Call for the Calendar. That will bring it up.

Mr. LODGE. It is the first bill on the Calendar.

The PRESIDENT pro tempore. It is in order now without asking unanimous consent.

Mr. LODGE. It is in order without asking unanimous consent.

The bill (S. 1481) appropriating money to reimburse Capt. B. Tellefsen was considered as in Committee of the Whole. It proposes to pay $998.96 to Capt. B. Tellefsen, master of the Norwegian steamer *Albert*, for expenses incurred by him in consequence of a violation of Article XIII of the treaty of commerce and navigation of the year 1827 between the United States of America and the Kingdom of Sweden and Norway by an officer of the city of Boston, Mass., on the 18th day of July, 1892.

Mr. COCKRELL. Has the bill been before Congress heretofore?

Mr. LODGE. A similar bill has passed the Senate twice.

Mr. COCKRELL. I recollect it.

Mr. LODGE. It has never got through the House. It is a claim that we ought to have paid long ago.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE A. PHILLIPS.

The bill (S. 197) for the relief of Hattie A. Phillips was considered as in Committee of the Whole. It proposes to pay to Hattie A. Phillips, widow of John Phillips, deceased, $5,000 as full compensation for the services rendered by him in bearing dispatches from the commanding officer at Fort Phil Kearny to Fort Laramie from December 21 to December 26, 1866.

Mr. PETTIGREW. I should like to know whether or not the payment is to be made out of the funds belonging to those Indians? I did not hear the whole bill read.

The PRESIDENT pro tempore. The bill reads "out of any money in the Treasury not otherwise appropriated."

Mr. PETTIGREW. Then I do not object to it. I should like to hear it read again, though.

The PRESIDENT pro tempore. The bill will again be read.

The Secretary again read the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

YELLOWSTONE NATIONAL PARK.

The bill (S. 198) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1885 and 1886 was announced as next in order on the Calendar, and was read by the Secretary.

Mr. VEST. From what committee does that bill come?

The PRESIDENT pro tempore. From the Committee on Claims, the Chair is informed.

Mr. VEST. Is there any report from the Interior Department on it?

The PRESIDENT pro tempore. There is a report accompanying the bill.

Mr. VEST. Does that report come from the committee or from the Interior Department? Has the bill ever been referred to the Interior Department? Let it go over until I can look into it.

The PRESIDENT pro tempore. Without losing its place on the Calendar?

Mr. VEST. Yes; I do not care about its place. I want to know something about it.

The PRESIDENT pro tempore. The bill will go over on objection, retaining its place on the Calendar.

PUBLIC BUILDING AT CHEYENNE, WYO.

The bill (S. 1893) to enable the Secretary of the Treasury to complete the public building at Cheyenne, Wyo., was considered as in Committee of the Whole. It proposes to extend the cost of the public building and site at Cheyenne, Wyo., authorized by the act of June 30, 1897, to $325,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

C. E. MARR AND E. H. PIERCE.

The bill (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors was considered as in Committee of the Whole. It authorizes C. E. Marr and E. H. Pierce, keepers of the Cuckolds, Maine, fog-signal station, to accept each a silver watch awarded to them, respectively, by the government of the Dominion of Canada in recognition of their services in rescuing the captain and crew of the schooner *Aurora*, of Harboursville, Nova Scotia, on January 4, 1896.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMASTERS' CLERKS IN MEXICAN WAR.

Mr. GALLINGER. Mr. President, there is one pension bill on the Calendar that I think ought to have been considered this morning. The Senator from Missouri [Mr. VEST] introduced it. It pensions three soldiers who ought to have been pensioned long ago. I ask that the bill be read. It is Senate bill 2314.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2314) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887.

It provides that the provisions of the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887, shall be so construed as to include the surviving paymasters' clerks in the Army as of the same relative rank and grade as pursers' clerks in the Navy, and that the surviving paymasters' clerks of the Army and the widows of those who have died shall be entitled to all the rights and benefits given by the act of January 29, 1887, to pursers' clerks of the Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM MISSISSIPPI.

Mr. MONEY. Mr. President, the credentials of Hon. William V. Sullivan, Senator-elect from Mississippi, were presented and read at the desk the other day. The Senator-elect is present, and I ask that he be sworn in.

The PRESIDING OFFICER (Mr. MASON in the chair). The Senator-elect will advance to the chair and the oath will be administered to him.

Mr. Sullivan was escorted to the Vice-President's desk by Mr. MONEY, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2179) relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes; and it was thereupon signed by the President pro tempore.

POLICY REGARDING THE PHILIPPINES.

Mr. BACON. Mr. President, a few days since my colleague [Mr. CLAY] gave notice that to-day I would ask the indulgence of the Senate that I might be permitted to call up Senate joint resolution No. 45, with a view of submitting some remarks thereupon. If I may have the courtesy of the Senate, I desire now to proceed.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution introduced by Mr. BACON December 18, 1899, as follows:

A joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government and people of the United States have not waged the recent war with Spain for conquest and for the acquisition of foreign territory, but solely for the purposes set forth in the resolution of Congress making the declaration of war—the acquisition of such small tracts of land or harbors as may be necessary for governmental purposes being not deemed inconsistent with the same.

SEC. 2. That in demanding and in receiving the cession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain permanent dominion over the same as a part of the territory of the United States, or to permanently incorporate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government; and the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands.

SEC. 3. That the United States, having accepted the cession of the Philippine Islands from Spain, and having by force of arms overthrown all organized authority and opposition to the authority of the United States therein, the duty and obligation rest upon the United States to restore peace and maintain order throughout the same; to protect in said islands the enjoyment of life and property and the pursuit of lawful avocations; and to continue such protection until the power and duty to maintain said protection shall have been transferred and intrusted by the United States to a government of the people of said islands deemed capable and worthy to exercise said power and discharge said duty.

SEC. 4. That when armed resistance to the authority of the United States shall have ceased within said islands, and peace and order shall have been restored therein, it is the purpose and intention of the United States, so soon thereafter as the same can be practically and safely accomplished, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be thereafter independently exercised and controlled by themselves, it being the design of the United States to accord to the people of said islands the same measure of liberty and independence which have been pledged by the Congress of the United States to the people of Cuba.

SEC. 5. That when a stable government shall, by the method aforesaid, have been duly formed and erected in said islands, competent and worthy, in the judgment of the United States, to exercise the powers of an independent government and to preserve peace and maintain order within its jurisdiction, it is the purpose and intention of the United States, reserving to themselves only such harbors and tracts of land as may be needed for coaling stations or other governmental purposes, to transfer to said government, upon terms which shall be reasonable and just, all rights and territory secured in said islands under the treaty with Spain, and to thereupon leave the dominion and control of the islands to their people.

SEC. 6. That when said government has been thus formed and set up in the Philippine Islands and approved by the United States, it is the design and intention of the United States, through treaties with the leading nations of the world, to secure the guaranty of the continued independence of the same.

Mr. BACON. Mr. President, in listening to the reading of the joint resolution I observe that there is one word which is a mistake, and which I ask may be corrected. I think it is possibly in the fourth section. The word "have" occurs where it should be "has." I ask that it may be corrected.

The PRESIDING OFFICER (Mr. MASON in the chair). The Senator from Georgia asks that the correction suggested by him be made.

Mr. BACON. It is a mere misprint.

The PRESIDING OFFICER. Without objection, the resolution will be corrected as requested by the Senator from Georgia.

Mr. BACON. Mr. President, the resolutions which have just been read, when reduced to their final analysis, may be said, in case of their adoption, to be a declaration on the part of the United States that it is the purpose and intention of this Government to give to the Philippine Islands the same character of government, the same opportunities, the same assistance, the same right to independence that were pledged in the case of Cuba at the time of the declaration of war against Spain and as are now proposed to be carried out in the case of Cuba.

Mr. President, when we stood before the nations, about to break the peace of the world, we called upon the world to witness the purity of our motives, the absolute unselfishness with which we proceeded in that solemn moment. We declared as follows:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island—

Speaking of Cuba—

except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

I desire to say that I would rather be the author of that resolution, I would rather have the credit that the senior Senator from Colorado [Mr. TELLER] has in having offered that resolution, than to be the author of any legislative action with which I am familiar within the past quarter of a century. If there is precedent for it in the history of the world, I confess my ignorance of the fact.

In the face of the recognized right of a nation which goes to war, although somewhat inconsistent with modern ideas of civilization and humanity; in the face of the recognized right of a nation when it goes to war not only to fully indemnify itself, but to have that measure of indemnity heaped up and running over, we solemnly abjured the right to avail ourselves of that which is recognized as strictly proper under such circumstances.

Mr. President, were we sincere in that declaration or did we make it for the purpose of deceiving the civilized world? Were we sincere in the declaration that it was not our intention to profit by the war? Were we sincere in the declaration that we undertook this great enterprise from the high motives which are expressed in that resolution? Or did we intend to make the world believe that such was our intention while we at the same time reserved in our own breast the intention to profit in some other direction without putting the world upon notice of our intention in that respect?

Now, Mr. President, it was upon the theory that we were sincere, that we did mean what we said, that we were animated by this high purpose, that we were unselfish, that a little over a year ago I introduced a series of resolutions very similar to those which are now before the Senate. They were introduced in January, 1899. In the succeeding month, when the McEnery resolution was before the Senate, I offered as an amendment thereto in the way of an addendum the following:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein, entitled, in the judgment of the Government of the United States, to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

That resolution is a substantial copy of one of the resolutions which I had introduced in the preceding January, resolutions introduced before a gun had ever been fired on either side in the Philippine Islands. The original resolution introduced by me in January never came to a vote, but this particular resolution, offered as an amendment to the McEnery resolutions, did come to a vote, and there was a tie vote in the Senate, the Vice-President casting a vote in the negative.

My purpose in alluding to the resolution at this time is that I may call attention to the difference between the resolutions now offered by me and this resolution, and to state the reason for such difference.

It will be noted that the resolutions now before the Senate provide for the continued effort of the Government of the United States to restore peace and order in the Philippine Islands, and do not propose any action by the United States which looks to the establishment of a government for the Filipinos until such peace and order have been restored.

The present resolutions also provide for action on the part of the United States Government in providing the ways and the means, the methods, by which an independent government is to be established in those islands, whereas the resolution which was formerly before the Senate, and which was voted upon, did not provide for such action on the part of the United States, but looked to the action of the Filipinos themselves, contemplating the recognition of a government to be erected by the Filipinos whenever in the judgment of the United States that government should be found to be entitled to such recognition.

Now, Mr. President, what was proper a year ago is not possible now. A year ago conditions were such that in my opinion it was competent for the United States Government to leave to the Filipinos the work of establishing their government, of so perfecting it that the United States Government would recognize it and would deem it capable of properly performing the functions of government. They at that time had a government. They had a president. They had a parliament. And I will say, in passing, that they had a parliament the proceedings of which were very highly spoken of by persons competent to judge. They had a

judiciary; they had an army, and in all particulars they had the machinery of government. They not only had an army in name but they had one in fact. They had an army of efficiency, an army capable of sustaining the civil arm of the government. They had an army of 30,000 men, which invested at that time the city of Manila and kept within it the entire Spanish army while Dewey beleaguered the city by sea. It was an army which in repeated battles, after the naval battle of Manila, had without exception gained victories over the Spanish troops and had captured from the Spanish troops many thousands of prisoners. It was an army which, as stated by the senior Senator from Massachusetts [Mr. HOAR] the other day, was one which absolutely invested the city of Manila by land and extended from water to water on either side.

So I say, Mr. President, while I am not going into the question now of the propriety of the action of the United States Government in reference to that army, speaking solely as to the reason why in my opinion at that time it was proper to leave the question of the organization of their government to the Filipinos, they not only had all of the other framework of government, but they had a powerful, victorious army.

Therefore it was that in the resolution which I offered as an amendment to the McEnery resolution no provision was made, or, rather, suggested, for the action of the United States Government except to judge whether the government which should be framed by them should be a proper government. But in these present resolutions there is provision that the Government of the United States shall take affirmative action. First, that it shall restore peace and order; second, that it shall itself provide the method, the machinery, and give the assistance which may be required to enable the Filipinos to organize a government which shall be a sufficient and a satisfactory government in the opinion of the United States.

Now, why the change? Because, Mr. President, since that time whatever there was of government in the Philippine Islands has been destroyed by the United States Government. Their army has been dispersed; their government has been entirely dispersed; their president and the commander of their army is practically a fugitive in hiding; their army has been practically broken up; their parliament has been destroyed; their courts have been dispersed, and there is no authority in the Philippine Islands to-day worthy of the name of authority except the authority of the United States.

Mr. HOAR. Mr. President, may I ask the Senator a question?

Mr. BACON. Certainly.

Mr. HOAR. Is it his information, and if so, I should like to know the source of it, that there are urban or municipal governments over the island of Luzon and the group in the neighborhood, the name of which I have forgotten, which the Filipinos had without dispute? Are those also destroyed, or are they still, in places where the United States does not penetrate, governing their villages and towns in peace and harmony?

Mr. BACON. I am not sufficiently informed to answer the question of the Senator with accuracy. Of course, I presume it to be true that wherever the United States forces have not actually penetrated the people are still carrying on their own municipal governments. But, speaking in a general way, I think the proposition may be properly stated that the United States Government through its military operations has practically overthrown the local governments in those islands, and that wherever they now exist, even in municipalities, it is simply from the fact that temporarily at least there is no presence of the United States troops in those places.

Mr. RAWLINS. If the Senator will permit me, I will attract his attention to a portion of the report of General Otis, in which he says that on and prior to December 10 Aguinaldo was the dominant power throughout the island and of the government even within the limits of the city of Manila, of which the United States had actual military possession, and that an order issued by Aguinaldo was so potent that it was almost universally obeyed by the Filipino people within the limits of Manila, of which the United States was supposed to have actual and exclusive military occupation.

Mr. BACON. Conceding all that the Senator from Utah says, the only purpose I have in alluding to the fact of the supremacy of the military authority of the United States in those islands is to give the reason why I think the duty now devolves upon the United States Government to restore, as far as possible, perfect peace and order within the islands, and to maintain that peace and order until there shall have been substituted for the government—the military government, if you please—of the United States such local civil government as shall be organized through the assistance of the United States, and as shall be deemed satisfactory and sufficient by the United States.

Of course, I do not desire at this stage, because these are really in the nature of preliminary remarks, to go into the discussion of the questions which are suggested by the interruptions of the Senator from Massachusetts and the Senator from Utah.

Now, Mr. President——

The PRESIDING OFFICER. Will the Senator from Georgia suspend just a moment?

Mr. BACON. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. SPOONER. I ask unanimous consent that the unfinished business be laid aside until the Senator from Georgia shall have finished his remarks.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the unfinished business be laid aside without prejudice. It will be so ordered, without objection. The Senator from Georgia will proceed.

Mr. BACON. I thank the Senator for the courtesy.

Mr. SPOONER. Before the Senator resumes, will it be agreeable to him to permit me to put a question to him?

Mr. BACON. Certainly.

Mr. SPOONER. The Senator made a statement as to the effect of the declarations introduced by the Senator from Colorado [Mr. TELLER] relative to Cuba. The question which I would like to put to the Senator, with his permission, is this: Whether, in his view, the United States would have been precluded by that declaration from honorably exacting from Spain at the end of the war a money indemnity for the expenses of the war?

Mr. BACON. I do not think we would, Mr. President. I do not think that we would have been barred from other kinds of indemnity for the expenses of the war, but I do think that in good faith the United States stood pledged before the world not to reap advantage from the war. I may, before I get through—I am not sure—have occasion to discuss the question as to whether or not this is an effort on the part of the United States Government to reap advantage, or whether it was a proceeding for the purposes of indemnity.

Mr. President, there are two points of view in a general way from which we should look at the question of the action of the United States Government in the permanent retention of the Philippine Islands. One which has been very much discussed, and which I am free to say I do not think has been by any means exhausted, as able as the discussion has been, is the question of right, the question of justice to the Filipinos, and the question of consistency on the part of the United States in the treatment of the Filipinos, consistency with our avowed, recognized principles for over half a century. That part of the discussion I do not propose to trench upon this afternoon.

Another point of view from which it may be regarded is the question as to the interest of the people of the United States politically and materially, and it is to that part of the question that I wish, with the indulgence of the Senate, to address myself this afternoon.

Mr. President, it will be noted that in these resolutions I have endeavored, as far as possible, to exclude the consideration of questions which might divert attention from the main question. The question is this: When the conditions are ripe, when peace has been restored and the authority of the United States is no longer resisted in the Philippines, shall the United States then accord a free government to the Filipinos, to be independently exercised by them, or shall the United States thereafter retain the possession, dominion, and sovereignty of the Philippine Islands with the view to their permanent retention as a part of the territory of the United States? But before proceeding to that I want to say this: There is some question as to whether or not this is the proper time for us to determine what shall be the ultimate action of the Government of the United States with reference to the Philippine Islands, and without going into that question at large—because I presume that question will come up more properly probably upon the consideration of the resolution offered by the Senator from Indiana [Mr. BEVERIDGE] or the bill offered by the Senator from Wisconsin [Mr. SPOONER]—I wish to state, however, in order that my view may not be misunderstood, that I think there are two reasons why this matter should receive present attention, not only present attention, Mr. President, but present determination.

In the first place, Mr. President, while it is true that the power of the Filipino army has been broken, while their government has been dispersed, and while, in a general way, we may say that the power of the American forces in the Philippine Islands is supreme, still entire peace has not been restored. If we had a year ago said that we did not design the subjugation of those people; that we did not intend that we should exercise permanent sovereignty over that archipelago, but that in due time, when a government was organized such as the Government of the United States would deem to be sufficient, we intended to leave them to the control of their own affairs, I believe there would have been no bloodshed in those islands. But that is past. It is bootless to dis-

cuss what would or would not have been the result or effect at that time of such a declaration. My present belief, however, is that a declaration by this Government now that it does not so intend will bring peace in those islands; that the small and disorganized and irregular resistance to the military power of the United States will be abandoned, because the only excuse for its continuance which they can possibly have to-day is the fact that they understand that the United States Government intends to deny to them the independence which they desire. Therefore I say, in the interest of the cessation of the effusion of blood, I think it important that our action should be taken now and not be postponed to the future.

Another reason, Mr. President, is this: So far as the character of the population is concerned, the conditions in those islands are not such as will be changed within any short period of time—within a generation. Therefore we can approach the subject now with as much certainty as to what the conditions will be ten years from now as we can now know what they are. Do not let me be misunderstood. I mean this: Those are thickly populated islands; they are inhabited by people of a certain race; and ten years from now they will be inhabited by a people of substantially the same kind; there will be no material change. Therefore, as the condition of affairs which will exist then exists now, we can determine as well what we should do as we can determine ten years from now.

Mr. President, as I said, I desire to address the Senate upon the question as to what is the interest of the people of the United States in determining what shall be the future relations between the Philippine Islands and this Government.

We have had in times past extension of territory; and if it be true that this proposed expansion, if you please, will create between the Government of the United States and the Philippine Islands the same class of relations which now exists between the United States and the territory heretofore acquired, then we are in a position to judge whether or not we can safely undertake to continue a permanent political relation with those islands.

It is a question, vast and far-reaching in its consequences, which invokes the most considerate and patriotic judgment by the American people. In the outset of the examination of this question, in order that we may consider and determine it intelligently, it is of vital importance to ascertain the relations which must necessarily thereafter exist between the United States and the Philippine Islands if these islands are permanently retained as a part of the territory of the United States.

Will these islands, if permanently retained, bear thereafter the same relations to the United States as those which are now borne or which have heretofore been borne to the United States by the various acquisitions of territory heretofore made by the United States? If the Philippine Islands do bear now or can bear in the future the same relations to the United States as does the territory acquired from France or that acquired from Mexico, then outside of the question of compulsion, which I am not now considering, there is nothing novel in the proposition for the acquisition and permanent retention of the Philippine Islands other than that arising from distant location. In that case there is nothing which will work a revolution in our system of government, nothing which will subvert and destroy our boasted principles and cherished ideals.

Let us examine and see what are the relations occupied by formerly acquired territory, in order that we may determine whether it is possible that the Philippines can ever bear the same relations to the United States. All the territory acquired through the Louisiana purchase or through the treaties with Mexico, as well as the Florida purchase from Spain, is now divided up into States and Territories. Almost all of it is now divided into States, the people of which enjoy equal rights, privileges, immunities, and powers with the people of the original thirteen States. All of these peoples in all of these new States which have been carved out of the several territories acquired from France, from Mexico, and from Spain before the late war, are joint beneficiaries and joint proprietors with the citizens of the original thirteen States in the great inheritance of personal liberty, and in the rights and powers of equal citizenship, and in the right of the equal influence and authority of their votes in the making of the laws and in the control of the affairs of their several States and of the General Government. The parts of these several acquisitions which have not yet been admitted as States into the Union have been divided into Territories, with the design and certainty that in due time they will also be admitted as States, at which time their people will also have all the rights, privileges, and immunities and exercise all the powers of citizens of other States.

The same is true of Alaska. The time is near at hand when that country will be given a complete Territorial government, and there is no doubt but that in the future it will be admitted as a State in the Union.

All this that has been thus accomplished in the uses made of these several acquisitions in their creation as States, and all that it is intended to accomplish as to the remainder in the future, was anticipated and designed at the times of these acquisitions. This design may be said to have been part in each case of the act of annexation. It was known from the beginning that these countries were so situated geographically, and that their inhabitants would be of such a character and complexion that States could be conveniently carved out of the lands, and that the people of such new States could be safely and advantageously admitted to all the privileges and powers of American citizenship in both State and national affairs. It was foreseen and recognized by the wise and patriotic statesmen who secured these vast and invaluable acquisitions that each of the States to be carved out of them would in their territory and in their people add to the strength, the dignity, and the glory of this great Government made up by the magnificent aggregation of States, each independent of the other, and each peopled by a homogeneous, free, self-reliant, and self-controlling citizenry.

In the acquisition of territory upon our own continent with this design and purpose, and in the practical accomplishment of this design and purpose, there was nothing at war with the design and purpose of the founders of our Government. There was nothing subversive of the principles upon which those founders rested the Government, nothing destructive of their ideals of representative free government which they intended as the spirit and the body of their great creation.

In each of these vast acquisitions, and in the uses made of them, there was expansion, and great expansion. But it was not simply expansion of the territory subject to the jurisdiction of the United States. It was an expansion of territory accompanied by an extension of the same political systems and political institutions which existed in the original States. It was an expansion of territory accompanied by an extension of the system of States inhabited by a people of our own race, a people free and self-governing, and with equal rights with the people in the original States in the making of laws for the control of State and Federal governments.

This in each instance was legitimate expansion. It was legitimate and harmonious growth. It was not revolutionary change. It subverted none of our institutions. It did no violence to our political principles. It destroyed none of our political ideals.

On the contrary, such expansion strengthened our institutions by extending them into other political systems of the same kind. It established our political principles by demonstrating that they were not limited in their application to the people of the original States, but that free, representative, self-controlling government could be safely exercised by all of our race. It vindicated the wisdom of the founders of our dual government, State and Federal, by proving that so long as our political institutions and political systems and political principles were adhered to, this dual government could be safely capable of indefinite expansion, at least within the limits of our own continent.

Such expansion gave promise of perpetuity to our ideals of personal, civil, religious, and political liberty by extending them to all within the acquired territory, as rights sacred and to be denied to none within our free Government.

But is it possible that such expansion can result from our permanent retention of the Philippine Islands? What shall be said of an expansion which is simply an expansion of territory, which does not carry with it an extension of our political system, our political principles, and our political ideals? What shall be said of an expansion by the acquisition of territory where it is not intended that there shall be statehood, and where it is impossible that there can ever be statehood, with the rights of citizenship in a State—where it is not intended, and where it is not possible, that the inhabitants of the acquired territory shall ever be equal participants with ourselves in the making of the laws of the General Government?

Is such expansion as this the harmonious and legitimate growth and development of our political system or is it such a change in our political system as amounts to revolution? If the acquired territory is never to be admitted to statehood, and in the nature of things can never be so admitted, then it must be a dependent and subject colony of the United States. If the people in the acquired territory are never to be admitted into equal participation with us in the making of the laws of the General Government by which they, as well as ourselves, are to be governed, and from their character can never be so admitted, then such people can be none less than vassals and voiceless subjects of the United States.

Revolution means a turning over. In political matters it is used to signify a complete or radical change. There could scarcely be a more complete or radical change in the institutions of a country than a change from a condition where all were free citizens and none were subject vassals, to a condition where in a particular locality all are subject vassals and none are free citizens; a change from a condition where all are allowed through their votes to participate in determining the legislation of the General Government, to a condition in a particular locality where all are made subject to laws in the making of which they are forever denied the privilege of having a voice; a change from a condition in

which the people have all the rights, powers, and privileges of sovereign statehood, to a condition where for all time they are to be allowed no governmental organization of their own excepting only such dependent organization as they are permitted to maintain at the will and pleasure of the General Government.

The proposition is not to be successfully controverted that such radical changes in the principles and practices of our Government will constitute a revolution of the most pronounced type.

If, therefore, the acquired territory is to be permanently held without statehood and without the privilege or right of their people to participate directly or indirectly in the enactment of the laws of the General Government by which they are to be governed, and if it is impossible that they can ever be given such privileges and rights, the permanent retention of these islands is an expansion of territory without the extension of our system of government; it is an expansion which destroys to that extent our political principles and our governmental ideals; it is an expansion which is neither the natural growth nor the legitimate development of our system of government, but it is an expansion which is a revolution in that system.

Now, sir, applying these propositions which I have suggested, what are the conceded facts with reference to the Philippines? How is it with regard to the future relations of these islands to the United States if sovereignty is to be permanently maintained therein by the United States? There is no possibility that they can ever become a State of this Union. There is no possibility that a star can be added to the flag which shall represent an Asiatic race 7,000 miles beyond the seas. There is no possibility that we should ever admit to an equal participation in our Government these Asiatic people, so differing from us in race, habits, traditions, interests, laws, and religion, so utterly unassimilable to ourselves. It is impossible that we should ever consent that this Asiatic race should send here Senators and Representatives to participate in the making of laws by which Americans are to be governed, or that they should, in some closely contested election, through their electoral vote, decide who should be the President of the United States.

The conditions which now exist, and which will undoubtedly exist hereafter if we permanently retain the Philippines, make it impossible that they can ever become a State; and to hold them as a subject colony makes necessarily a revolution in our system of government which should not be aided by anyone who is loyal to the principles upon which that system is founded. It is a revolution which requires those who support it to deny the most venerated principles contained in the Declaration of Independence, and compels them to openly challenge and dispute their truth. It is a revolution which tramples under foot the warnings and precepts of Washington's Farewell Address, which we have heretofore reverently read in this Chamber upon each recurring anniversary, and the teachings of which the American people have held as sacred for more than an hundred years.

It is a revolution which utterly scouts and derides the principles which have inspired in us the contemplation of a republican government as a sacred thing, and which has heretofore caused us to make haste to recognize every republican government which has been set up by those who have overthrown any form of monarchical government. It is a revolution which palsies our tongue when we would give voice to our sympathy for any people struggling for liberty anywhere on the earth, and makes us with accusing conscience sit in dumb silence for fear the accusing finger may be pointed at us. Nay, more, Mr. President, it is a revolution which, while it denies liberty to other people, endangers the liberty of our own people.

Senators can not fail to recognize that a people to preserve their own liberties must be true to the principles upon which their liberties rest. They must not only be true to the principles of liberty as applied to themselves and as enjoyed by themselves, but they must be loyal to those principles in according the enjoyment of them to others. The man who teaches his children that they can with propriety violate the Decalogue in dealing with the property of his neighbor and the persons of his neighbor's family can not promote or maintain personal honesty or personal virtue within the precincts of his own household.

Mr. President, this is a most serious phase of this question, one that I fear we are not sufficiently appreciative of, and I may be permitted to dwell somewhat further upon it. I want, however, to say in this connection that I accord to all the absolute, unqualified desire that which is best for the public good. I impugn the motives of no one, and therefore in what I say, while I may use words that are not exactly agreeable, they are not in any manner intended to be offensive.

The advocates of the permanent retention of the Philippines do not like to hear the term "vassal." Nevertheless, one who is the subject of a government in which he has no voice, who only has such liberty as the government may grant him, and which itself may be taken from him at the will of the government, is a vassal. And that is the only political relation the Filipino can ever bear to the United States. The advocates of permanent retention do not like the term "imperialism." Nevertheless, whenever a republic owns outlying provinces, to be held permanently as dependent colonies, never to be admitted as a part of the republic in the control and administration of the government, that republic is to that extent imperial. And, if held permanently, that is the only relation which the Philippine Islands can ever bear to the United States.

Ah, sir, it is true that the terms "vassal" and "imperial" grate on American ears. They are terms expressive of conditions violative of every principle of the free institutions of America. They are terms expressive of conditions utterly at war with the principles which Americans during three generations have drank in with their mothers' milk. Senators and others who can not find argument with which to meet argument have been in the habit of putting this question aside with the reply that the charge of imperialism is all "rot." Men who can not meet argument with argument, men who can not meet a proposition with a logical reply, seek to answer the gravest of propositions with such foolish expressions as that.

To bring about such conditions and make them permanent, which necessarily result in imperialism and vassalage, is, I repeat, to revolutionize the Government, because heretofore we have had no imperial colonies and no vassals, and we have vaunted political principles which have made it impossible that we should have either the one or the other.

Now, sir, I use the term "revolution" because it is the one which properly expresses the fact. The proposition is this: That to permanently retain territory which it is known can never become a State and the people of which it is also known can never be admitted to participation in the legislation and administration either of a State or of the General Government, people who must be ruled by a standing army in their midst, is to work a revolution in the system of government as it has heretofore existed in the United States, a revolution of the most radical and far-reaching character.

There can be no such thing as an imperial republic. It will either be an empire or a republic. Under the name imperial republic, the form of a republic may be preserved; but the soul and spirit of republican institutions will surely die. To speak of an imperial republic, true to republican principles and institutions, is to speak of a free autocracy or a Christian infidel, or a law-abiding lawbreaker.

Sir, in the view which I am now presenting I am not pleading the cause of the Filipinos. I am pleading the cause of Americans, that their Government may not be converted from a republic composed of free States into an imperial government holding vassal and subject colonies, ruled and controlled necessarily by a standing army in their midst. If our free Republic is to be converted into this imperial government, it is not those who are to be held and ruled as vassals in subject colonies who will be the principal sufferers.

I am satisfied that this brief analysis which I have made of the character of this expansion which we have accomplished in the past will be recognized as a correct analysis, because it is one of the chief glories of this country, one which will be recognized and known as long as the history of this country is written, that whereas through much suffering and trial and sacrifice we founded a small republic, made up of an aggregation of colonies which through that sacrifice won their independence, that which we gained in that way we have given to a continent. That liberty, personal, civil, religious, and political, has not been kept for ourselves, but we have freely given it until that personal liberty and those free institutions which were thus achieved for 3,000,000 people are to-day, through our gift, the great heritage of 80,000,000. And no small part of that glory is the fact that during one hundred and sixteen years after the achievement of our independence no man, public or private, in the United States, ever suggested the possibility that we should acquire territory which should be held as subject territory, with the impossibility that there should ever be a State made of such territory, or that we should conquer and subject any people who should be permanently held as vassals and who would be forever denied the rights and powers and privileges of citizenship.

Mr. President, I allude to this with perhaps a little more of detail than I otherwise would, because those who are the advocates of this new imperial expansion are wont to buttress themselves with the argument that they are but proceeding in a line which has been marked out in the past, and that while the greatest names of which we boast in the history of our country are the names of those who have been instrumental in accomplishing this great work of thus extending our free Republic, they are names which these imperialists have now a right to invoke as the authority and the defense for the present proposition to convert this free Republic into an empire, holding distant subject provinces by military force.

I desire to say that the man who compares the proposed expansion, and the effects which must necessarily follow it, to the expansion of the past which has come from the acquisition of the

territory acquired from France or from Mexico or from Spain before the late war; the man who says they are alike; the man who says that the one may be taken as the authority and the defense for the other, is either woefully lacking in candor or still more woefully lacking in information, because they are as wide apart as the poles and as different as night is from day.

The one is the expansion and extension of free government and free institutions; the other is the destruction of free institutions and the birth and growth of imperial rule.

Those who disregard and violate the personal and political liberty of a foreign people are but preparing the way for the time when the barriers will be broken down, and the strong among us will oppress and rule with an iron hand and by military power the weak and the defenseless in our own land.

If this revolution were only to affect the Filipinos, we might from a selfish standpoint be content that it should be so. But the controlling fact is that if this revolution is finally accomplished the principal disasters which will accompany it will fall upon ourselves. The view which I have so far presented may be considered by some to be in the nature of an academic discussion. But there are practical evils which will result from this imperial expansion the discussion of which is in no sense academic.

The first feature in which this revolution will definitely and practically manifest itself to the injury of our people will be in the immediate growth of militarism. If it shall be finally determined to permanently retain the Philippine Islands, it is a safe prediction that in less than eighteen months from this date, if the imperialistic programme is continued, the Regular Army of the United States will be increased to 100,000 men.

Now, the proposition which I make, and which I hope I may have the pleasure of hearing a Senator who is in favor of expansion discuss, is that the retention of the Philippine Islands inevitably and necessarily involves a great standing army, presumably at least a hundred thousand men, and under some conditions much larger. We have already had the suggestion of it. If I recollect aright, the message of the President to the last Congress recommended the creation of an army—I do not recollect whether the particular number was stated or not, but it was understood to be a recommendation——

Mr. COCKRELL. A hundred thousand.

Mr. BACON. The Senator from Missouri supplies the information that it was a hundred thousand. I was about to say that it was understood that is what was meant. The House of Representatives, in pursuance of that well-known desire, absolutely passed a bill making the Army of the United States not for a time, but for all time until thereafter repealed, 100,000 men. The measure came to this Chamber. Owing to the opposition of leading members of the Senate, the bill was practically defeated, and instead of it the law which now exists was enacted.

No bill to this effect has yet appeared, during this session, in either House of Congress. It probably will not until after the Presidential election; but in the second session of this Congress, after the Presidential election, or in an extra session immediately thereafter, it is not to be doubted that such a bill will be passed and become a law.

The only possible excuse for this radical change will be this revolutionary policy upon which we have embarked. Almost our entire Army is to-day across the seas. The number of soldiers of the Regular Army now remaining within the borders of the United States is a mere handful. There could be no stronger demonstration of the fact that we do not need any large standing army in time of peace. The great and distinguishing feature of difference between the United States and the European governments has been that we have had only a nominal Regular Army, while they have each had a great standing army of hundreds of thousands of men. Our people have themselves controlled and maintained our Government. On the contrary, their governments have controlled their people with the menace of great standing armies. This revolution destroys this difference between us and the European governments and turns us from our peaceful paths into the same road of blood and iron which they have trod since the Dark Ages.

The necessity of controlling the Filipinos and of maintaining the sovereignty of the United States in those islands will be the excuse for this large standing army. And, sir, there is no question that if the islands are to be retained, a large army will be required for all time. There will be no escape then from such necessity. There is no reason to believe that we will find the Filipinos peaceful and submissive subjects. The testimony of our own officers is that they now hate Americans more than they formerly hated the Spaniards. The testimony of our own officers is, further, that they most earnestly desire liberty and independence, for which they have struggled at intervals for more than a century. Lieutenant Gillmore, who has just been released from many months' captivity among them, gives it as his opinion that the present insurrection will last as long as any Tagalos are left. A statement recently copied into the Washington Post from the Chicago Inter-Ocean gives stronger evidence of their love of liberty than any assertion by themselves or by others. It is that in the last struggle with Spain, in 1896, 50,000 Filipinos gave their lives in the cause of liberty. If the accounts are true which we have received, more than one-third that number have fallen in their resistance to the American authorities. A people whose passions and hatred have been thus aroused against us and who are capable of making such sacrifices will not be submissive subjects. Only fear and force will keep them in subjection. If held in subjection against their will, it will be necessary to rule them with an iron hand. This will require a large army constantly on the islands. Their distance from possible reenforcement when needed and the necessity of frequently relieving troops on duty there and of supplying their places with others will require twice as large an army as would be necessary if the islands were near our shores and in a temperate climate.

For while my distinguished friend the Senator from Indiana represents those islands as being extremely salubrious and healthful, that is not the testimony of soldiers who have returned, and that is not the testimony of Professor Worcester, neither in his book, which I have in my desk, nor in his private conversation with me. It may be and doubtless is a pleasant climate for a temporary visit under very favorable conditions, but it is an exceedingly wearing climate, with plagues and tropical diseases. It is one where the constitution breaks under the influence, and in consequence we must not only have a large army there, but we must also have a large army at home for the constant replacing of those who are brought home. So that there will not only be a large army in the Philippines, but also a large army in the United States—not for a little while, but for all time. And the army of 100,000, which now seems to be monstrous, will in a short time be increased to 200,000.

The fact is not to be denied or disguised, Mr. President, that there are great and powerful influences in this country which for their own purposes desire a great standing army, irrespective of the need of troops in the Philippine Islands; and there is every reason to believe that there are those among them who are ardently pressing on this revolutionary project of holding subject and vassal colonies because of the certain assurances which it gives of a great and increasing standing army. Some of them have not hesitated to say that they wish a large standing army to control our own people. There can be no greater danger to republican government, there can be no greater menace to personal liberty and free institutions, than a great standing army in time of peace. A great standing army is the unvarying and ever-ready instrument with which liberty is destroyed. It is the weapon with which the freeman is subjected to the vassal, and with which the vassal is kept in base submission to his lord. It is the mailed hand of every tyrant; it is the voracious consumer of the hard tribute wrung from the industries and labor of the land; it is the oppressor and the burden of the great masses of the people.

Sir, there are in this hitherto favored land millions of those who have left their native land to escape the curse and the burden of great standing armies. And now shall this great monster, to escape which they crossed the seas, rise up before them here to consume their substance and bar their progress and that of their children in the enjoyment of personal liberty and free institutions?

Sir, among all classes of the American people there is no sentiment more universal than honor and admiration for the American soldier. In every conflict from colonial times to the present, in foreign or domestic wars, on whichever side he has been ranged, he has shed imperishable glory on American manhood.

Our small standing army has ever had the pride and affection of our people. It has never been to them either an oppressor or a burden. It has stood as the emblem and the nucleus of the gigantic reserve military power of the nation. It has ever been fondly regarded as the type, the exemplar for the great army of citizen soldiery ever ready to spring to arms at the nation's call. Thus I would ever have it remain. That it may so remain, it is necessary that we should maintain the condition under free institutions where no great standing army is required to dominate and rule any people within the jurisdiction of the United States. In order that it should so ever remain in the pride and affection of the American people, it is necessary that our Government should continue to be one of the people and not be converted into a government ruling the people with an army. I want no territory permanently annexed to the United States in which the conditions are such that it is a fact beyond the possibility of successful dispute that not only for a while, but for all time the authority of the United States must be maintained only through the power of a great standing army, enforcing the submission and obedience of an unwilling people.

Mr. President, I spoke about practical matters, and I asked that in the progress of this debate Senators would come squarely up in argument and meet the proposition whether or not the retention of these islands in the relation which they must bear to this Government was or was not revolution, and not simply meet it by assertion. Now, I have a more practical request to make of Senators who are in favor of the retention of these islands. The

people are entitled to know what is going to be the cost of retention, and I ask Senators who are going to reply, not to my argument in particular, but Senators who are going to discuss this question upon the high plane of argument which should be had in this Chamber, to answer two questions: Is it or is it not true that the retention of the Philippine Islands necessitates a great standing army? And second, in the absence of the retention of the Philippine Islands, is a great standing army necessary? If Senators answer the first proposition in the negative, that a great standing army will not be made necessary by the retention of the Philippine Islands, I want them to tell us how it is going to be done without it. England, I think, has over 100,000 men, if I am not mistaken, certainly approximating that number, in India. She has to keep them there all the time, and although we see in the newspapers announcements of the loyalty of the Indian population, she does not dare to take that army away from there in this day of her trial and need.

Mr. President, another practical matter is this, and I hope that when Senators come to discuss it they will meet it, or at least give us the information that we think is proper. I am not as apt at quoting Scripture as my friend from South Carolina [Mr. TILLMAN], but there is somewhere in the Bible a very wise statement that the man who goes to war sits down and counts his enemies and counts what is necessary in order that he may meet him. Of course, this is not a literal statement of it, but that is the idea of what is there. I say when we come face to face with the great question whether or not we shall retain permanently the Philippine Islands, it is the duty of Senators on this floor who are going to determine this question by their votes to count the cost and let the people know not only what they think is to be the cost of war, but what is to be the conclusion, and upon that estimate to give the people the information upon which they can base their action. And in pursuance of that I say not only is there the practical question of a great standing army in time of peace, but the much greater army, the much greater naval armament, which is going to be made necessary by the fact that we are going to be in constant danger of entanglements in foreign wars.

Another certain consequence of this revolution in the principles and structure of our Government will be the liability and probability of disastrous wars of which we have not hitherto stood in danger. There is no government on this Western Hemisphere which will ever have either the inclination or the ability to make war upon us. There can not be the slightest danger of war from that source. With an ocean on each side of us it would be practically impossible for any government in the Eastern Hemisphere to transport an army to our shores large enough to make a pretense of an attack upon us. With the money expended in a few years in the Philippine Islands, in keeping an army there and in fortifying the islands, devoted to the fortification of our seacoast, we would be invulnerable against an attack from any foreign navy. So that with conditions hereafter continued as they have heretofore existed we are absolutely safe from liability to foreign wars unless we ourselves elect to make them. With our geographical situation, and with the observance of our policy of not interfering in questions and quarrels which do not relate to the concerns of this hemisphere, we can absolutely command the peace for our country. Even if there arose cause of war, any European government would be extremely reluctant to declare war against us, because of the impossibility of successfully making war upon us.

But if the Philippine Islands become a part of our possessions there will be two most important results.

First. Omitting the discussion of the question whether we will thereby forfeit the right to insist thereafter upon the maintenance of the Monroe doctrine, we will necessarily become complicated in the contentions and competitions and rivalries of the European governments, and from these complications there will be constant dangers that wars will be thrust upon us which we can not honorably decline. There could be no greater folly than for the American people to throw away this immunity from war.

Second. We will no longer be impregnable in a war with a European power. We broke the power of Spain without ever sending a ship across the Atlantic or landing a soldier on her shores. The Philippines and Cuba furnished theaters for the war where she could not successfully defend herself. The Philippine Islands will, if they become a part of our territory, in like manner furnish to an enemy a field for the war where, by reason of the great distance across the sea, we will be exceedingly weak and painfully vulnerable. That will be our weak spot, and that will be the point of attack by our enemies because it is the weak spot. All of our troops, all our munitions of war, and all of our supplies must be transported over 7,000 miles of water. Every transport carrying troops or supplies must be convoyed by a naval force strong enough to resist the entire naval force of the enemy in those waters, because it can not be anticipated which transport will be attacked by that entire naval force. In a war with a European power, with the Philippines chosen as the theater of active operations, the possibility of the disasters which would befall us on the water and on the land, and the humiliation which would overwhelm us in such a case, are appalling to contemplate. Even though no war vessel of our enemy had appeared in Pacific waters, it would be necessary for us to concentrate there practically all of our Navy to convoy and protect the transports which carried our troops, because it would be impossible to anticipate when hostile ships would appear in that ocean through the Suez Canal.

Mr. President, the power which could make no successful war against us by invading us here—the power which would be deterred from even the thought of making war against us because she knew she could not be successful in it, can unhesitatingly make war against us upon slight provocation whenever it suits her interest to do so, because she knows she can carry on that war against us in the Philippine Islands, where we are weak, where necessarily, 7,000 miles away, we shall have to be weak, and where we would be as much humiliated by defeat as the British Government is today humiliated by the terrible chastisement which she is receiving at the hands of a mere handful of farmers.

Is this a fanciful matter or is it a real matter? Is it a fact that we are setting an outpost, 7,000 miles away, where it would be extremely difficult for us to meet even a vastly inferior enemy, or is this simply a mere fanciful picture?

Now, Mr. President, there are other practical matters——

Mr. TILLMAN. If the Senator from Georgia will allow me before he leaves that point, I call his attention to the fact that those people there, with the government which we propose to give them, would be the allies of any power that might enter into war with us. All the nation at war with us would have to do would be to furnish the Filipinos arms and we would have another rebellion on our hands such as we are now putting down.

Mr. BACON. The suggestion of the Senator from South Carolina is very pertinent, and I think the conclusion to which he arrives is certainly one with which no one can reasonably take issue. We have no reason to believe that those people, if accounts are true, would hereafter be our allies.

Again, with our Navy necessarily concentrated in the Pacific Ocean, our long seacoast on the Atlantic and on the Gulf must depend upon its land defenses to repel the attacks of the enemy's ships. With few exceptions, our seaports are not adequately fortified to resist modern artillery. A vast sum of money is necessary to properly fortify our 4,000 miles of coast, stretching from the Rio Grande to Nova Scotia. With the immense annual expenditure required by the permanent annexation of the Philippines, not only for the Army and Navy, but for necessary fortifications, it will be impracticable to furnish the great sums of money to adequately fortify against the power of modern guns this long seacoast. Without such fortifications along our coast, the first sound of war would necessarily bring apprehension and fear and danger to the people at every exposed and undefended point. Two years have not passed since along our entire Atlantic and Gulf coast the people were importuning their Senators and Representatives, and they in turn were besieging the War Department, to give them some means of defense against the bombardment of the Spanish fleet, which they daily and nightly expected.

I remember, sir, one incident which was told in the papers which illustrated the nervous apprehension which existed at that time. The news of one of our victories reached an Atlantic coast city at some time during one night. Before the news was generally known some enthusiastic citizens ran out an old cannon and began firing it in honor of the victory. The citizens, awakened from their sleep by the roaring gun, rushed frantically from their beds into the streets, thinking that the Spanish fleet had arrived and that the much-dreaded bombardment of their unfortified and undefended city had begun. And the next morning a newspaper published in that city contained an indignant protest against the firing of cannon by anyone at such a time, when such noises would so alarm the people. And what was true of that city is true to-day of a large part of our seacoast in that it is undefended by adequate batteries and guns.

Mr. ALDRICH. It must have been in Georgia.

Mr. BACON. No, sir; it was not south of New York. Now you can fix the locality if you wish. And it was not a hundred miles from Rhode Island, where the Senator lives.

Mr. ALDRICH. I think it was a good many hundred miles from there.

Mr. BACON. Speaking for my own State, I know it to be true that there is not a city or town on the coast which could not be bombarded by a man-of-war which could approach it by a water course where there are now no fortifications and no modern guns. And if this distant imperial colonization scheme is to be permanently adhered to, our seacoast must remain in an undefended condition. If these hundreds of millions of dollars are to be expended on account of the Philippines it will be impossible to provide the money to defray other necessary expenses of the Government and also necessary to properly fortify our long stretch of seacoast.

And thus it is that this new and revolutionary policy, while it

will engender complications and disputes out of which wars are likely to arise, and while it will invite attack upon our distant territories difficult of defense, it will at the same time consume the money which would otherwise be available for the proper fortification of our own cities and towns.

Mr. President, are these dangers to which we should shut our eyes? Can we, in dealing with so grave a matter, fraught with such fearful possibilities and consequences to our people, put aside the issue with the assertion that there will be no war, or that there is little probability of war? There will be no war? If that is so certain, why these millions annually expended to build up a great navy? Why these coaling stations all over the world that we are seeking to secure? Why the vast armaments of all kinds? If no probability of wars, why the ever-growing navy of battle ships and the demand for the great fortifications to resist modern cannon? They all testify to the recognition and consciousness of the danger of wars.

Sir, when the eyes are blinded with the glitter and the glare, when the blood leaps and the pulses throb under the excitement of victorious war, it seems almost a profanation to break in upon the most ardent and exalted emotions with the suggestion that, if we shut our eyes to common prudence, there is danger that, brave and heroic and self-sacrificing as we may be and will be, the intoxicated victors may at some time become the humiliated victims of disaster.

Mr. President, public affairs move now in the world with quick development. A condition of peace to-day may to-morrow be converted into a state of war with some European power. Especially is this sudden change within the range of reasonable possibility since we have flung aside the safe and prudent policy of a hundred years, enjoined by Washington, and needlessly and rashly projected ourselves into a field where we necessarily become entangled in the complications of European international disputes and rivalries. Almost all of our Army to-day is in Asia, on the other side of the globe. A very large part of our Navy is in Asiatic waters. It is only six days' sail from Europe to our Atlantic coast. It is almost as many weeks' sail from Manila to New York or Norfolk or Savannah.

If our new Navy, small as it is, were in Atlantic waters, it could be depended upon in large measure to defend our coasts. But with our Army and Navy in the Philippines, and with our long seacoast comparatively undefended by fortifications, will any Senator endeavor to realize and appreciate the plight we would be in if we should become involved in a war with a European power? Extemporized earthworks will not suffice for defense as in former times. We must have fortifications sufficient to resist the projectile capable of penetrating more than 30 feet of solid concrete masonry. I doubt not that in such an emergency our people would be found equal to the occasion. I doubt not that with a splendid heroism which has ever characterized them, Americans would successfully defend their soil. But it would be at a sacrifice of life and property immeasurably increased by reason of the absence of our Army and Navy in Asia.

Again, sir, if under the argument of the imperialists the Philippines are to be permanently retained, then for the same reason other countries of similar kind must also be taken so soon as we can force the opportunity. The argument is that the Philippines are rich in natural resources; that on this account they are valuable, and that therefore we must subject them to our rule and keep them as a part of our permanent imperial dominion. But why in this majestic march to imperial power should we stop at the Philippines? The same thing is true of the other tropical islands. The same wealth of resource is found in greater profusion in the feeble republics of Central America. In still greater profusion it is found in the republics of South America, only less feeble than the republics of Central America. In all these lands there is the exuberant wealth of the mines, of the forests, and of the soil. Why should the wide reach and grasp for imperial wealth be stayed before all these lands have been added to our imperial dominion? Why should eloquence halt in stirring the blood of Americans with the portrayal of the spoils of an empire limited to the paltry area of the Philippines, when there is the loftier theme, the wider vision, of the immeasurable spoil of an empire extended over the unwilling and conquered people of Central and South America? Do you tell me this is extravagant? I admit it. Not only extravagant, but to me the possibility of its realization absolutely repellant and abhorrent.

And yet, sir, I submit a proposition in this connection the truth of which no Senator will deny. If three years ago, in January, 1897, a Senator had in his place here predicted that before January, 1900, the United States would have sent across the Pacific Ocean an army of nearly 100,000 men and a great navy; that they would with this great army and navy have conquered and subjected to our rule a community of 10,000,000 of Asiatic people, and that the country of that people would have been annexed as a part of the territory of the United States, never to be possibly a State, but always a colony, and the people never to be possibly citizens, but always vassals, and that to accomplish this over $150,000,000 would have been spent and over 20,000 lives would have been sacrificed; and if he had further predicted that to defend and justify such subjugation and annexation, not only one Senator, but many Senators would have said in the Senate that the principles announced in the Declaration of Independence were untrue; that the counsels and warnings of Washington in his Farewell Address were no longer worthy of respect, and that the Constitution of the United States had become antiquated and out of date, a mere piece of waste paper, to be trampled under foot or thrown out of the window whenever it stood in the way of the majority—if these things had been predicted three years ago they would not only have been regarded as extravagant, but the Senator who made the prediction would in all probability have been sent to the madhouse.

And yet, sir, all these things, so extravagant and so impossible; all these things and more, things in their details more repellant and more abhorrent, have occurred within the three years. Looking back at these occurrences, does anyone believe that the greed for spoil and the lust for dominion will be sated with the acquisition of the Philippines? Why should they? What reason is there which calls in one case which will not prompt in another?

No, Mr. President, unless met by superior power, there is no halt to the imperial tread when once it starts upon its conquering and its despoiling march. Until it meets with disaster it can only be stayed by the command of the people, and then only when such command is given before; in the decay of free institutions they lose their power to command. The thirst for empire is like the desire for human blood, which is stirred to an unquenchable and maddening thirst in the veins of every man who tastes it. The cry will be "More!" "More!" It was a long step into the middle of the sea to take Hawaii. It was a much longer step across the widest of all the oceans to take the Philippines. From there across to the continent of Asia is a much shorter step. Everywhere the bounties which Providence has bestowed on foreign nations invite the greed for spoil and the lust for dominion. To the hunger for the spoils of foreign lands there is no satiety; to their acquisition there is no limit save the limit of our power.

And thus, from step to step, the march of empire will go on, and as a necessary inevitable consequence a growing standing army, not of 100,000 or of 200,000, but of 400,000 or half a million of men, and an annual expenditure, drawn from the taxes paid by the people, the magnitude of which one would now scarcely venture to suggest. If we undertake to copy the policies of Europe we must bear like burdens with them, and in prosecuting such policies in the rivalries of extending empire and holding vassal colonies each of the European Governments to-day supports an army in time of peace numbered by several hundreds of thousands of men.

Mr. President, it is not a pleasant thing to suggest that there may be a limit beyond which the United States may not safely go. It is a much easier task to tickle the ear of the American people with high-flown panegyrics of the possibilities of their achievements, and to excite their pride and enthusiasm in the glittering recital of the dazzling dream of empire. But those officially charged with the responsibility of the peace, the safety, and the future of a great nation, and with the duty of the preservation of its principles and its institutions, will find the discharge of their highest duty not always in the field most inviting to personal gratification and pleasing to the love of personal applause, but they will find that duty more frequently in the less inviting task of soberly saying things which are true, things not so pleasant for the people to hear, things not so stimulating to their enthusiasm and their hasty applause, but things the knowledge of which will guard them from great dangers and remediless disasters.

But, sir, it is not simply in the contemplation of the possibility of a war entailing great sacrifices and possible reverses that I am opposed to a policy which will bring wars. I am opposed to a policy which will induce and invite wars, even if it could be certainly known that they would be victorious wars. War, at best, even victorious war in a righteous cause, is a great curse. It always works a change in the civil institutions of a free country and endangers the liberties of the people. It accustoms the people to the exercise of arbitrary power and weakens their loyalty to the authority of law. It familiarizes them with the contemplation of blood and carnage. It brutalizes their instincts and destroys the gentler and nobler humanities. Its baneful influence even invades the pulpit, and, strangely, some of those called to minister to holy things to-day endeavor to present the good God as a God delighting in war and bloodshed, forgetting that the new dispensation was ushered in with the divine message of "peace on earth and good will toward men," and not remembering that even under the old dispensation we are told that David was not allowed to build the temple because he was a man of blood.

One of the greatest of the American generals has said that "War is hell." No three words ever more graphically expressed a fact. War means villages and hamlets burned. It means homes despoiled and a country devastated. It means the rent and torn bodies of unnumbered men with like capacity with ourselves for pain and suffering. It means the desolated home, the broken

hearts, and the ruined lives of those to whom these men were dear.

Ah, Mr. President, I wish those who so flippantly talk about war, those who read in the morning papers with so much unconcern that a thousand men, ten thousand men, had been killed or that a village, half a dozen villages, had been burned, could see one battlefield after the noise had gone, the excitement was over, and there was only the wreck and the anguish and the destruction of men; ah, sir, I wish in my heart that it were practicable that the twenty-odd thousand men who, I presume, in the Philippine Islands have been destroyed on one side and the other, could be laid out on a plain and the people of the United States could march by and look at them. There would be no more war—none whatever—except where honor or defense requires it. There would be no wars of aggression and subjugation. Only the man who has seen it can realize the horrors of such a sight.

But, Mr. President, let that pass; I did not intend to say this.

I must be brief, as I understand the Senator from Colorado [Mr. TELLER] desires to speak this afternoon. He shakes his head.

Several SENATORS. It is the Senator from Arkansas [Mr. BERRY].

Mr. BERRY. Take all the time you want.

Mr. BACON. I am much obliged.

Mr. President, the people in the United States of to-day know less of war than those of thirty-five years ago; and the people of the North, as closely as the great war of that time came to their homes and firesides, know much less of it than the people of the South. Because they know what war is, they are opposed to unnecessary war. And yet, sir, the people of my section, as much as they deprecate war, recognize that wars are sometimes necessary and that there are some things worse than war. They recognize that the loss of national honor is worse than war; they recognize that no war is too great a sacrifice to secure and protect liberty; and, what is more, whenever the country is engaged in war they give it their active support, regardless of whether it is or is not a war which they approve. If the published reports are correct, the State which in proportion to its population furnished the greatest number of soldiers for the late war was the State of Georgia. And although her people in general deprecate and deplore the present war in the Philippines and believe it could have been and should have been avoided, it is nevertheless true that about two-thirds of the men of one of the volunteer regiments raised during the past year for that service, and now serving in the Philippines, were enlisted in Georgia.

The universal sentiment among our people is that when the country is at war, even if they do not approve the war, it must be supported and that the soldiers doing their duty at the front must also be supported. This general sentiment is reflected in a recent utterance of the Atlanta Journal, which is one of the most outspoken papers in the State in opposition to a war of conquest in the Philippines. In a recent issue the paper said:

> As a matter of fact, there are a large number of Georgians in the Philippines, and they are doing their duty like the soldiers that they are, as they see it. Wilcoxon, Lockett, Kendrick, and others are Georgians, and in addition there are seven or eight hundred Georgians who went out with the Twenty-ninth Regiment.
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> For them the people have nothing but praise. Georgians would not have Georgians in the Philippines abate one tithe of their efforts in their plain duty in the field.

And in a recent speech delivered at Buffalo, N. Y., by the Hon. Clark Howell, editor of the Atlanta Constitution, he used the following language:

> Personally I have thought, and still think, that had we coupled with the ratification of the peace treaty an assurance in the nature of the declaration made for Cuban independence, there would have been no serious disturbance in the Philippines and that we would now be in the peaceful possession of the archipelago, as we are in control of Cuba. I believe it is not too late, even now, to make that broad declaration of our policy, assuring domestic control of internal affairs, combined with the guaranty of independence whenever, in the opinion of this Government, the Filipinos are able to administer a government which will protect life, secure property, maintain law and order, and meet the demands of civilization.

These two utterances combined, in my opinion, reflect the sentiment of the people of my State. They may be summed up in the statement that under present conditions, so long as the war lasts, the Army must be supported in its operations, but that when peace has been restored the Filipinos, in due time, must be allowed an independent government of their own. But, sir, while our people are ready to meet war when it comes, and to do always their full duty in every war, they do not desire war, and do not desire the governmental policies which will invite wars by entangling us in the disputes and contentions of monarchical Europe.

As for myself, sir, among those soldiers from my State now in the Philippines are my personal friends and the sons of my personal friends. And, sir, I need no taunt to urge me on to my duty to these soldiers; much less do I need or heed any from the advocates of an imperial policy of aggression and conquest which will forever thereafter make us liable to frequently recurring devastating wars and cost us the blood of tens of thousands of those same soldiers for whom they are now so solicitous.

But, sir, a great standing army and the wars which will result from the imperial policy are only some of its evils. Another of no unusual importance is the immense money cost to the people. In addition to the $20,000,000, the cost to the United States of the Philippines has already been not less than $150,000,000, while in the opinion of many who have examined into it it is nearer $200,000,000. But taking it at one hundred and fifty million, this is a stupendous sum of money. Every dollar of it has been paid by the American people, and every man in the country has contributed to it his share under the law. We can best appreciate the cost by dividing it up and thus be able to see what the cost has been to a single community or State. In my own State of Georgia a fair calculation will make a cost of more than $3,500,000, which has already been paid by the people of the State as their part of the expense of the war in the Philippines.

To permanently retain the islands will annually cost the United States more than $100,000,000. The large increase in the standing army will alone annually cost that, and that will by no means be all of the expense. On the contrary, it will probably be as much more. But taking it at $100,000,000, the cost annually to the people of Georgia will be more than $2,000,000.

Let no man deceive himself, Mr. President, with the thought that somebody else pays this and that he does not. Every man pays his part, and unfortunately the man of small means pays almost, if not quite, as much as a man of large wealth, for the tax is paid on what a man and his family consume and not upon the value of his property. If this vast sum of money were collected directly out of the people for the purpose of holding the Philippines, it would make a revolution; but while collected indirectly, in the end the result is the same. If one has a dollar filched from him every day, each day's loss may not be seriously felt; but at the end of the year he is $365 out of pocket. So if the people of the State of Georgia have already paid over $3,500,000 for the Philippines, there is that much less money in the pockets of the people of the State than there otherwise would have been. And if they are annually hereafter to pay over $2,000,000 as their part of the expense of retaining the Philippines, then at the end of each year there will be at least $2,000,000 less in the pockets of the people of the State of Georgia than there would be if the United States did not seek to permanently retain that part of Asia. To this must be added another inevitable, certain expense of great magnitude. We have already sent nearly a hundred thousand soldiers to the Philippines. Of those who survive, nine-tenths of them will in a few years be on the pension roll on account of permanent injuries to health due to service in that climate. Our pension roll, now calling for nearly $150,000,000, will soon be $200,000,000. Every year that our Army is kept in the Philippines will add to the amount for pensions. This means not a yearly expense for a few years, but for fifty years. We are to-day still paying pensions to Revolutionary pensioners, a hundred and eighteen years after the close of the war.

Mr. President, this is no fanciful picture. They are plain facts which can not be successfully controverted. This large aggregate expense must be met by the people of the United States. It can not be met by the revenues from the islands. We can not collect a tribute from them, and the revenues from the islands will never pay more than enough to defray the expense of administering their government. Their entire imports have heretofore amounted to only about $10,000,000. The imports are now being stimulated by the large American army stationed there; but even if largely increased under American government, it is impossible that within a great many years the increase could be sufficient to yield any large revenue from imports.

Mr. ELKINS. Will the Senator allow me to ask him a question?

Mr. BACON. Certainly.

Mr. ELKINS. The Senator from Georgia, I believe, did as much as anyone else to bring on the war, did he not?

Mr. BACON. No, sir; the Senator is entirely mistaken.

Mr. ELKINS. I thought the Senator from Georgia was one of the Senators who favored the war.

Mr. BACON. No, sir; and I am glad that the Senator gives me the opportunity to state my position, as I have previously done in the Senate. The President of the United States would give the Senator a very different statement from that which he has made. When war was threatening, after the blowing up of the *Maine*, I had a conference with the President of the United States by his invitation, and he will testify that I was extremely opposed to the war, and I think the Senator from Indiana [Mr. FAIRBANKS], with whom I had a conversation relative to my interview with the President, can state the same thing.

As the Senator has suggested the question, I will say that I did vote for the war resolutions, but I did everything on earth I could to prevent the war. I believed it would be a great curse. I apprehended that if sacrifice was to come, it would fall unequally in greater burdens upon my own people. I believed that it would be a great curse to this country; and so I was opposed to that war. But, Mr. President, when it was evident that there would be war, when it was inevitable that we were going to fling down the gage of battle, I thought it was the duty of all of us to present an

unbroken front to the world, and consequently I voted for the resolutions, and for that reason alone. From that day to this, so far from having changed the view which I had, my conviction has remained that there ought not to have been any war; and the greatest political regret of my life is that there was war, because I think it is going to result—I fear it will result—in a very material revolution in the political institutions of this country.

In regard to the matter of expense, each Senator can figure it out for himself. I give the rule by which I have gone, so that if I am wrong I can be corrected.

Federal taxation in this country is not based on property; it is based on consumption. And whenever a people in any part of these United States consume the average, then an easy calculation is to consider the expense as one which falls nearly or quite per capita. I am quite sure the people of my section consume their full average, because they have from all time been known as a people of very liberal expenditure. So each Senator here, if my rule is correct, can figure out the cost to his own people, and tell them not only what it has cost, but what it is going to cost in the future, because it is an utter impossibility—certainly an impossibility if a large standing army is to be the result, a standing army which would otherwise be unnecessary—it is utterly impossible that the cost of the retention of the Philippine Islands can be less, directly and indirectly, than $100,000,000 a year, of which the people of Georgia will pay over $2,000,000 each year.

Mr. TILLMAN. Mr. President——

Mr. BACON. The Senator will pardon me a moment.

That being the cost each year to the people of Georgia, I repeat, that the United States Government has already spent from $150,000,000 to $200,000,000 on the Philippine war, of which the people of Georgia have paid over $3,500,000.

Mr. TILLMAN. I hope the Senator will not confuse in his mind, or has not confused in his mind, the cost of the Spanish war with the cost of the Philippine war.

Mr. BACON. No; I have not.

Mr. TILLMAN. When we got through with Spain we could have stopped the war expenditures and have gone back to our old traditions.

Mr. BACON. Yes; I understand that.

Mr. TILLMAN. But we have gone off into this new departure, and all this additional expenditure has no connection with the Spanish war.

Mr. BACON. None whatever.

Mr. TILLMAN. I wish to call the Senator's attention to the statement he has made. Unless he corrects his language he may be misconstrued by some people. He said he voted for the war reluctantly. He meant he voted for the Spanish war; but nobody had any opportunity to vote for the present Philippine war.

Mr. BACON. Of course I supposed that everybody understood the Senator from West Virginia [Mr. ELKINS], when he asked me the question, to allude to the Spanish war. I ask the Senator if he did not?

Mr. ELKINS. Certainly.

Mr. TILLMAN. We are not engaged in a war with Spain and have not been for eighteen months.

Mr. BACON. The Senator from West Virginia asked me about bringing on the war, and I understood the Senator to refer to the Spanish war.

Mr. ELKINS. The Senator is certainly right.

Mr. BACON. Everybody knows I voted against the treaty and should have been very glad if I had had a dozen votes to cast against it instead of one.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. Certainly, I yield to the Senator.

Mr. SPOONER. The Senator from Georgia voted to enlarge the Army——

Mr. BACON. I certainly did.

Mr. SPOONER. In order that the President might, after the ratification of the treaty, employ the forces of the United States in the Philippines?

Mr. BACON. I surely did; and here is the speech I made in the Senate on the subject in the closing days of the last Congress. [Exhibiting.]

Mr. SPOONER. It was a very loyal and patriotic speech.

Mr. BACON. As the Senator has made that remark about it, I shall not read it; but I was about to read a couple of paragraphs from the speech I made on the reorganization of the Army.

Mr. TILLMAN. The Senator had better read it.

Mr. BACON. Very well. Mr. President, in order that the paragraphs which I am about to read may be correctly appreciated, I will state that the first part of the speech is in utter condemnation of the Philippine war, as strongly as I could possibly put it. Then the question was, war being flagrant, whether or not we should vote money and troops, and here is what I said, in part. I beg pardon for alluding to it. I should not read it had not the Senator from South Carolina insisted upon it:

> I conceive that it is our duty as Senators to contend for those measures which we deem to be right and to oppose those measures which we deem to be wrong, to do all that we can to avert war; but when war comes through the action of constitutional authorities—as, for instance, through the making of a treaty by the President and ratification by the Senate—there is but one thing for us to do, and however much we may disapprove of the measures that led to the war, and however strongly we may have striven to prevent those measures, and however much we may be opposed to the war, we must furnish the men and the means required by the Executive for the purpose of carrying it on. Otherwise we would be in a position where the requisite majority did that which involved war and then refused to sustain him with the money and men necessary to carry it on.
>
> Mr. President, if this were a question where it was proposed as an original act that we should send abroad an invading army, even if it was one which the majority had through constitutional measures determined upon, there might be ground for hesitation in furnishing the men and the means to accomplish the invasion; but it is a very much stronger question, a very much stronger proposition, when war is flagrant, and when we have troops upon the scene of war who must be defended or who must be left to become a sacrifice to those who are in arms against us. There are twenty-odd thousand American troops in the Philippines. They are there in obedience to orders for which they are not responsible. If the war is to continue, they must be supported or left to defeat and death.

Mr. President, to pass from this diversion, there are in addition the inevitable evils attending distant subject colonies—the corruptions of officials, their tyrannies and their cruelties; the insurrections and uprisings of an unwilling people and their bloody suppressions—such as contribute the dark page in the history of every country which has by force dominated and controlled a subject race.

But, Mr. President, it is said that all of the evils I have suggested, and many others not mentioned, will be compensated for in the fact that the possession of the Philippines will open and secure for us the trade of the Orient. It does seem to me that if there ever was an argument absolutely without foundation, it is that argument. If there ever had been anything in it, the agreement which has been reached through the efficient and laudable action of our State Department with the European governments, or the leading European governments whose consent is worth having or desirable, that we shall have equal rights of trade in the Orient forever, makes that as an issue no longer of any importance.

Mr. TELLER. Would it interrupt the Senator from Georgia if I were to ask him a question?

Mr. BACON. Not in the least.

Mr. TELLER. I should like to ask the Senator what part of the world those treaties relate to?

Mr. BACON. I have only seen the statement in the papers. I presume it is correct, from the fact that I have not only seen the general statement in the papers, but I have seen an interview, which I suppose was authorized, with the Secretary of Agriculture, in which he spoke—I am sorry I have not it here with me—of our having absolutely impartial rights, so far as they could be given by England, Germany, France, Russia, and Italy.

Mr. TELLER. I understood the Senator to approve of that?

Mr. BACON. Certainly I do.

Mr. TELLER. Then I want to ask the Senator if he does not think that is a simple partnership which we have gone into to allow those fellows to steal those countries and we are to have part of the pelf?

Mr. BACON. The Senator misunderstands me if he understands me to say it was an agreement for a division of territory. Does the Senator understand that?

Mr. TELLER. Is it not substantially an agreement that they may divide without any interference on our part——

Mr. BACON. By no means.

Mr. TELLER. Provided we are let in on part of the theft?

Mr. BACON. I should oppose that most vigorously and unreservedly. I understand the agreement to be, as stated by the Secretary of Agriculture in an interview published in the papers, that there shall be no restriction of trade against us; that so far as they may have any sphere of influence, if you please, they will not attempt to set up against us a closed door, but that we shall have that door for which we are contending as the open door.

Mr. TELLER. Will the Senator allow me to make a suggestion as to what I understand the situation is without interrupting him?

Mr. BACON. Certainly.

Mr. TELLER. I understand the situation is this: Those great powers have done what the Senator is complaining that we are doing, only to a greater degree and without any possible excuse. As I understand, he approves of an arrangement that we have made that if they will simply allow us to have the same benefit in the transaction that they have we will not complain.

Mr. BACON. I do not understand it in the way the Senator does.

Mr. SPOONER. Will the Senator from Georgia allow me to ask the Senator from Colorado a question?

Mr. BACON. Certainly.

Mr. SPOONER. Does the Senator from Colorado object to an arrangement under which we shall have the open door to trade in China?

Mr. TELLER. I have not seen the agreement. I do not know what the arrangement is. Upon the statement I have made I surely should object.

Mr. SPOONER. What would the Senator have us do?

Mr. TELLER. I shall not undertake to say that in the time of the Senator from Georgia. The Senator from Wisconsin ought to know what I think about it.

Mr. BACON. I do not understand it the way the Senator from Colorado does at all. I understand that we simply have, by the agreement of these various European nations, the same rights of trade in China that they themselves could claim for themselves; no more and no less. I suppose we shall have to pay the same tariffs that are paid by other nations, but that we shall not be excluded——

Mr. RAWLINS. Will the Senator from Georgia permit a question?

Mr. BACON. Certainly.

Mr. RAWLINS. As I understand the point, it is this: Whether the United States or these other governments shall have certain privileges or rights of trade in China would depend somewhat upon the wish or disposition of the Chinese Empire upon that question, and is this arrangement proposed by these powers to the United States to assert and maintain certain privileges of trade in China without regard to the disposition of the Empire?

Mr. BACON. I do not understand that the agreement as made has any reference whatever to any division or disposition. I think I am correct in that, am I not?

Mr. TELLER. I should like to say to the Senator that I do not understand the arrangement to be what he says it is, which I understand meets his approval.

Mr. BACON. Yes, sir.

Mr. TELLER. It is an arrangement, I think, that these people will respect the treaties we have, and our rights are no greater; they are not enlarged in any way beyond the treaties we already have, not with them, but with the original powers. When they steal this country they are to let the relation that we had with it remain undisturbed.

Mr. BACON. The Senator knows, and I think the Senate knows, that I do not favor the stealing of any country, large or small, even if it is a coral reef, and I certainly do not understand that I am giving my assent to any proposition to steal any territory; but I do not understand that that is involved in the arrangement. I have said, and I am glad to repeat it, that I think the Secretary of State and those acting with him have done a very valuable work, and one which I concede to be of very great advantage to my section of the country as well as to others, and one which I think will relieve the Philippine question of what is a very specious pretense; that through it and through the accomplishment of the permanent annexation of the Philippine Islands we are to enjoy rights of trade in China that we would not otherwise have.

Mr. BEVERIDGE. The Senator from Georgia will permit me. The argument is not that the retention of the Philippines will give us greater rights in China, but greater opportunity to enjoy the rights which may be secured.

Mr. BACON. I understand. I recollect well the honorable Senator's speech upon that subject, that Liverpool is to be transferred to Manila and so forth, which I think is rather sanguine or optimistic.

But to come down to the practical point, I say, in the first place, that under the agreement, as I understand it now to exist, we do not need any help in the Philippine Islands to get into China. I say further that there is not a nation in the world that could afford to make an issue with us on our having equal rights of trade in China. I am not speaking about an issue of arms, but there is not a nation which could make the issue in a peaceful way, to deny us any privilege, from the fact that our trade with each and every one of them is too important for them to run any risk. Whether that is true or not, they have made the agreement. What more than this could we get if we owned every Pacific island and harbor on the Asiatic coast? With this agreement, how much less of the China trade would we get if we did not own a single island on the Asiatic coast?

Is there any room for argument on this proposition? With the equal rights and privileges of all other nations of trade in China, it will simply be a question of our selling the best goods for the least money. And if we do not sell better goods at lower prices, there is nothing in the possession of the Philippines which will the better enable us to compete with other nations which offer better bargains. If the freedom of trade is already assured to us, what possible reason can be advanced why, in order to secure that which we already have without cost, we should permanently retain the Philippines, when to do so necessarily revolutionizes our system of government, requires us to keep up a great standing army, subverts our traditional foreign policy, and involves us in constant danger of foreign wars, and subjects us to annual expense of at least a hundred millions of dollars a year for all the future. What is the logic which can justify this immense cost to secure that which is already ours without cost?

And, Mr. President, even if we did not have this open door in China, the possession of the Philippines, peopled by an alien race, would not secure it for us. So long as we remained at peace the possession of the Philippines would not open the door of China for us. If we went to war with the European powers to try to force open the door of China, the possession of the Philippines, so far from being a strength, would be a weakness to us, as I have endeavored already to show. The only strength to us would be in a few fortified harbors and naval stations, and those we can have without retaining the archipelago. But it is useless to discuss this proposition, because the whole of China is already open to us, and the door is not to be forced.

The simple truth is that it is not necessary to own foreign islands or lands to promote our foreign trade. Our great export trade is to Europe—a trade constantly increasing in great yearly volume. Year before last we sent them over six hundred millions more than we received from them. More than half our agricultural export to Europe goes to England. She buys not only our food stuffs, but a great deal more than half of our cotton crop. To sell her all this we are not required to own any islands on her coast. We sell largely to Germany and France and other European countries, but we own no foot of land on the continent of Europe or any of the islands adjacent thereto, and we never will.

Well, sir, China is as free and open to us as is Europe, and there is no more necessity for an island colony in the one case than in the other. The whole of Central and South America invites our trade. Does anyone contend that we must own islands on their coast to insure that trade? When the Nicaraguan Canal is completed, which we hope will be in the near future, the whole rich west coast of South America will be brought almost to our doors. Will it be necessary, then, to capture or purchase islands on that coast in order to carry on that trade?

If I had time I should like to read here, which I will not burden the Senate with reading, figures of trade at our doors, the South American trade and the Central American trade, all of this being statistics published by the United States. I should like to show furthermore from the same statistics—I have it here—that within ten years, from 1889 to 1899, without owning the Philippine Islands, without owning any islands or any other kind of territory in Asia, our trade with China has increased 256 per cent, and more than that with Japan.

No, Mr. President; the pretense that the Philippines are necessary to our trade in the Orient is a delusion and a snare set to catch the feet of the hasty and the unwary. And those who set the snare, like all others who set snares, are seeking their own selfish advantage. This programme of vast colonial dominion, of which the subjection of the Philippines is but the beginning, may and doubtless will be used to make vast fortunes for the few. A few hundreds, possibly a few thousands, will find therein the schemes which will yield them vast wealth, but the remainder of the people, the tens of millions, will find nothing but the subversion and decay of their institutions, the creation of a great standing army, and the mighty burden of great annual national expenditure.

Again, Mr. President, those who have their own purposes to subserve in the permanent retention of the Philippines, hold up as an inducement the mineral wealth and productive capacity of the islands which will be developed by American capital. In what way are these resources to benefit the great mass of our people? Take, for illustration, the iron business. It is said that there is iron ore there in inexhaustible quantity. It may enrich the few who will invest their money there in the iron business, but how will it benefit the iron producers and their employees in America to have the demand for iron in China supplied from mines and furnaces located in the Philippine Islands? Can the iron furnaces in America in that event any longer compete with the mines and furnaces in the Philippines, with their short transportation and labor at 10 or 15 cents a day?

How is it with the agricultural products? The capacity of the Philippines for the production of sugar is practically unlimited. With that tropical climate and the cheap Asiatic labor, unlimited in supply, organized with American capital and directed by American brains, it would be impossible for the American sugar producer to compete with Philippine sugar.

It has been confidently predicted that the cane-sugar and beet-sugar industry could be so developed in the United States that it would supply the immense quantity consumed in this country. Fond anticipations have been indulged that the day was near at hand when this would be done. But the sugar industry is absolutely doomed in the United States when the sugar business becomes actively developed in the Philippines.

The same thing is true of rice growing and of tobacco culture.

With tropical soil and climate and unlimited cheap Asiatic labor it would be impossible for either rice or tobacco to be grown in America and sold in competition with it. When that time comes, the rice and tobacco culture must be absolutely abandoned in the United States.

As to long-staple cotton, there is no doubt that it can be successfully raised in Luzon. Prof. Dean Worcester so states in his book on the Philippines. In addition, he has stated to me personally that at one time this long-staple cotton was raised successfully in Luzon to supply the needs of the inhabitants, and that its production was continued until the Spaniards compelled them to abandon it and to raise tobacco, out of which they could secure a greater revenue. The production of long-staple cotton in the world is very limited, and the demand for it is correspondingly small. In America it is produced only in the three States of South Carolina, Georgia, and Florida, the largest part of it in Georgia. There is about $5,000,000 worth of it annually imported into this country from Egypt, and that small importation reduces the price of long-staple cotton in the United States 40 per cent or 50 per cent below the price which it would otherwise bring. With such cotton produced in the Philippines with unlimited cheap Asiatic labor, the cultivation of long-staple cotton in the United States must certainly be abandoned.

And so, Mr. President, you may go through the list of mineral and agricultural products in the Philippines. Their development will doubtless enrich the syndicates and the trusts that will invest their capital there for that purpose, but the great masses of the people of the United States, both the employers and the employees whom they are seeking to delude and mislead with the glittering bauble of empire, will have as their compensation the destruction of important, wide-reaching industries, in competition with production by the cheapest and most abundant labor on all the earth.

Mr. ALDRICH. May I ask the Senator a question?

Mr. BACON. Certainly.

Mr. ALDRICH. Would that proposition be affected by the words "property of the United States," or "under the jurisdiction of the United States"?

Mr. BACON. I think so, in two ways. There is no doubt about the fact that when American money under American law is invested in the island of Luzon it is going to quicken the industries. There is no doubt about the fact that there will be a great deal more long-staple cotton, a great deal more iron work done, a great deal more sugar raised, a great deal more tobacco grown, and a great deal more rice under American auspices than has been produced under Spanish auspices or than would be produced under Philippine auspices if they were allowed to work out their salvation. But that increased production in the Philippines will not appreciably benefit anybody in America except the trusts and syndicates which will engage in such production.

Mr. ALDRICH and Mr. BEVERIDGE rose.

Mr. BACON. I yield first to the Senator from Rhode Island.

Mr. ALDRICH. Would what the Senator has just stated be an advantage or a disadvantage to the Filipinos?

Mr. BACON. I am not speaking about the interest of the Filipinos. I am speaking to-day about our people. There is plenty to be said about the Filipinos; but I have too much to say about my own people, and I am too much concerned about my own people to waste much time on the Filipinos.

Mr. ALDRICH. I supposed the Senator was speaking from the standpoint of benefiting the Filipinos.

Mr. BACON. No, sir. The Senator did not do me the honor to be present during the first part of my speech, or he would not have made that remark. It is my own people I am concerned about; and I wish the Senator from Rhode Island were more concerned about them, from my standpoint at least. I am concerned about them on account of their political institutions; I am concerned about them on account of their material interests; and I think, from either one standpoint or the other, that it was the greatest mistake in the way of a public act that the Government of the United States has ever proposed.

Mr. BEVERIDGE. The Senator from Georgia having answered the question put by the Senator from Rhode Island, may I now ask him a question?

Mr. BACON. Certainly.

Mr. BEVERIDGE. Are we to understand that the Senator from Georgia does not want the Philippine Islands developed because it will hurt his people?

Mr. BACON. I do not want the Philippine Islands developed at our expense for the purpose of doing that which would be an injury to my people. I do not propose, so far as I am concerned, that the Government of the United States shall go into the business of developing the barren and the unfruitful and semibarbarous lands of all the earth at the expense of the people of the United States. We have got business enough of our own at home.

Mr. ALDRICH. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. ALDRICH. If I understand the position the Senator now takes, it is that the interests of the people of the United States and the advantages to them are to be considered, and not the interests or the advantages of the Filipinos?

Mr. BACON. I say, Mr. President, the Senator would necessarily by that question, if I were to follow it out, carry me into a discussion as to how far we could disregard the rights of others in order to benefit ourselves. I do not propose now to go into such a discussion. I am speaking now without reference to the Filipinos, and have been during the whole afternoon discussing the single question as to what is to the interest of the people of the United States. There might be some things that would be in the interest of the people of the United States and which would be for the disadvantage of the Filipinos of which I would not be in favor if they could only be done at the cost of what I thought was right and just and proper and fair.

Mr. TILLMAN. I would remind the Senator from Georgia that the new doctrine is that charity does not begin at home, but begins abroad. [Laughter.]

Mr. BACON. Yes.

Mr. SPOONER. Does the Senator from South Carolina agree to that?

Mr. TILLMAN. No; I do not agree to that.

Mr. ALDRICH. The difference between the Senator from South Carolina and the Senator from Georgia in the discussion is that the Senator from South Carolina discussed the question from a humanitarian standpoint for the benefit of the Filipinos, and the Senator from Georgia is discussing from his standpoint the interest of the people of the United States.

Mr. BACON. The Senator from Rhode Island, if he desires to reply to the speech of the Senator from South Carolina which was made yesterday, will have his hands quite full without paying any attention to me. [Laughter.]

Mr. President, I do not mean it to be understood by what I have said in this colloquy that I am indifferent to humanitarian questions or to the rights of people, or to the right of self-government, or to the right of personal liberty, or to the right of free institutions, even where only a humble and feeble nation is concerned, but I do mean to say that I am this afternoon limiting myself to a discussion of what I conceive to be the interest of the people of the United States.

I want to say one word about one other matter. There has been a great deal said to the effect that we are doing what we are in the Philippines, and propose to do that which we have set our heads upon, because, as the result of the war, there was a duty, an obligation, a responsibility, laid upon us that we could not disregard, and that that is the motive; that the motive is to carry to them our free institutions, to give those who are engaged in missionary work a field for their labors, to lift the people up, to do a great Christian and humanitarian act. I am absolutely certain the President of the United States will not say that, and that those who say it for him misrepresent him.

Mr. TILLMAN. He claims to have Divine Providence as his guide in this business. [Laughter.]

Mr. BACON. I think he has been entirely misrepresented in that regard. I do not believe he ever said it; and the reason I do not believe it is because we have his own statement as proof to the contrary.

We are not at liberty to say anything about the instructions which were given to the commissioners, except so far as they have been made public. The Senator from Missouri [Mr. VEST] the other day alluded to a colloquy which occurred between him and the Senator from Maine, the present Presiding Officer [Mr. FRYE]. I have here before me that colloquy, but I shall only read so much of it for the information of the Senate as will be necessary to remind Senators of the occurrence. This was in open Senate. I will state that it is found in the CONGRESSIONAL RECORD, on page 2443, volume 32, part 3, the Fifty-fifth Congress, third session. The Senator from Missouri, speaking of the instructions given by the President to the Peace Commissioners, asked this question of Mr. FRYE:

> Mr. VEST. Was there not a dispatch sent that nothing less than Luzon must be taken?
>
> Mr. FRYE—
>
> One of the commissioners—
>
> The instruction of the President when we started was to take Luzon.

That is the testimony of Mr. FRYE, one of the commissioners. What preceded that? How was that determination of the President to instruct the commissioners to take Luzon reached?

Mr. SPOONER. When was this testimony given?

Mr. BACON. That colloquy occurred February 27, 1899, the Senator from Maine [Mr. FRYE] standing right where the Senator from Wisconsin [Mr. SPOONER] now is.

What brought the President to give that instruction? Was it to lift up the people of the island of Luzon? Was it to give them all these free institutions? Was it to enfranchise them? Let us see what preceded it.

On the 13th of August, 1898, the President caused a cablegram

to be sent by the Navy Department to Admiral Dewey, which said, among other things—now, this is a literal quotation from the cablegram which was published in the report:

The President desires to receive from you any important information you may have of the Philippines; the desirability of the several islands. * * *

Then there is a fragment of a sentence which is not material and which I omit and will put in asterisks to show it is omitted; and then it continues:

And in a naval and commercial sense which would be the most advantageous.

That is the cablegram sent by the direction of the President, signed, if my recollection is right, by Allen, Assistant Secretary of the Navy, in which he said the President desires that he send that information. To that Admiral Dewey replied by cablegram, August 20, 1898, and among other things—this is not the entire dispatch; it is one sentence in it—he says:

Luzon is in all respects the most desirable to retain.

I am not making any assault on the President. I never have done so and never expect to. I am simply calling him as a witness. I am simply producing that which the executive department itself communicated to the Senate and what in addition thereto the Senator from Maine himself said in open Senate. Now, what have we? In August, 1898, we have the President of the United States sending a special cablegram inquiring of Admiral Dewey which in a commercial and naval sense is the most desirable island of the archipelago to retain; we have the reply of Dewey that Luzon is in all respects the most desirable; and we have the fact stated by one of the commissioners in open Senate that before they left to enter upon their work as peace commissioners it was not only suggested to them, but they were instructed to take Luzon.

I say those facts make it an absolute and utter impossibility that the President himself could say that the occupation of the archipelago was required because a duty and responsibility resulting from the accidents of war had fallen upon us which we could not evade; because if that duty and responsibility fell at all as to any part of the archipelago, it fell as to all of the archipelago; and if there was a duty and an obligation to uplift one, there was a duty and an obligation to uplift the other. But that is outside the question, because if the motive is to uplift, it will not be preceded by an inquiry as to which is the most desirable and which is the most valuable.

In this connection I am going to read something that has been read before, but I am going to read it again. It is an editorial from the Washington Post. The Washington Post is second to no paper in the United States in the ardor and zeal and ability with which it maintains the proposition that the Philippine Islands should be permanently retained by the United States Government. It is as pronounced and unconditional as it is possible for a paper to be. That paper on the 14th of this month——

Mr. SPOONER. What paper is that?

Mr. BACON. The Washington Post. I have not seen anybody take any issue with it. This is, of course, simply the opinion of the Washington Post. I would not venture myself to say this, but I can put upon the stand as a witness, if you please, somebody who occupies a different relation to this matter from myself—an opposing relation.

Mr. BEVERIDGE. What is the date of it?

Mr. BACON. The 14th of January. It is headed "Let us be honest." I think the President is honest, but there are a great many people professing to represent him and who are talking about him who are not entirely candid, to say the least. I am going to read it. I propose to represent him correctly.

Why can not we be honest in our utterances touching the territories we have recently acquired? Really it would save time and trouble, to say nothing of life and treasure, to come out frankly with the announcement that we have annexed these possessions in cold blood, and that we intend to utilize them to our profit and advantage. All this talk about benevolent assimilation; all this hypocritical pretense of anxiety for the moral, social, and intellectual exaltation of the natives; all this transparent parade of responsibility and deep-seated purpose; all this deceives nobody, avails nothing, helps us not an inch in the direction of profit, dignity, and honor. We all know, down in our hearts, that these islands, groups, etc., are important to us only in the ratio of their practical possibilities. We value them by the standard of their commercial usefulness, and by no other. All this gabble about civilizing and uplifting the benighted barbarians of Cuba and Luzon is mere sound and fury, signifying nothing. Foolishly or wisely, we want these newly acquired territories, not for any missionary or altruistic purposes, but for the trade, the commerce, the power, and the money there are in them. Why beat about the bush and promise and protest all sorts of things? Why not be honest? It will pay.

As a matter of fact, we are not concerned in the ethical or religious uplifting of the Filipinos. After all, the difference between a breechclout and a starched shirt front is a mere matter of climate and personal opinion. Dishonesty, untruth, crime, and general wickedness are here in our midst—present with us as part of our daily life and growing with our growth. We need not go to the West Indies or the Philippines in search of material for moral rescue. Our own slums abound with opportunities for missionary zeal. Why not tell the truth and say—what is the fact—that we want Cuba, Porto Rico, Hawaii, and Luzon, together with any other islands in either ocean that may hereafter commend themselves to our appetite, because we believe they will add to our national strength, and because we hope they will some day become purchasers at our bargain counters? We might as well throw off the pious mask and indulge ourselves in a little honest candor. It will cost us nothing, and it may profit much. At any rate, we shall have the comfort and satisfaction of being honest with ourselves and the privilege of looking into the mirror without blushing.

Now, sir, these historical facts of the inquiry made of Dewey, his reply thereto, and the subsequent instruction of the President to the peace commissioners to take Luzon, all fortify and prove the correctness of the statement in this editorial of the object in view in acquiring the Philippine Islands. If, then, the acquisition of the Philippines is not necessary to secure us the trade of China, and if the trade of the Philippine Islands themselves will be insignificant compared with the annual cost of keeping them, what becomes, from a business or humanitarian point of view, of the argument in favor of the permanent retention of these islands?

Again, sir, among the imperialists those who soar on a loftier wing are fond of appealing to the patriotic emotions and pride of the American people by the oft-repeated statement that the results of the Spanish war had made the United States a world power, and that they have now become one of the family of nations! Why, sir, one would suppose from these oft-repeated expressions, that this nation had for a century been kicked and cuffed around among the other nations like a mangy cur, and that it had skulked around afraid to pick up the refuse which its master threw it.

What a wonderful discovery, Mr. President, that the United States have become a world power. Why, sir, when in the result of the Revolutionary war they made good the great Declaration of July 4, 1776, they instantly became the greatest of world powers; the greatest of world powers, sir, because, in spite of the fewness of their numbers and the smallness of their resources, they had not only announced but maintained and secured a great principle thereafter to stand as the menace of every tyrant, the hope and inspiration of every people, however humble, who longed for liberty. This principle, thus maintained and exemplified in the growth of a great and free people, has, in the advancement of the free institutions of the world, been the most potential influence of a hundred years upon the destinies of the world. Just become, sir, a world power—a nation whose flag has never gone down in defeat! Just become a world power, when for seventy-five years it has stood as the guardian of a whole hemisphere and said to the whole world, "Not one step farther on this hemisphere!" and for seventy-five years the whole world has obeyed the command!

And this discovery that we have just become a world power is due to a mere skirmish in which we overcome the weak and decayed power of Spain, when in truth we had so recently, with our own blood, written the history of the greatest and the fiercest and the bloodiest battles of modern times. Why, sir, within your memory there occurred within 80 miles of this Capitol a battle in which more men were killed and wounded in half an hour than were killed and wounded in both American and Spanish armies and navies during the entire Spanish war.

And the highest demonstration that we were a world power was when the division ended, and when there stood again united for all time the people who, when divided, had between themselves fought battles under the shock of which the earth quaked and the very mountains rocked.

No, Mr. President, we do not need to keep the Philippines to prove to the world that we are indeed a world power. There is a meaning to the expression "world power." It has been perverted and has become misunderstood. It originated across the water. They did say it about us. What did they mean? Did they mean they had suddenly discovered that a nation with 10,000,000 fighting men had suddenly become a world power, a nation with such a history as we have? No. What they meant by world power and coming into the family of nations was that before that time we had been a peaceful nation, attending to our business, frowning down upon the conquest of any people, however humble and however feeble they might be, holding up for free institutions; differing from all the rest of the world in the fact that they were always ready for conquest, always ready to oppress the weak, always ready to despoil anyone who might be in their power; and when they saw that we had gone across the ocean to pick up a little feeble people, they raised a hurrah that we had also become a world power among the land grabbers, and had become one of the family of nations to oppress and subject the weak and feeble. Why should we take this departure?

Now, if my distinguished and learned friend the Senator from Wisconsin [Mr. SPOONER] will pardon me, I want to say a word about his bill. I am not going to anticipate a discussion upon that measure, but estimating that Senator as I do as a man of ability and of learning and of resources and of conservatism, all of which I know to be accorded him by all in this Chamber, there is nothing which has so impressed me with the belief and the conviction that it is our duty to make now the declaration contained in these resolutions as the bill which he introduced. Why? The bill of the Senator is to give to the President for all time the decision as to what shall be the government for the Philippine Islands, without instruction or limitation from Congress. The conditions in the Philippines——

Mr. SPOONER. Will my friend allow me to interrupt him for one moment?

Mr. BACON. Certainly.

Mr. SPOONER. The bill provides nothing of the kind.

Mr. BACON. I will get the Senator to state it. I may be unhappy in my statement.

Mr. SPOONER. It vests in the person or persons appointed by the President——

Mr. BACON. This unlimited power?

Mr. SPOONER. This power until otherwise provided by Congress. It is purely temporary. The Senator said "for all time." I would not support that any more than he would.

Mr. BACON. I do not think it is temporary, because no time is fixed.

Mr. SPOONER. My friend will remember that the time can be fixed any moment Congress sees fit to fix it.

Mr. BACON. Oh, yes; but a statute may be upon the books and it may be an extremely difficult thing to repeal it, as Senators know with respect to various statutes which have been upon the books a long time. I am not attacking the bill of the Senator from Wisconsin; I do not want to discuss the bill of the Senator; but I do say this——

Mr. SPOONER. The Senator wants to state it correctly.

Mr. BACON. Very well. I will restate it, although the Senator has stated it, and it is not necessary for me to encumber the RECORD with a restatement of it. It gives to the officers appointed by the President this unlimited power until otherwise directed. Is that what I understand to be the effect of the bill?

Mr. SPOONER. Yes, sir.

Mr. BACON. If that were a community like Arizona or New Mexico, in which conditions were changing, it might be well to follow the plan which was adopted by the United States Government in that case, where for a certain period similar authority was given to certain parties named; but we know that the conditions are not going to change in the Philippines. We know that there are eight or ten million people in those islands, and in our lifetime there is going to be no change of any particular kind, so far as population is concerned. Whatever change there may be will bear a very small ratio to the entire population.

My proposition is that if conditions now are such that it is impracticable for Congress to make a wiser provision for the government of those islands than that—and the fact that my distinguished and learned and honorable friend can not find anything better than that is the highest evidence, to my mind, that that is the best that can be done—if that is the case, and conditions are such that you have no reason to believe they can be changed within a generation or two generations or three generations, I say it is the very highest argument which could be given to me that this is an enterprise upon which we should not embark, an enterprise from which we should withdraw ourselves as soon as practicable. Because if that is the best form of government that the United States can, under conditions now existing and which will continue to exist for a hundred years, bestow upon the Philippine Islands, there can be no stronger evidence that we should have no permanent connection with the same.

Mr. President, as I was about to say when I was diverted to make the suggestion with reference to the bill of the Senator from Wisconsin, or, rather, to the effect it had upon me—I may vote for it if nothing better is proposed——

Mr. SPOONER. That is the reason why I introduced it.

Mr. BACON. That is the Government of the Russias, though, I will say to the Senator. That is the absolute, the exact Government of the Czar of the Russias. He is an autocrat and he delegates his power to some people.

Mr. SPOONER. The Senator will permit me to say to him that that was said in 1803 about the Jefferson bill for the government of Louisiana.

Mr. BACON. I think it was a mistake in that case.

Mr. SPOONER. Oh!

Mr. BACON. I think that was a mistake.

Mr. FORAKER. If the Senator will allow me——

Mr. BACON. If the Senator from Ohio will pardon me, I will reply to the remark of the Senator from Wisconsin. It was a mistake to charge that on Jefferson. The Senator from Wisconsin did not do me the honor to hear the first part of my speech.

Mr. SPOONER. I did.

Mr. BACON. He did not sit where he is sitting now, and I thought he was not in the Chamber, because I was watching that seat. I was very anxious that he should be here.

Mr. SPOONER. While the Senator from Georgia was watching this seat I was watching the Senator.

Mr. FORAKER. Before the Senator from Georgia——

Mr. BACON. Let me answer first. One moment, if the Senator from Ohio will pardon me, and then I will yield.

Mr. FORAKER. It is in connection with this matter, and before he leaves this point I want to call attention to the fact that the same resolution was also adopted, or the same bill passed, in the case of Florida in 1819.

Mr. BACON. Undoubtedly.

Mr. FORAKER. So we have at least two precedents for what is provided in the Senator's bill.

Mr. BACON. That was a very different state of affairs. I think the criticisms on Jefferson and the author of the Florida resolution are altogether unjust, and for this reason: That was manifestly and necessarily and certainly something which would be temporarily ended by a population which would be capable of self-government. The difference in this case is that you are proposing to legislate as to a country where the population can never be allowed here the equal rights of self-government.

Mr. SPOONER. Does the Senator mean to say that the people of the Philippine Archipelago never will be capable of self-government?

Mr. BACON. No, sir; I do not.

Mr. SPOONER. What is the difference, then, between that case and this as to a temporary government?

Mr. BACON. The difference is this: I think the Filipinos will be forever incapable of such self-government——

Mr. SPOONER. Oh, I was not talking about that.

Mr. BACON. Hold on a moment. I think the Filipinos will be forever incapable of such self-government as would make us willing to admit them into our family of States or to admit them into an equal participation in making the laws by which we are to be governed as well as themselves.

On the other hand, the population which it was known would occupy those Territories would be a population which could be incorporated as States and which could be, as they have been, properly admitted into equal participation with ourselves in the making of the laws and the controlling of the affairs both of the State and Federal Government.

As is suggested to me by the Senator from Massachusetts [Mr. HOAR], and by some other friends sitting around me, the country in each of those cases had a sparsely settled population, which would invite immigration and into which immigrants would certainly come, and immigration of a kind of people which we could admit into the participation with us in the control of our State and Federal Government.

Mr. HOAR. Pardon me. There was one inhabitant to 13 square miles; no common government, no common action, no common sentiment, no possibility of gathering together for a government. It was a great waste space.

Mr. BACON. Now, Mr. President——

Mr. SPOONER. If the Senator will permit me, his resolution contemplates that we shall remain there until a stable government shall be formed.

Mr. BACON. Undoubtedly; stable for them, not for us.

Mr. SPOONER. And who is to regulate matters in the meantime?

Mr. BACON. The Government of the United States. So expressly says my resolution.

Mr. SPOONER. That is not different from the other resolution.

Mr. BACON. Oh, by no means different from the resolution of the Senator. I would be very happy if the Senator would just substitute mine for his.

Mr. SPOONER. No; I will not.

Mr. BACON. Because being from the other side of the Chamber, he might get his through.

Mr. SPOONER. I will not.

Mr. BACON. Because mine expressly provides for the maintenance of peace and order and for the action of the Government itself in providing the means, just as we propose to do in Cuba, by which a proper government can be organized, and which when properly organized and properly approved by us shall thereafter be left to the administration of their own people.

Now, Mr. President, I am not one of those who believe that only the most enlightened nations can govern themselves. I believe in personal liberty for humble people and, if you please, people who are not upon our plane of civilization. But the one word I want to say before I take my seat——

Mr. LODGE. Before the Senator leaves that point——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Yes, sir.

Mr. LODGE. I should like to ask him if he thinks that sparseness of population and extent of territory have any bearing on the question of the right of self-government. He alluded to that in connection with the Louisiana Territory. I want to know whether the number of population and extent of territory over which they were roaming or in which they were living had any bearing on the question as to their right of self-government.

Mr. BACON. Most undoubtedly not. Whenever they reach such a population——

Mr. LODGE. Ah, not——

Mr. BACON. One moment. Until then a temporary government must be provided, of course, just in the same way that

we have governments in the Territories which might not participate——

Mr. LODGE. Will the Senator indicate to me at what point in the census the right of self-government adheres?

Mr. BACON. Probably the Senator will have that to ascertain when he comes to pass upon the question whether or not Arizona shall be admitted as a State or whether New Mexico shall be admitted as a State.

Mr. TILLMAN. I should like to ask——

Mr. BACON. If the Senator will pardon me a moment, that is something which can not be laid down by a definite rule of mathematics. It is something to be determined by each legislator for himself when the question is presented, whether there has come a time where there is such a population within the given area that it can be erected either into a Territory or into a State. In the particular case that we have in view it is already populated. It is known—the Senator from Wisconsin knows and the Senator from Massachusetts knows, that not within his lifetime or the lifetime of his grandchildren, if ever, will there be a population in those islands that you can permit to have a government which shall be like the government under which each one of them lives, and where the inhabitants shall enjoy the privileges which he enjoys.

Mr. LODGE. Now, if the Senator will permit me, the point I should like to ask him to make clear to me is this: There were some 30,000 people settled about the mouth of the Mississippi at the time of the Louisiana purchase. The treaty was made and ratified without any allusion to the consent of the governed, and they were governed for some time under an act precisely similar in terms to that introduced by the Senator from Wisconsin.

Mr. BACON. I beg your pardon; there was a limit.

Mr. LODGE. There is no limit of time expressed in that act of Jefferson's.

Mr. SPOONER. Yes.

Mr. BACON. Read and see.

Mr. LODGE. Until Congress passed upon it.

Mr. BACON. Read and see. The Senator will find out he is mistaken.

Mr. LODGE. As soon as action is taken at the session; that is all.

Mr. TELLER. The principle is the same.

Mr. LODGE. The principle is the same, I suppose, is it not? Now, why were those 30,000——

Mr. BACON. No; the principle is not the same.

Mr. LODGE. Oh, then, we have the right to deny self-government for a limited time?

Mr. BACON. No, sir; not at all. But we can not accord it until the conditions in the way of population are such as to justify it, just as you do in the Territories.

Mr. SPOONER. If God gave it to everybody, it is not for us to accord.

Mr. BACON. That is not the practical way in which legislators recognize it. On the contrary, we have proceeded from the beginning of this Government upon the theory that until a Territory did have a certain number of people in it it should not have government otherwise accorded.

Mr. LODGE. Why was it all right to take those 30,000 white people at the mouth of the Mississippi, Frenchmen and Spaniards chiefly, without their consent and govern them for a limited period without their consent?

Mr. BACON. Now the Senator——

Mr. LODGE. I want to get at the point at which the consent of the governed and fitness for self-government applies.

Mr. BACON. That is exactly the question that the Senator has no right to ask, because if he had been here all the time he would have understood that I had distinctly said I was not going to discuss the question of the rights of the Filipinos, that I was talking about the rights of our own people and interests of our own people. I can not go into that. That is a different discussion altogether.

Mr. SPOONER. If the Senator from Georgia will permit me, the Senator from Massachusetts ought to look at this resolution, which provides that they shall have that right when we say so.

Mr. LODGE. The resolution of the Senator from Georgia?

Mr. SPOONER. Yes.

Mr. LODGE. I am perfectly aware of that, but what I wanted to get at is whether the right of self-government is an abstract right of any man—one or ten thousand or ten million—or whether it is a right to be applied and given only when we or somebody else see fit.

Mr. BACON. Mr. President, this is a practical question.

Mr. LODGE. It is a practical question.

Mr. BACON. It is a practical question; and in the beginning of my remarks, when the Senator was not in his seat, I stated that my resolution and these resolutions now under consideration could be, in their final analysis, said to be, if adopted by Congress, a declaration that we will adopt the same means to bring the Filipinos to a condition of self-government that we are now pursuing to bring the Cubans to a condition of self-government.

Mr. PETTIGREW. Mr. President——

Mr. STEWART. Will the Senator allow me just one moment?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. BACON. Yes, sir.

Mr. PETTIGREW. It seems to me that this whole controversy is answered by the terms of the treaty under which Louisiana was annexed. Article III of the Louisiana treaty provides:

> That the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Mr. SPOONER. Will the Senator allow me?

Mr. PETTIGREW. Wait until I finish. Further than that, when we annexed these islands we instantly passed the following resolution:

> *Resolved, etc.*, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex the said islands as an integral part of the territory of the United States.

Thus marking the line of the complete and absolute departure from every treaty we had heretofore made in the acquisition of territory and adopting an imperial and colonial policy.

Mr. STEWART. Will the Senator from Georgia allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. BACON. Yes, sir.

Mr. STEWART. I should like to ask the Senator if under our Territorial system the people of our Territories have free government, self-government?

Mr. BACON. I have gone over that. Here is another one of the Senators who goes out and attends to private business or his private pleasures, and then comes in and asks me a question about something I have been over.

Mr. STEWART. It is a question the Senator, I think, could have answered yes or no.

Mr. BACON. No; it takes more than yes or no.

Mr. STEWART. They either have self-government or they do not have it.

Mr. BACON. No; that is a mistake.

Mr. STEWART. They either have it now or do not have it.

Mr. BACON. The Senator did not formerly think so. He has come to different views from what he formerly had. I do not think the Senator entertained that view himself. The Senator once lived in a Territory.

Mr. STEWART. I did not hear the Senator's remark.

Mr. TILLMAN (to Mr. STEWART). You are a recent convert, he says.

Mr. BACON. No; I did not say that.

Mr. STEWART. They either did have free government or they did not have a free government.

Mr. BACON. In a word, now, the Senator from Massachusetts and the Senator from Wisconsin, both of whom are capable of splitting hairs in very numerous subdivisions, have asked certain questions to which I give one general reply, which I think is sufficient, and it is this: It is recognized everywhere that the rights of a people who are a nation, so far as race goes—I am not speaking now of national organization—a people who are a race, a nation occupying the land, not as a few sparse, roaming individuals or tribes, but filling the land up, are not people subject in any manner to any of the suggestions made by either of the Senators. On the contrary, the Senators, both of them, recognize the fact that not only in this regard but in other regards a land which is sparsely settled by a few roaming people with scarcely any local habitation is not regarded in the same light, either as to the right of a country to take possession of it or as to the right of a country after having taken possession of it to arbitrarily rule it, as it is in the case of a country which is fully inhabited and where the people have their own political institutions.

Mr. LODGE. I am very much obliged to the Senator for making that reply to me, for it defines what I suppose his position to be, that the rights of a man, so far as the consent of the governed goes, depend upon whether he is one of a wandering tribe in a sparsely settled country, and if in a sparsely settled country he is a member of a wandering tribe he has no rights.

Mr. BACON. No; I do not say he has no rights at all.

Mr. LODGE. I mean he has no rights which we are bound to respect.

Mr. BACON. That was what the Massachusetts people said when they landed and fell upon their knees and then fell upon the Indians. [Laughter.]

Mr. LODGE. That is old, but it is good.

Mr. BACON. A good application is always good, and I do not know of any place where it could be so well applied.

Mr. LODGE. I want simply to say that so far as I know it was pretty much the same in all our colonies. When a king who had no right in the land granted land to certain gentlemen who had no right, and they came and took what afterwards became the great State of Georgia, and the answer is that——

Mr. BACON. No; that is a mistake.

Mr. LODGE. They obtained a good right because they were not wandering tribes.

Mr. BACON. No; that is an entire mistake. The Senator is wrong in his premises. The Senator has not done the State of Georgia the honor to read the early history of that State.

Mr. LODGE. I have read the history of Georgia.

Mr. BACON. The Senator has never heard of Tomochichi.

Mr. LODGE. I have heard of him.

Mr. BACON. Who was he?

Mr. LODGE. I have always supposed him to have been an Indian chief who played much the same part with the settlers of Georgia that William Penn's Indian is said to have played with him when they measured the land with the runner or the strips of oxhide.

Mr. BACON. No; that is a mistake. The Senator, I am now sure, has not read it and does not know the history of it.

Mr. President, I have been led off——

Mr. TILLMAN. Before the Senator gets away from that I suggest, if he will permit me, that the Declaration of Independence is the best guide we have had hitherto as to what are the rights of a man.

Mr. SPOONER. You do not have it in South Carolina, though. [Laughter.]

Mr. TILLMAN. In what way?

Mr. SPOONER. The colored man.

Mr. TILLMAN. The colored man under the Declaration of Independence was put on a par with the Indian, and we have never acknowledged that he is fit for self-government, and especially to govern us, and we will not acknowledge it now. Thomas Jefferson did not acknowledge it.

Mr. BACON. Mr. President, I will not detain the Senate. I have held the floor in deference to the desire of Senators to ask questions.

Mr. TELLER. Before the Senator sits down I wish to ask him a question.

Mr. BACON. Yes, sir.

Mr. TELLER. The Senator's proposition does not, as I understand, contemplate an immediate turning over of government to those people.

Mr. BACON. No, sir.

Mr. TELLER. I wish to ask the Senator how long he expects to continue that relation?

Mr. BACON. Just about in the same way that you are doing in Cuba under your resolution. I desire to repeat to the Senator what I said when he was not in his seat. I said in the beginning of my remarks that I would rather be known as the author of the amendment which he made to the resolution which pledged this Government to that disinterested and unselfish act when it stripped itself to go to war than to be the author of any other legislative act which we have had in the last quarter of a century.

Mr. TELLER. I am much obliged to the Senator, but I want him to answer the real question.

Mr. SPOONER. He does not answer your question.

Mr. TELLER. I wish the Senator would answer my question.

Mr. BACON. Well, go ahead.

Mr. TELLER. What I want to know is, what is the limit; who is to determine it?

Mr. BACON. The resolution says——

Mr. TELLER. Who is to determine when the time comes?

Mr. BACON. The resolution says who is to determine.

Mr. TELLER. It leaves it, does it not, to the United States?

Mr. BACON. Certainly; it leaves the entire control to the Government, you understand, but it simply declares that when the conditions are ripe——

Mr. SPOONER. In our judgment.

Mr. BACON. In our judgment, when the conditions are ripe. It declares that we do not intend, though, permanent sovereignty. That is put down as a substantive declaration.

Mr. SPOONER. That is, if in our judgment.

Mr. BACON. It does not say it in that way. It says——

Mr. TELLER. Then a condition precedent to yielding to these people the right of self-government is a pacification, I suppose, of the conditions that exist?

Mr. BACON. Yes, sir.

Mr. TELLER. In the meantime what is to be done? Will the Senator tell us that? He is grumbling and finding fault. What is to be done?

Mr. BACON. I did not hear the Senator.

Mr. TELLER. I say you have been complaining of the condition of affairs.

Mr. BACON. No; I have not.

Mr. TELLER. After waiting for a pacification which does not exist, now the Senator——

Mr. BACON. The Senator is mistaken.

Mr. TELLER. What is to be done?

Mr. BACON. The Senator is mistaken; I have not been complaining of anything.

Mr. TELLER. I think the Senator has.

Mr. BACON. On the contrary——

Mr. TELLER. I will omit that. What is to be done? Are we to go on and fight, or are we to quit?

Mr. BACON. The Senator stands here and asks questions which are plainly stated in the resolution. If the Senator will read the resolution——

Mr. TELLER. I have read the resolution very carefully.

Mr. BACON. The resolution expresses it, that as the United States has overthrown the government in those islands—the military and civil authority—it is the duty of the United States Government to restore peace and order——

Mr. TELLER. Mr. President——

Mr. BACON. Will the Senator pardon me?

Mr. TELLER. Go on.

Mr. BACON. The Government is to maintain peace and order until there has been a government erected there to which that duty can be properly and safely delegated; and then so soon as peace and order are restored, the Government in that case, as in Cuba, will endeavor to provide the means and methods by which a proper government can be established in those islands Then, when that has been done to the satisfaction of the Government, it will leave the control of that government to the people there.

Mr. TELLER. Then that amounts, does it not, if the Senator will allow me to ask him a question, to leaving the matter in the hands of the Executive, just where it is to-day?

Mr. BACON. I think not. In the first place, the important thing, Mr. President, in this resolution is the announcement of the fixed determination of this Government as to what it is going to do so far as the future independence of that people is concerned.

Mr. SPOONER. If the Senator will allow me to ask him, How can we announce what the intention of some future Congress will be?

Mr. BERRY. I should like to ask the Senator from Colorado why he made this promise to the Cubans?

Mr. BACON. That is what I was going to ask him.

Mr. BERRY. You want to know why it should be made to the Filipinos. We want to make it to the Filipinos for the same reason.

Mr. TELLER. I am not asking why it should be made to the Filipinos or raising any question about that. The Senator misunderstands entirely the whole premises.

Mr. BERRY. Will the Senator from Georgia permit me?

Mr. BACON. I yield.

Mr. BERRY. A vote on the resolution, as I understand it, is to show to the world and in the Philippine country that we were honest in our declaration in regard to Cuba, that we did not go into the war for conquest, and that we will treat these people in the same way that we pledged the faith and honor of this nation to treat the Cubans.

Mr. BACON. That is right.

Mr. BERRY. Is that correct?

Mr. BACON. Yes; that is correct.

Mr. SPOONER. Will the Senator from Arkansas permit the Senator from Georgia to answer my question?

Mr. BERRY. Provided the Senator from Colorado will agree to it; yes.

Mr. TELLER. That is what I want the Senator to answer.

Mr. BACON. I have been on the witness stand a good long time, and I will endeavor to accommodate myself to the wishes of Senators.

Mr. SPOONER. No man is better able to take care of himself in debate than the Senator from Georgia. He knows that these interruptions are a tribute to him and are not intended to embarrass him at all.

Mr. BACON. Oh, I did not so regard it.

Mr. TELLER. I am not finding fault.

Mr. SPOONER. The question I put to the Senator I would like to have him answer.

Mr. BACON. I will do so with pleasure, if I can.

Mr. SPOONER. That is upon what theory he proposes that a declaration shall be made by this Congress which can in any way bind a subsequent Congress?

Mr. BACON. The Senator from Arkansas has answered the question for me, and I repeat that it is exactly in the same way

that we made the pledge with reference to Cuba, when it is within the power of this Fifty-sixth Congress to disregard that pledge of the Fifty-fifth Congress and go and take Cuba. But I would not do it.

Mr. ELKINS. But we own the Philippine Islands, and we do not own Cuba. That changes the conditions entirely. We own the Philippines by treaty.

Mr. TELLER. What I have been trying to get at is that the Senator from Georgia criticised the bill introduced by the Senator from Wisconsin and——

Mr. BACON. No; I beg the Senator's pardon. I said I might vote for it. I did not know——

Mr. TELLER. I wanted to call the Senator's attention to the fact that we will not confer any extra power upon the President of the United States until peace is established over there by any act of ours, and he has, as the Senator says——

Mr. BACON. This resolution does not confer any power on the President.

Mr. TELLER. The Senator himself said it is a czar's power, a military power, and that is the most absolute power in the world. There is absolutely no restriction upon the President except those great humanitarian ideas that must pervade every ruler.

Mr. BACON. Will the Senator pardon me a moment?

Mr. TELLER. That is all.

Mr. BACON. Pardon me; I will wait.

Mr. TELLER. He is the legislative department; he is the judiciary department; he is the executive department of that country. He is given absolute control of it.

Now, Mr. President, if the Senator does not want to reply at all——

Mr. BACON. Yes, I do; I beg the Senator's pardon.

Mr. TELLER. I want to say a word or two on what he put to me when he gets through.

Mr. BACON. I have been through for half an hour, Mr. President.

Mr. TELLER. What I wish to say is that there is no distinction between the proposition made by the Senator from Georgia [Mr. BACON] that the President shall administer and the proposition the Senator from Wisconsin [Mr. SPOONER] made that we shall say he may administer, for he must administer in either case.

Mr. BACON. Mr. President, in the presentation of this subject I have been subjected to so many interruptions by Senators—interruptions to which I have not objected, but which, on the contrary, I have cheerfully welcomed—that I have omitted to read at the proper places several extracts, and I will insert them at this point.

In an elaborate address made by Professor Schurman, the chairman of the Philippine Commission, since his return from the Philippine Islands, among other propositions he lays down the following:

> The next lesson I draw from the history of colonization is cognate to the first. The government of colonies or dependencies is not a money-making enterprise for the sovereign power or its citizens.

Lord Macaulay says as follows:

> There are some who assert that, from a military and political point of view, the West Indies are of great importance to this country. This is a common but a monstrous misrepresentation. We venture to say that colonial empire has been one of the greatest curses of modern Europe. What nation has it ever strengthened? What nation has it ever enriched? What have been its fruits? Wars of frequent occurrence and immense cost, fettered trade, lavish expenditure, clashing jurisdiction, corruption in governments, and indigence among the people. What have Mexico and Peru done for Spain, the Brazils for Portugal, Batavia for Holland? Or, if the experience of others is lost upon us, shall we not profit by our own? What have we not sacrificed to our infatuated passion for trans-Atlantic dominion? This it is that has so often led us to risk our own smiling gardens and dear firesides for some snowy desert or infectious morass on the other side of the globe; this induced us to resign all the advantages of our insular situation, to embroil ourselves in the intrigues and fight the battles of half the Continent, to form coalitions which were instantly broken, to give subsidies which were never earned: this gave birth to the fratricidal war against American liberty, with all its disgraceful defeats, and all its barren victories, and all the massacres of the Indian hatchet, and all the bloody contracts of the Hessian slaughter-house; this it was which, in the war against the French Republic, induced us to send thousands and tens of thousands of our bravest troops to die in West Indian hospitals, while the armies of our enemies were pouring over the Rhine and the Alps.
>
> When a colonial acquisition has been in prospect we have thought no expenditure extravagant, no interference perilous. Gold has been to us as dust, and blood as water. Shall we never learn wisdom? Shall we never cease to prosecute a pursuit wilder than the wildest dreams of alchemy, with all the credulity and all the profusion of Sir Epicure Mammon?
>
> Those who maintain that settlements so remote conduce to the military or maritime power of nations, fly in the face of history.

This testimony could be largely added to. The opinion of this eminent historian and statesman, thus forcibly expressed, is sufficient at least to put the burden on the other side.

I will, however, add that Lord Herschel, the eminent British statesman who was twice lord chancellor, who died in Washington a year ago, in a personal conversation with myself a short time before his death expressed substantially the same views as those above quoted from Lord Macaulay.

Mr. TELLER. Mr. President, I wish to say a word about the fourth resolution, which I hope and pray—and I have not any doubt about it——

Mr. HOAR. I should like to ask the Senator one question before he proceeds.

Mr. TELLER. Well, I will hear the Senator now, and then proceed later.

Mr. HOAR. I should like to ask the Senator whether he does not believe that when his amendment was adopted declaring our purpose in regard to Cuba, if an amendment to that had been moved in the Senate which inserted the words "or any other Spanish territory," he would have accepted and supported the amendment, and the entire Senate, substantially, would have voted for it?

Mr. TELLER. Mr. President, I answered that a year ago last December in a speech which I made, when I said I would have accepted it, and I believe every member who voted for the resolutions would have voted for such a declaration if I had included all the possessions of Spain that we might despoil her of; and it is one of the regrets of my life that I did not draw the resolutions broad enough to cover the present case.

Mr. HOAR. That being what I believe also, the Senator, as I understand, then believed that he and the Senate would have renounced any purpose on the part of the people of the United States to exercise permanent dominion over a conquered province or a subject people. If he would have gone for that then, and the Senate would have done so, why will he not go for that now and endeavor to induce the Senate to do so?

Mr. TELLER. Mr. President, I have answered the Senator in a speech I made more than a year ago, which, as the Senator from Georgia said a while ago, he had not done me the honor to listen to.

Mr. BACON. The Senator from Colorado certainly misunderstood me.

Mr. TELLER. I am using your phrase, when you said that Senators had not listened to you.

Mr. BACON. Oh, I beg pardon; I misunderstood the Senator. I always listen to the Senator from Colorado with pleasure.

Mr. TELLER. I understand when a nation assumes that it is about to do an act of humanity, such as we were going to do and which everybody connected with the matter, from the highest to the lowest, declared was to be an act of humanity, and nothing else, that a decent respect for the opinions of mankind required that we should disclaim any attempt to take territory. More than that, Mr. President, I understand there is an obligation—which, of course, there is no court to enforce—upon a nation when it has accomplished the object for which it started out and has attained the end it had in view, that it shall not appropriate the land of the other country. That is, a decent respect for international obligations requires that we should so declare, and then we should adhere to it.

In drafting those resolutions I had in mind two things. I believed the declarations they contained would have a tendency, when we had concluded the work of driving the Spaniards out, to satisfy the people over there that we were not going to put upon them a government like that of Spain, or put upon them a government of any kind of which they did not approve. I believed also those declarations would have a beneficial effect upon the European world, who were contending very generally that we were false in the statement that we were taking that course in the interest of freedom and humanity; that we were really the aggressors; that we had entered upon a policy of aggression and appropriation of lands, the end of which no man could foretell, and that we were practically threatening the peace of mankind.

I say now, as I said before, that I did not put that fourth resolution there as of binding force upon this nation, for I never supposed, having started out with such declarations, that when we had released Cuba we would impose on her people a government objectionable to them. I knew that our proximity to that country was such that we must always maintain close relations with her people. I knew that we should always say to the whole world, "You must keep your hands off Cuba." I had no thought of these western islands. I see no way to pacify these islands except by the sword, although if another way can be shown I shall be glad to see the Government avail itself of it. If we can by diplomacy secure peace and quiet there, I shall be greatly delighted. I do not think it would be beneath the dignity of this great Government to accept propositions of peace from those people.

Mr. HOAR. May I ask the Senator one other question?

Mr. TELLER. Certainly.

Mr. HOAR. I ask the Senator does he not think that the assurance of that purpose which he entertains, if made now by the

Senate of the United States, would tend very strongly to bring about the peace which he desires?

Mr. TELLER. I have some doubts about that. I am not certain that this is the time to do that. The time to have done that was before the war began; but when the war shall have been closed, I think we will stand before the world committed to the idea that we are to give those people self-government. I do not mean by that that we are to stand out and say to them, "Take care of yourselves." I do not believe that would be safe for them or for us; but I believe we should give to them all the self-government which they are capable of exercising.

I agree with the Senator from Georgia [Mr. BACON] and the Senator from Illinois [Mr. MASON] that the majority of mankind who have risen above a state of actual savagery are capable of self-government. They can not, of course, maintain such a government as the people of my State sustain, nor can they maintain such a government as is sustained by the people of Massachusetts or of New Hampshire. But they can maintain a government good enough for them; for, I repeat, it is a fundamental republican principle that a people are entitled to such a government, and only such a government, as they themselves can maintain. It will not do for somebody else to go there and say, "We will give you a better government than you can establish for yourselves; and therefore we will deny you participation in it, and we will govern you."

I said a year ago that I hoped when peace prevailed in that section of the world we would apply the fourth resolution, in principle, to those people, doing what they wanted us to do and said they desired we should do, keeping, however, international control over them, so that no other nation should repeat what Spain had done toward them for so many years in the way of oppression.

What I complain of in the speech of the Senator from Georgia—and I listened to him with great interest—is that he assumes, when the war is terminated, we propose to do something which is contrary to the Declaration of Independence.

Mr. BACON. Oh, no; the Senator misunderstood me.

Mr. TILLMAN. Mr. President——

Mr. TELLER. Then I certainly have misunderstood the Senator. That assumption has been, in my judgment, the vice of all the speeches which have been made here on this subject by those who claim that they are anti-imperialists. They set up a condition which we hope will never exist, and then denounce that condition. I would denounce a proposition to govern those people as proposed by the Senator from Indiana [Mr. BEVERIDGE] and others. It would not meet with my approval; neither do I believe it would meet with the approval of a majority in this body. I am confident it would not meet with the approval of any considerable number of the American people.

I believe when the time comes that peace prevails the American people will be wise enough and just enough to see that the rights of the Filipinos are maintained and that they shall have whatever belongs to them, recognizing the great fundamental republican doctrine that the consent of the governed is essential to the maintenance of any proper government.

Mr. TILLMAN. Mr. President——

Mr. ALLISON. I hope the Senator will yield.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. TILLMAN] is recognized.

Mr. ALLISON. Will it suit the Senator from South Carolina to speak to-morrow?

Mr. TILLMAN. I only wish to ask the Senator from Colorado [Mr. TELLER] a simple question right in the line of what he was speaking about.

Mr. ALLISON. For reasons apparent to Senators on this side of the Chamber, the Senate should now adjourn, as it should have adjourned at 5 o'clock.

Mr. TILLMAN. You can not take me off the floor.

Mr. ALLISON. I thought the Senator had yielded.

Mr. TILLMAN. No, sir; I have not yielded.

Mr. ALLISON. I do not wish to take the Senator from South Carolina or any other Senator off the floor. I simply state a fact. If Senators upon the other side do not desire to yield to that, of course they can go on.

Mr. TILLMAN. I beg the Senator's pardon. I did not understand the object of his request. I simply wished to ask the Senator from Colorado a question directly in the line of the speech he has just made.

Mr. BERRY. I presume the unfinished business, the financial bill, is before the Senate. I want to take the floor on that bill.

Mr. ALLISON. There will be no trouble about that.

Mr. ALDRICH. I hope the Senator from Arkansas will do so.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 31, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 30, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. EDDY. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Minnesota rises to a question of privilege.

Mr. EDDY. Mr. Speaker, the question of privilege upon which I arise not only affects me, but, it seems to me, affects every member on the floor of this House; and as a basis of the remarks which I desire to make, I send a copy of a letter which I have received from a constituent of mine, and ask that the extract be read from the Clerk's desk.

The Clerk read as follows:

[Extract from a letter received from S. A. Thomas, publisher Ortonville Journal.]

ORTONVILLE, MINN., *January 25, 1900.*

DEAR SIR: Mr. Arthur Taylor, claiming to be a member of subcommittee No. 4 of the committee on distribution, was in our city yesterday, claiming to be distributing 85 sets of the Messages and Papers of the Presidents and asking the sum of $34 per set. He claims that this is the number allotted to your district and four sets to Bigstone County. I ordered a set from him before finding out what he was doing. He went to other parties here, claiming to be sent to them by you and other prominent people, to try and induce them to subscribe for the work, and on being asked whom the money went to and for what purpose he seemed very ignorant, claiming to me that it was for the Republican campaign fund, and to another that it went to the general committee on distribution.

Hoping that this information will be of benefit to you, I am,

Yours, very truly,

S. A. THOMAS.

Hon. FRANK M. EDDY, M. C.,
Washington, D. C.

Mr. EDDY. Now, Mr. Speaker, I have not only received this letter from this publisher of the Journal, at Ortonville, Minn., but I have received letters of similar purport from other parts of my district and my State. It seems that this man Taylor, whoever he may be, is going about throughout the country stating to the people that he is acting as a representative of members of Congress in distributing these documents. When he meets a good Republican, he informs him that the money so received goes to the Republican campaign committee—sometimes it is to the national campaign committee, and sometimes to the Congressional campaign committee. When he meets a good Democrat, he informs him that this money goes to the Democratic campaign committee; and when he meets a Mugwump, he represents that he is an agent of the Government and the money goes to the distributing committee. [Laughter.]

Not only this, Mr. Speaker, but my district has been, and I presume other parts of the country have been, flooded with letters that are under a letter head with an elaborate picture of the Capitol of the nation, calling attention to the fact that these messages and documents are for sale, and these letters are signed by a party claiming to be the secretary of the "Distributing Committee," thus conveying the idea that the Government is back of this publication or in some way the publication and sale thereof are in the interest of the Government.

Now, Mr. Speaker, I simply wish to brand this practice as a fraud. I do not believe that this man or any other man, in the sale of these messages and documents, represents any member on the floor of this House in an official capacity. I know that he does not represent the national Republican committee or the Republican Congressional campaign committee; and I do not believe that he represents the Democratic campaign committee; and all such representations are fraudulent, pure and simple.

Mr. RICHARDSON. Mr. Speaker, I do not know that I should say a word in reply to the gentleman from Minnesota, and I would not do so were it not that the publication to which he refers, and which evidently the man Taylor is selling, is Messages and Papers of the Presidents. This is a work which it is well known I compiled and edited and which Congress ordered published, and which is now being sold by subscription throughout the nation. I know nothing about the canvassing agent to whom he refers. I have nothing to do with the sale of Messages and Papers, except that Congress voted to me a duplicate set of the electrotype plates from which the work is printed, of course with the understanding that these plates could be used by any publisher to whom I might lease them, or rent them, in reproducing that work and selling it. I made a contract with a reliable and responsible firm in New York, James S. Barcus Company, known, I am sure, to many members of the House, and that firm is selling the work. Mr. Barcus is a man of high character and is now a citizen of Terre Haute, Ind., having recently removed to that point from New York.

Now, if the solicitor, Taylor, to whom the gentleman from Minnesota refers, is practicing the fraud which the letter indicates,

he ought to be branded as the gentleman from Minnesota has branded him, as a fake and a fraud.

Mr. TAWNEY. Will the gentleman from Tennessee allow me an interruption?

Mr. RICHARDSON. Yes.

Mr. TAWNEY. Does the gentleman know that the concern now publishing this work is using a letter head on which the words "House of Representatives" and "Committee on Distribution" are printed?

Mr. RICHARDSON. No; I think the gentleman will find that he is mistaken in saying that the concern uses the words "House of Representatives;" they used Committee on Distribution.

Mr. TAWNEY. I have received letters with that heading printed on them.

Mr. RICHARDSON. That would be another fraud that ought to be branded as such, because they have no right to do it.

Mr. TAWNEY. That is the general manner, and, I think, the wording of it.

Mr. RICHARDSON. That would be a fraudulent device which ought to be branded, and which, in my opinion, is without any authority from the publisher selling the work. It may be some agent for the work has taken the liberty of printing them upon a letter head, but it would not be authorized, in my judgment, by the publisher.

Mr. TAWNEY. I would also state that Mr. Spofford's name is printed on the letter head as secretary of the committee.

Mr. RICHARDSON. Mr. Spofford has been employed to assist, in an honorable way, in the sale of the work. I know that the firm would not authorize a thing of the kind referred to by either of the gentlemen from Minnesota, for I believe they are responsible, and would not pursue improper methods. But where the canvassing or selling agents have done anything like that stated by the gentleman I think they ought to be disciplined, and would be when the firm's attention is called to it. That is about all I can say, Mr. Speaker. I should add that my connection with the matter grows out of the fact that the publishers pay me a small royalty on the sale of the Messages and Papers, but with the methods they pursue I have nothing to do. I have nothing to do with the sale of the work except as I have indicated.

Mr. EDDY. Mr. Speaker, I disclaim any intention of reflecting on the gentleman from Tennessee in any manner. I simply wanted to call attention to the fact that there are men traveling through the country and parties circulating letters, advertising these Messages and Papers, upon which there is a picture of the National Capitol and which is signed by a party claiming to be the secretary of the "Distributing Committee;" that these agents are representing that they have been sent abroad throughout the country by members of Congress, and that they are sent out to select the prominent men to purchase these publications, giving the impression that the Government is back of the distribution and sale, and also carrying the impression that either the Republican Congressional committee or the Democratic committee or the Government is receiving the benefits therefrom. That is what I desire to denounce as fraudulent.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 5,000 copies, additional to the usual number, of the report of the Nicaragua Canal Commission, 1897-1899, of which 1,500 copies shall be for the use of the Senate and 3,500 copies for the use of the House of Representatives.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 2179) relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

S. R. 3. Joint resolution granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 255. An act to ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

Senate concurrent resolution No. 21:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 5,000 copies, additional to the usual number, of the report of the Nicaragua Canal Commission, 1897-1899, of which 1,500 copies shall be for the use of the Senate and 3,500 copies for the use of the House of Representatives—

to the Committee on Printing.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 2179. An act relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes.

PAY OF RETIRED OFFICERS OF THE MARINE CORPS.

Mr. BUTLER. Mr. Speaker, I desire to call up joint resolution No. 77, to provide for pay to certain retired officers of the Marine Corps, and ask that the bill and report be read, and also ask its immediate consideration.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the aggregate of all sums appropriated in an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, under the head "Pay, Marine Corps," shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund; the provisions of this act to take effect from June 30, 1899.

The report (by Mr. BUTLER) was read, as follows:

The Committee on Naval Affairs, to whom was referred the House joint resolution (H. J. Res. 77) providing for the payment of certain officers of the Marine Corps who have been without pay since going upon the retired list, beg leave to submit the following report:

The Secretary of the Navy, urging the speedy consideration and passage of this resolution, submitted the following:

NAVY DEPARTMENT,
Washington, D. C., December 8, 1899.

SIR: In the act making appropriation for the naval service for the fiscal year ending June 30, 1900, and for other purposes, approved March 3, 1899, provision under "Pay, Marine Corps," was made for the officers then upon the retired list, and a sum sufficient to meet their retired pay was specifically appropriated therefor. No provision was, however, made for the payment of those who subsequently to the passage of the act were placed upon the retired list. It has heretofore been the practice to embody in appropriation bills a clause providing that the moneys therein specifically appropriated for the pay of the Marine Corps should be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose constitute one fund; but this provision was inadvertently omitted from the above act.

Since this act took effect the accounting officers of the Treasury have held that the appropriations made specifically for a given number of officers upon the active and upon the retired list could not be utilized for the payment of a greater number than that in the act mentioned. A number of officers have, since June 30, 1899, been placed upon the retired list, and, in consequence of the action of the Treasury officials, it has been impossible for them to draw any portion of their pay.

Very respectfully, JOHN D. LONG, *Secretary.*

In view of the fact that the resolution is simply to provide authority to pay officers lawfully upon the retired list, as explained by the Secretary of the Navy, who have been for some time deprived of their pay for the reasons stated, your committee recommend that said joint resolution do pass.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. CANNON. I desire to ask the gentleman from Pennsylvania how this differs from an ordinary deficiency appropriation?

Mr. BUTLER. As the gentleman will find in the letter of the Secretary of the Navy, in preparing the estimates of last year for the maintenance of the Navy, it was anticipated, as is usual, that some officers would go on the retired list after the bill should become a law, and therefore, as is customary, a larger sum of money was appropriated than was actually necessary to pay the officers then on the retired list. Since this law went into effect three or four officers have been retired.

In this case the money has already been appropriated, but by reason of the omission of certain language ordinarily found in the appropriation bill the Treasury Department has declined to pay these officers. In a full meeting of the committee it was unanimously decided that it was but just that these men whose names had been inadvertently omitted from the list should receive their money; and for this purpose this bill has been introduced, and its passage recommended by the Secretary of the Navy and by the full Committee on Naval Affairs.

Mr. CANNON. I understand; still this is a matter which would ordinarily be carried in the deficiency estimates for the current year.

Mr. BUTLER. I will say to the gentleman that the money has already been appropriated; there is no deficiency. This legislation is simply necessary in order that these men may be enabled to get their pay. The money is in the Treasury.

Mr. CANNON. I believe I understand the case perfectly; but this is proposed legislative action to pay some persons that which is alleged to be due them for the current fiscal year.

Mr. BUTLER. For the last year and for the year ending June, 1900.

Mr. CANNON. Then this is for the last year?

Mr. BUTLER. Yes, sir; and it is proposed to pay them for the present year.

Mr. CANNON. I have said for the current year.

Mr. BUTLER. I can not very well hear the gentleman.

Mr. RICHARDSON. If I understand the gentleman from Pennsylvania correctly, this money has been already appropriated.

Mr. BUTLER. It has been.

Mr. RICHARDSON. Then why is it not available under that appropriation?

Mr. BUTLER. It has been held by the Treasury officials since the passage of the last appropriation bill that by reason of the omission of certain language from the bill they are not warranted in paying these officers who have been placed on the retired list since the passage of that measure. I read from the report of the Secretary of the Navy:

It has heretofore been the practice to embody in appropriation bills a clause providing that the moneys specifically therein appropriated for the pay of the Marine Corps should be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose constitute one fund, but this provision was inadvertently omitted from the above act.

Now, the Treasury officials have held that because of the omission of those words there is no authority to pay the officers who were not designated. The other officers are all designated.

I may say for the benefit of the gentleman, if he did not hear what I have already said, that, as I am informed, this is the first bill in which this language has been omitted. I may say, further, that the Committee on Naval Affairs took the trouble to make a careful examination of the facts, and after doing so felt warranted in asking the House to pass this bill, so that these three or four men may get their money the same as other men who were so fortunate as to have their names designated in the act.

Mr. CANNON. From the gentleman's explanation I apprehend that an appropriation ought to be made for the pay of these officers who are on the retired list for the current fiscal year. But this is an item belonging in the general deficiency bill; and if the rules are to be observed and we are to have the means of knowing what the deficiencies are for the current year, it seems to me these matters ought not to be split up in this way—one item reported and passed from one committee, and another item from another, and so on. If the facts are as the gentleman states, there will be no trouble, under the rules of the House, in obtaining proper consideration of this item in the general deficiency bill. Therefore I object.

MONUMENT TO SAMUEL HAHNEMANN.

Mr. DALZELL. Mr. Speaker, there has just come from the Senate a joint resolution granting permission to erect in one of our public parks a statue to Samuel Hahnemann. A similar resolution has been favorably reported from the Committee on the Library of this House. I ask unanimous consent for the present consideration of the Senate resolution.

The resolution was read, as follows:

Joint resolution (S. R. 3) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That permission be, and the same is hereby, granted the Hahnemann monument committee of the American Institute of Homeopathy to erect a monument in honor of Samuel Hahnemann in such place in the city of Washington, D. C., other than the Capitol or Library grounds, as shall be designated by the Chief of Engineers, United States Army, the chairman of the Joint Committee on the Library, and the chairman of the monument committee; and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the building of a foundation upon which to place said monument; said monument to be presented to the people of the United States by the American Institute of Homeopathy, kindred associations, and citizens.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. RICHARDSON. Let us hear some explanation of it.

Mr. DALZELL. I will state that a resolution similar in form to this passed the Fifty-fourth Congress, but reached the President too late for his signature. It passed the Senate in the last Congress, but failed in the House. It has been recommended by the Committee on the Library. It is a simple proposition to give to the city of Washington or to the United States Government what has been pronounced to be a very superb work of art, produced at a cost of $75,000, the money having been contributed by people from all the States of the Union. It seems to me only proper that we should seize the opportunity to accept a gift of such value. I trust there will be no objection.

Mr. COWHERD. It was observed, I believe, in a discussion heretofore upon the unveiling of a statue in one of our public parks that those parks should be reserved for statues of men who have been distinguished in some branch of the public service. I will ask the gentleman from Pennsylvania whether that has not been the practice heretofore?

Mr. DALZELL. I will say in reply to the gentleman from Missouri that it is not. There are now in the Smithsonian grounds, as gentlemen well know, a statue erected to Dr. Gross and also a statue erected to Professor Henry. And the gentleman will see around the magnificent Congressional Library busts of distinguished men of all professions who have claimed distinction and earned fame in the eyes of the world.

Mr. COWHERD. That is devoted exclusively to such subjects. It seems to me, while I do not desire to make any objection in the present case, that we are establishing a very bad precedent and a practice that will be uncomfortable in the future. We will open the door, in other words, for every little society throughout the land who desires to perpetuate the name of some member to come here and have a statue erected in his honor.

Mr. McCLEARY. What objection can there be in the present instance?

Mr. COWHERD. I do not intend to raise an objection; I am simply calling attention to a bad precedent.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was considered, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

REPRINT OF INDIAN BILL.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for a reprint of the Indian appropriation bill and that the number to be printed be limited to 500. I am informed that there are only about 50 copies of the bill left, and there is quite a demand for them. Inasmuch as the bill will come up to-morrow, there ought to be a number at hand for the convenience of the House.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There being no objection, the order to reprint was made to the extent of 500 copies.

NAVAL OPERATIONS, PHILIPPINES.

Mr. HULL. Mr. Speaker, I understand that the call of committees is now the regular order.

The SPEAKER. It is.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to present at this time a privileged report from the Committee on Insular Affairs and ask its immediate consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

"*Resolved*, That the Secretary of the Navy is requested, if not incompatible with the public service, to inform the House of Representatives of the amount of money expended and the amount for which the Government is liable remaining unpaid for equipments, transportation, supplies, and naval operations in the Philippine Islands from May 1, 1898, up to and including January 1, 1900."

The Committee on Insular Affairs, to whom was referred House Resolution No. 91, calling on the Secretary of the Navy for certain information therein mentioned, beg leave to report that they have had the said resolution under consideration and recommend that it do pass with the following amendments, to wit:

Strike out the word "requested," in line 1, and the words "if not incompatible with the public service," in line 2, and in lieu thereof insert the word "directed;" and further amend by inserting after the word "amount," in line 4, the words "so far as he is able to state the same;" and by striking out the word "January," in line 7, and inserting in lieu thereof the word "November;" and by striking out the words "nineteen hundred," in line 8, and inserting in lieu thereof the words "eighteen hundred and ninety-nine;" so that the said resolution shall read as follows:

"*Resolved*, That the Secretary of the Navy is directed to inform the House of Representatives of the amount of money expended and the amount, so far as he is able to state the same, for which the Government is liable, remaining unpaid, for equipment, transportation, supplies, and naval operations in the Philippine Islands from May 1, 1898, up to and including November 1, 1899."

There being no objection, the resolution was considered, and the amendments agreed to.

The resolution as amended was agreed to.

MILITARY OPERATIONS, PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. I desire also, Mr. Speaker, to present a second privileged report from the Committee on Insular Affairs, and ask its immediate consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

"*Resolved*, That the Secretary of War is requested, if not incompatible with the public service, to inform the House of Representatives of the amount of money expended and the amount for which the Government is liable, remaining unpaid, for equipment, transportation, supplies, and military operations in the Philippine Islands from May 1, 1898, up to and including January 1, 1900."

The Committee on Insular Affairs, to whom was referred House resolution No. 92, calling on the Secretary of War for certain information therein mentioned, beg leave to report that they have had said resolution under consideration, and recommend that it do pass with the following amendments, to wit:

Strike out the words "requested, if not," in line 1, and the words "incompatible with the public service," in line 2, and in lieu thereof insert the word "directed;" and further amend by inserting after the word "amount," in line 4, the words "so far as he is able to state the same;" strike out the word "January," in line 7, and in lieu thereof insert the word "November;" strike out the words "nineteen hundred," in line 8, and in lieu thereof insert the words "eighteen hundred and ninety-nine;" so that as amended said resolution shall read as follows:

"*Resolved*, That the Secretary of War is directed to inform the House of Representatives of the amount of money expended and the amount, so far as he is able to state the same, for which the Government is liable, remaining unpaid, for equipment, transportation, supplies, and military operations in the Philippine Islands from May 1, 1898, up to and including November 1, 1899."

Mr. HENRY of Texas. Mr. Speaker, I desire to state that these resolutions, as well as the amendments to them, were unanimously agreed to by the Committee on Insular Affairs. There was no objection in the committee. The resolutions were introduced by the gentleman from Kentucky [Mr. WHEELER]. I make this statement for the benefit of gentlemen on this side of the Chamber who desired that information.

The SPEAKER. The question is on agreeing to the amendments recommended by the committee.

The amendments were agreed to.

The resolution as amended was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the votes by which the resolutions were agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. HULL. Now, Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Iowa [Mr. HULL] calls for the regular order. The Clerk will call the committees in the morning hour.

The Committee on Military Affairs was called.

MILITARY POST AT DES MOINES, IOWA.

Mr. HULL. Mr. Speaker, I send to the Clerk's desk a bill on the House Calendar, and the report accompanying it.

The SPEAKER. The gentleman from Iowa [Mr. HULL], chairman of the Committee on Military Affairs, calls up a bill for consideration. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 99) to establish a military post at or near Des Moines, Iowa.

Be it enacted, etc., That upon the transfer and conveyance to the United States of a good and sufficient title to not less than 400 acres of land, without cost to the United States, situated at or near the city of Des Moines, in the county of Polk and State of Iowa, and on or near a railroad, and constituting an eligible and suitable site for an army post, and to be approved and accepted by the Secretary of War for that purpose, then and thereupon there shall be, and is hereby, established and located on said land a United States army post, of such character and capacity as the Secretary of War shall direct and approve.

The SPEAKER. The gentleman from Iowa [Mr. HULL] is recognized.

Mr. BARTLETT. I should like to ask the gentleman from Iowa a question.

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HULL. I was simply going to say that this bill has been reported three times by the Committee on Military Affairs——

Mr. BARTLETT. I want to make a point of order. As I caught the reading of this bill, it ought to be on the Union Calendar, and not considered in the House in the morning hour.

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] makes the point of order that this bill should be upon the Union Calendar.

Mr. HULL. I should like to make a little statement.

The SPEAKER. The Chair will hear the gentleman from Georgia.

Mr. BARTLETT. I understand from the reading of the bill that it makes a charge upon the Treasury and an appropriation of money, and therefore ought to be considered in the Committee of the Whole House on the state of the Union.

Mr. HULL. Mr. Speaker, I will say that the bill only authorizes the Secretary of War to accept a donation of land, and the small charge, if any, upon the Government would depend upon his exercising the discretion in favor of accepting this donation.

Mr. GAINES. Does not the bill expressly provide for the erection of a military post after this land is purchased?

Mr. HULL. Not at all, unless the Secretary of War accepts the land, and that is left with him to determine.

Mr. GAINES. If he accepted it a military post would be established?

Mr. HULL. Certainly would be established.

Mr. GAINES. That involves an expenditure of money.

Mr. HULL. Conditional upon his acceptance of the land.

The SPEAKER. The Chair would ask the gentleman from Iowa to state what constitutes the locating of a post.

Mr. HULL. If the Secretary of War shall accept the donation of land offered for this purpose it would establish the post. If he declined to accept that land, and held it unsuitable, it would not establish a post.

The SPEAKER. Does the chairman of the Committee on Military Affairs hold that there is no expense connected with the locating of the post?

Mr. HULL. There is none at all connected with the location; absolutely none. The whole expense would be in case the Secretary accepted the donation of land.

Mr. BARTLETT. Mr. Speaker, I simply desire to read the rule upon the subject, which is to be found on page 296 of the Manual. The rule says there shall be—

First, a Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

The SPEAKER. The Chair finds some embarrassment in deciding the point of order raised by the gentleman from Georgia. An examination of the bill shows that a donation of land is made to the Government. It also contains another element, namely, the establishment and location of a United States Army post by the Secretary of War at Des Moines, Iowa.

There is no appropriation contained in the bill, and no burden is directly laid upon the Treasury. It is so framed that it establishes a post, and there is nothing to show that there is any cost attending it. The chairman of the Committee on Military Affairs [Mr. HULL] says that there is none; and while it is manifest to the Chair and to all present that this means opening the door to possible future burdens, non constat, however, that Congress will ever appropriate a dollar for that purpose.

Mr. PAYNE. May I make a suggestion right there?

The SPEAKER. The Chair will be glad to hear the gentleman from New York.

Mr. PAYNE. Suppose a bill authorizing acceptance of some land in the city of Des Moines for the purposes of a public building——

Mr. SLAYDEN. Mr. Speaker, let us have a little better order.

The SPEAKER. The Chair begs to suggest very respectfully that this Hall is not made for receptions, but for the public business; and if there is but one man present who desires to transact the public business, his rights are sacred in this Hall. The Chair has been endeavoring all the morning to have conversation suspended so that intelligent work can be done; and the Chair again appeals to the House to observe the respect due each member by foregoing conversation. There is ample provision for discussion and consultation, much needed all the time, elsewhere; but members are in this Hall for work; and the Chair again appeals to the House to aid in what is essentially a proper discharge of the duty of each member. The gentleman from New York.

Mr. PAYNE. I was supposing this case: That a bill was brought in here for the acceptance of a plat of land in Des Moines, or any other place, for the purposes of a public building in that place. Now, the mere language of that bill perhaps might not directly involve an appropriation, but if Congress ever carries out the object of that bill, of course it involves an appropriation. It involves it indirectly, it pledges the faith of the Government for the erection of a public building. Of course we all know that it will be followed and would necessarily be followed by an appropriation in order to build the public building upon that land.

Now, it seems to me that this is a similar case. If we accept the land for the purpose of establishing a military post, or for a military post, no matter how the language of the bill may be or what the wording may be, it indirectly involves an appropriation, and comes then within the rule. It seems to me it would be dangerous to lay down the bars in that way; if any language could be invoked that would bring it under the House Calendar, when the necessary result would be to call for an appropriation to build the building on the land and eventually an appropriation from the Treasury.

Mr. BARTLETT. Mr. Speaker, may I insist that this bill, if passed, or we should enter upon the consideration of it, must indirectly eventuate in having a charge laid upon the Government indirectly.

Mr. PAYNE. It seems to me it almost would be directly, because the Secretary of War has to investigate, to examine, and see whether he will accept it or not, which can not be done without expense. It seems to me that it directly involves, but certainly indirectly involves, a charge upon the Treasury.

Mr. RAY of New York. May I call attention to another fact?

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. PAYNE. Certainly.

Mr. RAY of New York. The Secretary of War has in his hands a fund appropriated by Congress already for the establishment of and carrying on of these military posts, as I understand it. If I am wrong, I will be corrected; but I so understand it. If this bill should become law and he should accept the land, he would be authorized under existing law, out of money already appropriated and at the disposal of the Department, to go on and establish the post, erect the buildings, and do whatever was necessary to carry out the true intent and purpose of the bill. So that it would carry expense and money belonging to the United States without any further action on the part of Congress. Am I correct in that?

Mr. HULL. You are correct in that.

Mr. RAY of New York. The gentleman from Iowa says I am correct in that statement.

Mr. HULL. Mr. Speaker, there is no question as to the state of facts. I want to say that this was placed on the House Calendar in the ordinary transaction of business. I had no power to assign the bill to any calendar. The bill was drawn with the distinct understanding, when reported by the committee, differing from the way it had been reported heretofore, not binding the Government absolutely to establish the post there, but providing that if this land is accepted by the Secretary of War it then establishes the post. The bill was reported in the last two Congresses establishing a post and making an appropriation for the commencement of the building. This leaves it all in the discretion of the Secretary of War. I hope the point will not be insisted upon.

I want to say to the House that I simply call it up by action of

the committee, because it was on the House Calendar, placed there by the proper authority. It makes no appropriation and involves no expense, unless the Secretary of War accepts this land, and if he does accept the land, why then it does establish the post; and he can apportion a part of the money appropriated by the Congress of the United States for the building; but he has absolute discretion to refuse to accept the land under certain conditions.

Mr. BROMWELL. I will ask if it is not always the invariable rule where an executive officer is invested with discretion as to whether he will do something which involves an expenditure of money, that the very fact that you vest that discretion in an executive officer leads him to the conclusion that it is the wish of Congress that he should do that which has been vested in his discretion?

Mr. HULL. The gentleman can answer that just as well as I can. That does not require any special answer from me.

Mr. BROMWELL. I understand that; but I want to call attention to the fact that when discretion is vested in an executive officer it is always considered by him authority to go ahead and do that over which discretionary power has been given.

Mr. HULL. I do not know that that necessarily follows. If this bill passes, the Secretary of War will accept the land. I would not have any object in passing it if I did not believe he would accept the land and establish this post.

Mr. BROSIUS. May I ask the chairman of the Committee on Military Affairs whether he thinks we ought to accept it?

Mr. HULL. Yes; I do.

Mr. BROSIUS. Is a military post needed there?

Mr. HULL. If the bill comes before the House, I will give the reasons for it, if necessary. In my judgment, a post should be established there.

Mr. BROSIUS. That is the very first question that the House should inquire into.

The SPEAKER. As the Chair remarked, this is a very doubtful question and one that embarrasses the Chair not a little. All will understand that it is the more embarrassing as it relates to the State in which the Speaker lives; but that particular the Chair must eliminate from the consideration of the question.

Mr. HULL. Will the Chair permit me an interruption?

The SPEAKER. The Chair will hear the gentleman from Iowa.

Mr. HULL. Will the Chair permit me now to ask unanimous consent that the bill may be considered in the House as in Committee of the Whole?

The SPEAKER. The Chair would be glad to have unanimous consent asked.

Mr. McRAE. Mr. Speaker, I hope the gentleman will make that request, and with it concede that it has been improperly put on the House Calendar.

Mr. HULL. I do not think I ought to concede that, because, as the Chair says, it is a doubtful question, and one I am not charged with determining. I would not consent to assume that it is improperly on the House Calendar, but I will make a request for unanimous consent, and it can be further investigated if it ever comes up again, leaving the question of reference to be determined when necessary.

The SPEAKER. The Chair is ready to decide it, but will be glad to submit the request of the gentleman from Iowa, who asks unanimous consent that House bill 99 be considered in the House under its present form as in Committee of the Whole. Is there objection?

Mr. LOUD. Mr. Speaker, I am not going to object, but I desire to call the attention of the Chair to two things in connection with the situation. First, there is a point of order pending now against the bill being considered.

The SPEAKER. Unanimous consent would be a withdrawal of the point of order.

Mr. LOUD. I want to go one step further. Ever since this rule has been in force in this House the occupant of the chair has steadily maintained that business of this character could not come up in this hour; that is, he has held that this hour was devoted to a particular character of business. While the point of order may never have been raised on that, while it may not be quoted in the decisions, I think it is within the memory of every member of this House that the Speaker of the last Congress, and ever since these rules have been in force Speakers have steadily maintained that business of that character should not come before the House under any form. I only desire to offer that suggestion to the Chair because that has been the practice, Mr. Speaker, and I think that it will open an avenue that will ultimately trouble the House.

The SPEAKER. The Chair will say in reply to the gentleman from California that unanimous consent, of course, cuts the Gordian knot in all these matters, and that the very rule under which we are now proceeding does provide a manner in which, after an hour's discussion, any bill in Committee of the Whole on the Union Calendar can be reached, as was done on yesterday. The Chair therefore submits the question again. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HULL. Mr. Speaker, I ask that the report be read.

The Clerk read the report (by Mr. HULL), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 99) to establish a military post at or near Des Moines, Iowa, having had the same under consideration, report said bill back to the House with the recommendation that it do pass.

The committee adopt the report made to the House by the Committee on Military Affairs in the Fifty-fifth Congress.

[House Report No. 287, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5988) to establish a military post at Des Moines, Iowa, report the same back with recommendation that said bill do pass.

The committee adopt the report made to the House by the Committee on Military Affairs in the Fifty-fourth Congress, first session, and also submit the recommendations of the War Department, submitted on the 25th of January, 1896.

[House Report No. 655, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1703) entitled "A bill to establish a military post at or near Des Moines, Iowa," beg leave to submit the following report, and recommend that said bill do pass:

The policy of the Government is to abandon the smaller posts on what has been known as the frontier and concentrate troops near large centers of population and railroad centers. This policy will be continued as the Indians are grouped on reservations and the necessity for small detachments of troops to protect settlers disappears. Des Moines is the capital of Iowa, a city of 60,000 people, and one of the great railroad centers of the West. It has ten railroads, which, with their branches, reach every part of the State and could be used to transport troops to any point on either the Mississippi or Missouri River to protect the great bridges across those streams.

Des Moines is situated in the heart of the richest agricultural region in the United States, and troops can be maintained there at a minimum of cost. The climate is most healthful, and troops can be maintained at highest efficiency.

From Des Moines troops could be thrown into any of the great cities of the middle West in a few hours and at small expense.

The land given is of great value. The building up of great central posts requires time, and long before the completion of barracks at Des Moines many other posts now used will be abandoned, and your committee recommend the acceptance of the donation of land and commencement of the work at Des Moines.

WAR DEPARTMENT,
Washington, D. C., January 26, 1898.

SIR: I have the honor to return herewith House bill 5988, Fifty-fifth Congress, second session, entitled "A bill to establish a military post at or near Des Moines, Iowa," which was referred by your committee, under date of January 15 instant, to this Department for information and remark.

It has been the policy of the Department for some years, as the Indians have ceased to be a disturbing element in the settlement of the Territories, and thus permitted the abandonment of the many small posts that until recently were scattered along the frontier, to concentrate the troops thus released near the large centers of population, where many railway lines converge and allow of their being rapidly transported to points of threatened disturbance. The large modern posts of Fort Sheridan, near Chicago; Fort Thomas, opposite Cincinnati; Fort Logan, near Denver, and Fort Crook, near Omaha, are examples of this policy.

Des Moines, the capital of Iowa, a city of some 70,000 people, is situated in the heart of a rich agricultural region; has ten railroads, three of them trunk lines, reaching to every point of Iowa and its adjoining States; is about midway between St. Paul, Minneapolis, and St. Louis, and but ten hours from Chicago. The region is healthy and affords abundant food supplies such as are necessary to maintain a military post. The bill before me proposes that the citizens of Des Moines shall donate the land requisite for the purpose, and the question of the capacity and character of the post is left to the determination of the Secretary of War.

[Some considerable time would necessarily be consumed in securing and conveying the land, in preparing it for building, and in construction of the post, and in the meantime the troops requisite for its garrison would likely be available.

In this view of the subject, and in harmony with its policy above outlined, the Department would view with favor the passage of the bill.

Very respectfully,

G. D. MEIKLEJOHN,
Acting Secretary of War.

Hon. J. A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXPERIMENTAL AGRICULTURE.

Mr. HULL. Mr. Speaker, I send to the Clerk's desk the bill H. R. 1092, with the report thereon.

The Clerk proceeded with the reading of the bill.

Mr. HULL. Mr. Speaker, I am informed by the gentleman from Virginia [Mr. HAY], who made the report on the bill, that it is desirable to change it in some respects, and I ask permission of the House to withdraw it.

The SPEAKER. The gentleman from Iowa asks permission to withdraw the bill H. R. 1092. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AMENDING SECTION 4843, REVISED STATUTES.

Mr. HULL. Mr. Speaker, I send to the Clerk's desk the bill (H. R. 5491) to amend section 4843 of the Revised Statutes, with the accompanying report.

The SPEAKER. The chairman of the Committee on Military Affairs calls up the bill H. R. 5491, which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 4843 of the Revised Statutes be amended by inserting the word "Pay" in line 8, after the word "Qartermaster's;" so that the paragraph will read: "Second. Civilians employed in the Quartermaster's, Pay, and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment."

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. BURKE of Texas. Mr. Speaker, I could not hear the bill read. Will the gentleman from Iowa state the substance of it?

Mr. HULL. When this section referred to in the statute became a law there were no civilians employed in the Pay Department of the Army. Persons belonging in the Army or the Navy or the Marine Corps could, if they became insane, be sent to the Government hospital at Anacostia, but if civilian employees become insane they can not be treated at the Government hospital unless authorized by law. One in the Pay Corps is already insane, who has worked a great many years for the Government, and they are anxious to send him to the hospital for treatment, but he can not be received under the law as it now stands. In the Quartermaster and Commissary corps the law authorized the admission of civilian employees. This law simply puts in the word "Pay" so that it puts the three bureaus on an equal footing as to the treatment of insane persons.

The bill was then passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INCLINE RAILWAY, WEST MOUNTAIN, HOT SPRINGS RESERVATION.

Mr. LACEY (when the Committee on the Public Lands was called). I call up the bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation, Ark.

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of an incline railway upon the West Mountain of the Hot Springs Reservation, as provided by act of Congress approved December 21, 1893, is hereby extended for the term of five years from and after the passage of this act, and that said act is hereby continued in full force and effect.

The amendment reported by the committee to strike out "five" and insert "three," so as to read "for the term of three years from and after the passage of this act," was read.

Mr. LACEY. This grant has heretofore been made, but there has been delay in building the railway. This bill proposes only to grant three years' additional time to complete the road. It is simply an easement in the reservation.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. CORLISS (when the Committee on Election of President, Vice-President, and Representatives in Congress was called). I ask unanimous consent that this committee may be passed without prejudice.

The SPEAKER. If there be no objection the request of the gentleman will be granted.

There was no objection.

The call of committees was resumed and concluded, no further reports being called up.

Mr. PAYNE. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the inner harbor of San Pedro, Cal.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers relating to the purchase of dredges—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting a statement of the receipts and disbursements of the company, with a list of the stockholders—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting papers relating to the project of the Michigan-Lake Superior Power Company—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana, reported the same with amendment, accompanied by a report (No. 153); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1763) to pension Ella F. Sydnor, reported the same with amendment, accompanied by a report (No. 144); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2681) granting a pension to Calista F. Hall, reported the same with amendment, accompanied by a report (No. 145); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2865) to grant increase of pension to Louis H. Gein, Company F, Fifty-fifth New York Volunteers, reported the same with amendment, accompanied by a report (No. 146); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6703) for the relief of Corinne Strickland, reported the same without amendment, accompanied by a report (No. 147); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3799) for the relief of Stanley Snodgrass, of Jefferson County, Miss., reported the same with amendment, accompanied by a report (No. 148); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark., reported the same without amendment, accompanied by a report (No. 150); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2827) for the relief of the Atlantic Works, reported the same without amendment, accompanied by a report (No. 151); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 445) for the relief of Clare M. Ashby, widow of W. W. Ashby, late United States consul at Colon, reported the same without amendment, accompanied by a report (No. 152); which said bill and report were referred to the Private Calendar.

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar, reported the same without amendment, accompanied by a report (No. 154); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. BRENNER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2368) for the relief of George P. Wood, reported the same adversely, accompanied by a report (No. 149); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7440) granting a pension to Henry Dority—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7378) for the relief of George Rea, deceased, late of Copiah County, Miss.—Committee on War Claims discharged, and referred to the Committee on Claims.

Joint resolution (H. J. Res. 127) for the relief of Capt. Andrew Miller's company of Ste. Genevieve, Mo.—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McRAE: A bill (H. R. 7659) to repeal the national-bank act and to substitute legal-tender Treasury notes for the national-bank notes outstanding—to the Committee on Banking and Currency.

By Mr. DALZELL: A bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.—to the Committee on Military Affairs.

By Mr. TATE: A bill (H. R. 7661) to allow commutation of ration—to the Committee on Naval Affairs.

By Mr. POWERS: A bill (H. R. 7662) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898—to the Committee on War Claims.

By Mr. BABCOCK: A bill (H. R. 7663) to establish a board of charities for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOUTELLE of Maine: A bill (H. R. 7664) for the erection of a public building at Calais, Me.—to the Committee on Public Buildings and Grounds.

By Mr. MAHON: A bill (H. R. 7665) to test the McAllister armor plate—to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 7666) for the increase of salaries of the justices of the courts of the District of Columbia—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 7667) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced—to the Committee on Interstate and Foreign Commerce.

By Mr. MUDD (by request): A bill (H. R. 7668) to transfer certain old records of the city of Washington from the custody of the Chief of Engineers, United States Army, to that of the surveyor of the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. COOPER of Texas: A bill (H. R. 7669) authorizing and directing the Secretary of the Treasury to move the life-saving station at Sabine Pass, Tex., from its present location—to the Committee on Interstate and Foreign Commerce.

By Mr. JOY: A bill (H. R. 7671) to increase the salary of the United States marshal and chief office deputy for the eastern district of Missouri—to the Committee on the Judiciary.

Also, a bill (H. R. 7672) to amend the internal-revenue laws in relation to distilled spirits—to the Committee on Ways and Means.

By Mr. ZENOR: A joint resolution (H. J. Res. 145) authorizing the Secretary of War to pay certain employees—clerks, copyists, stenographers and typewriters, laborers, workmen, workwomen, and mechanics—in the Quartermaster-General's Office and at United States Government depots of the Quartermaster's Department, for additional work performed in excess of their customary and regular hours per day under the rules and regulations thereof—to the Committee on Military Affairs.

By Mr. SCUDDER: A joint resolution (H. J. Res. 146) directing the Secretary of War to submit plans and estimates for a channel from Fire Island Inlet, in Great South Bay, to Patchogue River, all in the county of Suffolk and State of New York—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 147) directing the Secretary of War to submit plans and estimates for the improvement of the inlet to Three-Mile Harbor, in town of East Hampton, Suffolk County, N. Y.—to the Committee on Rivers and Harbors.

By Mr. DRIGGS (by request): A joint resolution (H. J. Res. 148) relating to military badges—to the Committee on Military Affairs.

By Mr. MOON: A resolution of the legislature of Tennessee, relating to the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills, and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Texas: A bill (H. R. 7670) to increase the pension of Texana C. Burrus, a widow of soldier of the Mexican war—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 7673) to correct the military record of J. K. P. McNabb—to the Committee on Military Affairs.

Also, a bill (H. R. 7674) for the relief of Robert M. Fox—to the Committee on Military Affairs.

Also, a bill (H. R. 7675) for the relief of William Vance—to the Committee on Military Affairs.

Also, a bill (H. R. 7676) for the relief of Henry Spurgeon—to the Committee on Pensions.

Also, a bill (H. R. 7677) for the relief of William F. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7678) for the relief of John Wells—to the Committee on Military Affairs.

Also, a bill (H. R. 7679) for the relief of the legal representatives of George J. Kinzel, deceased, Morristown, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7680) for the relief of Madison T. Trent—to the Committee on Military Affairs.

Also, a bill (H. R. 7681) for the relief of Richard Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7682) to pension David A. Patton—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 7683) for the relief of Joseph D. Broussard, Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7684) for the relief of the estate of Prosper D. Olivier, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7685) for the relief of the estate of François Herpin, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7686) for the relief of William Rose, of Iberia Parish, La.—to the Committee on War Claims.

By Mr. DENNY: A bill (H. R. 7687) for the relief of the Winchester and Potomac Railroad Company—to the Committee on Claims.

By Mr. ESCH: A bill (H. R. 7688) granting a pension to Katy Kurth—to the Committee on Invalid Pensions.

By Mr. GRIGGS: A bill (H. R. 7689) for the relief of Cruger & Pace, Albany, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 7690) for the relief of George McDonald, administrator of the estate of E. McDonald—to the Committee on War Claims.

By Mr. GAYLE: A bill (H. R. 7691) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 7692) granting an increase of pension to Thomas J. Jackson—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 7693) for the relief of Robert Proctor and L. D. Cain, owners of Superior Bath House, Hot Springs, Ark.—to the Committee on Claims.

By Mr. LIVINGSTON (by request): A bill (H. R. 7694) for the relief of Elizabeth Talbot Belt—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 7695) to grant an increase of pension to James B. Hackett, of Lancaster, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7696) to grant an honorable discharge to William B. Barnes—to the Committee on Military Affairs.

By Mr. LANE: A bill (H. R. 7697) granting a pension to Elizabeth M. Sale—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 7698) to increase the pension of Gertrude E. Denens—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 7699) for the relief of Benjamin F. Burch—to the Committee on Military Affairs.

By Mr. MUDD (by request): A bill (H. R. 7700) for the relief of the estate of Matilda Shields, deceased, late of Alexandria, Va.—to the Committee on War Claims.

By Mr. MADDOX: A bill (H. R. 7701) for the relief of John M. Vandiver, of Rome, Ga.—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: A bill (H. R. 7702) for the relief of Farley Conerty—to the Committee on War Claims.

By Mr. MEEKISON: A bill (H. R. 7703) granting a pension to Lee Kuney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7704) granting a pension to Maggie M. Myers—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 7705) for relief of Langhorne D. Lewis—to the Commitee on Claims.

By Mr. POLK: A bill (H. R. 7706) for the relief of John F. Campbell, of Shamokin, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7707) to remove the charges from the military record of William Harlan—to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 7708) to restore the pension of Francis H. Staples—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 7709) for the relief of Jacob H. Eaton—to the Committee on Naval Affairs.

Also, a bill (H. R. 7710) granting an increase of pension to George W. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7711) granting an increase of pension to Cyrus Conduit—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 7712) granting a pension to George Graf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7713) granting a pension to John S. Boerum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7714) granting a pension to Sarah M. Leslie—to the Committee on Pensions.

By Mr. SHATTUC: A bill (H. R. 7715) granting a pension to Mary E. Penn, widow of Lewis B. Penn, late private, Fourth Independent Company Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 7716) for relief of F. K. Beaven, of Marion County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7717) for the relief of P. H. McDonough, of Nelson County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7718) for relief of Stephen Camplin, of Hardin County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7719) for the relief of Charles Lee, of Bullitt County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7720) for the relief of the heirs of Lucinda Cook, of Marion County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7721) for relief of Abner Goodman, of Breckinridge County, Ky.—to the Committee on War Claims.

Mr. WHITE: A bill (H. R. 7722) to increase the pension of William Mullevy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7723) to remove disability of James B. Vaughan on account of Confederate service—to the Committee on Military Affairs.

Also, a bill (H. R. 7724) to reimburse John D. Thorne for 55 bales cotton seized by Union forces, 1863—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE of Maine: Papers to accompany House bill No. 7664, for the erection of a public building at Calais, Me.—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: Petition of the Brown Manufacturing Company, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BULL: Petition of Peter Downey and other railway mail clerks of Rhode Island, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of clerks in the post-office at Providence, R. I., asking for the passage of House bill No. 4351, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Home Market Club, of Boston, Mass., against the reduction of duties proposed by the treaty with France—to the Committee on Foreign Affairs.

Also, resolution of the Jewelry Tariff Committee of Attleboro, Mass., and Providence, R. I., against proposed reduction of duty on jewelry in the treaty with France—to the Committee on Foreign Affairs.

By Mr. CAPRON: Resolutions of the Manufacturers' Club of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Young People's Christian Union of Cumberland Hill, R. I., to prohibit the sale of intoxicating liquors in Soldiers' Homes—to the Committee on Military Affairs.

Also, protest of the Chicago Federation of Labor, against the ceding of public lands to States and Territories—to the Committee on the Public Lands.

Also, resolutions of the Jewelry Tariff Committee of Attleboro, Mass., and Providence, R. I., against proposed reduction of duty on jewelry in the treaty with France—to the Committee on Foreign Affairs.

By Mr. COOPER of Texas: Petition of post-office clerks of Marshall, Tex., in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIDSON: Petition of Shipmasters' Association of Milwaukee, Wis., in favor of the passage of House bill No. 3988, to reorganize the Weather Bureau—to the Committee on Agriculture.

Also, petition of the letter carriers of Neenah, Wis., favoring the passage of House bill No. 4911, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of G. H. Onstad and other citizens of Winnebago County, Iowa, favoring the passage of a bill extending the time before mining claims in Alaska are declared forfeited for nonuse or abandonment—to the Committee on Mines and Mining.

By Mr. GASTON: Petition of post-office clerks at Erie, Pa., favoring the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. GREEN of Pennsylvania: Petition of the Board of Trade of the city of Reading, Pa., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

Also, petition of post-office clerks at Allentown, Pa., asking for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIGGS: Resolutions of the Cotton States Association of the Commissioners of Agriculture, in relation to extending the franking privilege of the Post-Office Department to all official publications issued from the department of agriculture of all the States and Territories—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the city council of Thomasville, Ga., indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

By Mr. LLOYD: Petition of Ira Roberts and other citizens of Schuyler County, Mo., asking that pensions be granted to the Missouri militia—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of J. E. Higgins and 13 other post-office clerks at Wichita, Kans., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. LORIMER: Paper to accompany House bill for the relief of Gertrude E. Devens, of Chicago, Ill.—to the Committee on Invalid Pensions.

By Mr. LYBRAND: Petition of druggists of Findlay, Ohio, for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. McCALL: Petition of the railway mail clerks of the Eighth Congressional district of Massachusetts, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill No. 2155, for the relief of Alexander Sutherland—to the Committee on Military Affairs.

By Mr. McCLEARY: Resolution of the Minneapolis (Minn.) Board of Trade, favoring the improvement of the South Pass of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. McDOWELL: Paper to accompany House bill No. 3862, in behalf of the claim of Thomas J. Shappard—to the Committee on Military Affairs.

By Mr. McRAE: Resolutions of the levee board of Desha County, Ark., favoring such legislation as will place the Government in full control of the improvements of the Mississippi River and to continue the levee system adopted by the Mississippi River Commission—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. MAHON: Paper to accompany House bill No. 7665, to test the McAllister armor plate—to the Committee on Naval Affairs.

By Mr. MEEKISON: Papers to accompany House bill No. 5439, for the relief of Thoms B. Holland—to the Committee on Invalid Pensions.

By Mr. MERCER: Petition of V. H. Laederick, of Omaha, Nebr., asking for a change in the present revenue law—to the Committee on Ways and Means.

By Mr. RYAN of New York: Petition of the board of aldermen of Buffalo, N. Y., for the establishment of a Federal court in Buffalo—to the Committee on the Judiciary.

Also, petition of the board of aldermen of Buffalo, N. Y., to widen and deepen the entrance of the Buffalo River—to the Committee on Rivers and Harbors.

By Mr. SHATTUC: Protest of Carpenters' District Council of Hamilton County and vicinity, Cincinnati, Ohio, against the ceding of any more public lands to States or Territories—to the Committee on the Public Lands.

Also, papers to accompany House bill No. 6737, to remove the charge of desertion against the military record of Frank Wempe—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: Papers to accompany House bill relating to the claim of F. K. Beaven—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of the estate of Levi Fields—to the Committee on War Claims.

Also, paper to accompany House bill for the relief of Abner Goodman—to the Committee on War Claims.

Also, paper to accompany House bill relating to the claim of Charles Lee, sr.—to the Committee on Claims.

Also, papers to accompany House bill for the relief of the estate of P. H. McDonough—to the Committee on War Claims.

Also, papers to accompany bill for the relief of Stephen Camplin—to the Committee on War Claims.

Also, paper to accompany House bill for the relief of W. T. and C. W. Cook—to the Committee on War Claims.

By Mr. SPERRY: Petition of Hon. O. Vincent Coffin and other citizens of Middletown, Conn., in favor of House bill No. 5499, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of New Haven, Conn., favoring the passage of House bill No. 887, to promote the export trade of the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of New Haven, Conn., favoring reciprocity with Canada—to the Committee on Ways and Means.

Also, resolution of the Fire Underwriters' Association of New Haven, Conn., favoring the amendment to the war-revenue act relating to insurance companies—to the Committee on Ways and Means.

Also, resolutions adopted at the annual meeting of the secretaries and officers from each regimental battery and naval association of the civil-war veterans of Connecticut, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. STARK: Paper to accompany House bill No. 3962, for the relief of Alanson C. Eberhart, of York, Nebr.—to the Committee on Invalid Pensions.

Also, paper in support of House bill No. 3966, for the relief of David Talmon, of Wymore, Nebr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 3960, granting a pension to John Fisher, of Wilber, Nebr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 3965, for the relief of George C. Maxfield, of Fairmont, Nebr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 2380, for the relief of Alonzo Lewis, of Aurora, Nebr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 3956, to increase the pension of George W. Plants, of Geneva, Nebr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 3958, for the relief of Rolin Tyler, of Odell, Nebr.—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 3967, to increase the pension of Griffith Evans, of Beatrice, Nebr.—to the Committee on Invalid Pensions.

By Mr. WHITE: Petition of William Mullevy to accompany House bill for an increase of his pension—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of John D. Thomas—to the Committee on War Claims.

SENATE.

WEDNESDAY, *January 31, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

THE FIVE CIVILIZED TRIBES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, stating that on February 23, 1899, there was transmitted from the Interior Department a copy of the agreement between the United States commissioners to negotiate with the Five Civilized Tribes and the commissioners on the part of the Creek (or Muscogee) Nation, concluded at Muscogee, Ind. T., February 1, 1899, for such action as Congress might deem proper in the premises, and requesting that, in accordance with the desire of the chairman of the commission and the principal chief of the Creek Nation, the agreement be returned to the Department for further consideration and such modification as may be deemed necessary and proper. The communication was sent to the Committee on Indian Affairs, and this request that it be returned should go to the same committee.

Mr. HALE. Returned by whom?

The PRESIDENT pro tempore. It is now in the possession of the Committee on Indian Affairs, and it is the request of the Secretary of the Interior that it be returned in order that some amendments may be made to it.

Mr. HALE. Why not refer it to the same committee and then let them report as to returning it?

The PRESIDENT pro tempore. That is proposed as the proper course. The communication will be referred to the Committee on Indian Affairs.

EAST WASHINGTON HEIGHTS TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the East Washington Heights Traction Railroad Company for the fiscal year ended December 31, 1899; which was referred to the Committee on the District of Columbia, and ordered to be printed.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 24, 25, 31, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following:

"Public building at Helena, Mont.: The limit of cost of site for public building at Helena, Mont., is hereby fixed at $33,502.35, in lieu of the sum named in the sundry civil appropriation act approved June 4, 1897, but the aggregate cost of the site and building shall not be increased."

And the Senate agree to the same.

On amendments numbered 5 and 26 the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

Mr. HALE. There are two items left open, not agreed to.

The PRESIDENT pro tempore. Does the Senator desire that it shall go back into conference?

Mr. HALE. Yes; I move that the Senate further insist on its amendments still in disagreement and ask for a further conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 99) to establish a military post at or near Des Moines, Iowa;

A bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and

A bill (H. R. 5491) to amend section 4843 of the Revised Statutes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 3) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. Mr. President, I desire to present a petition of the Farmers' National Congress, in the form of a resolution that was adopted at the nineteenth annual session of that Congress, held at Boston October 3 to 10, 1899. The resolution is as follows:

Whereas the interests of the whole country, the reenforcement of our Navy, the enlargement of foreign markets for our surplus products, the increased employment of our workingmen in the mine, foundry, factory, and shipyard, and the training of able seamen would all be promoted by the restoration of our merchant marine to its former position on the seas of the world: Therefore,

Resolved, That in our opinion it is the duty of Congress, at the earliest day possible, to enact legislation to secure such restoration by the extension of such aid to American-built mail carriers and freighters as will enable them to successfully compete with the subsidized and bountied merchant ships of foreign countries in the carrying of our imports and exports.

I move that this petition in the form of a resolution be referred to the Committee on Commerce.

The motion was agreed to.

Mr. GALLINGER presented a petition of the Board of Trade of New Hampshire, praying that an appropriation be made for the establishment of a permanent exposition of American products at Shanghai, China; which was referred to the Committee on Commerce.

Mr. PLATT of New York presented a petition of the Abbey Effervescent Salt Company, of New York, praying for the repeal

of the stamp tax on proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry railway mail clerks of Watertown, N. Y., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Danville, N. Y., praying that an appropriation be made for the extension of the free rural mail delivery system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bronx Borough District Council, United Brotherhood of Carpenters and Joiners of America, of New York City, praying that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grant of title be made to any but actual settlers and home builders; which was referred to the Committee on Public Lands.

Mr. DEBOE presented a petition of sundry brewers of Louisville, Ky., praying for the adoption of an amendment to the internal-revenue law discontinuing the issuance of revenue stamps of lower denominations than those used for quarter barrels; which was referred to the Committee on Finance.

He also presented the petition of Laura Clay, president, and Mary C. Roark, secretary, on behalf of the Equal Rights' Association of Kentucky, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of citizens of the United States on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Robinson-Pettet Company, of Louisville, Ky., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. TURLEY presented the petition of A. T. Goodloe and 34 other citizens of Robertson County, Tenn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Butler Boyd and 5 other citizens of Clarksville, Tenn., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the board of directors of the Cotton Exchange of Memphis, Tenn., praying for the passage of a river and harbor appropriation bill at the present session of Congress; which was referred to the Committee on Commerce.

Mr. RAWLINS presented a memorial of the members of the bar of Salt Lake City, Utah, remonstrating against the creation of an additional circuit court of appeals; which was referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented the petition of C. F. Robinson & Son and sundry other druggists of Attica, Ind., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. TILLMAN presented petitions of the Merchants' Exchange, the Chamber of Commerce, and the Young Men's Business League, all of Charleston, in the State of South Carolina, praying for the adoption of certain amendments to the interstate-commerce law to enlarge the powers of the Insterstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of sundry citizens of Pennsylvania, praying for the repeal of the 15 per cent duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Reformed Presbyterian Church of Wilkinsburg, Pa., praying for the enactment of a divorce law for the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Reformed Presbyterian Church of Wilkinsburg, Pa., praying for the enactment of a Sabbath law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Reformed Presbyterian Church of Wilkinsburg, Pa., and a petition of the Woman's Christian Temperance Union of Smethport, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petition of J. D. Berg and sundry other druggists of Philadelphia, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented sundry petitions of railway mail clerks of York, Erie, Pittsburg, and Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of sundry railway mail clerks of Springfield, Mass., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petition of J. W. Fuller and sundry other railway mail clerks of San Antonio, Tex., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY presented the petition of Isabella Beecher Hooker, president, and Frances Ellen Burr, secretary, on behalf of the Woman Suffrage Association of Connecticut, praying for the adoption of a sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. McMILLAN presented a petition of Local Union No. 100, United Brotherhood of Carpenters and Joiners of America, praying that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to any of these lands should ever hereafter be made to any but actual settlers and home builders on the lands; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899; and

A bill (S. 2035) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent.

Mr. LODGE, from the Committee on Foreign Relations, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Commerce; which was agreed to:

A bill (S. 1021) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of China, and for other purposes;

A bill (S. 1022) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of Japan, and for other purposes;

A bill (S. 1948) authorizing the appointment by the President of the United States of a commission of not less than five members to investigate the question of trade relations of the United States in the Orient, and for other purposes; and

A bill (S. 2004) authorizing an investigation into the economic resources and other cognate questions in the Chinese Empire and adjacent countries of eastern Asia, with special reference to the trade of the United States in such parts of the world and the possibility of its enlargement.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 2354) authorizing railroad lines in Indian Territory to lease or consolidate continuous lines under certain circumstances, reported it with an amendment.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 2311) for the relief of Mrs. Ella M. Shell, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 227) for the relief of the Continental Fire Insurance Company and others, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1309) granting an increase of pension to Herman Piel; and

A bill (S. 1298) granting a pension to Capt. Oscar Taylor.

Mr. DAVIS, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 944) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898, reported adversely thereon; and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 373) for the relief of Avery D. Babcock and wife, of Oregon;

A bill (S. 2384) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada; and

A bill (S. 1231) for the relief of Virginia I. Mullan, of Annapolis, Md.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1759) for the relief of William A. Richards, late surveyor-general of Wyoming, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 2209) granting an increase of pension to Frederick Higgins, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 994) granting an increase of pension to Casper Miller, jr., reported it with amendments, and submitted a report thereon.

EULOGIES ON GARRET A. HOBART.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 75) to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there shall be printed of the eulogies delivered in Congress on Garret A. Hobart, late Vice-President of the United States, 31,000 copies, of which 10,000 copies shall be for the use of the Senate, 20,000 for the use of the House of Representatives, 500 copies for the use of the Department of State, and 500 copies for the use of the family of the late Vice-President, and directs the Secretary of the Treasury to have printed a portrait of Garret A. Hobart, to accompany the eulogies; and for the purpose of engraving and printing the portrait $500 is appropriated.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAR-ADMIRAL DEWEY'S REPORT.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. PETTIGREW on the 15th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 copies of Rear-Admiral Dewey's report of the naval operations on the Asiatic station, covering the naval battle of Manila Bay, May 1, 1898, and the investment and fall of Manila.

REPORTS OF SECRETARIES OF THE SENATE.

Mr. PLATT of New York, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That there be printed the usual number of the index to all the reports of the Secretaries of the Senate, prepared in pursuance of Senate resolution No. 547, Fifty-fifth Congress, third session.

INTERNATIONAL CONGRESS OF NAVIGATION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. CULLOM on the 15th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, That there be printed 1,000 additional copies of the report of Mr. Elmer L. Corthell, United States delegate to the Seventh International Congress of Navigation, Brussels, Belgium, July 23, 1898, to be bound in cloth, for distribution by the Department of State.

STENOGRAPHER FOR COMMITTEE ON FOREIGN RELATIONS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DAVIS on the 29th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the statements made before the Committee on Foreign Relations in regard to the effect of the reciprocity treaties made between the United States and the several foreign governments on the revenues and industries of the United States be paid out of the contingent fund of the Senate, and that the said committee be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings or proceedings as may be had before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2800) granting an increase of pension to James H. Beddow;

A bill (S. 2801) granting an increase of pension to William A. Carnahan;

A bill (S. 2802) granting an increase of pension to William H. Carte;

A bill (S. 2803) granting an increase of pension to Henry Clay;

A bill (S. 2804) granting an increase of pension to C. Disbrow;

A bill (S. 2805) granting an increase of pension to William Hoag;

A bill (S. 2806) granting an increase of pension to William G. Stout (with an accompanying paper); and

A bill (S. 2807) granting an increase of pension to Hugh F. Ames (with accompanying papers).

Mr. ELKINS introduced a bill (S. 2808) for the increase of the salaries of the justices of the courts of the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2809) authorizing the sale of a part of the Potomac Park; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2810) granting a pension to Esther Dyer Hammond; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2811) granting an increase of pension to Wesley C. Pryor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2812) to amend an act entitled "An act for the relief of telegraph operators who served in the war of the rebellion," approved January 26, 1897, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2813) for the relief of Arthur R. Henderson; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2814) to increase the pay of letter carriers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2815) for the relief of the heirs of Louisa E. McLean; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 2816) for the relief of the estate of R. E. Bonds, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAWLINS introduced a bill (S. 2817) granting to the University of Utah additional lands adjacent to its site; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2818) granting to Manti City, in the State of Utah, certain lands to enable it to control the watershed which affords to said city its water supply, to prevent its denudation and resulting disastrous floods; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KEAN introduced a bill (S. 2819) granting an increase of pension to Henry Van Gelder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 2820) for the relief of Thomas B. Smith, administrator of Thomas S. Hardaway;

A bill (S. 2821) for the relief of the estate of Joseph Alstott, deceased (with accompanying papers);

A bill (S. 2822) for the relief of F. M. Fitzgerald, administrator of the estate of John Chandler, deceased (with accompanying papers);

A bill (S. 2823) for the relief of the estate of Samuel J. Hays, deceased;

A bill (S. 2824) for the relief of the board of trustees of the Memphis Conference Female Institute, of Jackson, Tenn.;

A bill (S. 2825) for the relief of H. S. Simmons's estate; and

A bill (S. 2826) for the relief of the estate of Elizabeth Toof, deceased.

Mr. SHOUP introduced a bill (S. 2827) granting an increase of pension to Cornelius Shroder; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2828) granting an increase of pension to Hippolyte Perrault; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEBOE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2829) granting a pension to John C. Wilson;

A bill (S. 2830) granting a pension to Aslsie Bennett (with an accompanying paper);

A bill (S. 2831) granting an increase of pension to Adolph Cabbell (with accompanying papers);

A bill (S. 2832) granting a pension to Ferdinand Petsch (with accompanying papers);

A bill (S. 2833) granting a pension to Elizabeth Morris;

A bill (S. 2834) granting a pension to Anne M. Cluke; and

A bill (S. 2835) granting a pension to Benjamin H. Simpson.

Mr. DEBOE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 2836) for the relief of George Bradshaw;

A bill (S. 2837) for the relief of J. H. Satterfield (with an accompanying paper); and

A bill (S. 2838) for the relief of D. M. Payne.

Mr. PLATT of Connecticut introduced a bill (S. 2839) for the

relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; which was read twice by its title, and referred to the Committee on Patents.

Mr. SIMON introduced a bill (S. 2840) for enlarging the public building at Portland, Oreg., situated between Morrison, Yamhill, Fifth, and Sixth streets, in said city; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DEPEW introduced a bill (S. 2841) for the relief of the legal representatives of John Roach, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 2842) correcting the military record of James A. Scull; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2843) granting an increase of pension to John Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2844) granting a pension to Samantha M. Hallowell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 2845) for the relief of P. F. Eagan; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 2846) for the relief of George W. Craig; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 2847) granting a pension to Emanuel F. Ditsler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2848) for the relief of the legal representatives of Tomlinson & Hartupee & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2849) for the relief of Annie White; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 2850) to correct the military record of Lewis Camplain (with accompanying papers);

A bill (S. 2851) to correct the military record of James A. Orr (with accompanying papers);

A bill (S. 2852) to correct the military record of John E. McCollough;

A bill (S. 2853) to correct the military record of Henry F. Miller; and

A bill (S. 2854) to restore Edward L. Keyes to the Army, and to transfer him to the retired list.

Mr. PENROSE introduced a bill (S. 2855) to correct the naval record of John Lindsay; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2856) making the proceedings of the Grand Army of the Republic a part of the public records of the United States; which was read twice by its title, and referred to the Committee on Printing.

Mr. FRYE introduced a bill (S. 2857) granting a pension to James L. Holden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (S. 222) to provide government for the Territory of Hawaii; which was ordered to lie on the table and be printed.

Mr. JONES of Arkansas (by request) submitted an amendment directing the payment of $216,679.48 to the members of the Chickasaw Indian tribes out of money heretofore appropriated and belonging to what is known as the "incompetent fund," intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing an appropriation of $15,000 for paving Fourteenth street to Lydecker avenue, and Lydecker avenue to east side of Thirteenth street, intended to be proposed by him to the District appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RULES ADOPTED BY COMMITTEE ON PENSIONS.

Mr. GALLINGER. I ask unanimous consent that the code of rules adopted by the Committee on Pensions be printed in the RECORD. The rules are brief, they will not occupy much space, and will give information to a class of people outside of the two Houses of Congress which may prevent to some extent the flood of private pension bills that are coming to the committee.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the code of rules adopted by the Committee on Pensions touching pension claims be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The code of rules referred to is as follows:

COMMITTEE ON PENSIONS, UNITED STATES SENATE.

Rules adopted by the committee December 13, 1898. Revised January 9, 1900.

1. No bill will be considered by this committee unless application for pension or increase of pension has first been made to the Bureau of Pensions, nor while the claim is pending in the Bureau, except in cases where conclusive proof is presented that the claimant has no pensionable status under existing laws. Claims passed upon by the Bureau, whether allowed or rejected, will not be given consideration until a period of at least one year has elapsed: *Provided, however*, That in case of persons over 70 years of age, or claims which have been rejected because they do not technically come within the provisions of existing law, the requirement as to time may be waived.

2. Where original pension or increase of pension has been allowed by special act, no proposition for additional pension will be entertained.

3. In no case will the allowance of arrears be recommended in a special pension bill.

4. Bills proposing to pension sons or daughters of soldiers will not be entertained except in cases where the beneficiary has been idiotic, deformed, or otherwise mentally or physically incapacitated from birth or early childhood, and then only in cases of destitution. In such cases the rate allowed shall not exceed $12 per month.

5. Bills for increasing pensions which have been granted by the Bureau at the maximum rate under the act of June 27, 1890, will not be given consideration except in cases of actual destitution or extreme physical disability: *Provided, however*, That where pension has been allowed under the act of June 27, 1890, and a rejected claim exists under the general law, the equities in the latter claim may be considered in connection with the bill.

6. Where pension has been allowed at the rate of $8 per month under the law of 1887, granting service pensions to soldiers and widows of soldiers of the Mexican war, no proposition for increase will be entertained until after application has been made to the Pension Bureau and action taken thereon under the amended Mexican pension law granting $12 per month to such as are wholly disabled for manual labor and in destitute circumstances: *Provided, however*, That if application for increase has been pending in the Bureau for the period of one year the provisions of this rule may be waived.

7. Bills proposing to pension men who were not mustered into the military service, except in cases where in emergencies they performed military duty and were wounded, or unless some special or extraordinary service was rendered in connection with the Army, are not admissible.

8. No widow's pension will be recommended in excess of the maximum rate allowed by law except in cases of destitution or extreme physical disability, to be substantiated by sworn testimony, including the claimant's affidavit; and in no case will pension be recommended for a widow at a higher rate than $50 per month.

9. Consideration will not be given to any bill which proposes to restore to the roll the name of a widow whose pension was forfeited by remarriage unless she was the wife of the soldier during the period of his military service, and is now a widow in actual need.

10. Bills proposing to pension brothers or sisters of soldiers are not admissible.

11. Bills for original pension will ordinarily be considered by this committee in preference to those for increase.

12. Upon request of a Senator any bill will be promptly referred to a subcommittee, but the bill must be reported back to the full committee for consideration and action.

13. An authorized statement by a member of the committee, or by the Senator introducing a bill, as to the circumstances of the claimant, will be required when satisfactory evidence does not appear among the papers accompanying the bill.

JACOB H. GALLINGER, *Chairman.*

JOHN H. WALKER, *Clerk.*

STENOGRAPHER FOR INTERSTATE COMMERCE COMMITTEE.

Mr. CULLOM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings held and to be held by the Committee on Interstate Commerce on the bill (S. 1439) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, be paid from the contingent fund of the Senate.

TRANSACTIONS WITH NEW YORK CITY BANKS.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance be, and they are hereby, discharged from the further consideration of Senate resolutions of inquiry dated January 4 and 23, 1900, concerning certain transactions between the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. I object.

Mr. ALDRICH. Let it go over.

The PRESIDENT pro tempore. The resolution goes over under the rule.

MARY J. MORROW.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary J. Morrow, widow of Christopher C. Morrow, deceased, late a clerk in the office of the Secretary of the Senate, a sum equal to twelve months' salary at the rate paid to the said clerk per annum, said sum to be considered as including funeral expenses and all other allowances.

HOUSE BILLS REFERRED.

The bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation, was read twice by its title, and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 99) to establish a military post at or near Des Moines, Iowa; and

A bill (H. R. 5491) to amend section 4843 of the Revised Statutes.

HISTORY OF FILIPINO REVOLT.

Mr. PETTIGREW. I submit the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary proceeded to read the resolution, and read as follows:

Resolved, That the Authentic Review of the Philippine Revolution, which is as follows——

Mr. LODGE. Mr. President, I should like to ask the Senator from South Dakota if that is the article or the pamphlet which he asked to have printed yesterday?

Mr. PETTIGREW. I suppose the reading of the resolution will develop what the Senator wishes to ascertain.

Mr. LODGE. Mr. President, there is a motion now pending to print that article, which I take to be the same, and before it makes a part of the RECORD—before it is printed as a public document—I wish to enter my protest against its being printed as a part of the RECORD and becoming a document of the United States in any form.

I have never made any protest against printing that has been ordered here, of all sorts of articles and speeches on all kinds of subjects, although I think that it is a privilege which is greatly abused; but in this case I do desire to enter a protest, and the reason why I do so is because, in this publication or pamphlet, a number of statements are attributed to Admiral Dewey which I have his authority to say are absolutely false.

Mr. President, that the Anti-Imperialist League and its one newspaper organ should print and circulate anything of any sort without regard to its character is to be expected. It is their trade, and I have nothing to say against it. They are such careful guardians of other people's virtue that they can do things which persons of less virtue than themselves would shrink from performing. But I do think that for the United States to send out under its imprint a series of statements attributing remarks and conversation to the Admiral of its Navy which he states to be absolutely false is something in which the Senate should not engage.

I will read the statement of Admiral Dewey, in a note I received from him this morning:

DEAR SENATOR LODGE: The statement of Emilio Aguinaldo, as recently published in the Springfield Republican, so far as it relates to me, is a tissue of falsehoods.

* * * * * * *

Sincerely, yours,

GEORGE DEWEY.

Now, I do not think that on that statement we ought in any way to put a pamphlet containing that tissue of falsehoods into the RECORD or print it as a public document. It does not seem to me that it is the proper thing to do. The document would go out and be circulated under a frank, free of cost; no denial could go with it of those lies which have been denounced by the Admiral of the Navy as such, which are attributed directly to him and which, in the pamphlet I saw, were all printed in italics. The pamphlet I read purported to be written by Aguinaldo, and to have been printed, I believe, at Tarlac, in Luzon.

It seems to me to bear the marks of publication and preparation at some place nearer the United States than Luzon or Hongkong. But be that as it may, all these emphasized statements of conversations which, on their face, were reported eighteen months after they were supposed to have taken place, are stigmatized by the Admiral himself as a "tissue of falsehoods." I do not think it is just to him; I do not think it is proper for the United States to allow such statements as that to go out under its imprint and in its official record, and that is why I enter my protest at this point.

Mr. ALDRICH. Mr. President, I raise the question of order upon the consideration of the resolution. It seems to me that to put a resolution in this form is a clear and palpable evasion of the Senate rules. As I understand, the Senator from South Dakota undertakes by this method to have inserted in the RECORD a long paper which he asked the Senate yesterday to have printed and which he has a resolution before the Senate to have printed. That resolution, under the rules, must go to the Committee on Printing. The Senator will succeed in this form, if he is allowed, to have this paper printed, which a large proportion of Senators certainly have made strenuous objections to having printed, and he will succeed in having it printed in the RECORD by what seems to me to be a clear evasion of the rules.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. HAWLEY. That it is out of order?

The PRESIDENT pro tempore. That it is out of order.

Mr. PETTIGREW. Mr. President, this paper is a translation from a Spanish pamphlet written by Aguinaldo and translated in Boston. It was furnished to the Springfield Republican, and they sent it to their reporter in this city, requesting him to call the attention of Admiral Dewey to the allusions to himself in the document. The reporter did so, and Admiral Dewey, after examining it, replied through his secretary that he would say nothing; that he would adhere to his decision and say nothing upon the subject until the commission made its report.

It now appears that Admiral Dewey has concluded to say something upon the subject, and a letter turns up in the hands of the Senator from Massachusetts in which he says that the statements with regard to himself are a tissue of falsehoods. Now, a statement of that sort could be made simply if Mr. Dewey and Mr. Aguinaldo, in a very immaterial way, almost, misunderstood each other, one construction being put upon the language by one, they not speaking a common tongue, and another construction by the other upon the language used between them. That there was a recognition of Aguinaldo and his government by us and by our Navy there can be no possible question. Admiral Dewey recognized the flag of the Philippine republic and the vessels of that republic in Manila Bay.

Mr. SPOONER. How?

Mr. PETTIGREW. By saluting the flag and by convoying one of the vessels of the Filipino republic to Subig Bay and receiving the surrender of Spanish garrisons, and then turning the prisoners over to Aguinaldo after their surrender.

Mr. LODGE. Mr. President, I ask the Senator's permission at that point——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Massachusetts?

Mr. PETTIGREW. I will not yield. The Senator can speak when I am through.

The PRESIDENT pro tempore. The debate is proceeding by unanimous consent.

Mr. LODGE. I will read the rest of the letter subsequently.

Mr. PETTIGREW. Now, what is more, Mr. President, after Manila surrendered, while we were negotiating a treaty of peace with Spain, Admiral Dewey captured and confiscated these vessels belonging to Aguinaldo's government and took the flag of that republic from off the sea, a direct act of war against our allies, who to the number of 30,000 were camped around the town of Manila, who had helped capture Manila, who entered Manila with our forces and took possession of a large portion of the suburbs of that city, and who retired after entering Manila with our forces from the inner city and the larger part of the city, which is outside of the old city of Manila.

Mr. GALLINGER. Mr. President, I rise to a point of order. If this debate is to be engaged in some of the rest of us will want a little time, and I think some agreement ought to be made about it. I take it the Senator from South Dakota is proceeding out of order in discussing the question that has been ruled upon by the Chair.

The PRESIDENT pro tempore. The Senator from South Dakota is proceeding by unanimous consent.

Mr. GALLINGER. Now, Mr. President, I have no objection to his going on if it be understood that it is an open debate; but I should be unwilling that the Senator from South Dakota, who has occupied the attention of the Senate for hours and hours in defense of this distinguished citizen of the Philippines, should be permitted to make a lengthy speech and then the rest of us should be shut off from answering. That is the only point I wish to make.

Mr. PETTIGREW. Mr. President, in the face of these facts, in the face of the evidence in Document No. 62, sent by the President of the United States, that our generals at Paris told our commissioners that we were under great obligations to those people, to Aguinaldo and his army, for the capture of several thousand Spanish prisoners, for driving into the city of Manila and surrounding them with earthworks what was left of the Spanish forces in that country, it seems to me that it is pertinent and proper that the statement of Aguinaldo with regard to the facts connected with this transaction should be laid before the American people. If they can not be laid before the American people otherwise, if this resolution is not to be adopted, if you will not permit the statement to be printed as a document, then we will read it and put it in the RECORD.

Mr. HAWLEY. I shall object to it as treason and giving aid and comfort to the enemies of the United States, which is what the Senator has been doing constantly.

Mr. PETTIGREW. Mr. President, it is interesting to listen to the excitement of these people——

Mr. HAWLEY. Who are "these people?"

Mr. PETTIGREW. The Senator from Connecticut is one of them—who are afraid to lay before the American people the facts with regard to a transaction in which this Administration is wrong. If telling the truth, if disclosing what has occurred, is treason, then you can make the most of it. We will tell the truth. We will expose the things which have been done by this Administration, no matter what may be the result. The threat of treason, the talk about encouraging the enemy will not deter us from laying before the American people these glaring facts. If in struggling to prevent the destruction of this Republic, if upholding the Declaration of Independence, if resisting the treason of the President in violating the Constitution, which he has sworn to support, is treason, I am guilty; try me for treason.

Why, Mr. President, when this session opened a simple resolution asking for information was tabled by the majority in this body, and the purpose, evidently planned, was that nothing should be laid before the people of the United States. The policy of suppression in that way became too irksome, and, finally, the effort now is made to refer such resolutions to a committee, and thus smother investigation in that way.

Is this a Republic? Do the people rule? Are they no longer entitled to a knowledge of the history which we have made? Mr. President, locked up in the secrets of the State Department are the reports of our consuls in Cuba previous to the outbreak of the Spanish war. They have never been laid before this body; they have never been made public to the American people. The same course has been pursued through all this wretched business. It accords well with the idea that we shall establish in the place and upon the ruins of the Republic an empire, a government ruled without the knowledge or consent of the people.

If protesting against this is treason, if denouncing this thing is treason, then I am guilty, let the consequences be what they may.

Mr. President——

Mr. CHANDLER. I object to further debate.

Mr. PETTIGREW. I do not care to discuss the question further this morning.

Mr. LODGE. Mr. President, it seems to me rather harsh that, after the charges which have been made here under unanimous consent, those of us who take the opposite view should be suddenly cut off from all reply. There should surely be some fairness in such a matter. It has been charged here——

Mr. COCKRELL. We have not objected on this side.

Mr. JONES of Arkansas. I hope the Senator from New Hampshire will withdraw his objection.

Mr. CHANDLER. I withdraw my objection.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] is recognized.

Mr. LODGE. Mr. President, my objection to this pamphlet is not that it contains the truth, but that it is a mass of falsehoods. I want all the truth published, and I for one resent this continual heaping of slanders upon the men charged with our Departments and with our executive affairs, that they are holding back information from the American people. It is their one desire to lay everything before the American people; and when that mass of papers we have called for is put upon that desk and printed, the persons who will regret their appearance are not those who are supporting the Administration and its policy, but those who have slandered it here and elsewhere.

Mr. President, it has been stated here in so many words this morning that Admiral Dewey saluted the Filipino flag, that he recognized the independence of the Filipinos. These assertions are added to the charges in that lying pamphlet, translated and printed in Springfield, although the copy I saw purported to come from Luzon. I wish now and on this account to read the whole of Admiral Dewey's letter. I had no desire to bring Admiral Dewey into this any more than was absolutely necessary. I thought the few sentences that I had read were enough to show to the Senate, without any distinction of party or of difference of opinion on this case, that it was neither becoming nor proper to give the imprint of the United States to such material as this. Let us circulate the truth by all means, but do not let us circulate under the imprint of the United States branded slanders, which are attributed—whether rightly or wrongly I know not—to the authorship of a man who has been fighting the United States, or at least employing others to do so. I will read the whole letter:

The statement of Emilio Aguinaldo recently published in the Springfield Republican as far as it relates to me is a tissue of falsehood. I never promised him, directly or indirectly, independence for the Filipinos. I never treated him as an ally, except so far as to make use of him and his natives to assist me in my operations against the Spaniards. He never uttered the word "independence" in any conversation with me or my officers. The statement that I received him with military honors or saluted the Filipino flag is absolutely false.

Sincerely, yours,

GEORGE DEWEY.

Mr. President, we all know that the insurgent troops were used in the operations about Manila. This charge about saluting the Filipino flag and receiving Aguinaldo with military honors has been repeated and reiterated here day after day before the Departments have had time to send in the official facts; and now, in the presence of that denial from the most distinguished naval officer and Admiral of the United States, we are asked to send out, with the imprint of the United States, the slanders and the falsehoods contained in that pamphlet. I do not know what others may think, but as for the word of that pamphlet against the word of George Dewey, I take the word of George Dewey, as the people of the United States will take it, as final; and I do not think that the Senate of the United States ought to lend itself to any such business as this.

Mr. SPOONER. Mr. President, no one, I think, in the Senate or in the country would countenance any attempt anywhere to diminish the exercise of what is precious to all of us—liberty of speech; but I believe the people of the United States—and the Senator from South Dakota [Mr. PETTIGREW] asks whether they rule or not—must, in the circumstances of to-day, grow weary some time, if they have not already grown weary of the daily trial in the Senate Chamber, upon motions of inquiry, of the suit of Aguinaldo against the United States.

There ought to be a line drawn somewhere, Mr. President, in this matter. It may not perhaps be drawn in debate, but it may be drawn as to the placing upon the permanent records of this Senate of such communications as the Senator from South Dakota seeks by this rather evasive means to place upon them.

When before has it ever been proposed—and I do not intend to discuss the question as to what we shall do or what we ought to do in the Philippines, the question which the Senator from South Dakota daily seeks to discuss here—but when before has it been proposed in the Senate to place upon the records of this body a justification, or attempted justification, of his cause by a man in arms against the flag and against the Government of the United States? It is not simply a question whether the statements contained in that paper are true or false. So far as the American people are concerned, they will believe the statement of Admiral Dewey; and when the Senator from South Dakota asserts as a fact that Admiral Dewey saluted the flag of the so-called Philippine republic and Admiral Dewey says he did not, there will be no longer in the public mind, I think, if there ever has been, any question about it.

But here is a proposition to place upon the RECORD, coupled with a proposition yesterday to circulate it as a document printed by the Senate, a statement by a man in arms against our flag, spending his days and his nights in concerting measures by which he can kill the soldiers who rally around that flag—a statement intended to show that his cause is a just one and that our cause is not a just one.

Mr. RAWLINS. Will the Senator permit a question?

Mr. SPOONER. In one moment.

Mr. President, my objection to that is not that it sends the truth over the country; it is the effect it will have upon Aguinaldo and his forces, for it will be taken to be an adoption by the Senate of the United States of his statement as a true statement, worthy under the public imprint to be sent throughout the country. Does it need any argument to show that the effect of such action by the Senate can not be otherwise than detrimental over there? Can it be otherwise than a direct encouragement to those in what I call insurrection against this Government and against our flag? Whatever the people may say after a while about this question when the war is ended, I think they stand by the Army of the United States, Mr. President, and that they will have no sympathy with any utterance, here or elsewhere, which endangers the life of one man wearing the uniform of the Federal Army and fighting 7,000 miles away under orders and under the flag.

Mr. RAWLINS. Will the Senator now yield?

Mr. SPOONER. In one moment.

Mr. RAWLINS. The question I desire to ask the Senator is directly in the line of what he is saying.

The PRESIDENT pro tempore. The Senator from Wisconsin declines to yield.

Mr. SPOONER. I decline for one moment.

Mr. President, there has just reached San Francisco an American ship bearing to his last rest the body of General Lawton, killed on the firing line under our flag in the Philippines—as chivalrous a soldier as ever led a column into battle. He is dead. His broken-hearted widow and children are bringing him back to his own land and to a people who love him and admire him, not only for his long life of splendid military service, but for his gallantry and fidelity over there in the struggle against Aguinaldo and to carry forward our flag and the authority of the United States. Dead he is; but, Mr. President, he still speaks; and I want to read here on this occasion his opinion as to the effect of such propositions as this and some of the debate we listen to here upon the safety of the Federal Army:

I would to God that the whole truth of this whole Philippine situation could be known by every one in America as I know it. If the so-called anti-imperialists could honestly ascertain the truth on the ground and not in distant America, they, who I believe to be honest men misinformed, would be convinced of the error of their statements and conclusions and *of the unfortunate effect of their publication here*—

That is the point of his letter—

If I am shot by a Filipino bullet, it might as well come from one of my own men, because I know from observation, confirmed by captured prisoners, that the continuance of fighting is chiefly due to reports that are sent out here from America.

Mr. President, the debate will go on; these resolutions of inquiry and propositions like this will go on without doubt, but I venture to hope that there may be a truce—I ask only for a short one—until General Lawton's body may be brought from San Francisco and laid away in the spot which is to be his last home on earth.

Mr. GALLINGER obtained the floor.

Mr. RAWLINS. I wanted to ask the Senator from Wisconsin a question.

The PRESIDENT pro tempore. Does the Senator yield?

Mr. SPOONER. Of course.

Mr. RAWLINS. Mr. President, the objection which I understand the Senator from Wisconsin to make in this case is to the placing of anything upon the RECORD which emanates from Aguinaldo, the leader of the armed insurgents against the United States. Is the Senator not aware of the fact that the Administration itself, in repeated documents sent to us, has made public many things emanating from that same source? And is it any more a violation of the obligation of patriotism for a member of this Senate to present a statement also from the same source bearing upon the condition of those distant islands than it is for a friend of the Administration or the Administration itself to do so; or are we to be content with precisely and only such facts as may come to us after the scrutiny of censorship; and are the American people to be kept in the dark as to the real situation, if only it is deemed necessary by those who are standing upon the threshold of a political campaign?

I would not and I do not think there is any member of this Senate who would desire to lend encouragement to any man in arms against the authority of the United States.

Mr. GALLINGER. Mr. President——

Mr. RAWLINS. But when a letter is read here emanating from a distinguished general, who, with true patriotism and with sublime courage, has fought the battles of the Republic, and it is read here only for one purpose—to create a sentiment in support of a political propaganda; and when we know that that officer and other officers in those far-away islands have by rigid censorship been cut off from sources of information which are open to us, and which are open to the Administration, but not open to them—when a statement like that comes from General Lawton, we have in charity the right to say that he, like other officers in those distant islands, is not cognizant of all the facts relating to this situation.

Mr. President——

Mr. GALLINGER. I am interested in listening to the Senator, but I was recognized and simply yielded for a question.

Mr. SPOONER. The Senator from New Hampshire must remember that the Senator from Utah is asking me a question.

Mr. GALLINGER. Yes; certainly.

Mr. RAWLINS. I am answering it as the Senator originally did my question, and I will give him an opportunity to respond.

Mr. CHANDLER. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. CHANDLER. The Senator from Utah is not on the floor in his own right. My colleague [Mr. GALLINGER] is on the floor and yielded to the Senator from Utah [Mr. RAWLINS] to put a question to the Senator from Wisconsin [Mr. SPOONER].

Mr. GALLINGER. That is precisely the situation.

Mr. RAWLINS. I yield, and I regret that I intruded upon the time of the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I have remained silent during this session of Congress and remained silent during the third session of the Fifty-fifth Congress when these questions were discussed. It has been a matter of extreme pain to me to listen to utterances in this Chamber that, in my judgment, have been calculated to give aid and comfort to the enemies of the United States. I am not going to use the word "treason." I am not going to utter a single sentence that can possibly be contorted into questioning the right of free speech as it is understood in the United States; but, Mr. President, I do want to say that, in my opinion, it is time that the kind of talk we have been listening to from the Senator from South Dakota [Mr. PETTIGREW] should cease in the Senate Chamber. It is an utter abuse of free speech.

A few days ago the Senator from South Dakota openly sneered at the American soldiers, charging that they had looted churches in the Philippines and had committed acts that were unworthy of soldiers of the United States. He went further, Mr. President, and charged that the President of the United States had used brutal language in a proclamation that he had issued to the Philippine people. When I courteously interrupted the Senator from South Dakota to ask him to quote the brutal language that he said the President had used, he very discourteously made reply, uttering words that he very properly, with my consent, left out of the RECORD in its printed form.

The contention to-day, it seems to me, is very simple. It is a question whether we shall believe a man who is in open rebellion against the authority of the United States or whether we shall believe the hero of Manila Bay. Aguinaldo makes certain charges; Admiral Dewey denies that those charges are true, pronouncing them "a tissue of falsehoods;" and it seems to me that the loyalty of the American people will come to the rescue of Admiral Dewey and that his words will be believed in preference to the words of a man who is to-day engaged in shooting down the soldiers of this Republic.

What does the Senator from South Dakota propose to put into the RECORD? What does he propose to print as a document that will be circulated free of postage over the United States? I want to read just a few words from the document that we are asked to print and circulate at the public expense.

When finally they turned their attention to the treaty of Paris—

Says Aguinaldo—

the ratification of which, as far as the same regarded the annexation of the Philippines, was hailed with cries of joy and satisfaction by the imperialistic party, whose leader Mr. McKinley was, then they opened their eyes to the light of the truth, perceiving with clearness the low policy, selfishness, and want of humanity which Mr. McKinley had pursued and shown toward the Filipinos, mercilessly sacrificing the honor of Admiral Dewey.

This man goes on further to narrate in detail, as he says, the cruelties that the soldiers of the Republic have perpetrated in the island of Luzon, and it is proposed seriously and soberly by a Senator of the United States that language such as that, emanating from a man in open revolt against the authority of the United States Government, shall be put in the RECORD, and shall be circulated over this country under the franking privilege of a Senator of the United States.

Mr. President, I am opposed to doing that thing, and I hope that some method will be found that will prevent documents of this kind being put in the RECORD, and that will stamp with disapproval the efforts which are being made to cast reproach upon our Army, upon our President, and upon the policy which the Government is pursuing in this contest with the Filipinos.

I have but a single word more to say, Mr. President. A few weeks ago I received from Manila a little newspaper, which it was said was being printed by the soldiers of the United States Army in the island of Luzon. I want to read an editorial utterance from that paper. Here it is:

The war in Luzon must go on; it was brought on by the overbearing natives, and there is only one course under heaven to pursue. The sovereignty of the United States must be acknowledged in the archipelago before the next step can be taken. Any other course would be folly. Why not cease this chatter about the independence of the Filipinos? People of America, if you have a flag, honor it; if you have a Government, support it; if you have an Administration, strengthen it; if you have troops at the front, uphold them.

Mr. President, that is the utterance of the soldiers who are fighting under the flag of our country seven or eight thousand miles away from this Capitol, and I commend it to the careful and prayerful consideration of all the Senators who are upbraiding the Administration, denouncing our soldiers, and doing all they can to bring into disrepute the efforts of our Government to subdue the rebellion. Let us honor our flag, support our Government, strengthen the Administration, and uphold our brave soldiers and sailors in their efforts to restore peace and good government in the Philippine Archipelago. That is our duty, and the American people will hold to a severe accountability any and every man who does otherwise.

Mr. JONES of Arkansas. Mr. President, the Senator from Wisconsin [Mr. SPOONER] a few moments ago read what I understood to be a letter from General Lawton. I do not know where the letter came from, when it was written, or to whom; I do not know whether to the Senator or not.

Mr. SPOONER. It was not written to me.

Mr. JONES of Arkansas. I take it the letter was written by

General Lawton, and I very heartily concur in the wish expressed by him in the beginning of that letter, when he said, as I remember it now, "Would to God that the whole truth there could be known."

The Senator from Massachusetts [Mr. LODGE] stated that the greatest desire of the public officers in this country was to have the facts understood. Mr. President, I submit, without any temper and without any feeling, that we can not fail to have faith in the intelligence of the people of this country. I believe that the wish expressed by General Lawton is a wise one, and the desire expressed by the Senator from Massachusetts for the circulation of the truth here is just what ought to be our rule of conduct. I believe the whole truth ought to be known.

I think the most unfortunate thing in connection with this whole difficulty was when the first resolutions of inquiry were offered here that without any moment of consideration, without a solitary syllable of time for thought, motions were made to lay them on the table, thus manifesting an intention to cut off debate, to suppress facts, to keep information away from Senators and from the people of the United States.

It has been the practice here for a great many years when eminent men give expression to sentiments touching public affairs that, on the request of a Senator, a document shall be printed giving what they may have said or written and that it shall appear in the RECORD.

Mr. ALDRICH. It is a very recent practice.

Mr. JONES of Arkansas. It has been done again, again, and again, and without protest, ever since I have been in this body. I can name instances which I think will show the printing of such papers by the hundreds, if not by the thousands.

Mr. ALLISON. Only within very recent years. It is a custom that has grown up here within the last two or three years.

Mr. TELLER. Longer than that.

Mr. ALLISON. I ask the Senator to cite the printing of documents prior to three or four years ago.

Mr. TELLER. It commenced longer ago than that.

Mr. JONES of Arkansas. I can not undertake now to cite the documents that have been printed. I have no doubt the records will bear me out in what I say. When a few days ago I proposed to have printed a speech made in this city by an eminent Republican who has been a governor of his State, the State of Massachusetts, a temperate, reasonable, sensible, straightforward speech as I think—I heard the speech and I read it—the printing of it as a document was objected to by the Senator from Rhode Island; and why? Is it because the Senator from Rhode Island is unwilling to have the people of this country understand what a man of Governor Boutwell's experience and ability thinks upon these great public questions?

Mr. ALDRICH. Mr. President——

Mr. JONES of Arkansas. If so, it seems to me it is unfortunate that he is defending a position in public affairs which requires that sort of tactics.

Mr. ALDRICH. Mr. President——

Mr. JONES of Arkansas. One moment. I believe, with General Lawton, that the whole truth ought to be told and the facts understood.

I do not know what is in the paper the Senator from South Dakota asked to have printed. If it is the truth, we ought not to be afraid of it. I have sufficient faith in the intelligence of the American people to believe that the printing of statements that are not true when they are confronted by the truth, as they can be and will be, will do no harm. On the contrary, the printing of a statement that is not the truth, coming from Aguinaldo, would recoil upon him and hurt him more than the refusal here to print a statement he has made.

Now, what the facts are I do not know, but I do believe we ought to have faith enough in the intelligence of the American people to believe that when they understand the whole case, when they have heard both sides of it, without any attempt to suppress a full statement on both sides, there will be no shadow of a doubt that they will arrive at a correct conclusion. I am astonished to find gentlemen on the other side who seem to be moved by a different conviction. Now I will listen to what the Senator from Rhode Island has to say.

Mr. ALDRICH. I simply intended to interject into the Senator's speech the statement that I did not object to Governor Boutwell making a speech or circulating it at his own expense wherever he pleased; I do not object to the national Democratic committee or its chairman printing that speech and circulating it as their own wherever they please; but I do object to the custom of printing political speeches by the Government of the United States and at its expense for circulation as political documents.

Mr. JONES of Arkansas. The small number of four or five hundred documents which would be printed by order of the Senate is a matter of too small moment to excite the Senator from Rhode Island to this extent.

Mr. ALDRICH. That is quite true; but the Senator does not want to stop there. He wants to send that speech by the thousands and hundreds of thousands throughout the United States as a political document at the expense of the United States and save the money of the national Democratic committee.

Mr. JONES of Arkansas. Whatever printing of that document would have to be done beyond the few hundred printed for the use of the Senate would have to be done at the expense of the men who wanted to circulate it.

Mr. ALDRICH. But there is the postage. There would be thousands and tens of thousands of dollars expended by the United States Government in circulating the political speeches of an ex-governor.

Mr. JONES of Arkansas. The Post-Office Department was intended to be a public convenience.

Mr. ALDRICH. Not in that way.

Mr. TILLMAN. Your party does it.

Mr. JONES of Arkansas. We understand by newspaper reports that there has been the most rigid censorship of the news allowed to come from Manila. If things can be found out which affect the public interest, and if you gentlemen believe you are right, you should have no fear of the public knowing it all. You can only fear the truth. It is not falsehood you fear, because you know perfectly well that the intelligence of the American people can be relied on not to be misled or duped or wheedled by misrepresentation. You have the opportunity. The officers are all on your side. They know all the facts. They can search the records. You can bring out everything to expose the falsity of anything that may be printed.

It is not from any partisan sense that I speak, but I do believe that there has been manifested in the Senate a desire to prevent the full truth from being known. I believe it as honestly as I believe my soul is my own, and believing that, I have no doubt there are thousands of other American people who believe the same thing.

Now, if you want the truth told, as General Lawton suggested and as the Senator from Massachusetts says the public officers want, let it be told. When a Senator comes here and desires to have printed a document which he believes will add to the sum of knowledge of the country on this subject, let it be printed; and if he chooses to go to the expense of having it printed for distribution, he ought to be allowed to do it. It does seem to me, without any feeling or temper, that the reasonable course is to allow this practice to go on as it has gone on.

Only a day or two ago the Senator from Massachusetts [Mr. LODGE] delivered a very able and eloquent speech outside of this Chamber. It was printed as a document by unanimous consent, because it is a matter of public interest. I never expect to object to anything of that kind.

Mr. LODGE. Will the Senator from Arkansas allow me to interrupt him?

Mr. JONES of Arkansas. Certainly.

Mr. LODGE. The Webster statue was given to the United States and accepted by a committee of Congress. That was an official proceeding.

Mr. JONES of Arkansas. It was not a part of the proceedings of the Senate.

Mr. LODGE. Not at all.

Mr. JONES of Arkansas. The speech was made away from here.

Mr. LODGE. It was an official proceeding of Congress, which has been repeated over and over about all the statues that have been presented to the nation.

Mr. JONES of Arkansas. Certainly; I have no doubt of that, and that is only an illustration of what I was saying a while ago, that printing of this sort has been done time and time again.

Now, I would be very much better satisfied with the present situation if I felt sure that this spirit of censorship which has been exercised so rigidly in Manila was not, in my opinion, exercised with equal rigor in the Navy Department and the War Department in this city. If the Senate of the United States will make up its mind and say to the public, "You are entitled to know the whole truth in this matter and you can judge what is true and what is false," and will allow any Senator to come here on his motion bringing a paper that he believes to be worthy of consideration and present it to the Senate for printing, and let it be done in a reasonable way, I believe it will be much more satisfactory to the country and much more creditable to the management of this war.

Mr. LODGE. Mr. President, we do want the truth, and I can not too often reiterate it. My objection to this pamphlet is that it puts into Admiral Dewey's mouth words that he never uttered. It purports to be a report of things which he never said. We are not asked in this paper to circulate the truth. We are asked to circulate, as I have already stated, a branded lie.

Mr. JONES of Arkansas. Let the two statements be printed side by side and submitted to the intelligence of the American people.

Mr. LODGE. Let it be printed at the expense of the people who like such literature.

Mr. PETTIGREW. Mr. President, the ship which brought

General Lawton's body to this country brought also the body of one of my dearest friends, the adjutant of the First South Dakota Regiment, killed after the treaty of peace was signed, killed in a service in which he did not enlist, killed in a service which he believed was wrong. Yet, brave boy that he was, he led his forces to victory many a time and finally fell in that distant land.

Mr. President, I want a truce. I wanted it before my friend was killed. I wanted a truce before the sixty South Dakota boys were killed. Aroused by a just indignation and a grand patriotism and a splendid enthusiasm, they enrolled their names to drive from this continent the despotic power of Spain. But they are gone, drafted into an unwilling service and killed in an unwilling service, after they had a right to go home—after their term of enlistment had expired. With unparalleled bravery and courage they obeyed the commands of their President and went to their death.

The day after fighting began at Manila, Aguinaldo asked for a truce. He said, "Fix the limits of a zone which we shall occupy, and let us try, without bloodshed, to settle this difficulty;" and the answer was, "Fighting having once begun, it must go on to the grim end." But if the request had been granted, if the truce had been given, General Lawton would be living to-day and the South Dakota boys would be in the bosoms of their families instead of moldering in the soil of Luzon. Day by day, constantly from that time to this, the Filipinos fighting for freedom have sent their envoys asking for peace, begging a truce. The President at Fargo says Aguinaldo offered peace for independence. Peace for independence!

He said he had another price for peace a short time ago, but the United States never gave gold for peace. Aguinaldo did not ask gold for peace. He asked for that boon, dearer than life, which made our forefathers found this Government and which has brought into being every republic throughout the world. Fight until they surrender! If that rule had been applied, the war of the Revolution would still be going on. No self-respecting people would lay down their arms at such a challenge.

That the Filipinos have the capacity of self-government is demonstrated by that fact. All we have to do to stop bloodshed in the Philippines is to say to those people they shall have that priceless boon which is so dear to us and which they have shown is dear enough to them that they are willing to lay down their lives for it. Why shall we not do it? Why shall we continue this war of aggression? But a few provinces only in those islands have been conquered. Our troops occupy less than one-quarter of the area, and over the rest Aguinaldo's government still prevails. That is the situation to-day. All the provinces of northern Luzon are untouched, and the peaceful government which Sargent and Wilcox describe is still being carried on. Much of the southern part of Luzon is still unoccupied by our troops. Almost no portion of the other islands of the archipelago have been occupied by us. We are on the shore and in but a few places; and this war, in my opinion, will go on and on for years unless we say to those people that which we ought to say and say it at once, "You shall have your independence."

This talk about revolt, about fighting insurgents, it seems to me, is absurd. How can we have title without possession? I think it is a fair proposition, well sustained in international law, that when a country is purchased, possession must come in order to give sovereignty. Spain could not give any possession, because her power was ousted and another government existed in its place. There is no revolt; if we stop fighting, the war will be over.

The other day the Queen of England, in her message to the Parliament, made this statement:

> In resisting the invasion of my South African colonies by the South African Republic and Orange Free State my people have responded with devotion and enthusiasm to the appeal which I have made to them, and the heroism of my soldiers in the field and my sailors and marines who were landed to cooperate with them has not fallen short of the noblest traditions of our military history.

Here, then, is a charge that the Boers have attacked Great Britain. The same charge is made against the Filipinos, although the facts do not bear it out any more than they do in the case of the Boers. The excuse, then, is the cry of the flag, the appeal to patriotism, the effort to rally our people to sustain an Administration in doing the greatest wrong ever perpetrated by a government in the history of the world. It is the policy Great Britain has followed always, and she has become our teacher and our director in our affairs. Great Britain in all her conquests for the last fifty years first got in where she had no business to be, and has placed her armed forces in antagonism to the liberties of other people, and then when the flag was fired upon she has rallied her people to the defense of the flag.

She has said, "We can not talk peace. We can not listen to the proposition of right or wrong, or questions whether we had a right to be there or not, until the enemy surrenders." It was so in Ireland from the earliest day. Trouble occurred in Ireland because of resistance to oppression and aggression and wrong, and then they said, "The strong arm of British power must be used to suppress discontent in Ireland, and when it is suppressed then we will try and do right," never doing right when Ireland was pacified by power. Outbreaks again occurred, and then the same plea was made to the English people; and so it has been around the world.

The South African Chartered Company have killed in South Africa in the last twelve years 4,000 men and themselves have lost but five or six men, with the same old plea, adding territory after territory to their possessions; and now it is argued in the English Parliament, now it is insisted by the Queen of England, that the fighting must go on in South Africa until the two Republics in South Africa are destroyed. The same argument is heard here. Fighting must go on to the grim end, until these men struggling for freedom are all killed or lay down their arms and surrender, and then we will determine, without their being consulted, what shall be done with what is left.

Against this, Mr. President, I protest. I believe that it is an attack upon our institutions, a reversal of the history of this Government, and an abandonment of those doctrines which we have held so dear through all the years of our existence as a nation.

Mr. SEWELL. Mr. President, I do not know anything practically about the Boer situation, and I do not wish to take part in its discussion, but I do know something about our own relations to the Philippines. I was not in favor of the Philippine acquisition. I stated emphatically that the islands had a population of from eight to ten million people, a third of whom were civilized, the balance savages and pirates, and that as it took over a hundred years to control the remnant of the American Indians, it was a problem as to how long it would take us to civilize the population of the Philippines. Those were my own opinions; but my duty as a citizen of the United States is above my personal opinions. As soon as the treaty of Paris was concluded and ratified in this body, I sank all that I thought on this subject. I saw the flag attacked. I, as an American citizen, would like to have been there. In that attack on our flag my own personal opinion vanished, and with me it was the country and the flag, right or wrong.

I have followed the fortunes of that flag through all this controversy in the Philippines. I have a gallant son who was on the staff of Lawton and who went with him and received him with his death wound on the field, and I naturally have sympathy with him and with the officers of our Army. I deprecate beyond measure the action of the Senator from South Dakota. I should say that he is a traitor to his country under the circumstances. The idea of bringing in here a paper by the arch-traitor of Manila, the fellow who sold himself out to the Spaniards and now wants to sell himself to us, and defending it and wanting it to be published at the expense of the Congress of the United States, is to me outrageous in the extreme, beyond measure. That a man clothed with the dignity of a Senatorship of the United States, the representative of a sovereign State, should propose here that the man who is in opposition to us, who has carried on the war, should have this as a forum to advocate his own opinions, to be disseminated at large to the people of the United States at the expense of the Congress of the United States, is monstrous in the extreme.

Mr. President, the body of the distinguished Lawton, a personal friend of mine, as gallant a soldier as ever lived, arrived in San Francisco yesterday. The remains will be buried here in a few days. That distinguished gentleman and fine soldier, who was always at the front, stated to me that the war was continued by the men who had not accepted the situation as I had, notably Mr. PETTIGREW, from South Dakota. The life of Lawton is as much chargeable to him to-day as it is to the bullet of the Filipino.

Mr. TELLER. Mr. President, I doubt very much whether there is much profit in continuing these debates, but I merely wish to say a few words. In the first place, I want to speak of the custom that has grown up here of publishing documents. The Senator from Iowa [Mr. ALLISON] seems to think that it is of very recent occurrence. I will show the Senator that long before he or I came into the Senate the custom prevailed. I can recall some documents from outside people that were presented by Senators and published even before he came into the Senate. It has been intensified perhaps in later years, and I think occasionally abused, but it is a valuable privilege, and one that I think, under the proper discretion of the Senate, ought not to be interfered with. I do not think as a rule it will be very much abused.

Mr. President, I agree with the Senator from Arkansas [Mr. JONES] that there has not been quite that promptness on the part of those in power in responding to requests for information that there ought to have been, in my judgment. I believe I have voted in the affirmative for every resolution of inquiry, when a vote has been taken, because I believe that in all these affairs the way to have the Government sustained is to have the people understand what has been done, and I believe great harm is done by withholding from the public information on those matters in which they are interested.

Mr. President, I do not agree with the Senator from New Jersey [Mr. SEWELL] who has just taken his seat. I believe that every Senator here, under the responsibility that rests upon him as a Senator, has a right to stand on this floor, even in time of war,

and if he does not think the proceedings of the Government are correct, he has a right to say so. He has a right under the responsibility that is put on him. He has a right to offer to put into the RECORD such things as he thinks proper. It must be a question for each Senator to decide for himself. I have voted, as I have said, with great liberality for all these resolutions for information and for putting articles in the RECORD. In this particular case, if it came to a vote, which I understand it will not under the ruling of the Chair, I should vote against putting it in. I should so vote because there is a question of veracity between the author of this paper and the Admiral who is quoted. If we send out this document, we do not send the Admiral's denial with it. If the poison goes out, the antidote does not accompany it. It seems to me, under the circumstances, that the Senator from South Dakota can safely and properly withdraw his proposition, although, perhaps, it has been ruled out by the Chair.

Mr. President, I wish to say a word or two more about the sensitiveness of some of our friends here as to criticisms of the Administration. I have not criticised it as a rule except in what appeared to me to be very plain cases. I do not know whether or not I am going to agree with the Administration when it comes to settle this question finally. If some Senators who have spoken on this floor have spoken for the Administration, which I do not believe they have, I should not agree with it, and I should be ready to criticise it freely. Our relatives across the water are having a very ugly war. They are divided as to the justice and righteousness of it. You will find, I think, without exception that the members of Parliament will stand up and express their opinions for and against the administration without interference, and I doubt very much whether any member will rise and call another a traitor because he sees fit to exercise what I think is the greatest right of a member of Parliament or a Senator—to criticise the administration of public affairs at any time when in his judgment it deserves it.

There is no reason, in my judgment, for these repeated charges on either side. On one side it is said that we who voted for the treaty have brought all this misfortune on the country and we are to blame. On the other side it is said that those who opposed the treaty have brought all this misfortune on the country and they are to blame. Each Senator here exercised his best judgment. He did it from the same patriotic standpoint. I believe myself that the interest of the United States—and I was looking after their interest and not that of the Filipinos—requires that we should ratify the treaty. I was anxious for its immediate ratification. I am impressed now with the belief that one of the mistakes was that we did not ratify it instanter. I will not charge that those who deferred the treaty brought on the war, but I felt all the time that there was great danger that we would have a war if we did not soon dispose of the question as to what our power was there, which we could not do pending the treaty.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. I yield.

Mr. TILLMAN. I ask the Senator whether, in his opinion, if the vote had been taken the day before it was taken, we would have ratified it at all?

Mr. TELLER. Mr. President, that has nothing to do with the question. I will not be led off on that point. I repeat, my anxiety relative to the treaty was to prevent what did finally occur, and it is very possible that it would have occurred anyway. We are now engaged in a war. I can not myself but feel that I must stand up for the Government, for I do not believe there has been any intention on the part of this Administration in that respect to do anything wicked or bad. There may be errors of judgment; there may be mistakes; and yet we are in a war. I believe, Mr. President, that I know what the American feeling is. I believe it is that you have got to conclude a peace in those islands, that you have got to have authority there.

Mr. President, I do not have the great admiration for this insurgent chief, as he is called, that some of our associates have. I have admiration for any man who stands up and fights for what he thinks are his rights, and I have no doubt but that this man thinks he is fighting for his rights; however, his history, so far as I have been able to learn it, does not indicate to me that he has such a great interest in the rights of the masses of the Filipinos as some of our friends think. The kind of a government that he organized there was not such as to make me rate him with George Washington or any of the great lovers of liberty and law or the great statemen of the world. He had a government such as we could not endure, and such as no people who have the aspiration for freedom would ever have endured for any considerable length of time.

But, Mr. President, why should there be recrimination? Everybody says, on both sides of this Chamber, that we are going to stand by the Government until the war is over. That, I believe, the American people will exact of us; that I believe to be our duty; and when that has been done we will try and settle the other questions. We were compelled by the condition of affairs when the war with Spain was over to keep our Army there for a time at least. Does anybody suppose that if we had immediately withdrawn from Manila Aguinaldo would have been the chief of those islands to-day? Mr. President, there would have been a European flag flying there. Those islands would have been the prey of all Europe, and one nation or another, either with the consent of the other or without, would be dominating those islands at this hour.

Mr. President, they are the most valuable islands in the world. My interest in them is not that they are valuable, but that is the interest the rest of mankind have in them. That is the reason why three or four great European powers wanted to put up their flag there. Those islands are full of coal. Coal has become to-day as necessary in war between one nation and another as powder and guns. There are nations which have not much coal, and if they could have obtained control of those islands they would have been in a condition to dominate the Asiatic sea.

I do not think it is proper upon such an occasion to speak of the nationalities that might have raised their flag there. If we had withdrawn our troops in the condition that was there, no man can read the correspondence between Aguinaldo and General Otis but will believe that Aguinaldo himself intended to allow his troops to receive their compensation by looting the town, and when he had done that there was not a European nation that had citizens there that would not have had a right of intervention and would not have exercised that right. The ships of European countries were kept in the Asiatic sea that they might do it.

I say, Mr. President, we owed it to the world, we owed it to the peace of mankind that we kept our ships there and our soldiers there and that we kept control of those islands until after the treaty had been ratified, at least. Unfortunately, before the treaty was ratified we found ourselves engaged in a war. I am going to leave the consideration of the question whether it was right or wrong to the future to determine. I can not settle that question now, and it is not the time for any of us to undertake to settle it. Let those who made a mistake there, if mistake they made, or who acted corruptly, if corruptly they acted, take the consequences of their act when the act is fully understood. When peace shall have prevailed, when we shall settle down, I believe we will say to those people, What kind of a government do you want? What kind of a government are you capable of maintaining?

And I want to keep in mind, not only with reference to those people in the Asiatic seas, but the people on our coast, that those people will never under any condition of life and at no time in the future, in my opinion, be able to maintain such a government as we maintain and as our race will always maintain wherever it is dominant. But they have a right, Mr. President, to self-government as one of the inalienable rights of man. They have a right to it because they have shown that they belong to the race that are willing to fight for that they believe to be theirs. I do not believe there was ever a race that was willing to go to war in defense of its interests and rights but that is fit for free government, and I believe wherever you find a race that is organized into civilized communities that will do that, it is fit for self-government.

Mr. President, I believe our interests and our duty go together when we say to those people, "We will give you all the self-government consistent with the peace of the world—that is to say, we will let you manage your own affairs; we will see to it that nobody attacks you." I do not know that that will be the Administration's policy. I repeat, if the utterances of some Senators here speak for it, it will not be its policy. When it is not, I will challenge that policy as I have challenged every other that I know to be wrong. And until that is demonstrated it does seem to me that this question must be in abeyance; that it must be left; it must be determined by the conditions that exist when peace comes.

I said yesterday, and I repeat, that I feared the only peace which could be obtained there would be by the sword; and yet I repeat it is not beneath the dignity of this great nation of ours to say to those people, if they have an organization to which we can say it, "You were wrong in this matter; come and counsel with us;" and by diplomatic arrangements we can bring peace and order and submission for the moment to us, until we shall have an opportunity of establishing the government the Senator from Georgia [Mr. BACON] yesterday spoke about, and which his resolution declares. We shall bring order by first establishing a government and then helping to support it until it shall get into proper form.

Mr. President, I have said this not because I have any particular admiration for the present Administration. I am not one of its admirers, and I am not an admirer of the policy of the Republican party in many ways. But I have always put above every party consideration the interests of my country. I believe that that is my duty first. I can see no other way out of this question with honor, and, Mr. President, I do not use the term in the sense that some men use it. I believe that we are under obligations to the world to maintain peace there, and, if it is necessary, to conquer a peace by war. I think we would deserve the contempt of man-

kind if we withdrew our army before we had established order and a condition that would protect not only the Filipinos, but the strangers who dwell at Manila and in other parts of that country.

Mr. HAWLEY. Mr. President, I shall say what it seems to me it is my duty to say, and I shall say it as briefly as I can.

This man Aguinaldo has been exhibited before the world as an embezzler and a scoundrel. He is making a wholly unnecessary war, an unjustifiable war, against the people that delivered him and his people from Spanish control. He knows perfectly well that it is the intention and promise of the United States, practically, as time shall justify it, after peace shall have been restored, to lead them in the path of self-government, beginning with the humblest beginnings, in establishing municipalities, in encouraging internal improvements and education and religious institutions. He knows all that well. He has only to stop fighting in order to have his people come under the guardianship and generous aid of a great nation of 75,000,000 people.

Now, he publishes this document. The Senator from South Dakota wants it published. It is published already. It is open to any of the gentlemen who like that sort of thing to subscribe a few thousand dollars to circulate it everywhere. But suppose it goes into Manila and is thought a good thing to spread among the soldiers of the United States, what is the inevitable effect of it? To discourage the soldiers, to encourage desertion; and everywhere else it goes the inevitable effect is to discourage enlistment. Is not this to aid and comfort the enemies of the country? It is done deliberately, with a clear knowledge of what will be the result of the action; and the law says that a man shall be responsible for that which is the inevitable effect of what his action is. If he fires a loaded gun down a crowded street he is supposed by the law to intend murder.

I think the men who wish to circulate this document are to be responsible for some of the blood that is shed, and that, I am sorry to say, will have to be shed, before peace has been established there.

Another observation, and perhaps I will quit.

The Senator from South Dakota does not, like a fair-minded man, propose to publish with the Aguinaldo statement the letter of Admiral Dewey, because that would stamp Aguinaldo as a liar, as we know he is. His friend is a liar, an embezzler, a thoroughgoing scoundrel. He stands by him, and Aguinaldo doubtless considers the Senator his particular friend, and will take good care to publish his remarks among all his so-called constituents, among his troops. And yet the Senator from South Dakota poses as a friend of his country!

Mr. PETTIGREW. Mr. President——

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. BERRY. Mr. President——

Mr. PETTIGREW. Will the Senator from Arkansas yield to me for ten minutes?

Mr. BERRY. Does the Senator wish to have the unfinished business set aside?

Mr. PETTIGREW. Not at all.

Mr. BERRY. I will yield for five minutes to the Senator, but I will give way to no one else after that time.

Mr. PETTIGREW. Five minutes is not long enough.

Mr. BERRY. I want to go on with the financial bill, but I will yield to the Senator. I wish to say, however, that I would not have yielded to anyone but the Senator from South Dakota. He was, as I conceive, attacked personally, and I therefore yield him such time as he wants for the purpose of making a statement in regard to the matter which has been under consideration.

Mr. PETTIGREW. Mr. President, I do not care to reply to the personal attack upon me, nor to the charge that I am a traitor to my country. I yield to no man in my devotion to my country and my flag. I am jealous of her honor, and I believe that her honor can only be saved from stain by a reversal of the policy into which this Administration has led us. I believe that only by protesting against the violation of our pledges and against the overthrow of all the principles upon which this Government is founded, by insisting upon returning to the doctrines of the fathers, to the principles of the Declaration of Independence—that governments must derive their just powers only from the consent of the governed—can we save our flag from stain and country from dishonor.

That is as much of a reply as I care to make to the insinuations of the Senator from Connecticut [Mr. HAWLEY] or the statement of the Senator from New Jersey [Mr. SEWELL].

Now, with regard to Aguinaldo, they charge that I am defending a forger and a bribe taker and a scoundrel upon this floor. I will simply read from the record sent to us by the President upon that subject. I will read from Document 62, from the official reports by our officers in Luzon, and we will see whether the statement is sustained by the facts.

Last year the President of the United States in sending the Spanish treaty to this body accompanied it with a document which contained the reports of our consuls in the East and our officers in Luzon. It is presumed that he knew the contents of the document, that he was not ignorant of the records of his own department. Yet October 13, 1899, the President, at Fargo, in North Dakota, said:

> The leader of the insurgent forces says to the American Government, "You can have peace if you give us independence." Peace for independence! He had another price than that for peace once before, but the United States pays no gold for peace. We never gave a bribe for peace in all our history, and we never will.
>
> Wherever that standard is raised, it stands for liberty, for civilization, and humanity.

The President thus charges that Aguinaldo sold out to Spain, reiterating a charge that had been proven false by the repeated statements of his officer; repeating a charge that was conclusively proven untrue by the records of the Department of State.

The charge is now made by the chairman of the Committee on Military Affairs of this body [Mr. HAWLEY], the Senator from Connecticut, that Aguinaldo sold out to Spain. In Document No. 62, transmitted to us by the President, on pages 380 and 381, General Merritt says:

> There are a number of Filipinos whom I have met, among them General Aguinaldo and a few of his leaders, whom I believe thoroughly trustworthy and fully capable of self-government. * * * Aguinaldo, honest, sincere, and poor; not well educated, but a natural leader of men, with considerable shrewdness and ability, highly respected by all.

In a memorandum which General Greene presented to the peace conference at Paris he says:

> In August, 1896, an insurrection broke out in Cavite under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying successes on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the governor-general, Primo de Rivera, entered into written agreement with Aguinaldo, the substance of the document which is in the possession of Señor Felipe Agoncilla, who accompanied me to Washington.
>
> In brief, it required that Agoncilla and the other insurgent leaders should leave the country, the Government agreeing to pay them $800,000 in silver and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty for all insurgents, and the expulsion or secularization of the monastic orders.
>
> Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, $400,000, was deposited in banks at Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Artacho, which is interesting on account of the very honorable position taken by Aguinaldo.

"On account of the very honorable position taken by Aguinaldo."

> Artacho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so, it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artacho $5,000.
>
> No steps have been taken to introduce the reforms, more than 2,000 insurgents, who have been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

This was written August 30, 1898. He took that money and used it as our ally to fight Spain, to buy guns and ammunition to carry on the contest against the common enemy; and yet he is charged with being a bribe taker and a scoundrel.

Oscar F. Williams, our consul at Manila, writes to Mr. Day, the Secretary of State, May 25, 1898, on page 328 of Document 62:

> To-day I executed a power of attorney whereby General Aguinaldo released to his attorneys in fact $400,000 now in bank in Hongkong, so that money therefrom can pay for 3,000 stand of arms bought there, and expected here to-morrow.

Mr. Wildman, our consul at Hongkong, reports to Assistant Secretary Moore exactly the same story, on pages 336 and 337, in Document No. 62. I will not read it, because it is long, but I will insert it, if there is permission, in my remarks.

The matter referred to is as follows:

> I have lived among the Malays of the Straits Settlements and have been an honored guest of the different sultanates. I have watched their system of government and have admired their intelligence, and I rank them high among the semicivilized nations of the earth. The natives of the Philippine Islands belong to the Malay race, and while there are very few pure Malays among their leaders, I think their stock has rather been improved than debased by admixture. I consider the forty or fifty Philippine leaders, with whose fortunes I have been very closely connected, both the superiors of the Malays and the Cubans. Aguinaldo, Agoncillo, and Sandico are all men who would all be leaders in their separate departments in any country, while among the wealthy Manila men who live in Hongkong and who are spending their money liberally for the overthrow of the Spaniards and the annexation to the United States, men like the Cortes family and the Basa family, would hold their own among bankers and lawyers anywhere.
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> * * * * * * *
>
> There has been a systematic attempt to blacken the name of Aguinaldo and his cabinet on account of the questionable terms of their surrender to Spanish forces a year ago this month. It has been said that they sold their country for gold, but this has been conclusively disproved, not only by their own statements but by the speech of the late Governor-General Rivera in the Spanish Senate June 11, 1898. He said that Aguinaldo undertook to submit if the Spanish Government would give a certain sum to the widows and orphans of the insurgents. He then admits that only a tenth part of this sum was ever given to Aguinaldo, and that the other promises made he did not find it expedient to keep.
>
> I was in Hongkong September, 1897, when Aguinaldo and his leaders arrived under contract with the Spanish Government. They waited until the 1st of November for the payment of the promised money and the fulfillment

of the promised reforms. Only $400,000, Mexican, was ever placed to their credit in the banks, and on the 3d of November Mr. F. Agoncillo, late minister of foreign affairs in Aguinaldo's cabinet, called upon me and made a proposal, which I transmitted to the State Department in my dispatch No. 19, dated November 3, 1897. In reply the State Department instructed me "to courteously decline to communicate with the Department further regarding the alleged mission." I obeyed these instructions to the letter until the breaking out of the war, when, after consultation with Admiral Dewey, I received a delegation from the insurgent junta, and they bound themselves to obey all laws of civilized warfare and to place themselves absolutely under the orders of Admiral Dewey if they were permitted to return to Manila. At this time their president, Aguinaldo, was in Singapore negotiating through Consul-General Pratt with Admiral Dewey for his return.

On page 347 of Document No. 62 Mr. Pratt, our consul at Singapore, June 2, 1898, makes the following statement to Mr. Day:

No close observer of what had transpired in the Philippines during the past few years could have failed to recognize that General Aguinaldo enjoyed above all others the confidence of the Filipino insurgents and the respect alike of Spaniards and foreigners in the islands, all of whom vouch for his high sense of justice and honor.

Mr. Schurman, in his Chicago interview (and this is the only authority I will read which is not vouched for by official documents) August 20, 1899, said:

[President Schurman Chicago interview, August 20, 1899.]

General Aguinaldo is believed on the island to be honest, and I think that he is acting honestly in money matters, but whether from moral or political reasons I would not say.—*Oriental American*, page 99.

The fact of the matter is that he tried to bribe the insurgents, as near as we can ascertain, and failed; they would not take gold for peace.

Now, I should like to ask the imperialists in this body what they think of a President who will go about the country saying that Aguinaldo had another price for peace, in the face of the official documents from his own officers in the State Department, where they declare that he acted with the highest sense of honor, that he took no bribe, but, on the contrary, deposited the money, and used it, when Spain failed to carry out her promises, to help us fight the Spanish forces?

What do you think of a President that will state that the United States never did give gold for peace, and never will, and then approve of the treaty with the Sultan of Sulu, which provides that we shall pay to the Sultan $250 per month and to his subchiefs a sum which in all amounts to $9,200 per year? In view of all these facts, of what future value is any statement the President may make upon this subject? Mr. President, I can not contemplate the fact without great sorrow that a man can occupy so high a position as that of President of the United States and yet disgrace that great office by repeated falsehoods—falsehoods proven so by the record of his own officers sent to us.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. BERRY. Mr. President, I realize how difficult it is to get the attention of the Senate on a subject different from that which has been discussed so long and ably this morning; but the measure known as the financial bill, which is the unfinished business of the Senate, is now the regular order of business to be debated, and it will be voted on upon the 15th day of February. This is a House bill. It has passed the House of Representatives, and it was reported here by the Committee on Finance of the Senate with an amendment in the nature of a substitute. However, the bill as it passed the House is before the Senate, and the remarks I shall make this afternoon will be directed to the House bill, for the reason that I am of the opinion that finally it is the House bill practically which will be passed by Congress and approved by the President.

I believe this, Mr. President, from the fact that it was the caucus bill of all the Republican members of the House. They held a caucus and agreed on this House bill, and it commanded the vote of every Republican member of the lower House of Congress. Therefore, I say it is the bill which the Republican Congress, as I presume, intend to pass and go to the country on at the election next fall. I have come to that conclusion from another reason, that the leading newspapers of the country which represent the national banks say that the House bill is preferable to the amendment reported by the Senator from Rhode Island [Mr. ALDRICH], and that it is the House bill they desire; and I have never yet known the Republican party to fail to yield to the demands of the national banks on any important question, when that demand was made known.

I therefore take it for granted that the House bill will be the law, after the President has signed it, upon which the Republican party will stand. It may be true that the Senator from Iowa [Mr. ALLISON] will succeed in getting on it some language that will tend to obscure the meaning of the bill or tend to confuse the situation somewhat. It is probably true that he will get language inserted in the bill which will enable the Republicans throughout the Western States to insist in the coming campaign that the bill means one thing, while the Republicans in the East will insist that it means another, and finally the Secretary of the Treasury will decide that the construction put upon it by the Eastern Republicans is the proper construction. I say the Senator from Iowa may get that accomplished. Without meaning any disrespect to him, I will say that no man is better calculated to write an amendment which would tend to confuse the situation and obscure the meaning of words than the Senator from Iowa.

Now, Mr. President, before I refer to the provisions of the bill, I should like to ask that the Senators who support it will tell the Senate and tell the country what is the necessity for the passage of such a measure. Every Republican member who spoke on behalf of this finance measure in the House of Representatives said that universal prosperity prevails in the country, that trade had never been so good, that capital was seeking labor, and that this prosperity existed to an extent which it had not existed for years. If that be true under the present law, I would ask the Senator from Iowa [Mr. ALLISON] to tell me why it is necessary at this time to so radically change the present law, particularly if no good is to be brought to the country by it?

When it is said that universal prosperity exists under the present law, those who make such a declaration are either not sincere in it or they are anxious by this legislation to change that situation for the worse. I want to say, so far as I believe, that the statement regarding prosperity all over this country is not true. It is true that the discovery of gold in Colorado, in Alaska, and in South Africa during the last few years has tended to increase prices and to make business better than it was before that time. It has been stated by one of the members of the other House that the production of gold in 1899 was equal to the production of both gold and silver in the year 1895. If that be true, and if that has increased prosperity, I would ask if those who favored the free coinage of silver were not correct when they said that an increase of the money of final redemption would tend to increase prices and to bring about prosperity?

If, in 1890, when the Sherman law was passed, you had passed a law for the free coinage of silver at the ratio of 16 to 1, and thereby brought into circulation the same amount of money of final redemption which gold alone brings in to-day, that prosperity which you claim has now come would have come in 1891, and we should have been saved all the distress which has followed by reason of an insufficient amount of money and the consequent reduction of prices. Those prices began to go down during the latter years of Harrison's Administration, and the decline continued during all the years of Cleveland's Administration. I say, if this increased production of gold has increased prices, then if both gold and silver had been coined, the silver money would have increased the circulation to about the same amount which the gold has to-day, and prosperity would have come in 1891 instead of 1899. But if it be true that this increased production of gold has increased prosperity and somewhat improved business prospects, if we will also coin silver to-day at the ratio provided by law, that prosperity will be increased many fold over that which now exists.

Then, Mr. President, as I said, if it be true that prosperity is general throughout the country, I would ask the Senator from Rhode Island [Mr. ALDRICH] why he brings this bill here to-day? You can not make it better, and do you not fear you will make it worse? If the House bill takes out of circulation 482,000,000 of silver dollars and $346,000,000 of United States Treasury notes, known as greenbacks, and ties them up in the Treasury, do you not believe that it will tend to depress prices throughout the country and to destroy this additional prosperity which you say has come?

Now, let us for a short time examine the bill. The first section provides:

That the standard unit of value shall, as now, be the dollar, and shall consist of 25.8 grains of gold, nine-tenths fine, or 23.22 grains of pure gold, being the one-tenth part of the eagle.

If that be the law to-day, I should like to ask the Senator from Rhode Island to tell the Senate what is the necessity for reenacting it? Is it because you are so anxious to do to-day what you said in 1893 you never intended to do? Is it because you want to show to the country that in 1892, when you made your Republican platform and declared in favor of bimetallism, both gold and silver, that you were insincere in that declaration and never intended to carry it out? Is it because in 1896 your platform declared that you were in favor of international bimetallism, yet to-day so anxious are you to show the national bankers of the East that you are in favor of the single gold standard that you put it into this act, yet you claim that it is already the law?

In 1893, when the unconditional repeal of the Sherman Act was before Congress, every Senator upon the Republican side of this Chamber and every Senator in the Chamber save and except the Senator from Louisiana [Mr. CAFFERY] declared that he was unalterably opposed to the single gold standard and in favor of bimetallism—the coinage of both gold and silver—and to-day you bring here a bill the first section of which says that we hereby establish the gold standard.

Section 2 of the House bill provides:

That all interest-bearing obligations of the United States for the payment of money, now existing or hereafter to be entered into, and all United States notes and Treasury notes issued under the law of July 14, 1890, shall be deemed and held to be payable in the gold coin of the United States, as defined in section 1 of this act.

This section says that all existing bonds and those which may be hereafter issued shall be paid in gold. Will some one who advocates the bill tell me what benefit can come to the country at large by changing this contract? The existing bonds are now payable either in gold or silver at the option of the Government, and you now propose to make them payable in gold alone. What consideration comes to the United States? What do the people who are to be benefited agree to give in order to have their contract changed from one payable in coin to one payable in gold?

I assert, Mr. President, that every outstanding obligation of this Government to-day is payable either in gold or silver at the option of the Government. Those bonds upon their face show that they are payable in coin at the ratio which existed on the 14th of July, 1870, which was either gold or silver, not at the option of the holder, but at the option of the Government. That is in the law itself and it is on the face of the bonds. I have here a copy of one of the bonds payable in 1907, which shows specifically that the Government reserved the right to pay in either gold or silver. It reads:

1877. Four per cent consols of the United States. 1907.
Principal and interest payable in coin.
(50)
At the Treasury of the United States.
The United States of America are indebted to the bearer in the sum of
7115. fifty dollars. 7115.

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt, approved July 14, 1870," amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent per annum, payable quarterly, on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority.

Washington, July 1, 1877.

S. J. MILLARD,
Register of the Treasury.

Act of July 14, 1870.

And yet, without any demand from the great body of the people of this country, you come here to-day and voluntarily change this contract into one which the holders of bonds think more desirable, without compensation being made to the Government, and you give to the bondholders a gold bond for one which the Government now has the right to redeem in silver.

When the last issue of bonds was made during the latter part of Mr. Cleveland's second Administration, the President sent a message to the Congress of the United States, in which he said if Congress would give him authority to issue bonds payable in gold coin, he could receive a much larger price for them than for bonds which were authorized under the existing law payable in coin; and a bill was brought into the Senate by the then Senator from Wisconsin, Mr. Vilas, the title of which was "A bill to save the Government $16,000,000."

It was alleged by him and by Republican Senators that the bankers who were going to purchase those bonds would give the Government $16,000,000 more for them if the Government would insert in the bonds a clause that they were to be payable in gold. That was specifically stated by the friends of the bill. Congress refused to give this authority, being unwilling to issue gold bonds, but bids were made for the bonds, and they were purchased for $16,000,000 less than would have been paid for them if it had been provided that the bonds should be payable in gold.

Notwithstanding those bonds were purchased for $16,000,000 less, as I have said, it is now proposed, without the holders of the bonds paying one cent to the Government, to change them into gold bonds. What think you, Mr. President, of such a proposition? What kind of justice is this to the great body of the people of the United States? Who is to be benefited by this legislation? No one save and except the holders of those bonds, the men who purchased them for a smaller price because they were payable in either gold or silver; and now, without any reason, save and except that you want to gratify them, and they make this demand, the Republican members of the House of Representatives solidly have said, "We will change this contract and pay the holders of those bonds in gold."

I pass over section 3, which provides for the establishment in the Treasury Department of a division to be designated and known as the division of issue and redemption, etc., and come to the fourth section of the bill, which provides:

That it shall be the duty of the Secretary of the Treasury to maintain the gold reserve fund, etc.

After some other provisions about the making of transfers, the section provides:

And in addition thereto he is hereby authorized to issue and sell, whenever in his judgment it is necessary to the maintenance of said reserve fund, bonds of the United States bearing interest at a rate not exceeding 3 per cent per annum, payable in gold coin at the end of twenty years, but redeemable in gold coin at the option of the United States after one year.

Here is a power conferred upon a single individual to issue the bonds of this Government to be payable in gold, and without any limit save and except his own judgment as to how many he shall issue. Whenever the Secretary of the Treasury thinks it necessary to issue bonds, he may issue $1,000,000 worth, or $100,000,000 worth, or $1,000,000,000 worth, so far as the law goes, and there is no power to prevent him from doing it. You give this power to one individual who has shown himself the friend and ally of the national banks of this country and the special friend of particular banks in which he has left the money of the United States so as to aid them to improve their credit; and you confer upon him this great power, which in olden times was never conferred upon any individual.

In the past the Congress of the United States kept the control of the issuance of bonds in time of peace within their own power, and they alone had the right to determine how many and what bonds should be issued; yet this proposed law says that the Secretary of the Treasury may issue as many bonds as, in his judgment, he may deem proper in order to maintain the gold reserve.

Why should this great power be conferred upon any individual, I would ask, Mr. President? You may say that the power will not be abused. I answer that that the Secretary of the Treasury can abuse it. I answer that you turn over to an individual a power which the Constitution left in Congress itself—to determine as to the amount of debt this Government should become involved in. Under this section, if the Secretary of the Treasury sees proper, he may issue bonds payable in gold which will be binding on the honor of the country and on the generations to come. Do you think it well to put such a provision in a bill of this character without any limit?

But that is not all of section 4. Further along it provides:

And if at any time the Secretary of the Treasury deems it necessary in order to maintain the parity and equal value of all the money of the United States, he may, at his discretion, exchange gold coin for any other money issued or coined by the United States. The notes and certificates so redeemed or exchanged shall be held in and constitute a part of said redemption fund and shall not be withdrawn therefrom nor disbursed except in exchange for an equivalent amount of the coin in which said notes or certificates were redeemed or exchanged.

You confer by that section power on the Secretary of the Treasury to redeem every outstanding silver dollar in the United States of America in gold, to redeem every United States Treasury note, amounting to $346,000,000, in gold, and you provide that that money shall not be reissued or disbursed except for gold; and yet you say that you do not intend to tie up the greenbacks and the silver in the country. It may be that the Senate substitute does not do so, but the House bill, for which every Republican member of that body voted, specifically provides that the Secretary of the Treasury may do that thing and thereby take out $800,000,000 from the circulation of this country—$482,000,000, I think it is, in silver and $346,000,000 in greenbacks.

Mr. President, I ask the Republicans who live in the western portion of our country if they are willing to confer power upon the Secretary of the Treasury to take out of circulation all the silver dollars and all the greenbacks—because the bill says he may exchange them for any money issued or coined, which includes both—to be covered into the Treasury and not to be paid out except for gold coin? Are you willing to go to your constituents on a record of that kind?

In 1896 my colleague in the House of Representatives [Mr. MCRAE] sent a letter to the then Secretary of the Treasury, Mr. Carlisle, inquiring whether or not silver dollars could be or were redeemed in gold at the Treasury. He was answered by the Assistant Secretary, who said that the silver dollars, being money of final redemption, were not redeemable in anything, and therefore the Treasury Department did not exchange gold for silver dollars. Later on, when Mr. Carlisle was pressed, in the latter part of the Presidential canvass, for information as to why silver dollars were as good as gold dollars, yet were not redeemable in gold, he was forced to say that if it became necessary he would redeem the silver dollars in gold.

It is true there was no law to authorize such redemption; but with one exception no Secretary of the Treasury, I think, since the war has ever held himself bound by the letter of the law where the national banks demanded that he should do otherwise. That exception, I think, was Daniel Manning, who was Secretary of the Treasury in Mr. Cleveland's first Administration. I repeat, the Assistant Secretary of the Treasury stated—and he told the truth—that silver was not redeemable in gold; but under the stress of the canvass later on Secretary Carlisle said that, if necessary, he would redeem it in gold.

Now, we have a bill here which it is proposed to pass through this Congress, and which has already passed the House of Representatives, which provides that the silver dollars may be redeemed in gold, and which provides also for the redemption in gold of the $346,000,000 of greenbacks, which you have asserted again and

again you never intended to retire, and when we claimed that you would eventually do so you said the statement was untrue and false, and yet your party in the House of Representatives voted solidly for a proposition to tie up $346,000,000 in the Treasury of the United States, providing that it can only be paid out by being exchanged for gold, thereby repealing the present law, which authorizes it to be used to meet the expenses of the Government.

Is that all, Mr. President? I think there are a few other provisions in this bill to which I shall allude which are very objectionable. Passing over several of the sections, I come to the provision which authorizes the national banks to receive the full face value or the par value of the bonds deposited in the Treasury of the United States that they may issue their notes, thus changing the law as it now stands, which is that they can only issue 90 per cent of the bonds deposited. Will any Senator tell me why the banks should have this additional advantage? What reason is there for it? It can not be said that it is in order to increase the circulation of money, because the same bill ties up $800,000,000 in the Treasury, thereby taking it out of circulation. That, then, is not the reason.

The only reason, Mr. President, why it is done is that the national banks have demanded this additional concession. They can make more money if they are allowed to issue their circulating notes to the extent of 100 per cent than they can at 90 per cent. They have asked Congress to do this for them, and the House of Representatives has already responded to that demand.

The next proposition to which I refer is one which reduces the taxes which the national banks are now required to pay.

Section 10 provides that hereafter the national banks shall pay upon the amount of their capital stock two-tenths of 1 per cent annually in the way of taxation. Under the law to-day they pay 1 per cent, I think, upon their circulation. Whilst I have not calculated accurately the reduction, I will say that this bill, if it becomes a law, will reduce by at least one-half the amount in the way of taxes which the national banks are now required to pay.

I should like Senators from the West who intend to vote for this bill, when they go before their Western constituents, to tell them, when taxes are imposed upon every deed, mortgage, and every check that their people draw, upon many of the medicines they are compelled to buy, and upon various other things, why it is that this Republican Congress steps in and provides that the only tax that shall be removed or reduced in any way whatever is the tax on national banks. Why are they more entitled to our consideration than other people in the land? Are they so poor that they can not pay the 1 per cent tax? Are they the people that the Congress of the United States, in endeavoring to relieve the distress of the country, should select, of all classes, reduce by one-half the taxes which they are to pay, and at the same time absolutely refuse to reduce the taxes to which I have already referred? Do you think such a bill is in the interest of the people at large, or is it a bill in the interest of national banks? There can be no reason for enacting such a law save and except the desire to accommodate those banks.

What, then, can Senators say when they are asked why they did not reduce the taxes on various necessities, why they did not take the tax off deeds and mortgages, why they do not remove it from patent medicines? You may answer that a war was in progress and that it was necessary to have money to prosecute that war. If that be true, why do you propose to reduce by one-half the taxes on the national banks, which are more able to bear taxation than any class of citizens in the country?

There is one other feature of the bill, Mr. President, to which I desire to allude, and then, after a few remarks on the bill generally, I shall conclude.

Under this bill the finances of the country are to be turned over absolutely to the national banks, the greenbacks are to be retired, the silver dollars are no longer to be considered money, and the single gold standard is to be established. Then you leave it in the power of the national banks to expand or contract the currency at their will. It is, you say, an elastic currency. Yes, it is an elastic currency when the national banks hold both ends of the elastic string and can pull it out or contract it as may conduce to their interest; and at the same time you say that the bill is in the interest of the people of the United States. What people, save and except the bondholders and the men who are running the national banks?

I have not gone into the details of the bill so minutely as did the Senator from Colorado [Mr. TELLER], but I hope the people of the country will examine the bill, and see if, from the beginning to the end of it, every word is not so framed and intended as to benefit the two particular classes of our citizens to whom I have referred.

Take the bill altogether, and what does it provide? That gold, and gold alone, shall be the standard money; that all bonds of the Government, which by the law and on their face are payable in either gold or silver at the option of the Government, shall hereafter be payable in gold. Not only this, but it provides also that all private contracts shall be payable in gold. It authorizes the national banks to issue bank notes to the full amount of bonds placed on deposit with the Treasury, and to expand or contract the currency of the country at their will; it reduces the tax to be paid by the national banks on their circulation by one-half; it authorizes the Secretary of the Treasury, at his own option, responsible to no man, with no appeal from his judgment, to issue interest-bearing gold bonds, without any limit as to amount save and except such as in his judgment he shall think proper. It also authorizes the Secretary of the Treasury to redeem all outstanding silver dollars and United States Treasury notes, commonly called "greenbacks," and the Sherman notes named in the law of 1890, in gold, and to tie them up and keep them in the Treasury, thereby reducing the circulation something over $800,000,000.

There is not one word or sentence in this bill for the benefit of the great body of our people who are engaged in agriculture. There is not one letter or one sentence in the bill which would tend to increase the price of labor or make the burdens of our laboring people less heavy than they now are. There is not one word or sentence in this bill which could be of any benefit to any class of citizens of the United States save and except the two classes I have named. The holders of United States bonds and the national banks are by the provisions of this bill to be the sole beneficiaries. I repeat, that you can search the bill from the beginning to the end and it does the identical thing I have said. It gives those men everything they have asked and places the finances of this country absolutely under the control of the national banks.

It confers power upon the Secretary of the Treasury to issue unlimited bonds, and under the present law, which it leaves in force, the Secretary of the Treasury can take the money collected in the way of internal-revenue taxes from the people and place it in the keeping of any favorite bank that he may select anywhere in the United States of America. No remedy for that is offered in this bill. Already, by his own report made to the House of Representatives, the Secretary of the Treasury has admitted that, under the law which authorized the sale of a Government building in the city of New York, a bank in that city purchased the building for something more than $3,000,000, that they paid to the Secretary of the Treasury or brought a check here to this city to pay it to him, for more than $3,000,000, leaving a small balance unpaid.

The law said that that should be turned into the Treasury of the United States, but the Secretary said to that bank, "I have the right to deposit moneys in certain banks. You take back these $3,000,000 and keep it in your bank, loan it out to whom you see proper, at such interest as you can get, and in the meantime I will pay you a large amount of rent upon behalf of the Government for that building;" and no deed was made because until a deed was made the bank was not responsible for taxes that were levied upon it. Yet this has been done and the pending bill seeks not to remedy such wrongs, but confers upon the Secretary this power to issue bonds until he can get sufficient money not only to aid one of his national-bank friends, but many throughout the country.

Now, I submit to the Senator from Iowa whether he thinks that this bill conforms to the profession which has been so often made by him and the leaders of his party on the floor of the Senate. He having voted on this floor that the Government bonds were payable legally, morally, and equitably in silver, why does he come in to-day and voluntarily give the bondholders what they ask and say to them, "We will change your contract and will pay you in gold?"

Mr. ALLISON. Where do I say that?

Mr. BERRY. You said that in the Stanley Matthews resolution, for which you voted.

Mr. ALLISON. Where in the Senate amendment, for which I hold myself partially responsible, do we propose to change the contract?

Mr. BERRY. I will read it. You said in the Stanley Matthews resolution that the Government had a right legally, equitably, and morally to pay the United States bonds in silver. You do not deny that. You do not deny you voted for that resolution. You say, "Where have I sought to change it?" I will read from the House bill which was passed, commanding the vote of every Republican in the House.

Mr. ALLISON. The Senator was standing me up here for inquiry and not the House. Now, the Finance Committee on the part of the Senate not only does not assent to the provisions of the House bill, but provides a substitute for every section of it; and if the Senator wishes to arraign me in any way as respects my former record or what I now propose, I trust he will confine his debate to what is in the substitute, for which I will be responsible in part and which, to the best of my ability, at the proper time I will defend.

Mr. BERRY. The Senator from Iowa was not in the Chamber when I began the remarks in which I stated that in my opinion the House bill would become the law and that I would confine my remarks to that bill. He says he is not responsible for it. I tell

him that the Republican party, and every member belonging to it in the House of Representatives, in caucus and on the floor of the House, voted for the bill which I have read, and it says that the bonds shall hereafter be payable in gold.

It may be that he would rather confuse, as I said a while ago, and somewhat obscure the meaning of that measure before he goes before the people in the national election, but it is the bill demanded by the national bankers, and I said your party never yet has failed to respond to every demand that they made; and if they still command it, it will be passed whether you agree to it or not. Therefore I referred to him because he had cast a vote. I will name to him another distinguished citizen of this Republic who voted for the Stanley Matthews resolutions—William McKinley, a member of the House of Representatives at that time. He said and voted that the bonds were morally, legally, and equitably payable in silver if the Government thought proper to pay silver.

Now, I say that the House has done this, and so I can only take the House bill; and with all the Senator's ability and his high standing I want to say that all the members of the House of Representatives are better evidence of what the Republican party will do than even the Senator from Iowa, united with the other members of the Finance Committee.

Mr. ALLISON. I am not responsible, except in a very small way, for what the Republican party may do. I was not speaking for the Republican party; but I understood the Senator to say that the present bonds, being payable in coin, we propose now in this bill—that I proposed and I understood him to mean that the Senate amendment proposed——

Mr. BERRY. I never referred to that.

Mr. ALLISON. Very well. I am glad the Senator did not.

Mr. BERRY. I did not.

Mr. ALLISON. Because it relieves him of the responsibility of failing to be familiar with the bill.

The Senator says that a committee of conference in the future is going to make some bill other than the one which the Committee on Finance, of which I happen to be a member, reported.

Mr. JONES of Arkansas. If my colleague will permit me——

Mr. BERRY. One minute; then I will yield. I ask the Senator if the House bill is not before the Senate now—the bill I am discussing? Is there not before the Senate the bill that passed the House of Representatives? Answer once in your life direct, yes or no. [Laughter.]

Mr. ALLISON. The Senator has put a question to me——

Mr. TELLER. Categorically.

Mr. ALLISON. And I will answer it now, if he will allow me, without interruption, in my own way.

Mr. BERRY. All right.

Mr. ALLISON. Of course the House bill is pending here. It would be singular if it were not pending. It does not require a Senator to know that. Having passed the House, it must be here; but it was referred to a committee of this body, of which I happen to be a member. That committee took up and considered the bill, and it then reported to the Senate as its judgment that there should be passed instead of the House bill a substitute which we propose.

If the Senator will be kind enough in his way, always effective, to discuss the Senate substitute and then criticise me for what is in that, I will endeavor to defend it if he will give me an opportunity, either now or at some other time; but I insist, the committee on the part of the Senate having charge of this matter having presented here a substitute for the consideration of the Senate, that he must not at this stage charge us with favoring the House bill. If in conference we shall make modifications, I shall be glad, for one, to have his views upon the conference report.

Mr. BERRY. I now yield to my colleague.

Mr. JONES of Arkansas. The suggestion made by my colleague was that the Senator from Iowa now advocates a provision to pay the United States bonds in gold.

Mr. TELLER. To change the contract.

Mr. JONES of Arkansas. The Senator from Arkansas, my colleague, charged, and I understood the Senator from Iowa to deny it——

Mr. BERRY. He denied it.

Mr. JONES of Arkansas. That the Senator's action favored the payment, and proposed by law to make United States bonds payable, in gold.

Mr. ALDRICH. The existing United States bonds.

Mr. JONES of Arkansas. The existing United States bonds. That is what I say. Now, section 1 of the substitute brought in here by the Senator from Iowa and the majority of the Committee on Finance has a distinct provision, the first words of which are as follows:

> That the dollar consisting of 25.8 grains of gold nine-tenths fine shall, as established by section 3511 of the Revised Statutes of the United States, continue to be the standard unit of value.

It is made the unit, not one of the units. The section referred to, which was adopted in 1873, made gold the single standard, and it stood the single standard until the act of 1878 conferred the same power on silver. The silver dollars were at that time made a standard unit of value just as much as the gold dollar.

Mr. ALDRICH. Will the Senator allow me?

Mr. JONES of Arkansas. Let me finish what I am saying. Now, when you make one standard, a single standard, you necessarily make all the obligations of the Government payable in that standard. I admit that the words are not here provided as distinctly as in the House bill; you very adroitly undertake to avoid it, but you leave the effect precisely the same as in the House bill. All these obligations are payable in gold if the Senate substitute passes.

Mr. ALDRICH. Is it too much trouble for the Senator to point out the provision in the statute of 1878 or any other statute of the United States which makes the silver dollar the standard of value? It is not in the statute and never was.

Mr. JONES of Arkansas. It makes it full legal tender.

Mr. ALDRICH. That is a different proposition.

Mr. JONES of Arkansas. It gives it unlimited coinage. I submit that any reasonable man on earth knows that a full legal tender must necessarily be a standard of value.

Mr. ALLISON. If the Senator will allow me a moment. Greenbacks are legal tender; Treasury notes are legal tender; national-bank notes are limited legal tender. The legal-tender quality has no more to do with the standard of value than the sunlight has to do with the moonlight. They are very different things. When you come to the question what is the standard of value, if I have time I will endeavor to show later in this debate that this first section of the bill is practically a reiteration of the act of 1873, which has been denounced over and over again in this Chamber as an act that created the single gold standard and which was objected to to such a degree that it has been called the crime of 1873. We have had that rung in our ears in every debate upon the financial question from 1878 down to this time. Therefore, when we have reinserted in this bill in its first section the section which carried into the Revised Statutes the act of 1873 we have not changed the law as respects the standard of value.

Mr. BERRY. I hope the Senator from Iowa will not take more of my time; that he will not speak longer than I am going to speak myself.

Mr. ALLISON. I will not take more of the Senator's time. I only wanted to correct the suggestion of the Senator from Arkansas.

Mr. BERRY. I do not want to give up the floor; I want to speak myself.

Mr. JONES of Arkansas. I merely wish to say, in reply to the Senator, that the section to which he refers does not make a standard. It does not declare that gold is the standard. It says that the gold dollar shall be the unit of value. It does not say "standard." You bring that in for the first time; and this bill is that much worse than the infamy of 1873.

Mr. ALLISON. Then the crime of 1873 is nothing if that statute did not make gold the standard of value.

Mr. JONES of Arkansas. I say that it made it the standard of value by making it the unit of value.

Mr. TELLER. Will the Senator allow me to read what the Senator from Ohio, Mr. Sherman, said about the act of 1878, which will afford some information to the Senator from Iowa? In his report which he sent to us——

Mr. ALDRICH. Does the Senator from Colorado think that everybody is bound by the utterances of the late Senator from Ohio? Does he consider himself bound by them in any form or at any time?

Mr. TELLER. This is a contemporaneous exposition of the law, and it is very short.

> The act approved February 28, 1878, made a very important change in our coinage system.
>
> It did change the system somewhat, and that change we do not want to forget was under the leadership of the Senator from Iowa, who was not then so much in love with the act of 1873 as he is to-day.
>
> The silver dollar provided for was made a legal tender for all debts, public or private, except where otherwise stipulated in the contract.
>
> * * * * * * * *
>
> The law itself clearly shows that the silver dollar was not to supersede the gold dollar, nor did Congress propose to adopt the single standard of silver, but only to create a bimetallic standard of silver and gold, of equal value and equal purchasing power.

Mr. ALLISON. Mr. President——

Mr. BERRY. I decline to yield further.

Mr. ALLISON. The Senator will allow me for one moment?

Mr. BERRY. Very well; I will yield to the Senator.

Mr. ALLISON. The statement just read by the Senator as to what constitutes bimetallism would hardly stand the test.

Mr. BERRY. Mr. President, this debate has accomplished one thing. The Senator from Iowa has repudiated the action of his own Republican friends in the House and has said he was not responsible for the Republican party. The Senator from Rhode

Island now says that he is not responsible for the greatest leader on finance that the Republican party ever had—John Sherman.

The Senator from Iowa has repudiated all of the Republican members of the House, whom he admits voted to put in this bill, directly and specifically, that the bonds should be payable in gold, and whom he the other day admitted had passed a bill which tied up the greenbacks of this country in the Treasury and could only be paid out for gold. I say that much has been admitted. The Senator from Rhode Island has, as I have said, said he is not responsible for what John Sherman said.

Now, the Senator from Iowa insists that I ought to have discussed the Senate amendment and not the House bill.

Mr. ALLISON. Oh, no.

Mr. BERRY. That is the way I certainly understood him.

Mr. ALLISON. If the Senator from Arkansas intended to address his observations to me, then he ought to have discussed the Senate amendment and not the House bill. But of course he can discuss either measure by and large, if he chooses.

I hope he will not attribute to me the statement that I admit this, that, or the other as respects the House bill, because I make no admissions upon that subject.

Mr. BERRY. I stated the other day upon the floor of the Senate, and I stated to the Senator from Iowa when he said he differed with the Senator from Colorado about it, the effect of the Senate amendment in tying up the greenbacks of the country. I said the House bill does that, and he said undoubtedly, but not the Senate amendment. I admit it is not in the RECORD in that way, but those are the facts.

Mr. ALLISON. If the RECORD was changed, it was not changed by my instructions.

Mr. BERRY. That is what occurred, to a certainty.

Mr. ALLISON. I remember very well what I stated. I stated that I was not discussing the House bill.

Mr. BERRY. You first stated it, undoubtedly; in the first remark you dropped.

Mr. ALLISON. Very well. Of course if the Senator seeks to gather from that that I admitted that the House bill does withdraw the greenbacks and the silver, then I wish now to withdraw that statement. I understood that I did withdraw it at the moment.

But my understanding as respects the Senate amendment——

Mr. BERRY. The House bill?

Mr. ALLISON. My understanding in respect to the Senate amendment is that it makes it impossible to do that. I shall be glad to say what I think can be done under the House bill, although it is not important to our debate, as we do not intend to support it.

Mr. BERRY. It seems to me it is important to our debate. It seems to me that the Senator from Iowa assumes that his party here in the Senate and his committee alone are more powerful than all of his party in the House of Representatives. He therefore says it is not important what the House members have done in the passage of this bill, but it is all important as to what the Senate amendment does.

We have had experience enough in the Senate to know what will happen. When the Senate amendment, which will doubtless be adopted by the Republican Senators here, goes into conference, I assert my belief to-day that practically the House bill will become the law. As I said in the beginning of this speech, the Senator from Iowa may be able to get on an amendment something like the character of this first provision of the Senate substitute, which is susceptible of two constructions and which mystifies the situation, to enable the Republicans in Iowa to say that it means one thing and the Republicans in Rhode Island to say that it means another, and yet which the Secretary of the Treasury will, as you know, construe to mean what the Senator from Rhode Island wants it to mean. I say you may do that, but practically, in my opinion, the House bill will be passed.

At any rate, I want the country to understand that a Republican majority, and therein is included every member of the House, has committed itself to this provision which changes the contract from either gold or silver at the option of the Government and makes these bonds payable in gold. You can not avoid it. It has gone to the country. When you bring your conference report here we will discuss that. But we have a right to discuss to-day the House bill, which has passed that body, and to assume that the probabilities are that that will be the law rather than the report of a committee of the Senate.

Mr. President, I think I have said all I intended to say on this bill. I have said that there is not a provision in it except it is for the benefit of those who hold the bonds of the United States and the national banks. I defy any man to point to any provision in the bill which will benefit the laboring classes from one end of the country to the other, or that will bring any kind of relief to the great agricultural classes of the country. You have gone to work to reduce the interest on national banks, to make these bonds, which are now by contract payable in gold or silver, payable in gold alone, to authorize by the House bill the redemption of the silver dollars and greenbacks in gold, and to confer upon your Secretary of the Treasury the power to issue bonds without limit. Those are the provisions of the bill to which you stand committed. It may be that a majority of the people of the United States will sustain you in it, but I do not believe it.

Mr. President, the Republican party of to-day—and you can not escape it, the whole country is beginning to understand it; sooner or later they will understand—has fallen under the influence and control of the combined wealth of the country. It no longer has any sympathy with the agricultural classes. It no longer has any feeling of sympathy for the laboring classes. It is dominated absolutely by the national banks and does the absolute bidding of the boards of trade of the great cities of this country. It is the protector, the defender, the friend, and ally of every corporation, trust, and combination of wealth throughout the country. The agents and representatives of this great wealth and of these manufacturing associations continue to grow bolder and bolder and more exorbitant in their demands as you yield to them.

They appear before committees of the Senate no longer asking, but demanding legislation for their special benefit. They not only demand the passage of this bill, which gives the national banks the control of the finances of the Government, but, under the false pretense of increasing commerce, they also demand that millions of dollars shall be taken annually from money belonging to all the people and given to the great corporations which control the transportation of products to and from foreign ports. They are not satisfied alone with this financial legislation, but they come here—and your President has recommended that it be given to them—asking that millions of dollars be taken out of the Treasury, which belongs to all the people, and paid over to the men who are already immensely rich and have this great shipping business which carries a portion of our foreign trade. Not only this, but this Administration is gradually yielding to their demands, sometimes feebly protesting, it is true, but in the end doing what these classes and associations of wealth and the trusts have requested.

The Republican party has step by step and year by year advanced toward imperialism and absolute power. It has now reached the point when its leaders scarcely pretend any sympathy with a government of the people and by the people and for the people. Not only that, but many of its wealthy and leading advocates in the Eastern cities, men who furnish largely the money to run your campaign, are beginning boldly to proclaim that the English system of government is superior to ours, and that the republican form is no longer suited to our people; and every attempt that is made here to legislate or speak on behalf of the laboring classes and the agricultural classes is met with a sneer and the charge of demagogy; and yet when one of the representatives of these corporations comes to the committee you yield to his demand and pass such laws as he asks. I know this is strong language, but it is the truth, and every man about the Senate sees it day by day as these great, wealthy, corporate representatives appear here before the committees of this body.

In addition, as I have said, many of them no longer pretend to regard our form of government, and the Administration itself has shown that it has become the follower and the imitator of English methods and the English Government, and to-day, Mr. President, while four-fifths of the people of this country are in sympathy with those who in southern Africa are struggling for liberty and for freedom, we have every reason to believe that this Republican Administration is in sympathy with a monarchy that attempts to crush these Republics. I say that that condition has come about because you have from time to time yielded to these wealthy classes and have forgotten those who have to struggle for themselves.

I do not know whether or not the American people who believe in bimetallism, who are opposed to government by trusts and corporations, who are opposed to imperialism, who believe in equality of citizens before the law, can unite to overthrow the party which threatens the destruction of the Republic. I know that if we could unite all the elements who are opposed to the present Administration, if we could rally them under one banner, success would be certain. I do not know, but I hope and believe that when this bill, so absolutely unjust to the great body of the people of this country, so clearly dictated by the national banks and by men who hold the wealth, goes forth it will arouse such a storm of indignation throughout the Western States and disclose the evils under which the country is laboring from this Government as to enable us to send to Congress representatives who will remedy it and bring back, if possible, a government of the people, as those who wrote the Declaration of Independence and framed the Constitution intended.

Mr. MORGAN. Mr. President, I understand the question before the Senate now is the amendment proposed by the Committee on Finance to strike out all after the enacting clause of the House bill which was sent here and insert an entire amendment proposed

by the Senate Finance Committee. I propose an amendment to the amendment, accepting the proposition to strike out all after the enacting clause and insert the following:

First. That it is the fixed policy of the United States to pay and clear off the national debt as rapidly as just and equal taxation and the accumulation of other revenues of the Government will permit, with constant regard to the capacity of the people to respond to this national duty.

Second. That the specie basis, consisting of gold or silver coin, or both, is the only true, just, and constitutional basis of the issue of bank bills to circulate as money.

Third. That it is an unjust and unconstitutional burden on the taxpayers of the United States that Congress should agree to change the terms of the national obligations with the consent of the bondholders, so as to deprive the people of the right and privilege of paying said obligations in coins of gold or silver according to their necessities or the requirements of the general welfare.

Fourth. That it is contrary to the policy of the United States that the national debt shall be made perpetual or that it should be maintained or increased for the benefit of the national banks or to regulate the commercial value of gold or silver bullion.

I offer that as an amendment to the amendment of the committee.

Mr. ALDRICH. I ask that the amendment may be read at the desk. I was not able to catch the first part of it.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Rhode Island asks to have the amendment of the Senator from Alabama read at the desk. It will be read.

The Secretary read the amendment to the amendment.

Mr. TELLER. Mr. President, I do not desire to enter into any extended discussion of the bill now before the Senate, but the Senator from Iowa [Mr. ALLISON], a member of the Committee on Finance, the other day criticised my construction of this bill; and as I see he is now present, with other members of the committee, I wish to say just a few words, so that when the Senator makes the speech he has told us he is going to make he will give us the benefit of a few points in it that I want to suggest.

I want the Senator, when he makes his next speech, to tell us, and I think we are entitled to know, why the Republicans of this body found fault with the House bill, the history of which, of course, I need not repeat, as I stated it the other day. Everybody knows that that is the bill prepared at Indianapolis, brought here, and submitted to a committee of Republicans elected by the Republican caucus of the last Congress, who were to consider this matter and present to the House a bill. The committee appointed by the caucus sat for some time, with the present Speaker at their head, and they reported to the House this bill. They reported it first to a House caucus composed of the Republican members of the House, now in a large majority. While I can not say what occurred in that caucus, while I am not acquainted with all that occurred, the public press said there was some division at first as to the propriety of the bill, but it was ultimately accepted as the measure of the party.

Now, this is the bill that the President gave his support to on the 24th of July, 1897, when he sent his message here and called our attention to the plan that the wise men at Indianapolis had suggested. That is the time he told us that patriotic people had met there and spent two days, out of which they had brought a scheme which he said he especially referred us for consideration, giving it at least his approval in that way. He did not say in so many words that he approved it, but if I call the attention of one of my colleagues to a proposition, and say that it is worthy of his attention, it at least indicates that I am somewhat in accord. This is the bill.

Now, where is the vice in that bill, which the Republicans of the Senate could not take? We are entitled to know that. The honorable Senator from Rhode Island never said a word about the House bill. There was absolute silence on his part about that measure. Of course we had a right to assume that he did not approve of it, because he did not agree to it as a member of the Finance Committee. The other members of the committee must have disagreed to it, because this substitute for it is the action, I understand, of the Republican members of that committee.

Mr. ALLISON. It is the action of a majority.

Mr. TELLER. Of a majority of the Republican members of the committee?

Mr. ALLISON. No; of a majority of the committee.

Mr. TELLER. Of a majority of the committee, certainly. Of course I did not mean to say that it was accepted by all the members of the committee, but it appears to have been accepted by all the Republicans, so far as I know.

Now, Mr. President, it is a very great thing and a very serious thing to change your financial system, and I suppose nobody will deny but that here is proposed a very radical and material change of the financial system.

Mr. ALLISON. May I interrupt the Senator?

Mr. TELLER. I will hear the Senator.

Mr. ALLISON. I merely wish to ask the Senator whether he is speaking now of the Senate amendment or the House bill?

Mr. TELLER. I am talking about both of them.

Mr. ALLISON. The Senator seems to think we ought to give the reasons why we prefer to the House bill the Senate amendment. He said this is a radical change in our financial system. Does he mean that the Senate amendment is a radical change?

Mr. TELLER. I mean both of them. Either one that becomes a law will be a radical change. I have no doubt, as was stated by the Senator from Arkansas [Mr. BERRY], that neither of them will become a law in their absolute entirety as they were introduced or came from the House. There will be some combination of provisions, I have no doubt. It can hardly be expected to be otherwise.

Now, Mr. President, I repeat, I think we are entitled to know why the Senate committee discarded the House bill. We assail that measure. We say it is a dangerous bill, a wicked bill.

Mr. ALDRICH. Of what bill is the Senator speaking as a wicked bill?

Mr. TELLER. I am talking about the House bill; and that bill is as much here as the Senate bill, and the Senators can not escape it. What is more, it comes here with the imprint of the Republican party as a party. It is their bill; it is their policy, Mr. President.

I was told the other day that there had been no caucus on this subject in the Senate and that therefore the Senate amendment is simply the idea of the Republican members of the committee. It is possible that they consulted their associates, but I have no reason to suppose they did from the celerity with which they brought it out of committee after it went from this body to the committee.

So, Mr. President, we are authorized to say that the House bill represents the policy of the Republican party. And I want to say here now that the Republican press of this country is for the House bill. The Post in this city said the other morning that the influential Republican press of the country is for the House bill. I say that the Republican press of the country is for the House bill. The Republican writers who are writing on the subject are writing in favor of the House bill. I have here a statement made by Mr. M. L. Muhleman, the assistant treasurer in New York, who is authority on these questions. This appeared in Sound Money a day or two ago:

The outlook is for a measure composed of parts of both bills, with some new matter evolved by a conference committee of the two Houses.

What iniquity they may fix up and put in with these other iniquities none of us can now tell. We shall have to wait until the conference report gets here to properly meet that.

Altogether the House bill contains more of the elements requisite to constitute a well-rounded law to meet the present conditions; amendments are desirable, as has been indicated.

He wanted some few amendments.

Upon four points there appears already an agreement: The enactment of the gold standard, the maintenance of parity, the policy of not reissuing redeemed legal-tender notes except for gold—

Now, mind, that is the interpretation of your amendment—the Senate amendment. That is one of the things the Senator from Iowa was criticising me for the other day, although he did not specify it—

the policy of not reissuing redeemed legal-tender notes except for gold, and allowing national banks to issue notes to the par of bonds deposited. This may therefore be regarded as the minimum legislation that we may expect; no doubt a considerable step forward.

While we may thus expect a solution of one branch of our monetary problem, there still remains the other—the paper-money branch—to be solved.

I said the other day that when this bill became a law, as it would, we would hear a call for proper legislation upon the bank question; and these folks can not wait. If the Senate provision should happen to become a law, they will immediately attack Congress for a wise provision, which I suppose will follow after the suggestion made perhaps by the Secretary of the Treasury that the proper system of issuing money is to issue it on your debts. Why, Mr. President, I could get rich if I could do that, and so could some of my constituents and many others of my acquaintance. But what I want to call attention to is that these people are starting in early—

the paper-money branch—to be solved; for no one will seriously claim that the proposed legislation on these lines is adequate to the country's needs.

I want the Senator from Iowa to tell me when he makes his speech whether he agrees with that, and whether this is to be followed by a new national-bank law. If he can possibly do so, I wish him to outline what it is. It may be that it might somewhat mitigate my grief at seeing this bill pass if he could suggest a good bank bill.

What may be regarded as secured is that the national banks may increase their circulation by 10 per cent, and they would also have an opportunity to expand further if there were not obstacles in the way—

Well, those obstacles will be removed by giving some privileges that they do not have under existing law—

but so long as we have our $800,000,000 of Government notes—

Now, this is what I want to call attention to, and I want the Senator from Iowa to address himself to this point—

but so long as we have our $800,000,000 of Government notes and silver certificates there is no room for a material increase in bank circulation. We must,

however, not look for more radical legislation this year. This must wait the determination of the political struggle of 1900.

The article is signed by M. L. Muhleman, who is the assistant treasurer in New York. Mr. President, according to my interpretation, that is a declaration from very high authority that we are to have further legislation.

Mr. ALDRICH. It is not official.

Mr. TELLER. I do not suppose he signed it as assistant treasurer, but then he is high in the councils of our gold-standard friends at least. The Senator from Iowa asks me what I want him to explain. I should like to have him explain these particular points.

Mr. ALDRICH. As much as he can.

Mr. TELLER. Yes, as much as he can.

I said the other day, and I say again, this gold standard is not to stop with this bill.

Mr. President, you can not maintain this gold standard under present conditions and present law, and in self-defense, if it is to be maintained at all, you have got to make some changes. I do not know what they will be, nor do I know what they ought to be; but I am not concerned in that. I am not responsible for the gold standard. I said the other day it had been a curse to every nation that had ever tried it, and so it has, Mr. President. If it had not been for the accidental discovery of gold in California and Australia in 1848 the gold standard would have wrecked the Kingdom of Great Britain, in my judgment. It has practically brought misfortune and distress to every country in the world that has tried it. And to-day there are no countries that have made it a success without a sacrifice, and the benefits are not equal to the sacrifice they have made. Robert Giffen, the gold-standard advocate, as I said the other day, declared that it had been made a success nowhere in modern times.

Now, I wish the Senator to tell me, if he can, what is to follow this measure, if anything. Are we to have a banking system that shall turn over to the banks the sole authority to issue paper money, as indicated by this writer where he speaks of the danger to this system of $800,000,000 of paper money, Government money? I agree, Mr. President, that $800,000,000 of paper money is a danger to a gold standard. You have more than $800,000,000, because you have two hundred and some odd million dollars of bank paper besides. Every government that has tried it has found itself compelled either to restrict its paper money or else to defer the gold standard. Great Britain tried it in 1816. She did not get to the gold standard until 1823. From time to time she extended the time to put it in force. She curtailed her paper money in order that she might get there. She brought more distress from 1815 to 1823 upon that country than all the Napoleonic wars had brought upon it, and the great debt that had been put upon that country by the tremendous struggle she made to down Napoleon and to maintain her supremacy was nothing compared to the shrinkages of values, and the suffering of her people by hunger and poverty was infinitely greater than it had been by the desolations of war.

I want the Senators who are in favor of this to tell us what benefit we are to get from this gold standard and why the law of compensation that has touched every nation that has tried it is not likely to reach us. It can only be done, I say, by an entire change of the system of currency of this country, by an abandonment of the function on the part of the Government of the United States to make its money. If we are to turn over to the banks of this country that governmental function that was never until recent years intrusted to corporations or to individuals, I want them to tell me how it is that the bankers of this country can do that which we can not do with all the great wealth and strength of 75,000,000 people back of us.

The proposition, on the one hand, is that those bonds which are to be reissued, of which I want to speak in a few minutes, are to be the basis of banking, and as they issue currency these national notes must disappear. The House plan is that they shall disappear to a large extent by being impounded in the Treasury, and nobody can deny it. I believe the Senate bill does to a degree what the House bill does to a larger degree, and that is all the difference.

Mr. President, we have had some experience with banks in this country. We had a bank once called a national bank, and it was not a bank with very big capital nor very big deposits compared with the present time, for, of course, it was a time when the country was new and young. But, Mr. President, if it had not been that there was a Jackson in the Presidential chair to take that bank by the throat and compel it to go into liquidation we would have had a condition that had never prevailed in this country and could not have prevailed except by the domination of the money power aggregated in a great bank.

Mr. ALDRICH. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. ALDRICH. I know he wants to treat the subject fairly, as he has always treated it in the Senate. I should like to ask him whether, in his opinion, any increase in national-bank notes after the passage of this bill will drive out of circulation either the United States notes or the silver certificates, when you take into consideration the provision which we propose in regard to the denominations of the notes to be issued?

Mr. TELLER. Mr. President, I believe it will.

Mr. ALDRICH. In what way?

Mr. TELLER. I believe, in the first place, there will come a demand from these banks that we take out of circulation national paper money—greenbacks, silver certificates, etc.

Mr. ALDRICH. I supposed the Senator meant from natural causes and not from legislation. Of course we could reduce the amount by legislation.

Mr. TELLER. I will talk about that. I had not intended to do so, but I am willing to go into it if I do not take too much time. However, I did not get up to make a speech in extenso. As I have shown here, there is an indication already that they are going to demand that we shall make a way for the banks to issue bills, claiming that that field belongs to the national banks.

The Senator's amendment provides for a refunding of the debt, an absolutely unnecessary thing at this time. Why, Mr. President, there is no need of our retiring bonds seven or eight years before they are due, unless we receive some special benefit in return (and that benefit can not be obtained by a slight reduction of interest), and then putting upon the country a system of finance by which the banks of this country shall determine when and how money shall issue, whether it shall be plenty, or whether it shall be scarce.

Mr. President, the prerogative to issue money is the dearest prerogative that a nation ever owned. It had been for hundreds of years, and, I believe, thousands of years, a prerogative of nationality. When one king went off the throne and a new king came on, all over the world for hundreds of years, he immediately coined some money and sent it out to show that he was the sovereign, because only a sovereign could coin money.

Mr. ALDRICH. Will the Senator permit an interruption?

Mr. TELLER. Yes.

Mr. ALDRICH. The Senator is discussing the prerogative of the Government, and intimating that he believes the Government ought to issue all money. I should like to ask him if he considers that the present existing money in circulation is sufficient for existing demands and for prospective demands in the future, and if he believes there ought to be an increased amount of money in circulation over that now used?

Mr. TELLER. I do not know about that, and that is a matter which perhaps I shall not be able to fully determine just now.

Mr. ALDRICH. It seems to me it is directly pertinent to the line of argument the Senator is pursuing.

Mr. TELLER. There has not been a sufficient amount of money in circulation.

Mr. ALDRICH. If there has not been, is there now? And if there is not now, how will the deficiency be taken care of or provided for?

Mr. TELLER. I will tell you how it can be taken care of—open your mints.

Mr. ALDRICH. Well.

Mr. TELLER. Open your mints to silver and you will get all the money you want.

Mr. ALDRICH. If there is no demand for increased circulation, there is no need of opening the mints.

Mr. TELLER. If there is not any demand, nobody will go to the mints with his bullion.

Mr. ALDRICH. He will if he gets 100 cents for 50 cents' worth.

Mr. TELLER. He does not get $1 for 50 cents.

Mr. ALDRICH. He would be very likely to, I think.

Mr. TELLER. I do not want to go into that question; for any sensible man in the Senate of the United States or elsewhere must know that it is nonsense to talk about a man obtaining 100 cents for 50 cents' worth of bullion when the mints are open to coin it into American money. Do you suppose the American people are fools?

Mr. ALDRICH. I think not.

Mr. TELLER. Do you suppose the American who has an ounce of silver is going to sell it for 50 cents an ounce when he can get it coined into American money at $1.29. It is so absurd, Mr. President, that it is beneath, I think, the dignity of this Senate to consider such a proposition.

Mr. ALDRICH. I suppose the Senator will admit that that would be the first result.

Mr. TELLER. What would be the first result?

Mr. ALDRICH. I mean the first result if the free coinage of silver should be adopted.

Mr. TELLER. If you should adopt the free coinage of silver, the man who now owns 50 cents' worth of silver would get the benefit of the increased price. Nobody denies that. What would that amount to? There is not in the world to-day $5,000,000 of silver bullion, and there would be, if free coinage should be

adopted, a rise from 50 cents to $1.29; but should a great financial system be determined on that little piddling notion that somebody is going to make money out of it? Why, Mr. President, I can say, as a Frenchman, speaking of the condition existing in France in 1858, said, when there were coming great quantities of gold, when gold was at a discount, and when it was being discredited by nearly all the world. He said France stood there, and said, "Bring your gold and we will put it into money—French money, good money; bring your silver and we will put it into money—French money, good money—money good throughout the world."

Mr. President, the American dollar wherever it goes is an American dollar, and you can make it good in every part of the world as an American dollar. Do you suppose that men who own bullion will take it to a bullion broker and sell it for 50 cents on the dollar when they can go to a mint and have it manufactured into money at twice that sum; and what harm will there be if that is the "trouble," as the Senator from Wisconsin [Mr. SPOONER] said?

The objection the Senator makes to free coinage is that silver bullion is worth only 60 cents on the dollar. If it was worth $1.29, we would be willing to open our mints to it; and when we show you that if we would open the mints it would be worth the mint's price, then you say that is the "trouble;" somebody who ought not to have it will get some money out of this. With free coinage the silver miner of the world, who toils as few men toil, will get increased compensation for his labor and mankind will secure a blessing in the increased supply of the money metal. Discredit it, destroy it, for fear some bullion holder may make something on the rise of silver, if it rises.

The only metal that has done money duty through all times and through all climes is the white metal. It is to-day the money of more than two-thirds of the race. It has touched more blistered hands and has stimulated more progress in the world than all the gold from the day when gold was first mined to the present hour; and what will be the harm? I do not, however, intend to be led off from this bill. I want to speak of the practical result of this legislation.

Mr. President, I know that prophecies are of little account; but I prophesied on this floor in 1893 that the time would not be far distant when Senators here who were then proclaiming themselves bimetallists would be lending themselves to the establishment of the gold standard, when a demand would come for the destruction of the paper money and the turning over to the banks of this country of that prerogative of sovereignty, the making of money.

I want to say before I conclude what I intended to say when I was diverted by the Senator from Rhode Island [Mr. ALDRICH], who has a faculty, when he thinks he is likely to be damaged by something somebody may say, to immediately intervene—not that I could say anything which would particularly damage anybody, but I can tell the truth, and that is what the Senator does not want to have on this question. [Laughter.]

We saw in 1893 a panic in this country created by the banks, and so designated by our best people, gold men and silver men alike. It was the object lesson which the President of the United States declared the American people had to receive in order that he might secure the repeal of the purchasing clause of the Sherman Act. Thousands and tens of thousands of men went down from affluence to poverty by reason of that wicked act.

The banks lent themselves to it and encouraged it, and when affairs reached such a condition that they could not meet their demands, in the great city of New York the banks surrendered and suspended payments for more than three months, during which time no man could go to his bank and draw more than the amount of money the bank thought he ought to have. The law required the banks to pay on demand or to go into liquidation. But they did not pay, nor did they go into liquidation, and their creditors had no remedy but to wait. We have had another panic. The Secretary of the Treasury says it was "a threatened severe panic." Mr. President, it was not only a threatened, but it was a severe panic. A newspaper in the city of New York, and not a silver paper either, declared that the shrinkage of stock in a few days amounted to $700,000,000, and said that that was a loss to the public. I do not believe that. The stocks were in reality worth just as much as they had been before, but a change of conditions of that kind, which can be brought about by the influence of banks, is destructive of good government and also destructive of good commercial conditions.

I cut out of a Philadelphia newspaper a statement—I have not examined to see whether it is correct or not, but I have no doubt it is, for it has the air of being correct—what is reported to be a letter from a bank president. I find in the paper that the president of the National City Bank of New York, of which you have heard something, on the 8th day of April last addressed a letter to the Secretary of the Treasury with reference to the financial condition in the city of New York. I want to call the attention of the Senate to this most remarkable statement, and I want to say that it is what is going on all the time, in my judgment, with these great banks.

I have been informed by those who know that 75 per cent of all the loans made in New York City by those banks are made to speculators and to operators, and that it is a very common thing for the banks themselves to engage in such operations. If they do not do so, their officers do. The letter to which I refer was written to Secretary Gage by Mr. Stillman, president of the bank, Mr. Hepburn being the vice-president. It reads:

As you have doubtless noticed in the press, the money market here has been quite unsettled during the latter part of the week.

Mr. JONES of Arkansas. What is date of that letter?

Mr. TELLER. April 8, 1899.

We have loaned very liberally—

I think they could. I think at that time they had about $10,000,000 of United States money in that bank. They had had $20,000,000, and they had paid out, I think, $10,000,000 of it; but at that time I believe they had still $10,000,000, although I would not state that positively. That, however, is about the amount.

As you have doubtless noticed in the press, the money market here has been quite unsettled during the latter part of the week. We have loaned very liberally in order to allay apprehension, but at such rates as would tend to force a liquidation in highly speculative securities. I think this has been accomplished, and the declines which have taken place will have a wholesome effect.

Mr. President, when did it become the province of a bank, in any system of finance ever known amongst honest men, to deal with the market to make things high or to make things low? How can any man do business either in his store or in his manufactory if the banks can thus deal with the finances of the country?

We have loaned very liberally—

But all the time keeping in view that they wanted to do a certain thing—

but at such rates as would tend to force a liquidation in highly speculative securities. I think this has been accomplished, and the declines which have taken place will have a wholesome effect.

I have here a statement showing some of the declines in the prices of stocks. I am not saying that there is a loss when a stock goes from 105 to 75. The stock is worth just as much as it was before, but there are in fact a number of men who own these stocks who go to a bank and borrow money upon them, not perhaps to speculate with, but for other purposes. That is true not only in New York, but all over the United States. A man owning a share of Rock Island stock, or a number of shares, can go into the city of Chicago or into any Western city and borrow money on that stock, putting it up as security for the amount borrowed. Let us see what happened.

Sugar stock, common, was 176¼, and it fell to 149¼, or $27.25 a share. Any man using that stock as security for a loan would be called upon to make his loan good, and if he was not able to do so, the stock would be sold at this reduced rate. Who would buy it? It was easy for those great banks to combine in this way, thus making money for the time being very dear, buy the stock at low rates, and then by making money plentiful again put up prices, and then sell the stock.

I shall give a few more of these quotations: Brooklyn Rapid Transit, a perfectly legitimate stock—I do not know whether the sugar stock is or not—dropped from 136 to 106½, a fall of $29.50 a share; Consolidated Gas dropped from 205½ to 190—that is, $14.50 a share; People's Gas from 129½ to 111¼—that is, $18 a share; Metropolitan Street Railway dropped from 267 to 234—that is, $33 a share; Federal Steel, common, fell $17.50 a share; Federal Steel, preferred, fell $15.25 a share; New York Central Railroad—a class of securities which have been considered equal to Government bonds—fell $8.25 a share; and Chicago and Rock Island, one of the gilt-edged securities of the West, fell $5.12½ a share.

There has been rarely at any time such a condition of the market as that. Here is the declaration of one of the great banks of the city of New York that they had been making liberal loans for the purpose of beating down the price of these stocks. I do not suppose they intended to beat down the price of New York Central nor of the Pennsylvania Central, but they beat down the whole line of stocks from the city of New York to the city of San Francisco; yet Senators want to put that great power—not for good, but for evil—in the control of the banks of this country, and to abdicate the power of the General Government to issue money of any kind.

I want to know when this bill finally passes whether it will have any such provisions in it as the House bill contains, which enable the banks to take possession of the money of the country. If it does not, I want to know whether it is to be followed, as the indications are from the letter which I have read, by further legislation next year, when you have succeeded, as you may possibly succeed, in getting once more into power. Have you deferred such action to this time because you did not dare to take the position plainly and boldly and honestly before the American people, did not dare to take the position which the Secretary of the

Treasury is contending for, did not dare to take the position which the great press of your party is contending for, that the Government must go out of the banking business, and that the banks must be left to furnish us the currency that is to be circulated in this country?

Mr. President, if I could furnish the currency for 75,000,000 people, I would not care to accept as a gift all the great gold mines of the world, for such a privilege would be better even than such a gift.

That is what this bill means. I want the two Senators who sit here [Mr. ALDRICH and Mr. ALLISON], who are so closely connected with this bill, to tell me, when they come to speak upon it, whether I have not made a fair statement of the provisions, at least, of the House bill as it comes here.

Mr. President, something was said by the Senator from Arkansas [Mr. BERRY] about a change of the contract with the bondholders. The Senator from Iowa [Mr. ALLISON] said there was no change of contract. He admitted there was such a change in the House bill, but said that there was not in the Senate substitute. However that may be, this is certainly a Republican measure; but, leaving that, suppose Republican Senators have the power to upset and overturn the caucus determination and substitute something else, have you, too, not proposed a change in the contract? What do you propose? Your bill says that every man who has a bond due in eight years from now may take it to the Treasury and exchange it for a bond due in thirty years from this time, with a gold clause in it. The bond contains no gold clause now.

Mr. ALDRICH. "May."

Mr. TELLER. "May;" but that practically means that he will do so. There is no limit as to when it may be done. I will tell the Senator what will be done. Such of the bondholders as desire will make an immediate exchange. Those who do not do that will continue to hold their bonds until the time for their payment has nearly expired, and then they will make the exchange. They will not surrender the interest unless they think they can secure a greater profit in using the next bonds as the basis of national banks than they can see in holding on to the old bonds.

What authority has Congress to change this contract? In 1870 we provided by law what the bond should contain. There could be no bonds issued for which Congress did not provide, and Congress stipulated what the bonds should contain; that they should contain a provision that they were to be payable in coin, reserving to the United States the privilege, which has been found of inestimable value everywhere in the world, to have the right to pay in the one metal or the other as should be most convenient. Has any bondholder suffered detriment by that provision? It is true the time may not have come when there is any necessity for the Government to exercise its option, but it does not follow that such a time may not come. The provision was put in the law ex industria; it was put there because it was thought to be valuable to us; and we are now surrendering it without any equivalent whatever. What crisis has come, what conditions exist which justify us in changing the contract?

Mr. President, who made these bonds? Not Congress, not the Executive, but the American people. What has given them their value? It has been the fact that the American people were back of them. They would not be worth as much as Continental or Confederate money if the world did not know that the great American nation was back of them. The people are the makers of these bonds. They said to Congress, "You make a bond of that character." They may change it, though they have not indicated to this body or to the other that they wanted to change it. No emergency exists why it should be changed. Oh, Mr. President, it is thought if you will change it now and make it attractive by the length of time the bond will have to run and give these people a chance to issue the money of the country on the bonds, that they will take them up, and you will get rid of this troublesome question of finance, which has vexed our people, I will admit, for some years.

The American people have a right to insist that those bonds shall remain until it is time to exchange them for others; and then, if the party in power choose to take the responsibility, let it do it. You received no instructions at the last election to do this thing. You went before the American people with the pretense that you were for bimetallism. A distinguished man of your party, whom I quoted the other day, said in another place—and I have no objection to speaking of it, because it was in the last Congress—that a hundred members would sit in the present House who would owe their seats to that bimetallic provision. You have not received any demand from the American people to change the contract, but you are doing it at the bidding of men who have no right to demand of you or of me anything at all.

I want you, when you come to make those speeches that you are going to make, to meet these questions and to tell us whether your bill is intended to do the things which I say it is intended to do, or whether it is not, and if it is, why you propose to do it.

In the Senate amendment you impound the greenbacks and Treasury notes. You provide two or three ways in which the exchange shall be made; but for fear I may misquote I will read the language of the bill. After providing for this fund it provides that it shall be maintained in the following manner:

> First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes in accordance with the provisions of section 3700 of the Revised Statutes of the United States.

That is for buying gold. When that is done, if they have got the exchange, that is the end of it.

By the way, that section also authorizes the issue of bonds; and under that, as I said the other day, Mr. Cleveland issued his bonds. I should like to ask the Senator from Rhode Island whether or not he and his colleagues intend, by the words used here, to give the same authority, under this proposed law, to issue bonds?

Mr. ALDRICH. That only applies to gold received in exchange for notes.

Mr. TELLER. That is what I supposed. The provision for the issue of bonds is this:

> If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods.

And so forth.

Having failed in all those, he having said he could not do it, then he may issue bonds.

Mr. SPOONER. He could not say he could not do it until he had tried by the methods indicated and failed.

Mr. TELLER. I do not know whether he could or not. There is a great deal of liberty given him.

Mr. SPOONER. I mean he could not properly say it.

Mr. TELLER. He could not properly say it; but suppose he did, suppose he should say, "I can not get gold in this way," and he should then issue bonds. I do not think the people could repudiate the bonds. So it is a matter left, after all, to the Secretary of the Treasury, and when he sees fit to issue bonds, as I said the other day, he may put them out, and they are to be a burden upon us.

Mr. SPOONER. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. SPOONER. I say, under the law it would be the duty of the Secretary of the Treasury to exhaust the other means before resorting to the issue of bonds. It is to be presumed that he will obey the plain requirements of law.

Mr. TELLER. That ought to be the presumption; that is the presumption, I will agree; but we saw a Secretary of the Treasury, with the approval of the President, undoubtedly, making contracts with private parties for the sale of bonds at a figure which everybody knew was ruinous, or would have been ruinous to the credit of any individual, though it was not ruinous to the national credit.

I heard on this floor a statement which I remember, coming from a Senator who sat over here, that the Government of the United States in its dire extremity had been compelled to appeal to the bankers of New York City, and when I said, or when somebody here said, that the Secretary could have sold those bonds in Europe at a higher figure, it was said that the Government had kept the cable wires hot in its efforts to secure bidders for those bonds in Europe. I stated then, and I state now, that no such offer was made, and when the opportunity came for Europe to take those bonds they were taken at 12½ per cent above what the Government got for them.

Mr. COCKRELL. And more than that.

Mr. TELLER. We do not want any discretion left with the Secretary of the Treasury by which he may increase the national debt at will.

Mr. SPOONER. If the Senator will permit me, there were no such provisions of law as those inserted in this bill. He had discretion then. Under this bill he is given none.

Mr. TELLER. The Secretary of the Treasury exercised his discretion in issuing the bonds. It was discretionary with him to say at what price he would issue them. That is what I am talking about. He abused his discretion when he sold for less than the value.

There is where he abused the discretion, Mr. President, and so it is not safe to leave matters to the discretion of an Executive Department of the Government. What you want to do is to tie up the Executive by law. I did not get up to say a tenth part of what I have said.

Mr. SPOONER. Will the Senator from Colorado be kind enough to say what discretion is left to the Secretary of the Treasury under the language which he has just read?

Mr. TELLER. I will read it, if the Senator desires.

Mr. SPOONER. I am only asking the Senator's opinion about it.

Mr. TELLER. I think there is large discretion left to him. I can put some constructions upon this proposed law which I can not conceive that the committee could have desired, and therefore I

am going to wait until I hear from them a little more fully upon the subject.

There is a provision here that whenever this money runs down in amount, whenever it shall fall below $100,000,000, then this effort shall be made.

Mr. SPOONER. Shall be made?

Mr. TELLER. Shall be made. He has no discretion about that. Although he might be satisfied that there would be no trouble about it, there is a hundred million dollars always dedicated to absolute nonmoney use.

Mr. SPOONER. We do that.

Mr. ALDRICH. We do that now.

Mr. TELLER. We do not do that, because there is no law authorizing it. We do not do it.

Mr. SPOONER. Under the bill, I mean.

Mr. TELLER. Yes, you do. We have a system of putting aside a hundred million dollars for the redemption of greenbacks, but it went down to $42,000,000 once, under Mr. Cleveland's Administration, you will remember, and the country did not come to any considerable trouble by it that I know of.

Mr. SPOONER. I thought the country did.

Mr. TELLER. No, it did not. The large demand upon the Government for gold in exchange for greenbacks was made after the call was made for the bonds. That is a fact which the Senator can look up and find to be true. A large amount of the money came right out of the Treasury and went back into the Treasury again for those bonds.

Mr. President, I am somewhat afraid of bonds. I had hoped at one time in my life to see the Government out of debt. I know now, unless I should live to an age to which I have not any possible hope or expectation of living, or any other man now living, that we will not be out of debt. But can we not call a halt on it? Can we not stop where we are? Is there anything in the gold-standard system that will justify us in increasing the national debt in order to maintain it? If it can not be maintained without that, is it a desirable system for us? I wish the Senators would answer all those questions.

Those questions disturb me. I do not want to discuss them upon any political lines. I have great interest in the American people. I believe myself in their good sense and all that, but I see insidiously a system being imposed upon them which it seems to me will be very destructive of their best interests, and I feel it my duty to protest. I protested just as vigorously when I was a member of the Republican party against some of the policies of that party as I am doing to-day.

I do not believe you can ruin the entire nation; and I am pretty confident that some day the American common sense will reassert itself, and party prejudice and party passion and the influence of wealth will not be able to continue a system which seems to me to be detrimental to the best interests of the people of this country. I have an abiding hope; but, as a distinguished economist in Europe said, "It is not a question whether silver will be rehabilitated; it is only a question how much suffering Europe will sustain before she does it." It is not a question but that some day the American people will establish a righteous and just system of finance; but it is a question how much suffering, how many people will be wiped out financially in doing that which can help, at most, only a trifling percentage of the American people, and that will inflict injury on very many.

That is the reason why I approach this question with some earnestness and with some anxiety. I agree that times have improved. I believe it is said that iron has gone up 37 per cent in a year and a half, or less than two years, and that many other articles have gone up; but I notice with extreme solicitude that the men who toil on the farm are getting less to-day for their crops than they got last year. I notice that the men who form the basis of all good society—the agriculturists—are getting no benefit whatever out of this so-called boom.

Mr. ALLEN. Will the Senator permit me to say that all the iron goods used extensively by the farmers and everything else the farmer consumes have gone up from 35 to as high as 200 per cent, while the price of their crops has not increased?

Mr. TELLER. I was coming to that point. A system of prosperity which touches only a few or even a considerable number of people and leaves out the great substratum of society, the class upon which the hopes of the Republic must always depend, the American farmers, is a vicious one and that prosperity is a delusion. As the Senator from Nebraska said, and as I was going to say, everything that the farmer buys has gone up anywhere from 15 to 37 per cent, and, as he says, on some trust articles even more. His expenses are greater and his income less. There is a fault in this prosperity of yours. It is not here.

Mr. President, the people of the United States are more interested in this bill than in any other. I believe I heard somebody say that the question of our relations with foreign countries is the great question. I do not believe it. I believe that the thing which touches the interest of 75,000,000 people as the money question touches them is the great interest. Nobody ought to have more interest in the men who toil than the Republicans in this Chamber or the Republican party. They have been the backbone and support of the Republican party since it carried its first banner, and yet, as said by the Senator from Arkansas, there is not any hope for them in this bill.

I hope Senators will tell us when they get the floor how this is to help the American laborer, how it is to help the man who tills a few acres. Tell us whether it is to give him greater ability to take care of his family, to fit them for the great duties of American citizenship. It will not do for you to say that it gives us more stable money, which is one of the fallacies of your class of men now. You have had stable money for the last twenty years. You have had it with silver, and the history of the world will bear me out in the statement that the stability of money based upon the two metals has always been greater than when based upon one.

The other day I was looking over the Economic History of Athens, by Mr. Boechk, and he again and again states that silver was found to be the stable money in ancient times and that the value of gold was determined by silver and not silver by gold. You discard one of the money metals, and you make money dear, and you put up prices by combinations, and then you call it prosperity. That is infinitely worse than he who, having swept the land of people and property, created a solitude and called it peace. This bill brings no comfort and no hope to the student of finance. It brings no hope to the men who know what the history of the world's money has been; no hope to the men who have kept in touch with the affairs of the last twenty years and have seen great countries like Germany and Austria and Russia struggling with this question and practically failing.

It brings no hope to the men who know that it took the great power of England, with no other country struggling for gold, from 1816 to 1823 to make her gold standard a success, a condition which Lord Baring described when he declared before the committee of 1832 that silver had always been the stable money of the world and was then, and that gold was not, and when he said, "We were compelled to ransack every corner to find gold to carry out this system." A Mr. O'Connell said in Parliament, "I can conceive no purpose in the passage of this bill save and except an experiment to see how much human nature can endure. We have had the trial," he said, "here since 1816," and he made that speech in 1835. If any country has prospered, and all its people have prospered, under the gold standard, let the Senators tell us where and what country it is.

Mr. President, I am not going into ancient history, but the man who does not read these things and does not take the truth home to him is not fit to legislate in this Chamber. There is a great purpose to be served by this bill, and the first object is to establish the gold standard, to put the country upon one metal absolutely. With it will come a demand that the silver money shall disappear, and under this bill, if it becomes a law, no man can stand on this floor and give any reason why the Government should not sell the $500,000,000 in silver we have now. They are to be remitted to the category of representative money. Their influence is no longer to be felt in determining values. They are no longer to have the commercial influence that they have been having as primary money. You might as well supply their place with paper money as to leave them there as the simple representative of money to be exchanged for what under the proposed law you make the only money of this country.

Mr. President, there are some other matters in connection with this bill, but I will reserve them until after I have heard the Senator from Iowa [Mr. ALLISON] and the Senator from Rhode Island [Mr. ALDRICH] and, I trust, other Senators on the Committee on Finance. I do not ask in any sense that they shall do what is unusual or improper, but I do say here that in the history of the world there has been but one exception like this, and that was in 1873, when we changed our financial system without the knowledge of any man who voted for the bill and certainly without the knowledge of the man who signed it. I undertake to say that in the long line of the history of financial transactions the friends of the measure proposed have always given it some defense, and here it has had practically none.

Mr. CHANDLER. Mr. President, before this measure is voted upon I intend to state my objections to the first ten lines of the substitute establishing the gold standard, and I only rise now to ascertain what is contained in the rest of the bill, as the committee understand it. The senior Senator from Arkansas [Mr. JONES] I understood to say that the Senate substitute contained a declaration that all the bonds of the United States now payable in gold or silver coin at the option of the Government are made payable in gold alone. If I am not mistaken, I heard him make that statement while the junior Senator from Arkansas [Mr. BERRY] was speaking.

Mr. President, I have carefully examined the bill substitute, and I do not find any such enactment therein contained. It certainly was contained in the House bill. The junior Senator from

Arkansas was right in his statement as to the bill which came from the House. I wish to read the clause in order that it may be seen how broad it was.

That all interest-bearing obligations of the United States for the payment of money, now existing or hereafter to be entered into, and all United States notes and Treasury notes issued under the law of July 14, 1890, shall be deemed and held to be payable in the gold coin of the United States as defined in section 1 of this act; and all other obligations—

Mark how broad the language is—

public and private, for the payment of money shall be performed in conformity with the standard established in said section.

There was an absolute declaration, Mr. President, in favor of the gold standard and the payment in gold of obligations not only of the United States, but of every private obligation throughout the length and breadth of the land. That, to my mind, as Senators well know, is a very objectionable enactment, and if it were to be found in the Senate substitute it would be an additional reason why I could not vote for it, besides the provisions of the first ten lines establishing the gold standard. But they are not in the Senate amendment anywhere.

Mr. TELLER. Will the Senator from New Hampshire allow me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. TELLER. What is the difference between making the present bonds payable in gold and making them exchangeable for bonds that are payable in gold?

Mr. CHANDLER. That is the precise difference between the House and Senate measures, and it is a very great difference. The Senate amendment simply provides that all the existing interest-bearing obligations of the Government at a certain rate provided, which shall not net more than 2½ per cent to the holders of the present bonds, may be exchanged for a 2 per cent gold bond of the Government. The holders of the outstanding obligations may at their option make that exchange.

Now, that may be objectionable to some Senators, but the remarkable fact that it is expected that we can fund the whole of our interest-bearing national debt in 2 per cent bonds is something wonderful to me. I suppose the committee really believe the exchange can be effected?

Mr. ALDRICH. We have no doubt about it.

Mr. CHANDLER. They believe it can be effected. I have some doubt whether it can be. If that was all there was in the measure, I should vote for it, because if it so happens that a 2 per cent gold bond is worth so much more than a bond payable in gold or silver at the option of the Government that our whole debt can be funded in it, it seems to me that it is a financial operation which it would be very judicious for the United States to make.

Mr. President, I think the question is a much broader one than that which is raised by the proposition to fund, with the consent of the holders, the existing national debt in a 2 per cent bond. It is a question whether the United States shall adopt the single gold standard, shall adopt gold monometallism, as its financial policy, or whether it shall continue its efforts to secure bimetallism—the use of both gold and silver as standard money. Upon that question I shall take occasion to speak to the Senate hereafter; but I thought it was well, inasmuch as the question has been raised, to have it settled to-day, if we can, so far as the interchange of views between Senators can settle it, whether or not there is in the Senate amendment any semblance of this first provision in the House bill.

Mr. ALDRICH. The Senator from New Hampshire is undoubtedly right. There is nothing in the Senate substitute that in any manner changes the status of existing bonds, either directly or indirectly.

FRANCISCO V. DE COSTER.

Mr. NELSON. If there is no intention to debate further the financial bill this afternoon, I ask unanimous consent to call up the bill (S. 1298) granting pay and allowances to Francisco V. De Coster, late captain, First Battalion of Cavalry, Mississippi Marine Brigade.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUIVRE RIVER, MISSOURI.

Mr. ALLEN obtained the floor.

Mr. VEST. Mr. President——

Mr. ALLEN. I yield to the Senator from Missouri.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2279) declaring Cuivre River to be not a navigable stream, to report it favorably without amendment.

Mr. COCKRELL. The bill just reported is very short; it affects only a little place in Missouri; it is recommended by the Secretary of War, and I ask unanimous consent that it may be now considered. It is only three or four lines long.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It declares that Cuivre River, in the counties of Lincoln and St. Charles, in the State of Missouri, is not a navigable stream, and shall be so treated by the Secretary of War and all other authorities.

Mr. CHANDLER. I should like some little explanation of this bill by the Senator from Missouri.

Mr. COCKRELL. I will have the reports of the Secretary of War and the engineer officers printed in the RECORD if the Senator desires.

Mr. CHANDLER. I do not want those. I want the Senator's voice to explain to me the bill—how you can make a river not navigable by declaring it not navigable?

Mr. COCKRELL. It is clearly within the power of Congress to do that.

Mr. CHANDLER. To declare it nonnavigable?

Mr. COCKRELL. This river having been once appropriated for (I secured an appropriation some fifteen or eighteen years ago to have the snags removed from it), it has become, in the estimation of the War Department, a navigable highway. Now, railroads are running across there. They have to make their drawbridges. They have to put in their piers. They obstruct the flow of the river. There is no pretense that there is anything but 14 miles of it which, when the river is very high, becomes navigable. That is the only time it is navigable. We want this declared not a navigable river, that bridges may be constructed over it with longer spans and without these piers; and the people there—the farmers and everybody living along the stream—want this done. They have sent a petition here for it, and there is no public interest that can be harmed by it.

Mr. CHANDLER. Will the Senator kindly inform me what has become of the money we spent to take out the snags and stumps?

Mr. COCKRELL. I suppose it was spent by the officers of the United States Engineer Corps in the payment of services and in payment for the time they spent there. I could get the Senator the accounts if he desires them.

Mr. CHANDLER. I do not want them.

Mr. COCKRELL. And if it would interest him or convince him of the necessity for the passage of this bill.

Mr. CHANDLER. The Senator must not get out of patience because I want to know the reason why this bill is to be passed. Whenever he objects to any bill I ask to have passed, I always explain it courteously and kindly.

Mr. COCKRELL. I am not objecting. If you want to object to the bill, object to it.

Mr. CHANDLER. I want the Senator from Missouri to tell me frankly whether or not it was not a mistake to make it navigable.

Mr. COCKRELL. I think it was, in one sense of the word.

Mr. CHANDLER. And the expenditure of money upon it at that time was not wise?

Mr. COCKRELL. I do not think it was very wisely spent.

Mr. CHANDLER. The Senator from Missouri very frankly tells me, and I have no further objection to action upon the bill.

Mr. COCKRELL. It gives me pleasure to tell anything that is the truth.

Mr. CHANDLER. If the Senator can tell me anything more about it, I will listen with pleasure.

Mr. COCKRELL. If the Senator wants to know anything more, I will tell him.

Mr. CHANDLER. The Senator has very graciously more than satisfied me.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I ask that the reports I have referred to may be printed in the RECORD, so as not to consume the time of the Senate in reading them.

The PRESIDENT pro tempore. Without objection, they will be printed in the RECORD.

The papers referred to are as follows:

COMMITTEE ON COMMERCE, UNITED STATES SENATE,
Washington, D. C., January 10, 1900.

SIR: I am directed by the Committee on Commerce to refer to you the inclosed bill (S. 2279), Fifty-sixth Congress, first session, declaring the Cuivre River to be not a navigable stream, and to request you to furnish the committee with such suggestions as you may deem proper touching the merits of the bill and the propriety of its passage.

I am, very respectfully,

WOODBURY PULSIFER, *Clerk.*

Hon. ELIHU ROOT, *Secretary of War.*

WAR DEPARTMENT, *January 27, 1900.*

Respectfully returned to the chairman Committee on Commerce, United States Senate, inviting attention to the accompanying report of the Chief of Engineers, United States Army, dated January 26, 1900, and inclosures therein referred to.

ELIHU ROOT, *Secretary of War.*

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, January 26, 1900.

SIR: I have the honor to return herewith a letter, dated the 10th instant, from the Senate Committee on Commerce, inclosing for the views of the War Department thereon S. 2279, Fifty-sixth Congress, first session, "A bill declaring Cuivre River to be not a navigable stream." Cuivre River lies

wholly within the State of Missouri, flowing into the Mississippi River a short distance north of the mouth of the Missouri River. The river was examined in 1871 up to Moscow Mills, 28 miles above its mouth. An examination and survey was also made in 1880, which showed that a point known as "Chain of Rocks," 14½ miles above the mouth, might be properly considered the head of navigation.

The bill was referred to Capt. McD. Townsend, Corps of Engineers, and I beg to invite attention to his report thereon, a copy of which is inclosed. This report gives information regarding the present condition of the river, and it appears therefrom that its capacity for commerce is very small and that the public interests would not suffer from closing the river to navigation. I see no objection to the passage of the bill by Congress.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brigadier-General, Chief of Engineers, U. S. Army.

Hon. ELIHU ROOT, *Secretary of War.*

UNITED STATES ENGINEER OFFICE,
Rock Island, Ill., January 22, 1900.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, United States Army, Washington, D. C.

GENERAL: I have the honor to return herewith S. 2279, "A bill declaring Cuivre River to be not a navigable stream."

The Cuivre River empties into the Mississippi River about 22 miles above Grafton. It has a drainage area of about 1,600 square miles, and is susceptible of navigation at certain stages from its mouth to Chain of Rocks, a distance of 14½ miles. The mouth of the river is obstructed by a sand bar, which prevents navigation during low water. When the Cuivre River is at a high stage and the Mississippi is low, the current is so swift that the navigation of the stream is difficult.

The only period the Cuivre River can be considered a navigable waterway is when the Mississippi is at a high stage at the mouth of the Cuivre and the latter is at a low or medium stage. There has been expended on the Cuivre River by the United States the sum of $7,000 in snagging and dredging. This work was completed in 1882. Since that date it is reported that no boats have ascended the river, with the exception of some barges belonging to a contractor at work on the improvement of the Mississippi River, who obtained material for his work from this locality. A drawbridge at Old Monroe, built in 1883, has never been opened for boats. The people of the vicinity appear to be in favor of the proposed bill, as shown by the report of Inspector J. A. Macfie, inclosed herewith.

No amendments to the bill are proposed.

Very respectfully, your obedient servant,

C. McD. TOWNSEND,
Captain, Corps of Engineers.

UNITED STATES ENGINEER OFFICE,
Rock Island, Ill., January 19, 1900.

CAPTAIN: As per your order, I have the honor to submit the following report on the navigation of the Cuivre River:

There is no steamboat traffic on the river. During 1899 Contractor James Short cut some brush along the banks. In 1895 or 1896 Mr. Short cut several hundred cords of wood on the Cuivre bottom lands, going up about 4 miles from the Mississippi and taking out the wood on barges. The *General Barnard* was the last boat to go through to Chain of Rocks, according to Dr. McElwee, in 1881 (records of this office). The steamer *Dora* made a few trips up the Cuivre in 1881. Some dredging was done in 1881 and 1882. The drawbridge at Old Monroe, built in 1883, has never been opened for boats.

At Old Monroe I found the farmers and merchants anxious to have the river closed to navigation. They hope, by arrangement with the railway company, to build a wagon bridge across the Cuivre alongside the track. There is no wagon bridge below Chain of Rocks. The ferry at Old Monroe can only be used during high water, and a wagon bridge is needed at that point.

At Chain of Rocks I was informed that a petition had been forwarded to Congressman CLARK, signed by practically all the farmers, asking to have the river closed to navigation.

At present the cross section at Old Monroe is small. To protect the piers large ice breakers have been built. The farmers think the bridge holds the water back, flooding their lands. The railway company has promised to put in one long span and remove the present obstruction.

I did not find any objection to the proposed Senate bill No. 2279, which has been mentioned in the local papers and seems to be understood by the people.

Copies of the bill were sent to Chain of Rocks.

At Old Monroe Mr. Niemeyer, the oldest and most influential resident, and at Chain of Rocks Dr. McElwee will furnish any information desired.

Respectfully submitted.

J. A. MACFIE,
United States Inspector.

Capt. C. McD. TOWNSEND,
Corps of Engineers, U. S. A., Rock Island, Ill.

EXECUTIVE SESSION.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 1, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1900.

REGISTER OF LAND OFFICE.

Albert D. Chamberlin, of Inez, Wyo., to be register of the land office at Douglas, Wyo., to take effect January 13, 1900, at the expiration of his first term of office. (Reappointment.)

ASSISTANT SURGEON IN THE NAVY.

Karl Ohnesorg, a citizen of Connecticut, to be an assistant surgeon in the Navy, from the 27th day of January, 1900, to fill a vacancy existing in that grade.

CHIEF GUNNER IN THE NAVY.

Gunner Frank H. Whitney, to be a chief gunner in the Navy, from the 7th day of January, 1900, in accordance with the provisions of the act approved March 3, 1899.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. William S. McCaskey, Twentieth Infantry, to be colonel, January 29, 1900, vice Coates, Seventh Infantry, retired from active service.

Maj. Charles R. Paul, Eighteenth Infantry, to be lieutenant-colonel, January 29, 1900, vice McCaskey, Twentieth Infantry, promoted.

Capt. George B. Walker, Eleventh Infantry, to be major, January 29, 1900, vice Paul, Eighteenth Infantry, promoted.

Corps of Engineers.

Maj. William H. Heuer, Corps of Engineers, to be lieutenant-colonel, January 29, 1900, vice Ludlow, who vacates by appointment as brigadier-general, United States Army.

Capt. Curtis McD. Townsend, Corps of Engineers, to be major, January 29, 1900, vice Heuer, promoted.

First Lieut. Edgar Jadwin, Corps of Engineers, to be captain, January 29, 1900, vice Townsend, promoted.

Second Lieut. Harley B. Ferguson, Corps of Engineers, to be first lieutenant, January 29, 1900, vice Jadwin, promoted.

APPOINTMENT IN THE VOLUNTEER ARMY—TWENTY-SEVENTH INFANTRY.

Sergt. Maj. Clyde B. Crusan, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, January 29, 1900, vice Cassels, promoted.

COLLECTOR OF CUSTOMS.

Ezra B. Bailey, of Connecticut, to be collector of customs for the district of Hartford, in the State of Connecticut, to succeed John H. Brocklesby, whose term of office will expire by limitation on February 14, 1900.

POSTMASTERS.

Philip Spaugh, to be postmaster at Hope, in the county of Bartholomew and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William C. Balee, to be postmaster at Guthrie, in the county of Todd and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Wilbur Sawyer, to be postmaster at Brewer, in the county of Penobscot and State of Maine, in the place of E. B. Burr, whose commission expired January 15, 1900.

Charles E. Townsend, to be postmaster at Brunswick, in the county of Cumberland and State of Maine, in the place of W. M. Pennell, removed.

William H. Coffey, to be postmaster at Tufts College, in the county of Middlesex and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Frank A. Peavey, to be postmaster at Upton Works, in the county of St. Clair and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Fred Slocum, to be postmaster at Caro, in the county of Tuscola and State of Michigan, in the place of W. O. Luce, whose commission expires February 18, 1900.

John H. Crowder, to be postmaster at Gordon, in the county of Sheridan and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

John M. Brown, to be postmaster at Port Jefferson, in the county of Suffolk and State of New York, in the place of W. B. Dayton, whose commission expires February 26, 1900.

D. D. Cottrell, to be postmaster at North Cohocton, in the county of Steuben and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

William S. McLaughlin, to be postmaster at Avon, in the county of Livingston and State of New York, in the place of J. S. Tighe, whose commission expires February 11, 1900.

Henry P. Wilcox, to be postmaster at Cohocton, in the county of Steuben and State of New York, in the place of James McLean, whose commission expires February 11, 1900.

Peter H. Zimmerman, to be postmaster at Wayland, in the county of Steuben and State of New York, in the place of John Kimmel, whose commission expired January 15, 1900.

Mary W. Chase, to be postmaster at Derby Line, in the county of Orleans and State of Vermont, in the place of Mary W. Chase, whose commission expires February 11, 1900. (Reappointed.)

James Lane, to be postmaster at Roslyn, in the county of Kittitas and State of Washington, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Albert J. Munson, to be postmaster at Shelton, in the county of Mason and State of Washington, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Alfred H. Cole, to be postmaster at St. Marys, in the county of Pleasants and State of West Virginia, in the place of C. N. Matheny, resigned.

WITHDRAWAL.

Executive nomination withdrawn January 31, 1900.

George P. Schryver, to be postmaster at Port Jefferson, Suffolk County, in the State of New York.

CONFIRMATION.

Executive nomination confirmed by the Senate January 31, 1900.

POSTMASTER.

Samuel H. Hurst, to be postmaster at Chillicothe, in the county of Ross and State of Ohio.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 31, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MONUMENT TO SAMUEL HAHNEMANN.

Mr. DALZELL. Mr. Speaker, yesterday the House passed a Senate joint resolution identical in terms with House resolution No. 50. I move that the latter lie on the table.

The SPEAKER. If there be no objection, the motion of the gentleman from Pennsylvania will be considered as agreed to. The Chair hears no objection.

ENROLLED JOINT RESOLUTION SIGNED.

The Speaker announced his signature to an enrolled joint resolution of the following title:

S. R. 3. Joint resolution granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

EXPERIMENTAL AGRICULTURE ON ARLINGTON ESTATE.

Mr. RIXEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 1092) to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office, was read, as follows:

Whereas the United States Government is seized and possessed of a large tract of land containing 1,175 acres, situated just across the Potomac River, opposite Washington, D. C., known as the Arlington estate; and

Whereas only a portion of this large estate, to wit, about 400 acres, is used by the United States for a national cemetery, and for a military post, known as Fort Myer, leaving over 700 acres unused, uncared for, and fast becoming an unsightly waste of land overgrown with bushes and briers; and

Whereas the eastern portion of said large tract of land is not now used for any purpose and is susceptible of great improvement and well adapted for agricultural experimental purposes; and

Whereas it is desirous that the Agricultural Department of the United States should have land for experimental purposes and the practical illustration thereof: Therefore,

Be it enacted, etc., That jurisdiction is hereby transferred and given to the Secretary of Agriculture and his successors in office over so much of the Government land in Alexandria County, Va., known as the Arlington estate, as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Va., and between said road and the Potomac River, containing about 500 acres.

SEC. 2. That the declared purpose of this act is to set apart said tract of land as a general experimental farm in its broadest sense, where all that pertains to agriculture in its several and different branches, including animal industry and horticulture, may be fostered and encouraged, and the practice and science of farming in the United States advanced, promoted, and practically illustrated.

SEC. 3. That the Secretary of Agriculture will take immediate and absolute control of said property described in section 1, and by clearing, underdraining, grassing, laying out proper roads and driveways, constructing proper bridges and buildings, and in other ways as his judgment may dictate, bring said property as rapidly as possible into the proper condition to answer the purposes for which it is set apart.

SEC. 4. That in the development, improvement, and management of said property full discretion is hereby given the Secretary of Agriculture and his successors in office to carry into effect the declared purposes of this act.

SEC. 5. That this act shall be in force from its passage.

Mr. RAY of New York. Before unanimous consent is granted, I would like to ask the gentleman from Virginia [Mr. RIXEY] a question. I notice this is a proposition to appropriate a part of the Arlington estate—lands, as I understand, adjoining the cemetery—to agricultural purposes. Before we grant any such authority, I would like to know whether it is quite certain that this appropriation of land to agricultural purposes will never interfere with the use of the estate for the purpose of a national cemetery, for which it is now used.

Mr. RIXEY. In reply to the gentleman from New York [Mr. RAY], I will say that this estate, as is well known, contains about 1,175 acres, divided into two separate tracts by the Georgetown and Alexandria Railroad, which runs in a straight line through the property. To the west of this road are all the highlands belonging to the property. This tract to the west contains about 700 acres, about 60 acres of which are now used as a military post and 200 acres for the Arlington Cemetery, leaving between 400 and 500 acres which at present are not used. This bill, however, deals only with the lands lying between the public road and the river—the lands known as the low lands or flat lands of the Potomac—lands absolutely unsuited for cemetery purposes.

Mr. MCCLELLAN. Does the Secretary of War consent to this proposition?

Mr. RIXEY. He does.

Mr. STEELE. I was about to ask the same question—whether this measure has the approval of the War Department?

Mr. RIXEY. In reply to the gentleman from Indiana, I will say that this bill was introduced in the last Congress and was referred to the War Department for its recommendation. It was approved by that Department and also by the Secretary of Agriculture. During the present Congress the bill was reintroduced and again referred to the Secretary of War, whose letter I have here and will ask to have read.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, January 30, 1900.*

SIR: I beg to hand you herewith a copy of H. R. bill 1092, Fifty-sixth Congress, first session, entitled "A bill to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," with amendments and interlineations, left by you at this office on Saturday last, together with a typewritten, clean copy thereof, and to remark that the bill as it appears with the amendments suggested meets the approval of this Department.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. JOHN F. RIXEY,
House of Representatives.

Mr. RIXEY. Let me say that the amendments suggested by the War Department have been accepted by the committee, and I propose to offer them for adoption at the proper time.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to ask whether this is a unanimous report from any committee?

Mr. RIXEY. It is; the Committee on Military Affairs was unanimous in its report to the last Congress. The report at this Congress is also unanimous.

Mr. PAYNE. I see the bill provides that the Secretary of Agriculture may build roads and bridges over the estate. It gives him pretty general authority in connection with this work of raising vegetables, etc.

Mr. RIXEY. Mr. Speaker, in answer to the gentleman from New York, I will say that this property is overgrown with bushes and in its present condition is practically useless for any ordinary purposes. This bill simply gives the Secretary of Agriculture authority to improve it so as to make it available for the purpose contemplated by the bill. It was thought best that wide discretion and authority should be given the Secretary of Agriculture. The Government does not part with its title. It still retains the property, but places it under jurisdiction of the Agricultural Department, where it will be improved and used for experimental agricultural purposes.

Mr. PAYNE. I thought perhaps it was for the improvement of the property rather than for the advantage of agriculture that the bill was introduced.

Mr. RIXEY. Well, Mr. Speaker, I hope it will improve both.

The SPEAKER. If there be no objection, the amendments proposed by the gentleman from Virginia will be considered together by the House, and the Clerk will report the amendments.

There was no objection.

The amendments were read, as follows:

In line 9 of page 2, section 1 of the bill, after the word "about," strike out "five" and insert "four;" so that it will read "about 400 acres."

In line 7 of page 2, after the word "Virginia," insert "otherwise called the Georgetown and Alexandria road."

Amend by adding, after section 3, the following:

"*Provided*, That all improvements of or which may at any time be made upon said premises, as herein contemplated, shall be so located, constructed, and maintained as not to interfere with or obstruct the natural waterways or the sewers or other means now established or which may hereafter be provided, constructed, or maintained for the purpose of affording proper drainage and sewerage to the other portions of said estate: *And provided further*, That this act shall not impair or interfere with any of the rights heretofore granted by act of Congress to the Washington, Alexandria and Mount Vernon Railway Company to construct, maintain, and operate its electric railroad across the said portion of the estate lying east of said public road."

At the end of section 1, on page 2, insert:

"With the exception, however, of a strip of land, as follows: Commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side; thence along said road 525 yards; thence in a line perpendicular to said road with the Chesapeake and Ohio Canal; thence along said canal to the south side of the reservation; jurisdiction over which is retained by the Secretary of War."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. McRAE. Mr. Speaker, I move to strike out the preamble.

The motion was agreed to.

The bill being engrossed, it was read the third time, and passed.

On motion of Mr. RIXEY, a motion to reconsider the last vote was laid on the table.

GALVESTON HARBOR, TEXAS.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that House bill 4481, to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, reported by the Committee on Rivers and Harbors, may be considered at this time. I ask that the reading of the original bill be dispensed with, in view of the fact that the committee has adopted a substitute which contains the provisions of the original bill, with some slight changes which are explained fully in the report of the committee.

Mr. RICHARDSON. But the gentleman will have the substitute bill read?

Mr. BURTON. Of course. I was only desirous of saving time. I think it would be well to have the reading of the substitute first, or rather the report of the committee, which explains fully what the substitute contains.

I therefore ask unanimous consent, Mr. Speaker, that the reading of the original bill be dispensed with, and the report, which describes the object of the bill and certain amendments in the nature of a substitute, be read, and then that the substitute bill be read and considered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The report was read, as follows:

The Committee on Rivers and Harbors, to whom was referred the bill H. R. 4481, having duly considered the same, beg leave to submit the following report, and recommend that said bill be amended by the adoption of the substitute filed herewith, and, when so amended, that the bill do pass.

House bill 4481 had for its object the correction of three errors in the river and harbor act which was approved March 3, 1899.

The bill as it passed the House contained the following item:

"Improving Galveston Ship Channel and Buffalo Bayou, Texas: For improvement of the Galveston Ship Channel and Buffalo Bayou, by dredging or otherwise, from the jetties at Galveston, Tex., up through the present ship channel and Buffalo Bayou to the proposed harbor site at Houston, Tex., to be provided by the citizens of Houston, $250,000: *Provided*, That out of said sum a suitable dredge may be constructed for said work."

A Senate amendment struck out the above paragraph and inserted the paragraph which the bill under consideration proposes to repeal. The conference committees agreed that the House provision should stand, with an amendment increasing the appropriation to $300,000, and that the provision proposed by the Senate should not stand. In the hurry of the closing days of the session the conference report on this item was so worded as to mislead the enrolling clerk into so enrolling the act as to leave standing both the amended House provision and the Senate provision.

The other two errors consist in referring to sections of the act by wrong numbers.

The act was scarcely enrolled in season for signature by the President and not in season to allow the errors to be detected and corrected.

It is conceded that said repeal should be made, and upon further consideration of the subject and in the light of more recent developments it has seen best also to substitute for the paragraph above mentioned the provision that the amount agreed upon in conference between the House and Senate, to wit, $300,000 together with any further amount for the improvement of the channel named, be applied after paying "such sums as may be necessary for administration, surveys, and maintenance" in improving division 1 of said survey, which extends from the mouth of the jetties of Galveston, through Galveston Bay to the north end of Morgan Canal, so called.

The SPEAKER. Is there objection to the present consideration of the substitute?

Mr. PAYNE. It has not been read yet.

The SPEAKER. The substitute will be read.

The Clerk read as follows:

A bill (H. R. 7739) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, be, and the same is hereby, amended by striking out and repealing the paragraphs in said act on pages 1127 and 1128 of the United States Statutes at Large, volume 30, which read as follows:

Improving Galveston Ship Channel and Buffalo Bayou, Texas: For improvement of the Galveston Ship Channel and Buffalo Bayou, by dredging or otherwise, from the jetties at Galveston, Tex., up through the present ship channel and Buffalo Bayou to the proposed harbor site at Houston, Tex., to be provided by the citizens of Houston, $300,000: *Provided*, That out of said sum a suitable dredge may be constructed for said work.

For commencing the improvement of the water route from the mouth of the jetties at Galveston, through the existing ship channel and up Buffalo Bayou to Houston, Tex., including harbor at Houston, in accordance with project submitted by the Board of Engineers in report of survey dated November 3, 1897, $250,000: *Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of such materials and work as may be required for prosecuting said improvement, or the said materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,000,000: *Provided further*, That out of said sum two dredges may be constructed for said work.

And amend said act so as to read, in place of said paragraphs repealed, as follows:

"Improving Galveston Ship Channel and Buffalo Bayou, Texas: For improvement of the Galveston Ship Channel and Buffalo Bayou by dredging or otherwise, in accordance with the project submitted by a board of engineers in the report of a survey dated November 3, 1897, and submitted by the Chief of Engineers in his report for 1898, in volume 1, pages 288 and 289, $300,000: *Provided*, That all sums heretofore appropriated and available for work on Galveston Ship Channel and Buffalo Bayou are hereby made available for said project: *Provided further*, That all of said sums of money not necessary for administration, surveys, and maintenance be used in improving division 1 of said survey."

SEC. 2. That section 12 of the same act be, and the same is hereby, amended by striking out the word "fourteen" after the word "section," and inserting in lieu thereof the word "eleven."

SEC. 3. That section 20 of the same act be, and the same is hereby, amended by striking out the word "ten," after the word "sections," and inserting in lieu thereof the word "nine."

Mr. McRAE. I should like to ask the gentleman from Ohio [Mr. BURTON] why this legislation can not be procured through the regular river and harbor bill, which, I trust, the committee will soon report to the House?

Mr. BURTON. Mr. Speaker, the error is one which is so palpable that it calls for prompt correction without postponement.

Again, it has been decided by the Committee on Rivers and Harbors that they will report no appropriation bill until the next session of this Congress.

Still further, the Engineer Department, noticing the ambiguity in the bill, have declined to take any action on either project until this was settled by Congress.

The third is, perhaps, the strongest reason of any, but it seems to me any one of the three is sufficient.

Mr. McRAE. I understand, then, that it is agreed that there will be no river and harbor bill at this session.

Mr. BURTON. The committee so decided yesterday.

Mr. McRAE. I make no objection to the present consideration of this bill.

Mr. BURTON. I should like to have the gentleman from Texas [Mr. BALL] heard on this bill for a few minutes.

Mr. BALL. Mr. Speaker, during the last session of Congress there was an item of $250,000 proposed to be appropriated by the Rivers and Harbors Committee at this end of the Capitol. There was a Senate amendment striking out the original provision and inserting an amendment providing for $2,000,000 to be expended on the same project, namely, a ship channel from the jetties at Galveston to Houston, Tex. The Senate and House conferees agreed to strike out the Senate provision and restore that of the House, with an increase of $50,000, thus making $300,000 intended to be appropriated by both bodies for the project mentioned in the substitute bill just read.

As the chairman of the committee has stated, by an error in engrossing the bill both provisions were incorporated, and as it now stands there is a provision in the existing law for the expenditure of both the $300,000 intended by the Congress and the $2,000,000 inserted by the Senate amendment. That is an error, and so far as the immediate Representative of the district and his constituents are concerned, there is no objection to the repeal of the provision in the Senate appropriating $2,000,000 for this project, for the reason that it was not the intention of Congress to do so, and it was not the intention of the conference committee. I wish to say, as the Representative most nearly interested in this project, that the bill now under consideration does not appropriate a dollar, that it takes away $2,000,000 that has been already erroneously appropriated, and does not increase the obligations of the Government one cent; and I ask that the measure be permitted to go through without objection.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the adoption of the substitute.

The substitute was agreed to.

The substitute was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

The SPEAKER. Without objection the original bill will lie on the table.

There was no objection.

On motion of Mr. BURTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PAY FOR CERTAIN RETIRED OFFICERS OF THE MARINE CORPS.

Mr. BUTLER. Mr. Speaker, I now renew the request that I made yesterday morning for unanimous consent for the present consideration of joint resolution No. 77, to provide pay to certain retired officers of the Marine Corps, and I surrender the floor to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from Pennsylvania asks

unanimous consent for the present consideration of joint resolution No. 77. Is there objection?

Mr. CANNON. Mr. Speaker, was unanimous consent given?

Mr. RICHARDSON. Before unanimous consent is given, Mr. Speaker——

The SPEAKER. The bill was read yesterday, but perhaps it had better be read again this morning.

Mr. RICHARDSON. I do not insist on that, Mr. Speaker, as I remember the bill. It can be read if desired. I understood the gentleman from Illinois [Mr. CANNON] to object to the present consideration, and I want to ask him if he has since examined it?

Mr. CANNON. I will say that I have read the bill, and while I have not given it as close an examination as I would if I had been reporting the bill, yet, from what the gentleman from Pennsylvania says and as far as I can see, the bill is a proper one.

I want to say just one word further. I objected yesterday, not on the ground that the bill itself was objectionable, but for the reason that the bill properly belonged, under the rules of the House, to the general deficiency bill. Now, I am quite sure the gentleman from Pennsylvania and the members of the House would acquit me of desiring to make any captious objection to any matter that ought to be enacted, and yet, as chairman of the Committee on Appropriations, I feel that I owe a duty to the House, as well as along the lines of good legislation, to insist on the jurisdiction of the various committees being exercised. Otherwise you take a deficiency bill or a general appropriation bill, and if a number of committees have jurisdiction of them you never can tell "where we are at." Having said that much, and called the attention of the House to it, the fact that the urgent deficiency bill has passed the House, and there being no chance for this item to go into that or into the general bill for two or three months, on further consideration, believing that the bill ought to pass, I do not feel at liberty to insist on my objection.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I think it is bad practice to give unanimous consent without the bill being reported. I ask to have the bill read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Resolved, etc., That the aggregate of all sums appropriated in an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, under the head "Pay, Marine Corps," shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund; the provisions of this act to take effect from June 30, 1899.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

On motion of Mr. BUTLER, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill; and pending that, I ask unanimous consent that general debate be limited to this day.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 7433, the Indian appropriation bill, and pending that, asks unanimous consent that general debate be limited to this day.

Mr. COCHRAN of Missouri. I object.

Mr. LITTLE. Mr. Speaker, I wish to say to the gentleman that, so far as I am advised, an agreement of that kind would be satisfactory to this side of the House. I should like to ask, Mr. Speaker, who it was that objected?

Mr. SHERMAN. I think no member objected under the rules, as I saw no member rise.

The SPEAKER. Is there objection?

Mr. COCHRAN of Missouri. I object.

The SPEAKER. The gentleman from Missouri objects. The question is on the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole House on the state of the Union to consider the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair, for the consideration of House bill 7433, the Indian appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHERMAN. Mr. Chairman, the bill the title of which has just been read carries appropriations aggregating, in round numbers, $7,328,000. The like bill for the last fiscal year appropriated $7,500,000, this bill carrying $172,000 less than last year's appropriation bill. The amount of the original estimates, which reached us through the Treasury Department, was less by five hundred thousand and some odd dollars than the amount which we herein appropriate; but subsequent to the receipt of the original estimates supplemental estimates have been submitted through the Treasury Department which aggregated $641,000, an amount in excess by $113,000 of the amount which the bill carries.

Perhaps, Mr. Chairman, it is well, in considering this appropriation bill, to have in mind a few facts with reference to these people for whom it provides. There are in the United States to-day, including those of Alaska, about 250,000 Indians. Of these, 5,000 are in Alaska and about 65,000 in the Five Civilized Tribes, so called, in the Indian Territory. Of the Indians outside of those in the Indian Territory, 60,000 to 70,000 are ration Indians, Indians receiving rations to a greater or less extent from the Government during each year. Ninety thousand of these Indians have discarded the blanket entirely and are clothed in the ordinary citizen's clothes, and 35,000 of them use the clothing of citizens in part. Thirty-five thousand can read, and there are occupied by the entire Indian race in the neighborhood of 25,000 dwellings, leaving a comparatively small percentage of the Indians who now dwell in anything other than houses. The Indians occupy reservation lands and allotments, the majority—a large majority—being on reservation lands.

These lands are comprised within about 150 reservations, and they occupy about 130,000 square miles. Besides the money which we appropriate in this bill for the care of the Indians, they have their own funds in the Treasury of the United States, interest on which is paid to them and paid to them without any annual legislation. These funds all together amount to thirty-odd millions, about $32,000,000, yielding an annual income of $1,600,000. One tribe, the Osage tribe, alone has in the Treasury upward of $8,000,000 to-day, which draws interest at 5 per cent. There are about 1,700 Osages, and this fund provides for the annual payment to them of a little short of $250 per capita. I understand that this makes this tribe the richest per capita people on the face of the earth.

Mr. DALZELL. Where are they?

Mr. SHERMAN. In Oklahoma; on their own reservation in Oklahoma. There are certain changes in the current bill from last year's bill. Some items are larger than last year and others are smaller. Under two very large treaty obligations final payments were due last year, and the appropriation therefor amounted to nearly $300,000, so that our treaty obligations are less than they were in the last fiscal year, and of necessity our gratuities for the Indians have somewhat increased, because it is impossible, Mr. Chairman, to immediately cut off from these people help from the Government, when their own funds are greatly reduced or entirely expended.

Mr. TALBERT. Will the gentleman permit me to ask him a question at that point?

Mr. SHERMAN. Certainly.

Mr. TALBERT. Is the general aggregate of the bill less than it was last year?

Mr. SHERMAN. Yes, sir; the general aggregate is $175,000 less than last year, and the report sets out in detail every item of its increase and each item of decrease from last year's appropriation bill.

Mr. TALBERT. And summing up the whole, it is $175,000 less than last year?

Mr. SHERMAN. Yes; about $175,000 less than last year's appropriation.

There is no item in the bill as reported, Mr. Chairman, for the continuance of the so-called contract schools. That is a question which gentlemen here remember has caused considerable discussion and not a little friction upon the floor. That is not in the bill this year, and there is no school for which any appropriation is made, other than Government schools, save only the Hampton Institute, in Virginia, for which an appropriation of $20,000 is carried in the bill.

There are a few items in the bill which are legislative, I expect; some of them, I am quite sure, are subject to a point of order; and perhaps if I were not chairman of the committee, I would raise the point of order, not on the theory that they are not proper legislation, but that some of these matters might better be considered by a separate bill rather than as an item of the appropriation bill; but with reference to each and every of those items we will have further discussion, I suppose, when they are reached in the reading of the bill by sections. I think, Mr. Chairman, the statement

I have made covers briefly the salient points of the matters which will come up for consideration in the pending bill, and unless some member of the committee desires to ask me some specific question, I will reserve the balance of my time.

Mr. ADAMS. I would like to ask the gentleman one question: If all the other contract schools have been discontinued, as the gentleman states, why has an exception been made with reference to the Hampton School? I merely ask this question for information.

Mr. SHERMAN. Because the committee believed that the Hampton School is doing a work far superior to that done by any other contract school, Hampton being a manual training school, and no other contract school being of that character, and also educates with the Indians another race.

Mr. COWHERD. If I have read the bill aright, the sum of $300,000 is appropriated for the Dawes Commission.

Mr. SHERMAN. The gentleman is correct.

Mr. COWHERD. If I understand correctly, this commission is charged with the responsibility of making appraisements and assessments of lands to the Indians under what is known as the Curtis bill.

Mr. SHERMAN. The gentleman is correct.

Mr. COWHERD. I also understand that pending the making of these allotments business in the Territory is practically suspended, and that this condition reaches out to all the adjoining States, affecting business there also. Now, I should like to ask the gentleman whether any estimate has been made as to how much money will be needed in order to hasten the allotment of these lands—whether, if a liberal appropriation, such as has been estimated for by the Dawes Commission, were made, the work could not be done much more rapidly than is provided for in the bill?

Mr. SHERMAN. The original estimate made by the Dawes Commission was for an appropriation on $171,000. The question now propounded by the gentleman from Missouri [Mr. COWHERD] was asked by the Secretary of the Interior of the commission—whether or not with a larger appropriation they could not hasten their work; and there was a request from the Secretary that they should submit to him an estimate under which they believed they could conclude the work in the Indian Territory within twelve months. They did submit such an estimate, amounting to $641,000. Then, after the members of the Dawes Commission—all four of them, I believe, certainly three; perhaps Mr. Needles was not present—were before the Committee on Indian Affairs, and we had a discussion of this whole question lasting an entire morning, the result of which was that the members of the commission then present expressed the opinion that with $300,000 they could work with the greatest advantage during the coming year; that with this sum they could do the work in a way which would be entirely satisfactory to everybody, but that with the larger appropriation—$641,000—there would be required greater haste and there could not be insured as much accuracy in the work as if less haste were adopted.

Mr. COWHERD. The gentleman will excuse me for occupying his time——

Mr. SHERMAN. Oh, that is what we are here for.

Mr. COWHERD. But this is a very important matter, especially to the commercial communities doing business in that part of the country.

I understand that a great many millions of acres of land are to be surveyed, appraised, and allotted. Now, if a liberal appropriation were made, would it not simply mean the putting of more surveying parties in the field, whereas with a small appropriation this thing must drag on for several years, the work being done only by small surveying parties?

Mr. SHERMAN. There is force in the gentleman's suggestion; but we thought that an appropriation of $300,000 would be a liberal appropriation, and would admit of very rapid progress of this work. With this appropriation it seems likely that the entire work in the Choctaw and Chickasaw nations can be finished within the fiscal year, the work already having been completed in the Seminole Nation, thus leaving only the work in the Creek and Cherokee nations to be concluded in future years.

This question was considered very carefully, discussed very thoroughly in the committee. Mr. Dawes himself was present, and also Mr. Bixby and Judge McKinnon, and they agreed in our conclusion that an appropriation of $300,000 would permit them to continue the work very advantageously.

Mr. COWHERD. How much of this appropriation of $300,000 will be available for the use of these surveying parties who are making the allotments?

Mr. SHERMAN. The greater part of it. If the gentleman will look at the appropriate page of the bill he will see that upward of $200,000 will be available for that purpose.

Mr. TALBERT. I see that here on the last page of the report there are named certain new matters embraced in this bill which do not involve appropriations, and the committee proceeds to name five or six of these items. I wish to ask the chairman of the committee whether the members of the committee were unanimous in regard to the adoption of these five or six new items of business, in accordance with the provisions of the bill?

Mr. SHERMAN. My recollection is that they were not unanimous in reference to all of them.

Mr. TALBERT. But none of these items, as I understand, carries any appropriation.

Mr. SHERMAN. No, sir. None of those specified carry appropriations.

Mr. Chairman, I will reserve the balance of my time.

Mr. LITTLE. Mr. Chairman, I do not deem it necessary at this time to enter into a general discussion of the policy of this bill. The fact is that it contains no change of the general policy of the Government in regard to its Indian wards. I shall reserve whatever discussion I wish to make upon the bill until we are proceeding under the five-minute rule, believing that in that way we can reach more intelligently the points under discussion.

Mr. Chairman, I desire now to yield thirty minutes to the gentleman from Missouri [Mr. COONEY].

Mr. COONEY. Mr. Chairman, I have no objection to any special provision in this bill; but through the courtesy of the gentleman from Arkansas I desire to address the Committee on the Whole upon a subject which perhaps is not entirely foreign to the one which is now before the House for consideration.

If certain forces which are at work in the country at the present time become paramount and triumphant, it will not be very long before we will be compelled annually to examine and discuss appropriation bills for the Philippine Islands, and against that anticipated and possible appropriation I desire to submit to the committee a few remarks.

I favor the open-door policy for commerce; but I would close against the United States of America the open doors to imperialism everywhere. For that reason I have been opposed to the taking and retention of the Philippines. The development of this Republic from its foundation to the present time has been along the lines of security. Its expansion has been one of necessity, but the effort of the President to reach out to the Philippines is an expansion by imitation only. The example of the great colonial powers of the world, which we have ever been taught to shun, has become the chief inducement to the Administration to stretch the nation's limits into the Orient.

In all history there is recorded but one other attempt at expansion by imitation alone that is worthy of consideration or comparison with this. That attempt is related in the fables of Æsop. That great historian tells us in a few graphic lines the disastrous results of counterfeit expansion on the frog which tried to imitate the bull in size; and if this McKinley Administration keeps up its present process of expansion in swollen mimicry of John Bull, another Æsop will be needed to gather up its remains and record its sad fate after the next elections.

I do not believe the people of the United States will ever consent to these islands being admitted into the Union as a State; nor will they, on the other hand, tolerate a connection with them by ligaments that have their growth in colonial despotism. If there is any middle policy to be pursued in the government of these islands, it is time to declare it. If the Republican party has not the wisdom to declare its policy through Congress now, a year hence it will not have the power. The greatest question that now confronts the American people is their present and future relations to these islands. Are they to be prepared for eventual independence? Are they to be given home rule under American government? Are they to be held as a vassal colony? These are interrogations with which the public now daily addresses this House.

This Congress has no question before it that so strongly presses for an immediate answer. It involves a repose from agitation at home, peace to the people of those far-away islands, and a cessation from the useless sacrifice of human life. It involves the future structure and aims of our own Government, the amount to which our appropriation bills are to be swelled, and the burden of tax we are to place upon the backs of the American people now and hereafter. While anxiety and expectancy stand waiting on Congress to settle so vital a question, why should it longer delay an expression of its purpose? We have given the Administration a whole year to settle this question in its own way, and if, as now seems to be the purpose, it is given another year of its own way in the Philippines, when it turns those islands over to this House for legislation, their condition will be fit only for despotism.

We must not forget that when we first came in contact with the Philippines that the rapidly decaying power of Spain was each year bringing them nearer to the achievement of their own independence; that before we purchased the slippery and uncomfortable position of the Spaniard, their future was pregnant with a living freedom. But their liberties and future well-being have received no consideration at our hands. What fortunes can be made, and what is the character of government that will best secure to us those fortunes, are now the chief subjects of

inquiry. Industries are to be monopolized, franchises are to be given away, and for the 1,200 islands there are 1,200 Sancho Panzas waiting on the promise of the chief knight errant of expansion to be made governors. The supposed wealth and fortune producing power of those islands is what now imperils their liberties. Their prospects have been placed in the hands of expansion brokers, whose business it is to puff their value and in this struggle to enlist cupidity on the side of imperialism.

A gentleman who traveled in the Philippines had occasion not long ago to address an audience of American citizens on this subject. He drew from his vest pocket a nugget of gold and said:

I have a nugget of pure gold picked up in its present form on the banks of a Philippine creek.

He drew from his other vest pocket a bag of gold dust and said:

I have gold dust washed out by careless natives from the sands of a Philippine stream.

His whole argument was an exhibition of the wealth he had brought back from those islands in his vest pockets. In its power, in its intended purpose, and in its spectacular delivery, if it did not imitate, it certainly equaled the famous argument of Cato when he drew the Carthagenian figs from the pocket of his toga and passed them around to the members of the Roman Senate with the declaration, "Delenda est Carthago!" And hence, on account of the nugget and gold dust, the liberties of the Filipinos must be destroyed. Logic clothed in human language has never yet been found that could successfully answer such an argument. It is only where civilization is so strong and just as to render such an argument its own refutation that the human species can be rescued from the villainy of its intention.

But, in passing, it is well to remark that Cato was a cruel man; that upon retiring at night he was in the habit of calling his slaves around him and administering to them severe punishment with his own hand to dispose his mind and body to restful slumber. Cato was the most sordid and avaricious of Romans. He was a commercialist who pushed his ventures on sea and land with the ever-expanding limits of the Roman Republic. The poet Terence in his lifetime more than once declared that the figs produced in the Roman Senate never came from Carthage, but were plucked by Cato from his own trees that grew on his Sabine farm. He denominated the incident as "Cato's great political fig trick." Cato was in a certain sense a patriot, but the object of his patriotism was the commercial and militant expansion of the Roman Republic.

Under the forces which he had set in motion to accomplish that object he had the misfortune to live and see Roman virtue wither up, personal independence decay, the tooth of greed eat its way to the hearts of the Roman people, corruption and bribery made the chief pathways to eminence and glory, and the Republic tottering to its downfall under the cares with which it was burdened. In the short space of one generation after him Cato's kinsman and namesake saw the utter collapse of the Roman Republic and the rise of Cæsar's empire on its ruins, and in remorse he slew himself. History is but getting ready to repeat itself in a country when to the minds of its most eminent citizens it begins to suggest the revival of its old "fig tricks."

There are those who attempt to impress the public with the belief that the insurgents are encouraged in their resistance and that this war has been lengthened out by a few old fogies who still have the discourtesy and temerity to suggest the application of the principles of the Declaration of Independence and of free government as a solution of our difficulties in the Philippines. But there is no evidence that either the brain or the arm of the Administration has been paralyzed by such a suggestion, and it is improbable that it escaped beyond the blue-pencil lines of our military satrapy at Manila. [Applause.]

Doubtless the President has had to defend his rest at night by thrusting his dagger through the ancient ghost of that once immortal Declaration, and in his dreams he may have again witnessed the pale and drowning features of the Monroe doctrine, to the neck of which he tied a millstone and left it to sink in mid-ocean. But in his waking moments, to all such suggestions and airy figments of the sleeping brain his challenge of defiance has invariably been, an order for more transports to Manila. With a triumphant Army on land and an invincible Navy on the sea, the President has had at his command for the past year a greater force than was ever placed at the disposal of any other President to conduct a foreign war or repel a foreign invasion, and it must be a mighty poor cause in which that force has been engaged if its efficiency in the Philippine Islands has been crippled by the reading of the Declaration of Independence in the United States.

There are only two reasons why this war has languished for a whole year; but two things that have given life and support to the insurrection. One is that Aguinaldo has refused to bring his army into the open and give us battle; the other is that the President has refused to bring the purpose of his Administration or government into the open, that it might be seen and understood by all men. The President has said to Aguinaldo: "If you will stop your running and hiding in the brush, if you will cease your cowardly evasion of my troops and boldly give us battle, we will make short work of you and of this war." Aguinaldo, in reply, has said: "Mr. President, if you will come out of the fog of 'manifest destiny,' out of your political schemes for power at home and your dreams for a world-wide empire abroad, and boldly and without evasion declare that we shall have the same rights in our homes that Americans have in theirs, that we shall be given the right to manage our internal affairs, enjoy the wealth, products, and franchises of our own country, even though it be under the American flag and the just laws of Congress, then this war is already at an end." [Renewed applause.]

But, sir, it must have been perceived long ago by all intelligent people that the President's object in the Philippines was not to give them freedom, nor to give them the usual Territorial government which the United States has conferred on all its territory while unripe for statehood. To lay the foundations for the future rise of a republic in the heart of Britain's colonies, or, by the establishment of the usual Territorial government, to confer the proud distinction of free American citizenship on the inhabitants of the Philippines in the presence of Britain's base colonial subjects, is not to be thought of. It would be like setting fire to your neighbor's house. It would be but a poor return to Great Britain for having conducted us safely and triumphantly through the Spanish war to set the lamp of American liberty burning where it might awaken the slumbering millions within her dark colonial empire. England would never permit it. It would be open violence to that unwritten treaty whose invisible and mysterious bonds hold the administrations of the two Governments in sympathy and unity of purpose.

The small matter of the American Constitution and the citizenship with which it clothes the humblest being within the reach of its power must not be permitted to stand in the way of such heaven-born friendship. That friendship, sometimes interpreted as "our obligations to other nations," as "the preservation of the world's peace," etc., has imposed upon the President the hard task of preserving in those islands the statu quo ante bellum, to suppress their ambition for liberty, and to maintain the equilibrium of colonial despotism that has heretofore prevailed in that part of the world. In line with that purpose, his object has been to make the Philippines a subservient colony of the United States; and the modern colony means slavery to its inhabitants, expense to the country that holds it, but privileges, power, profit, and robbery to the officials who govern it. It is the same old slavery that Aguinaldo and his dusky followers and their ancestors have been fighting against for three hundred years under Spanish rule.

Before peace was broken by force of arms between the Filipino and American, while they were yet on terms of friendship and alliance, they besought the President to inform them of the policy of his Administration and to consult them upon the future government of the islands. He refused to hear them. They sent a trusted agent across the seas and continents to the city of Washington to see the President, and to consult with him on those subjects which are to any people dearer than life and fortune—their liberty and their nationality. He refused to hear him. That agent was not even permitted to remain quietly in this city while the fate of his people and country stood trembling in the balance.

The President's displeasure at his presence here incited the Administration newspapers to hound him down as a miscreant and a vagabond, and when abuse failed to drive him from the city the police and secret detective forces were set upon his trail, who waylaid and browbeat him upon the streets and in the lobbies of his hotel, until, as a stranger in a strange city, he was made conscious of impending personal violence, and he fled in fear in the nighttime from the city of Washington. I am not speaking of an event that occurred in one of the South American Republics, nor in the dominion of the Sultan of Turkey, nor in the Empire of the Czar of Russia, but here in the capital of this great Republic, under the eye and apparent sanction of its Chief Executive, in the shadow of the figure of Freedom that stands erect on the Dome of this building, but 20 miles from Mount Vernon, with all its historic associations of freedom and liberty, and only 3 miles from Arlington, where through swelling woods thousands of tombstones attest the veneration in which is held the memory of those who fought and died for the freedom of the black man.

There may have been diplomatic difficulties in the way of his recognition as an agent of the Philippines, but, sir, it is the first instance in the history of this Republic that any individual has approached its shores with a mission of liberty for his own or any other people that has been received as a public enemy and driven from it by fear of public violence. This incident is but one in the many that mark the unvarying disposition that the Administration and its satraps have exercised toward these people. From the surrender of the Spanish army in the Philippines, accomplished by their assistance, they have everywhere been treated with that contempt which drove them to their arms and their rice swamps,

where, as they believed, since they could not live in dignity in their own homes, they could at least die in imitation of freemen.

Do we intend to hold the Philippines, and forever? Then is it not a good thing to stop this war? Is it not a good thing to conciliate a people we aim to add to our own population, whose territory we aim to incorporate with our own? If so, then let us make an effort to accomplish such a desirable result by an honest declaration of our purpose. The idea that such a declaration will detract from the dignity of the American people is absurd; the idea that we must crush them by force before we open our lips is brutal. I warn you now that the conduct of this Administration has placed the conciliation of these people absolutely beyond its power; the hand that has so mercilessly inflicted the wound upon them can never heal it; nor can another year of Administration rule and free trips to picnicking commissions to the woods of Luzon bring to this House additional light on the Declaration of Independence or the principles of just government. [Applause on the Democratic side.]

Outside of Administration circles there is not one in the 75,000,000 American people that feels proud of this war. It does not meet their approbation. They do not desire to see this chapter of our history prolonged. It is now the darkest and most infamous chapter in all our history. The challenge lies at the feet of every defender of McKinley, and they are defied to produce from the annals of Roman aggression, or the wide range of history, another chapter that will surpass in perfidy and meanness to a weak and struggling people the one which this Administration has been writing for us in the Philippine Islands during the past eighteen months. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. COONEY. I should like to have a minute more.

Mr. LITTLE. I yield the gentleman five minutes' additional time.

Mr. COONEY. Mr. Chairman, this is not a war for the maintenance of any right or principle of this Government; but everywhere it is looked upon as a war that strikes a mortal blow at the principle of self-government, which is the very life of the Republic. I believe that principle is yet dear to the American heart; it is engraved upon it as a holy instinct, and he who has thus for a while presumed to violate and trample it beneath his feet, will by the blessing of God soon be hurled from power, and another placed therein—one who will smite the trusts, dissolve the gold standard, and clean the temple of our country of its money changers and public plunderers; one who will reanimate the drooping form of liberty, and direct the course of the Republic to the bright pathway of freedom, where it will again decorate and cheer the elevated sphere in which its founders placed it; one who will tear from the bosom of modern plutocracy the budding hope that calls for "a McKinley and an empire," and inscribe in the hearts of the people the nobler sentiment, "Bryan and the Republic." [Loud applause on the Democratic side.]

Mr. LITTLE. Mr. Speaker, I suppose it is understood that we will complete the occupation of the hour on this side.

The CHAIRMAN. The gentleman from New York has yielded fifteen minutes to the gentleman from Michigan [Mr. WEEKS].

Mr. LITTLE. Does he desire to be recognized now or at the completion of our hour?

The CHAIRMAN. According as the gentleman may desire.

Mr. LITTLE. I would prefer that the hour on this side be completed.

The CHAIRMAN. The gentleman will proceed.

Mr. LITTLE. I yield to my colleague on the committee, the gentleman from Texas [Mr. STEPHENS], thirty minutes.

The CHAIRMAN. The gentleman has only twenty-eight minutes remaining, which he yields to the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Chairman, the bill under consideration carries appropriations amounting to $7,328,000, a less amount by $176,000 than was carried by this bill of last year. This money is appropriated for the civilization and education of 250,000 Indians. It might be appropriate to state here that if it requires more than $7,000,000 per annum to civilize and educate a quarter of a million of half-civilized Indians, it will require $48,000,000 per year to civilize and educate the Filipinos if we carry out the expansion policy that this Government has entered upon and take under the folds of the Stars and Stripes the 12,000,000 similar semicivilized people living in the Philippine Islands.

But, sir, it is not my desire to speak upon the question of expansion to-day. My opposition to the annexation of the Philippines is well known. I desire to call the attention of the House to the fact that we have room for expansion upon our own continent and within the confines of our own country. I refer to that magnificent scope of arid territory west of the one hundredth meridian. One-half of the area of the United States lies in the arid belt of our country. With the exception of a small scope of country west of the Cascade Mountains in Washington and Oregon, the rest of the country from the one hundredth meridian to the Pacific is arid. The country demanding irrigation—one-half of the territory of our own country—can be developed and expanded by irrigation. You have only to look, as I have before stated on this floor, to my own district in the State of Texas, comprising eighty counties, to find as much territory as you will have in the Philippine Islands.

That territory has less than 3 inhabitants to the square mile, while the Philippine Islands have 60 inhabitants to the square mile. Hence, there is twenty times more room for expansion in my district than there is in the whole of the Philippine Islands. By a judicious expenditure of money in that arid country we can place there 60 inhabitants to the square mile, and these inhabitants will be of our own Anglo-Saxon race. We can, by building irrigation dams upon the heads of our rivers and streams, impound the storm waters that now go to waste and overflow and destroy the crops in the valleys of the lower rivers, and utilize this water for irrigation purposes in this arid region and make it one of the best parts of our Union. Most of this arid belt lies on the head waters of the Mississippi River, and a system of large storage reservoirs would prevent the annual overflow of the lower valley of that great river.

What is true there is true of New Mexico and Arizona and that great scope of country stretching northward from Mexico to the British possessions, amounting to about 540,000,000 acres of land. Congress has by different acts provided funds for surveying these irrigable lands and locating reservoir cites.

The officer in charge of this work, Mr. Newell, of the Geological Survey, reports that about 74,000,000 acres of public land can be reclaimed by irrigation, and but only a part of the survey has been completed. It is estimated that at least 150,000,000 acres of these lands can be made productive and placed under irrigation ditches. This vast amount of land would sustain the present population of our country with ease and comfort. The most rabid expansionist should be satisfied with reclaiming this, our own territory, and cease from violating one of the Ten Commandments by coveting our neighbors' (the Filipinos') lands. Nearly all of these lands belong now to our Government. I now present a very pertinent letter from the Chicago Federation of Labor on this question. It is as follows, viz:

CHICAGO FEDERATION OF LABOR,
Chicago, January 22, 1900.

DEAR SIR: The working people of this country feel that they have a great hope for the future in the immense area of public land which still belongs to the Government.

If this magnificent heritage of the people is preserved for them it will afford an outlet for our surplus labor and surplus population for many years to come.

We must have such an outlet. Various labor-saving devices and combinations are constantly lessening the opportunities for the wage-workers to get employment.

The reclamation of the arid public lands by the Government would give opportunities for millions of our people to get, first, employment, and then homes, where they could live in comfort on the land.

When you consider that Arizona is larger than the Philippines, and that the Salt and Gila River valleys in that Territory would sustain as great a population as the whole Kingdom of Belgium, you can form some idea of what it would mean to the laboring men of this country if these Government lands were reclaimed and made habitable by building Government reservoirs and irrigation works.

The Government would get back from the sale of the land a great deal more than it would spend to reclaim it.

The Chicago Federation of Labor has given much consideration to this subject, and has passed the following resolutions:

"That all the remaining public lands of the United States should be sacredly held for the benefit of the whole people, and that no grants of the title to any of these lands should ever hereafter be made to any but actual settlers and home builders on the land;" and "That the Federal Government should build storage reservoirs to save the flood waters that are now wasted, and should, wherever necessary, build the irrigation works required for the reclamation and settlement of the arid public lands."

Several schemes for ceding the public lands to the States or Territories are now before Congress. We are convinced that if such donations are made it is certain to result in the lands being eventually gotten hold of by speculators, and that great land monopolies would close the door to the workingmen who want the land for homes.

We earnestly ask that you will use all your influence to prevent any of the public lands from being ceded to the States or Territories.

Hoping for a favorable reply, I remain,

Yours, respectfully,

[SEAL.] W. CARMODY,
Secretary Chicago Federation of Labor.

Hon. JNO. H. STEPHENS,
Washington, D. C.

This letter shows that the laboring people of the country demand that Congress shall take up and solve the problem of the irrigation and development of our own arid territory.

I also call your attention to another body of citizens who demand of us prompt action on this great subject. I refer to the resolutions passed by the last meeting of the Irrigation Congress. They are as follows, viz:

RESOLUTIONS OF THE NATIONAL IRRIGATION CONGRESS, EIGHTH SESSION.

Resolved, That we advocate and reaffirm the policy and principles heretofore enunciated by this congress in its former session, as set forth in the following resolutions:

LEASING OF THE GRAZING LANDS.

We favor the leasing of the public grazing lands at a nominal rental in limited areas to settlers farming adjacent lands, the revenue from rentals to go to the States and Territories wherein the lands are situated, for irrigation

development, leases to be subject to right of reclamation by irrigation and of settlement of lands actually cultivated, title of land to remain in Federal Government until actual settlement, the leasing of said lands to be under the control of States where situated, and the revenues arising therefrom to be expended by the States under the direction of their State engineering bureaus: *Provided*, That in any State having no irrigation bureau the Federal Government may lease the lands and expend the revenues in the construction of irrigation works in that State.

FEDERAL STORAGE RESERVOIRS.

We favor the preservation and development of our national resources by the construction of storage reservoirs by the Federal Government for flood protection and to save for use in aid of navigation and irrigation the flood waters which now run to waste and cause overflow and destruction, as recommended in the report of Col. Hiram M. Chittenden, and we urge the adoption of the recommendations of this report as to the construction of storage reservoirs in the arid regions as a part of the national policy of internal improvements.

ARID LAND RECLAMATION.

We favor the construction by the Federal Government of storage reservoirs and irrigation works wherever necessary to furnish water for the reclamation and actual settlement of the arid public lands.

UNITED OWNERSHIP OF LAND AND WATER.

The value of the irrigated farm and the security of the home thereby created are alike dependent upon sufficient public control of the water supply and the prevention of water becoming a speculative commodity. We believe that the water of all streams should forever remain public property, and that the right to its use should inhere not in the individual or the ditch, but in the land reclaimed.

HARMONIOUS IRRIGATION LAWS.

We urge the adoption of a harmonious system of irrigation laws in all of the arid and semiarid States and Territories, under which the right to the use of water for irrigation shall vest in the user and become appurtenant to the land irrigated, and beneficial use be the measure of the right, and the irrigated home be protected from litigation by the establishment of a State system for the equitable and final adjustment of the rights of irrigators to the distribution of the waters of the streams.

INTERSTATE RIVERS.

We favor the establishment of a national commission for the equitable adjustment of all differences arising from the appropriation and use of the waters of the interstate rivers.

We oppose the cession of the public lands of the nation to the respective States and Territories, except upon conditions so strict that they will insure the settlement of such lands by actual settlers in small tracts, and absolutely prevent their absorption in large bodies under private ownership.

GOVERNMENT SURVEYS AND INVESTIGATION.

We commend the efforts of the various bureaus of the National Government in the examination of the physical and legal conditions relating to irrigation and their work in promoting the adoption of more effective customs and methods of irrigation, and urge upon Congress the necessity of providing liberal appropriations for this important work.

Mr. Chairman, I had the honor of introducing in this House a bill, now before the Committee on Public Lands, for the purpose of leasing the arid public lands of the United States. We have probably 400,000,000 acres of these arid grazing lands. If they were leased (as they could be if we would pass the bill I have proposed) at 2 cents per acre, they would bring in $8,000,000 per year as an irrigation fund. The leasing of the public domain is urged by the irrigation congress in one of the resolutions I have read. My bill contains many sections similar to the Texas lease law. The lease price is fixed at 3 cents per acre for watered and 2 cents for unwatered lands. Any person leasing one watered section must also lease three unwatered sections if found contiguous.

One man is permitted to lease only two sections of watered and six sections of unwatered land. Watered lands are to be leased for five years and unwatered lands for ten years. The lessee is to have prior right of leasing for ninety days after the expiration of his lease. The funds arising from the leases are to become a trust fund, to be used by Congress in the States and Territories where collected for irrigation purposes. The bill provides that this money shall be placed in the United States Treasury and there held as a trust fund for irrigating purposes.

Under existing conditions in that arid grazing Territory we find that but few men own the land that they are grazing their herds of cattle and sheep upon, and the country is all a common. A cow or sheep owner will drive his herd into the country and will take any unoccupied territory that he can find and call it his own, and forbid anyone else to use the land. If he has a few thousand cattle, he employs men enough to keep other people off by force. Very often sheep men will force their herds upon these large cattle ranges. Sheep and cattle will not range together, and trouble at once arises between the owners of the herds, as every man who lives in the West can testify from actual experience, these feuds very often resulting in the destruction of property and sometimes in murder.

If you will pass a bill leasing these lands to the stockmen, in limited quantities, these troubles will not arise. The lessee can then fence the land, put up their windmills, build their houses, and use whatever appliances they may see proper for the purpose of improving their ranches and developing the country either for stock raising or for farming purposes. The settlers could and would then build permanent homes for themselves and their families. Their improvements would become taxable property and benefit the State or Territory where they live. These people would no longer be nomads, roaming wherever they see proper, but they would become settled and permanent citizens. They would have some place to call their own.

This bill provides that they can hold the land for ten years, and that then they shall have the preference right to re-lease it, it remaining all the while a part of the public land of the United States. This fund, $4,000,000 per year, would be sufficient to start irrigation plants all over that country, the money being expended in the district or in the State or Territory where it was raised. Mr. Chairman, I can not understand why it is that the Government should not take hold of this matter, individualize its lands, and build up these waste places in our own country. In my own State we have a great many arid grazing lands of similar character to the territory of the United States stretching from Mexico to the British possessions west of the one hundredth meridian. Arid grazing lands should be leased. I have a letter from the treasurer of the State of Texas showing what a magnificent fund the State is deriving from a lease law similar to the one that I have introduced in this Congress. I will send it to the Clerk's desk and ask that it be read in my time.

The Clerk read as follows:

TREASURY DEPARTMENT, STATE OF TEXAS,
Austin, January 8, 1900.

DEAR SIR AND FRIEND: Replying to your kind inquiry of the 4th instant concerning the lease lands of Texas, beg to advise you as follows:

The total number of acres leased is about 16,500,000, at the rate of 3 cents per acre, making an income to the State therefrom of about $500,000 per year. The cost to the State of collecting this money is very little, and I think $6,000 per year will fully cover it.

Prior to 1895 the State leased its lands at 4 cents per acre, but on account of the severe droughts of 1894 and 1895 the rate was decreased to 3 cents. Since that time the rise in the price of cattle, together with the good seasons, making grass good, has greatly increased the demand for grazing lands, and the public domain and free-school lands of the State are being leased now at a rate greatly in excess of all previous years, and the income to the State for 1900 will go beyond the figures given above.

These figures are approximated, but are very conservative. At any time I can furnish you any information, or aid you in any way in this or other matters, command me, and I will cheerfully respond.

Wishing you much success in your efforts, and a Happy New Year, I am,
Your friend,

JNO. W. ROBBINS.

Hon. JNO. H. STEPHENS,
Washington, D. C.

Mr. STEPHENS of Texas. Mr. Chairman, if the State of Texas can raise a fund of $500,000 per year by leasing its arid lands, why is it that the United States can not benefit herself in the same way?

When Texas became a State of this Union she reserved her public domain. We have a magnificent permanent school fund from this lease money and from the sale of our land. We are leasing not only our public-school lands, but our public domain.

Stepping across the line into New Mexico, where they have no lease law, we find an entirely different and worse state of affairs. On the Texas side we have fenced pastures, splendid cattle, good ranch houses, our people living in permanent homes and doing well in every respect. Over in New Mexico, where the ranchmen have no lease laws, they have no permanent homes, and we find only contention, turmoil, and strife. In order to improve and utilize this public domain, it is necessary that we should have a lease law and lease our grazing lands and irrigate our irrigable lands.

Passing from that question to the Indian question, I wish to call the attention of the House to the fact that the Indians should have their lands allotted among them. Their tribal relations should be destroyed. The lands that they do not use should be sold under the United States land laws to actual settlers. The young Indian that we educate should have a home to go to that he could call his own. As we now conduct Indian affairs, the young Indian on his return home is turned loose in his tribe and drops back into barbarism, and is no better probably than he was before we educated him at the expense of the Government.

The mining laws of the United States should be extended over all the Indian reservations. I know of no reason why a belt of country comprising often millions of acres of mineral lands should be locked out from the American prospector. We have a great many Indian reservations in the mountainous part of the West that are known to be rich in minerals. The United States laws will not permit the prospector to go on these lands and open up and develop the mines.

It would be much better for the Indians as well as the white men to allot their lands, to open them for settlement and for mining purposes.

The Indian imitates the white man. The lower races have that characteristic generally, and if we place farmers on these Indian lands and let the Indians see that they are making a success of the cultivation of the land, they will imitate them.

If we permit the prospector to go into the mountains of their reservations and develop their mines, it will give employment to those Indians and will aid us in civilizing them. The time should soon come when we will stop spending millions of dollars yearly for the education and support of these people. We should make them self-supporting, and we can never do it until we break up their tribal relations, until we give each Indian a separate piece of land, telling him that is his home and that he must live upon it

and work like the white man, and that he can no longer draw rations and clothes from the Government and lie around the army posts the idle vagabond he is to-day.

There are some civilized tribes of Indians, known as the Yumas, Pimas, and others, living on the Colorado and the Gila rivers, in Arizona. In 1849 and several years afterwards, after gold had been discovered in California, many immigrant trains crossed the great plains through Arizona Territory. These Indians were then living there cultivating the soil, using the waters of the rivers for that purpose. They generously supplied these passing immigrants with the necessaries of life, and those of the survivors who are living to-day testify that had it not been for these friendly Indians they would have perished in that great desert. These Indians were then and have always remained the friends of the white man.

The Gila and the Salt rivers have had so much of their water diverted from the lower streams, where the Yumas and Pimas live, that these Indians now have no water with which to raise their crops; they are in poverty, and many of them have died from starvation. They are in a very sad condition, because they do not have the water that should flow down these streams; it has been used by white men living near the heads of these streams. We should build reservoirs on these rivers to supply these Indians with water for irrigation purposes. Justice, humanity, and gratitude alike demand that we should thus aid these helpless and wronged people.

Mr. Chairman, a similar condition exists with reference to the Rio Grande River. That river rises in the Rocky Mountains in Colorado and flows through New Mexico, and forms the boundary between Texas and Mexico. Its waters have been used by the Mexicans and Texans living along its bank for hundreds of years, but in recent years its water has been diverted from its use for purposes of irrigation in Texas and Mexico by citizens of Colorado and New Mexico who have built dams and irrigation ditches, taking all of the water out of the river in the summer, and to-day thousands of magnificent farms, orchards, vineyards, and gardens in Texas and Mexico have been destroyed entirely for want of water. This scene of desolation and consequent destruction extends from El Paso down to the mouth of the Conchos River, a distance of over 200 miles.

The people of Mexico and Texas are alike badly injured. Mexico is our near neighbor and friend. She claims that she is greatly damaged by the diverting of the water of the Rio Grande from her. She has filed claims for these damages against our Government for probably $20,000,000. The State of Texas is also injured by reason of the same fact and to the same effect. In June and July, when it is absolutely essential to have water for irrigation purposes, we find that Colorado and New Mexico have taken all the water from the river. By building a large reservoir across the river a few miles above El Paso, at a very convenient point, the storm waters of the spring can be impounded and a large lake formed; the water can pass through from the lake into the irrigation ditches, so that Texas and Mexico can be fully supplied with water in the future. If our Government will build this dam and give Mexico one-half of the water it impounds, Mexico will relinquish her claim for damages against us.

The Government should come to the aid of these suffering people. There should be a law passed by Congress equitably distributing the water of this river. It is the only river in the United States forming a water boundary, and there is no danger in Congress voting money to build this reservoir, for it can not be a precedent, as there never can be a similar case, for the reason that we have no other international river boundary. Instead of spending millions of money beyond the seas in subjugating alien races, we should use it in building an international dam at El Paso and in the irrigation and development of this our own country. The man that does not provide for his own household is said to be an infidel; and we are told that charity should begin at home. Then let us first do justice to our friendly neighbor, Mexico, by replacing the water our people have taken from the Rio Grande River. We can do this by building the international dam at El Paso. Humanity demands that we furnish water for irrigation purposes to the Yumas and Pimas, the friendly Indians that kept our people from starving to death on the deserts of southern California and Arizona in years gone bye.

Mr. WEEKS. Mr. Chairman, I shall not have much to say about the pending bill, further than that I am satisfied the committee has brought in a bill which I can support, but I shall direct my remarks in answer to the gentleman from Missouri [Mr. COONEY]. In doing so I shall not undertake to follow that gentleman through his beautiful historical speech on the "Decline and fall of the Roman Empire" nor his story of Roman invasion and aggression. Nor shall I attempt to answer his philippic against "imperialism" generally. I shall not even stop to join with him in deploring the "decay of the Monroe doctrine" nor join with him in comparing very favorably the "statesmanship" of Aguinaldo with that of President McKinley.

I will not join issue with the gentleman from Missouri on that question, although it would be a pleasant oratorical exercise to take up the question he discusses about the "fogs of manifest destiny and dreams of empire which are abroad in this land," but shall address my remarks to the proposition which is before this House, upon which every member ought to stand by the policy of the present Administration toward our new possessions. It is to that subject I shall direct my remarks during the few brief moments which have been allotted to me.

Mr. Chairman, a great question is rising before this Congress, the Administration, and the American people; bills and resolutions relating to it have been presented in the Senate and House, and a special committee has been raised in the House. Much time has been spent in hearings before that committee. The newspapers of the country are every day discussing the subject, and opinion is rapidly being crystallized, but as yet not a word has been heard in this Chamber on this subject. I allude to the question of the status of the new possessions and people acquired by the United States under the treaty of Paris, at the close of the Spanish war, and the policy of Congress toward those possessions and those people.

I am impelled to bring this matter before the House because I know that the earliest possible action of Congress is necessary to relieve the people of Puerto Rico from a commercial and business situation most deplorable.

Delegations are coming, purporting to represent the Puerto Ricans, and are presenting their views before the President and the Secretary of War and the Insular Committee. The special commissioner for the United States to Puerto Rico, under appointment of the President to investigate the civil, industrial, social, and financial conditions of the island, has made his report, which contains a large amount of valuable information and many recommendations as to the policy of creating a form of government for this island. This report recommends, among other things, that the Constitution and laws of the United States be extended to Puerto Rico, and that a territorial form of government similar to that established in Oklahoma be provided; that the legislative power shall be extended to all the rightful subjects of legislation, including regulations for the exercise of the elective franchise; that the legal voters of the island be permitted to elect a delegate to Congress; that a commission be appointed by the President to revise the codes; that the jury system be adopted; that the patent and banking laws of the United States be extended to the island, and among other regulations, that currency, education, etc., be legislated upon.

In the remarks which I now submit to the House I desire to impress upon the House my opinion that most of these wholesome regulations are within the purview of the plan which I shall advocate.

I have waited many days for an opportunity, in Committee of the Whole, to submit my views to the House, but have not been able to do so up to the present time. In the meantime, to my knowledge, members of this House have been waiting for some expression upon this floor, from which at least a start could be made in the discussion of this interesting subject; and on this occasion it is my purpose to state, with as great brevity as the subject admits, my own opinions, gathered from personal observation of affairs in Puerto Rico. In doing so, I do not speak by authority, nor as the exponent of the views or policy of any branch or officer of the Government, nor do I claim to speak for the political party to which I belong. The question involved is not yet a party question. The views which a man may entertain are not therefore a test of his politics. My object is to serve the best interests of the people of Puerto Rico according to my understanding, while at the same time endeavoring to keep in view the interests of the people of the United States.

Mr. Chairman, I am mindful of that unwritten rule of the House which suggests that the new member maintain silence during debates over great questions as they proceed in his admiring presence, and I would not attempt to break over this sometimes wholesome rule were it not for the fact that the pending question of civil government for Puerto Rico is a comparatively new one in the field of Congressional legislation.

This measure is brought here by the suggestion of the President in his message to Congress. Among other things the President says:

> When peace shall be restored it will be the duty of Congress to construct a plan of government which shall establish and maintain freedom and order and peace. There is no reason why steps should not be taken from time to time to inaugurate governments essentially popular in their form, as fast as territory is held and controlled by our troops. To this end I am considering the advisability of the return of this commission, or such of the members thereof as can be secured, to aid the existing authorities and facilitate this work throughout the islands. Until Congress shall have made known the formal expression of its will, I shall use the authority vested in me by the Constitution and statutes to uphold the sovereignty of the United States in those distant islands as in all places where our flag floats.

Speaking especially of Puerto Rico, the President says:

> It is desirable that the government of the island under the law of belligerent right, now maintained through the executive department, should be superseded by an administration entirely civil in its nature. For present

purposes I recommend that Congress pass a law which shall provide for the appointment by the President, subject to the confirmation by the Senate, of a governor and such other officers as the general administration of the island may require, and that for legislative purposes upon subjects of local nature, not partaking of a Federal character, a legislative council, composed partly of Puerto Ricans and partly of citizens of the United States, shall be nominated and appointed by the President, subject to confirmation by the Senate, their acts to be subject to the approval of Congress or the President prior to going into effect.

In the municipalities and other local subdivisions I recommend that the principle of local self-government be applied at once, so as to enable the intelligent citizens of the island to participate in their government and to learn by practical experience the duties and requirements of a self-contained and self-governing people. I have not thought it wise to commit the entire government of the island to officers selected by the people, because I doubt whether in habits, training, and experience they are such as to fit them to exercise at once so large a degree of self-government; but it is my judgment and expectation that they will soon arrive at an attainment of experience and wisdom and self-control that will justify conferring upon them a much larger participation in the choice of their insular officers.

The fundamental requirement for these people, as for all people, is education. In the introduction of modern educational methods, care, however, must be exercised that changes be not made too abruptly and that the history and radical peculiarities shall be given due weight. Systems of education in these new possessions founded upon common-sense methods, adapted to existing conditions and looking to the future moral and industrial advancement of the people, will commend to them in a peculiarly effective manner the blessings of free government.

Thus has the President remitted to Congress the pending problem of governing Puerto Rico, and the principal feature of his suggestions regarding this island seems to be that the present military government should be superceded by a temporary civil government, under a governor to be appointed by the President, and such officers as the general administration of affairs may require.

In view of these suggestions it seems to me to be the duty of any member who has knowledge of the situation in Puerto Rico to frankly state his views to the House and to give the sources of his knowledge. I make bold to say here that no man can form an accurate or reliable opinion upon the political, moral, educational, or social conditions of the people of Puerto Rico solely from reading newspapers, magazines, and other contemporary literature.

The well-written newspaper correspondence may give a little light to the earnest inquirer, but the beautifully illustrated articles in the magazines are very deceptive. The finest pictures which art can produce do not show the density of ignorance which prevails so universally among the people there. They do not show the fact that 85 to 90 per cent of these people can not read or write. I have been among these people. I have seen them in their humble houses and in the fields of their labor. I have seen them in their poor places of business and in their seatless churches, and believe that I know something more of them than can be learned at second hand from the best literature furnished by the cursory travelers in the island.

Mr. COCHRAN of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. WEEKS. Yes, sir.

Mr. COCHRAN of Missouri. I would like to ask the gentleman whether upon the ratification of the treaty between this country and Spain terminating the Spanish war, it was not the constitutional prerogative of the President of the United States to issue a proclamation extending all the laws of the United States to the new territory of Puerto Rico?

Mr. WEEKS. There is no question in my mind about that. I have covered that fully in the remarks which I have prepared. The gentleman will get a full answer to that question as I go along.

Mr. COCHRAN of Missouri. I would like to ask the gentleman another question. If the President of the United States had that power under the Constitution, why is any Congressional action necessary to bring them under the laws of the United States?

Mr. WEEKS. I will cover that fully in the remarks which I am about to make.

I went to Puerto from a sense of duty to myself and the country, and after a careful observation became thoroughly convinced that those people are not prepared for self-government. I am firmly of the opinion that they are not prepared to be vested with the franchise of American citizenship. Imagine, if you please, any State in the Union peopled with a mass of ignorance so dense and universal as exists in Puerto Rico. Reverse the situation in any of the great States of the Union and place there a population 85 or 90 per cent of whom are unable to read, and the picture would appall the most casual thinker in this House.

With all the illiteracy brought here by immigration, we have such a vast preponderance of intelligence among our people that self-government is safe and secure. But reverse the figures and anarchy and misgovernment would certainly follow.

The President has remitted to this Congress the task of fixing the status of the people and the form of the government in Puerto Rico. Instead of arrogating to himself, as he might have done under the military authority residing in him as Commander in Chief of the Army and Navy of the Republic—instead of accepting the vast powers involved in such action, the President has, with the utmost frankness, said to the people through this House and the Senate that he is ready now to accept the directions and instructions of the people's representatives.

Mr. COCHRAN of Missouri. I would like to ask the gentleman if he thinks the people of Puerto Rico are less prepared for self-government than the people of the Spanish-American states were when the Monroe doctrine was promulgated?

Mr. WEEKS. I was not there at that time. [Laughter.]

Mr. COCHRAN of Missouri. I would like to ask the gentleman if, from general information and the history of those times, he thinks that these people were less prepared?

Mr. WEEKS. I have the information, and will answer the gentleman if he will give me time to get to it in the regular course of my remarks.

I hope Congress will not too readily accept this action as their opportunity to go into general legislation for Puerto Rico in formulating by law a civil government for that island, but that it will with equal frankness recognize the situation and return to the President its commission to deal with the whole subject as he is now doing until the time for Congressional action arrives.

The status of Puerto Rico is not that of a Territory; it is not that of a State. Its people are not citizens of the United States. At the same time it is not a foreign country nor are its people absolutely aliens. It is a piece of property or territory captured in war and now in the possession and custody of the Army of the United States.

The Constitution, Article IV, section 3, gives Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and until Congress shall assume to legislate, this territory or property remains in the hands of the military arm of the Government, under the control of the President. In this fashion it has remained for over one year (since the 18th of October, 1898), and during that time a military government has discharged the functions of civil government in all its branches on the island.

The President, as Commander in Chief of the Army and Navy, had the power to and did establish a civil or provisional government, which was a military government so far as the force and power of sovereignty goes, but which was a civil government so far as all the functions of civil administration were concerned.

To show what kind of government has been furnished, I beg the privilege of quoting from my own letters, written while in the island last October:

On October 18, 1898, the Spanish flag was hauled down and the American flag raised over the official palace, and the sovereignty of Spain, which had been supreme in this island for four hundred years, ceased, and the sovereignty of the United States took its place.

I realize the effect of the change upon the people of Puerto Rico. In this city the change is too manifest to escape the most casual observation. The streets of San Juan have undergone a marvelous change. Under Spanish rule they were filthy, the lack of proper street cleaning rendering the city foul beyond description. Now the streets are clean and the air fairly sweet and healthful. The American authorities have caused public and private buildings to be cleansed. A vast amount of plumbing and sewering has been done, and San Juan will to-day compare in this respect with the average city in the United States. The great hospitals, barracks, and other government buildings and places have been provided with bath tubs, closets, shower baths, lavatories, etc., with the utmost liberality, thereby rendering life in this hot city endurable and comfortable. The water supply is brought from about 6 miles away and is very abundant and pure. It is one of the most agreeable of the provisions introduced by the Americans for the health and comfort of the city, and will render San Juan a healthy residence city. One can imagine what a boon is thus conferred when we realize that the temperature here scarcely ever goes below 80°, but remains, summer and winter, near that unvarying point. Our soldiers, both sick and well, appreciate this provision for their health and comfort most keenly.

The insular officials are a treasurer of the island, an auditor, a collector of customs, with deputies at Ponce, Arroyo, Mayaguez, Arecibo, Humacao, Aguadilla, and Vieques. Internal-revenue officers are also located at the same points. There is also a judicial board established by general orders of the department, which has charge of the courts and administration of justice. There is also a board of health, a United States provisional court, and a board of charities, a board of prison control, a board of education, and also a postal department, with 76 post-offices on the island; also a board of public works and an advisory board in insular policy and affairs. There is an insular police; also municipal police and an inspector of jails.

These details show to what extent order has been brought out of chaos that was left by the war. The cities are as well governed as the cities in the United States, and the country is free from lawlessness, and peace and good order reign as completely here as in any State in the Union. Having visited the penitentiary, I can certify that its cleanliness and sanitary condition is as good as any prison I ever visited. There are 375 convicts in this penitentiary, almost all confined on conviction of homicidal charges, with some convicted of lesser grades of crime.

On the occasion of my visit the prisoners not out "pounding stone" were marshaled for my inspection. I passed down before the double file of men—almost all natives—and a hard-favored lot they were. But they were under such surveillance and discipline that their looks and demeanor were softened, and one could willingly forget the villainy and ferocity which was the offspring of ignorance, bigotry, and their crude notions of justice and the value of human life. The Americans have cleaned up this prison and eliminated the horrors of bad ventilation, dampness, darkness, and filth which characterized Spanish rule there.

The organization of a provisional court of the United States for the island is one of the accomplished facts most creditable to the military government there. It was created by a military order, its jurisdiction clearly defined, and extends to all cases, civil and commercial, which would be cognizable by a circuit or district court of the United States, and to all common-law offenses, with certain restrictions specified. The decisions of the court and its procedure follow the principles of the common law and equity as interpreted

by the courts of the United States, and conform as nearly as may be to the rules followed by the Federal courts.

The court has its officers and judges, the same as the courts in the States, and all its business and its rules and proceedings are in the English language.

At this point I reluctantly dissent from the views of some advisers of the President regarding the system of jurisprudence adopted by the people of this island, whom the President describes as "competent lawyers who are thoroughly familiar with it, and who advise that the system is thoroughly modern and scientific, so far as it relates to internal business, trade, production, and private right in general." It is my judgment, based upon information which I consider thoroughly reliable, that the old Spanish laws found in force in Puerto Rico, and yet unrepealed, are the most vicious, grinding, and outrageous which have been discovered in modern times, and that the administration of the laws by our Government and courts in the fashion of the Spanish régime would be the greatest scandal and disgrace possible to be conceived.

In my judgment the first, and indeed the immediate, care of the Administration or of Congress, whichever shall act in the matter, should be the speedy overturning of this relic of mediæval laws and the substitution of the principles and practice of the common law and jurisprudence of the United States.

It would be impossible within the limits of a brief address to specify with any detail the bad features which characterize the laws left by Spain in Puerto Rico, and the worse features which characterize their enforcement or administration. A very few particulars will suffice:

Prior to the advent of the Americans the writ of habeas corpus was unknown in Puerto Rico. What horrors were possible under such a condition the imagination can readily depict. Prior to the 18th of October one year ago trial by jury was unknown in Puerto Rico. What outrages upon justice were thus rendered possible can again be imagined.

Mr. GAINES. Will the gentleman yield to me for a question?

Mr. WEEKS. Yes, sir.

Mr. GAINES. The gentleman states that the writ of habeas corpus and the right of trial by jury obtain there now. How did they get there?

Mr. WEEKS. I will explain that to the gentleman from Tennessee in a moment.

Mr. GAINES. I will agree with you that if they are not there they ought to be there.

Mr. WEEKS. I will give the gentleman the information that he desires before I am through.

Up to this hour no adequate provision has ever been made for recording conveyances of real estate in Puerto Rico. Fancy the confusion possible under such a system.

A base line for surveys of land does not exist.

A will was never probated in a court in this island.

No assessed valuation for purposes of taxation was ever placed on real or personal property. Land was never taxed according to its value. Hence taxation was unjust and cruel, and the poorer classes suffered most.

As I am now advised, only a few of these unjust and wicked features of Spanish law have yet been abandoned or changed, and the great bulk of these most ancient and obsolete features are yet the law of the land there, to be administered by courts under the sovereignty of the United States. In my humble judgment these are not "thoroughly modern and scientific laws, so far as they relate to matters of internal business, trade, production, or social or private right in general." And whether the government for Puerto Rico, soon to be decided upon and established, shall be civil or military, I would lift my voice for speedy action as a measure of justice and necessity.

The CHAIRMAN. The gentleman's time has expired.

Mr. WM. ALDEN SMITH. Mr. Chairman, I ask unanimous consent that my colleague's time be extended fifteen minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of his colleague be extended fifteen minutes.

Mr. LITTLE. I object, unless it comes out of the other side's time.

Mr. WM. ALDEN SMITH. If I may be permitted, I want to say that my colleague has made a careful study of this subject and I think he ought to be allowed to go on.

Mr. LITTLE. I am perfectly willing that the gentleman should have all the time he wishes if it comes out of the other side.

The CHAIRMAN. As the request is put to the committee it would not come out of the time of either, but out of the general debate.

Mr. WM. ALDEN SMITH. I hope the gentleman from Arkansas will not object.

Mr. LITTLE. I can not yield.

Mr. WM. ALDEN SMITH. I ask unanimous consent that the gentleman's time be extended ten minutes.

Mr. SHAFROTH. I suggest to the gentleman that if he would ask unanimous consent that his colleague be allowed fifteen minutes and fifteen minutes be allowed on the other side there would be no objection.

Mr. WM. ALDEN SMITH. Well, Mr. Chairman, I will make the request in the form suggested by the gentleman from Colorado.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of his colleague be extended fifteen minutes, and that the time of some gentleman on the other side of the House, not yet announced, be also extended fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WEEKS. In this business we need not regard the traditions of the "conquered people." As a matter of fact, they have no traditions. We have taken these people at the end of four hundred years of absolute failure on the part of Spain in government, religion, morals, and education. We have a nation of children, who must be taught either the English or Spanish language in the schools and in business, in the courts and in politics and government, and we may as well begin teaching them English now as to wait twenty-five or fifty years to do it.

The President advises the establishment of a school system in Puerto Rico. One of the proudest things to recall in connection with our conquest there is that, whereas when we took possession there was not a schoolhouse on the entire island, already schools have been established, schoolhouses are being built, and the task of giving an education to the children of Puerto Rico has been entered upon in a most thorough and businesslike way.

Mr. WM. ALDEN SMITH. Are those public schools?

Mr. WEEKS. Yes, sir. We have nearly 700 schools running under military or what by some might be called "imperialistic government." I hold in my hand a letter which I received this morning from the president of the insular board of education of Puerto Rico, in which he uses this language:

THE PUERTO RICO BOARD OF EDUCATION, PRESIDENT'S OFFICE,
San Juan, P. R., January 17, 1900.

DEAR SIR: Permit me to thank you for the copy of the Port Huron Times of December 16, containing your excellent article upon the school system of Puerto Rico.

We appreciate much the intelligent consideration that Puerto Rican affairs have received at your hands. Kindly command our services in case you should at any time desire further information of any character pertaining to the work in Puerto Rico.

Very respectfully,
VICTOR S. CLARK,
President Insular Board of Education.

Hon. EDGAR WEEKS, M. C.,
Washington, D. C.

Mr. WM. ALDEN SMITH. Do they teach the English language in those schools?

Mr. WEEKS. Yes, sir; they teach the English language now. Formerly the schools in Puerto Rico, under Spanish administration, had no books. They had nothing but blackboards, and the teaching was all object teaching. The teacher would talk and the children would play or go to sleep, and sometimes the teacher would go to sleep. But I can not stop here to describe the wretched system of schools which existed in Puerto Rico before the Americans set up American schools upon that island.

But in all the calculations which we make it is a sad truth that we shall be compelled to eliminate from our consideration the mass of the present adult population of the island. It is utterly impossible to educate the present generation, and if we succeed with the rising generation we shall far outstrip our own efforts in the same direction in other regions where the United States has had full opportunity for over fifty years, with a population better prepared than the Puerto Rican to receive the elements of American education and citizenship.

I feel sure that these suggestions will not be taken unkindly, even by the small minority of the people of Puerto Rico which constitutes the educated and intelligent class, because they are the plain, unvarnished facts in the case, and I stand here to urge that Congress do not now legislate for the government of Puerto Rico, but that it authorize the President to continue the military government there, which shall exercise the fullest functions of a civil government.

The necessity for a stable government and permanency in commercial, monetary, and political matters is such that there should be no delay. Using the language of the insular commission on this subject:

So far Puerto Rico has gained nothing by belonging to the United States. She is still under the old laws, now made our own, with few modifications, and under the same oppressions. She has lost the Spanish markets for her crops, and has been excluded from our own. She is burdened to-day with oppressive taxation, and onerous, unnecessary, and exorbitant salaries are paid the horde of officeholders playing at running a government, American in form, under Spanish laws, and with officers trained in Spanish diplomacy and intrigue. Hence we may say there is pressing military necessity and a political necessity for immediate action on all possible reforms in government and administration.

Mr. Chairman, I now approach a branch of the subject in regard to which I suppose I should do as they used to do in the olden times when they had the "trial by fire," when a man was obliged to walk around among red-hot plowshares barefooted.

Mr. GAINES. I should like the gentleman to answer the question how the right of the writ of habeas corpus and the right of

trial by jury or any other fundamental right which we enjoy in this country have gone down to Puerto Rico?

Mr. WEEKS. Those rights have been inaugurated by order of the military government.

Mr. GAINES. Then civil trials are carried on by military authority?

Mr. WEEKS. Yes, sir; that is right.

Mr. GAINES. Then the Constitution has not gone there at all?

Mr. WEEKS. If the gentleman will allow me to proceed in my own way, I will cover his points.

Mr. GAINES. I should be glad to have my question answered before the gentleman gets through.

Mr. WEEKS. I will cover all that if the gentleman will have patience.

Mr. GAINES. I hope the gentleman will get to my question soon.

Mr. WEEKS. I would like to answer the gentleman now, but I can not at this point take the time.

Mr. Chairman, the American people do not take kindly to "military government," but until Congress shall act in the matter there is no other form possible for Puerto Rico. In other words, there is no government possible unless it be either a military or a civil government, and the moment civil government is established military government is gone.

A MEMBER. Which do you favor?

Mr. WEEKS. I will tell the gentleman if he will have patience.

While I favor the continuance of the present form of government there, I would urge that every possible feature of civil government should be maintained, especially in the administration of such laws as the President may, in his wisdom, recommend. I would not recommend immediately investing in the people there the franchise of citizenship or the right to vote. Just and good government can be maintained there without either until such time as, through education and experience, familiarity with American ideas shall be obtained by the inhabitants. Far better so than the frequent revolutions and bloodshed which have characterized the Latin and native and mixed races of Central and South America and certain West India islands for hundreds of years. With the steady hand of the American Government in control, the people will eventually discover where the path of peace, order, education, obedience to law, and the will of the majority will place them, and in the fullness of time the people of Puerto Rico will become so Americanized as to make good citizens and the fair island become the real gem of the Antilles.

There is precedent for all this. When civil government was set up in California after the cession of that territory by Mexico this course was adopted; it received the approval of the Federal courts, and the civil administration by the military authority was accepted. The same difficulty was experienced for a long time in California that confronts us in Puerto Rico to-day. A large majority of the people spoke a foreign language, were ignorant of English, and densely ignorant of those principles of republican government which alone will be sanctioned when civil government shall be finally established.

A strong argument for the continuation of the military government in Puerto Rico is the organization of political parties there just prior to the recent municipal elections. I happened to be there during those elections. I attended the polls and saw and talked with the officers superintending the election. So I know something about this matter from personal observation. The two parties put forth pronunciamentos, or platforms. The platforms were wide in their scope, one declaring for an insular republic, the integral sovereignties of which should be Cuba, Haiti, Santo Domingo, and Puerto Rico, and the other for American money, free suffrage, or popular ballot, free trade with the United States, and early admission to the American Union as a State. And upon these platforms the parties went into the campaign for the election of alcaldes, constables, and other mere municipal officers.

The spectacle of these elections was not encouraging. Riot and disorder and bloodshed occurred in a few places, and the mob of ignorant "electors" raged through the streets shouting "death to this one," "down with that one." So repulsive was this exhibition that the present military governor issued an order suppressing such demonstrations and threatened to proclaim martial law in case such proceedings were repeated. Peace and order followed this exercise of power by the governor, thus furnishing strong argument in favor of a continuance of military government there.

The political party which best commends itself to American sympathy in Puerto Rico declared in its platform as follows:

> We believe that the people of Puerto Rico could be trusted with the civil government of the island; but as that authority only emanates from the Congress of the United States, it is but our duty to await their action. While under military government, awaiting action by Congress, we desire that all civil offices should be filled by men capable, honest, and of unquestioned loyalty to the Government of the United States, and disposed to act singly for the best interest of this island and our common country without distinction, thereby affording us an opportunity to demonstrate our fitness for self-government with all the burdens and responsibilities which it entails, and which will hasten the day when our island will have a place among the States of the Union.

Before Mr. WEEKS had concluded his remarks,

The CHAIRMAN said: The time of the gentleman from Michigan has expired.

Mr. WEEKS. I ask unanimous consent that I may print the rest of my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GAINES. I certainly do not object, and I shall be delighted if the gentleman in extending his remarks will answer my question.

Mr. WEEKS. I think I shall do so.

This seems to demonstrate that the best intelligence of Puerto Rico declares for the plan of government which I am urging as the most wholesome for that island.

From my own observations I am fully persuaded that the mass of the people of Puerto Rico are incapable of self-government and unprepared for the duties of citizenship or the exercise of the elective franchise. They lack intelligence, education, and patriotism, three things essential to self-government. I repeat here the language of General Ludlow, in a recent utterance, speaking of the Cubans in this same connection:

> I apprehend it will be a long term of guardianship. At present illiteracy will reach 80 per cent of the people. To grant them universal suffrage would be to undo all the good work which has been done by the Government.

At this point I take the liberty to make a quotation from a letter written by a Puerto Rican of apparent intelligence and education, published in the New York Sun of January 21.

Speaking of the capacity for self-government of the Puerto Rican people, he says:

> But, notwithstanding this, the great mass of the people of every degree are loyal to us. They are well disposed and anxious to become good American citizens, on a level with ourselves, enjoying all our privileges. With the exercise of patience, forbearance, and wisdom this laudable ambition may in time be realized, though at present, as a people, they are not fitted for self-government, and the attempt of demagogues to lead them into a demand for a Territorial organization, with a legislature of their own, is placing them at a great disadvantage, the same as is done in attempting to compel a child to run before it has learned to stand alone. Governor-General Davis has wisely given them an opportunity to demonstrate their quality as citizens by authorizing them to hold elections for municipal officers. He has also appointed natives to important offices.
>
> The results have been so unsatisfactory in so many instances that those best acquainted with the facts have been led to declare most positively that Puerto Ricans, as yet, are incapable of self-government, and they sustain the declaration with ample proof. The governor-general was even compelled to issue a proclamation threatening to supersede the civil with the military authority in the disturbed districts if peace was not restored at once. That proclamation had a happy effect. The necessity for it shows the mischief that may be done by an active minority, badly led, and also that the hand of power is still needed there.
>
> But time and experience will cure all this. It will be slow, tedious work, and must be done by Puerto Ricans themselves, with our assistance, and they will not be free until, by education under competent supervision, they have freed themselves from the ignorance and superstition that has so long held them in bondage, as well as from the traditions of the Spanish oligarchy that still cling to too many of them, the evidence of which we see in the profuse display of Spanish flags on every fête day in San Juan. It is due to the rest of the island, however, to say that this flag is not often seen elsewhere. They do not seem to be aware that every such display postpones the day when the island will have Territorial government.

The present military government has already accomplished great good for these people. Peace and order reign in all the island. Life and property are as safe as in any State in the Union. I traveled across the island, over mountains, through valleys, and through populated towns, wholly unarmed and without thought of personal danger, going about day or night, in country or city, just as one would in the most peaceful neighborhood of the States. The present government has brought to the people of Puerto Rico but little benefit, however, because the Spanish laws and ancient customs have been suffered to continue and because the exactions of officials under Spanish laws are continued under American administration under the plea that the law warrants these exactions. Instances of this state of things can be readily cited, and it is a weak spot in our administration there that these things have not been corrected by military order.

But the hesitation of our military government in dealing with these scandals has arisen from the doubt as to the immediate future there. The well-known antipathy of a great many Americans to what they are pleased to call "militarism" has had some influence in this matter; but once let Congress declare that the present form of military government must continue in Puerto Rico, and all these abuses will, no doubt, be promptly corrected. We must not pause out of respect for ancient usages. If a thing is oppressive or exacting, root it out at once. I speak particularly of the system of conveyancing, which permits a notary to exact large commissions on the value of realty conveyed as his fee for drawing up the papers; and also the exaction of a monstrous fee by this same official for furnishing a copy of the conveyance. And all this comes from the ridiculous fact that conveyances are

not recorded and no provision made for such records, only copies being recorded, and they at large expense.

The same applies to the law of wills. I am informed that no will was ever regularly probated in Puerto Rico before a court having jurisdiction of such matters, because there is not now and never was such a court. The notary has the custody of the wills which he has drawn, and his bare production of such will is, in Puerto Rico, its probate. Changes have been made in the customs laws which have brought relief, but other radical changes must be made before justice is done to those people. The writ of habeas corpus has been introduced, and monstrous abuses and crimes against the liberty of the Puerto Rican have been abated, but with the present law, authorizing any judge to imprison at his discretion, the writ as now provided for is half paralyzed.

Juries are now provided for, and this bulwark of civil liberty is now known for the first time in this island, but only in the provisional court of the United States.

The petty exactions and lawless methods under the guise and pretense of custom by the lesser courts on the island have been only partly corrected, by placing the proceedings of all the courts under the general supervision and control of the provisional court of the United States, which holds its terms at San Juan, Mayaguez, Ponce, and one or two other cities.

The necessity for speedy, I may say immediate, reform in many particulars is pressing, and if Congress will promptly resolve to rely on the authority of the President and the military on the island, speedy relief will follow.

I have given only a portion of the reasons why I advocate a continuance of the military government of Puerto Rico. I believe the time is not yet ripe for the mass of the people of that island to be trusted with self-government, with citizenship, or with the exercise of the elective franchise, and I believe that the day we change the form of government there, if done now, will be a day of disaster for Puerto Rico.

One of the disasters which might follow is intimated in the following extract from a letter dated San Juan, Puerto Rico, January 13, 1900:

> May I call your attention to the article of Mr. George Keenen, recently published in the Outlook, on the "Characteristics of the Cubans." In that article Dr. Keenen remarks that the Cubans will never be able to take care of themselves from a sanitary standpoint, and that that work must always remain in the hands of the Americans. May I call your attention to the fact that I believe what is true of Cuba in this respect is true of Puerto Rico and the other Spanish islands we have recently acquired. If the people of the United States wish smallpox, yellow fever, leprosy, elephantiasis, and other horrible diseases to continue here and to be carried to the States, they have only to turn over sanitary matters to these happy-go-lucky people, who care nothing whatever for disease, and who make extremely slight efforts to check its ravages. This island, for instance, under the Spanish Government always had yellow fever, and as many as 20,000 people have died in a single year from smallpox. Now we have smallpox absolutely under control, and did not have a single case of yellow fever this past season.
>
> These islands are naturally healthful. The air is pure and wholesome. The heat is a little greater than would please a Northerner. These diseases have prevailed and have been alarming to Americans and Europeans, but arise wholly from the abominable filth and careless habits of the people.
>
> Very respectfully,
>
> GEO. G. GROFF,
> *Secretary Superior Board of Health, etc.*

A military government can be so constituted as to meet all the emergencies and demands which can properly be made upon a civil administration. A system of education; a system of taxes based on assessment of property; a readjustment of our tariff to suit the necessities and conditions there; a code of civil and criminal law; habeas corpus; trial by jury where it is possible; highways and bridges; franchises to railway and electric-motor companies; support of the poor; regulation of marriage; recording real estate deeds and mortgages; prevention of contagious diseases; regulation of liquor traffic, and all subjects of ordinary municipal and State legislation could be provided for, the peace maintained, and civil and religious liberty protected under the military government as well as under a civil government. A code covering all of these subjects has been prepared by the insular commission, but not yet printed or reported to Congress.

From the report of the judge-advocate of the Department of Puerto Rico I take the following extract, showing the scope and jurisdiction exercised over civil affairs by the present military government:

> The following partial statement of subjects pertaining to governmental reforms and reconstruction of governmental administration which have been referred to this office for investigation and report, and upon which decisions and opinions have been rendered or new laws framed, will suggest in some degree the magnitude of the work in hand:
>
> Military commissions; marriage and divorce laws; attachments on property; arrest and conviction of bandits; private and municipal bonds; cases in bankruptcy; opposition by clergy to certain burials in consecrated cemeteries; concessions; commissions levied by banking institutions upon certain drafts and checks; jails and prisoners; reforms in judicial procedure; renunciation of foreign citizenship by public officials; aliens' petitions to make declaration of intention to become citizens of the United States; aliens' applications for enlistment in Puerto Rico battalion; importation of contract labor and immigration laws; validity of contracts between clergy and state executed under former régime; claims against the state by church and clergy; miscellaneous claims against the state; rights of foreign lawyers to practice their profession; abrogation of certain dues and fees exacted by former régime; matters of public education; liberty of the press and abuse thereof; court physicians and jail chaplains; garnishment of certain salaries; collection of debts; efficiency of police, abuse of authority by police; protests against public nuisances and vices; sedition; criminal libel; importers' licenses; creation of United States provisional court; property titles; public lands; regulation of judicial costs; erection of public buildings; office rights purchased under Spanish Government; notarial fees; negotiable instruments; jurisdiction of local courts; abolishment of certain courts; registration of legal instruments; municipal elections; taxation; frauds and misuse of public funds; testimony; appointment of United States provisional court commissioners; civil reforms, etc.
>
> The oath of allegiance required of all pilots and light-house keepers and the oaths of office to the various public officials to the number of several hundred were also administered by the judge-advocate of the department.

The President has simply performed his duty up to the present hour in caring for the public domain and preserving the peace, and he now turns to Congress for its approval and directions.

Subject to climatic conditions and other considerations, there should be taken up the questions in that island relating to labor, wages, finance, and education, and considered in their order. They should be considered and treated according to the unalterable conditions which exist there. Rules which would be applicable to colder zones will not apply there, and that which we might fancy or wish was the case we can not force or compel against the irrevocable and inevitable.

My observations among the educated natives, the business men, and those who have the substantial interests of Puerto Rico at heart lead me to believe that they most earnestly and cordially commend the present government in that island. They concede the great benefits already conferred, and the great promise of the future, from a wise, strong, and intelligent administration, and express the belief that the welfare and prosperity of all classes in the island depend upon the continuance there of the military government for an indefinite period. They concede that it would prove disastrous to those interests if the affairs of insular government should, through a mistaken policy, fall into the control of the uneducated masses under the leadership of scheming and unscrupulous local politicians.

The revenues of the island soon will be ample for all the expenses of the government, and under American administration these revenues will be honestly collected and honestly expended, so that the island and its people will get the benefit, not the Spanish monarchy and a horde of dishonest officials.

With the reforms which I have suggested we shall soon place this new and beautiful possession on a self-sustaining basis, and, beside rescuing a million of people from the cruel oppression of hundreds of years, under which they deteriorated and suffered, we shall educate and ennoble the people and add to our national possessions the key to the Gulf of Mexico and the Caribbean Sea, and a naval station from which we can dominate those regions, protect our national interests in the Nicaragua canal, and secure ourselves in a coigne of international advantage valuable beyond our past conceptions.

A word in regard to the revenues of Puerto Rico. The customs taxes amount to only about $1,000,000 a year. Ground taxes collected on the island reach nearly three and a half millions annually. The export taxes, levied by the municipalities at their own will and pleasure, not limited at all by any general law, amount to a large sum, the precise amount not known.

These taxes are expended mostly for salaries and pensions to officials and ex-officials, and very little goes to the benefit of the people or fund for which they are levied. Hence it is apparent that much greater relief can be afforded Puerto Rico by a wise code of taxation and collection laws, a reduced official force, and honest expenditures, guided by conscientious and faithful American officials, than the total abolition of all indirect taxes by way of customs duties. Customs can be so assessed as to fall mostly on the wealthier classes and consumers of luxuries and those most able to pay, and thus lessen the burdens on the poor in export taxes, taxes on occupations, on rent, and furniture in the homes, as is now the law. The people pay a well-adjusted tariff with less complaint than any other species of tax. Under the laws yet in force in Puerto Rico, notaries public make from ten thousand to fifty thousand dollars a year. Recorders of deeds make an equal sum. These are abuses and fall heavily on everyone who buys or sells land. Many instances can be cited where it cost more to pay these fees for the notaries and recorders than it did to pay for the land purchased.

Taxes are now doubled by law as against nonresident owners of lands. This is un-American and contrary to the ordinary rules of just taxation prevailing generally in the United States.

The Spanish system of laws is founded on wrong ideas, incompatible with free institutions, and, if left as a code or system, will retard all governmental or business progress. Mexico still holds to them, though she has been out from under the Spanish yoke over a generation of time; and it is such systems of jurisprudence prevailing in Spanish-American countries which has for a century blocked the wheels of progress and civilization.

As an example of this proposition, I recall that only a short time ago we read of a wealthy cattle grower of New Mexico who, straying over the line, became involved in a difficulty with

Mexicans, was arrested, jailed "incomunicado," kept in a foul prison with insufficient food, denied all access to his friends, spent all his money in trying to free himself, and died from the effects of two years' confinement without trial. In the United States foreigners, however intelligent, must remain here among us, in contact with our free institutions and under our laws, several years before they can be citizens and before they are allowed to sit on juries. Many good people think this is too short a time.

Why, then, is there any haste to extend these privileges to Puerto Ricans, made up of Spaniards and negroes and mixtures of the two, 90 per cent of whom can neither read nor write? Add to this those who own property, and you still have 85 per cent who can neither read nor write or do not own property. If we limit suffrage to the 10 or 15 per cent, you deprive 85 or 90 per cent of the people of a voice and confer the power on the 15 per cent. Of this 15 per cent, over half are the politicians, who would control the other half, and they are educated in Spanish and Spanish laws and ways of government, the corner stone of which is how to help the officeholder and burden the people and hold them in ignorance so as to be more readily controlled. This is all un-American and not a free government.

So far, when called upon to form a law on the American plan, they have failed to show a comprehension of the first principle of justice as we understand it. Take the tax law; it taxes nonresidents just double the resident. Take the so-called marriage law, supposed to give legitimacy to the offspring of consent marriages; it fails to give a scintilla of relief. As to divorce, the laws there provide for divorce against the wife if she is found guilty of adultery, but the husband can not be divorced for adultery by him unless it is proved that his adultery had caused public scandal. The crime may be committed in the presence of his wife; but if it is not public and notorious, the law affords her no redress.

Such a law was promulgated with great acclaim by the secretary of justice as a great American law, and he is regarded as one of the best scholars and lawyers on the island. They also prohibit ex-priests, who have long ago abandoned the church, from marrying the mothers of their children, with whom they live without marriage, because prohibited by this old Spanish law, which we have adopted there. The Church may declare that its priests may not marry; but why should the law do so, and especially after they have renounced allegiance to the church?

The courts, presided over by men graduated in law schools of Spain, are suspected of priestism and bribery, and do not at all possess the confidence of the people. The rich and influential gain their suits. They never had a jury system. If we have a trial by jury there, and these people are called into the jury box (people who have never even dreamed of exercising such a power), what kind of justice can be expected? You have lessened the amount to be paid in bribes and corruption and permitted to remain other influences to secure a verdict.

If by legislation we are going to grant citizenship to those Spaniards and negroes in Puerto Rico, and declare for free trade with the islands, we shall give an argument to our friends the Democrats which they have not now. You will add to this list of opposers the sugar growers, both of corn and beets, the tobacco growers of the country, the fruit growers of California and Florida, who see their business seriously threatened. "Is the island worth the destruction of all these home industries?" they will ask. Is the policy of protection which we have been so long building up for the advantage of our people to be given away by the Republican party?

If we can do away with the prejudice against military government, we have avoided all these evils. Military government may be reduced to the minimum of objection when it is purely civil in form, enforced solely by civilians and not by soldiers, controlled by a full code of laws, and the military held in the background simply as a police force and only to act when called on by civil authorities.

Can not Congress be as wise and unselfish as the President, who has declined to assume or exercise his power, by withholding its right to legislate, and so leave the government in the hands of the Commander in Chief of the Army and Navy of the United States. The President has all the power he needs, and could have established this government before Congress met; but he does not seek these extra responsibilities. If Congress chooses to relieve him and take up the burden, it can do so. But if this course is regarded as unwise at this time, the President will then furnish those people with good government, as during the past year he already has done. Let Congress, by resolution or otherwise, decide to leave these people where they are, in this probationary state, and all clamor and dissatisfaction will cease. The President will continue the present wise government, and the people will submit cheerfully to the government so established. And the American interests now agitated by the fear of free trade with the little island of Puerto Rico will receive assurance that the Republican policy of protection will not be abandoned or qualified.

It is possible for this Congress to put this matter at rest for five or ten years, at least, so as not to trouble future Congresses. If this Congress declares "the inhabitants of our newly acquired islands to be citizens and the islands integral parts of the Union," either directly or indirectly, that is the end of it, and no future Congress can change it. But if Congress declares that for five or ten years the islands are merely dependencies, under control of the United States military authority, and that at the end of that time Congress will fix their civil rights and political status, that would exhaust the power until the expiration of the period. In any event, it would be improbable that a future Congress would change it unless there was very good reason for doing so.

It is with some hesitation that I have spoken so plainly on the recommendation of free trade with Puerto Rico. Already this suggestion has aroused opposition, as detrimental to our tobacco and cigar manufacturing interests, in which millions of American capital is successfully embarked. Our woolgrowing and manufacturing interests are also aroused, while the united forces of our fruit-growing and beet-sugar interests are besieging us on this floor to ward off the threatened danger that is to come from free trade with Cuba, Puerto Rico, and the Philippines. It is maintained that free trade with these islands would seriously impair all these great interests, and messages and letters are being received by Congressmen from all the wool and tobacco growing States imploring the Representatives to prevent the consummation of this suggestion.

Many Republicans, strong in their loyalty to the doctrine of protection to American industries, are not hesitating in the expression of opposition to opening the door of free trade, even in a limited way. They urge that free trade with Puerto Rico must come, when it does come, in a constitutional way, after the island becomes a constituent part of the Republic, not while it remains a dependency, and that a long time should elapse, even in this view of the case, to allow American industries ample time to adjust themselves to the new conditions which free trade with the colonies will bring.

I do not suggest these things in a spirit of opposition, but with the fervent desire that whatever is done in the House or elsewhere will be done with a full knowledge of the vastness of the interests involved, with a full realization of the effects of hasty or immature action.

Since the preparation of the notes from which I am speaking the Governor-General of Puerto Rico, Gen. George W. Davis, has been summoned to Washington by the President, and has been before the Insular Committee of the House, and I am proud to say almost every proposition which I have laid down was most fully emphasized by him. The committee will not fail to sustain me in this claim, and after the clear, candid, and convincing statement of General Davis it seems to me that but one course lies before the committee, and that is to recommend that Congress do not set up a civil government in Puerto Rico, but that the President be left to govern there by military authority for an indefinite period.

While we are discussing these questions relative to the island of Puerto Rico, why not turn to Cuba for a brilliant example of the kind of government which I am urging for its neighboring isle? The splendid administration of General Wood, from the time he began the occupation of Santiago until this hour, furnishes the most cogent argument for us here. He is dealing with a people similar in habit, in social, moral, religious, educational, and political condition—a people speaking the same language, possessing the same defects, lacking the same qualities as the men of Puerto Rico; and day by day the American newspapers are filled with praise for the conditions enforced in Cuba by General Wood. The problem is the same almost in both these islands, so far as the present condition is concerned, and the same firm hand of military government which is educating the Cuban people and preparing them for self-government is needed in Puerto Rico.

When the United States purchased from France the territory of Louisiana, in April, 1803, no war existed there, yet the President set up there a military government, which continued for some time, during which time Congress did not feel called upon to even suggest any change, except in October, 1803, when it passed, by large majorities in both Houses, an act containing a grant of plenary authority to the President.

The following is one section of the act:

That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

From a learned paper which was read before the American Historical Society (see Annual Report American Historical Association, 1898, page 316) by Mr. S. E. Baldwin, a paper written pending the ratification of the recent treaty with Spain, I make the following quotations:

The President is holding these islands during a foreign war with the rights of a military commander in an enemy's country. There is no constitutional objection to the acquisition of any or all of our new possessions, or

to subjecting them to a temporary government of military or colonial form.

Until Congress acts, the President can govern our new possessions with no other authority than that with which his great office is clothed by the Constitution in its grant of Executive power.

If the Spanish treaty should be ratified, Congress could replace the temporary government which the President has set up in Puerto Rico by whatever form of administration it may think proper, not inconsistent with the principles and provisions of the Constitution of the United States, and maintain it until the inhabitants may be fit to govern themselves. No fixed limit of time can be assigned for the duration of such a régime. We have held Alaska under such conditions already for thirty years, and she is hardly more deserving of autonomy now than she was when a Russian province.

We have held New Mexico under different forms of administration for nearly fifty years, and the character and traditions and laws of a Latin race are so deeply stamped upon her people and her institutions that no demand of party exigency has been strong enough to secure her admission to the privilege of statehood.

Upon the ratification of the treaty Puerto Rico would become a part of the United States; but our customs laws would not have full operation there until Congress created the necessary collection districts and ports of entry. Until then the temporary government of the President would continue; duties on imports could be lawfully collected by his agents; and whatever courts of a municipal character he may have set up would continue in the discharge of their functions, with the power of life and death.

A port or island like Guam, taken for military or naval purposes, can be permanently kept under military law.

And here such certainty as can be derived from judicial precedent or settled legislative construction and popular acquiescence comes to an end.

How long and with what effect Congress might allow our new possessions to be held under military rule; whether Puerto Rico can be held permanently and avowedly as a colonial dependence; whether they could be given over to their inhabitants; whether all trials for crimes committed there must be by jury; whether in this Republic there can be settled inhabitants of civilized or semicivilized races owing allegiance to the United States alone, but who can be regarded as subjects and not citizens—these are questions not irrevocably settled so far as we can consult the oracles of the past.

In conclusion, I take the liberty to appropriate the main points of an able editorial in a recent issue of the Washington Post, and commend the same to the candid consideration of the House:

Believing that the Constitution of the United States, as interpreted by the Supreme Court, renders it impossible for Congress to legislate for the government of any of the islands acquired by the Paris treaty without thereby making them integral parts of this Republic and conferring citizenship upon such of their inhabitants as might choose to relinquish their allegiance to Spain, the Post has expressed doubts as to the truth of sundry predictions of great activity on the part of the new Congressional Committee on Insular Affairs. Referring to an editorial in the New York Sun relating to the greatness and importance of the work before one of these committees and the honor of an appointment to membership thereof, the Post said that if legislation upon matters appertaining to island governments means that the islands legislated upon are thereby made integral parts of our Republic, and their inhabitants made citizens of the United States, we are confident that the country will be more than willing for this committee to share the leisure of its esteemed contemporary, the Committee on Revolutionary Claims.

There is not a doubt that "those islands are ours." The title by which we hold them is absolutely flawless. But where is the statesman, where the intelligent, patriotic American who is desirous or willing to have all those islands become parts of our Republic, all their inhabitants our fellow-citizens? Congress can not legislate for aliens. There is no halfway point between the citizen and the foreigner. The colonial plan of Great Britain is barred by our Constitution. The only open door for escape from full recognition of each and all of our new insular acquisitions as parts of our Union is that which President Polk adopted, with the tacit consent and approval of Congress, in governing New Mexico. It was technically a "military government," but military only in name. Judge Curtis refers to that precedent in his Forum article.

He states that when New Mexico passed into the possession of our Army, in 1846, the Mexican officials departed, and all semblance of government simultaneously disappeared. Thereupon General Kearny, the commanding general of the army of occupation, proclaimed himself governor and prepared a full code of laws, civil and criminal; established a new judicial system, with trial courts and appellate courts; prescribed new methods of taxation, and appointed a complete set of officers and judges. He acted with the approval of the President, as Commander in Chief, but without the direct sanction of Congress. The military assumption of civil powers continued nearly five years—long after the war ended, and until Congress considered the people of New Mexico ready for Territorial government. Then an enabling act was passed and a Territorial legislature authorized.

If the new committees can find any middle ground between Executive government and Congressional government, with the result of placing the islands "upon a footing of Territorial wardship," they will confer an inestimable favor on their countrymen. Pending their search for that desideratum, the Post has no doubt that they will move cautiously if they move at all.

If Congress can not legislate for those islands of the Orient without thereby repealing our immigration and tariff laws as relates to them—and this appears to be the exact state of the case—we believe Congress will wait a long time before entering upon such legislation.

From the other end of the Capitol you have heard within a few days, in words of eloquence, the same story of another of our new possessions, where an almost identical race of people have been recently rescued from the rapacity and cruelty of Spain and brought under the benign influence and protection of the American flag. I regret that I lack the art of eloquence to charm and to win your applause, as did the distinguished statesman and orator who addressed the Senate.

It is my lot rather to deal in arguments dressed in the "sober gray" of the English language. But I have endeavored to place before the House the real and actual facts, and to indulge in no fine or fanciful phrases while dealing with this momentous question. I call it a momentous question; and the words are weighed and measured. It is the first instance when the American Congress has proposed to legislate for alien people living 2,000 miles across the seas, and to confer upon an uneducated people—who do not speak our language, who have never known what civil liberty means, who know absolutely nothing of our traditions, our history, our national purposes or instincts, who never have tasted true liberty—the priceless privilege of American citizenship. At the threshold let Congress pause and look steadily and squarely in the face the thing we are about to do, so that when we have finished our work we may have the applause of the American people and the approbation of our own consciences.

BRIEF ON LAW REGARDING OUR NEW POSSESSIONS.

Cuba is only in our temporary possession, with a pledge that such possession shall not ripen into sovereignty, but be held for the Cuban people, to be surrendered to a government when formed, which shall carry out the obligation we have assumed. Presumably such a government is intended as shall be able to perform the obligation incurred. That is all our interest in Cuba.

But Puerto Rico and the Philippine Archipelago present a different problem. These were conquered, and purchased, and ceded. Our title is full and complete. These islands belong to the United States, but as yet are not a part of the United States.

In the Philippines we have a contest on our hands by some of the former subjects of Spain who rebel against our sovereignty, and until this rebellion is suppressed there can be no thought of civil government and no legislation by Congress in the way of making laws for them is suggested.

But with Puerto Rico the case is entirely different. Here we have had no rebellion, the people are our friends, good order prevails, they demand American laws. They wish to be relieved from the old Spanish laws, royal decrees, and so forth, and from their discriminations and unjust exactions and oppressions. Some few clamor for self-government and representation in Congress, or at least Territorial rights, but these claims are at present at best untenable and need not be considered in this discussion.

But it is universally conceded that in some way our system of laws and jurisprudence should be extended to them, and at once.

The all-important question is how or by whom—by Congress or by the President as Commander in Chief? Undoubtedly both have the power to do so. The effect to follow is, however, quite different.

These islands come to us very differently—that is, on different terms—from any former acquisition of territory. In all other treaties the "political status and civil rights" of the people in the territory ceded as citizens, etc., of the United States was defined in the treaty, which was binding on Congress. Louisiana in 1803 and Florida in 1819 were purchased, New Mexico and California by conquest and by purchase, Alaska by purchase, Texas by annexation, and some other territory by cession from the original States. In all these cases the territory became at once, on approval of the treaty or by its terms, a part of the United States and the people clothed with the rights and duties of citizens.

In this case the treaty provides that "the civil rights and political status of the inhabitants of the territories hereby ceded to the United States shall be determined by the Congress." This and nothing more, except "the inhabitants of the territories (not citizens) shall be secured in the free exercise of their religion." This last would not have been necessary if these people were at once to be citizens of the United States and our laws were by operation of law, on ratification of the treaty, to be extended over them, as such is the privilege of all under our laws. Again, some provision is made for security of Spanish citizens—natives of Spain—and how they may preserve their allegiance to Spain, and it is provided that in default of this "they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside," not to have become citizens of the United States, as it was in terms provided in the treaty with Mexico. Again, in Article VII this distinction is made: Each Government relieves the other for all claims of its "citizens or subjects" against the other, etc., and provides, "The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article." This does not mean the claims of Puerto Ricans, Filipinos, or Cubans, but only of "American citizens."

So that it is clear that by the ratification of this treaty these people did not become American citizens, but remained simply "native inhabitants of the territories ceded," with their political status and civil rights yet to be determined. The treaty does not provide when Congress shall determine this matter. Until it does the islands remain our property, our military possessions, but not a part of the United States, and the people remain "inhabitants of the islands" under our military control. Neither authorities nor precedents are wanting in this country or in Europe for full control and government of these possessions by military authority, though by civil form of government and promulgation of full code of laws and appointment of civil officers by the Commander in Chief, from the time of conquest to government by Congress. As long as Congress does not act the President may, but when Congress does act by declaring the islands a part of the United States, or by assuming to legislate for them as citizens, the military power ceases and Congress must then pass all the legislation for them or authorize them as Territories or States to legislate for themselves.

The laws can not be partly made by Congress and partly by the

President as Commander in Chief, as it is only in the absence of Congressional legislation that his power to promulgate laws exists when Congress has the power or when in possession of foreign territory where Congress has not the power. The commander in chief of all nations has possessed this power since governments existed among men; our President therefore had it before the Constitution was adopted, and it does not deny the power. This power to govern extends to all conquered countries and is constitutionally invoked whenever Congress "declares war," and continues till superseded or taken away by surrender or recapture of the territory conquered or by Congress providing for the government.

This power to govern as a military possession applies to a people and to territory not citizens and not a part of the United States as well as to people who are but are without government and disputing our authority, as with the Southern States during and after the rebellion. And the laws so promulgated over foreigners and territory not a part of the United States especially need not in all respects conform to the limitations of the Constitution on the power of Congress to make laws. "The Constitution can have no operation in another country." (In re Ross, 140 U. S., 464.) Also same court, in same case, says:

> By the Constitution a government is ordained and established for the United States of America, and not for countries outside of its limits.

In Fleming *vs.* Page (9 Howard, 603) it was held that—

> Duties were properly levied and collected on goods imported into the United States from Tampico, Mexico, while that country was in possession of the military forces of the United States. * * * The duties exacted were not those prescribed by law, but by the President of the United States as Commander in Chief.

Florida after it had been ceded was regarded as to customs as a foreign country, etc. The court then says:

> The principle thus adopted by the Executive Department has been sanctioned by this court and the circuit courts whenever the question has come before them. * * * It is sufficient to say that this is no discrepancy between them, and all of them, so far as they apply, maintain that under our revenue laws every port is regarded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress and the officers exercise their functions under the authority and control of the laws of the United States.

The same decision holds, page 614, that—

> The conquest or occupation of a foreign country, or a part of it, by our military forces does not enlarge our boundaries nor extend our institutions and laws beyond the original boundaries. That must await the action of Congress.
>
> The power to make war does not mean for conquest, as such * * * territory conquered may, 'tis true, be held as compensation for expenses, etc., or by treaty of peace, but it is not a part of the United States until accepted as such by the proper authority (Congress). "To all the world [Tampico] was a part of the United States and belonged to them as exclusively as any in our established boundaries, but yet it was not a part of this Union."

Thus far our new possessions have been governed by these rules, duties have been collected, and some laws promulgated, and the course thus followed has ample precedent, both in this country—as in California, New Mexico, Florida, Louisiana, and the Southern States, and has met the approval of the Supreme Court in all cases—and also in Europe by the course pursued by England, Germany, and all other countries. Where the occupied country has no civilized laws of its own, then, as of necessity, the laws of the conquering country go with its flag and its citizens who emigrate to the new land.

No one questions our right, so far, to collect duties and prescribe laws under the military power. The same power can establish civil government and promulgate a full code of civil laws, as was done with New Mexico and maintained for about five years before Congress took any part, and the Supreme Court of the United States upheld the laws and courts thus established. (See Leitzenderfer *vs.* Webb, 20 Howard, 178.)

> Congress is a creature of the Constitution, and all its powers are derived therefrom and limited by its provisions. (Mormon Church *vs.* Utah, 136 U. S., pages 1-44.)

In National Bank *vs.* County of Yankton (101 U. S., 129), in speaking of Territorial government, the court says:

> But Congress is supreme and for the purpose of this department of governmental authority has all the power of the people of the United States except such as have expressly or by implication been reserved in the prohibitions of the Constitution.

And in Scott *vs.* Sanford (21 Howard, 393) it was held and agreed to by minority that all the prohibitions of the amendments to the Constitution bind Congress in its legislation for the Territories as fully as those in the original instrument, trial by jury, uniform customs duties, presentment by grand jury, etc., as well as the prohibition to pass ex post facto laws. All constitutional prohibitions are denials of power of Congress to legislate.

The same authority also holds, page 449 (and it is acquiesced in by the minority opinions), speaking of a Territory whose population is not ready for State government:

> But some form of civil government is absolutely necessary to organize and preserve civilized society and prepare it to become a State, and, what is best, must depend on the condition of the Territory at the time, and this choice must depend on the discretionary power of Congress, acting within the scope of its constitutional authority and not infringing on the rights of persons or rights of property. * * * It was acquired by the exercise of this authority, and it must be held and governed in like manner until it is fitted for a State.
>
> But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of government. The powers of government and the rights of the citizen are regulated and plainly defined by the Constitution itself. And when the country becomes a part of the United States the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which it alone continues to exist and act as a government and sovereignty. It has no power of any kind beyond it, and it can not, when it enters a Territory of the United States, put off its character and assume discretionary or despotic powers.

In 5 Wheaton, 317, Loughborough *vs.* Blake, it is held duties and direct taxes shall be alike in States, Territories, and districts of the United States, and holds this to apply to the District of Columbia as part of the United States.

In Thompson *vs.* Utah (170 U. S., 348) the Supreme Court held that—

> The sovereign power of the United States over Territories is subject to such restrictions as are imposed and expressed in the Constitution or are necessarily implied by its terms.

Then in the case of the Mormon Church *vs.* United States (136 U. S., 1 to 44), the court says:

> Doubtless Congress in legislating for the Territories will be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist by inference and the general spirit of the Constitution, from which Congress derives all its power, rather than by any express or direct application of its provisions.

And on this ground that court in that case, and in other cases, holds that the constitutional provisions of trial by jury follows, and controls all legislation by Congress for the Territory, and says:

> This is no longer an open question.

And in Colton *vs.* Wilson (127 U. S., 540) the same doctrine is pronounced and applied to the District of Columbia as an integral part of the United States, and carries with it the constitutional provision of trial by jury. By the terms of the Constitution, Congress is given the exclusive power to legislate for the District of Columbia. Yet the Supreme Court held such power was not discretionary, but must comply with the Constitution.

Among the constitutional personal guaranties and limitations on the acts of Congress are not only the provision of trials by jury in civil and criminal cases, but many others, to wit, presentment by grand jury for all felonies; freedom of speech and of the press; the free right of immigration or migration from one part of the country to another; no denial of any privilege to any citizen which is granted to any other citizen; "All duties, imports and excises shall be uniform throughout the United States;" "No tax or duty shall be laid on articles exported from any State," and many others which will readily be remembered.

The Constitution recognizes that the United States may have jurisdiction over territory "not a part" of the United States and not Territories or districts, because these latter have been repeatedly held to be included in the term United States, and had been so held prior to the adoption of the thirteenth amendment to the Constitution. As first introduced, that amendment read:

> Slavery and involuntary servitude, except as a punishment for crime, shall not exist in the United States.

Then was added before adoption the words:

> Or any place subject to their jurisdiction.

It is perhaps not possible now to learn why those words were added; yet we had up to that time acquired a considerable new territory, and no one could say we would not continue to do so. Now, all we had acquired up to that time had by treaty provided it should be a part of the Union, but it might not always be so. They perhaps "builded wiser than they knew." We had, however, in 1856 acquired by discovery and taken temporary possession of some guano islands in the Caribbean Sea wholly unclaimed by any nation, and Congress made some provision for allowing the discoverers to remove the guano to the United States, and, to insure order, provided that any crime committed on the island should be held to have been committed on the high seas and in a United States vessel and punished accordingly, and, while so carefully legislating, thought it provident to provide that nothing in the act should be held to make it obligatory on the United States to retain possession of the islands after the guano should be removed, and all this must be preceded by a declaration from the President that such islands "pertained to the United States."

So it was doubtless to cover such cases as where islands or countries should "pertain to the United States," be in temporary possession thereof, and yet not be a "part of the United States," yet while under the jurisdiction of the United States no slavery should exist there. This undoubtedly applies to the Sulu Islands, and slavery, being contrary to the fundamental principles of our

Government as well as polygamy, ceased to be lawful immediately on our occupation of these islands, and binds the military as well as civil government. And yet the Constitution did not authorize Congress to pass laws for such a place or country, but left that condition of things to be met by the laws and usages of nations, to be governed, so long as it simply "pertained" to the United States, by the Commander in Chief of the Army and Navy.

Congress can, under the authority of the treaty, declare these islands a part of the United States, thus making the cession and conquest complete, and the people thereby be declared citizens of the United States and not simply "inhabitants of the islands where they reside," as they are now; but in such case, as we have seen, the laws must conform in all respects to the provisions of the Constitution. Trials by jury in all common-law cases involving $20, and in all criminal cases and in all felonies prosecutions must be by indictment. This, among a people 90 per cent of whom can not read or write and none of whom know anything of such duties, would render administration of justice a farce. "No duties can be collected on goods imported from any State, and all duties and direct taxes must be uniform throughout the United States." This provision of "uniformity of duties," the same rates in all parts of the United States, is the fundamental principle of the Constitution, the one single purpose and thought to accomplish which the Constitutional Convention was called and the principal object of the forming of its instrument; so if any right under the Constitution be conferred on the islands by Congress, this will follow. No restrictions can be placed on the migration of any citizen from the islands, "a part of the United States," to any other part of the United States, and many other requirements of the Constitution.

On the other hand, Congress can by resolution decline to act for the present or for a period of years, or by its silence decline to act, as in case of California and New Mexico, and thus acquiesce in the government by the Commander in Chief. In the first case, if Congress does act and the above view is correct (and it can hardly be expected that the Supreme Court will change its views or holdings), then the action is irremediable, and these people are American citizens, entitled to all the rights and privileges of any other citizens, to Territorial government and eventually to statehood, to protection at home and abroad—Tagalog or Sulu, negro or Spaniard. If Congress declines to act now, then the President will be warranted in proclaiming a full civil government for Puerto Rico at once, and perhaps for Cuba; and if it be found at any time that any part of these possessions are ready for self-government or for Territorial rights, Congress may then or at any time step in and take charge. But if it be found after full trial and all opportunities that any part of the Philippine Islands, for instance, can not be brought to such a condition of civilization as warrants Congressional legislation, and it is found not to be advisable to continue military control indefinitely, an amendment to the Constitution can be made or in some way the problem can be solved without injury to our Government or people and doing no injustice to the people of such islands.

It has been suggested that Congress might make some laws for Puerto Rico now, such as establishing United States courts there, making customs laws, and regulating the currency, and then leave the rest to the President. But it would seem that this can not be. By establishing United States courts, or any other act of distinct municipal legislation, Congress in fact declares the island a part of the United States and its people citizens, otherwise it could not legislate, and if Congress so fixes the "political status," the Commander in Chief loses his power to make laws, and Congress is forbidden to delegate its power to legislate to any person, committee, or body. So whatever reforms are needed would all have to be prescribed by Congressional law. (See 10 Wheaton, §§ 42, 43.)

It has been suggested also by some who have not studied the question that Congress might declare that the islands were not a part of the United States; that the people should remain "inhabitants of the island," etc., and still legislate for them. But this can hardly be possible, as we have seen Congress get its power from the Constitution; that the Constitution establishes a government for America only. Besides, the rule is universal that the laws of Congress or of a State legislature can have no effect beyond the limits of the boundaries of the State or nation. It has been held that the laws of a nation have no extra-territorial effect or jurisdiction. The principle is so plain that no authorities need be cited; but see Halleck's International Law, volume 1, third edition, chapters 6 and 7; Wheaton's International Law, pages 124, 125, third edition, where it is said:

> Every nation possesses and exercises exclusive sovereignty and legislative jurisdiction throughout the full extent of the territory. * * * It is entitled to the exclusive power of legislation in respect to the personal rights and civil state and condition of its citizens, and in respect to all real and personal property situated within its territory, whether belonging to citizens or aliens.
>
> No State can by its laws directly affect, bind, or regulate property beyond its own territory or control persons who do not reside within it, whether they be native-born subjects or not.
>
> All the effect which a foreign law can have in a State depends absolutely on the consent of that State.

But here there is no government to give the consent, and in all such exceptions they will be found to affect citizens only and to relate to quality, condition, or the like, as legitimacy, marriage, minority, etc., when by comity these qualifications go with the citizen wherever he goes. The only other exception coming to my notice is in the case of treaties with Japan, China, and some other countries. This comity has been allowed to provide for trial of American citizens committing crimes in these countries by our consuls. But this power rests in the consent of the country expressed in the treaty. We can make no treaty with anybody in Puerto Rico or the Philippine Archipelago.

So it would appear that for Congress to legislate for these islands it must make them our own and complete the conquest by assimilating the country with the balance of the United States and making them a part and parcel of the Union.

As to Puerto Rico, this we may do and doubtless will after a while, but the general opinion among those who are best acquainted is that it will not do now. As to the Philippines, we all know that it will not do now, and yet whatever is done by this Congress for Puerto Rico will be regarded as a precedent for the Philippines when the rebellion is subdued. Congress may not follow such precedent, but the policy of the Administration will be thus marked out, and people generally will expect the same course to be pursued when insurrection is subdued, and those of us who favor expansion will have to meet the question in the selection of the next Congress this year.

But it is asked, "Do not the people of these islands and also the trade of this country need relief in regard to duties which the President can not extend, and especially since treaties with many countries which are competitors, particularly in sugar and tobacco, have been or are about to be given reductions under the reciprocity clause of the tariff law?" The answer must be in the affirmative. The remedy lies in Congress making an amendment to the reciprocity clause by authorizing the President to make, or giving him the power to make, similar reductions, or grade, if thought best, in cases of outlying possessions "pertaining to the United States" in our military possession, where there is no power to make a treaty, as in cases where the treaty may be made with a foreign power having jurisdiction of the country.

As to the reciprocal reductions on the part of the islands, the President already has the power to fix those duties as he pleases and is exercising that authority in all the islands now. There is no doubt in my mind but that the islands need a considerable of the revenue from duties to carry on their governments and make the needed improvements, and it would not be wise to either put all this burden into direct taxes on the people there nor draw it from the Treasury of the United States, and yet one or the other, and probably both, would have to be done if all duties between the islands and the United States should cease at once. And it is equally clear to me that our own industries would suffer loss unless those reductions are made gradually and business interests be allowed to adjust themselves to the new conditions when they do finally come.

Besides, I am abundantly satisfied that a reduction of 25 or 30 per cent on sugar and tobacco would be acceptable to the producers on both sides. If this is not the right amount, then let some other be fixed, but our possessions must fare as well as foreigners, and they ought to have some advantage.

The President can be trusted in all these matters, and a mistake made by him, if one is made, can be promptly remedied either by himself or Congress can take charge at any time it chooses.

Here we have, through the military, as complete a colonial system as is possessed by any other country. Why not use it, at least while we are solving the complicated questions presented? What good reason can be assigned for at once taking the affirmative step and making these people of alien and mixed races American citizens, with no probation, no knowledge of our laws or customs, and 90 per cent absolutely ignorant and uninformed? Why throw down all tariff barriers which we have struggled to erect for the protection of American industries to the lowering of the standard of American citizenship and the injury of all and utter destruction of many American industries?

But the President, if ready to make a change and launch a civil government, with a full code of laws, might well hesitate to do so until he knew the intention of Congress in the matter, as, notwithstanding the President's power, Congress has the final and paramount right to supersede all acts by the President, as Commander in Chief, with laws of its own.

If it be the intention of Congress to legislate for Puerto Rico at this session, it would be unwise for him to make such a change now and install a new government to be so soon displaced.

Of course Congress must act in so grave a matter with deliberation, and only after much investigation, and it can hardly be expected to reach this matter in one session; but still it may do so. But if any legislation be undertaken, let a full code of laws be provided by the experienced hands of Congress and leave nothing to experimenting.

The better plan, therefore, would seem to be for Congress to

declare by resolution early in the session whether or not it will enter on this work at this session. And if it decides not to do so, the President would then be warranted in acting, having this assurance, that his laws would be allowed to remain in force for some definite time. At least they would be given a more permanent character than if liable to be displaced at any time, and would thus be more efficient in securing the needed reforms so imperatively demanded now.

Then while these laws are in operation the people of the islands will be given the benefit of good American laws and be preparing themselves for Congressional government when it comes to them, and to take a larger share in the management of their own affairs than would be wise and prudent at this time.

Mr. LINNEY. Mr. Chairman, this discussion has drifted into a consideration of the policy of the Administration touching the Philippine Islands and Puerto Rico. I do not want to discuss that question now, Mr. Chairman, because in my humble judgment it ought not to be discussed. When the earth is drinking the warm blood of American heroes—such distinguished soldiers as General Lawton—it seems to me that that which is most seemly, that which is fit to be done, is to stand by the flag of our country and by the Commander in Chief of the American Army—our President. [Applause.]

When resistance to American authority shall have ceased, and when our heroes shall have completed the task now committed to their charge, and which they are completing in a manner of which I know every American citizen is proud, then the time will come for us to discuss the proposition as to what we shall do with the Philippines and the Filipinos. At present it is our duty to strengthen in every way that we can the arms that hold the swords and the strong hearts of the men who are our bayonet bearers in a foreign territory—territory belonging now to the United States.

Mr. Chairman, I have been impressed with one idea touching this matter. It seems to me that the only objection that can be urged by distinguished gentlemen on the other side of this House to our President, the Commander in Chief, is that he accomplished more than they desired him to do—that he accomplished, as head of the armies, more than was expected. Why, sir, the destruction of the Spanish fleet was of itself enough to shed glory upon the Commander in Chief of the armies of these United States. The result of that victory in all probability, or at any rate in the opinion of the Senate of the United States, which was the only tribunal that could determine the matter—the result of that victory was the submission of a certain treaty to the Senate. Before that treaty was passed upon by the Senate and ratified there was time for discussion. But since the treaty has been ratified, what is the duty of every citizen?

It seems to me the duty of every citizen, and especially of every member of this House, is to say everything in his power in laudation of the course of the Administration instead of criticism. [Applause on the Republican side.] Why, Mr. Chairman, if my brethren on the other side will allow me to indulge in a little pleasantry, what is the position that you occupy? It seems to me, without intending any discourtesy, that, being in the minority, you occupy now the position of the hind wheel on a wagon. Your methods are simply to throw mud upon the fore wheels, which you follow. What good can you accomplish by that kind of argument? [Laughter.] Why not join us? Why not join the Republicans touching this matter? You had as much to do in bringing on this war as the Republicans had. You cussed us out on that side of the House because we did not jump into the war sooner.

Mr. GAINES. We made you declare war.

Mr. LINNEY. Yes; you made us declare war, and now you are cussing us because we did better than you thought we could. [Laughter and applause on the Republican side.]

Mr. GAINES. And we are trying to make you do right now.

Mr. LINNEY. In other words, Mr. Chairman, a Democrat is always a very brave man in civil matters [laughter]; and yet, Mr. Chairman, I have arisen to discuss something else that, in my opinion, is of as great importance as the Philippines. General Otis will take care of the rebels in the Philippine Islands. It is now the duty of the patriots of this country, on the Democratic side as well as our side, to take care of our people here.

I want to read another matter to which the President of the United States called attention, and to which I propose to address my remarks. I read from the President's last message:

> The constituted authorities must be cheerfully and vigorously upheld. Lynching must not be tolerated in a great and civilized country like the United States. Courts, not mobs, must execute the penalties of the law. The preservation of public order, the right of discussion, the integrity of courts, and the orderly administration of justice must continue forever the rock of safety upon which our Government securely rests.

I would emphasize the right of public discussion, Mr. Chairman, as having come from the mind of the President twice before this body, as being an absolutely essential force to the preservation and protection of this grand republican form of government of ours.

Let us see whether I am right about this. Some one said to me not long ago, "LINNEY, why is it that you want always to talk about elections?" My reply to him was this: That one of the best old preachers that ever I knew, who was a Hard-shell Baptist, was in the habit of preaching from this text, "Ye must be born again." After he had preached from that text a dozen times or more, some gentleman went to him and said, "My brother, why is it you have only got that one text?" "Because," replied the grand old man, "ye must be born again." [Laughter.] So say I touching fair elections. We must have fair elections and less lynching.

Mr. COX. You had better be born again!

Mr. LINNEY. My friend often presents strong evidence on this floor that he has been born again. [Laughter.]

Mr. Chairman, this matter is a serious one. The heart of the Republic is this day sad because of things that have recently happened in Kentucky. There is not a man within the sound of my voice, not a member upon this floor, nor a spectator in the gallery, who has not been made sad by occurrences which, in my opinion, have reference to the matters about which I propose to talk.

At the Chicago convention, four hundred years from the time that Columbus discovered America, the people of the United States selected three probably of the ablest men they possessed—the Vice-President, a great Kentucky orator, and Mr. CHAUNCEY M. DEPEW, of New York—to turn the lantern of freedom upon this system of government before the eyes of the representatives of the assembled universe at Chicago. Their purpose was to make a display of our system, as well as a display of the material developments of this country. These three speeches, in every sentence of them, are laudatory of our system of government, presenting it to the foreign representatives of the different nations without anything at all to mar its beauty, until they come to touch this question of elections. That was the only infirmity in the system.

That was the only thing to which the attention of foreign nations was called, upon which a criticism could possibly be grounded, touching this republican form of government, which is the world's best hope. I read from this memorial of the World's Columbian Exposition touching that matter. The eloquent orator from Kentucky—grand old Kentucky, home of Henry Clay and of the grand men who now sit upon this floor, whose intelligence and whose patriotism command the attention of every beholder—uttered these words:

> A better opportunity could not be desired for a study of our peculiarities than is furnished for the present moment. We are in the midst of the quadrennial period established for the selection of a chief magistrate. Every citizen has his right of choice. Each has his right to vote, and to have the votes properly cast and properly counted. Wherever this right has failed for any cause, wrong is done and evil must follow, first to the whole country, which has an interest in all its parts, but most to the community immediately involved, which must actually drink of the cup that has contained the poison, and can not escape its infection.
>
> The abridgment of the right of suffrage is very nearly proportioned to the ignorance or the indifference to the parties directly concerned in it, and there is good reason to hope that, with expanding intelligence of the masses and the growing enlightenment of the times, this particular form of corruption in elections will be reduced below the danger line.

On this great occasion, this great reasoner, being then, as he now is, a member of that party organization to which I do not belong, was able to point out, not only to the representatives of the assembled nations but to the reflecting people of these United States, that here was only one infirmity in the system, and that that infirmity, that error, that crime, I may denominate it, had at that time gotten above the danger line, and, in substance, that it did require a quickening of the American conscience to press the evil below the danger line.

What else said he, Mr. Chairman?

> There is no geography in American manhood. There are no sections of American fraternity. It needs but six days and a change of raiment to convert the Vermonter into a Texan, and there never has been a time when the battlefield or on the frontier "Puritan" and "Cavalier" were not convertible terms, having in the beginning a common origin, and so diffused and diluted on American soil as no longer to possess a local habitation or a nationality except in this national unit.
>
> The curse of slavery is gone. It was a joint heritage of woe, to be wiped out and expiated in blood and flame. The mirage of the Confederacy has vanished. It was essentially bucolic, a form of the most attractive economic fallacy.
>
> The Constitution is no longer a rope of sand. The exact relation of the States to the Federal Government, left open to double construction by the fathers of our organic being because they could not agree among themselves and union was their paramount object, has been clearly and definitely fixed by the last three amendments to the original chart, which constitutes the real treaty of peace between the North and the South and seals our bonds of nationality forever.

That was the view taken of these last amendments, which were intended to reduce this infirmity of which the orator spoke below the danger line. That was the view presented for the consideration of the representatives of the various nations of the world.

Now, in view of that, Mr. Chairman, let us look for a moment. There have been about 100 lynchings a year, to say nothing of the assassinations, in this country of law and order, of Bibles, of churches, of eloquent pulpit orators, in this fair land of ours.

Yes, the blood of 100 citizens every year has been shed contrary to law, shed by human hands, without warrant, every year since

1891, and in the year 1898, if I get the figures correctly, there were 127 lynchings. Seven-twelfths of these lynchings took place in the States that do not give more than one-fourth of their votes. Now, why was that? Let me see if I can not show why. I will read a few definitions of a republic and of the ballot:

John Milton said that a commonwealth ought to be but one huge Christian personage, one mighty growth, the stature of a man, as big in virtue as the body; or you may let it sink into an ignoble form, with the name of a republic, but without its soul.

The ballot is a great guaranty. It is the peacemaker, the reconciler, the schoolmaster, and the protector. I believe that is the view of Charles Sumner. Aristotle has given the best definition of a republic to my mind. He teaches that it is best in every republican government to admit to a participation in the governing power as many as can be admitted with safety, for where large numbers are excluded there will be discontent and danger.

All these great authors of the past teach this: "Liberty can have no certain dwelling in any state except where the laws are equal and the power of public opinion is supreme." It was left for the lamented Blaine to state, in language which will ring throughout the country forever, that a departure from these elementary principles of liberty will lead to the other extreme, "where murder is an occupation and perjury a pastime," etc.

Mr. Chairman, I want to talk calmly and dispassionately in this matter. I live in the South. I live in a section of country where I know if I say anything in heat or with animation it will be severely criticised. I know it will bring upon my head hostile judgments, and therefore I talk with some embarrassment. But I have this idea: It is not the suppression of an infirmity in any system in any section, it is not the ferreting out the evil and suppressing it that hurts the Government.

That man or that set of men or that organization that does that, in my own opinion, becomes the greatest public benefactor. It is the existence of those wrongs in the community that diseases it and produces assassination and lynching, and not exposure thereof. Now, let us see if it can be proven. I think I can establish the fact that in exact proportion as the people are deprived of their votes, in that exact proportion you have lynchings and assassinations.

What is the ballot? The late lamented Mr. Justice Hunt, of the Supreme Court of the United States, in the case of United States *vs.* Reese et al. (92, U. S. Report), has defined the ballot with technical precision. No definition of any tenure by which man has ever exercised dominion is more perfect: "That greatest of rights among freemen is the ballot. Just as far as the ballot to the citizen is abridged, in the same degree the citizen's importance and security is diminished."

Here we have the definition of the tenure by which men hold their liberties as clearly stated as a proverb, or as any great sage of the law has ever defined any tenure from a tenant at sufferance to an estate in fee simple, or of a contingent remainder on the rule of Shelly's case. The idea of the individual importance and security of his personal and property rights is the inspiration of this definition. All human effort has for its object the importance and security of the individual putting forth the effort.

Without the recording of the ballot, individual possibility and importance would cease to animate American citizenship and American manhood life in a large degree. Hence springs the strong desire of the citizen to vote.

Indeed, our Republic would not last half as long with a well-settled conviction that the ballot box everywhere no longer voiced the popular will as it would under the blaze and thunders of all the artillery of any combination of foreign foes turned against us. In fact, the pent-up fury of the popular heart, even expressed sometimes in this high place of reason and law, at the supposition of wrong and oppression on the part of Government would explode and shake our entire system as a volcano does the mountain covered by its own lava but for this escape valve, the ballot box.

It has been said that one hundred years of uninterrupted peace would enslave mankind. It is highly probable that a failure to open the polls, or if opened, only for fraud or force to neutralize the legal force of the ballot, for even ten years would be as disastrous to the Republic as the touch of leprosy would be to the most vital spark of human life. This condition of the popular mind accounts for the large vote that is recorded upon the poll lists at every general election where there is a contest.

The exercise of the elective franchise is as charming and potential in claiming and commanding the attention and action of our people as any natural law commands and controls the habits of the lower order of animate creation. It is, when one gets at the bottom of it, founded in or springs out of the law of self-preservation.

We take food to preserve life. We vote to uphold and perpetuate that which is dearer than life to the intelligent American citizen—liberty. From Boston to Austin, from Massachusetts to Texas, wherever the elector can vote, the rule is he votes. Even in Massachusetts, where manhood suffrage is restricted by an educational qualification, about 22,000 electors from each Congressional district find their way to the ballot box. In the great State of Texas, where manhood suffrage is relied upon to support social order and the political life of that immense Commonwealth, over 30,000 freemen at every general election where there is a contest march to the poles with ballots in their hands, as proud and grand as the President of these United States in the performance of the highest functions of the greatest office in the world resting upon the foundations of popular suffrage.

Happy condition here where there is not even a registrar between the citizen elector and the ballot box except in the cities. In North Carolina about 35,000 in every Congressional district, under the laws of 1895, found their way to the ballot box, although they sometimes did it at the risk of being singed and scalded by the heat of partisan rancor on election day or disturbance in some sections after election day by the gentle Christian demands of "committees of law and order." In Colorado in two Congressional districts 142,024 votes are the glittering, precious, delicate, opalescent tints in the political life of the two distinguished gentlemen from Colorado, Messrs. SHAFROTH and BELL. Woman suffrage is valued more highly there than all the gems and silks that ever adorned a fair maiden's form. [Laughter.]

Yes, Mr. Chairman, the same law of nature upon which Judge Hunt founded the ballot, a laudable purpose to enlarge individual importance and strengthen the vigilance of the sentinels that guard individual security, asserted its omnipotent demands upon the female heart and mind of Colorado. Modesty to them still possessed all its charms as a polishing and a refining factor in female character. Even if modesty's eternal camping ground had been in that paradisaical spot of earth where only the viands of nectar and trees of ambrosial fruitage flourish, woman as an elector yielding to the law of nature in which the ballot is founded, would for a time put on her business costume and cast her vote, despite the heat of many strifes and political rancor at the polls. [Laughter.]

Why do we witness these results, Mr. Chairman? It is the fruitage of the law of self-preservation. Sir, nature proclaims with no less certainty that the "merry eyes of youth often overrun with laughter" than that man, proud man, when free, will vote to enlarge his importance and strengthen his personal security.

The spirit of Pierpont's poetry must always abide with the American patriot:

A weapon that comes down as still
As snowflakes fall upon the sod;
But executes a freeman's will,
As lightning does the will of God;
And from its force nor doors nor locks
Can shield you,—'tis the ballot box.

Wherever there is not a reasonably large vote at an election it is generally attributable to the operation of some illegal method that prevents. Mr. Best, in his excellent little work on Presumptions, teaches that presumptions founded in nature are of the most reliable character. No human testimony can shake their force. He gives this illustration: Wherever the webfoot is found in the fowl creation there is a disposition and capacity to swim. God gave the waterfowl this natural paddle with which to even navigate turbulent waters.

Should the direct testimony of any number of witnesses contradict this natural law, it must fail. It is only the diseased fowl that does not use nature's paddle to increase its importance. Death is near when the webfooted fowl marches away from the waters to surrender forever this great natural power. So also the free American citizen retires from the ballot box only because of a diseased political condition which prevents his voting.

Now, Mr. Chairman, let me see about these matters—whether I am right or not. I address your reason; I address the reason of the people of the South and North, too, people of the entire Republic. Let me take the States of Mississippi, Alabama, Arkansas, Louisiana, Georgia, and South Carolina, and they have, I believe, 58 electoral votes, and they cast 100,000 votes less than the States of Texas and North Carolina, that have only 26 electoral votes. Texas and North Carolina give almost 100,000 votes more than these six. But when you come to distribute the honors of lynching, these States get 70 and we only get 7, and I do not think that is fair. [Laughter.] I would like to understand the mystery.

Mr. BARTLETT. I would like to ask the gentleman if he has distributed the lynchings in other States than in the South—say Illinois or Ohio?

Mr. LINNEY. Why, in Ohio, and all those States north of Mason and Dixon's line, the lynchings are no more than the insignificant flash of a lightning bug to the great stream of electricity from the heavens in comparison with sections where voting is suppressed. [Laughter.] I take from the World Almanac the following:

LYNCHINGS, LEGAL EXECUTIONS, AND EMBEZZLEMENTS.

Lynchings.—1891, 192; 1892, 235; 1893, 200; 1894, 100; 1895, 171; 1896, 131; 1897, 166; 1898, 127. Total, 1,412.

The lynchings in 1898 were distributed as follows: Arkansas, 17; South

Carolina, 14; Georgia, 12; Missouri, 6; Kentucky, 6; Louisiana, 6; Texas, 3; Maryland, 2; Oklahoma, 1; Washington, 1; Wyoming, 3; Illinois, 1; Indiana, 1; Mississippi, 15; Indian Territory, 3; New Mexico, 1; Alabama, 12; North Carolina, 4; Tennessee, 6; Virginia, 4; West Virginia, 1; Florida, 1; Alaska, 1; Kansas, 1; Montana, 1. Of the total number, 103 were negroes, 23 whites, and 2 Indians. Up to September 11 there were 93 persons lynched in the United States in 1899.

Legal executions.—The number of legal executions in 1898 was 109, as compared with 128 in 1897, 122 in 1896, 132 in 1895, 132 in 1894, 126 in 1893, and 107 in 1892. The legal executions in 1898 were distributed as follows: Louisiana, 10; Arkansas, 6; Alabama, 3; Mississippi, 6; Tennessee, 2; Missouri, 5; Florida, 1; Maryland, 1; Massachusetts, 3; Oregon, 2; Minnesota, 2; Connecticut, 1; Ohio, 2; Georgia, 8; Virginia, 8; South Carolina, 4; Texas, 10; North Carolina, 2; Indian Territory, 2; Kentucky, 3; California, 10; New York, 3; Illinois, 6; Washington, 1; Pennsylvania, 7; New Jersey, 1. There were 72 hanged in the South and 37 in the North, of whom 60 were whites, 48 blacks, and 1 Chinese. The crimes for which they were executed were murder 100, and assault 9.

Yes, North Carolina has cast 95 per cent of her qualified vote; but if she is forced to submit to the present proposed Democratic methods, she will probably not cast 30 per cent thereof. The result is that we have only had four lynchings in North Carolina in 1898 and only one in 1897, when the Democrats were out of power, and there were only three in Texas—a singular contrast to other States. For instance, in the whole State of South Carolina the vote for Congressmen was only 28,912 votes, while the district that I represent cast 37,000 votes.

In one district of one State there were cast for one member more votes than were cast for seven members in another State. When we come to distribute what we may call one of the luxuries of the world—lynching—North Carolina receives but four, while in the States that do not give a reasonably full vote 15 lynchings occur usually. What does it mean? I have no ill-feeling toward any State of the Union. It simply means a diseased condition of the country, such as, if continued, must produce anarchy and death.

Mr. BURKE of Texas. May I ask the gentleman a question?

Mr. LINNEY. Yes, sir; I yield for a question.

Mr. BURKE of Texas. My question is this: The gentleman has stated the number of lynchings in the various States, and in doing so he complimented my own State, which is neither here nor there. Now, I want to ask him this question; and in answering it I hope he will be fair to the House and will be fair toward the people that he denounces. I ask him to state what proportion of these lynchings is due to a certain cause——

A MEMBER. Rape.

Mr. BURKE of Texas. I ask him to state what proportion is due to assaults by colored men upon white females.

Mr. LINNEY. There you have it, Mr. Chairman; you can not discuss any question with a Southern Democrat, no matter what it is, that he does not holler "Nigger." According to statistics, the lynchings were of whites, Indians, and negroes—more negroes than otherwise, it is true.

Mr. BURKE of Texas. Will the gentleman allow me one more suggestion?

Mr. LINNEY. Yes, sir.

Mr. BURKE of Texas. I do not defend lynching. I am as much opposed to it as any man in the United States, and my people are opposed to it.

Mr. LINNEY. I believe that.

Mr. BURKE of Texas. But in justice to this House should not the gentleman state the fact that in almost every instance the lynching occurs in consequence of the assaults of colored men upon the virtue of white women? And if such things occurred in the North the same justice would be meted out to the offenders.

Mr. WHITE. Since my race is assailed, please allow me to answer.

The SPEAKER. Does the gentleman from North Carolina [Mr. LINNEY] yield? He has the floor.

Mr. LINNEY. Yes. I yield for that purpose.

Mr. WHITE. I have examined that question and I am prepared to state that not more than 15 per cent of the lynchings are traceable to that crime, and there are many more outrages against colored women by white men than there are by colored men against white women.

Mr. LINNEY. Mr. Chairman, the point I make is this: The suggestion of my friend from Texas is a good one, and I thank him for it. He has not these lynchings in his State, thank God, and we have them not in ours. Why? Because in his State they have a pure ballot, as we did have in ours up to the vicious election laws of 1899.

Now, I will ask the gentleman from Texas a question. Does he believe that the State of Texas could have any such thing as order and regard for law and its administration, with no victims to anger and hatred, if two-thirds of the people are denied the right to vote there? I ask you, Do you believe that? Now, gird up your loins and answer me like a man. [Laughter.]

Mr. BURKE of Texas. I will answer the gentleman freely; and my loins need not be girded up. Neither have I been born again, as the gentleman has, in the Republican party. So far as my State is concerned, no man on this floor or elsewhere challenges the purity and justice of our elections. So far as concerns the condition in my sister States of the South I personally know nothing about it. I may have my own ideas. And I will say in all frankness to the gentleman from North Carolina that my views are not similar to his. I believe entirely in the truth of the suggestion I made just now—that five-sixths of the lynchings which occur in the Southern States of this Union are from the cause I have stated; the same crime in the State of Michigan or Iowa or Massachusetts would produce the same deplorable results.

Several MEMBERS rose, desiring to interrupt.

Mr. LINNEY. I do not yield now; directly I will do so.

I wish to say that the distinguished gentleman from Texas has not answered my question. He does not say whether if the same course of procedure were followed in his State that has been adopted in some other States—a procedure which would reduce the popular vote from two-thirds to one-fourth—whether he would not expect these very same results (of increased lynchings and assassinations). I do not believe he will answer to the contrary. I do not believe any intelligent man would do so.

Why are there so few lynchings in Texas, and why were there scarcely any in North Carolina in 1897 and 1898, though there are thousands of negroes there, as in Texas? It is because the voice of the people finds expression through the ballot box. Wherever there is an obstruction of the popular voice, wherever there is a failure of the expression of the popular will through the ballot box, the result is disclosed in rowdyism and assassination and lynching.

Mr. BURKE of Texas. I am glad to hear the gentleman defend the elections in his State of North Carolina.

Mr. LINNEY. Yes; as long as North Carolina can have honest elections there will probably not be many lynchings or assassinations.

Now, I want to show that this negro question has nothing in the world to do with it in any States except, possibly, Mississippi and Alabama. Let me see if I can not prove it. Why, the Democrats are just as keen to get the negro vote as we are. I read from the Charlotte Observer of November 22, 1899:

From the time the negro became a voter until very recently it was customary to hear Democratic stump speakers urge him, in the most persuasive tone and language, to cast in his political fortunes with his real friends. The speakers' words were received either sullenly or with derisive laughter, and straightway the negro went and voted the Republican ticket again.

It can not be said, with a fair regard for the facts, that the Southern Democrats have left untried any means to win the political favor of the negro. Every effort has failed miserably. The negro has voted uniformly for bad government, and the conditions which he has brought about have become intolerable. There is nothing left the white man but to disfranchise him or move out. We say this in sorrow, not in anger.

Now, suppose the negro had voted the Democratic ticket. Would you have heard anything in opposition to him? No; there would have been laudation after laudation heaped upon him. Why, let me tell you, Mr. Chairman, I was once a member of the Democratic party. I was a Randall Democrat; and when Randallism went out, instead of doing as the gentleman from Texas did, I went out, too, and I thank God for it. I think I feel better because I did. [Applause and laughter on the Republican side.]

And I have but little respect for the opinion of any gentleman, while I have great respect for the man himself, who denounces another man for having changed his opinion. What do you go to preaching for? What do you have discussions for? What do you have these things for, if it is not to get wisdom and understanding, and to make your action conform to it? I only know of two things in this world that never change their opinion. One of them is a dead horse and the other is a live ass. [Laughter.]

The argument I am trying to make, Mr. Chairman, is that the negro question in all the States does not affect it. It is the mad, wild rush for office that does it, and I want to call the attention of my friends to the fact that it will ultimately destroy the communities in which it exists.

I hold in my hand, Mr. Chairman, a letter appearing in a Democratic paper in the State of Mississippi, in which it is said that the last discussion which occurred there came very near producing bloodshed, although it was a discussion taken part in by two of the ablest men and two of the most conservative men upon the floor of this House. Why was it? It was because of the fact that there is a good deal of party rancor and hate and passion founded in the well-grounded belief that people do not get a fair chance either at the ballot box or in the discussion of public sentiment. There is practically but one party there. If it is not this, to what can it be traced?

Mr. WILLIAMS of Mississippi. Will the gentleman state what two gentlemen participated in that debate?

Mr. LINNEY. I will read from the letter to which I refer. It is in the Yazoo City Herald, of March 24, 1899, a Democratic paper:

It is to be deplored that the aspirants for Senatorial honors at Winona should have so far departed from that high and dignified standard of public debate that should characterize those desiring to represent a great Christian Commonwealth in the highest office in the gift of her people.

They should remember that such debates will arouse in the State the most revengeful feelings of the human heart as the people range themselves upon one side or the other; that a continuation of such a campaign will produce strife, bitterness, and perhaps bloodshed. It will arouse a perfect whirlwind

of passion until the State will become torn and divided into factions and the minds of our people diverted from the great questions of moral, industrial, and educational reform, which should engage the thoughts, stir the heart, and animate the minds and move the energies of our people in the great march of progress in our State and onward movement to a career of glory and renown.

There was no Republican there to create excitement and feeling, because there is no Republican organization there. What else? Right there in this very same paper, it turns out that—not connected with the election, I admit——

Mr. HENRY of Mississippi. Mr. Chairman, I should like to ask the gentleman what paper he is reading from?

Mr. LINNEY. This refers to the Winona meeting, and I have read from the Yazoo City Herald. What else? In this same paper I read of an occurrence which took place in that community, showing that in a country where there is no opportunity of discussion—and I do not say you by force prevent discussion, but I do say that by reason of conditions existing there, there is no such thing as the arraignment of public abuses at the bar of public reason, and the result is there is more pent-up thunder in those communities where they do not get the right to vote than anywhere else in the world. Now, in the same issue of this paper, I read the following. See what took place:

LYNCHED—THE THREE NEGROES, BOYD, REED, AND WILSON, SHOT.

Last week's Herald contained an account of trouble between the whites and blacks at midnight, on Dr. Powers's Refuge plantation, Sunday, March 12. Three of the negroes, C. M. Reed, Minor Wilson, and Willis Boyd, charged with being implicated in shooting at the whites, were arrested and brought to Yazoo City and placed in jail, where they were held until the authorities of Sharkey County could come for them.

On Friday last Constable Sylvester, of Sharkey County, called for the prisoners, and they were delivered to him by Sheriff Johnston. They were taken aboard the steamer *Rescue* and carried to Belzoni, in Washington County. Meager news was received in Yazoo City Monday that soon after the boat reached Belzoni the negroes were taken from the officer by a mob and shot to death, their bodies being weighted down and thrown into the river.

From some of the officers who brought Reed, Boyd, and Wilson to Yazoo City the Herald learns the evidence against them was very slight. This but makes the lynching of them the more horrible and inexcusable. Brown and Davis, who caused the trouble, are still at large.

The men were only suspected of having shot at somebody.

Mr. HENRY of Texas. Was that in reference to the Winona meeting that you were reading?

Mr. LINNEY. I do not know what that was in regard to.

Mr. HENRY of Texas. You ought not to say, if you do not know.

Mr. LINNEY. I read it from a Democratic paper, and I did not suppose you would object to it, coming from that source.

Mr. HENRY of Texas. There was a time when you would not.

Mr. LINNEY. Now, Mr. Chairman, I want to call attention to another thing.

Mr. BARTLETT. The gentleman kindly said he would yield to me.

Mr. LINNEY. I will.

Mr. BARTLETT. The gentleman has done my State a great injustice.

Mr. LINNEY. I yield to the gentleman from Georgia with pleasure.

Mr. BARTLETT. The gentleman has made some reference to elections in Georgia.

Mr. LINNEY. I did not mention Georgia.

Mr. BARTLETT. Yes; and I want the gentleman to point in the history of Georgia, in the last thirty years, or since 1872, where there has been an election riot, where there has been any proof capable of being established, or any well-founded claim, that there were fraudulent elections in Georgia. Yea, more, I call upon the gentleman now to state whether or not the facts that I have called his attention to are not true. He and I have been on contested-election cases——

Mr. LINNEY. My friend, you are making a speech instead of asking a question.

Mr. BARTLETT. We have been on contested-election cases ever since the Fifty-fourth Congress. We had two contested-election cases from Georgia, and that committee unanimously joined in a report that sustained the sitting member.

Mr. LINNEY. So mote it be, my friend.

Mr. BARTLETT. Hear me a minute more.

Mr. LINNEY. You are making a speech, and I do not yield for a speech.

Mr. BARTLETT. I ask the gentleman to state if what I have said is not true?

Mr. LINNEY. I said nothing about Georgia except in recounting the lynchings that took place I stated what Georgia's pro rata was. I do not know why the vote of Georgia was not larger. I do not know what it was; but I do say that wherever a vote is suppressed you find the fruits of it springing up in mobocracy and lynchings, and I further say that where all legal electors are permitted to participate in the elections, as they are in Texas, and where a full vote is cast, then we have no more lynchings. But I must hurry on.

Mr. MADDOX. Mr. Chairman——

Mr. LINNEY. I find the voting population of South Carolina in 1860 was 60,000, who were 21 years of age. What sort of right to vote is there enjoyed in a State which sent over 70,000 white men to the war and not one-half that number now vote. And I say that the result is discontent and danger; and I tell my friends from South Carolina that they will see in less than five years from this time dreadful results.

Mr. TALBERT. South Carolina will be able to take care of herself without your assistance. [Laughter.]

Mr. LINNEY. Mr. Chairman, I want to allude to these facts for another purpose. They have an election law in South Carolina, and North Carolina is about to pass a like law. If South Carolina is right I want to know it, and if South Carolina is wrong I want to find that out.

Mr. TALBERT. South Carolina is always right.

Mr. LINNEY. And whether it will be harmful to my people. Now, let us see what the people of North Carolina propose to do. They have proposed now in North Carolina to do what? I think they have proposed in North Carolina to do that which is worse than any law they have enacted in South Carolina.

Mr. TALBERT. Now you are talking.

Mr. LINNEY. Much worse than South Carolina. I am always ready to do justice to South Carolina. In South Carolina they have a law there, a registration law, and their constitution, which I have examined, provides that any registered voter deprived of a vote shall have the right of appeal.

Mr. TALBERT. That is right.

Mr. LINNEY. And that is a wise provision and is provided by their constitution. There are several things that I can see in the law that I do not like. When I see the word "discreet," I will state to you that, whenever you find that word "discreet" in a statute you may look out for some devilment. Why not say, "Each party to select an election officer?" I have examined the law books, and I know what "good and lawful" means.

"Discreet" is defined in St. Mark, and it means a man near the Kingdom, and whenever I see it in an election law, instead of saying one election officer for each party of good and lawful men, you may look out for something wrong. By the word "discreet" they put in men who are not of different political parties, or if they do, one party selects them, and by the use of that pious word "discreet" a great deal of this wickedness is done. I will say that South Carolina does contain the wise provision of allowing an appeal from the registration.

Mr. BARTLETT. I will state to the gentleman that Georgia does also.

Mr. LINNEY. Georgia is getting nearer the Kingdom, too. [Laughter.] Now, here is the statute, section 11, of North Carolina, and I want gentlemen to listen to it. And I ask any man on the floor of the House whether it is probable that a man over 50 years of age would register there at all, except merely at the discretion of the registrar?

SEC. 11. That before the next general election, on the first Thursday in August in the year of our Lord 1900, provided for in this act, there shall be an entirely new registration of all persons who shall be entitled to register in every voting precinct in the State, and only such persons as are registered shall be entitled to vote in any election held under this act; that in all cases the applicant for registration shall be sworn by the registrar before being registered, and shall state and answer his age, place of residence, stating ward, if he resides in an incorporated town or city; number of his house, if numbered, and if not numbered, then a designation of its locality by streets; and if not the owner, then the name of the owner or renter.

If not a resident of an incorporated town or city, he shall then state his place of residence in the election precinct; and if he is not the owner of the house in which he lives, then he shall state the name of the person who does own the same or upon whose land he lives; the time of his residence in said county, ward, or election precinct, his avocation, place of business, where and by whom employed, if employed; if a newcomer, from whence he comes and his post-office address before removal; whether he has been disqualified as a voter by judgment or decree of any court, if so, by what court reinstated; whether he has listed for taxation his poll for the current year in which he proposes to register, and for the year next preceding, if liable to pay a poll tax, and any other questions which may be regarded by the registrar as material upon the question of the identity and qualification of the said applicant to be admitted to registration. The registrar may require the applicant to prove his identity or age and residence by the testimony of at least two electors under oath.

And then, after the poor, trembling applicant has passed this civil-service examination, unless the registrar adjudges that he is an elector he can not register.

This new law in North Carolina does not provide for an appeal from the action of the registrar, and is in that respect more unjust to the citizen than the South Carolina law, under the operations of which not more than one-third of the white people of the State vote, as is shown by the Congressional Directory, which we all have. The practical workings of these laws ignore race distinction altogether. They operate to the prejudice of the white man, even where their necessity is claimed to exclude the negro.

The new election law in North Carolina, coupled with the proposed amendments to the constitution, puts it in the power of the Democratic party to bind with withes stronger than Samson's any elector without regard to his race. The allegation, therefore, that those who oppose these amendments are in favor of negro supremacy is absolutely false. In fact, should the Democrats exercise

the power which the new election law confers upon the registrar, it will disfranchise more white men than negroes. The registrar may require every applicant for registration to prove his age by two electors.

A white man 50 years of age would find it exceedingly difficult to make this proof when the mother is not allowed to be a witness, as would also the old plantation slave, while the young negro of 25 years of age and under could easily procure such testimony. And here the temptation on the registrar to sin is too strong for weak humanity to resist. Men's minds are inflamed in all excited political contests. Should a white man 60 years of age not agree with a partisan registrar, he could be disfranchised by such registrar, even though his gray hairs are stronger evidence that he is 21 years of age than all the human testimony in the world.

Gray hairs and wrinkles, the evidence of age which nature's unerring hand has placed upon the old head, are not electors, and therefore this old, trembling applicant, should he be a Populist or a Republican, will stand before such a registrar as a sheep before his shearer, while the young negro will be able to meet the demands of this registrar by two electors who were present at his birth. There are thousands of white men in North Carolina who were not born in the State, or who, though born in the State, are 40 years of age and upward, would be unable to comply with this demand of the registrar. Let each white man in the State over 40 years apply this law to his own case and he will see how unjust it becomes.

I will make the application to myself. I am the oldest Linney now living, and am only 58 years of age; there is no member of my family or kin by whom the required proof could be made. When men of my age make an application to register, an ignorant, bitter partisan registrar could draw his head under his shell, as does the highland terrapin, and refuse, in the language of the statute, to adjudge, and we would thereby be disfranchised. The white freeman who would not fight as with beak and claw any such iniquitous legislation has certainly "eaten the insane root that takes the reason prisoner."

Under the exciting and false cry of "negro domination" white men who do not surrender their manhood convictions to the care and keeping of others are to be disgraced and degraded, because it is the ballot to which man must look for his importance and protection. Moreover, this new election law, if followed by the adoption of the proposed constitutional amendments, attempts to stop the march of the elector through the gateway to the ballot box by the use of both bribery and threats. The entries of the registrar upon the registration books are made evidence in a criminal prosecution against the applicant, in violation of the plain rules of evidence recognized by every law writer on the subject. Even where a man is convicted before a jury in a superior court, the verdict and sentence of the court are not legal evidence against him in any civil action to which he may be a party, except where he entered the plea of guilty.

It also attempts to debauch the poor man who has not paid his taxes by offering him a bribe to the amount of his poll tax if he does not vote. The Kentucky and South Carolina laws, severe and just as the criticisms of these laws are, after a careful examination of them I state, without the fear of successful contradiction, do not make registration as difficult as the new election law in North Carolina. I do not believe that there is a well-informed lawyer in the State who has not read the case of Van Bokkelen et al. *vs.* Canaday and others, 73 North Carolina Report, and does not therefore know that this new election law is unconstitutional and void. Judge Reade, of our supreme court, in that case says:

> The constitution ordains that the general assembly shall provide for the registration of voters, and that no one shall vote without registration. (Article 6, section 2.)
>
> This means that the general assembly shall provide the conveniences and necessaries, so that the voter can register. It is to facilitate the exercise of the right of suffrage, and not to defeat it. It is true that this includes the power and the duty to throw such guards around as will protect the ballot from fraud. And therefore our general election law provides that when a voter offers to register or vote he may be challenged and required to take an oath as to his qualifications. And so in our general law regulating town elections. (Battle's Revisal.)
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> There can be no objection to that, and it prevents no man from voting and puts him to no inconvenience. If a man will swear that he has the qualifications, then he can register and vote, unless it can be proved against him that he is not entitled. And in that case he can be rejected. But the act under consideration is framed upon the idea of making the ballot as difficult as possible. Indeed, it makes it impracticable. It provides that "any elector may and it shall be the duty of the registrar to challenge the right of any person to register known or suspected not to be lawfully entitled to register; and when such challenge shall be made it shall be the duty of the register to require such person to prove to the satisfaction of the registrar the fact of his being a lawful age to vote, the fact of his residence for twelve months in the State and for ninety days in the lot," etc.
>
> It will be noted that any bystander may challenge the voter without proving anything against him, and the voter is not allowed to swear to his qualifications; but he must prove them by the oaths of others, and these others must be known to the registrar and the registrar must be satisfied. Now, how is it possible for persons who move into Wilmington from other counties in the State to get witnesses from a distance known to registrars in Wilmington to prove their ages and their residences? It is impossible. It is a practical denial of the right to register and vote.

In that case it was held that the act was unconstitutional and that the parties elected under such an act were not entitled to the office to which they claimed to be elected; because they were elected under an unconstitutional law. Well, the question has been asked, Why do not you Republicans appeal to a Republican court in North Carolina? It is enough to answer that the act does not provide for appeals, as does even the constitution of South Carolina. Now, to show the true character of the wild, mad rush in North Carolina for office by the Democratic party in North Carolina, I will read a short extract from a statement of ex-Judge Avery which appeared in the Charlotte Observer recently:

> No supreme court judge has the power to grant an injunction. If the committee shall find a judge in North Carolina who will grant such an order, I wish to say that my voice would be in favor of making an example of him at the June session of the legislature.

This is the first threat I ever heard made against the judiciary by any man who had sense enough to keep out of the fire. If any lawyer while practicing before this eminent jurist, when he wore the judicial ermine, had made use of any such language touching the rulings of this judge, he would have been put in jail under contempt proceedings. This only shows how great, strong men can be swept off their base by a tempest of political hatred.

This very act is a part of the legislation of the general assembly of 1899, which attempted to legislate Republicans out of office and put Democrats in, and which the supreme court of the State have declared unconstitutional. The suggestion has already recently been made, I am informed by a judge in North Carolina, that at the June session the constitutional amendment act may itself be amended so as to require the whole act to be construed together, and if any part of it falls the whole shall fall. This is a novel judicial idea, and, in all probabilty, was never suggested before in the world's history. Such an amendment carries with it a suspicion of its constitutionality and suggests what the law writers say of "earmarks of fraud."

But among the suggestions of judges and ex-judges about impeachments and amendments in furtherance of justice, it is to be regretted that no legislation has ever been suggested for the June legislature as an additional safeguard to the right of the voter against the probable injustice to registrars under the new election law. All of these ingenious devices and schemes are claimed to be necessary to protect white men in the exercise of the elective franchise. I have a sort of lurking suspicion that in the minds of the friends of these oppressive and unconstitutional measures the interest of one great political party is to be cared for to the exclusion of the rights of all other citizens.

The election law of 1895 was an absolutely fair one. There could be fewer opportunities for fraud under that law than any the State has ever had. Of course no law can provide against violence and fraud. The happiest thing that could happen to this Republic, in order to prevent lynchings and assassinations, would be the quickening of the public conscience, so that every State would provide an election machinery by which every elector could have his vote deposited in the ballot box and counted as cast. These proposed election methods in North Carolina are a standing insult to every intelligent white man in the State, when properly considered.

The conditions which obtain in South Carolina, Mississippi, and Alabama, and which is the excuse for election laws and methods by which only a very small per cent of the white people of those States participate in elections, are totally unfitted for North Carolina. There are probably 80,000 white Republicans and Populists in North Carolina, who under the constitutional requirements are legal electors, and who represent as much intelligence and wealth as any other 80,000 citizens of the State.

North Carolinians, white men of North Carolina, will protest against these methods. Should they slumber until they lose their rights, we can only look for an increased number of lynchings and assassinations in exact proportion to the unjust abridgment of the rights of an elector. If by a denial of the rights of the elector to vote, under this unconstitutional act we shall have lost a republican form of government, it will then become the duty of Congress to correct it.

Now, Mr. Chairman, there is a provision in the Constitution of the United States that "the United States shall guarantee to every State a republican form of government." Here the word "State" means the people thereof. It is a power to be exercised in favor of the people of a State against the State government itself. This power has been called the sleeping lion. It is a high compliment to our form of government that this power in the Constitution, this sleeping lion, has peacefully slumbered for the first century of our nation's life.

Still it is a power which the fathers and builders of this nation early and wisely saw the necessity of leaving in the Federal Constitution, to be used by Congress whenever the tyrannical hand of the governing power of the State, by the fraud or force of any State agency, had denied the people of such State the right and blessing of a government, republican in form.

This power, with all other powers in the Federal Constitution, we have sworn to execute whenever it is necessary to do so

to secure the citizen in the blessings of a republican form of government. Suppose the conscience of the nation should be quickened on this vital question and Congress called upon to perform duties to the people of any State, and in an investigation by Congress touching this most vital question it should appear that more than one-half the qualified electors of the State were denied the privilege of voting, what would be the duty of Congress? [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HILL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested.

A bill (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot of the Spanish-American war;

A bill (S. 1295) granting a pension to Louisa Hale;

A bill (S. 1533) granting a pension to David Carroll;

A bill (S. 1489) granting an increase of pension to Robert C. Rogers;

A bill (S. 992) granting an increase of pension to Frederick Auer;

A bill (S. 346) granting an increase of pension to Mrs. Arethusa Wright, of Sheridan, Oreg.;

A bill (S. 2100) granting a pension to Annie E. Brumby;

A bill (S. 2223) granting an increase of pension to John M. Morse;

A bill (S. 1469) granting an increase of pension to Philip P. Getchell;

A bill (S. 2219) granting an increase of pension to Mary F. Hopkins;

A bill (S. 2386) granting a pension to Joseph E. Hendrickson;

A bill (S. 237) granting an increase of pension to Cutler D. Sanborn;

A bill (S. 236) granting an increase of pension to Mary Ellen Lauriat;

A bill (S. 1592) granting a pension to Jane E. Augur;

A bill (S. 1850) granting an increase of pension to James C. Delaney;

A bill (S. 6) for the relief of James H. Latham;

A bill (S. 526) granting a pension to Joseph M. Waddel;

A bill (S. 495) granting a pension to Ambrose J. Vanarsdel;

A bill (S. 261) granting an increase of pension to Lizzie H. Hyndman;

A bill (S. 1058) granting a pension to John Bailey;

A bill (S. 1059) granting a pension to Silas B. Hensley;

A bill (S. 1068) granting a pension to Jennie A. Kerr;

A bill (S. 1047) granting an increase of pension to John McGrath;

A bill (S. 2346) granting a pension to Alfred Biglow;

A bill (S. 2505) granting an increase of pension to James C. Carlton;

A bill (S. 2158) granting a pension to Joseph B. Presdee;

A bill (S. 1548) granting a pension to James Byrne;

A bill (S. 917) granting a pension to Sarah E. Campbell;

A bill (S. 1875) to increase the limit of cost of public building at Cumberland, Md.;

A bill (S. 1481) appropriating money to reimburse Capt. B. Tellefsen;

A bill (S. 197) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1885 and 1886;

A bill (S. 1893) to enable the Secretary of the Treasury to complete the public building at Cheyenne, Wyo.;

A bill (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors;

A bill (S. 2314) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887;

A bill (S. 2052) granting a pension to Mary La Tourrette Stotsenberg;

A bill (S. 1329) granting a pension to Mary Jackman;

A bill (S. 1796) granting an increase of pension to Rebecca P. Quint;

A bill (S. 35) granting a pension to Louise Donath;

A bill (S. 39) granting an increase of pension to Caroline V. English;

A bill (S. 1711) granting an increase of pension to Charles L. Green;

A bill (S. 2368) granting a pension to Mary A. Randall;

A bill (S. 2367) granting a pension to Susan Stratton;

A bill (S. 1713) granting an increase of pension to Alice S. Jordan;

A bill (S. 240) granting a pension to Nancy Ellen Bessom;

A bill (S. 872) granting an increase of pension to William H. H. Nevitt;

A bill (S. 266) granting an increase of pension to William Hamley;

A bill (S. 265) granting an increase of pension to Jane McMahon;

A bill (S. 1296) granting a pension to Mary R. Bacon;

A bill (S. 1003) granting a pension to Julia M. Johnson;

A bill (S. 899) granting an increase of pension to Mrs. M. A. Dennis;

A bill (S. 531) granting a pension to Henrietta Cummins;

A bill (S. 548) granting an increase of pension to John F. McMahon;

A bill (S. 517) granting a pension to Nancy E. Neely;

A bill (S. 1771) granting a pension to Ellen Kee;

A bill (S. 1712) granting a pension to Arminda D. Davis;

A bill (S. 354) granting a pension to Vincent de Frietas;

A bill (S. 349) granting an increase of pension to James H. Coventon; and

A bill (S. 343) granting a pension to Mary J. Freeman.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 23.

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 2,000 copies, additional to the usual number, of the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska for 1899," of which 500 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives.

INDIAN APPROPRIATION BILL.

The committee resumed its session, Mr. MOODY of Massachusetts in the chair.

Mr. LINNEY. Mr. Chairman, I ask permission to print the continuation of my remarks, including this opinion, in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi was recognized.

Mr. LITTLE. Mr. Chairman, I yield ten minutes to the gentleman from Mississippi.

The CHAIRMAN. The Chair will state that the gentleman has not ten minutes remaining. The Chair looked around upon that side of the House, and not seeing any member rise, he recognized the gentleman from Mississippi in his own right.

Mr. WILLIAMS of Mississippi. Mr. Chairman and gentlemen of the House, if there is a single question now before the American people or apt to come before them at any time which ought to be considered and discussed calmly, without excitement or acrimony, it is the question as to how about seven States of this American Union can preserve the sacredness of the Constitution of the United States inviolate and at the same time prevent the submergence of civilization itself, the "fruit of all the ages," from perhaps the bare letter of the Constitution.

I do not blame the gentleman from North Carolina [Mr. LINNEY] much, because he can not know what he says; he can not measure English when he speaks; he does not mean what he says; he does not fathom the significance of his own words. He referred here a moment ago to a debate at Winona, in my State, between my friend and colleague, Hon. JOHN M. ALLEN, and the present Senator-elect from the State of Mississippi, Mr. McLaurin—a debate in regard to which a paper in Mississippi said it was sorry to see the campaign starting off with such acrimony.

But I can tell the gentleman that neither there nor in any other place in the State of Mississippi, during the most turbulent times upon the stump, has any man ever stood and branded those who differed with him and those who were discussing questions with him as "asses," which is what the gentleman did in this high place today. Had that sort of thing taken place in the State of Mississippi, then, perhaps, *he* might have been excused there upon the ground which I take in excusing him here—that he does not understand the force and power of the English language, but merely opens his mouth and lets come what words will and lets them fall where they may. Nobody else would have been excused at all.

Mr. LINNEY. The gentleman is mistaken. I did not brand anyone in the way he says.

Mr. WILLIAMS of Mississippi. Oh, I heard it. When some gentleman wanted to interrupt the gentleman from North Carolina, he said, "Oh, I did not refer to you; I referred to another ass." That is what he said; it is in the RECORD, and will be found there to-morrow unless he revises it out. The remark was out of order, and the gentleman ought to have been called to order. But

I do not care about that; I have nothing to do with it except to mention it in connection with your criticism of the Winona debate. I was at Winona the day of that debate. I heard that discussion. It was somewhat acrimonious. There was, however, nothing personally insulting in it. It was in a Democratic primary campaign. It had nothing to do with the general election. There were no colored people there. It was a matter within our own camp; and my friend JOHN ALLEN and my other friend Mr. McLaurin trod rather closely upon each other's toes.

But, leaving that all out, the gentleman says that these lynchings of which he complains have grown up because the people were deprived of the right to vote; and he has cited my State as one of the States involved; leaving the inference—perhaps without desiring to do so—that somebody in the State of Mississippi is prevented from voting contrary to law, and that some votes are illegally suppressed. I wish now to state in the presence of God, the great Searcher of Hearts—and I believe that I know something about the State of Mississippi—that since the great popular uprising in the latter seventies, there has never been, so far as I know, a man prevented illegally from voting in the State of Mississippi nor a vote suppressed.

I will go further and say that no man has ever been defeated for an office in the State of Mississippi within the last ten years who has ever even alleged that he was defeated either by fraud or force. I lay that statement down here as my own, made upon my personal responsibility as a gentleman of integrity and honor.

I have heard enough of these insinuations. Mississippians are proud of Mississippi. She has nothing to be ashamed of. We rush to her defense not because she needs it, but because we love her. May my tongue cleave to my mouth when I refuse or fail to voice that pride and that love. Mississippi has attempted to suppress by legal means her illiterate and her criminal vote—whether white or black—by means of provisions in her constitution which have been passed upon by the Supreme Court of the United States, which court has held that not a single one of those provisions is obnoxious to the charge of violating the Constitution of the United States.

The gentleman read some figures; he did not have them accurate; I will give them right. There were 119,000 men of voting age in the State of Mississippi by the census of 1890. At the last general election there were 48,000 votes cast, but that was not much over one-third of the men who were upon the registered list and entitled to vote and who did vote in the Democratic primaries. Why did they not vote at the general election? Because there was no organized Republican party; because there was no Populist party having any hope of success. Consequently, the great majority of the people did not turn out. I see before me my friend from Connecticut [Mr. HENRY], and I am always glad to see him, for there is no franker or better man in the House.

Now, I call attention to the fact that in that same year, 1890, Connecticut had 224,000 legal voters and cast only 125,000 votes. Were these 99,000 votes "suppressed" in Connecticut? You and I know they were not. I see also before me a friend from Massachusetts, and I wish to say that Massachusetts had 665,000 voters in 1890 and cast only 285,000 votes. Were nearly 400,000 "suppressed" in Massachusetts? Absurd!

If it be true that votes are "suppressed" whenever they happen not to come out, then more votes were suppressed in Massachusetts than in Mississippi, and about the same number were suppressed in Connecticut. With voters in the State of Mississippi it is the same as with men everywhere—they vote when it is necessary, and they do not vote when it is unnecessary.

And now the gentleman from North Carolina has also spoken of Mississippi as one State which had been "much troubled with lynching." I deny it, sir. Mississippi has had as few lynchings as almost any State in this Union. But I will say to the gentleman now, and I will say to the American people of this country, through this House, that whereas Mississippians have sometimes violated the law—and nobody regrets it more than the great body of the people themselves—while they have sometimes had "lynching bees," while they have sometimes lynched men for murder, for arson, for rape, Mississippi has never shot down anybody because he wanted to work. [Applause.]

Why, I remember when a man was tied to the stake and burned in the State of New York for the crime of rape. It was after I came to the Congress of the United States. I remember when the passions of the people got the better of them, as now and then they will, even amongst the best people, in the State of Illinois here not long ago, when they shot down a huddled crowd of helpless negroes simply because they wanted to work. Would you indict the people of Illinois on that account? Would you indict the community on that account, even the community in which the thing took place? No fair-minded man will. Human nature is the same all over the world.

When Judge Lynch presided in California, he presided because the people had reached the conclusion that there were certain crimes there that could not be reached by any other method. I think they were mistaken, and I think people are nearly always mistaken when they come to that conclusion. But lynching has no geographical boundaries in this country. Mississippi had one lynching not long ago. It occurred in my district. Now, my friends, I want to tell you about it, not in justification, but in extenuation and explanation, and I want each man, when I tell him the facts in that case, to probe his own heart and to ask himself if the veneer of civilization that is upon all of us would not have been scratched clear through and if perhaps he himself would not have gone with the crowd that did the lynching under the excitement of the moment?

A man leaves his home—a farmer. He goes down to the little town of Canton to market and sell his crop. It is rumored in the neighborhood that he had brought money from the market town the week before and that it is in the house. That night six or seven negro men break into that house, ravish his daughter and his wife, and then they manacle and tie them together, and not only them but the little children—one of them, I believe, four or five years of age—manacle them down in the center of that house and set it on fire and burn them all up, hoping that the fire had done away with all trace of the crime.

One of the negroes happened to have a peculiar foot, which led to tracking him. That led to crimination and recrimination among the criminals and to a confession. It led to confessions from others. The people arose and lynched those men, and while they were lynching them they burned one of them, a voice coming from the crowd that he ought to receive the punishment himself which he had meted out to this innocent, helpless woman, her helpless daughters, and her helpless little children. It was a negro who, filled with indignation, asked and obtained the privilege of setting the match to the pyre.

Now, my friends, I have no word of justification for lynching or for violation of law anywhere as a general thing, but if the good God, sitting in the chancel of Heaven, possessing a wider observation than you and I, forgives, as I believe He does, those things that are generally wrong but which under particular circumstances are provoked so that human nature can not resist, then I believe that the men who engaged in that lynching are much more clear, in the sight of God to-day and in the sight of good men everywhere, of any crime than any man can possibly be who denounces lynching without also denouncing at the same time the crime which has led to it. [Applause.] Ah, my friends, the gentleman would have you believe that a horrible state of affairs exists down in the dear State of Mississippi. And yet every day these colored people that he says are oppressed in the State of Mississippi are leaving North Carolina, and leaving Georgia, and leaving Alabama, and seeking the State of Mississippi. A hundred thousand of them have gone there this year.

Legally disfranchised as they are when they can not read and write, legally disfranchised as they are when they do not pay their taxes, or are guilty of certain crimes, yet they have left these other places where no complaint is made of the administration of the suffrage and have come to the State of Mississippi, knowing one thing, that there they get absolute equality before the law and the even administration of justice and in every other way right treatment, good wages, and the opportunity to labor. I have heard it said sometimes that the difference between the South and the North upon the negro question is that in the South the negro many times can not vote, while in the North there are very few things except voting that he can do. Your trades unions do not let him work with you in certain places; there are certain pursuits that he is not even allowed to carry on in others. Down in Mississippi you will find the black man and white man working side by side and earning their daily wage, whether as brick masons or carpenters or what not.

Now, my friends, this is not the occasion, and God knows this great and seemingly to me, at times, insoluble problem ought never to be the occasion of any man's attempt to make political capital one way or the other out of it; and yet I am prone to believe that at the bottom of this entire speech of the gentleman from North Carolina [Mr. LINNEY] lies this thought and motive, viz, that if the illiterate vote, the incapable vote, and the incompetent vote—the ignorant and criminal vote—of the State of North Carolina is once ruled out by legislation or constitutional enactment, in accordance with the Constitution of the United States, though it may be, the gentleman and men like him will have played out their short scene upon the political stage of this country and be retired to private life.

Mr. LINNEY. Will the gentleman allow me one question there?

Mr. WILLIAMS of Mississippi. Yes.

Mr. LINNEY. As a lawyer I trust your legal intelligence. Do you believe that that law that I read, which is proposed to be put upon us in North Carolina, is constitutional?

Mr. WILLIAMS of Mississippi. I will say frankly to the gentleman that I did not even hear it. I do not know what the law is. I was thinking about another matter altogether and did not hear him read it. Therefore I do not know whether it is or is not unconstitutional. But the laws of Mississippi which you criticise

are constitutional; and I do say this, and I say it to every one of you; I say it to the bitterest partisan Republican on this floor—and I know some of them who are excellent men personally and who are brave and fair—I say this to you, that when it comes to a choice between an abstract theory to the effect that all "featherless bipeds" are equal, contradicting the common-sense observation of common-sense men, and some constitutional or legal method of preserving from the operation of this theory civilization itself, higher than law even, because law is but the exponent and the expression of it, then every good man in the United States ought to be glad to see any Southern State solve that question so as to preserve civilization, so as to preserve the "gains of our race" that have been made through countless ages of bitter struggle with hard nature and harder men—the civilization developed in the very fiber of our race, in the school foreordained by the "God in history" as the only school for its development, the school of historic experience and evolution.

Mr. KLUTTZ. The gentleman from North Carolina [Mr. LINNEY] asked you if you believed that the election law of North Carolina is constitutional.

Mr. WILLIAMS of Mississippi. I know nothing about it.

Mr. KLUTTZ. I desire to say as a North Carolinian and as a lawyer that in my opinion and in the opinion of the best lawyers of North Carolina it is entirely constitutional, and the gentleman has a Republican supreme court to which he could appeal instead of this forum, if he honestly believed it was unconstitutional. [Applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I have not meant to weary the House. One other thing. When questions of this sort are brought before the country and before the House it frequently happens, as the gentleman has insinuated, that Southern men seem to fly all to pieces at once and to become excited. I have heard many people state that. But if you will consider for a moment the conditions down there, the comparative isolation of the white population out in the country; that their very life itself—social order, property rights, the purity of their women, all things, are at stake, then Southern men may be excused for being somewhat in earnest when this question is touched upon. We are in earnest, and awfully in earnest, and we have made up our minds that we are going to save the heritage of liberty and civilization for ourselves and for our children at almost any possible hazard.

I do not believe that you regret that we have made up our minds to that effect. I believe that many of you only regret one thing in connection with this question, and that is that in obedience to a mere abstract theory you tried to legislate into political and social equality two races, one of which had had about two hundred years, at the furthest, of opportunity to make something out of itself by evolution and by heredity, and the other of which had gathered to itself from all the climes of the world, from all the treasure houses of thought, and of beauty—from literature, art, and law all things of historic preciousness and worth; had made its own—a part of itself—a part of itself before the integer was born to live his short span of individual life—all that sounds to the names of liberty and of law, of order, of civilization, of high thinking, of noble feeling, and nobler endeavor. I believe that at the bottom of your hearts many of you think that was a mistake. Whether you do so or not, I think so; and I am frank to say it here or anywhere else on the face of this globe. [Loud applause on the Democratic side.]

Mr. STEPHENS of Texas. Mr. Chairman——

Mr. SHERMAN. I was about to inquire, Mr. Chairman, how the time has been occupied between the two sides.

Mr. COCHRAN of Missouri. Mr. Chairman——

The CHAIRMAN. An hour and forty-five minutes has been occupied upon that side of the House, and an hour and sixteen minutes on the other side of the House.

Mr. SHERMAN. May I suggest this to my friend——

The CHAIRMAN. In addition to that, fifteen minutes were occupied by unanimous consent upon that side of the House, making two hours. For that reason the Chair will recognize the gentleman from Texas.

Mr. SHERMAN. If the gentleman from Texas will permit me, I desire to suggest that the chairman of the Committee on Appropriations has a matter that he desires to dispose of this evening, and that you could occupy, for instance, half an hour.

Mr. LITTLE. Forty-five minutes.

Mr. SHERMAN. Forty-five minutes. Could the gentleman dispose of it after that time?

Mr. CANNON. I think so, but I would be very glad to have a reasonably full House for ten minutes after the gentleman gets through.

Mr. SHERMAN. Would the gentleman from Texas object to our rising now and disposing of the urgent deficiency bill? Then we could go back into committee.

Mr. STEPHENS of Texas. How long will that require?

Mr. CANNON. I should say probably about ten minutes.

Mr. COCHRAN of Missouri. Mr. Chairman——

Mr. LITTLE. Let the gentleman go ahead for forty-five minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for forty-five minutes.

[Mr. COCHRAN of Missouri addressed the committee. See Appendix.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I neglected to reserve the balance of the time to which I was entitled. I desire to reserve it and yield it to the gentleman from Arkansas [Mr. LITTLE].

The CHAIRMAN. The gentleman from Mississippi desires to reserve the remainder of his time. If there be no objection, that will be done.

There was no objection.

Mr. COCHRAN of Missouri. I ask unanimous consent to extend my remarks in the RECORD, including some documents—not very extensive.

Mr. LITTLE. I suggest that a similar privilege be extended to all persons who have spoken on that subject.

Mr. PAYNE. If that be done, there ought to be some limit of time.

Mr. LITTLE. Say within five days.

The CHAIRMAN. The Chair would suggest that anything beyond the extension of leave upon the request of individual members is a matter for the House. If there be no objection, the request of the gentleman from Missouri [Mr. COCHRAN] will be granted.

There was no objection.

Mr. SHERMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole House on the state of the Union having had under consideration House bill No. 7433 (the Indian appropriation bill), had come to no resolution thereon.

Mr. SHERMAN. I ask unanimous consent that all general debate on the Indian appropriation bill be closed at 3 o'clock to-morrow afternoon, and that the time be equally divided between the two sides, that on the Democratic side to be controlled by the gentleman from Arkansas [Mr. LITTLE] and that on the Republican side by myself.

Mr. LITTLE. I suggest that, owing to the number of gentlemen on this side desiring to speak, we fix 4 o'clock instead of 3. I think that will better accommodate gentlemen on this side.

Mr. GAINES. I hope that will be agreed to.

Mr. SHERMAN. Very well; I modify my request so as to close debate at 4 o'clock.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that general debate on this bill close at 4 o'clock to-morrow afternoon, that the time be equally divided between the two sides, and be controlled on the one side by himself and on the other by the gentleman from Arkansas [Mr. LITTLE].

There was no objection.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropropriate committees as indicated below:

A bill (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot of the Spanish-American war—to the Committee on Naval Affairs.

A bill (S. 1295) granting a pension to Louisa Hale—to the Committee on Invalid Pensions.

A bill (S. 992) granting an increase of pension to Frederick Auer—to the Committee on Invalid Pensions.

A bill (S. 346) granting an increase of pension to Mrs. Arethusa Wright, of Sheridan, Oreg.—to the Committee on Invalid Pensions.

A bill (S. 2100) granting a pension to Annie E. Brumby—to the Committee on Pensions.

A bill (S. 2223) granting an increase of pension to John M. Morse—to the Committee on Invalid Pensions.

A bill (S. 1469) granting an increase of pension to Philip P. Getchell—to the Committee on Invalid Pensions.

A bill (S. 2219) granting an increase of pension to Mary F. Hopkins—to the Committee on Invalid Pensions.

A bill (S. 237) granting an increase of pension to Cutler D. Sanborn—to the Committee on Invalid Pensions.

A bill (S. 236) granting an increase of pension to Mary Ellen Lauriat—to the Committee on Invalid Pensions.

A bill (S. 1592) granting a pension to Jane E. Augur—to the Committee on Invalid Pensions.

A bill (S. 1850) granting an increase of pension to James C. Delaney—to the Committee on Pensions.

A bill (S. 6) for the relief of James H. Latham—to the Committee on Invalid Pensions.

A bill (S. 526) granting a pension to Joseph M. Waddell—to the Committee on Invalid Pensions.

A bill (S. 495) granting a pension to Ambrose J. Vanarsdel—to the Committee on Invalid Pensions.

A bill (S. 261) granting an increase of pension to Lizzie H. Hyndman—to the Committee on Invalid Pensions.

A bill (S. 1058) granting a pension to John Bailey—to the Committee on Invalid Pensions.

A bill (S. 2346) granting a pension to Alfred Biglow—to the Committee on Invalid Pensions.

A bill (S. 2505) granting an increase of pension to James C. Carlton—to the Committee on Pensions.

A bill (S. 2158) granting a pension to Joseph B. Presdee—to the Committee on Invalid Pensions.

A bill (S. 1548) granting a pension to James Byrne—to the Committee on Invalid Pensions.

A bill (S. 917) granting a pension to Sarah E. Campbell—to the Committee on Invalid Pensions.

A bill (S. 1375) to increase the limit of cost of public building at Cumberland, Md.—to the Committee on Public Buildings and Grounds.

A bill (S. 1481) appropriating money to reimburse Capt. B. Tellefsen—to the Committee on Claims.

A bill (S. 197) for the relief of Hattie A. Phillips—to the Committee on Pensions.

A bill (S. 1893) to enable the Secretary of the Treasury to complete the public building at Cheyenne, Wyo.—to the Committee on Public Buildings and Grounds.

A bill (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the Government of the Dominion of Canada in recognition of their services in rescuing British sailors—to the Committee on Foreign Affairs.

A bill (S. 2314) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887—to the Committee on Pensions.

A bill (S. 2052) granting a pension to Mary Stotsenberg—to the Committee on Pensions.

A bill (S. 1329) granting a pension to Mary Jackman—to the Committee on Invalid Pensions.

A bill (S. 1711) granting an increase of pension to Charles L. Green—to the Committee on Invalid Pensions.

A bill (S. 2368) granting a pension to Mary A. Randall—to the Committee on Pensions.

A bill (S. 2367) granting a pension to Susan Stratton—to the Committee on Invalid Pensions.

A bill (S. 872) granting an increase of pension to William H. H. Nevitt—to the Committee on Invalid Pensions.

A bill (S. 266) granting an increase of pension to William Hamley—to the Committee on Invalid Pensions.

A bill (S. 265) granting an increase of pension to Jane McMahon—to the Committee on Invalid Pensions.

A bill (S. 1296) granting a pension to Mary R. Bacon—to the Committee on Pensions.

A bill (S. 531) granting a pension to Henrietta Cummins—to the Committee on Invalid Pensions.

A bill (S. 548) granting an increase of pension to John F. McMahon—to the Committee on Invalid Pensions.

A bill (S. 517) granting a pension to Nancy E. Neely—to the Committee on Pensions.

A bill (S. 1771) granting a pension to Ellen Kee—to the Committee on Invalid Pensions.

A bill (S. 1712) granting a pension to Arminda D. Davis—to the Committee on Invalid Pensions.

A bill (S. 343) granting a pension to Mary J. Freeman—to the Committee on Invalid Pensions.

Senate concurrent resolution No. 23:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 2,000 copies, additional to the usual number, of the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska for 1899," of which 500 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives—

to the Committee on Printing.

ORDER OF BUSINESS.

Mr. BUTLER. I ask unanimous consent for permission to withdraw the report made by the Committee on Naval Affairs on House bill No. 3718. Inadvertently a wrong report was made, and the committee would like to submit another.

The SPEAKER. If there be no objection, the permission asked will be granted.

There was no objection.

Mr. SHERMAN. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for deficiencies for the fiscal year ending June 30, 1900, and prior years—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, requesting the return of the agreement of February 1, 1899, between commissioners of the Government and the Creek Nation—to the Committee on Indian Affairs.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. Thomas, administrator of estate of B. F. Roberts, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of services of volunteer electrical corps during the war with Spain and a draft of a bill for recognition thereof—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor of Kewaunee, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of piers and breakwater at Rockport, Mass.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LOUDENSLAGER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4646) to present to the city of Nashville, State of Tennessee, the opening, or first, gun fired in the recent war of the United States with Spain from the gunboat *Nashville*, the mayor and city council having, by resolution regularly passed, agreed to "receive and hold it as a sacred trust and zealously keep and care for it that it may, as a monument of past valor and heroism, inspire our people with a higher idea of liberty and incite them to patriotic deeds in war and in peace," reported the same with amendment, accompanied by a report (No. 157); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRUMPACKER, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 734) relating to Cuban vessels, reported the same with amendment, accompanied by a report (No. 159); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the resolution of the House (H. Res. 115) relating to correspondence between the War Department and individuals relating to safety of bridge across Potomac River known as Long Bridge, reported the same with amendment, accompanied by a report (No. 161); which said resolution and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899, reported the same without amendment, accompanied by a report (No. 162); which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 460) for the relief of the Union Iron Works, of San Francisco, Cal., reported the same with amendment, accompanied by a report (No. 160); which said bill and report were referred to the Private Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5139) for the relief of Joseph Bacigaluppi, reported the same without amendment, accompanied by a report (No. 164); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3785) for the relief of Susan N. Moore—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3786) for the relief of the heirs of James W. Fennell, deceased, and to give the Court of Claims jurisdiction and to remove the bar of statute of limitations—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2796) providing for reference to the Court of Claims of the claim of Albert Wood—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 6435) for the relief of Hannah J. Jones, executrix of Emanuel Jones, deceased, a British subject—Committee on Foreign Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GAMBLE: A bill (H. R. 7725) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes—to the Committee on Mines and Mining.

By Mr. WILSON of Arizona: A bill (H. R. 7726) to provide for appeals from judgments of the supreme court of the Territory of Arizona—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: A bill (H. R. 7727) to amend an act approved March 3, 1881, entitled "An act to authorize the registration of trade-marks and protect the same"—to the Committee on Patents.

By Mr. LANHAM: A bill (H. R. 7728) authorizing a survey of the Trinity River, in the State of Texas, from the city of Dallas to the city of Fort Worth, and preparation of estimates of cost of improvements thereon—to the Committee on Rivers and Harbors.

By Mr. HAWLEY: A bill (H. R. 7729) fixing the salary of the collector of customs of the district of Galveston, Tex.—to the Committee on Ways and Means.

By Mr. McLAIN: A bill (H. R. 7730) for maintenance of Pascagoula River and Horn Island Harbor—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7731) for continuing improvement of the Upper Pascagoula River—to the Committee on Rivers and Harbors.

By Mr. LACEY: A bill (H. R. 7732) to finally adjust the swamp-land grants, and for other purposes—to the Committee on the Public Lands.

By Mr. McLAIN: A bill (H. R. 7733) to establish a fish-hatching and fish-culture station at a point on the Gulf of Mexico, in the State of Mississippi—to the Committee on the Merchant Marine and Fisheries.

By Mr. MULLER: A bill (H. R. 7734) to provide against nuisances—to the Committee on Interstate and Foreign Commerce.

By Mr. TOMPKINS: A bill (H. R. 7735) to place tea on the free list—to the Committee on Ways and Means.

By Mr. TATE: A bill (H. R. 7736) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899—to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 7737) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes—to the Committee on the District of Columbia.

By Mr. BROSIUS: A bill (H. R. 7738) to establish the Fredericksburg and Adjacent National Battlefields Memorial Park in the State of Virginia—to the Committee on Military Affairs.

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 7739) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899—ordered to be printed.

By Mr. FLYNN: A bill (H. R. 7740) to amend section 8 of the act of Congress entitled "An act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes"—to the Committee on Indian Affairs.

By Mr. SAMUEL W. SMITH (by request): A bill (H. R. 7741) to grant the remaining unlocated odd-numbered sections of the desert land of the United States in the Colorado Desert of San Diego County, Cal., to the San Diego and Phœnix Railroad Company, to aid it in its construction across the said Colorado Desert—to the Committee on the Public Lands.

By Mr. ELLIOTT: A bill (H. R. 7742) to provide for the erection of a public building in the city of Georgetown, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of New Jersey: A bill (H. R. 7743) to authorize the acquiring of the West Indian Islands owned by the Kingdom of Denmark, and appropriating the money therefor—to the Committee on Foreign Affairs.

By Mr. MOODY of Massachusetts: A bill (H. R. 7744) for the erection of a public building at Amesbury, Essex County, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. SPALDING: A bill (H. R. 7831) authorizing negotiations with the Indians of Devils Lake Reservation, in North Dakota, for the cession of lands—to the Committee on Indian Affairs.

By Mr. COWHERD: A bill (H. R. 7832) to authorize the Secretary of the Treasury to examine the evidence of debts claimed to be due or of payments made by the State of Missouri to the officers and privates of the militia forces of said State for military services performed in the suppression of the rebellion in full concert and cooperation with the authorities of the United States and subject to their orders, and to make report thereof to Congress—to the Committee on War Claims.

By Mr. TAYLER of Ohio: A joint resolution (H. J. Res. 149) declaring the Philippine Islands territories of the United States—to the Committee on Insular Affairs.

By Mr. GRIGGS: A concurrent resolution (H. C. Res. 13) relative to printing 50,000 copies of the report of the First Assistant Postmaster-General for the year ending June 30, 1899—to the Committee on Printing.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 122) relative to the President of the United States appointing a commission, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A memorial of the legislature of the State of Pennsylvania, favoring the protection of free labor from the injurious effect of competition of convict labor—to the Committee on Labor.

By Mr. YOUNG of Pennsylvania: A memorial of the legislature of the State of Pennsylvania, favoring the protection of free labor from the injurious effect of competition of convict labor—to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under cluse 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 7745) granting a pension to Lucinda Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7746) to correct the military record of Francis Wilhelm, of Dunbar, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7747) to correct the military record of John Stevenson, of Bentleysville, Washington County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7748) granting a pension to John McKenzie, of Claysville, Washington County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7749) granting a pension to Daniel Sims, California, Washington County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7750) granting an increase of pension to John I. Fleming—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 7751) to remove the charge of desertion from the military record of Charles Kuhn—to the Committee on Military Affairs.

By Mr. BOUTELL of Illinois: A bill (H. R. 7752) for the relief of George W. Emerson—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 7753) granting a pension to William W. Batterton—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 7754) to increase the pension of Julia A. Loucks, widow of Lieut. John W. Loucks—to the Committee on Invalid Pensions.

By Mr. DRIGGS: A bill (H. R. 7755) to increase pension of Timothy Donoghoe—to the Committee on Invalid Pensions.

By Mr. STANLEY W. DAVENPORT: A bill (H. R. 7756) removing charge of desertion and setting aside sentence of court-martial as to George H. Williams, late Company H, Eleventh Pennsylvania Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7757) for the relief of Agnes Ryder, minor child of the late Thomas P. Ryder, brigade quartermaster's clerk of Third Brigade, Third Division, First Army Corps, Spanish-American war—to the Committee on Pensions.

By Mr. GILLET of New York: A bill (H. R. 7758) removing the charge of desertion from the military record of Herman Wagner—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 7759) granting a pension to Catherine M. Hall—to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 7760) for the relief of James Kelly—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 7761) for the relief of Hannah W. Millard—to the Committee on Claims.

By Mr. GILL: A bill (H. R. 7762) to pension Emeline Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7763) to pension Mrs. S. Amanda Mansfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7764) to pension Andrew I. Guthrey, late of Company F, Ninety-eighth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7765) to pension Samuel D. Edgar, late of Company F, Ninety-eighth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7766) to pension Eloise McKee, helpless daughter of Hugh L. McKee, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7767) to pension Alice D. Roatch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7768) for the relief of Michael Barrett—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 7769) granting a pension to Simeon Collins—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 7770) granting an increase of pension to James F. Grey—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7771) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 7772) granting a pension to Mrs. Isabella V. Jett—to the Committee on Pensions.

By Mr. JOHNSTON: A bill (H. R. 7773) for the relief of Albert Traub—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 7774) authorizing George Winans and his associates to improve the channel of the Mississippi River between Red Wing, Minn., and Leclaire, Iowa, upon certain conditions, and for certain considerations to be paid by the United States, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. KAHN: A bill (H. R. 7775) granting increase of pension to Dr. George B. Tolman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7776) granting increase of pension to Johanna J. Naughton—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 7777) to remove the charge of desertion from the military record of Mathew W. Face—to the Committee on Military Affairs.

By Mr. LYBRAND: A bill (H. R. 7778) to correct the military record of William Loar, Company K, One hundred and seventy-fourth Regiment Ohio Volunteers—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 7779) for the relief of Parmer Stewart—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7780) for the relief of Jacob P. Stroope—to the Committee on Claims.

By Mr. McLAIN: A bill (H. R. 7781) for the relief of the estate of Isaac Jones, of Adams County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7782) for the relief of James A. G. Winston, of Adams County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7783) for the relief of Eliza L. Rivers, of Adams County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 7784) for the relief of Burks Fitzgerald—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 7785) granting a pension to Samuel F. Fowler—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 7786) to refund internal-revenue taxes paid by owners of private dies—to the Committee on Claims.

By Mr. MESICK: A bill (H. R. 7787) to remove the charge of desertion against the name of Moses Johnson—to the Committee on War Claims.

Also, a bill (H. R. 7788) granting an increase of pension to John Yaner—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 7789) granting a pension to Clarinda Raymond, of Burwell, in the State of Nebraska—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 7790) to remove the charge of desertion from the record of Ernst Brauning—to the Committee on Military Affairs.

Also, a bill (H. R. 7791) for the relief of Ellen Scranton and others, heirs at law of Elizabeth Whittaker—to the Committee on War Claims.

Also, a bill (H. R. 7792) for the relief of John A. Welch—to the Committee on Claims.

Also, a bill (H. R. 7793) for the relief of Hewson L. Peeke—to the Committee on Claims.

Also, a bill (H. R. 7794) granting a pension to John Canter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7795) to remove the charge of desertion from the record of Denton Whipps—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 7796) for the relief of the estate of Elijah Thompson, deceased, late of Montgomery County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 7797) for the relief of Thomas J. Austin—to the Committee on War Claims.

Also, a bill (H. R. 7798) to remove the charge of desertion from the record of John Harb—to the Committee on Military Affairs.

By Mr. PHILLIPS: A bill (H. R. 7799) to grant an increase of pension to Franklin M. Burdoin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7800) to grant an increase of pension to Albert A. Herkner—to the Committee on Invalid Pensions.

By Mr. QUARLES: A bill (H. R. 7801) for the relief of John D. Youell—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 7802) for the relief of William R. Barrow, of West Feliciana Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7803) for the relief of the estate of John G. Archer, of Pointe Coupee Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7804) for the relief of the estate of William Brown Millican, deceased, late of East Feliciana Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7805) for the relief of Mrs. Odile Deslonde, of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 7806) for the relief of the estate of S. E. Hackett, deceased, late of Baton Rouge, La.—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 7807) granting an increase of pension to James Orton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7808) granting an increase of pension to Andrew M. Dickerson—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 7809) granting a pension to James Elmer Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7810) granting a pension to Robert P. Currin—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 7811) granting a pension to Lydia L. Gates—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 7812) granting a pension to Lydia Strang, of Osceola, Polk County, Nebr.—to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 7813) to remove the charge of desertion from the military record of Peter Green—to the Committee on Military Affairs.

By Mr. SHOWALTER: A bill (H. R. 7814) appropriating $100 to John M. Turner, of Butler, Pa., late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry—to the Committee on War Claims.

Also, a bill (H. R. 7815) for the relief of A. G. White, postmaster at Beaver, Pa.—to the Committee on Claims.

Also, a bill (H. R. 7816) granting a pension to Jennie L. and Samuel Sears Alexander, destitute and afflicted children of Samuel B. Alexander, deceased, late of Company A, One hundred and thirty-ninth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7817) to increase the pension of John C. Hart, late first lieutenant of Company D, One hundredth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 7818) granting a pension to Joseph Cramer—to the Committee on Invalid Pensions.

By Mr. STEWART of Wisconsin: A bill (H. R. 7819) to remove the charge of desertion from the naval record of Peter Provansha—to the Committee on Military Affairs.

By Mr. TOMPKINS: A bill (H. R. 7820) to reimburse Charlotte E. Brennan, widow of D. D. Brennan, for expenses incurred in travel from Yokohama, Japan, to Haverstraw, N. Y., after the summary discharge of said D. D. Brennan as paymaster's clerk in the United States Navy—to the Committee on Claims.

Also, a bill (H. R. 7821) granting pension to Carrie K. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7822) for the relief of Michael McCormick—to the Committee on Claims.

By Mr. WILLIAM E. WILLIAMS: A bill (H. R. 7823) granting an increase of pension to William Newnom—to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 7824) to pay to J. B. McRae $99 for services as hospital steward, and so forth—to the Committee on War Claims.

By Mr. WILSON of New York: A bill (H. R. 7825) to place the name of Frank Perry on the pension roll—to the Committee on Invalid Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 7826) for the relief of John M. Seavers—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 7827) granting a pension to Henry J. Mills, jr.—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: A bill (H. R. 7828) granting a pension to David Topper, of Company E, One hundred and sixty-fifth Regiment Pennsylvania Militia—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 7829) for the relief of Thomas F. Tobey—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 7830) for the relief of Leonard Wilson—to the Committee on Claims.

By Mr. COWHERD: A joint resolution (H. J. Res. 150) for the relief of Robert L. Lindsay—to the Committee on Military Affairs.

By Mr. WILSON of Arizona: A joint resolution (H. J. Res. 151) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Resolutions adopted by the Board of Trade of Columbus, Ga., January 24, 1900, indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

By Mr. BRADLEY: Papers to accompany House bill for the correction of the military record of John Cabe, alias Kaeb—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of the Chamber of Commerce of Phœnixville, Pa., to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri: Petition of W. W. Batterton, of Snohomish, Wash., praying that a pension be granted him for wounds received at the hands of Todd's guerrillas—to the Committee on Invalid Pensions.

By Mr. DAHLE of Wisconsin: Petition of druggists of Stoughton, Wis., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of clerks of Madison, Wis., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. STANLEY W. DAVENPORT: Petition of J. S. Parsons and others, of Wilkesbarre, Pa., and vicinity, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIDSON: Petition of the post-office clerks of Oshkosh, Wis., urging the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE: Papers of John Miser, of the State of Arkansas, asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Resolutions of the Federal Labor Union of Boone, Iowa, in relation to the care and disposition of the public lands—to the Committee on the Public Lands.

By Mr. ELLIOTT: Resolution of the Merchants' Exchange of Charleston, S. C., opposing the passage of House bill No. 5462, placing pilots solely in the United States Steamboat-Inspection Service—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Petition of clerks employed in the post-office at Chicago, Ill., asking for the passage of the bill No. 4351, for the classification of clerks in the first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of surfmen in the United States Life-Saving Service and citizens, relating to an increase of pay to surfmen of the United States life-saving stations—to the Committee on the Merchant Marine and Fisheries.

By Mr. GILLET of New York: Petition of members of the bar in western New York, in favor of Senate bill No. 268, creating a new district to be called the western district of New York—to the Committee on the Judiciary.

By Mr. GLYNN: Papers to accompany House bill No. 7539, for the relief of Peter J. Keleher, of Albany, N. Y.—to the Committee on Pensions.

By Mr. GRAHAM: Resolution of the New England Shoe and Leather Association, Boston, Mass., protesting against the present duty on hides, and asking that the same be abrogated and that hides be again placed on the free list—to the Committee on Ways and Means.

By Mr. GROUT: Papers to accompany House bill granting an increase of pension to James F. Grey—to the Committee on Invalid Pensions.

Also, resolution of the Chicago Federation of Labor, W. Carmody, secretary, favoring Government ownership of arid public lands and the building of irrigation works, etc.—to the Committee on Irrigation of Arid Lands.

Also, memorial of Albert D. Shaw, commander in chief Grand Army of the Republic, favoring the passage of House bill No. 4742, providing military instruction in public schools—to the Committee on Military Affairs.

Also, petition of Hoyt H. Wheeler and 80 citizens of Brattleboro, Vt., favoring the passage of Senate bill No. 34, for the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSTON: Petition of Albert Traub, of West Virginia, asking reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. KAHN: Paper to accompany House bill to increase the pension of Johanna J. Naughton—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of the Iowa State Veterinary Medical Association, favoring the organization of a veterinary corps—to the Committee on Military Affairs.

By Mr. LITTAUER: Statement to accompany House bill to correct the military record of Matthew W. Face—to the Committee on Military Affairs.

By Mr. McDOWELL: Petition of the publisher of the Index, Bellefontaine, Ohio, to repeal the tariff on printing paper—to the Committee on Ways and Means.

By Mr. MESICK: Petitions of clerks of the post-offices at Traverse City and Big Rapids, Mich., favoring the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTON of Ohio: Papers to accompany House bill to remove the charge of desertion against the military record of Ernst Bravning—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion against the military record of Denton Whipps—to the Committee on Military Affairs.

Also, papers to accompany House bill relating to the claim of John A. Welch, of Woodland, Ohio—to the Committee on Claims.

Also, papers relating to the claim of Ellen Scranton and others, heirs at law of Elizabeth Whittaker—to the Committttee on War Claims.

By Mr. PEARCE of Missouri: Petition of the heirs of James Murphy, deceased, late of Washington County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Hezekiah Boteler, deceased, late of Frederick County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RAY of New York: Petition of citizens of Sherburne, Bambridge, and Columbus, Chenango County, N. Y., for legislation relating to dairy or food products—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Ithaca, N. Y., for the appointment of a veterinary corps in the United States Army—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: Paper to accompany House bill for the relief of the estate of John G. Archer—to the Committee on War Claims.

By Mr. SHATTUC: Papers to accompany House bill No. 3951, for the relief of Pardon M. Bowen, late private, Company K, One hundred and thirty-eighth Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SHERMAN: Petition of D. A. Tremain and others, of Vienna, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of druggists of Manchester, N. H., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of railway postal clerks in the First Congressional district of New Hampshire, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Manchester (N. H.) Board of Trade, in favor of a commission to study and report upon the industrial and commercial conditions in China—to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: Papers to accompany House bill to remove the charge of desertion against Peter Green—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Samuel F. Fowler—to the Committee on Invalid Pensions.

By Mr. WHITE: Paper to accompany House bill for the relief of J. B. MacRae, of Jackson, N. C.—to the Committee on War Claims.

By Mr. JAMES R. WILLIAMS: Paper in support of House bill to correct the military record of Jesse Milam—to the Committee on Military Affairs.

Also, petitions of C. M. Meade and D. Berry, of Carmi, Ill., and C. T. Hunter, of Springerton, Ill., dental surgeons, favoring the appointment of dental surgeons in the Army and Navy—to the Committee on Military Affairs.

Also, resolutions of James M. Gentry Post, No. 727, of Cave in Rock, Ill., against the removal of disabilities of all deserters in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: Petition of the Braid Manufacturers' Association of New York City, protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

By Mr. ZIEGLER: Papers to accompany House bill No. 6045, granting a pension to Rosanna Wavell—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6046, granting a pension to Margaret E. Miller—to the Committee on Invalid Pensions

Also, papers to accompany House bill granting a pension to David Topper—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5431, to increase the pension of Reuben H. Lynch—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5435, granting an increase of pension to Alexander P. Baugher—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5436, to increase the pension of Joseph K. Armstrong—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6043, for an increase of pension to John C. Shenermen—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 6044, to increase the pension of Charles S. Bunty—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *February 1, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

CORRECTION OF RECORD—ADMIRAL DEWEY'S LETTER.

Mr. LODGE. Mr. President, I desire to make a correction in the RECORD of yesterday's proceedings. On the last line of column 1, page 1356, in giving Admiral Dewey's letter I observe it says:

I never treated him as an ally except to make use of him and the soldiers.

The word in the letter, which very likely I misread, and which was copied also wrongly by the press, is "natives" instead of "soldiers." In order that the correction may clearly appear, I ask that the letter may be reprinted correctly.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter referred to is as follows:

OFFICE OF THE ADMIRAL, 1747 RHODE ISLAND AVENUE,
Washington, January 30, 1900.

DEAR SENATOR LODGE: The statement of Emilio Aguinaldo, as recently published in the Springfield Republican, so far as it relates to me, is a tissue of falsehoods. I never promised him, directly or indirectly, independence for the Filipinos; I never treated him as an ally, except to make use of him and the natives to assist me in my operations against the Spaniards. He never uttered the word independence in any conversation with me or my officers.

The statement that I received him with military honors or saluted the so-called Filipino flag is absolutely false.

Sincerely, yours, GEORGE DEWEY.

REPORTS OF SECRETARY OF THE SENATE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete account of all property, including the stationery, belonging to the United States in his possession on the 31st day of January, 1900; which, with the accompanying papers, was ordered to lie on the table and to be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under the proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession, from July 1, 1899, to January 31, 1900; which, with the accompanying papers, was ordered to lie on the table and to be printed.

CAPE NOME DISTRICT, ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 3d ultimo, a letter from the Director of the Geological Survey, inclosing a report on the investigations made by the Geological Survey in the Cape Nome district of Alaska; which, with the accompanying papers, was referred to the Committee on Printing.

ANNUAL REPORTS OF DISTRICT RAILWAYS.

The PRESIDENT pro tempore laid before the Senate the annual reports of the Capital Traction Railway Company, the Great Falls Electric Railway Company, the City and Suburban Railway Company, the Georgetown and Tennallytown Railway Company, the Anacostia and Potomac River Railroad Company, the Brightwood Railway Company, the Columbia Railway Company, and the Metropolitan Railroad Company, all of the District of Columbia; which were referred to the Committee on the District of Columbia, and ordered to be printed.

PERSONAL EXPLANATION—PRIVILEGES OF THE SENATE.

Mr. RAWLINS. Mr. President, I rise to a question of personal privilege and to make a parliamentary inquiry.

I notice by an examination of the RECORD of the proceedings of the House of Representatives during last week frequent references to myself, with the charge that if I had taken pains to do so I might have revealed certain things pertaining to the domestic and personal affairs of certain citizens of my State, and that I might have revealed, if I had desired to do so, things startling to the moral sentiment of the country, and especially to the moral sensibilities of the members of the House of Representatives.

The question of parliamentary inquiry which I make is whether such allusions made by members of the House concerning a member of this body are a breach of the privileges of the Senate and a violation of the courtesies due by members of one branch of Congress to those of the other, and if they be a breach of such privilege and a violation of such courtesies, what, if any, remedy exists; whether it would also be a breach of the courtesies due by members of the Senate to the members of the House to make reply in the Senate to such allusions made in the House and correct what a member here might conceive to be aspersions upon the character of the people whom he in part represents or upon himself.

I understand that it would be such breach of privilege, but I should like an expression from the Chair upon these questions so that I may govern myself accordingly.

The PRESIDENT pro tempore. If a Senator were making an attack upon any member of the other branch of the House the Presiding Officer would feel it to be his duty to call him to order, it being a violation, in his judgment, of propriety and of courtesy.

The same rule would undoubtedly prevail in the House, and any member of the House who was making an attack upon a member of the other branch of Congress ought, in my judgment—I think I will not say that—it is for the Speaker of the House or members of the House to determine for themselves whether or not he is committing a breach and ought to be called to order.

As to what can be said in either House in relation to what has taken place in the other there is no rule of the Senate, of course, and the Secretary will read what Jefferson's Manual says in relation to it.

The Secretary read as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

The PRESIDENT pro tempore. That is the only restriction which is laid down in the Manual, and there is no rule, of course, of the Senate relating to the matter.

Mr. RAWLINS. Mr. President, I understand such to be the case, and I made the inquiry so that my silence here in regard to statements concerning myself and the people whom I represent can not and must not be taken by the country as any admission of the truth of any such statements.

SECRETARY OF THE SENATE.

The PRESIDENT pro tempore. The Chair will administer the oath to the recently appointed Secretary of the Senate.

The oath having been administered to Mr. CHARLES G. BENNETT, he took his seat at the Secretary's desk.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States and the House of Representatives be notified of the election of CHARLES G. BENNETT as Secretary of the Senate.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented the petition of Dr. J. V. Laddey and 13 other citizens of Arlington, N. J., praying for the enactment of legislation to establish a veterinary corps in the United States Army equal to that in foreign countries; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry railway mail clerks of

Hoboken, N. J., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a memorial of the Southwestern Minnesota Medical Society, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Duluth, Minn., praying for the establishment of a national park at the head waters of the Mississippi River in Minnesota; which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Red Wing, Minn., remonstrating against the passage of the so-called parcel-postage bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Andrew J. Eckstein and sundry other druggists of New Ulm, Minn., and the petition of H. H. Meyer and sundry other druggists of Sleepy Eye, Minn., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying that an appropriation be made to continue the exhibit of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. CULLOM. I present a petition signed by Charles H. Aldrich and 18 other members of the bar of the Supreme Court of the United States, calling attention to the urgent need of better quarters for the Law Library of Congress.

The petition should go to the Committee on Public Buildings and Grounds, I suppose, or possibly to the Committee on Rules.

Mr. ALDRICH. That matter is now before the Committee on Rules.

Mr. CULLOM. Let it go to that committee, then.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Rules.

Mr. ROSS presented the petition of D. K. Simonds, chairman, F. B. Randall, secretary, and 8 committeemen of the Bennington County (Vt.) Fourth-Class Postmasters' Association, praying for the enactment of legislation to increase the salaries of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KYLE presented the petition of George W. Harris and sundry other railway mail clerks of Yankton, S. Dak., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MASON presented a memorial of Pomona Grange, No. 33, Patrons of Husbandry, of Peoria County, Ill., remonstrating against the passage of the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary; which was referred to the Committee on Commerce.

He also presented a petition of Pomona Grange, No. 33, Patrons of Husbandry, of Peoria County, Ill., praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Pomona Grange, No. 33, Patrons of Husbandry, of Peoria County, Ill., remonstrating against the enactment of legislation retarding the circulation of United States currency known as greenbacks; which was referred to the Committee on Finance.

Mr. JONES of Arkansas presented a petition of the town council of the incorporated town of Muscogee, Ind. T., praying for the enactment of legislation authorizing the construction of waterworks and the issuance of bonds therefor; which was referred to the Committee on Indian Affairs.

Mr. SPOONER presented the memorial of H. W. Meyer and 11 other citizens of Appleton, Wis., relative to neutrality; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Union, of the Woman's Club, of Monroe Lodge, No. 72, Independent Order of Odd Fellows, of the Monroe Ministerial Association, of Ivanhoe Lodge, No. 41, Knights of Pythias, and of the Woman's Relief Corps, all of Monroe, in the State of Wisconsin, praying for the enactment of legislation to limit and control vivisection in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PLATT of Connecticut presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the ratification of a reciprocity treaty with Canada; which was referred to the Committee on Finance.

He also presented a petition of sundry railway mail clerks of Greenwich, Conn., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying that an appropriation be made to maintain the Philadelphia Commercial Museum at Philadelphia, Pa.; which was referred to the Committee on Commerce.

He also presented resolutions adopted at a meeting of the regimental secretaries, held at Hartford, Conn., favoring the enactment of a service-pension law; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 216) introduced by the senior Senator from Illinois [Mr. CULLOM], to correct the record of certain soldiers of the United States, to submit an adverse report thereon. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 744) for the relief of John Emerson, late a private in Company I, Nineteenth Maine Infantry, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2085) for the correction of the military record of Francis A. E. Briot, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Commerce, to whom was referred the bill (S. 2112) authorizing the Secretary of the Treasury to fix the salaries of the deputy collectors of customs at the subports of Tacoma and Seattle, in the State of Washington, and repealing all laws inconsistent therewith, reported it without amendment, and submitted a report thereon.

Mr. TURLEY, from the Committee on Patents, to whom was referred the bill (S. 1008) for the relief of William C. Dodge, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (H. R. 1040) to amend section 4445 of Title LII of the Revised Statutes of the United States relating to the licensing of officers of steam vessels, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1331) granting an increase of pension to Ellen C. Abbott; and

A bill (S. 2375) granting a pension to Mary A. Russell.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. The bill (S. 1560) granting an honorable discharge to James Brown was referred to the Committee on Military Affairs. It is ascertained that a bill to that effect was passed at a previous Congress and that the discharge has been issued. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2477) authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, reported it with amendments.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 819) granting an increase of pension to Benjamin F. Bourne;

A bill (S. 833) granting an increase of pension to Henry Atkinson; and

A bill (S. 820) granting an increase of pension to Mrs. Anna M. Deitzler.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 2082) for the relief of the children of Matthew J. J. Cagle, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 54) donating a condemned captured cannon to the Commandery in Chief of the Sons of Veterans, United States of America, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CARTER, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans., reported it with amendments.

SHIP CANAL IN THE STATE OF WASHINGTON.

Mr. McBRIDE. I am directed by the Committee on Commerce, to whom was referred the concurrent resolution submitted by the Senator from Washington [Mr. FOSTER], on the 29th ultimo, to report it with an amendment, and to submit a report thereon.

The concurrent resolution was ordered to be placed on the Calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of constructing a ship canal to connect Puget Sound with Grays Harbor, via the Chehalis River, in the State of Washington, in accordance with recommendations heretofore made and filed with the War Department.

ALLEGED FRAUD IN THE PENSION ROLL.

Mr. GALLINGER. Mr. President, I have here the report of the committee on political reform of the Union League Club of New York, which conducted an inquiry under the following resolution:

Resolved, That the committee on political reform be requested to inquire into and report to this club upon the nature of the charges of fraud in the pension rolls of the United States, the means which may be practicable to ascertain the truth or falsity of the charges, the methods available for remedying the evil, if it exists, and whether and in what way this club may contribute towards those ends.

Under that resolution a committee of the Union League Club made an inquiry and submitted a calm and dispassionate report on this subject, which I feel sure will be of interest to the Senate, and as it is brief I ask that it be printed as a document.

The PRESIDENT pro tempore. Is their objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Mr. McENERY (by request) introduced a bill (S. 2858) to amend the bounty laws granting bounties to soldiers, sailors, their widows and minor children; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MASON introduced a bill (S. 2859) to incorporate the National Society United States Daughters Eighteen Hundred and Twelve; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 2860) for the relief of Mary E. Riggles; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2861) to relieve pensioners and Congress by the establishment of a court of pension appeals, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 2862) granting an increase of pension to Florena L. Stuart; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2863) to restore the pension of Francis H. Staples; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2864) granting a pension to Mary Franklin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 2865) to prevent the manufacture and use of trade checks; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SIMON introduced a bill (S. 2866) permitting citizens of the United States, bona fide residents of the States of California, Oregon, and Washington, to fell and remove, for building, agricultural, mining, and other domestic purposes, timber growing or being upon the mineral lands of the United States in the States aforesaid; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. JONES of Arkansas (by request) introduced a bill (S. 2867) to extend certain acts of Congress in reference to municipal indebtedness for public purposes to the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WOLCOTT introduced a bill (S. 2868) to provide for the purchase of a site and the erection of a building thereon at Grand Junction, in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TURNER introduced a bill (S. 2869) authorizing the Cape Nome Transportation, Bridge and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River, at Nome City, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HAWLEY introduced a bill (S. 2870) concerning disbursing officers of the Subsistence Department of the Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 2871) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SULLIVAN introduced a bill (S. 2872) for the relief of the estate of Nancy Barrow, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 2873) for the relief of John Pope Hodnett; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 2874) granting an increase of pension to Dr. John W. Cook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2875) to amend an act of Congress dated June 28, 1898, so as to provide for an additional enrollment of the Cherokee, Choctaw, Chickasaw, and Creek Indians, now residing in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McBRIDE introduced a bill (S. 2876) granting a pension to Charles F. Wise; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2877) for the relief of the estate of William Harris; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2878) to remove the charge of desertion from the name of William H. Campbell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 2879) granting a pension to Mary E. Griffiths; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2880) granting an increase of pension to Caroline B. Bradford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2881) granting a pension to Mary A. Parker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2882) to authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PETTIGREW (by request) introduced a joint resolution (S. R. 81) suspending proceedings in the courts of the Indian Territory and before the Indian agent, pending the enactment of legislation now before Congress wherein the possessory rights of the Indians herein named are involved; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENT TO BILL TO PREVENT FOOD ADULTERATION.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the bill (S. 2426) to prevent the manufacture of adulterated foods; which was referred to the Committee on Manufactures, and ordered to be printed.

USE OF THE ROENTGEN RAY.

Mr. HAWLEY submitted the following concurrent resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of a document entitled "The use of the Roentgen ray by the Medical Department of the United States Army in the war with Spain (1898)," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the War Department.

CLAIMS UNDER CAPTURED AND ABANDONED PROPERTY ACT.

Mr. MASON submitted the following resolution; which was read:

Ordered, That there be printed for the use of the Senate 500 additional copies of Senate Report No. 11, first session Fifty-sixth Congress, being the report on Senate bill 602, "A bill to revise and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof."

Mr. MASON. Mr. President, that is simply to print extra copies of a report, and I have been requested by several Senators to ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to.

THE PHILIPPINE COMMISSION.

Mr. PETTIGREW. I submit a resolution, and ask to have it read and lie on the table. To-morrow morning I shall wish to speak to the resolution.

The resolution was read, as follows:

Resolved, That a paper entitled "The Philippine Commission" be printed as a document for the information of the Senate.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the resolution lie on the table. Is there objection? The Chair hears none. It is so ordered.

PROCEEDINGS OF NAVAL COURTS-MARTIAL.

Mr. PETTUS. I offer a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy is directed to inform the Senate whether the Navy Department has or has not refused or neglected to communicate to the Court of Claims any information concerning proceedings of naval courts-martial on the call of said court, under section 1076 of the Revised Statutes; and if so, his reasons for such refusal or neglect.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HOAR. Mr. President, I do not quite like that form of direction to an eminent public officer, to ask him whether he has not neglected something.

Mr. CHANDLER. I object to the resolution.

Mr. HOAR. I do not know where the resolution came from, but I should like to suggest to whatever Senator offered it that he omit——

The PRESIDENT pro tempore. The resolution was submitted by the junior Senator from Alabama.

Mr. HOAR. I ask the Senator from Alabama if he will not strike out the word "neglected." It seems to me it is hardly a courteous tone of address to ask an eminent public officer, the head of a Department, have you not neglected to do so, and, if you have, why did you neglect it?

Mr. PETTUS. Mr. President, the only object of inserting the word "neglected" was because my information is that no notice was taken of the call by the court. I would just as soon use the word "omitted" or any other word to indicate that it was not done.

Mr. HOAR. I suggest to the Senator to amend the language by inserting the word "refrained" instead of the words "refused or neglected," which would cover both.

Mr. PETTUS. I have no objection to inserting the word "refrained" instead of "neglected."

The PRESIDENT pro tempore. The resolution will be so modified. As modified, is there objection to its present consideration?

Mr. CHANDLER. I object.

The PRESIDENT pro tempore. The resolution goes over under the rule, and it will be printed.

CAPE NOME DISTRICT, ALASKA.

Mr. FOSTER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 25,000 extra copies of the report of the Director of the Geological Survey submitted to the Secretary of the Interior, relating to the Cape Nome district, in Alaska, with maps accompanying the same, 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Geological Survey.

Authority is hereby granted to the Public Printer to have the maps accompanying this report engraved and printed by the Geological Survey or by contract.

AFFAIRS IN THE PHILIPPINE ISLANDS.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 5,000 extra copies of Senate Document No. 62 of the last Congress, entitled "Affairs in the Philippine Islands."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes; recedes from its disagreement to the amendment of the Senate numbered 5, and agrees to the same with an amendment in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendment of the Senate numbered 26; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 1092) to set apart a portion of the Arlington estate for experimental agricultural purposes, and place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office;

A bill (H. R. 7739) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899; and

A joint resolution (H. J. Res. 77) to provide for pay to certain retired officers of the Marine Corps.

TRANSACTIONS WITH NEW YORK CITY BANKS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. ALLEN, as follows:

Resolved, That the Committee on Finance be, and they are hereby, discharged from the further consideration of Senate resolutions of inquiry dated January 4 and 23, 1900, concerning certain transactions between the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York.

Mr. PETTIGREW. I simply wish to make an inquiry. Day before yesterday I introduced a resolution to print a certain document and that resolution was not considered yesterday. Do I understand that that resolution goes to the Calendar and is not now to be laid before the Senate?

The PRESIDENT pro tempore. It goes to the Calendar.

Mr. PETTIGREW. I had supposed it was understood that it should have a day for discussion, and as there was no opportunity yesterday to discuss that resolution, I presumed that it would come up this morning. The ruling of the Chair is undoubtedly correct, and I yield to it. I had expected it would come before the Senate this morning, but I have another resolution introduced which will enable me to speak to the same subject to-morrow.

Mr. ALLEN rose.

Mr. ALDRICH. I am not informed as to the purpose of the Senator from Nebraska in seeking to have the pending resolution adopted, but I would suggest to that Senator that the resolutions referred to have not been referred to the Committee on Finance, that they were adopted by the Senate without any reference. Certain answers have been returned to the resolutions, and those responses in the ordinary course of business have been referred to the Committee on Finance. So the resolution in the form it now stands, if it should be adopted, would be inoperative.

Mr. ALLEN. Mr. President, it is very gratifying to know that of course the resolution would be inoperative if adopted, and it is extremely gratifying to me to be set right by the Senator from Rhode Island. I suppose that these answers are within the jurisdiction of the Committee on Finance by the order of the Senate, and that it becomes their duty to take some action in the way of a report to the Senate, either requesting an investigation of the charges made or recommending a postponement of the entire matter. I will say to the Senator from Rhode Island frankly that I want the Senate to get jurisdiction of the subject-matter of the resolutions for the express purpose of introducing a resolution for an investigation of the transactions between the Treasury Department and the National City Bank and the Hanover Bank of New York.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted yesterday by the Senator from Nebraska, on which the Senator from Nebraska is entitled to the floor.

Mr. ALLEN. Mr. President, I have no desire to carry this matter any further than the facts will warrant. I have no dislike for the Secretary of the Treasury. I have no desire to persecute him, and I shall not do so. I only want to know the truth of the relations between the Treasury Department and the national banks of New York and other sections of the country. I hoped this resolution would be permitted to pass without any discussion. But if I am to be met here with an objection, and if obstructions are to be thrown in the pathway of the investigation, I shall feel it my duty this morning to make a brief analysis of the report of the Secretary of the Treasury, so that the people at least may know the attitude of the Treasury Department respecting a tremendous sum of money now in the hands of the National City Bank and other favored financial institutions of the country.

On the 4th of January I had the honor to introduce a resolution of inquiry which was adopted by the Senate and sent to the Secretary of the Treasury, who on the 10th of January responded in a letter known as Document No. 71, first session Fifty-sixth Congress. That response, in my judgment, was not full and complete. On the 23d of January I introduced another resolution calling attention to some omitted matter, and the Secretary responded to that a few days ago, disclosing nothing new.

Referring to Document 71, I wish to call attention to some peculiarities appearing in it. The first letter of the correspondence submitted by the Secretary shows the motives which actuated the Treasury Department in conferring a favor upon the National City Bank. It is that written by Vice-President A. B. Hepburn of the bank to Mr. Gage, and is found on page 60 of Mr. Gage's reply, as follows:

THE NATIONAL CITY BANK OF NEW YORK,
New York, June 5, 1897.

MY DEAR MR. GAGE: The National City Bank of this city, of which I recently became vice-president through the consolidation of the business of the Third National with it, is one of the banks designated as a United States depository, and I write to request that in any changes which may be made under the Administration we may not be disturbed in this respect. We

should like to remain a United States depository, as at present. Of course the bank is very strong—

And I call attention to this particular language—

and if you will take the pains to look at our list of directors, you will see that we also have very great political claims in view of what was done during the canvass last year.

Yours, very truly,

A. B. HEPBURN.

Hon. LYMAN J. GAGE,
United States Treasury, Washington, D. C.

There is no reply to this letter in the correspondence submitted by Mr. Gage. The list of directors of the National City Bank referred to are H. O. Havemeyer, president of the sugar trust; James H. Post, broker of sugar trust and director National Sugar Refining Company; William Rockefeller, president of the Standard Oil Company; Stephen S. Palmer, national zinc trust; Robert Bacon, member of firm of J. Pierpont Morgan, bond syndicate, also director in copper trust; Samuel Sloan, director in number of railroads; H. Walter Webb, then vice-president of the New York Central Railroad (the Vanderbilt directors were the largest individual subscribers to the McKinley campaign fund); W. D. Sloan, banker and Vanderbilt representative; Jacob H. Schiff, chairman of the Union Pacific Refunding Syndicate; Cleveland H. Dodge, of copper trust and director in the Copper Queen Consolidated Company.

Those persons we know from the record were directors of this bank at the time referred to by Mr. Hepburn in his letter. It would appear, from the manner in which deposits were increased in the National City Bank after the receipt of the Hepburn letter, that Secretary Gage had taken the pains to look over the list of directors of the bank and had become impressed with the services which they might have rendered in the campaign of 1896.

The official reports show that the Government deposits in the National City Bank were only $200,000 on May 14, 1897—less than a month previous to the receipt of the Hepburn letter. After the receipt of the Hepburn letter, not quite a month, the National City Bank received of the $58,000,000 in settlement of the Union Pacific debt the enormous sum of $24,000,000. This would apparently indicate the effect which the reading of Mr. Hepburn's letter had upon the Treasury Department.

On July 14, 1896, the Government money on deposit in the National City Bank was $19,579,000. On September 20, 1899, the balance was $29,000,000. In floating the war loan of $200,000,000, in July, 1898, in which 318 banks participated, the National City Bank received $14,000,000. On July 8, 1899, the balance was $10,500,000, showing that the bank had the free use of over $10,000,000 for over six months.

Mr. Gage's reply does not indicate that there was any correspondence with the bank from June 5, 1897, to October 20, 1897, and in his later reports he says that there is no record of any correspondence between those dates, but he does not say in specific terms that no correspondence took place.

The National City Bank, after being informed that it would be used as a depositary for the Union Pacific debt, immediately made inquiries as to how much it would receive. Vice-President Hepburn, in a letter to Secretary Gage, dated October 27, 1897, page 61 of the record, says:

If not presuming too much, we would be greatly obliged for a suggestion from you as to the amount of bonds which it would be good *judgment for us to acquire at the present time, this move on our part being quite as much in the public interest (in the prevention of any money stringency) as it is in our own interest as bankers.*

It is apparent that the amount of money received by the Treasury from the sale of this property will considerably exceed the amount of currency sixes maturing on January 1 next, *and it is in the hope that a considerable portion of these funds will be left with the banks for a sufficient length of time to afford a reasonable profit that we undertake the expense of procuring the necessary bonds to qualify us as a depository.*

Mr. SPOONER. From what page is the Senator reading?

Mr. ALLEN. From page 61. In reply to Mr. Hepburn the Secretary of the Treasury, on page 61 also, under date of October 28, 1897, assured him that the money would remain for some time. He said:

I have expressed a preference for your institution as the original recipient and distributer of the fund.

Mr. ALDRICH. On what page is that?

Mr. ALLEN. On page 61.

Mr. ALDRICH. What is the date?

Mr. ALLEN. It is under date of October 28, 1897.

Mr. ALDRICH. When was the Hepburn letter written?

Mr. ALLEN. June 5, I think.

Mr. ALDRICH. Does the Senator mean to say that it was not answered until October?

Mr. ALLEN. Look at the document and you will see no answer there.

Mr. ALDRICH. I thought the Senator was reading what purported to be an answer.

Mr. ALLEN. No, sir.

Mr. ALDRICH. I so understood him.

Mr. SPOONER. It is another Hepburn letter.

Mr. ALLEN. Yes; it is another Hepburn letter.

Mr. ALDRICH. Oh, I did not understand that.

Mr. ALLEN. The letter continues:

In reply to your inquiry, or rather expression of hope, that a suitable portion of the fund will be left with the bank for a sufficient length of time to offer a reasonable profit to cover the expense in procuring the necessary bonds to qualify as a depositary, I can only say that, while we can make no specific promises in that direction, the purpose we have in using depositary banks for the fund, namely, to save disturbance of the money market, will induce us to practice wise discretion in covering the money into the Treasury proper. There probably will be no disbursements from the fund until January 1, when, as you know, $30,000,000 will be disbursed in redemption of the outstanding Government sixes maturing on that day.

Mr. President, that is a most remarkable letter—a most remarkable request in the first instance and a most remarkable reply in the second instance. The Secretary of the Treasury discloses in his answer that the sole purpose of putting the money in that bank was to comply with the request of Mr. Hepburn that the money of the United States should remain on deposit there for the private interests of that institution. Mr. Stillman, the president of the National City Bank, was well pleased with this favor, as will be seen from a letter dated October 30, 1897, addressed to Mr. Gage, and which is as follows:

THE NATIONAL CITY BANK OF NEW YORK,
New York, October 30, 1897.

DEAR SIR: I am in receipt of your esteemed favor of the 28th, and wish to express my appreciation of your kind consideration in selecting this bank as the original recipient and distributor of the depository funds. We will qualify by making ample deposit of bonds in the near future.

Mr. Henry W. Cannon also communicated to us your desire in the premises, and the local arrangements will proceed accordingly.

What those local arrangements were the Secretary of the Treasury does not see fit to disclose.

I note with pleasure the contents of your letter received this morning with reference to the length of time which these deposits will be allowed to remain. Your banking experience enables you to appreciate our position, and we fully realize that such consideration will be accorded as may be consistent with your official duties.

Yours, very truly,

JAS. STILLMAN,
President.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

Secretary Gage, in writing to "the vice-president of the National City Bank" (page 63 of the record, dated November 2, 1897), says:

* * * It is expected you will then be able to promptly qualify by forwarding the necessary bonds.

As indicating the unusual proportion of Government deposits which were being placed with the National City Bank, the following letter from Secretary Gage to the president of the National City Bank (page 66 of the reply) is significant. It reads:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, November 13, 1897.

SIR: This office has received your letter of the 12th instant, concerning the probable *amount of the sum of $13,645,350* which will remain with your bank after distributing a portion of the deposit to each of the banks specially designated to receive deposits on account of proceeds of sale of the Union Pacific Railroad.

In reply, you are informed that the exact amount can not now be stated. *Eight banks in New York have been specially designated for this purpose, with security aggregating $22,600,000; of this amount your bank will have furnished $15,000,000,* and, therefore, if all the banks furnish the amount for which they are designated, *your share of the first deposit above referred to would be $4/11, or something over $2,000,000;* if any of the banks fail to furnish full amount designated, the amount remaining in *your bank would be proportionately greater.*

Respectfully, yours,

L. J. GAGE, *Secretary.*

PRESIDENT NATIONAL CITY BANK, *New York.*

From this letter it appears that although eight banks were to participate in the distribution of this fund, the National City Bank was to receive $9,000,000 of the aggregate sum of thirteen and one-half millions. Mr. Gage, manifesting great interest in possible disturbances of the money market, wrote the bank as follows, as will be found on page 75:

In such a case the withdrawal from general bank funds into the subtreasury would be about $4,000,000. If this would operate to disturb the market at all and you thought it advisable to furnish, say, $4,000,000 more in bonds as security for deposits, we could order one-half of the payment to be made on the 27th by K. L. & Co. deposited with you.

That the National City Bank was anxious to take advantage of this deposit of $4,000,000 is shown by the fact that on December 20 a telegram was sent to Secretary Gage stating that bonds to secure the amount would be deposited immediately.

On December 20, 1897 (page 75 of the reply), Vice-President Hepburn wrote the following letter to Secretary Gage, in which he endeavored to show that the withdrawal of $4,000,000 would have a disturbing influence upon the market. The letter is as follows:

THE NATIONAL CITY BANK OF NEW YORK,
New York, December 20, 1897.

DEAR SIR: We are this morning in receipt of your letter of the 18th, saying, with reference to the absorption by the Treasury on the 27th instant of the next payment to be made by the Union Pacific syndicate: "If this would operate to disturb the market at all, and you thought it advisable to furnish, say, $4,000,000 more in bonds as security for deposits, we could order one-half of the payment to be made on the 27th by K. L. & Co. deposited with you." *Call money is 5 per cent here to-day, and the indications point to an increasing stringency. While the deposits of the city are very large, the investments are very large also, and we are confident you will confer a favor upon the business*

interests by leaving so much of this fund as may be where it is available for current uses. We therefore wired you as follows:

"Replying your letter 18th, this day received, we will make an additional deposit of United States bonds sufficient to entitle us to receive the $4,000,000 deposit"—

which we hereby confirm.

We have on deposit with you already $20,800,000 of United States bonds to secure moneys on account of the proceeds of the sale of the Union Pacific Railroad. The amount of moneys in our hands against said bonds is $19,883,652.27, leaving an excess of bonds over deposits of $916,347.73. The amount of deposits with us, you will remember, was reduced by the certification of your checks to the amount of $900,000. Now, I desire to ask whether the deposit of $3,100,000 additional United States bonds would be sufficient to entitle us to receive the $4,000,000 of deposits, or do you want a deposit of the full amount of $4,000,000 of United States bonds in order to entitle us to receive this $4,000,000 additional deposit? In any event, we will deposit bonds enough to cover the $4,000,000, *but naturally prefer the lesser amount if the same is permissible.*

Very respectfully,

A. B. HEPBURN,
Vice-President.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

Not satisfied with the arrangements which could be made by letter and telephonic and telegraphic correspondence, President Stillman evidently wanted a personal conference with the Secretary of the Treasury, as the following letter from Mr. Gage, dated December 21, 1897, would indicate (pages 76 and 77 of the reply):

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 21, 1897.

MY DEAR SIR: *I have yours of the 20th instant, and note your suggestion as to a conference with Mr. Morgan in relation to the Treasury deposits in the national bank depositaries of New York.*

Right there I want to say that the Secretary of the Treasury did not furnish that letter in the first correspondence submitted by him.

Mr. ALDRICH. Not in the first, but he did in the second.

Mr. ALLEN. I think he did in the second.

You are being advised to-day, officially, that if you make the necessary deposits of bonds, one-half of the next payment of the Union Pacific road will be deposited with your bank, while the other half, which will be deposited with the subtreasury, will be got back into the street again as quickly as possible through the payment of drafts given in payment of the Government-aid bonds to the Union Pacific road.

Mr. President, I stop to inquire why the Secretary of the Treasury proposed to permit one-half of this tremendous sum of money to rest in the coffers of the National City Bank undisturbed, while he was to draw on the other half deposited in other banks and put that money "back into the street again as quickly as possible;" why he did not put it all back in the street?

There is not much reason to suppose any further transfers will be ordered from the national bank depositaries to the subtreasury before January 1. However, I would like to confer with you or with Mr. Morgan on the general subject, though *I think the presence of the latter gentleman here would, perhaps, be more disturbing than an order on the banks to transfer all of their money to the subtreasury. That is, however, a matter for you to consider.*

I suppose the presence of Mr. Morgan in the city of Washington in consultation with the Secretary of the Treasury, according to his judgment as expressed in this letter, would subject them to some suspicion, if not produce a monetary panic; at least he wanted to guard against the effect of having Mr. Morgan in consultation with him in Washington.

Mr. COCKRELL. For fear it might endanger the gold standard.

Mr. ALLEN. Oh, yes. However that may be, he did not seem to be settled——

Mr. SPOONER. What was the observation of the Senator from Missouri?

Mr. COCKRELL. The Secretary of the Treasury feared it would create a condition that would endanger the gold standard if Mr. Morgan should come down here to confer with him; that it might create a suspicion in the stock market that the gold standard was in a shaky condition.

Mr. ALLEN. The letter continues:

However that may be, I now advise that I shall go to Philadelphia on Thursday morning, arriving there at 12.54.

They are going to meet at some other place.

I go as the guest of the Bank of North America, the directors of which are giving a small dinner at 2 o'clock in the afternoon of that day. *On an intimation from you that you or Mr. Morgan, or any other gentlemen whom you may name, would like to confer with me there, I will go to the Walton* and meet him at fifteen minutes past 1. Please let me know by wire affirmatively or negatively as to this, as it may otherwise interfere with the liberty I would enjoy in Philadelphia.

Very truly, yours,

L. J. GAGE.

Mr. JAMES STILLMAN,
The National City Bank, New York City.

The Secretary of the Treasury did not want to meet Mr. Morgan in Washington for some reason undisclosed by his letter, saying that his presence here might create a greater disturbance than an order on the banks transferring the money to the subtreasury; but he sought an interview with Mr. Morgan at the Walton Hotel in Philadelphia shortly after that, and even in Philadelphia he did not want to be seen in company with Mr. Morgan at the small dinner that was to be given to him by the directors of the North American Bank. He was, however, perfectly willing to run off on some side street and meet him quietly at his hotel. I admit the Secretary of the Treasury had a right to do that, but what motive actuated him in making that proposition, and what was to be accomplished by the conference between the Secretary of the Treasury and Mr. Morgan at the Walton Hotel?

The reply to the Senate resolution does not show the letter mentioned by Mr. Gage as "yours of the 20th instant"—that was one of the breaks in this correspondence—nor does it show Mr. Stillman's reply to Mr. Gage's request for a conference with him in Philadelphia; neither does the correspondence submitted to the Senate by Mr. Gage show what understanding or agreement was arrived at at that conference.

Throughout the entire correspondence between the Secretary of the Treasury and——

Mr. SPOONER. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield?

Mr. ALLEN. I do.

Mr. SPOONER. Why does the Senator make that statement when the Secretary of the Treasury states that there was no such conference?

Mr. ALLEN. I will come to that in a moment, when I come to analyze the Secretary's second reply.

Throughout the entire correspondence between the Secretary of the Treasury and the officials of the National City Bank there is a tone of familiarity which is totally lacking in the communications with the officials of the Hanover National Bank and that familiarity of address, Mr. President, which, in my judgment, is not proper in official correspondence, such as "My dear Mr. Secretary," "My dear Mr. Gage," "Dear Mr. Secretary," and "Dear Mr. Gage," repeated and very frequently used by Mr. Stillman, the president of this bank, by Vice-President Hepburn of the same institution, and by the Secretary of the Treasury.

It may be said that this is hypercritical, that it is a small thing to talk about; but I submit that such expressions have no place in the official correspondence between a man who is handling more money than any other man living and the institutions with which he is transacting business. They are proper in social life between friends, but they are improper in official correspondence. It only goes to show the familiarity existing between the officials of this bank and the Treasury Department of the United States, and it is important in that respect.

I will insert, without stopping to read it, the letter of Mr. Stillman to Mr. Gage, dated New York, December 23, 1897.

The letter referred to is as follows:

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, December 23, 1897.

MY DEAR MR. SECRETARY: I feel that I ought, perhaps, to explain a little in detail the object sought to be accomplished by the interview mentioned in my letter of recent date, and what the consensus of opinion here seems to be with reference to the course to be pursued as to the special deposits with banks on account of the proceeds of the Union Pacific Railroad.

After the needs of the Government are supplied—which, of course, are paramount to all other considerations—it is, in the opinion of leading financiers, very desirable that as much of the Union Pacific money be left in banks here, where it will be available for commercial uses, as is possible. All of the securities of the reorganized Union Pacific Railroad must be absorbed and assimilated by the public, and at the same time the New York Central, Lake Shore, Chicago and Northwestern, Chicago and Rock Island, and other properties seeking a refunding of their obligations upon a very low interest basis. The success of these reorganization plans will be to place those properties on a firmer financial footing, with fixed charges materially reduced.

With the distrust of American investments growing out of uncertainties attending our currency system, and fear of possibly going upon a silver basis, coupled, perhaps, with some additional distrust on account of irritation growing out of our foreign relations, it is impossible, at the present time, to place these low-rate bonds in the hands of foreigners. They must be absorbed by our own people. The best evidence of our wealth as a nation and our financial strength at home, and the confidence of our own people that the Government will remain upon a gold basis, would be the successful placing of these long-time, low-rate bonds in the hands of our own people. This, in an important way, redounds to the benefit of the general public and is an unqualified indorsement of public credit. It would, it seems to me, go further than anything else, after the revision of our currency system, to vindicate our credit at home and reestablish it abroad.

An easy money market, with a uniform rate of interest, undisturbed by any stringency, however temporary, is indispensable to the successful accomplishment of these undertakings. The object in desiring an interview with you was to impress upon you these views, which, in the regular course of business, are kept constantly before us, but which, however, owing to the pressure of your official duties, may, perhaps, not have impressed themselves as strongly upon your mind.

The leading financial interests in this city are working earnestly and in unison to accomplish the above results, and, well knowing your predisposition to aid, within all proper limits, we wished to place before you the subject in the same light which we, through daily business contact with these matters, see it. Believe me,

Yours, sincerely,

JAS. STILLMAN.

Hon. LYMAN J. GAGE,
Secretary of the Treasury.

When the Secretary of the Treasury notified the National City Bank, April 7, 1898 (page 91 of the reply), that it would draw six drafts for $350,000, Union Pacific funds, upon the bank, Mr. A. B.

Hepburn wrote the following remarkable letter to Mr. Gage (page 91 of the reply):

THE NATIONAL CITY BANK,
New York, April 8, 1898.

DEAR SIR: We are in receipt of your communication, and note that you have drawn six drafts on us for $350 each—

It should be $350,000, as shown in the subsequent correspondence—

which will be presented on alternate days by the assistant secretary here. We prefer to have it withdrawn in this quiet way and are obliged to you for taking this method. *We deem it important for the interests of the whole country that the New York banks, in their aggregate statement through the clearing house, which is made once a week and telegraphed all over the country, show up as strongly as possible in the point of reserve. In addition to the personal interests we naturally have in this matter, we think it militates largely in favor of commercial interests of the country as a whole. We very much hope you will see your way clear to leave the remainder of this Union Pacific deposit with us until July.*

Very respectfully,

A. B. HEPBURN,
Vice-President.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

Mr. Hepburn wanted the Secretary of the Treasury to enter into a conspiracy with him to give the country a false impression of the reserve in the national banks in New York.

Mr. SPOONER. From what is the Senator reading?

Mr. ALLEN. The letter of April 8, 1898.

Mr. SPOONER. On what page?

Mr. ALLEN. On page 91. There he invites the Secretary of the Treasury of this great Government of ours to give a false impression to the people of the country, to the country banks, to the farming and manufacturing interests of the country, that there was more money in reserve in the national banks in New York than was really there.

Mr. President, would you not suppose that ought to have called forth a rebuke from the Secretary of the Treasury? Ought he not to have rebuked this man for inviting him into a conspiracy of that kind? Yet this correspondence fails to disclose a rebuke for this invitation, even in the mildest form. On the other hand, I think it clearly appears from the letter of April 11 that the Secretary of the Treasury at least acquiesced in the proposition. That compliance with this demand was intended by Secretary Gage is confirmed by the following letter from him to the vice-president of the National City Bank (page 92 of the reply):

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 11, 1898.

SIR: I have to acknowledge the receipt of your letter of the 8th instant, in which is expressed a wish that the remainder of the deposit on account of purchase of the Union Pacific Railroad be allowed to be held by the special depository banks in New York City until July, and to inform you that *due notice will be given you* as to time and amount of the proposed withdrawals *should any be required before the time mentioned in your letter.*

Respectfully, yours,

L. J. GAGE, *Secretary.*

VICE-PRESIDENT NATIONAL CITY BANK,
New York City.

There is a request to furnish the country with false information, and an acquiescence in that request. I do not know that the Secretary of the Treasury is so much to blame for that, for it seems to have been the practice for the last twenty-five or thirty years, if the reports from the Treasury Department are to be believed.

Mr. ALLISON. May I call the attention of the Senator to a misprint?

Mr. ALLEN. Yes, sir.

Mr. ALLISON. There is a misprint in one of the letters from which the Senator has read on page 91, the letter of Mr. Hepburn.

Mr. ALLEN. Of April 11?

Mr. ALLISON. No; of April 8, where there is a misprint. Instead of $350, as it there appears, the amount should be $350,000.

Mr. ALLEN. Yes, sir. I mentioned that it should be $350,000 when I read that letter.

Mr. ALLISON. Very well. I did not hear the Senator.

Mr. ALLEN. It is only a small omission of a part of the type.

Mr. President, the National City Bank was not satisfied with getting funds of the Union Pacific Railroad, some $58,000,000, and other funds, but as soon as we got into war with Spain and began to have peculiar commercial and military relations with the Philippine Islands, that moment this bank sought to get control of the money that was to be disbursed in the Philippine Islands.

I do not want, Mr. President, to refer to the unpleasant scene which took place here yesterday morning, and I shall not do so; but it is said that many of the greatest truths of science have been discovered by accident, and especially in the medical world, and to the Senator from South Dakota at least can be accredited the discovery of what may properly be called Senatorial rigor, as it ran around through Senatorial circles here yesterday morning. Here this bank is reaching out for funds which were to be distributed in the Philippine Islands, as shown by the correspondence of the Secretary about that matter. I read the letter of Mr. Stillman to the Secretary of the Treasury of June 2, 1898.

Mr. SPOONER. On what page is it found?

Mr. ALLEN. These two letters are found on pages 94, 95, and 96,

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, June 2, 1898.

MY DEAR MR. SECRETARY: I presume that the Government will have more or less financial business to transact with our new "colony."

It seems to me that as we are a national bank and have the very best connections in the Philippine Islands it would be proper for the Government to transact this business through us. Our correspondents are the Hongkong and Shanghai Banking Corporation, with whom we are very intimate and who have done business with us for years. Mr. Townsend, their agent here, has resided many years in the East, and he informs me that he has already addressed you upon this subject, but realizes that as his corporation is a foreign one the business would naturally be done through an American bank.

I have outlined the matter in detail to Mr. Hepburn, and he will write you fully respecting same; and if you conclude that it is to the interests of the Government to transact this business through us, we should be pleased to serve you. What I would suggest would be that the Government simply have an account at this bank, and that the forwarding and receiving of money between this country and the Philippines would be attended to by us.

I am, yours, respectfully,

JAS. STILLMAN.

Hon. LYMAN J. GAGE.

Mr. CARTER. Will the Senator from Nebraska permit a question at this point?

Mr. ALLEN. I certainly will.

Mr. CARTER. About the time the troops were to be forwarded to the island of Luzon I happened to be in the office of the Paymaster-General of the Army, and upon inquiry there found that the Paymaster-General was wholly without facilities of a banking character except through London for securing the payment of troops in the Philippine Islands. I should like to know if the Senator regards the effort of the Government, in the presence of that state of facts, as being improper in securing American banking connections whereby our soldiers and sailors serving in that distant country might be paid in American money through American banks without the ruinous discounts they were compelled to suffer in the island of Luzon because of the payment through London.

Mr. ALLEN. In the law of pleading that would be regarded as a departure, and I do not think it proper at this time——

Mr. SPOONER. Not a departure from the proof, but a departure from the Senator's speech.

Mr. ALLEN. A departure from the proof; and a departure in pleading is always fatal, as the Senator well knows.

Mr. CARTER. I make that statement of fact and ask the Senator's opinion of it.

Mr. ALLEN. I do not propose to have the Senator inject any little arrows in my speech.

Mr. SPOONER. I take it back.

Mr. ALLEN. I am not speaking of the Senator from Wisconsin. I am speaking of the Senator from Montana. I do not propose that he shall divert me from the course I think I ought to pursue. At another time, when it is germane to the discussion, I will be glad to answer the Senator fully. It is not germane to this discussion.

Mr. CARTER. I understand the Senator's criticism to be directed against the effort of the Government of the United States, and the banks organized under it, to perfect banking facilities for the transfer of money from New York and Washington to Luzon.

Mr. ALDRICH. Will the Senator excuse me for a moment?

Mr. ALLEN. Let me answer the Senator from Montana. If the Senator understands that, he is in error, as he is in many other things. I have made no comment upon it thus far.

Mr. ALDRICH. Will the Senator yield to me for a moment?

Mr. ALLEN. Yes, sir.

Mr. ALDRICH. The Senator from Nebraska, I will say to the Senator from Montana, is now endeavoring to show that an American bank was trying to get this business, not that the Secretary of the Treasury was giving it to it.

Mr. CARTER. That was the reprehensible action.

Mr. ALDRICH. That an American bank was suggesting reasons why it should be employed in this business.

Mr. CARTER. Rather than the banks of London?

Mr. ALDRICH. Rather than the banks of London.

Mr. CARTER. A very reprehensible action.

Mr. ALLEN. The Senator from Nebraska desires to enter a denial to the conclusions of both Senators. He will be his own interpreter of what he wants to say.

THE NATIONAL CITY BANK OF NEW YORK.
New York, June 2, 1898.

DEAR SIR: It is becoming apparent that the business of the United States Treasury with the Philippine Islands in future must be very considerable, not alone to maintain the military and naval establishment, but the civil government about to be inaugurated. We respectfully apply for the position of fiscal agents, confident that we can afford you every facility in the conduct of your business upon the most favorable terms.

I may stop here long enough to direct attention to the fact that this was long after Mr. Hepburn had appealed to the Secretary of the Treasury to favor his bank with deposits on account of the contribution of its stockholder to the Republican campaign fund of 1896.

Now, along the line with his constant appeals for favoritism to

his bank, not satisfied with the tremendous sum of money the Secretary of the Treasury had put in that bank and suffered them to use in their private business without a farthing of compensation to the Government, he appeals to his friend in the Treasury Department, on the score of the assistance given the Republican party in 1896, to give them this Philippine business.

Mr. ALDRICH. Where is that? Where does that part appear?

Mr. ALLEN. That is the conclusion the Senator from Nebraska comes to, and not the conclusion of the Senator from Montana or the Senator from Rhode Island.

Mr. ALDRICH. It is not in the letters. It is a conclusion outside of the letters.

Mr. ALLEN. It is a logical deduction, exactly.

Mr. CARTER. Made by the Senator from Nebraska.

Mr. ALLEN. No, Mr. President; it is just as logical a deduction as it is to say that 2 and 2 make 4. You may undertake to bully this matter down if you want to. You may stand here to defend this man or these men and this bank if you want to. You may undertake to inject into the body of my remarks diverting questions, but I say to you gentlemen you will never be able to deceive the American people into the belief that there was not an undue intimacy between the Treasury Department of the United States and the National City Bank of New York. I do not blame you for feeling sensitive about it whenever one of these letters is read. You can not laugh it down nor sneer it down. It stands there as part of the permanent records of the country. I know it hurts, too.

The Hongkong and Shanghai Banking Corporation does its New York business through us, and our relations with them are very close. They are, by consensus of opinion, the strongest and best equipped banking institution for the transaction of eastern business. I inclose their semiannual report. They have long been established at Manila and Iloilo and are doing the major part of the banking business at those points. The Chartered Bank of India, London, and China, and a branch of the Bank of Spain, I believe, are the only other banking institutions at Manila.

The Hongkong and Shanghai Banking Corporation have for many years represented the British Government in the East, making payments for the diplomatic, consular, naval, and military service, and rendering accounts therefor monthly, the amount of which, when approved, was placed to their credit in London.

We would be glad to open upon our books with you a Manila or colonial account, and will transmit funds to and from Manila or other eastern points without inconvenience to yourselves and upon most favorable terms. We can arrange for the cashing of drafts upon London, New York, or Washington, drawn by anyone whom you may designate. We are very anxious to make this connection, and will gladly go to Washington for a personal interview in case it should be desired.

Very truly, yours,

A. B. HEPBURN,
Vice-President.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

Why could not the Government of the United States itself, or the Secretary of the Treasury, make that arrangement instead of turning it over to this institution?

Mr. SPOONER. From what letter did the Senator from Nebraska read just now?

Mr. ALLEN. That is the letter of June 2, 1898.

Mr. PLATT of Connecticut. Found on page 94.

Mr. SPOONER. That is the Hepburn letter?

Mr. ALLEN. That is one of the Hepburn letters. They are numerous.

Mr. SPOONER. It is one of them?

Mr. ALLEN. Yes, sir. The Hepburn letters are like the leaves of Vallombrosa.

This is the response of Mr. Vanderlip:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 8, 1898.

SIR: I have to acknowledge the receipt of your letter of the 2d instant and of one from Mr. Hepburn, vice-president, same date, both concerning the designation of your bank as a fiscal agent for the transaction of Government business relating to the Philippine Islands.

It is not understood that any special designation, as above mentioned, is necessary. United States disbursing officers of the Army and Navy stationed at the Philippine Islands may from time to time need letters of credit on London or elsewhere in order to obtain cash to make current disbursements, and upon receipt of notice from the Secretary of War or Navy that a letter of credit is needed this Department will endeavor to procure it at the best rate obtainable, payment therefor or of any portion of it to be made upon receipt by this office of the draft drawn by the United States disbursing officer against it.

Respectfully, yours,

F. A. VANDERLIP,
Assistant Secretary.

PRESIDENT NATIONAL CITY BANK,
New York, N. Y.

Mr. SPOONER. Does the Senator find anything in that letter to criticise?

Mr. ALLEN. Can I find anything to criticise?

Mr. SPOONER. Does the Senator?

Mr. ALLEN. I do not find anything in it to criticise, but I find in it a very important fact, that the Assistant Secretary of the Treasury himself realized that the request on the part of Hepburn or Stillman and Hepburn was an unusual request, and that the arrangement would be an unusual arrangement; that it was a request which ought not to be made, and that an arrangement of that kind ought not to be made. It is to the credit of Mr. Vanderlip that he put an end to the transaction there in that letter.

I will insert, without reading, the letter of Mr. Hepburn to Mr. Vanderlip of June 9, 1898. Senators will find it on the same page.

Mr. SPOONER. Page 96.

The letter referred to is as follows:

THE NATIONAL CITY BANK OF NEW YORK,
New York, June 9, 1898.

DEAR SIR: We are in receipt of your letter of June 8, replying to communications from this bank with reference to its being designated as fiscal agent for the transaction of Government business in the far East. We note your comment that the United States disbursing officers of the Army and Navy may from time to time need letters of credit on London and elsewhere in order to obtain cash to make current disbursements, etc. We are prepared to issue such letters without limit as to the amount, and through our connection with the Hongkong and Shanghai Banking Corporation, who have branches in the East, we can insure the cashing of such letters on most favorable terms.

We shall be very glad of the opportunity, foreshadowed in your letter, of competing for such letters of credit as the needs of the War and Navy Departments require the same. With many thanks for your courtesy, and assuring you of our anxiety to serve you at all times, we are,

Very respectfully, yours,

A. B. HEPBURN, *President.*

Hon. F. A. VANDERLIP,
Assistant Treasurer, Washington, D. C.

Mr. ALLEN. Mr. President, as tending to show that the reply of the Secretary to the resolution of January 4 was not full, I desire to read Mr. Stillman's letter to Mr. Gage of September 13, 1898. The famous Hepburn letter, to which much reference has been made in the press of the country, was dated June 5, 1897.

Mr. ALDRICH. On what page is it?

Mr. ALLEN. That is printed upon page 70, I think—possibly 60—of this report, and the letter of September 13, I think, occurs on page 102. There was a hiatus of almost four months between the two letters.

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, September 13, 1898.

MY DEAR MR. SECRETARY: *Acting upon Mr. Hepburn's report to me of the interview he had with you last Saturday—*

I want to know what that interview was. In this last report the Secretary says that nothing took place, that there was no correspondence within that time, and he knows of no interview. Yet in that letter of September 13 Mr. Stillman calls attention to the fact of an interview between Mr. Hepburn and the Secretary of the Treasury between those dates.

I take pleasure in advising that we have secured $3,000,000 United States bonds and expect to obtain an additional amount, which we will lodge with the Treasury Department as security for Government deposits, which we trust you may be able to favor us with at an early date.

Assuring you of our earnest desire to afford you every possible assistance in your efforts to relieve the financial situation, I am,

Yours, very truly,

JAS. STILLMAN, *President.*

Hon. LYMAN J. GAGE,
Washington, D. C.

That Mr. Gage had the undivided support of the great financiers of New York is shown by a letter written by Mr. Stillman to him, on page 105 of this document. This letter indicates that Mr. Stillman and the National City Bank officials were regarded as the official representatives of the Treasury Department in New York City. It is as follows:

THE NATIONAL CITY BANK OF NEW YORK,
New York, November 16, 1898.

DEAR MR. SECRETARY: I wish to congratulate you upon the beneficial result which has already been produced by the wise action which you have taken in offering to buy a sufficient amount of United States bonds to prevent any severe stringency in our money market.

Within the last few days there has been a growing feeling of uneasiness as it became more and more difficult to borrow money upon time. *This uneasiness was caused in a large measure by an impression that has been somehow created that the present Administration would not relieve the money market in the above manner. Now that it is known what the policy of the Administration is, confidence has been restored and it is not material whether your offer is largely availed of or not.*

The only adverse criticisms that I have heard have been on the part of the money lenders dealing in comparatively small amounts, who can see nothing beyond getting high rates of interest for themselves.

Among the prominent men whom I have met to-day approval is unstinted, and *Messrs. Morgan & Co. especially have asked me to convey to you their appreciation of your action.* Believe me,

Yours, respectfully,

JAS. STILLMAN.

Hon. LYMAN J. GAGE,
Treasury Department, Washington, D. C.

I suppose that refers to the kind-hearted action of the Secretary of the Treasury in going to the relief of the money market of New York a few months ago, and the opinion seems to have grown up not only in this Chamber——

Mr. ALLISON. This letter is dated 1898. It could not refer to that matter.

Mr. ALLEN. Very well.

Mr. ALLISON. There may be a mistake, however, in the date.

Mr. ALLEN. There may be a mistake in the date.

Mr. SPOONER. There is a subsequent letter of 1898.

Mr. ALLEN. The opinion seems to have grown up, until I think it is accepted without dissent on the other side of the Chamber, that every time the money market of New York is disturbed by the stock brokers and gamblers it is the duty of the Treasury of the United States to go to their relief. Whenever they see fit

to precipitate a panic they call upon the Treasury of the United States for money to relieve them of the situation.

Does the Treasury Department go to the relief of any other class of people? Who are these men who precipitate these panics? They do not represent the substantial business interests of New York or other cities or other localities. They are properly denominated as the gamblers of Wall street and the financial centers of the country. Every time they undertake to precipitate a panic or disturbance for their own interest they call lustily to the Treasury Department to come to their assistance, and it would seem that Mr. Gage has gone to their relief in every instance. Would it not be more in consonance with the propriety of things for the industrial interests to be assisted some? There is not an instance in all the history of this country—not one under Republican rule or any other rule, for that matter—where the Treasury Department has gone to the assistance of the agricultural interests of the country. It always goes to the assistance of the banks, and by the use of Government money in large quantities the banks are able to make millions and millions of dollars.

Mr. President, after having secured the greater portion of the Union Pacific fund as a deposit, and as it was fast disappearing, the National City Bank learned of the payment soon to be made on account of the Central Pacific Railroad. Here, again, frequent telephonic communication was resorted to by Mr. Gage and Mr. Stillman. The correspondence regarding this transaction is as follows (page 115):

THE NATIONAL CITY BANK, PRESIDENT'S OFFICE,
New York, February 20, 1899.

MY DEAR MR. SECRETARY: If you think it is expedient to leave any of the money to be paid by the Central Pacific Railroad to the Government on deposit with the banks, *we respectfully apply for such deposits and tender you our services in the matter.*

As you know, we are ready to furnish a large amount of United States Government *bonds to secure any deposit which you may deem advisable for the Government to have with us.*

I am, yours, respectfully, JAS. STILLMAN,
President.

Hon. LYMAN J. GAGE,
Treasury Department, Washington, D. C.

Mr. Gage said:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 25, 1899.

DEAR MR. STILLMAN: It is probable that by the 15th of March the Treasury Department will *realize an advance payment of $13,000,000* or thereabouts on account of the Central Pacific Railway. If the Department acted without regard to any consideration except its own convenience it would require the payment to be made at the subtreasury at New York in one sum. *This, however, might be a considerable contribution from the reserves in one day, and, in view of* your suggestion that you would qualify to take any deposits on that account that the Department might see fit to make with you, *I now write to inquire whether you would be disposed to put up the bonds required and accept the deposit with the understanding that* it should be in quite frequent installments, covering, perhaps, *a period of thirty days*, all told, transferred by you to the subtreasury. If during the day, on receipt of this, you can *find it convenient to call me up on the telephone*, we can talk it over.

I note your letter of the 24th regarding gold certificates.

Very truly, yours, LYMAN J. GAGE.

Mr. JAMES STILLMAN,
President National City Bank, New York.

That letter stamps as inaccurate the statement of the Secretary of the Treasury that there was no telephonic communication between these two persons.

The letter of the 24th of February, 1899, referred to by Mr. Gage, is absent from this correspondence.

Mr. PLATT of Connecticut. What is that?

Mr. ALLEN. Mr. Gage, in his letter of February 25, 1899, refers to a letter in this latter clause:

I note your letter of the 24th regarding gold certificates.

That letter is absent from the correspondence and does not even appear in the corrected report of the Secretary of the Treasury received here a day or two ago.

Although Mr. Gage in his letter to Mr. Stillman suggested that the money would remain about thirty days, after telephonic communication with Mr. Stillman the time limit was raised to sixty days, as is shown in the following letter (page 116):

THE NATIONAL CITY BANK,
New York, February 27, 1899.

SIR: Referring to your valued favor of the 25th instant and our *conversation over the telephone this afternoon relative to the moneys* to be received by the Treasury Department about the 15th of March on account of the Central Pacific Railway, I beg to confirm our understanding that you will place with us, say, $5,000,000 of this money, the same to remain with us *for about sixty days*, against which we are to deposit the necessary bonds with the assistant treasurer here.

Assuring you of our appreciation of your action in the matter, and *of our readiness to serve you at all times*,

I am, respectfully, yours, JAS. STILLMAN,
President.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

The letter of the Secretary of the Treasury to Mr. Stillman of February 27, 1899, indicates that the money deposited was to be covered into the subtreasury in installments of $1,000,000 at intervals of ten days each, and I shall ask to publish it without stopping to read it.

Mr. ALDRICH. I think the Senator ought to read what the Secretary said in reply to this letter.

Mr. ALLEN. It will appear in the RECORD.

Mr. ALDRICH. The Senator will put the whole letter in?

Mr. ALLEN. Certainly; the whole letter.

Mr. ALDRICH. All right.

Mr. ALLEN. I do not want to have the Senator from Rhode Island think that I would intentionally leave out anything.

Mr. ALDRICH. I do not make that suggestion.

Mr. ALLEN. If the Secretary has a defense, I am perfectly willing that it shall be made.

Mr. SPOONER. The Senator from Rhode Island did not understand the Senator from Nebraska.

Mr. ALDRICH. I did not understand what the Senator said.

The letter referred to is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 27, 1899.

DEAR SIR: I have yours of the 27th, written in pursuance of our conversation over the telephone relative to your qualifying for an increased deposit on account of payments to be made on account of the Central Pacific Railway. You say:

"I beg to confirm our understanding that you will place with us, say, $5,000,000 of this money, the same to remain with us for about sixty days."

It is best that we should have no misunderstanding. Any moneys deposited with you, or with any other depository, will always be subject to the immediate demand of the Government, *although it may be fairly assumed that unexpected or unreasonable requisitions will not be made.* I meant to have you understand over the telephone that, in the ordinary course of business, if you qualified to receive the sum of $5,000,000 out of the probable $12,000,000 that will be deposited about the 10th of March, it would meet the convenience and requirements of the Department if you transferred this sum to the subtreasury in installments during the next sixty days succeeding to the deposit, and if you take the deposit our probable orders will be to make transfer in sums of $1,000,000 each about ten days apart, which would carry the final transfer to sixty days hence.

Neither must it be inferred by you that this deposit, if made, will affect at all the balance now in your hands due to the Treasurer of the United States, as it is not unlikely that transfers may be ordered from time to time into the Treasury from depository banks now holding the sum of $80,000,000 of the public moneys. If such should be the case, requisitions will be made upon you against the balance you now have in hand, quite independent of the $5,000,000, which is the subject of our present correspondence.

Very truly, yours, LYMAN J. GAGE.

Mr. JAMES STILLMAN,
President The National City Bank, New York City.

Mr. ALLEN. After one deposit, as instructed, in the National City Bank, Mr. Stillman wrote Secretary Gage complaining about the money market. In this letter it was admitted that the bank in using money had to "force a liquidation in highly speculative stocks," an admission to Secretary Gage that he was using Government funds to "rig" the stock market; and in order that he might continue he asked for permission to defer the $1,000,000 payments on the Central Pacific for one week each. Despite his own statement that he had been successful in causing a decline in stocks, Mr. Stillman requested the Secretary of the Treasury for more time to make his own payments. The letter is a most remarkable one, and should have called forth a rebuke from Mr. Gage, but the correspondence fails to show that one was sent him. It is in the following language——

Mr. SPOONER. On what page?

Mr. ALLEN. On page 118. It is as follows:

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, April 8, 1899.

My Dear Mr. Secretary: As you have doubtless noticed in the press, the money market here has been quite unsettled during the latter part of the week. *We have loaned very liberally in order to allay apprehension, but at such rates as would tend to force a liquidation in highly speculative securities. I think this has been accomplished, and the declines which have taken place will have a wholesome check.*

Now, Mr. President, there is an open confession upon the part of the president of this bank that the money of the United States deposited there was used by the bank for the purpose of raising the rate of interest and causing a liquidation in the stock market. Instead of allaying the panic, it was used for the purpose of precipitating a panic and a liquidation of what Mr. Stillman sees fit to call "highly speculative securities." The money of the people of the United States, of the taxpayers of the country all over this country, was put by the Secretary of the Treasury in the hands of a political friend, or the bank of a political friend, to be used by that bank to control the markets of the city of New York, and incidentally the markets of the United States.

Mr. GALLINGER. That letter was brief. Will the Senator read it once more? I did not catch it.

Mr. ALLEN. I have not yet read it all.

Mr. GALLINGER. I beg the Senator's pardon. Will the Senator read it, commencing at the beginning?

Mr. ALLEN. Certainly. The letter is as follows:

MY DEAR MR. SECRETARY: As you have doubtless noticed in the press, the money market here has been quite unsettled during the latter part of the week. We have loaned very liberally in order to allay apprehension, but at such rates as would tend to force a liquidation in highly speculative securities. I think this has been accomplished, and the declines which have taken place will have a wholesome check.

Mr. PLATT of Connecticut. That should be "effect," I think, should it not?

Mr. ALLEN. It would mean either. It might read "wholesome effect," probably, but it says "check"—c-h-e-c-k.

This uneasy feeling, however, will probably not subside for some few days yet, and as there are several large payments to be made next week, notably some $8,000,000 on Monday, the 10th, on the Chicago and Alton business, I think it would tend to help matters if you can see your way to deferring the payments which we are to make on account of Central Pacific moneys for one week each. I trust this will meet with your approval and that you will advise me either to-morrow or on Monday morning by wire of your decision in the matter.

I inclose the weekly statement of the associated banks of this city. Our own position to-night are call loans on Wall street of $55,101,000 and cash in our vaults $31,698,000.

I am, yours, very truly,

JAS. STILLMAN.

Hon. LYMAN J. GAGE,
Washington, D. C.

The reply of Secretary Gage to the request of Mr. Stillman to be notified of his decision in the matter by telegraph does not appear in the record, but Assistant Treasurer Jordan sent the following letter to Secretary Gage regarding the matter (page 120 of the reply):

OFFICE OF ASSISTANT TREASURER UNITED STATES,
New York, N. Y., April 10, 1899.

SIR: I have the honor to inform you *that a telegram from you postponing the payment of installment of $1,000,000, due to-day on account of Central Pacific deposit, was this day exhibited to me by Mr. Whitson, cashier of the National City Bank.* I am without direction from your office on the subject.

Very respectfully,

C. N. JORDAN,
Assistant Treasurer United States.

The SECRETARY OF THE TREASURY,
Washington, D. C.

This indicates that Secretary Gage ignored Mr. Jordan, to whom the payments should have been made, but did notify the bank. The telegram addressed to Mr. Whitson does not appear in the correspondence.

I call attention in this connection to the following letter of Mr. Stillman (page 120 of the reply):

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, April 10, 1899.

DEAR SIR: I beg to acknowledge the receipt of your telegram of this date, in reply to my letter of the 8th instant to the Secretary, reading: "Postpone transfers until further advice."

My object in writing the Secretary was simply to postpone any unnecessary drains upon our money market while it was in such a sensitive condition.

The tone of the market has been much better to-day, and I thank you and the Secretary for the consideration which you have given the suggestion contained in my letter of Saturday.

I am, yours, very truly,

JAS. STILLMAN,
President.

Hon. F. A. VANDERLIP,
Treasury Department, Washington, D. C.

And the following letter of Mr. Stillman in reply:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 12, 1899.

SIR: You are hereby instructed to deposit with the assistant treasurer of the United States in your city, as a "transfer of funds," the sum of $500,000 on Friday, 14th instant, and continue to deposit a similar amount from funds to credit of the Treasurer of the United States each Thursday thereafter until further advised.

The assistant treasurer will be authorized to allow you to withdraw a corresponding amount of security bonds upon receipt of each deposit on account of "transfer of funds," and Department instructions to your bank, dated March 2, 1899, concerning transfers of $1,000,000 at intervals of ten days, are hereby revoked.

Respectfully, yours,

F. A. VANDERLIP,
Assistant Secretary.

The PRESIDENT NATIONAL CITY BANK,
New York City.

The $1,000,000 payments, which were to have been made every ten days, was on April 12, 1899, reduced to payments of $500,000.

Mr. PLATT of Connecticut. To be made weekly?

Mr. ALDRICH. Weekly.

Mr. ALLEN. Weekly payments, and on July 6, 1899 (page 122 of the reply), the transfer of these sums was ordered discontinued.

The National City Bank's success in obtaining favors from the Treasury Department emboldened them to ask for the post-office funds in New York City. In this they met one of their first defeats. First Assistant Postmaster-General Heath, a heavy stockholder in the Seventh National of New York, as is said, was instrumental in bringing about this defeat. Mr. Stillman requested Mr. Gage (page 124 of the reply), in a letter of December 19, 1899, for this deposit:

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, December 19, 1899.

MY DEAR MR. SECRETARY: If, in view of recent events, it be found expedient to make a change in the depository of the post-office funds, or that of any of the other Government departments in this city, I would be pleased to have this bank considered in regard to receiving one of the accounts, and would very greatly appreciate anything that you may be able to do in our behalf.

Thanking you in advance for your kind offices, I am,

Yours, very truly,

JAS. STILLMAN.

Hon. LYMAN J. GAGE,
Washington, D. C.

I beg to offer my congratulations on the result of your increasing the Government deposits in the national banks.

J. S.

Mr. President, this congratulation is important as showing the relation existing between these two gentlemen and between the National City Bank and the Treasury Department of the United States.

The senior Senator from New York [Mr. PLATT] was appealed to by the National City Bank to assist them in securing the post-office funds, and he wrote Mr. Gage the following letter on December 22, 1899 (page 127 of the reply):

NEW YORK, *December 22, 1899.*

MY DEAR MR. SECRETARY: Kindly read attached letter from Mr. James Stillman, the president of the National City Bank, which is self-explanatory. *It is unnecessary for me to say that it would be very gratifying to me if his wishes could be respected.* You know, without my mentioning it, how reliable and important a banking institution the National City Bank is. *I will be pleased to hear from you at your convenience* regarding the matter.

Yours, truly,

T. C. PLATT.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

And here is Mr. Gage's reply (page 127 of the record):

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 27, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, inclosing a communication from Mr. Stillman, president of the National City Bank of New York, indicating a wish to have the post-office account changed from the Seventh National Bank to the National City Bank, and to inform you that this Department does not feel at liberty to make the change requested for reasons set forth in letter addressed to the bank this day, copy of which is inclosed for your information.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. T. C. PLATT,
United States Senate.

This was President Stillman's request to Mr. PLATT (page 127 of the reply):

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, December 19, 1899.

MY DEAR MR. SENATOR: I trust you will pardon me for trespassing upon your valuable time, but if, in view of recent events, it be found expedient to make a change in the depository of the post-office funds, or that of any of the other Government departments in this city—

I do not know what recent events had transpired—

I would be pleased to have this bank considered in regard to receiving one of the accounts, and would very greatly appreciate anything that you may be able to do in our behalf.

Thanking you in advance for your kind offices, I am,

Yours, very truly,

JAS. STILLMAN.

Hon. THOMAS C. PLATT, *Washington, D. C.*

Mr. Gage's response to Mr. Stillman is as follows (page 127 of the record):

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 27, 1899.

SIR: Referring to your recent request to have the National City Bank made a depository for post-office funds, I have to inform you that postal funds are by law under the control of the Postmaster-General, and it was only at his special request, made under authority conferred upon him by section 4046, Revised Statutes of the United States, that the Seventh National Bank of New York was specially designated for money-order funds. The funds are deposited to the official credit of the postmaster at New York, and by him checked out and transferred to the subtreasury to the credit of the Postmaster-General or his Department. The account is in the nature of a disbursing account, which could not, under section 3620, Revised Statutes, be kept with a bank in the same city with an assistant treasurer except upon the request of the Postmaster-General, under the special provisions of section 4046, relating to money-order funds, and this Department does not, therefore, feel at liberty to make the change requested.

Respectfully,

L. J. GAGE,
Secretary.

The PRESIDENT NATIONAL CITY BANK,
New York City.

Mr. Gage, in making the announcement of his intention to deposit internal-revenue receipts with the National City Bank and other banks, states that only banks having the bonds in their possession would be accepted as depositaries for this fund. President Stillman wrote the following letter to Secretary Gage (page 126 of the reply), showing that his bank had purchased the bonds at considerable expense, and asking that deposits be made quickly in order that they might get even:

THE NATIONAL CITY BANK OF NEW YORK,
PRESIDENT'S OFFICE,
New York, December 21, 1899.

MY DEAR MR. SECRETARY: I have received this morning from the Treasurer of the United States a letter advising me that the various depositories of the internal-revenue receipts throughout the country have been instructed to remit here, and that we will be called upon to distribute these receipts pro rata among the various banks who qualify as depositories.

It will give us a great deal of pleasure to act in this capacity, but I feel, inasmuch as we deposited immediately with the assistant treasurer here upward of *$5,000,000 in bonds, all of which were secured by us at a considerable expense, and that we the same day placed in the market a large amount of money in anticipation of receiving at once reimbursements from the United States Government, that the pro rata distribution which the Treasurer refers to would work a material hardship upon us.* I therefore hope that before we are required to divert the receipts to any extent *we may be allowed to accumulate a sufficient amount to cover the bonds which we have deposited.*

Very respectfully, yours,

JAS. STILLMAN.

Hon. LYMAN J. GAGE,
Washington, D. C

The PRESIDENT pro tempore. Will the Senator from Nebraska suspend for one moment?

Mr. ALLEN. Certainly.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I should like to consult the convenience of the Senator from Nebraska.

Mr. ALLEN. I should like to proceed at present until my remarks are concluded.

Mr. ALDRICH. Then I ask that the unfinished business may be laid aside temporarily until the Senator from Nebraska concludes his remarks.

Mr. DANIEL rose.

Mr. ALDRICH. Is that agreeable to the Senator from Virginia?

Mr. DANIEL. I have other engagements and would like to speak to-day on the bill which is the regular order at this time.

Mr. ALLEN. Very well.

Mr. DANIEL. I dislike to interrupt the speech of the Senator from Nebraska.

Mr. ALLEN. I shall endeavor to conclude this matter at some time. I was right in the midst of a letter and had nearly finished the reading, but I will let it go at that.

Mr. PLATT of Connecticut. The letter which the Senator was reading might be finished.

Mr. DANIEL. Certainly.

Mr. ALDRICH. The Senator from Nebraska can resume his speech to-morrow after the routine morning business.

Mr. ALLEN. Before the Senator from Virginia proceeds, I desire simply to observe that at some other time, when I will not be in the road of anyone, I shall endeavor to conclude my remarks. I was pretty nearly through when the morning hour expired. I have some other matter in the way of an analysis of these reports of the Secretary of the Treasury that I desire to place before the Senate and particularly before the country, so as to point out the glaring inconsistencies of a connection between the Treasury Department and the financial institutions of this country. I regret that I got in the road of the Senator from Virginia and could not conclude my remarks to-day.

COMMITTEE SERVICE.

Mr. COCKRELL. I move that the junior Senator from Mississippi [Mr. SULLIVAN] be appointed to the committees upon which his name already appears. He was assigned to various committees while he was only a Senator by the appointment of the governor, but he has since been elected by the legislature and has taken his seat, and it may be best to have his appointment made by the Senate to the same committees to which he was assigned before his credentials were presented and he was sworn in.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Missouri as to the appointment of the Senator from Mississippi [Mr. SULLIVAN] on committees? The Chair hears none, and it is so ordered.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. DANIEL. Mr. President, the American people, by tradition and interest, have always favored bimetallism. The Democratic party have been its most pronounced and persistent advocates. They favor sound money. They demand the soundest money that the world has ever known or can know. They insist that it should consist of gold and silver and of paper redeemable in gold and silver at the option of the payor. They maintain that the units of the whole mass should be kept at parity by coinage rights and by equal legal-tender functions. This is the only method by which the parity of the two metals has ever been continuously, approximately, or perfectly maintained.

We should not forget, Mr. President, in approaching the consideration of our present financial condition that all of our currency is now at par. For over one hundred years the silver dollar has maintained itself as perfect money. To-day, in itself victorious over all its traducers and all its enemies, it still lifts its head up at par triumphant.

Never yet has a silver dollar of the United States depended upon anything but itself for its value. Self-supporting and self-reliant, it has worked its own way, and worked out, up to date, its own salvation.

Never yet has any silver dollar been "redeemed" at the Treasury of the United States by or in any other kind of dollar. Never has any statute of the United States provided for its redemption. Never has a Secretary of the Treasury transcended the law to redeem one. The dollar, whether of silver or gold, is not in its nature a thing to be redeemed. It is in itself a redeemer. Redemption in finance implies promise. The standard specie dollar is not a promise. There is nothing in it to which the attribute of redemption may be fitly applied. It is the standard and medium by which other things, such as taxes, obligations, notes, and other debts and liabilities, are redeemed.

As soon as the necessity of redemption in some other thing is imparted to an article, its value depends upon the promise of the redeemer. It becomes credit. The value of the silver dollar up to date has never depended on any redeemer's promise. It is cash.

I have in my possession a standard silver dollar of the issue of 1798. For nearly one hundred and two years it has been its own passport, and has been as good as any hundred cents that were ever known. Of the like dollars we have now $476,201,341, and they are all as good as this hoary and faithful servant of the people.

The leading thought in the Democratic campaign of 1896 was this, namely, that the volume of money in a country regulated the price of property and products, and the more money there was the higher the tendency of price. Events have vindicated the truth of this economic maxim. It is a general truth. It is a part of the universally accepted doctrine that supply and demand regulate prices. To understand it, we must regard it in its double aspect—as affecting money, in which price is stated, and as affecting property or product, which price is stated for.

If there be much money and much of a given article on the market, prices will be low, for the demand for money will be readily satisfied, as much of it will be seeking investment; and the demand for the article will be easily satisfied, as many of the kind will be seeking sale.

If there be much money and but few of the articles which it demands, there will be keen monetary competition for those articles and the price will be high.

If there be many of the articles demanded in the market and little money, the price will be low, for the articles will vie with each other in seeking chance for sale.

When we speak of the law of demand and supply we mean two things: First, the demand for money made by property and commodity for sale and its supply to meet that demand, and, second, the demand for property and commodity made by money and the supply thereof to meet it.

Money is the meeting place of the demand for and supply of commodities, and commodity is the meeting place of the demand for and supply of money. At this time there is more money in this country per capita than has been for many years, and a per capita of over $25 per head; and after an interruption of several years in manufacturing and the exhaustion of supplies on hand, it is but natural, and according to the eternal truth of the Democratic creed, that with more money and less commodities in the market prices should rise, and that active conditions in industry should exist.

I will exhibit here a table from the report of the Director of the Mint which I find on page 40. In that table it will appear that in the year 1893 there was $18.13 per capita in the United States. It will further appear that there was $3 more in 1899, or $21.04, while in the recent abstracts of the Treasury Department, which I beg leave to incorporate as an exhibit in my remarks, it will be seen that there is now over $25 per capita, or $7 more per head now than there was in 1893.

Estimated stock of gold and silver in the United States and the amount per capita at the close of each fiscal year since 1873.

Fiscal year ending June 30—	Population.	Total coin and bullion.		Per capita.		
		Gold.	Silver.	Gold.	Silver.	Total metallic.
1873	41,677,000	$135,000,000	$9,149,305	$3.23	$0.15	$3.38
1874	42,796,000	147,379,493	10,355,478	3.44	.24	3.68
1875	43,951,000	121,134,906	19,387,995	2.75	.44	3.19
1876	45,137,000	130,056,907	36,415,993	2.88	.81	3.69
1877	46,353,000	167,501,472	56,464,427	3.61	1.21	4.82
1878	47,598,000	213,199,977	88,047,907	4.47	1.85	6.32
1879	48,866,000	245,741,837	117,526,341	5.03	2.40	7.43
1880	50,155,783	351,841,206	148,522,678	7.01	2.96	9.97
1881	51,316,000	478,484,538	175,384,144	9.32	3.41	12.73
1882	52,495,000	500,757,715	203,217,124	9.65	3.87	13.52
1883	53,693,000	542,732,063	233,007,985	10.10	4.34	14.44
1884	54,911,000	545,500,797	255,568,142	9.93	4.65	14.58
1885	56,148,000	588,697,036	283,478,788	10.48	5.05	15.53
1886	57,404,000	590,774,461	312,232,844	10.29	5.44	15.73
1887	58,680,000	654,520,335	352,993,566	11.15	6.00	17.15
1888	59,974,000	705,818,855	386,611,108	11.76	6.44	18.20
1889	61,289,000	680,063,505	420,548,929	11.09	6.86	17.95
1890	62,622,250	695,563,029	463,211,919	11.10	7.39	18.49
1891	63,975,000	646,582,852	522,277,740	10.10	8.16	18.26
1892	65,520,000	664,275,335	570,313,544	10.15	8.70	18.85
1893	66,946,000	597,097,685	615,861,484	8.93	9.20	18.13
1894	68,307,000	627,293,201	624,347,757	9.18	9.13	18.31
1895	69,878,000	636,229,825	625,854,949	9.10	8.97	18.07
1896	71,390,000	599,597,964	628,728,071	8.40	8.81	17.21
1897	72,937,000	696,270,542	634,509,781	9.55	8.70	18.25
1898	74,522,000	861,514,780	637,672,743	11.56	8.56	20.12
1899	76,148,000	962,865,506	639,286,743	12.64	8.40	21.04

The increase in the stock of our money has arisen from the unprecedented increase in the production of gold. When the Sherman law was repealed, on November 1, 1893, and not an ounce of silver could thereafter enter the Treasury to be coined, and when all the world was suffering from stringent conditions produced by the like disfranchisement of silver in other great nations, there was a sudden and almost universal rush for the gold fields wherever they could be found.

British ships laden with mining machinery were soon bounding over the waves for South Africa and Australia, and American ships, on a similar mission, were off for Alaska. Gold mines hitherto yielding unproductive returns became profitable under the appreciation of and urgent demand for gold.

New mines were found. Hungry hordes hastened wherever the yellow metal could be hoped for; gold companies were organized in all capitalistic centers; the energies of the world were concentered on the finding and the mining of the one thing needful—gold. It was found, it was mined, it was minted, it flowed into the channels of trade; and with more money in circulation commerce and manufacture moved.

Thus ever does our good mother nature try to heal or compensate for wounds made by accident or by the folly of man. Put out one eye and the sight of the other is quickened. Put out both eyes and hearing and touch are quickened. Destroy one source of monetary supply, and demand thrown solely upon the other increases its production.

There are certain tendencies, Mr. President, which mark and permeate the movements of the existing nations of the earth. First, the tendency to consolidation of peoples, industries, and interests. Second, the tendency to greater armaments on land and sea. Third, the tendency to increased public expenditures. Fourth, the tendency to the increase of public indebtedness. Fifth, the tendency to decrease the basis standard or medium of payment.

Continental railroads and world-wide steamboat lines, department stores, corporations, and trusts of all kinds are absorbing unto themselves the business heretofore diffused amongst the people. One head man, a directory, and a mass of employees take the place of independent communities with their diversified individual pursuits and enterprises. The greater nations are swallowing up and annexing the smaller ones. The village blacksmith and shoemaker and grocer give way to the mighty company, and the little republic to the mighty empire. Great navies are building and great armies are perpetually marshaling. The world speaks in a whisper lest disturbance come to it. Other people's money is easy to spend. Powerful governments can make great levies and appropriations. A massive capital, gathered into the public treasury, can do quickly what it will. So the budget increases, and away the money goes.

Then come two tendencies which start from one common standpoint, like the letter "V," and move outwardly, separating the interests of the taxpayer and security holder and making them wider and wider apart. These are a tendency to increase public indebtedness and public taxes and a tendency to abridge at the same time the basis of payment. It is obvious the more debts increase and the means of payment decrease, the gulf between the people who are the payers and the fortunate ones who are the payees must ever widen. Then classes in society must be created, the mass becoming poorer and more dependent and the few becoming richer. Disaster and collapse portend unless these tendencies can be arrested; and it is the duty of the wise man and the true citizen to forecast the future and to provide against an evil day.

There is a vicious circle; states fear to employ silver because of its depreciation, and the depreciation continues because states refuse to employ it.

We realize to-day the truth of this declaration of the Right Hon. George J. Goschen, the eminent financier, who was a British delegate to the monetary conference of 1878. But if there be a vicious circle, there is also a righteous one. The natural timidity of capital and its equally natural thirst to aggrandize itself alike prompt its perpetual war upon silver as a monetary metal.

On the other hand, the needs of society and the interests of the great masses of the working people of the world with equal pertinacity continue to support and to hang on to the use of silver. And so the strife goes on, with its ups and downs, with varying fortunes, the gold side predominating when times are good and the silver side blazing forth with aggressive and energetic action whenever and wherever the pinch of hard times or the flurry of panic comes.

The question between gold and silver, Mr. President, should be lifted above transient conditions of commerce and manufacture. It is a world-wide and perpetual question; and however often it may be put down, it will rise again. Whatsoever community abandons it will see its projected and persistent attempt to return; but many are like the old man who would not stop the crevice in the roof of his cabin when the sun shone because then it did not bother him, and who could not do it when the storm was beating and the water leaking into his home.

The masses of the people occupied in their own pursuits are naturally careless of legal conditions when they are prosperous; they believe in letting well enough alone, and when adversity comes they are helpless. It is only by sound principles generalized not from momentary conditions, but from the great truths of human history and philosophy, which teach by experience and by example that the builders of states and leaders of opinion can wisely set their compass. Through the sunshine and the storm, though we may not notice it, there is a constant play of universal law, and one day or another day its effect will be felt by those who scorn or do not know how to observe it.

It is not to be denied, Mr. President, and I do not deny, that this country is to-day prosperous in many lines of industrial pursuits. I congratulate its people upon this fact. I hope that that prosperity may continue, I hope it may increase, and I hope that every foreboding of evil which may exist in the heart of any man may be overcome by the continued prosperity of this people.

The railroads of recent years have been burdened down with their enormous freightage, the manufacturers are overcrowded with orders, over a million dollars' worth of manufactured goods are exported every day of the calendar year to other lands, merchants have had a lively business, the banks have been able for the most part to accommodate their customers, though now and then a sort of nervous shudder runs through them, and a stimulant from the Treasury in the way of deposits is loudly called for and promptly applied.

Our exports have increased with unprecedented rapidity and in unprecedented volume, so that we are now nearly abreast with Great Britain in their aggregate amount. Our National Treasury overflows with money; our armies and navies in two continents have sustained the traditional honor of American arms and added to their glory by brilliant achievements. Above all, Mr. President, the American people have all stood together in battle; something of the old-fashioned fraternity has come again with genial feeling and a public sentiment—to which the President of the United States has no little contributed—has been engendered, which can but fill the hearts of all with a generous glow of patriotism.

There are shadows to this picture. I shall not pause to notice them at this juncture. There are dangers ahead, which we can not as a wise people forego to notice, and one of the great dangers which, as I humbly conceive, is now threatening us, is the passage of this pending bill. The entrance of this bill into the legislative halls was not graceful, nor has its conduct here been reassuring. On the first day of the session of this Congress, December 4, 1899, it was introduced into the House of Representatives as a bill (H. R. No. 1) "to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes."

On December 13 the debate commenced; on December 18 the bill passed. Its history was abnormal, and, for a financial measure, without precedent. No special committee prepared it; to none was it referred, and none reviewed it. On December 19 it came to the Senate. Here its history was equally remarkable. It did not spend a single quiet day of undisputed and unmutilated life in this body, for on the same day of its appearance the Finance Committee of the Senate welcomed it "with bloody hands to a hospitable grave."

They reported it back with a substitute amendment, which erased every line of its text and wiped it out of existence, save as a rejected proposition. The substitute is the proposition now pending. It is entitled "A bill to affirm the existing standard of value, to maintain the parity in value of all forms of money, to refund the public debt, and for other purposes."

Who originated this bill no one knows, or at least there is no publicity to its author's name; but whomsoever he may be, he is a cunning draftsman. He glides us into the gold standard with a smooth and easy process, and under the assurance that we have it now and have had it for many years. He has no doubt of that fact; no doubt at all in his own mind; he regards it as a self-evident fact; but he thinks we should renew the declaration and reaffirm the gold standard because the wicked Democrats dispute it. Why not appeal to the courts? They are the settlers of differences of opinion. That thought does not seem to the author of this bill to have been noticed. But the courts are open, and if we are upon the gold standard, they would know it and say so. They have said otherwise, as I shall show.

I take issue with the first section of the bill as unfounded in its statement of facts and unjustified as a public declaration. Let me read that section of the bill:

That the dollar consisting of 25.8 grains of gold nine-tenths fine shall, as established by section 3511 of the Revised Statutes of the United States, continue to be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard; and United States notes, and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption shall be redeemed in gold coin of such standard.

If this bill intends to make private debts also payable hereafter in gold; if it intends to impart the presumption to every contract, verbal or written, that it must be paid according to the established

standard, as alleged in this bill—I do not say that it says so—that question should be settled; and I call the attention of the sponsors of the bill to its existence. Section 3511 of the Revised Statutes, referred to in the first section of the bill, is in part as follows:

SEC. 3511. The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of 25.8 grains, shall be the unit of value; a quarter eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half eagle, or five-dollar piece; an eagle or ten-dollar piece, and a double eagle, or twenty-dollar piece, etc.

This language of section 3511 of the Revised Statutes is taken from section 14 of the act of February 12, 1873, revising and amending the laws relative to the mints, etc.

It is asserted in the first section of this bill that the gold dollar piece, made the unit of value by that clause, is now our standard unit or standard of value. I deny this proposition. The United States is not upon the gold standard, but upon the double standard of imperfect and humpbacked bimetallism. That this is not a single gold standard country may be proved in many ways. First, by the clear and specific language of our statute; second, by the decisions of the United States Supreme Court; third, by the acts and declarations of the Presidents and executive officers of the country; fourth, by the declarations of Congress; fifth, by the declarations of the political conventions of all parties; and sixth, by the self-evident fact.

I wish, Mr. President, to place on record a refutation of the statement of fact and of the legal conclusion of the authors of this bill. I do not believe there is a respectable lawyer or judge in the United States who would advise this Government, or advise any client, that we are now upon the single gold standard; and if he did so, he would have to do so in the teeth of all the official agencies of this Government, of the statutes of the United States, and of the habitual practice of the Government and of the people.

Let it be observed, Mr. President, that by the act of February 12, 1873, the gold one-dollar piece, the actual physical one-dollar gold coin, was made the unit of value. Now, let anyone turn to the act of September 26, 1890, entitled "An act to discontinue the coinage of the three-dollar and one-dollar gold pieces and three-cent nickel piece," and he will find, first, an implied and then a direct repeal of the gold-dollar piece as a unit of value; and not only such repeal, but the discontinuance of the coinage of the unit and provision made for the withdrawal of all such gold dollars and units from circulation and their coinage into other denominations. Here is the act. Let it speak for itself:

Act of September 26, 1890. To discontinue the coinage of the three-dollar and one-dollar gold pieces and three-cent nickel piece.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the coinage of the three-dollar gold piece, the one-dollar gold piece, and the three-cent nickel piece be, and the same is hereby, prohibited, and the pieces named shall not be struck or issued by the Mint of the United States.

SEC. 2. That as fast as the said coins shall be paid into the Treasury of the United States they shall be withdrawn from circulation and be recoined into other denominations of coins.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Here is, first, the prohibition of the gold unit; second, the provision for its recoinage; and, third, the repeal of all laws and parts of laws conflicting with its utter obliteration from our statutes. So, then, when the pending bill affects to continue that unit of value, it is obsolete, discontinued, discoined, rejected, repealed, prohibited, nonexistent, to wit, the gold dollar piece as established by section 3511 of the Revised Statutes. It misuses language; it puts a false color on the face of this bill; and it utterly ignores the disestablishment of that unit by express enactment. There are few or no gold dollar pieces to be found in circulation to-day, and such as exist, few in number, are curiosities, bangles, and jewels, held as precious relics of a bygone day, and of fictitious value.

I hold in my hand a list of prices from a collector of coins in New York, which is used by the Treasury of the United States, and which was kindly loaned me by the Director of the Mint. Following the clear and specific language of this section 1, we will see what is the value of our unit of value which it pretends to continue. If that unit of value was issued from 1849 to 1854, inclusive, it is worth $1.20; if from 1854 to 1862, inclusive, it is worth $1.25; if in 1863, from $3 to $5; if in 1864, from $3.50 to $5.50; if in 1865, $3.50 to $3.50; if in 1875, the gold dollar piece was worth $8 to $12.50, and if coined from 1880 to 1889, inclusive, it is worth $1.25.

Where upon this scale of the units of value does this bill play? It says the unit of value as established in a law that has been repealed; it affects to continue a thing which is dead, dead, dead. This country can go upon the gold standard if it wants to, but it is not necessary for us to creep into the gold standard by a false pretense.

In point of fact, Mr. President, the gold dollar piece long since ceased to be the unit of value before the act of September 26, 1890, which provided for its extermination and burial in other denominations, was passed. It lived as a unit of value for but a brief period, and perished before the resumption of specie payments, which occurred by law on the 1st of January, 1879.

Before that time the people of this country had become apprised of the situation. They had heard of the adoption of the gold unit of value in contemplation of the resumption of specie payments, and had also heard how the standard silver dollar had been slipped out from the coinage system and how the trade dollar had been slipped in, all these things being done by the act of February 12, 1873, which went still further and degraded silver to a subsidiary coinage and as a legal tender for no amount exceeding $5.

They made haste to correct this wrong and to avert the projected calamity; and on February 28, 1878, Congress enacted the Bland-Allison law, as it is commonly termed, which restored the old-time standard silver dollar of 412½ grains troy to our coinage system, made provision for the coinage of not less than two millions of such standard silver dollars per month, and declared that this dollar, together with all silver dollars theretofore coined by the United States of like weight and fineness, should be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise stipulated in the contract.

These words contain the only condition upon which any obligation of Government or individual has been entered into since February 28, 1878, that were not upon the double standard of gold and silver payments. All the transactions of the United States, of the States, of the cities, of the counties, of the corporations, and of all the people of our country that did not stipulate in terms for their solution in gold have since then been on a bimetallic basis of gold and silver, or, to speak with more perfect accuracy, on the basis of solution in gold coin, silver coin, or in legal-tender paper money.

But more than this, the honorable chairman of the Finance Committee who reported this bill, and who insists so strenuously in his speech that we have been on the gold standard since the adoption of the gold-dollar unit in 1873, has himself been a party to the adoption and continuance of the double standard and to the introduction into our coinage of many hundred millions of standard silver dollars as a part of that double standard, and on the most memorable financial act of the last decade the political organization of which he and a majority of this body are now members placed themselves upon record and plumed themselves upon this achievement in behalf of the double standard.

On the 14th day of July, 1890, not ninety days before the gold dollar, the unit piece, was formally dispatched and disposed of, Congress passed the Sherman law, directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes. This act, which was approved by President Harrison, made compulsory the purchase of 4,500,000 ounces of silver per month and the issue of Treasury notes therefor, at a price not exceeding $1 for every 371¼ grains of pure silver, the notes to be payable, just as our bonds are payable, in coin—the very expression of the double standard—and to make the expression full and perfect it was provided in addition:

That the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin at his discretion.

It was further provided—

That the Treasury notes issued should be a legal tender for all debts, public and private.

Thus the Republican party clothed silver with high dignity, provided for its standard character, and made the notes based on it legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract.

Thus did it embed silver under our national banking system and in our tariff system and in our internal-revenue system and in our legislative system, and make it count everywhere and in all things just the same as gold, excepting only "where otherwise expressly stipulated in the contract." Speedily after this act was passed, and in accordance with its purview, and within ninety days, did Congress formally discontinue the coinage and provide for the destruction of the gold-dollar unit in order that silver-dollar units might take their place as a more fitting currency for such sum.

I shall not at this place pause to enlarge upon the ill philosophy which underlay this ill-omened offspring of Republican legislation called the Sherman law, or to advert to the effort made by the Democrats in this body to save the country from the disappointments, the malpractices, and the ill consequences which they believed it would bring upon us. Its chief advocate, the Hon. John Sherman, declared, in his Memoirs, that on the very next day he would have voted to repeal it. The Democrats did better; they voted against it for the most part.

For myself, I felt then that it was founded on false principles; that it would not restore silver; that it would be a wellspring of evil; and I predicted that in two or three years a day of judgment would come and sit upon it. Three years later that day of judgment came, and the authors of this misshapen measure were its most pronounced and bitter enemies. The "makeshift" had strutted and fretted "its hour upon the stage" and then was "heard no more."

Taking advantage of the hue and cry that they had helped to raise against themselves, the architects of ruin joined hands with

the Cleveland Administration to undo their own work. But in the very act of its undoing they renewed allegiance to the double standard, renewed the faithless vows that they were breaking, and betrayed silver with a kiss.

They repealed the Sherman law without the substitute. Plenty of time for a substitute to-morrow, they said, or the day after, but neither to-morrow nor the day after ever came. But here in their repealing statute they declared their convictions and made their pledges to the American people, and I read what was said:

It is hereby declared to be the policy of the United States to continue the use of both gold and silver.

How, Mr. President?—

to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts.

I have here the names and produce the names of those who voted for and against this measure. Lo, the name of my honorable friend, the Senator from Rhode Island, leads all the rest.

Vote on the repeal of the Sherman law October 30, 1893.

YEAS—43.

Aldrich,	Gallinger,	Lodge,	Ransom,
Brice,	Gibson,	McMillan,	Sherman,
Caffery,	Gorman,	McPherson,	Smith,
Camden,	Gray,	Manderson,	Squire,
Carey.	Hale,	Mills,	Stockbridge,
Cullom,	Hawley,	Mitchell, Wis.	Turpie,
Davis,	Higgins,	Morrill,	Vilas,
Dixon,	Hill,	Murphy,	Voorhees,
Dolph,	Hoar,	Platt,	Washburn,
Faulkner,	Hunton,	Proctor,	White, La.
Frye,	Lindsay,	Quay,	

NAYS—31.

Allen,	Coke,	Kyle,	Roach,
Bate,	Daniel,	Martin,	Shoup,
Berry,	Dubois,	Pasco,	Stewart,
Blackburn,	George,	Peffer,	Teller,
Butler,	Harris,	Perkins,	Vance,
Call,	Irby,	Pettigrew,	Walthall,
Cameron,	Jones, Ark.	Power,	Wolcott.
Cockrell,	Jones, Nev.	Pugh,	

NOT VOTING—10.

Allison,	Gordon,	Morgan,	Wilson.
Chandler,	Hansbrough,	Palmer,	
Colquitt,	Mitchell, Oreg.	White, Cal.	

Here, Mr. President, is the last legislative act of great importance affecting our coinage—the fourth act which I have cited which disestablishes the gold piece as unit of value; the fourth act that refutes the pretension of this bill that we are now upon the gold standard.

It recognizes that the gold unit had been displaced previous to its passage, and—mark its phraseology—it does not promise to bring about, but to "continue the use of both gold and silver"—in what character? "As standard money." "Continue," that is the word. And it pledges this Government solemnly to direct its efforts steadily to such safe system of bimetallism as will maintain the equality of the coins. How do these allegations affect and how do these promises of performance consist with the pending bill?

How do these sentences, "Continue the use of both gold and silver as standard money," made in 1893, and "Continue the dollar consisting of 25.8 of gold nine-tenths fine to be the standard unit of value," agree with each other? And would any man believe that one man or one set of men could be the authors of or sponsors for both sentences? And yet, Mr. President, they who made the one declaration are now undertaking to make the other.

The nice and specific particularity with which the Republican party is impeaching itself and its legislative record is a picture that no language of mine could fitly describe; and I shall simply leave the picture for such contemplations and reflections as it may fitly inspire.

But these are not the only statutes which recognize the existence of the double standard of gold and silver. Our borrowing acts and our paying acts, as well as our coinage and currency acts since 1873, are all of one import. First comes the act to strengthen the public credit, of March 18, 1869, providing that our notes and interest-bearing obligations alike be payable "in coin or its equivalent, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold or silver." So both in its declaration and its exception it points to gold or silver as the medium of payment.

Next comes the act to provide for the resumption of specie payments, to begin on the 1st of January, 1879. Its very title indicates its nature. It was to "resume" or return to something that had been suspended. What was that? Gold payments? Never! "Specie payments"—that was what was to be resumed, and "specie" was no more nor less than the gold and silver of the Constitution.

Look in the body of the act and there are no less than four provisions that show gold and silver to be the standard of payment, and not gold alone. We have (1) the provision for coining minor silver coins to redeem fractional currency. Then (2) the express declaration for the redemption, on and after January 1, 1879, of the Treasury notes "in coin," not in "gold," not in "silver" coin, but "in coin," whether of gold or silver. Then (3) the provision for the use of any "surplus moneys" by the Secretary of the Treasury to provide for the redemption of the greenbacks, not gold surplus, not silver surplus, but any surplus; and (4) the provision for the issue of bonds to provide for the redemption. What kind of bonds? Gold bonds? No. Silver bonds? No, but coin bonds.

Next came the resolutions passed on the 25th of January, 1878, by a vote of 43 to 32 in the Senate, and by the House of Representatives January 29 by a vote of 189 yeas to 79 nays, just fifteen days before the Bland-Allison Act, which resolution was offered in this body by Hon. Stanley Matthews, afterwards a judge of the Supreme Court. The recital of this preamble tells the history of the various acts that preceded it, and the declaration of the double standard of our obligations responded to the sentiment and to the vote of Congress and the sentiment of the country.

There were many eminent and respectable names among those who voted for this resolution, among them Judge Matthews himself, afterwards a judge of the Supreme Court; Judge Davis, of Illinois, who had been a judge of the Supreme Court; Mr. Windom, who became Secretary of the Treasury; Mr. Carlisle, who became Secretary of the Treasury; Mr. Burchard, who became Director of the Mint; Mr. CANNON, and General Cox, of Ohio, and Mr. Keifer, of Ohio, and Kelley, of Pennsylvania, and Sunset Cox and Durham, Ewing, Turner, Sayler, Sparks, Springer, and Tucker.

The most eminent men in the public life of this country sustained that legal proposition, but it is now contended that we are upon the single unit of gold.

Before I leave this branch of the subject, let me say that if we look beyond law to equity, all the equity is in favor of silver as a medium of payment equal to gold; bond creditors should indeed be glad to get silver, for it is true, as I showed in 1893, giving the official letter from Hon. John Sherman, Secretary of the Treasury in 1878, to Vice-President Wheeler, then President of this body, the total amount received into the Treasury up to that time, viz, April 22, 1878, for the bonds of the United States was $4,448,334,810.27, and the total amount of coin in this sum was only $979,627,987.72—less than 25 per cent in coin.

The currency paid for the bonds was worth about 60 cents on the dollar; and when the creditor side makes 40 per cent by being paid in coin it is pretty hard to see that it has any equity that calls for any larger payment.

We have it upon the authority of a leading Republican who has recently published a statement that the great London banker, Mr. Rothschild, when these measures were pending years ago as to the issue of bonds, said:

I would rather have them payable in coin, for, at the rate gold is being produced now, and in anticipation of the enlarged production in the near future, it is not impossible that silver may be the better money when the bonds mature.

It was therefore not only consistent with the clear meaning of the language, but consistent with the natural projections of finance, to take the chances between silver and gold, and having taken the chances, the chance on the part of those who made the contract should be legally abided by.

But I turn to the decisions of the Supreme Court of the United States. There are a number of them. I need give but one, the case of Bank *vs.* Supervisors (7 Wallace, 29). Said the Chief Justice, delivering the opinion:

Every one of them expresses upon its face an engagement of the nation to pay the bearer a certain sum. The dollar note is an engagement to pay a dollar, and the dollar intended is the coined dollar of the United States, a certain quantity in weight and fineness of gold or silver authenticated as such by the stamp of the Government.

The acts and declarations of our highest administrative officers are in line with the statutes and the decisions of the court. Not that they have been consistent. They have not been so. Many of them have been calculated to mislead and to deceive.

We can understand the man who says that it is, in his opinion, wise and expedient that we shall adopt the gold standard. I do not understand him who contends that we are upon it, except that he is indulging himself in what I shall term here a fanciful expression.

In February, 1895, the Cleveland Administration sold to certain bankers $62,315,435 bonds, payable "in coin," and President Cleveland, in a special message to Congress, recognizing that we were not upon the gold standard, but that coin meant the double standard, declared that there was—

such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter, as represented by three-fourths of a cent in annual interest. In the agree-

ment just concluded the annual saving in interest to the Government, if 3 per cent gold bonds should be substituted for 4 per cent coin bonds under the privilege reserved, would be $539,159, amounting in thirty years, or at the maturity of the coin bonds, to $16,174,770.

But why need I continue an argument the conclusion of which is so self-evident? Our friends who are now the advocates of this bill have themselves heretofore refuted their own proposition. I read now from the political platforms of the year 1892. There were three parties in the field in that year—the Republican, the Democratic, and the Populist. They agreed upon one thing—in pledging their fidelity to bimetallism. There is no better statement of the case than that made in the Republican platform of that year. I have heretofore indorsed it and I indorse it now, both in its historical recitals and in its legal and logical conclusion. It declared:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

The Democratic party at Chicago made a stout and explicit utterance in favor of practically the same principle:

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for minting; but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value.

The Populists demanded the free and unlimited coinage of silver at 16 to 1. The President who was elected, to wit, Mr. Cleveland, declared in accepting this bimetallic standard platform—

I find much relief in the reflection that I have been selected merely to stand for the principles and purposes to which my party is pledged and for the enforcement and supremacy of which all who have any right to claim Democratic fellowship must constantly and persistently labor.

On what particular day or at what particular time his Administration ever labored in behalf of the doctrine which they proclaimed their espousal of I have never been advised, but I do know the fact and am witness to the fact that they did labor to repeal the Sherman law without a substitute, and that all promises which floated in the air as to what they would do thereafter remained floating in the air.

The United States has never been at any time actually on the gold standard. It was only nominally and theoretically so between February 12, 1873, when the gold-dollar piece was declared unit of value, until February 28, 1878, when the Bland-Allison Act made the silver dollar again co-standard and co-unit of value. The gold piece was made unit of value in contemplation of the resumption of specie payments, which was to take place on the 1st of January, 1879, and which it was desired to make take place in gold, but before that time it was no longer so. The declaration of the statute was never effective. It was dead before it was formally killed, annulled, and buried.

Mr. President, I object to this bill in that it declares in the first section that which is not true as a matter of fact or as a matter of law. If we want to go to the gold standard we have the power to do it, but let us not go to the gold standard in false disguise. There are other objections to the bill, and one of them is that it affirms the continuance of a thing which has long ceased to be.

I am not unmindful of the fact that the Treasury Department under all Administrations has held the reserve fund of $100,000,000 in gold as security for the redemption of the greenback United States notes in gold, although our statutes only require that they shall be redeemable in "coin." It is not true that the Treasury construes the word "coin" to mean gold any more than it means silver; but as it means both gold and silver the Treasury has exercised its option to select gold, and its selection of gold as one of the media of payment has been called by some the adoption of the gold standard, whereas it is a mere exercise of discretion under the double standard.

The next objection to this bill is that it perpetuates "the endless chain" which has opened wide the vaults of the Treasury under the discretion of the Secretaries, and will now under this bill open them wide to future gold raids under the express command of law. What has been a bad practice and an ill administration is made under this bill a legal necessity.

The "endless chain" is that system of Treasury mechanism by which gold has been taken out of the reserve fund by the presentation of United States notes for redemption, and then replenished by bonds or otherwise, only to be taken out again by the reissues of the same notes or the presentation of other notes which are redeemable on demand in "coin."

Our experience under the Cleveland Administration is still fresh in the memory of the people, and it is not likely to be forgotten. When that Administration came into power on the 4th of March, 1893, the retiring Secretary of the Treasury, Mr. Foster, had already in preparation bonds to be issued to obtain specie for redemption purposes, and the panic of 1890 was still on hand.

The causes of the panic were well known to those who studied commercial reports, for it had been portended by increasing failures from the year 1888, and it had been precipitated in 1890 by the acuteness of stringent conditions. When this stringency pressed severely onto Great Britain, the Barings failed and the panic came.

For a while the rapid issue of silver money under the Sherman law of July 14, 1890, mollified conditions here, but in 1893, in order to dislodge silver, there came a general hue and cry from the banks and other capitalistic sources that the silver which was relieving panicky conditions was the cause of them. The associated banks refused discounts unless that law were repealed, and under the influence of this massive force and the active use of patronage by the Cleveland Administration the end was accomplished.

But, Mr. President, much of the surrounding argument in favor of the repeal was mere stage play.

In the report of the British commission known as the Herschel report it had been said that—

The closing of the Indian mints would no doubt make it more likely that the United States would give up buying silver.

The Indian mints were closed to silver coinage in the summer of 1893, and quickly thereupon came the Cleveland message convening Congress in urgent special session to repeal the Sherman law—co-responsive to the British plan, which was to lead off in India and have the United States follow.

The Sherman law was repealed November 1, 1893, ere the Cleveland Administration was a year old; but the effects promised were not realized, and the country dragged along at a weary pace until that Administration departed. During its existence our Treasury was used to furnish Austria and other European monarchies with gold to prepare them for the gold standard, and bonds issued at less than their market value were used to replenish the gold dipped out of the Treasury by greenbacks.

This ill system of which we have had so startling and profound warning is enlarged perpetually in this bill. Instead of $100,000,000 gold reserve behind the greenbacks, we are to have under this bill a bigger, larger, and stronger endless chain. The gold reserve is to be $150,000,000; and all the United States notes or greenbacks and the Treasury notes given in purchase of silver bullion to be coined, and which are specifically payable in silver, with the discretion to pay them in gold, are to be redeemable out of this reserve fund.

This reserve is to be refreshed by exchanging the notes redeemed for any gold coin in the general fund of the Treasury, or for deposits of gold coin at the Treasury or any subtreasury. And then if the fund shall fall below $100,000,000, it is to be lifted back to the maximum by borrowing money. And so the endless chain, continually winding up and running out, may pile up any amount of debt on this nation until it is taxed and worried into retiring the obligations resting upon them—a step contemplated, but postponed now until a more convenient season. It would not do to undertake that which is projected pending a Presidential election.

We again object to this bill because it annexes us to the single gold standard of European nations, thus making their system a part of our system; thus opening us to the evil effects of anything that affects them; thus making our nervous financial system a part of their nervous financial system; thus placing us upon the most perilous and unstable standard of money that the art of man could now invent.

The exhaustion of a gold mine, or the segregation of a gold mine from commerce, would then abbreviate the supply of gold, and gold being the only source of metallic monetary supply, its diminution would be felt throughout the commercial world.

INSTABILITY OF THE GOLD STANDARD.

It is vain for the opposition to talk of gold being a stable standard of value. It can never be stable as long as any uncertainty exists as to the amount of it that will enter into the circulation. Look at the figures as to its production and you see that it is but as mercury in a thermometer, running up and down and in perpetual movement, varying in amount and varying in value just as it is the more or less produced. And even if some edict could be issued fixing the precise and invariable amount of gold that should compose the money of nations, no stability could be imparted to its value. Its amount, indeed, would be stable, except that the moth and rust might still corrupt and thieves break in. But population would increase; business would increase; development here and there would go on.

The world would still turn round and round—new lands would be opened, and new enterprises started, and new inventions made. As new demands pressed for gold its value would increase, and stability in its amount would be the instant and sure cause of its variability in value.

The fact is, no dollar of any kind ever was or ever can be invariable in commercial value, for a dollar is worth what a dollar

will buy, and every day the prices of what man needs and buys with a dollar change, and run up and down and skip about with ever-evasive nimbleness.

The only invariability that a dollar can have is that which law gives it, in the amount of taxes and debt that it will pay, and that is its legal-tender quality.

The fathers of the Republic discerned and knew this truth. They provided that Congress should coin money and should regulate the value thereof; not the commercial value, but the only one stable value that can be imparted to the thing; and when the monometallists of this country took away from silver that one constitutional, common-law, and historic value, they cast it out as a wanderer upon the face of the earth and disinherited it from its kingdom.

We object to this bill because it lets down the value of silver and purports to reject that metal finally as one of the money metals of the country. Who is there that can foretell the consequences of this act in this respect? Who can measure the calamity that it may bring upon our country and upon the human race?

In the work of Richard P. Rothwell, editor of the Engineering and Mining Journal, called "Universal Bimetallism," published in 1896, there are some words of warning to gold monometallists worth considering. Events since 1896 have tended in accordance with his foreshadowings, but their effect has been relieved to a degree by the large production of gold. Were that arrested, they would be more acutely felt.

Mr. Rothwell says, page 14:

> When once the conviction had become general that silver would no longer be a money metal, and that its value would depend upon its physical properties alone, and would be regulated, as is that of other metals, by the surplus stock on the market, then the demand for silver in the arts would heavily decline. Indeed, no one would buy silver to-day at 75 cents per ounce if he believed that within a year it would be worth 40 or 20 cents.
>
> The glamour of traditional value in money having disappeared and there being an enormous stock of the metal on hand, its price would probably sink not only far below cost of production but even below its intrinsic value as a metal; but where the market price would stop, whether at 50 cents, at 30, at 20, or at 10 cents per ounce, no one can tell.
>
> Aside from its use in money it would find such limited use at even 20 cents an ounce that the stock on hand would supply the market for very many years, and it is unlikely that, if universally demonetized, the present stock could be marketed promptly at even that price. It is true the whole amount might not be sold at the assumed minimum price, but there would also be a considerable loss on the subsidiary coinage, which would have to be increased in weight to prevent counterfeiting when the value of the metal declined so heavily.
>
> The actual loss through the demonetization of silver would not by any means be measured by this sudden destruction of, say, $2,000,000,000 in the value of the world's stock of silver money. The silver-basis nations would necessarily be obliged to buy gold and adopt the gold standard, and there would quickly result a general "scramble" for the metal. The inhabitants of India would "run for gold," and would buy it at any price with the silver they have. The United States would, very probably, endeavor to greatly increase its holding of gold; perhaps it might endeavor to buy and hold from $300,000,000 to $500,000,000, issuing bonds to pay for the same.
>
> What would happen if the United States should enter the market to buy even $100,000,000 of gold; the Indian government and the native Indians, even $300,000,000; Mexico, South America, Japan, China, and the rest of the silver world, even only $300,000,000 of gold; or in all, say, $800,000,000, should no European country join in the "scramble?" What would be the effect of such an advance in the purchasing power of the then sole standard of values? Would it not close the workshops of the world and bring commerce to a stand? Can any man conceive the horrors and the barbarisms which would be the outcome of destitution and starvation caused by the general stoppage of the wheels of industry?
>
> The policy of allowing such a problem to "work itself out" is barbarous; its consequences are far too momentous to allow of such ignorant experimenting.
>
> Great Britain is the great commercial, the great creditor nation. She supplies every country with her manufactures and invests her enormous wealth in the securities, the bonds, stocks, mortgages, real estate, etc., of nearly every country.
>
> The amount of her holdings of foreign securities has been estimated by eminent authorities at something like $9,000,000,000, or more than the entire amount of the gold and silver money of the world. It is to her interest, infinitely more than to that of any other nation, that the purchasers of her manufactures, those who keep her factories running, the borrowers to whom she lends her wealth, should be prosperous and have a stable money.
>
> England, more than any other nation, can facilitate a happy solution of this problem; and she, by simply holding back and doing nothing, can precipitate these dangers and disasters which must inevitably follow the sudden change which is now taking place in the standards of values.
>
> With England's assent to some such plan as is here proposed, that of the world would probably be assured, so that the responsibility for the consequences of failure to adopt it or the credit for securing this great step in civilization will rest upon Great Britain. The United States, the Latin Union, South America, Mexico, India, and nearly all other countries would unquestionably favor a plan which would prevent a sudden change in the value of silver and that would promise such an immense improvement in their monetary affairs.

Silver has tended just as he predicted and just as any man could foresee that it would tend. But to-day, Mr. President, there is nearly as much silver money in the world as gold. This bill projects at all that money a blow which will be felt throughout the civilized world; and when the bottom is knocked out of so immense a mass of silver and the contemplation of the world is turned to its continued disfranchisement, he is a wiser man than I am if he can foretell what will happen. But certainly the tendency will not be such as to insure financial conditions or to continue the prosperity of the world.

The American delegates to the international conference defined bimetallism and international bimetallism, and defined them perfectly when they declared their policy to be—

> Unrestricted coinage of both gold and silver into money of full debt-paying power, at a uniform ratio in coinage between the two metals.

That was bimetallism, and adding the words "to be determined by an international agreement" they defined international bimetallism.

I am not opposed to international bimetallism. No one in the United States is opposed to international bimetallism. It would be a boon to the human race. But, Mr. President, the man who stops helping himself to wait for somebody else to come to help him is a traditional character and a ne'er-do-well. I am not willing that my country should refuse to help itself because it has danced in vain in attendance at the courts of European kings.

But let me remind my colleagues that no international agreement led to or constituted the now widely diffused gold standard. We are not now asked to adopt gold as the sole standard as any part of an international agreement. If we do it, it is not by contract with anyone else, but of our own free will. One nation led off for the gold standard—Great Britain, in 1816. Others have followed her. We are in the condition to reaffirm and lead off for the continuance and perfection of the double standard; and if we did, others would gladly follow us.

Men follow men who lead and nations follow nations that lead. We are a nation that can lead and that has led. If we choose to bring ourselves up at the end of a procession of subservient gold worshipers we can do it, but in doing it let us not forget that it is the gods who help those who help themselves.

We will have no bimetallism, Mr. President, if this bill shall pass, but a wretched, shifty, shriveled, dwarfed, humpbacked, head-bowed, broken-legged, lame, halt, and blind specter of bimetallism.

We have four metals in our currency—gold, silver, nickel, and copper. We had as well call the system proposed quadrimetallism as to call it bimetallism. What makes bimetallism is:

1. Equal coinage rights to both metals.
2. A fixed ratio of coinage.
3. Full legal-tender capacity, or
4. Full standard quality, which is the same thing.

None of these features will exist in silver or be projected or prospective to silver, if this bill passes. These features have been already mutilated and marred by our false doctrine. Now they will be erased. Silver will be a subsidiary currency like copper and nickel. It will be also a credit currency like greenbacks. Will it still, while it lasts, and before it is finally destroyed, have legal-tender quality?

I should like to submit that question to my honorable friends of the Finance Committee.

The House bill contains in its second section the following provision:

> Nothing herein contained shall be construed or held to affect the present legal-tender quality of the silver dollar, or of the subsidiary or minor coins, or of the paper currency of the United States, or the laws making national-bank notes receivable and payable for certain public debts and dues and obligations between national banks.

The Senate substitute contains neither these nor any similar words. Why were they left out? Is it intended at once to destroy the legal-tender quality of silver, of silver certificates, of the greenback currency? Altogether they amount to a billion of dollars. Should a question be left open as to their status? Certainly not. The matter is too large and too serious to be lightly dealt with. This provision should be put back in the bill. And then what? Why, then a vast part of our paper currency and a vast part of our metallic silver currency will be units and standards of value.

Mr. ALDRICH. I suppose the Senator must be aware——

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. With great pleasure.

Mr. ALDRICH. I suppose the Senator from Virginia must be aware that there is nothing in the Senate substitute which in any manner affects the legal-tender qualities of silver or its status in our monetary system.

Mr. STEWART. Will the Senator from Virginia allow me to call the attention of the Senator from Rhode Island to what it does? You propose to fund the entire debt in gold bonds and to make everything payable in gold. Silver will not do it, and that destroys silver.

Mr. ALDRICH. We make those bonds and nothing else payable in gold.

Mr. STEWART. Nothing else would include the entire indebtedness of the Government.

Mr. ALDRICH. Oh, no. If the Senator from Nevada will pardon me——

Mr. STEWART. You propose to fund the entire debt in gold bonds and to issue gold bonds. There will be no Government indebtedness but gold bonds, and silver will not pay them. That destroys the legal-tender quality of silver.

Mr. ALDRICH. I suppose the Senator from Nevada will admit that all obligations which are now by contract made payable either in silver or gold are not affected by this proposed legislation. We do not in any respect in the slightest degree take away from silver any of its qualities, legal tender or otherwise, or affect in any manner either the legal-tender notes or the silver or the United States Treasury notes.

Mr. DANIEL. Mr. President, the raison d'etre of this bill or the foundation of its existence is the theory of its sponsors that we are upon the gold standard, but as the Democrats dispute that fact, they want to clear away what they are pleased to dignify by the name of doubt. Why, then, when the Senator was clearing up doubt, or when the committee was clearing up doubt, did they leave a door so wide open for this question?

Mr. ALDRICH. There is no door wide open or shut about it. We do not change in any respect, by implication or otherwise——

Mr. DANIEL. Why do you take it out of the bill?

Mr. ALDRICH. Mr. President——

Mr. DANIEL. I understand the Senator. I want to go on and make my observations.

Mr. ALDRICH. Certainly.

Mr. DANIEL. Here comes, Mr. President, a bill from the House of Representatives which declares that it does not intend to interfere with the legal-tender character of Treasury notes, greenbacks, or notes; and here comes the committee and strikes that out of a substitute bill, while preserving many other features.

Mr. ALDRICH. Mr. President——

Mr. DANIEL. Then I say——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. Is not that designed to raise a question? Put the words back, and it ends the debate on that point.

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. I will yield for a question.

Mr. ALDRICH. The Senator from Virginia is undoubtedly aware that the House bill to which he has alluded contains a provision which makes all obligations, public and private, payable in gold, and puts at the end of that a provision that that provision shall not affect the legal-tender quality of silver.

Mr. DANIEL. And it contradicts itself.

Mr. ALLISON. It uses the phraseology of the present legal-tender act.

Mr. ALDRICH. Of the present act. There was no necessity of any such provision in the Senate bill, because there is nothing in the Senate bill which makes all obligations, public and private, payable in gold.

Mr. DANIEL. In my judgment, Mr. President, this provision of the House bill ought to be put in the Senate bill. The Senator's answer in debate will not be the law of this case.

But if the Senator be correct, let us see in what an attitude this country is placing itself. In the first section the bill declares that an old and rejected gold unit shall be hereafter the unit and standard of value. But if it be true that it will not be the unit of value and standard of value, but only a co-unit or standard of value with some $800,000,000 of greenbacks and Treasury notes, we would still in one end of the bill refute and contradict the legal conclusion of this first section, and the declaration that we are going upon a gold standard would be driven back and repulsed by a new declaration that we intended to preserve the silver standard.

Mr. President, merely declaring a country to have a particular standard does not decisively, conclusively, and perfectly work out the practical effect of the standard. I understand that the design, and perhaps the foremost design, of the authors of this bill is to make our public obligations payable in gold and in nothing else than gold. Now, I ask the Senator from Rhode Island this question: Should this bill pass, will our certificates be thereafter compulsorily payable in gold or only at the discretion of the Secretary of the Treasury?

Mr. ALDRICH. Neither, under the Senate bill.

Mr. DANIEL. Neither?

Mr. ALDRICH. Neither.

Mr. DANIEL. They will not be payable either in gold or silver.

Mr. ALDRICH. They will be payable in silver, of course. That was not the question the Senator asked. They will be payable in silver, of course.

Mr. DANIEL. He will have no discretion to pay? The $88,000,000 of Treasury notes will not be payable in gold if this bill passes?

Mr. ALDRICH. Treasury notes. That is not the question the Senator asked. He asked me about silver certificates.

Mr. DANIEL. I thought I asked about both.

Mr. ALDRICH. No.

Mr. DANIEL. How about Treasury notes?

Mr. ALDRICH. Undoubtedly the Treasury notes will be redeemable in gold.

Mr. DANIEL. And how about the greenbacks?

Mr. ALDRICH. Undoubtedly.

Mr. DANIEL. And silver certificates.

Mr. ALDRICH. The silver certificates will be redeemable in silver dollars as they are now.

Mr. DANIEL. And the Secretary of the Treasury will have no discretion to pay them in gold?

Mr. ALDRICH. None whatever.

Mr. DANIEL. In other words, then, this bill undertakes to destroy the discretion.

Mr. ALDRICH. Oh, no; he will have whatever discretion he has now.

Mr. DANIEL. That is what I asked.

Mr. ALDRICH. It does not take away from him whatever discretion he may have now.

Mr. DANIEL. Then, if gold is adopted as the sole standard of value and silver is no longer a standard of value——

Mr. ALDRICH. It never has been.

Mr. DANIEL. Do you think he could pay in something that was not a standard of value?

Mr. ALDRICH. The Senator must know that silver certificates are simply certificates of deposit, which, when required, it becomes the duty of the Secretary of the Treasury to pay in silver dollars to the holder of the certificates upon presentation.

Mr. DANIEL. I understand that is the case; but I am speaking about legislation on the subject.

Mr. ALDRICH. And the status of the silver certificate is not changed by this proposed law any more than the status of the gold certificate is changed. The holder of the silver certificate is entitled to take that piece of paper to the Treasury and get a silver dollar for it, if it is a dollar.

Mr. DANIEL. Then, as I understand it, according to the theory of this bill only the $346,000,000 of greenbacks and the $88,000,000 of Treasury notes are payable in gold.

Mr. ALDRICH. Are specifically redeemable in gold.

Mr. DANIEL. Specifically redeemable in gold.

Mr. ALLISON. Or actually.

Mr. DANIEL. Now, do I further understand that the Treasury notes which are now, at the discretion of the Secretary of the Treasury, payable in either gold or silver, can not be paid by him in gold? I mean the silver certificates. I called them by the wrong name. It is the Treasury notes of 1890.

Mr. ALDRICH. I hardly understand the question. If the Senator will repeat it, I will be very glad to answer it.

Mr. DANIEL. I will apply it to the silver certificates which were issued under the Bland Act. They will not be, as I understand the Senator, compulsorily payable in gold if this act passes.

Mr. ALDRICH. Certainly not. The status remains exactly the same as it was before.

Mr. DANIEL. They will be payable only in silver dollars. Then I should like to ask the Senator whether or not there is anything in this bill which reenforces the value of a silver dollar or which provides for maintaining its parity with gold? Suppose it is not at par with gold. What agency will the Secretary of the Treasury exercise under this bill to make it so?

Mr. ALDRICH. He will have the use of the same agencies by which he has kept silver dollars at a parity with gold in the past, if he has employed any such agencies.

Mr. DANIEL. If he has. Does the Senator know whether he has employed such agencies, and will he refer me to any statute in which such agency is provided for?

Mr. ALDRICH. We know that the result has been obtained by the Secretary of the Treasury. I am not certain about the method which he has employed; I am satisfied about the result, and I should be satisfied with that result in the future.

Mr. DANIEL. So, then, Mr. President——

Mr. ALLISON. Will the Senator allow me a moment?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. DANIEL. I will yield to a question or to information, either.

Mr. ALLISON. I will put it in the form of a question then. Is it not well known that silver dollars and silver certificates are receivable for all public dues of every name and character?

Mr. DANIEL. It is perfectly well known here. Everybody in the country knows it.

Mr. ALLISON. Including the salaries which we now receive.

Mr. STEWART. Not under this bill.

Mr. ALLISON. Of course.

Mr. STEWART. No; not under this bill. I will show you when I have a chance.

Mr. ALLISON. We will see later whether they are not. All salaries and all public dues are made payable in silver. Does the Senator not believe that that is an element which makes the silver certificate and the silver dollar equal in circulation to gold in our country? Not one thing——

Mr. DANIEL. I should like the Senator to make his own speech in his own time. That is what I am preaching to-day. He states my views of the case better than I can state them myself.

Mr. ALLISON. I will not interrupt the Senator further. I

will ask him a question. The Senator says we should incorporate in the Senate substitute the proviso in the first section of the House bill, which speaks of continuing the legal-tender quality of the greenbacks, etc. I wish him to explain to me what the House bill means, because he says we should incorporate it, when it says it is not the intention to interfere with the present legal-tender quality.

Mr. DANIEL. What this bill means?

Mr. ALLISON. What the House bill means, which he says we should incorporate in the Senate substitute, when it says the present legal-tender quality is not being interfered with.

Mr. DANIEL. It means exactly what it says, that it does not intend to alter the present legal tender.

Mr. ALLISON. The present legal-tender quality.

Mr. DANIEL. But I am suspicious of anything that comes in that way.

Mr. ALLISON. But that would be subserved by saying the legal-tender quality.

Mr. DANIEL. Now, the Senator from Rhode Island has thrown up the sponge as to the project of this bill, for we have $392,000,000 in silver money, either in the form of actual coined dollars or in certificates for them. While this bill sets forth in its title that it intends to maintain the parity of all forms of money, he has left this vast volume of our metallic money wholly unprovided for and out in the cold; and the only silver money that in this bill is predicated upon the $150,000,000 of gold reserve is the $88,000,000, as I understand it, of Treasury notes issued under the law of 1890.

Mr. ALDRICH. Will the Senator allow me to ask him one question?

Mr. DANIEL. Certainly.

Mr. ALDRICH. Does the Senator think that the silver dollars which are now outstanding need any particular care or redemption to preserve their parity or value?

Mr. DANIEL. I do not know that they do.

Mr. STEWART. Do they need any legislation to prevent them from paying the public debt?

Mr. DANIEL. I do not know that they do. But what I am discussing is the pretended theory and its lack of parity with the practical operation of this bill. While I have no doubt that there inheres in the bill the design and the ultimate purpose to accomplish as fast as possible the overthrowing of the immense mass of silver money in the world, when the actors have set forth their tentative steps they have bowed to the power of $392,000,000 of silver dollars in this country to work out their own support and sustain themselves; and while it is pretended upon the forefront of the bill that it is designed to maintain all forms of money at parity, it has left out one-half of that money unprovided for, or nearly one-half, showing, what bimetallists have always contended and what the honorable Senator from Iowa [Mr. ALLISON] has just so well expressed, that if we will put the dollar into metal the metal will maintain itself as a dollar.

I admit that there might be such an immense production of either silver or gold as to destroy the parity of the two metals, but the production of silver as compared to that of gold in the world to-day is much less than that of 16 to 1; and if the mighty agencies which have been employed to find gold in all parts of the earth had been directed to the maintenance of the double standard, I have no doubt that to-day the world's finances would be much better and that the prosperity of this country would be much greater.

Mr. ALDRICH. Will the Senator allow me to say just a word in that connection?

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. DANIEL. I will yield to any statement of fact, but I do not want the Senator to interject a speech into mine.

Mr. ALDRICH. I shall not do so.

Mr. DANIEL. I shall be very glad to have any information the Senator wishes to furnish.

Mr. ALDRICH. I want to express my personal opinion that the United States could maintain 392,000,000 dollars, each containing 412½ grains of copper, at a parity with gold if we should give this limited amount of these coins the same rights and privileges we now give to the silver dollars.

Mr. DANIEL. I am very happy to see that the Senator is so rapidly improving in his knowledge and appreciation of the genius of bimetallism. [Laughter.] He begins to state its theories almost as well as its advocates state them. I am pleased to have his confession and shall look for more hereafter.

Mr. President, of all the countries that ever were upon the face of the earth this country ought to stand by bimetallism. When we hear such able and experienced financiers as the honorable Senator from Rhode Island thus maintain the power of this Government is so great that it could transmogrify copper into equal value with gold and maintain it to the extent of three or four hundred millions, I hope that he will take opportunity to indoctrinate his constituents in such broad and liberal views and to recant some of the warnings which he has given them as to bimetallism.

Mr. ALDRICH. I trust there is not an intelligent citizen in the country who does not understand my statement.

Mr. DANIEL. I hope the Senator will not inject a speech into mine. I always delight to hear him talk.

Mr. ALDRICH. Very well; I shall not interrupt the Senator.

Mr. DANIEL. In the first place, Mr. President, this is a Republic; bimetallism is in the interest of the masses of the people of this Republic. Gold monometallism originated in imperialism, and to-day it is a more powerful agent of imperialism than all the guns in the parks of imperial artillery. It is supported by aristocracy, by autocracy, and by monarchy the world over. It is in their interest, and not in the interest of the masses of the people, and like to like the wide world over.

This, Mr. President, is not only a Republic, but it is an offspring of the British or English race. Silver existed as money before our forefathers came here. The first English charter, under which the earliest band of white men made their lodgment upon these shores, provided for a mint that they might coin their own money. Daniel Webster once declared that he was "certainly of opinion"—not dubiously—"that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard."

The spirit of the Constitution passes out of this bill and the spirit of imperialism enters the financial system of our country with the adoption of this gold standard. The honorable James G. Blaine, at one time the brilliant leader of the Republican party of this country, has left himself upon record in concurrence with the legal opinion of Daniel Webster.

I believe—

Said he—

I believe gold and silver to be the money of the Constitution; indeed, the money of the American people anterior to the Constitution, which that great organic law recognized as quite independent of its own existence.

We have always had bimetallism in this country, Mr. President, in more or less perfect form. We had it in the colonies; we had it in the Confederation, and for one hundred and seven years we have had it in the United States. "The American people, from tradition and from interest"—was the assertion of the Republican party—"favor bimetallism." Their traditions have not yet been broken; their interests as yet have not changed; and every Republican in this body or outside has stood as sponsor for this statement of facts.

We are still as much interested in bimetallism as we were then. First, because we are a bimetal-producing nation, and because this continent is a bimetal-producing continent. The United States and its next-door neighbor, Mexico, produce nearly seven-tenths of the silver of the world. Had we the world in arms against us, were we compelled to stand here and fight the other civilized nations of the globe, we have the metal money in our mines; we have all that can support and cherish the life of man in our fields; the God of our fathers has bestowed upon us all the gifts of nature that befit our perfect independence. Why, then, Mr. President, should we chime in with one nation or another nation, or with all the nations of the world, in treading down our history, our traditions, and our interests?

Here in the United States, Mr. President, as elsewhere, and more than elsewhere, everything is consolidating, everything is expanding—railroads, oil, tin, tobacco, spirits, wine, bread, meat, clothes—everything is in a trust, everything expanding—trade expanding, manufacturing expanding, population expanding, land expanding, the Government itself expanding and stretching itself over wide areas of territory and population.

Puerto Rico, Hawaii, Guam, and the Philippine Islands are new names in our American geography. They are new territories, and from ten to twelve million new inhabitants are under Congressional legislation. What has been their currency? Silver for the most part. What has become of it? It is mere bullion now, or held up by the sustaining arm of our Federal law or by military declaration at 60 cents on the dollar.

We must provide money for these people whom we have taken to us, and money for the seventy-odd millions of people that we have, and in a decade we shall have over 100,000,000 souls in our charge to provide for. What a calamity would a shrinking currency be to this immense mass of men! What a calamity if a few bank presidents could get together and tighten the money market at will! But it is proposed under this bill to refund all of our debt and to replace the stopped and destroyed silver mines by opening a mine of paper money, and predicating that upon gold and not upon silver.

I have not the time nor opportunity to go into that feature of this bill, and I have already detained the Senate too long. I shall bring my remarks to a close, Mr. President; but before I close I will indicate what would seem to me to be the policy of this country in contravention to the projections of policy contained in this bill. Not forgetting that all of our currencies are now at par,

not forgetting that gold up to date is flowing to this country, not forgetting that both agriculture and manufactures are continuing to bring gold here, I would stop discriminating and legislating against silver, and at least not attempt so radical a step in our finances as is here contemplated.

Pay your bonds in gold if you think it expedient to do so. To America this alone would be a bagatelle; and as to the rest, if the face and the hand could be turned to help silver and to perpetuate it, the bond matter might readily be disposed of. By itself it is insignificant. If paid in gold, the reason of such payment should be placed on the true ground of expediency, and should not be rested upon the preposterous, untenable, and illegal ground that we are bound either legally, morally, or equitably to do so.

Keep all our metal money at par. This we have done for a hundred years, either perfectly or approximately, as to silver, without any redemption of it; and the reassuring words of the honorable chairman of the Finance Committee to-day, that this country is so powerful and the legal-tender quality imparted to anything is so valuable we need not rest with any apprehension as to our future ability to do it without putting ourselves in debt.

Our present stock of silver can easily be kept at par with gold, as it has been since 1893, now nearly seven years. By the simple process of preserving its legal-tender quality we will preserve its par value.

Then, something more is to be done. Keep up and do not in any way relax or abandon an international agreement, and take the steps that will make it grow. Mexico would gladly unite and join with us for an international agreement. She holds on to silver. In the last three years she has become the first silver-producing nation of the world, going ahead of us.

The South Americans and Central Americans would join with us. Unite with them; make silver an American policy, an American creed, as we have done as to the Monroe doctrine; strike hands with that great Republic of Europe which was our friend in the war of the Revolution and which we can never think of without gratitude for the help that she gave us—strike hands with France, which, through her able financiering, is to-day maintaining at par $36 per capita for all her people and prospering, even under the immense burdens which have been heaped upon her; strike hands also in the far East, in our new possessions, in the Philippines, and in China, to which they project. There has been silver for the most part in the Philippines. That ocean of humanity which resides in Asia uses almost altogether silver, with recent innovations under the auspices of the gold propaganda.

With Cuba and Puerto Rico on one hand, with Mexico and the South American States and with the Philippines and China upon the other hand, who will say that the leading nation of the earth, with all its power and prestige, can not preserve the constitutional money of its people and maintain it as the very best money that the world has ever seen?

On the other hand, Mr. President, I can but feel that America is going back upon her rightful destiny and receding much from the great stand that she has always taken upon all questions which involve the prosperity and freedom and the betterment of the great masses of the people. Let our diplomatic powers of this country, in all lands, in all ways, try to build up that which autocracy, aristocracy, plutocracy, and imperialism are everywhere with united efforts trying to pull down.

Do as to silver that which England has done as to gold. One hundred years ago there was no single standard amongst the English-speaking race. How does it get here? In 1816 England, always a leading nation, always a bold nation, always a brave nation, went forward and laid down that law which was to her interest.

The very opposite law is to our interest. Let us do what she would have done had she been, as we are, a debtor nation and not a creditor nation; had she been, as we are, the greatest silver-producing nation of the earth, until we have commenced to dethrone ourselves; had she been, as we are, a nation abounding in raw materials and in food products; had she been, as we are, a new and undeveloped nation, with opportunities all around us waiting for money and enterprise to assume, adopt, and take up—yea, Mr. President, had her fortunes been united, as our fortunes are, with the elevation of the human race from the bottom and with the enlightenment and betterment of all mankind.

I would turn my face, Mr. President, against imperialism in any shape. It is in liberality, it is in breadth of view, it is in tying ourselves to those things that stay throughout the ages, and not to the fashion of a day, that this Republic will best work out its destiny.

I know, Mr. President, or at least I feel, that in this body at present gold is conqueror. The conquest of the world by gold has been the most momentous fact in the history of modern times. It is in Austria-Hungary, it is in Brazil, it is in Costa Rica, it is in British Honduras, Chile, Denmark, Egypt, Finland, Germany, Great Britain, Japan, Norway, Peru, Portugal, Russia, Sweden, and Turkey; and among the nations who have sought to discredit silver and to put it down to be minted, not on private but only on public account, are the United States, Belgium, France, Holland, Italy, Spain, India, Switzerland, Greece, and Venezuela.

When one sees this immense array of great nations nearly everywhere adopting the gold standard, he may feel for a moment discouraged in the effort to restore and build up silver. But, Mr. President, can not anyone discern beneath the gilt that is being spread all over the world a danger which it itself produced? If only a few great nations had adopted the gold standard, the rest might take silver; but the debts of the world have been doubled in the last forty years, and they are still increasing.

They were $13,000,000,000 in 1862; they are over thirty-two billions now; and all the tendencies of the future are toward the increase of this indebtedness and toward the decrease and letting down of the medium of payment. Ought we not to make a stand? Is it wisdom for us to follow them? Does liberty go with their standard or does power and the betterment of securities?

Gold, Mr. President, is now the conqueror in the United States; and perhaps those of us who regret it should say to it as it passes up to its throne:

Te Cæsar morituri salutamus.

But, Mr. President, it goes to that throne with omens in the air which he who will may read. On the very day that the gold bill passed the House of Representatives the bank rate of discount in Berlin was raised to 7 per cent. The Northern and London Bank, of London, England, with a capital of $10,000,000, suspended payment, and there were heavy failures on the London Stock Exchange. On the same day the Produce Exchange Trust Company failed in New York. If it had been a silver bill that passed that day instead of a gold bill, how every mercantile journal in the United States would have raised its voice in holy horror, and, pointing to the Congress, said, "Behold what these anarchists are doing!"

Uneasiness, Mr. President, has pervaded and still deeply pervades the market, and the united capitalists of the world have used and are using every effort to sustain it. They want everybody to feel good and prosperous and happy while their pet project is in course of parturition. Meanwhile, Mr. President, silence reigns in the country, and reigns here for the most part. No petitions are being presented to us in favor of the gold standard. Its advocates elsewhere are for the most part silent, and they prefer silence here; but a majority is here, grim and silent as the guillotine, ready to do its work.

In the meantime elsewhere the work of gold goes on. The East has been the great market of the world's silver; and the ocean of humanity in China, in India, and in other regions of the East has sucked in with perpetual appetite the silver resources of the world, but in 1893 the great imperial nation from which we are descended stopped the India mints. There has been a great famine in that country since, and there is a great famine there now.

As Lord Hamilton said, it is not a famine for bread, but a famine for money. It takes to-day about twice as much for the poor Indian people to pay their debts to Great Britain as it did in 1893; and that nation, prostrate and wretched as it is, with silver that it can not use, sighs for gold that it can not get.

Mr. President, the decree went forth in 1893 for us as it did for the Indian people. The inventive genius, the great energy, the vast resources of the American people have enabled them not only to survive that blow, but to a return to some measure of prosperity, but be not unmindful that that prosperity is very much like snow that falls in a storm. It is drifted. Wherever there is a great combination and a trust, there prosperity is deep; and wherever it does not exist, the ground is bare.

This country is not developing with an even and steady tread; its development is spotted, sectional, and unevenly distributed. It is not the healthy growth in which all the limbs are growing naturally and in just proportion, but where a limb here and there is shooting off into a rapid and sturdy growth, and in which others are shriveling. Whether the statemanship of this country will be equal to the task of resolving these conditions without catastrophe I know not.

But, above all things, it is clear to my humble conception that the duty of the American people is to hold fast to that which they have long had and to that which they have, and not to give way before the line of monarchs from the Old World or from the New that are endeavoring to induce them to adopt the gold standard.

I believe, Mr. President, that reversing our policy for gold and marching back for silver and gold, even as those nations have marched for gold, we can yet avert the catastrophe which overshadows the future and threatens the prosperity of mankind.

So believing, I shall stand by the dollar of the common law, by the dollar of the Constitution, by the dollar of America, which to-day, erect, proud, self-sustaining, and triumphant, is worth as much as when it first emanated from the mint over a century ago and which will go on to fulfill its mission for the betterment of this people if not interrupted by unwise laws. [Applause in the galleries.]

The PRESIDENT pro tempore. The Chair would remind the occupants of the galleries that applause is not permitted.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 41) to authorize the President to place Andrew Geddes on the retired list with the rank of captain. It is a short bill, which has heretofore passed the Senate.

Mr. TELLER. I do not object, but the Senator from Nevada is on the floor and wants to address the Senate.

Mr. GALLINGER. I beg pardon.

Mr. STEWART. I wish to make a few remarks in this connection.

Mr. PETTUS. Will the Senator from Nevada yield to me for a moment to offer an amendment?

Mr. STEWART. I yield.

Mr. PETTUS. I submit an amendment to the bill under consideration.

Mr. VEST. Let it be read.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. It is proposed to insert at the end of section 1 as amended in the Senate, and as a part of said section 1, the following:

Gold coins and silver dollars coined by the United States shall be a legal tender in all payments at their nominal value when not below the weight and limit of tolerance provided by law for the single coin, and when reduced in weight below such standard and tolerance shall be a legal tender at valuation in proportion to their actual weight.

Mr. STEWART. Mr. President, I rise to correct a misapprehension, and I should like to have the attention of the Senator from Rhode Island. I maintain that this bill destroys the full legal-tender power of the silver dollar. The House bill does it also, but particularly the Senate substitute. The first section of the Senate amendment makes it the duty of the Secretary of the Treasury to maintain the parity of value of all the coins and all the money issued by the United States. That parity has hitherto been maintained by the legal-tender power of the silver dollar being equal to the legal-tender power of the gold dollar, and with all the discrimination against the silver dollar it has stood firm, worth a dollar. That legal-tender power is to be taken away from it, and in order to maintain the parity they have to do other things which are provided in this bill. The first provision is for a reserve of a hundred and fifty million dollars, and it is provided that that reserve shall be gold. Now, the reserve created by the Department was a coin reserve, but this provides that it shall be a gold reserve. That takes away the functions of silver, for silver could be in the reserve as well as gold, if you had a coin reserve. That is another point.

Mr. WOLCOTT. Will the Senator from Nevada let me ask him a question? I have listened, but could not hear some of the utterances of the Senator. Does he maintain that this measure will take away the legal-tender power of the silver dollar?

Mr. STEWART. It takes away the legal-tender power of the silver dollar.

Mr. WOLCOTT. Has anything the Senator has said up to this time indicated that the legal-tender power of the silver dollar is taken away?

Mr. STEWART. No. What I have said up to this time shows that it makes it the duty of the Secretary to maintain the parity.

Mr. WOLCOTT. Ah, yes.

Mr. STEWART. And what follows shows that there will not be parity unless he avails himself of those things. It takes away the legal-tender power of the silver dollar so far as the reserve is concerned. It substitutes a gold reserve for a coin reserve.

Then it goes further and provides that the reserve shall be replenished from time to time, if it fail to be sufficient, by the sale of 3 per cent gold bonds in unlimited amount. They are to be payable in gold, not payable in gold or silver, as our present bonds are. All the bonds which have been issued heretofore are, in so many words, payable in coin of the standard value of July 14, 1870. Now, the bonds to be issued under the proposed act are payable in gold. That takes away the function of silver.

Then, again, this bill makes it the duty of the Secretary of the Treasury to receive all outstanding bonds and to issue therefor gold bonds, so that the entire indebtedness will be gold. Every national obligation now outstanding by the express terms of the statute is payable in coin of the standard value of July 14, 1870, but by this proposed act all the bonded obligations will be payable in gold. That takes away the function and debt-paying power of the silver dollar.

Mr. WOLCOTT. Do I understand the Senator to say—I ask for information merely—that a provision of the new law which contemplates the issuance of bonds, interest and principal payable in gold, takes away from the present silver dollar its legal-tender quality?

Mr. STEWART. Yes. You understand me to say exactly that.

Mr. WOLCOTT. I hope the Senator will be more extended than usual and explain to us how, for I am sure I can not understand it.

Mr. STEWART. I will show you. It does it in the same manner that the legal-tender power of the greenback was taken away, by saying it should not be received for interest on the public debt and in the payment of customs dues. That crippled its power. They organized a gold board at once. If the silver dollar will not pay a Government debt it is nonsense to talk of its being a full legal-tender dollar. It is the full legal-tender power which has kept the silver dollar where it is.

Mr. WOLCOTT. Suppose a railroad company issues a bond payable in gold, as many of them have done, or suppose money was lent, as it sometimes is in the West and in other parts of the country, principal and interest payable in gold, is silver thereby robbed of its legal-tender quality?

Mr. STEWART. Yes, to that extent; but not by the General Government. With all the obligations of the Government payable in gold alone, to tell me that silver stands on the same footing with gold is ridiculous. The bonded obligations of the Government are to be payable in gold, and you provide here for an unlimited bonded debt. Every time the reserve falls below the specified limit it is the duty of the Secretary of the Treasury to sell more bonds.

Then comes along right here the duty to maintain the parity. He can very properly under that say that customs dues must be paid in gold because it requires gold to pay the debt; that we can not discharge the obligation. Under this bill the silver dollar is no longer full legal tender. It is robbed of that, and when you commence to rob it of its full legal tender you degrade it and you will have to redeem it under the provision requiring——

Mr. TELLER. That is what they want to do.

Mr. WOLCOTT. I should like to ask the Senator a question.

Mr. STEWART. They will find a way to redeem it under the provision which requires parity. Mr. Carlisle said that under the law, where it was full legal tender, if it fell below par and was presented for redemption he would redeem it in gold; that he was authorized to do it.

Mr. WOLCOTT. One more question. If by the provision of a law silver notes were redeemable only in silver and not in gold, is gold robbed of its legal-tender quality thereby?

Mr. STEWART. Yes; to that extent.

Mr. WOLCOTT. Then gold ceases to be full legal tender.

Mr. STEWART. It has been as much redeemable in gold as in silver heretofore.

Mr. WOLCOTT. But would a provision of law that silver certificates should be redeemed only in silver rob gold of its legal-tender quality?

Mr. STEWART. They are not robbed at all. They are simply——

Mr. WOLCOTT. Oh, I understand.

Mr. STEWART. It is a mere certificate of deposit.

Mr. WOLCOTT. I see.

Mr. STEWART. They are merely depositing silver, and have a right to return it. It is not legal tender. It is not a parallel case at all. This bill takes away from silver its debt-paying power as to all Government obligations. It will very soon be taken away on everything else. Under the obligation to maintain parity the Secretary can very well say that he has got to redeem the silver dollar, and he will redeem it, as Mr. Carlisle said he would, under the law as it then stood. When silver, so far as legislation is concerned, was on precisely the same basis as gold, full legal tender, he said he would redeem it in gold, if necessary, in order to maintain its parity with gold. But it being full legal tender, the necessity never arose. But now silver can not be used to pay the public debt, and the reserves are all in gold. Silver has very few uses. The only uses left are private. They will very likely require its redemption in gold, and it will be very easy, in order to get rid of it altogether, to present it to the Treasury and require payment in gold. The Secretary can redeem it in gold and issue more bonds. It will be an excuse for more bonds. There is to be a reserve of a hundred and fifty million dollars. If the reserve falls below $100,000,000, he can sell bonds. To tell me that under the machinery of this system the silver dollar will still exist, with all the functions it had before, is to tell me that I do not know anything at all; that my senses are gone.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 31st ultimo approved and signed the following act and joint resolution:

An act (S. 1933) to provide an American register for the steam whaler *Bowhead;* and

A joint resolution (S. R. 3) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann.

The message also announced that the President had on this day approved and signed the act (S. 2179) relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes.

HOUSE BILLS REFERRED.

The bill (H. R. 1092) to set apart a portion of the Arlington estate for experimental agricultural purposes, and place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

The bill (H. R. 7739) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. J. Res. 77) to provide for pay to certain retired officers of the Marine Corps was read twice by its title, and referred to the Committee on Naval Affairs.

TREATY OR AGREEMENT WITH SULTAN OF SULU.

The PRESIDENT pro tempore. The Chair lays before the Senate the following message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate of the United States:

In compliance with a resolution of the Senate of January 24, 1900, I transmit herewith "a copy of the report, and all accompanying papers, of Brig. Gen. John C. Bates, in relation to the negotiation of a treaty or agreement made by him with the Sultan of Sulu on the 20th day of August, 1899."

I reply to the request in said resolution for further information that the payments of money provided for by the agreement will be made from the revenues of the Philippine Islands unless Congress shall otherwise direct.

Such payments are not for specific services, but are a part of the consideration moving to the Sulu tribe or nation under the agreement, and they have been stipulated for, subject to the action of Congress, in conformity with the practice of this Government from the earliest times in its agreements with the various Indian nations occupying and governing portions of territory subject to the sovereignty of the United States.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 1, 1900.*

The PRESIDENT pro tempore. The Chair would like advice as to what to do with this message.

Mr. COCKRELL. I move that the message and accompanying papers lie on the table, and that they be printed.

The motion was agreed to.

SUFFRAGE IN NORTH CAROLINA.

The PRESIDENT pro tempore. The Chair wishes to lay before the Senate a request from the Senator from North Carolina [Mr. BUTLER] which, in his necessary absence, he requested the Chair to give. The notice will be read.

The Secretary read as follows:

That on Tuesday, February 6, after the routine morning business, he will address the Senate on the suffrage resolution offered by his colleague [Mr. PRITCHARD].

ANDREW GEDDES.

Mr. GALLINGER. I now ask unanimous consent to consider the bill (S. 41) to authorize the President to place Andrew Geddes on the retired list with the rank of captain. A similar bill has passed the Senate once or twice before, and I think it will not lead to discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CARTER. Is there a report connected with the bill?

Mr. GALLINGER. There is a long report from the Committee on Military Affairs.

Mr. CARTER. Of this session?

Mr. GALLINGER. Of this session; certainly. A similar bill passed at the last session without objection at all. The report was read, I remember, in the last Congress.

Mr. CARTER. Let the report be again read. I should like to hear what it is.

Mr. HOAR. I understand it is a very long report, and I suggest to the Senator from New Hampshire that instead of reading the report he state the substance of it.

Mr. WOLCOTT. We should like to hear the report.

Mr. GALLINGER. As other Senators have little matters that they would like to have attended to, I withdraw my request, for the purpose of permitting Senators to examine the report. I know that no Senator will object after he has read the report. I will ask consent to-morrow or some other time for its further consideration.

AGREEMENT WITH THE FIVE CIVILIZED TRIBES.

Mr. PLATT of Connecticut. I desire to obtain an order of the Senate, which I send to the desk.

The PRESIDENT pro tempore. The proposed order will be read.

The Secretary read as follows:

Ordered, That the Secretary of the Senate be directed to withdraw from the files of the Senate and transmit to the Secretary of the Interior a copy of the agreement between the United States commissioners to negotiate with the Five Civilized Tribes and the commissioners on the part of the Creek (or Muscogee) Nation, concluded at Muscogee, Ind. T., February 1, 1899.

Mr. COCKRELL. That is in response to the request of the Secretary of the Interior?

Mr. PLATT of Connecticut. The Secretary of the Interior asked that the agreement should be returned for the purpose of amendment.

Mr. COCKRELL. I supposed it had already been done.

The PRESIDENT pro tempore. The question is on the adoption of the order.

The order was adopted.

YELLOWSTONE NATIONAL PARK.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator from Colorado yield to me?

Mr. WOLCOTT. I withdraw the motion for the present.

Mr. WARREN. By the courtesy of the Senator from Colorado, I desire to call up the first bill on the Calendar, the bill (S. 198) to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886. It was passed over a couple of days since, when I was absent. A similar bill passed the Senate three times heretofore, and it will lead to no discussion.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has heretofore been read.

Mr. SPOONER. What is the amount involved in the bill?

Mr. WARREN. Seven thousand seven hundred and eighty dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAW, OKLAHOMA AND GULF RAILROAD.

Mr. JONES of Arkansas. I ask unanimous consent to call up the bill (S. 2354) authorizing railroad lines in Indian Territory to lease or consolidate continuous lines under certain circumstances.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That it shall and may be lawful for the Choctaw, Oklahoma and Gulf Railroad Company to purchase the railroad and other property of, or to consolidate with, any other railroad company incorporated under the laws of any State or Territory of the United States whose lines may now or hereafter form a continuous line of railroad with it, either directly or by means of an intervening railroad, upon complying with the regulations and requirements of the laws of the State or Territory in which such road is located, applicable to such purchase or consolidation.

SEC. 2. That for the purpose of perfecting such purchase or consolidation it shall be lawful for said Choctaw, Oklahoma and Gulf Railroad Company to increase its stock and to guarantee the payment of the principal and interest of the bonds and other obligations of any company whose property is thus acquired, or of dividends on its preferred or guaranteed stock: *Provided also*, That the power conferred by this section shall also extend to like guaranties of the bonds, obligations, and dividends on stocks of companies whose roads may now or hereafter be leased to the said Choctaw, Oklahoma and Gulf Railroad Company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company."

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. McBRIDE. I ask unanimous consent that the Senate take up for immediate consideration the bill (S. 340) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

Mr. COCKRELL. I called for the Calendar the other day and we disposed of a great many cases. I think it turns out that nearly all the first cases on the Calendar are bills in which my constituents are interested, and I do not believe I can justly or properly consent that all these cases shall be taken up that are away behind on the Calendar when if we were to go to the Calendar we could reach them all in a very short time.

Mr. WOLCOTT. I suggest that the Senator from Missouri yield and let the Senator from Oregon call up his bill, and after that I will have an opportunity to renew the motion for an executive session. That is a compromise which would fit everybody.

Mr. COCKRELL. Very well.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of a bill which will be read for information.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same is hereby, amended and extended so as to include the names of the surviving officers and enlisted men who served for thirty days or more and were honorably discharged under the United

States military, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818; the Fevre River Indian war of Illinois of 1827; the Sac and Fox Indian war of 1831; the Sabine Indian disturbances of 1836 and 1837; the Cayuse Indian war of 1847 and 1848 on the Pacific coast; the Florida wars with the Seminole Indians from 1842 to 1858; the Texas and New Mexico Indian war of 1849 to 1856; the California Indian disturbances of 1851 and 1852; the Utah Indian disturbances of 1850 to 1853; and the Oregon and Washington Territory Indian wars from 1851 to 1856, inclusive, and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be accepted as evidence of said service.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. I should like to ask the chairman of the Committee on Pensions if any estimate has been made as to the number of persons who are now for the first time to be pensioned, running back to the year 1818, and from that time to the present. I should like to know how large a door this opens for additions to our pension expenditures.

Mr. McBRIDE. There is an estimate contained in the report of the Senate Committee on Pensions, which I shall be pleased to send to the Senator.

Mr. PLATT of Connecticut. Is it a long report?

Mr. McBRIDE. It is rather a long report.

Mr. GALLINGER. I can state the substance of this bill in a very few words. A similar bill has been reported and passed by the Senate at least twice before. It is claimed, in the first place, that it was the intent of the act that was passed to pension the survivors of the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war to include all these persons, but that it did not. One year ago there was a careful estimate made, and it was shown then that it would place on the pension roll a little over 7,000 persons and that the cost for the first year would be $730,000. It was estimated that those persons, according to the expectation of life, would all be dead in about seven or seven and a half years, which would be six and a half years from the present time. There are very few survivors of some of the wars. Of the Seminole there are only five; of the Fevre River or Winnebago disturbance, fourteen, and so on.

The simple fact is that this is a bill which has gathered up the surviving old men who fought in those early Indian wars, and it is merely a question for the Senate to determine whether or not they are deserving of pensions. My own opinion, while I have been striving as best I could to keep down the pension roll to a reasonable limit, is that these old people who are now on the verge of the grave, and who did render the Government valuable service in those early wars when the country needed defenders as much as it needs defenders now, ought not to be neglected.

For that reason I have given my support to the measure. As I said a moment ago, I think a similar bill has passed the Senate twice before, and it was reported favorably in the House, but did not pass the House.

Mr. ALDRICH. I do not know whether the Senator from New Hampshire stated just the amount that would be paid under this bill per annum.

Mr. GALLINGER. It would be the first year $730,000, or thereabouts, and then it would gradually grow less for seven and a half years, when, according to the tables of expectancy of life, all the pensioners would be dead.

Mr. PLATT of Connecticut. What would be the amount?

Mr. GALLINGER. It would amount to about $5,000,000 in gross, the aggregate.

Mr. ALDRICH. Does this include all the Indian wars, or are we likely to have a similar measure brought forward to pension the survivors of other Indian wars?

Mr. COCKRELL. I do not think it includes the Osage Indian war.

Mr. GALLINGER. I had supposed it would include everything else. Certainly the Senators from the Western States——

Mr. TELLER. I wish to ask the chairman of the committee if he has not a provision in the bill that a man must have been in the Indian war and paid by the Government? That is the way I understand it.

Mr. GALLINGER. Where they can not make their proof, if they show they received a land warrant——

Mr. SPOONER. Does the bill include the survivors of the Black Hawk war?

Mr. GALLINGER. Oh, they have already been pensioned. They were pensioned under the act of 1892.

Mr. TELLER. I understand that the man must show that he was paid by the Government for his services.

Mr. GALLINGER. He must make conclusive proof that he did render military service. We are not pensioning them without proof.

Mr. TELLER. I know that, but I understand that in addition you say if the Government has recognized him by paying him, then he becomes a United States soldier to the extent that he may have a pension. A good many people in my part of the country in the early days fought the Indians and paid their own bills.

Mr. GALLINGER. I have not a copy of the bill before me, but it is my impression that if they can not make any other proof, that is conclusive proof—or if they had a land warrant.

Mr. TELLER. It ought to be conclusive proof without any other, it seems to me, if the Government recognized him and gave him a land warrant.

Mr. GALLINGER. I agree with the Senator on that point. Perhaps the bill is faulty. I did not draw the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. If there are some omissions from the bill and it is going to lead to discussion, I think I will ask the Senator from Oregon if he will not allow it to pass over until some time when we can all of us find out whether everybody in our own States is embraced that we would like to have provided for in it.

The PRESIDENT pro tempore. The Chair will ascertain whether there is any objection to the present consideration of the bill. Is there objection?

Mr. WOLCOTT. If there is to be discussion, as I understand there is to be, I feel called upon to object.

Mr. McBRIDE. I understand that the discussion has closed.

Mr. WOLCOTT. If the discussion has closed I do not object.

Mr. McBRIDE. A similar bill has been passed twice by the Senate, and I trust the bill will be passed now.

Mr. ALLISON. I should be glad to know the limitation of the bill before the discussion closes.

Mr. McBRIDE. The bill applies to the veterans of the Indian wars named the provisions of the law now applying to the veterans of the Black Hawk Indian war.

Mr. ALLISON. I know, but is there a limitation as to time?

Mr. McBRIDE. It specifies the wars and the dates and who are to be the beneficiaries under the wars designated.

Mr. ALLISON. Would it cover the Indian war in Minnesota in 1863?

Mr. SPOONER. I ask that the bill be read.

Mr. McBRIDE. It covers no war within less than forty years from the present time. It has been the policy of Congress to give a service pension after forty years from the time the service terminated.

The PRESIDENT pro tempore. The bill will be again read.

Mr. COCKRELL. What is the Order of Business?

The PRESIDENT pro tempore. No. 189.

The Secretary again read the bill.

Mr. STEWART. I observe that Nevada is omitted. I object.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 2, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1900.

UNITED STATES ATTORNEY.

David O. Watkins, of New Jersey, to be attorney of the United States for the district of New Jersey, vice J. Kearney Rice, whose term will expire February 12, 1900.

UNITED STATES MARSHAL.

Charles Lewiston, of Wisconsin, to be marshal of the United States for the western district of Wisconsin, vice William H. Canon, whose term will expire February 3, 1900.

SUPERVISOR OF CENSUS.

William B. Reed, jr., of Centerville, Queen Anne County, Md., to be a supervisor of the Twelfth Census for the Second supervisor's district of Maryland, vice B. Gootee Stevens, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1900.

CONSUL.

Edwin N. Gunsaulus, of Ohio, to be consul of the United States at Pernambuco, Brazil.

PROMOTIONS IN THE NAVY.

Henry L. Howison, to be a rear-admiral in the Navy, from the 30th day of September, 1898.

Albert Kautz, to be a rear-admiral in the Navy, from the 24th day of October, 1898.

George C. Remey, to be a rear-admiral in the Navy, from the 22d day of November, 1898.

Norman H. Farquhar, to be a rear-admiral in the Navy, from the 25th day of December, 1898.

Lieut. Commander William W. Kimball, to be a commander in the Navy, from the 8th day of December, 1899.

Lieut. William S. Hogg, to be a lieutenant-commander in the Navy, from the 8th day of December, 1899 (subject to the examinations required by law).

Lieut. Commander William P. Day, to be a commander in the Navy, from the 12th day of December, 1899.

Lieut. Robert I. Reid, to be a lieutenant-commander in the Navy, from the 12th day of December, 1899.

Lieut. Commander John C. Wilson, to be a commander in the Navy, from the 29th day of December, 1899.

P. A. Surg. Hatton N. T. Harris, to be a surgeon in the Navy, from the 21st day of October, 1899.

Surg. Howard Wells, to be a medical inspector in the Navy, from the 15th day of January, 1900.

PROMOTIONS IN THE MARINE CORPS.

Lieut. Col. Henry C. Cochrane, to be a colonel in the Marine Corps, from the 11th day of January, 1900.

Maj. Allan C. Kelton, to be a lieutenant-colonel in the Marine Corps, from the 11th day of January, 1900 (subject to the examinations required by law).

Capt. Lincoln Karmany, to be a major in the Marine Corps, from the 11th day of January, 1900.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters.

John D. Robnett, a citizen of Texas.
Stewart Rhodes, a citizen of California.
George W. Pigman, jr., a citizen of Indiana.
Perry G. Kennard, a citizen of Illinois.
George W. Reeves, jr., a citizen of New Jersey.
Walter T. Camp, a citizen of Connecticut.

To be professor of mathematics.

William S. Eichelberger, a citizen of Connecticut, to be a professor of mathematics in the Navy, from the 15th day of January, 1900.

APPOINTMENTS IN THE MARINE CORPS.

To be second lieutenants.

Samuel A. W. Patterson, a citizen of Pennsylvania, from the 11th day of January, 1900.

Herbert J. Hirshinger, a citizen of North Carolina, from the 11th day of January, 1900.

John G. Muir, a citizen of the District of Columbia, from the 13th day of January, 1900.

Harold C. Reisinger, at large.
Frank Edgar Evans, a citizen of Wisconsin.
Harry Randolph Lay, at large.
Thomas A. Mott, a citizen of North Carolina.
St. John L. Caffery, a citizen of Louisiana.
John C. Beaumont, a citizen of Maryland.
Charles B. Taylor, a citizen of Virginia.
John W. Wadleigh, a citizen of New Hampshire.
William Radford Coyle, a citizen of the District of Columbia.
Henry D. F. Long, at large.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 1, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF JURISDICTION AS BETWEEN THE APPROPRIATIONS COMMITTEE AND THE COMMITTEE ON MILITARY AFFAIRS.

The SPEAKER. The Chair submits the opinion which he will now give to the House, on a matter submitted to him by the House a few days ago.

On Monday, January 22, 1900, by the unanimous consent of the House, the following was submitted and agreed to:

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent of the House that all orders—

Touching so much of House Document No. 291, first session Fifty-sixth Congress, as refers to the Rock Island Armory, Rock Island, Ill., and to Springfield Armory, Springfield, Mass.; and

Touching so much of the estimate of $750,000 for infantry, cavalry, and artillery equipment, submitted on page 135 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture at the arsenals; and

Touching so much of the estimate of $1,100,000 for the manufacture of arms, submitted on page 136 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture—

be vacated, and the same shall be placed on the Speaker's table for reference under the rules, as though no orders had heretofore been taken by the House or the Speaker touching the reference of these items.

In order to consider intelligently the matter submitted, the Chair calls attention to the exact provisions covered by the above submission. In Document No. 291, first session Fifty-sixth Congress, the following is a detailed statement from said document of the matter submitted:

Rock Island Armory, Rock Island, Ill.:	
Completing the installation of the plant and the purchase of tools, fixtures, and other appliances for the manufacture of small arms in the armory shops at Rock Island Arsenal, to be available until expended or otherwise ordered by Congress (act of March 3, 1899, volume 30, page 1073, section 1)	$500,000.00
Springfield Armory, Springfield, Mass.:	
Addition to water shops (submitted)	95,598.71
Additional machinery for water shops (submitted)	90,690.70
Additional machinery for hill shops (submitted)	113,428.60
(To be available until expended or otherwise ordered by Congress.)	
Total	299,718.01

The parts submitted from the Book of Estimates for the year ending June 30, 1901, are to be found on pages 135 and 136 of said book, and are as follows:

Ordnance, ordnance stores, and supplies.—For manufacture of metallic ammunition for small arms and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C.; marksmen's medals and insignia for all arms of the service—

Now, mark!—

[i]ncluding machinery, tools, and fixtures for their manufacture at the arsenals.

Manufacture of arms.—Manufacture, repairing, procuring, and issuing arms at the national armories, including machinery, tools, and fixtures for their manufacture.

The part in dispute in the first item is in these words:

Including machinery, tools, and fixtures for their manufacture at the arsenals.

The part submitted in the next item is as follows:

Including machinery, tools, and fixtures for their manufacture.

It will be seen that the four items in controversy provide only for fitting the plants for the purpose of doing certain work, and provide no money for manufacturing articles after the plants are created. The Committee on Appropriations contends that it is entitled to appropriate money for establishing plants of the kind expressed in the items in controversy, and concedes to the Committee on Military Affairs the right to appropriate the money for the manufacture of the articles turned out by these plants. The Committee on Military Affairs contends that it is entitled not only to appropriate money for the manufacturing of the articles, but to make the appropriations for the installation and enlargement of the plants. In other words, the Committee on Military Affairs contends for the entire control through appropriations of the whole subject-matter embraced in these four items. It is to settle this controversy between these two committees that the matter, with the consent of the House, has been submitted to the Chair.

Let us first see what the rules provide in respect to these two committees. Rule XI, section 3, is as follows:

To appropriation of the revenue for the support of the Government, as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiences: to the Committee on Appropriations.

Rule XI, section 12, is as follows:

To the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy: to the Committee on Military Affairs.

Looking at these two sections together, and without considering any other matters, it would seem clear to the Chair that all matters pertaining to the military establishment and the public defense, excepting for fortifications and coast defenses, and excepting deficiencies for the military establishment and the public defense, should be considered by the Committee on Military Affairs. In other words, that the Committee on Appropriations should be limited in its consideration of appropriations to fortifications and coast defenses and to deficiencies growing out of these, and also to deficiencies growing out of appropriations for the military establishment and the public defense.

The Chair, however, feels compelled to go beyond the clear declarations of these sections of Rule XI and see what precedents there are bearing upon the question in issue. The two committees have exhaustively investigated the precedents and submitted the results to the Chair. As stated by the Chair in a recent decision, precedents should be followed where possible. It is a great advantage to the Congress to have before it the decisions of previous Congresses on any question liable to come up. If the decisions of the past, carefully considered, made by Speakers, Chairmen, and by the House itself, are to be disregarded, confusion and uncertainty would constantly prevail. The Chair has already indicated in another decision that he would prefer to follow a precedent clearly established, though the question if originally presented to him would receive different treatment.

Let us look, then, at the history of this class of legislation: Prior to December 18, 1885, with the single exception of the Agricultural bill, all appropriation bills were given to the Committee on Appropriations.

In the second session of the Forty-sixth Congress, in 1880, the Agricultural bill was given to the Committee on Agriculture. A careful examination of the Statutes at Large will show that during the last twenty years the sundry civil bill appropriated for buildings, roads, sewers, bridges, and machinery at the arsenals and armories. This, it will be observed, goes back of the segregation of the appropriation bills in 1885, and it brings the action of the House up to the current fiscal year, when the first exception is found. The military bill for the present year has made provision for such appropriations. During the same twenty years the Army bill appropriated for the manufacture of small arms, equipments, ammunition, etc. It should be borne in mind also, in this connection, that the very first appropriation bills brought in by these two great committees, immediately following the segregation of the appropriation bills, gave all the matters in dispute which were then provided for to the Appropriations Committee, and none of these to the Committee on Military Affairs.

This would indicate the first interpretation which the House put upon these bills when the segregation took place in the Forty-ninth Congress.

And it should also be borne in mind that the Rock Island Arsenal was provided for in the sundry civil bill, following the segregation, appropriation being made for machinery and shop fixtures. (See 24 Stat. L., page 529.)

In the appropriation bill for the current year, all of the items in controversy, or most of them, will be found in the Army appropriation bill. This is exceptional. Much stress is laid upon this fact by the Committee on Military Affairs, because objection was not made by the Committee on Appropriations.

On the contrary, the Committee on Appropriations claim that this was overlooked by them and grew out of the great pressure of work before the several committees during their excessive labors in the last Congress, and also because the Military Committee was given so much way and consideration incident to our wars. It is proper to state, in this connection, that the Book of Estimates invited this action by the Military Committee. That book adopted new phraseology in the estimates, differing from prior estimates, so that these items were before the Committee on Military Affairs when making up its bill, and were not before the Committee on Appropriations so as to attract its attention, as they had done in the past. The Chair is of the opinion that this should in no way be considered as a precedent to govern his decision as against the uniform practice, long, well-considered discussions, and carefully rendered opinions prior thereto.

The Chair desires to say a word in regard to this Book of Estimates.

As the House is doubtless aware, the estimates of the several Departments are sent, as required by law, to the Secretary of the Treasury, who compiles the Book of Estimates. It is then printed in a branch office of the Government Printing Office, under the supervision of the Public Printer, in the Treasury Department.

The Chair has investigated to see whether these Books of Estimates, or the several parts thereof, have been referred to the several committees, and finds the practice to be that these Books of Estimates are sent in bulk to the document room, and there the several committees get the books. With one exception, the Chair is unable to find that they have ever been referred by the Speaker, although the Book of Estimates is addressed to the Speaker of the House of Representatives. Neither in the last Congress nor in this Congress have they come to him, and therefore they have not been referred by him to the several committees.

During this period many bitter contests have arisen between the two committees on this subject of jurisdiction, and each time the final decision of the matter has been in favor of the jurisdiction of the Committee on Appropriations.

These decisions were made in relation to subjects which the Appropriations Committee claimed were, and had been, properly part of the fortifications bill. In this case all the conditions are the same, except that the items in dispute are claimed for the sundry civil bill.

While acting as Chairmen in the Committee of the Whole House on the state of the Union, decisions favorable to the Committee on Appropriations have been made by Messrs. Blount, of Georgia; Payson, of Illinois; HOPKINS, of Illinois, and Springer, of Illinois. Mr. Allen, of Michigan, while in the chair, made a different ruling, but the House promptly, on motion of Mr. CANNON, of Illinois, sustained the claim of the Committee on Appropriations by striking the paragraph in controversy from the Army bill. Many days have been spent in discussions of the question, one struggle lasting for two entire days, and another struggle for three entire days, but always resulting in favor of the jurisdiction of the Committee on Appropriations, whether the decision was made by a Chairman, or by the Committee of the Whole House, or by the House itself.

The several controversies that have taken place were for the purpose of maintaining the individuality of the fortifications bill, and also of the Army bill. Each of the great appropriation bills has an individuality which it has retained for about thirty years and which the House has shown itself reluctant to violate. For instance, the Appropriations Committee is given under the rule jurisdiction of the subject of "fortifications and coast defenses." Field guns for the use of the Army would scarcely seem to properly belong to this committee, but it has been decided repeatedly that the Appropriations Committee has jurisdiction of the subject of field guns, because their fabrication for a long term of years belonged to the fortifications appropriation bill. For the same reason the Committee on Appropriations has been given and held jurisdiction of Watervliet Arsenal, where heavy guns are made.

The Chair therefore holds that the appropriations for the manufacture of small arms and equipments for the infantry, cavalry, and artillery at the armories and arsenals are within the jurisdiction of the Committee on Military Affairs, and that the appropriations for buildings, installation of plant, machinery, tools, fixtures for manufacturing small arms and equipments belong to the Committee on Appropriations, and accordingly the Chair refers the four items in controversy to that committee, subject to the approval of the House.

If there is no objection, the reference will accordingly be made.

[After a pause.] The Chair hears no objection.

URGENT DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The gentleman from New York [Mr. SHERMAN].

Mr. CANNON. Mr. Speaker, before the gentleman from New York takes the floor, I ask him to yield to me for a few minutes to make a conference report on the urgent deficiency bill.

Mr. SHERMAN. I will yield for that purpose, Mr. Speaker.

Mr. CANNON. I ask unanimous consent to dispense with the reading of the conference report and that the Clerk read the report of the House committee as to its effect.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the conference report and read the statement. Is there objection? [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6237) making appropriations to supply urgent deficiencies submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report, namely:

On No. 1: Appropriates for three additional clerks at $900 each and three expert counters at $720 each in the office of the Treasurer of the United States, as proposed by the Senate.

On No. 2: Appropriates $200 for material for binding records in the Treasury Department, as proposed by the Senate.

On No. 3: Makes $100,000 of the unexpended balance of the appropriation for the Revenue-Cutter Service for the fiscal year 1898 available for that service for the fiscal year 1900.

On Nos. 4 and 6: Increases the amount heretofore authorized to be expended for the site for the public building at Helena, Mont., to $53,562.35.

On Nos. 7, 8, 9, 10, and 11, relating to the District of Columbia: Makes the appropriation for the Freedmen's Hospital and Asylum available for payment of certain employees; appropriates $5,000 to complete the isolating building at Providence Hospital, and makes the unexpended balance of $708.61 of appropriations for 1899 for rifle practice of the District militia available during the fiscal year 1900.

On Nos. 12, 13, 14, 15, 16, 17, 18, 19, and 20, relating to the National Home for Disabled Volunteer Soldiers: Appropriates for certain ascertained deficiencies on account of the Branch Homes at Hampton, Va., Santa Monica, Cal., and Marion, Ind., as proposed by the Senate.

On No. 21: Appropriates to pay certain ascertained deficiencies in the appropriations for 1898 and 1899 to State or Territorial Homes for the support of disabled volunteer soldiers, as proposed by the Senate.

On No. 22: Authorizes the Secretary of War, in his judgment, to use not exceeding $130,000 of the amount appropriated for barracks and quarters for the purchase of a site or sites for barracks for the accommodation of a garrison in charge of fortifications, as proposed by the Senate.

On Nos. 23, 24, and 25: Strikes out the items proposed by the Senate for the payment of certain officers of the Navy for expenses of subsistence at Key West or Habana between February 15 and May 1, 1898, and the provision proposed by the Senate relating to the payment to heirs or legal representatives of officers and enlisted men of the Navy who have died or may hereafter die.

On Nos. 27, 28, and 29: Appropriates, as proposed by the Senate, $1,000 for rent of the Atlantic Building, occupied by the Indian Office, and $214.50 for repair of certain rooms in said building, and $11,000 for stationery for the Department of the Interior.

On No. 30: Appropriates $35,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for continuation of the investigation of the coal and gold resources of Alaska.

On Nos. 31 and 32: Strikes out the appropriation of $15,000 proposed by the Senate for preventing and stamping out smallpox among the whites in the Indian Territory, and makes a verbal correction in the text of the bill.

On Nos. 33 and 34: Makes payable to the widow of the late Dr. A. H. Witmer the sum of $537.15 due to said Dr. Witmer; and appropriates, as proposed by the Senate, $225.70 to reimburse John E. Crane for the relief of destitute and sick Americans at Circle City, Alaska, in 1897 and 1898.

On No. 35: Appropriates $5,000, as proposed by the Senate, for care and custody of buildings rented by the Department of Justice.

On No. 36: Appropriates $3,000, as proposed by the Senate, for expenses of delegates to represent the United States at the celebration of the twenty-fifth anniversary of the organization of the Universal Postal Union, to be held at Berne, Switzerland.

On No. 37: Strikes out the provision proposed by the Senate requiring that in administering the service under the appropriation for rural free delivery no deficiencies shall be incurred therein.

On Nos. 38 and 39: Authorizes the exhibition of certain patent models at the Paris Exposition and the appointment of six additional commissioners to said Exposition, as proposed by the Senate.

On Nos. 40, 41, 42, 43, and 44: Appropriates $41,700, as proposed by the Senate, to supply deficiencies in certain appropriations for the Senate.

On Nos. 45 and 46: Makes a verbal correction in the text of the bill, and appropriates $25,000 for printing and binding for the Department of the Interior, as proposed by the Senate.

On Nos. 47, 48, and 49: Appropriates, as proposed by the Senate, for certain additional judgments in Indian depredation claims and of the Court of Claims, certified to Congress in printed documents since the bill passed the House.

On amendments No. 5, relating to the public building at Kansas City, Mo., and No. 26, relating to the observation of the eclipse of the sun on May 28, 1900, by the Naval Observatory, the committee of conference have been unable to agree.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I move the adoption of the conference report.

Mr. GRIGGS. Mr. Speaker, may I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. GRIGGS. Do I understand the gentleman to say that that objectionable clause, or proviso, rather, with reference to the deficiency on account of the rural free delivery was stricken from the conference report?

Mr. CANNON. Yes, sir; the report of the House conferees was insisted upon, which was that that was already the law.

Mr. COWHERD. Do I understand the motion of the chairman to mean that the adoption of the report be agreed upon?

Mr. CANNON. The gentleman is correct.

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. STEPHENS of Texas. Does it affect the amount of judgments as rendered by the Court of Claims on Indian depredation claims?

Mr. CANNON. All that have been certified.

Mr. STEPHENS of Texas. I notice some of the items.

Mr. CANNON. The House inserted those items so far as they had been certified. There were additional judgments rendered after the House made up the bill that were certified to the Senate, and the House agrees to their insertion, and as the bill stands now it provides for all judgments that have been certified up to date.

The conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. CANNON. Now I want to call the attention of the House for about a moment to what we can not agree upon. One is the amendment, numbered 5, of the Senate, to be found on page 10 of the bill, as follows:

Post-office and custom-house, Kansas City, Mo.: For painting and installation of passenger elevators, $35,000.

The facts touching this amendment, very briefly, are these: The limit of cost for the construction of the post-office and court-house at Kansas City was, as I recollect, $1,300,000. That building is almost complete, and can be occupied, if this appropriation is made, as we are informed, about the 1st of May—certainly, as they state, not later than the 1st of June.

If this appropriation is not made, the Supervising Architect says, in substance, that the gentleman from the Kansas City district [Mr. COWHERD], as I understand it, claims that it can not be occupied until this additional appropriation is made for the finishing of the building and the putting in of the elevators. So that your conference committee is of opinion that this great building, the limit of cost of which is $1,300,000, can not be available for a much desired service until this or a similar appropriation is made. Your committee did not agree to this Senate amendment. In fact, the Committee on Appropriations declined to report this item to the House in considering it, because it was not authorized by law, and knowing that there were a great lot of public buildings the erection or completion of which is delayed because of the increased cost of material and labor, some of them having been commenced and some of them not having been commenced and probably can not be until the limit is enlarged at many places where they are authorized, we felt that the House ought to dispose of this case, and I am frank to say that I believe the House can dispose of it without much embarrassment, because it is unlike a new public building that is authorized.

I am not now speaking under the rule, but upon the merits. It is unlike a new building that is to be authorized for the first time. It is unlike a building that has been authorized and that can not be constructed on account of the increased cost of material and advance in labor; it is practically complete, but for the want of $35,000 outside of the limit it can not be completed and occupied until this appropriation is made. Now, frankly, I believe that is all there is of it. If the appropriation is made, it will be occupied by the 1st of June, and until it or some similar appropriation is made the Government will continue to rent buildings in that city in which to have this service. I believe that is all I desire to state about it at this time. Does the gentleman desire to make any motion about it?

Mr. COWHERD. Mr. Speaker, I would like to move, in regard to this item of disagreement, that the House recede and concur with an amendment changing the word "custom-house" to "court-house," and I would like to make one statement in connection with it.

Mr. CANNON. I will say to the gentleman that if the House concludes to act favorably upon this item the amendment ought to be made, because it speaks of it as a "post-office and custom-house," whereas it is a post-office and court-house, so that the word "custom-house" ought to be stricken out and the word "court-house" inserted. If the House should recede with a view of giving $35,000, the gentleman's amendment ought to be adopted. I now yield to the gentleman from Missouri.

Mr. COWHERD. Mr. Speaker, just one word in regard to the condition that the Government service is in at that place. The post-office at present occupies not only the portion of the old post-office building originally allotted to it, but it occupies sheds that are built out in front of the post-office building. In addition to that they have been compelled to rent the ground floor of a large office building across the alley from the post-office. Now, the post-office has already made arrangements to move into the new building as soon as it can be completed—that is, the portion assigned to them for their use. That will be about the 1st of May or June, and they must move because their lease will expire on the rented quarters.

In addition to that the collector of internal revenue occupies two or three little rooms. He has about twenty clerks in one small room, he writes me, and that it is absolutely necessary for that service that they should be in the new quarters at the time of the large collection, beginning July 1, and that they have already applied for permission to move. This will necessitate the keeping up and maintaining a new building after the 1st of June, as it will be completed, practically, at that time, but the remainder of the offices, and especially the courts and court officials, can not move until these elevators are put in, because they occupy the top floors of the new building and they will not want to move and climb four flights of stairs. Therefore the Government will have to maintain both the old building and the new, which will be unnecessary and an extra cost to the Government of from five hundred to eight hundred dollars a month.

Now, unless this appropriation is made at this time, if it is postponed until it may come in the regular way, which would be some time along in June, the contract for the ironwork can not be let until that time, and it takes three or four months to get the ironwork out and three or four months more to put it in place, so that the occupation of it will be delayed until along some time in November or the 1st of January. So there will be added the extra cost of maintaining the old building as well as the new for all this time.

Mr. CANNON. I want to say to the gentleman right there that it is quite as competent to meet this appropriation of $35,000 upon this bill as it will be to make it on any general bill hereafter without legislation.

Mr. COWHERD. I understood that; and by the regular way I meant a bill increasing the limit of cost, which I understand would have to come from the Committee on Public Buildings and Grounds.

Mr. CANNON. Strictly speaking—and I want the gentleman's attention to this point—this is an appropriation without legislation. It would be subject to a point of order if offered in the House, but we can not get rid of a Senate amendment by a point of order. I have no doubt now of the absolute necessity of this appropriation before that building can be occupied, but I want the House to take the action with the full information in the premises as to the disagreement about the item.

Mr. STEELE. Will the gentleman from Missouri allow me a question? I would like to know if, in the letting of the contract for the construction of this building, it did not provide for necessary elevators?

Mr. COWHERD. I can not answer that fully. Perhaps the chairman of the committee can answer it.

Mr. STEELE. Did it not provide for the painting?

Mr. COWHERD. I will answer that. My information is that in the last appropriation there was included two elevators, but owing to the increased cost of material—the price of iron, as the gentleman knows, went up all over the country—they were not able to contract for them inside of the appropriation.

Mr. STEELE. If the work was let by contract——

Mr. CANNON. I am quite sure that no contract was ever made for the elevators, although the law fixing the limit of cost and authorizing the construction of this building did, as I recollect, include elevators; but whether there ought to have been a contract made or not, I am quite sure none was made for the elevators, and here you are a million and three hundred thousand dollars in the building.

Mr. STEELE. How much of this amount was for the building and how much for the elevator? The appropriation appears to have been a lump sum.

Mr. CANNON. The building, as I understand, was to be provided with elevators.

Mr. COWHERD. In addition to that there will be the cleaning down of the outside work and the gilding of the dome.

Mr. STEELE. The circumstances of this case are an indication, and a very strong one, that some person who was responsible for looking after the interests of the Government in this matter has been derelict—has not performed his duty as he should have done. No other conclusion can be arrived at.

Mr. COWHERD. I suggest to the gentleman that this building has been in process of construction for about ten years, and naturally during such a period there would be changes in the cost of material and labor.

Mr. STEELE. That does not conflict with the fact that the purchases of this ironwork should have been made when the price was low. It clearly appears that some one who was responsible for this work ought to have another job.

The SPEAKER. The motion of the gentleman from Missouri [Mr. COWHERD] will be read.

The Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:
Strike out the word "custom-house" where it occurs in said amendment and insert in lieu thereof the word "court-house."

The amendment was agreed to.

Mr. CANNON. I wish to say a word touching one other item of these amendments, and then I shall be ready, so far as I am concerned, for a vote. I read the amendment to which I refer:

NAVAL OBSERVATORY.

Observation of total eclipse of the sun in May, 1900: For preparation and outfit of instruments and their transportation, the purchase of additional apparatus and materials, including photographic material, the erection of suitable buildings at each station, and generally the expenses of preparation and observation, including the living expenses of parties at the several stations, and the available instruments used in observing the transit of Venus in 1874 and 1882 may be also utilized, $5,000.

Now, the facts about this matter are these: Your committee in reporting the bill to the House had this estimate in substance before it. It also had an estimate of $4,000 for observation of the total eclipse of the sun in May next, to be made by the Smithsonian Institution. As gentlemen are aware, for many years we have appropriated $10,000 for observations of the sun and its effect on the earth, and have provided for a small observatory in connection with that work, called the Astrophysical Observatory.

The latter service does not study ancient astronomy, but modern astronomy—the laws of light and heat, the influence of the sun upon the earth's atmosphere, and all that class of questions known as the new astronomy—the branch of astronomy that did not formerly receive much attention; whereas your committee is informed and believes the fact to be that the Naval Observatory is engaged very properly in the study of the stars, the taking of the correct time, and all kindred questions pertaining to the ordinary, the old, the universal astronomy. After inquiry your committee was fully of the opinion that for the purpose of observing the total eclipse of the sun in May next the Smithsonian Institution, with its instruments, with its knowledge, with its line of investigation, could to the best interests of the Government and of science make these observations.

Their estimate was $4,000, not $5,000, and Professor Langley said that $4,000 would be quite sufficient to make thorough observations touching this total eclipse. We reported that item and did not report the other, and the House concurred with the recommendations of your committee and passed the item of $4,000. Now the Senate leaves in the bill the item of $4,000, but inserts an item of $5,000 for this same service, to be expended by the Naval Observatory. Your committee is informed and believes that one corps of observers on the part of the United States will be quite sufficient and that the other is very largely "leather and prunella;" that there ought not to be two independent sets of observers with their various apparatus for making the observations at different places, the expenses to be paid by the United States; that one corps will be enough. Your committee refused to concur in the Senate amendment, and we present the matter to the House asking it to further insist upon its disagreement to the Senate amendment and send the matter to conference.

Mr. ADAMS. I would like to explain that these are two entirely different sets of observations. As explained to me by the Secretary of the Smithsonian Institution, the Naval Observatory takes observations purely of a mathematical kind and for astronomical purposes, such as the moment of contact, the time of the passage of the eclipse, and the time of departure. These observations are entirely for astronomical purposes and for navigation and for the furnishing of data of that kind.

The proposed observations by the Smithsonian Institution are to be entirely physical in their character, relating to the atmospheric conditions, the differences in light and shadow during eclipse as compared with other times, and similar subjects. The instruments used are of an entirely different character. Those of the Naval Observatory are purely mathematical in their character and for the purpose of making calculations in regard to astronomy and the movements of the other planets. I think it is desirable that both of these observations should be made. There is no conflict at all between them. Their observations are distinctly different in character, and in the interest of science the Smithsonian Institution desires particularly to make these observations, as the occasion only comes at long intervals apart. I am speaking here in the interest of the Smithsonian Institution, as one of the Regents of that Institution.

Mr. CANNON. I will say to the gentleman that while his remarks are very interesting, the appropriation of $4,000 to enable the Smithsonian Institution to make these observations with its different parties is in the bill. It is not in controversy at all; so that that item does not require any advocacy. That item is not in dispute.

Now, just one word, and then I will ask for a vote. In the judgment of your committee, $4,000 will decently, sufficiently, and effectively observe the antics of the sun when in total eclipse in May next, and it is for you to say whether you want to do it twice.

Mr. BOUTELL of Illinois. Who asks for the other appropriation?

Mr. CANNON. The other is a Senate amendment, to duplicate this work under the direction of the Naval Observatory.

Mr. BOUTELL of Illinois. Who asks for it?

Mr. CANNON. Why, the estimate comes as other estimates come, through the Secretary of the Navy and the Secretary of the Treasury.

Now, Mr. Speaker, I move that the House further insist upon its disagreement to this amendment, and consent to the request of the Senate for a further conference.

Mr. SNODGRASS. Does the gentleman insist that the Smithsonian Institution can make all the observations that the other observers could make?

Mr. CANNON. Oh, certainly. That is our information after the best inquiry we can make—that this is proposing to do just double work.

The SPEAKER. The gentleman from Illinois moves to further insist upon the disagreement of the House to Senate amendment numbered 26, and to agree to the conference requested by the Senate.

The motion was agreed to.

Mr. CANNON. I ask for the same conferees, Mr. Speaker.

Mr. RICHARDSON. I desire to ask the gentleman from Illinois a question.

The SPEAKER. The motion has already carried.

Mr. RICHARDSON. I do not desire to speak upon that point, but in reference to the conference report on the bill I desire to ask a question.

The SPEAKER. Without objection, the gentleman from Tennessee will be heard.

There was no objection.

Mr. RICHARDSON. I want to ask the gentleman if I understood him correctly as to the number of items now remaining unadjusted in the conference?

Mr. CANNON. Two.

Mr. RICHARDSON. What are those two?

Mr. CANNON. Well, one is appropriating $35,000 to complete the building at Kansas City.

Mr. RICHARDSON. That and this one are the only two?

Mr. CANNON. I think those are all.

Mr. RICHARDSON. The Secretary of the Treasury asked for $109,000 to pay the rent of the custom-house property in New York and asked to have that item inserted in this urgent deficiency bill. I want to ask the gentleman if that item is included? A letter of January 22, addressed by the Secretary of the Treasury to the committee, asks for $109,000 to pay this rent.

Mr. CANNON. No such estimate had come to the committee at the time the bill was prepared.

Mr. RICHARDSON. No; but the Secretary of the Treasury sent a letter to the Senate, as I understand it——

Mr. CANNON. Not to the House committee.

Mr. RICHARDSON. To the Senate, while the bill was pending there. I want to know whether that item is included.

Mr. CANNON. Oh, it keeps me too busy to keep track of what the House does, and I would have to have the lives of half a dozen Philadelphia lawyers to keep up with the Senate.

Mr. RICHARDSON. But the gentleman ought to know whether the item is in the bill or not.

Mr. CANNON. Oh, no; the item has never been considered, as far as I know, in the House or any of its committees, or in the Senate either. It has never been called to my attention before.

Mr. RICHARDSON. The gentleman is aware of the fact that the Secretary asked to have this included, is he not?

Mr. CANNON. No, I am not aware of it. If he should make an estimate and it should come to my committee, we will investigate it, I will say to the gentleman for his information.

Mr. RICHARDSON. Oh, I have no doubt about that.

Mr. CANNON. We will investigate it and look into it, and if we find it is under the law we will report it and give my friend a chance to make his speech for a third time.

Mr. RICHARDSON. I am much obliged to the gentleman for the information.

The SPEAKER appointed as conferees on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1293. An act for the relief of Francisco V. De Coster;

S. 2279. An act declaring Cuivre River to be not a navigable stream; and

S. R. 75. Joint resolution to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

The message also announced that the Senate had passed the following resolution:

Resolved, That the President of the United States and the House of Representatives be notified of the election of CHARLES G. BENNETT as Secretary of the Senate.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1293. An act for the relief of Francisco V. De Coster—to the Committee on Military Affairs.

S. 2279. An act declaring Cuivre River to be not a navigable stream—to the Committee on Interstate and Foreign Commerce.

S. R. 75. Joint resolution to print 31,000 copies of the eulogies on Garret A. Hobart, late Vice-President of the United States—to the Committee on Printing.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. LITTLE. I ask unanimous consent that members addressing the House on this bill be allowed to extend their remarks for five days. It will save a good deal of trouble.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that members who address the committee on the Indian appropriation bill may be allowed to extend their remarks for five days. Is there objection?

There was no objection.

The motion of Mr. SHERMAN was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, with Mr. MOODY of Massachusetts in the chair.

Mr. SHERMAN. Mr. Chairman, the arrangement made in the House last evening was that the time between now and 4 o'clock should be equally divided between the gentleman from Arkansas [Mr. LITTLE] and myself. Is the gentleman prepared to occupy some portion of his time now?

Mr. LITTLE. Yes.

Mr. SHERMAN. I should be glad if the gentleman will now proceed.

Mr. LITTLE. Mr. Chairman, I yield twenty-five minutes to the gentleman from Colorado [Mr. SHAFROTH].

The CHAIRMAN. The gentleman from Colorado is recognized for twenty-five minutes.

Mr. SHAFROTH. Mr. Chairman, I want to offer some remarks upon the duty of this Government in the conflict between Great Britain and the South African Republic, and upon the causes of the war between those nations.

One of the bloodiest wars that has ever occurred in the history of the world is now being waged in the Transvaal country. Over 10,000 British casualties have occurred up to this time. The Boers are intrenched with a force of 48,000 men, while the British have in South Africa and on the sea bound for that country 213,000 soldiers, and since their repulse the other day at Spion Kop demands are made for 100,000 more.

When we remember that England had only 80,000 men in the Crimean war, and Wellington only 25,000 soldiers at Waterloo, the magnitude of this struggle becomes apparent.

The war is bound to continue a long period of time, even if England doubles her forces, as the fortifications at Pretoria are impregnable, and the provisions at that point are sufficient to enable the Boers to withstand a siege for two years. Each side is armed with the most destructive weapons of modern warfare, and hence the conflict will not only be of long duration but will be frightful in its bloodshed and destruction.

The world has a most important interest in this conflict, not only for the principle that the right should always triumph, but for the reason that this war is shutting off more than one-third of the world's supply of gold, and its effect is being felt in every moneyed center of the world, causing stringency in matters of finance and in some places disastrous panics.

It is a disgrace to civilization that questions of right should be determined by might; that blood should flow in unlimited quantities, and the great nations of the world stand by without even lifting their voices in behalf of peace.

MEDIATION THE REMEDY.

A peace conference of the leading nations of the world was held last summer at The Hague, and an international treaty was formulated relative to the establishment of peace, which received the signatures of the diplomatic agents of all the 26 governments represented.

That treaty has not yet been ratified by the United States Senate [The Hague treaty was ratified by the United States Senate on February 6, 1900], but in all likelihood it will be within the next few days, as no opposition to it has developed up to this time.

It has always been recognized as a principle of international law that any power could offer mediation between combatants without danger of international complications resulting therefrom. That principle has been recognized in the treaty of The Hague and an express duty imposed upon nations strangers to the controversy to mediate between contending powers in the interest of peace.

Article II of that treaty provides as follows:

In case of serious disagreement and before an appeal to arms, the signatory powers agree to have recourse as far as circumstances allow to the good offices or mediation of one or more friendly powers.

The time has passed when mediation could be asked under that article. It is the next article that imposes the obligation upon nations strangers to the controversy to offer mediation to the states in conflict.

Article III reads as follows:

Independently of this recourse, the signatory powers recommend that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances allow, offer their good offices or mediation to the States at variance. Powers strangers to the dispute have the right to offer good offices or mediation, even during the course of hostilities. The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

It is true that the United States representatives above their signatures wrote a statement that nothing in the treaty should be construed to require the United States to intrude upon or entangle itself in the political questions of foreign nations or imply an abandonment of its traditional policy toward purely American questions. Yet such a course as is suggested does not come within the reservation, as mediation is a friendly act to both nations.

But even if the United States were not required by the treaty to mediate, it surely possesses the power, and the moral obligation exists, as clearly as it does upon any of the other nations.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from Colorado a question if he will yield.

Mr. SHAFROTH. Certainly.

Mr. WM. ALDEN SMITH. Do you know a single instance where a neutral power not a party to the controversy has ever interfered or attempted to mediate without a request from one of the parties to the conflict?

Mr. SHAFROTH. I do not know, but I do know that this nation even expressed feelings of sympathy for Greece in its conflict with Turkey without any international complications resulting therefrom.

Mr. WM. ALDEN SMITH. Offers of mediation are not prompted by friendships for either party in the contest, but are the result of circumstances seeming to justify such course upon the part of a neutral power and initiated at the request of one of the parties, and in this instance no request has been made by either the Boers or England. Much as I would like to see the war stopped, our course must be prudent and wise and in harmony with the rules of international law.

Mr. SHAFROTH. But there never has been a writer upon international law that has declared that mediation could be considered as an unfriendly act.

Mr. WM. ALDEN SMITH. Is it not a prerequisite to interference that a desire shall be expressed by one side or the other for mediation?

Mr. SHAFROTH. I think not.

Mr. WM. ALDEN SMITH. I must contradict the statement, although I am in sympathy with much that the gentleman from Colorado says.

Mr. SHAFROTH. I will state, Mr. Chairman, that I examined, as late as yesterday afternoon, a work upon international law,

which states that never when mediation is offered can it be considered an unfriendly act. The gentleman, I think, has confounded intervention with mediation.

Mediation is in the interest of peace; it is a suggestion for arbitration. It is not, like intervention, to be backed by force. If the parties do not accept it, force is not resorted to. The only effect of mediation, if rejected, is the moral sympathy of the world for the nation willing to arbitrate and against the one refusing so to do.

That influence is so great in the world to-day that no nation would be willing to disregard it.

As this mode of ending hostilities is recommended, in fact enjoined, by the twenty-six great powers of the world, it ought to be invoked in the interest of humanity and civilization, irrespective of the right or wrong of this war. With how much greater reason, then, ought the United States to invoke it when the existence of a sister Republic is endangered and when the war upon the part of Great Britain is the most unjustifiable of any that has occurred in history of modern times.

CAUSES OF THE WAR.

Mr. Chairman, I have read with a great deal of care all that I could find relative to the causes of the war between Great Britain and the South African Republic.

There has been almost a continuous controversy between Great Britain and the Boer people from the time Holland transferred to England her possessions in South Africa.

Upon the one side it has been a heroic struggle for justice and right, and upon the other the exercise of brutal force for oppression and wrong.

The cause of the present war is the interference on the part of Great Britain with the internal affairs of the South African Republic. Great Britain has demanded that the naturalization laws of the little Republic be amended to permit citizenship in five years; that the law giving to a company the exclusive right to manufacture dynamite be repealed; that English be taught in the schools aided by public money; that the taxation upon mines be reduced, and that Johannesburg be given ten representatives in the Volksraad.

Sir, by what right or authority does Great Britain interfere with the internal concerns of an independent government? By what canon of international law does she predicate her right to demand the modification or repeal of the statutes of a republic?

I want to demonstrate beyond the peradventure of a doubt that England has no more right to interfere with the internal affairs of that Republic than we have to interfere with the internal affairs of England. I propose to show by the language of the treaties, solemnly signed and ratified by Great Britain, that the South African Republic is as free to control its internal affairs as the United States is to control its own affairs.

Nay, I propose to show from the declarations made by the most eminent English statesmen, including the present British secretary of the colonies, that no right whatever exists on the part of Great Britain to force reforms on the Transvaal Republic, and that the attempt to do so would be immoral.

HISTORY OF THE BOERS.

Mr. Chairman, the Dutch settled Cape Colony in 1652. They remained under the dominion of Holland, enjoying peace and happiness, for one hundred and fifty-four years. When Napoleon, in 1806, invaded Holland, that country placed under the care of its ally, England, Cape Colony until its own right to independence should be restored. Upon the final overthrow of Napoleon and the restoration of Holland to sovereignty, she transferred to England her colony.

The Boers objected to being sold and delivered like chattels to a country whose laws oppressed them, and they rebelled against Great Britain. The rebellion was soon suppressed, and one of the most severe and cruel executions that have ever occurred in the history of the world took place, at which women and children were compelled to attend and witness the horrible spectacle. The Boers were told by the governor of Cape Colony that if they did not like British rule and the laws of that country, they could leave.

They did. They concluded to leave British territory and establish a government of their own. The fact that they were willing to abandon their farms and homes in the land of their birth is conclusive evidence that they were laboring under a sense of great injustice. But where could they go? The wilds of Africa were as trackless as dangerous. It was inhabited by not only wild beasts but savage men. They nevertheless trekked to get out of British dominion. One long line of 10,000 people left home and farm to brave the dangers of an unexplored region.

They settled in what is now called Natal and established the Republic of Natalia. They bought their lands from the native tribe that owned and possessed the same. The hardships they endured can not be described; but when they began to prosper, Captain Smith, with British soldiers, came to annex the country as a possession of that mighty empire. War followed, and the Boers were beaten. Rather than stand British rule they again trekked to the interior of darkest Africa, to land far beyond any claimed by England. By the last annexation England claimed the territory to the Vaal River. The Boers concluded to go beyond the Vaal, and they there established a republic and called it the Transvaal State.

They then entered into a treaty with Great Britain which recognized the independence of the Transvaal Boers and made the Vaal River the boundary line between the two countries.

That treaty is called the convention of 1852. It was signed at Zand River on the 17th of January of that year, and ratified on April 15, 1852. The recognition of independence was made in the following terms:

The assistant commissioners guarantee in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River, the right to manage their own affairs and to govern themselves according to their own laws, without any interference on the part of the British Government, and that no encroachment shall be made by the said Government on the territory beyond, to the north of the Vaal River, with the further assurance that the warmest wish of the British Government is to promote peace, free] trade, and friendly intercourse with the emigrant farmers now inhabiting or who may inhabit that country, it being understood that this system of noninterference is binding upon both parties.

I hold in my hand the full text of the convention, and there is not one syllable that contradicts or modifies the foregoing recognition of independence. Some time after that an Irishman named O'Reiley, hunting in South Africa, had seen in a hunt a white pebble that pleased his fancy. He put it in his pocket, thinking it was worthless. On his return to London he discovered it was a rare diamond, and sold it for $2,500. That incident caused the greatest interest to be taken in that wild and almost uninhabited country, and, being followed by other discoveries, made England think that all South Africa was valuable. The British Government then, in violation of this treaty and of a similar one with the Orange Free State, claimed dominion over the territory embracing the Kimberley diamond mines, which claim is stated by the English historian Froude as "perhaps the most discreditable page in British colonial history." As a compromise of the claim of the great Government the little Republics ceded to Great Britain for £90,000 the Kimberley mines, which have yielded about $30,000,000 a year.

GREAT BRITAIN'S USURPATION.

The Transvaal Boers had hardships of the severest kind, and wars with the natives that in intensity and ferociousness are indescribable. It was in 1877 that Sir Theophilus Shepstone, Her Majesty's special commissioner for South Africa, arrived at Pretoria. He represented that as the Transvaal State was incapable of withstanding the attacks of the hordes of savage warriors, and as Great Britain would furnish half the money for the suppression of the native tribes, that it would be to the interest of the Transvaal State to come under the protecting care of Her Majesty.

The President of the Transvaal State said he would submit the proposition to his people. An election was held upon the subject, and the proposition was rejected by a vote of over 4 to 1.

Notwithstanding the result of that election, in defiance of the solemn treaty stipulations of Great Britain, without a shadow of right, Sir Theophilus Shepstone, on the 12th day of April, 1877, issued a proclamation declaring the Transvaal State to be British territory from and after that date.

The Boers said the British Government would never approve of such usurpation and appealed to the Queen.

It seems incredible that a nation that is continually boasting of its advanced civilization and progress should have violated every principle of right and justice in the forcible and criminal annexation of the Transvaal. But the proclamation of Sir Theophilus Shepstone was approved by the British Government on the 8th day of November, 1879.

One is apt to doubt the accuracy of such a charge, as it so violently conflicts with right and justice. One is inclined to say surely no such act of oppression has ever been committed by a civilized nation in the nineteenth century. I therefore want to read to you the statement of a man whose word you can not doubt, the statement of England's Grand Old Man, the Right Hon. William E. Gladstone, who for so many years was prime minister of Great Britain.

In a speech in Midlothian in November, 1879, he said:

They [the Conservatives] have annexed in Africa the Transvaal territory, inhabited by a free European Christian republican community, which they have thought proper to bring within the limits of a monarchy, although out of 8,000 persons in that Republic qualified to vote on the subject we are told, and I have never seen the statement officially contradicted, that 6,500 protested against it. These are the circumstances under which we undertake to transform republicans into subjects of a monarchy. * * *

There is no strength to be added to your country by governing the Transvaal. The Transvaal is a country where we have chosen most unwisely—I am tempted to say insanely—to place ourselves in the strange predicament of the free subjects of a monarchy going to coerce the free subjects of a Republic, and to compel them to accept a citizenship which they decline and refuse. But if that is to be done, it must be done by force.

Again, in a speech at Peebles on the 1st day of April, 1880, Mr. Gladstone said:

That is the meaning of adding places like Cyprus and places like the country of the Boers in South Africa to the British Empire. And, moreover, I

would say this: If those acquisitions were as valuable as they are valueless, I would repudiate them, because they are obtained by means dishonorable to the character of our country.

Can anyone now doubt that the act of the great British Government in forcibly attempting to annex the little Transvaal State was one of the most diabolical instances of greed and rapacity, of tyranny and usurpation, ever known in the history of the world?

Sir, the Boers determined that they had rather die than stand such oppression and injustice. The little Dutch Republic defied with a courage that is almost unexampled in the history of the world the embattled legions of the British Empire. War followed. The battle of Majuba Hill was fought, where 600 trained British soldiers stationed on the top of a mountain 2,500 feet high were almost annihilated by the attack of 450 burghers and boys from the valley below. The loss of the British was 92 killed, 134 wounded, and 59 prisoners; total, 285. The loss of the Boers was 1 killed and 5 wounded. Surely the Lord was on their side.

They knew, however, that Great Britain by her unlimited resources and strength would ultimately triumph, and in order to save themselves from total annihilation, under duress, entered into a treaty at Pretoria, called the convention of 1881. By that convention she retained absolute freedom and independence, subject to the suzerainty of England, which was defined to mean certain rights as to dealing with the native tribes and foreign powers.

The rights reserved by England are contained in Article II of the treaty, which reads as follows:

ART. II. Her Majesty reserves to herself, her heirs and successors, (a) the right from time to time to appoint a British resident in and for the said State, with such duties and functions as are hereinafter defined; (b) the right to move troops through the said State in time of war, or in case of the apprehension of immediate war between the suzerain power and any foreign State or native tribe in South Africa; and (c) the control of the external relations of the said State, including the conclusion of treaties and the conduct of diplomatic intercourse with foreign powers, such intercourse to be carried on through Her Majesty's diplomatic and consular officers abroad.

Notwithstanding the clear provisions of that treaty as to the rights reserved by England, Joseph Chamberlain, the British secretary of the colonies, now predicates his right to interfere with the internal affairs of that Republic on the ground that the indefinite word "suzerainty" was used in that instrument.

Sir, he can not mystify the minds of those seeking the truth by such an audacious claim. Not only is it groundless from the language of the treaty, but the man under whose administration the treaty was made and ratified has defined the powers reserved by Great Britain, which forever should set at rest such a claim.

Mr. Gladstone in a speech at Leeds in October, 1881, used the following language with respect to this treaty:

Under that convention we felt it our duty to take the best securities for the welfare of those native tribes, counted by hundreds of thousands, who inhabit the Transvaal, and toward whom we could not forget the responsibilities we had assumed. We provided that power should be retained for that purpose. We provided that the Crown should retain prerogatives, under the name of suzerainty, for the purpose of preventing the introduction of foreign embarrassments into South Africa, and we consented freely that, subject to certain minor conditions in relation to money, with which I need not trouble you, the Boers of the Transvaal should in all other respects enjoy perfect self-government and practical freedom and independence.

The Boers, however, feared that word "suzerainty," and almost immediately began negotiations with Great Britain looking to the abrogation of that word and for other changes in the treaty. Paul Kruger and other commissioners of the Transvaal State went to London, and after long negotiations entered into a new treaty with Great Britain, called the convention of 1884, which dropped the "suzerainty," and England retained only the powers conferred in Article IV, which reads as follows:

ART. IV. The South African Republic will conclude no treaty or engagement with any State or nation other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic, until the same has been approved by Her Majesty the Queen.

Such approval shall be considered to have been granted if Her Majesty's Government shall not, within six months after receiving a copy of such treaty (which shall be delivered to them immediately upon its completion), have notified that the conclusion of such treaty is in conflict with the interests of Great Britain or of any of Her Majesty's possessions in South Africa.

The treaty further provided that—

It is hereby declared that the following articles of a new convention, signed on behalf, etc., * * * shall, when ratified by the Volksraad of the South African Republic, be substituted for the articles embodied in the convention of the 3d of August, 1881; which latter, pending such ratification, shall continue in full force and effect.

The convention of 1884 was duly ratified by the respective governments.

Here is a clear and unequivocal repeal of the convention of 1881, the only one that gave to England the indefinite suzerainty rights referred to.

When the draft of the convention of 1884 was first presented to the Boer deputation, they, on February 4, 1884, wrote to Lord Derby, who at that time was in charge of British affairs, saying that they expected an agreement to be contained in the treaty relative to the abolition of the word suzerainty. In his reply a week later Lord Derby said:

By the omission of those articles of the convention of Pretoria which assigned to Her Majesty and to the British residents certain specific powers and functions connected with the internal government and the foreign relations of the Transvaal State, your government will be left free to govern the country without interference and to conduct its diplomatic intercourse and shape its foreign policy subject only to the requirement embodied in the fourth article of the new draft, that any treaty with a foreign state shall not have effect without the approval of the Queen.

The Boers, in order to remove every semblance of a continuation of old relations, even went so far as to change their name in this treaty from the Transvaal State to the South African Republic. The new name itself is inconsistent with the existence of a superior power.

How can anyone, in view of the express repeal of the convention of 1881, and the clear construction of the new treaty made by the one in authority, before it was signed, have the slightest doubt that every vestige of suzerainty over the Transvaal State was thereby abrogated? No one can, and the British Government did not, as shown by its subsequent conduct. It immediately appointed a diplomatic agent at Pretoria and received at the Court of St. James the minister plenipotentiary of the South African Republic, and these diplomatic officials have represented their respective Governments until the recent commencement of hostilities. No explanation can be made of the subsequent conduct of Great Britain, except that Cecil Rhodes and the stock brokers of London looked with longing eyes at the rich gold mines of the Witwatersrandt and determined that by brute force the little Republic should be hers.

ADMISSIONS OF CHAMBERLAIN.

But, sir, I stated that I would prove by the word of Joseph Chamberlain himself that England had no right to interfere with the internal affairs of the South African Republic, and I will proceed to do it.

Mr. Chamberlain, in a speech delivered in Birmingham on June 7, 1881, speaking of the convention of 1881, said:

I ask your attention, in the first place, to the settlement we have made of the unfortunate war in the Transvaal.

You know that the great majority of the Boer inhabitants of the Transvaal are bitterly opposed to the British rule, and yet we are told that we ought to have persevered in wrongdoing after it was proved that the two grounds upon which the annexation was defended were fallacious and rested on no solid foundation, that we should still force our rule on an unwilling people, whose independence we had solemnly engaged by treaty to respect. * * *

These men settled in the Transvaal in order to escape foreign rule. They left their homes in Natal as the English Puritans left England and went to the United States, and they founded a little Republic of their own in Africa.

In 1853 we made a treaty with them; they agreed to give up slavery and we agreed to respect and to guarantee their independence, and I say under these circumstances is it possible we could maintain a forcible annexation of the country without incurring the accusation of having been guilty, I will not say of national folly, but I say of national crime?

If in 1881 it was a national crime to maintain a forcible annexation of the country, why is it not a national crime now?

Soon after the Jameson raid Mr. Chamberlain, in 1896, in the British Parliament, used the following language:

I do not say that under the terms of the convention we are entitled to force reforms on President Kruger, but we are entitled to give him friendly counsel. If this friendly counsel is not well received, there was not the slightest intention on the part of Her Majesty's Government to press it. I am perfectly willing to withdraw it and to seek a different solution if it should not prove acceptable to the president.

The righteousness of our action under the convention was limited to the offering of friendly counsel, in the rejection of which, if it is not accepted, we must be quite willing to acquiesce.

If the Hon. Joseph Chamberlain in 1896 believed that the right of Great Britain was limited by the convention then in existence to the offering of friendly counsel, with what equity can he now claim that she has the power from the same convention to enforce changes in the laws of that Republic relative to its own internal affairs?

Again, on the 8th day of May, 1896, in Parliament, speaking of the alleged grievances which led to the Jameson raid, Mr. Chamberlain used the following language:

In some quarters the idea is put forward that the Government ought to have issued an ultimatum to President Kruger—an ultimatum which would certainly have been rejected and which must have led to war. Sir, I do not propose to discuss such a contingency as that. A war in South Africa would be one of the most serious wars that could be possibly waged. It would be in the nature of a civil war; it would be a long war, a costly war, a bitter war.

To go to war with President Kruger in order to force upon him reforms in the internal affairs of the state, in which secretaries of state, standing in this place, have repudiated all right of interference on our part; that would be a course of action as immoral as it would be unwise.

If, on the 8th day of May, 1896, it was immoral to force upon the South African Republic reforms as to its internal affairs, why is it not immoral now?

These are the facts relative to the claim of Great Britain that she has a right to interfere in the internal affairs of the South African Republic.

That claim is now made in defiance of the solemn treaty stipulations of that Empire, of the interpretations placed upon those treaties by Lord Derby and the Right Honorable William E. Gladstone, and of the repeated condemnation and repudiation of such power by the present secretary of the colonies.

How can anyone disinterested in this controversy but feel that

this is a war of oppression on the part of England and a patriotic, heroic struggle upon the part of the Boers, a brave, honest, God-fearing people?

Should we not at least ask these nations to submit their differences to arbitration? [Applause.]

Mr. LITTLE. I yield ten minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Chairman, it seems that the discussion upon this very important matter has taken a very wide range, and that one member of this House has rather abused that privilege, in my judgment. It seems to me that, as it was once said by the distinguished ex-Speaker of this House, Mr. Reed, every subject between the heavens and the earth has been lugged into this discussion. I believe, sir, that this habit which has been established here of allowing members such a wide range of discussion, even when they are discussing the condition of the Union, has its drawbacks. It seems to me that there ought to be some limit, some restriction put upon them for fear they will lug into these discussions something that ought not to be brought in, especially at a particular time, as has been done during the consideration of this appropriation bill. I mean that there are certain things so irrelevant that they ought not to be brought into exercise at a certain time.

Now, Mr. Chairman, I make no particular objection to the enormous appropriation which is asked for here for the Indians, although it does seem to me sometimes that our efforts to civilize them seem to be futile and I am almost constrained sometimes to say, in the language of another, "I believe that a dead Indian is the best kind of an Indian." I will not, however, take that position, as I believe this Government owes a duty to the Indians as it does to every other subject.

In the exercise of this privilege of general debate, Mr. Chairman, the distinguished gentleman from North Carolina [Mr. LINNEY]—and I wish he was in his seat, and I see him coming in—has seen proper to discuss the honor and integrity of the Southern States and to bring in matter that he should not have brought in at this particular time, and he has seen proper here to cast aspersions upon the Southern portion of this great nation.

I want to say, Mr. Chairman, that the South needs no vindication at my hands or at the hands of any gentleman upon this side of the House or the other side. The history of this country, past and present, is a sufficient vindication of the South before and since the Revolutionary and all other wars. The history of the South is written with the very best blood that ever flowed in the veins of the human race, and I say, Mr. Chairman, and history will bear me out in that statement, that the South has made this nation what it is to-day. And if this high state of civilization is preserved, I believe it must be done by the statesmanship and talent of the South, as the South has made it what it is to-day.

Mr. Chairman, during the dark days of 1776, when the flag of revolt was flung to the breeze against the black-hearted despotism of Great Britain, it was the South that gave to this nation the sword of the Revolution in the person of George Washington, the Father of his Country—first in war, first in peace, first in the hearts of his countrymen—who, after seven long years of struggle, having but, as it were, a handful of undisciplined yeomanry, triumphed over the enemy and prostrated her at the feet of the American flag and gave us the independence which we enjoy to-day and made this country the superior of any nation upon the face of the earth.

Mr. Chairman, it was the South that gave to this nation the pen of the Revolution, in the person of Thomas Jefferson, who wrote the immortal Declaration of Independence, that the gentleman from North Carolina [Mr. LINNEY] and gentlemen upon that side are attempting by their Administration policy to-day to trample under their feet, an effort in which they will not succeed, because it is an immortal idea.

It was the South, Mr. Chairman, that gave to this nation the tongue of the Revolution, in the person of Patrick Henry, who uttered those noble words, "Give me liberty, or give me death." That spirit to-day animates every son of the old and of the new South and will continue to inspire the hearts of her citizens till the end of time. [Applause.]

It was the South that gave to this nation the greatest expounder of the Constitution in Chief Justice Marshall, and it was the South that gave to the nation the greatest reasoner of his day, Mr. J. C. Calhoun, whose disquisition upon that Constitution stands unequaled to-day.

Mr. Chairman, while, as I said, the South needs no vindication at my hands, it comes with ill grace from any man from the North, the East, or the West to enter into a tirade of abuse here against the Southern States. With how much more of ill grace does it come from one of her own sons, a man nurtured and raised at her bosom. Why, Mr. Chairman, it is lamentable, it is disgraceful, that it has been left for one of her own sons to cast a dart of detraction at her fair name, at this late day, in the person of the gentleman from North Carolina [Mr. LINNEY]. But suffice it to say that the dart of detraction, coming from that direction, has fallen harmless at the feet of him who cast it, and it will return as a boomerang upon his own head. He will live to rue the day that he has sought to defame the name of his mother.

That distinguished gentleman has taken occasion to lug into this discussion the election laws of the Southern people. I want to say, as far as the election laws of my own State are concerned, that I am willing to have them investigated by every member of this House. Take the constitution of the grand little State of South Carolina, which I have the honor to represent here in part, scrutinize it and criticise it, and I defy you to find anything unfair or discriminating in that instrument. You will find in it only such things as you find in other constitutions of the other great States of this Union.

The gentleman went out of his way to lug into this question a discussion of the question of lynching, which has nothing to do with it, and I say to the gentleman and to every gentleman upon this floor that if you wish to stop lynching in the North, the East, the South, and the West, you must first stop the commission of the crime that causes lynching. For so long as these diabolical crimes are committed, just so long will the rope be used and the perpetrator hanged to the first limb or riddled with bullets or burned at the stake. Remove the cause and the effect will follow.

While I do not approve such methods; while I do not have any apology to make for them; while we all deprecate these conditions, yet I repeat, so long as these crimes are committed just so long will these things occur. And I want to take occasion here to say that we have in the State of South Carolina what is known as the anti-lynching law, by which the legal representatives of a victim of lynch law can recover from the county in which he lives for the injury done them. This shows that in my State we do not countenance lynching, but denounce it. Yet it will happen, and will continue to happen in some cases of this kind, whenever the crime is committed that causes it. In my State whenever a person is denied a vote under the law he has the right of appeal to the courts.

The gentleman had a good deal to say about birds in his discussion yesterday. I wish that he had gone on and told this House what he thought of that bird which would befoul its own nest, and I say he ought to have given you a description of that bird. [Applause.] I want to say that gentlemen may howl, gentlemen may talk as much as they please, but there is one fact in natural history that I want to give you here, and that is that God Almighty never intended that the blackb'rd or the crow should get up to the top of the mountain eyrie where the white eagle lives and raises her brood, and whenever he gets up there and interferes in matters which do not concern him the white eagle will be sure to kill him. It is unnatural for him to be there. You may rest assured that the people of our sunny land will always act worthy of the name of white man, before whose tread the wild Indian, the cunning Asiatic, and the ferocious African alike recede. You may say what you please, but this is a white man's country and a white man's government, and the white people intend to rule it now and forever. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. SHERMAN. Will the gentleman from Arkansas [Mr. LITTLE] occupy some more of his time now?

Mr. LITTLE. I yield to the gentleman from Kansas [Mr. RIDGELY].

[Mr. RIDGELY addressed the committee. See Appendix.]

Mr. SHERMAN. I yield to the gentleman from Pennsylvania [Mr. SIBLEY] for one hour.

Mr. SIBLEY. Mr. Chairman, I listened yesterday with some surprise to the gentleman from Missouri [Mr. COONEY], and I have read, as others have, some of the discussions that have occurred at the other end of this Capitol building concerning the policy of territorial enlargement. Though this problem has not at all times been discussed with calmness, yet debate is not altogether fruitless.

Concerning the effects of the policy of expansion even to-day, as in the past, wise men may honestly differ. The attrition of contrary opinions affords us all the blessings of civic liberty enjoyed to-day. The stronger the wind, the less chaff in the wheat; the freer the discussion, the greater certainty that our actions of the present will endure and survive the shocks of a society which is ever ceaseless in motion and progressive in its tendencies.

That there are those whose fears are aroused at a broadening policy in government, that the race of pessimists is powerful, that the brood of political agnostics is large, that the swarm of opportunists in government is omnipresent, by no means is an assurance of their omniscience. Society is largely composed of those who, unable to see the end of their enterprise from the beginning, never venture. Fortune is the handmaid of those who embark, not seeing the far-off market harbor.

Mediævalism may imprison a Gallileo, may jeer at the theories

of a Columbus; pessimism, which, living in the caverns of the past, condemns the present and despairs for the future, may stifle the aspirations of Europe for eleven centuries, but can not hold her in perpetual lethargy. For myself, to be happy, for ability to cheer others and render service to my fellows, let me be classified, if you please, an optimist. Let me believe too much rather than not at all. Let me believe that each rising sun warms a better world, shines upon a better condition, and illuminates the pathway of a nobler humanity than its predecessors. Truth surely wins her ground. Truth, as a jewel, was never prized more highly than she was yesterday, until to-day.

More than eighteen centuries since that divine tragedy wherein Truth was pronounced dead, was entombed in a sepulcher before whose door was set a great stone bearing the seal of Imperial Cæsar, which no man might break, Truth and Error had met for mastery; Error proclaimed triumphant, Truth destroyed. Wait until the third day, and you shall see that the divine energy shall have its resurrection morning, its ascension, and its eternal enthronement.

From the Syrian tragedy to the present hour, Truth and Error have met on ten thousand battlefields. Standing close to the contest, Error over and over again has been proclaimed the victor; but after the smoke and dust of battle have lifted you can point to no contest where history does not show Truth intrenched on higher ground and fortified in stronger citadels.

As Christian statesmen you profess belief in the ultimate triumph of freedom. "The truth shall make you free," proclaimed the Gallilean—no one race, one clime, one nation, but freedom, liberty, justice, to the weakest, the humblest of our human race. This nation, most advanced, most enlightened, most Christian, is to be as a city set upon a hill, the light not under the bushel, but upon the candlestick, for the enlightenment of the household of nations.

Permit me to present some balm of consolation for those who counsel with their fears concerning territorial enlargement. We have, since the formation of the Federal Union, annexed the entire territory lying west of the Mississippi River, and while the columns of the press of that day were filled with direful forbodings of disaster, though the Capitol dome has echoed with the thunders of orators in Senate and House until its very rafters have trembled, up to this moment I challenge any member to point out one argument against present expansion which was not as ably presented, as vehemently urged, and more vindictively stated against the Louisiana purchase, certainly against the annexation of Texas.

Mr. COCHRAN of Missouri. Will the gentleman say that there is any similarity between the Philippine Islands and the Territories of Louisiana and Texas, or between the people of the State of Missouri at the time of the Louisiana purchase?

Mr. SIBLEY. Mr. Chairman, I will say to the gentleman from Missouri that I will not characterize, but I will print with my remarks an appendix of what was said about the people in Missouri. You were classed as barbarians in the debates of that hour. I am going to read from some of the debates if my time permits. I have spent several weeks in going through the Globe and the CONGRESSIONAL RECORD, and I say that you will not find one argument that has been presented on the floor of this House that was not presented then.

Mr. COCHRAN of Missouri. Are the Philippine Islands available for occupation by Americans?

Mr. SIBLEY. They told you at the time that the territory west of the Mississippi River was not available for occupation.

Mr. COCHRAN of Missouri. Is it not true that the Philippine Islands are not available for occupation by Americans?

Mr. SIBLEY. On what account? Because of its distance?

Mr. COCHRAN of Missouri. On account of its dense population.

Mr. SIBLEY. Does the gentleman believe that the nation can acquire territory not adjacent?

Mr. COCHRAN of Missouri. Undoubtedly.

Mr. SIBLEY. Without any disrespect, I want to tell the gentleman a story.

Mr. COCHRAN of Missouri. Will the gentleman please answer the question: Does he think the Philippine Islands are accessible to American immigration?

Mr. SIBLEY. I will answer that when I get to it in my remarks. I want to tell the gentleman a story. It seems to me that you gentlemen are in the position of an old man who lived up in my country at the time they built the Allegheny Valley Railroad. He had some flat land in a valley where they wanted to build the road. He was opposed to railroads, never having seen one of them. Under the right of eminent domain they built the road, and, after it was built, he and his wife concluded that they would go over and see the train pass by.

They got on the top of a hill; as a long freight train came around the curve and swept down the valley they watched it until it went out of sight; and then she turned to him and said, "Well, Josiah, it didn't do no harm." He said, "Maria, that is all right; this time she went endwise, but the next time she may come sidewise, and there won't be a crap left in the whole of wire-grass region." [Laughter.] You people are afraid that the next time it is going to come sidewise, but it is going to come endwise, just as it has always done. [Laughter.]

Mr. COCHRAN of Missouri. I wish the gentleman would answer my question, whether the Philippine Islands are suitable for American occupation.

Mr. SIBLEY. I will say to my friend that I think they are, but I will come to that a little further on in my remarks. I want to say that up to this time I have read no argument against the present territorial enlargement that was not as ably presented, and more vindictively presented, against the annexation of Texas and against the purchase of Louisiana. In 1803 Mr. Jefferson purchased for $15,000,000 that territory which extended the length of the Mississippi River and was restrained in its western limits ultimately by the waters of the Pacific alone.

For this purchase the stock of calumny, contumely, epithet, and vituperation was so largely drawn upon as to leave New England almost bankrupt in those articles before the final acquisition of the territory that came to us from the war with Mexico. They charged Mr. Jefferson with seeking imperial powers. He was denounced as a perverter of government, a trampler upon that Constitution that he had helped to create.

The Federalists urged that this territory was being acquired in derogation of the rights of the States comprising the Federal Union and if the Clerk were to commence reading now the denunciations of Mr. Jefferson, Mr. Tyler, and Mr. Polk, and Mr. Madison, the time of this body would expire by constitutional limitation before he could complete his work.

Mr. COOPER of Texas. Will the gentleman allow me to interrupt him by reading an extract from his speech made in August, 1893?

Mr. SIBLEY. Now, Mr. Chairman, I must decline to yield. What I said there I stated from my heart, and if you want to read it, go ahead; but before you do that I will ask to have my time extended fifteen minutes.

Mr. COOPER of Texas. Speaking of Thomas Jefferson, the gentleman said——

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent of the House that his time be extended fifteen minutes. Is there objection?

Mr. SHERMAN. Mr. Chairman, I must object, because the time is limited and has been allotted.

The CHAIRMAN. Objection is made by the gentleman from New York.

Mr. SIBLEY. I can not get an extension of my time, and I will have to decline to yield.

Mr. FITZGERALD of Massachusetts. I hope that the gentleman may be permitted to conclude his remarks. He has been interrupted several times when he has said that he did not want to be.

Mr. LITTLE. I will yield three minutes of my time to permit the gentleman from Texas to read the part of the remarks of the gentleman from Pennsylvania that he refers to.

Mr. COOPER of Texas. Mr. Chairman, I read only a few sentences from the speech of the gentleman from Pennsylvania. In referring to Mr. Jefferson, he said:

> Thomas Jefferson once wrote, "I can scarcely withhold myself from joining in the wish of Silas Deane, that an ocean of fire roll between the Old World and this." Why, how that utterance would make some of our modern anglomaniac statesmen jump!

Then, again, he says:

> Mr. Speaker, I stand by the Democracy of the old fathers of the Republic. I stand by the men whose voices have been raised always for human liberty; a Democracy that has regard to the cries of the suffering that have been heard in this land in all of its decades and history.

[Laughter on the Democratic side and applause on the Republican side.]

Mr. SIBLEY. I thank my friend from Texas most heartily. Where I stood then is where I stand to-day, and where, in the providence of God, I will stand at the finish. [Renewed applause.]

The pessimists of that day urged that it had taken society one hundred and seventy-five years to move from Plymouth Rock, in sparse settlements, to the Ohio River, and that the infinite ages would see this new and savage territory useless, uninhabited, and uninhabitable.

Mr. COCHRAN of Missouri. Does the gentleman think that the people of the Philippine Islands are susceptible of the same degree of enlightenment that has been attained by the people of the great Louisiana purchase?

Mr. SIBLEY. My dear friend, we are coming to a higher estimate of some of the people embraced in the Philippines than was held concerning the people in the territory lying west of the Mississippi River. Let me read the remarks—not my own, but those of Federalists of that day——

Mr. COCHRAN of Missouri. The gentleman does not answer

my question. Does he believe that the people of the Philippine Islands are capable to the same extent of civilization and enlightenment as those who were embraced in the Louisiana purchase?

Mr. SIBLEY. Sir, I am not placing limitations on the power of Almighty God to carry out a work according to His sovereign will. [Applause.]

Mr. COCHRAN of Missouri. Then the gentleman admits that it will require Almighty power to work out this transformation and that it can not be done under ordinary conditions.

Mr. SIBLEY. I am willing to let the wisdom of this House and the Administration determine this question.

Mr. Chairman, if I had unlimited time, I would like to enter into a critical discussion with these gentlemen. But I want to present some of the arguments that were made against territorial expansion in those days. I wish to find, if I can, one new argument presented at the present time against the enlargement of our territory.

Mr. COCHRAN of Missouri. Was it contended at that time that the people embraced within the Louisiana purchase were, like those of the Philippine Islands, inhabitants of a country 10,000 miles distant from this capital?

Mr. SIBLEY. Well, my friend, I will answer you in just a moment. I wish to take a few of those arguments presented at a former day; and the gentleman will see that they are the same objections you now offer. Did the friends of Jefferson urge the productive capabilities of the Louisiana purchase and its great stores of mineral wealth? Lo, they were met with infinite jests concerning salt mountains! They urged that these people were aliens to our race, our manners, our language, and our creed—a mixture of Spanish, French, Italians, negroes, half-breeds, and Indians.

It was charged that Mr. Jefferson was entailing a legacy of woe—was ruining the country.

Upon the floor of this House was made the first threat of secession, when in 1811 it was proposed to admit the newly formed State of Louisiana to the sisterhood of States.

Louisiana was purchased, Louisiana was annexed, in spite of the Federal warnings and threats which were hurled upon Jefferson and Madison from 1803 to 1812. Looking, as we do, at the wrong side of the pattern, at the under side of the web and woof of life, where amid tangled threads we work out unconsciously, ofttimes in doubt, our little part, Providence, which guides the destiny of men and nations, eternally viewing the right side of the pattern, and the end from the beginning, makes no mistakes, and shows to future generations the finished achievement.

Our flag floats to-day over the Louisiana territory, and who would haul it down?

The passing of but one generation was necessary to convince the Federalists of the wisdom of Jefferson. In those days the Federalists were Bourbons. They learned nothing and forgot nothing, and so without surprise we find them, under the name of Whigs, opposing the annexation of Texas, perhaps with juster reasons, but with venom one hundred times distilled and condensed.

Webster and Clay massed their powers of oratory in denunciation and forebodings. Charles Sumner declared that this was a war of conquest, and stated: "In this age there can be no peace which is not honorable and no war which is not dishonorable." Truly for some ideal state of civilization in the future a noble sentiment, but one which the stern events of the sixties compelled him greatly to modify.

Tyler and Polk, urged on by Jackson, speaking almost from the portals of his tomb, went forward and were denounced as red-handed murderers. The Whigs proclaimed from pulpit, press, and platform that this war was being waged against Mexico to the end that there might be wider limits on God's fair earth wherein the master could manacle the limbs and lash the back of his fellow-man. That war, whatever may have been the evil designs of its promoters, was under God's providence overruled to the welfare of the nation and our common humanity. It gave us Texas, California, Arizona, New Mexico, Nevada, Utah, and the larger portion of Colorado. From which one would an American haul down our flag?

Another generation passes and Democratic wisdom is again justified in the acquisition of this territory from Mexico. Annexation of territory has always been Democratic policy. It was the policy of Jefferson and Madison, of Jackson and Tyler and Polk. It was submitted to Congress by President Buchanan in his message to Congress in 1858, and in his last message to Congress, that we should purchase, control, and govern Cuba.

It was wisdom at that day, even if emanating from earthen vessels of common clay. Speaking from the White House in 1861, in response to a serenade, we have the last public utterance of President Buchanan, when he said, "Expansion is in future the policy of our country, and only cowards fear and oppose it." He was the last Democratic President we ever had and this was his last public utterance. [Great laughter.]

In 1867 Secretary Seward purchased Alaska from Russia for $7,200,000. So unmercifully was the Administration jeered and guyed for purchasing icebergs and snowbanks, where even the lowest type of the human family could barely exist, that the friends of the Administration of President Johnson sought to hush the critics by assigning as the reason for such purchase the desire, in a most delicate manner, to reward Russia for her friendship in the struggle against disunion. Another generation has rolled around, and expansion is again justified. Who would haul down the flag which floats over the frozen wastes of Alaska?

Why, sir, during the past year we have been wrangling with Canada, and would almost tread the very verge of war before we would consider any proposition looking to the surrender of a strip of disputed boundary something like 25 miles in width. Surely, Mr. Chairman, those who counsel with their fears to-day have history to show how groundless their forebodings that freemen in the enlargement of the boundaries where civic blessings may flow stand upon other than foundations which reach to the eternal granite of Truth.

Let me briefly answer some objectors and objections. First, that we can not purchase sovereignty. We purchased sovereignty in the following States and Territories: Louisiana, Arkansas, Missouri, Kansas, Nebraska, Iowa, Minnesota, North and South Dakota, Washington, Oregon, Montana, Idaho, Wyoming, a part of Colorado, Oklahoma, Indian Territory, and Florida.

The second objection is that you can not conquer sovereignty. We conquered sovereignty in Texas, California, Nevada, Utah, Colorado, New Mexico, and Arizona. Sir, sovereignty by conquest is the history of every nation from the dawn of antiquity.

Mr. COOPER of Texas. The gentleman will not contend that we conquered sovereignty in Texas.

Mr. STEPHENS of Texas. I was about to ask whether the gentleman will contend that Texas was conquered by the United States. Does he take that position?

Mr. SIBLEY. I would like to ask the gentleman Yankee fashion another question. How did Texas get away from the control of Mexico, if it was not by force of arms?

Mr. COOPER of Texas. But it was not a part of the Union at that time.

Mr. SIBLEY. Very true; but that was the beginning of the train of events that led to our getting that territory.

Mr. COOPER of Texas. Did not Texas achieve her own independence?

Mr. SIBLEY. Oh, yes.

Mr. STEPHENS of Texas. Was she not a republic ten years before she was annexed to the United States?

Mr. SIBLEY. If the Committee of the Whole will agree to extend my time indefinitely, I will yield to all these gentlemen.

The CHAIRMAN. The gentleman from Pennsylvania, as the Chair understands, declines to yield further.

Mr. SIBLEY. We wrested from the red man the lands of this nation, even as William the Norman conquered sovereignty in Britain. We, as the Lord's anointed, acquired territory in America as God's anointed, the seed of Abraham, acquired it in Palestine—in all the progression of history invariably the higher and better type replacing the inferior.

Mr. COCHRAN of Missouri. May I ask one more question?

Mr. SIBLEY. Now, Mr. Chairman, I shall not be able to make my speech if I yield.

Mr. COCHRAN of Missouri. Will the gentleman advocate——

The CHAIRMAN. The gentleman from Pennsylvania declines to yield.

Mr. SIBLEY. I should willingly do so if I had the time.

Third, the paragraph from the immortal Declaration that "All governments derive their just powers from the consent of the governed." This is in a broad sense a noble declaration, but in a narrow and perverted sense a commonplace platitude. In our own free Republic government, just or unjust, derives its consent to govern from less than 10 per cent of the governed.

At the last general election no one party had more than a bare majority of all the votes. The voters are numerically but one-fifth of the population; so, in fact, as a mathematical demonstration, the present Administration governs by the will of one-half of one-fifth part of those to be governed. We deny to 15,000,000 of intelligent women any right to consent or dissent; and then we quarrel over the creation of free institutions for the improvement of less than 2,000,000 of male Filipinos.

Fourth objection. While palliating the acquisition of territory in the past, you cite that it was proper because contiguous territory. Sir, what is contiguous territory? When we acquired Louisiana the record from Boston to this capital city was fifty-five hours; from Pittsburg to Washington, four days in a stage-coach over a range of mountains; from Washington to St. Louis, three weeks; from Washington overland to the western limits of the Louisiana purchase, so far that no citizen of the United States had ever lived long enough to go there and come back alive. [Applause.]

Speak of contiguous territory, when to reach the State of California only thirty years ago took months of time and involved innumerable hardships. Modern science has annihilated time and distance. To-day we hold audible converse with our Pacific friends as plainly as if they lived in the adjoining room. Contiguous territory! The lightning flashes our message to Manila, and in an hour we know the thought of the Antipodes, if that thought is worthy the transmission.

Mr. COCHRAN of Missouri. That is, if the censor will let it come.

Mr. SIBLEY. More and more as God reveals his secrets to the modern scientists, yesterday shall be as eternity and to-morrow infinity. You raise your hands in horror and howl about shooting freedom into people. Nevertheless, you know as well as myself that freedom and liberty in every land and in every age has been established and maintained by spear, sword, and bayonet.

Mr. COX. Oh!

Mr. SIBLEY. Well, cite your instances. You lament the fact that in order to establish stable government in the Philippine Archipelago it was necessary for the armed forces of the United States with bayonet and bullet to shed the blood of revolting Filipinos. You deplore this fact not more than myself; but my belief is that no other honorable course was open to us in the plain discharge of our duty to maintain order and protect the rights of life and property.

From the moment of the ratification of the treaty with Spain it was an obligation sacred in its character, and for which we were answerable not alone to our citizens, but to the civilized governments of the entire world. [Applause.] The Word of God declares and all history demonstrates the correctness of the assertion that "Without the shedding of blood there is no remission of sin."

Mr. COCHRAN of Missouri. What sin have the Filipinos committed that we should kill them?

The CHAIRMAN. The committee will be in order.

Mr. SIBLEY. Each conquest of freedom, each triumph of humanity, each step in the onward progress of the race may be tracked by blood.

Mr. COCHRAN of Missouri. Is that a recommendation for it?

Mr. SIBLEY. Wendell Phillips once declared that each achievement of human justice had been from rack to rack and from scaffold to scaffold. And yet I believe that, through arbitration and in the wider recognition of the rights of others, there has been shed less human blood in the last twenty-five years than was shed in any single year prior thereto during the long centuries from the dawn of history.

Mr. COCHRAN of Missouri. What great power ever arbitrated with a weak one?

The CHAIRMAN. The gentleman is not in order.

Mr. SIBLEY. Shall we keep the Philippine Archipelago and Puerto Rico? Every foot! No nation on the globe has higher rights or better title to a rod of soil. We hold by a double claim—the right of conquest and the right of purchase. My belief is that where once our banner's shadow has fallen, there will survive a race of freemen. And I should hold Cuba until stability, order, the protection of life, property, and good government were assured.

And again I echo the President's query, "Who would haul down the flag?" Who planted it there? What Cabinet council? What warrior? What statesman? What Senator or Representative? What body of men framed any plan of conquest? The cries of suffering humanity, ground down beneath the iron heel of oppression rang, in our ears, and we stopped our ears. Their groans were heard, but we answered not. We saw them stripped and wounded on our way to Jericho, and like the priest and Levite passed by on the other side. Not unheard at the throne of heaven were those groans and prayers.

In order to awaken us from our torpor and almost criminal indifference the Almighty permitted the engines of His wrath to hurtle their thunderbolts under the bows of the *Maine* lying peacefully at anchor in Habana Harbor. Nor keenest sighted statesman nor most daring warrior had even contemplated the possibility of gain, growth, or greatness to us as a nation to come out of the war of which the blowing up of the *Maine* was the first declaration.

These lands and people, unworthily ruled, were, in the wisdom of the Almighty, to pass from the house of Saul to that of David. God and the valor of American arms gave us this territory, not because we are a nation altogether free, altogether pure and blameless, but because, working through human instrumentalities, He has given it to the boldest, freest, most progressive, most enlightened, and most Christian of all the nations of the present age. [Applause.]

Sir, I am an optimist. My belief is that on this continent God has willed to plant a people who shall carry the arts of peace and the story of the cross to the nations of the earth. You deprecate war not more than myself; but, sir, under certain conditions war is to the body politic what the plowshare is to the husbandman. Noxious growths, thorns and briars must be uprooted and exterminated, that in the mellowed mold the fairer fruitage may develop.

Within the bosom of our soil the Almighty has stored, through countless ages, the treasuries of mineral. From her breast, clad with forests and golden with ripening harvests, He will house and feed a race which will hasten the dawn of that morning when through a thousand cycles war shall be banished, the swords beat into plowshares and the spears into pruning hooks, and men, until time shall be no more, shall look into the eyes of each other and recognize the bonds of brotherhood. We go forth as a nation, not to teach the doctrine of the survival of the fittest, but to make men fit to survive.

Do gentlemen recognize the fact that in one hundred years from to-day this will be a nation of 400,000,000 souls? With such a soil, with such material resources, and with such a people, who would haul down the flag from enlarged boundaries? Who would environ and stifle between two oceans the energies of such a civilization? Who would pent up its powers within the confines of a continent?

This race of American citizens which we so incorrectly term Anglo-Saxon is something more than Anglo-Saxon. This mighty river of civilization, it is true, is Anglo-Saxon in its source at Plymouth, but strengthened and reenforced in all its flow, here by the Celt, here by the Teuton, here by the Gaul, here by the Latin, here by the Norseman, here by the Hebrew, the bold, the hardy, the venturesome, the liberty-loving and truth-seeking of every clime and creed, who abhorring oppression, loving freedom, expatriated themselves from thrones, and, casting their lot with us, have been grafted upon native Anglo-Saxon stock and produced such a civilization as this round world has never known before.

Travel with me through Europe and you will easily find the typical Irishman; you will point out to me the typical Briton, German, Frenchman, Italian, or Oriental, but point out any man to me, if you can, upon this American continent and say this man is the true physical type of the American. We have almost as many types as we have individuals. This genius, summoned from the four quarters of the globe, shall make America not alone the exemplar and the pattern, but the workshop which shall fabricate the necessities of humanity regardless of territorial limitation.

With every drop of blood bounding in my pulses Puritan, without one outcross in my lineage from those who landed among the very earliest with the Pilgrim Fathers upon New England's soil, revering the grand traits which have made her sons preeminent, nevertheless my eyes are open to read history and my senses quick to draw lessons which teach me that as the Pilgrim Fathers improved with transplanting from English soil to Plymouth and Salem, so the sons of New England transplanted to our own West and South have been given a wider horizon and have broadened with that horizon.

In this generation the nation shall be as unwisely guided in her destinies touching territorial expansion by the senior Senator from Massachusetts, grand old philanthropist though he be, as she was by Pickering, Quincy, Webster, and Sumner from 1803 to 1850.

Great statesmen and philanthropists have been wrong in the past, and some of them lived to see how groundless were their forebodings. Those men loved their country and gloried in her institutions, but were wrong. And so to-day we may charitably believe that wise and patriotic men may differ from us, having fallen into the same errors as misled the illustrious men of the past.

Frame a suitable subsidy bill for the encouragement of our merchant marine, afford to American commerce but the tithe of opportunity that is given by all the maritime nations of the world to their commerce, build the Isthmian Canal, and we shall in time not only bridge the Atlantic with ships, but shall bridge the Pacific to the Orient and the furthermost isles of the sea.

Build the Pacific canal, permit the cheapening of rates in freight on goods that will not at present bear railway transportation charges, and you will make the Pacific slope the counterpart of our Atlantic seaboard. Is this canal to be opposed by those who fear it will destroy or injure their transcontinental railway lines? In my judgment it will multiply their traffic tenfold. The Erie Canal has built up and established enterprises along the line of that canal which make the New York Central one of the most valuable railroad properties in the world.

The conversion of the Monongahela River into a waterway for commerce destroyed no railroad property investments, but has multiplied their value many-fold, and that valley of Pennsylvania to-day is so filled with factories and railroads as not to leave room for the construction of others to relieve the congested traffic. Build the Isthmian Canal, control thereby the entire trade of the west coast of South America; control the Philippine Archipelago, and the Gulf States will rival the commercial greatness of the most favored States of the North.

Tennessee and Alabama will bear the same relation to the trade

of South America and the Orient in their products of iron and steel as is borne by Pennsylvania and Ohio to our domestic and European trade to-day. South Carolina, Georgia, Florida, Louisiana, and Texas will rival the New England of to-day in manufacturing and commerce.

Mr. COX. We will take care of the South.

Mr. SIBLEY. Take Mercatore's "Projection of the Map of the World," view the position of the States of the Gulf in relation to the canal, view our Pacific ports moved 10,000 miles nearer to our doors; enlarge your vision, and let it sweep from the Pacific coast to Hawaii and the Philippine Archipelago; study the capabilities of production of those islands under humane government; witness her products, of such diversified nature and of such value, not coming in competition with the products of our American husbandman, as will start our looms and spindles and stimulate industry in all our factories; study her harbors, from which a Dewey professes his ability to meet the navies of the world; look at the geographical position of this archipelago in relation to the Straits Settlements, with their teeming millions, situated just to the south of China and Japan and Korea, this archipelago becomes the trade center of the eastern world.

The world's trade is the trade of the Orient. The Chinese wall of exclusiveness is being demolished, and 450,000,000 people of China, with their multiplied wants, which American production and industry must rightfully supply, will clamor for our products. Not in Europe, with its manufacturing industries already established, will we find the outlet for the fabrications of American genius, but rather in Japan, the Straits Settlements, Korea, eastern Russia, and China, possessing, as they do, the accumulated wealth of more than four thousand years, will come the demand for American products of our workshops and cotton fields.

In the Orient is the market for every pound and bushel of our surplus of wheat and corn and cotton. In the grand harbors of the Philippine Archipelago will be assembled their products, brought from the isles of the Orient and the mainland in the junks and proas, and thence distributed by American commerce to the markets of the world. It is a safe prediction now to make that Manila is destined to become the chief commercial metropolis of the Orient. Her geographical position alone entitles her to this rank.

Given American genius in control of her commerce, and who shall estimate her value to the world? Already Russia, who holds more than one-sixth of the entire area of the earth, is moving eastward through northern China. The President has declared, and we must maintain, that in this great breaking up of the Chinese Empire the United States, under each and every circumstance, shall enjoy the right to compete on terms of equality with every other nation on the globe. Politicians may content themselves with narrow views of the present, but it is the province of statesmen, while observing the present, to take long looks into the future as well. Within the lifetime of gentlemen on this floor this will be a nation of more than 200,000,000 souls.

In the period no longer than has elapsed since Jefferson's statesmanship was vindicated in the purchase of Louisiana 400,000,000 people will be living in our present boundaries. Do you fear to look twenty-five, fifty, or one hundred years ahead? A long time, true, in the life of a man, but only a speck, I trust, in the life of this nation.

Should the Administration surrender this territory and the advantages it secures to America, the historian of the future will write it down as one of the most pusilanimous Administrations that had ever control of national events. Shall we eternally take counsel with our fears? Shall we play the rôle of opportunists in politics? Shall we act the part of politicians on issues of such tremendous consequence? No! No! Let us rather set our faces toward the morning and keep step with the forward progress of the world. A party, no more than an individual, will never win success, nor even deserve it, by any policy of mere negation. No man or party wins success, or should, by merely pointing out the mistakes of others.

We have forgotten the name of a single one of the horde of critics of Paradise Lost, but we remember well that its author was John Milton. We recall the fact that Watt invented the steam engine. We have forgotten, or never cared to know, the names of the multitudes of men who have wrecked steam engines. Primitive man lived incaverns, clothed himself in skins, and ate his meat raw, sitting on his haunches, and there has never occurred a change for the higher and better forms of life without arousing the hostility of some old mossback, conservative hunker, who will prate of those fairer and better days of old, when their grandfathers swung by their tails from the limbs of the trees in the wilds of the forest primeval. [Great laughter.]

Mr. Chairman, we have held up to us for warning the history of Persia and Greece, of Babylon and Rome. They have flourished and have faded. They had their morning hour and their meridian and went out in the blackness of night. Rome expanded until, like a wheel, the spokes radiated from the hub throughout Europe, Asia, and Africa. The collapse of her power and of every empire of the past came, not from the weakness of the periphery of the wheel, but from the rottenness of the hub.

Rome fought for spoils and booty, and all the loot of war,
The talons of her eagles ever left the cankering scar,
Her consuls led her legions forth with sword, and scourge, and chain;
And captives reel at the chariot wheel when home they come again.

Not for spoils and booty, not for the loot of war,
Not for a train of captives chained to the conqueror's car,
Our nation sends her legions forth, far out across the sea,
With her starry emblem floating, proclaiming all men free.

[Applause.]

We go forth with the plowshare and the pruning hook; with the Bible and the spelling book. From the jungle and from the hilltops will float the banner of freedom over countless schoolhouses; we go to lift up cellar hatchways and let out fetid poisons and miasmatic vapors; we go forth not to pillage temples, but to erect them; not to stifle liberty, but to give nobler ideals of liberty; not to forge fetters, but to break them. [Applause.]

History finds man first in Asia, from which the human family have emigrated to the westward until they have circled the globe, and to-day the new civilization clasps hands at Manila with the ancient.

Mother Asia, we stand at your threshold. In a far, immemorial yore
We left thee, great mother of nations, and now we return to your door.
We have circled the seas and their islands, we have found us new worlds in the main;
We have found us young brides o'er the alien tides; now we come to our mother again.
We wandered through ages unnumbered, we were mad with the fever to roam;
But the new flag that floats at Manila proclaims that your sons have come home.
They come with the wealth of their wand'rings, they come in the strength of their pride;
Now, old mother, arise, lift up your dim eyes, and behold your strong sons at your side.
There are weeds in the gardens of morning, there are mildew and dearth and decay,
And your blind days are drear, and your heart has grown sore, in the years that your sons were away.
But lift your old eyes to the seaward, where the flag of the West is discerned;
Be glad, gray old mother of nations—the youth of the world has returned.
They will toil in your gardens of morning, they will cleanse you of mire and of fen;
You shall hear the glad laughter of children, you shall see the strong arms of young men.
New hope shall come back to your borders, despair from your threshold be spurned.
A new day shall rise in your Orient skies—the youth of the world has returned.

[Applause.]

Mr. Chairman, every dictate of prudence and of statesmanship, every dictate of business sense and of commercial advantage, every dictate of reason, every prompting of humanity, and every obligation of applied Christianity unite in the demand that we go forward. [Applause.] We have a mission to perform; a destiny to accomplish; an example to be given of how nations may justly rule themselves, not in license but in liberty. Nor shall that mission be finished, or that destiny be fully accomplished, until—

The war drums beat no longer,
And the battle flags are furled
In the parliament of man—
The federation of the world.

Shall we falter in our duty? Shall we haul down that flag whose waving stripes speak the white of purity and the red of sacrifice, and whose shining stars stand in the field of blue as an aspiration and an inspiration for all that is noble in life and beneficent in government? No! Let it float! And under its shadows—

Shall brothers be knit in closer bands
From the mountain's crest to the gray sea sands,
And the world be better, I ween.

[Great applause.]

APPENDIX.

James G. Blaine, in Volume I, page 7, Twenty Years of Congress, said:

It seems scarcely credible that the acquisition of Louisiana by Jefferson was denounced with a bitterness surpassing the partisan rancor with which later generations have been familiar. No abuse was too malignant, no epithet too coarse, no imprecation too savage, to be employed by the assailants of the great philosophic statesman who laid so broad and deep the foundations of his country's growth and grandeur. President of a feeble Republic, contending for a prize which was held by the greatest military power of Europe, and whose possession was coveted by the greatest naval power of the world, etc.

Mr. Chairman, as showing some of the opinions entertained by the wise men of that day, opposed to the policy of expansion, when the acquirement of Louisiana was under consideration, I shall quote from the Congressional Globe. Mr. Griswold, on page 434:

It is not consistent with the spirit of republican government that this territory should be exceedingly large.

Mr. Lewis, on page 441, declares the measure unconstitutional.

Mr. Thatcher, on page 445, states:

It will involve the necessity of a considerable standing army.

Mr. Lucas, on page 1061:

Without wishing to reflect upon the inhabitants of Louisiana, I would say they are not prepared for a government like that of the United States.

In the Twenty-eighth Congress of the United States, second session, Volume XIV, page 177, Mr. Pollock says:

The wilds of the West alone would provide a home for millions for ages yet to come. I say we need no more territory.

Speaking of Texas, Senator Marshall, on page 281 of the second session Twenty-eighth Congress, states:

Let gentlemen pursue their doctrine to its consequences. If Congress can annex Texas, it can annex any other foreign territory. We are venturing on dangerous ground, and it trembles beneath our feet. If Texas, why not Cuba, if she come demanding admission with the assent of the Spanish Government?

To which Mr. Buchanan retorted:

I wish she would.

Senator Morehead, upon page 282, says:

Rome, after corrupting the purity of primitive institutions, became ambitious, next omnipotent, then luxurious, and at last perished under the weight of her provincial acquisitions.

In Volume XIII, Twenty-eighth Congress, first session, Joshua R. Giddings, of Ohio, says:

I for one deny the constitutional power of this Government to amalgamate the political destinies of this people with those of Texas or any other foreign Government.

On page 445 of the same volume is printed a letter from Andrew Jackson favoring the annexation of Texas and the enlargement of her boundaries.

In Volume XVI, first session Twenty-ninth Congress, Mr. Ashmund, of Massachusetts, denounces it as a war of conquest and views it as an omen of premature decay of our institutions.

Mr. Gentry, of Tennessee, Volume XVII, page 47, says:

The President is going to conquer a vast region of country, larger than all the thirteen States, and add it to the Union. Surely people must be mad if they shut their eyes to the bearing of such a resolution. They were bound to anticipate the dangers which threatened them and to call the people to the rescue. Their dearest interests are about to be put in peril by fools and traitors.

Volume XVII, second session Twenty-ninth Congress, page 546, Senator Pearce, of Maryland, said:

I want no more annexation. I want no more partnership with outside barbarians.

Certainly the gentleman was not at that time very complimentary to our friends from Texas, Arizona, New Mexico, California, Nevada, and Colorado.

Daniel Webster says, Volume XVII, second session Twenty-ninth Congress, page 156:

For one I enter into this declaration with all my heart. We want no extension of territory; we want no accession of new States. The country is already large enough. From the first I saw, and have seen, nothing but the danger to arise to the country from such annexation. We appear to me to be rushing upon perils headlong and with our eyes all open, but I put my trust in Providence and in that good sense and patriotism of the people which will yet, I hope, arouse themselves before it is too late.

Volume XVI, first session Twenty-ninth Congress, Joshua R. Giddings, of Ohio, said:

It is for these reasons that I have characterized the annexation of Texas as a dissolution of the Union. Whether this language be appropriate I leave for those who hear me to determine. I will not contend about terms.

McMaster's History, page 198, Volume III:

Never was the Constitution more broadly construed than when the judiciary act was repealed and the purchase of Louisiana effected. Never was the Executive power more extended than when Jefferson was given despotic sway over the Territory of New Orleans. Never was the Constitution more impudently disregarded than on the day when one rate of tonnage duty was laid in the ports of Louisiana and a very different one in the ports of the States. The great mass of the men who in 1800 voted for Adams could in 1804 see no reason whatever for voting against Jefferson.

Schouler's History, Volume II, page 250:

Already New Orleans was developing into the grand international mart and exchange for cotton, sugar, and productions from up the river which it has ever since remained; its business excitements seasoned by dissolute pleasure; its morals and public virtue soft and yielding; its inhabitants lavish and fond of gaudy shows, but not given to the interchange of elevated thought, and the whole unhealthy social fabric seeming to rest, like its houses and tombs, the receptacles of dead and living, upon surface foundations and behind levees, as though to defy the deluge. In this babel of tongues—English, French, German, Spanish, and Italian—French was still as familiar as English. Perhaps the most powerful American influence exerted by this singular cosmopolite city has been in transmitting to neighboring States in a perfected code the jurisprudence and institutions which Louisiana and Spanish America derived from imperial Rome.

Schouler's History, page 314, Volume II:

The curious medley of races and morals which New Orleans at this time afforded raised no prejudice against admitting Louisiana to the full sisterhood of States. The Eastern Federalists cherished deeper dislike. Brought now to confront the new and inevitable expansion of the American Union beyond the Mississippi, their pent-up jealousy broke out into anger. The new census showed a rapid development of the population beyond the Alleghenies, where their political camp fires could never kindle. It seemed as if New England's scepter and commerce were departing together. From this point is manifested a decided antipathy at the East to slavery expansion and growth in the southwest, whose origin, so far as concerns Pickering, Quincy, and the old-school leaders of that section, must be ascribed more to political than humane convictions, however clear might have been the later flame.

Quincy's speech against erecting any State beyond the Mississippi upon the present basis of the Union was very violent. "If this bill passes," he exclaimed, in passionate strain, after dwelling upon the constitutional objection to admitting Louisiana, "it is my deliberate opinion that it is virtually a dissolution of the Union, that it will free the States from their moral obligation; and as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if we can, forcibly if they must." Loud cries interrupted him of "Order! Order!" and his words were taken down. Speaker Varnum rule the latter portion of these remarks out of order, but the ruling was reversed by the House, and Quincy continued more calmly.

This speech forcibly illustrates the position of the eastern Federalists at that day. The statement which so startled the House had been uttered, as Quincy explained, "Not for agitation, but as a warning; not from hostility to the Union, but out of an earnest desire to preserve it." The clause in the Constitution authorizing the admission of new States must, from the context, be understood to relate only to the formation of the new States within the limits of the Union then existing. The people of that day had no idea of the territorial avidity of their successors. The prevailing opinion then was that the country was already too extensive for a republican form of government. Nowadays there is no limit to our ambitious hopes. We are about to cross the Mississippi; the Missouri and the Red River are but roads upon which our immigration travels to new lands and new States, to be erected and admitted under a power now about to be usurped.—*Annals of Congress, January 14, 15, 1811.*

"Quincy, still young in the service, survived all his political contemporaries. He lived long enough to recant these narrow views and to see and believe in the uprising of a great people, stretched from ocean to ocean, with one thought and one will to protect, preserve, and to render the union of these States immortal."—*From a speech made in 1861, Quincy's Life, Lossing's War of 1812, 228.*

Annals of Congress:

Pickering did not claim that he violated confidence through inadvertence, but defended only as though the violation was of no present consequence. His colleague undertook to soften the resolution by inserting the word "unintentional," but upon Clay's intimation that he would move to amend further by striking out "un," withdrew the amendment.

Schouler's History, Volume II, page 429:

Was this political strategy in order to teach the American nation to look up to Federalism as the brazen serpent, or was it New England's serious ultimatum to her sister States? From whichever point it should be regarded, never did amiable gentlemen of the bar fall more ignominiously as confidential advisers of a rebellion. An uprising of shipping merchants, clergy, and moneyed men could scarcely have been heroic or popular; and the conventionists, moreover, had duly estimated neither the weariness of governments abroad nor the reserved strength of their own.

Before Congress, now in session, had actually resorted to a conscription, before new and burdensome taxes could be assessed or a national bank chartered, while the novel experiment of enrolling State volunteers promised all the troops immediately desired, the war cloud suddenly parted. Massachusetts and Connecticut had accepted the report of the Hartford convention; each dispatched ministers to Washington to make upon Congress the proposed demand for a separate maintenance.

Quickly, indeed, but too late. Those demands were never made, for before the State commissioners could reach the national capital salutes were firing and the Stars and Stripes floated free. The vast area of our indivisable Union was becoming spangled by night with illuminations. Almost simultaneously came the good news to Washington that Jackson had driven the British from New Orleans and that our commissioners abroad had concluded an honorable peace at Ghent on the 24th of December.

McMaster's History, Volume III, page 194:

The Federalists controlled the clergy and the press and summoned to their aid every charge which for four years past had been going the rounds of the newspapers. The old cries of French influence, ruin of the Army, ruin of the Navy, ruin of the judiciary, persecution of the Federalists, Virginia rule, taxation in New England were heard again. God-fearing men were reminded of Jefferson's friendship for Thomas Paine. The shipwrights, the blacksmiths, the whitesmiths, the pump makers, the block makers, the pewterers, the coopers, and riggers were reminded of his hatred of mechanics and of his wish that our workshops might remain in Europe.

Taxpayers were bidden to recall the frightful extravagance of the Administration, the great sums squandered in sending Republicans abroad to replace Federalists at foreign courts, and the fifteen millions to be paid for Louisiana. "Do you know," it was asked, "what this means? Do you know that, if the fifteen millions were divided among the States on the ratio of representation, the amount allotted to each Congressman would be $105,000; that Massachusetts would pay more than $4 a head for each man, woman, and child within her borders; that New Hampshire's share of the interest would be $87 a day; that Connecticut would be taxed $30 for every family? Thus have the professed idolizers of economy embarrassed the country with a debt of which the interest is greater than the direct tax of which they complained so bitterly. Is this a subject for a thanksgiving or a fast?"

Schouler's History, pages 65 and 66, Volume V:

This Lexington speech gave, as the orator (Clay) meant it should, the keynote of Whig opposition for the new Congress about to assemble. Its theme was the unnatural war with Mexico and its text the prophecy of Clay's Raleigh letter of 1844, already fulfilled, that in the case of Texas "annexation and war were identical."

NEWSPAPERS ON LOUISIANA PURCHASE.

[Boston Gazette, September 1, 1803.]

Fifteen millions two hundred and fifty thousand dollars is a number that may be uttered with the tongue in a single moment without any effort; it may also be described on paper in characters or figures with a few strokes of the pen; yet not one, perhaps, among a thousand comprehends or has any idea of its magnitude. * * * And for whose benefit principally are those millions of dollars to be expended?

Principally for the benefit of the Southern and Western people. Will they pay their proportion of the debt? They will not. The excise on their whisky is taken off, and what they pay in support of the Government and toward the discharge of the public debts is comparatively nothing. The burden of discharging the annual interest on this public debt will fall upon the Atlantic States, and mostly upon the Eastern and Middle States, which can receive comparatively little advantage from the acquisition of a vast and distant American wilderness.

[Boston Gazette, November 7, 1803.]

Toasts given at a dinner given to John Quincy Adams, referring to Louisiana treaty:

"A pillow which
Intoxicates, but not composes; fills
The visionary mind with gay chimeras—
All the vile trash of sleep without the rest."

And

"May the people of the United States not acquire so much territory on earth as to lose all title to a portion of heaven."

[Boston Gazette, November 24, 1803.]

And like Anacharsis, our titled patriots, from Mr. Jefferson downwards, seem to entertain the same furious enmity against the language and common sense which they do against the religion and government of our country.

[Boston Gazette, December 1, 1803.]

Referring to the President's account of Louisiana, in which he mentions a mountain of salt:

"Some of the Democrats carry their complaisance to Mr. Jefferson to such lengths as seriously to pretend that they believe in the existence of a vast mountain of solid rock salt, 180 miles in length and 45 in width. Really, this gentleman is peculiarly unfortunate in the character of his adherents. Who can doubt the sincerity or the zeal of those who, rather than admit their friend and leader to be a fool or a madman, are willing to assume both characters to themselves. * * *

"It has been suggested that the sugar refiners in the United States are about to petition Congress to suffer no settlements nor purchases to be made in the interior of Louisiana, and to prevent all persons hereafter from exploring the enchanted country, as it is rumored that the President's private secretary, Mr. Lewis, has lately discovered an immense mountain of solid refined sugar from which a sufficient quantity may be taken to supply the whole world without occasioning any sensible diminution. In our opinion, however, the evidence of such a mountain may be questioned."

And referring to the same subject, the same paper on December 5, 1899, printed the following:

"Herostatus of old, to eternize his name,
Set the Temple of Diana all in a flame.
But Jefferson lately of Buonaparte bought,
To pickle his fame, a mountain of salt."

[New York Herald, October 26, 1803.]

The good people of New England must know that were every citizen of Virginia to vouch for Mr. Jefferson's morality (and there is a large and respectable portion who never will), the evidence could have no weight here, where morality is taken from a very different scale. Habit in that depraved State justifies what here would damn a reputation to universal contempt.

[New York Herald, May 2, 1804.]

The time will come when a foreign enemy will menace this country. Perhaps the day is not far off, for the people are rich enough and the Government pusillanimous enough to invite an invader. How shall we then be protected? By the Southern States? Take away those whites who must remain to watch over the slaves, and how many will there be to act against the enemy? Officers enough? Yes; the South is the seat of our privileged orders. But soldiers? As before, in the yeomanry of the Northern States. Who fought the battles for independence?

Who freed Virginia and the colonies from the British troops? It was the men of the North, the now destined vassals of the South. But I will not despair. The purchase of Louisiana, at the expense of $15,000,000, for the augmentation of the Southern interest must finally convince the States north of the Chesapeake that they must unite in common Northern interest. The mock Administration of Mr. Jefferson and his friends of the South will then crumble away faster than the moldering monuments of the capital. Let, therefore, the disinterested among our Federal and Democratic Republicans lay aside their fatal dissensions, which have served no purpose but the purpose of their enemies. We shall then be able to fix a just balance of power in the United States and no longer realize the fable of the serpent whose head is directed by its tail.

New York Herald, September 3, 1803, quotes Griswold's remarks in the House of Representatives October 25, 1803:

"The Government of the United States was not formed for the purpose of distributing its principles and advantages to foreign nations. It was formed with the sole view of securing those blessings to ourselves and our posterity. It follows from these principles that no power can reside in any public functionary to contract any engagement or to pursue any measure which shall change the Union of the States."

[New York Herald, January 4, 1803.]

A gentleman who was present in the House of Representatives at the debate on the treaty yesterday informed the editor that he had heard both Mr. Gallatin, the Secretary of the Treasury, and Mr. Lincoln, the Attorney-General, say that without question the third article of the treaty, incorporating Louisiana into the Union, was not warranted by the Constitution; but they thought the Constitution might be so amended as to cure this objection.

A pretty doctrine, truly! First, to make a contract with a foreign power which they had no authority to make, pay over fifteen millions of the people's money in part execution of it, and lastly set themselves to work to try if they can prevail upon the people to close the bargain. This method of doing business has at least the merit of novelty to recommend it.

In referring to the sentence in Monsieur Laussat's address to the people of Louisiana, reading as follows: "The public interest and affairs [of the United States] will now be your interest and your own business, upon which your wise and impartial opinions will be sure at length of obtaining a preponderating influence," the New York Herald says:

"Is there, we ask, is there in the United States one man with a single drop of American blood in his veins whose pride is not aroused, whose prudence is not alarmed, whose indignation is not fired, at this triumphant display of French arrogance within our own territory, and, we may almost say, within the walls of our own Congress? If there is one, he deserves not the honor of being called an American, and the sooner he expatriates himself the better."

[New York Herald, January 21, 1804.]

From the official papers received by this morning's Mississippi Herald, it appears that Louisiana has at length been quietly surrendered to our Government, so that we now have only to pay the fifteen millions, incorporate the territory in the face of the Constitution, and prepare to lose one-half of the United States, as nothing is more certain than that we pay our millions for the eventual loss of territory instead of any valuable acquisition.

But we shall more distinctly see how this looks when we come to take a view of the whole ground, as we shortly intend to do if life is spared, notwithstanding the threat of one of the friends of liberty and equality who lately said at his own table, that our attempts to place the purchase of Louisiana in a dissatisfactory point of view before the community deserved tar and feathers—and this man, this liberal advocate of free inquiry, is one of the representatives of this city. ' But it will not do, Doctor, it will not do.

We can not dismiss this article without taking notice of the sublime pomposity and rapturous nonsense of this General Wilkinson. He has officially announced that every man in his army who does not receive every Frenchman and Spaniard in Louisiana as his brother shall be expelled from the corps and marked with infamy as a wretch. This beats the farcical love-making of the French orators upon Bonaparte all hollow, or even the fraternal squeeze given to the fat West India negro wench by the president of the national convention, amidst a thousand applauses.

[New York Herald, March 7, 1804.]

Whoever will take the trouble to peruse the sketch of Congress debates will see that the friends to the equal rights of man are not a little hampered with the difficulties presented by the President's bill. The President proposes to erect a government about as despotic as that of Turkey in Asia. His friends have all the disposition in the world to gratify him, but they are afraid of consequences. And, in truth, may they well be afraid, unless they can contrive to silence all the presses of the Union.

[New York Herald, March 21, 1804.]

The folly which supposes that the people of Louisiana are not as well qualified to enjoy political liberty as those hordes of aliens and strangers who are continually intermeddling with our public concerns, will not always pass current with the people of America. Nor is it possible that any part of our empire can be long held in a state of vassalage under even the philosophic Jefferson.

We revolted from Great Britain because her Parliament taxed us without our consent, expressed by representatives. Our colonies may adopt our principles. Even the limited monarchy proposed in the bill now under discussion in the House of Representatives will not probably be established, and it is next to a certainty that the session will terminate, leaving Mr. Jefferson in complete possession of all the despotic powers which were lately acquired by the Spanish monarch.

[Correspondence in the Boston Centinel from Washington, February 18, 1804.]

You have ere this heard of our celebration of the cheap acquisition of Louisiana. At this noble carousal, in the presence of our philosophic President, the bands of music played "Ça ira," "Carmagnole," and other revolutionary tunes, to which the heads of thousands of Frenchmen danced off their shoulders in the murderous days of Marat and Robespierre. When the President retired he was toasted, and huzzas and tumultuous shouts succeeded. When the Vice-President retired he was also toasted—some of his friends began to huzza, but it died away in the indecent grumbling of the President's satellites. * * *

So much for the dear friends of the people who quaff their wine with distinction, and yet as one who felt that his autumn had come. His argument was epitomized in a series of resolutions which his Lexington hearers unanimously adopted. These resolutions set forth that the Mexican war had been brought on by deceit and unrighteousness, and yet its prosecution had now become a national concern; that Congress ought by some authentic act to declare the objects of this war, and control the President in his prosecution of it; that any such purpose as the wholesale annexation of Mexico (for such by many, excluded from the confidence of the Government, was supposed to be the plan) ought to be opposed under all circumstances, and especially the present; that considering our splendid series of victories, the United States ought to practice the virtues of moderation and magnanimity, requiring no dismemberment of the Mexican Republic, but only a just and proper fixation of the limits of Texas; and that we should disclaim all "wish or desire on our part to acquire any foreign territory whatever for the purpose of propagating slavery or of introducing slaves from the United States."

Fellow-citizens of the Union were further counseled to assemble in local meetings of their own and declare their opinions on the same subject. Following that last suggestion, public meetings were held in New York and various other cities and towns which indorsed these sentiments and, with the Whig presses, lauded Clay's speech as one which gave back to the people their own thoughts.

[Schouler's History, page 65, Volume V.]

Clay did not insist, as Corwin had done before the Senate in his glowing speech of the late session, or as Winthrop had just expressed himself in a Faneuil Hall speech, pitched to Webster's earlier expression, that the war should be stopped where it was. Neither had he squarely placed himself upon the radical dogma of the Wilmot proviso, though the bearing of his resolution seemed certainly to be in that direction. * * *

By this time Scott's entry into the Mexican capital had been bulletined. * * * Webster on the Senate floor had already proposed that no territory should be annexed at all, his plea being that this Union was scarcely powerful enough or virtuous enough to bear the weight of the acquisition. Such wish for eternal chaos and seek as much confusion in government as exists in their heads.

[Columbian Centinel, May 26, 1804. New York correspondence.]

The celebrations of Mr. Livingston's acquisition of Louisiana, as ordered by the Aurora, have been the shabbiest attempts ever exhibited to the laughter, scorn, and contempt of the American people. Take away the wild Irish, who talk so loudly about defending liberty and yet desert their country in its utmost need, and other European fugitives from justice and poverty, and the whole body of celebrators from Georgia to Massachusetts would not exceed 500.

The Democrats boast of being the majority of the people of the United States. Take away their 800,000 negro slaves, their Irish, Scotch, English, and French aliens and renegadoes, and then see where the majority will remain. They dare not try the experiment of excluding slaves from representation in Congress. If they were serious in wishing to amend the Constitution, let them advocate this amendment, or give their slaves their freedom.

[Columbian Centinel, November 30, 1803.]

If the disturbance and vexation arising from a French gang of outlaws on our western borders shall appear to be an evil worth fifteen millions to be rid of, the question arises, Have we removed or greatly mitigated the supposed evil? Had France proceeded to settle a colony there, we might calculate on some strength in her garrisons—none in her settlements. The colonists would roam the woods and their number and licentiousness might call for some American force on the Mississippi to prevent their predatory incursions on this side of the river. A small force would keep them in check.

The real danger, however, was of a different kind—their power to raise a French faction beyond the mountains. This, and not their military force, was dreaded—and this our rulers justly dreaded, because these Frenchmen profess their own principles and thus would fight them with their own weapons. Grant, however, that this population of outlaws would be a great evil, are we to expect in the present state of Louisiana to escape it?

Is Louisiana to be sold out in lots as may best suit purchasers? Who, then, will people it but those who want refuge from poverty or the laws? Say it is not to be sold at all, but kept as a park for Indians to hunt game in. How are squatters to be hindered from establishing themselves in its boundless hiding places? It will certainly require twice as much force to hinder its

settlement and to preserve the property of the lands for which we lavished our millions as to defend the frontier against a languishing and, on every war, neglected French colony. Is not this a way to make new evils and aggravate old ones? Have we not shown that we lack wisdom fully as much—and that is saying a great deal—as we lack spirit?

[Columbian Centinel, November 26, 1803.]

If France should conquer England she will rule the known world, and Louisiana will be her own if she, or Spain, on her instigation, should then ask for it again. This is the bloody arena that we are to look on, says the message, with neutral eyes. * * * It would take France, in a state of prosperous industry, which she can not have, and of peace, which she will not have, one hundred and fifty years to raise the colony of Louisiana to a level in point of military force or active resources with the State of Connecticut. During the greater part of that long period the colonists will roam the wilderness, almost as destitute as the Chickasaws and Creeks, and long before that period the United States, if kept united and governed well, would possess a force that should say, and say with terror and effect to France at home, Thus far shalt thou go and no farther.

[Columbian Centinel, November 23, 1803.]

After the imagination has recovered from its intoxication, it will be time to reflect and to confess that this vast region is still wild land, of which we have had before the treaty within our old limits ten times as much as we knew what to do with. The white people of Louisiana, exclusive of the island of New Orleans and a few trading villages on the west bank of the river, are not probably 10,000. In point of productions, therefore, we have gained little by our new independent outlet. To protect the country and to collect the revenue will for many years cost ten times as much as the revenue. As to the productions of the western country within our ancient limits, be it known to the world that it did not depend on France or Spain to hinder their outlet.

[Columbian Centinel, November 12, 1803.]

When we read the treaty we find that it involves our honor; it involves also our most essential interests. It takes out of the country almost a score of millions, enough to fit and equip such a fleet as would have rendered this treaty unnecessary. It changes the identity of our nation. The United States are no longer the same. We are soon to look for our rulers and red, yellow, and black brethren beyond the Mississippi.

[Columbian Centinel, October 19, 1803.]

The Jacobin party has ever had a set of rallying words to keep its privates in their ranks. A word was ever enough, and a sentiment of any sort was generally too much. The great Virginia leaders in particular affected a sedate and principled dislike of funded debt as a source of a corruption and court influence, and therefore, to hasten the payment of our whole debt, as their strange act of Congress is titled, they repeal taxes to the amount of a million a year and run in debt for Mississippi moonshine fifteen millions more. This is done, after all that has been said, in a republic. The British monarchy is straining its utmost energies to tax almost all that is wanted within the year, to prevent the growth of their public debt. Go and do likewise, Mr. Jefferson; when you make fifteen millions debt, make taxes to meet it and pay it off.

[Columbian Centinel, August 24, 1803.]

Fifteen millions, we are told, and probably enough, twenty or twenty-five, are to be taken from the mouth of labor. For what? Wild land. For whom? For the ambitious French, the aspiring, insolent oppressors of half mankind. Our money goes to fight whose battles? Our own? Bring this point, base, cowardly, stupid readers of the "Aurora," to the test. Suppose in this strife France prevails, what are we to expect? Justice? Fools, and fools without an excuse. * * * Suppose France is victorious, the alternative is plain. We must be her slaves or her antagonists. Our fifteen millions, then, are to fight the battle against ourselves.

The Turks have, perhaps, fifty millions of people, but they are not fencibles, not military, or capable of bearing arms. They are so many tribute-paying kickables. How weak is Turkey; the weaker for the number of poor devils. America, take warning, and before you take the cold bath of the mud puddle of dishonor, ponder well whether you would be of choice another Turkey. Some men can endure shame, but who would choose it? It is not the number, it is the spirit and character of a nation that makes it great or despicable.

[Columbian Centinel, August 17, 1803.]

We pay, for the purchase of Louisiana, upward of $15,000,000—that is, $3 for every man, woman, and child in the United States. And why should our rulers be grinding the face of the poor in purchasing land which they, nor their children, nor their children's children, to the latest generation, will ever, in all probability, see cultivated. We pay for the purchase $15,000,000, which is more than all the gold and silver coined in the United States, in bank or out of bank, put together, and it is reasonable to suppose that the greater part of our specie will go to France in payment.

[Columbian Centinel, July 16, 1803.]

The puny hands of our theorists could not sustain so vast a machine as the government of the whole empire, supposing it should all be open to colonization and settlement. And if they should adopt the more rational policy of keeping it an untrodden waste for owls to hoot and wolves to howl in, the realm of alligators and catamounts, they have not the vigor and they dare not use the means to prevent the "squatting" of hosts of renegades and outlaws and fugitives who would laugh at our laws, and when they became numerous would defy our force and proclaim independence.

In that event there would be a line of division to be run, and what security is there that, by grasping at an empire of moonshine, we should not in half a century lose half our present territory? Then, fellow-citizens, buckle on your arms and prepare your forts on the not distant frontier, to keep off the enemies whom fear and rivalship and neighborhood will make implacable.

Then our lamblike tobacco planters will find their dread of standing armies subdued by their greater dread of predatory incursions from the mountains. Then, perhaps, indeed we may cling to our Government and be inspired, if we should be capable of the inspiration of patriotism, by the shame and apprehension of a foreign yoke. The perils of our situation might engender the virtues that it would need, the only virtues that could surmount those perils, the seeds of which were sown in 1798, but which have since watered on the stalk.

CONSTITUTION.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United states," and remarked, "It is we, the people of the United States, for ourselves and our posterity," not for the people of Louisiana, nor for the people of New Orleans, or of Canada.

None of these enters into the scope of the instrument. It embraces only the United States of America. Who those are it may seem strange in this place to inquire. But truly our imaginations have of late been so accustomed to wander after new settlements to the very end of the earth that it will not be time ill spent to inquire what this phrase means and what it includes. These are not terms adopted at hazard; they have reference to a state of things existing anterior to the Constitution. * * *

Do you suppose the people of the Northern and Atlantic States will, or ought to, look on with patience and see Representatives and Senators from the Red River and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard 1,500 miles at least from their residence, and having a preponderancy in councils into which, constitutionally, they could never have been admitted? I have no hesitation upon this point. They neither will see it, nor ought they to see it, with content. * * * This great usurpation which creeps into this House under the plausible appearance of giving content to that important point, New Orleans, starts up a gigantic power to control the nation. * * * The bill, if it passes, is a deathblow to the Constitution.

"Mr. Gold sided with Josiah Quincy in the main points of his arguments, and even justified the language which that distinguished member of the House had used when recommending a dissolution of the Union should the bill pass."

On January 14, 1811, Josiah Quincy, speaking in opposition to the bill for the admission of Louisiana, said:

"I address you, Mr. Speaker, with an anxiety and distress of mind with me wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power, as an ordinary affair, a mere municipal regulation, which they expect to see pass without other questions than those concerning details. But, sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country, and that in no great length of time it may produce it."

"When I see the zeal and perseverance with which this bill has been urged along its preliminary path; when I know the local interests and associated projects which combine to promote its success, all opposition to it seems painfully unavailing. I am almost tempted to leave without a struggle my country to its fate. But while there is life there is hope. So long as the fatal shaft has not yet been sped, if heaven so wills it, the bow may be broken and the vigor of the mischief-meditating arm withered. * * *

"Under the sanction of this rule of conduct I am compelled to declare it as my deliberate opinion that if this bill passes the bonds of the Union are virtually dissolved, that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must."

President Lamar, of Texas, in his inaugural address, December 9, 1838, said, speaking of the current agitation of annexation:

"I have never myself been able to perceive the policy of the desired connection or discover in it any advantage, either civil, political, or commercial, which could possibly result to Texas. But, on the contrary, a long train of consequences of the most appalling character and magnitude have never failed to present themselves whenever I have entertained the subject, and force upon my mind the unwelcome conviction that the step, once taken, would produce a lasting regret, and ultimately prove as disastrous to our liberty and hopes as the triumphant sword of the enemy."

Mr. Winthrop, in the House of Representatives, January 6, 1845, said, in regard to the annexation of Texas:

"As he has said on a previous occasion, that the whole scheme was unconstitutional in substance and in form; that it was contrary to the law of nations, and was a violation of the good faith of our own country, and in his judgment it was eminently calculated to involve this country into an unjust and dishonorable war. * * *

"Now, he was no despiser of precedents, especially such precedents as were furnished by the early Cabinets, for which he had the most deferential respect; but he could not understand this disregard of all precedents in all other cases than this annexation of Texas and such a precedent as the cession of Louisiana afforded. Why, they knew that Mr. Jefferson in his letter to Mr. Breckinridge acknowledged that they were doing an act which went beyond the Constitution.

"He read an extract from a letter witten by Mr. Jefferson, in which he expressed the opinion that the limits of the United States were fixed, and that the Constitution of the United States was made for the territory so limited; and that he could not believe that the intention was to permit Congress to admit new States which should be formed out of new territory not included in those limits. Mr. Jefferson did not believe that Congress had such power; and who did believe it? There were compromises in the Constitution; and he would here take occasion to say that Massachusetts had been falsely charged with a design to violate these compromises because she had thought fit to submit a proposition to amend the Constitution."

Mr. Douglas said he agreed with the gentleman from Massachusetts, that if we annexed Texas to the Union it must be done consistently with the Constitution, and he was satisfied that Congress had the constitutional power to do it. In regard to the power to annex foreign territory to the Union, he had only to call the attention of the gentlemen to the fact that in the articles of the old Confederation there was a proviso that Canada might be admitted to the Union as a matter of right whenever she asked it, and that any other colony might be admitted with the consent of the nine States. * * *

It was certainly the intention of the framers of the Confederacy to admit foreign States into the Union if they could get nine States to vote for it. * * * They struck out the proviso requiring assent of nine States for the admission of new States and inserted a proviso that Congress might do it * * * by the votes of a majority.—*Abridgment of the Debates of Congress.*

[Schouler's History, Volume IV, page 458.]

When Secretary Upshur had directly charged such a plot (this British plot, as it was called, was to persuade Texas to abolish its own slavery), Lord Aberdeen denied it; he admitted, however, that Great Britain desired to further the cause of emancipation throughout the world. This admission Calhoun presently made the text of long homilies for home effect in defense of slave institutions. It was quite in the line of Upshur's correspondence, but it disconcerted the President; for it put Texas annexation before the country, not as a plan for national benefit, but as a Southern and special one, in the interest of slave breeding.

Before Calhoun took his seat in the Cabinet, and even before the fatal explosion on board the *Princeton* which made a vacancy for him, this clandestine negotiation, which led the country up to the cannon's mouth without a word of warning or consultation and in utter disregard of the rights of nations, began to get wind outside. The Washington correspondent of a New York press late in February was the first to mention the rumor, which the public could scarcely believe. A few weeks earlier an open letter from Webster reiterated the ex-Secretary's views on the impolicy of annexation; and under the same inspiration, so it appears, Winthrop introduced resolutions of the same tenor in the House, while the Washington Intelligencer sounded the alarm in some vigorous editorials.

The news that a treaty which joined Texas to the United States was ready for the final signatures startled the country like a cannonade. There was a

panic in New York Exchange, as though war with Mexico had been declared already. The Madisonian, Tyler's official organ, would neither confirm or deny the exciting report, but in the Richmond Enquirer was printed a letter from Andrew Jackson, which he wrote nearly a year before in favor of Texas annexation; and that newspaper, with the Globe, took up a warm espousal of the cause on general principles.

As a checkmate, the Massachusetts legislature set the example of resolutions which protested violently that the Constitution gave no permission to join a foreign state to the American Union. * * * A new issue was sprung upon our politics on the very eve of the Presidential battle, an issue strong enough to rend asunder the whole plan of campaign. John Tyler had played his last stake with utter want of principle, but with an address and intrepidity which forced those who had disparaged his talents to think better of them.

In the Eighth Congress Mr. Pickering spoke as follows on the Louisiana treaty (Annals of Congress):

"Mr. P. never doubted the right of the United States to acquire new territory, either by purchase or by conquest, and to govern the territory so acquired as a dependent province, and in this way might Louisiana have become a Territory of the United States and have received a form of government infinitely preferable to that to which its inhabitants are now subject. * * * Mr. P. said that whatever way he turned his eyes war was in prospect, as the final result of our pacific measures, measures deemed so wise as to have been ascribed to divine inspiration. He wished they might merit that high character, but feared in the end they would bear the stamp of indiscretion, perhaps of folly."

The divisions which have been formed out of the territory acquired by the Louisiana purchase are as follows: Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Indian Territory, a portion of Oklahoma, a portion of Colorado, most of Wyoming, most of Montana.

Mr. LITTLE. I yield ten minutes to the gentleman from North Carolina [Mr. KLUTTZ].

Mr. KLUTTZ. Mr. Chairman, on yesterday, when the House resolved itself into the Committee of the Whole for the consideration of the Indian appropriation bill, my distinguished friend from North Carolina [Mr. LINNEY] evidently thought that the House had resolved itself into a court of appeals for the consideration of the North Carolina election law, or at least into a forum for the manufacture of campaign speeches for home consumption.

In replying briefly to his diatribe against the people of the South in general and the good people of North Carolina in particular, I shall add no word of sectional or personal bitterness to this discussion. Would God, sir, that we could let the dead past bury its dead and that we could leave the great questions settled by our great war where they were settled by the dread arbitrament of arms thirty-five years ago.

In a conversation, about the close of the Spanish-Cuban war, which I had with the honored Chief Magistrate of this great Republic, a man who, while I differ from his most cherished policies, I yet honor as an able, a patriotic, and an honest American, he said to me, sir, that that war was worth all it had cost if it had done no more than to obliterate sectionalism and to bring all the people of all the sections of this great country into a common understanding with each other once more. It was a noble sentiment, sir, nobly expressed, worthy the chief citizen of this great Republic, and it was a sentiment to which I most ardently responded; a sentiment to which I believe the thinking people of this country, without regard to politics or to sections, most heartily subscribe.

And yet, sir, when, as the gentleman from North Carolina [Mr. LINNEY] said, a foreign soil is drinking up the blood of American heroes, Northern born, Eastern born, Western born, and Southern born, alike; when Fitz Lee and Joe Wheeler fighting along with Lawton and Shafter and Otis and MacArthur, have demonstrated that the Southern people are loyal to the flag of our fathers, and that when it is unfurled they are willing to go as far as the farthest in defense of American rights and of American liberties [applause]; when Worth Bagley, of North Carolina, laid down his life and crimsoned the deck of his ship with his warm life-blood, poured out as a precious libation upon the altar of his country's rights and of his country's needs; when Hobson has rivaled Thermopylæ; and when, as volunteers have been called for, the battalions have come trooping from the savannas, the plains, and the mountains of the South, and side by side have fought with your boys from the East and the North and the West in upholding the honor and the glory of that flag, which, I thank God, waves once more over a reunited country [applause]—when these occurrences have taken and are taking place, I hear a note of discord, and it comes, I am sorry to say, from two North Carolina Republicans—in hoarse, bass notes from the Senate wing of the Capitol, and in the high treble of the mountain region of North Carolina in this House—a discordant note, endeavoring to rekindle the fires of sectionalism, which, thank God, had almost expired, and to reopen questions which ought to remain settled.

Why, Mr. Chairman, is this so? There is some reason for it. I do not know whether it is because these gentlemen see the handwriting on the wall; I do not know whether it is because in the reawakened condition of things in the South they feel that they and others like them are no longer to be permitted to misrepresent the good people who sent them here; but there is certainly some reason for it.

My friend seems to be fond of reading from newspapers. I have a clipping here from a newspaper published in this city which, I believe, is in close sympathy with the Administration, the Washington Star. That paper says:

About this time look out for internal activity in Republican circles in those Southern States where there is not the ghost of a chance for Republican success at the polls. The long four years' sleep is about at an end. So called leaders who have not been on the ground half a dozen times since 1896 will come trooping back from their places of residence elsewhere. Resident leaders who are holding Federal offices will rub their eyes and begin to look around. Conferences will be held. State conventions will be called. Tickets will be put in the field. And, particularly, delegates to the next Republican national convention will be chosen. Why is the forum crowded? What means this stir in Rome?

In the lower Southern States this activity is but a prelude to a scramble for Federal office. It can accomplish nothing in the way of electing any local ticket put up. The Republican party there is but a name; and not a name to conjure with. It contains some able and excellent men, but they have not demonstrated the qualities of political leadership. Between Presidential elections nothing is done. The opposition is left in undisputed possession of the field, and fills every local office from governor to constable. But when Presidential year dawns, the great drums are beaten, the horns are sounded, the standards are unfurled, and a most solemn dress parade is enacted. There is a marching up the hill and a marching down the hill, but nothing else takes place.

It may be for the reasons suggested in this article that this discordant note is struck at this time. I ask my colleagues on this floor from other sections of the country to believe that the people of North Carolina, as shown by her history in the past, are as honest, as patriotic, as God-fearing, as law abiding as the people of any other section of this great country, whatever her ungrateful sons may say of her on this floor. [Applause on the Democratic side.]

The gentleman has devoted his attention to the election law of North Carolina. With a Republican supreme court in his own State, I challenge him, if he believes this law to be unconstitutional, if he desires to put it to the test, to bring it, not into this jurisdictionless forum, for political purposes, but to take it before his own Republican supreme court in his own State and let that court say whether or not it is constitutional.

The gentleman dwelt upon the word "discreet" used in that statute, and he gave a definition of the word "discreet," which he intended to be witty. Now, let me read what Webster says of the word "discreet."

Discreet: Possessed of discernment, especially in avoiding error or evil, and in the adaptation of means to ends; prudent; sagacious; circumspect, not rash, headlong, or heedless; cautious, wary.

So that if a lawyer, choosing language which was intended to exactly express his meaning, were to search through all the dictionaries for a word which in its meaning would crystallize and most aptly express the qualifications which ought to be required of every election officer, he could not choose a better word than "discreet." And yet, forsooth, because this law absolutely requires the selection of persons possessing such characteristics as officers and managers of election, the gentleman in his desperation undertakes to hold it up to the scorn and derision of this House.

To such sophistry is he reduced in this appeal to the prejudices of the majority.

Equally disingenuous is his attempted characterization of section 11 of this act. The gentleman goes into affected jeremiads over the terrible proposition that the "registrar may require the applicant to prove his identity or age and residence by the testimony of at least two electors under oath." To the heated imagination of the gentleman this is a horrible requirement, while in the judgment of fair-minded men of all parties who are cognizant of the cases which it is intended to meet, it is not only a wise and salutary provision, but one which is absolutely necessary to protect the purity of the ballot. With a migratory colored population, each of whom more or less nearly resembles the other, rendering identification almost impossible, fraudulent registration of minors, convicts, nonresidents, nonnaturalized foreigners, etc., is preventable only by requiring satisfactory identification and proof of age, and this is all that this provision does.

The gentleman's labored argument that "gray hairs and wrinkles, the sure evidences of age," are not to be and will not be taken into consideration by the registrars is to assume and to assert that every registrar will deliberately discredit the evidence of his own senses and perjure himself for party advantage—a charge so unwarranted, so sweeping in its denunciation of a large and respectable body of his fellow-citizens, that I am astonished that the gentleman should make it.

The gentleman complains that all the registrars will be Democrats. True, there will be but one registrar for each precinct, and where capable Democrats can be found he will doubtless in most cases be of that faith; but how is this worse than the election law of the gentleman's own party, that of 1895, which he so extravagantly lauds, as well as that of 1897, under which there were three registrars, one of whom was required to be a Democrat, one a Populist, and one a Republican, giving to the corrupt and unnatural fusion between the Republicans and Populists, two registrars at every precinct to one Democrat, thus putting the election

machinery absolutely under the control of the fusionists as effectually as if the Democrats had had no representation at all. That was all right in the eyes of my distinguished friend, but it makes a wonderful difference with him whose ox is gored.

But, further, not only did this extend to the registrars, but the three judges of election for each precinct were similarly appointed, so that the Democratic party was absolutely powerless throughout every stage of the registration and election.

How is it now?

Under this reviled and much denounced Democratic election law there are two judges for each precinct, who must be of different political parties, and yet the gentleman yearns for the good old times of two against one.

Thus, Mr. Chairman, I have briefly attempted to expose the fallacies and sophistries of the gentleman's attack. He does indeed cite with great satisfaction to himself a North Carolina case, that of Van Bokkelen et al. *vs.* Cannady (73 N. C. Reports), to sustain his contention that the present election law is unconstitutional. The most superficial examination of that case will show that it is not only not decisive of this contention, but that it has little if any application to the law in hand.

The case was decided in 1875 upon facts arising in 1873, two years before the adoption of important amendments to the constitution of North Carolina changing the time of residence in counties and towns required for registration. Thirty days was then the constitutional requirement, and the court decided that it could not be extended to ninety, while ninety days is now the requirement of both the constitution and of this election law. The other questions decided have no pertinence whatever, and yet the gentleman introduces this case to prove the unconstitutionality of this law. Learned lawyer as he is, with the great law libraries of the nation at his command, how hard pressed he is for authority! The only remaining count in his arraignment is that the voter has no appeal from the registrar. Truly this is pitiable.

As a matter of fact, no such appeal has ever been practicable under any election law ever passed in North Carolina, so far as I have been able to discover. Under the fusion election law of 1897 the judges of the supreme and superior courts were given supervision and control over the county boards as to the appointment of registrars and judges of election, with power of removal and right to hear complaints of violations of duty by such officers and to require cause to be shown, and so forth, under penalties, but nowhere do I find any provision for an appeal by the individual elector from the ruling of the registrar.

This dragging the judiciary into the mire of practical politics and requiring judges personally interested in the result of the election (our judiciary being elective) to pass upon petty disputes as to appointment of registrars and judges was one of the most distasteful and dangerous features of the bad law which the Democratic party has wiped off the statute book and replaced with one infinitely fairer and better. Time would fail me to advert to all the objectionable features, partisan features, outrageously unfair features, of that law which the gentleman so highly lauds.

Let the mention of one suffice.

Registration of voters in incorporated towns and cities was allowed until 9 o'clock p. m. of the second Saturday before the election, while the time for challenges (except where parties came of age, and so forth) expired at the earlier hour of 4 o'clock p. m. of the same day. In the border counties, where hordes of negro voters could be easily and cheaply imported, what opportunities for fraud did this not offer?

But I shall not follow the gentleman further. Why should I? His evasion of the question as to why he does not take this law to his own Republican supreme court is so palpable as to be undeserving of serious notice.

Nor shall I dignify the gentleman's very original, very unwarranted, and very unnatural way of accounting for the frequency of lynchings with any extended reply. I would do him no injustice, but if his language means anything, it means that the denial of the right to vote is the provocative cause of lynching! In reply to the gentleman from Texas [Mr. BURKE] he said:

> The point I make is this: The suggestion of my friend from Texas is a good one, and I thank him for it. He has not these lynchings in his State, thank God, and we have not them in ours. Why? Because in his State they have a pure ballot, as we did have in ours up to the vicious election laws of 1899.

In the light of what all the world knows as to the deplorable and detestable crime which is the great cause of lynching, not only in the South but the world over, I leave the gentleman's explanation to his constituents and to his own conscience. Judging, however, by the gentleman's own standard, this "vicious election law of 1899" has given North Carolina a "purer ballot" than she had under the fusion election law of 1895–97; for whereas in 1898 under that law there were four lynchings in the State, under the present law, which he so roundly reviles, I am informed there was not a single lynching in 1899. The gentleman's argument overreaches itself and proves entirely too much. Mr. Chairman, this unseemly controversy was not of my seeking.

I deprecate alike the reopening of sectional debate and the discussion here of matters purely internal to the several States. Let us fight out our questions of internal State policy at home and reserve our best thought and our best effort for the national weal when we come here.

Every State in this Union has its own troublesome internal questions to deal with, and each State ought to be ready and willing to concede the patriotism, the willingness, and the wisdom of every of her sisters to settle her own problems for herself without the intermeddling of outsiders.

The better thought of this great body of representatives of all the people ought to frown upon that son of any State who for selfish or partisan gain would disturb the fast-cementing ties of the reunited sections or, worse, would here decry and deride the people of his own State. Let me, by way of warning, say this to my distinguished friend from North Carolina, for we have long been personal friends: In this beautiful capital city of the nation we unveiled a few days ago a splendid statue of one of America's greatest statesmen, Daniel Webster, the great expounder of the Constitution.

In the eloquent and scholarly address delivered on that occasion by the distinguished Senator from Massachusetts [Mr. LODGE], he placed Mr. Webster's claims to enduring greatness not upon his attainments as a lawyer, not upon his fame as a politician, not upon his achievements as a statesman, though in all these he was truly great, but rather upon his matchless eloquence and ability as an orator.

With this estimate, sir, I fully agree, and I recollect that of all the great speeches of that great orator there is none at all comparable to his mighty reply to the rapier thrusts of that great South Carolinian, Hayne.

And, sir, of that great oration, it is not his great expositions of the Constitution, not his grand apostrophes to the Union, which form its chiefest charm and dwell more lovingly in the hearts of men, but rather his matchless defense of Massachusetts, his mighty apostrophe to her people and her history. These have made his name immortal; but I have yet to learn that any man has commended himself to the intelligence and patriotism of Congress or the country, much less to fame, by besmirching and impugning his own people. This way lies not true greatness.

Mr. Chairman, I must have done. North Carolina needs neither apology nor eulogy at my hands. Every glowing fact in her glorious history and development—colonial, Revolutionary, antebellum and post-bellum—proclaims the greatness, the heroism, the patriotism, the truthfulness, and the trustfulness of her people. With them duty is paramount, obligation is sacred, law is supreme. In their own best way, tired of corrupt and ruinous fusion legislation, they are dealing with the great racial, financial, educational, and political problems which confront them. With faith in themselves, in God, and in humanity; with a full appreciation of their duty to themselves, to their country, to the Constitution, to their homes and loved ones, they will, in God's good time, undeterred by threats of force bills or Federal interference, work out these problems to the glory of God and the good of mankind. [Applause.]

Mr. LITTLE. I now yield fifteen minutes to the gentleman from Georgia [Mr. GRIGGS].

Mr. GRIGGS. Mr. Chairman, I had not intended to make any remarks during this debate, but the remarkable performance of the gentleman from North Carolina [Mr. LINNEY] seems to demand notice from some one of the Southern members against whose States wholesale charges of disorder, mobocracy, and lynchings have been made so recklessly.

I shall not attempt anything now except to reply to some aspersions of that gentleman against the State of Georgia, which I have the honor in part to represent upon this floor. His speech, "pregnant with little learning and much ignorance," affords a spectacle to the people of the United States that must be humiliating to the good people of the State which sends him here. I have no personal quarrel with him for his opinion. He has a right to his opinions, and I have no right to quarrel with him for those opinions. I can see no occasion for the intrusion of this question here but for political effect. If so, Mr. Chairman, when the gentleman knows so well the cause of the great majority of lynchings in the South, it is wholly unjustifiable and utterly without excuse.

I am reminded by it of an occurrence between old Col. Sam Tate, of Tennessee, and Col. Jim Robertson, of Georgia, on the one side, in the old times of railroad building in the South, and a railroad president with whom they were having a controversy in Chattanooga. After spending the entire day in discussion, the matter being finally concluded and the railroad man gone, Robertson turned to Colonel Tate and said, "Colonel, I think he is honest, don't you?" "Yes," said Colonel Tate, "I reckon he is honest, Robertson, but he has the all-firedest notions of honesty of any

man I ever saw." [Laughter.] Mr. Chairman, the gentleman from North Carolina may be a good man in his way, but he has the most remarkable ideas of political decency of any gentleman whom I ever had the pleasure of knowing.

So far as Georgia is concerned, Mr. Chairman, we have no repressive or suppressive laws regarding the ballot. We do not need them. There is manhood suffrage in Georgia. Every man, black or white, rich or poor, educated or illiterate, is entitled to vote, provided he pays $1 poll tax in the year before he offers to vote. So far as the law is concerned, therefore, Georgia stands clear. We do not have the law complained of by the gentleman; we do not need such law; and the Georgia legislature, by an almost unanimous vote, not over six weeks ago, declined to pass any law of that character.

I have no criticism upon those States which need them and have enacted them. They know their necessities and they have the right under the Constitution which our fathers gave us to enact legislation in consonance with that great instrument to protect the civilization of their States. I have not read the North Carolina statute complained of, but I presume it must be a good law, as I am informed that under its provisions the gentleman from North Carolina [Mr. LINNEY] will probably be left at home at the next election, when he will be free to enjoy the sweets of circuit court riding among his native hills. [Applause.] He is more to be pitied than blamed.

I can see no reason for intruding this question but, as charged by the gentleman from North Carolina [Mr. KLUTTZ], political necessity. The gentleman says he was once a Democrat, and he talks as if he knows much of the alleged devious ways of that great party in North Carolina. Before he makes too many disclosures I want to commend to him, Mr. Chairman, a story I have heard, which was said to have occurred between a preacher and a lawyer once in Georgia. It is said that this drunken lawyer one Sunday morning walked into church during the services, and as he was staggering up the aisle the minister stopped his discourse and said to him in sepulchral tones, "Sir, I will testify against you in the day of judgment." The lawyer replied, "That's all right, old man; I have been practicing law twenty years, and it has been my experience at all times that the damnedest rascal was always first to turn state's evidence." [Laughter and applause.] I hope the gentleman does not intend to turn state's evidence, Mr. Chairman.

Now, Mr. Chairman, as I said, he is not to be blamed so much as pitied. He was once a Democrat and is now a Republican.

> God, Thou know'st
> Howe'er they smile and feign and boast,
> What happiness is theirs who fall.

Having seen better days, he loves to talk of them and perhaps enjoys his performances in that connection.

Now, Mr. Chairman, with reference to lynchings in Georgia, I shall not deny that we are cursed with occasional lynchings. I do not believe there is a State in the Union in which Judge Lynch has not at some time presided. But let me tell you of a case that happened in Georgia last year. A little family a few miles from the town of Newnan were at supper in their modest dining room. The father, the young mother, and the baby were seated at the table. Humble though it was, peace, happiness, and contentment reigned in that modest home. A monster in human form, an employee on the farm, crept into that happy little home and with an ax knocked out the brains of that father, snatched the child from its mother, threw it across the room out of his way, and then by force accomplished his foul purpose.

More than that, Mr. Chairman, he was afflicted with the most loathsome disease known to human kind. In that room—the husband and father dead and weltering in his own blood, the infant senseless on the floor—he spent four hours alone with that poor woman. When, more dead than alive, she at last escaped and gave the alarm, the people were frenzied with passion, and when they captured him they lynched him. They burned him at the stake.

I do not seek to justify that, but I do say that the man who would condemn those people unqualifiedly under these circumstances has water instead of blood to supply his circulation. [Applause.] Not the limpid water that flows from the mountain streams, Mr. Chairman, but the fetid water found in the cesspools of the cities. [Applause.]

Mr. Chairman, can you blame those people for that? I appeal to you, gentlemen—you fathers, you husbands; to all men, white or black, North or South, East or West—do you blame those people for that burst of human fury? God forbid that there should be any man on this continent who would! Thank God, there is not a man in Georgia who does. Bring it home to yourselves, gentlemen, and answer me in the light of truth.

Mr. Chairman, those men were standing for civilization—Anglo-Saxon civilization. They were fighting for the purity and the virtue and the safety of the Southern home. We propose to protect the women of the South. We propose to fight for and to maintain the supremacy of the Anglo-Saxon race—that race which gentlemen have sought to justify here to-day in shooting brown men in the Philippines in the name of civilization; that race which is to-day shooting Boers in South Africa in the name of civilization. The people of Georgia, the people of all the South, propose in the name of that same great civilization to stand by their traditions, to preserve the integrity of the race and to preserve its control everywhere, under all circumstances, whenever it is threatened from any source. [Applause.]

Gentlemen who attack lynching in the South should at the same time attack the crime which most largely incites lynching. I speak only for Georgia, Mr. Chairman. Other gentlemen can and doubtless will speak for the States they represent. Fully five-sixths of the lynchings in Georgia come from this one cause. I deplore the fact, but fact it is.

But the South has no monopoly on lynchings, Mr. Chairman. I have time to call your attention to only a few in widely separated States not for purposes of recrimination, but I assert that so long as there are lynchings in Illinois, in Indiana, Ohio, and Kansas, in New York, Pennsylvania, and Colorado, the difference between the people of those States and the people of Georgia and the people of Alabama and the people of Mississippi is simply a difference in degree and not in kind.

This editorial in the Washington Star seeks to "alter the bearing of the recent lynchings" in Kansas by showing that it was done as a warning to Kansas officials to enforce the law more vigorously in future.

Here is a press dispatch from Dunbar, Pa., of December 19, last year, giving an account of the lynching of a negro for murder.

Here is an account of a Sunday celebration in Carterville, Ill., where seven poor negroes were slain in cold blood for the crime of seeking work, while the gatling-gun quarantine of the governor of that great State threatened against the importation of negro miners into the State was public talk all over the country last year. I have merely to mention Pana, Virden, and Rockford to call to your mind vivid pictures of mob violence.

Three years ago a negro was roasted in Ouray, Colo., for shooting a white girl.

Even in staid old Massachusetts, Mr. Chairman, mobs have in time past defied the law, and once her great Senator [Mr. HOAR] addressed a crowd in Worcester while not a criminal, but an officer of the law was making his escape through the back door of the court-house from the infuriated mob. It is useless to multiply words, Mr. Chairman; human passions are the same the world over.

The Anglo-Saxon of New England, while perhaps slower, is as sure as the Anglo-Saxon of the South. I doubt not that if the 600,000 negroes of Georgia were transported to Massachusetts to-morrow and the ravishment of their white women began by the lowest of this alien race there would be two or three solemn and dignified trials. After that the blood of the men who wrested Magna Charta from King John would assert itself and the oaks of Massachusetts' hills and dales would be desecrated with the bodies of the victims of "lynching bees."

I would not have you understand me as presenting here a wholesale indictment against the colored race of the Southern States. As a rule they are peaceful, happy, contented, and law-abiding. They have their churches and their schools and are progressing, I hope, toward a higher civilization. The brutes who suffer at the hands of infuriated mobs are hardly worth a thought from the better classes of either race. It remains, nevertheless, Mr. Chairman, that the people of the South have a hard problem before them.

A distinguished member of this House from a far Northern State—a partisan Republican—said to me on yesterday, "This is your problem, and you have nothing from me but sympathy." I appeal to every Anglo-Saxon within the sound of my voice, I appeal to every white man who believes in his race, wherever he may live, give to us, the people who must solve this problem, at least your sympathy while we labor for its solution with justice to the black man and safety for the white man. [Mr. GRIGGS concluded amid loud applause.]

Mr. LITTLE. I yield six minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, in the course of a most delightful presentation of his reasons for favoring the annexation of the Philippine Islands, the gentleman from Pennsylvania [Mr. SIBLEY] stated that he proposed to prove by incontrovertible documentary evidence that when the proposition for the Louisiana purchase was under discussion all the arguments that have been used against the annexation of the Philippine Islands were then used. If that be true, it is important. If the gentleman from Pennsylvania will give me his attention for five minutes, I think I will have no difficulty in pointing out some very cogent arguments against the annexation of the Philippines, which, in the very nature of the case, could not have been urged against the proposal to annex the territory embraced in the Louisiana purchase.

We contend that the Philippine Islands are as densely populated as the State of Ohio; that therefore they are not open to American occupation.

This argument could not have been urged against the Louisiana purchase.

We contend that the inhabitants of the islands are alien in blood, alien in traditions, alien in ideals; that they never can comprehend, much less apply, our system, and that therefore they can never be Americanized.

We contend that according to the programme mapped out by the President the Philippines must forever be governed, if they are taken under our protection, by a carpetbag government, the chief officers thereof to be appointed by the Executive; this carpetbag government will do business 10,000 miles away from this capital—therefore not subject to surveillance—and that experience proves that such a government is more apt to be corrupt and incompetent than honest and trustworthy, a curse to the country subjected to it and a disgrace to the United States.

We contend that when we conquered and occupied the city of Manila we did so in conjunction with an army of 18,000 Filipinos who had beleaguered that city for months and captured the north half of it before the arrival of our forces, and that under such circumstances it can not be denied that there existed at the time of the downfall of Spanish authority in the Philippines a military alliance between this country and the Filipino forces, and that we have not dealt fairly with a people who trusted us blindly and deserve fair treatment in return.

We deny that Congress has constitutional power to vest in the Executive with reference to those islands extra-constitutional powers. The President and his supporters propose to treat the Filipinos not as aliens, not as citizens, but as conquered subjects, possessing no political rights which the conqueror is bound to respect. The programme includes the enactment of protective tariff laws to keep them from marketing their goods in this country.

It follows that we may also enact laws prohibiting Filipinos from emigrating to the United States. We say that Congress possesses no power to thus deal with any part of the territory of the United States. We say that if you permanently annex the Philippine Islands their people will thenceforth be charged with every responsibility, amenable to every law, and entitled to the full enjoyment of every right, privilege, and blessing conferred by the Constitution and laws upon other citizens of this country. In my remarks yesterday I directed attention to a dozen well-considered cases in which the Supreme Court of the United States has said that acquired territory becomes, when annexed, a part of the territory of the United States—subject to the Constitution, subject to the laws applicable to the entire country. As to tariff laws, Congress has no special office to perform in dealing with acquired territory. The laws applicable to the other parts of the country must in the nature of things, under the Constitution, apply to them.

Now let the gentleman from Pennsylvania answer me. Was any one of these questions involved in the annexation of Louisiana? The gentleman comes here and fairly charms us with a speech filled with beautiful platitudes, poetical quotations, and well-rounded periods. Let me urge him to descend from empyrean regions and get down to the earth on which we are doing business. Let me urge him to direct his attention not to the starry firmament, but to the prosy earth and to the discussion of the practical concerns in which our people are interested.

We are told that the Philippines will furnish a market for our goods. I tell you that a country so impoverished, with labor earning 6 to 20 cents a day, with the commodities upon which the people live based upon that level of prices, can not be an extraordinarily profitable field of industry or commerce or trade.

We are told that we shall be especially benefited. We know that we must go to an expense of fifty, sixty, or one hundred million dollars a year in maintaining American sovereignty in the islands, but the "open door" is to be maintained, so that other nations will compete with us, on terms of equality, for the trade of that country, just as if we were not in possession. We pay the bills, and afterwards rustle for our share of the trade. We could do as well without deluging the islands in blood and wasting so many millions of treasure.

Has the gentleman from Pennsylvania [Mr. SIBLEY] analyzed the "open-door" policy proposed by the President? Not only are the Philippines to be governed outside of the protection of the Constitution and our laws, but they are to be so far beyond our control that henceforth, as a matter of international obligation, we must admit foreigners to these markets upon terms of equality with ourselves. And the American taxpayer must foot the bills.

What folly it is to compare the Louisiana purchase to the Philippine Islands! I voted for the annexation of the Hawaiian Islands, and I spoke in favor of it, because the islands were American, with institutions and a government American in every fiber. I would vote to-day, if I had the opportunity, to restore to the Filipinos their country, because it belongs to them as much as this country belongs to us. And I would give it to them because in a prolonged struggle against Spanish oppression her patriots have fallen by thousands while battling for independence. [Mr. COCHRAN of Missouri concluded amid applause on the Democratic side.]

[Here the hammer fell.]

Mr. LITTLE. I now yield fifteen minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Chairman, I intend to discuss three important matters pertaining to the administration of the law in the Hawaiian Islands, producing a condition that must be horrible to the inhabitants of that country, shocking to us, and alarming to Congress, which made them a part of the American Republic, as stated by the gentleman from Missouri [Mr. COCHRAN] a few moments ago.

The supreme court of those islands, kept in office by the consent of the President of the United States, has in recent opinions held that the Constitution of the United States does not apply in those islands as to trials by jury and the collection of tariff duties. The court holds that in felony cases a defendant may be indicted without the intervention of a grand jury and convicted by 9 out of 12 petit jurors, notwithstanding the fifth and sixth amendments of the Constitution of the United States.

In another case that a verdict is legal of nine out of twelve jurors in civil cases (the old Hawaiian law), notwithstanding the seventh amendment of the Constitution of the United States, and in the third case that the customs duties that obtained there under the Hawaiian tariff previous to the annexation of those islands are collectible, notwithstanding that this makes a tariff for Hawaii and one for the United States—two totally different—and in spite of the provisions (two) of the Constitution of the United States which ordains that—

All duties, imposts, and excises shall be uniform throughout the United States.

Nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

The court contends that the treaty by which we annexed the Hawaiian Islands so provided.

As to the question of customs duties, this decision of the court is based very largely upon the opinions of two professors—one of Yale and one of Harvard—while the leading cases of Cross *vs.* Harrison (16 How., 164—1853) and of Fleming *vs.* Page (9 How., 603—1849) are doubted and denied.

In the Cross case I believe Justice Wayne spoke for the entire court. The court unanimously held that as soon as the treaty with Mexico was confirmed, what is now California became a part of the United States. I will read the exact words of the opinion on that point.

By the ratification of the treaty California became a part of the United States. (16 How., 196.)

In addition to that, Mr. Chairman, the Constitution itself, that these Hawaiian judges and the President were sworn to support, uphold, and enforce, ordains:

The Constitution and laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land.

The Constitution shall be what? The "law." The "law" of what? The law of the "land." What "land?" The United States—the old and new States when admitted, and the old and new Territories when acquired, and the courts have so held and Congress has so legislated.

Justice Marshall in an early case, since followed and never doubted or denied, on a question of taxation in the District of Columbia thus defined the term "United States:"

Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania. (Loughborough *vs.* Blake, 5 Wheaton, 137.)

The Constitution, then, is the law of that "land" which is geographically known as the United States, the United States as such, the States as such, and the Territories of the United States. The framers of the Constitution knew that the (future) United States would have to control certain territory already ceded to the (future) United States and before the Constitution was framed, and that other cessions from other States would soon follow, and did, after the Constitution was ratified. Would they, then, have been guilty of not framing the Constitution so as to govern this territory and inhabitants or to govern them outside of the Constitution—as slaves, subjects, or dependents?

We think not, and they did not, and history and the courts show as much.

But I will later on in a general way allude to the law that clearly shows that the Constitution applies to our Territories as well as to the States. In the Cross-Harrison case, which not only upheld the Constitution as to customs duties, but also the Administration of President Polk, the court said:

The right claimed to land foreign goods within [what is now California] the United States at any place out of a collection district, if allowed, would be a violation of that provision of the Constitution which enjoins that all duties, imports, excises, shall be uniform thoughout the United States.

Justice Marshall, in the fifth Wheaton case already alluded to, so held the law as to the District of Columbia, and every other authority, I dare say; but this insular court that has passed upon this question has so held and declared the law, and that whenever we acquire any territory anywhere the people of that territory are entitled to every fundamental right and protection that the Constitution of the United States gave to us. To the same effect is 3 Cranch, 159 (U. S. *vs.* More).

I first saw a notice of these decisions of this insular court in the New York Sun of Sunday a week ago. I had the clipping here, but somebody, more interested, possibly, I hope, in the Hawaiians and the constitutional rights than I am, has taken the clipping from my desk and a copy of the three decisions which I had here also. The House ordered them printed as a document.

The present occupant of the chair [Mr. MOODY of Massachusetts] with distinguished ability defended upon the floor of this House the rights, under the Constitution, of the people of Alaska, joining hands with me in their defense when the House committee reporting a codification of laws for that Territory were trying to pass a law declaring that six jurors instead of twelve should constitute a criminal jury. That was in the Fifty-fifth Congress. We saw this evil; we pointed it out. The codifiers of the Alaska laws brought in a report that shocked the House so much that it was most ably opposed, and by no one, I am happy to say, more learnedly than by the distinguished gentleman who now occupies the chair [Mr. MOODY of Massachusetts].

That was a proposition to give to those people up there a jury of six men. The gentleman from Massachusetts [Mr. MOODY], with his usual eloquence and great learning, opposed that provision, and in his remarks read as follows from the opinion of Justice Harlan in the Thompson case (170 U. S.):

> The next inquiry referred to is under the original Constitution and under the sixth amendment, is a jury constituted as it was of twelve persons, neither more nor less? This question must be answered in the affirmative.

He also cited other cases.

The court further said—

> That the provisions of the Constitution of the United States relating to the trial by jury in suit at common law apply to the Territories of the United States is no longer an open question.

In Springville *vs.* Thomas (166 U. S., 707, approved in 170 U. S., 347), the court held that there must be unanimity in the action of the jury in civil cases. The court says:

> In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act (Territorial) of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

The court then added:

> It is equally beyond question that the provisions of the National Constitution relating to trials by jury for crimes and criminal prosecutions apply to the Territories of the United States.

Mr. Chairman, I have here the last utterance of the Supreme Court of the United States on this question, found in 174 United States, pages 1 to 5, in which the court says:

> It is beyond doubt at the present day that the provisions of the Constitution of the United States securing the right of trial by jury, whether in civil or criminal cases, are applicable to the District of Columbia.

Citing the Webster (11 How., 437), Callan (127 U. S., 540 to 551), and Thompson cases.

The District of Columbia was first called the "Territory of Columbia" and is now a Territory of the United States, and the people are here protected, this court says, in their fundamental rights by the Constitution as much so as they are in any State. Then, why does not the right of trial by jury apply in Hawaii? Can a court or Congress divest these people of their constitutional rights? Can a statute repeal the Constitution? Can a treaty? Clearly not.

I am not undertaking to criticise individuals outside of the RECORD, but I confess I was shocked to find that in the face of these opinions the supreme court of these islands should have robbed these people of their constitutional rights of trial by jury in the manner I have stated, and that, too, in the face of these decisions. It is in the face, also, of the Congressional action of the Fifty-fifth Congress, declaring as we did that the Constitution applied to Alaska—our "outlying domain," as the court calls it—and that the people there were entitled to twelve jurors and their unanimous verdict in civil and criminal cases.

Mr. MORRIS. Will the gentleman yield for a question?

Mr. GAINES. Yes.

Mr. MORRIS. I wish to inquire of the gentleman from Tennessee from what case he first read? Was it in the case of Thompson against Utah?

Mr. GAINES. Thompson against Utah, quoted in Mr. MOODY'S speech correctly.

Mr. MORRIS. Was that the first case the gentleman cited?

Mr. GAINES. And another case I cite from the very first pages of this book, the case of the Capital Traction Company against Hof—a unanimous opinion.

Mr. MORRIS. What report?

Mr. GAINES. One hundred and seventy-four United States. And if the gentleman from Minnesota will permit me, it is a remarkable fact that this Hawaiian court does not allude to the Thompson case, to the Huf case, nor, indeed, to any of these cases, but says that our Constitution was made by "reasonable men," etc., and the old laws of that island applied; that our Constitution did not.

Mr. MORRIS. I do not wish to interrupt the remarks of the gentleman, but simply ask him for my own information, what was the first case that the gentleman read from? Was it the case of Fleming against Baisch?

Mr. GAINES. I simply alluded to that. I have read from quite a number of cases. I have been hurrying along.

Mr. MORRIS. What was the case?

Mr. GAINES. What particular point?

Mr. MORRIS. What is the one you have in your hand?

Mr. GAINES. That is the case of Thompson against Utah (170 U. S.).

Mr. MORRIS. Was that the first case?

Mr. GAINES. That came from the State of Utah, and the lower court was reversed in that case because there were not twelve jurors used in the trial.

Mr. MORRIS. I do not want to take the gentleman's time——

Mr. GAINES. I am perfectly willing to answer the gentleman's question.

Mr. MORRIS. What was the title of the first case from which the gentleman read? Was it the case of Fleming against Page?

Mr. GAINES. That was the first case that I simply alluded to, but on another proposition—not jury trials.

Mr. MORRIS. That is what I wanted to know for my own information. I do not desire to interrupt the gentleman at all.

Mr. GAINES. It is a very pleasant interruption. There is no one whose questions I appreciate more than those of the distinguished lawyer from Minnesota, and I dare say that, born as he was in a Southern clime, his blood is warmed by the thought that in these leper-cursed islands, now under the domination of this Republic, the opinions of the Supreme Court of the United States are overruled to rob those people of their lives, liberty, property, and pursuit of happiness, by disregarding the common law of our land and the Constitution, which these high officials are sworn to uphold and support.

Mr. MORRIS. Now, since the gentleman has seen fit to say something about me when I had only asked him a question for information——

Mr. GAINES. I meant that in the pleasantest way.

Mr. MORRIS. I will ask the gentleman a question now. I will ask him what was the exact point involved in the case of Thompson against Utah.

Mr. GAINES. The identical point was that when Utah was a Territory the law was that there must be a trial by twelve jurors, and then when it got to be a State the court undertook to try with less than that number—eight—and the Supreme Court held that it was an ex post facto law, and in addition to that that a jury meant twelve men, no more and no less, and that the State had no power to deprive him of that constitutional right.

Mr. MORRIS. I will ask the gentleman, was not the whole question involved in the case of Thompson against Utah as to whether or not if a person of the territory of the United States, which, when a Territory, had a law requiring that a man should be tried by twelve jurors could in its State constitution, after the crime had been committed under the Territorial act, whether the State constitution should provide that that man could be tried by less than twelve jurors? Was not that the identical question?

Mr. GAINES. That was one point. But in addition to that——

Mr. MORRIS. Is not it the only point?

Mr. GAINES. The court said the State could not deprive him of his right of twelve jurors because that was his right under the Federal Constitution and they could not pass an ex post facto law.

Now, Mr. Chairman, I say that the Constitution and treaty itself gives the Hawaiians the protection of the Constitution of the United States. I remember distinctly that the law by which that territory was annexed provided—and I call the attention of the lawyers of this House briefly to this point—that the laws of that territory shall continue unless they are contrary to the Constitution of the United States or repealed by the act of annexation. That is the substance. If some one had not taken my papers away from here I would read it. The Hawaiian court goes on by saying that the annexation act provided for just exactly what that court did.

Now, I say, Mr. Chairman, that the treaty can not stand in the face of the Constitution, and a statute can not stand in the face of the Constitution, and it has been decided time and time and time again that a treaty stood no higher than a statute, and that a statute stood no higher than a treaty, and that neither could stand when they are opposed by the Constitution of the United States, which this court disregarded.

Now, that court may have gone upon the idea—and it is a very elaborate opinion—that the Constitution has not gone, has not

taken sail and gone over to Hawaii. Why, we heard of it down in Puerto Rico yesterday in the House; we hear of it in Guam, where we struck down slavery; but we do not hear of it down in Sulu, where slavery is perpetuated by our treaties.

Why, gentlemen, where and how is the Constitution to go? Is it to go around in spots, in vest pockets; does it go around at the will of a man? Can our military or civil officials stand by and uphold it as they please and when they please? I challenge the attention of this honorable body to these matters.

In Alaska (31 Federal Reporter) we find a poor Indian slave was given his liberty under a writ of habeas corpus. And in another Alaska case, reported in 30 Federal Reporter, 115, and in all the numerous authors which I have here and have not time to cite, the courts hold that the United States has plenary power to control her outlying and internal territory, but within the limitations of the Constitution itself.

That we can not deprive their inhabitant of the right of free speech, the right of free religion, the right of trial by jury, and the right of habeas corpus; nor quarter soldiers in private houses; nor, as I said, can we abridge a single, solitary one of the rights guaranteed to us as American citizens by the Constitution of the United States itself. [Applause on the Democratic side.]

[Here the hammer fell.]

APPENDIX.

Treaty of peace between Spain and the United States, signed at Paris December 10, 1898, ratified by the United States Senate February 6, 1899, by Spain March 19, 1899, exchanged April 11, 1899, at Washington, D. C., and proclaimed by President McKinley April 11, 1899. (U. S. Statutes, volume 30, page 1754, Fifty-fifth Congress.)

ART. IX. The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress. (Ib., page 1759.)

ART. X. The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion. (Ib., page 1759.)

The genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the General Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens. A war, therefore, declared by Congress can never be presumed to be waged for the purpose of conquest or the acquisition of territory; nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country. (Fleming *vs.* Page, 9 How., 614—1850).

If the spirit of liberty is to perish, let it at least expire amidst its votaries and not be sacrificed on a bargain counter.

A power in the General Government to obtain and hold colonies and dependent territories over which they (the Congress) might legislate without restriction would be inconsistent with its own existence in its present form. (Scott *vs.* Sanford, 19 How., 397.)

In another case that court has said:

"The power of Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union." (Murphy *vs.* Ramsey, 114 U. S. Rep., 15.)

"The Constitution was made for the benefit of every citizen of the United States, and there is no citizen, whatever his condition or wherever he may be within the territory of the United States, who has not a right to its protection." (United States *vs.* Moore, 3 Cranch, 159.)

And in defining the rights of the inhabitants of Territories it said:

"The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, State and national." (Murphy *vs.* Ramsey, 114 U. S. Rep., 15. See also Mormon Church *vs.* United States, 136 U. S. Rep., 1.)

Mr. Cooley, in his Principles of Constitutional Law, page 37, in speaking of our Territorial and the British colonial system, says:

"In this dependence of the Territories upon the central Government there is some outward resemblance to the conditions of the American colonies under the British Crown; but there are some differences which are important and, indeed, vital. The first of these is that the Territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the Territory, while it continues, are sure of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable; while the British colonial system contains no promise or assurance of any but a dependent government indefinitely."

Mr. Cooley draws a second distinction between our Territorial and the British colonial system at page 37. I read:

"The second is that above given, that the people of the American Territories are guaranteed all the benefits of the principles of constitutional right which protect life, liberty, and property, and may defend them under the law, even as against the action of the Government itself; while in the colonies these principles were subjects of dispute, and if admitted would be within the control of an absolute imperial legislature, which might overrule them at will."

Mr. Cooley draws a third distinction between our Territorial and American colonial systems. He says:

"There is also a difference in respect to taxation, which, though not so striking, is still important. The Territories levy their own taxes for all purposes, and they are never taxed separately for national purposes, but only as parts of the whole country and under the same rules and for the same purposes as are the States. Nor is it intended to realize from them any revenue for the National Treasury beyond what is expended by the United States in their interest." (Page 38.)

Chancellor Kent says:

"All admit," said Chief Justice Marshall, "the constitutionality of a Territorial government." But neither the District of Columbia nor a Territory is a State within the meaning of the Constitution or entitled to claim the privileges secured to the members of the Union. This has been so adjudged by the Supreme Court. Nor will a writ of error or appeal lie from a Territorial court to the Supreme Court unless there be a special statute provision for the purpose. If, therefore, the Government of the United States should carry into execution the project of colonizing the great valley of the Columbia or Oregon River to the west of the Rocky Mountains, it would afford a subject of grave consideration what would be the future civil and political destiny of that country.

"It would be a long time before it would be populous enough to be created into one or more independent States, and in the meantime, upon the doctrine taught by the acts of Congress and even by the judicial decisions of the Supreme Court, the colonists would be in a state of the most complete subordination and as dependent upon the will of Congress as the people of this country would have been upon the King and Parliament of Great Britain if they could have sustained their claim to bind us in all cases whatsoever.

"Such a state of absolute sovereignty on the one hand and of absolute dependence on the other is not congenial with the free and independent spirit of our native institutions, and the establishment of distant Territorial governments, ruled according to will and pleasure, would have a very natural tendency, as all proconsular governments have had, to abuse and oppression." (1 Kent's, page 385.)

Articles V and VI of the treaty of 1819 with Spain for the cession of Florida, 1803 (United States Treaty, Volume, page 1018), are:

"V. The inhabitants of the ceded Territories shall be secured in the free exercise of their religion without any restriction, and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects at any time whatever, without being subject in either case to duties.

"VI. The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all privileges, rights, and immunities of citizens of the United States." (1 Pet., 511, American Insurance Company *vs.* Canter; 19 How., 442, Dred Scott case.)

Article III of the Louisiana Treaty (United States Treaty Volume, page 332) provided—

"That the inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." (19 How., 524, 525 (Catron, J.), approved in 143 U. S., Boyd *vs.* Thayer.)

The Louisiana purchase covered a million of square miles (Statesman's Manual, page 239), but is, except a very small portion of it, occupied by savages, its natural proprietors. Its inhabitants were principally French and descendants of French, with a few Spanish creoles, Americans, English, and Germans, the whole number amounting to 80,000 or 90,000 inhabitants, including about 40,000 slaves. (Ib.) (Compiled from official sources.)

Another standard authority, Encyclopedia of Commerce and Commercial Navigation, by Harper Brothers (1858), gives the population as follows: "Louisiana, 77,000; Florida, about 10,000; California and New Mexico, 60,000; Texas and Oregon only brought back into the Union citizens who had emigrated thither a short while before."

This makes one white person to each 25 square miles.

Treaties with Mexico.

ARTICLE VIII.

Mexicans now established in Territories previously belonging to Mexico and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican Republic, retaining the property which they possess in the said Territories or disposing thereof and removing the proceed wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States. But they shall be obligated to make their election within one year from the date of the exchange of ratification of this treaty; and those who shall remain in the said territories after the expiration of that year without having declared their intention to retain the character of Mexicans shall be considered to have become citizens of the United States.

In the said territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

"ART. IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the union of the United States, and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."—(*U. S. Treaties*, page 694, 1848.)

The Gadsden-Mexican treaty of 1853 (United States Treaty, volume, page 696, Art. V) provided "that all the provisions of the two articles of the Guadelupe-Hidalgo treaty just quoted, and that the same articles should also apply to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth."

In 142 U. S., 183, Knight *vs.* United States, Mr. Justice Lamar, speaking for a unanimous court, said:

"Upon the acquisition of the territory from Mexico the United States acquired the title to tide lands equally with the title to upland; but with respect to the former they held it only in trust for the future States that might be erected out of said territory." (Knight *vs.* United States Land Association, 142 U. S., 183; citing also Martin *vs.* Waddell, 16 Pet., 367; Pollard *vs.* Hagan, 3 How., 212; Goodtitle *vs.* Kibbe, 9 How., 471: Mumford *vs.* Wardwell, 6 Wall., 423; Weber *vs.* Harbor Commissioners, 18 Wall., 57.)

In 152 U. S., 1, Shively *vs.* Bowely, Justice Gray said:

"(1) The territories acquired by Congress, whether by deed or cession from the original State or by treaty with a foreign country, are held with the object, as soon as their population and condition justify, of being admitted into the Union as States, upon an equal footing with the original States in all respects; (2) and the title and dominion of the tide waters and the land under them are held with the United States for the benefit of the whole people, and, as this court has often said in cases above cited, 'in trust for the future States.'" * * *

"Upon the acquisition of territory by the United States, whether by cession from one of the States or by treaty with the foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people and in trust for the several States to be ultimately created out of the territory."

Affirmed in 174 U. S., 237, Morris *vs.* United States, page 57.

In 13 Wallace, 65, cited by Justice Gray, Field, judge, in speaking for the

whole court, said on the question of the title to an island half a mile from shore:

"Although the title to the soil under the tide waters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland, they (United States) held it only in trust for the future State."

This case is specially in point, since we remember that this territory (now California) was acquired by conquest from Mexico.

In Chapin against Bourne (8 Cal.) the court said:

"It (the title to the soil underlying navigable water) belongs to the United States in trust, that might be created out of said Territory and passed to the State of California on her admission (into the Union) by virtue of her sovereignty."

In a still later case (54 Cal., 455), Leroy *vs.* Dunkery, touching upon the title to certain tide-water lands, we find the most apt adjudication, the court deciding in favor of the State. The court said:

"From the date of the treaty of 1848 the portion of the tide lands in controversy was held by the United States in trust for the future State. * * * The question here is whether from the treaty up to the admission of California into the Union the United States held the legal title to these particular lands in trust for the State government which should be organized; or whether the United States Government held them in full ownership, freed of any trust in favor of the future State, and for its own exclusive use and benefit as a military reservation, and since continues to so hold them."

There the issue was made that the United States Government owned the island as a military reservation and had acquired it as such when the treaty was made with Mexico.

Cooley on Principles of International Law, page 187, says:

"The Constitution also provided that new States may be admitted by Congress into the Union; but whether they should be formed of territory at that time belonging to the States, or from territory that might thereafter be acquired, or taken in as existing States previously independent, was not expressly determined by that instrument. By the ordinance of 1787, however, which the Constitution left in force, it had been agreed that States not exceeding five might be formed from the Northwest Territory and received into the Union; and it may be assumed as unquestionable that the constitutional provision contemplated that the territory then under the dominion of the United States, but not within the limits of any one of them, was in due time to be formed and organized into States and admitted into the Union, as has since in many cases been done."

I desire to call especial attention to the language which follows:

"Indeed, it could never have been understood that any territory which by purchase, cession, or conquest should at any time come under the control of the United States should permanently be held in a Territorial condition, and the new States, which have been formed of territory acquired by treaty, must be supposed to have been received into the Union in strict compliance with the Constitution." (Page 188.)

"And when territory is acquired, the right to suffer States to be formed therefrom and to receive them into the Union must follow of course, not only because the Constitution confers the power to admit new States without restriction, but also because it would be inconsistent with institutions founded on the fundamental idea of self-government that the Federal Government should retain territory under its own imperial rule and deny the people the customary local institutions." (Cooley's Principles of Constitutional Law, 170.)

Article III of the Russian treaty of 1867 (United States Treaty, volume, 941) is as follows:

"The inhabitants of the ceded territory, according to their choice, reserving their national allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country."

The fourteenth amendment had been adopted by Congress and was before the States for ratification when this treaty was concluded.

FOR WHAT IS TERRITORY ACQUIRED?

Justice Deady, in the case from Alaska (30 Fed. Rep., 115), after stating that the Federal Government has the power to acquire territory by treaty and conquest, citing 1 Peters, 542; 19 How., 443 (Dred Scott case); 2 Story, section 1344, said:

"The power to enlarge the number and limits of the United States by the admission of new States into the Union is also expressly given to Congress. In the construction of this power it has been practically held to authorize the acquisition of territory not then qualified for such admission, and the government of the same by Congress in the meantime, and until it is deemed fitted therefor.

"In the exercise of this power, however, Congress can not do or authorize any act or pass any law forbidden by the Constitution, as suspending the writ of habeas corpus in the time of peace; passing a bill of attainder or ex post facto law; quartering soldiers in a house without the consent of the owner in time of peace; making a law respecting the establishment of religion; but it may exercise any legislative power not expressly forbidden to it by the Constitution, and to this there may be a further limit that the same shall not be inconsistent with the spirit and genius of that instrument, nor contrary to the purpose for which territory may be acquired. Subject to these limitations the manner in which this power can be exercised rests in the discretion of Congress."

See also 31 Federal Reporter, where an Indian slave under the writ of habeas corpus was given his liberty.

In the case of the Mormon Church *vs.* United States (136 U. S., 42), the court says:

"The power to acquire territory other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war. The power to make acquisitions of territory by conquest, by treaty, and cession is an incident of national sovereignty. The territory of Louisiana, when acquired from France, and the territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government in its diplomatic negotiations had seen fit to accept relating to the rights of the people then inhabiting these territories."

At page 44 the court quotes from the opinion in the case of Murphy *vs.* Ramsey (114 U. S.), where it is said:

"The people of the United States, as sovereign owners of the national territories, have supreme power over them and their inhabitants. In the exercise of this sovereign domain they are represented by the Government of the United States, to whom all powers of government over that subject are delegated, subject only to such restrictions as are expressed in the Constitution or necessarily implied in its terms.

"The right of local self-government as known to our system as a constitutional franchise belongs, under the Constitution, to the States and to the people thereof by whom the Constitution was ordained, and to whom by its terms all power not conferred by it upon the Government of the United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, State and national."

Approved in 170 U. S., 349, Thompson's case.

Mr. LITTLE. Mr. Chairman, the gentleman from New York, the chairman of the committee, agreed to yield me ten minutes' time for the benefit of the gentleman from Georgia [Mr. BARTLETT]. We are advised that he can not be in the Hall at present on account of committee service. If there is any gentleman on the other side who will proceed for a short time, it will be all right; if not, we will have to forego.

The CHAIRMAN. If no member addresses the Chair, the Clerk will read the bill.

Mr. LITTLE. I think the chairman of the committee should be present. I do not see him.

The CHAIRMAN. The gentleman from New York has stepped out. The Clerk will read the bill by paragraphs.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of one clerk to Superintendent of Indian Schools, $1,000.

Mr. HEMENWAY. Mr. Chairman, I move to strike that out of the bill on the ground that it does not belong in this bill.

The CHAIRMAN. Does the gentleman mean to make the point of order, or does he move to strike the paragraph out?

Mr. HEMENWAY. I think the chairman of the committee will concede that it ought to go out and go into the legislative bill.

Mr. SHERMAN. This clerk is employed at times outside of the Indian Office. He is employed with a commissioner and has to go with the commissioner wherever he goes. He does not occupy the same position that an ordinary clerk in the office does; if he did, I would concede that the gentleman is right.

Mr. HEMENWAY. I suggest that we appropriate for one clerk, and the Committee on Indian Affairs is appropriating for another. One clerk is appropriated for in this bill and one on the legislative bill. We appropriate for one clerk in the legislative bill and the Committee on Indian Affairs in their bill, and I suggest that the two clerks ought to go together on the legislative bill.

Mr. SHERMAN. If the gentleman from Indiana will give me his assurance that this clerk will be provided for in the legislative bill, I am entirely willing it should go out of this bill.

Mr. HEMENWAY. We will certainly take care of it.

Mr. SHERMAN. Then, Mr. Chairman, I do not oppose the motion of the gentleman from Indiana.

The motion was agreed to.

Mr. GAINES. Mr. Chairman, if I may be permitted, I desire to say that I have found a paper which I wanted to comment upon in my remarks and make a part of my speech. I mislaid it; and inasmuch as it does not bear directly upon what I said, I want permission to print it as a part of my remarks. It shows that in Florida, Louisiana and Mexico plus California, and the other purchases, excluding Alaska and Hawaii, we provided expressly for statehood in the treaties and all the fundamental rights we enjoy under the Constitution, and I desire to place in the RECORD some extracts from those treaties showing these important facts. Quite a number of requests have been made to me to do so.

The CHAIRMAN. Under the general leave given by the House to-day, the gentleman has that liberty.

Mr. GAINES. I think that only applied to the subject under discussion. I discussed jury trials.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding $65 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $65,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman of the committee why the proviso was omitted that was in the law for many years?

Mr. SHERMAN. About adjoining States?

Mr. CANNON. Yes.

Mr. SHERMAN. We thought as good service could be obtained with it out as with it in. The old proviso was that the farmer should be an actual resident during the two preceding years prior to the appointment of the State or Territory in which he was to be employed, or of an adjoining State, and that he should have been actually engaged in farming during that time. We thought a man who had not been engaged in farming for the last two years might be as well qualified as one who had, and that a man living in Iowa quite as competent to go on a reservation in Kansas as a man who lived in Nebraska.

Mr. CANNON. I think that is all right if he is a farmer. My recollection is that this proviso went in many years ago because it was found that barbers and others were appointed as farmers who hardly knew a turnip from an onion.

Mr. SHERMAN. I think the gentleman is in error. I think that proviso was put in in the Senate three or four years ago upon the motion of the Senator from South Dakota to meet an objection which he raised that the then Secretary of the Interior was bringing farmers from Georgia to perform work in South Dakota; not that he was bringing barbers, but that he was bringing farmers from that State.

Mr. CANNON. I think the facts will show that some barbers played farmers; but if the chairman of the committee is quite sure that this is for the benefit of the service, I shall not interpose any further objection, because I think the whole matter of furnishing farmers is a good deal of a farce.

The Clerk, proceeding with the reading of the bill, read as follows:

APACHES, KIOWAS, AND COMANCHES.

For pay of employees, as provided by treaty of October 21, 1867, $6,000.

Mr. CANNON. Mr. Chairman, I want to reserve a point of order on that. I believe these items are not in the law of the current year.

Mr. SHERMAN. They are not in the law under treaty stipulations. They are in at another place, under the head of "gratuities." I do not know how the error originally arose, that they were provided for under the head of gratuities instead of under the treaty head. The treaty stipulation provides for this, and it should go in under the head of "treaty stipulations" and not under the head of "gratuities."

Mr. CANNON. That is what I want to call the gentleman's attention to. I do not think we are bound under treaty to make this appropriation. Now, referring to volume 15, page 585, article 10, it says:

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under the treaty of October 18, 1865, made at the mouth of the "Little Arkansas," and under all treaties made previous thereto, the United States agrees to deliver at the agency house on the reservation herein named, on the 15th day of October of each year, for thirty years—

Then it runs along for over half a page, and there is nothing in it about furnishing pay for employees.

Mr. SHERMAN. The gentleman is not referring to the treaty mentioned in the bill of October, 1867. He is referring to the treaty of 1865.

Mr. CANNON. I am referring to the one referred to in the Book of Estimates, and also the one mentioned in the bill. I am referring to volume 15, page 585, article 10.

Mr. SHERMAN. Possibly I may be in error.

Mr. CANNON. I think the gentleman is.

Mr. SHERMAN. I suggest that we pass over the item embraced in lines 17 to 23, inclusive, without prejudice, and I will look this matter up.

Mr. CANNON. I should like to be here when it comes up again.

Mr. SHERMAN. I will not call it up in the gentleman's absence.

Mr. CANNON. One remark further.

These gifts or gratuities of money to these Indians—who always exact everything coming to them by way of annuities, support, and that kind of thing, and which, I was almost ready to say, in most instances are more than sufficient to support them in better style than the skilled mechanic can support himself—make quite large demands upon the Treasury, and I do not believe that unless there is some treaty obligation or some absolute necessity for granting these gratuities we ought to proceed further in that direction. I am content that the matter shall go over now, in order that the gentleman from New York may look into it.

The CHAIRMAN. Without objection, this clause will be passed over without prejudice.

There was no objection.

The Clerk read as follows:

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Advance interest to the Chippewa Indians in Minnesota, as required by section 7 of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), $90,000.

Mr. CANNON. I should like to ask the gentleman in charge of this bill, if he has the information at hand, how much has been appropriated in this way for the Chippewa Indians—"reimbursable?"

Mr. SHERMAN. On pages 35-39 of the Secretary's annual report for 1898 there is a full statement in reference to this whole fund. That statement shows that there has been appropriated for all purposes under the Chippewa act, including surveys, appraising, and everything of that kind, $2,060,000 up to this time. I have a later statement, dated January 19 of the present year, showing that the total disbursements up to the 1st of last September were $2,315,000. This same report of the Secretary for 1898 shows that the total receipts have been something less than $1,000,000. The supplemental report, which I have just received, shows that the receipts during the time between the date of the previous report and the 1st of last September were between three hundred thousand and four hundred thousand dollars—in exact figures, $355,293.

Mr. CANNON. Does the gentleman believe that the Treasury will ever be reimbursed for these amounts?

Mr. SHERMAN. No, sir; I do not.

Mr. CANNON. Well, can the gentleman suggest how much longer we are to go on in this style of appropriation in support of these Indians, who have timber which, if handled and sold to the best advantage, would, I apprehend, pay all this money and more? Are we ever to avail ourselves of such sales, or what is to become of this property?

Mr. SHERMAN. The Chippewa act of 1889 provides that the lands and the timber thereon shall be disposed of and prescribes the disposition that shall be made of the fund arising from such sales; and it is left discretionary with Congress to use this fund, or a certain amount of it—one-fourth—in providing for schools and various other things. The first provision is that—

Congress may, in its discretion, from time to time during a period of fifty years appropriate for the purpose of promoting civilization and self-support among the said Indians a portion of said principal sum, not exceeding 5 per cent thereof—

That is, 5 per cent of $3,000,000—

and the United States shall for the benefit of said Indians advance to them such interest, amounting to the sum of $90,000 annually, etc., counting from the time when the allotments were made.

The act contemplates the accumulation of a fund of $3,000,000 in the Treasury, but it is mandatory upon us to appropriate $90,000 per annum prior to the time that the fund reaches the sum of $3,000,000.

Mr. CURTIS. Allow me to suggest to the chairman of the committee that if some change was made in regard to the disposition of the timber belonging to these Indians, there would be no question but that a very large fund would be created for their benefit and that all this money might be reimbursed. But if that timber is to continue to be disposed of as at present, the Government will realize very little in the way of reimbursement.

Mr. SHERMAN. We suspended action upon present lines in the last appropriation bill, and called upon the Secretary to make investigation through a special agent and to report fully, with such recommendations as he might desire to make, in reference to a change of the statute providing for the disposition of this timber land.

Mr. CANNON. I observe in the very next paragraph, not yet read, there is a continuation of these appropriations:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioner and his expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $100,000.

Now, is that $100,000 provided for also in the treaty?

Mr. SHERMAN. It is discretionary, not mandatory that we appropriate that sum. But the gentleman from Minnesota [Mr. EDDY], a member of the committee, who is very familiar with the conditions up in that country, stated to us in the discussion of this proposition—and I will say to the gentleman from Illinois that originally in the committee we reduced this appropriation from $100,000 to $50,000—the gentleman from Minnesota, from his personal knowledge of conditions there, said that it was absolutely essential to appropriate for these Indians at least $100,000, in order to keep them from starving and freezing to death, and that if we did not provide for them here under this reimbursable clause, where there might be some chance of getting it back, we should be forced to provide for them under the gratuity act; and the committee thought it was rather better to take a chance of getting it back some time than to absolutely give it away now.

Mr. CANNON. I want to call my friend's attention to the fact that, as I understand it, these Chippewas have what seems to be a pretty valuable reservation up toward the head waters of the Mississippi River, with large amounts of timber that is not being sold to any great extent. I will not say that it is being trespassed upon, because I have no direct personal knowledge, but these Chippewas, as I understand it, have had allotments made to them.

Mr. SHERMAN. To some of them, but by no means to all.

Mr. CANNON. And now that they are full-fledged American citizens, "men and brethren"——

Mr. SHERMAN. Some of them.

Mr. CANNON. Exercising the rights of the franchise, now I would be glad to know that at some time or other those citizens that vote and carry this burden of citizenship, helping to control the destinies of the Republic, would cease to receive grants from the Treasury, where other citizens do not receive grants. I do not know what the period of guardianship is to be. It strikes me it ought to begin to cease when you clothe them with full citizenship and they exercise the right of the ballot; and that if they be poor, the burden be thrown upon the State wherein they reside and whose destinies they help to control, the same as in the State of New York and elsewhere.

Mr. CURTIS. I will say to the gentleman from Illinois that if timber of these Indians was properly disposed of they would not be poor.

Mr. SHERMAN. The burden that is imposed upon us by the care of these and other Indians, the gentleman well knows, is a self-imposed burden. It is not a legal, but rather a moral obligation. We can shift it and throw it off if we desire to, but there are no inconsiderable number of people in the country who believe that our moral obligation is too great to throw aside this burden, which, as the gentleman knows, is not increasing, but decreasing. Why, since the beginning of my service upon this committee, and that is not a great many years ago, but half a dozen years ago, the appropriation bill was from two to five million dollars more than it now is.

During the time it has been my pleasure to preside over the committee the bill has decreased every single year, and is less this year than it ever was before. This burden does not increase, but decreases year by year. We are paying less. We shift the amount that we expend for these people. Less is paid for rations and more for books. We are educating them as fast as we can. We are educating more than 25,000, where twenty-five years ago we did not educate 5,000, and as the light of civilization and education is spread among them we have to do so much less in the way of rations, clothes, and material help. The burden, as I said before, is not increasing, but is steadily decreasing.

Mr. CANNON. Now, if my friend will allow me, the statement which he makes is a very interesting one. But to come down to the specific appropriation in hand, I understand that we have a treaty with the Chippewas, and that under that treaty, which extinguishes the title to a part of their lands, we virtually took possession, for the purpose of selling the timber of a portion or all of the remainder of their lands, and that that timber, if sold and handled properly or halfway properly, would absolutely reimburse the Government for every dollar that we have advanced. But it is not being done. Up in Minnesota, near the head waters of the Mississippi, is that magnificient timber.

Ill-advised people, perhaps without being fully advised, intimate that trespassers get away with great quantities of that timber; that enterprising citizens of the United States—I will not say of Minnesota, but perhaps of adjacent States—with the hope of gain, manage to get hold of this timber, and Mr. Indian does not get a great deal of it; that under this same treaty these Indians in great part have taken their lands in severalty and have become clothed with citizenship, voting for members of Congress, voting as every other citizen does within the boundaries of that State; that the ill-advised people probably take the timber on the one hand, the Indian votes on the other, and the Treasury of the United States support these voting American citizens.

Now, that is not a desirable condition. My belief is that when the Indian is clothed with citizenship, casts the ballot, and takes allotments of land in severalty, he ought to work out his own salvation just as other American citizens do, and it is a principle which lies at the very foundation of citizenship that each tub must stand on its own bottom. And if, through misfortune, disease, or vice, any portion of the citizens of a State fall by the wayside, then the respective counties and States should bear that burden; and when they do that, it is intelligently borne and minimized; but as long as the Federal Treasury bears it, I suppose it will go on bearing it to the end of time, the State shuffling off the burden, the county shuffling off the burden, and in the meantime the parties receiving the relief.

The Clerk read as follows:

QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, $1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500: *Provided*, That the $1,000 of this amount, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, for the support and maintenance of three or more public schools on the Quapaw Reservation, at such places as may be provided by the Quapaw Nation: *And provided*, That the present industrial school on said reservation shall be consolidated with the Seneca Industrial School at Wyandotte, in the Quapaw Agency: *And provided*, That the building and furniture now used for school purposes at the present Industrial Quapaw School, except such as may be required for the consolidated school at Wyandotte, shall be turned over to the Quapaw Nation by the Secretary of the Interior for the use of schools on the Quapaw Reservation: *And provided*, That such of said buildings as may not be required for a public school, where they now stand, may be removed by said nation to suitable places on said reservation, and $500 of the amount hereby appropriated shall be turned over to the Quapaw Nation to pay for the removal and repairing of said buildings.

Mr. CANNON. I should like to ask the gentleman from New York, chairman of the Committee on Indian Affairs, how much longer, in his judgment, this appropriation for the education of the Quapaws should be continued?

Mr. SHERMAN. It is rather difficult for me to answer that, Mr. Chairman. The Quapaw Indians are not in a deplorable condition, I am pleased to state. They are in rather a better condition than a very large number of our Indians. This is a provision under a treaty that we shall appropriate as long as it pleases the President that we should. The estimate comes to us through the Interior Department and the Treasury Department, asking for this appropriation, from which we must assume that it is the pleasure of the President that the appropriation still be made. It seems to me that this is one of the items that it ought not to be necessary to continue for any great number of years further.

Mr. CANNON. I understand that it is during the pleasure of the President, under the third article of the treaty, for education. Now, I think if Congress did not make the appropriation, the President would be pleased not to expend the money.

Mr. SHERMAN. Whether he would be pleased or not, I suppose he would be forced not to expend it.

Mr. CANNON. He would be forced not to expend it. Now, I have a general understanding that the Quapaws have had their lands completely allotted to them. Somebody said to me, and I am quoting what was said, and I think it is reliable, that they have 200 acres of splendid land each—land probably as productive as eastern Kansas land, or superior to some of the eastern Kansas land.

Mr. CURTIS. Not superior.

Mr. CANNON. The gentleman from Kansas says that the land is not superior, but I suspect it is nearly as good as Missouri and Illinois land.

Mr. BENTON. What lands have you reference to?

Mr. CANNON. The Quapaws'.

Mr. BENTON. They are pretty good lands.

Mr. CANNON. Are they out of debt?

Mr. CURTIS. There owe about twenty-four hundred dollars.

Mr. CANNON. How many of them are there?

Mr. BENTON. Two or three or four hundred of them, all together.

Mr. CANNON. Well, if there are 400 of them—and that is the largest number the gentleman mentions—having 200 acres of land apiece, owing twenty-four hundred dollars, and that is all, having their lands in severalty and good lands, I submit that it is about time we stopped paying them.

Mr. SHERMAN. There are 251 of them.

Mr. CANNON. It is $1,500. I thought it was a much larger amount; but, large or small, I do not know of any population of 400 people that are so well fixed.

Mr. BENTON. I want to say to the gentleman from Illinois that he forgets that Congress a few years ago did what I think was a matter of very doubtful propriety. They permitted these Indians to sell part of their land. A good many of them have foolishly parted with their lands; and while a good many are in very good position, a good many of them are not.

Mr. CANNON. I thought they had not power to alienate their lands.

Mr. BENTON. Not when first allotted, but subsequent legislation allowed it.

Mr. CURTIS. I will state to the gentleman from Illinois that the provision for the Quapaw school is changed somewhat. The Government has been maintaining a school which has cost the Government $6,000 or $8,000 a year, and it is changed by providing for the establishment of three day schools, and it will save the Government from four to five thousand dollars a year. It is true the Quapaws are very well off; but it must be remembered that the property they own is not taxable, and that no provision has been made for erecting school buildings on the reservation owned by them. They ask for these three day schools and a consolidation of the Quapaw and Wyandotte school. I think so long as the land is not taxable, and the Government can save $4,000 a year or more and only give them a thousand dollars to maintain three day schools, that it would be a good change for the Government, and I think we ought to maintain the day schools at least until their lands are taxable.

Mr. CANNON. How long have they been owning lands—twenty-five years?

Mr. CURTIS. They took their allotments a good many years ago.

The Government is saving by this provision $4,000 or $5,000 each year. You are abolishing one large school, which necessitates six or eight employees all the time, and if you authorize the use of the $1,000, as provided in this bill, you will save the amount heretofore stated, which is taken out of the general school fund.

Mr. CANNON. The only object of my challenging the appropriation is to draw the attention of the House to some of these items, not by way of criticisms of the Committee on Indian Affairs at all, or upon any gentleman in connection with it, but to suggest to the gentleman, and suggest to the House, that it seems to me the time has come where people are able to bear the burdens that they should cease to be wards of the Government. It is for the benefit of the Treasury on the one hand, and adds the blessing to the people on the other that they depend upon themselves. That is all I want to say.

The Clerk read as follows:

For interest on $78,340.41, at 5 per cent per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, $3,917.02; in all, $44,162.47.

Mr. TONGUE. Mr. Chairman, I desire to offer the amendment which I have forwarded to the Clerk's desk.

The Clerk read as follows:

Insert, at end of line 24, page 31, after the word "cents," the following:

"ALSEA AND SILETZ INDIANS.

"The Secretary of the Interior is hereby authorized and directed, on the passage of this act, to pay to such Alsea and other Indians on the Siletz Reservation, in Oregon, parties to an agreement made October 31, 1892, ratified by the act of Congress approved August 15, 1894 (twenty-eighth Statutes, page 323), as shall be found to be competent and capable of managing and taking care of their own affairs their pro rata shares of the permanent fund of $100,000, appropriated by the said act of August 15, 1894, and now to their credit in the Treasury of the United States."

Mr. TONGUE. Mr. Chairman, just one word upon that question. We are now dealing with that portion of the bill that is appropriating money for carrying out treaty obligations with the several tribes of Indians in different portions of the United States. In 1894 a treaty was made between the United States and the Alsea and Siletz Indians, and in the provisions of the treaty, as confirmed by Congress, $100,000 was appropriated to pay these Indians for lands purchased from them by the Government. I will read the provision in the treaty, Mr. Chairman:

That in case the Secretary of the Interior may at any time be satisfied that any of said Indians are fully competent and capable of managing and taking care of their full pro rata of said purchase money, and that it will be to their interest to receive the same, and that other portions of said Indians are not so capable and competent, then he shall recommend to Congress that sufficient amount of such principal sum so held in trust as provided in section 2 of this agreement shall be appropriated to pay the full pro rata of such competent and capable Indians of such principal fund, and when the same shall be paid and receipted for personally by each Indian so paid, then such Indians shall have no further interests in said trust fund.

The Secretary of the Interior has recommended, in accordance with that treaty and the act of Congress, that provision should be made authorizing him to pay their pro rata portion of this fund to 306 Indians. It is to carry out the provisions of that treaty. As I understand, we are now under the provisions of the bill appropriating money for carrying out treaty stipulations, and I offer this amendment, and I think it is in order.

The CHAIRMAN. Does the gentleman from New York care to be heard further?

Mr. CANNON. Has the gentleman from Oregon the communication from the Secretary of the Interior?

Mr. TONGUE. I have.

Mr. SHERMAN. Under the gentleman's statement, Mr. Chairman, I think it is in order under treaty stipulation, under a special head of itself. I agree with him about that. I withdraw the point of order, for I do not think it is well taken.

Mr. TONGUE. A few words, Mr. Chairman, in explanation of the amendment and the class of Indians for whom this provision is sought to be made. They have been taught in the schools and educated in the English language for a great many years. In the report as to the condition of the various Indians I find that the entire population is given as wearing citizens' dress. Out of 486 of the population, 430 talk English. There are none except those who live in houses. The number of rations issued by the Government during the last year to all of these Indians only numbered 30. There is about $2,000 expended in religious and church work.

Of the 486 Indians there were no criminals of any kind during the year. I visited the Indians, and a meeting was held and this matter was discussed. The Indians selected their speaker and they talked in English, and they explained their matters thoroughly, intelligently, and well. Their lands have been allotted to them, 80 acres, and some of them have more than that. They are in a productive country, where they farm reasonably well, where they are making their own living, but are hampered for lack of stock and agricultural implements. There is $100,000 standing to their credit.

Mr. LITTLE. I desire to ask the gentleman if he has the views of the Indian Office on this subject?

Mr. TONGUE. I have.

Mr. LITTLE. I hope the gentleman will give them to us.

Mr. TONGUE. I will do so before I conclude my remarks. The Indians are being paid 5 per cent on the money, which brings them about $11 each. But that will not buy a cow, it will not buy a plow, a wagon, or a horse. It practically amounts to nothing; it comes in little drafts. With this provision they would get about $200 each, and they could equip their farms with stock and put in capital, enabling them better to work their land, and that is the reason they desire to have the sum paid in full. It would cut the string between these Indians and the Government. They are capable of taking care of themselves, and they will take care of themselves, and will cease looking to the Government for help, and will learn reliance.

Mr. LITTLE. How much money does this involve?

Mr. TONGUE. One hundred thousand dollars has been appropriated and belongs to them, and stands to their credit in the Treasury. This simply authorizes the Secretary of the Interior, in accordance with the provision of that treaty, to pay each one of these Indians, whom he finds capable of taking care of the amount, the full amount due him. It involves no expenditure of money by the Government; it is simply giving the Indians what belongs to them instead of the United States acting as a loan agent and paying them 5 per cent interest.

Mr. LITTLE. How much does the annual payment amount to?

Mr. TONGUE. The amount is $100,000 and the population 486—a little over $11 apiece at 5 per cent interest.

Mr. CURTIS. Have they an Indian agent there?

Mr. TONGUE. Yes.

Mr. CURTIS. Is there a school for them?

Mr. TONGUE. Yes.

Mr. RIDGELY. I did not catch the reading of the amendment. Does it propose to advance the payment of interest to these Indians for some years to come?

Mr. TONGUE. No; it simply proposes to pay the principal to such Indians as, in the judgment of the Secretary of the Interior, are competent to manage their own affairs. The Secretary has reported, after carefully examining the matter, that in his judgment 306 of these Indians are capable of taking care of themselves. Here is his letter:

These Indians are now citizens and taxpayers of the State of Oregon, and I am satisfied from the information I have that the 306 named in the schedule submitted by the inspector are fully competent and capable to manage and take care of their full pro rata of the said permanent fund and that such pro rata fund ought to be paid to them now.

I therefore have the honor to inclose a draft of an item to be incorporated in the next Indian appropriation bill to authorize the Secretary of the Interior to pay, immediately upon the passage of the act, to such members of the tribe as may be found fully "competent and capable" their pro rata shares of the said permanent fund, and to urgently recommend that the item be so incorporated and enacted into law.

That is the item which I have offered as an amendment to this bill.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. TONGUE. Certainly.

Mr. RIDGELY. In case these Indians, or any of them, should fail to take care of themselves, what will be the result? Will they not fall back upon the Government? Will they not appeal to us again for help?

Mr. TONGUE. These Indians are full citizens; lands have been allotted to them; they are voters. As I understand, the Government will be under no more obligation to take care of them if they should become paupers than to take care of any other citizens of the county. The county understands that if these people should cut loose from the Government and become paupers it will be obliged to take care of them; and it is willing to take that responsibility.

Mr. RIDGELY. What the gentleman says may be correct as to the legal status of these Indians; but in view of our general policy in the past toward the Indians, would there not be an appeal to us to take care of them again as wards of the nation?

Mr. TONGUE. They have rich lands and plenty of them. There is no more indication of their becoming paupers than the white people.

Mr. RIDGELY. But we know that a great many white people become paupers.

Mr. TONGUE. If we were going to take care of them, I do not understand that any appropriations for rations, for agencies, or schools are taken out of this sum. The mere amount of $11 a year would not support a pauper or a sick man.

Mr. RIDGELY. I understand under the gentleman's provision we would simply provide for a disbursement of this trust fund.

Mr. TONGUE. Yes; and I think these Indians will be less liable to become paupers if this money is paid to them than otherwise. This money would help them to stock and equip their farms; and they will thus be taught lessons of self-reliance so as not longer to look to the Government for support.

Mr. RIDGELY. I am not prepared to object to the amendment; I am simply seeking information.

Mr. TONGUE. The citizens by whom these Indians are surrounded—with whom they live, the agents and employees on the reservation—the Commissioner of Indian Affairs, and the Secretary of the Interior all favor the proposition. For the purpose of ascertaining the condition of affairs in reference to this matter I have talked with these people, and I am fully convinced that this is a wise provision and ought to be adopted. I hope it will receive the approval of the chairman of the committee and of the Committee of the Whole.

Mr. SHERMAN. Mr. Chairman, I exceedingly regret to oppose any proposition offered by the gentleman from Oregon [Mr. TONGUE]. But I must oppose the principle of putting our hands into the Treasury at the request of any of the Indians who have trust funds still there, and permitting them to take the principal of those trust funds and spend it. As long as it is there we know that they will receive the interest on it every year, as the treaty may provide. They have now a certain amount which they know they can fall back upon year by year to help them out in case of emergency. To that extent we are relieved of any liability to be called on for assistance in supporting these Indians.

I do believe, Mr. Chairman, that not only in this instance, but in every case of this kind, it is our duty to oppose such action as is proposed by the gentleman from Oregon; and I sincerly hope that this Committee of the Whole will not open the door to this line of action, permitting Indians upon their own application to withdraw their trust funds from the Treasury. I hope that the amendment of the gentleman from Oregon will be voted down.

Mr. TONGUE. Only a few words more. I have a great deal of respect for my friend from New York [Mr. SHERMAN] and a great deal of respect for his judgment in reference to these matters. But I must insist, Mr. Chairman, that the people who live near these Indians, who have spent thirty or forty years in their neighborhood, who have had business dealings with them, who would be subject to any disorders that might be created if the Indians were not properly managed, or if they misbehaved, are entitled to be heard upon a matter of this kind affecting persons with whom they are perfectly well acquainted.

The gentleman from New York has not had personal experience with these people, and possibly he does not recognize that these Indians have been subject to the influences of civilization for thirty or forty years. They talk well; they dress well; they farm well; they work well, and they vote with reasonable intelligence, entering into a pretty fair political argument on both sides of the question.

Now, I am prepared to say for these people that it is not subjecting them to a good influence when you teach them that for all time in some way or other they must fall back on this Government to take care of them. In my judgment one of the worst influences pervading the country to-day is that which prompts too many of our people to insist that somehow or other, in some shape, it is the business and duty of this Government to take care of them.

I do not believe it wise to continue to subject these Indians to the influence of such a feeling. As they become civilized we ought to teach them lessons of self-reliance. Let them understand that since the Government has elevated them to a condition of civilization, they must now depend upon themselves—must now manage their business in their own way. If the gentleman from New York wants to make them paupers, for God's sake let him continue to deal with them as if they must look to the Government month after month and year after year; let him make them feel that if they get into trouble—if they get sick or drunk—they may look to the Government to help them out.

In my judgment, the proper policy is to cut the leading strings and teach them to rely upon themselves, not to expect Congress or the American people to help them out. Those who know these people as I know them and as my neighbors know them are willing to trust them, and I think that on a matter of this kind, affecting us and not affecting remote communities like those in which my friend from New York lives, our opinion is entitled to respect.

Mr. CURTIS. As I understand, these Indians are under an agent?

Mr. TONGUE. Yes, sir.

Mr. CANNON. If they are under the care of an agent, then it would seem to be more important that the agent should be discharged, and that, with a view to their best interests, they should not be subjected to endless guardianship, than that this $100,000 should be distributed among 400 of them—men, women, and children.

I have no personal knowledge in regard to these Indians, but I know this, that when they get $200 apiece their neighbors probably will get a part of it.

Mr. TONGUE. It will probably be expended in buying cattle, horses, sheep, etc.

Mr. CANNON. And in the payment of debts, no doubt. If these Indians are good farmers, if they are so intelligent and competent, they can not very greatly need this money. On the other hand, if they are improvident they would probably spend it in a way that would do them but little good. They can not have their cake and eat it, too. If we should now give them $200 apiece, and thereby this trust fund should be exhausted, some of our good people who have nothing else to do than to "stand with the Lord" and take care of people who, in their judgment, need taking care of (with some of them, not many, this is a profession) will no doubt urge that we should make further appropriation for these Indians, take care of them through an agent, send their children to school, and do all this in the name of humanity, because their ancestors owned the soil before our ancestors ever knew there was any soil here. So we shall have to shoulder the responsibility again and appropriate money for their support.

Mr. CURTIS. I should like to call the attention of the House to what the agent says in reference to this payment. He says in his report:

In the month of March the annual payment of interest on trust funds was made, amounting in the aggregate to $5,852. This payment was a great relief, and especially to the old Indians, who during the long winter had exhausted their stock of subsistence.

So it would seem from this report that these payments are of some benefit to this tribe, and I therefore hope the amendment will not be agreed to.

Mr. HEMENWAY. How many male Indians over 21 years of age are there?

Mr. CURTIS. There are 259 males and 227 females.

Mr. HEMENWAY. Do you know the number over 21 years of age?

Mr. CURTIS. That is the number of those over 21. The number of children between the ages of 6 and 18 is—males 64, females 45; total school population, 109.

Mr. HEMENWAY. What was the amount of interest divided the last time?

Mr. CURTIS. Five thousand eight hunded and fifty-three dollars.

Mr. HEMENWAY. That virtually went to the 221 males.

Mr. CURTIS. It goes to the head of the family. It might be a male or a female.

Mr. HEMENWAY. But the heads of the families had the use of that money.

Mr. CURTIS. Yes.

Mr. HEMENWAY. And if they had $200 per head distributed, some of the families would have quite a sum of money, no doubt a thousand or twelve hundred dollars.

Mr. TONGUE. Will the gentleman allow me to call his attention to a provision that he has overlooked?

Mr. CURTIS. Certainly.

Mr. TONGUE. The Secretary of the Interior recommends the payment to 306 individuals, leaving these old people, nearly 200 of them, whose money he proposes to retain and pay out in the manner that he has paid it heretofore.

Mr. RIDGELY. Mr. Chairman, I submit that if these people are yet under an agent, and this amendment is to disburse to certain Indians a fund that is virtually in a Government savings bank to their credit, and as a protection to these Indians, as well as to the people of the nation, who have them to protect as wards, it would be better to follow the judgment of the chairman of the committee and retain this fund on deposit for their and our mutual protection.

If I understand the amendment, it not only disburses the $200 for the head of a family, but for each member of the family, regardless of age, and still leaves them under an agent, practically as wards of the nation. I believe it best to retain this money on deposit for the present, and let them draw their interest as they are now doing, retaining the principal as a trust fund.

Mr. TONGUE. Will the gentleman permit me to correct an impression that he seems to have? The Secretary of the Interior must determine the capability of these Indians. He thinks there are 306 who are competent to manage their own affairs. This act provides only that the money shall be paid to people who are capable of managing their own affairs.

Mr. RIDGELY. Under his judgment.

Mr. TONGUE. Under his judgment, and not to the children or the old people.

Mr. RIDGELY. His judgment may err.

Mr. TONGUE. Possibly; but it is hardly fair to assume that he will pay it to old and decrepit people or to young children. He will probably pay it to all heads of families and all over 21 years of age who are capable of intelligently using it. That is what the act authorizes him to do.

Mr. RIDGELY. If these people, as stated, can take care of themselves now, I think they will continue to take care of themselves if we retain this money on deposit for them, letting them draw the interest as at present. While I am opposed to all interest, yet we still have the interest system, and in this case it serves to provide for these wards and protect both them and ourselves against a possible greater burden.

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon.

The amendment was rejected.

The Clerk read as follows:

For support, civilization, and instruction of the Shoshones and Bannocks and other Indians of the Fort Hall Reservation, in Idaho, including pay of employees, $35,000.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I rise at this time to say that if I were present to-morrow I would favor certain legislation which is to be brought to the attention of the chairman in this bill; but inasmuch as I am called home by death in my family, I make this statement so as to avail myself of the opportunity that is to be given to members who addressed the committee to extend their remarks in the RECORD.

Mr. RIDGELY. I wish to ask a question of the chairman of the committee as to these items of miscellaneous support.

Mr. SHERMAN. I did not understand the gentleman.

Mr. RIDGELY. My question is as to these items for miscellaneous support. Is this all new legislation?

Mr. SHERMAN. None of it. It is identical, except the change in amount, with what we have appropriated from year to year.

Mr. RIDGELY. Simply as a general policy?

Mr. SHERMAN. Oh, it is right along the same policy that we have pursued a great many years.

Mr. CURTIS. And where the change is made it is for a less amount.

Mr. RIDGELY. These items come out of the Treasury of the United States?

Mr. SHERMAN. It is a gratuity, all of it.

Mr. RIDGELY. Is it annuities, out of trust funds?

Mr. SHERMAN. It is not annuities. All these items of miscellaneous support are absolute gratuities on the part of the Government.

Mr. RIDGELY. That is what I understood.

The Clerk read as follows:

For support and civilization of the Yakimas and other Indians at said agency, including pay of employees, $5,000.

Mr. SHERMAN. Mr. Chairman, I think I will move that the committee do now rise, as it is nearly 5 o'clock.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7433 and had come to no resolution thereon.

CONTESTED-ELECTION CASE—WISE VS. YOUNG.

Mr. WEEKS. Mr. Speaker, I am directed by the Committee on Elections No. 3 to file the report of the committee in the contested-election case of Wise against Young, from the Second district of Virginia, and ask that a time may be fixed for the hearing before the House.

The SPEAKER. The gentleman from Michigan submits a privileged report, which the Clerk will read.

The Clerk read as follows:

Report of Committee on Elections No. 3 in the case of Wise against Young.

The SPEAKER. The report will be printed, and the case will go on the House Calendar.

Mr. BURKE of Texas. Mr. Speaker, I will ask the gentleman from Michigan if he has made the request agreed on in the committee in reference to filing the views of the minority?

Mr. WEEKS. I was about to make that statement to the Chair. I would like to have the time fixed for the hearing, and what would the gentleman like——

Mr. BURKE of Texas. It was agreed in committee, Mr. Speaker, that the members of the minority should have ten days in which to present their views after the presentation of the report of the committee.

Mr. WEEKS. That would be satisfactory.

The SPEAKER. Without objection, ten days will be given to the minority in which to file their views. [After a pause.] The Chair hears none. The Chair will state to the gentleman from Michigan that he can call the case up at any time.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT, from the Committee on Foreign Affairs, reported the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SULZER. Mr. Speaker, I reserve all points of order upon that bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

GUN TO CITY OF NASHVILLE, TENN.

Mr. GAINES. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill which the Clerk will read.

The Clerk read as follows:

A bill (S. 2451) to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot in the Spanish-American war.

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to condemn and detach from the gunboat *Nashville* the cannon from which was fired the first shot in the Spanish-American war and to deliver the same to the said city of Nashville, to be placed in some public place in that city, the title to the said cannon to be vested in the said city: *Provided*, That no expense shall be caused to the United States through delivery of said cannon.

Mr. CANNON. Now, Mr. Speaker, I want to reserve the right to object until I can ask the gentleman a question.

Mr. GAINES. Yes, sir.

Mr. CANNON. Is that a modern gun?

Mr. GAINES. I think it is. I am not sure about it.

Mr. CANNON. Modern guns are quite expensive and wonderfully useful, and they are much needed. I would not object to giving to the city of Nashville some three or four old guns for monuments; but for a modern breech-loader and effective gun, I do not think we ought to start that.

Mr. GAINES. I will state, Mr. Speaker, that this bill has unanimously passed the Senate. The Committee on Naval Affairs have unanimously reported a bill of identically the same nature, and it is now pending before this body. In addition to that, Mr. Secretary Long has approved the passage of this bill; the Ordnance Department have approved it. The original cost of the gun was $410, and it has now served its day. Mr. Secretary Long has ordered it detached and sent home, because it is worn out, and has heartily indorsed the passage of this bill. The gun has served its day and can no longer be used.

Mr. CANNON. Has the gentleman a statement to that effect from the Secretary?

Mr. GAINES. Yes, sir; here is the report of the House committee. In addition to that, Mr. Secretary Long approved in the face of the bill—the very bill that the House committee has passed—a similar bill to this. Now, I hope the gentleman will not object.

Mr. CANNON. I would not object if this gun were worn out. I would be very glad for the city of Nashville to have it. But if it is a modern gun, and in good condition, why, I do not think we should permit it.

Mr. GAINES. It is a modern gun; but the gun is worn out. Here is a letter from the Navy Department which orders the commander of the vessel to detach it and to put another that is being sent there in its place. I will read that letter to you from the House report:

NAVY DEPARTMENT, BUREAU OF ORDNANCE,
Washington, D. C., January 26, 1900.

SIR: 1. The Bureau requests that 1-pounder Hotchkiss R. F. gun, Mark II, register No. 121, 1-pounder hydraulic recoil mount, register No. 129, and 1-pounder cage stand, register No. 108, now on the U. S. S. *Nashville*, be sent to the United States (New York or San Francisco) by the first public conveyance.

2. Please replace this gun stand and mount by one now on hand. This gun was used in firing the first shot in the war with Spain, and has been donated by the Department to the city of Nashville, Tenn.

3. An extra 1-pounder, complete, will be sent you as soon as possible.

Respectfully,

CHARLES O'NEIL,
Chief of Bureau of Ordnance.

THE COMMANDER IN CHIEF,
United States Naval Force, Asiatic Station, Manila, P. I.

Mr. LACEY. Who signs that letter?

Mr. GAINES. That letter is signed by Charles O'Neil, Chief of Bureau of Ordnance, and it is addressed to the commander in chief of United States naval force, Asiatic Station, Manila, P. I.

Mr. LACEY. I would like to ask the gentleman a question, as we have had so much controversy in the Navy about it. Is there any question as to which ship fired the first gun?

Mr. GAINES. That is settled by the commander of the *Nashville* and the record of the recent war, a correct copy of which I have taken from the records in Secretary Long's office, and made for me by his order.

Mr. LACEY. But what about the commander of some of the other ships?

Mr. GAINES. I do not know.

Mr. LACEY. There is no controversy?

Mr. GAINES. None whatever. Absolutely none.

Mr. CANNON. What about it being worn out; have you got anything further to show that?

Mr. GAINES. I have nothing more than this letter, and that ordered in my presence by Secretary Long to be written to the commander, Commodore Watson. As stated, it is to be detached from the ship and succeeded by a new gun. I should say that it is well worn, for it has been doing, I suppose, most of the firing ever since.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Let me suggest to gentlemen you are establishing a precedent that is going to come home to trouble you. If this gun is absolutely worn out, the gentleman can get it in a formal bill requesting the donation of the gun to Nashville, and let the Secretary of the Navy determine what gun shall be sent there; and no doubt you can get this gun.

You are establishing a precedent here which will come from every city in the United States which has a battle ship or a gunboat named after it. There are ways of getting the gun without establishing such a precedent, if the gun is worn out and is obsolete, and I hope the gentleman will see it.

Mr. CANNON. I think if the gun is worn out, under the general legislation it can be given to the city.

Mr. GAINES. I will state to the gentleman that there are two precedents for this very thing. Yale College presented to the United States a gun for one of the ships that fought in the war with Spain. Harvard University presented one also. At the end

of the war Congress passed resolutions giving back the respective guns to these colleges. Here is a cruiser named *Nashville* for the city of Nashville, that fired the first shot in the war, and the city of Nashville has passed an ordinance providing that this gun shall be held in trust for the benefit of the public, for future generations to admire, if donated to us. This bill is for nothing more than to give us title to the gun, that we may take care of it for future generations to look at and thereby inspire their patriotism.

Mr. LOUD. Let it go over, Mr. Speaker, until the gentleman can furnish the information.

Mr. GAINES. What information does the gentleman want?

Mr. LOUD. The letters.

Mr. GAINES. Here are the letters here.

Mr. RICHARDSON. I suggest to the gentleman from California that there can be no bad precedent in it, because this is given as the gun that fired the first shot in the war, and there can be no other first gun in the war.

Mr. SHAFROTH. It can not be made a precedent, Mr. Speaker, because the representation is here made that this gun is worn out.

The SPEAKER. The Chair understands that objection is made, unless withdrawn.

Mr. LOUD. Oh, I suppose I have got to withdraw, Mr. Speaker. [Laughter.]

Mr. HILL. Mr. Speaker, I do not wish to make any objection, but I wish to correct a statement of the gentleman from Tennessee. The gun referred to as coming from Yale College was presented by the college to the Government, and at the close of the war it was given back in trust to the college to keep until the Government might need it again.

Mr. GAINES. Certainly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, and it was read the third time.

Mr. LOUD. Mr. Speaker, I hope the gentleman from Tennessee will have the bill amended so that Congress will not attempt to say by legislative action which ship fired the first shot.

Mr. GAINES. That is a matter of record, as shown by this report and the official records in Mr. Secretary Long's office, which I read, and I have a copy of that record.

Mr. LOUD. I question that.

Mr. LACEY. The captain of the *Nashville* admits that he fired the first gun. [Laughter.]

Mr. STEELE. The same report says that this gun has already been given to Nashville.

Mr. RICHARDSON. It has simply been put there temporarily.

Mr. DALZELL. Does this bill propose to do anything more than that?

Mr. GAINES. No, sir.

Mr. GIBSON. Mr. Speaker, I have no objection to this bill, but I want this House to know, and I want the country to know, that the man who commanded the ship that fired that gun, and who ordered the gun to be fired, was Capt. Washburn Maynard, who was born and raised at, and sent to the Naval Academy from my city of Knoxville, Tenn. [Applause.]

The bill was then passed.

On motion of Mr. GAINES, a motion to reconsider the last vote was laid on the table.

Mr. GAINES. Mr. Speaker, I move that the House bill lie on the table.

The SPEAKER. Without objection, that will be done.

There was no objection.

LEAVE TO WITHDRAW PAPERS.

Leave was granted Mr. CLARKE of New Hampshire to withdraw from the files of the House, without leaving copies, the papers in the case of Ellen M. Burque, Fifty-fifth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Metropolitan Railroad, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the City and Suburban Railway Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the Columbia Railway Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the Washington and Great Falls Railway Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the Brightwood Railway Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the Anacostia and Potomac River Railroad Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the Georgetown and Tennallytown Railway Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the president of the Capital Railway Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the care and maintenance of the Washington Monument—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate for increase of salary of the United States consul at Christiania, Norway and Sweden—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting matters relating to the salary of the governor of Arizona, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for repayment of amount stopped from pay of Chaplain C. B. Carlisle—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for deficiencies for certain public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for survey, etc., of line between Utah and Arizona—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for deficiencies for services of Board of Managers of National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for preventing deposits in the harbor of New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for constructing jetties, etc., at South Pass, Mississippi River—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of inside passage through Sarasota Bay to Lemon Bay, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 3718) for the preservation of the frigate *Constitution*, reported the same without amendment, accompanied by a report (No. 165); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2579) to refund duties paid by the State of New York upon arms imported in 1863, reported the same without amendment, accompanied by a report (No. 166); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act

making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, reported the same with amendment, accompanied by a report (No. 178); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 4557) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H., reported the same without amendment, accompanied by a report (No. 179); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6267) to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes," reported the same without amendment, accompanied by a report (No. 180); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa., reported the same with amendment, accompanied by a report (No. 181); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7737) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes, reported the same without amendment, accompanied by a report (No. 182); which said bill and report were referred to the House Calendar.

Mr. TATE, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 7661) to allow commutation of rations, reported the same without amendment, accompanied by a report (No. 184); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 284) granting permission and authority to the Orleans levee board to move, without cost to the United States, an existing line of levee in front of the marine-hospital property in New Orleans, La., reported the same with amendment, accompanied by a report (No. 185); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEEKS, from the Committee on Elections No. 3, to which was referred the resolution of the House (H. Res. 124) relative to the contested-election case of Richard A. Wise *vs.* William A. Young, reported the same without amendment, accompanied by a report (No. 186); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6701) granting a pension to Serelda C. McGrew, reported the same with amendment, accompanied by a report (No. 167); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3809) granting increase of pension of Elisha B. Seaman, Company A, Sixty-sixth Ohio Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 168); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5156) granting an increase of pension to Frances C. Kirby, reported the same with amendment, accompanied by a report (No. 169); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3522) for the relief of Lucy S. Bane, reported the same with amendment, accompanied by a report (No. 170); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6161) for the relief of John Landegon, of Danbury, Conn., reported the same with amendment, accompanied by a report (No. 171); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2170) granting a pension to Angeline Eyestone, reported the same with amendment, accompanied by a report (No. 172); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3012) granting a pension to Sarah Claggett, reported the same with amendment, accompanied by a report (No. 173); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1754) for the relief of Mrs. Helen M. Moore, reported the same with amendment, accompanied by a report (No. 174); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 6038) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons, reported the same without amendment, accompanied by a report (No. 175); which said bill and report were referred to the Private Calendar.

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children, reported the same without amendment, accompanied by a report (No. 176); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 213) to pay the General Marine Insurance Company, of Dresden, the sum of $1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886, reported the same without amendment, accompanied by a report (No. 177); which said bill and report were referred to the Private Calendar.

Mr. CRAWFORD, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4854) to pension James L. Whidden, reported the same with amendment, accompanied by a report (No. 183); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUSHMAN: A bill (H. R. 7833) to establish a military post at Tacoma, Wash.—to the Committee on Military Affairs.

By Mr. GAMBLE: A bill (H. R. 7834) providing for free homesteads on the public lands within what was heretofore the Fort Randall Military Reservation for actual and bona fide settlers and reserving the same for that purpose—to the Committee on the Public Lands.

By Mr. GREENE of Massachusetts: A bill (H. R. 7835) to change the characteristic of Cape Cod light, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: A bill (H. R. 7836) to extinguish private land titles within the bounds of the national parks and forest reservations located in the State of California—to the Committee on the Public Lands.

By Mr. OTEY: A bill (H. R. 7837) to establish battle park on Bull Run—to the Committee on Military Affairs.

By Mr. DE GRAFFENREID: A bill (H. R. 7838) repealing section 4716 of the Revised Statutes of the United States—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7839) directing a survey of Red River, in the States of Louisiana, Arkansas, and Texas—to the Committee on Rivers and Harbors.

By Mr. WACHTER: A bill (H. R. 7840) for the establishment of a light-house and fog signal at Point no Point, in Chesapeake Bay, between Cove Point and Smiths Point—to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 7841) to provide for the increased circulation of the Congressional Record—to the Committee on Printing.

By Mr. BROMWELL: A bill (H. R. 7842) to increase the salary of the United States marshal for the southern district of Ohio—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 7843) to amend section 2745 of the Revised Statutes of the United States, relating to compensation of examiners at the port of New York—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: A bill (H. R. 7844) to provide for the revision and codification of the permanent and general laws of the United States—to the Committee on Revision of the Laws.

By Mr. SHERMAN: A bill (H. R. 7935) providing for the payment of duties on imported tobacco on its weights at the date of withdrawal from bonded warehouses—to the Committee on Ways and Means.

By Mr. STARK: A bill (H. R. 7936) to improve the armament of the militia—to the Committee on the Militia.

By Mr. SOUTHARD: A bill (H. R. 7937) for the purchase of the statue of Salmon P. Chase, late Chief Justice of the Supreme Court of the United States—to the Committee on the Library.

By Mr. SLAYDEN: A bill (H. R. 7938) to amend section 1 of chapter 538 of the Revised Statutes of the United States—to the Committee on Claims.

Also, a bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. SPALDING: A bill (H. R. 7940) authorizing the construction of a bridge across the Red River of the North, and so forth—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT, from the Committee on Foreign Affairs: A bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901—to the Calendar of the Whole House on the state of the Union.

By Mr. ALLEN of Maine: A joint resolution (H. J. Res. 152) providing for a preliminary examination of Wells Cove, Wells, Me.—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: A joint resolution (H. J. Res. 153) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic—to the Committee on the Library.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 14) to print 6,000 additional copies of the report of the Director of the Mint on the Production of the Precious Metals for the Calendar Year 1898, etc.—to the Committee on Printing.

By Mr. SPERRY: A concurrent resolution (H. C. Res. 15) for the printing of 7,500 additional copies of Senate Document No. 164, Fifty-fifth Congress, third session, being the report of the Daughters of the American Revolution, 1890–1897—to the Committee on Printing.

By Mr. FITZGERALD of Massachusetts: A resolution (H. Res. 123) relating to lobster fisheries—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: A memorial of the legislature of Pennsylvania, relative to importation of prison manufactured goods—to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 7845) for the relief of Luster P. Chester and Freeland Chester, and Luster P. Chester and Freeland Chester, executors of Thomas R. Chester—to the Committee on War Claims.

Also, a bill (H. R. 7846) conferring jurisdiction upon the United States Court of Claims to hear and determine the claim of Mrs. Jane W. Mason, Washington, Pa.—to the Committee on the Judiciary.

Also, a bill (H. R. 7847) to correct the military record of David P. Kelley, of Connellsville, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7848) to correct the military record of Kyrhian Morrissey, of Uniontown, Fayette County, Pa.—to the Committee on Military Affairs.

By Mr. BRICK: A bill (H. R. 7849) to confer jurisdiction on the Court of Claims to try and render final judgment in certain claims of Charles H. McCord—to the Committee on Claims.

By Mr. BERRY: A bill (H. R. 7850) to carry out the findings of the Court of Claims in the case of Catherine Metz, administratrix of Jacob Metz, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7851) for the relief of Frederick Sensel—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 7852) granting an increase of pension to O. M. Brown—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 7853) removing the charge of desertion from the record of Joseph A. Choate, of Company K, Fourth Tennessee Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 7854) to grant pension to William Denham, Company E, Ninth Tennessee Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 7855) to increase the pension of Sarah E. Jackson, widow of Richard H. Jackson, late brigadier-general of United States Volunteers, to $50 per month—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7856) to increase the pension of Matilda E. Lawton, widow of Elbridge Lawton, late chief engineer, United States Navy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7857) to remove the charge of desertion from the record of Albert Campbell—to the Committee on Military Affairs.

Also, a bill (H. R. 7858) to remove the charge of desertion from the record of James Nicholas—to the Committee on Military Affairs.

Also, a bill (H. R. 7859) for the relief of Richard Good—to the Committee on Military Affairs.

Also, a bill (H. R. 7860) granting a pension to Samantha Bentley—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 7861) for the relief of Seth Davis—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 7862) to correct the military record of Platoff P. Bush—to the Committee on Military Affairs.

Also, a bill (H. R. 7863) for the relief of David H. Mitchell—to the Committee on Claims.

By Mr. FARIS: A bill (H. R. 7864) granting an increase of pension to Jennie E. Sawyers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7865) to increase the pension of William H. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7866) to increase the pension of Alexander W. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7867) to increase the pension of John L. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7868) granting an increase of pension to Sanford P. Stitzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7869) increasing pension of Albert Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7870) to restore and increase the pension of Peter Highnote—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7871) granting a pension to Simpson P. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7872) for relief of George Roth—to the Committee on Military Affairs.

Also, a bill (H. R. 7873) granting an increase of pension to Enoch V. McVay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7874) granting a pension to Bennett C. Forrester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7875) to pension Thompson F. Frisby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7876) to pension Eunice Varner—to the Committee on Pensions.

Also, a bill (H. R. 7877) to correct the military record of Sanford B. Shiplor—to the Committee on Military Affairs.

Also, a bill (H. R. 7878) to correct the military record of William F. Shelato—to the Committee on Military Affairs.

Also, a bill (H. R. 7879) to pension William H. Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7880) granting a pension to Charles Wilson, alias Mike Noonan—to the Committee on Pensions.

Also, a bill (H. R. 7881) granting an increase of pension to John W. Rollins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7882) for the relief of Richard M. Hall—to the Committee on Military Affairs.

Also, a bill (H. R. 7883) to correct the military record of William Phillips—to the Committee on Military Affairs.

By Mr. HENDERSON: A bill (H. R. 7884) granting a pension to Mrs. Anna F. Christiern—to the Committee on Invalid Pensions.

By Mr. JOY (by request): A bill (H. R. 7885) granting an increase of pension to Caroline V. English—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 7886) to correct record of Lewis H. Barter—to the Committee on War Claims.

Also, a bill (H. R. 7887) for the relief of B. F. Moody & Co., or their legal representatives—to the Committee on War Claims.

By Mr. LORIMER: A bill (H. R. 7888) to increase the pension of Gertrude E. Devens—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7889) for the relief of W. H. De Long—to the Committee on Claims.

Also, a bill (H. R. 7890) granting a pension to Beriah D. Skiff—to the Committee on Invalid Pensions.

By Mr. LYBRAND: A bill (H. R. 7891) granting a pension to Norvil J. Hannum, son of William Hannum, Company B, First Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7892) for the relief of Charles W. Russey—to the Committee on Claims.

By Mr. OTJEN: A bill (H. R. 7893) for the relief of Henry G. Rogers—to the Committee on Military Affairs.

By Mr. PACKER of Pennsylvania: A bill (H. R. 7894) to correct the military record of John L. O'Mara—to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 7895) to remove the finding of a court-martial by which Charles Held was discharged

from the military service of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 7896) to increase the pension of Samuel Lybarger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7897) to increase the pension of George C. Quick—to the Committee on Pensions.

Also, a bill (H. R. 7898) to pension Elizabeth Agnew—to the Committee on Pensions.

Also, a bill (H. R. 7899) to pension William H. Tate—to the Committee on Pensions.

Also, a bill (H. R. 7900) for the relief of Edward Winders, of Miletus, Ill.—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 7901) to remove the charge of desertion from the military record of Benjamin Ipock—to the Committee on Military Affairs.

By Mr. SCUDDER: A bill (H. R. 7902) to remove the charge of desertion from the record of Conrad Schindler—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 7903) granting an increase of pension to John Leavitt—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 7904) for the relief of R. L. Scarlett—to the Committee on Claims.

By Mr. SOUTHARD: A bill (H. R. 7905) to increase the pension of Rebecca Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7906) to correct the military record of Oscar D. Hendershott—to the Committee on Military Affairs.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 7907) for the relief of William F. Haralson, of Scott County, Miss.—to the Committee on War Claims.

By Mr. WHITE: A bill (H. R. 7908) for the relief of Willis Pinner, of the District of Columbia—to the Committee on Claims.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 7909) granting increase of pension to Alpheus P. Milner, of Grayville, Ill.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7910) to increase the pension of William R. Burton—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 7911) for the relief of Charles Mitchell—to the Committee on Military Affairs.

Also, a bill (H. R. 7912) granting a pension to Harriett A. Wilson, widow of Col. Lewis Wilson—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 7913) for the relief of William T. Crump—to the Committee on Claims.

By Mr. COONEY: A bill (H. R. 7914) to pension Mathew Micum at the rate of $30 per month—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 7915) for the relief of Charles L. Jenny—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 7916) granting an increase of pension to Thomas T. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7917) granting a pension to Annie G. Martindale—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 7918) for the relief of Adalina T. Blick, administratrix John S. Blick, deceased—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 7919) to grant a pension to Thomas J. Allen—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 7920) for the relief of heirs of David and Barbette Carb—to the Committee on War Claims.

Also, a bill (H. R. 7921) for the relief of Francis Massich—to the Committee on War Claims.

Also, a bill (H. R. 7922) for the relief of John R. Elliott, of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 7923) for the relief of Pierre Garrot, of Orleans Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 7924) for the relief of Louis V. Porche, of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 7925) for the relief of the heirs of Mary Carlin—to the Committee on War Claims.

Also (by request), a bill (H. R. 7926) for the relief of estate of Henry Fassman—to the Committee on War Claims.

By Mr. PUGH: A bill (H. R. 7927) for the relief of Joseph M. Wilburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7928) for the relief of Lewis Tackett—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 7929) granting an increase of pension to Newton Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7930) granting an increase of pension to Stephen N. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7931) granting a pension to Phebe A. Tennant—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 7932) to remove the charge of desertion from the record of Robert McKown—to the Committee on Military Affairs.

Also, a bill (H. R. 7933) to increase the pension of Lewis Kraus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7934) to remove the charge of desertion from the record of J. C. Davis—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Papers in support of House bill No. 7072, granting a pension to Mary Barron—to the Committee on Invalid Pensions.

By Mr. BELLAMY: Papers to accompany House bill No. 6886, for the relief of John L. Cantwell—to the Committee on Claims.

By Mr. CAPRON: Papers to accompany House bill No. 3670, to increase the pension of George W. Weeden—to the Committee on Invalid Pensions.

By Mr. CHANLER: Petition of sundry clerks employed in the post-office in the city of New York, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWLEY: Paper to accompany House bill granting a pension to William Denham—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 5558, for the relief of Harriet Terrell—to the Committee on War Claims.

By Mr. DAHLE of Wisconsin: Petition of F. J. Vick and other business men of the village of Waterloo, Wis., against the passage of the free-package-delivery bill—to the Committee on the Post-Office and Post-Roads.

By Mr. EMERSON: Papers to accompany House bill No. 5590, for the relief of Fannie E. Robertson—to the Committee on Pensions.

By Mr. FARIS: Papers to accompany House bill No. 4643, for the relief of I. N. Adams—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 4644, for the relief of Jacob Taylor—to the Committee on Military Affairs.

By Mr. GAMBLE: Paper to accompany House bill No. 7725, to establish mining experimental stations to aid in the development of the mineral resources of the United States, and for other purposes—to the Committee on Mines and Mining.

By Mr. GRAHAM: Petition of the Braid Manufacturers' Association, of New York City, protesting against the confirmation of the treaty with France—to the Committee on Foreign Affairs.

By Mr. GROUT: Petition of Mrs. D. K. Simonds and 22 other citizens of Manchester, Vt., for the passage of Senate bill No. 34, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOPKINS: Resolution of the Federal Labor Union, No. 7241, of Dundee, Ill., with reference to arid and public lands—to the Committee on the Public Lands.

By Mr. KETCHAM: Petition of citizens of Pawling, N. Y., for legislation relating to dairy or food products—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOX: Papers to accompany House bill No. 6991, to remove the charge of desertion from the record of Lawrence Kennedy—to the Committee on Naval Affairs.

By Mr. LACEY: Petition of the employees of the Bureau of Animal Industry, Ottumwa, Iowa, for legislation giving annual leave of thirty days—to the Committee on Agriculture.

By Mr. LAMB: Resolutions of the Business Men's Association of Newport News, Va., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of Adalina T. Blick, administratrix of John S. Blick, deceased, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LATIMER: Resolution of the Merchants' Exchange and Chamber of Commerce of Charleston, S. C., to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce and Merchants' Exchange of Charleston, S. C., in opposition to the passage of House bill No. 5462, placing pilots solely in the United States Steamboat-Inspection Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. LLOYD: Petition of citizens of Putnam County, Mo., to accompany House bill granting a pension to Thomas J. Allen—to the Committee on Invalid Pensions.

By Mr. McALEER: Petitions of W. A. Fetters and W. R. Wasner & Co., of Philadelphia, Pa., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolution of the Trades' League of Philadelphia, Pa., for cable facilities between the United States and Cuba, and reductions of tariffs on messages—to the Committee on Insular Affairs.

By Mr. MERCER: Petition of post-office clerks of Omaha, Nebr., for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to Samuel F. Fowler—to the Committee on Invalid Pensions.

By Mr. MOON: Affidavits of N. E. Moore and N. W. McDaniel, to accompany House bill No. 7404, for the relief of the Methodist Episcopal Church (McDaniel's Chapel), Shellmound, Tenn.—to the Committee on Claims.

By Mr. OTJEN: Petition of W. F. Kaiser and other druggists of Milwaukee, Wis., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. RAY of New York: Petition of M. A. Newton and others, of North Pitcher, Chenango County, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petition of M. W. Fay, of Fort Wayne, Ind., and American warehouse associations, on subject of war tax on negotiable warehouse receipts—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Remonstrance of Pennock & Porter and others, of Williamstown, Mich., and vicinity, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of the Woman Suffrage Association of the State of New York, favoring a sixteenth amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

By Mr. TERRY: Protest of Arkansas cotton oil mill companies, against Government taxes on butterine and other products of cotton seed—to the Committee on Ways and Means.

By Mr. WANGER: Protest of W. W. Dill, of Norristown, Pa., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WEYMOUTH: Petition of the Woman Suffrage Association of Massachusetts, favoring a sixteenth amendment to the Constitution, granting suffrage to women, etc.—to the Committee on the Judiciary.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill No. 6415, for the relief of Elias Whipple—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase the pension of Alpheus P. Milner—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 4576, to correct the military record of John H. Walters—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to W. R. Burton—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Lewis Kraus—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Alice Bozeman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of J. C. Davis—to the Committee on Military Affairs.

Also, paper to accompany House bill to correct the military record of Robert McCowen—to the Committee on Military Affairs.

SENATE.

FRIDAY, *February 2, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

HOSPITAL STEWARDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army calling attention to the need of more hospital stewards, and recommending the reenactment of section 2 of the act of March 1, 1887, relative to the appointment of hospital stewards by the Secretary of War; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot in the Spanish-American war.

PETITIONS AND MEMORIALS.

Mr. PROCTOR presented a petition of sundry citizens of the United States, praying for the establishment of a proper tribunal wherein may be adjudicated their claims for property destroyed or confiscated by Spanish soldiers during the late war in Cuba; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of 17 citizens of Medford, Mass., praying for the repeal of the stamp tax upon medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented sundry petitions of railway mail clerks of Woburn, Pittsfield, and Milford, all in the State of Massachusetts, praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the petition of John P. Haskell and sundry other railway mail clerks of Webster, Mass., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a petition of sundry railway mail clerks of Floral Park, N. Y., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Eureka Lodge, No. 434, International Association of Machinists, of Brooklyn, N. Y., praying that the United States Government build their own war vessels in the navy-yards of the country, and remonstrating against the present policy pursued by the Government to the detriment of the shipbuilding industry in our navy-yards; which was referred to the Committee on Naval Affairs.

He also presented a petition of 19 members of the staff of the New York State Veterinary College, praying for the establishment of a veterinary corps in the United States Army equal to that in foreign countries; which was referred to the Committee on Military Affairs.

Mr. KYLE presented the petition of George May Powell, president of the Arbitration Council, of Philadelphia, Pa., praying for the repeal of the act creating Utah a State of the Union; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. RAWLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2198) increasing the limit of the cost of the public building at Salt Lake City, Utah, reported it with an amendment.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1590) for the erection of a public building at Providence, R. I., reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1174) for the erection of a public building at Selma, Ala., reported it without amendment.

Mr. MONEY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1402) for the erection of a public building at Natchez, Miss., reported it without amendment.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 329) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming, reported it without amendment, and submitted a report thereon.

He also, from the same committee to whom was referred the bill (S. 26) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 854) for the relief of Lieut. Horace P. McIntosh, reported it without amendment, and submitted a report thereon.

PACIFIC CABLE.

Mr. PERKINS. On behalf of the Committee on Naval Affairs, I present a statement of Gen. Wager Swayne, of New York, in regard to a Pacific cable, made before that committee January 30, 1900. I move that it be printed as a document.

The motion was agreed to.

THE NATIONAL WHITE CROSS.

Mr. STEWART. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes, to report it back and to ask that it be referred to the Committee on Foreign Relations. That committee has under consideration a bill for the purposes of the Red Cross Society, and

on investigation it is ascertained that these bills compose the same fields of operation, and they have more or less relation with some forty treaties with foreign countries. Consequently, the Committee on the District of Columbia have come to the conclusion that it is proper that it should be referred to the Committee on Foreign Relations.

Mr. ALLEN. Before that is done, I should like to make an inquiry. This bill was reported favorably in the last Congress from the Committee on the District of Columbia and it passed this body without a dissenting voice. It went over to the House. The committee there recommended favorably the passage of the bill, but this recommendation was not made until the day Congress adjourned, and the bill failed to pass the House. I wish to ask the Senator from Nevada if there is any contest on this bill?

Mr. STEWART. There is no contest whatever, but the operation proposed by the bill must take place in various countries. It is suggested that the treaties with those countries must be considered in connection with it. It is of the same scope of operation as the Red Cross Society, which has a bill pending before the Committee on Foreign Relations. The Committee on the District of Columbia, which reported the bill favorably last year, have no objection to the bill, but the idea is to have it considered by the Committee on Foreign Relations to see whether it will be an agreeable measure for this country and for other countries.

Mr. ALLEN. I shall object to the bill being sent to the Committee on Foreign Relations under the circumstances. It is altogether a domestic organization, and while it is to have operations in other countries, and has now, because it is doing charitable work in the Philippine Islands and that group, and has a great many representatives abroad in other countries, and has been fully established for several years as a voluntary association, yet its relation to other countries must be such as those countries themselves see fit to grant to the organization and can not result from any treaty rights.

Therefore, there is no reason for sending it to the Committee on Foreign Relations. It is purely an organization to be incorporated by Congress, and its own ramifications must be such as it may itself select, with the consent of foreign governments.

Now, there is another committee, the Committee on Corporations Organized in the District of Columbia, to which the bill properly belongs, I think; but it was sent to the Committee on the District of Columbia and reported here in the last Congress, and therefore I had it sent there at the present session.

Mr. STEWART. No member of the Committee on the District of Columbia has suggested any objection to the bill itself, but inasmuch as its operation is to be in foreign countries as much as in our own and may affect our treaties, of which there are about forty in number, with foreign countries in which it is to operate, it was thought proper that it should go to the Committee on Foreign Relations. There is no particular design about it except to have the proper thing done, and I presume this course will facilitate the consideration of the measure. I do not presume there will be any delay there, and there will be plenty of time before the end of the session to pass it.

Mr. ALLEN. There is nothing in the bill——

Mr. PROCTOR. Mr. President——

Mr. ALLEN. If the Senator will permit me, there is nothing in this bill to found any proper jurisdiction in the Committee on Foreign Relations. It does not affect foreign countries.

Mr. STEWART. The operation is to be in foreign countries.

Mr. ALLEN. It is impossible to say that a corporation organized in the United States can affect foreign countries. It can only reach foreign countries by the law of comity, by the consent of those foreign countries. It is impossible for the Red Cross Society or the White Cross Society or any other corporation to go into a foreign country and receive a status there without the consent of the country to which it applies. The seat of its organization must be the United States. That is the situs of the corporation.

Mr. STEWART. That is all true; but inasmuch as its operation is in foreign countries the District Committee thought it would be well for the Committee on Foreign Relations to consider it.

Mr. ALLEN. Then, I suppose, if a railroad company should make an arrangement with some water transporting company, and that company with some railroad company in England——

Mr. STEWART. Oh, no.

Mr. ALLEN. So that there would be a continuous line of water transportation in the United States and in England, we would have to send its proposed charter to the Committee on Foreign Relations because it affected that foreign country. Now, there is nothing in that argument.

Mr. President, this is my bill, and I move that it be referred to the Committee on Corporations Organized in the District of Columbia.

Mr. PROCTOR. Mr. President, there will be very serious objection urged to this bill. Such suggestions have been made to members of the committee. It seems to me important that it should go to the same committee that is considering bills in regard to the Red Cross, to be sure that there is no conflict and no interference with the purposes of that institution, which has done so much good in this and other countries.

The PRESIDENT pro tempore. The Senator from Nebraska moves that the Committee on the District of Columbia be discharged from the further consideration of this bill, and that it be referred to the Committee on Corporations Organized in the District of Columbia. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. HOAR. I thought the report of the committee recommended the reference of the bill to the Committee on Foreign Relations.

The PRESIDENT pro tempore. It did.

Mr. HOAR. Is there not a rule that on that question, which of course is in the nature of a motion to refer it to that committee, there can not be a motion to amend by referring it to another committee?

Mr. ALLEN. I can not hear the Senator from Massachusetts.

The PRESIDENT pro tempore. The Senator from Massachusetts is clearly right. Unanimous consent was asked that the action be taken, but a motion made by the committee to be discharged from the consideration of a bill and that it be referred to another committee can not be amended by another motion. It can only be amended by adding instructions.

Mr. HOAR. My proposition is that by the rule (I have not looked to see, but it is my impression and my memory) a motion to refer a bill to one committee can not be amended by substituting another, but you must vote down the first motion if you want to get it to the other committee.

The PRESIDENT pro tempore. The Senator from Massachusetts is clearly right.

Mr. STEWART. My motion is to refer the bill to the Committee on Foreign Relations.

Mr. HOAR. That is the motion of the Senator from Nevada.

Mr. STEWART. That is the report of the Committee on the District of Columbia, and my motion is to refer the bill to the Committee on Foreign Relations.

Mr. HOAR. So the question should be put on the motion of the Senator from Nevada.

Mr. ALLEN. Do I understand that the motion to refer can not be amended?

The PRESIDENT pro tempore. It can not be amended except by adding instructions.

Mr. ALLEN. There may be a rule of that kind. I am in ignorance of it if there is. I should like to be heard on the motion to refer. It is a debatable motion, I understand.

The remarks of the Senator from Vermont have disclosed exactly what is anticipated—that this return of the bill to the Senate and its proposed reference to the Committee on Foreign Relations is for the purpose of destroying it. It is an indirect way of throttling it and destroying this organization. If that is the purpose, and if the Senator——

Mr. PROCTOR. Will the Senator allow me?

Mr. ALLEN. If the Senator from Vermont is committed to that policy and proposes to use his powerful influence in this body to carry out that policy——

Mr. PROCTOR. Will the Senator allow me?

Mr. ALLEN. I think it better to withdraw the bill entirely.

Mr. PROCTOR. This action is proposed for the purpose of referring the bill to the committee where it ought properly to be considered, and where it can be considered in connection with the Red Cross, which is well known. There is no purpose on the part of the committee to antagonize the bill in any way.

Mr. ALLEN. The Senator said so. I took him at his word.

Mr. PROCTOR. It came to the knowledge of some members of the committee that probably it would be antagonized, or at least that the purpose would be carefully investigated to see whether it did any harm to the existing Red Cross.

Mr. ALLEN. That is it. Mr. President, there is nothing in this bill, there is nothing in the names of the persons who are proposed as incorporators, to suggest even a suspicion that there is anything wrong in the purpose of the organization. It is purely a charitable organization, and the persons connected with it are disinterestedly engaged in public charity and have been for years. In view of the fact that the bill in the last Congress was recommended by the Committee on the District of Columbia, that it passed the Senate and had a favorable recommendation in the House, and would have passed there but for the adjournment of Congress, what has taken place to induce the Committee on the District of Columbia to return it in this form and undertake to throttle it by this indirect means?

Of course I understand, Mr. President, quite well. I am old enough to understand and I have had experience enough to understand that when gentlemen do not want to be responsible for directly throttling a measure of this kind they always seek out

some indirect channel to get rid of responsibility. That indirect channel to get rid of responsibility in this case is to send it to a committee where it has no proper lodgment—for it is as foreign to the duties of the Committee on Foreign Relations as would be the organization of a domestic corporation in my State—and there permit it to rest until the session of Congress adjourns.

Mr. STEWART. I will state for the information of the Senator from Nebraska that the Red Cross Society is incorporated under the general law of the District of Columbia as a corporation, and they have a bill now pending before the Committee on Foreign Relations. It is a bill for some special privileges. It seems to me that as these matters are purely benevolent and praiseworthy all around, there should be no conflict and that the thing should go along harmoniously. I think the Committee on Foreign Relations, having the whole subject before them, will see that it is carried out in a way entirely just to all concerned and to the encouragement of all the parties who feel called upon to forward the benevolent and praiseworthy work. I believe the bill had better be sent there.

Mr. ALLEN. I ask unanimous consent to withdraw this bill.

The PRESIDENT pro tempore. It is the duty of the Chair to ask the unanimous consent of the Senate for the consideration to-day of the motion of the Senator from Nevada [Mr. STEWART]. Is there objection to the present consideration of the motion?

Mr. ALLEN. I object.

The PRESIDENT pro tempore. It goes over, then, under the rule.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 2883) to change the characteristic of Cape Cod light, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PLATT of New York introduced a bill (S. 2885) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Bvt. Capt. Second Lieut. James Davison, United States Army, retired; which was read twice by its title, and referred to the Committee on Claims.

Mr. SEWELL introduced a bill (S. 2886) granting an increase of pension to Thomas T. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 2887) for the relief of H. B. Matteosian; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 2888) to authorize the building of a canal from Lake Superior to the city of East Grand Forks, in the State of Minnesota, and granting the right of way therefor across the public lands and Indian reservations located in said State; which was read twice by its title.

Mr. McCUMBER. I ask that the bill be referred to the Committee on Interstate Commerce.

Mr. CULLOM. I am inclined to think that that bill ought to go to the Committee on Commerce instead, as it is a bill providing for the construction of a canal, and so forth. The Committee on Interstate Commerce has not dealt with that subject much.

Mr. McCUMBER. There is no objection to its being referred to the Committee on Commerce.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 2889) for the relief of the estate of Bayliss G. Farley, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 2890) granting a pension to T. W. Dickey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2891) to correct the army record of Thomas Sawyers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2892) to remove the charge of desertion and to grant an honorable discharge to Benjamin Brothers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 2893) to amend section 3 of an act of Congress entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a bill (S. 2894) for the relief of David H. Mitchell; which was read twice by its title, and, with the accompanying petition of David H. Mitchell, referred to the Committee on Claims.

Mr. ALLISON. On behalf of my colleague [Mr. GEAR], who who is detained from the Chamber by reason of illness, I introduce sundry bills.

The bill (S. 2895) fixing the times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States, relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, was read twice by its title, and referred to the Committee on Public Lands.

The bill (S. 2896) to remove the charge of desertion against Anthony R. Ravenscroft was read twice by its title, and referred to the Committee on Military Affairs.

The bill (S. 2897) to remove the charge of desertion from the military record of Stephen A. Toops was read twice by its title, and referred to the Committee on Military Affairs.

The bill (S. 2898) to remove the charge of desertion against James Boyle was read twice by its title, and referred to the Committee on Military Affairs.

The bill (S. 2899) to remove the charge of desertion from the naval records now standing against John Glass was read twice by its title, and referred to the Committee on Naval Affairs.

The following bills, introduced by Mr. ALLISON for Mr. GEAR, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2900) granting a pension to Hannah G. Huff;

A bill (S. 2901) granting a pension to A. C. Ricketts (with an accompanying paper);

A bill (S. 2902) granting a pension to Jane D. Smith (with accompanying papers);

A bill (S. 2903) granting an increase of pension to Martin B. Fitch (with accompanying papers);

A bill (S. 2904) granting a pension to Caroline Gear;

A bill (S. 2905) granting a pension to George M. Wilson (with an accompanying paper);

A bill (S. 2906) granting a pension to Lewis L. Ratliff (with accompanying papers);

A bill (S. 2907) to pension Henrietta B. Parrott;

A bill (S. 2908) granting an increase of pension to Nelson Wells (with accompanying papers);

A bill (S. 2909) granting a pension to Isabella Freeman (with an accompanying paper);

A bill (S. 2910) granting an increase of pension to William D. Houghland (with accompanying papers);

A bill (S. 2911) granting an increase of pension to Richardson M. Penn (with accompanying papers);

A bill (S. 2912) granting a pension to Mrs. H. D. Pramer (with an accompanying paper);

A bill (S. 2913) granting an increase of pension to William E. Ferree (with an accompanying paper);

A bill (S. 2914) granting a pension to Wilson E. Carter (with accompanying papers);

A bill (S. 2915) granting an increase of pension to Samuel Z. Murphy (with an accompanying paper);

A bill (S. 2916) granting an increase of pension to Margaret R. Clune (with accompanying papers);

A bill (S. 2917) granting a pension to Nathan L. Faulkner;

A bill (S. 2918) granting an increase of pension to Philetus M. Axtell;

A bill (S. 2919) granting a pension to Mary R. Henderson;

A bill (S. 2920) granting a pension to James M. Dick; and

A bill (S. 2921) granting a pension to Archibald Jasper Powell.

Mr. McCOMAS introduced a bill (S. 2922) for the relief of Rinaldo P. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 2923) for the relief of the estate of Elijah Thompson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced a bill (S. 2924) to provide for the purchase of a site and the erection of a public building thereon at Colorado Springs, in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PRITCHARD (by request) introduced a bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek, within the boundary lines of Edgecombe County, N. C.; which was read twice by its title, and referred to the Committee on Commerce.

REPORT ON AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report of a commission appointed by me on January 20, 1899, to investigate affairs in the Philippine Islands.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 2, 1900.*

AMENDMENT TO APPROPRIATION BILL.

Mr. DAVIS submitted an amendment providing for the appointment of a court crier of the United States circuit and district court for the district of Minnesota, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

AFFAIRS AT OSAGE INDIAN AGENCY.

Mr. HARRIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate the reports made to his Department by United States Indian Inspector James McLaughlin and Inspector James W. Zevely and others regarding the management of affairs at the Osage Indian Agency, Okla., by the United States Indian agent and others, including all affidavits, petitions, and protests filed by the Osage tribe of Indians, or by others on their behalf, together with charges and other papers affecting the management of the said Indian agency since January 1, 1898.

TRANSACTIONS BETWEEN TREASURY DEPARTMENT AND BANKS.

Mr. ALLEN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That a special committee, consisting of nine members of the Senate, be immediately appointed by the President pro tempore to make a thorough and complete investigation of all dealings and transactions between the Secretary of the Treasury or the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York, or any other national bank of the United States, from the 4th day of March, 1897, to the present time, and especially in regard to all letters, agreements, papers, or documents between the Treasury Department of the United States, or any person connected therewith, and the National City Bank and the Hanover National Bank, of the city of New York, or any person acting for them, or either of them, since the 4th day of March, 1897, relating to the depositing of public funds, bonds, or revenues in said bank or banks, or any other relations or business transactions now existing or heretofore had between the Government and the said banks, or either of them, and the amount of public money, bonds, or revenue deposited with said banks, or either of them, or with any national bank, by the Government, upon what security, for what length of time, and the reasons therefor, and whether said banks, or any of them, have paid the Government any interest on said deposits, and if so, how much, and all other information concerning the same or in any way relating thereto; and also the date of the sale of the custom-house property of the United States in New York City to said National City Bank, the date of the execution of the deed thereto, the date and manner of payment of the purchase money therefor, the disposition of the proceeds of said sale, and whether or not the Government has paid any rents for said property, or any portion thereof, for any purpose since the day of sale, and if so, to whom, and all facts relating to said transaction, and all other matters in connection therewith or in any way relating thereto; and said committee is authorized to send for persons, books, letters, telegrams, papers, documents, and agreements, administer oaths, and hold open sessions, and sit at any time in any place in the city of Washington, New York, or Chicago, the expense for the same to be paid out of the contingent fund of the Senate, and the Sergeant-at-Arms, or some one acting for him, shall attend said committee and carry out its mandates; and said committee is instructed to make a report to the Senate, with testimony and exhibits, with all convenient speed.

Mr. ALDRICH. Let the resolution be printed and go over.

Mr. ALLEN. I hope the country will note that the objection to this resolution comes from the Republican side and not from this side.

The PRESIDENT pro tempore. The resolution will go over under the rule.

COMPILATION OF ORGANIC ACTS FOR THE TERRITORIES.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pacific Islands and Puerto Rico is hereby authorized to have compiled for the use of the committee the organic acts for the Territories of the United States.

PROCEEDS UNDER ABANDONED PROPERTY ACT.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee on Finance:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate a statement showing the amount of money remaining in the Treasury of the United States from the sale of property collected under "An act to provide for the collection of abandoned property and the prevention of fraud in insurrectionary districts within the United States," approved March 12, 1863; and to state the names of officers or agents making such deposits, the amount of each deposit and date of the same, and name of the person reported to have been the owner in each case.

PROCEEDINGS OF NAVAL COURTS-MARTIAL.

Mr. ALLEN. With the unanimous consent of the Senate, I should like to conclude the remarks that I began yesterday on the resolution relative to transactions with the National City Bank and the Hanover National Bank of the city of New York.

The PRESIDENT pro tempore. The morning business is not completed. Is there further morning business? The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTUS, as follows:

Resolved, That the Secretary of the Navy is directed to inform the Senate whether the Navy Department has or has not refused or refrained to communicate to the Court of Claims any information concerning proceedings of naval courts-martial on the call of said court, under section 1076 of the Revised Statutes; and if so, his reasons for such refusal or neglect.

Mr. CHANDLER. I ask the Senator from Alabama to consent to let this resolution go over without losing its place on the Calendar until the next legislative day.

Mr. HOAR. I thought it was amended by consent of the Senator.

Mr. SPOONER. It was, by putting in the word "refrained."

The PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. CHANDLER. I ask that the resolution may be allowed to go over another day without losing its place.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. I should like to inquire simply whether the amendment which was suggested yesterday and accepted by the Senator from Alabama has not been made.

Mr. PETTUS. I did not hear the Senator.

Mr. HOAR. I inquire whether, in the resolution which was just read, the amendment has not been made which I understood was accepted by the Senator from Alabama, to strike out the word "neglected."

Mr. PETTUS. It was so amended.

Mr. HOAR. It has not been so read. It was read as originally presented.

Mr. CHANDLER. Unfortunately, the Senator from Massachusetts did not carry out his idea in full. The words "refusal or neglect" also occur at the end of the resolution. That change has not been made.

Mr. HOAR. That change should not be made.

Mr. CHANDLER. But as the resolution goes over, it can be modified.

Mr. HOAR. I will call the attention of the Senator from Alabama to it.

The PRESIDENT pro tempore. The resolution will go over until to-morrow, without objection, retaining its place on the Calendar. If there be no further morning business the Calendar under Rule VIII is in order.

THE PHILIPPINE COMMISSION.

Mr. PETTIGREW. Mr. President, I think there is a resolution which I introduced yesterday, which I ask to have considered.

The PRESIDENT pro tempore. The resolution is on the table subject to the Senator's call.

Mr. PETTIGREW. I did not so understand it. I asked to have it go over until to-day.

The PRESIDENT pro tempore. The Senator from South Dakota presented yesterday a resolution and asked that it lie on the table. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the paper entitled "The Philippine Commission" be printed as a document for the information of the Senate.

The PRESIDENT pro tempore. Unless the Senate otherwise orders, the resolution goes to the Committee on Printing.

Mr. PETTIGREW. I ask that the resolution be adopted.

Mr. LODGE. I think a document about which we know nothing had better take the regular course and go to the Committee on Printing. I see no reason to change the usual course.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of the resolution now.

Mr. PETTIGREW. I desire to address the Senate on that subject.

Mr. CHANDLER. Is that motion debatable, Mr. President?

The PRESIDENT pro tempore. The Chair is inclined to think that it is. The Chair does not know of any rule of the Senate to the contrary.

Mr. PETTIGREW. Mr. President, the document which I desire to have printed is a brief one, and is signed by William Birney, J. B. Henderson, J. S. Fowler, Charles H. Turner, Charles James, Patrick O'Farrell, Franklin H. Mackey, P. T. Moran, Rossa Downing, Henry Spofford, Louis Schade, and W. A. Croffut, a committee of the Anti-Imperialist League of Washington, D. C. It is a comment upon the report of the commission sent to the Philippines, which they made just before the election last fall. This paper is dated November 18, 1899. It contains no matter, I think, which could be objected to on account of its form or on account of the composition; and I very much hope the Senator from Massachusetts will allow it to be printed as a document without——

Mr. HAWLEY. I think it has already appeared in the press.

Mr. LODGE. The question is not whether it should be allowed or not. We have a rule regulating the matter of printing. We have a Committee on Printing, to whom such matters are referred, as all matters relating to legislation of any sort are referred to the appropriate committees. I can not see why the numerous documents which are offered to be printed should not go through the regular form of a reference to that committee for their report.

Mr. PETTIGREW. Mr. President, the custom of printing documents for the information of the Senate is an old one. It has been

indulged in constantly for the ten years I have been a member of this body, at every session, and for many years before that time. Although I have not looked up the historic fact, I am informed by the oldest members of the Senate that it has been in vogue since they have been here.

I presume the practice of asking for the printing of documents has been indulged in more frequently during the last few years than before, and I think it has been prompted somewhat by the fact that the great journals of the country are not open for the publication of many things which interest at least half of the voters of the United States. They will not report what transpires here. They will not publish in their columns anything that would interfere with the interests which they serve. The result is that very many questions in which the people whom I represent are interested and in which many other people are interested throughout this country can only reach them through this source.

Therefore we have asked, and I have asked many times, for the printing of documents with regard to the question of finance, with regard to the problems in relation to labor, with regard to the Government ownership of corporations which are so situated that their service is a monopoly. It is information in almost every instance that would not be given to the public through the great journals of the day, for the interest and influence which control the Republican party, the great corporations of the country, control the great newspapers of the country. They are anonymous sheets. No one but the corporation that controls them is responsible for their utterances. Their editorials are written by hired men who have a salary and who write that which they are paid to write, without any reference to their personal opinions or convictions on the subject. This has become so notorious that it is well understood by every laboring man and every farmer in America. Therefore we have sought this means of getting before the public these questions which interest our people.

It is well known that nearly all the great journals of the country are in favor of the policy of the Administration. In my opinion fully half of the voters of this country are opposed to that policy. They are unable to present their views and their opinions through the great newspapers; and therefore we have asked that documents upon this subject, written by able men of character and standing, should be printed by the Senate, in order that we may distribute them through the mails under the franking privilege.

The document which I propose this morning to have printed is a communication addressed to the Washington Post, dated November 18, 1899.

Mr. GALLINGER. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state his question of order.

Mr. GALLINGER. I make the point of order that under the rules of the Senate it is not in order at any time before 2 o'clock for a Senator to debate a motion to take up anything for consideration.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. That is, that no debate can be had except by unanimous consent?

Mr. GALLINGER. And I do not give unanimous consent.

Mr. TELLER. Why, Mr. President, there are some questions that certainly can be debated. I do not say that this can.

Mr. PETTIGREW. The Chair just ruled that this could be debated.

The PRESIDENT pro tempore. The Chair will have the rule read. The Secretary will read the last clause of Rule VIII.

The Secretary read as follows:

> All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The PRESIDENT pro tempore. "All motions."

Mr. TELLER. "All motions" to do a certain thing.

The PRESIDENT pro tempore. "To proceed to the consideration of."

Mr. TELLER. Yes; but there are other things that may be done. I understood the Chair to rule that no debate could take place.

The PRESIDENT pro tempore. The Chair simply ruled that debate on this question was out of order if objected to.

Mr. ALLEN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. Could not the Senator from South Dakota, or any other Senator, move to refer this measure to a committee, and debate that motion?

The PRESIDENT pro tempore. No; because it is not before the Senate for consideration.

Mr. GALLINGER. It is not before the Senate.

Mr. ALLEN. That precise question was passed upon by Vice-President Stevenson in the Fifty-third Congress; it was elaborately debated by my former colleague, General Manderson; and after that debate it was so ruled.

Mr. HOAR. But the matter must have been up so that the motion could be in order.

Mr. ALLEN. It was a question on a motion like this. It was an ordinary motion or resolution that came before the Senate. The same point was made which the Senator from New Hampshire [Mr. GALLINGER] now makes. My former colleague had the floor, and, as I understood, he moved to refer it to some committee. Then the question came up whether that motion was debatable, and, after a discussion, it was held to be debatable.

Mr. PETTIGREW. Mr. President, I was only making a motion, and I understood the Chair to rule that it was debatable. I understood by that that it was debatable now, and therefore I proceeded to debate it.

The PRESIDENT pro tempore. The Senator was proceeding by unanimous consent.

Mr. PETTIGREW. I did not ask unanimous consent. I simply asked if it was debatable.

The PRESIDENT pro tempore. The rule is entirely different where the matter under discussion relates to the printing of a document. That differs from an ordinary resolution which is placed on the table and goes over under an objection, which, under a former ruling, has its day in court. The rule in relation to the printing of a document is that the resolution or motion to print must go to the Committee on Printing, unless the Senate otherwise order. The Chair knows of no way in which the Senate can otherwise order unless the matter is under consideration. The Senator's motion to proceed to consider was right, undoubtedly.

Mr. PETTIGREW. I should like to debate it now upon the motion to consider.

Mr. LODGE. Will the Chair kindly state what is the pending question?

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] moves that the Senate proceed to the consideration of the resolution which has been read to the Senate.

Mr. PLATT of Connecticut. That motion, as I understand, must be decided without debate.

The PRESIDENT pro tempore. The motion must be decided without debate.

Mr. COCKRELL. What is the motion?

The PRESIDENT pro tempore. That the Senate proceed to the consideration of the resolution offered by the Senator from South Dakota, which is for the printing of a document.

Mr. HOAR. What was the parliamentary condition of that resolution before the motion?

The PRESIDENT pro tempore. It was by unanimous consent ordered to lie on the table, subject to the call of the Senator from South Dakota.

Mr. HOAR. That order was made yesterday——

The PRESIDENT pro tempore. It was made yesterday.

Mr. HOAR. When it came up in its order.

The PRESIDENT pro tempore. It came up in its order under the head of resolutions. The resolution was presented yesterday.

Mr. HOAR. What is the effect, then, of the unanimous consent of the Senate that a matter lie on the table subject to the call of the Senator from South Dakota? Is he not entitled to call it up in the morning hour?

Mr. GALLINGER. I would suggest to the Senator from Massachusetts that undoubtedly the Senator from South Dakota is entitled to call it up, and he did so, but action must be taken without debate when it is called up.

The PRESIDENT pro tempore. The Chair would hold that the resolution on the table by consent comes up to-day at the request of the Senator; but there it meets another rule of the Senate, which is, that it must be referred to the Committee on Printing, unless the Senate otherwise order.

The Chair was mistaken about the Senator from South Dakota asking that the resolution lie on the table subject to his call. It is simply on the table, and the Chair assumed that it was subject to the Senator's call.

Mr. TELLER. Will the Chair have the Secretary read exactly what did occur?

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read from the CONGRESSIONAL RECORD of February 1, 1900, as follows:

> THE PHILIPPINE COMMISSION.
>
> Mr. PETTIGREW. I submit a resolution, and ask to have it read and lie on the table. To-morrow morning I shall wish to speak to the resolution.
>
> The resolution was read, as follows:
>
> "*Resolved*, That a paper entitled 'The Philippine Commission' be printed as a document for the information of the Senate."
>
> The PRESIDENT pro tempore. The Senator from South Dakota asks that the resolution lie on the table. Is there objection? The Chair hears none. It is so ordered.

Mr. TELLER. It seems to me that, according to the usage and custom of the Senate, the Senate had given permission to the Senator from South Dakota to speak on the resolution to-day. That is the way it looks to me. He announced his desire to have the resolution lie on the table for the purpose of speaking upon it, and to that there was universal assent; otherwise the resolution would not have any rights, and would go to the Committee on Printing or elsewhere.

Mr. HOAR. It would have gone over one day.

Mr. TELLER. It would have gone over one day, and then to-day it would come up. It seems to me that the Senate granted permission to the Senator from South Dakota to speak on that resolution.

The PRESIDENT pro tempore. The Chair is compelled to hold otherwise.

Mr. PETTIGREW. Mr. President, I do not care to object to the ruling of the Chair, but it seems to me that it is a departure from the custom and practice of the Senate. I simply want to call attention to the fact that it is a departure from the practice and custom of the Senate; and inasmuch as we are making so many departures from everything that our country has ever done heretofore and from every principle of government that we have ever indorsed, and inasmuch as no longer are the mails of the United States safe, but are opened and rifled by the Government; and inasmuch as——

Mr. GALLINGER. I object to further debate, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire objects to debate.

Mr. COCKRELL. Mr. President, I rise to enter my solemn protest against the decision of the Chair in this case; and I shall be greatly obliged if the clerks of the Senate will make a thorough search to find a precedent to sustain it. I know the Chair aims to do what is right, but I do not believe that this decision is in accordance with the universal rules and customs of this body.

Mr. HOAR. May I be allowed to say one word?

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. Mr. President, I sympathize, as I suppose everybody knows, with the desire of the honorable Senator from South Dakota to have the fullest information get to the people about this great subject, in which he takes so deep an interest, and I think that in some quarters there has been a tendency to withhold information from the people; but I am bound to say, in justice to the Chair and to the Senate, that I do not see how the Chair could have ruled otherwise on this particular occasion.

The Senator presented his resolution yesterday. If it had gone over as an ordinary resolution, it would have come up to-day, and he would have been entitled, under the usage of the Senate, to be recognized and then to speak in his right. I am not now speaking of anything connected with the printing, but I am speaking generally as to resolutions. Instead of doing that, the Senator consented that the resolution should go to the table; and that is all that appears in the RECORD, which has been read, that it lie on the table, with no reservation of a right on the part of the Senator to call it up at his pleasure.

Mr. TELLER. Oh, yes.

Mr. HOAR. I do not so understand.

Mr. TELLER. Then the Senator does not know the fact.

Mr. HOAR. Let us see.

Mr. COCKRELL. Let me read what occurred.

Mr. HOAR. Very well; read it.

Mr. COCKRELL. This is what occurred as shown by the RECORD:

> Mr. PETTIGREW. I submit a resolution, and ask to have it read and lie on the table. To-morrow morning I shall wish to speak to the resolution.
>
> The resolution was read, as follows:
>
> "*Resolved*, That a paper entitled 'The Philippine Commission' be printed as a document for the information of the Senate."
>
> The PRESIDENT pro tempore. The Senator from South Dakota asks that the resolution lie on the table. Is there objection? The Chair hears none. It is so ordered.

Mr. HOAR. That is all. The request from the Chair, therefore, is all that the Senate can take notice of as a matter of order, and that is simply that the resolution lie on the table. To that no objection was made.

This is, in substance, in form, in every way, it seems to me, an ordinary motion to take a subject from the table; and a motion to take a subject from the table—to say nothing about the general parliamentary law—is, like a motion to lay on the table, undebatable. There is an express rule of the Senate that a motion to proceed to the consideration of a matter in the morning hour, before 2 o'clock, is not debatable. Under those circumstances, saying nothing about the point that this is a resolution for printing, which is governed by another rule—I do not say anything about that—it seems to me, while all my sympathies are with the Senator from South Dakota, that the Senate is bound, when such a solemn protest is made as that made by the Senator from Missouri [Mr. COCKRELL], to do justice to the Chair. I think the Chair has ruled exactly right.

Mr. COCKRELL. I do not.

Mr. HOAR. In other words, it makes no difference what was said before the order of the Senate was made as to the desire or expectation or hope of the Senator from South Dakota. We are bound by what the Chair submitted to the Senate and by what the Senate agreed to.

Mr. TELLER. And the Senate agreed that the Senator from South Dakota might speak.

Mr. HOAR. Oh, no.

Mr. TELLER. The giving of that notice by the Senator from South Dakota, which was not objected to, was as clear an agreement as was ever made on the floor of this body.

Mr. HOAR. I know it is a technical point. There are other ways in which the honorable Senator from South Dakota can get what he desires and can not be prevented, and I do not suppose he will be.

Mr. COCKRELL. Mr. President, I challenge anyone to show me a precedent in the case of a Senator introducing a resolution and asking that it lie on the table and saying that to-morrow morning he would address the Senate on that question where the Senate has refused him that privilege.

Mr. HOAR. That is a courtesy, not a parliamentary right. The Chair can not expound the rules of courtesy.

Mr. COCKRELL. It has been construed as a right. There has never been any requirement that the Chair should announce that fact and state that it had been agreed to by the Senate. This is the first time—and I challenge any Senator to show the contrary—where this custom and rule has been departed from.

Mr. TELLER. I do not want to continue a discussion on a matter that has been settled, but it seems to me that the Senate, as well as it could, has made an order that the request of the Senator from South Dakota should be granted. His request was not that the resolution should lie on the table, but that the resolution should lie upon the table and that he should be allowed to speak upon it.

Mr. PETTIGREW. This is the fact.

Mr. TELLER. And the Chair submitted that whole question, if he submitted anything at all. The Chair did not say that the resolution would lie on the table, but the Chair inquired whether there was objection to the request of the Senator from South Dakota.

I agree with the Senator from Missouri [Mr. COCKRELL] that there never has been a case of this kind when a Senator has announced himself as anxious to speak on a resolution under such circumstances where there has ever been a denial of it. There certainly never has been since I have been a member of the Senate, and I do not believe such a precedent can be found. Of course such a request may possibly be denied, but it is a courtesy due to the Senator from South Dakota, and there is no reason why there should be any obstacle interposed.

I am not in sympathy with the resolution of the Senator, as I said yesterday or the day before, but I am in sympathy with maintaining the traditions of the Senate and I am in favor of full and fair debate.

Mr. HOAR. May I ask the Senator a question?

Mr. TELLER. Yes.

Mr. HOAR. Does the Senator from Colorado understand when a Senator gives notice that he will call up a subject on the table on a future day, whether the next day or the next week or at any other time, it is always granted? If the request is granted is it not by courtesy of the Senate and not by parliamentary right?

Mr. ALLEN. Mr. President, I rise to make an inquiry——

Mr. HOAR. I agree with the Senator from Colorado that such a request has never been denied, and that it ought not to be denied now; but I am speaking of the ruling of the Chair.

Mr. TELLER. Where the Chair submits the question to the Senate I say it is more than a courtesy, it is the right of a Senator. If I rise and say, "To-morrow I shall address the Senate on a certain proposition" or that "I will call up a certain measure," and the Chair says nothing, that request is understood to be granted. There is no analogy between the two cases. Here the Senate made an order——

Mr. HOAR. What was the order?

Mr. TELLER. The order was that the resolution should lie on the table, and that the Senator from South Dakota should have the privilege of speaking upon it.

Mr. HOAR. Oh, no.

Mr. ALLEN. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] a while ago objected to debate, and the Chair ruled that debate was out of order.

Mr. CHANDLER. Will the Senator allow me to make a request on this subject?

Mr. ALLEN. Certainly.

Mr. CHANDLER. It seems to me it is rather confusing to discuss these parliamentary questions; and, under the circumstances, I ask unanimous consent that the Senator from South Dakota may be permitted to proceed in order.

Mr. ALLEN. I hope the Senator from South Dakota will not avail himself of that privilege.

Mr. CHANDLER. We have got to hear one or the other, either the Senator from South Dakota or the Senator from Nebraska; and I think the Senator from Nebraska ought not to object to allowing the Senator from South Dakota to go on. [Laughter.]

Mr. ALLEN. Mr. President, I regret that I did not hear what the Senator from New Hampshire said. He is always saying witty things at my expense, which I fully appreciate; but I do not think, if I may be indulged a moment, that the Senator from South Dakota—of course he is his own master and can do as he sees fit—but I do not think——

Mr. CHANDLER. Mr. President——

Mr. ALLEN. I do not want to be interrupted.

Mr. CHANDLER. I want to apologize to the Senator.

Mr. ALLEN. No; you owe me no apology. You could not offend me if you sought to.

I do not think the Senator from South Dakota ought to accept a gratuity at the hands of the majority in this Chamber, for it is a gratuity, and grudgingly given. Yesterday the Senator who made objection here a moment ago asked leave of the Senate to publish a document—I mean the Senator from New Hampshire [Mr. GALLINGER]—and it was given. To-day some other Senator on this side asked leave to publish a document which was as vulnerable to this rule as the document offered by the Senator from South Dakota. Leave was given. The only ground of objection to the publication of this document is that it hurts you a little, and you do not like it. You do not want the people to know the truth.

Mr. ALDRICH. To what document does the Senator from Nebraska allude?

Mr. ALLEN. I am referring to the document the Senator from South Dakota has been trying for almost a week to get before the Senate.

Mr. ALDRICH. The Senator said just a moment ago that the Senate had to-day consented to the publication of a document.

Mr. ALLEN. The Senator from Ohio [Mr. FORAKER] asked for the publication of some paper as a document.

Mr. ALDRICH. That was for a compilation of the laws of the United States, and it was reported from a committee.

Mr. ALLEN. The Senator from New Hampshire [Mr. GALLINGER] did not have a compilation of the laws of the United States printed. What he asked was for the printing of some private publication.

Mr. FORAKER. I did not so understand. What I understood the Senator from California [Mr. PERKINS] to ask permission to have published was the testimony taken before his committee in regard to the laying of cables in the Pacific Ocean.

Mr. ALLEN. No; that is not the one to which I refer.

Mr. FORAKER. The Senator asked that it might be published for the use of the Senate.

Mr. ALLEN. That is not the one at all.

Mr. FORAKER. That was what I called attention to.

Mr. PERKINS. That was from the Committee on Naval Affairs.

Mr. ALLEN. I am not referring to that at all.

Mr. GALLINGER. If the Senator will permit me, I did ask yesterday for the publication of a very brief document which shed light on pension matters, which I thought would be of interest to the Committee on Pensions and to the Senate. Of course it was competent for any Senator to object to the printing of that document if he had chosen to do so, but no objection was interposed, and the order was made that the document should be printed.

Mr. ALLEN. And no objection ought to be made.

Mr. HOAR. Will the Senator from Nebraska permit me to ask that the entry in the Journal as to what happened yesterday may be read?

Mr. CHANDLER. Mr. President, am I not entitled to have my request for unanimous consent submitted to the Senate, according to the rules and usages of the Senate?

Mr. ALLEN. I do not see how the Senator from New Hampshire got the floor.

The PRESIDENT pro tempore. Does the Senator object?

Mr. CHANDLER. I do not think a request for unanimous consent has ever been destroyed by a speech. [Laughter.]

Mr. ALLEN. I do not understand how the Senator from New Hampshire can get the floor and make a request while I myself have the floor.

Mr. CHANDLER. I made the request before the Senator took the floor.

Mr. ALLEN. I beg your pardon.

Mr. CHANDLER. The Senator took the floor to object to unanimous consent.

Mr. ALLEN. I had the floor and was recognized before the Senator from New Hampshire rose.

Mr. CHANDLER. The Senator from Colorado [Mr. TELLER] yielded to me.

Mr. ALLEN. Oh, no.

Mr. CHANDLER. The Senator from Nebraska is on the floor all the time.

Mr. ALLEN. I will withdraw——

Mr. WOLCOTT. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Colorado will state his point of order.

Mr. WOLCOTT. I understand this discussion is proceeding by unanimous consent.

The PRESIDENT pro tempore. It is.

Mr. WOLCOTT. In the furtherance of the public business, I desire to object to further discussion.

Mr. ALDRICH. Regular order.

Mr. ALLEN. That, of course, is the proper way to cut out all debate, and that is in accordance with the course of procedure here.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. CHANDLER. Now I renew my request.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

C. R. DOBBINS.

The bill (S. 746) to authorize C. R. Dobbins to accept a gold watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia, was announced as first in order on the Calendar.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. ALLEN. Mr. President, I think this important measure needs some debate before the question is put on its passage.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska will allow the Chair to suggest that, under Rule VIII, only five minutes are allowed for debate to any one Senator.

Mr. ALLEN. Very well, Mr. President, five minutes is not of very much value to me, and I will surrender it to the Senate. [Laughter.]

The bill was reported to the Senate without amentment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. CHANDLER. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

SALARY OF POSTMASTER AT WASHINGTON, D. C.

Mr. WOLCOTT. I rise to morning business.

The PRESIDENT pro tempore. Without objection, morning business will be received.

Mr. WOLCOTT. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C., to report it favorably without amendment. It is a bill which consists of but a few lines, increasing the salary of the postmaster of Washington City to $6,000 a year. I ask that the bill which was passed by the House shall be substituted for a similar bill reported from the Senate Committee on Post-Offices and Post-Roads.

I beg to say to the Senate that under the rules and regulations of the Post-Office Department the business at the Washington post-office justifies the payment of $6,000 a year salary to the postmaster in this city; but under an arbitrary law some years since enacted it was provided that the postmaster at Washington should receive a salary of $5,000. This puts him only on the footing of other postmasters of the country whose business warrants such a salary. There is no such overworked and overburdened official in the United States, under the Post-Office Department, as the postmaster at Washington, and I ask that this bill, which consists of but four or five lines and has come from the House of Representatives, may be acted upon by the Senate.

Mr. ALLEN. I object to it.

Mr. TELLER. I ask my colleague if the salary provided in the bill is based on the business of the office?

Mr. WOLCOTT. It is based entirely on the business of the office. There is a larger business done in the Washington post-office than in any other office except that at New York.

The PRESIDENT pro tempore. The Senator from Colorado reports a bill from the Committee on Post-Offices and Post-Roads, the title of which will be stated.

The SECRETARY. A bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C.

The PRESIDENT pro tempore. The Senator from Colorado asks that this bill be substituted for Senate bill 1807, on the same subject.

Mr. COCKRELL. No, Mr. President; I hope the Senator from Colorado will not ask for that, but will merely ask for the passage of the House bill.

Mr. WOLCOTT. I am asking for the substitution of the House bill for the Senate bill.

Mr. COCKRELL. But you do not want to substitute the House bill for the Senate bill. If you do that it becomes a Senate bill and would have to go back to the House of Representatives for its action.

Mr. WOLCOTT. The Senator from Missouri is correct. That is the proper formula, and I am obliged to the Senator.

The PRESIDENT pro tempore. Then the Senator from Colorado asks for the consideration of the House bill?

Mr. WOLCOTT. That is correct. That is what I intended to ask.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. I object.

The PRESIDENT pro tempore. The Senator from Nebraska objects.

Mr. WOLCOTT. I hope the Senator will not object.

Mr. ALLEN. We are even now.

Mr. WOLCOTT. Oh, well, but we are more than even. I would far rather be under obligations to the Senator from Nebraska than have him under obligations to me. I hope the Senator will yield.

Mr. ALLEN. There will be no obligation.

Mr. WOLCOTT. If it was a matter that affected me personally I should be very glad to have the Senator object, but I have no desire in the world in making the request I have except to relieve this overburdened officer.

Mr. ALLEN. I only desire to establish Senatorial parity and courtesy, and I insist on my objection.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. WOLCOTT. I hope the Senator from Nebraska will withdraw his objection.

Mr. ALLEN. You can vote it over.

Mr. WOLCOTT. I do not wish to vote it over. I do not wish to do anything to which the Senator from Nebraska objects.

Mr. ALLEN. Well, I will be more generous than was the Senator from Colorado, and I will withdraw my objection.

Mr. WOLCOTT. I am very much obliged to the Senator.

Mr. ALLEN. And he can have the right of way to the floor all day if he desires it.

Mr. WOLCOTT. I do not. I had far rather sit and listen to the Senator from Nebraska.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6272) fixing the salary of the postmaster at Washington City, D. C. It proposes to repeal so much of section 4 of the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, as fixes the salary of the postmaster at Washington City, D. C., and provides that the salary shall hereafter be adjusted, as provided in the cases of other postmasters, under section 1 of that act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. Let the Senate bill on the same subject be indefinitely postponed.

The PRESIDENT pro tempore. In the absence of objection, the bill (S. 1807) fixing the salary of the postmaster at Washington, D. C., will be indefinitely postponed.

CHARLES T. RADER.

Mr. COCKRELL. I ask that the Calendar be proceeded with.

The PRESIDENT pro tempore. The next bill in order on the Calendar will be stated.

The bill (S. 707) for the relief of Charles T. Rader was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. In line 7, after the word "unappropriated," I move to insert "nonmineral;" and after the words "public lands," in the same line, to insert "subject to entry under the desert-land laws." That is evidently the purpose of the bill, and not to give permission to enter any and every kind of land.

Mr. CARTER. There is no objection to the amendment. I think the word "nonmineral" should come after the word "unappropriated" instead of before.

Mr. COCKRELL. That is where it is to be inserted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. In line 7, after the word "unappropriated," it is proposed to insert "nonmineral;" and after the words "public lands," in the same line, to insert "subject to entry under the desert-land laws."

The amendment was agreed to.

Mr. PETTIGREW. I should like to have the bill read at length. I did not hear it fully when it was read.

The PRESIDENT pro tempore. The bill as it has been amended will be read.

The Secretary read as follows:

Be it enacted, etc., That Charles T. Rader, of Fort Logan, Mont., be, and is hereby, authorized and empowered to select by legal subdivisions, at such place or places as he may desire in the State of Montana, 480 acres of unoccupied and unappropriated nonmineral public lands, subject to entry under the desert-land laws, and when such selection shall be by him certified to the Secretary of the Interior patent shall be issued to said Rader for the same.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Public Lands reported an amendment to strike out the preamble; which was agreed to.

ABANDONED PROPERTY.

The bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, was announced as the next case in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDENT pro tempore. Without objection, the bill will go over, retaining its place on the Calendar.

LEGAL REPRESENTATIVES OF NAPOLEON B. GIDDINGS.

The bill (S. 421) for the relief of Napoleon B. Giddings was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Mex., and deposit with A. B. Dyer, lieutenant of ordnance, United States Army, by order of Sterling Price, colonel commanding the army in New Mexico at that time, of 140 kegs of gunpowder, and if the same, or any part thereof, was never returned to Giddings, then the Secretary of the Treasury is directed to cause to be paid to the legal representatives of Giddings the reasonable market value of such powder.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of Napoleon B. Giddings."

GEORGE A. ORR.

The bill (S. 422) for the relief of George A. Orr was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay George A. Orr, as acting assistant provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 30, 1864, at the rate of $100 per month for his services, and such sum for legitimate expenses during that period as may be shown and found to have been actually expended by him in the lawful discharge of his duties and necessary for the public service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSACTIONS WITH NEW YORK CITY BANKS.

Mr. ALDRICH. Mr. President, yesterday the Senator from Nebraska [Mr. ALLEN] commenced a speech upon the resolution which was then pending before the Senate in regard to discharging the Committee on Finance from the consideration of certain Senate resolutions. He was not able to finish his speech yesterday, and the resolution went to the Calendar. I ask now that the resolution may be taken up out of order to enable the Senator from Nebraska to finish his speech.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the Senate proceed to the consideration of the resolution submitted by the Senator from Nebraska [Mr. ALLEN], which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 31st ultimo, as follows:

Resolved, That the Committee on Finance be, and they are hereby, discharged from the further consideration of Senate resolutions of inquiry dated January 4 and 23, 1900, concerning certain transactions between the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none. The Senator from Nebraska is recognized.

Mr. ALLEN addressed the Senate in continuation of the speech begun by him yesterday. After having spoken for thirty-five minutes,

The PRESIDING OFFICER (Mr. CLAY in the chair). The hour of 2 o'clock having arrived, it becomes the duty of the Chair

to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I ask that the unfinished business may be laid aside informally so as to allow the Senator from Nebraska to finish his remarks.

Mr. ALLEN. When the hour of 2 o'clock arrives, the Senator from Nebraska departs, thank you.

Mr. ALDRICH. I would be very glad to have the unfinished business laid aside if the Senator wants to conclude.

Mr. ALLEN. No.

Mr. President, yesterday my remarks were cut short by the speech of the Senator from Virginia [Mr. DANIEL], who had given previous notice of his intention to address the Senate at a given hour, and this morning I find that the political kaleidoscope has been making so many rapid revolutions in so many different directions that I do not know whether I can collect myself sufficiently to resume the thread of my discussion where I left it yesterday.

I hurriedly finished a very hurried review of Senate Document No. 70 of this Congress, and was about to proceed to review Senate Document No. 121, which is the reply of the Secretary of the Treasury sent to the Senate a few days ago in response to its resolution. I had not reached that portion of my discussion where I desired to direct attention to the unexplained and inexplicable conduct, as I think, of the Secretary of the Treasury in connection with the sale of the old custom-house in the city of New York. Without referring to dates, because dates are not at all material in the discussion, it is sufficient to say that the last Congress authorized the sale of the old custom-house in New York for not less than $3,000,000, and that the Secretary of the Treasury, pursuant to that authority, sold the custom-house to the National City Bank of New York for about three and a half million dollars.

Any ordinary business transaction would have been characterized either by the payment of the consideration to the grantor or its securement in some proper businesslike form, but that was not done in this instance. It was currently reported in the press at the time, and it has never been denied, so far as I know, that Mr. Stillman, president of the National City Bank, came to this city with a check for over $3,000,000, whatever the amount of the purchase money was, and for some reason unknown to the country, and unknown to me, he returned to New York, and not a dollar of that money was ever covered into the Treasury or any subtreasury of the United States. A book account was opened with the Government, and the Government was credited on the books of the bank, as I am informed, with that sum of money, which simply made the bank the debtor of the United States the same as it would be the debtor of an ordinary depositor or person to whom credit had been given.

Mr. President, $50,000 of the purchase money was retained in this peculiar way, that the check or draft did not cover $50,000. That was retained and the transaction left incomplete. The deed was placed in escrow, and is there yet, I guess, and it was presumably put there and is kept there for the purpose of enabling the National City Bank of the City of New York to escape payment of about $60,000 of taxes annually, which they have escaped, I understand, up to this time. The Secretary of the Treasury, without ever having received a dollar or a farthing for this property, has rented the building from the National City Bank for at least five years, at a rental of $130,600 a year, and we have before us now a recommendation of the Secretary of the Treasury to amend the urgent deficiency bill to include the first year's rent. It did not make its appearance, however, I noticed, when the bill was before the Senate and when it was passed.

There may be gentlemen who will say that this is a business transaction; that there is nothing questionable about it. Mr. President, there is not a business man in the United States who, if he carried on his own private business in as loose and slipshod a manner as this business was transacted, would not be a bankrupt within twenty-four months from the time he began. Unfortunately for the public virtue of our country, there has grown up the theory, and with it the practice, that there is not required the same high degree of business ability, business application, or business integrity in handling the affairs of the State or nation that is demanded in private enterprises.

Men are heard to say when you speak of these things, "Oh, that is Government business; that is handling the Government's funds," as though the Government property and the Government business ought to be transacted with less regard to business principles and less regard to integrity than the most sacred private enterprise. I wish to take this occasion, Mr. President, to enter my solemn dissent from a conclusion of that kind.

In this last document, which contains the reply of the Secretary of the Treasury, there is no unequivocal denial of the allegations of the resolution. The Secretary of the Treasury simply says there is not to be found on record such and such things, and that he does not recollect certain things that are inquired about. There is no positive, direct, unqualified negative of an assertion contained in the resolution. There is more backing and filling than anything else.

I wish to repeat, because I do not want the country to get a misapprehension, that I have not the slightest feeling against the gentleman who occupies the position of Secretary of the Treasury of the United States. I barely know him when I meet him. I do not sympathize with him politically; but it is possible for a man to be a gentleman and not be of my politics, and I recognize that fact and I recognize it in his case. It does not always argue, of course, that he is of the clearest political perception, but it is consistent with honesty and honesty of purpose. Therefore I have no motive in the prosecution of this inquiry other than to afford the country that light to which it is entitled respecting the handling of the public funds.

There may be those, sir, who will say that I am actuated by partisan motives. I presume I will be subjected to that charge, certainly to the imputation; but I protest that I am big enough to rise above partisanship and become a patriot before I am a partisan. I can put aside my partisanship, and very frequently do. It does not argue because I am not of the political faith of the Secretary of the Treasury, whatever his political faith may be, that therefore I am actuated by any other than a proper motive in inquiring into his official conduct. I do not understand how his partisan friends can come to his rescue and undertake to block this inquiry.

This morning, when I introduced a resolution of inquiry, objection came with the speed of lightning from the storm cloud, and under the rules of the Senate the resolution went over until to-morrow, and to-morrow will determine its fate, I suppose. The country will understand after to-morrow, if that resolution shall be sent by a vote of the Senate to the Committee on Finance, that that is an end of the inquiry. That is the way we kill resolutions and kill inquiries here—send them to some committee dominated by the friends of the interest that the inquiry is to affect.

Now, what do the letters constituting the correspondence between the National City Bank of New York and the Treasury Department, which can not be disputed or questioned, establish? That correspondence demonstrates that the independent banking system, which was established by this Government a half century ago or more, is entirely broken. The banks have unrestricted and unrestrained rights, according to modern practices, to invade the Treasury Department and carry off the funds of the taxpayers and conduct private business upon those funds. It establishes that these favors granted the National City Bank were in consideration of its political influence, and in consideration of the contributions of that bank and its directors to the Republican campaign fund of 1896.

Mr. Hepburn, in his letter importuning the Secretary of the Treasury to make his bank the recipient of this tremendous sum of money, put it upon the sole and express ground that his bank, and the directors of the bank, were contributors to the Republican campaign fund of 1896. He did not put it upon the ground that his bank had better facilities than any other bank to transact the business. It was a quid pro quo: "We helped the Republican party in 1896 to get control of the Government; we contributed of our funds to corrupt and debauch the ballot box, and now we ask as our consideration for it that we be given the right to transact business upon the Government's money, upon the money of the taxpayers of this nation."

It establishes that shortly after the request was made the Government deposits in that bank ran up from $200,000 to $24,000,000, and that for ten months there was carried of Government money in that bank, without any interest coming to the Government, in round numbers, between ten and eleven million dollars. It establishes the fact that the Treasury Department of the United States, under the control of Mr. Gage, is paying off the political debts of the Republican party.

I asked yesterday, and I ask you gentlemen upon the other side of the Chamber now, when you come to reply to me, if you do me that honor, to point out an instance in all the history of your party and its domination of national affairs where it has come to the assistance of the agricultural or the industrial interests of the country. You may say by putting money in the banks in New York it enables them to distribute it and sift it out through the country, and the people get the benefit of it. That is a poor way to distribute the funds of the taxpayers of this nation.

Suppose a whole city were stricken with famine, and the Secretary of the Treasury should select some one bank in that city in which to deposit money, enabling the people to go there and borrow of that bank at its own rate of interest, and thus become the victim of that organization, and when they appealed to him that the money belonged to them as much as to the bank he should say to them, "I have complied with all the reasonable requirements of the situation in putting your own money into the hands of this

bank to loan to you." Would that be right? The Secretary of the Treasury centralized this money in the hands of one organization, and in the hands of that organization solely because it had been a liberal contributor to the campaign fund of the party which he represents.

This correspondence, Mr. President, establishes a direct connection between the Treasury Department of the United States and the Standard Oil Company. There is an unbroken line that leads from the office of Lyman J. Gage to the office of John D. Rockefeller, in New York; and as one humble citizen of this nation, and a representative in part of a great agricultural tax-paying people, I protest in the Senate of the United States that Mr. Rockefeller and the Standard Oil Company shall not have any influence or control over the Treasury of my nation.

Mr. President, this correspondence discloses that even Mr. Gage, during these transactions, was a little shy about meeting Mr. Morgan. He did not like to be caught in bad company, I suppose. So when it was suggested that Mr. Morgan should meet him in Washington, he said no; that he was going to Philadelphia to enjoy a little dinner given by the Bank of North America in his honor, and when there he would meet at the Walton Hotel, he said, fixing the hour, Mr. Morgan and such other gentlemen as might desire to confer with him.

I have always understood that Mr. Morgan is a great financier, accepted as such not only in the city of New York, but in this country and in Europe. What was there about Mr. Morgan or the interest he represented that made the Secretary of the Treasury hesitate to meet him openly in the Treasury Department in this city? Did Morgan propose to come to him with a proposition that was reprehensible and that would excite the resentment of the people or excite their distrust? Evidently so, or the Secretary of the Treasury would have received Mr. Morgan with the same grace and the same courtesy with which he should receive the humblest citizen of this nation. But he did not want to do that.

So the correspondence establishes, what has been charged and what has been believed, that the Treasury Department is owned and dominated and controlled, throughout its length and its breadth, by the sharks and the gamblers of Wall street. The money of the people—the money of the 70,000,000 people who live in this land between the Atlantic and Pacific oceans and between Canada and the Gulf of Mexico, is put by the chief financial officer of the nation into these banks as a gratuity, that they in turn may transact private business on it and enhance their fortunes.

Mr. President, they were reaching out for everything in sight, and they will get it, too (it is only a question of time); and so they wanted the business of the United States with the Philippines. They wanted to handle all the money of the United States.

I say to you, gentlemen on the other side of the Chamber, that 60 per cent of the money of the United States to-day that belongs in the Treasury Department is to be found in certain favored national banks as a gratuity to their owners.

You may say the law gives the Secretary of the Treasury a right to select a national bank as a depositary, and in a qualified sense that is true, but not in the sense he would have us believe. He has a right to make a national bank a financial agent for the purpose of distributing money to the Army and Navy and contractors, and make other necessary distributions, to use it as a tentative means to the accomplishment of those ends. But it never was the intention of Congress or of the people of the United States that those banks should have the privilege of holding for an indefinite length of time unlimited sums of the Government's money.

Mr. SPOONER. Will the Senator from Nebraska allow me to ask him a question?

Mr. ALLEN. I will; yes, sir.

Mr. SPOONER. Would the Senator think it would better serve the public interest to have it locked up in the Treasury, out of circulation?

Mr. ALLEN. It would serve the public interest just as well as to have it in circulation by the National City Bank, and it certainly would be safe; at least it would be where the people of the United States suppose it is and where by law it ought to be. Why, Mr. President, the Senator is taking exactly the tack I expected he would take, and he is capable of making the worse appear to be the better cause. I say this in compliment to his ability. He will stand on this floor and, with his magnificent presence and his splendid eloquence, he will defend the conduct of the Treasury Department.

Mr. SPOONER. The Senator did not answer my question.

Mr. ALLEN. Oh, I thought I did.

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. ALLEN. Yes, sir.

Mr. SPOONER. I asked the Senator whether it would be better for the public interest to have the money in the Treasury or all of it in a single bank. I simply asked him the question whether it would be better in his judgment for the public interest to have it in the national banks of the country or locked up in the Treasury.

Mr. ALLEN. I do not think it would be anything for the public interest to have it in the national banks.

Mr. SPOONER. The Senator would rather have it locked up in the Treasury?

Mr. ALLEN. When it would have to go there and pay the banks interest on it.

Mr. SPOONER. But if locked up in the Treasury they could not get it at all.

Mr. ALLEN. There is where it belongs. If you levy that money off the people it belongs in the Treasury Department. But the vice lies deeper than that, Mr. President, and the Senator can not escape through that avenue. You have taxed the people of the United States beyond all reason, and you have put a surplus in the Treasury of the United States that has no business there and that ought to be in circulation among the people from whence it came.

By the sale of Government bonds, $200,000,000 of bonds, by the levy of a tremendous war tax, by the increase of duties under the Dingley Act, you have wrung from the people of the United States, the hard-working classes, almost $300,000,000, that are under the control of the Treasury Department to-day, the most of it in the national banks, in favored banks. There has not been a step taken to repeal or modify one of these acts, so that this tremendous sum of money may get out among the people again and there remain where it belongs.

Until you repeal those laws or modify them and prevent this tremendous congestion of money you will not be able to deceive the people of the United States by saying that you have a large surplus there that ought to be in circulation. Repeal your tax or modify it and the money will not accumulate there, and you will not have the privilege of paying off your political debts by the use of public money.

I realize, Mr. President, as fully as any man can realize that it is a hopeless and futile task for me to stand here and ask for an investigation. I do not expect an investigation. I would be surprised if it came. The Republican party has a majority in this Chamber by some 13 or 14. It is as complete a political machine as was ever organized upon this continent. It stands together and obeys the dictates of the caucus. When any resolution comes before this body for an investigation of this or any other transaction of a questionable character, you will see that side rise and vote against it as one man, with absolute unanimity.

The caucus has done the work. I thank God I am not the victim of caucus dictation and I never will be. I have a party of my own, and we can hold our caucus in the elevator. A man must subordinate his judgment, his conviction of right and wrong, to the voice of a mere majority, and he must walk up and take his medicine whether he wants to or not if the caucus says so. I know that there are gentlemen on that side of the Chamber who think this matter ought to be investigated, but who will be compelled by caucus dictation to vote against the resolution.

No, Mr. President, I am not foolish enough to suppose that any investigation will ever be had. This resolution in the course of time will be duly embalmed by the senior Senator from Rhode Island [Mr. ALDRICH], and it will be taken into the political crypt, into the room of the Committee on Finance of the United States Senate, and there with befitting rites, Mr. President, with hymn and song and ceremony, presided over by the splendid genius of my friend from Rhode Island, it will be buried so deep that the music of Gabriel's horn will never reach it. The people will ask, What has become of this resolution? They think the Senate of the United States is engaged in transacting the public business upon lofty ideas of the wants and demands of the country. They do not understand that the game of party politics opens with the opening of the Senate and closes with its adjournment.

Mr. President, it may be that there will come from the North and the South and the East and the West a storm of indignation that will drive the Republican membership of this Chamber into an investigation. If that time comes and the clouds grow dark and the sky ominous, then the chief of the ceremonials of interment will bring out the corpse of this resolution and it will be passed in an emaciated and emasculated form.

Mr. SPOONER. The committee will not emasculate it. It will not be the committee that will emasculate the resolution.

Mr. ALLEN. Oh, yes; the committee will do this work. It will be instructed by the caucus what to do, and it will never fail. It will execute its orders, as the old-time executioner executed the orders of the council of state. There will be no trouble about that.

But, Mr. President, I propose to do my duty as far as I understand it. I am in the minority, it is true, but before free debate is finally cut off in this Chamber, as this morning's proceedings would indicate it is to be, I want to raise my voice in protest against this method of conducting the public business. There will come a time no doubt when we shall be cut off here entirely and a czar rule of procedure will be adopted to prevent the exposure of this and like public iniquities which are taking place from time to time.

Mr. President, nothing is to be gained to me nor to the cause I represent by protracting this discussion, and I do not propose to protract it any length of time. If this evidence were submitted to a jury on the question whether the Secretary of the Treasury had violated the obligation of the discharge of his plain duty, under proper instructions to that jury as to an interpretation of the law, there would be no question of the return of a verdict of guilty.

But, Mr. President, the violation of statutes, the violation of their letter, the violation of their spirit, the violation of their purpose, has become so common and of such constant practice that we seem to think it is all right to do so, after all.

A law, Mr. President, is made to be obeyed, not to be violated; and it is the spirit and policy and purpose of the law that is to be obeyed, for that is the law. When our ancestors established an independent Treasury Department for the purpose of divorcing the national finances from the banks of the country and required our money to be kept in that independent Treasury, they intended that the law should be executed in good faith; and when a great officer, charged as a trustee with the custody of millions of dollars of the money wrung from the taxpayers of this nation to pay off its obligations and its current expenses, takes the money with which he is intrusted and goes outside of the Treasury and places it in private institutions to advance and promote the interests of favorite corporations and favorite individuals, he is guilty of an open and flagrant violation of the law. I say this, as I said a moment ago, in absolute personal kindness to the gentleman who presides over the financial affairs of this nation.

Who has ever heard of the Secretary of the Treasury going out to the people and talking with them on this subject? Has he called together the representative organizations of this nation, the great laboring organizations, the Grange, the Farmers' Alliance, the great organizations of agriculturists, and said anything to them? No; they are beneath his notice; they are not of his make; they are not of his class. They, Mr. President, are mere taxpayers in his opinion, and unworthy of notice. When this gentleman wants to talk about financial matters he puts on his dress suit and goes to New York or Philadelphia and sits down to a "little dinner" given by his friends, the bankers. There, without letting the people know anything about it, they parcel out the money of the taxpayers to the advantage of themselves, their friends, and their party. To this he willingly assents.

SENATOR FROM PENNSYLVANIA—THE FINANCIAL BILL.

Mr. CHANDLER. Mr. President, I rise to a privileged question, for the purpose of giving notice that on Monday, after the routine morning business is finished, I shall call up the resolution before the Senate in reference to the vacant seat in this body from the State of Pennsylvania; and I ask Senators who intend to speak upon that question to kindly prepare themselves as soon as convenient.

Mr. ALDRICH. I did not understand the notice given or suggestion made by the Senator from New Hampshire.

Mr. CHANDLER. I shall call up the Pennsylvania election case on Monday.

Mr. ALDRICH. At what time?

Mr. CHANDLER. After the routine morning business. I think the junior Senator from Tennessee [Mr. TURLEY] may be ready at that time to speak on the question, unless the Senate refuses to consider the subject.

Mr. ALDRICH. The Senator is aware that at 2 o'clock the unfinished business is made the order by the unanimous-consent agreement of the Senate; and I give notice that I shall object to any order or business of any kind interfering with that order of the Senate.

Mr. CHANDLER. I understand that. It is very possible that the junior Senator from Tennessee may finish before 2 o'clock. It is my desire that the consideration of the election case shall begin on Monday and that the junior Senator from Tennessee shall speak on that day.

Mr. BURROWS. I would suggest to the chairman of the Committee on Privileges and Elections that whenever that case is taken up for consideration it is desirable that its consideration be continued without interruption until it is concluded. To take up the case on Monday and have an argument made upon it, and then another on Tuesday and so on, from day to day, and possibly from week to week, to have some remarks made upon the case, is not the best way to consider and determine it. I therefore hope that the motion will not be pressed by the chairman, certainly in view of the fact, as he knows, that we are engaged every moment in a hearing before the Committee on Privileges and Elections in another matter, which is liable to occupy the attention of the committee every day next week.

Mr. CHANDLER. I would be very glad to have the case taken up and considered in the way the Senator from Michigan suggests it ought to be—that is, by continuous consideration—but no one knows any better than the Senator from Michigan that questions are never so considered in the Senate. They are taken up and speeches are made, and they are dropped until other speeches are ready. Every important subject that has ever been under discussion in this body, according to my recollection, has been dealt with in that way.

We must begin to make some progress. Now, the junior Senator from Tennessee informs me that he will be ready on Monday. I know the Senator from Michigan is thoroughly prepared to make a long speech on the same side. We are very anxious to have those speeches before the Senate so that Senators may consider them before the vote is taken. I think it is due to the fact that here is a vacant seat in this body that we should make all the progress possible with that case. Therefore, I shall urge its consideration on Monday.

Mr. PLATT of Connecticut. Mr. President——

Mr. BURROWS. If the Senator from Connecticut will pardon me, I ought to say, in reply to the statement of the Senator from New Hampshire, that he is possessed of information which I do not have—namely, that I shall be prepared to speak on Monday and am anxious to do so. I am not prepared to speak on the case, and I shall not be prepared at that time, for the reasons I have already stated—that the committee has been engaged every day in the consideration of other matters, and it has been impossible for me to give any consideration to that case.

I repeat what I said, that in this case and in the consideration of any case of this character, involving the right of a Senator to his seat, the discussion ought to be, whenever it is entered upon, continued.

Mr. CHANDLER. Has the Senator ever known of such a thing since he has been in the Senate?

Mr. BURROWS. I do not know that I have; but if it never has been done it ought to be done now. A couple of days, probably, will dispose of the case, and I would prefer that whenever it is taken up it be considered continuously until a vote is taken.

Mr. CHANDLER. I do not object to that; but I shall call up the case at the conclusion of the routine morning business on Monday. The Senator from Rhode Island will please take notice.

Mr. ALDRICH. Mr. President, the intimation was made here this morning that because a notice had been given, therefore the Senate was bound to follow that notice. I will give notice to the Senator from New Hampshire that I do not intend to follow that course, and that at 2 o'clock on each day I shall insist that the unfinished business be considered by the Senate, to the exclusion of everything else, until it is disposed of.

Mr. CHANDLER. I do not want to interfere with that. I agree that as the financial bill is to be voted upon a week from next Thursday, if anybody wants to speak on that subject, he should have the preference. It is the universal experience in the Senate that we have two or three subjects running along together, and I intend that this privileged question concerning a vacant seat in the Senate shall have its chance.

Mr. ALDRICH. There are four vacant seats in the Senate, as I understand it; I presume one of them is no more privileged than any other and that it is a matter for the Senate itself to determine.

Mr. CHANDLER. The Senator only fortifies my remarks. There are four vacant seats in this body which may be influenced by a decision of the question in the Pennsylvania case. Therefore it is of such importance that nothing should interfere with it except the bill which the Senator from Rhode Island has in charge, and that should interfere with it only because there has been an agreement to vote a week from next Thursday. If it were wisely disposed of, it would be indefinitely postponed.

TRANSACTIONS WITH NEW YORK CITY BANKS.

Mr. PLATT of Connecticut. Mr. President, I do not know that it is of any particular importance, but I should like to say now, while this matter of procedure in the Senate is under consideration and may to some extent be affected by the notice which has been given by the Senator from New Hampshire, that I think there ought to be an opportunity given at the next session of the Senate for some observations, brief perhaps, in reply to the somewhat remarkable attack which has been made during the last two mornings by the Senator from Nebraska [Mr. ALLEN] upon the Secretary of the Treasury, both in his official and personal capacity. I do not know whether the Senator from Nebraska has concluded his attack or not.

Mr. ALDRICH. I understood that Senator to say he was through.

Mr. PLATT of Connecticut. He certainly has not published his remarks which he submitted yesterday, and I do think that while that matter is before the Senate there ought to be a little opportunity given to say something upon that subject. I think it ought to be done on the next morning when the Senate shall be in session.

Mr. SPOONER. Mr. President, will it not suit the convenience of the Senator from New Hampshire to call up the Pennsylvania

case on Wednesday? An elaborate speech has been made here by the Senator from Nebraska, which has not yet appeared in the RECORD, of course, arraigning the Secretary of the Treasury and challenging somewhat the integrity of the management of the Treasury Department, and I for one desire to submit to the Senate some observations in reply to it. I think the case to which the Senator refers will suffer not at all by being postponed until Wednesday.

SENATOR FROM PENNSYLVANIA.

Mr. CHANDLER. Mr. President, my attention has been called at this moment to the notice given by the senior Senator from Louisiana [Mr. CAFFERY] that on Monday, February 5, he would address the Senate with reference to the Philippine Islands. His address will probably take the morning hour. Under the circumstances I agree to the suggestion of the Senator from Wisconsin and give notice that I will call up the Pennsylvania case on Wednesday morning after the routine business is finished.

The PRESIDING OFFICER. The Senator from New Hampshire gives notice as indicated. The next business in order is the unfinished business.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I greatly regret that there seems to be no one ready to discuss the bill which is the unfinished business. I hope that the Senators upon the other side of the Chamber are not going to abandon the silver question or the money question, as I see it sometimes stated in the newspapers they intend to do, and I will certainly hope——

Mr. BACON. The Senator from Rhode Island has made such a vigorous plea in favor of its retaining its place that I do not suppose there is very much need on this side. I understood the Senator in his various colloquies to insist that it was not put out of question by this bill.

Mr. ALDRICH. I insist that the bill shall remain before the Senate; but the time fixed for the discussion and debate and the final voting on the bill was postponed in order that Senators on the other side might get ready to debate the question.

Mr. CHILTON. We want some division of debate. You were going to make some speeches on the other side.

Mr. ALDRICH. We are quite content with the debate which has already taken place.

Mr. CHILTON. Then the Senator ought not to be complaining.

Mr. ALDRICH. We are quite ready to take a vote on the bill; and I suggest that if it is not the intention to discuss it further we come to an agreement to vote at once.

Mr. CHANDLER. No; I am going to make a speech on the other side.

Mr. ALDRICH. I expected that; it is well understood.

Mr. JONES of Arkansas. It is perfectly well known that a number of Senators propose to make speeches on this bill. One Senator, for instance, has been wanting to speak for the last two or three days, but he is now out of the city, supposing that the Senate would, as usual, adjourn over Friday and Saturday. The Senator from Rhode Island need not distress himself about any failure to have his bill sufficiently discussed. It seems to me that it has already been completely torn to shreds, and if the Senator had followed the debate as far as it has gone he would not think there was any necessity for anything else to be said to absolutely use it up.

Mr. ALDRICH. The speeches to which the Senator alludes must have been made when I was absent from the Chamber.

Mr. JONES of Arkansas. Most of them have been made while the Senator was absent, as he usually is.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the Senator will let us go to the Calendar for a few minutes.

Mr. DAVIS. There is some executive business which I think ought to be attended to.

Mr. COCKRELL. Let us go to the Calendar for thirty minutes.

Mr. DAVIS. Very well; I will give way for thirty minutes.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw his motion?

Mr. DAVIS. I withdraw it, and will renew it at the expiration of half an hour.

Mr. COCKRELL. Let the Calendar be proceeded with in its regular order.

The PRESIDING OFFICER. The first bill on the Calendar will be announced.

JOSEPH W. CARMACK.

The bill (S. 423) for the relief of Joseph W. Carmack was announced as the first bill on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Joseph W. Carmack, late of Company A, Sixth Missouri Cavalry, the pay and allowances of a first sergeant of cavalry from the 1st day of May, 1862, to the 30th day of September, 1862, less any pay received by him during such period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. NEET, JR.

The bill (S. 424) for the relief of John S. Neet, jr., was considered as in Committee of the Whole. It proposes that there shall be paid to John S. Neet, jr., late a private in Company C, Third Regiment Missouri State Militia Cavalry, afterwards Company L, Sixth Missouri State Militia Cavalry, $100, in full payment of the sum allowed him in October, 1878, by the Third Auditor of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. DAVIS.

The bill (S. 425) for the relief of John M. Davis was considered as in Committee of the Whole. It directs the Secretary of War to revoke and set aside the general order, headquarters Department and Army of the Tennessee, dated Huntsville, Ala., April 30, 1864, issued by order of Major-General McPherson, approving and confirming the sentence of the court-martial dismissing John M. Davis, captain of Company H of the Sixty-third Regiment Illinois Volunteer Infantry, and that there be issued to him an honorable discharge as of date of April 9, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EZRA S. HAVENS.

The bill (S. 426) for the relief of Ezra S. Havens was considered as in Committee of the Whole. It directs the accounting officers of the Treasury to pay to Ezra S. Havens, late captain of Company G, Eighteenth Regiment Missouri Volunteer Infantry, the pay and allowances of a captain of infantry in the late volunteer service from the 11th of March, 1862, to the 2d of February, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

A. F. FLEET.

The bill (S. 427) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., was considered as in Committee of the Whole. It directs the Secretary of War to relieve A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo., from all money responsibility for so much of the ordnance and ordnance stores issued to the academy under its bond dated August 13, 1892, as was destroyed by fire on September 24, 1896.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURA S. GILLINGWATERS.

The bill (S. 428) for the relief of Laura S. Gillingwaters, widow of J. E. Gillingwaters, was considered as in Committee of the Whole. It directs the Secretary of War, notwithstanding the records of the proceedings and sentence of the court-martial in the case of Private James E. Gillingwaters, late of Company H, Twelfth Missouri Cavalry Volunteers, to issue to him an honorable discharge of the date of his release from military control; it also directs the Secretary of the Treasury to cause to be paid to Mrs. Laura S. Gillingwaters, widow of James E. Gillingwaters, all pay and allowances forfeited by the proceedings and sentence of the court-martial and full pay and allowances up to the date of his release from military control, and restores to him all rights and privileges forfeited by the sentence of the court-martial.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. HOWELL.

The bill (S. 432) for the relief of James W. Howell, late of Company H, Fifty-fourth Regiment Illinois Infantry Volunteers, was considered as in Committee of the Whole. It directs the Secretary of War to revoke and set aside General Orders, No. 10, Headquarters United States Forces, Pine Bluff, Ark., July 31, 1865, issued by G. M. Mitchell, colonel commanding, approving the proceedings, findings, and sentence of the general court-martial in the case of James W. Howell, of Company H, Fifty-fourth Regiment Illinois Infantry Volunteers, and to issue to him an honorable discharge as of date July 31, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD C. SILENCE.

The bill (S. 433) for the relief of Richard C. Silence was considered as in Committee of the Whole. It directs the Secretary of War to enter on the rolls and to recognize Richard C. Silence as first lieutenant of Company I, First Regiment of West Tennessee Cavalry, from November 29, 1862, to March 7, 1863, and to issue to him an honorable discharge as of date March 7, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERRY J. KNOLES.

The bill (S. 436) to correct the military record of Perry J. Knoles was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of Perry J. Knoles, a private of Company E, One hundred and first Regiment Illinois Infantry Volunteers, by removing the charge of desertion, and substituting therefor, "Absented himself from Benton Barracks in January, 1863, and was enrolled under the name of James Maddux on July 29, 1863, at Camp Dennison, Ohio, and mustered into service August 5, 1863, as a private in Company B, Second Ohio Heavy Artillery Volunteers, to serve three years, and served faithfully until he was honorably discharged at Knoxville, Tenn., on May 11, 1865," and provides that no pay or allowance shall be given him during his absence without leave by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC M'CONNAUGHAY.

The bill (S. 437) for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers, was considered as in Committee of the Whole. It directs the Secretary of War to issue to Isaac McConnaughay a certificate of honorable discharge, to date from the 16th of November, 1862, as a private of Company H, Fortieth Iowa Infantry Volunteers, it having been established that the service rendered in that company and regiment in the name of Isaac McConnaughay subsequent to that date was rendered by Thomas J. McConnaughay, and that Isaac McConnaughay shall hereafter be held and considered to have been in the military service of the United States as a member of said organization from the 14th of August, 1862, until honorably discharged from the service; but he shall not be entitled to any pay, bounty, or allowances by any reason of the relief granted.

Mr. COCKRELL. I move to amend, in line 5, on page 2, by striking out the word "any," before the word "reason;" so as to read:

That he shall not be entitled to any pay, bounty, or allowances by reason of the relief herein granted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. CRABTREE.

The bill (S. 438) for the correction of the military record of James M. Crabtree was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of James M. Crabtree, late private, Company D, Thirty-second Regiment Missouri Infantry, by removing therefrom the charge of desertion and substituting therefor "absented himself without proper authority on January 10, 1863, and remained so absent until June 13, 1863, when he was enrolled, and on June 23, 1863, mustered into service in Company A, Eleventh Regiment Missouri Cavalry, and served faithfully to July 27, 1865, when he was honorably mustered out with Company F of said regiment, to which he had been transferred," and to issue to him a certificate accordingly, showing his service; but he shall not be entitled to any pay, bounty, or allowance by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN R. LEONARD.

The bill (S. 439) for the correction of the military record of John R. Leonard was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of John R. Leonard, private of Company D, Thirty-second Regiment Missouri Infantry, by removing therefrom the charge of desertion and substituting therefor "Absented himself without proper authority on January 10, 1863, and remained so absent to July 26, 1863, when he was enrolled, and on September 10, 1863, was mustered into the service as a private in Company E, Eleventh Regiment Missouri Cavalry, and was mustered out with his company July 25, 1865, serving faithfully during such term," and to issue to him a certificate accordingly, showing his service; but he shall not be entitled to any pay, bounty, or allowance by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF ASTORIA, OREG.

The bill (S. 359) to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg., was considered as in Committee of the Whole. It provides that the privilege of immediate transportation of dutiable goods, in accordance with the provisions of an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, and the amendments thereto, be extended to the port of Astoria, Oreg.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEDALS FOR GALLANTRY IN REVENUE-CUTTER SERVICE.

The joint resolution (S. R. 51) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I ask that there may be published in the RECORD, in connection with the joint resolution which has just been passed, the report made regarding it, so that the reason for its passage will appear.

Mr. MCMILLAN. I hope that will be done.

The PRESIDENT pro tempore. The request of the Senator from Missouri [Mr. COCKRELL] will be complied with in the absence of objection. The Chair hears no objection, and it is so ordered.

The report referred to, which was submitted by Mr. MCMILLAN from the Committee on Commerce January 4, 1900, is as follows:

The Committee on Commerce, to whom was referred the joint resolution recognizing the gallantry of Lieut. Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious service in command of the cutter *McCulloch* at Manila, having duly considered the same, report with a recommendation that it pass.

The facts in the case are fully presented in the letter of the Secretary of the Treasury and the accompanying papers, which are appended and made a part of this report.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 16, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, referring to me joint resolution (S. R. 25), Fifty-sixth Congress, first session, "Recognizing the gallantry of Lieut. Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *McCulloch* at Manila," and requesting me to furnish the committee with such suggestions as I may deem proper touching the merits of the joint resolution and the propriety of its passage.

I respectfully return herewith the resolution referred to and cordially recommend the passage of the same.

There was no more heroic action performed during the Spanish war than that by Lieutenant Newcomb, his officers and men, at the battle of Cardenas, May 11, 1898, and no more efficient and meritorious service than that performed by Captain Hodgsdon, commanding the *McCulloch*, at Manila.

A joint resolution similar to this was passed by the Senate (Fifty-fifth Congress) June 29, 1898. In this connection I transmit herewith the following papers:

Three reports by Lieutenant Newcomb on the part of his command at the battle of Cardenas, Cuba.

A letter from the Secretary of the Navy, commending the gallantry of Lieutenant Newcomb.

A letter by Admiral George Dewey, commending Capt. D. B. Hodgsdon, of the *McCulloch*, at the battle of Manila.

Copy of the message of the President to the Fifty-fifth Congress, recommending recognition of the services of Newcomb and Hodgsdon.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

To the Congress of the United States:

On the 11th of May, 1898, there occurred a conflict in the bay of Cardenas, Cuba, in which the naval torpedo boat *Winslow* was disabled, her commander wounded, and one of her officers and a part of her crew killed by the enemy's fire.

In the face of a most galling fire from the enemy's guns the revenue cutter *Hudson*, commanded by First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, rescued the disabled *Winslow*, her wounded commander, and remaining crew. The commander of the *Hudson* kept his vessel in the very hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until he finally got a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns, a deed of special gallantry.

I recommend that, in recognition of the signal act of heroism of First Lieut. Frank H. Newcomb, United States Revenue-Cutter Service, above set forth, the thanks of Congress be extended to him and to his officers and men of the *Hudson*, and that a gold medal of honor be presented to Lieutenant Newcomb, a silver medal of honor to each of his officers, and a bronze medal of honor to each member of his crew who served with him at Cardenas.

It will be remembered that Congress, by appropriate action, recognized the several commanders of ships of war for their services in the battle of Manila, May 1, 1898.

The commander of the revenue cutter *Hugh McCulloch*, present and in active cooperation with the fleet under Commodore Dewey on that occasion (by Executive order, under the provisions of section 2757, Revised Statutes), is the only commander of a national ship to whom promotion or advancement was not and could not be given, because he already held the highest rank known to the Revenue-Cutter Service.

I now recommend that in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgsdon, United States Revenue-Cutter Service, who commanded the *Hugh McCulloch* at the battle of Manila (that officer being now in the sixty-third year of his age, and having served continuously on active duty for thirty-seven years), be placed upon the permanent waiting orders or retired list of the Revenue-Cutter Service on the full duty pay of his grade.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *June 27, 1898.*

UNITED STATES NAVAL FORCE ON ASIATIC STATION,
FLAGSHIP OLYMPIA,
Cavite, Philippine Islands, June 12, 1898.

SIR: 1. I take pleasure in bringing to the attention of the Department the zeal and efficiency of Capt. Daniel B. Hodgsdon, Revenue-Cutter Service, commanding the *McCulloch*, while serving in the squadron under my command.

2. The *McCulloch* steamed from Hongkong to Manila Bay in the squadron formation and ran the batteries at the entrance with the squadron, and, while not placed in the line of battle at the battle of Manila Bay, was kept near by and in readiness to assist any vessel that might be disabled.

3. Since joining my command, and up to the time of his detachment, Captain Hodgsdon has kept the *McCulloch* in a high state of efficiency and ready to move at a moment's notice, and made her a valuable auxiliary to the squadron.

4. I request that the Department will communicate this report to the honorable the Secretary of the Treasury.

I have the honor to be, very respectfully,

GEORGE DEWEY,
Rear-Admiral, United States Navy,
Commanding United States Naval Force on Asiatic Station.

The SECRETARY OF THE NAVY,
Washington, D. C.

NAVY DEPARTMENT, *Washington, D. C., June 15, 1898.*

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant and to forward herewith a copy of the report requested. I regret that inadvertently a copy of this letter was not forwarded to you immediately after it was received.

The rescue of the *Winslow* by the *Hudson* was so gallantly done, in the face of a most galling fire, that First Lieut. Frank H. Newcomb, Revenue-Cutter Service, commanding, his officers and men, deserve the warmest commendation. The *Winslow* was riddled with shell, disabled, helplessly drifting onto the beach into the hands of the enemy, her captain wounded, her only other officer and half her crew killed, but the *Hudson* courageously remained by her in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally a line was made fast to the *Winslow* and that vessel towed out of range of the enemy's guns.

Very respectfully,

JOHN D. LONG,
Secretary.

The SECRETARY OF THE TREASURY.

U. S. S. HUDSON,
Key West, Fla., May 13, 1898.

SIR: In obedience to Department order of the 19th instant I have the honor to submit the following full detailed report of the part taken by my command in cooperation with vessels of the Navy in the recent action at Cardenas, Cuba.

At daylight on the morning of the 11th instant the *Hudson* was cruising on blockade duty off Cardenas, about 6 miles north of Cruz del Padre light-house, in company with the U. S. S. *Machias*. The smoke of a steamer approaching from the eastward was discovered, and the *Hudson* was pointed for it under a full head of steam. As soon as near enough to ascertain the steamer to be the U. S. S. *Wilmington* the *Hudson* was headed to the westward, following the *Machias* toward the day anchorage under Piedras Cay. As we rounded Mona Cay the *Machias* signaled, "Regulate your movements by this vessel," which was done.

The *Machias* led the way in by Piedras Cay and up the outer bay, and at about 9 o'clock came to anchor 1¼ miles NNE. of Diana Cay, one of the islands guarding the inner approaches to Cardenas Bay. At this time three Spanish gunboats were observed in the western part of the bay, 4 or 5 miles distant, steaming slowly toward Cardenas.

Upon approaching within hail the *Hudson* was ordered by the *Machias* to proceed up toward two sunken sloops in the channel on the east side of Diana Cay, look around, and see what could be found. As an impression prevailed on board that torpedoes had been planted in this channel, I asked the *Machias*, "Do you want us to go up to those sunken vessels?" The answer was, "No; be very careful."

The *Hudson* then proceeded very slowly up the channel, sounding constantly and carefully feeling the way, going ahead and backing on the engine as occasion required. Oftentimes there was less than 6 inches of water under her. She was drawing 9 feet 4 inches aft. In about an hour we had worked up to within 100 yards of the sunken sloops. Then, finding deeper water to the eastward, we worked around inside of them and stopped, not feeling justified under our orders to proceed farther into the bay.

The largest Spanish gunboat came within about 3 miles of us, evidently watching our movements. After lying still ten minutes about half a mile east of Diana Cay, and finding that the enemy's gunboat was not disposed to come any nearer, we returned to the *Machias*, reporting alongside about 11 o'clock. We were then ordered to report to the *Wilmington*, which vessel and the torpedo boat *Winslow* had joined the *Machias* during our absence. By the *Wilmington* we were ordered to proceed with the *Winslow* and sound out the channel between Romero and the largest of the Blanco Cays, and to sweep it with our small boats for torpedoes. We started right away, following the *Winslow*, which by reason of her superior speed soon distanced us. When off the eastern end of Romero Cay, while running at full speed, the *Hudson* grounded and stopped, with only 7 feet of water under her. After several ineffectual attempts to back off, the 6-pounder ammunition in the after hold was carried forward, and finally the *Hudson* was backed off into deeper water. We then sounded our way down the channel about a mile, when we met the *Wilmington* coming slowly in.

All three vessels then proceeded into the bay, the *Wilmington* in the center, with the *Winslow* on her port bow and the *Hudson* on the starboard. After proceeding in this manner for several miles, the *Hudson* was ordered to fall back upon the *Wilmington's* starboard quarter, clear of her guns, supplemented by, "When you get up there, gather in all you can." The *Winslow* occupied a similar position on the opposite side.

About 1 p. m., when nearly abreast of Corogal Point, the *Hudson* was ordered by the *Wilmington* to "Go out and look for small craft." Accordingly we started over to the northward, toward Diana Cay, and circled along the western shore of the bay, standing as near in to the land as the shoal water would permit. In crossing the main ship channel three black buoys were seen in line, about half a mile apart, which were avoided for fear they marked torpedoes or mines. Finally, at 1.35 p. m., not having seen vessels of any kind whatever on that side of the bay, we steamed at full speed toward the *Wilmington* and *Winslow*, now nearing Cardenas.

At 1.45 p. m. they had arrived off the city and were steaming to the eastward along the water front, probably 1½ miles offshore. Suddenly the *Winslow* dashed in toward the wharves, and when about 1,800 yards distant, the smoke of a gun fired from the center of the city front was observed. Both vessels immediately returned the fire; more guns followed from the shore, and when we arrived at the scene, about ten minutes later, a general engagement was in progress. The *Hudson* steamed in between a bark and a full-rigged brig lying at anchor, and taking a position about 1,800 yards from the shore, off the western end of the city, opened fire with her two 6-pounder Driggs-Schroeder guns upon the enemy's battery, which could only be located by the smoke from the guns. Meantime the *Wilmington* had turned and was steaming slowly to the westward, outside of the *Hudson*. The *Winslow* still maintained her original position when first fired upon. After firing several rounds from the *Hudson's* guns it was seen that she would soon be in line with the *Wilmington's* fire. Accordingly we ran out around the latter vessel to obtain a clearer field for our operations. Passing within hail of the *Wilmington*, I asked, pointing toward the *Winslow*, "Shall I go down there and pitch in?" The answer was, "Yes."

Up to this time I had received no official intimation whatever as to the object in view, nor what part the *Hudson* was expected to take in the affair. A signal had been flying from the *Wilmington's* masthead for some time, which could not be made out from the *Hudson*. What it signified I have never been informed.

The *Hudson* ran in at full speed until about 150 yards inshore of the *Winslow* and a short distance to the eastward, when the engine was stopped and firing resumed with the two 6-pounders. Upon our original entry into the engagement the first two or three shells from each gun struck the water a trifle short of the city front, but after that all of our shells appeared to land in among the buildings on shore, some of them in close proximity to the enemy's guns.

After having been in action a few minutes it was noticed that the *Winslow* was moving about in a very strange and erratic manner, and it was found quite difficult at times to avoid a collision with her. She was darting back and forth in line with the city front, and as the fire of the enemy appeared to be directed mainly upon her it was concluded finally that she was being maneuvered in this way to avoid the fixed, concentrated range of their guns. It was afterwards learned that one of her boilers and the steering engine had been struck and disabled, and that her commander was trying to point either end of her offshore in order to withdraw.

The enemy's shells were falling and bursting all over and around the two vessels, and why the *Hudson* was not seriously damaged by them is beyond comprehension. I saw one shell, that passed close over the top of our pilot house, strike the *Winslow*, but fortunately it failed to burst. Another shell, apparently a large one, passed close to us, and, striking the water alongside the *Wilmington*, half a mile outside, threw a column of spray nearly as high as her bridge. The use of smokeless powder in some of the enemy's guns made it impossible to locate them; but their marksmanship was very poor, and many of their shells struck the water a long way inside of us. We had been firing steadily for about twenty minutes, most of the time lying inshore of the *Winslow*, and often between her and the enemy's guns as we maneuvered for position, when it was reported to me that she was probably disabled. I immediately offered assistance to her commanding officer, which he declined by a negative shake of the head. Ten or fifteen minutes later, when we were to windward and outside of the *Winslow*, he reported his vessel as totally disabled, and requested to be towed out of range of the enemy's guns. This was the first definite information received on board the *Hudson* of the *Winslow's* condition.

There was quite a fresh breeze blowing obliquely on shore from the eastward, and the *Winslow* was making so much leeway in consequence, and constantly shoaling the water, that I found it very difficult to bring the *Hudson* in position to throw a line to her. Our propeller was constantly stirring up the bottom, and steerageway was invariably lost as soon as the speed slackened. It was upward of thirty minutes before we succeeded in getting hold of the *Winslow's* towline and started ahead with her. While making the effort the *Wilmington* had been firing over us, and a number of her shells exploded upon leaving the guns, the fragments striking the water all around us.

We were within 100 feet of the *Winslow* when a shell exploded killing Ensign Bagley and three men, and the sad casualty was distinctly visible to most of our officers and crew. The *Wilmington* fired the last guns in the engagement, apparently silencing the enemy's batteries. When we started ahead with the *Winslow*, the *Wilmington* was nearly a mile distant, steaming out to windward. The *Hudson* followed slowly with the *Winslow*. The latter vessel's steering gear being disabled, she was yawing about wildly, and we had not proceeded more than a quarter of a mile when the towline parted.

It was a matter of only a few minutes to get out another towline, and then we went ahead again. After a long and laborious chase dead to windward, we finally overtook the *Wilmington*, and hailing her requested that the doctor be sent on board the *Winslow*. Both vessels had been attempting to wigwag the same message to the *Wilmington* for some time previously.

After the dead and wounded had been transferred to the *Wilmington*, we made fast alongside the *Winslow* in an endeavor to tow her in that manner. But owing to the roughness of the bay it was found that the water thrown up between the two vessels was likely to sink the *Winslow* in her shattered and disabled state, so the attempt was abandoned. About 4 p. m. we started out of the bay with the *Winslow* in tow astern, following in the wake of the *Wilmington*. We arrived alongside the *Machias* at dark, and at 9.30 p. m., dropping the torpedo boat, started for Key West with dispatches and the dead and wounded from the *Winslow*, arriving there at 7.30 on the following morning.

While I may not particularize any individual act of heroism during the action without doing an injustice to others equally as meritorious, I take great pleasure in directing the attention of the Department to the cool and efficient manner in which each and every officer and member of the crew performed the duties intrusted to him.

Without the combined efforts of all hands on board this vessel, the *Winslow* and the surviving members of her crew would have been lost.

Respectfully, yours,

FRANK H. NEWCOMB,
First Lieutenant, R. C. S., Commanding.

The SECRETARY OF THE TREASURY,
Washington, D. C.

U. S. S. HUDSON,
Key West, Fla., May 13, 1898.

SIR: I have the honor to submit the following report of the participation of this vessel in the engagement with the Spanish forces at Cardenas on the 11th instant.

At 11.30 a. m., while off the main entrance to Cardenas Bay, the *Hudson* was ordered by the senior officer present to accompany the U. S. S. *Wilmington* and the U. S. torpedo boat *Winslow* inside. All three vessels started immediately, and, after some preliminary soundings to determine the best water, passed through Blanco Channel into the bay and headed for Cardenas.

About 1 p. m., when abreast of Corogal Point, the *Hudson* was ordered by the commanding officer of the U. S. S. *Wilmington* to "go out and look at small craft." Steamed over toward Diana Cay and skirted the western shore of the bay. Discovered no vessels, and, observing that the *Wilmington* and *Winslow* were nearing Cardenas, at 1.35 p. m. steamed toward them at full speed.

At 1.45, when a little over a mile distant from our vessels, saw firing commence from shore, which was immediately returned by our ships. At 1.50, when within range of the shore guns, the *Hudson* opened fire upon them with her two 6-pounders. Observing that the *Winslow* was quite inshore and exposed to the full strength of the enemy's guns, ran up alongside of the *Wilmington* and asked if we should go to her assistance (*Winslow*). Received the answer, "Yes;" and at once steamed into the immediate vicinity of the *Winslow*, keeping up a constant and rapid fire from the *Hudson's* battery upon the enemy's guns on shore. At 2.20 commanding officer of the *Winslow* reported his vessel totally disabled, and requested to be towed out of range. Owing to the shoal water and the rapid drift toward shore of the *Winslow* (the wind was onshore), it was fully thirty minutes before the *Hudson* succeeded in making a line fast from the *Winslow* and started ahead with her. The enemy kept up a constant fire during this time, which appeared to be especially directed toward the *Winslow*, and which was returned at every opportunity by the *Winslow* and *Hudson*.

The *Winslow* was towed alongside the *Wilmington*, from which vessel a boat was sent with a medical officer, who transferred the dead and wounded from the *Winslow* to the *Wilmington*. Finally, at about 3.30 p. m., all three vessels steamed out of the bay, the *Winslow* in tow of the *Hudson*. At about dark joined the U. S. S. *Machias* outside, where the *Winslow* was anchored. At 9.15 p. m. the *Hudson* started for Key West with dispatches for the senior officer commanding that station, and carrying the dead and wounded from the *Winslow*. Reported to the senior officer commanding at Key West at 7.10 on the morning of the 12th instant. The only damage resulting to the *Hudson* during the engagement was a few slight marks from small projectiles upon two of the fire-room ventilators and a few bullet marks upon the outside of the pilot-house plating. One hundred and thirty-five shells were fired from the two 6-pounders during the action.

Respectfully, yours,

FRANK H. NEWCOMB,
First Lieutenant, R. C. S., Commanding.

The SECRETARY OF THE NAVY,
Washington, D. C.

U. S. S. HUDSON,
Key West, Fla., June 16, 1898.

SIR: For the better information of the Department, I have the honor to submit the following supplementary report containing certain facts relating to the part taken by this vessel in the late engagement at Cardenas on the 11th ultimo, which were omitted in the hasty preparation of my report of the 31st ultimo.

The injuries sustained by the *Hudson* from the enemy's projectiles were as follows: The hull was struck in two places below the guards on the starboard side, and two places on the port side, one below the guards and the other on the after filling piece between the guards, evidently by a piece of a large projectile, as it left quite a deep dent in the hard wood. No damage resulted from the other places struck beyond knocking off the paint and scaling the iron at the points of contact.

The rudder on the port side where it joins the stock was struck once with similar results. The forward fire-room ventilator on the starboard side above the upper deck was struck four times, one only resulting in a perforation three-fourths of an inch in diameter. The after ventilator on the same side was struck once and perforated, the hole being about one-half of an inch in diameter.

The after end of the pilot house was spattered with numerous small pieces of lead, each of which was buried out of sight in the wood. The light joiner work of the cabin was shaken and shattered more or less by the fire of the after 6-pounder, while windows, lamp shades, and other fragile articles were smashed.

During the action 135 rounds were fired from the two 6-pounder guns. The Colt automatic gun on the upper deck was not used, its fire being reserved for short range in case the vessel became disabled and drifted near the shore.

Second Lieut. J. H. Scott was in charge of the after 6-pounder and Third Lieut. E. E. Mead of the forward one. The coolness and intrepidity manifested by these gentlemen in handling their respective gun's crews and taking advantage of every favorable opportunity to get in an effective shot at the enemy, and their efforts under the most trying circumstances to run lines to the disabled *Winslow*, are deserving of the highest commendation.

The professional skill and promptness displayed by Mr. N. E. Cutchin, the engineer (first assistant) in charge, in responding to the constant and exacting demands upon the machinery in maneuvering the vessel, merit unstinted praise. Not the slightest hitch or delay of any kind occurred in the workings of his department, and the successful issue of the day's operations was undoubtedly due in a great measure to his efforts and those of the men under him.

Whenever the services of Second Assistant Engineer T. D. Lewton could be spared from the engine and fire rooms he cheerfully repaired to the pilot house, where his aid in locating the other vessels and the direction of the enemy's guns, in the midst of the dense smoke from the *Hudson's* guns which at the time prevailed, was of the utmost assistance.

Each and every member of the crew, from the boatswain down to Moses Jones, the colored boy, who attached himself to the after gun and never failed to have a shell ready when it was needed, did his whole duty cheerfully and without the least hesitation. This appears the more remarkable in view of the fact that none of them had ever been under fire before, and that the guns were without protection or shelter of any kind. They deserve the most substantial recognition in the power of the Government for their heroic services upon this occasion.

I take pleasure in testifying to the remarkable bravery displayed by Lieutenant Bernadou and the men of the *Winslow*, and consider it as one of the greatest privileges of my life to have been an eyewitness of their conduct at a time when many men would have felt justified in abandoning all hope. With such officers and such men the American nation may well be proud of its Navy.

Respectfully, yours,

FRANK H. NEWCOMB,
First Lieutenant, R. C. S., Commanding.

The SECRETARY OF THE TREASURY,
Washington, D. C.

PUBLIC BUILDING AT PROVIDENCE, R. I.

Mr. ALDRICH. I ask unanimous consent for the consideration at this time of Senate bill 1590, for a public building at Providence, R. I., which has been reported favorably from the Committee on Public Buildings and Grounds.

Mr. ELKINS. Can not we proceed with the Calendar? We have only about eight minutes left for its consideration.

Mr. ALDRICH. I hope the Senator will allow the bill to which I have referred to be passed.

Mr. ELKINS. I must object. I want to get the bills through which I have reported, and two of them come next on the Calendar. If the bill of the Senator from Rhode Island is taken up, there will not be time enough left for their consideration.

Mr. PLATT of Connecticut. There will not be time to consider the bills referred to by the Senator from West Virginia within eight minutes. They are very important bills.

The PRESIDENT pro tempore. To which bills does the Senator refer?

Mr. PLATT of Connecticut. The bills which are numbered 36 and 37 in the Order of Business.

Mr. COCKRELL. They are bills to extend the laws relating to commerce, navigation, and merchant seamen over Puerto Rico and the Hawaiian Islands.

Mr. PLATT of Connecticut. Orders of Business 36, 37, and 39 can not be considered within the time allowed this morning.

Mr. COCKRELL. Of course it will be impossible to consider those bills under the five-minute rule.

Mr. PLATT of Connecticut. I am ready to have any of those bills taken up at any time when they can be considered, but it can not be done this morning.

Mr. ELKINS. Under the circumstances I withdraw my objection to the request of the Senator from Rhode Island [Mr. ALDRICH].

The PRESIDENT pro tempore. Objection is withdrawn.

Mr. COCKRELL. I inquire what is the order of business on the Calendar of the bill in charge of the Senator from Rhode Island?

Mr. ALDRICH. It is not on the printed Calendar. It was reported this morning from the Committee on Public Buildings and Grounds.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1590) for the erection of a public building at Providence, R. I. It directs the Secretary of the Treasury to accept, as a donation from the city of Providence, R. I., a suitable lot of land situated in Exchange place, in that city, easterly of the east line of Exchange street extended, and to cause to be erected thereon a commodious and substantial building, with fireproof vaults, for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue and other Government civil offices in that city, and appropriates a sum not exceeding $1,500,000 for the erection of a building thereon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY HOSPITAL, FORT LEAVENWORTH, KANS.

Mr. BAKER. I ask unanimous consent for the present consideration of House joint resolution No. 6, which is the last one on the Calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans.

The joint resolution was reported from the Committee on Military Affairs with amendments, in line 4, after the word "dollars," to strike out "out" and insert "or so much thereof as may be necessary;" and in line 6, after the word "hospitals," to strike out "mentioned in said act, or so much thereof as may be necessary" and insert "by the act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, approved March 3, 1899;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and empowered to use the sum of $60,000, or so much thereof as may be

necessary, of the amount appropriated for the construction and repair of hospitals by the act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, approved March 3, 1899, for the construction of a modern military post hospital at the said Fort Leavenworth, Kans., and the limit of cost of said hospital is fixed at said sum.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

COMMUTATION OF RATIONS.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTH AFRICAN REPUBLIC.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. PETTIGREW. Will the Senator withdraw the motion for a moment? I wish simply to offer a resolution, to lie over.

Mr. DAVIS. Very well; I withdraw the motion.

Mr. PETTIGREW. I offer the resolution which I send to the desk, and ask that it may lie over—not on the table—so that I can speak to it on Monday.

The PRESIDENT pro tempore. It is simply offered as a resolution to go over under the rule?

Mr. PETTIGREW. Yes, sir.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Whereas from the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the heroic battle of the South African Republic against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

The PRESIDENT pro tempore. The resolution goes over under the rule.

Mr. PETTIGREW. I notice that the Senator from Louisiana [Mr. CAFFERY] has given notice that he will speak on Monday next on the resolution in regard to the Philippines. If there shall be time after that Senator shall have concluded, I wish to speak to this resolution.

Mr. ALDRICH. I suggest that the Senator from Connecticut [Mr. PLATT] gave notice that he intended to make some remarks in answer to the Senator from Nebraska [Mr. ALLEN].

Mr. PETTIGREW. That may probably consume the time on Monday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the concurrent resolution of the Senate to print 7,000 copies of so much of the civil report of Maj. Gen. John R. Brooke, military governor of the island of Cuba, made to the Adjutant-General of the United States Army, etc., in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon of the gunboat *Nashville* from which was fired the first shot in the Spanish-American war; and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. DAVIS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 5, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 2, 1900.

POSTMASTER.

Harry S. Edwards, to be postmaster at Macon, in the county of Bibb and State of Georgia, in the place of J. H. Hertz, whose commission expired February 1, 1900.

APPOINTMENT IN THE ARMY—QUARTERMASTER'S DEPARTMENT.

First Lieut. Charles D. Palmer, Sixth Artillery, to be assistant quartermaster with the rank of captain, January 31, 1900, vice Ruhlen, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1900.

MARSHAL.

Charles Lewiston, of Wisconsin, to be marshal of the United States for the western district of Wisconsin.

INDIAN AGENT.

Lieut. Col. James F. Randlett, United States Army, retired, of La Mesa, Cal., to be agent for the Indians of the Kiowa Agency, in Oklahoma Territory.

RECEIVER OF PUBLIC MONEYS.

Thomas B. Hildebrand, of Albia, Iowa, to be receiver of public moneys at Rampart City, Alaska.

COLLECTOR OF CUSTOMS.

Ezra B. Bailey, of Connecticut, to be collector of customs for the district of Hartford, in the State of Connecticut.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

First Lieut. Odus C. Horney, Ordnance Department, to be captain, December 8, 1899.

CAVALRY ARM.

Lieut. Col. Camillo C. C. Carr, Fifth Cavalry, to be colonel, January 23, 1900.

Maj. Henry Jackson, Third Cavalry, to be lieutenant-colonel, January 23, 1900.

Capt. Henry P. Kingsbury, Sixth Cavalry, to be major, January 23, 1900.

First Lieut. George L. Byram, First Cavalry, to be captain, January 23, 1900.

INFANTRY ARM.

To be majors.

Capt. Herbert S. Foster, Eighteenth Infantry, November 15, 1899.

Capt. John C. Dent, Twentieth Infantry, December 15, 1899.

Capt. George K. McGunnegle, Fifteenth Infantry, December 18, 1899.

Capt. Edgar B. Robertson, Twentieth Infantry, January 12, 1900.

Capt. Charles A. Booth, Seventh Infantry, January 15, 1900 (subject to examination).

To be captains.

First Lieut. Harry H. Bandholtz, Seventh Infantry, November 15, 1899.

First Lieut. Henry T. Ferguson, Thirteenth Infantry, November 15, 1899.

First Lieut. Henry G. Learnard, Fourteenth Infantry, November 15, 1899.

First Lieut. John H. Wholley, Twenty-fourth Infantry, November 20, 1899.

First Lieut. Peter Murray, Twenty-first Infantry, November 26, 1899.

First Lieut. Paul A. Wolf, Fourth Infantry, December 2, 1899.

First Lieut. Henry G. Lyon, Twenty-fourth Infantry, December 15, 1899.

First Lieut. George D. Moore, Twenty-third Infantry, December 15, 1899.

First Lieut. Willis Uline, Twelfth Infantry, December 18, 1899.

First Lieut. Ernest B. Gose, Thirteenth Infantry, December 23, 1899.

First Lieut. Charles C. Clark, Fifth Infantry, January 12, 1900.

First Lieut. Vernon A. Caldwell, Twenty-fifth Infantry, January 15, 1900.

First Lieut. Edmund L. Butts, Fifth Infantry, January 18, 1900.

CORPS OF ENGINEERS.

Maj. William H. Heuer, Corps of Engineers, to be lieutenant-colonel, January 29, 1900.

Capt. Curtis McD. Townsend, Corps of Engineers, to be major, January 29, 1900.

First Lieut. Edgar Jadwin, Corps of Engineers, to be captain, January 29, 1900.

Second Lieut. Harley B. Ferguson, Corps of Engineers, to be first lieutenant, January 29, 1900.

Infantry arm.

Lieut. Col. William S. McCaskey, Twentieth Infantry, to be colonel, January 29, 1900.

Maj. Charles R. Paul, Eighteenth Infantry, to be lieutenant-colonel, January 29, 1900.

Capt. George B. Walker, Eleventh Infantry, to be major, January 29, 1900.

APPOINTMENT IN THE ARMY.

To be chaplain.

Rev. Edmund P. Easterbrook (late chaplain Two hundred and second New York Volunteers), of New York, January 31, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant adjutant-general with the rank of lieutenant-colonel.

Maj. Samuel D. Sturgis, assistant adjutant-general, United States Volunteers (first lieutenant, Sixth Artillery, United States Army), January 24, 1900.

To be inspector-general with the rank of lieutenant-colonel.

Maj. Russell B. Harrison, inspector-general, United States Volunteers, January 24, 1900.

To be surgeon with the rank of major.

Maj. Eugene L. Swift, surgeon, Thirty-fifth Infantry, United States Volunteers (captain and assistant surgeon, United States Army), January 24, 1900.

THIRTY-FIFTH INFANTRY.

Sergt. Frank I. Otis, Company A, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, January 25, 1900.

TWENTY-SEVENTH INFANTRY.

Sergt. Maj. Clyde B. Crusan, Twenty-seventh Infantry, United States Volunteers, to be second lieutenant, January 29, 1900.

APPOINTMENT IN THE NAVY.

Karl Ohnesorg, a citizen of Connecticut, to be an assistant surgeon in the Navy from the 27th day of January, 1900.

PROMOTION IN THE NAVY.

Gunner Frank H. Whitney, to be a chief gunner in the Navy, from the 7th day of January, 1900, in accordance with the provisions of the act approved March 3, 1899.

POSTMASTERS.

John B. Stong, to be postmaster at Bellbuckle, in the county of Bedford and State of Tennessee.

Edmund D. Hughes, to be postmaster at Mountpleasant, in the county of Maury and State of Tennessee.

Hayward H. Riddell, to be postmaster at The Dalles, in the county of Wasco and State of Oregon.

Lauriston H. Condit, to be postmaster at Canton, in the county of Lewis and State of Missouri.

Frederick A. Smith, to be postmaster at Colchester, in the county of New London and State of Connecticut.

William M. Newell, to be postmaster at Mesa, in the county of Maricopa and Territory of Arizona.

Elizabeth J. Hudspeth, to be postmaster at Nashville, in the county of Howard and State of Arkansas.

Clark H. Barker, to be postmaster at Portland, in the county of Cumberland and State of Maine.

W. N. Burdick, to be postmaster at Postville, in the county of Allamakee and State of Iowa.

R. Clifford Tyler, to be postmaster at Chester, in the county of Middlesex and State of Connecticut.

Evert J. Pruim, to be postmaster at Zeeland, in the county of Ottawa and State of Michigan.

Samuel E. Walker, to be postmaster at East Northfield, in the county of Franklin and State of Massachusetts.

George P. Bliss, to be postmaster at Florence, in the county of Hampshire and State of Massachusetts.

Harry L. Jaques, to be postmaster at Jamesburg, in the county of Middlesex and State of New Jersey.

Henry C. Wright, to be postmaster at Webster Grove, in the county of St. Louis and State of Missouri.

William G. Kitchen, to be postmaster at Bloomfield, in the county of Stoddard and State of Missouri.

William E. McGuire, to be postmaster at Pawhuska, in the Osage Nation of Oklahoma Territory.

O. H. Willard, to be postmaster at Randolph, in the county of Cattaraugus and State of New York.

Charles G. Bacon, to be postmaster at Northville, in the county of Fulton and State of New York.

John Harvey, to be postmaster at Meridian, in the county of Bosque and State of Texas.

Elizabeth L. Bampfield, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina.

Isaac W. Rush, to be postmaster at Stroud, in the county of Lincoln, Oklahoma Territory.

William H. Mosby, to be postmaster at Bedford City, in the county of Bedford and State of Virginia.

Frank S. Huckins, to be postmaster at Ashland, in the county of Grafton and State of New Hampshire.

Eli Hawks, to be postmaster at Juneau, in the county of Dodge and State of Wisconsin.

Charles E. Townsend, to be postmaster at Brunswick, in the county of Cumberland and State of Maine.

Wilbur Sawyer, to be postmaster at Brewer, in the county of Penobscot and State of Maine.

William C. Balee, to be postmaster at Guthrie, in the county of Todd and State of Kentucky.

Fred Slocum, to be postmaster at Caro, in the county of Tuscola and State of Michigan.

Frank A. Peavey, to be postmaster at Upton Works, in the county of St. Clair and State of Michigan.

William H. Coffey, to be postmaster at Tufts College, in the county of Middlesex and State of Massachusetts.

William S. McLaughlin, to be postmaster at Avon, in the county of Livingston and State of New York.

D. D. Cottrell, to be postmaster at North Cohocton, in the county of Steuben and State of New York.

John M. Brown, to be postmaster at Port Jefferson, in the county of Suffolk and State of New York.

Mary W. Chase, to be postmaster at Derby Line, in the county of Orleans and State of Vermont.

Peter H. Zimmerman, to be postmaster at Wayland, in the county of Steuben and State of New York.

Henry P. Wilcox, to be postmaster at Cohocton, in the county of Steuben and State of New York.

Alfred H. Cole, to be postmaster at St. Marys, in the county of Pleasants and State of West Virginia.

Albert J. Munson, to be postmaster at Shelton, in the county of Mason and State of Washington.

James Lane, to be postmaster at Roslyn, in the county of Kittitas and State of Washington.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 2, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 30, 1900:

H. R. 6777. An act relative to the widening and extension of Sixteenth street, in the District of Columbia.

On January 31, 1900:

H. R. 4602. An act to authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations, in the Territory of Oklahoma, and for other purposes; and

H. J. Res. 129. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Olmedo Alfaro, of Ecuador.

MARINE-HOSPITAL PROPERTY, NEW ORLEANS, LA.

Mr. DAVEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 284) which I send to the desk.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That permission and authority be, and they are hereby, granted to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the United States marine-hospital property in New Orleans, La., in the square bounded by State street, Henry Clay avenue, Tchoupitoulas street, and the Mississippi River; said line of levee to be moved outwardly in the direction of said river to the new line of levee established by the said Orleans levee board, and that the city of New Orleans be, and it is hereby, authorized to extend, lay out, open and to keep open, through the said marine-hospital property, the street known as Front street, 110 feet wide, extending from Penniston street to the upper limits of the city of New Orleans, a distance of about 5 miles, as provided for under ordinance of the city of New Orleans, No. 15080, council series, approved March 1, 1899:

SEC. 2. That jurisdiction, power, and authority be, and are hereby, recognized by the United States as existing in the city of New Orleans to regulate and make improvements in said street as thus opened and extended as fully

and completely as over any other portion of said street, or as fully and completely as said city of New Orleans now has, by her charter and the laws of the State of Louisiana, power and authority to regulate, to make improvements in, or govern any other street in said city.

Mr. DAVEY. There is an amendment to the bill, which I also ask to have read.

The Clerk read the amendment, as follows:

Insert, after the words "ninety-nine," in line 9, the following:

"*Provided*, That in case the said city of New Orleans has granted, or shall grant, a right of way over said street to any railway company, corporation, firm, or person, or that said street shall be used for railway purposes, such grant, privilege, or use shall be upon condition that no part of said street within the limits of said marine-hospital property (or within 1,000 feet from the same) shall be used for depot purposes, or railroad yard, or for the purpose of switching, shifting, or parking cars, or making up or breaking up trains of cars, or for any other purpose than the ordinary transit, without stopping, of railway trains: *And provided further*, That the inner line of said Front street shall not be located at any point nearer than 8 feet to the present iron fence inclosing the grounds of said marine-hospital property, and the violation of any of the provisions of this act shall, as to the person, company, railway company, municipal corporation, or other corporation so violating any of said provisions, cause a revocation of all rights and privileges given or granted by this act."

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to have some explanation of the bill.

Mr. DAVEY. Mr. Speaker, the letter which I hold in my hand I think will afford a full explanation of the bill, and I ask to have it read from the Clerk's desk.

The Clerk read as follows:

TREASURY DEPARTMENT, *Washington, January 30, 1900.*

SIR: Replying to your letter of the 29th instant, transmitting a copy of House bill No. 284 and requesting suggestions as to its merits and the propriety of its passage, I have to say that, understanding the bill to be a necessity of commerce and that the levee provided for is essential for the safety of the city of New Orleans, this Department regards it favorably with the following proviso, which is necessary for the protection of the United States marine-hospital reservation:

"*Provided*, That in case the said city of New Orleans has granted, or shall grant, a right of way over said street to any railway company, corporation, firm, or person, or that said street shall be used for railway purposes, such grant, privilege, or use shall be upon condition that no part of said street within the limits of said marine-hospital property (or within 1,000 feet from the same) shall be used for depot purposes, or railroad yard, or for the purpose of switching, shifting, or parking cars, or making up or breaking up trains of cars, or for any other purpose than the ordinary transit, without stopping, of railway trains: *And provided further*, That the inner line of said Front street shall not be located at any point nearer than 8 feet to the present iron fence inclosing the grounds of said marine-hospital property, and the violation of any of the provisions of this act shall, as to the person, company, railway company, municipal corporation, or other corporation so violating any of said provisions cause a revocation of all rights and privileges given or granted by this act."

Respectfully,

L. J. GAGE,
Secretary.

CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURTON. Before consent is given, I would like to ask the gentleman from Louisiana a question.

Mr. DAVEY. I shall be very glad to answer the gentleman.

Mr. BURTON. Does the bill contemplate any interference with the navigable channel of the river as it now exists?

Mr. DAVEY. None whatever.

Mr. BURTON. This, I understand, refers to the marine-hospital property in Louisiana, on the Mississippi River?

Mr. DAVEY. Yes, sir.

Mr. BURTON. And does it not authorize the removal of the present or existing line of the levee farther out along the line of the river?

Mr. DAVEY. It authorizes the change from the present location outwardly in the direction of the river to the new line of the levee, established quite recently, but it makes no change as far as the navigable water is concerned.

Mr. BURTON. And leaves the Government still in control of the water front?

Mr. DAVEY. Yes; and only authorizes the extension of the front outwardly in the direction of the river as the levee has been built up.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the Committee on Interstate and Foreign Commerce was considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DAVEY, a motion to reconsider the last vote was laid on the table.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 2 of the laws of the first session of the Fifty-fifth Congress, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, be, and the same is hereby, amended by striking out the following words where the same appear in said act, commencing with the word "Before," in line 36, on page 35 of volume 30 of the United States Statutes at Large, and ending with the word "exists," in the forty-third line of said volume and page, as follows: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists," and insert in lieu thereof the following: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOODY of Massachusetts. Mr. Speaker, before consent is given, I should like some explanation of this bill.

Mr. GAMBLE. I would state, in reply to the gentleman's suggestion, that the grown and matured timber, as well as that which is dead and fallen, under the laws of forest reservations may be sold under authority of the Secretary of the Interior; but before any such sale can be made notice must be given by advertisement. Under the law of 1897 no sale of this character of timber can be made without advertising for sixty days, and allows no discretion whatever to the Commissioner of the General Land Office or to the Secretary of the Interior.

Mr. MOODY of Massachusetts. The sale of what?

Mr. GAMBLE. I am speaking of dead and matured timber on forest reservations. At present the law provides that down, grown, and matured timber, as well as the dead timber, can only be sold by the Secretary of the Interior after sixty days' advertisement has been made, and permits no discretion whatever to the Interior Department.

The necessities of the case are so great and the inadequacy of the existing law so apparent that the Commissioner of the General Land Office in his annual report for 1899 recommended the amendment to the law. After conference with him the bill was introduced and is in the exact words proposed by him and approved by the Secretary of the Interior. It was brought before the Committee on Public Lands and considered by that committee, and in its judgment so great a discretion as the bill proposed should not be lodged in the Department, but the committee believed the original law should be modified and amended in the line proposed.

After further conference with the Department an additional modification was recommended, and the amendment now proposed to this bill was drawn by the Commissioner of the General Land Office. It is offered in his exact language. It is approved by the Secretary of the Interior.

Mr. LOUD. Does not this amendment propose to remove the restriction of advertising as provided under the existing law?

Mr. GAMBLE. No, sir. It only reduces the time from sixty to thirty days. It also allows the Secretary of the Interior to sell without advertisement matured and down timber for the use of miners, and for cord wood, when the value does not exceed $100. The necessity for the amendment is that frequently on account of delay and the length of time now provided for advertisement no bids are received, and the Government is put to an expense of not less than $50 in the way of advertising, and in addition to this the time of employees necessarily taken in the examination of the timber proposed to be sold.

Under the amendment proposed the Government is entirely protected, because advertisement must be made; but the sale may be concluded by the party agreeing to pay the full amount bid at the time of the sale. This provision will tend to expedite proceedings. No sale can be made unless on application forwarded to the Department here and subjected to proper examination. Under the present system long delays frequently occur.

I repeat, that under this provision the Government is fully protected, and there is great necessity for the proposed modification of the statute. As I have said, it is strongly recommended by the Commissioner of the General Land Office, as well as by the Secretary of the Interior, and is unanimously reported by the Committee on Public Lands.

Mr. RIDGELY. Does this bill apply alike to all parts of the United States?

Mr. GAMBLE. Yes, sir; it is a general bill.

Mr. LOUD. Mr. Speaker, I dislike to do what may appear to be brutal in a matter of this kind; but I want to say that if I could have prevented the passage of the original bill, I should

have done so, and I now feel obliged to do what I can to prevent the passage of this amendment.

Mr. PACKER of Pennsylvania. I wish to ask the gentleman from South Dakota [Mr. GAMBLE] whether it does not oftentimes happen that under the phrase "dead and down timber" large amounts of live timber are cut and in this way the Government defrauded?

Mr. GAMBLE. That, possibly, has sometimes been the case, but not under this law. I have heard of no such complaint as applied to the forest reservations.

Mr. PACKER of Pennsylvania. It is provided in this case, as I understand, that the value of the timber cut shall not exceed $100?

Mr. GAMBLE. Yes, sir; and if live timber is sold there must be advertisement. A sale may be concluded by the purchaser giving bond, under such rules and regulations as the Secretary of the Interior may prescribe, to pay the highest amount bid at the sale, so that the Government will be protected, and in this way delay may be saved.

Mr. Speaker, if there is any question about the merits of this bill, I will ask for the reading of the report, which presents the reason and the justification for this proposed modification of the law and shows it is strongly recommended by the Commissioner of the General Land Office and the Secretary of the Interior. Legislation of this kind is a great necessity in the forest reserve in my State. I again assure the House that under the provisions of this amendment the Government will be amply protected. There is great demand from the people residing in the Black Hills forest reserve in my State for the proposed legislation, and I sincerely trust no objection will be made to its present consideration.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Most surely. If I could kill the whole law I would do so, and certainly I am not disposed to enlarge its provisions. In my judgment it is one of the most vicious laws that was ever passed.

The SPEAKER. Objection is made.

BRIDGE ACROSS RED RIVER AT GRAND ECORE, LA.

Mr. BREAZEALE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DALZELL. Is the bill reported by the Interstate and Foreign Commerce Committee?

Mr. BREAZEALE. Unanimously.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BREAZEALE, a motion to reconsider the last vote was laid on the table.

CUBAN VESSELS.

Mr. CRUMPACKER. By direction of the Committee on Insular Affairs, I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The bill (S. 734) relating to Cuban vessels was read, as follows:

Be it enacted, etc., That vessels owned by citizens of Cuba and documented as such by officers of the United States shall hereafter be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade.

SEC. 2. That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, upon application and satisfactory evidence, tonnage taxes and light dues which have been imposed on vessels owned by citizens of Cuba entering ports of the United States since April 11, 1899, which have been in excess of the tonnage taxes prescribed by section 11 of the act of June 19, 1886.

Mr. HOPKINS. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. HOPKINS. Then I desire to reserve an objection for the present. I will state to my friend from Indiana [Mr. CRUMPACKER] that in my judgment this is a matter of too much importance to be brought up on a proposition for unanimous consent. It involves a constitutional question upon which there may be a division of opinion.

Mr. CRUMPACKER. If the gentleman will permit, I will make a statement.

Mr. HOPKINS. I will reserve the point of order and let the gentleman make an explanation to the Chair and to the House.

Mr. CRUMPACKER. The object of this bill is to put Cuban vessels upon the footing of the vessels of other countries with which we have commercial relations.

Under our navigation laws certain taxes are imposed upon foreign vessels. One section imposes a tonnage tax of 50 cents per ton, and another a tax, called light money, of 50 cents per ton, aggregating $1 per ton. Our commerce is carried on almost exclusively under the terms of treaties that have been negotiated, by which those impositions are removed, and no commercial country on the face of the earth that has any regular trade relations with the United States is required to pay this tonnage tax and the light money, amounting to a dollar a ton.

The Spanish Government is exempt from that tax, and these Cuban vessels, as long as they floated the Spanish colors, were entitled to admission into our ports without being required to pay the tax. At the close of the Spanish war the citizens of the island of Cuba owning the vessels preferred not to operate or navigate them under the Spanish colors. They chose not to transfer them to any other foreign nation, in order that they might obtain the benefit of commercial treaties negotiated by this country.

Mr. HOPKINS. If the gentleman will allow me right there: Cuba at the present time is under a military government. If there is any inequality or any injustice being done them, what is the reason that it can not be remedied by an Executive order?

Mr. CRUMPACKER. I will come to that.

Mr. HOPKINS. Can it be done in that way?

Mr. PAYNE. No, it can not.

Mr. CRUMPACKER. It can not be done in that way, and that is the reason and the necessity for this legislation. The Cuban vessel owners determined to navigate their crafts under the colors or the flag of their own country, but it was determined under the treaty of peace that the island of Cuba had no flag that had any international significance, and on the 16th day of last June the President issued an order authorizing Cuban vessels to hoist the Cuban flag as a distinctive signal, to distinguish Cuban vessels from United States vessels, above which they were to float the American colors, in deference to the peculiar limited control that this country had over the affairs of the island; but in the order the President expressly stated that those boats should be subject to the taxes imposed by sections 4219 and 4225, the tonnage duty of 50 cents and the light money of 50 cents a ton. The President took the position that he could only modify the navigation laws and permit vessels of foreign countries to enter our ports by a treaty, and that Cuba had no such status among the nations of the world as gave her the capacity to negotiate a treaty, and, therefore, the President took the position that he was powerless to relieve the vessel owners of that island from this exorbitant tax.

By the terms of the treaty of Paris this country became a party to an arrangement which disabled Cuba from availing herself of the privilege that is and has been for years extended to all commercial countries, even Cuba, and the object of this bill is to accomplish that which the Executive determined that the Government is unable to accomplish by treaty, because there is no power competent to negotiate on the other side.

Now, the Senate bill was passed as if there were but one section, putting Cuban vessels upon the footing of vessels that enjoy the privileges of the most favored nation clause. The bill as introduced in the Senate contained the section that we put upon it as an amendment, but it was stricken out, and the Senate treated the measure as if it originally contained but the one section. The Committee on Insular Affairs, on investigating the subject, concluded that the Cuban vessels had been unjustly required to pay this extra tax. They never had been required to pay it before. As I said a few moments ago, no other country that enjoys regular trade relations with this Government is required to pay it.

Mr. HOPKINS. One moment. As I understand it, then, this bill gives those flying the Cuban flag sovereign rights the same as any other great power.

Mr. CRUMPACKER. No; the bill gives those vessels flying the Cuban flag as a distinctive signal under the Stars and Stripes the same privileges in our ports in respect to all matters of taxation as vessels flying the Spanish flag, the English flag, the German, French, and Italian flags, and the flags of all commercial countries; that is all.

Mr. DALZELL. You put Cuba back into the privileged position that she occupied while a colony of Spain.

Mr. CRUMPACKER. That and nothing more. We put Cuba back into the position that she occupied before the treaty of Paris.

Mr. HOPKINS. Does it affect the relation of Cuba and this country in any other respect than the one of which you have spoken?

Mr. CRUMPACKER. It does not affect the relations of Cuba with this country in any respect except this one.

Mr. HOPKINS. It does not carry to that island the custom laws or the internal-revenue laws, or the control of the government now existing there under Executive order.

Mr. CRUMPACKER. In no respect whatever; and this bill was prepared by the Commissioner of Navigation, and in our

report we submit a letter from the Secretary of the Treasury asking that the bill be passed, and that the second section be put in so that the money that has been collected from the owners of these small crafts shall be refunded now.

Mr. SHAFROTH. Let me ask the gentleman how much does it involve to return the money to those parties?

Mr. CRUMPACKER. Approximately about $18,000. On the first day of this year the amount was $15,719, according to the official statement made by the Commissioner of Navigation. It was suggested that the Senate may have stricken out the second section of the bill, because the vessel owners might have imposed higher rates of freight and thus recouped themselves; but the Commissioner of Navigation made the statement to our committee that the first entries, at least, were made without knowledge of this requirement and that the Government had some controversy with the vessel owners in respect to it; but I think, Mr. Speaker, gentlemen will readily see that by the imposition of this extraordinary taxation the discriminations against these small Cuban crafts were such that the money that we propose to reimburse them with will be but a small equivalent for the loss of trade that they must have sustained on account of the imposition of the tax.

Mr. HENRY C. SMITH. Who own these boats?

Mr. CRUMPACKER. Citizens of Cuba; and they must be and they are documented by Cuban authority.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. HOPKINS. I object for the present, until I have further time to consider the bill.

Mr. PAYNE. I hope the gentleman will not object. This bill was fully considered by the Committee on Insular Affairs, and it is unanimously reported.

Mr. CRUMPACKER. There is a pressing necessity for its passage. Boats are coming in every day or two, and it hampers Cuban trade.

Mr. HOPKINS. All I care is, I am not willing that any legislation of this kind shall come in that will affect whatever may be done by the Government of the United States respecting the island of Cuba hereafter.

Mr. CRUMPACKER. I think the gentleman can be assured that this in no way complicates the situation or embarrasses the Government in its relation with Cuba. It does not involve any question except the one I have mentioned, and it would be entirely just and proper for this Government to pass this bill. If Cuba were a foreign power, the necessity would not exist, because the right would be in the Executive to accomplish by treaty what we are now hoping to do by legislation.

Mr. HOPKINS. I withdraw my objection.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendment to the Senate bill.

The amendment was agreed to.

Mr. CLAYTON of Alabama. Mr. Speaker, I desire to say for the benefit of gentlemen upon this side of the Chamber that this measure came from the Committee on Insular Affairs by the unanimous report of that committee. I think that it is a meritorious proposition, and that it should pass now. I desire in this connection to call attention to the fact that this emphasizes the importance of the United States recognizing the independence of the Cuban people. This is but a forerunner of the piecemeal legislation that Congress will be called upon from time to time to deal out in our intercourse with the Cuban people and with reference to their affairs. This measure is rendered necessary because of the fact that Cuba has not yet been admitted to the family of nations. It can not fly a flag; it can not make a commercial treaty.

Mr. CRUMPACKER. Let me make an inquiry. I supposed, under the custom of the House, that I of course had the floor; and I would like to ask the gentleman how much time he desires?

Mr. CLAYTON of Alabama. I think I have an hour under the rule; but I will say for the gentleman's peace of mind that I do not intend to make a very long speech.

Mr. CRUMPACKER. Of course I have no objection to the gentleman discussing the question for a reasonable length of time; but I wanted to understand the situation.

Mr. CLAYTON of Alabama. In my own right, I will consume as much time as I think necessary. [Applause.]

The SPEAKER. The Chair will state to the gentleman from Indiana that the action was going on with the Senate bill; the amendment was agreed to; the gentleman from Indiana did not claim the floor; the gentleman from Alabama did, and controls an hour under the rules, as the Chair understands it. The gentleman from Alabama.

Mr. CLAYTON of Alabama. I think I have a legal advantage, fairly gained, and I intend to assert it. [Laughter and applause.] The necessity for this legislation comes from the fact that we have not done our duty by the Cuban people. This great Government has not lived up to the declared purpose of driving the Spaniards out of Cuba and leaving the government of that island to its own people contained in the resolution that passed Congress in April, 1898. If we had lived up to that, perhaps this question would not be before Congress now, and the other questions of which this is but a mere forerunner would not have to be met by the membership of this House.

Mr. Speaker, if this Government had acted honestly, fairly, squarely, and promptly, as the facts of the case justify, in dealing with the people of Cuba, we would not have such legislation as this here to-day. If the Cuban people were recognized as an independent government, they could negotiate their own commercial treaties, and they would come under the benefits extended to the favored nations of the world. As it is, we are acting as a guardian for Cuba and her people, and we are not treating the ward fairly and justly. It is proposed in this half-handed, piecemeal way to meet what we, under the solemn obligation and purpose that we have declared to the world, we would meet in another way.

Mr. Speaker, no man, I believe, can read the report of General Brooke in regard to the affairs in Cuba but what he will be satisfied that the time is ripe for the American Government to recognize the Cuban people as entitled to independent sovereignty. They are, according to that report, according to the report of General Lee, General Ludlow, and others, whose reports are embraced in General Brooke's report, and especially the report of General Wilson, a law-abiding, peaceful people, intelligent and capable of self-government. He pronounced the highest praise upon the municipal governments that exist throughout that island, and in that report you will also find that we need not wait until the 30th day of November next for dealing with these Cuban questions, for it is stated in that report that the census now being taken there can be completed in two or three months.

Mr. Speaker, I have no prepared speech on this proposition. I merely desire to call the attention of this House to what is to follow in the wake of this piece of legislation. I desire to call attention to the fact that the time is ripe for us to deal with the Cuban question, and this measure, which is a just measure, merely illustrates the fact that we ought to do the full measure of justice to the Cuban people by recognizing them and admitting them into the family of nations. This can be done if this Congress and the Administration will but say the word. The Cuban people will go to work and set up their own government in Cuba, and when they have set up their government there it will simply remain for this Government to recognize it, and it will then be admitted into the family of nations.

I hope this measure will pass, and I hope at an early day the Administration and the majority in this House will live up to our purposes heretofore declared and give to the Cuban people their own government; and if, in the fullness of time, annexation comes, let it come at the request of the Cuban people. Let us strike from them the fetters of military government; let them set up their own government, and, if they please, let them in their own good time ask for annexation in the regular way. Then, Mr. Speaker, the country and Congress will be prepared to deal with that question when so presented; but let us not by piecemeal legislation deal out a small measure of justice to them and hold them in a sort of subjection, and maybe make them submit to forcible annexation.

Mr. Speaker, I hope this measure will pass. I reserve the balance of my time.

The bill was ordered to be read a third time, and being read the third time, was passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TO AMEND SECTION 1176 OF THE REVISED STATUTES.

Mr. NORTON of Ohio. Mr. Speaker, I ask unanimous consent to have reprinted and a correction made of House Report No. 87, which accompanies the bill H. R. 911. Matter was inserted in the report that had no business there.

The SPEAKER. The gentleman from Ohio asks to have stricken from the Report No. 87, on House bill 911, a portion of the report beginning with the words "There are a class of pensioners," as it was erroneously included in the report. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

RIGHT OF WAY THROUGH THE ARSENAL GROUNDS, PITTSBURG, PA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Allegheny Valley Railway Company be, and it is hereby, authorized to extend its tracks over and occupy all that portion of the Allegheny Arsenal property in the city of Pittsburg, Pa., which adjoins the present right of way of said Allegheny Railway, bounded and described as follows, to wit: All that lot or piece of ground situate in the Fifteenth ward, city of Pittsburg and State of Pennsylvania, bounded and described as follows, to wit: Beginning at a point on the south building line of Fortieth

street at a distance of 10.58 feet from the center line of the north-bound track of the Allegheny Valley Railway; thence along the western wall of the United States arsenal south 12° 35′ west 576.70 feet to a point on the north building line of Thirty-ninth street, said point being distant 13.27 feet (measured along the north building line of Thirty-ninth street) from the center of the said north-bound track of the Allegheny Valley Railway; thence south 53° 52′ west 11.22 feet along the north building line of Thirty-ninth street to a point; thence north 12° 21′ east 575.62 feet to a point on the south building line of Fortieth street; thence north 53° 52′ west 13.9 feet to the place of beginning, containing 7,655 square feet: *Provided*, That the value of said property shall be fixed by a competent board of officers to be appointed by the Secretary of War, which value shall be paid into the Treasury of the United States before the occupation by said company of said strip: *And provided further*, That the stone boundary wall on the Allegheny River front of the Allegheny Arsenal, which must be removed to permit the desired extension of the railway, be replaced, or its equivalent, on the new boundary line: *And provided further*, That the said Allegheny Valley Railway Company shall construct for the use of the Government a siding about 777 feet long through the said arsenal property, said siding paralleling the said strip of ground hereinbefore described, all free of cost to the United States in addition to the price paid for the said property.

With the following amendments recommended by the committee:

Strike out all after the words "to wit," in line 8, page 1, down to and including the words "to wit," in line 10, page 1.

Insert, after the word "line," in line 1, page 3, the following: "all free of cost to the United States, and to be approved by the Secretary of War."

Insert, after the word "Government," in line 3, page 3, the following: "on the approval of the Secretary of War."

Strike out the word "seven," in line 3, page 3, and insert in lieu thereof the word "five."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, it was almost impossible to hear the bill read so that we could tell what was in it. I gather that it makes a contribution of the land at Pittsburg to this railway company.

Mr. DALZELL. I will explain it in a moment.

The SPEAKER. The gentleman from Pennsylvania will suspend a moment. The House will be in order, and gentlemen will take their seats and cease conversation.

Mr. RICHARDSON. I was about to ask whether this is the report of any committee.

Mr. DALZELL. The bill has been reported unanimously by the Committee on Military Affairs. It was introduced at the suggestion of the War Department. The Allegheny Valley Railroad Company occupies a strip of ground between the Allegheny Arsenal, in the city of Pittsburg, on the one side and the Allegheny River on the other. This is a proposition to sell to the Allegheny Valley Railroad Company an additional right of way over the arsenal property. The value of the property sold is to be appraised by a board appointed by the War Department, and the money is to be paid before occupation by the company is permitted. In addition to that the railroad company is to provide for the Government a siding extending throughout the entire length of the property. There is no cost involved to the Government; on the contrary, the Government is to receive the full value of the land parted with. As I said at the outstart, the bill originated in a suggestion from the War Department.

Mr. CANNON. If this right of way be obtained by the railway company, will there be left sufficient ground for all possible arsenal purposes hereafter?

Mr. DALZELL. There will remain probably 15 or 20 acres. The ground now proposed to be sold is a mere strip 12 feet wide taken off one end of the arsenal property.

Mr. RAY of New York. I wish to ask the gentleman from Pennsylvania [Mr. DALZELL] whether the right of way proposed to be given to this railway company divides the arsenal grounds into two portions?

Mr. DALZELL. Oh, no, not at all; it simply takes off a little strip.

Mr. RIDGELY. Reserving the right to object, I would like some further explanation. Is this to be an absolute grant by the Government without any power of recall or revocation hereafter?

Mr. DALZELL. I think so.

Mr. RIDGELY. Would the gentleman object to an amendment leaving to the Government the option of reclaiming this property at any time when it may desire to use it?

Mr. DALZELL. Why, sir, this is to be a purchase; the railway company pays the money, the amount paid to be fixed by a board appointed by the Secretary of War. It is to be a conveyance for a consideration.

Mr. RIDGELY. Has the measure received the approval of the Secretary of War?

Mr. DALZELL. Certainly. As I stated at the outstart, the bill was introduced at the instance of the War Department; it was prepared pursuant to a communication from the Secretary of War to the Speaker of the House of Representatives.

Mr. RIDGELY. How many acres will be disposed of in this way?

Mr. DALZELL. A strip of land 577 feet long by 12 feet wide—about one-sixth of an acre.

Mr. HULL. May I be allowed a word of explanation? This railroad company now has a right of way through these grounds. The first right of way was granted in 1853, and an additional strip in 1874. The Department states that the facilities there at present are not sufficient to enable the Government to promptly receive and discharge the freight that it receives or sends out at this arsenal.

Mr. RIDGELY. One other question. I understood the gentleman to say that "we pay for the land." Whom does the gentleman mean?

Mr. DALZELL. The railroad company pays.

Mr. RIDGELY. Does this bill reserve to the Government the use of this track? Is the track to be a switch, or a part of the main line of the road?

Mr. DALZELL. The company is to build for the Government an independent track through the entire length of this strip.

Mr. RIDGELY. And the Government is to have the independent use of that track for all time without charge?

Mr. DALZELL. Yes, sir; absolutely.

Mr. McCLEARY. From what has been said I understand that this is for the benefit of the Government rather than the railroad company.

Mr. DALZELL. The matter was so put by the Secretary of War in his communication.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to consider the bill.

The amendments reported by the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

ELECTION OF SENATORS.

Mr. CORLISS. Mr. Speaker, at the time that the Committee on the Election of President, Vice-President, and Representatives in Congress filed their report on House joint resolution No. 28 it was not understood by the chairman that some members of the committee desired to file a minority report. I now ask unanimous consent that such members of the committee as may desire to do so have until next Wednesday to file their dissenting views upon the joint resolution.

Mr. RICHARDSON. Let us hear the title of the resolution.

The Clerk read as follows:

Joint resolution proposing an amendment to the Constitution providing for the election of Senators of the United States.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] asks unanimous consent that members of the Committee on the Election of President, Vice-President, and Representatives in Congress be allowed until Wednesday next to file a minority report upon House resolution No. 28. Is there objection?

There was no objection; and leave was accordingly granted.

CUBA—CIVIL REPORTS OF MAJ. GEN. JOHN R. BROOKE.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution that I send to the desk.

The SPEAKER. The resolution will be read, subject to the right of objection.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 copies of so much of the civil report of Maj. Gen. John R. Brooke, military governor of the island of Cuba, made to the Adjutant-General of the United States Army, with accompanying papers and documents, as is in the English language, together with a prepared index, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department.

The Committee on Printing recommend the adoption of the following amendment: Strike out the word "report," in the third line of the resolution, and insert the word "reports."

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The amendment was considered and agreed to.

The resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 6372) fixing the salary of the postmaster at Washington City, D. C.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 198. An act to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886.

S. 2354. An act enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table, and referred to their appropriate committees as indicated below:

S. 198. An act to reimburse the State of Wyoming for money expended by the Territory of Wyoming in protecting and preserving the Yellowstone National Park during the years 1884, 1885, and 1886—to the Committee on Claims.

S. 2368. An act granting a pension to Mary A. Randall—to the Committee on Pensions.

S. 35. An act granting a pension to Louise Donath—to the Committee on Invalid Pensions.

S. 39. An act granting an increase of pension to Caroline V. English—to the Committee on Invalid Pensions.

S. 240. An act granting a pension to Nancy Ellen Bessom—to the Committee on Invalid Pensions.

S. 349. An act granting an increase of pension to James H. Coventon—to the Committee on Pensions.

S. 354. An act granting a pension to Vincent de Frietas—to the Committee on Pensions.

S. 1003. An act granting a pension to Julia M. Johnson—to the Committee on Invalid Pensions.

S. 1047. An act granting an increase of pension to John McGrath—to the Committee on Pensions.

S. 1059. An act granting a pension to Silas B. Hensley—to the Committee on Invalid Pensions.

S. 1068. An act granting a pension to Jennie A. Kerr—to the Committee on Pensions.

S. 1489. An act granting an increase of pension to Robert C. Rogers—to the Committee on Pensions.

S. 1533. An act granting a pension to David Carroll—to the Committee on Pensions.

S. 1713. An act granting an increase of pension to Alice S. Jordan—to the Committee on Invalid Pensions.

S. 1796. An act granting an increase of pension to Rebecca P. Quint—to the Committee on Invalid Pensions.

ADDITIONAL STENOGRAPHER FOR COMMITTEES.

Mr. JOY. Mr. Speaker, I desire to submit a privileged report and ask its present consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That an additional official stenographer to committees of the House is hereby authorized, who shall be appointed by and be under the direction of the Speaker, to be paid out of the contingent fund of the House at the rate of $5,000 per year until otherwise provided for.

Mr. BULL, from the Committee on Accounts, submitted the following report, to accompany resolution No. 114:

The Committee on Accounts, to whom was referred resolution No. 114, providing for the appointment by the Speaker of an additional official stenographer to committees of the House, to be paid out of the contingent fund of the House, at the rate of $5,000 per year, until otherwise provided for, have had the same under consideration and beg leave to report as follows:

At present two official stenographers to committees of the House are employed, at an annual salary of $5,000 each. They are required to report hearings before the regular and special committees, and to perform such other stenographic work as may be required by committees. During the present session of Congress the demand upon the two stenographers by committees has been greater than usual, and at many times so great that the calls could not be answered, necessitating the employment of outside help at large expense. On many days six committees required the services of two stenographers. These were the Committees on Appropriations and subcommittees, Naval Affairs, Post-Office and Post-Roads, Coinage, Weights, and Measures, Interstate and Foreign Commerce, and the Special Committee on the Roberts Case. It is becoming more and more the custom to report the proceedings of committees, as it has been found that the testimony then taken has proved of great value in subsequent proceedings, especially upon questions involving appropriations of money.

To meet the requirements of all committees demanding such service is a great physical and mental strain upon two stenographers, the proceedings being technical and informal, and the "takes," or the time each man is continually taking shorthand notes, being often five hours long without relief. To transcribe the notes requires additional labor and necessitates the stenographers to remain on duty until midnight in order to keep up with the work.

It is obvious to your committee that an additional stenographer is absolutely necessary. We therefore recommend the adoption of the accompanying resolution. The salary is fixed at the same rate now paid the regular force, $5,000, for the reason that we believe the character of the work to be performed calls for an expert stenographer.

Mr. JOY. Mr. Speaker, in reference to the resolution just read, I will say that this comes from the Committee on Accounts by unanimous report. Provision is made in the resolution for proper assistance and attendance on the committees of the House where testimony must be taken. At present it is impossible to provide for that with the limited force at the disposal of the House. This provides for the appointment of an additional stenographer for the committees, to be paid out of the contingent fund of the House.

Mr. RICHARDSON. But, if the gentleman will permit me, there is no limitation, as I understand the reading of the report, upon the length of the employment or how long he shall be paid for.

Mr. JOY. The matter is placed in the discretion of the House. He is to be paid out of the contingent fund of the House for this service.

Mr. RICHARDSON. Then it is contemplated that he shall be kept during the entire session of Congress?

Mr. JOY. Certainly.

Mr. RICHARDSON. Would that be necessary? The work may not last but for a very brief time.

Mr. JOY. The report, I will state to the gentleman, is unanimous. We have considered this matter very carefully and find it necessary to adopt the resolution as the committee has provided.

Mr. BARTLETT. I would like to say to the gentleman from Tennessee that the Committee on Accounts came to the conclusion, after very careful investigation of the matter, and of the work which was before the various committees of the House, after listening to members of the House as to the hearings before their various committees, that it was impossible to perform the duties with the existing force, and that an additional stenographer was absolutely required.

The stenographic force of the House as it now exists is not able, as we all are well aware, to comply with the demands of the various committees for assistance in their hearings from time to time. Of course, when these gentlemen are not employed in other committees they are available for the committees which desire to have hearings. But in a session of Congress, especially at the beginning, there is a great demand on their time and attention. They are employed almost without intermission, and the hearings embrace, as gentlemen must be aware, many great and important questions which are important in the legislation that Congress is expected to undertake. Both the majority and the minority of the committee, after an investigation of the matter, have concluded that this request is only a reasonable one and should be allowed; and it is only after a careful investigation in connection with the whole matter that we found it absolutely desirable and, in our judgment, necessary to give this additional help.

Representing the committee—or the minority of the committee, at least in part—I voted, after a full investigation, for the adoption of the resolution, and think it ought now to be passed.

Mr. HITT. I would like to ask the gentleman in charge of the bill a question. By what regulations are the stenographers now governed? Are they subject to the call of any chairman of a committee who desires to have testimony taken before the committee?

Mr. JOY. I will state to the gentleman from Illinois that if they are not otherwise engaged they are subject to the call of any committee that desires or needs their services. It is impossible, however, for them sometimes to attend to the demands of committees which really need their services.

These men are appointed by the Speaker and their duties are clearly fixed. They are always at hand when their services are needed, and the only trouble is that the committees—many in number—requiring their services can not secure them when they are often absolutely necessary.

Mr. HITT. By what regulation is that determined, and where is it to be found?

Mr. JOY. I do not think there is any law with reference to it. They are under the direction of the Speaker of the House. They are appointed by the Speaker and are ordered to appear before committees, when called upon by the chairmen of committees, to report hearings.

Mr. RICHARDSON. There is no law. You have to file your application and get them as best you can. That is the rule.

Mr. HITT. The employment of these officers, then, is limited to the three persons? They are not required to have anybody else to assist them, and when they are not called for their salaries run on?

Mr. JOY. The salaries run on.

Mr. HITT. Well, under the authority of the Speaker, these officers being salaried continuously, could there be an arrangement made by which the current work of committees could be attended to without a chairman having to go and procure a stenographer himself, as has been done repeatedly?

Mr. JOY. That has been done for the simple reason that it was impossible for the two committee stenographers to meet the requirements of the different committees. It has been the practice for many years to have two or more committee stenographers. There are only two now. They sit at a committee meeting and report the proceedings of the committee for perhaps three hours. They then have to write them all up and have the report ready for the next meeting of the committee. These stenographers are therefore busy night and day, and it is impossible after the shorthand notes are taken to get them transcribed into longhand for the use of the committee sometimes for a week or two after the hearing was had, and it has become——

Mr. HITT. I was simply calling attention to the singular inaptitude of the method proposed, of having a man salaried by the year to do a kind of work that comes now and then, with a glut perhaps for four days, but no provision made by which two or three persons, who are employed only a fourth of the time, could have an abundant force to dispose of that work as it arises

Mr. JOY. That would have to be done by a law and not by a resolution.

Mr. HITT. My question was whether there was any regulation or usage that determined that, so as to give a discretion to enable these men to have assistants to dispose of the work rapidly when it comes instead of being compelled to put in a $5,000 officer here, when we may not have this pressure for more than a week at a time.

Mr. STEELE. I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. JOY. I do.

Mr. STEELE. I would like to ask the chairman of the Committee on Foreign Affairs if he has ever made a call on the Speaker for an official stenographer or sent his clerk to the Speaker for an official stenographer when there was one not employed that he did not get him?

Mr. HITT. I can not say that that ever happened.

Mr. SHAFROTH. I should like to ask the gentleman a question.

Mr. HEPBURN. Will the gentleman yield to me for a moment?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Colorado?

Mr. JOY. I do.

Mr. SHAFROTH. I would like to ask whether or not the stenographer who will be employed will receive any additional compensation for transcribing the testimony that is taken before the committees?

Mr. JOY. Not at all.

Mr. SHAFROTH. That is all included in the $5,000 salary?

Mr. JOY. That is included in the salary of the stenographer.

Mr. SHAFROTH. He is not authorized to have his assistants paid out of the Treasury?

Mr. JOY. There is no provision for any assistants.

Mr. HEPBURN. Now I should like to ask a question.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. JOY. I do.

Mr. HEPBURN. I simply desire to make this inquiry of the gentleman: Would it not be better to provide for the employment of two stenographers at a per diem equal to that which you will pay to the officer proposed to be employed? I know there is very great difficulty in securing adequate service at these various committee hearings. I know that in my own committee we have had to wait, sometimes very impatiently, because we could not secure a stenographer to report the hearings. The quantity of the work is so great that the two who are now authorized are entirely unable to handle it. The gentleman must remember that in this Congress the demand upon the stenographers is very much greater than ever before. There are so many new questions that are receiving attention. There are so many witnesses whose testimony we desire to preserve that I do not believe three stenographers for the reporting of the committees alone will be able to meet the demand during this Congress.

Mr. BARTLETT. Do you mean three additional?

Mr. HEPBURN. No; I mean the two already employed with the one additional, and I was asking the gentleman if he would not prefer to have two stenographers instead of one, to be paid a per diem compensation.

Mr. BARTLETT. Will the gentleman from Missouri yield to me for a moment? I want to say in reply to the gentleman from Iowa that so far as I am concerned, I was guided in voting for this resolution by a desire to meet the demands of the great committees of the House, which are investigating questions which require the services of official stenographers, and I am perfectly willing, as far as I am individually concerned, to be guided by the reasonable wishes of those committees. And if the chairmen of these various committees believe that two stenographers at a per diem are necessary for the proper conduct of the business before those committees, in order to preserve a record of the hearings, I for one am perfectly willing to accede to that request and grant it to them.

Mr. HEPBURN. I did not desire to criticise the committee. I think their proposition is in the right direction, only I feared it was not enough. I know there is great difficulty in getting stenographers to report these committee hearings under the present arrangement.

Mr. JOY. I will answer what has been said by saying we have proceeded on the same lines that have always been followed in these matters. There is no law that provides for an additional stenographer. If a law is passed, it might be much better to provide for two additional stenographers during the session of Congress, at a per diem payment; but in order that all should stand upon the same basis, we provided for this additional one to be appointed and paid in the same way and the same salary that the others are paid, to meet the demands of the committees as represented to us by their chairmen.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

S. D. NEWCOMB.

Mr. JOY. I also present another resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and is hereby, directed to pay S. D. Newcomb, the document and bill clerk of the House, as authorized by resolution No. 141, passed March 3, 1899, his salary as such, from the contingent fund of the House, from the 1st day of July, 1899, and until said salary is provided for in the annual legislative, executive, and judicial appropriation bill.

Mr. JOY. Mr. Speaker, I desire to say that this is the same person who has heretofore been employed. His assistance is absolutely necessary, and it is hoped that he will be provided for in the general bill by the proper committee, so that he may always hold that position, or some one may always hold that position. The resolution as introduced provided that he should be provided for from July, but we have amended that so as to be from the 1st of November.

Mr. HULL. Mr. Speaker, I understand that the Committee on Accounts had several resolutions referred to it at the beginning of this session for extra clerks to committees. I want to say that the Committee on Military Affairs has had to employ an extra clerk, as has been done for the past twenty years, and so far in this session the chairman of the committee has had to bear that expense. I would like to ask the chairman of the Committee on Accounts if it is intended to give to those committees really needing it the extra force or not? For, if not, I want to relieve the chairman of the Committee on Military Affairs from any further liability for the service of that committee to meet the demands of the members of the House. It will not be long until the House will demand the employment of an extra clerk.

Mr. JOY. I will state, in answer to the gentleman, that the question that he has brought up has received a great deal of consideration in the Committee on Accounts. I believe, speaking for myself and nobody else, that the committee are disposed to grant to every committee such additional clerical force as that committee may need, and no more. The question of discriminating and differentiating between the needs of the committees has been a very difficult one of solution, and the committee has not yet solved it. The chairman of the committee is not present. I am satisfied that the committee, in a very few days or within the next week, will make a report by which the committees will be properly provided with such clerical force as they need.

Mr. BARTLETT. In answer to the gentleman from Iowa, I desire to say that the committee, without divulging anything that ought not to be divulged, has prepared a report to pass a resolution providing for additional clerks. I do not know whether the gentleman is informed about it or not. I will not indicate, but yet I think we are going to provide amply for the committee of the gentleman from Iowa and others that require assistance.

Mr. HULL. Mr. Speaker, just one word more. By consent of the gentleman from Missouri, I want to say to the House that out of the first 6,000 bills introduced this session the Committee on Military Affairs had 1,460 of them; and in addition to the large number of these bills that require a great deal of attention we have the appropriation bills. There is an average of twenty to thirty people in the committee room every day asking the status of these bills. And with all that work we have only one clerk. I do not make any reflection upon other committees that have additional help, because I have no doubt they need it. The Committee on Invalid Pensions has two annual clerks and a clerk detailed from the Bureau, and I think they need them.

Mr. BARTLETT. And they are asking another, in the shape of a stenographer.

Mr. HULL. I am not criticising what is given to other committees, but it is absolutely impossible for the Committee on Military Affairs to serve this House unless they have an additional clerk.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BARTLETT. I want to say this about that.

Mr. JOY. I submit, Mr. Speaker, all this discussion is not germane to the resolution before the House.

The SPEAKER. Does the gentleman from Missouri yield to his colleague from Georgia?

Mr. JOY. I think we had better stop the discussion.

Mr. BARTLETT. I will save what I was about to say for another time.

The SPEAKER. The question is on agreeing to the amend ment.

The amendment was agreed to.

The resolution as amended was adopted.

A. J. MAXHAM.

Mr. JOY. Mr. Speaker, there is one other resolution from the committee on which it desires to make an adverse report.

The Clerk read as follows:

Resolution No. 86.

Resolved, That A. J. Maxham, of Vermont, be appointed as special messenger to serve in and about the House, under the direction of the Doorkeeper,

at a salary of $1,200 per annum, to be paid out of the contingent fund until otherwise provided for.

Mr. JOY. That is adversely reported by the committee.

The SPEAKER. The question is on agreeing to the report.

The report of the Committee on Accounts was agreed to.

REPORT OF COMMISSION ON AFFAIRS IN PHILIPPINE ISLANDS.

The SPEAKER laid before the House the following message of the President; which was read, and referred to the Committee on Insular Affairs. The message was ordered to be printed, the report being already in print:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report of a commission appointed by me on January 20, 1900, to investigate affairs in the Philippine Islands.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 2, 1900.*

CHANGE OF REFERENCE.

The SPEAKER announced the following change of reference: The bill (S. 6) for the relief of James H. Latham, erroneously referred to the Committee on Invalid Pensions, was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CONNELL, for ten days, on account of important business.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. MOODY of Massachusetts in the chair) for the further consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. LITTLE. Mr. Chairman, I desire to submit a request that the gentleman from Georgia [Mr. BARTLETT], who was unable to be present yesterday afternoon, be allowed to proceed as in general debate for fifteen minutes. The time had been allotted to him and was not consumed by any other gentleman, and he was unable to be present.

The CHAIRMAN. The gentleman from Arkansas requests unanimous consent that the gentleman from Georgia [Mr. BARTLETT] be allowed to proceed as in general debate for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

[Mr. BARTLETT addressed the House. See Appendix.]

Mr. CANNON. Mr. Chairman, I have listened to the gentleman from Georgia to-day, touching the subject of lynching, and I listened to his colleague, another gentleman from Georgia, yesterday upon the same subject, and various gentlemen upon that side of the House. I want to say that, coming from Illinois, as I do, I admit that there have been in recent times a number of lynchings. There have been one or two in the last three or four years. Among others, one in the county in which I reside, the only one since its organization, seventy years ago. Now, when I say that, I want to say that no lynching has happened in Illinois that I do not exceedingly regret, and generally when the blood cools in the locality where the lynching takes place, our people regret it and reprobate it. And I trust the same thing is true in the State of Georgia.

Mr. BARTLETT. Certainly it is.

A MEMBER. And all over the South.

Mr. CANNON. My friend says, "All over the South."

The gentleman gave two instances in the State of Georgia. His colleague yesterday gave one instance. The bare recital of those incidents made the blood of every member who heard it hot with indignation.

Sir, I understand that in the State of Georgia and in most of the Southern States that infamous crime, rape, is punishable, upon conviction, by the infliction of the death penalty.

Mr. BARTLETT. In the discretion of the jury.

Mr. CANNON. Now, I believe that in every State of the South, as well as every State of the North, it is quite practicable to get a jury of honest, intelligent people who will give to the accused the benefit of a fair trial, with the privilege of being confronted with the witnesses against him; and while we can not expect, perhaps, in an extreme case that human nature can always forbear to go outside of the law, yet it would be far better if human nature could forbear until the party accused could be brought to the bar of the court and if guilty convicted and if innocent acquitted.

Mr. BARTLETT. Right on that line the gentleman will allow me to say that in my State, in the district represented by Judge MADDOX and the one represented by my colleague, Mr. BRADLEY, and in numbers of other districts in that State, the people have recently shown a disposition when not worked upon by unjust denunciation to assert the majesty of the law and give these people accused of crime a regular trial.

Mr. CANNON. Oh, I believe that the people of the State of Georgia have the capacity, if they will, to enforce the law——

Mr. BARTLETT. We are doing it.

Mr. CANNON. And secure to the humblest citizen a fair trial, whatever bad things people may say about them beyond the boundaries of the State.

Now, Mr. Chairman, I would not have said one word but that it seemed to me that the tenor of the remarks of some gentlemen perhaps—I will say I do not believe they were meant in that way—looked toward a justification of lynchings. I have no justification of the violation of law by one individual or by many individuals, and it is necessary that the tone of society should be this way throughout the country if our civilization is to be maintained.

Mr. GRIGGS. Will the gentleman permit me?

Mr. CANNON. In one moment. Let me say before I sit down there have been lynchings in my own State. I have in my mind now a case which happened in an adjacent county to the one in which I reside, where within the last ten years an outcry was raised against a helpless negro, and in the excitement of that outcry he was taken from the jail in hot blood by white citizens of Illinois and hanged. And the fact was developed afterwards that he was guiltless of the accusation against him. What reparation can there be in cases like this, where innocent men, without trial, without conviction, without hearing, are in hot blood put under the sod?

I am not now seeking to say that the State which I have the honor to represent in part is without fault or to throw stones at others. But I do feel it my duty at this moment to say that all lynchings are unfortunate and that in my judgment nothing ought to be said by myself or anybody else in this National House of Representatives that would be otherwise received by the country than in reprobation of the violation of law, whether by one man or by many. [Loud applause.]

I will now yield to my friend on the other side.

Mr. BARTLETT. I wish to say to my friend——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. SHERMAN. I hope the Committee of the Whole will excuse me if I call them back to a consideration of the subject we are supposed to have before us. I do not wish the country to suppose, because so much time has been devoted here to a discussion of certain crimes, that they are crimes to which the Indians resort. The Indians do not resort to the crime of rape or to crimes against the elective franchise.

Mr. Chairman, yesterday, under the head of "Treaties," we passed over informally a provision on page 10 to which the gentleman from Illinois [Mr. CANNON] raised objection and for which he asserted there was no treaty provision. I have ascertained, Mr. Chairman, that there is a treaty provision, as I had supposed, but the exact place where it was to be found escaped my memory for the time—a treaty provision for these two items which were passed over by unanimous consent yesterday.

I find by consulting the RECORD of one year ago that the gentleman and I at that time had some discussion, when the Indian appropriation bill was under consideration, in reference to these two items and that his construction and mine differed, the result of the difference being that finally we permitted these items to go out last year. I believe that the gentleman is in error in his construction of the treaty, which is that after a period of thirty years from 1868 (which has now elapsed) there is no longer any obligation on the part of the Government in this matter. But in order that there may be no possibility of error in this respect, I am willing that these two items should go out of the bill for the present. I will then call upon the law officer of the Interior Department for his opinion as to the right of these Indians under the sections of the treaty to which I will call attention; and if his opinion is in accord with that of the gentleman from Illinois, we will drop the subject. If not in accord with his opinion, but rather in accord with mine, I will ask the committee in the Senate to reinsert the item. I will now ask, therefore, Mr. Chairman, that on page 10, lines 16 to 23, inclusive, be stricken out.

The CHAIRMAN. The Clerk will read the paragraph which is proposed to be stricken out.

The Clerk read as follows:

APACHES, KIOWAS, AND COMANCHES.

For pay of employees, as provided by treaty of October 21, 1867, $6,000.

CHEYENNES AND ARAPAHOES.

For pay of employees, as provided in treaty of October 28, 1867, $6,000.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from New York [Mr. SHERMAN].

The amendment was agreed to.

Mr. SHERMAN. I think we read to line 4 on page 36 last evening, Mr. Chairman.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Indian Territory: For general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, $13,280.

Mr. CANNON. I want to ask the chairman of the Committee on Indian Affairs a question. This is a provision for a clerical force, I suspect, for the inspector's office in the Indian Territory, is it not?

Mr. SHERMAN. No; this is not for clerical help. It is for the general incidental expenses of the agents there—that is, traveling expenses in going from one place to another, and in employing in and about the agency such help as is needed, and very often provided for specifically in this and other appropriation bills.

Mr. CANNON. And I suppose it grows out of the anomalous condition in the Indian Territory.

Mr. SHERMAN. No; the same condition exists in almost all States.

Mr. CANNON. And yet there is no special appropriation for this Indian service elsewhere like under this, is there?

Mr. SHERMAN. Yes; all these items under incidental expenses are alike.

Mr. CANNON. Yes; but is there another instance——

Mr. BROSIUS. Montana is just the same.

Mr. SHERMAN. They are all the same.

Mr. CANNON. I see the gentleman is correct, but this is for $13,000.

Mr. SHERMAN. This is larger, of course, because it is a larger Territory than any particular Indian reservation, and because there are more Indians in the Indian Territory by three times, I think, than are found in any single State, not to say on any single reservation.

Mr. CANNON. There are no agents, I believe, for the Five Civilized Tribes.

Mr. SHERMAN. There is one agent at the Union Agency; but there are other Indians in the Indian Territory not included in the Five Civilized Tribes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries of four commissioners, appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $20,000: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and $3 per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, $276,000; for contingent expenses of the commission, $4,000; in all, $300,000.

Mr. BURKE of Texas. I should like to ask the gentleman from New York in charge of this bill how much was the appropriation made last year under this head?

Mr. SHERMAN. One hundred and twenty-three thousand dollars.

Mr. BURKE of Texas. I should like to ask the gentleman what is the necessity of increasing it about 150 per cent?

Mr. SHERMAN. If the gentleman will send to the document room and get Document No. 220 of this Congress, he will find the estimate supplemental to the original estimate sent us through the Treasury Department, calling for an appropriation of $641,000.

Mr. BURKE of Texas. I should not be surprised at the extent of any appropriation that commission calls for, so far as that is concerned.

Mr. SHERMAN. Well, I should be greatly surprised if that commission called for any appropriation that was not entirely proper.

Mr. BURKE of Texas. I want to say, Mr. Chairman, if I remember correctly, this commission was appointed about seven years ago.

Mr. SHERMAN. No; ten years ago.

Mr. BURKE of Texas. The law was passed, I think, in October, 1893.

Mr. SHERMAN. I think the first act was a little earlier than that. I am not sure.

Mr. BURKE of Texas. Well, it may be that it was a little earlier. It has been about seven years since that commission have been at work on the duties assigned to them; and what are those duties, Mr. Chairman? What duties have devolved upon this commission since their appointment seven years ago? To take the enumeration of the Five Civilized Tribes of the Indian Territory preparatory to an allotment of land as soon as that enumeration can be taken. I state to the committee this evening that from the best information I have—and I believe it is correct—the population of the Five Civilized Tribes to-day amounts to about 85,000 people, and, as a mathematical proposition, I should like to submit to the chairman of this committee and to the Committee of the Whole, if it takes these gentlemen, four in number, seven years to fix the status of 85,000 people—and they are not yet through with it—if the same course was pursued with reference to the census of the United States, that census would not be taken in one hundred and fifty years.

I see that this commission have also duties devolving upon them in the way of establishing possible town sites. These four gentlemen, with their traveling paraphernalia, drawing a salary of $5,000 a year each from the public Treasury of this country, traveling over a circumscribed area to take the census of 85,000 people, have been engaged in that service about seven years, and yet this House is confronted with the suggestion and the proposition coming from that committee that we shall increase the appropriation heretofore made to that department about 150 per cent.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. BURKE of Texas. Yes.

Mr. CLARK of Missouri. I do not care much about the bill, but is it not a large part of the duties of that commission, in addition to making the enumeration, to find out who are entitled to have a part of that property down there, depending on questions of heirship, and all that?

Mr. BURKE of Texas. On the question, as I understand it, of Indianship instead of heirship.

Mr. CLARK of Missouri. Well, it means the same thing in the end.

Mr. BURKE of Texas. Yes; I concede that that is a part of their duty, and in making that concession, Mr. Chairman, I submit to this House whether it should not be an object of censure that a commission of four men should consume seven years' time in determining the status of 85,000 Indians? And in that connection I submit this further suggestion, whether or not this House ought to yield every point toward increasing the cost of this commission, with their traveling paraphernalia.

[Here the hammer fell.]

Mr. LACEY. The suggestion made by the gentleman from Texas [Mr. BURKE] would be a very natural one if it came from some other locality, some distant State unassociated and unfamiliar with the Indian Territory; but as my friend lives so near there——

Mr. BURKE of Texas. Let me answer that. It comes from "the gentleman from Texas" because I am close by, and I know and have heard enough to satisfy me that there ought to be a remedy somewhere for this thing.

Mr. LACEY. The gentleman then pleads guilty to a situation in which he ought to have knowledge of the affairs of the Indian Territory, and my friend from Texas is always so fair and candid that I am surprised at his attack upon the Dawes Commission.

I want to say in behalf of that commission that no more complex situation ever confronted any body of men in this world than the problem that was laid upon them by the original act creating the commission and the subsequent acts passed from time to time enlarging their powers and imposing upon them additional duties. It was my duty as a member of the joint committee of the House and Senate to help frame what is now known as the Curtis Act. We ran up against almost every conceivable proposition of law.

We found people there who claimed to be members of Indian tribes by marriage, by inheritance, by affinity in the most remote degree. They sought access to tribes, the richest almost in the world, tribes owning large areas of land, tribes which had rights to money deposited in the Treasury, and many white men, some of them even from Texas, were willing to forego the claim of being Texans and to call themselves Choctaw or Cherokee Indians, or anything else, in order to become entitled to the benefit of the rights to which those tribes were entitled.

Now, all these questions had to be solved in some way. When we commenced to draw the Curtis law an effort was made to respect all rights that had theretofore been granted by acts of Congress and all the various rights that had arisen growing out of the peculiar legislation of the Territorial legislatures of the tribes themselves. Also an effort was made to recognize the judicial decisions which have attempted to construe these multiplying and remarkable rights.

Now, the Dawes Commission has grown beyond its original scope. It has become a dignified commission, having the right to settle questions among these Indians in a Territory nearly two-thirds as large as the State of Indiana, and equally as rich and fertile. From 300,000 to 500,000 white people have moved in there. Railroads have crossed the country; town sites have been laid out; and the supreme court of Texas, great court as it is, in that Commonwealth in which it is situated, has had no more difficult problems confronting it in the last five years than the Dawes Commission has been compelled to meet and decide.

That board has been bringing the tribes together, and has been

negotiating treaties with those tribes that have been rejected by Congress and then sent back again, remodeled, and afterwards accepted. That commission has been headed by a man whose name is a household word among the Indians. It is known as the "Dawes Commission." The Indians know that there is no more able friend of their race and no more fair and just man can be selected for the purpose of deciding those matters between them than this honorable gentleman, Hon. Henry L. Dawes, who heads that commission, and whose name is attached to that commission.

Mr. BURKE of Texas. I have not the pleasure of a personal acquaintance with the gentleman at all, and doubtless he comes up to the whole measure that the gentleman has stated; but can he tell me how long it is since the chairman of that commission was in the Indian Territory?

Mr. LACEY. I will state——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Texas. I ask that the gentleman's time may be extended five minutes.

Mr. LACEY. I hope my time may be extended. I think this is a question the House ought to understand. It is perhaps the most living question embraced in the Indian bill.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Now I yield to the gentleman for his question.

Mr. BURKE of Texas. I wish to state to the gentleman from Iowa I am informed by a reputable lawyer in the Indian Territory, whose name I can give if necessary, that the chairman of that commission has not seen the Indian Territory in over three years.

Mr. LACEY. No doubt of it, sir. Mr. Chairman, Mr. Dawes, the head of that commission, and whose name attaches to it, is known as a tower of strength to that commission in all that Territory. He is one of that commission, and they confer with him. They meet with him. He appeared with them before the Indian Committee. He was present when the Curtis Act was framed, and he has been giving that commission the benefit of his wise counsel and influence all these years. He has become an old man. I suppose he is near 80 years of age.

A MEMBER. Upward.

Mr. LACEY. He is a man that that commission can very illy spare, and his name is still attached to it; but the detail work, the work in the field—the appraisements, the allotments, and the making of these rolls—has been deputed to younger and more vigorous men; but it would be a very grave loss to the commission to be deprived of the wise counsel of Henry L. Dawes, the chairman of the commission. It is true, as my friend says, he is not connected with the field work or the active work of making these various allotments and attending to the details of the duties of that commission out in the wild West where these tribes are located.

Now, Mr. Chairman, more progress has been made in the adjustment of these Indian matters in the last four years than in any previous twenty-five years. That is the unanimous report from everybody along the line so far as I know. Ask the gentlemen upon the Indian Committee whose districts immediately adjoin the Indian Territory, and ask others living out there, and who indirectly represent in a certain sense the Territory in which this commission is operating; and so far as I know the report from them has been of the most gratifying character.

I am satisfied if my friend from Texas would give the same close and careful examination to the question that those gentlemen have done—the gentleman from Arkansas [Mr. LITTLE], the gentleman from Missouri [Mr. BENTON]—formerly on the committee, who live adjoining the Territory, he would see that this commission is doing better work than has ever been done in the settlement of the Indian question. Now, the request is made for more money to expedite this work, the idea being to close this work out at the earliest possible moment, and the committee cut the estimate in two as made by the Dawes Commission.

Mr. CLARK of Missouri. I would like to inquire, if you have any information on the subject, about how long will it be before they get through with this work?

Mr. CURTIS. In four years.

Mr. LACEY. I think it will take longer.

Mr. CLARK of Missouri. I ask that question because we want to take that Territory in as a State.

Mr. LACEY. I know that it is said that it can be done in four years, but they have a very difficult problem there, and, personally, I only give my own view. While the committee think it can be done in four years, I think it will take longer. New difficulties are always arising; new questions arising constantly; and this Dawes Commission, in my judgment, will ultimately be the nucleus of a general government of that Territory, and instead of the commission going out in four years its power will rather be enlarged instead of doing away with the commission itself. It is a wise expenditure of public money in this place, because they are men in whom the Indians have confidence in negotiating and settling up complex questions arising between the different Indian tribes and the white settlers there, and the various claims to Indian citizenship.

Mr. FLYNN. Mr. Chairman, this one fact must be borne in mind, that, as the gentleman from Texas states, they have been in existence a number of years. At the time the commission was created it was composed of five members, and for whom Congress appropriated $5,000 each for salary. They came back repeatedly, year after year, to Congress with the report that the jurisdiction conferred upon them by Congress was not acceptable to the Indians, and year after year Congress sent them back again to see whether or not it was not possible to make agreements with them.

That state of facts existed until two years ago. So that when the statement is made that this commission has existed six or eight years, and that if it takes them that length of time to go ahead and do what small amount of work they have done, how long will it take them to finish it, I am here to say that the commission during the past two years has done more work than they previously accomplished in six years. Why? Simply because when the Indians realized that Congress was in earnest and passed the so-called Curtis Act, the Choctaws and the Chickasaws at once made treaties with this commission. The Creeks and Cherokees made treaties also. Congress ratified the Choctaw and Chickasaw agreement, but did not ratify the Cherokee and the Creek.

I live adjoining where this commission works. If the wish of many members of this House eventually becomes a law, this Indian Territory, over which this commission now exercises its function, will become a part of the State of Oklahoma. I have made personal visits there, and I am here to say now that there was no commission ever created that accomplished as much for the amount of money appropriated as this commission has during the past two years.

Now, another thing that was brought out before the Committee on Indian Affairs. The statement has been made broadcast that all the commission desired was to have their job last so that they can draw their salaries. What are the facts? The recommendation to your Committee on Indian Affairs provided that the appropriation for this year should be $640,000. I asked the commission whether or not that amount could be handled judiciously. I said that I had heard that all that they desired was to continue their places. The original item was $170,000.

The Secretary, after consultation, said that they requested an appropriation of $640,000, but the committee, after going into the facts, decided that an appropriation of $300,000 would doubtless give this commission sufficient funds to put additional corps of surveyors and allotting agents in the field, and so the work could be advanced so much more rapidly.

I am familiar with the situation down there, and God knows I want it to terminate as quickly as possible, but you must realize that you can not measure the amount of work that is to be done by the work that has been done by the commission for the past six years, for the simple reason that Congress was insisting that they should make an agreement with the tribes, and the tribes refused to make agreements.

I was at Muscogee last summer when the commission, acting under the Curtis Act—they did not have a treaty with the Creeks, because Congress refused to ratify it—acting under the Curtis law, opened the land office at the town of Muscogee. I have been at all the booms and rushes that have taken place in the Territory of Oklahoma, but I am here to say that the rush of Indians to this land office opened at Muscogee has never been paralleled in the history of the West.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURKE of Texas. I ask that the gentleman have five minutes longer.

There was no objection.

Mr. FLYNN. I was there, I say, when that land office was opened. The Indians have finally come to realize that Congress is in earnest and does not longer intend to allow the existing condition that has prevailed for the last fifty years to continue in the Indian Territory.

Mr. RIDGELY. Will the gentleman allow me an interruption?

Mr. FLYNN. Yes.

Mr. RIDGELY. How long do you think, or in the opinion of the committee, it will take for this commission to do its work?

Mr. FLYNN. Well, the commission testified that if they received the $170,000, it would take them about five years. Then the question was asked them if they got the $640,000 how long it would take them, and, if I recollect correctly, it was stated two or three years.

Mr. SHERMAN. Two years. I have the statement before me.

Mr. FLYNN. Two years. Now, the Committee on Indian Affairs reported with an enlargement of the old appropriation, meeting the desires of the commission halfway, and at the same time allowing an advancement of the work, so that when the commission reports next to Congress they will have concluded not only the making of the rolls, not only the resurvey—and here let me

inform the House that the geological survey made in that Territory was not a land-office survey made as we have it in other States. In the States, when a survey is made, the quarter-section lines are all marked out, but in the Indian Territory they are not so marked out, and they found it absolutely necessary to have additional surveys made, if I remember correctly, of about two-thirds of that entire area.

Gentlemen must also remember that up to the time the treaties were made between this commission and the Indians the Indian Territory comprised five independent municipalities, each of which acknowledged allegiance to no man and no power outside themselves. Congress granted them the fee to the land and guaranteed that they should remain forever uninterrupted in their locations, in their customs, laws, and usages not inconsistent with the Constitution. So that when this commission was created it was necessary for it to deal individually and separately with each one of these five tribes.

Each of them had its own constitution and set of laws, its own supreme court, its own house of commons and lords. There was nothing in common between them except an agreement as to citizenship. In other words, the Creeks would have one kind of law, the Cherokees another, the Seminoles another, the Choctaws another, and the Chickasaws another. This commission in dealing with those Indians has had as complex questions to solve as the Supreme Court of the United States was ever called upon to pass on. They are an exemplary body and are doing good work.

[Here the hammer fell.]

Mr. STOKES. I would like to put a question to the chairman of the committee. In line 21 of this section I find it provided that—

The number of such commissioners is hereby fixed at four.

I notice also that in the first line there is provision for the salaries of four commissioners under acts of Congress approved March 3, 1893, and March 2, 1895.

Mr. SHERMAN. The commission originally consisted of five members; a couple of years ago we cut down the number to four.

Mr. CANNON. Mr. Chairman, I want to occupy just a moment in calling attention to what I understand to be the condition of things in the Indian Territory, for the purpose of suggesting to the committee whether it would not be wise to increase this appropriation to six hundred and some odd thousand dollars, according to the estimate, so that this work may be completed in from two to three years—three years, I think, was the statement of the gentleman in charge of the bill—instead of allowing it to drag along for five or six years. Of course I shall not myself make any such motion, because I have not given the matter such close investigation as would authorize me to do so. But my object at this time is to draw the attention of the committee to this matter and ascertain whether in their judgment it would not be wise to increase this appropriation to the amount of the estimate.

As I understand, there could not be a worse condition of affairs than now exists in the Indian Territory. It is patent that we are after a while to solve the problem in the Indian Territory so that we shall have local self-government there, so that the people may administer justice in that Territory and pay for it, so that the people there may be educated and may pay for it. As I understand, there is nowhere under the sun a better agricultural country, with a larger proportion of mineral wealth, than there is in that Territory. But, as I understand, nowhere is there a condition of things coming nearer to "organized hell" than there is in that Territory.

A little farther on in the bill is a provision on which I hope a point of order will be made—a provision appropriating $75,000 out of the Federal Treasury for the education of children other than Indian children. If we enter upon an expenditure of that kind, it will grow and grow and grow. The people will be demoralized, and in one sense pauperized; for whatever may be the case with the Indians, you can not take white people and feed them without cost to themselves and educate them without cost to themselves without creating an effort on their part to perpetuate that condition. And thereby the manhood of such people is demoralized. So that I again ask the committee in charge of this bill whether it would not be best to appropriate the full amount of the estimate and let this work be brought to the most speedy conclusion possible.

Mr. LITTLE. Mr. Chairman, as I have been closely connected with this work since my membership in Congress, I feel as if it were due to my distinguished friend from Texas and to the House that I make a statement of the condition of things there as I understand them.

The commission after its organization and until June, 1898, had no power except the power of negotiation. It had no power to take a census, no power to enroll the citizens, no power to make allotments. The sole function of the commission was simply to secure treaty stipulations or agreements between the United States and those tribes, looking to the opening of their country and the breaking up of their tribal relations.

The act of June, 1898, known as the Curtis law, provided that this commission, after its membership had been reduced to four, should make a roll of the citizens. That involved an amount of labor which no man unfamiliar with the condition of things out there can appreciate. They at once set about their work, and in the first ninety days 7,000 applications were made that were contested by the tribe. Every case required a careful judicial investigation and a hearing of much testimony. The work involved in that one duty can scarcely be conceived. Appeals from the decisions of the commission to the Federal courts were afterwards allowed. Since that time the commissioners have, day in and day out, been bombarded with other applications of those claiming citizenship.

The truth of the business is that this commission in the discharge of this duty are called upon to decide greater interests and more delicate interests than any commission that I have known of in the history of the country, at least so far as these people are concerned.

Mr. BURKE of Texas. Will my friend answer a question?

Mr. LITTLE. Why, certainly.

Mr. BURKE of Texas. Do you not believe that it is better for the Indians and better for this country that this work should be expeditiously done?

Mr. LITTLE. Oh, God bless you, yes.

Mr. BURKE of Texas. Then why not yield to the suggestion of the gentleman from Illinois [Mr. CANNON] and get this work done?

Mr. LITTLE. Just wait until I get through and you will think I will.

Mr. BURKE of Texas. All right; that is what I want to see done.

Mr. LITTLE. But the statements made by the gentleman from Texas [Mr. BURKE] have led me to make this statement, because the gentlemen who compose this commission I know want the Congress and the country to understand what they have done and are doing.

Now, as I started to say a moment ago, the enrollment of this citizenship involves millions and millions of dollars to those who are claiming it, as well as to the tribes. Every human being admitted to these rolls adds one more to share in the division of the land, and each share in some tribes is estimated to be worth at least $5,000 per head, some of them being entitled to from six to seven or eight hundred acres of land; others not so much. It is a bid and a great temptation for people to attempt to procure citizenship in the tribe.

In addition to that roll they are required to make certain rolls of colored people, freedmen and their descendants. Without any basis, practically, they must go back to the treaty of 1866. It has involved a vast amount of time in the hearing of testimony and the examination of the rolls, and the labor involved can scarcely be appreciated.

And I want to say now that so far as my knowledge has gone—and I think I know a good deal about the situation—I never have known a commission or any Government employees who did more work or, in my opinion, more faithful work than this commission has done since it was given the power under the act of 1898. There is no sort of question about it, and they ought to be continued. Not only ought they be continued, but in my opinion every dollar that is necessary to enable them speedily and as soon as possible to complete this work and straighten out the conditions in the Indian Territory, ought to be given them without stint and without delay.

Why, sir, do you know that as things are now in that country scarcely anyone knows where his home is? No noncitizen has any right to the lands outside of the towns, and in this condition of uncertainty there are more than 400,000 people without any government save that which they get through the judiciary of that country, without any free schools for the people, with no educational opportunities for the noncitizen element, including the whites, negroes, and others not citizens of these particular tribes, except in some of the larger towns.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. I ask that the gentleman's time be extended ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that the time of the gentleman from Arkansas be extended ten minutes. Is there objection?

There was no objection.

Mr. LITTLE. I thank the House. I shall hardly want to use that much time. This is the condition that is confronting us before anything can be done, as is well suggested by my friend Mr. CANNON. Before any definite plan can be adopted these rolls of citizenship must be settled, these lands must be appraised and allotted to their respective owners. Then the country will be ready for some form of government, whatever the Congress may deem wise to determine, and I do not believe they will make it in accordance with the views expressed by the gentleman from Oklahoma [Mr. FLYNN]. I hope it may never become a part of Oklahoma.

But let that go. Now, what is ahead of the commission is the appraisement of the lands. It is not like an ordinary allotment of Indian lands on the reservations of the West. These lands are to be allotted according to their quality, quantity, and value, necessitating the appraisement of every foot of land in that Territory, involving, I believe, some 36,000 square miles, with houses and improvements, and with railroads running through it, and a great diversity in values of the land. But it is hoped that if the amount of money that was estimated by the Secretary of the Treasury was given to this commission the fundamental part of this work could be completed in two years, and I believe it can be. Yes, probably it may be completed in less time. The completion of the roll and the allotment of the land, I think, can be completed in less time. Other matters may involve the time of this commission for a year or two, possibly longer than that, or whatever power has the disposition of them.

But I agree distinctly with the distinguished gentleman from Illinois [Mr. CANNON] and the distinguished gentleman from Texas [Mr. BURKE] that the money needed by this commission, every dollar that is legitimately and properly spent to complete this work, ought to be appropriated, and my view is that the amount carried in this bill ought to be more than it is. I finally consented to the amount carried in the bill, but I believe it would be wise to increase it at least a hundred thousand dollars, if not to give the entire amount. I feel quite satisfied that an increase of the amount by $100,000 would greatly facilitate the completion of the work of the commission in that Territory. It will be wise economy to push this work to an early conclusion, and it will be a great saving to the Government and a blessing to the people of that country.

Mr. SHERMAN. Mr. Chairman, just a word in reference to the commission. I think the gentleman from Iowa [Mr. LACEY] alluded to it briefly. This is not a commission which is desirous of continuing its work in office or in power. Senator Dawes has more than once asked to be relieved from further service upon this commission, and has been kept there only at the urgent solicitation of various Secretaries in power, by the earnest solicitation of men in and out of public life who are familiar with the conditions in the Indian Territory, who are familiar with the power that Mr. Dawes's name has with those Indians, and in compliance with the urgent request of these gentlemen and of the President Mr. Dawes has remained on the commission, and has given to it the full benefit of his plenitude of wisdom. Of course, he has not been at all times in the Indian Territory. His age and his infirmities will not permit it. But he has given his time to the work of the commission. He has had no other business to occupy his time, as I understand it.

The commission is not a partisan commission. One of the members, Judge McKinnon, of Arkansas, is a Democrat, and were it not for the very high opinion I have of the character of my friend from Arkansas [Mr. LITTLE] I would say that no finer man lives in the State of Arkansas than Judge McKinnon. It is a nonpartisan commission. Judge McKinnon and Mr. Needles and Mr. Bixby are in the Indian Territory all the time, except the few weeks when they are here in Washington in consultation with the committees of the two branches of Congress and with the Secretary. They have done most efficient and most energetic service down there.

Now, in reference to this appropriation, as to whether it shall be $300,000 or a greater sum, the estimate calls for $641,000. It is the desire of the Indian Committee, as I believe it is the desire of every committee in this House having charge of appropriations, to keep these appropriations down to the very smallest amount possible compatible with what is for the best interest of the Government and of the service, and we hoped that we might find it possible to appropriate a less sum than that called for by the estimates submitted. We asked the commission to come before us, and Mr. Bixby, the member of the commission most familiar with the details, was heard at length, as was also Senator Dawes, in reference to other matters.

I will read the following from the hearing before the committee:

Mr. CURTIS. What is your judgment about how long will it take to complete this work, if we make the appropriation as originally asked for by you, $171,000?

Mr. BIXBY. I think it would take in the neighborhood of four or five years. That is my judgment.

Mr. FLYNN. But do you think you could do it all if you got your $640,000 in a year?

Mr. BIXBY. No, sir. In about two years we could do all the appraising and all the surveying. We can not fix the date of closing the work until we can get Congress to fix the date for closing the rolls.

Mr. FITZGERALD. Do you say that with this appropriation you can finish in two years?

Mr. BIXBY. In two or three years.

Mr. FLYNN. The shorter the time, the more money it will take?

Mr. BIXBY. The shorter the time, the less money it will take. If we have $600,000 for this next year, the following two years we would want very much less money.

Mr. FLYNN. Under the present system, you think you could finish in five years.

Mr. BIXBY. Yes, sir.

Mr. LITTLE. The survey and appraising are important elements, which must precede the allotments. With this increased appropriation they could finish this coming year and discharge all these surveying and appraising forces. The actual allotment follows the appraising.

Mr. SHERMAN. The work you are doing now is entirely satisfactory to you, is it not? You feel satisfied with the progress you are making?

Mr. BIXBY. Yes, sir.

Mr. SHERMAN. And it is satisfactory to the Indians?

Mr. BIXBY. I think it is reasonably so. I think the Indians are very well satisfied with the progress of our work.

Mr. SHERMAN. Do you think the Indians would be quite as well satisfied to have a small army sent into their midst, as you would have to do in case of this enlarged appropriation, to carry on their work, instead of going on as you are doing now?

Mr. BIXBY. I think the Choctaws and the Chickasaws would be very glad to have us crowd the work. The other nations are saying nothing about it. The Choctaws and Chickasaws are anxious to have the allotments, because conditions are changing. The land is in good order and appraised in accordance with its value relative to its location, and the timber which may be appraised this month or estimated at a certain amount in two years from now may be gone. It may be stolen or burnt up, and that would interfere a great deal with the final adjustment, unless it is crowded as fast as it is practicable to do it.

* * * * * * *

Mr. FLYNN. Is it not a fact that the Creeks selected a delegation to come on here with full authority to so amend their agreement as to meet the views of Congress and that authority has been denied them to come here?

Mr. BIXBY. I understood that was so, but I understand that difficulty will be overcome.

Mr. SHERMAN. You can go on with this $171,000 without much change, as you have been doing, and with entire satisfaction to the Indians and the commission, can you not?

Mr. BIXBY. I think the Choctaws and Chickasaws would not be entirely satisfied, and we are not entirely satisfied, for the reason that we wish to get through with this business. Of course, we are satisfied with whatever Congress does, but when you ask us if we are entirely satisfied I would desire to say that we are anxious to get through with this work in a reasonable time. We would think that it would not be good business judgment to give us less than $300,000. We would like $900,000.

Mr. LITTLE. I want to see if I understand your position correctly? If I understand you, the commission takes the position that all the lands of each particular tribe must be appraised before any allotment can be made?

Mr. BIXBY. Yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. I ask unanimous consent that I may be permitted to proceed for five or ten minutes longer.

There was no objection.

Mr. SHERMAN. Now, Mr. Chairman, there is this about this work. There must, of course, be a survey, and then an appraisement. The allotment follows. The allotment is not made in the manner that the allotments are made in an ordinary Indian reservation, where lands are drawn out by section or quarter section and allotted.

The Curtis law provides that in allotting every Indian shall be allotted land which shall be the equivalent in value of the allotment to every other Indian. It is not necessary that each Indian receive 160 acres of land; but whatever amount of land he receives it shall be of the same value as the allotment every other Indian of the tribe received, be that 10 acres or 160 acres. After the survey and appraisal which precedes these allotments are made, the allotments must then be made to the Indians entitled thereto. In order to ascertain to whom these allotments are to be made, the rolls must be completed; and, as suggested by my friend from Arkansas [Mr. LITTLE], there are pending several thousand appeals as to whether or not the Indians are entitled to a place upon these rolls, which would give them that allotment.

The Curtis Act provided the manner in which the Dawes Commission should ascertain what names were entitled to a place on these rolls, and it provided, and properly, I think, that where any party, be it man, woman, or child, or the Government, feels aggrieved by the decision of the Dawes Commission there should be an appeal to the United States court, and in many hundreds, if not in many thousands, of these cases these appeals have been taken; and many of these appeals are now pending. Of course, a single appeal in many cases will determine hundreds of cases, they being of like character; but many of these are now pending, and if the work of survey and appraisement were finished at the present moment it would not be possible to go on and allot these lands in all cases.

In the Seminole Nation the survey and the appraisement is already finished, but the allotment has not yet been completed. That is the condition of affairs there. Now, Mr. Bixby believes that with this $641,000 he has asked for the work of survey and appraisal for the two great nations—the Choctaw and Chickasaw nations—could be completed within the next year, and that by the time that is done the rolls of those two nations will be practically completed, so that, following immediately on the completion of that work, they could go on and allot to all the Indians of those two nations, and that in future years the work will be done in the same way for the Cherokee and Creek nations.

Now, Mr. Chairman, I think that briefly gives to this committee all the information that the Committee on Indian Affairs had before the committee. It is my belief that $300,000 was the least with which they could advantageously work, and that they could work advantageously with $600,000, but in our desire to economize we took the less sum. Possibly, Mr. Chairman, it was not the best judgment to so do. Possibly the suggestion of my friend from

Illinois [Mr. CANNON] had better be followed, and we appropriate $641,000. If my friend from Illinois or any other gentleman of the committee feels inclined to make that motion, I shall not oppose it.

Mr. CANNON. Will the gentleman allow me a word right there?

Mr. SHERMAN. Yes.

Mr. CANNON. I do not feel well enough advised to make the motion. My remarks were in the shape of a question and suggestion. I could not for a moment antagonize what seems to be the best judgment of the gentleman from New York and his committee; but if the gentleman is evenly balanced as to whether it ought to be $300,000 or $600,000, and believes that $600,000 would expedite this work, I should be in favor of the larger sum. I will follow the gentleman as he may indicate in regard to the amount.

Mr. SHERMAN. Of course, Mr. Chairman, I believe that more work would be completed during the next fiscal year with $641,000 than with $300,000, but I very much doubt if the character of the work would be as satisfactory. That is my individual opinion. I have read from the minutes taken from our committee—by our own stenographer, by the way, because we could not get one of the committee stenographers—giving you what was said before that committee. My present judgment is that $300,000 will insure sufficient service during the coming year, a service which will insure the completion of the work in the Indian Territory within a maximum limit of five years.

Mr. RIDGELY. Mr. Chairman, I wish to say that this Territory borders my district its entire length, a distance of about 150 miles. Very naturally a large number of citizens, amounting to many thousands, from my part of Kansas are now living in the Indian Territory under leases permissible by law, and are engaged in business of various kinds, principally farming. These people, as well as others that have come from almost every State in the Union, are urging upon Congress and this commission, known as the Dawes Commission, that we shall make haste to establish order and law and rights to property.

I am receiving letters almost every day from people living in that Territory, saying, "In God's name, hurry up and do something." While each one has an idea as to what is best to do, they all agree upon one thing, and that is that we shall make haste and get this work finished as soon as possible, so as to establish rights to property, rights to citizenship, and give them the opportunity to regulate their own affairs, levy their own taxes, establish their own schools, and conduct a civilized condition of society.

Therefore, I offer my views and say that we should crowd forward in this work; and while I would not dissent from the bill, neither will I make the motion to increase the appropriation, because I realize, as the gentleman from Arkansas says, whose State also borders this country, that there are such complex interests and so much involved that I should hesitate to do it. There is involved in it the rights of citizenship, the allotment and apportionment of the property, not in acres or area, but in value.

But let us crowd the work as fast as possible. I hope the discussion and impression made on the commission will be that the temper and sentiment of Congress is to crowd forward with the work, and if the chairman can consent to increase the amount I should be glad. As he said, he will not seriously oppose the judgment of the committee if we shall see fit to raise it; but realizing the gravity of the work in hand and the danger that might result in putting a large army of inexperienced agents down there to take up the work, and from the fact that it might result in great injustice, I defer to the judgment of the chairman and members of the committee.

Now, while I have the floor upon this matter, I want to say that this Indian Territory problem will keep coming back to Congress for many years. We shall be called upon to legislate affecting the property rights and the rights of citizenship by reason of the conditions under which they have developed that country. I want to impress upon the House that whenever legislation shall come up affecting land titles, to take good care to see that the apportionment of real estate in that Territory shall be fairly and equitably made at the time it shall be completed, and I urge that such a provision shall be made as will forever prevent the centralization of land titles in that part of our country at least.

I think it well, gentlemen, that we should begin to apply this to our lands as a settled principle. We have long since fixed it as a national policy that the Government domain—the public lands of this country—shall not be parted with in large tracts. And why? Because we want to provide homes for all our people, so that every family may be a home-owning family. But we have in every instance failed to keep a sufficient restrictive hold upon the title to our lands. We should be watchful to provide that when title passes from these Indians it shall be on conditions that will forever prevent the centralization of large bodies of these lands in any one ownership, for just in proportion as the acres shall centralize in the hands of a few owners, in that proportion shall we multiply renters. Let us at least provide proper limitation in fixing the land laws and land policy of this Territory.

[Here the hammer fell.]

Mr. STEPHENS of Texas. Mr. Chairman, I believe it would be economy, both of time and money, to change this appropriation from $300,000 to $600,000; and in view of the facts before me I shall deem it my duty to offer and press a provision to that effect. There are about 20,000,000 acres of land, of the value, probably, of $5 an acre, belonging to the Five Tribes in the Indian Territory, making a total valuation of $100,000,000. We find there are 65,000 Indians among whom this land must be equitably allotted. If the lands were of uniform value, there would be little difficulty in making the allotments.

But when the parties whose duty it is to make these allotments come to discharge that duty they will find that it will require a great amount of time to allot these lands equitably, because of the great difference in the value of the land, and in order to expedite the work a greatly increased force will be needed. The surveying has to be done, as explained by other members of the committee, before the lands can be allotted. We can use as many surveying corps at the same time as the appropriation will permit to be employed; and if we will give the commissioners money to put to work a large force of surveyors, the surveying can be finished within a few months. Then after the surveys have been made the allotting officers can determine the value of the land and give to each Indian his pro rata share.

In the Creek territory, under the provisions of the Curtis bill, a great many Indians have selected 160 acres of land, with the understanding among them that when the final allotment is made they can continue to hold the lands they have selected. In such cases there will not be much work for the allotting committee to do. I believe that inside of two years, as stated by the commission, this work can be accomplished and the whole business finally adjusted.

Another matter of great interest to the white men living in the Territory relates to town sites. That subject belongs, however, to another committee; but let me say here that I hope a large appropriation for that purpose will be made, so that all the town lots in the Territory may be speedily surveyed, valued, and sold. The citizens interested in town lots and improvements should be permitted without unnecessary delay to purchase those lots and improvements, and thus become the owners of the property in which they have invested their money and labor. When we have allotted these lands among the Indians and sold the town lots, this magnificent domain can be made a part of Oklahoma and will be well fitted to form one of the best States of the Southwest.

I repeat that in my judgment we can save both time and money and accomplish a much earlier adjustment of all these questions if this appropriation be increased to $600,000. I therefore make that motion.

The CHAIRMAN. The Clerk will read the amendment submitted by the gentleman from Texas.

The Clerk read as follows:

In line 5 strike out "three" and insert "six;" so as to read "$600,000;" and in the summing up strike out "two" and insert "five;" so as to make the aggregate $576,000.

Mr. BURKE of Texas. Mr. Chairman, may I submit a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of Texas. Would it be competent or proper for me now to move an additional amendment to that of my colleague?

The CHAIRMAN. It would be.

Mr. BURKE of Texas. Then I offer the following:

And the commission shall finish the entire work allotted to them under existing laws within a period of three years from this time.

The CHAIRMAN. The Chair misunderstood the gentleman. It was the impression of the Chair that the gentleman proposed to offer an amendment to the amendment of his colleague. But this is a separate or independent proposition.

Mr. BURKE of Texas. Then it would be proper to offer and vote upon this after the amendment of my colleague is disposed of?

The CHAIRMAN. Yes, sir.

Mr. RIDGELY. Mr. Chairman, I desire to submit a few words upon the amendment of the gentleman from Texas [Mr. STEPHENS]. While I am very anxious to see this work expedited in every reasonable way, I fear that if we adopt this rushing policy, providing that the work be done within a very limited number of months, we shall but pile upon ourselves and the country much greater expense than would be entailed if we should proceed a little more carefully in adjusting these complicated questions.

I hope that this work may be pushed as fast as can possibly be done with safety and justice to all parties interested. But, sir, I fear that if we put a number of "green hands" upon this work and let them undertake to adjust these questions of title and these matters of citizenship, we shall get ourselves and the people there into such a complicated condition as will do great injustice and will in the end involve much expense, while operating to delay the real work of an equitable adjustment. I therefore, sir, fear the effects of the amendment of the gentleman from Texas, and shall vote with the chairman of the committee against it.

The question being taken on the amendment of Mr. STEPHENS of Texas, it was rejected.

The Clerk read as follows:

That said commission shall continue to exercise all authority heretofore conferred on it by law.

Mr. BELLAMY. Mr. Chairman, I had the honor some time since of introducing into this House a bill providing for the education and support of the children of the Croatan Indians of North Carolina. On yesterday the chairman of the Committee on Indian Affairs very courteously accorded to me an opportunity to address the committee upon the subject. Several of the members requested me, on account of their interest, to present them to the House.

Mr. Chairman, the Indians of the United States are peculiarly the wards of the nation, and very justly they should be so regarded and so dealt with. They were once the proud possessors of our soil, but to the inexorable decree of fate they have succumbed, and the Teutonic race, against which in its progress all less civilized peoples have given away and retired, has pressed them westward, and the plains and forests of the eastern slope and seaboard of America, once their happy haunts and hunting grounds, is inhabited no longer by them, except by the remnants of a few scattered tribes which almost have been, but not entirely, absorbed by contact with the white man and his allies.

The white settlers of America, while they wrested from the aborigines the soil on which they dwelt, which on account of the nomadic habits of the Indian tribes could hardly be said to be possessed by them, have been from the earliest period of our history imbued with a laudable feeling that justice and humanity required that the Indians should receive Government consideration and protection, that they might acquire fixed abodes, and by civilizing influences they might, in the course of time, become co-sharers in the blessings of a free Government.

The last tribe left lingering on the scene of these once royal domains is the Croatans or Hatteras Indians, inhabiting the State of North Carolina, about 60 miles from the seaboard, in the counties of Robeson, Scotland, Richmond, and Columbus, and there they have been for a period so long that the "memory of man runneth not to the contrary thereof." That they have not claimed the attention of the National Government before is a matter which excites great surprise and is hard to be explained, unless the smallness of their number and the lack of education and enlightenment among them, and the want of proper philanthropy among their neighbors, has caused them to be entirely overlooked. And yet the public mind has been directed to them on more than one occasion when they have shocked the country by some atrocity which is incident to the Indian character.

There are in the settlement in Robeson County, where they chiefly reside, about 3,000 souls, and with the scattered families in adjoining counties the number may run to 2,000 men, making the tribe about 5,000 people. A number of them have migrated to Georgia, Mississippi, and Florida, where they have become absorbed in the body politic. They are the most interesting people in America, and no tribe can appeal stronger to the tender sympathies and the generous beneficence of the American people than the Croatan Indians of North Carolina. They, beyond cavil or doubt, are the descendants of the lost colony of Sir Walter Raleigh, about which there have been for over three hundred years so many sad reflections.

Those at all familiar with the attempts at colonization made by our English ancestors may recall the efforts of that gallant knight and learned and ambitious favorite of Queen Elizabeth.

Not only could Sir Walter throw his cloak on the wet ground that it might serve a footcloth for the dainty shoe of Elizabeth, but he sought to extend the domains of Her Most Gracious Majesty that her reign might become memorable in the annals of history and her Empire strengthened and enriched.

In the year 1584 Raleigh fitted out a fleet of ships under Amadas and Barlow and discovered the country that is now known as North Carolina, but then called Virginia, in honor of the virgin Queen. Soon thereafter he began to make efforts to colonize the new Eldorado. Two attempts failed; but undaunted, in 1587, in three ships under John White, whom he appointed governor, he sent over 117 persons, including 17 women, and of the fate of these people nothing is known or has been discovered with absolute certainty from that day to this, unless this is shown by the remarks I shall now make, and which was first attempted by my old friend and preceptor, Hamilton McMillan. These 117 colonists were left on Roanoke Island, near the "harbor of Hatorask," and there, on August 18, 1587, the daughter of Governor White, the wife of Ananias Dare, gave birth to a daughter, the first white child born on American soil, and named and baptized, in honor of Her Majesty, Virginia Dare.

The ships, leaving the colony, returned for supplies and recruits, but when they reached England the Kingdom was agitated by a threatened invasion from Spain. Afterwards the Spanish Armada was defeated, and when peace was once more restored Raleigh looked around to provide for the relief of his colony which he had planted in the New World a few years before. But it was not until 1590 that Governor White was dispatched to their rescue, and when he reached Roanoke, in August, he found the island deserted; no trace of a human being could be found, but at the site of the village where the settlers were left nearly three years before there was found a tree which had been deprived of its bark and bore, in clear and well-cut characters, the word "Croatan."

There had been an understanding by White with the colonists before leaving that if they should remove their location they should carve on a tree the name of the place to which they had gone; and if they were in danger or sore distress they should carve a cross above the name on the tree. White finding the absence of the cross was buoyed with the hope of their discovery, but after all efforts to trace them had proved fruitless, he was forced to abandon the search and reluctantly returned to England.

The lost colony was never heard of, and their sad fate is a matter of deep and pathetic interest to the American people. Whether they went to Croatan voluntarily or whether the men were massacred and the women taken for wives, or whether both men and women intermarried with the Hatteras Indians is only a matter of conjecture. But one fact is known, and that is that Lawson, in his History of Carolina, written in the year 1714, imparts to us that—

The Hatteras Indians, who lived on Roanoke Island or much frequented it, tell us that several of their ancestors were white people and could talk in a book, as we do; the truth of which is confirmed by gray eyes being found frequently among those Indians and no others. They value themselves extremely for their affinity to the English, and are ready to do them all friendly offices. It is probable that the settlement miscarried for want of timely supplies from England or through the treachery of the natives, for we may reasonably suppose that the English were forced to cohabit with them for relief and conversation, and that in process of time they confined themselves to the manners of their Indian relations, and thus we see how apt human nature is to degenerate.

Long prior to the Revolutionary war there was found settled near Lumber River, in Robeson County, N. C., a tribe of Indians. Many of them had blue eyes, and while possessing all other traits and characteristics of Indians—the copper color, the high cheek bone, the erect form—yet they lacked the nomadic habit. They were settled in a neighborhood where they still remain, then, as now, cultivating maize and potatoes and fruits. Their traditions then, as now, were that their ancestors, Indian men, married white women; that they came from Roanoke (in Virginia, they say); that they were driven away by bad Indians, and, as one now about 90 years of age told your speaker, that they were driven across the river. Most of them own their own land, which they either bought from the early settlers—who, on account of the Indian being already in possession, quitclaimed it for a nominal consideration—or obtained it by an entry and grant from the Commonwealth. The names of the 117 lost colonists are still preserved in Hakluyt, Volume III, wherein is given an account of "The fourth voyage made to Virginia with three ships in the year 1587, wherein was transported the second colony."

From the list of names are many now and from the earliest times borne by men of this tribe, such as John Sampson, Robert Wilkinson, Henry Berry, Richard Berry, John Burden, Henry Dorrel (Dial), John Cheven, William Berden, and many others. Thus it is seen that their blue eyes, the tradition of the white mothers, the locality from which they came, the lack of the nomadic habit derived from the infusion of English blood, the similarity of names, the tradition of being driven by the bad Indians across the river, doubtless by the warlike and hostile Tuscaroras, who inhabited also the neighboring coast country, prove conclusively to the student of the question that the lost colony of Raleigh has been found. They are a remarkable people. It is said by old residents that some of these Indians were volunteers in the Revolutionary war. That they sent two companies to the war of 1812 is well authenticated.

They made gallant soldiers, as a number of our oldest inhabitants can testify. From the earliest times up to the year 1835 they went to school with the whites, voted and shared in the privileges of citizenship. But in that year the constitution of North Carolina was amended, and thereafter for a period of thirty-three years they were deprived, not only of the right to vote, but even of the privileges of education, until the constitution of 1868 was passed, whereby they became restored to citizenship and to school privileges of the most meager character, but such as other citizens enjoyed.

They were not permitted to attend the schools for whites, and therefore were forced, if they received any education, to attend the negro schools. They refused to a very great degree, on account of the intense antipathy they now have for the negro, the education in the negro schools until, through the instrumentality of Hamilton McMillan, esq., the legislature of North Carolina, in 1887, gave them separate schools of their own.

At the breaking out of hostilities between the North and the South in 1861 these people, grown up in ignorance, but quietly cultivating their little farms, were rudely awakened by the

Confederate authorities conscripting them and using them as laborers to build the immense sand fortifications at New Inlet, on the Cape Fear River, known as Fort Fisher; the same fortifications so celebrated as having been the scene of the greatest naval bombardment of the world's history, as compared with which an officer who was at Sebastopol said:

The siege of Sebastopol as compared with the siege of Fort Fisher was but child's play.

The work was hard, the Croatan murmured; he then deserted and fled to the swamps of his native heath. The conscripting officers pursued them. Arresting an old Indian, they asked him why he deserted. He told them that he did not want to work or fight for a people who treated him so unjustly; that before 1835 he voted, he went to school, but since then he had been deprived of both, and that he would neither work nor fight for the Confederacy. And thus it was they were arrested and deserted. When at the close of the war many of them were in hiding, they committed acts of depredation, for which they were properly outlawed, and then arose the band known as the Henry Berry Lowery gang. For years they became a terror to the country, and in the early seventies this band of Indians shot down and killed 27 white men from first to last among the wealthiest, the bravest, and best men of that county. The leader, Henry Berry Lowery, was finally killed, peace and quiet was again restored, and under the benign influence and rule of our people, inaugurated in the year 1887, they are becoming good citizens.

There is still much ignorance and a strong propensity to violate the internal-revenue laws among some few of them, but it is because they know not the sinfulness of the violation of law. They from time immemorial have raised fine fruit and grain, and have always distilled brandy and whisky, and, like some other citizens, they feel that it is an unjust interference with their natural rights to prevent them from converting their waste products into a salable article. Many of the cases in our United States courts for manufacturing without license are from among these people. They are and have always been a distinct people. They are true friends, but bitter and implacable enemies.

They are brave, but reckless. They are honest in their dealings. They are intensely religious. They are restless, active, and energetic. Indolence and sloth are not known among them. They are eager for education. They are capable of intellectual and moral development, as is attested by some among them. A number have become successful merchants. One of them filled the position of United States Senator from one of our sister Southern States. The descendant of another has become a member of Congress.

Now, these are the people I commend to the kind consideration of the American Congress. Their school facilities are poor. By extending them aid you are giving expression in substantial form to that noble sentiment of justice inherent in our people and which has urged our Government to make large appropriations for the education and support of Indian tribes which passes each session of Congress. No tribe is entitled to more at our hands; and if in the providence of God they be elevated by a sound moral and mental training inaugurated by the Government, history will yet say that Sir Walter Raleigh did not plant his colony in vain, and there will yet arise some gifted American writer who will perpetuate in song and weave in fiction the story of the Croatan Indians, the descendants of the Indian chief, Manteo, created the first Lord of Roanoke, and of Virginia Dare, the first white child born on American soil. [Applause.]

During the delivery of the foregoing the following occurred:

Mr. BROSIUS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROSIUS. Are we proceeding by unanimous consent now?

The CHAIRMAN. The Chair understands the gentleman from North Carolina to move to strike out the last word.

Mr. BELLAMY. Yes; I make that motion.

Mr. BROSIUS. I desire to know, for my own purpose, how long a time the gentleman proposes to occupy.

The CHAIRMAN. The gentleman has five minutes, under the rule.

The time of Mr. BELLAMY having expired, by unanimous consent it was extended.

Mr. BELLAMY then resumed and completed the delivery of the foregoing.

The Clerk read as follows:

Whereas on the 18th day of November, 1899, Charles Dennis, a Seneca Indian, leased to the Erie Preserving Company, as a site for a manufacturing plant, a certain piece of land near the village of Irving, N. Y.; and whereas on the 29th day of December, 1899, the said lease was confirmed, ratified, and approved by the council of the Seneca Nation of Indians, according to its terms and conditions: Now, therefore, the action of the said Charles Dennis and of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Whereas the Seneca Nation of Indians, in their council, held on the 11th day of September, 1897, entered into an agreement in writing with John Quilter, whereby said Seneca Nation leased to the said John Quilter all that portion of the Cattaraugus Reservation situate in the towns of South Valley and Elko, Cattaraugus County, N. Y., for the purpose of boring and testing said territory for gas and oil under certain conditions set forth in said agreement: Now, therefore, the action of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Whereas the Seneca Nation of New York Indians, in their council, held on the 13th day of January, 1899, entered into an agreement in writing with John Quilter, whereby said Seneca Nation leased to the said Quilter, his heirs, and assigns, the Cattaraugus Reservation, situate in the counties of Erie, Chautauqua, and Cattaraugus, for the purpose of boring and testing said territory for gas and oil under certain conditions set forth in said agreement: Now, therefore, the action of said Seneca Nation, by its council, is ratified, confirmed, and approved.

Mr. SHERMAN. I move to strike out beginning with line 8, page 41, down to and including line 13, on page 42.

The motion was agreed to.

The Clerk read as follows:

For increasing the amount hereinbefore appropriated for the erection of said asylum for insane Indians at Canton, S. Dak., the sum of $15,000, the said sum being in addition to the amount appropriated for that purpose by the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1900, and for other purposes," approved March 1, 1899.

Mr. CANNON. I will ask the gentleman from New York [Mr. SHERMAN] to agree to the following amendment:

And the limit of cost for said asylum is fixed at the amount heretofore and herein appropriated, namely, $60,000.

Mr. SHERMAN. Yes; I will be glad to agree to that.

The amendment of Mr. CANNON was agreed to.

The Clerk read as follows:

For the support of a school for the blind, to be provided for by contract by the Secretary of the Interior, in the Indian Territory, the sum of $10,000. And the Secretary of the Interior, under such rules and regulations as he may prescribe, may admit to such school blind children of other than Indian blood residing in such Territory. So much of said expenditure as may be found by the Secretary of the Interior to be incurred on behalf of Indian children shall be paid out of the school funds of the tribe to which such child belongs.

Mr. CANNON. I am compelled to make the point of order on that whole paragraph, for the reason, as I understand it, that there is no existing law that authorizes the expenditure.

As I read the paragraph, it provides by contract for a school for the blind, and not only for the Indians, but for the white children as well. I do not know of any treaty stipulation that would authorize the expenditure; I do not know of any law that authorizes it; and I am quite sure that when under the guise of education and taking care of the Indian tribes we propose to take care of the blind of the State, there is pretty large departure; and without further discussing its merits, I make the point of order.

Mr. MERCER. Which paragraph is that?

Mr. CANNON. It is from line 13 to 22, inclusive.

The CHAIRMAN. Does the gentleman from New York care to be heard upon the point of order?

Mr. SHERMAN. Does the gentleman from Arkansas desire to be heard on the point of order? I would be glad for the gentleman from Arkansas to discuss it.

Mr. LITTLE. Mr. Chairman, appropriations are constantly made for the purpose of educating Indian children. That is a fixed and definite policy of the Government, and it does not require existing law to maintain a provision of that sort in the bill. We provide in almost every bill for buildings for the education of Indian children. We provide for their instruction, and we appropriate not under treaty stipulations for a great many Indian tribes; and the only possible vicious character there could be in this provision would be that it provides for the education of certain noncitizens, those who are residing in the Territory, but who are not members of the respective tribes, and permits them to be chargeable against the fund appropriated.

Now, passing from the legal status of the question, I would like to state that there is now a small school for the blind in the Territory, at Fort Gibson, being conducted by two or three young ladies, who are supporting it through charity collected not only in the Territory, but in the adjoining States. There are a great many applicants for admission. We did not appropriate for that school, because we do not think it is the proper thing to do. By this provision we authorize the Secretary of the Interior to use this much for that purpose, and to draw from the school fund of the respective tribes for the expenses of the Indian blind.

I understand that there are in the Territory approaching 200 blind children without any means of education at all. It appeals to me in the highest degree. So far as that is concerned, if it is not technically within the rules I should be glad to see it go through, because we can not do better than to extend our help to these blind people and give them a single school anyway, if it is only a very meager and unostentatious affair, so that when we reach the time when the taxes can be levied for the support of these schools legally it may be done.

Mr. CANNON. Let me ask the gentleman whether these exceedingly wealthy Indians in the Indian Territory known as the Five Civilized Tribes, with their great trust fund, with their great income from occupation tax, and especially from their income by way of royalties, from which there is money, substantially, almost to burn that might be, perhaps, under existing law, known as the

Curtis law, without legislation devoted to this purpose of education? And if it can not be done under the Curtis law, could not this money be devoted by legislation to the education of the blind as money from their trust fund is now devoted to the education of those that are not blind?

Mr. LITTLE. I will say to the gentleman from Illinois, if he will examine for a moment the provision he will see it is provided that the money expended for the education of the Indian blind shall be taken from their school fund.

Mr. CANNON. Well, it seems to me I would take the whole amount from that fund.

Mr. LITTLE. I will say, further, as to the whole condition, when we speak of rich Indians, there are not a great many of them in possession of their property. It has not been allotted to them. They are not getting all its benefits, and will not until final allotment; and, in addition to that, a large number of white people located there pay taxes. For instance, a lawyer $25, a doctor $25, the laborer from $1 to $5 a year, a noncitizen who lives in that country, on an average, $5 per year taxes—taxes that go to the Indian tribes, taxes they do not get one penny's value for in return.

Mr. CANNON. Is it not quite in the power of Congress to take from this magnificent trust fund, as well as from the annual income from the sources that the gentleman speaks of, coming to the Five Civilized Tribes, as well as from the royalties, money to found and support these schools?

Mr. LITTLE. Why, of course, it is within the power of Congress.

Mr. CANNON. Then much stronger am I, on the merits as well as on the rules of the House, inclined to insist on the point of order; but I would not insist upon the point of order to an amendment that will devote the money of this trust fund to the purpose indicated.

Mr. LITTLE. Now, just a moment. The trouble about the matter is that there are five of these nations, and we would have to confuse their funds or build five of these institutions in order to accommodate the blind children of those tribes. This amendment is only intended to meet the present emergency and to provide temporary facilities. A charge is made against each particular one of these tribes for the expense of the education of the blind from the particular tribe that enters this school, to be provided for under the supervisory power of the Secretary of the Interior.

Mr. CANNON. Well, I have no objection to the point of order——

Mr. LITTLE. I do not want to mislead my friend. I will say that all the money directly appropriated by this act would, I have no doubt, be expended by the Secretary of the Interior for the benefit of the noncitizen class in the Territory—that is, those not members of the tribes.

Mr. CANNON. Well, I believe that Congress has the power, and I am inclined to think it is the duty of Congress to take from these trust funds and from moneys raised by taxation, royalties, and otherwise, money sufficient to educate all the children in the Indian Territory, and if buildings are needed take the necessary amount for those. If there are five of the tribes, then one-fifth from each tribe to construct the buildings, and give the Secretary of the Interior plenary power. I believe we certainly have the power, and I think we have the right to do so. But, later on, we come to a provision that I must antagonize, an appropriation of $75,000 for the education of noncitizen children; and as this is along the same ground I thought I ought to antagonize this with the hope that it will go out upon a point of order and that the Committee on Indian Affairs, pending the completion of the consideration of this bill, may report or offer such amendment as will care for these children as well as they may be cared for in their present condition, the expenditure to be borne by the trust funds.

Mr. LITTLE. I have no doubt the point of order will be good against the second amendment mentioned by the gentleman from Illinois, but the purpose of this amendment is, where the Secretary has got control of the Indian school, to admit into the same school with the Indians the noncitizen children. It refers to what you might call a day school in the rural districts of the Territory, where you can get a teacher for $40 a month and perhaps 20 Indian and 20 white pupils. By this appropriation you will be able to compensate the teachers and have 40 pupils together in a day school. Although simple as it may be, it will be a great improvement over not having any.

The CHAIRMAN. Does the Chair understand the gentleman from Arkansas to contend that the point of order is not well taken?

Mr. LITTLE. I do as to the present amendment, the one under discussion; but as to the one referred to by the gentleman from Illinois [Mr. CANNON] further along I think it would be good.

The CHAIRMAN. The Chair is not informed as to what the present amendment is.

Mr. CANNON. It is on page 43, lines 23 to 32, inclusive.

The CHAIRMAN. Does the Chair understand that to that provision the gentleman from Illinois [Mr. CANNON] raises the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. Does the Chair understand the gentleman from Arkansas to contend that the point of order is not well taken?

Mr. LITTLE. Yes.

The CHAIRMAN. The Chair would be glad to hear what existing law there is for that appropriation.

Mr. LITTLE. I stated to the Chair that the general policy of the Government having charge of the education of Indian children warrants legislation along these lines without any express provision of the statute. There has hardly an appropriation bill passed for a number of years that has not provided for the construction of independent school buildings, or the establishment of new schools at different points throughout the country. What I maintain is that this appropriation is in line, although it reaches a different class with the general policy of the Government, and is therefore germane to the bill.

The CHAIRMAN. It is not contended that it is not germane. The point of order is that it is in violation of Rule XXI of the rules of the House.

Mr. LITTLE. I used the word germane inadvertently; I should have said it is not new legislation within the meaning of that rule.

The CHAIRMAN. It is not contended that it is new legislation; it is contended that it is an appropriation not authorized by any existing law, nor is it a public work in the progress of construction.

Mr. LITTLE. The point I wish to make clear is this: Take, for instance, the Committee on Military Affairs or Naval Affairs. The Committee on Naval Affairs provides for the construction of half a dozen ships. That is not under any provision of statute, but it is carrying out the general policy of the Government. This is an appropriation of money to establish a school, and although there is no general law calling for the appropriation, it is in the execution of a well-defined policy of the Government toward this class of people. While it may be new legislation technically speaking, I claim that it is carrying out the general line and purpose of the Government, and is not new legislation within the meaning of the rule, as I understand it.

The CHAIRMAN. As the Chair understands it, this section is challenged under section 2, Rule XXI, and under the first part of that section, which provides that—

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriation for such public work and objects as are already in progress.

The paragraph appropriates a sum of money for a school for the blind of the white and Indian races. This kind of education has not been before undertaken by the Government.

The attention of the Chair has not been directed to any particular provision of law which would authorize this appropriation; but the gentleman from Arkansas contends that it is in furtherance of a general public policy which Congress has adopted in the past.

Mr. LACEY. I would like to call the attention of the Chair to the fact that there is an Indian educational fund which Congress controls, and out of this fund may we not make provision for the education of Indian children, whether they be deaf, dumb, blind, or otherwise?

The CHAIRMAN. Does the gentleman from Iowa understand that this appropriation comes from that fund?

Mr. SHERMAN. Let me make this suggestion: I think I catch the idea of the Chairman as well as that of the gentleman from Arkansas. I suggest to the gentleman from Arkansas that he moves to strike out the appropriation carried in this section so as simply to provide that the Secretary, out of money appropriated generally for school purposes, may expend a sum not exceeding $10,000 for the purpose named in this section. I think in that way the point of order would be obviated.

Mr. CANNON. It seems to me that in any event the point of order is well taken, and would not be obviated in the manner the gentleman suggests. There is no difference in substance between the amendment in the form now suggested by the gentleman from New York [Mr. SHERMAN] and the amendment as now pending.

Mr. SHERMAN. Oh, yes.

Mr. CANNON. My point is that this is the first appropriation by law for this purpose, and that it is legislation—that it makes a charge upon the Treasury not authorized by law, and is therefore not in order upon this bill.

The gentleman says there have been other appropriations that were not authorized by law; ergo, this appropriation should be admitted. Now, there may have been appropriations subject to a point of order upon which no point was made; but that does not militate against a point of order on this provision.

Mr. SHERMAN. The idea which occurs to me is this—that this is simply a limitation upon an appropriation heretofore made; it does not make any new appropriation. My contention is that we

can limit the manner in which appropriations heretofore made shall be expended.

Mr. CANNON. But does the gentleman claim——

The CHAIRMAN. Would it not be well to dispose of one provision of the bill at a time before raising any question upon another? It is difficult for the Chair to undertake to rule upon a section which has no further existence than a suggestion by one member to another.

Mr. LACEY. Let me call attention to the fact that the point of order as raised is too wide. It strikes at the whole section. If the gentleman would make his point of order against these words only, it might be admissible:

> And the Secretary of the Interior, under such rules and regulations as he may prescribe, may admit to such school blind children of other than Indian blood residing in such Territory.

That is a provision which enlarges existing law. The other provision for the use of school funds for blind Indian children is certainly already embraced in existing law. Under existing law blind children could go to the general schools; or the appropriation for schools under existing law could be so used as to allow the blind to be taught in an institution by themselves. The only difficulty is as to allowing white children to come in. That would seem to be a modification of existing law.

Mr. CANNON. In my judgment the whole thing is subject to a point of order.

The CHAIRMAN. The Chair understands that the question still presented for determination is whether the paragraph as reported in the bill is obnoxious to the point of order made under Rule XXI by the gentleman from Illinois. The Chair will restate the question as he understands it.

The objection is made that the paragraph is in violation of Rule XXI, which provides that—

> No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

No law authorizing this appropriation has been brought to the attention of the Chair by any gentleman. The Chair does not understand that it is contended that the appropriation is authorized by any provision of existing law. But it is contended that, it being in furtherance of a great public object which the Congress of the United States has hitherto supported, it comes within the exception to the prohibition of Rule XVI as "a public work and object already in progress."

If the object of this appropriation is a public work and object already in progress, then it is in order in this bill. If it is not, it is not in order in this bill. It is unquestionably true that there are some decisions of previous presiding officers of the House and committee which sustain the construction of the rule for which the gentleman from Arkansas contends; the decision to which he refers, that a provision in a naval appropriation bill for the construction of ships is in order as a public work and object in progress because the policy of the Government is to construct and maintain a navy, is one of these. But although that decision has been followed always in like cases, it seems to the Chair that its authority has never been recognized as going beyond the exact facts of that case, and that it ought not to be extended.

Perhaps, also, the decisions with regard to railway mail special facilities would support the contention of the gentleman from Arkansas. On the other hand, there are many precedents giving to the words "public work or object already in progress" a much more restricted meaning. It has been held that an appropriation for a dry dock for the Navy was not in order on a general appropriation bill, by Mr. Butterworth on April 10, 1890, first session Fifty-first Congress; by Mr. Shively on April 13, 1892, first session Fifty-second Congress; by Mr. HOPKINS on March 25, 1896, first session Fifty-fourth Congress, and by Mr. SHERMAN on February 23, 1897, second session Fifty-fourth Congress. It is certainly difficult to distinguish in principle these decisions from the decision respecting the construction of ships.

The maintenance of the Light-House Service is a public object to which the Government is as fully committed as to the maintenance of a Navy. Yet it has been held that an appropriation for establishing a light (June 21, 1886, Reagan, first session Forty-ninth Congress) or for the construction of a tender for that service (June 21, 1886, Reagan, first session Forty-ninth Congress) was not in order.

On April 25, 1890, first session Fifty-first Congress, a point of order was made against an appropriation for nine members of the board of pension appeals, the law constituting the board providing only for three members. It was urged against the point of order that the granting of pensions was a public work or object in progress, and that the appropriation, being necessary to the execution of that work or object, was in order. Mr. Payson sustained the point of order.

The latter class of decisions seem to the present occupant of the chair to be in better accord with the spirit and purpose of Rule XXI. If the rule has the meaning which the gentleman from Arkansas attributes to it and the ship decision gives it, there would be little or nothing of significance or restraint in it. The appropriations committees would have a broader power than the rules intend to bestow upon them.

Finding some general purpose of Congress well established, they might appropriate for any instrumentality, however novel, which would promote that purpose. Such a construction of the rule would rob the legislative committees of their rightful jurisdiction. The Chair thinks that the words of the rule have a much more limited meaning; that the words "public work and objects already in progress" refer to specific and tangible things whose construction or support has heretofore been undertaken by the Government. Tested by this rule, the establishment of a school for the blind is not in order in this bill. Accordingly, the point of order is sustained.

Mr. FLYNN. Mr. Chairman, I offer the following amendment at the end of line 12.

The amendment was read, as follows:

After line 12 insert:

"For the support and education at Whitaker Orphan Home, Indian Territory, of 100 destitute orphan children of white persons who have lived and died among the Five Civilized Tribes, $10,000: *Provided*, That admission to said orphan home shall be under such restrictions and regulations as may be prescribed by the Secretary of the Interior, who is authorized to make a contract with said home for these purposes."

Mr. CANNON. I will just reserve the point of order, because I see my genial friend the Representative from Oklahoma is full of a speech, and I always like to hear him.

Mr. FLYNN. I had thought to be able to present my speech when the bill was reported from the Committee on Appropriations. I desire to say that this was authorized by the committee as an amendment to the Indian appropriation bill, but by an oversight of mine it was not printed in the bill. I do not deny that this is subject to the point of order. I will state that very frankly in the beginning. But in support of the amendment I would like to have the Clerk read a letter from the Secretary of the Interior transmitting the amendment, and I think possibly then that the gentleman from Illinois [Mr. CANNON] will withdraw his point of order.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 8, 1900.

SIR: On February 4 last the Department transmitted a letter to the chairman of the Committee on Appropriations of the United States Senate, inclosing the report of the Commissioner of Indian Affairs upon a communication from the United States Indian agent at the Union Agency, Ind. T., and also W. T. Whittaker, manager of the Whittaker Orphan Home, at Pryor Creek, in said Territory, requesting an appropriation for said home, which communication, together with departmental letter of January 28, 1899, is contained in Senate Document No. 90, Fifty-fifth Congress, third session.

The Commissioner recommended that an appropriation of $15,000 be made for the maintenance of 100 pupils, to be added as an amendment to the Indian appropriation bill, as follows:

"For the support and education, at Whittaker Orphan Home, Indian Territory, of 100 destitute orphan children of white persons who have lived and died among the Five Civilized Tribes, $15,000: *Provided*, That admission to said orphan home shall be under such restrictions and regulations as may be prescribed by the Secretary of the Interior, who is authorized to make a contract with said home for these purposes."

In concluding said departmental letter it was stated:

"There can be no question that the purpose of maintaining the school for orphan children in said Territory is a laudable one, and the public welfare demands that proper facilities for education and due parental care be given to these waifs, who have neither homes, nor means, nor parents to care for them.

"I have, therefore, to recommend that said amendment be made to the Indian appropriation bill, as set forth in said report of the Commissioner of Indian Affairs, the papers accompanying which are also herewith inclosed."

The Department is now in receipt of the report of the Commissioner of Indian Affairs upon a communication from said Whittaker, principal of the W. T. Whittaker Orphan Home, addressed to the President and Congress of the United States, requesting an appropriation of $30,000 for said home at Pryor Creek, Ind. T., in which he invites the attention of the Department to his report contained in said Senate Document No. 90, Fifty-fifth Congress, third session.

A copy of said communication from said Whittaker is inclosed herewith, and the Department renews its recommendation that the sum of $15,000 be appropriated for the maintenance of said orphan home, for the reason set out in the letters contained in said Senate Document No. 90.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

The SECRETARY OF THE TREASURY.

Mr. FLYNN. Now, Mr. Chairman, this is a pitiable and lamentable situation that exists down there. There are probably 400,000 white children in the Indian Territory. This gentleman has started a home, and has been conducting it for years on the public charity that he could secure from the outside. People move in there and some die. Their children are left there helpless. They are not Indians, and consequently are not the beneficiaries of any Indian appropriation. The question arises whether there is not some way in which these little waifs can be cared for. The Department recommends that it be placed as an amendment on this bill. It rests now with the House as to whether it shall be done or not.

Mr. CANNON. Now, Mr. Chairman, the gentleman places upon me the seemingly ungracious duty of making the point of order upon this provision.

Mr. FLYNN. Oh, no; that was the very farthest thing from my intention.

Mr. CANNON. The gentleman reads a communication from the Secretary of the Interior, and then states that there are 400,000 white children in the Indian Territory. I thought there were about 300,000, adults and children, Indians and white people, all together.

Now, the bare statement by a man who has started an orphan asylum down there that there are some orphan children in the Indian Territory who need care is a statement that at once attracts sympathy; and it was in view of this anomalous condition in the Indian Territory, and knowing that when you once opened the Pandora's box, with a continuation of that condition, you would have great trouble, that I a few moments ago earnestly asked the Committee on Indian Affairs if the $600,000 asked for by the Dawes Commission might not well be given, and whether it was practicable to hurry the work by which we could do away with this condition in the Indian Territory.

Now, it is easy to say that we can appropriate money from the Treasury to support orphan children in the Indian Territory. Yes, we can. It does not make any difference whether we have the right to do it; we have the power to do it, and it is a political power, and nobody can stop us if we want to do it.

But I want to say to my friend from Oklahoma that the legislative power of this Congress can be invoked, and in my judgment ought to be invoked, to take the trust fund that is piled up almost mountain high, in favor of and for the benefit of the Five Civilized Tribes, and the taxation that comes from royalty, and, if necessary, having plenary power in the premises, double or multiply by three or by four the taxation, if necessary, and devote it to the care and education of all the children in that Territory. They are quite able to bear the burden, and that is the proper way it should be met, and I believe that this committee, having power to submit the necessary legislation, can submit it to the House under the rules, and for one I will vote for it and do what I can to enact it.

But as one thing after another comes dropping along, and instead of applying the proper remedy it is proposed to take the funds from the Treasury, to last God knows for how long—I do not know—and to make an incentive to have it last longer than it otherwise would for the benefit of the very people that the gentleman's amendment refers to, as well as the conditions generally in the Territory, with every sympathy that every fair man ought to have for the weak and defenseless, I feel it to be the greatest kindness to all parties concerned that we should await the legislation enacted and not commence this method of support from the Treasury of the United States.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. FLYNN. Just one moment. I desire to disabuse the mind of the gentleman from Illinois of the idea that it was my desire to place him on record as making the point of order against this amendment. I frankly acknowledged that it was subject to a point of order. I presume if he had not made it, somebody else might have done so.

I realize fully the duty devolving upon the chairman of the Committee on Appropriations. Nobody, personally, is a more kind friend and supporter of his than I am, but I am frank to acknowledge that by laches, perhaps, on my part, the amendment failed to be printed in the Indian appropriation bill. Then, in justice to myself and the cause, I felt compelled to offer it as an amendment. I find no fault with the gentleman from Illinois for making the point of order, simply because he does so under the rules. But I, of course, would like to see the amendment adopted. It is a worthy cause. I have also referred a similar bill to his committee. I realize the burdens that devolve upon him, and I hope and trust that he will remove from his mind the idea that I desired to place him in a position of objecting to this, because I dare say if he had not, a half dozen other people might.

ENROLLED BILL SIGNED.

The committee informally rose; and the Speaker having taken the chair, the Speaker announced his signature to an enrolled bill of the following title:

S. 2431. An act to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot in the Spanish-American war.

INDIAN APPROPRIATION BILL.

The committee resumed its session, Mr. MOODY of Massachusetts in the chair.

The Clerk read as follows:

To pay to Lieut. Col. James F. Randlett, retired from the Army while serving as agent at the Uintah and Ouray Agency, Utah (as provided in 27 United States Statutes, page 120), for six months and twenty-three days, at the rate of $1,800 per annum, the sum of $1,015.

Mr. CANNON. I call the attention of the gentleman from New York to the fact that this item is a deficiency, and that it was referred regularly to the Committee on Appropriations by House Document No. 16. I think, perhaps, it would be better to go to the general deficiency bill, so that all matters of deficiency could stand together.

Mr. SHERMAN. I think the gentleman is correct about that; but it was sent to us by a subsequent communication from the Indian Office, with the request that it be put in this bill. It does not properly belong here.

Mr. CANNON. Well, then, by consent, let it be stricken out.

Mr. SHERMAN. Very well, Mr. Chairman; the gentleman does not raise the point of order, but simply asks unanimous consent that it go out.

Mr. CANNON. I do not want to raise the point of order, but I will if I have to. I will ask unanimous consent that the item may go out.

There was no objection, and it was so ordered.

The Clerk read as follows:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs, $1,200,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska.

Mr. HEMENWAY. Mr. Chairman, on that part of the paragraph included in lines 9 and 10, providing for "pay of an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs," I desire to make the point of order. I think that the chairman of the Committee on Indian Affairs will agree that it may be stricken out of the bill.

Mr. SHERMAN. Well, it is identical with a provision that has been in the bill ever since the memory of man goeth not to the contrary; and I think it is entirely a proper provision in the bill. It would be proper also in the legislative bill, but it is not in the legislative bill, but is here.

Mr. HEMENWAY. It can not be proper for both bills. It belongs to the legislative bill, and I make the point of order for that reason—that it is not germane to this bill and ought not to be here. It is for the employment of "an architect, a draftsman, and a laborer, to be employed in the office of the Commissioner of Indian Affairs" in the city of Washington. That ought to be carried by the legislative bill, and for that reason it is not in order on this bill.

Mr. SHERMAN. Why, Mr. Chairman, I assume from the terms of the bill that it is for the employment of an architect and a draftsman at work on school buildings.

Mr. CURTIS. That is the object.

Mr. SHERMAN. And his work is done partly in the office and partly in the field. It is a provision which has been carried in the bill for quite a number of years. My recollection is that a point of order was raised against it a year ago, or two years ago, and, I think, overruled; and I think it was allowed to remain in the bill, if not by unanimous consent, why, upon a motion. Certainly the matter has been brought to the attention of the Committee of the Whole heretofore in the consideration of this bill, and the item has always remained in the bill.

So far as the point of order is concerned, I believe it is not tenable, unless it be in reference to the laborer only; and I do not think the point of order is sustainable against the proposition to employ an architect and draftsman to work upon school buildings, which is what this proposition is.

The CHAIRMAN. Is the appropriation made from the general fund in the Treasury or from some specific fund?

Mr. SHERMAN. It is made from the general fund in the Treasury for the education of Indian children. As shown, it is for the support of day and industrial schools, provided for from the general fund in the Treasury.

Mr. HEMENWAY. It is certainly a part of the clerical force employed in this city, and it specially provides that these parties are to be employed in the office of the Commissioner of Indian Affairs. The office of the Commissioner of Indian Affairs is in Washington City. The only special reason I have for making the point of order is that I believe all these employees ought to be specifically provided for and draw salaries fixed by law. Under this appropriation their salaries may be fixed at any sum the Secretary of the Interior desires to fix. I think they ought to be carried by the legislative bill, and draw salaries provided for at a specific amount, so as not to leave the fixing of salaries at the discretion of the Secretary of the Interior.

The CHAIRMAN. The gentleman from New York made one statement that would have an important bearing. By a decision of the Speaker on an analogous point of order yesterday, that this had been carried from time whereof the memory of man runneth not to the contrary in this bill, if the Chair were to make a decision at this time it would seem to the Chair that according to the division of jurisdiction made by the terms of the rule itself this item would belong to the legislative bill. But the Speaker, at the instance of the Committee on Appropriations, laid down a rule

yesterday that in ascertaining the respective jurisdiction of the various committees the matter should be looked at historically, and that the identity of the bills when they were parted from the jurisdiction of the Committee on Appropriations should be preserved.

Now, if it be true that this has always from that time to this been carried on the Indian appropriation bill, it seems to the Chair that the gentleman from Indiana would not contend, in view of yesterday's ruling, that his point of order was well taken.

Mr. HEMENWAY. I will state that if the appropriation was carried in the Indian bill when that bill was given to the Committee on Indian Affairs, then I would not insist upon the point of order. My understanding is that the items were not carried in the bill at that time, and have been put on since.

Mr. SHERMAN. In that the gentleman is correct. They were not carried in the Indian bill at the time the Indian bill was committed to the Indian Committee, but it has come in since. Perhaps I made a pretty strong statement in saying that it went back to a point from which the memory of man runneth not to the contrary. It has been in for several years, I can not say just how many years, but I have before me bills of the last three or four years, and it is contained in all of those bills.

Mr. CANNON. If the gentleman will allow me, without the words "including pay of architects," under general law this money could not be used to pay architects or laborers, because in 1885 or 1886 there was legislation that no one should be employed in any of the Departments in Washington unless specifically appropriated for or provided for, and therefore coming in, as I recollect it, within the last four or five years, these words have been carried in the Indian bill.

Mr. SHERMAN. I find it in the bill as far back as 1895, and it has continued in each bill from that time down. But, Mr. Chairman, if the question is at all embarrassing to the Chair, and if the gentleman from Indiana will give me the same assurance that he gave in relation to an item on yesterday, that he will see that these officers are provided for in the legislative bill, I am willing these lines shall be stricken out.

Mr. HEMENWAY. I assure the gentleman that the matter will be looked into, and if they are necessary they will be appropriated for.

The CHAIRMAN. The gentleman from New York asks unanimous consent——

Mr. SHERMAN. No, Mr. Chairman, I do not ask unanimous consent on that statement of the gentleman from Indiana. I ask for a ruling of the Chair.

The CHAIRMAN. The Chair understands this provision has been in the Indian bill since 1895, and there is no statement or evidence that it was in the bill before that time. Obviously it is within the scope of the legislative, executive, and judicial appropriation bill. The Chair is quite familiar with that bill. It provides for all the executive civil service in the Departments at Washington and appropriates for the pay of all the employees of the class to which these in question belong in the greatest detail. For instance, it provides the appropriation for the employees in the Post-Office Department, in the Interior Department, and all other Departments, although other committees have more immediate contact with those Departments, and make the larger part of their appropriations. It seems perfectly clear to the Chair that upon the question as it is presented here, and with no older practice suggested than that suggested by the gentleman from New York——

Mr. SHERMAN. If the Chair will pardon me, I find it in the bill two or three years back of that; I find it in the act of 1898.

The CHAIRMAN. That would not modify the opinion of the Chair. It seems perfectly clear that from its nature the appropriation belongs to the committee that has charge of other like appropriations, and that there has been no settled practice which would prevail against the words of the rule defining the jurisdiction of the two committees. The point of order is well taken.

Mr. BURKE of Texas was recognized.

Mr. HEMENWAY. Will the gentleman from Texas permit me to offer an amendment reducing the total amount in this paragraph?

Mr. BURKE of Texas. Certainly, I will yield.

Mr. HEMENWAY. Then, Mr. Chairman, in line 11, page 45, I desire to offer the following amendment:

Strike out the word "two" and insert the word "one," and after the word "hundred" add "ninety six."

So that it will reduce the amount of the total $4,000, that being about the amount for the services of these clerks.

The CHAIRMAN. The gentleman from Indiana proposes an amendment, which the Clerk will report.

The Clerk read as follows:

On page 45, line 11, after the word "millions," strike out the word "two" and insert the word "one;" after the word "hundred" insert the words "ninety-six;" so that it will read "$1,196,000."

Mr. SHERMAN. Mr. Chairman, I must oppose that amendment. It seems to me that in a great matter of this kind, involving an appropriation of $2,200,000, providing for the care and education of thousands of children——

Mr. HEMENWAY. Well, Mr. Chairman, I do not care anything about it. If the gentleman thinks this total amount ought to be left in, I will withdraw my amendment.

The CHAIRMAN. The amendment offered by the gentleman from Indiana may be withdrawn, if there be no objection.

Mr. BURKE of Texas. Mr. Chairman, it is with reluctance that I call the attention of the House to a system of education, sought to be enforced by the provisions on the next ten or fifteen pages, that in my judgment is wrong from any standpoint. I say this, Mr. Chairman, with reluctance, because my observation here has taught me one fact, if it has taught me anything, and that is that when a unanimous report comes from any committee in this House it is almost invariably adopted by the House, and I am willing to concede that that rule is right and proper; but while I recognize that fact, and while I recognize that according to every reasonable expectation the report of this committee will be adopted by the House, I wish to call the attention of the House and the country to some of the appropriations under the head of schools, or "Indian schools," which are sought to be established in this bill.

Mr. Chairman, there are 30 schools provided for under this head. In those schools provision is made for 6,230 children. The appropriation carried by this bill for the support and maintenance of those 30 schools and those 6,230 children amounts to the enormous sum of $1,797,117, an aggregate of more than $288 per child. I submit to this House that a parallel can not be found in any State, in any county, in any municipality within the limits of this Union to-day. Over $288 per capita for every child! I know that there is in this bill a provision limiting the actual expenditure to $167 per capita. That, I understand, relates alone to the support and sustenance and education, so to speak, of these children; the residue of the amount carried is for superintendents, physicians, blacksmiths, horticultural and agricultural employees, and everything of that kind, running up to $1,797,117, an aggregate, as I have stated, of over $288 per capita.

Why, Mr. Chairman, on page 49 of this bill there is an appropriation for the school at Hayward, Wis. That appropriation carries with it $309 a head for every child in that school—I mean the aggregate appropriation. There is another appropriation, on page 49, for a school at Kickapoo, Kans. That appropriation carries with it $306 per head for every child in that school. This includes the general appropriation. I do not propose to limit it to $167, because that would be manifestly unfair. Taking the whole appropriation covered by these various items and dividing it by the number of children in each school, and you will find the result agrees with the figures I have stated.

Mr. Chairman, we have in my own State a grand educational fund for the public free schools. We there distribute about $5 or $5.25 per capita for the support of the public schools of the State. The gentleman from Iowa whom I now see in his seat informs me that his State appropriates less than $5 per capita for the maintenance of the public schools.

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I ask that the gentleman's time be extended ten minutes.

There was no objection.

Mr. BURKE of Texas. I thank the House, and I shall not abuse this courtesy. In the State of Iowa, as I was remarking, less than $5 per capita, according to my information, is appropriated for the sustenance and support of the free schools of that State. But here under the provisions of this bill, even according to the suggestion of the gentleman who has charge of it, including all other expenses for tuition and support of children, you appropriate $167 for the education of each Indian child.

Mr. Chairman, such legislation is unjust both to the Indian and to the taxpayers of this country. It is unjust to the Indian in that it tends to deprive him of that independence of character which is necessary for a proper standard of manhood, and makes him feel that he is an object of public charity. I notice, Mr. Chairman, that on page 54 of this bill there is appropriated $3,500 to build a house for the superintendent of the school there provided for, and I believe a salary of $1,800 is given him in addition.

Mr. Chairman, in going from the city of Washington to my home in the Southwest I pass through eight or ten States of this American Union. Through every one of them you can see on both sides of the railway the public school buildings—insignificant as most of them are. You can see the children out in the fields from early morning till late at night at work, endeavoring to aid their parents in maintaining themselves and those dependent upon them. These are they, Mr. Chairman, who are taxed in conjunction with the great manufacturing, mercantile, professional, and agricultural interests of the country—these are they who are taxed to extend these extraordinary privileges to the Indian children of this country. The children of Texas, as I have remarked, receive

$5 per capita from the pockets of the citizens of Texas; the children of the Indians receive $288 per capita from the pockets of the American people.

I believe, sir, that such legislation as this ought not to be countenanced by the Congress of the United States. I believe that if known and understood throughout the length and breadth of this country it would receive the disapprobation of the American people. It is enough that we put these children upon the same level with our own children. Where is the necessity or justice of making these extraordinary appropriations to educate the Indian children of this country, when white children and the colored children, representing classes who pay the taxes to support these schools, receive not one-fiftieth part of the amount that we propose to appropriate for these Indian schools?

This is a system, Mr. Chairman, which has grown up in the manner which the chairman of the committee has suggested several times to-day. It is a system going back to the time "whereof the memory of man runneth not to the contrary," as he says. There is a certain legislative rut which we get into. It seems that all these committees follow the old ruts that have been marked out and followed for the past fifty years. I believe the time has come when the American people should do justice to themselves and at the same time do justice to the Indians by curtailing these extraordinary expenses sought now to be passed into law in behalf of the Indians of this country.

Sir, I thank the House for its courtesy in extending my time.

Mr. FITZGERALD of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Alaska," in line 14, page 45, insert the following:

"*Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year ending June 30, 1901, but shall only make such contracts at places where the Government has not provided school facilities for all the children of school age residing thereat, and to an extent not exceeding the number of children in attendance at certain contract schools at the close of the fiscal year ending June 30, 1900."

Mr. LITTLE. Mr. Chairman, I raise the point of order on the amendment.

Mr. FITZGERALD of New York. I ask the gentleman to withhold his point of order.

Mr. LITTLE. I will reserve the point of order.

The CHAIRMAN. The gentleman from Arkansas reserves the point of order.

[Mr. FITZGERALD of New York addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired, under the leave given, and it now becomes necessary, under the rule, that the committee rise.

Mr. FITZGERALD of New York. I ask unanimous consent that when the committee resumes, I may be recognized to continue the discussion of this question.

Mr. SHERMAN. There will be no question but what the gentleman can have all the time he wishes to-morrow morning. I move that the committee do now rise.

The CHAIRMAN. Under the rule the committee must now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FARIS, for one week, on account of important business.

Mr. BARTLETT. Mr. Speaker, I desire leave of absence from the night session to-night, on account of my physical condition.

The SPEAKER. The gentleman from Georgia asks unanimous consent that he be excused from attendance at the night session, on account of his disability. Without objection, that request will be granted.

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] will act as Speaker at the evening session. Under the rule, the House (at 5 o'clock) stands in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. LACEY, as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule under which this session is held.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. TALBERT. Mr. Speaker, upon the threshold of entering our work for the evening, I desire to ask unanimous consent before we go into business along the line of pension legislation that I be allowed a few minutes to state my position upon the said business upon which we are about to enter—ten minutes, and possibly a little longer. I would like to make my position known and plain, as I made some remarks some days ago on the subject in discussing the pension appropriation bill.

The SPEAKER pro tempore. The Chair will recognize the chairman of the Committee on Invalid Pensions, and no doubt a satisfactory arrangement can be made.

Mr. TALBERT. Mr. Speaker, I ask unanimous consent for ten or fifteen minutes.

Mr. SULLOWAY. I hope that time will be granted the gentleman from South Carolina.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that the gentleman from South Carolina be allowed ten minutes in which to present his views on the pension question.

There was no objection.

Mr. TALBERT. Mr. Speaker, I ask that an extract from the Washington Star of February 1 be read from the Clerk's desk. I ask the Clerk to read it, headlines and all. It deserves all the prominence that anything can give to it.

The Clerk read as follows:

PENSION ORDER 164—EFFORT TO HAVE FORMER COMMISSIONER'S RULING RENEWED—COST OF PENSIONS GRANTED UNDER IT.

The members of the pension committee of the National Encampment of the Grand Army of the Republic, together with the commander in chief of the order, have been in Washington during the past week endeavoring to influence Congress sufficiently to have pension order 164 reinstated.

Order 164, which had its origin in the administration of Commissioner Raum, has been more talked about and has provoked more dissension among the old soldiers than any other rule that was ever issued by the Department. Although the rule was revoked the 27th of May, 1893, and was only in operation a little over three years, it costs the Government every year about $50,000,000 to satisfy the pensions which were issued under it.

It has been contended by those who are in a position to know that the reinstatement of this order, which is sought by the Grand Army of the Republic, would add to the pension appropriation at least $20,000,000, and it might go to $75,000,000 a year. It has been declared that order 164 was illegal; that it had no official sanction and should never have been put upon the pension books. During the time it was in operation it was the boast of the Department that 1,000 new certificates for pension were issued each day. It was during this period that the pension attorneys fattened their coffers, and it is argued this is one of the reasons why they are so earnest now in having this order reinstated.

Mr. TALBERT. And still another, Mr. Speaker. I would like to have the Clerk read the headlines and all. It is from the Philadelphia Press, edited, I think, if I am not mistaken, by a Cabinet officer, Postmaster-General Smith, who is now prominently mentioned as Vice-Presidential candidate on the Republican ticket this year.

The Clerk read as follows:

HUGE PENSION GRAB IN CONTEMPLATION—SENATOR CULLOM INTRODUCES A BILL TO MAKE PENSIONABLE ALL MILITIAMEN WHO SERVED IN ARMY OR NAVY FOR SIXTY DAYS—WOULD COST $30,000,000 A YEAR.

[Special dispatch to The Press.]

WASHINGTON, *January 27, 1900.*

The bills for increasing the pension rolls continue to accumulate. In addition to those putting all the survivors and surviving widows of Indian wars upon the rolls, there is now a proposition to include as pensionable all members of militia organizations who served sixty days in the Army and Navy of the United States. This bill was introduced by Mr. CULLOM, of Illinois, who also introduced one which would have had the effect of making deserters pensionable. He disowned the latter after its true character had been exposed.

EVANS SHOWS THE COST.

Commissioner of Pensions Evans had, by request of the Senate committee, furnished a report on this Cullom bill for pensioning members of the militia companies. He protested against further increases in the pension list in this general way, and in showing the effect of the bill, says:

"It is safe to assume that from 50,000 to 100,000 cases would receive favorable action each year under the operations of this bill, and that the annual value of the pension roll, after making due allowance, would be increased by at least $20,000,000 each year for the next ten or fifteen years.

"It is very difficult to reach a correct estimate as to the probable cost of this bill if enacted into law, as we do not have very definite information as to the total number and strength of the many militia organizations who served with the Army during the war of the rebellion and the other wars in which the United States has been engaged, but it is certain that this class of beneficiaries would be very numerous.

"The greatest objection to this kind of legislation is that it does not discriminate in any way between the soldier or sailor who bore the heat and burden of the day, who was almost constantly for years exposed to the hardship and dangers of active warfare, and those who rendered no service at the front and who were never exposed even to the ordinary dangers of an active military campaign.

INJUSTICE OF THE BILL.

"Take, for instance, the cases of the militia organizations of the different States, many of which served under the command of a United States officer for more than sixty days, and yet very few of them ever left their States or

were exposed to any hardships, except those ordinarily incident to a summer encampment. I apprehend that many of these troops would be included in the bill, and it would appear almost unnecessary to discuss the inequality between their services and those who rendered service at the front for three or four long years in active campaign.

"I fail to see any good reason for extending the provisions of the present liberal pension laws in this general way, and I do not believe that the legislation proposed by this bill is in any way justified, for the reasons stated."

Mr. TALBERT. Now, Mr. Speaker, in view of these facts and the fact that we are engaged in a war at this time and the pension roll is increasing day after day, I want to say that now and henceforth I shall insist upon a quorum of this House when pension bills are under consideration at the special Friday evening sessions. I want further to say that I have no apology to offer to anybody or to any party in taking this position. I take it now, and it is my avowed determination to stand up to it.

I give timely notice, and I mean it, that so long as I may be able to drag myself to the Capitol, no pension bill—and there is no qualification to this ultimatum—shall pass this House unless a quorum of the members are present. The abuse must stop. It ought to stop. Innocent people will be hurt, possibly, but that will only accentuate the responsibility; and let all the responsibility rest upon those who will not come out to see that justice is done the old soldier.

If legislation to meet exceptional cases is impossible or impracticable, the claims should be treated as other claims are treated. This sort of legislation should be considered as other legislation is considered and acted upon in the light of investigation. So far as I can effect it, Mr. Speaker, hereafter the rules shall be inexorably applied. I demand a quorum. If the House is without a quorum, I shall ask an immediate adjournment. If that is refused, I shall insist that the House exhaust its power to secure a quorum.

It is in the power of this Congress, Mr. Speaker, to restore and legalize order 164. If they want to do it, let them do it. There are enough Republican votes in this Congress to pass the Cullom bill or any bill as iniquitous as it is. Do it, and take the responsibility. It is a Presidential year, and if I have read the signs of the times aright the Republican party will need every vote it can muster or buy to make even a decent showing on the election-night bulletin boards next November.

I want to say, as I have often said, that I make no captious opposition to pension legislation. My record in the past will show that. But I believe in my heart of hearts that the pension laws of this country are sufficiently liberal to grant a pension to every deserving soldier or his widow, and I am absolutely opposed to coming here Friday night after Friday night and sitting here as a court of appeals where these people can come and get special legislation without even a single affidavit, where they have been refused by the Pension Bureau, where they ought to go to get their pensions. Now, then, if you insist upon this pension legislation, the rules of the House require that you do it with a quorum. The Constitution of the United States requires that you have a quorum to do business, and I am only acting in the capacity of the rules and law and Constitution in demanding that you do have a quorum if you insist upon passing this legislation.

Look now at the thin House here. They cry aloud about their love for the old soldier, and yet they are not giving up their pink teas and poker and all that sort of thing in order to come here to vote to give pensions to soldiers. I believe the claims ought to be considered, and not be hurried through the House, and a member be hooted at here at any time when asking information by gentlemen who cry "Vote! Vote!" I am tired of it. I shall demand a quorum shall be present hereafter; and in doing this I am not opposed to liberal pension laws. The general laws are sufficiently liberal to do away with so much special legislation in regard to pensions. I hope I may not be misunderstood.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar under the rule just read.

The question was taken; and on a division (demanded by Mr. TALBERT) there were 86 in the affirmative and none in the negative.

Mr. TALBERT. I make the point, Mr. Speaker, that there is no quorum.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point that there is no quorum. The Chair will count the House. [After having counted the House.] Eighty-eight members present; not a quorum.

Mr. SULLOWAY. Mr. Speaker, I think we had better have a call of the House.

Mr. TALBERT. Mr. Speaker, I move that the House adjourn.

Mr. MIERS of Indiana. Mr. Speaker, I hope the gentleman will withdraw that for a moment; he has taken all the time that has been occupied. We can not do anything else under the position he has taken except to make a few speeches, and let us make some speeches.

The motion to adjourn was not agreed to.

A call of the House was ordered.

The SPEAKER pro tempore. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following members failed to respond:

Acheson,	De Vries,	Lentz,	Ruppert,
Adams,	Denny,	Lester,	Russell,
Alexander,	Dick,	Levy,	Ryan, N. Y.
Allen, Ky.	Dinsmore,	Lewis,	Salmon,
Allen, Miss.	Dolliver,	Littauer,	Scudder,
Babcock,	Driscoll,	Littlefield,	Shackleford,
Bailey, Tex.	Eddy,	Livingston,	Shattuc,
Baker,	Elliott,	Lorimer,	Shelden,
Ball,	Emerson,	Loud,	Sherman,
Bankhead,	Epes,	Loudenslager,	Showalter,
Barber,	Faris,	Lovering,	Sibley,
Bartholdt,	Fitzgerald, Mass.	Lybrand,	Sims,
Bartlett,	Fitzpatrick,	McAleer,	Slayden,
Benton,	Fleming,	McCall,	Smith, Ill.
Berry,	Fletcher,	McCleary	Smith, Ky.
Bingham,	Fordney,	McClellan,	Smith, Wm. Alden
Boreing,	Foss,	McCulloch,	Sperry,
Boutelle, Me.	Foster,	McLain,	Spight,
Bradley,	Fowler,	McPherson,	Sprague,
Brantley,	Fox,	McRae,	Stallings,
Brenzeale,	Freer,	Maddox,	Steele,
Brewer,	Gamble,	May,	Stevens, Minn.
Bromwell,	Gayle,	Mesick,	Stewart, N. Y.
Brosius,	Gilbert,	Metcalf,	Sulzer,
Broussard,	Gill,	Meyer, La.	Sutherland,
Bull,	Gillet, N. Y.	Miller,	Swanson,
Burke, S. Dak.	Gordon,	Mondell,	Tate,
Burke, Tex.	Graham,	Moody, Oreg.	Tawney,
Burkett,	Green, Pa.	Moon,	Tayler, Ohio
Burleigh,	Griggs,	Morgan,	Taylor, Ala.
Burleson,	Grosvenor,	Morris,	Terry,
Burnett,	Grow,	Mudd,	Thayer,
Butler,	Hall,	Muller,	Thomas, Iowa
Caldwell,	Harmer,	Naphen,	Thomas, N. C.
Campbell,	Haugen,	Needham,	Thropp,
Cannon,	Hawley,	Newlands,	Tompkins,
Capron,	Hay,	Noonan,	Tongue,
Carmack,	Henry, Conn.	Norton, S. C.	Turner,
Catchings,	Henry, Miss.	O'Grady,	Underwood,
Chanler,	Henry, Tex.	Olmsted,	Vandiver,
Chickering,	Hepburn,	Parker, N. J.	Van Voorhis,
Clarke, N. H.	Hitt,	Payne,	Vreeland,
Clayton, Ala.	Hoffecker,	Pearce, Mo.	Wachter,
Clayton, N. Y.	Hopkins,	Pierce, Tenn.	Wadsworth,
Cochran, Mo.	Howard,	Polk,	Watson,
Connell,	Howell,	Powers,	Weymouth,
Cooney,	Hull,	Prince,	Wheeler, Ala.
Cooper, Tex.	Jack,	Pugh,	Wheeler, Ky.
Corliss,	Joy,	Quarles,	White,
Cousins,	Kahn,	Ransdell,	Williams, J. R.
Cox,	Kerr,	Reeder,	Williams, W. E.
Cummings,	Ketcham,	Reeves,	Williams, Miss.
Cusack,	Kitchin,	Rhea, Ky.	Wilson, Idaho
Cushman,	Kleberg,	Rhea, Va.	Wilson, N. Y.
Daly, N. J.	Kluttz,	Richardson,	Wilson, S. C.
Dalzell,	Knox,	Riordon,	Wright,
Davenport, S. A.	Landis,	Rixey,	Young, Pa.
Davenport, S. W.	Lane,	Robbins,	Young, Va.
Davey,	Lanham,	Roberts,	Ziegler.
Davis,	Latimer,	Robertson, La.	
Dayton,	Lawrence,	Rucker,	

During the call of the House the following occurred:

Mr. ROBINSON of Indiana. Mr. Speaker, I notice members are answering "present." Is not this a pending question whether we go into Committee of the Whole?

The SPEAKER pro tempore. The call of the House is in progress, and the members will answer "present."

Mr. ADAMSON. Mr. Speaker, is it not proper to vote on the pending motion?

The SPEAKER pro tempore. There is no pending motion. The rule does not apply to Friday night sessions.

Mr. CLARK of Missouri. Mr. Speaker, a point of order. Is not the motion before the House to go into Committee of the Whole?

The SPEAKER pro tempore. It is.

Mr. CLARK of Missouri. Is it not a proper answer to the roll call, either "aye" or "no?"

The SPEAKER pro tempore. It is not. The rule which the gentleman has in mind has a special exception. That rule which calls for a vote during the call of the House says it shall not apply to Friday night sessions. The rule so provides.

Mr. CLARK of Missouri. It seems that we have one rule for the day and another rule for the night. [Laughter.]

After the call of the House was completed,

Mr. TALBERT. If it is in order now, Mr. Speaker, I again renew my motion to adjourn rather than have to send out for the friends of these people. I move that the House do now adjourn.

Mr. DRIGGS. Mr. Speaker, I trust that the gentleman will withdraw that.

The SPEAKER pro tempore. The Chair can not recognize gentlemen until after the call of the roll is announced. One hundred and twelve members are present—not a quorum.

Mr. DE GRAFFENREID. Mr. Speaker, in view of the fact that the notice given by the gentleman from South Carolina [Mr. TALBERT] was not understood by the House before this evening session, I trust he will now withdraw his obstructive proceedings and renew them at a subsequent meeting.

The SPEAKER pro tempore. It can not be withdrawn. The

absence of a quorum has been disclosed. The motion to adjourn has been made and lost, and a call of the House has been ordered, and the record shows that there are present only 112 members.

Mr. MIERS of Indiana. Mr. Speaker, I would like the attention of members just a moment. The gentleman has availed himself of his constitutional right to demand that a quorum shall be present. As one I am sorry that he has done so, and yet I do not feel like quarreling with him for doing it. As a member of the House, I do not know that we have a right to say that any gentleman has done a wrong, although we may be very anxious for something else, if he is within the rules of the House. He is within the rules, and therefore I am not going to criticise the gentleman; but I want to say this: As a member of the Committee on Invalid Pensions I have put in over four hours two days of every week in the examination of these pension bills. I want to say to the gentleman from South Carolina that there is no danger, there is no possibility of this committee, as it is now organized, ever reporting in favor of the Cullom bill should it come from the Senate of the United States. I want to say to you and to the House that the Committee on Invalid Pensions has most carefully scrutinized every bill, and I am ready to agree with the gentleman from South Carolina or any other gentleman that if there was any lax legislation on this subject then we ought to cry halt.

We have not done any reckless legislation; the committee has not recommended any, but has worked long and faithfully to present a few meritorious bills. I venture the assertion that no Calendar has ever presented bills that were more meritorious than this one, and we invite a careful consideration. The old soldier is entitled to a good deal of sympathy, but we are not asking sympathy; it is justice we demand as right.

But, Mr. Speaker and gentlemen of the House, on this Calendar are about forty bills. The majority of them are most meritorious. Let me illustrate by referring to a particular case, that of an old soldier 56 years of age, who in 1861 was a little less than 15 years old, who went into the Army and expended four years and about six months fighting for a united country—fighting for the old flag. He has no means.

He is to-day drawing a pension of only $6 a month, notwithstanding the fact that one of his eyes is entirely out, notwithstanding his diseased lung, notwithstanding his impaired heart; he is drawing the pitiful sum of $6 per month because he is unable to go back and prove that these various disabilities were the result of his army service. The bill on the Calendar proposes to give this old soldier the pitiful pension of $12 a month, and the want of a quorum of members prevents it. It is a shame.

Another bill on the Calendar will illustrate the class of cases which this House is asked to consider. That is the case of a war widow, a woman who, as I happen to know, stayed at home while her husband was in the Army, where he gave up his life. His lifeless body was brought home to her. She had four little children. She went into the hay field and pitched hay; she went into the field and plowed corn; she went out into the field and carried in wood from the snow-covered ground to warm those little children, while the husband was away fighting the battles of his country, the benefits of which we are now enjoying. Unfortunately, four years after the war was over, she was overtaken by a man and married him. He died a few years ago.

Now that mother is homeless and penniless; she is on the road to the poorhouse. We ask that this House give her a pension of $12 a month. These bills will illustrate the class of cases which are on this Calendar demanding action in this House.

If the gentleman from South Carolina insists, as he has the right to do, upon the attendance of a constitutional majority, I ask members of this House who have not put upon these bills the time that some of the rest of us have in the committee room—I ask you whether or not next Friday night we shall have the same occurrence as to-night—a sparse attendance—or whether we shall have the presence of a constitutional majority?

A MEMBER. You should talk to the fellows who are not here.

Mr. MIERS of Indiana. Yes; the gentleman is correct. Those are the men I want to reach. That is the reason I am doing this talking. I want it understood that when they go around, as many of them will do, professing to be the friends of the old soldier and the soldiers' widows, I want it understood that they are not here to-night to vote, and many of them are never here to aid the old soldier, yet ever ready to profess friendship for the old soldier when it costs him no inconvenience.

Let me say now that I am proud of the members who are here to-night. There are more members present than I have ever seen here on the occasion of a Friday night meeting. But when a constitutional majority is insisted upon, will those members who have stayed away to-night be here next Friday night? If not here, they should be brought by the Sergeant-at-Arms. If they are the friends of the old soldier, and want to see justice done where the ordinary law can not give it, or has not given it, I hope they will be here; and if they are not here, I hope the roll call will show that fact. And not only that, but I hope that every member of this House who has not a good excuse for not being here next Friday night to act on these bills and to vote in favor of the meritorious ones, will not go round parading as the friend of the soldier, but will be marked down as his enemy. [Applause.]

These meetings are a part of the business of the House. The old soldiers have been crowded out of the day sessions and these night sessions set apart to consider pension claims, and this is the time when members can do something for the old soldier. The old soldiers have the right to expect the presence of their friends, and I demand that the member who is the professed friend of the soldier show up or take the consequence of his absence. It is now a condition that confronts, and not a theory. We mean business, and will not be content until we pass some of these meritorious bills; and if we do not, the country shall know whose fault it is. [Applause.]

Mr. GAINES. I would like to ask the gentleman from Indiana a question. We all know him, and we know that he speaks exactly what he believes to be true.

Mr. MIERS of Indiana. Thank you.

Mr. GAINES. The gentleman seems to know the merits of these claims.

Mr. MIERS of Indiana. I believe I do, for I have investigated them.

Mr. GAINES. Now, does not the gentleman, believing as he does, feel that he ought to be here next Friday night and insist on sending the Sergeant-at-Arms after members who do not choose to attend? If I knew the facts of these cases as the gentleman appears to know them, that is what I would do.

Mr. MIERS of Indiana. I will join any other members who may be here in insisting on a roll call and on sending the Sergeant-at-Arms to bring members here to vote.

Mr. SULLOWAY. Mr. Speaker, I do not understand that the motion now before the House is debatable.

The SPEAKER pro tempore. There is no motion before the House.

Mr. SULLOWAY. Then I move that the House do now adjourn.

Mr. GARDNER of New Jersey. I rise to a parliamentary inquiry.

Several MEMBERS. Regular order!

Mr. GARDNER of New Jersey. If the gentleman who insisted upon the vote of a quorum on the motion to go into Committee of the Whole—desiring, as I understand, that there should be only the usual business quorum, the roll call having developed that there is present a quorum of the Committee of the Whole—if the member who has made the point should now be willing to withdraw it, is it not perfectly competent to expunge by unanimous consent the record which has been made?

The SPEAKER pro tempore. It is not.

Mr. GAINES. I would not agree to that; I will say that right now, though I am as willing as any other man to stay here to-night and work.

The SPEAKER pro tempore. The record shows that there is not a quorum of the House present. Until a quorum is disclosed the House can take no action except to adjourn or to adopt measures for securing the attendance of a quorum.

Mr. GAINES. Regular order.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was put.

The SPEAKER pro tempore. The ayes appear to have it.

Several MEMBERS. Division!

Mr. RIDGELY. Mr. Speaker, a question, pending the vote.

The House divided; and there were—ayes 48, noes 46.

Mr. GRIGGS, Mr. NORTON of Ohio, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 24, nays 89, answered "present" 4, not voting 237; as follows:

YEAS—24.

Adamson,	Esch,	Jenkins,	Moody, Mass.
Allen, Me.	Finley,	Jones, Va.	Ridgely,
Atwater,	Gardner, Mich.	Lacey,	Stokes,
Barham,	Gillett, Mass.	Linney,	Sulloway,
Bishop,	Grout,	Mahon,	Talbert,
Crumpacker,	Hedge,	Mercer,	Wanger.

NAYS—89.

Bailey, Kans.	Cochrane, N. Y.	Fitzgerald, N. Y.	Jett,
Bell,	Cooney,	Gaines,	Johnston,
Bellamy,	Cooper, Wis.	Gardner, N. J.	Jones, Wash.
Berry,	Cowherd,	Gaston,	Lamb,
Boutell, Ill.	Crawford,	Gibson,	Little,
Bowersock,	Cromer,	Glynn,	Lloyd,
Brenner,	Crowley,	Gordon,	Long,
Brick,	Crump,	Graff,	Mann,
Brown,	Curtis,	Greene, Mass.	Marsh,
Brownlow,	Danle, Wis.	Griffith,	Meekison,
Brundidge,	Davidson,	Hamilton,	Miers, Ind.
Burkett,	De Armond,	Heatwole,	Minor,
Burton,	De Graffenreid,	Hemenway,	Neville,
Calderhead,	Dougherty,	Hill,	Norton, Ohio
Clark, Mo.	Dovener,	Jack,	Otey,

Otjen,	Robinson, Nebr.	Snodgrass,	Warner,
Overstreet,	Rodenberg,	Southard,	Waters,
Packer, Pa.	Ryan, Pa.	Spalding,	Weaver,
Pearre,	Shafroth,	Stark,	Weeks,
Phillips,	Sheppard,	Stephens, Tex.	Zenor.
Ray,	Small,	Stewart, N. J.	
Robb,	Smith, H. C.	Stewart, Wis.	
Robinson, Ind.	Smith, Samuel W.	Underhill,	

ANSWERED "PRESENT"—4.

Barney,	Driggs,	McDowell,	Sparkman.

NOT VOTING—237.

Acheson,	Dick,	Lewis,	Ryan, N. Y.
Adams,	Dinsmore,	Littauer,	Salmon,
Alexander,	Dolliver,	Littlefield,	Scudder,
Allen, Ky.	Driscoll,	Livingston,	Shackleford,
Allen, Miss.	Eddy,	Lorimer,	Shattuc,
Babcock,	Elliott,	Loud,	Shelden,
Bailey, Tex.	Emerson,	Loudenslager,	Sherman,
Baker,	Epes,	Lovering,	Showalter,
Ball,	Faris,	Lybrand,	Sibley,
Bankhead,	Fitzgerald, Mass.	McAleer,	Sims,
Barber,	Fitzpatrick,	McCall,	Slayden,
Bartholdt,	Fleming,	McCleary,	Smith, Ill.
Bartlett,	Fletcher,	McClellan,	Smith, Ky.
Benton,	Fordney,	McCulloch,	Smith, Wm. Alden
Bingham,	Foss,	McLain,	Sperry,
Boreing,	Foster,	McPherson,	Spight,
Boutelle, Me.	Fowler,	McRae,	Sprague,
Bradley,	Fox,	Maddox,	Stallings,
Brantley,	Freer,	May,	Steele,
Breazeale,	Gamble,	Mesick,	Stevens, Minn.
Brewer,	Gayle,	Metcalf,	Stewart, N. Y.
Bromwell,	Gilbert,	Meyer, La.	Sulzer,
Brosius,	Gill,	Miller,	Sutherland,
Broussard,	Gillet, N. Y.	Mondell,	Swanson,
Bull,	Graham,	Moody, Oreg.	Tate,
Burke, S. Dak.	Green, Pa.	Moon,	Tawney,
Burke, Tex.	Griggs,	Morgan,	Tayler, Ohio
Burleigh,	Grosvenor,	Morris,	Taylor, Ala.
Burleson,	Grow,	Mudd,	Terry,
Burnett,	Hall,	Mutler,	Thayer,
Butler,	Harmer,	Naphen,	Thomas, Iowa
Caldwell,	Haugen,	Needham,	Thomas, N. C.
Campbell,	Hawley,	Newlands,	Thropp,
Cannon,	Hay,	Noonan,	Tompkins,
Capron,	Henry, Conn.	Norton, S. C.	Tongue,
Carmack,	Henry, Miss.	O'Grady,	Turner,
Catchings,	Henry, Tex.	Olmsted,	Underwood,
Chanler,	Hepburn,	Parker, N. J.	Vandiver,
Chickering,	Hitt,	Payne,	Van Voorhis,
Clarke, N. H.	Hoffecker,	Pearce, Mo.	Vreeland,
Clayton, Ala.	Hopkins,	Pierce, Tenn.	Wachter,
Clayton, N. Y.	Howard,	Polk,	Wadsworth,
Cochran, Mo.	Howell,	Powers,	Watson,
Connell,	Hull,	Prince,	Weymouth,
Cooper, Tex.	Joy,	Pugh,	Wheeler, Ala.
Corliss,	Kahn,	Quarles,	Wheeler, Ky.
Cousins,	Kerr,	Ransdell,	White,
Cox,	Ketcham,	Reeder,	Williams, J. R.
Cummings,	Kitchin,	Reeves,	Williams, W. E.
Cusack,	Kleberg,	Rhea, Ky.	Williams, Miss.
Cushman,	Kluttz,	Rhea, Va.	Wilson, Idaho
Daly, N. J.	Knox,	Richardson,	Wilson, N. Y.
Dalzell,	Landis,	Riordan,	Wilson, S. C.
Davenport, S. A.	Lane,	Rixey,	Wright,
Davenport, S. W.	Lanham,	Robbins,	Young, Pa.
Davey,	Latimer,	Roberts, Mass.	Young, Va.
Davis,	Lawrence,	Robertson, La.	Ziegler.
Dayton,	Lentz,	Rucker,	
De Vries,	Lester,	Ruppert,	
Denny,	Levy,	Russell,	

So the motion to adjourn was rejected.

Mr. MERCER (having previously voted in the negative). Mr. Speaker, I have just been informed that a good many members were not aware that we were to have a meeting to-night, and, that being so, I desire to change my vote from "no" to "aye."

The Clerk having called Mr. MERCER's name, he voted "aye."

Mr. DRIGGS. I desire to say that I am paired with the gentleman from New York [Mr. SHERMAN], and I desire to withdraw my vote.

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. WEAVER. Mr. Speaker, my colleague [Mr. GROSVENOR] is ill, and asked me to state that fact to the House, and to request that he be excused.

The Clerk announced the following pairs:

Until further notice:

Mr. FARIS with Mr. MAY.
Mr. REEVES with Mr. SPARKMAN.
Mr. CROMER with Mr. BURNETT.
Mr. LANDIS with Mr. MIERS of Indiana.
Mr. WRIGHT with Mr. HALL.
Mr. BROMWELL with Mr. MCDOWELL.
Mr. LORIMER with Mr. SWANSON.
Mr. WEYMOUTH with Mr. ZIEGLER.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. SHERMAN with Mr. DRIGGS.
Mr. BISHOP with Mr. CAMPBELL.
Mr. MORRIS with Mr. LANHAM.
Mr. PACKER of Pennsylvania with Mr. POLK.
Mr. LOUD with Mr. DE VRIES.
Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.
Mr. BARNEY with Mr. ALLEN of Mississippi.
Mr. FOWLER with Mr. BARTLETT.
Mr. CLARKE of New Hampshire with Mr. UNDERWOOD.
Mr. FOSS with Mr. CUMMINGS.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. MUDD with Mr. RIXEY.
Mr. BUTLER with Mr. TATE.
Mr. HAWLEY with Mr. KITCHIN.
Mr. BULL with Mr. VANDIVER.
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. LOUDENSLAGER with Mr. TURNER.
Mr. CHICKERING with Mr. GAYLE.
Mr. CONNELL with Mr. S. A. DAVENPORT.
Mr. LINNEY with Mr. BELLAMY.
Mr. GREENE of Massachusetts with Mr. CARMACK.
Mr. HARMER with Mr. FITZPATRICK.
Mr. YOUNG of Pennsylvania with Mr. BRADLEY.
Mr. BOUTELLE of Maine with Mr. SPIGHT.
Mr. LOVERING with Mr. SHACKLEFORD.
Mr. WANGER with Mr. ADAMSON.
Mr. BINGHAM with Mr. RUPPERT.

For this day:

Mr. BOUTELL of Illinois and with Mr. GRIGGS.
Mr. DICK with Mr. LENTZ.
Mr. BABCOCK with Mr. SULLIVAN.
Mr. FORDNEY with Mr. MADDOX.
Mr. WACHTER with Mr. LEVY.
Mr. CORLISS with Mr. ROBERTSON of Louisiana.
Mr. LANE with Mr. MCRAE.
Mr. LITTAUER with Mr. MCCULLOCH.
Mr. MESICK with Mr. TERRY.
Mr. KETCHAM with Mr. BARBER.
Mr. BURLEIGH with Mr. KLEBERG.
Mr. BULL with Mr. CLAYTON of Alabama.
Mr. O'GRADY with Mr. KLUTTZ.
Mr. BROWNLOW with Mr. BRANTLEY.
Mr. GILLET of New York with Mr. DINSMORE.
Mr. SHELDEN with Mr. SIMS.
Mr. STEWART of New York with Mr. CHANLER.
Mr. WATSON with Mr. WILLIAMS of Mississippi.
Mr. GAMBLE with Mr. FLEMING.
Mr. MCCLEARY with Mr. FOX.

Mr. BARNEY. I am paired with the gentleman from Mississippi, Mr. ALLEN, and he not being present, I withdraw my vote.

The SPEAKER pro tempore. The vote will be withdrawn.

Mr. CLARK of Missouri. I want that pair to show that it is the gentleman from New Hampshire, Mr. CLARKE, who is absent, and not myself.

The SPEAKER pro tempore. The Chair is informed that the pair so shows.

Mr. MCDOWELL. I observe that I am paired with the gentleman from Ohio, Mr. BROMWELL, and I wish to withdraw my vote and be recorded as "present."

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

Mr. LINNEY. I understood the Clerk to announce that I am paired with my colleague, Mr. BELLAMY.

The SPEAKER pro tempore. Both gentlemen are present.

Mr. LINNEY. Then I will allow my vote to stand.

The result of the vote was announced as above recorded.

Mr. NORTON of Ohio. Mr. Speaker, I desire to offer for adoption the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave.

Mr. CLARK of Missouri. Does not that order come automatically?

Mr. NORTON of Ohio. No; it requires the resolution at a Friday night session.

Mr. CLARK of Missouri. Is that a night rule or a day rule? [Laughter.]

The resolution was agreed to.

Mr. MAHON. I move that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NORTON of Ohio and others demanded a division.

The House divided; and there were—ayes 62, noes 35.

Mr. NORTON of Ohio and others demanded the yeas and nays.

The SPEAKER pro tempore. Twenty-two members have risen in support of the demand for the yeas and nays—a sufficient number, and the yeas and nays are ordered.

Mr. CRUMPACKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CRUMPACKER. I should like to know what basis is to be taken in determining the demand for the yeas and nays. The roll call shows 117, and there were not one-fifth of that number who voted for the yeas and nays.

The SPEAKER pro tempore. It requires one-fifth of the last vote.

Mr. CRUMPACKER. One-fifth of the rising vote?

The SPEAKER pro tempore. One-fifth of the last vote.

Mr. DRIGGS. As I understand, there were 97 on the last vote. One-fifth of that is 19, and there were 23, or more than one-fifth, who voted for the yeas and nays.

The SPEAKER pro tempore. The last vote was 97.

Several MEMBERS. Regular order!

The SPEAKER pro tempore. Twenty would be a sufficient number.

Mr. HILL. Mr. Speaker, does it have to be one-fifth of those present or one-fifth of those voting?

The SPEAKER pro tempore. One-fifth of the last vote. The other side might have been called for, and it was not called for.

Mr. MERCER. Is it proper now to call for the other side?

Several MEMBERS. Regular order!

The SPEAKER pro tempore. The regular order is demanded, and the Clerk will call the roll.

The question was taken; and there were—yeas 29, nays 84, not voting 241; as follows:

YEAS—29.

Allen, Me.	Dahle, Wis.	Jack,	Ridgely,
Barham,	Esch,	Jenkins,	Shafroth,
Bell,	Finley,	Jones, Va.	Sulloway,
Bishop,	Gardner, Mich.	Linney,	Talbert,
Clark, Mo.	Graff,	Mahon,	Wanger.
Crawford,	Grout,	Mercer,	
Crumpacker,	Hedge,	Moody, Mass.	
Curtis,	Hill,	Pearre,	

NAYS—84.

Atwater,	Davidson,	Lacey,	Robinson, Nebr.
Bailey, Kans.	De Armond,	Lamb,	Rodenberg,
Barney,	De Graffenreid,	Lawrence,	Ryan, Pa.
Bellamy,	Dougherty,	Little,	Sheppard,
Berry,	Dovener,	Long,	Small,
Boutell, Ill.	Driggs,	McDowell,	Smith, H. C.
Bowersock,	Fitzgerald, N. Y.	Mann,	Smith, Samuel W.
Brenner,	Gaines,	Meekison,	Snodgrass,
Brick,	Gardner, N. J.	Miers, Ind.	Southard,
Brown,	Gaston,	Minor,	Spalding,
Brownlow,	Gibson,	Moody, Oreg.	Stark,
Brundidge,	Glynn,	Neville,	Stephens, Tex.
Burkett,	Gordon,	Norton, Ohio	Stewart, N. J.
Burton,	Greene, Mass.	Otey,	Stewart, Wis.
Calderhead,	Griffith,	Otjen,	Stokes,
Cochrane, N. Y.	Hamilton,	Overstreet,	Underhill,
Cooper, Wis.	Heatwole,	Packer, Pa.	Warner,
Cowherd,	Hemenway,	Phillips,	Waters,
Cromer,	Jett,	Ray,	Weaver,
Crowley,	Johnston,	Robb,	Weeks,
Crump,	Jones, Wash.	Robinson, Ind.	Zenor.

NOT VOTING—241.

Acheson,	Davenport, S. A.	Ketcham,	Powers,
Adams,	Davenport, S. W.	Kitchin,	Prince,
Adamson,	Davey,	Kleberg,	Pugh,
Alexander,	Davis,	Klutts,	Quarles,
Allen, Ky.	Dayton,	Knox,	Ransdell,
Allen, Miss.	De Vries,	Landis,	Reeder,
Babcock,	Denny,	Lane,	Reeves,
Bailey, Tex.	Dick,	Lanham,	Rhea, Ky.
Baker,	Dinsmore,	Latimer,	Rhea, Va.
Ball,	Dolliver,	Lents,	Richardson,
Bankhead,	Driscoll,	Lester,	Riordon,
Barber,	Eddy,	Levy,	Rixey,
Bartholdt,	Elliott,	Lewis,	Robbins,
Bartlett,	Emerson,	Littauer,	Roberts,
Benton,	Epes,	Littlefield,	Robertson, La.
Bingham,	Faris,	Livingston,	Rucker,
Boreing,	Fitzgerald, Mass.	Lloyd,	Ruppert,
Boutelle, Me.	Fitzpatrick,	Lorimer,	Russell,
Bradley,	Fleming,	Loud,	Ryan, N. Y.
Brantley,	Fletcher,	Loudenslager,	Salmon,
Breazeale,	Fordney,	Lovering,	Scudder,
Brewer,	Foss,	Lybrand,	Shackleford,
Bromwell,	Foster,	McAleer,	Shattuc,
Brosius,	Fowler,	McCall,	Shelden,
Broussard,	Fox,	McCleary,	Sherman,
Bull,	Freer,	McClellan,	Showalter,
Burke, S. Dak.	Gamble,	McCulloch,	Sibley,
Burke, Tex.	Gayle,	McLain,	Sims,
Burleigh,	Gilbert,	McPherson,	Slayden,
Burleson,	Gill,	McRae,	Smith, Ill.
Burnett,	Gillet, N. Y.	Maddox,	Smith, Ky.
Butler,	Gillett, Mass.	Marsh,	Smith, Wm. Alden
Caldwell,	Graham,	May,	Sparkman,
Campbell,	Green, Pa.	Mesick,	Sperry,
Cannon,	Griggs,	Metcalf,	Spight,
Capron,	Grosvenor,	Meyer, La.	Sprague,
Carmack,	Grow,	Miller,	Stallings,
Catchings,	Hall,	Mondell,	Steele,
Chanler,	Harmer,	Moon,	Stevens, Minn.
Chickering,	Haugen,	Morgan,	Stewart, N. Y.
Clarke, N. H.	Hawley,	Morris,	Sulzer,
Clayton, Ala.	Hay,	Mudd,	Sutherland,
Clayton, N. Y.	Henry, Conn.	Muller,	Swanson,
Cochran, Mo.	Henry, Miss.	Naphen,	Tate,
Connell,	Henry, Tex.	Needham,	Tawney,
Cooney,	Hepburn,	Newlands,	Taylor, Ohio
Cooper, Tex.	Hitt,	Noonan,	Taylor, Ala.
Corliss,	Hoffecker,	Norton, S. C.	Terry,
Cousins,	Hopkins,	O'Grady,	Thayer,
Cox,	Howard,	Olmsted,	Thomas, Iowa
Cummings,	Howell,	Parker, N. J.	Thomas, N. C.
Cusack,	Hull,	Payne,	Thropp,
Cushman,	Joy,	Pearce, Mo.	Tompkins,
Daly, N. J.	Kahn,	Pierce, Tenn.	Tongue,
Dalzell,	Kerr,	Polk,	Turner,
Underwood,	Watson,	Williams, W. R.	Young, Pa.
Vandiver,	Weymouth,	Williams, Miss.	Young, Va.
Van Voorhis,	Wheeler, Ala.	Wilson, Idaho	Ziegler.
Vreeland,	Wheeler, Ky.	Wilson, N. Y.	
Wachter,	White,	Wilson, S. C.	
Wadsworth,	Williams, J. R.	Wright,	

So the House refused to adjourn.

The following additional pairs were announced:

For this day:

Mr. GARDNER of New Jersey with Mr. HENRY of Texas.

Mr. HULL with Mr. MCALEER.

Mr. MCPHERSON with Mr. COOPER of Texas.

Mr. HEPBURN with Mr. DAVIS.

Mr. JOY with Mr. BURKE of Texas.

The result of the vote was then announced as above recorded.

Mr. TALBERT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TALBERT. In view of the fact that a good many members have come to me and said that they did not understand that I had given notice and that it is not generally known, while I stated two weeks ago that I would pursue this course; in view of the fact that I do not want to put any indignity upon members by having them brought in here from their beds, I ask if it would not be in order to withdraw the point of no quorum.

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. TALBERT. My parliamentary inquiry is if I can not withdraw the point of no quorum.

Mr. NORTON of Ohio. Mr. Speaker, I should like to ask, as a parliamentary inquiry, what has become of the resolution offered by me a short time ago?

The SPEAKER pro tempore. The resolution has been adopted.

Mr. NORTON of Ohio. Do I understand, then, that the order has been given to send out the Sergeant-at-Arms to bring in absent members?

The SPEAKER pro tempore. The Chair has just signed the necessary warrants.

Mr. NORTON of Ohio. Now, Mr. Speaker, in view of the fact that it will be utterly impossible for the order to be executed before the hour expires, I move that all further proceedings under the call be dispensed with.

The question was taken, and the motion was disagreed to.

Mr. HILL. I move that the House do now adjourn.

Mr. JONES of Virginia. Mr. Speaker, I make the point of order that no business has intervened since the last motion to adjourn.

The SPEAKER pro tempore. The Chair overrules the point. There has been intervening business.

Mr. TALBERT. Mr. Speaker, I am still on the anxious bench. [Laughter.]

The SPEAKER pro tempore. The gentleman from Connecticut moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 51, noes 32.

Mr. BARNEY and others. The yeas and nays.

The question was taken, and the yeas and nays were ordered.

Mr. ROBINSON of Indiana. A parliamentary inquiry. Would it be in order to ask unanimous consent at this time?

The SPEAKER pro tempore. The House is dividing on the motion to adjourn.

Several MEMBERS. Regular order!

The SPEAKER pro tempore. The regular order is called for.

The question was taken; and there were—yeas 33, nays 80, answered "present" 3; not voting 233; as follows:

YEAS—33.

Allen, Me.	Curtis,	Hill,	Shafroth,
Atwater,	Dougherty,	Jack,	Small,
Bell,	Esch,	Jenkins,	Stewart, Wis.
Bellamy,	Finley,	Jones, Va.	Stokes,
Bishop,	Gardner, Mich.	Lloyd,	Sulloway,
Clark, Mo.	Gordon,	Mahon,	Talbert.
Cowherd,	Graff,	Mercer,	
Crawford,	Grout,	Moody, Mass.	
Crumpacker,	Hedge,	Otjen,	

NAYS—80.

Bailey, Kans.	Cromer,	Hamilton,	Minor,
Barham,	Crowley,	Heatwole,	Moody, Oreg.
Barney,	Crump,	Hemenway,	Neville,
Berry,	Dahle, Wis.	Jett,	Norton, Ohio
Boutell, Ill.	Davidson,	Johnston,	Otey,
Bowersock,	De Armond,	Jones, Wash.	Overstreet,
Brenner,	De Graffenreid,	Lacey,	Packer, Pa.
Brick,	Dovener,	Lamb,	Phillips,
Brown,	Fitzgerald, N. Y.	Lawrence,	Ray,
Brownlow,	Gaines,	Little,	Rhea, Va.
Brundidge,	Gardner, N. J.	Long,	Ridgely,
Burkett,	Gaston,	McDowell,	Robb,
Burton,	Gibson,	Mann,	Robinson, Ind.
Calderhead,	Glynn,	Marsh,	Robinson, Nebr.
Cochrane, N. Y.	Greene, Mass.	Meekison,	Rodenberg,
Cooper, Wis.	Griffith,	Miers, Ind.	Ryan, Pa.

Sheppard,	Southard,	Stevens, Minn.	Waters,
Smith, H. C.	Spalding,	Stewart, N. J.	Weaver,
Smith, Samuel W.	Stark,	Underhill,	Weeks,
Snodgrass,	Stephens, Tex.	Warner,	Zenor.

ANSWERED "PRESENT"—3.

Driggs,	Sparkman,	Terry.

NOT VOTING—238.

Acheson,	De Vries,	Lester,	Ruppert,
Adams,	Denny,	Levy,	Russell,
Adamson,	Dick,	Lewis,	Ryan, N. Y.
Alexander,	Dinsmore,	Linney,	Salmon,
Allen, Ky.	Dolliver,	Littauer,	Scudder,
Allen, Miss.	Driscoll.	Littlefield,	Shackleford,
Babcock,	Eddy,	Livingston,	Shattuc,
Bailey, Tex.	Elliott,	Lorimer,	Shelden,
Baker,	Emerson,	Loud,	Sherman,
Ball,	Epes,	Loudenslager,	Showalter,
Bankhead,	Faris,	Lovering,	Sibley,
Barber,	Fitzgerald, Mass.	Lybrand,	Sims,
Bartholdt,	Fitzpatrick,	McAleer,	Slayden,
Bartlett,	Fleming,	McCall,	Smith, Ill.
Benton,	Fletcher,	McCleary,	Smith, Ky.
Bingham,	Fordney,	McClellan,	Smith, Wm. Alden,
Boreing,	Foss,	McCulloch,	Sperry,
Boutelle, Me.	Foster,	McLain,	Spight,
Bradley,	Fowler,	McPherson,	Sprague,
Brantley,	Fox,	McRae,	Stallings,
Breazeale,	Freer,	Maddox,	Steele,
Brewer,	Gamble,	May,	Stewart, N. Y.
Bromwell,	Gayle,	Mesick,	Sulzer,
Brosius,	Gilbert,	Metcalf,	Sutherland,
Broussard,	Gill,	Meyer, La.	Swanson,
Bull,	Gillet, N. Y.	Miller,	Tate,
Burke, S. Dak.	Gillett, Mass.	Mondell,	Tawney,
Burke, Tex.	Graham,	Moon,	Tayler, Ohio
Burleigh,	Green, Pa.	Morgan,	Taylor, Ala.
Burleson,	Griggs,	Morris,	Thayer,
Burnett,	Grosvenor,	Mudd,	Thomas, Iowa
Butler,	Grow,	Muller,	Thomas, N. C.
Caldwell,	Hall,	Naphen,	Thropp,
Campbell,	Harmer,	Needham,	Tompkins,
Cannon,	Haugen,	Newlands,	Tongue,
Capron,	Hawley,	Noonan,	Turner,
Carmack,	Hay,	Norton, S. C.	Underwood,
Catchings,	Henry, Conn.	O'Grady,	Vandiver,
Chanler,	Henry, Miss.	Olmsted,	Van Voorhis,
Chickering,	Henry, Tex.	Parker, N. J.	Vreeland,
Clarke, N. H.	Hepburn,	Payne,	Wachter,
Clayton, Ala.	Hitt,	Pearce, Mo.	Wadsworth,
Clayton, N. Y.	Hoffecker,	Pearre,	Wanger,
Cochran, Mo.	Hopkins,	Pierce, Tenn.	Watson,
Connell,	Howard,	Polk,	Weymouth,
Cooney,	Howell,	Powers,	Wheeler, Ala.
Cooper, Tex.	Hull,	Prince,	Wheeler, Ky.
Corliss,	Joy,	Pugh,	White,
Cousins,	Kahn,	Quarles,	Williams, J. R.
Cox,	Kerr,	Ransdell,	Williams, W. E.
Cummings,	Ketcham,	Reeder,	Williams, Miss.
Cusack,	Kitchin,	Reeves,	Wilson, Idaho
Cushman,	Kleberg,	Rhea, Ky.	Wilson, N. Y.
Daly, N. J.	Kluttz,	Richardson,	Wilson, S. C.
Dalzell,	Knox,	Riordan,	Wright,
Davenport, S. A.	Landis,	Rixey,	Young, Pa.
Davenport, S. W.	Lane,	Robbins,	Young, Va.
Davey,	Lanham,	Roberts,	Ziegler.
Davis,	Latimer,	Robertson, La.	
Dayton,	Lentz,	Rucker,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. THOMAS of Iowa with Mr. SUTHERLAND.

Mr. LITTLEFIELD with Mr. LIVINGSTON.

Mr. STEELE with Mr. LANHAM.

Mr. GROSVENOR with Mr. JAMES R. WILLIAMS.

Mr. COUSINS with Mr. CALDWELL.

Mr. DOLLIVER with Mr. WILLIAM E. WILLIAMS.

Mr. TERRY. Mr. Speaker, I find that I am paired with the gentleman from Michigan [Mr. MESICK], and I wish to withdraw my vote.

The SPEAKER pro tempore. The gentleman's vote will be withdrawn.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The hour of 10.30 having arrived, the House, under the rule, stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a communication from the Surgeon-General of the Army calling attention to the need of more hospital stewards—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John Huff against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Frances King, widow of Henry King, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Penelope Auzburn against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah H. Lyddane, executrix of estate of Stephen M. Lyddane against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2936) changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes, reported the same with amendment, accompanied by a report (No. 188); which said bill and report were referred to the House Calendar.

Mr. TERRY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 92) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse, reported the same with amendment, accompanied by a report (No. 189); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-Mile Bayou near Shreveport, La., reported the same without amendment, accompanied by a report (No. 190); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 855) for the relief of Mary M. F. Flagler, widow of Daniel W. Flagler, late a brigadier-general, United States Army—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3764) granting a pension to Martha A. De Lamater—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6846) for the relief of Julia Nolan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6511) for the relief of Mary L. McCormick—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7549) for the relief of I. Winslow Ayer—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 7193) granting a pension to David Carroll—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7819) to remove the charge of desertion from the naval record of Peter Provansha—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 7942) to increase the corps of cadets at the United States Military Academy at West Point, and to regulate the qualifications for admission—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 7943) to authorize the reimbursement of officers and men of the Army and Navy for medical expenses incurred during leave or furlough—to the Committee on War Claims.

By Mr. FLYNN (by request): A bill (H. R. 7944) for the relief of settlers in Oklahoma—to the Committee on the Public Lands.

By Mr. MORRIS: A bill (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River"—to the Committee on Interstate and Foreign Commerce.

By Mr. BELLAMY: A bill (H. R. 7946) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek,

within the boundary lines of Edgecombe County, N. C.—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: A bill (H. R. 7947) to authorize receiving foreign silver coin as bullion and recoining as subsidiary coin, and fixing a limit for subsidiary coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. WM. ALDEN SMITH: A bill (H. R. 7948) to increase pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 7949) granting permission to the Batcheller Pneumatic Tube Company to lay a pneumatic tube from the Government Printing Office to the Capitol—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes—to the Committee on the District of Columbia.

By Mr. COWHERD: A bill (H. R. 7951) to extend the thanks of Congress to First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Berthoff, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service, and directing the Secretary of the Treasury to bestow medals upon them—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: A bill (H. R. 7952) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of Japan, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7953) authorizing the President of the United States to appoint a commission to investigate the commercial and industrial condition of the Empire of China, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7954) to authorize the building of a canal from Lake Superior to the city of East Grand Forks, and for other purposes—to the Committee on Railways and Canals.

Also, a bill (H. R. 7955) to amend section 2 of an act approved June 16, 1880, entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands"—to the Committee on the Public Lands.

By Mr. SCUDDER: A bill (H. R. 7956) to provide for the improvement of certain waterways on the north side of Long Island, in the State of New York, and opening into Long Island Sound—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7957) to provide for the improvement of certain waterways in New York State on the southern shore of Long Island—to the Committee on Rivers and Harbors.

By Mr. SHAFROTH: A bill (H. R. 7958) to protect the coins of the United States from destruction—to the Committee on Coinage, Weights, and Measures.

By Mr. SCUDDER: A bill (H. R. 8005) to provide for the inspection of the boilers of the *Alvena* and *Ailsa*—to the Committee on Interstate and Foreign Commerce.

By Mr. OTEY (by request): A bill (H. R. 8017) to authorize the condemnation of so much of the west end of Lysles street as is necessary to make an opening from Wisconsin avenue and corner of Grant road, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MEYER of Louisiana: A bill (H. R. 8018) for the construction of a steam revenue cutter for service in the Gulf of Mexico and tributary waters, headquarters at New Orleans, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER of New Jersey: A bill (H. R. 8019) to supplement and amend the act entitled "An act to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post-road," approved July 11, 1890—to the Committee on Interstate and Foreign Commerce.

By Mr. SCUDDER: A joint resolution (H. J. Res. 154) to appropriate $10,000 for the maintenance of the channel of Newtown Creek, New York—to the Committee on Rivers and Harbors.

By Mr. ACHESON: A joint resolution (H. J. Res. 155) for improvement of Ohio River below the Louisville and Portland Canal—to the Committee on Rivers and Harbors.

By Mr. ELLIOTT: A resolution (H. Res. 125) directing the Secretary of War to cause to be made a survey of Black River, South Carolina, with a view to improvement—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 7959) to correct the military record of Martin Hope, of Morris Crossroads, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7960) to correct the military record of William H. Strawser, of Ohiopyle, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7961) to correct the military record of Hays Gaskill, of Smithfield, Fayette County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7962) to correct the military record of Samuel Crawford, of Independence, Washington County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 7963) granting a pension to Annie O'Neil and Mary O'Neil, of Uniontown, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7964) granting a pension to Capt. William McIntosh, of McKees Rocks, Allegheny County, Pa.—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 7965) for the relief of H. B. Matteosian, doctor of medicine—to the Committee on Claims.

By Mr. BULL: A bill (H. R. 7966) granting a pension to Louise O'Leary—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 7967) for the relief of L. D. McCalman, administrator of Stephen Hurley, deceased, late of Cherokee County, Ala., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 7968) for the relief of John B. Hardman, of Cherokee County, Ala., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 7969) for the relief of A. S. Keener, of Blaine, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 7970) for the relief of the estate of A. Underwood, late of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 7971) for the relief of S. V. Biggers, administrator of R. P. Biggers, deceased, late of Cherokee County, Ala., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 7972) for the relief of Daniel V. Sevier, of Franklin County, Ala.—to the Committee on War Claims.

By Mr. BREAZEALE: A bill (H. R. 7973) for the relief of the estate of Joseph Badin, of Natchitoches, La.—to the Committee on War Claims.

Also, a bill (H. R. 7974) for the relief of Theodosia E. Flourney, of Caddo Parish, La.—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 7975) for the relief of William F. Riley—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 7976) granting a pension to Louise O'Leary—to the Committee on Pensions.

By Mr. CARMACK: A bill (H. R. 7977) to carry into effect a finding of the Court of Claims in favor of Pamella B. Finney, administratrix of T. C. Finney, deceased—to the Committee on Claims.

By Mr. DAVIS: A bill (H. R. 7978) for the relief of G. F. Bullard, of Florida—to the Committee on Claims.

Also, a bill (H. R. 7979) for the relief of C. J. Hodges, W. R. Hodges, J. C. Hodges, and T. R. Hodges, heirs of Andrew E. Hodges, of Florida—to the Committee on Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 7980) granting a pension to James Winnie—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7981) for the relief of D. Froneberger, of Knoxville, Knox County, Tenn.—to the Committee on Military Affairs.

By Mr. GILL: A bill (H. R. 7982) to pension James F. Charlesworth, late lieutenant-colonel Twenty-fifth Regiment Ohio Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 7983) for the relief of the heirs of W. H. Smith, deceased, late of Copiah County, Miss.—to the Committee on Claims.

By Mr. JACK: A bill (H. R. 7984) granting a pension to Mrs. Jane Von—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7985) to correct the military record of John Carroll—to the Committee on Military Affairs.

By Mr. KNOX: A bill (H. R. 7986) to increase the pension of Joseph Miller—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 7987) to authorize the Secretary of War to correct the military record of Oscar B. Knight—to the Committee on Military Affairs.

By Mr. McALEER: A bill (H. R. 7988) for the relief of Harriet Shroeter, daughter of Jacob Krider or Creider, who was a Pennsylvania soldier in the war of the Revolution—to the Committee on Pensions.

By Mr. McDOWELL: A bill (H. R. 7989) granting a pension to Rebecca L. English—to the Committee on Invalid Pensions.

By Mr. O'GRADY: A bill (H. R. 7990) granting an increase of pension to John J. Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7991) for the relief of Jemima T. Olden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7992) for the relief of Cyrus Roberts—to the Committee on Military Affairs.

Also, a bill (H. R. 7993) to correct the military record of James A. Murphy—to the Committee on Military Affairs.

By Mr. PHILLIPS: A bill (H. R. 7994) to grant a pension to Annie Allen, widow of Sylvester Allen—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 7995) to pension Jane Hunter—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia (by request): A bill (H. R. 7996) for the relief of the estate of R. M. Ely—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 7997) for the relief of Adam Miller, of Coulterville, Ill.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7998) for the relief of John Henry Miller, of Okawville, Ill.—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: A bill (H. R. 7999) for relief of the heirs of J. L. Kirkpatrick, of Wilson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8000) for relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8001) for the relief of Sampson D. Bridgman, a soldier of the Florida war—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 8002) for the relief of William G. Mayer—to the Committee on Naval Affairs.

By Mr. STARK: A bill (H. R. 8003) granting an increase of pension to Nehemiah W. M. Kitchens, of Beatrice, county of Gage, Nebr.—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 8004) for the relief of Jacob H. May—to the Committee on Claims.

By Mr. WATERS: A bill (H. R. 8006) to increase the pension of James C. Whitehill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8007) granting a pension to O. P. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8008) for the relief of Estalloee H. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8009) for the relief of Helen Lasher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8010) granting a pension to Harriett A. Tappan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8011) for the relief of Mrs. Margaret Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8012) granting a pension to Allen Neighbors—to the Committee on Pensions.

Also, a bill (H. R. 8013) for the relief of Lucy M. Cleveland—to the Committee on Pensions.

Also, a bill (H. R. 8014) for the relief of the heirs of James L. Ord—to the Committee on Claims.

By Mr. WEYMOUTH: A bill (H. R. 8015) granting a pension to Caroline A. Whitcomb—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 8016) for the relief of the legal representatives of Joseph C. Stark, late of Robertson County, Tenn., deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Papers in support of House bill No. 7884, granting a pension to Mrs. F. Christiern—to the Committee on Invalid Pensions.

By Mr. BABCOCK: Paper to accompany House bill No. 6624, granting an increase of pension to John C. Bradley—to the Committee on Invalid Pensions.

By Mr. BELLAMY: Petition of the Chamber of Commerce, Produce Exchange, Merchants' Association, and commissioner of navigation and pilotage, of Wilmington, N. C., relating to a proposed anchorage basin in the port of Wilmington, N. C.—to the Committee on Rivers and Harbors.

By Mr. BRENNER: Petition of Edward C. Paine and other post-office clerks of Middletown, Ohio, for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE: Petition of Richard Lenox, of Springdale, Ark., for a pension—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Petition of Hon. W. D. Morgan and other citizens of South Carolina, asking for the improvement of Sampit River and Winyaw Bay at Georgetown, S. C.—to the Committee on Rivers and Harbors.

Also, petition of W. D. Morgan, mayor of Georgetown, and other citizens of South Carolina, for the extension of the Estherville Minim Canal—to the Committee on Rivers and Harbors.

Also, petition of W. D. Morgan and other citizens of South Carolina, in behalf of the improvement of Wee Tee Lake, South Carolina—to the Committee on Rivers and Harbors.

By Mr. EMERSON: Petition of John W. Rowley and others, of Westville, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Agriculture.

By Mr. GRAHAM: Resolutions of the New York Railroad Club, favoring an international railway congress in the United States in 1904 for the consideration of railroad interests—to the Committee on Railways and Canals.

By Mr. GROUT: Petition of C. C. Bingham and 6 other druggists of St. Johnsbury, Vt., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

Also, petition of the Board of Trade and Merchants' Association of St. Johnsbury, Vt., asking for the repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. HALL: Petition of 60 farmers of Clarion County, Pa., for a law taxing butter imitations—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of Painters' Local Union No. 156, of Evansville, Ind., against the ceding of any more public lands to States or Territories—to the Committee on the Public Lands.

By Mr. HENRY of Mississippi: Paper to accompany House bill for the relief of the heirs of W. H. Smith—to the Committee on Claims.

By Mr. KETCHAM: Petition of Jeremiah Mead and others, of Pawling, N. Y., for the passage of a bill relating to food and dairy products—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: Petition of Thomas F. Rutherford and others, of Waddington, N. Y., for the passage of a bill relating to dairy food and products—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of A. H. Witham and 6 other citizens of Denmark, Me., for the abolition of all customs duties between Puerto Rico and the United States—to the Committee on Insular Affairs.

By Mr. McCLEARY: Resolutions of the St. Paul (Minn.) Chamber of Commerce, favoring the route to the Philippines via Puget Sound—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., urging legislation in aid of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the St. Paul (Minn.) Chamber of Commerce, indorsing House bill No. 887, to provide for adding and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Appropriations.

By Mr. MANN: Paper to accompany House bill to correct the military record of Oscar B. Knight—to the Committee on Military Affairs.

By Mr. MEEKISON: Papers to accompany House bill No. 7704, granting an increase of pension to Malinda A. Myers, widow of S. F. Myers, of Company K, Eleventh Regiment Ohio Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: Petition of the Gloucester Board of Trade, the Master Mariners' Association, the Business Men's Association, and of the city government, for the improvement and early completion of Dog Bar Breakwater, in the harbor of Gloucester, Mass.—to the Committee on Rivers and Harbors.

By Mr. NEVILLE: Petition of citizens of North Platte Valley, to accompany House bill No. 7554, granting a pension to Frederick Wright—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: Papers to accompany House bill No. 7793, for the relief of Hewson L. Peeke, of Sandusky, Ohio—to the Committee on Claims.

By Mr. O'GRADY: Papers to accompany House bill for the relief of Mary Ragan—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to correct the military record of James A. Murphy—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to John J. Bowen—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of Francis H. Staples, to accompany House bill 7708, to restore him to the pension rolls—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petitions of Connecticut chapters of the Daughters of the American Revolution; citizens of Bridgeport, Stamford, Berlin, Middletown, Montville, New London, and Groton, Conn., and from officers of Yale University and Wesleyan University, favoring House bill No. 2577, for the preservation of Fort Griswold, a Revolutionary site in Groton, Conn.—to the Committee on Military Affairs.

Also resolutions of the Chamber of Commerce of New Haven, Conn., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of New Haven, Conn., favoring reciprocal tariff relations between the United States and Canada—to the Committee on Ways and Means.

By Mr. SHOWALTER: Petition of clerks employed in the post-office at Beaver Falls, Pa., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. WM. ALDEN SMITH: Papers to accompany House bill No. 7948, to increase the pension for the loss of both legs—to the Committee on Invalid Pensions.

By Mr. STARK: Papers to accompany House bill to increase the pension of Nehemiah W. M. Kitchens, of Beatrice, Nebr.—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: Petition of Ross & Wagner and others, of Philadelphia, Pa., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 3, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I understand that there is a special order that eulogies on the late Mr. ERMENTROUT, of Pennsylvania, shall begin at 1 o'clock to-day. I ask unanimous consent that the order be modified so as to provide that the eulogies be taken up immediately on the completion of the consideration of the Indian appropriation bill.

The SPEAKER. The gentleman from New York asks unanimous consent that the special order set for 1 o'clock be so modified that it be taken up immediately after the completion of the Indian appropriation bill.

Mr. GAINES. Mr. Speaker, the gentleman who has the eulogies more especially in charge is not now in his seat. I think he would object to any modification if he was present.

Mr. SHERMAN. I think a half or three-quarters of an hour after 1 will be sufficient to complete the appropriation bill. The messenger, however, tells me, Mr. Speaker, that I am in error when I say that any time was fixed for eulogies.

The SPEAKER. The Calendar is incorrect. The Journal shows that the eulogies were set for not later than 1 o'clock.

Mr. SHERMAN. My colleague suggests that I so modify my request that the eulogies shall be taken up not later than 2 o'clock.

Mr. RICHARDSON. I was about to make that suggestion.

The SPEAKER. The gentleman from New York modifies his request that the special order be postponed not later than 2 o'clock.

Mr. GREEN of Pennsylvania. Mr. Speaker, unless that is absolutely necessary, I hope it will not be done, as it may inconvenience some of the speakers. The speaker who precedes me, Mr. BROSIUS of Pennsylvania, finds it necessary to leave early for his home. And Mr. ZIEGLER, also from Pennsylvania, states that he must leave by 3 o'clock.

Mr. BROSIUS. I will say to the gentleman from Pennsylvania that I shall be here at whatever time it is necessary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 6272. An act fixing the salary of the postmaster at Washington City, D. C.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union (Mr. MOODY of Massachusetts in the chair) for the further consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. FITZGERALD] be permitted to proceed without interruption for twenty minutes. The gentleman is a member of the Committee on Indian Affairs and has not heretofore occupied any time.

There was no objection.

[Mr. FITZGERALD of New York addressed the committee. See Appendix.]

Mr. LITTLE. Mr. Chairman, I do not contemplate entering into a general discussion upon this question, but I feel that the importance of it is sufficient to demand at least a passing attention.

The Committee on Indian Affairs have allowed every dollar in the appropriation bill that has been called for by the Commissioner of Indian Affairs. I would like those members of the House who have not had occasion to investigate the question to know that in this school service there are three separate lines of schools under Government supervision absolutely—the reservation day school, the reservation boarding school, and the nonreservation boarding school. In addition to that, Indian children are sent to the free schools in the adjoining States where they are so situated that this can be done.

Now, the Indian Commissioner states in his report, without any qualification, that the reservation boarding schools are ample for all requirements. I will quote his exact language:

> The present number of reservation schools is sufficient to meet all the requirements of the service, but they should be enlarged in some cases and better equipped in others.

Provision has been made for the children in our contract schools, of which we hear so much. The 2,000 people referred to are distributed in about 17 different States and about 25 different schools. I do not believe that there is any necessity, even if it were a proper appropriation, I do not believe that there is the slightest necessity, for continuing this provision.

Mr. FITZGERALD of New York. Will the gentleman permit a question?

Mr. LITTLE. Why, certainly, though I did not interrupt the gentleman in his remarks.

Mr. FITZGERALD of New York. I would like to ask the gentleman if he will explain to the committee where the Commissioner of Indian Affairs will put the 2,000 pupils in these schools?

Mr. LITTLE. If the gentleman will ask the Commissioner of Indian Affairs, he will get all the information in detail. The Commissioner states that the school provisions in the reservation boarding schools are ample and sufficient when the necessary repairs and improvements are made.

This is no new proposition. Five years ago Congress determined upon a settled policy that appropriations to sectarian schools should cease at the end of five years—a wise policy, I have no doubt. That policy, I do know, Mr. Chairman, met the unconditional approval of the Commissioner of Indian Affairs, and there is no recommendation in any part of his report or that of the Secretary of the Interior asking an extension of this service. Now, the boarding schools have sufficient capacity. These 2,000 pupils are scattered in 17 different States. They can be cared for in the Government schools or they can go to the common free schools in the States in the various school districts in the States where these Indians are situated.

Mr. FITZGERALD of New York. I ask the gentleman, Does not the Commissioner say that it has been a failure to attempt to introduce them into the free schools?

Mr. LITTLE. He says it has not been such a success as was hoped.

Mr. FITZGERALD of New York. And he has been doing it for about seven years?

Mr. LITTLE. Yes, sir; but he states that he has ample provision even though the success has been less than he had hoped it would be.

Now, Mr. Chairman, let me read a provision in the last appropriation bill:

> *Provided*, That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year 1900, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding 15 per cent of the amount so used for the fiscal year 1895, the same to be divided proportionately among the said several contract schools, this being the final appropriation for sectarian schools.

It was a simple declaration of the policy that had been declared by Congress five years ago. During the last Congress I remember it was claimed that by a mistake the amount formerly contemplated had not been given the schools, and therefore this additional appropriation was given by the last Congress, with the announcement that this should end this service.

These schools have had five years' notice of the policy of the Government, that the Congress in its wisdom—and I might say without reference to its political division of opinion—declared by its action, formal and deliberate, that they deemed it unwise that the public moneys of the Government should be appropriated to sectarian schools, and that the policy in the education of Indian children should be under the direct control not only of the Government, but of Government officers, and that the public money of the Government should only be expended by its public officers responsible to it for their conduct. All appreciate the good that sectarian schools have done in these reservations for the upbuilding of

these Indians; but, Mr. Chairman, there is another class of these schools, known as the mission schools—schools absolutely supported by the churches, supported by charities—that do not ask any assistance of Congress. They have had at all times and will have at all times in the future, without regard to their denominational caste, all the opportunities that the Commissioner of Indian Affairs can afford them for the execution of their benevolent purposes.

Why, sir, I find that in the last five years these sectarian, benevolent, and charitable schools have increased from some 700 to more than 1,200 pupils during the present year, and if the benevolent people of this country want to engage in this work and put into it their extra means, we all say, "God bless you! Go ahead without regard to your denominational tendency." But we do say, and I intend so far as I am concerned, that it shall be the settled policy of this Government, that not one dollar of the public moneys of this country shall be expended to perpetuate sectarian schools; not one dollar of the public moneys shall be used for sectarian purposes; that there shall be a complete separation of church and state, which is the surest guaranty of religious liberty and of the future harmony of our great church organizations, which have in their keeping the great moral and eternal future of the people.

I believe these appropriations are now and always have been a detriment to the public service. It has been a source of constant friction and constant confusion, and that friction has not only reached the reservation, but it has reached the Congress—reached, I might say, the political parties of the country—and after the most mature deliberation, I believe without any prejudice on the part of Congress toward any denomination, it settled upon this determinate policy, that the public money should be appropriated only to public institutions for the education of these people.

I remember that on my advent into Congress, during the last session of the Fifty-third Congress, Congress for the two years appropriated over $19,000,000 for the Indian schools and Indian service. Now it is reduced to a little over fourteen million during the two years, a reduction having been made of more than $4,000,000. That reduction has been made upon the lines of policy indicated, and that is, that the public moneys can be more economically administered by the officers of the Government than it can be by placing it in the hands of any sect to be administered by them. If the charities want to go hand in hand with the Government, I assure my friend from New York and the friends of sectarian schools that if they want to go on the reservation as they want to go to India, China, the Philippines, or elsewhere, to spend their money and means in the enlightenment of mankind, the Indian service will welcome them and give them all the encouragement they wish.

Let the great charities go on hand in hand; but let the Government adhere to its ancient policy that the public money can only be expended through the public functionaries of the Government, and it will prove to be not only a blessing to the churches of the country, but a blessing to the public service, and at last a fundamental blessing to the Indian children that it is sought to advance in civilization. It has been my constant effort to reduce the large expenses as rapidly as possible, and it shall continue to be my effort during my public service here. There has been over four millions reduction in this expenditure, notwithstanding the vast amount we are compelled to expend in discharge of treaty obligations made in past years. I believe the point of order should be sustained.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New York offers an amendment to this section which authorizes the Secretary of the Interior to expend the appropriation under contracts with the present contract schools, with certain limitations upon his power not necessary to state.

The gentleman from Arkansas makes the point of order against that amendment under Rule XXI, and, if the Chair understands him correctly, under the last clause of that rule, which is as follows:

> Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. FITZGERALD of New York. Mr. Chairman, I do not like to interrupt the Chair, but I would like to call the Chair's attention to one decision before the Chair rules.

The CHAIRMAN. The Chair would be glad to hear the gentleman.

Mr. FITZGERALD of New York. In the Fifty-fifth Congress the Post-Office appropriation bill was under consideration in the Committee of the Whole House on the state of the Union. The Chair will find it on page 229 of Hinds's Digest. The paragraph having been read from that bill, for transportation by mail by pneumatic tube, $225,000, the point of order was made that there was no law authorizing such an appropriation, and it was held that, the Postmaster-General having authority to transmit the mails generally, an amendment like that was a limitation upon the general power.

Now, section 463 of the Revised Statutes provides that—

> The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

The rule has been promulgated for Indian schools and services under this section by the Commissioner of Indian Affairs, which has the approval of the Secretary of the Interior.

The CHAIRMAN. Does the gentleman refer to the decision made by Mr. PAYNE, the Chairman of the Committee of the Whole House?

Mr. FITZGERALD of New York. Yes. I refer to the decision on page 229 of the Digest, section 514. I call the attention of the Chair to section 463 of the Revised Statutes, which I have just read, and under that provision regulations governing the Indian schools have been issued by the Commissioner of Indian Affairs and approved by the Secretary of the Interior, and I think this amendment is on all fours with the case there cited.

The CHAIRMAN. The Chair regrets that the gentleman from New York did not call his attention to the authority before, but will consider the effect of that authority in the decision which he is about to give. The question presented is not one of policy, but one of parliamentary law. The legislation with reference to the particular schools began in the Fifty-fourth Congress. The Chair thinks that it is agreed that the contract schools are sectarian schools. In the Fifty-fourth Congress, first session, the Indian appropriation act contains this language:

> It is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

The act then proceeds to make an appropriation for contract schools in an amount not exceeding 50 per cent of the amount used for the preceding fiscal year. The next Indian appropriation act, in the second session of the Fifty-fourth Congress, contains the same language with regard to the policy of the Government, and makes an appropriation for the contract schools in an amount not exceeding 40 per cent of the amount used in the fiscal year 1895. Again, the appropriation act passed at the first session of the Fifty-fifth Congress contains an appropriation for contract schools in an amount not to exceed 30 per cent of the amount so used in the fiscal year 1895. The appropriation act of the third session of the Fifty-fifth Congress makes an appropriation for contract schools in an amount not exceeding 15 per cent of the amount so used in the fiscal year 1899, and concludes with this language:

> This being the final appropriation for sectarian schools.

What does that language mean, taken in connection with the declaration of policy in the first session of the Fifty-fourth Congress and the action of successive Congresses in reducing the amount of appropriation for that purpose? It seems very clear to the Chair—and he has given most careful attention to this question—that in effect it is a law forbidding appropriations for that purpose. In effect it is as if Congress had passed a separate act in substantially these terms:

> *Be it enacted, etc.*, That hereafter there shall be no appropriations for sectarian schools for the Indians.

The language which Congress has used must be given some meaning. It is not to be supposed that it was a mere stump speech injected into the body of the statute. What meaning can the language which has been recited have except a meaning which will forbid such appropriations in the future? The Chair thinks it has that meaning.

Now, some gentleman may say, "One Congress can not bind another Congress." That is true. A Congress can not even bind itself. A Congress may enact a law to-day and repeal it to-morrow. But that law can not be repealed upon a general appropriation bill, under the rules of this House. It is clearly within the power of the House, upon the report of the Committee on Indian Affairs, in a suitable legislative bill to repeal the provision of law which is now upon the statute books; but it is not within the power of that committee, under our rules, to report in a general appropriation bill a provision repealing that law; nor is it in the power of the House to repeal the law by an amendment to a general appropriation bill. No legislation, whether it is good or bad legislation, is in order on such a bill.

Therefore, it seems clear, if the reasoning of the Chair is correct on this point, that the amendment offered by the gentleman from New York is in effect a repeal for one year—and that is a repeal pro tanto—of a provision of existing law.

The gentleman from New York cites to the Chair a decision in regard to pneumatic-tube service. The Chair recalls very well that in the last Post-Office appropriation bill there was enacted a provision in effect similar to that contained in the Indian appropriation bill—that hereafter there shall be no appropriation or no contract for pneumatic-tube service. The Chair remembers very well that the gentleman from California [Mr. LOUD] at that time

pointed out to the House that if that provision were made a law, the House thereafter, under its rules, could make no such appropriation, while the Senate, under its rules, could do so—conceding, apparently, that a point of order would lie against an appropriation in the House for the further continuance of the pneumatic-tube service. That was the understanding of the Chair, as an individual member of the House, at that time; and it is his understanding now. The question raised here is not the question raised in the precedent cited by the gentleman from New York, but would be the question raised if upon the coming Post-Office appropriation bill an amendment were offered, against the provisions of law, to appropriate further for pneumatic-tube service.

The Chair is sustained by an authority created in the last session of the last Congress. The Chair in his own mind had come to the conclusion which he has announced before learning of this precedent. It is well, perhaps, to state it carefully. The law existing at the time of this precedent was as follows:

From and after the 30th of June, 1898, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denomination or to any institution or society which is under sectarian or ecclesiastical control.

That in effect, although not in language, is the provision that is now law with regard to contract schools. The gentleman from Iowa [Mr. HENDERSON] on the 13th of December, 1898, offered an amendment to the District of Columbia appropriation bill providing for an appropriation for the St. Joseph Asylum. The gentleman from Vermont [Mr. GROUT] made the point of order under Rule XXI. The gentleman from Pennsylvania [Mr. DALZELL] was in the chair, and after some discussion sustained the point of order.

The Chair thinks that this precedent is exactly in point. It confirms his views which were formed by reading the provisions of the successive Indian appropriation bills. The Chair thinks that the amendment of the gentleman from New York would change existing law, and is therefore obnoxious to the point of order made by the gentleman from Arkansas, which is accordingly sustained.

The Clerk will read.

Mr. FITZGERALD of New York rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FITZGERALD of New York. I was about to call the attention of the Chair, before the Chair ruled, to the historical argument in favor of the amendment. I understood I was to have an opportunity to do so; but I do not care to continue this discussion at this hour.

The CHAIRMAN. The Chair did not intend to cut the gentleman off. The Chair supposed that the gentleman from New York had brought to his attention everything that he desired to call attention to.

Mr. FITZGERALD of New York. I fully understand that the Chair did not intend any discourtesy toward me.

The CHAIRMAN. If there should have seemed to be such, the Chair would certainly apologize to the gentleman.

Mr. FITZGERALD of New York. I understand that in the previous acts, which I intended to cite, there were certain provisions which, I think, if read might have changed the view of the Chair. And this declaration of last year's appropriation bill can hardly, in my humble opinion, be taken as establishing a declaration of policy when it has been ingrafted upon some laws and left out of succeeding laws. It is obvious that you can not make a declaration of policy by law one year and then declare a different policy the next year.

The CHAIRMAN. The gentleman from New York had the opportunity of making that argument before the Chair ruled.

Mr. FITZGERALD of New York. I am well aware that the Chair has not intended any discourtesy, and I do not wish to reflect upon him in the least.

The Clerk read as follows:

For the education of the noncitizen children in the Indian Territory, the sum of $75,000, to be expended under the direction of the Secretary of the Interior.

Mr. CANNON. I make a point of order upon the paragraph just read, that it proposes to make an appropriation not authorized by any law.

The CHAIRMAN. The Chair would ask the gentleman from New York if there is any education of the noncitizen children in the Indian Territory now going on?

Mr. SHERMAN. There is not.

The CHAIRMAN. The Chair entertains no doubt about the question.

Mr. LITTLE. I was just going to state to the Chair that I think there is no question but that the point of order is well taken. I agree with the gentleman from Illinois [Mr. CANNON] in that, that it is subject to the point of order. I shall not contest that.

The CHAIRMAN. The point of order is sustained.

Mr. CURTIS. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 45, following line 14, insert the following:

"The Secretary of the Interior is authorized and directed to issue rules and regulations governing schools in the Cherokee, Creek, Choctaw, and Chickasaw Nations in the Indian Territory, to appoint such officers, teachers, and employees as in his judgment shall be necessary to the establishment and maintenance of good and efficient schools in said nation, and to pay said officers, teachers, and employees for their services, and other necessary expenses of said schools, from the funds of said nation."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

Mr. LITTLE. Mr. Chairman, I desire to offer an amendment to the amendment, providing that the teachers in said schools shall be selected upon merit, and that their selection shall be nonpartisan—that is, without reference to their politics.

The CHAIRMAN. The question is upon the amendment to the amendment, offered by the gentleman from Arkansas, which the Clerk will report.

The Clerk read as follows:

Add at the end of the proposed amendment the words, "*Provided*, That in the selection of teachers merit only shall be considered."

Mr. CURTIS. We have no objection to that.

The amendment was agreed to.

The amendment of Mr. CURTIS as amended was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils at the Indian school at Carson City, Nev., $25,050; for pay of superintendent at said school, $1,500; for general repairs and improvements, $1,000; for erection of shops, $3,000; in all, $30,550.

Mr. NEWLANDS. I offer the following amendment to this section.

The Clerk read as follows:

In line 3, page 47, strike out "one hundred and fifty" and insert "two hundred;" line 5, page 47, strike out "twenty-five thousand and fifty" and insert "thirty-three thousand four hundred;" line 7, page 47, strike out "one" and insert "three;" lines 8 and 9, page 47, strike out "thirty thousand five hundred and fifty" and insert "forty thousand nine hundred."

Mr. NEWLANDS. Mr. Chairman, I will state that I have submitted this amendment to the chairman of the committee [Mr. SHERMAN] and that he acquiesces in it.

This amendment is intended to secure a total additional appropriation of $10,000, intended to cover 50 additional pupils at this school. I will state in this connection that in last year's appropriation bill an enlargement of the school was made for the purpose of accommodating this additional number of pupils, but inadvertently, in the appropriation bill, the number of pupils provided was left the same as last year, leaving out of consideration the fact that the accommodations had been increased for the purpose of meeting the demands of this increased number.

Mr. SHERMAN. Mr. Chairman, just a word. It was not through inadvertence of the committee that the number of pupils was left unchanged. It was because in framing the bill we followed the original estimate submitted by the Treasury. It was by inadvertence at the Interior Department that the amount was not changed. As a matter of fact, we appropriated $10,000 for the additional building there last year. The actual enrollment was 186. There is ample accommodation now for the 200 pupils, and they ought to have the additional appropriation. I think the gentleman's amendment ought to be adopted.

The amendment of Mr. NEWLANDS was agreed to.

The Clerk read as follows:

For support and education of 250 Indian pupils at Indian school, Fort Totten, N. Dak., $41,750; for pay of superintendent at said school, $1,600; for sewerage system, $2,500; for general repairs and improvements, $5,000; in all, $50,850.

Mr. SPALDING. Mr. Chairman, I desire to offer an amendment to line 16, page 48, which I ask the Clerk to read.

The Clerk read as follows:

Insert at the end of line 16, page 48, the following:

"That the sum of $5,000, appropriated for steam heating, and the sum of $1,800, appropriated for electric light plant at the Fort Totten, N. Dak., Indian school by the Indian appropriation act for the fiscal year 1900, is hereby reappropriated and made available during the fiscal year 1901."

Mr. SHERMAN. That is all right.

Mr. SPALDING. Mr. Chairman, the reason for this amendment is the fact that after the appropriation for this purpose was made last year there was so short a time left that the authorities have been unable to complete the work, and it is necessary to reappropriate the money, so that the funds may be available after the end of the present fiscal year. The school is a large one, with extensive buildings. At present it is only heated by stoves and has no facilities for lighting except by lamps. These improvements are material and necessary.

The amendment was agreed to.

The Clerk read as follows:

For the support and education of 125 pupils at the Indian school at Hayward, Wis., $20,875; pay of superintendent, $1,300; general repairs and improvements, $1,500; for the erection of a new school building, $15,000; in all, $38,675.

Mr. JENKINS. Mr. Chairman, I desire to offer an amendment to that section.

The Clerk read as follows:

Strike out, in line 6, page 49, the word "erection" and insert in lieu thereof the word "completion."

The amendment was agreed to.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $35,000.

Mr. FITZGERALD of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 5, page 55, after the word "dollars" add "That wherever there are trust funds in the Treasury of the United States to the credit of, or moneys due under treaties or other agreements, any tribe or band of Indians, the principal of which or any portion thereof, or the interest on which or any portion thereof, the Secretary of the Interior is authorized by law, in his discretion, to use for the benefit of said Indians, and the parents or guardians of any children entitled to the benefit of such funds shall make choice of a school or schools where they desire their children or wards to be educated, then, and in that event, if in his judgment such schools are proper institutions in which to educate their children, the Secretary of the Interior is hereby authorized to use said funds so belonging to said Indians and set aside for their benefit to pay the expenses, or any part of the expenses, of educating said children in the schools so chosen by said parents or guardians."

Mr. LITTLE. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The amendment is clearly legislation.

Mr. LITTLE. I think this proposition is more vicious than the other one proposed by the gentleman from New York. I think it a greater wrong for the Government to suffer the paying out of the Indian trust funds without its supervision than it is to pay out its own money. Therefore I insist on the point of order.

Mr. FITZGERALD of New York. I simply wish to say that it is a very poor policy that will prevent these Indians from spending their own money for the benefit of their own children, in the way that everybody concedes is best for themselves and this country.

Mr. LITTLE. If these Indians were capable of self-government, the position of the gentleman would be correct. Otherwise it is not.

Mr. FITZGERALD of New York. My amendment leaves it to the discretion of the Secretary of the Treasury.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That not more than $167 shall be expended for the annual support and education of any one pupil in any school herein specifically appropriated for, except when, by reason of epidemic, accident, or other similar cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That this provision shall apply to the fiscal years 1899 and 1900.

Mr. CANNON. I move to strike out the last word. I would be glad to have the attention of the gentleman from Kansas [Mr. CURTIS].

Some little while ago we passed the section touching appropriations for schools in the Indian Territory. In conversation with the gentleman from Kansas [Mr. CURTIS], I find that he has a statement of the trust funds and the income therefrom that will be devoted to education under the provision that has been adopted, and I should be glad to appeal to him, if it meets his approval, that he insert that information in the RECORD or state it so that it can go in the RECORD.

Mr. CURTIS. Under section 19 of the act of June 28, 1898, a change was made in the manner of paying out the funds of the various Indian tribes in the Indian Territory, providing that no payment of any moneys on any account whatever thereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, and by the provisions of the treaty made with the Chickasaw and Choctaw nations it is provided that revenues from coal and asphalt lands, or so much thereof as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. This money is to be collected under rules and regulations prescribed by the Secretary of the Interior.

In view of these regulations, the Secretary of the Interior appointed a superintendent of Indian schools for the Indian Territory, and he now has charge of the schools in the Chickasaw and Choctaw nations, but has not taken full control of the schools in the Creek and Cherokee nations. It will be found on investigation that there are 9 boarding schools and 65 day schools in the Creek Nation; 2 seminaries, 1 orphan asylum, 1 high school for the colored, and 124 day schools in the Cherokee Nation. There are 10 seminaries in the Chickasaw and Choctaw nations, 13 day schools in the Chickasaw Nation, and 100 day schools now in operation in the Choctaw Nation. There are in the Indian Territory about 20,000 Indian children of school age. This amendment is so drawn that the superintendent may take charge of all schools in the Indian Territory outside of the Seminole Nation.

There is no question about the tribes having sufficient funds to pay the expenses of conducting their schools. The Choctaws have a school fund of $49,000, the Cherokees have a school fund of $850,000, and the other tribes use a part of the interest they receive from their vast trust funds for school purposes. The four tribes covered by this amendment receive in annual interest about $400,000. The school buildings have already been erected except, perhaps, in the Chickasaw Nation, the western part of which has no school accommodations for the Indian children.

There are 50,000 white children of school age in the Indian Territory who are not accommodated, but I am advised that arrangements have been made for some of these children to be accommodated in the schools of the Chickasaw and Choctaw countries. No doubt the same arrangement could be made with the schools in the other nations if it were deemed best. In order that the committee may be advised as to the trust funds of the various nations in the Indian Territory it will be found that the Choctaws have over $975,000, the Creeks have over $2,000,000, the Chickasaws have over $1,000,000, and the Cherokees have over $700,000. I do not give the amount that the Seminoles have because they are not included in this amendment.

The superintendent of schools, who has charge of the schools in the Chickasaw and Choctaw nations, says that they have had no trouble on account of lack of funds. The proposed amendment will put the schools in the hands of the Government, so there will be a uniform system of education among the four tribes.

The Clerk read as follows:

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That funds herein and heretofore appropriated for construction of artesian wells, ditches, and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchase in open market shall, as far as practicable, be made from Indians, under the direction of the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may, when practicable, arrange for the manufacture, by Indians upon the reservation, of shoes, clothing, leather, harness, and wagons, and such other articles as the Secretary of the Interior may deem advisable.

Mr. JONES of Washington. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Insert after the word "advisable," in line 23:

"*Provided further*, That the Indians to whom lands have been allotted on the Yakima Reservation, in the State of Washington, shall be permitted to lease such allotted lands for any term not exceeding ten years, upon such terms and conditions as may be prescribed by the Secretary of the Interior."

Mr. JONES of Washington. Mr. Chairman, the reason I propose this amendment is because of the peculiar character of the lands on this reservation and the conditions there. Under the law at the present time these Indians are permitted to lease these lands for five years. This land is arid sagebrush land. A ditch was constructed several years ago under the control of the Government that is proposed to water and irrigate about 20,000 acres of land.

This land is very productive when irrigated; but the expense of putting these lands in cultivation or clearing it of sagebrush and of leveling and putting it in alfalfa, which is the most productive and profitable crop, costing not less than $10 or $15 an acre, is such that it is almost impossible to lease these lands for the period of five years. If this period were extended, at the discretion of the Secretary of the Interior, so that he could make these leases for a longer period of time, he could impose such conditions that almost the entire amount of this land could be required to be in alfalfa at the termination of the lease; and if certain other improvements should be required in the way of fences, construction of buildings, and improvements, it would be of great benefit to these Indians to have this done, because if this property can be turned over to them, at the expiration of the term of the lease, productive in alfalfa, fenced, and improved to a great extent, it is certainly far better and would benefit them more than if they should receive a certain amount of money per annum.

Mr. LITTLE. I desire to ask the gentleman a question about the matter. I will state as a general proposition that I do not favor long leases in these matters, but I am not familiar with the situation of the reservation affected by the gentleman's amendment. I want to ask the gentleman if the matter has been submitted to the Commissioner of Indian Affairs, and if he has the views of the Indian Office on the subject?

Mr. JONES of Washington. I have. I talked with the Com-

missioner of Indian Affairs, and he said that whatever we deemed advisable he would approve, because he knew the conditions there somewhat, and knew that we were familiar with the conditions there; and it is such that it would not permit us to get these lands leased for five years, on account of this peculiar condition.

Mr. LITTLE. Do I understand the gentleman to say that it is impracticable, if not impossible, to secure a five years' lease and open up and irrigate these lands?

Mr. JONES of Washington. It is almost impossible to do that to any advantage.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken; and the amendment was agreed to.

The Clerk read to the conclusion of section 6 of the bill.

Mr. BROSIUS. Mr. Chairman, I desire to save the time to be consumed in reading the seventh section by raising the point of order against the entire section from line 7, on page 59, to line 7 of page 70, inclusive. I believe it is conceded that it is open to the point of order of being new legislation. I make the point now, so as to save the time that would be consumed in reading the treaty.

Mr. SHERMAN. That is a treaty.

Mr. STEPHENS of Texas. It is a treaty, and I hope the gentleman will withdraw the point of order that he makes against it. If he understood the condition that exists in that country, I do not think he would insist on it.

The CHAIRMAN. The gentleman from Texas would not contend that the point of order is not well taken?

Mr. STEPHENS of Texas. I understand that under Rule XXI it is new legislation.

Mr. CANNON. Mr. Chairman, I am quite in harmony with the gentleman's proposition, I will say to the gentleman from Pennsylvania, of not having legislation upon these appropriation bills. It has come to my knowledge, however, or I think it has, if I am correctly informed, that the development of a part of Oklahoma and the welfare of all the Indians concerned, as well as the white people, would be benefited by the ratification of this treaty. I only want to make a suggestion to the gentleman, if I am correctly informed, and I think I am, that while it is in the teeth of the rules, I admit, but possibly and probably, such as is my information, that the necessity is so great that the gentleman from New York might well appeal for unanimous consent, and that would include the gentleman, of course, to let it go on.

Mr. BROSIUS. Mr. Chairman, I am advised that there are bills pending at this time in both Houses of Congress, separate bills, for the ratification of this treaty. There are some reasons why this ratification ought not to take place in this way. I do not care to go into them. I have a communication from the Secretary of the Interior and from the Commissioner of Indian Affairs, but I do not care to raise any question. It is new legislation, and therefore obnoxious to the rule.

Mr. SHERMAN. The gentleman will not permit it to go by unanimous consent.

Mr. BROSIUS. I can not.

Mr. SHERMAN. We passed the bill last Congress as a separate measure, but the Senate would not pass it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLYNN. Mr. Chairman, I ask unanimous consent to refer to page 23 for an amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to recur to page 23 of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FLYNN. Mr. Chairman, I submit the following amendment.

The Clerk read as follows:

Insert in line 16, page 23, after the word "dollars," the following:

"*Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to said Sac and Fox Indians the sum of $50,000, to be immediately available, out of the amount of money now to the credit of said Indians in the United States Treasury.

Mr. FLYNN. Mr. Chairman, I merely desire to ask the consent of the House that I may make a statement with reference to the necessity for this amendment. These Indians have had the smallpox. The Secretary, the agent, and the Commissioner all recommend this relief at once. Their houses, their beds, and their clothing have all been burned up, and they are now living in tents, some of them three or four families in one tent.

Mr. SHERMAN. Mr. Chairman, I opposed an amendment of a like character yesterday, or the day before, offered by the gentleman from Oregon, because I am against the proposition at all times of taking from the Treasury funds of this trust, placed there for the benefit of the Indians. I have no doubt, from the statement of the gentleman from Oklahoma, that this is a case which presents a peculiar state of facts, and perhaps is unusually meritorious; and yet, notwithstanding that fact, Mr. Chairman, I can not refrain from opposing a proposition to permit any of these Indian tribes to withdraw from the Treasury of the United States any of their funds. If they are in a deplorable condition, let us give them whatever is absolutely necessary as a gratuity. If we do not do it now, we establish the precedent of withdrawing money from the Treasury, or permitting them to do it on their own application, and by and by the time may come when we shall be obliged to support them entirely. The same principle is involved in this amendment as in that presented by the gentleman from Oregon, which was successfully opposed the other day.

Mr. LITTLE. Mr. Chairman, I would like to ask the gentleman from Oklahoma about what is the amount of the fund belonging to these Indians?

Mr. FLYNN. When Congress treated for their land there was coming to them $485,000, which was tendered to the Indians, every dollar of it. The Indians said, "No; we do not need it all. Place $300,000 to our credit in the Treasury." For the first time in the history of that tribe all of the chiefs have united, notwithstanding they would not take the money when offered, and they say now, "We have lost our houses, our beds; we have lost our clothes, and five or six families are living in tents furnished by the Government." Now, something must be done for them. The Secretary recommends it, the Commissioner recommends it, and the agent recommends it. I will read the letters:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1900.

SIR: I have the honor to herewith transmit, for the information and action of your committee, a copy of a letter of even date from the Commissioner of Indian Affairs and of a petition from the Sac and Fox of the Mississippi tribe of Indians, in Oklahoma, and of a letter from their agent, asking that an appropriation be made from their tribal fund of $300,000, now to their credit in the Treasury at 5 per cent interest, to relieve them from the great destitution caused by the epidemic of smallpox from which they suffered during the past year.

The Indians have asked that the sum of $100,000 be taken from the above-named fund and paid to them per capita, which meets the favor of their agent.

The Commissioner, however, is of the opinion that $50,000 will be sufficient for their immediate needs, and recommends the appropriation of that amount, in which I concur.

Very respectfully,
THOS. RYAN,
Acting Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 2, 1900.

SIR: In view of the large amount of property necessarily destroyed in stamping out the epidemic of smallpox among the Sac and Fox of Mississippi Indians, in Oklahoma, during the last year, which left them, in consequence, in a destitute condition, they now petition that $100,000 of their fund of $300,000 now in the Treasury drawing interest at 5 per cent be paid them in cash.

In support of this request, I inclose copies of the petition from the chiefs and counsel of their tribe, and also a letter from the United States Indian agent, forwarding their petition, with his approval.

I respectfully recommend that $50,000 be paid them in lieu of their request for $100,000. This will give them about $90 apiece, which, in my opinion, is all that is necessary for their relief.

Respectfully,
W. A. JONES,
Commissioner.

The SECRETARY OF THE INTERIOR.

SAC AND FOX AGENCY, OKLA., *January 15, 1900.*

The within application is herewith forwarded with my approval.

During the smallpox epidemic last year we were compelled to burn all houses, stables, sheds, etc., in or near the infected district; also all of the clothing and household effects of the infected people. This action has left many of them without shelter, except tents that were furnished them at the time, their annuities not being sufficient to more than keep them in food. Many of this tribe are in a condition to improve their lands if they had the means. A payment to them of the amount requested will be a great assistance on this line.

I also believe that it will be good policy to pay this fund to them as soon as practical and reduce the amount of their annuities, and thus compel them to depend to some extent upon labor and not wholly upon their annuities for support, which in most cases is the rule.

Unless some action is taken on this line they will be incapacitated to care for themselves or their land at the end of the twenty-five-year trust period, of which eight years have now elapsed. While it is true that some of them will squander their share, the majority will make good use of it and are now much more capable of handling it than when they were paid the $185,000 eight years ago, and were offered the full amount of the $485,000. Hoping their request will meet with your approval, I am,

Very respectfully,
LEE PATRICK,
United States Indian Agent.

SAC AND FOX AGENCY, OKLA., *January 10, 1900.*

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

We, the chiefs and council of the Sac and Fox tribe of Indians in Oklahoma, this day in council assembled to discuss and consider the destitute condition of our people in consequence of that dread scourge, smallpox, which removed so many of our members the past year, and the necessity of the destruction of our property by fire to destroy the germs of the disease, including our houses, clothing, bedding, implements, harness, valuable trinkets, etc.; therefore, we have unanimously resolved to petition Congress to appropriate $100,000 of our money in the hands of the Government remaining of the treaty with the Cherokee Commission on June 12, 1890, to be disbursed per capita to the tribe.

For which we ever pray.

Chief McKosito (his x mark), Moses Keokuk (his x mark), John N. Big Walker (his x mark), Jefferson Davis (his x mark), David Wakole (his x mark), Edgar Mack (his x mark), Jack Bear (his x mark), William Shaw (his x mark), Alex. Connally.

Witnesses to marks:
P. S. WHATLEY.
W. R. GULICK.

I certify on honor that the foregoing application was fully explained to

and understood by the chiefs and council before they signed the same, and that it expresses the true and unanimous vote of the council.

WILLIAM HURR,
Interpreter and Secretary of Council.

SAC AND FOX AGENCY, OKLA.,
January 10, 1900.

Mr. LITTLE. Are the Indians on their allotment?

Mr. FLYNN. They are upon their allotment.

Mr. LITTLE. Mr. Chairman, I differ with the chairman of the committee on the proposition that we ought never to invade this fund of the tribes. I believe that where there is a crying necessity, as in this case, based on the letter of the Secretary of the Interior, that it is wiser to make to them a small payment out of the fund. If, when their funds are gone, it becomes the duty of the Government to make an appropriation, we can attend to it at that time. From what I have learned in regard to this case, I think it is a case of absolute necessity for the Indians. They have their allotment, and from the statement of the Secretary of the Interior a great many of them are capable of a proper use of this money.

Mr. SHERMAN. Mr. Chairman, I do think that if any exception is made in this case it ought also to be made in the case presented by the gentleman from Oregon yesterday. If the committee is to permit the withdrawal in this case, we ought to permit them in both. I shall request the committee to do it in the case of the gentleman from Oregon if this amendment is adopted.

Mr. LITTLE. Does the gentleman from New York think the two cases stand on a parallel footing? Does he think the necessity as great in one case as in the other?

Mr. SHERMAN. The question of necessity? No.

Mr. LITTLE. That is the ground upon which I base my favor of this proposition.

Mr. SHERMAN. There are other reasons in the Oregon case which to my mind are stronger than those presented by the gentleman from Oklahoma. I think if the application is to be allowed in either case, it should be allowed in both. My individual judgment is against allowing it in either, but I do not ask anybody that is disinclined to do it to follow my individual judgment.

Mr. LITTLE. I am not prepared to pass judgment against the amendment of the gentleman from Oregon, but, as I view this case, I think it is meritorious, and if the Oregon case stands on equal merit when presented to the House, I shall not object.

Mr. SHERMAN. We will none of us disagree in reference to the necessity of giving some aid of some kind to these Indians.

Mr. FLYNN. This is simply a proposition that these Indians may be allowed to use their own money instead of the Government spending it for them.

Mr. CURTIS. The agent having indicated that this money would be used for the erection of houses to take the place of those which have been burned, I submit it would be well to allow the amendment to pass.

Mr. SHERMAN. Well, Mr. Chairman, I seem to be alone on this question, so far as the committee is concerned; those of my colleagues who are present seem to take a different view from mine. They are doubtless wiser than I am in many ways—perhaps in everything; and I am inclined to yield to their judgment. [Laughter.]

Mr. STEPHENS of Texas. I believe the gentleman from New York [Mr. SHERMAN] is correct as to the general principle; but in view of this present emergency I think the amendment should be adopted.

The question being taken, the amendment of Mr. FLYNN was agreed to.

Mr. TONGUE. Mr. Chairman, I now desire to offer the amendment which I explained to the House the other day——

The CHAIRMAN. The Chair will state that the amendment would not be in order to this part of the bill.

Mr. SHERMAN. I ask unanimous consent that we return to the portion of the bill to which the amendment would properly apply.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the Committee of the Whole return to page 31 of the bill. Is there objection? The Chair hears none. The amendment of the gentleman from Oregon will be read.

The Clerk read as follows:

Insert, at the end of line 24, page 31, after the word "cents," the following:

"ALSEA AND SILETZ INDIANS.

"The Secretary of the Interior is hereby authorized and directed, on the passage of this act, to pay to such Alsea and other Indians on the Siletz Reservation, in Oregon, parties to an agreement made October 31, 1892, ratified by the act of Congress approved August 15, 1894 (28 Statutes, page 323), as shall be found to be competent and capable of managing and taking care of their own affairs their pro rata shares of the permanent fund of $100,000 appropriated by the said act of August 15, 1894, and now to their credit in the Treasury of the United States."

Mr. RIDGELY. I have no wish to detain the Committee of the Whole, nor have I sought to avail myself of an opportunity to cut out this amendment by my individual objection. But I again appeal to the committee to reject the amendment. The case is a very different one from that of the amendment which we have just permitted to go through. I think we ought not to begin to disburse these trust funds simply because in a business way some members of the tribe may desire the money.

Mr. TONGUE. I think if the gentleman will allow me to state my amendment he will not make any objection.

Mr. RIDGELY. The gentleman made his explanation the other day.

Mr. TONGUE. At the time I made that explanation the other day one very material fact had escaped me, as it had escaped the committee. My proposition was made then in pursuance of a recommendation of the Secretary of the Interior, following a statutory enactment of the United States. I did not then know, as I do now, that the request of the Secretary of the Interior is in pursuance of a treaty and is simply for the purpose of carrying out a treaty stipulation between the United States and the Alsea and Siletz Indians. In a treaty executed in 1894, which members will find on page 325, volume 28 of the Statutes at Large, I find in Article III this provision:

That in case the Secretary of the Interior may at any time be satisfied that any of said Indians are fully competent and capable of managing and taking care of their full pro rata of said purchase money, and that it will be to their interest to receive the same, and that other portions of said Indians are not so capable and competent, then he shall recommend to Congress that sufficient amount of such principal sum so held in trust as provided in section 2 of this agreement shall be appropriated to pay the full pro rata of such competent and capable Indians of such principal fund, and when the same shall be paid and receipted for personally by each Indian so paid, then such Indians shall have no further interests in said trust fund.

That is the provision of the treaty stipulation between the United States and these Indians. It provides the manner in which the Government is to pay the purchase money to the Indians for this land which they sold to the Government. Now, the Secretary of the Interior, pursuant to that treaty provision, has stated that 306 of those Indians are capable of taking care of themselves, and he asks Congress to pay this money according to the contract which we made with them. This is not a question for our discretion; it is not a question of what we may think best; it is simply a question whether we will carry out an absolute treaty stipulation and pay the money to these Indians according to the terms agreed upon between them and the United States.

Mr. COWHERD. When was this recommendation of the Secretary of the Interior made?

A MEMBER. About a year ago.

The question being taken, the amendment of Mr. TONGUE was agreed to.

Mr. SHERMAN. I move that the committee rise and report the bill as amended to the House with a favorable recommendation.

Mr. LITTLE. If the gentleman will withhold that motion for a moment, I desire to ask a question in regard to a provision in lines 23 and 24 of page 4 of the bill. There is there an appropriation of $1,400 for the Quapaw Agency, in the Indian Territory. I had understood that that agency had been abolished.

Mr. CURTIS. I suggest to the gentleman from Arkansas [Mr. LITTLE] that we allow this matter to pass; and if it be the desire of the Commissioner that this agency be abolished, a provision to that effect can be inserted in the Senate.

Mr. LITTLE. My recollection is that the Commissioner said that the agency was not needed and that it would be abolished, and I thought the committee had taken such action.

Mr. SHERMAN. When the subcommittee was at the Indian Office discussing these various agencies, this agency was among those which the Commissioner said might be done away with. The gentleman will recollect the Commissioner said he would examine specifically into the facts in regard to four or five agencies which were under discussion, and would report later whether it would be feasible to do away with them at this time. The Commissioner did not report in favor of dispensing with the Quapaw Agency, and therefore the provision has remained in the bill.

Mr. LITTLE. I will not press the matter further.

The motion of Mr. SHERMAN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any of the amendments? If not, the Chair will put them in gross.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TWELVE-MILE BAYOU, LOUISIANA.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou, near Shreveport, La.

The bill was read. It provides that the Texarkana, Shreveport and Natchez Railway Company, a railroad corporation duly incorporated under the laws of the State of Louisiana, its successors or assigns, be, and it is hereby, authorized to construct and maintain a railway bridge and approaches thereto over and across Twelve-mile Bayou, in Caddo Parish, La., at or about 8 miles above the point where said bayou empties into Red River.

Mr. TERRY. This bill is unanimously reported by the committee and indorsed by the Secretary of War.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the last vote was laid on the table.

EULOGIES ON THE LATE REPRESENTATIVE ERMENTROUT.

The SPEAKER. The hour for the special order having arrived, it will be taken up. The gentleman from Pennsylvania [Mr. GREEN] is recognized.

Mr. GREEN of Pennsylvania. Mr. Speaker, in view of the fact that some of the members of this House who desire to deliver eulogies to-day are unavoidably absent, I ask unanimous consent that such of the members as may so desire be permitted to print their remarks on this occasion.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that members who desire to do so may print remarks upon the life and character of Mr. ERMENTROUT. Is there objection?

There was no objection.

Mr. GREEN of Pennsylvania. Mr. Speaker, I present the following resolutions, which I ask the Clerk to read.

The resolutions were read, as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. DANIEL ERMENTROUT, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That the business of the House be now suspended, that opportunity may be given for fitting tribute to his memory.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That, as an additional mark of respect, the House, at the conclusion of these memorial proceedings, do adjourn.

The resolutions were unanimously agreed to.

Mr. GREEN of Pennsylvania. Mr. Speaker, since the commencement of this term of Congress the Hon. DANIEL ERMENTROUT, Congressman-elect from the Ninth district of Pennsylvania, comprising the counties of Berks and Lehigh, passed over to that "suburb of the life elysian, whose portal we call death."

In his beautiful mansion of "Graüstein," surrounded by his wife, daughter, and loving friends, at the dawn of a beautiful autumn Sabbath morning—the 18th of September—he passed away peacefully.

His death was sudden, entirely unexpected, and the news came as a shock to the community in which he lived. He died universally lamented by the constituency he had served faithfully for many years.

He left to survive him a widow, Adelaide Louise, née Metzger, one son, Fitz Daniel, an attorney of the Berks County bar, and a daughter, Adelaide Louise.

His remains were interred at the Charles Evans Cemetery, in Reading, on September 21, 1899, and were buried with Congressional honors.

DANIEL ERMENTROUT was a Pennsylvanian to the manor born. His birthplace was the city of Reading, in the county of Berks, January 24, 1837. He descended from a long line of sturdy, industrious, and substantial Pennsylvania German ancestors. They may be said to have been indigenous to the soil of Berks, for his great-great-grandfather, John Ermentrout, in 1739 came from the Palatinate and settled there, and his great-grandfather, Christopher; his grandfather, John E., and his father, William E., were all natives and lifelong residents, as was the deceased. True to the faith of his fathers and the traditions of "Old Berks," the Gibraltar of Democracy, he was a Democrat of Democrats.

No man there ever enjoyed for so long a time the confidence and favor of the people, especially those affiliated with the Democratic party.

From his early manhood until his death, with but a few short intermissions, he represented them in some public capacity.

Admitted to the bar August 3, 1859, he was elected district attorney in 1862. From 1867 to 1870 he was thrice elected city solicitor. In 1873 he was elected to represent Berks County in the senate of Pennsylvania, and reelected in 1876 to serve until 1880. In that year he was elected to the Forty-seventh Congress, and subsequently reelected to the Forty-eighth, Forty-ninth, and Fiftieth. In 1896 he was again elected to the Fifty-fifth Congress, and reelected to the Fifty-sixth.

Such, in brief, is the record of his public career, and its long period sufficiently attests the high esteem in which he was held by his constituents, as well as their opinion of the fidelity and usefulness of his service.

In his latter days, among his people and his many friends at the national capital and throughout the neighboring States—for he had a wide acquaintanceship—he was familiarly known as "Uncle Dan," a title not given him on account of great age, for at the time of his death he had not yet reached the sixty-third milestone, but because he was affable and easily approached, without affectation, ostentation, or vanity. This easy and familiar manner marked his intercourse with everyone, and made him many warm friends everywhere.

As his successor in this body I could not fail to be impressed with his great popularity here, not only among those who had served with him, but among the whole line of employees, from the highest official to the humblest. And many a courtesy and kind favor has been cheerfully shown me here because of the love and friendship they bore him.

Men at this Capitol seem to have loved him even for his very failings.

What greater testimonial could one have of possessing a kind heart than that of shedding rays of sunshine over his pathway and leaving the world happier for his having lived there?

What greater encomium of praise than the fact that by his words of approval and encouragement he made the burden of his fellow-man lighter and easier to be borne?

No one more dearly loved his home, the city of Reading, its beautiful location and surroundings. He often referred to it as a paradise on earth. Nothing gave him more pleasure than a ramble through the nooks and dells, over the craggy heights, and in the solemn woods of Mounts Penn and Neversink, twin promontories which guard the city "on the east and the rising sun."

Looking from their heights toward the setting sun, he saw the bright silver band of the beautiful Schuylkill, which forms that city's western boundary, and stretching beyond for miles, until obscured by the mountains on the horizon, lay the broad, fertile acres of Berks, in the Lebanon Valley. Turning to the east, he saw another enchanting and, if possible, a more picturesque landscape, the early home of the French Huguenots and those who fled Europe to escape oppression and settled in the deep, rich lands of the "Oley Valley."

In the north loom up the mountains at the head waters of the Schuylkill River, in whose bowels are the mines which produce hundreds of millions of tons of the far-famed anthracite coal. To the south, here and there along the river's banks, are scattered furnaces, mills, and manufactories, converting the ore into iron and its many products. On every side as far as the eye can see are scattered the towns, villages, and hamlets of the sturdy and industrious yeomen of Berks, among whom he counted a multitude of friends.

Lines of steel rails are seen approaching the city at his feet from every direction. Long trains of cars at all times are in sight, bearing their freight of grain, coal, iron, and merchandise to it and through it to tide water, to be ere long distributed over the civilized world. He has grown up with this city nestling below him. From an humble village of a few thousands it has grown from his boyhood days to be a great manufacturing metropolis, counting nearly a hundred thousand souls within its confines. The smoke of its many industries rises from innumerable stacks and hovers like a great, dark cloud over it. Every article of commerce is produced there, from a paper bag to the huge ice plants and cotton and sugar presses scattered everywhere through the sunny South and the green isles of the Gulf. There are made the huge cannon and the steel shells which made our Navy the pride of this nation and the terror of our foes. The city's growth has been as steady as are her people, and year by year has added to its wealth and commerce and to the happiness and comfort of her busy, bustling population.

DANIEL ERMENTROUT will always be remembered as one of the men who have largely contributed to its great growth and prosperity.

What wonder is it that through all his life he so greatly loved and was so justly proud of his birthplace and of the people who made it their home?

Believing as he did, that the progress and happiness of the American people and their future safety and success were dependent largely upon the education of the masses through the growth and expansion of the common-school system, he was a devoted friend

of that institution. His people were among the pioneers in its establishment and earnest workers for its success. He taught a number of terms in these public schools, and for years was a school controller of Reading. His father for many years was also a school controller and at one time served as treasurer of the board. His brother, John S., was superintendent of the public schools of the county and founded the Keystone State Normal School, serving in it as principal and professor. James N. Ermentrout, now president judge of the county courts, not only taught school, but served as assistant county superintendent. Such is his record and the record of the members of his immediate family in the great cause of public education, which has so radically changed the character of the people of eastern Pennsylvania in the last two decades.

Mr. ERMENTROUT not only received in his youth a good education, having attended Elmwood Institute at Norristown, Pa., and Franklin and Marshall College at Lancaster, Pa., but during his life was a constant reader of the works of the best authors. He had an intimate knowledge of English, German, French, and Latin and spoke the Pennsylvania German dialect with the best. He claimed that it was often stronger and more expressive than the English. I know he was familiar with many of the gems of both English poetry and prose and delighted to quote celebrated passages.

When Congressman ERMENTROUT came to the bar he gave great promise of being a strong and successful advocate, and it was not long before his legal talents were recognized by his being chosen district attorney, the representative of the commonwealth in all criminal actions. As he pressed farther into the realm of politics he soon found that "the law was a jealous mistress," and gradually drifted farther away from the work of his chosen profession and became deeper immersed in politics and public affairs.

In his case it may truly be said that a first-rate lawyer was sacrificed to make a useful public official. He never entirely gave up the practice of the law, but during his whole life divided his attention between legal business and public work and political organization and management—giving to the latter the larger portion of his time and energy.

Fortune blessed him by giving him a younger brother, who was a student, a man of remarkable address and acumen, who possessed not only a judicial mind and bearing, but had rare good sense and judgment coupled with great industry. The large practice he had gathered from his many friends and acquaintances he placed in his hands and it throve apace, and his brother was finally called to fill a seat on the common-pleas bench.

It is a fact without precedent in that section of the State that at the same time and for some years brothers held the two highest positions within the gift of the people. And in all fairness it must be said of both that they held these places with credit and honor.

To his colleagues in this body who served with him in the halls of Congress I leave that part of his life and career. I am not personally acquainted with it, and they have promised to cover this period in their remarks following mine.

I will speak of the man only as I knew him from his manhood's prime to the time of his death.

The picture that presents itself is that of a young man of robust physique, a strong face, rather careless carriage, with a strong, self-reliant air, dressed neatly but plainly, aggressive and forceful in manner; in neither dress nor manner nor look did he show a single effeminate sign.

He talked loud and volubly, and had always plenty of physical strength and force back of him. He was a vigorous man, and you soon learned that by his hearty hand shake and often by the heartier pat he gave you on the back. He had equally strong feelings and convictions, and he was ingenuous rather than ingenious. Sometimes he tried to practice the Machiavelian arts and the style of a diplomat, but he signally failed in such attempts. By nature he was frank and brusque and he never would have succeeded as an actor. When he was about, one always felt the suspicion of a stiff breeze blowing not very far off, and when he became excited it was very near.

He never did anything quietly and easily, but energetically and vigorously. This was so in his work and in his diversions. There was no halfway about him. It was, "Forward, right and left, through."

At the bar and in the political arena these qualities made him a warrior, and he never suffered a defeat or experienced a failure from lack of force, effort, or energy. While his opponents and competitors slept he worked, and the man he crossed swords with found him a foeman worthy of his steel, and so he fought until the end. In a political campaign he never rested until the primaries were closed and the result known, and not then if the verdict left anything in doubt.

He was often charged with fighting hardest for himself, which was natural, and not fighting sufficiently hard for his friends, which, of course, was a matter of opinion. Yet no one had more loyal friends and followers, nor did anyone hold them so long. More than that, he had a faculty of making up with opponents and placating his enemies. After the fiercest contest he was always the first to offer to shake hands and make up, urge that bygones should be bygones, and apologize for sharp personalities that might have been indulged in in the heat of the contest. In this way he won over many opponents, and held as friends those who had bitterly opposed him and his ambitions.

As he grew older I can not say that this strong aggressive spirit was perceptibly tamed; and if so, only when the ravages of disease had marked him as their victim. He still retained his splendid fighting qualities, and when he died may truly be said to have died with his armor on.

As his life was not like the deep, quiet, and sluggish waters, but like the active, splashing, rushing mountain torrent, his political and business career was not a pathway strewn with roses. In business, as he expressed it, he looked after "number one," and hence aroused many jealousies among his fellow-practitioners; his bluff qualities and often dictatorial manner made him enemies and his soaring ambition raised many competitors. Inside and outside his party he was forced into many a joust, but only on one occasion can I remember him to have been unhorsed.

I have fought with him and against him, have won and lost with him and against him, and feel qualified to speak by the book, for I have felt the weight of his sword. In his heart he loved a hard fight and admired and respected a sturdy opponent. Such was his nature.

He was the only man in all that county that ever survived a defeat and again by native force forged to the front and gained a personal victory.

He was a keen observer of people, an accurate reader of human nature. He had a fine memory for faces and names, and among the more stable rural population knew almost every voter, and often their wives. He knew their history and traditions, their language, and their friendship, and often was able to tell a youngster more of his father and grandfather than he had ever known. This, with his free and easy manner and plain, frank bearing, was one of his great secrets of success, if secret it was. Besides this, he not only respected the opinions of his people, but their very prejudices.

Like other men of his positive stamp, he never pleased everyone. He was often blamed for having too strong opinions, at other times charged with having none. He certainly did try to follow the ideas of the people he represented, yet it can not justly be charged that he trimmed his sail for every passing wind.

He never was a hypocrite and never tried by long face and sanctimonious pretenses to gain preference or power. Yet I know he worshiped nature and revered nature's God, and in his heart of hearts loved the handiwork of the great Creator. This made him a kind and indulgent husband and father and a warm friend. A very intimate and sympathetic friend said of him, "He could picture in words of eloquence the matchless beauties of our landscapes and tell the silent story of stream and tree and wood—how the shifting scenery of nature reveals the handiwork of the Author of all beauty."

Mr. ERMENTROUT may not have been an orator, although at times in his speeches he reached the point of true oratory. He always made a vigorous speech, and, when well prepared, a speech which both by his manner of delivery and the matter it contained challenged attention and was a clear, logical, and forceful presentation of his views. I do not think it can be contended that he was a great statesman, but he was generally acknowledged to be a useful public servant.

Uncle Dan loved a melodious song and a good story, and was ever fond of good cheer. He never was brighter and happier than around a festive board thronged with merry companions. There he was at his best, and there you saw his sunniest smile and heard his heartiest laugh; there he unloaded his store of sparkling wit and the choicest tales gathered from his long acquaintanceship with the brightest men of this land.

When every other trait is forgotten, his bosom friends will call to mind the pleasant times and happy hours they spent in his company. He had faults, but they, too, were convivial and injured none more than himself. Whatever may be said of him, he was a useful citizen, an incorruptible public servant, whose long career was never assailed with even the suspicion of personal dishonor.

To a man of his vigorous constitution fourscore years should have been his allotted time; but his intense nervous energy burned the candle of life at both ends.

He fought a good fight. He has run his course;
He tasted of life's bitter and its sweet;
He was loved, respected, and honored;
He was hated, reviled, and condemned;
His virtues many times outweighed his vices.

And when we measure him by the Golden Rule it will be found that he did the work his hands found to do faithfully and well and that his useful life was a blessing to his fellow-man. He has crossed the dark river. His life's service has paid the obolus to old Charon, the ferryman of the Styx. He has entered the land of

the hereafter, in that other life of growth and progress to take up again the burden laid down in this and to struggle ever onward and upward in the realm of life eternal.

[Mr. GAINES addressed the House. See Appendix.]

Mr. BROSIUS. Mr. Speaker, when Leonardo da Vinci was painting his famous fresco, "The Last Supper," on the wall of a Dominican convent the friar became impatient at the tardiness of the work and reproached the painter, who, answering, said: "I still lack two faces, one of which, the Saviour, I can not hope to find on earth, and I have not attained the power of presenting it to myself in imagination, with all the perfection of beauty and spiritual grace demanded in a representation of the divine incarnation: the other is that of Judas, and I hardly think it possible to render graphically the features of a man who, after receiving so many benefits from Him, deliberately betrayed his Lord and Master." Similarly, he who undertakes to depict in words the extremes of goodness and badness in human character, like Leonardo, will be unable to complete his picture, for no mastery of the art of characterization will enable him adequately to portray the radiant image of the divine in man at his best, or to graphically render the dark incarnation of evil in him at his worst.

The history of man has revealed him as a being compounded of diverse elements, including much that is common to other animals; indeed, it seems scientific to hold with recent thinkers that every animal of forest, field, and flood has maintained a foothold in man and left the print of one or another of its features in every upright, heaven-facing creature. From this point of view he is a most inharmonious being. "Compound of beast and angel, devil and deity," said Coleridge. "The glory and scorn of the universe," said Pascal. "A jewel of God," said Parker. "A rapacious vulture," said Cowley. "Half dust and half deity, alike unfit to sink or soar," said Byron. How noble in reason, yet how prone to error; how infinite in faculty, yet how low in desire; in form and moving how express and admirable, yet how low he bends to vice and folly; in action how like an angel, in acts how like a devil; in apprehension how like a god, yet in appetite how like a brute. This is man in his totality; but, as Emerson suggests, "Man has been differentiated into men, good men, middling men, and bad men." So we can conceive them in their several characters and distinguish one from the other.

The point of these reflections, obviously enough, is that man in his ascent outgrows the tiger, the bear, the serpent, the wolf, or whatever remnant of the animal that may have survived in him. He sloughs off the lower and baser and climbs to the higher and nobler, and develops by slow stages the highest manhood. A perfect being does not exist. In every character there is the serpent's hiss and the bird's song. It has been said that God could not make a perfect being in a day if he tried. Perfection is an evolution, and can only be reached by struggle and growth. What he does depends on what he is. He gives out what is in him. He is like the coal in the grate, of which science declares that in decomposing it gives out the same amount of light and heat as was borrowed from the sun by the antediluvian trees which entered into its composition. So the human creature gives out as much of one and another quality as he derives by heredity, as much of goodness and gracious sunshine as he has drawn from the infinite fountain of light and love.

A man of spirit, purpose, ambition, and aspiration; struggling with difficulties, infirmities, adverse fortune; stumbling, falling, rising; renewing the struggle, falling again, and again rising; climbing with beak and claw, daring every fate and triumphing over all, is the grandest and most impressive object ever presented for our contemplation. He is a royal man, a nobleman of nature's own brand, who exemplifies the attribute which led the Greeks to call man "anthropos," the upward looker.

Mr. ERMENTROUT in his interesting career presents the figure of a struggling, striving, strenuous man, battling with the enemies of his high purpose and his ardent hopes, and whatever reverses overtook him served only as incentives to renewed exertion, for his purpose never wavered and his hope sprang eternal. In the words of Campbell, "She could smile at the ruins of creation and light her torch at nature's funeral pile."

My acquaintance with Mr. ERMENTROUT covered a long period of years. His origin was neither obscure nor distinguished. He suffered the disadvantage of neither rank nor fortune. He came from that common level of worldly conditions and that high level of honor and respectability, that clean and wholesome atmosphere of piety and morals, which in all American history have constituted the rich garden soil from which have sprung intellectual vigor and moral excellence. He was educated at Franklin and Marshall College, located in the district I have the honor to represent. A beautiful and accomplished girl of my own city became his wife, and their home up to the time of his death was in a neighboring city, in the district which he represented on this floor for several terms. He was a man of light and leading in his community. He was a diligent student; his reading took a wide range; he gleaned from every field of knowledge and possessed an amplitude of intelligence which made him a valuable acquisition to any social or professional circle. For nearly forty years his time was divided between the legal profession and public life. He was a success in both. He was a masterful politician. His ability, industry, tact, and the high esteem in which he was held gave him a preeminence enjoyed by no other man in the politics of his district.

His devotion to his constituents was a conspicuous feature of his public life. He knew most of them personally. He took them into his confidence, watched their interests, guarded their rights, anticipated their wants, and served them in all needful ways with a fidelity as beautiful as his industry was tireless. He believed, what the career of every successful public man teaches, that the only way for a public servant to securely hold the confidence and affection of his constituents is in the demonstration of his worthiness by integrity, fidelity, industry, and efficiency in their service.

Our friend was the architect of his own career. The spurs he wore in the tournament of life were fashioned by his own effort and buckled to his heels with his own hands. He early learned that the genius of success is the genius of toil. The only Aladdin's lamp he ever knew was a heroic soul that no difficulty could daunt. His courage never sank before an adverse cast of fortune. When inspired by conviction and commanded by duty he turned neither to the right nor left. He was a hard fighter. The man who broke a lance with him when at his best was sure—

> To know the joy that warriors feel
> In foemen worthy of their steel.

But our friend has gone to his rest, leaving behind him for our instruction such lessons as his life teaches. To contemplate them and profit by them is the suggestion of wisdom.

"As the shadows steal at evening over the earth, softly closing the flowers and touching them to sleep silently and lovingly in the promise of a bright waking," so he fell asleep. Nature, with no rudeness in her touch, but softly and gently, disengaged the vital cord, and he passed serenely into rest on the other shore of that mysterious sea "that never yet has borne on any wave the image of a homeward sail."

Death had no terror for him. He besought those nearest to him not to mourn but to rejoice when he was called home, for to him his demise was only a transit to a higher state of being where life is in its completeness. For him death had no sting, the grave no victory. He passed into the unseen, I can easily believe, with the exultant words of Whitman's death song upon his lips:

> Joy, shipmates, joy;
> Our life is closed, our life begins;
> The long, long anchorage we leave.
> The ship is clear at last; she leaps,
> She quickly courses from the shore;
> Joy, shipmates, joy.

Now, as we leave the contemplation of our departed friend, those who loved him best can carry with them the consolatory reflection "that, while green grass will cover his grave, blue skies bend over it, sweet birds sing near it, and the place will be hallowed ground, yet greener than the grass, fairer than the skies, sweeter than the birds, more hallowed than the grave itself will be his fragrant memory enshrined with supreme sacredness in their heart of hearts."

Mr. ZIEGLER. Mr. Speaker, it is my sad privilege to join with other members of the House in paying brief tribute to the memory of DANIEL ERMENTROUT.

I am led to speak from the natural and instinctive prompting of a heart that bore a sincere friendship and regard for the deceased. It is an occasion when human passions are hushed; when political differences are laid aside, and when, in the midst of the solemnity that pervades the scene, we give expression to serious and solemn thought. It may truthfully be said that no one finds the least degree of pleasure in standing by the open grave and witnessing the funeral ceremony. All such occasions are characterized by a display of sorrow and grief. However sad the occasion, however intense the sorrow and grief, it is the duty of the living to bury the dead.

I was present at the funeral services of our deceased friend, DANIEL ERMENTROUT. I heard the learned minister standing beside the cold form eloquently extol his home, social, political, business, and religious life. The good and kind words spoken by him, as well as by those in the funeral cortege and by many who crowded the public streets of the city as he was carried to the grave, were as bright, cheerful, and comforting as the rays of the sun that dispelled the rainfall and clouds that overcast the morning of the day of his burial and flooded the open grave and charming scenery surrounding the place of his burial with its brightness and glory.

No human life is entirely exempt from sorrow, grief, trouble, anxiety, fault, or error, and let me express the hope that whatever sorrow or grief may at any time have crossed the pathway of our friend's life, whatever trouble or anxiety may have been his portion, whatever fault or error, all have been effectually blotted out in the sunlight of God's presence.

Mr. Speaker, we have with great propriety paused for a brief period from the discharge of our legislative duties to deliver becoming and commemorative remarks concerning our deceased friend, DANIEL ERMENTROUT. The discharge of this duty is not only customary but appropriate, and at the same time extremely mournful. Eloquent have been all the eulogistic tributes which the members of this House have placed upon our friend's grave. In the midst of our sorrow it is comforting to have heard him so well spoken of. After the splendid addresses of those who have preceded me, touching upon the life, character, and public services of DANIEL ERMENTROUT, it will be for me a difficult if not an impossible task to express new thought or gather flowers as bright as those already gathered and, weaving them into suitable and thoughtful design, place them upon his grave as a tribute to his memory. However, I would emphasize, if I may or can, several traits of character which stood out prominently in his life. Kindness and goodness of heart, twin virtues, were his in a marked degree.

A few days after my election as a member of this House I received a letter from him of whom I speak. This letter is an index of the man's character. It breathed words of congratulation. He felicitated himself upon the fact that he would have more company from his own State in the Fifty-sixth Congress than he had in the Fifty-fifth Congress, referring to the election of more members of his political faith from Pennsylvania. Alas! how vain and fleeting ofttimes are our hopes and expectations. He will not meet with us, as he fondly expected, in this assemblage. Death claimed him with startling suddenness, and he has passed over into "that mysterious realm where each shall take his chamber in the silent halls of death."

All sorrow at his demise, and yet I find constrained pleasure in bearing brief witness to his kindness and goodness of heart, not only as displayed to me personally, but as shown in speaking of his friends in Congress and of the officers of this House.

I knew the deceased during many years. I met him in the beautiful city where he lived. I frequently saw his commanding and influential presence in State conventions, and while our relations were not very intimate, still I must say that the kindness of the man's heart and his disposition to be of aid and assistance constantly manifested itself.

The letter to which I a moment ago referred spoke of his experience as a member of this House, and how from that experience he could be of assistance to newly elected members of this body, and then followed information and suggestions that proved very valuable to me.

He expressed the pleasure it would be to him to serve me in any way in his power, and hoped that our intercourse would be pleasant and agreeable. He spoke in the highest terms of his associates, regardless of political creed, and I remember that he referred in the kindliest terms to the Clerk of this House and his willingness to grant any assistance in obtaining useful information on the routine business of this House and the various Departments of the Government. In this way, therefore, were reflected the kindness and goodness of the deceased, and I may say these traits of character have been characteristic of the man during his entire professional, political, and public life.

Again, he was noted for his great personal devotion in the performance of duty. He was singularly sincere and conscientious in all his undertakings, and whatever his hands found to do he did with all his might. He was never faithless in any cause.

Whether at the bar in the trial of a case or in the struggle for the attainment of his political ambition; whether in the State senate or as a servant of the people in this House, it can truthfully be said of him that every energy of his tireless nature was thrown into a desire to creditably perform every duty. He was a good citizen, an assiduous lawyer, a faithful State senator and Congressman. His private and public record have been honorable. I have never heard anything to detract from his reputation as an experienced and faithful public servant. This reputation was richly earned, but only through ceaseless energy and conscientious performance of duty. He has gone from us forever. He lies buried beneath the soil of his native State, in a beautiful location in the cemetery where he expressed a desire to be buried and rest from his labors.

We do well to cherish the legacy of the kind and generous heart he has left us, and the fame of an honest and faithful public servant, gained by his earnest personal consecration to duty.

What lesson is there in this sad death and in this solemn occasion for us who survive? It seems to me the lesson may be appropriately learned by heeding the injunction:

So live, that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one that wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mr. RYAN of Pennsylvania. Mr. Speaker, I can not permit this opportunity to pass without paying my tribute of respect to the memory of my neighbor, the late Hon. DANIEL E. ERMENTROUT, of Reading, Pa.

When my colleague, Hon. HENRY D. GREEN, announced to this House the death of his distinguished predecessor, Mr. ERMENTROUT, a tomblike silence spread over this Chamber, and expressions of sorrow and regret fell from the lips of all who knew him.

His unblemished character and high standing as a citizen, a lawyer, and a statesman was well and favorably known throughout his native State, and as their Representative in the Congress of the United States he discharged his duties faithfully and conscientiously. So marked was his attention to the interest of his district and the country he loved that his colleagues, members of the Congress of the United States, upon hearing of his demise, through respect to his memory adjourned the House of Representatives, and later set apart this day that suitable tribute might be paid to the memory of the honored gentleman, late a member of this House.

Mr. Speaker, what greater tribute can be paid to the memory of the deceased than that bestowed upon him by the people of the Ninth Congressional district of Pennsylvania?

There on his native heath he was best known, and his life work so commendable that he was intrusted with the cares of State and nation; and in all his official career never violated a trust, and quick to respond to the needs of his district.

Well may it be said of him, he was kind, generous, and charitable, aggressive and sincere in his convictions, and to serve his constituents a labor of love.

His honesty of purpose, Mr. Speaker, impressed all who knew him, and recalls the admonition—

To thine own self be true;
And it will follow, as the night the day,
Thou canst not then be false to any man.

Nothing that I now say will add to the good name and fame of the deceased, so well and richly earned by him through life.

He erected for himself a monument that time can alone destroy, and as I listen to the many eloquent and touching tributes of respect paid to the deceased my heart is filled with gratitude toward mankind. Again may I ask, what greater monument to perpetuate the memory of DANIEL E. ERMENTROUT could be erected than that raised by the records of the Congress of the United States, presenting to the present and awaiting the perusal of future generations resolutions and memorials bearing upon the illustrious character and life work of the deceased? I knew him for many years; respected, honored, and admired, he passed from life to death.

Mr. ERMENTROUT had many qualities which endeared him to all who had the pleasure of his acquaintance. A gentleman of amiable disposition, who met his friends with a frank and cordial greeting; generous almost to a fault, ready to assist and remove the obstacles and burdens from others. Such a man, Mr. Speaker, could not live in a community without its being improved and bettered by his life. His sunny disposition and kindly nature attracted me to him, and in a short time our acquaintance ripened into friendship.

Shortly after my election to the Fifty-sixth Congress I received from him a message of congratulation, and later a personal call, at which time he spoke of the business to be transacted at this Congress.

Then, Mr. Speaker, he was in the very vigor of manhood, his powers fully developed, ripened by study, observation, and experience. At that time he presented to me his views on several questions since acted upon by this Congress; and I know how pleased he would have been to take an active part in debate on these questions. He was a partisan, a Democrat who never faltered, ready to go forth and spread the principles of Democracy. It has been said of him on the floor of this House that he never feared an opponent and admired a man who gave him vigorous battle.

Yes, Mr. Speaker, that was characteristic of Mr. ERMENTROUT, for I now recall that in conversation with him a short time before his demise he said, "Jim, some boys in my district are looking about for opposition to me. They want fight. Just wait till you see what old Uncle Dan will do:" and he said it in such a way as to leave no doubt about his ability to take care of himself. His firm will, courage of conviction, and generous nature brought to his support a host of friends who respected, honored, and admired him, and general were the regrets among the people of his Congressional district when they heard of his demise. Faults he may have had, for none are perfect, yet his virtues were many.

But, Mr. Speaker, Mr. ERMENTROUT did not gain all his laurels in public life. At home with his family, his neighbors, and his people he was an inspirer of happiness, ever ready to extend friendship and assist his fellow-man. Long will the people of his district fondly cherish his memory. There and here his genial company will be missed for all time, and while the country

he loved mourns his loss, we must not forget that his loving wife and children have sustained an irreparable one; and while we deeply sympathize with them in this, their hour of bereavement, we pray that "He who doeth all things for the best" will strengthen and support them in a full resignation to the will of the Creator, for—

God moves in a mysterious way
His wonders to perform.

[Mr. DALY of New Jersey addressed the House. See Appendix.]

Mr. MULLER. Mr. Speaker, my personal acquaintance with our honored colleague, whose sudden and untimely death about six months ago startled and shocked his friends and whose virtues we to-day commemorate, commenced in the Forty-eighth Congress. I had served in prior Congresses—the Forty-fifth and Forty-sixth—and so was considered a veteran, and we naturally became friends at once. Mr. ERMENTROUT came into the Forty-seventh Congress—of which I was not a member—as the successor of Hiester Clymer, a notable man, who achieved prominence and distinction in the House during his eight years' service, as he had previously attained high personal and political distinction and position in the party councils of the Democratic party of Pennsylvania and the nation. Mr. Clymer's predecessor, Hon. J. Lawrence Getz, was also a man of prominence and influence in his State, having, in addition to a high standing at the bar of Pennsylvania, been editor of the Reading Gazette and Democrat for over a quarter of a century, and prior to his election to Congress having served with credit in the legislature of Pennsylvania, being in 1857 the speaker of its lower house.

So it will be seen, Mr. Speaker, that "the old Berks district"—as it was familiarly called—has a reputation of sending strong men to the House of Representatives of the National Congress. DANIEL ERMENTROUT proved no exception to the rule which prevailed in "the old Berks district." Mr. ERMENTROUT was born at Reading on January 24, 1837, and his death occurred there on September 17, 1899. Mr. ERMENTROUT was a strong, brave, and earnest man. He had as positive convictions on every great question of public concern and moment as any man I ever knew. On nonessential questions, where men might honestly differ, he was as generous and kindly tempered as a woman.

He was as loyal to his convictions and friends as any man that ever lived, and he hated and despised hypocrisy, treachery, and ingratitude, whether in private or public life, as it was possible for a man to do. He was not only intensely loyal to his State and district, of which he never ceased or hesitated to boast with pardonable pride, but he loved his party with an affection which might be equaled but never surpassed, and in that regard his life and record is one which may well be emulated by all members of the great party of which he was an honored member, without regard to State or local lines.

Mr. Speaker, it was never my good fortune to be associated on the same committee with Mr. ERMENTROUT, but from others of my colleagues from New York and other States who were I learned much of his character, abilities, and work. He was a close and careful reader or student of public affairs and kept in close touch with the beliefs, wishes, and sentiments of the people of his district and State, and he never wavered in the least or swerved a hair's breadth from the line he had marked or mapped out for himself as to his duty in regard to any important public question.

It was his boast on one notable occasion that he "stood shoulder to shoulder with 'Sam' Randall in defense and support of the tariff interests of Pennsylvania until his party in national and State conventions decided upon a new policy, and then," said Mr. ERMENTROUT, with solemn uplifted hand, "I go with my party, and if necessary will go out of Congress for so acting and voting." His vote for the "Mills bill," which was made a party question, in the Fiftieth Congress lost him the Democratic nomination to the next (Fifty-first) Congress, but he was amply vindicated by his nomination to the Fifty-fifth and Fifty-sixth Congresses. It is true that he had formidable opposition in his own party to his last two renominations, but he insisted that as a loyal Democrat he must follow his party flag and that its national platform, under the leadership of a Democratic President, was binding on him until a new policy was decided upon.

In that matter he followed the advice and action of his colleagues, Messrs. Buckalew, Scott, Maish, Hall, and Lynch, rather than his colleague, Mr. Sowden, who voted "no," ex-Speaker Randall, who was ill and unable to attend, being paired against the bill. It was this quality of self-sacrifice, Mr. Speaker, which endeared Mr. ERMENTROUT to his colleagues, whether they were Democrats or Republicans. He had their respect, though he might differ with and vote against them, but all had confidence in his rugged honesty, integrity, and purity of purpose, and that was the secret of his great personal popularity in the various Congresses in which he served.

In private and social life Mr. ERMENTROUT was one of the most popular members of the House during his service here. At many social gatherings he was the life and soul of the party. He had an inexhaustible fund of reminiscences and anecdotes, and his keen and ready wit was a match for all who "crossed lances with him." At one of these dinners the brilliant Blackburn, of Kentucky, then just recently elected to the Senate—and who will soon return to it—speaking of the contest over the "Mills bill" in the Fiftieth Congress and of the division in the House thereon, said:

Mr. Chairman, in the House of Representatives of the Fiftieth Congress party lines were rent asunder. Under the brilliant leadership and management of Speaker Carlisle and the distinguished gentleman from Texas who sits on my right [Mr. Mills] the House passed a bill—known as the "Mills bill"—to reduce taxation and simplify the revenue laws. It was supported by every Democratic member of the House save five, three of whom were from New York and two from Pennsylvania. That bill received the support and votes of six Republicans, one of whom [Mr. NELSON, of Minnesota] is now a member of the Senate.

The Democratic members from Pennsylvania were divided. There were but seven in all, and of these the distinguished gentleman from Pennsylvania [Mr. Randall], who has "crossed to the farther shore" after a long, able, faithful, and honorable service, handsomely rounding out his career with three terms as Speaker of the House of Representatives, captured one of his colleagues, while another distinguished member from Pennsylvania, who sits on my left [Mr. Scott], captured four, the delegation standing five for and two against the "Mills bill." Mr. Chairman, it was once said that the Pennsylvania Democracy was divided into three factions—the Thomas Jefferson and Andrew Jackson Democrats and the Pennsylvania Dutch—thousands of votes being cast in that State every four years directly for Andrew Jackson, who was still thought to be "very much alive." But, Mr. Chairman, I want to add to that list: I would class them as the Pennsylvania Democrats, the Pennsylvania Dutch, the Randall Democrats, and DANIEL ERMENTROUT.

This sally created great laughter, and quick as a flash Mr. ERMENTROUT was on his feet:

Mr. Chairman, I thank the distinguished gentleman from Kentucky for the compliment he has sought to pay me by making me "flock by myself." But, Mr. Chairman, I want him and everybody present to know that on that occasion I "flocked" with the Democratic President of the United States, the Democratic Speaker of the House of Representatives, and, with five exceptions, the entire Democratic membership of the House of Representatives; and I want to say that when the time comes I shall always be found "flocking" with my party and standing on its last national platform if I have to "flock by myself" in the Pennsylvania Democratic delegation. I prefer to be an humble private citizen of Pennsylvania and retain my self-respect through fealty to my party than cast a vote to curry local and temporary favor. Legislation, whether State or national, is, after all, but a compromise, but I shall always be found following the party leader and the party flag.

Three rousing cheers and a tiger were given Mr. ERMENTROUT, and during the last visit he paid to Washington in the summer of 1899 he related the incident to a mutual friend with all the fervor of vigorous youth.

Such, Mr. Speaker, was the character of our departed friend. He had all the nerve, courage, and stubbornness of his race, and an iron will which fought to the bitter end. He hated intrigue and despised all shams. He was open, frank, honest, and manly to his opponents. He wore no mask. He had as positive convictions as any man who ever held a seat upon this floor, and he was always loyal to his convictions. He was not a great debater or orator, but in the committee room or upon the floor of the House as a careful, conscientious, and painstaking worker he had few equals and no superiors. He was a great "persuader," and in his easy, offhand, and friendly way he brought men to side with him where the highest type of eloquence would have failed.

He was a fine student of human nature, and it is said of him by his closest friends that he could go into any community of his district, or in the city of Philadelphia, among a great number of men, and call a large majority by their first names. It was in this way, Mr. Speaker, that he kept himself thoroughly posted as to the condition of affairs in his district and State, and it has also been said that he personally knew more voters than any other single man in public life in Pennsylvania. In his striking personality he embodied many of the traits of his ancestry. He had a most remarkable ability and capacity of making friends, who always remained true to him, and he died as he had lived, a "servant of the people."

It is related of him that his last public appearance was on the Wednesday previous to his death, when at the banquet given by the Reading Press Club to the officers of the Thirty-ninth United States Volunteer Infantry he responded to the toast "The press in politics." But five minutes were allowed each speaker, and Mr. ERMENTROUT said that justice could not possibly be done the subject in that brief period. He stated that in his judgment the press could make or break a man in political life; that it exerted a great influence, which, as a rule, was always exerted on the side of right and justice.

Mr. Speaker, some of his colleagues from Pennsylvania will give more minutely the details of his private life, but it is proper for me to state as a matter of interest that Mr. ERMENTROUT is the seventh Representative "from the old Berks district" who did not serve out his term of office and that he is the third Representative from that district who died in office.

I can not, Mr. Speaker, close my tribute to the memory of DANIEL ERMENTROUT without saying that his death was to me almost a personal bereavement. I had come to look upon him as a safe counselor, whose judgment and friendship could almost always

be relied upon with absolute confidence. I have met many of Pennsylvania's prominent citizens of all political parties, and that was the opinion always expressed of him. The Philadelphia Record, the leading Democratic paper of Pennsylvania, contained a notice of his death which so aptly describes his life and character that I give it herewith:

The death of Congressman ERMENTROUT will be learned with sincere regret not only by the citizens of his native county, but also by very many people throughout Pennsylvania. Since his election to the State senate in 1873 he has been a prominent figure in the public affairs and politics of this Commonwealth, and his popularity has been amply attested by his repeated elections to Congress from the Eighth and subsequently from the Ninth Congressional districts.

His genial temperament and sturdy and honest regard for the public interest endeared him to his constituents in Berks and Lehigh counties, and his unfaltering and aggressive adherence to the Democratic party rendered him a favorite and influential figure in the conventions and other public gatherings of the Democracy. During his extended Congressional career he served with ability and fidelity.

Mr. Speaker, we shall miss DANIEL ERMENTROUT, and his district and State will greatly miss him. Men come to and go from Congress and pass out of sight like a disappearing sail on the vast ocean. In the years to come Pennsylvania will send to the National House of Representatives men of ability, eloquence, and learning, but in my judgment she will never send a Representative who loved her with a devotion less selfish or will ever serve his State and constituency with more courage, constancy, and fidelity than did DANIEL ERMENTROUT.

Mr. SULZER. Mr. Speaker, with all that has been so well and so eloquently expressed here to-day regarding the public life and character of the late lamented DANIEL ERMENTROUT, of Pennsylvania, I sincerely concur, and I would be false to myself and to every dictate of my nature if I did not at this time place on record my humble and heartfelt tribute to the memory of our departed friend and colleague.

The sad and sudden death of Mr. ERMENTROUT was a terrible blow to his bereaved family, shocked the community in which he lived, and grieved beyond expression his numerous friends all over the Union. No one expected it and its announcement came like a thunderbolt from a clear sky to his constituents and to the country.

As a member of this House I knew Mr. ERMENTROUT well. He was my friend and I was his friend. He was a man of strong intellect, of vigorous character, and of high and noble impulses. He was a good man, an honest man, a kind man, and the friend of humanity. I early learned to know him and to love him, to admire his good qualities, and to respect his sterling worth as a public-spirited citizen and faithful servant of the people. He had a warm and a sympathetic heart, a genial, sunshiny nature, and he was always happy when he was trying to help a constituent or doing some kind, generous, and charitable act for a friend. He was a plain man, and he loved the plain people. He understood them and they understood and loved him. He believed with Jefferson in equal rights to all, special privileges to no one. He fought the battle for struggling humanity in its onward march and upward progress, and in public and private life did all he could to make the world better and greater and happier. Thousands and thousands whom he knew and whom he helped mourn his loss, and his departure to the undiscovered country has made the world sadder and poorer.

He came from the grand old Commonwealth of Pennsylvania. He was born and he died on her soil. He was proud of his State, and his State has every reason to be proud of him, to revere his memory, and to point with just pride to the noble record he leaves behind as an incentive to her toiling sons and a priceless legacy to her people.

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time.

Footprints which perhaps another
Sailing o'er life's dreary main,
A forlorn and shipwrecked brother,
Seeing, may take heart again.

As a Representative in this House Mr. ERMENTROUT was an able, an active, a conscientious, and a conspicuous member. He was always in his place, and never shirked a responsibility or dodged an issue. He was an indefatigable worker, and the records and the reports of our proceedings testify in silent words to his tireless industry and his great ability, learning, and research.

He was generous to a fault, kind and considerate of the feelings of others, and always a courteous, Christian gentleman. He sympathized with the weak, the helpless, the poor, and the distressed. He commended and applauded success, yet his heart went out to those who struggle and fail. I never knew him to make a disparaging remark of a colleague, and he was ever ready and always willing to aid a new member struggling to pass a bill for the people of his district. He was no fault-finder; he looked at the bright side of the picture of life.

We will miss and mourn dear old DANIEL ERMENTROUT here as the days come and go as much as he is missed and mourned at home. When he died a good and kindly light went out, and we and all the world are sadder for it. As the days come and go we will look in his place on this floor and—

Long for the touch of a vanished hand,
And the sound of a voice that is still.

Mr. GREEN of Pennsylvania. Mr. Speaker, if there are no other members prepared to make remarks, I move that the House do now adjourn as a further mark of respect to the memory of my predecessor.

The SPEAKER pro tempore (Mr. MIERS of Indiana). That being provided for already in the resolutions, as a further mark of respect to the late lamented Mr. ERMENTROUT, of Pennsylvania, the House will now stand adjourned.

And accordingly (at 3 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Washington and Gettysburg Railway Company, transmitting his annual report—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to an appropriation for reestablishing certain range lights on the Delaware River—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. E. Davis, administrator of estate of J. D. Davis, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Crystal River, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sampit River, South Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 996) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose, reported the same with amendment, accompanied by a report (No. 195); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4000) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C., reported the same without amendment, accompanied by a report (No. 196); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others, reported the same without amendment, accompanied by a report (No. 194); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7981) for the relief of D. Froneberger, of Knoxville, Knox County, Tenn.—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 7597) to restore Mary Welch to the pension roll—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7676) for the relief of Henry Spurgeon—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7714) granting a pension to Sarah M. Leslie—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7750) granting an increase of pension to John I. Fleming—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 8020) authorizing the Secretary of War to provide condemned cannon and carriages for ornamentation purposes in the national cemetery at Knoxville, Tenn.—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 8021) to protect free labor and the industries in which it is employed from the injurious effect of convict competition by confining the sale of goods, wares, and merchandise manufactured by convict labor to the State or Territory in which they are produced—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON of Ohio: A bill (H. R. 8022) for the purchase of a site for a hall of records—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: A joint resolution (H. J. Res. 156) providing for the publication of 200,000 copies of the Special Report on the Diseases of Cattle—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 157) providing for the publication of 200,000 copies of the Special Report on the Diseases of the Horse—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 8023) to increase pension of Mrs. M. E. Norwood—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 8024) for the relief of Pardon Worsley, his heirs or assigns—to the Committee on War Claims.

By Mr. BOWERSOCK: A bill (H. R. 8025) granting a pension to Mrs. J. J. Woods, of Oswego, Kans.—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 8026) for the relief of Mack Fulton, of Morristown, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8027) to pension William R. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8028) for the relief of certain persons who volunteered to serve as members of Tenth Regiment of Tennessee Cavalry—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 8029) to carry out the findings of the Court of Claims in the case of Orville P. Hawkins, administrator of Mary Harpool, deceased—to the Committee on War Claims.

By Mr. CARMACK: A bill (H. R. 8030) for the relief of the estate of Benjamin D. Gates, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 8031) for the relief of the estate of John Hebron, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. DRIGGS: A bill (H. R. 8032) to reimburse J. A. B. Miles, E. D. Kelly, and Rawlings Webster—to the Committee on Claims.

By Mr. HENRY of Texas: A bill (H. R. 8033) granting a pension to Mahala Patterson—to the Committee on Pensions.

By Mr. JOHNSTON: A bill (H. R. 8034) to carry out the findings of the Court of Claims in the case of Woodford White—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 8035) to grant a pension to James A. Stein—to the Committee on Invalid Pensions.

By Mr. LYBRAND: A bill (H. R. 8036) for the relief of A. B. Coit, colonel Fourth Regiment Ohio Volunteer Infantry in the Spanish-American war—to the Committee on Pensions.

Also, a bill (H. R. 8037) for the relief of Capt. George B. Donavin, quartermaster, on behalf of the regimental band of the Fourth Ohio Volunteer Infantry, in the Spanish-American War—to the Committee on War Claims.

By Mr. LENTZ: A bill (H. R. 8038) granting a pension to William H. Zombro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8039) to correct the military record of Francis M. Ingersol—to the Committee on Military Affairs.

By Mr. McRAE: A bill (H. R. 8040) for the relief of the heirs of William Wesley Turner, deceased—to the Committee on War Claims.

By Mr. MEEKISON (by request): A bill (H. R. 8041) for the relief of Harrison Wagner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8042) to correct the military record of Harrison Wagner—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 8043) granting an increase of pension to Patrick Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8044) granting an increase of pension to James M. Barrett—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 8045) granting a pension to Wilford Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8046) granting a pension to Louis W. Crain—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 8047) for the relief of Robert T. Shipley—to the Committee on Military Affairs.

Also, a bill (H. R. 8048) granting a pension to Alfred Hayton, late of Company G, Eighty-first Illinois Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. THROPP: A bill (H. R. 8049) granting pension to Theodore Bach—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8050) to correct the military record of W. A. Mole—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 8051) granting a pension to David A. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8052) granting a pension to John A. Collett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8053) for the relief of Jesse Rhea—to the Committee on Military Affairs.

Also, a bill (H. R. 8054) to pension Isaac Daniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8055) to pay to the estate of Margaret S. Burem for property taken during war of rebellion—to the Committee on War Claims.

By Mr. PACKER of Pennsylvania: A bill (H. R. 8056) to correct the military record of Hiram B. Willson—to the Committee on Military Affairs.

Also, a bill (H. R. 8057) granting a pension to Abraham Shoff—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 8058) granting an increase of pension to Abraham D. W. Decker—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWERSOCK: Petition of 110 citizens of Fort Scott, Kans., favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the National Board of Trade for cable facilities between the United States and Cuba—to the Committee on Insular Affairs.

By Mr. CLARK of Missouri: Resolution of the National Board of Trade for cable facilities between the United States and Cuba—to the Committee on Insular Affairs.

Also, resolutions adopted at a mass meeting in St. Louis, Mo., expressing sympathy for the Boer Republic in its present war—to the Committee on Foreign Affairs.

By Mr. DRIGGS: Papers to accompany House bill relating to certain deficiencies in the collector's office of the First district of New York, Internal-Revenue Service—to the Committee on Claims.

By Mr. ESCH: Petition of clerks in the post-office at La Crosse, Wis., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWRENCE: Petition of P. H. O'Donnell and other post-office clerks at Pittsfield, Mass., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. LLOYD: Petition of 45 citizens of Putnam County, Mo., to accompany House bill granting a pension to James A. Stein—to the Committee on Invalid Pensions.

By Mr. MEEKISON: Paper to accompany House bill No. 7704, for an increase of pension to Malinda A. Myers, of Van Wert, Ohio—to the Committee on Invalid Pensions.

Also, remonstrance of J. Lohmann and others, of Wheatland, Iowa, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY of Oregon: Petition of T. H. Johnston and other druggists, for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. RAY of New York: Paper to accompany House bill to increase the pension of J. M. Barrett—to the Committee on Invalid Pensions.

Also, petition of citizens of Owego, N. Y., for legislation relating to dairy or food products—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany House bill for the relief of David P. Stewart—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Letter of W. C. Brown, of Winchester, Ind., in favor of the passage of House bill No. 4478, to adjust the pensions of those who have lost limbs, etc.—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolutions of the National Board of Trade, in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. THROPP: Papers to accompany House bill granting a pension to Theodore Bach—to the Committee on Invalid Pensions.

Also, petition of Charles Griffith and other druggists of Johnstown, Pa., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

SENATE.

MONDAY, *February 5, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

WAR-REVENUE EXPENDITURES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th ultimo, a consolidated statement showing the net amounts allotted by the President to the Secretary of War and the several bureaus of the War Department, the net sums withdrawn from the Treasury by each, and the unexpended balance remaining to the credit of the War Department and its bureaus in the Treasury, together with the statement in detail of the bureau and office responsible for the disbursements, showing the objects for which the expenditures were made, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

HENRY W. LEE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th ultimo, certain information relative to the action taken by him under the act of August 23, 1894 (28 Statutes, 1013), for the relief of Henry W. Lee, together with copies of papers in the case; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CŒUR D'ALENE MINING TROUBLES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 25th ultimo, advance sheets of the annual report of the Major-General Commanding the Army for the year 1899, Part I, pages 28 to 29, inclusive, the same being the report of Brig. Gen. Henry C. Merriam, U. S. A., "On miners' riots in the State of Idaho," etc. The Chair calls the attention of the Senator from Missouri [Mr. COCKRELL] to this communication.

Mr. COCKRELL. The original resolution was submitted by the senior Senator from South Dakota [Mr. PETTIGREW], and there was simply a substitute reported by me from the Committee on Military Affairs. I think the communication ought to be printed and laid on the table.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The Chair observes that the Senator from South Dakota is present.

Mr. COCKRELL. I call the attention of the Senator from South Dakota to the fact that the Secretary of War has made a report in response to the resolution which was introduced by the Senator and referred to the Committee on Military Affairs and reported back by the committee and passed. I have just asked that it may be printed and laid on the table.

Mr. PETTIGREW. Very well.

The PRESIDENT pro tempore. It will be so ordered, there being no objection.

WASHINGTON AND GETTYSBURG RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington and Gettysburg Railway Company, of Maryland; which was referred to the Committee on the District of Columbia and ordered to be printed.

BALTIMORE AND WASHINGTON TRANSIT COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Baltimore and Washington Transit Company, of Maryland; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF SERGEANT-AT-ARMS.

The PRESIDENT pro tempore laid before the Senate a communication from R. J. Bright, the late Sergeant-at-Arms of the Senate, submitting statements of receipts from sale of condemned property made in compliance with law; which was ordered to lie on the table and to be printed.

He also laid before the Senate a communication from R. J. Bright, the late Sergeant-at-Arms, transmitting a full and complete account of all property in his possession January 31, 1900, belonging to the United States; which was ordered to lie on the table and to be printed.

MILITIA FORCE OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, an abstract of the militia force of the United States, according to the latest returns received at the Office of the Adjutant-General of the Army, for the year 1899; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. DANIEL ERMENTROUT, late a member of the House of Representatives from the State of Pennsylvania.

The message also announced that the House had passed with an amendment the bill (S. 734) relating to Cuban vessels; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 284) granting permission and authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, La.;

A bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River, at Grand Ecore, in the parish of Natchitoches, State of Louisiana;

A bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou, near Shreveport, La.;

A bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes; and

A bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6272) fixing the salary of the postmaster at Washington, D. C.; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of Buffalo Harbor, No. 41, American Association of Masters and Pilots of Steam Vessels of New York, relative to the Marine-Hospital Service as now conducted at Buffalo; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union, No. 132, Cigar Makers International Union of America, of Brooklyn, N. Y., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants shall be made except to actual settlers, etc.; which was referred to the Committee on Public Lands.

Mr. MCMILLAN presented a petition of sundry citizens of Saginaw, Mich., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants shall be made except to actual settlers, etc.; which was referred to the Committee on Public Lands.

Mr. NELSON presented a resolution adopted by the Chamber of Commerce of St. Paul, Minn., favoring the construction of a Government route to the Philippines via Puget Sound; which was referred to the Committee on the Philippines.

He also presented a memorial of the Chamber of Commerce of St. Paul, Minn., relative to the granting of subsidies to American vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that an appropriation of $200,000 be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Marshall, Minn., remonstrating against the passage of the so-called parcels post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Board of Trade of Oakland, Cal., praying for the construction and control by the Government of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of sundry letter carriers of Stockton, Cal., praying for the enactment of legislation fixing the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Oakland, Cal., praying for the adoption of an amendment to the Chinese restriction law, allowing the wives of all Chinese Christians to come into this country; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of the Federation of Labor of Chicago, Ill., remonstrating against the cession of public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a petition of the Retail Druggists' Association of Chicago, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of Garden City Branch, No. 11, National Association of Lake Carriers, of Chicago, Ill., remonstrating against any alteration being made in the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Education of Chicago, Ill., praying for the adoption of an amendment to the census law which will include all the deaf, dumb, and blind in the country in the census returns for 1900; which was referred to the Committee on the Census.

He also presented a petition of the Board of Trade of Cairo, Ill., praying for the passage of a river and harbor appropriation bill at the present session of Congress; which was referred to the Committee on Commerce.

He also presented the memorial of Joseph Petersberger and 43 other citizens of Dixon, Ill., remonstrating against the passage of Senate bill No. 1020, for the consolidation of third and fourth class mail matter and for the establishment of a parcels post with free collection and delivery in country and city, with indemnity in case of loss or damage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Lake Carriers' Association of Detroit, Mich., praying for the enactment of legislation providing for the reorganization of the Weather Bureau; which was referred to the Committee on Appropriations.

He also presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

Mr. McENERY presented a petition of the New Orleans commercial, railroad, steamship, and steamboat interests, and of the commercial, railroad, and other interests in the States of the Mississippi, Missouri, and Ohio valleys, and of the conventions held in Wichita, Kans., Peoria, Ill., Louisville, Ky., Memphis, Tenn., and Washington, D. C., praying for the deepening of Southwest Pass, at the mouth of the Mississippi River, and for the continued maintenance of the South Pass until it shall be open; which was referred to the Committee on Commerce, to accompany the bill (S. 595) for the construction of a wide, deep channel from deep water of the Mississippi River to deep water of the Gulf of Mexico, by way of Southwest Pass.

Mr. THURSTON presented a petition of sundry railway mail clerks of Hastings, Nebr., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented a memorial of sundry citizens of Waterloo, Wis., remonstrating against the passage of the so-called free-package-delivery bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK of Montana presented a memorial of the Wool Growers' Association of Fergus County, Mont., remonstrating against the ratification of any treaty whereby the duties on wool or the manufactures thereof will be affected; which was referred to the Committee on Finance.

He also presented a memorial of the State Board of Sheep Commissioners of Montana, remonstrating against the ratification of a reciprocity treaty with the Argentine Republic, allowing a reduction of 2 per cent of the duty imposed upon wool by the act of 1897; which was referred to the Committee on Finance.

Mr. MASON presented sundry petitions of railway mail clerks of Maywood and Chicago, in the State of Illinois, praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Dixon, Ill., remonstrating against the passage of Senate bill No. 1020, for the consolidation of third and fourth class mail matter and for the establishment of a parcels post with free collection and delivery in country and city, with indemnity in case of loss or damage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution adopted at a meeting of sundry pro-Boer citizens of St. Louis, Mo., relative to the struggle of the people of the South African Republic; which was referred to the Committee on Foreign Relations.

Mr. JONES of Arkansas. I present a petition in behalf of the Choctaw Nation of Indians, praying that the Indian appropriation bill be amended so as to pay the Choctaws and Chickasaws the full value of the Kiowa, Comanche, and Apache Reservation. I move that the petition be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. JONES of Arkansas. There is in connection with the same case a brief by counsel of the Chickasaw and Choctaw nations objecting to certain proposed legislation which goes before the Committee on Indian Affairs, and I ask that the brief may be printed as a document for the use of the Committee on Indian Affairs.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. FRYE presented a petition of the Board of Trade of Portland, Me., praying that an appropriation be made for the construction of a United States court building at that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the National Marine Engineers' Beneficial Association of the United States, praying for the enactment of legislation granting subsidies to American ships in the foreign trade; which was referred to the Committee on Commerce.

He also presented the petition of Filomino Sanchez, a citizen of Mexico, praying that indemnity be granted him for losses sustained by depredations committed by the Navajo Indians; which was referred to the Committee on Indian Depredations.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 601) to amend the laws relating to obstructions to navigation and for the protection of life and property from dangerous practices, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2926) to prevent dangers to navigation from rafts on the Pacific Ocean; which was read twice by its title.

He also, from the Committee on Naval Affairs, to whom was referred the bill (S. 1671) for the relief of Mrs. Louisa Mitchell Smith, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 1873) to provide for the purchase of certain property for school purposes, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 6073) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 509) for the relief of Elizabeth Dickerhoff, widow of Louis Dickerhoff, deceased, of Company A, Cape Girardeau (Mo.) Home Guards, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2622) granting a pension to Maria Thompson, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 853) granting a pension to Jane E. Augur, to report it adversely and to recommend its indefinite postponement, a similar bill, introduced by another Senator, having been favorably reported from the committee.

The PRESIDENT pro tempore. The bill will be indefinitely postponed, in the absence of objection.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (S. 1996) revoking and annulling the subdivision of Pencote Heights, in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1981) for the relief of Abram G. Hoyt, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was

referred the bill (S. 345) granting a pension to Catherine L. Nixon, reported it with an amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2399) to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington," reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 851) to redeem certain outstanding certificates of the board of audit of the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (S. 122) to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898, reported it with an amendment, and submitted a report thereon.

Mr. ELKINS. I am directed by the Committee on the Geological Survey, to whom were referred sundry petitions praying that an appropriation be made to prevent the discontinuance of the hydrographic work of that Survey, to ask that the committee be discharged from the further consideration of the same and that the petitions be referred to the Committee on Appropriations, to be considered in connection with estimates approved by the Secretary of the Interior, now before that committee, relative to hydrographic surveys.

The PRESIDENT pro tempore. Without objection, the petitions will be so referred.

Mr. ELKINS. I am also directed by the same committee, to whom was referred a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 9th ultimo, a report on topographic and geologic insular surveys, to move that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Coast and Insular Surveys.

The motion was agreed to.

GOVERNMENT OF PUERTO RICO.

Mr. FORAKER. From the Committee on Pacific Islands and Puerto Rico I report back favorably with an amendment the bill (S. 2264) to provide a government for Puerto Rico, and for other purposes, and I also submit a report on behalf of the majority of the committee.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. FORAKER. I ask that the bill and report may be printed, the usual number of copies, and that there also be printed 2,000 extra copies. There is quite a demand for the same.

The PRESIDENT pro tempore. The Senator from Ohio asks that 2,000 additional copies be printed of the bill and the report. Is there objection? The Chair hears none, and it is so ordered.

Mr. FORAKER. I also submit, in support of the bill just reported, the testimony of certain witnesses taken before the committee, and I ask that that testimony be printed for the use of the Senate—the usual number of copies.

I also submit in support of it a compilation of the organic laws of the Territories, compiled under the direction of the Senate, and I ask that the usual number of copies of that be printed for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Ohio submits certain documents referring to the bill just reported by his committee, and asks that the usual number be printed. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER. In connection with the report made by the Senator from Ohio on the bill providing a government for Puerto Rico, I rise, not to make, properly speaking, a minority report, but to present certain dissenting views, which are signed by myself and the Senator from California [Mr. PERKINS]. I ask that the views of the minority be printed in connection with the report made by the Senator from Ohio.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

JUDICIAL DISTRICTS OF TENNESSEE.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 947) to create a new division in the eastern judicial district of the State of Tennessee, to report it favorably without amendment. The committee are satisfied that the arrangement will be a saving of expense to the United States instead of being an increased expense. The first of the new terms of the court is to be held the fourth Monday in February. So it is quite important that the bill should pass at once in order to prevent the failure of processes by being wrongly brought. I ask, therefore, that the bill may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN TEXAS.

Mr. CHILTON. From the Committee on the Judiciary I report back with amendments the bill (H. R. 5076) to amend the first section of an act to change the time and places for the district and circuit courts of the northern district of Texas, approved June 11, 1896. As it is a formal matter entirely, I ask that the bill be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 6, to strike out the words "as to read as follows" and insert the words "to provide;" and in line 9, after the word "Texas," to strike out the words "shall be composed of the counties hereinafter named, and the terms of the said courts;" so as to make the bill read:

Be it enacted, etc., That the first section of an act to change the time and places for the district and circuit courts of the northern district of Texas, approved June 11, 1896, be, and the same is, so amended to provide:

"That the United States district and circuit courts for the northern district of Texas shall be held in each year at the time and places as follows: At Dallas, in the county of Dallas, on the third Monday in January and the fourth Monday in May; at Fort Worth, in the county of Tarrant, on the first Monday in March and the fourth Monday in November; at Abilene, in the county of Taylor, on the first Monday in April and the fourth Monday in September; at San Angelo, in the county of Tom Green, on the third Monday in April and the third Monday in November; at Waco, in the county of McLennan, on the fourth Monday in April and the second Monday in October."

SEC. 2. That this act take effect and be in force from and after its passage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT DUBUQUE, IOWA.

Mr. ALLISON. I ask unanimous consent to proceed to the consideration of the bill (S. 2477) authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa. It is a bill local in its character and will take but a few moments. There will be no objection to it, I think. It was reported by the Senator from Missouri [Mr. VEST] from the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 3, line 1, after the word "changed," to strike out "or removed;" and in line 3, after the word "as," to strike out "Congress" and insert "the Secretary of War;" so as to read:

And the said structure shall be changed at the cost and the expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

The amendment was agreed to.

The next amendment was, in section 1, page 3, line 5, after the word "river," to strike out the remainder of the section, in the following words:

And the authority to erect and continue said bridge shall be subject to revocation and modification by law when the public good, in the judgment of Congress, so requires, without any expense or charge to the United States; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted, and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction is located.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 22, before the word "hundred," to strike out "two" and insert "three;" so as to read:

That said bridge between the Iowa shore and the lowlands or islands on the Wisconsin side of the river shall be constructed with unbroken and continuous spans, and the main span shall be over the main navigable channel of the river, and shall give a clear width of waterway not less than 350 feet, and shall give clear headroom the full length of said span of not less in any case than 55 feet above extreme high-water mark, as understood at the point of location.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 2, before the word "feet," to strike out "seven" and insert "ten;" so as to read:

The remaining spans shall each give a clear width of waterway of not less than 200 feet and a clear headroom of not less in any case than 10 feet between extreme high-water mark and the lower chords of the superstructure.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF DANIEL WEBSTER.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. HOAR on the 30th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for immediate use as a public document 11,000 copies of the

proceedings in connection with the reception of the Webster statue on January 18, 1900, as reported by the committee of arrangements, of which 1,000 shall be for the use of Mr. Stilson Hutchins, 4,000 for the use of the Senate, and 6,000 for the use of the House of Representatives; also 10,000 copies in the form prescribed by law for printing eulogies, of which, in cloth binding, 1,000 shall be for the use of Mr. Hutchins, 3,000 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, 2,000 for the use of the Senate, and 4,000 for the use of the House of Representatives.

ALASKA SALMON FISHERIES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PERKINS on the 24th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the report of Howard M. Kutchin, special agent of the Treasury Department, for the season 1899, on the protection of the Alaska salmon fisheries, be printed; and that 500 additional copies be printed and bound in paper covers for the use of the Treasury Department.

YOSEMITE NATIONAL PARK.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from California [Mr. PERKINS] relative to the printing of the report of the commission appointed to investigate certain facts with reference to the establishment of a free public highway into the Yosemite National Park, to report it with an amendment; and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution submitted by Mr. PERKINS on the 23d ultimo, as follows:

Resolved, That the report of the commission appointed, pursuant to an act of Congress approved March 3, 1899, to investigate and determine certain facts with reference to the establishment of a free public highway into the Yosemite National Park, heretofore submitted to the Secretary of the Interior pursuant to law, be printed for the use of the Senate, and that the photographs accompanying the same, illustrative and as a part thereof, be photo-engraved or stereotyped to accompany the said report as a part thereof.

The amendment of the Committee on Printing was, after the word "Senate," in line 7, to strike out the remainder of the resolution in the following words:

And that the photographs accompanying the same, illustrative and as a part thereof, be photo-engraved or stereotyped to accompany the said report as a part thereof.

Mr. COCKRELL. Now let it be read as proposed to be amended.

The PRESIDENT pro tempore. The resolution will be read as proposed to be amended.

The Secretary read as follows:

Resolved, That the report of the commission appointed pursuant to an act of Congress approved March 3, 1899, to investigate and determine certain facts with reference to the establishment of a free public highway into the Yosemite National Park, heretofore submitted to the Secretary of the Interior pursuant to law, be printed for the use of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the proposed amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

COMPILED STATUTES OF THE DISTRICT OF COLUMBIA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 136) providing for the distribution of the Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives, to report it with amendments; and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment was, in line 6, after the word "standing," to insert the words "and select," so as to read "to standing and select committees of the Senate."

The amendment was agreed to.

The next amendment was, in line 7, to strike out the words "not now supplied therewith for its use," and insert:

On the requisition of the chairman of such committee and to each justice of the supreme court of the District of Columbia on his written request.

Mr. HOAR. There is another court in the District of Columbia, is there not now, the court of appeals, which should also have copies?

Mr. PLATT of New York. Does the Senator propose an amendment?

Mr. HOAR. I suggest that it read "to each justice of the several courts of the District of Columbia."

Mr. PLATT of New York. Very good. I have no objection to that amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts suggests an amendment, which will be read.

The SECRETARY. Strike out in the committee amendment the words "the supreme court" and insert the words "several courts;" so as to read: "on the requisition of the chairman of such committee and to each justice of the several courts of the District of Columbia on his written request."

Mr. COCKRELL. Now let the joint resolution be read as it will stand if amended.

The Secretary read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver, from the number now in his care, one copy of the Compiled Statutes of the District of Columbia to each standing and select committee of the Senate and of the House of Representatives on the requisition of the chairman of such committee, and to each justice of the several courts of the District of Columbia, on his written request.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

REPORT ON AFFAIRS IN CUBA.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution amended by the House of Representatives. The resolution and amendment will be read.

The Secretary read the concurrent resolution as passed by the Senate on the 9th ultimo, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 copies of so much of the civil report of Maj. Gen. John R. Brooke, military governor of the island of Cuba, made to the Adjutant-General of the United States Army, with accompanying papers and documents, as is in the English language, together with a prepared index; of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the War Department.

The amendment of the House of Representatives was, in line 3, to strike out the word "report" and insert the word "reports."

Mr. PLATT of Connecticut. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LANDS ON THE ISLAND OF OAHU, HAWAII.

Mr. CLARK of Wyoming. I am directed by the Committee on Public Lands, to whom was referred the joint resolution (S. R. 76) withdrawing certain lands on the island of Oahu, Hawaii, from the public domain, to report it favorably, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The joint resolution will be read for information.

The Secretary read the joint resolution.

Mr. FORAKER. I understand that a joint resolution in regard to certain lands on the island of Oahu, Hawaii, has been reported from the Committee on Public Lands. I was not aware there was any such resolution pending before the Senate.

The PRESIDENT pro tempore. It is a report from the Committee on Public Lands.

Mr. FORAKER. When was that joint resolution introduced?

Mr. CLARK of Wyoming. It was introduced something like a week ago, when it was referred to the Committee on Public Lands, and it has been unanimously reported from that committee. It is with reference to the withdrawal from the public lands of the royal mausoleum, containing something like 120,000 square feet in the outskirts of Honolulu.

Mr. FORAKER. I must certainly have been absent from the Senate when that joint resolution was introduced and referred to the Committee on Public Lands. As chairman of the Committee on Pacific Islands and Puerto Rico, I shall insist that all matters affecting those islands shall be referred to the committee having control of that subject.

Mr. CLARK of Wyoming. Certainly the Senator from Ohio will see the justice of having referred this matter to the Committee on Public Lands, when by resolution and a proclamation of the President the public lands of Hawaii have been taken over to the United States. It seems to me that there is but one committee to which that joint resolution and that subject should have gone. It certainly was not such a reference of the joint resolution as could properly have been objected to, I think.

Mr. FORAKER. It may be as the Senator from Wyoming says; I have no doubt it is; but I did not happen to be present when the joint resolution was introduced and was not aware that any such resolution had been introduced or any such reference had been made.

I only want to say, as chairman of that committee, that everything affecting those islands the Committee on Pacific Islands and Puerto Rico will feel inclined to claim should be referred to it. If everything affecting the public lands in those islands is to go to the Committee on Public Lands, if everything referring to finance is to go to the Finance Committee, and everything referring to navigation is to go to the Committee on Commerce, we might as well dispense with the Committee on Pacific Islands and Puerto Rico. We shall claim the reference of everything of this character, in the first instance, to that committee.

Mr. CLARK of Wyoming. I had no thought of discourtesy to the Senator or to the Committee on Pacific Islands and Puerto Rico.

Mr. FORAKER. I am sure of that. I am not disposed to make any question on this joint resolution; but, as I have already said,

I want to serve notice that our committee will make claim to everything connected with those islands in the way of legislation that may be brought before the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. ALLEN. I object. I think morning business ought to be transacted before anything else is taken up.

ADMISSIONS TO GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. HAWLEY. The Committee on Military Affairs agreed to report favorably the bill (S. 2383) to amend section 4843 of the Revised Statutes, but at the same time we received from the House of Representatives exactly the same bill, word for word. I move that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Connecticut to postpone indefinitely the bill named by him.

The motion was agreed to.

Mr. HAWLEY. I now ask the Senate to take up and concur in the passage of the House bill (H. R. 5491) to amend section 4843 of the Revised Statutes, which I report favorably from the Committee on Military Affairs.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4843 of the Revised Statutes by inserting the word "Pay" in line 8 after the word "Quartermaster's;" so that the paragraph will read:

Second. Civilians employed in the Quartermaster's, Pay, and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVIVAL OF THE MERCHANT MARINE.

Mr. GALLINGER. I submit a hearing taken before the subcommittee on ships and shipping of the Senate Committee on Commerce on the bill (S. 727) to promote commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and seamen for Government use when necessary. I move that the hearing be printed and that 1,000 extra copies be printed for the use of the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CARTER introduced a bill (S. 2927) making further provision for a civil government for Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. PETTIGREW introduced a bill (S. 2928) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2929) granting an increase of pension to Amon A. Webster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 2930) for the relief of William Dugdale, postmaster at Noroton Heights, Conn.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR introduced a bill (S. 2931) to incorporate the American National Red Cross, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. THURSTON introduced a bill (S. 2932) to provide for macadamizing Fort Crook military boulevard from Fort Crook, Nebr., to Omaha, Nebr., and appropriating money therefor; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2933) to divide the district of Nebraska into two divisions, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2934) providing for the transfer to the Adjutant-General's Department or the Inspector-General's Department of the Regular Army of officers of the line serving in the Volunteer Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2935) granting a pension to Isabel B. Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 2937) granting a pension to Mary B. Burdick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURNER introduced a bill (S. 2938) granting an increase of pension to Joseph Longmire; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2939) for the relief of Thomas H. Burns; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 2940) for the relief of the estate of John Hebron, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2941) granting an increase of pension to Robert Gamble, jr., (with an accompanying paper);

A bill (S. 2942) granting an increase of pension to William Padgett (with accompanying papers); and

A bill (S. 2943) granting an increase of pension to James J. Holland (with accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 2944) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased (with an accompanying paper);

A bill (S. 2945) for the relief of the city of Philadelphia;

A bill (S. 2946) for the relief of William H. Wanamaker (with an accompanying paper); and

A bill (S. 2947) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863.

Mr. PENROSE introduced a bill (S. 2948) to correct the military record of Milton McPherson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2949) to correct the military record of Thomas Bullman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2950) granting a pension to Flora B. Hinds;

A bill (S. 2951) granting a pension to Harriet Shroeter;

A bill (S. 2952) granting a pension to Margaret Krider Hare (with accompanying papers);

A bill (S. 2953) granting a pension to Hannah Dunlap (with an accompanying paper);

A bill (S. 2954) granting an increase of pension to Elam Kirk;

A bill (S. 2955) granting a pension to Melvina Greenawalt;

A bill (S. 2956) granting a pension to Eliza White (with an accompanying paper);

A bill (S. 2957) granting a pension to Mary B. Douglass; and

A bill (S. 2958) granting a pension to Charles Forrest (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 2959) to compel the introduction and use of fire protection on passenger trains engaged in interstate commerce; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. McCOMAS introduced a bill (S. 2960) for the relief of Edward Kershner; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BAKER introduced a bill (S. 2961) granting an increase of pension to Michael Lochard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2962) granting an increase of pension to William Blades; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2963) granting a pension to Nelson Utley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2964) for widening and extending Warder avenue, opening a highway through Whitney Close, along Soldiers' Home grounds, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 2965) to increase the corps of cadets at the United States Military Academy at West Point, and to regulate the qualifications for admission; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2966) in regard to brevets in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 2967) granting an increase of pension to Florence E. Stuart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON (by request) introduced a bill (S. 2968) granting

an increase of pension to Marie J. Blaisdell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 2969) granting a pension to Mary E. Radcliffe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 2970) for the relief of Moise Dormenon, administrator of the estate of Francois Dormenon, deceased;

A bill (S. 2971) for the relief of the estate of Joseph Badin (with an accompanying paper);

A bill (S. 2972) for the relief of Whitty S. Mille, administrator of Whitty M. Sasser, deceased; and

A bill (S. 2973) for the relief of Francois L. Bouillotte, Louisa L. Bouillotte, Mary A. Crowley, born Bouillotte, and Lausa M. Price, born Bouillotte, children and only heirs at law of Joseph Bouillotte, deceased, late of Rapides Parish, State of Louisiana.

Mr. LINDSAY introduced a bill (S. 2974) for the relief of Oliver H. Perry, administrator of the estate of Mary Scott, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2975) for the relief of the heirs of Ann H. Shaler, of Campbell County, Ky.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 2976) for the relief of Virginia K. Wachsman and Mary E. Carroll; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced a bill (S. 2977) granting an increase of pension to Jacob P. Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2978) granting a pension to William E. Mathews; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 2979) for the relief of the estate of William Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 2980) granting a pension to Mary A. Lamb; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2981) granting a pension to Kate M. Dawson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 2982) for the relief of William R. McFarland; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2983) granting an increase of pension to Isaac H. Lynn;

A bill (S. 2984) granting an increase of pension to Francis H. Switzer (with an accompanying paper);

A bill (S. 2985) granting a pension to John Erb (with accompanying papers); and

A bill (S. 2986) granting a pension to Edward D. Birge (with an accompanying paper).

Mr. HANNA introduced a bill (S. 2987) to correct the military record of Harrison Wagner; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 2988) in regard to brevets in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2989) for the relief of the widow and children of the late Joseph W. Etheridge and the widow of the late John M. Richardson; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2990) granting pension to Milford W. Oxley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 2991) confirming two locations of Chippewa half-breed scrip in the State (then Territory) of Utah; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2992) granting a pension to Mary E. Radcliffe;

A bill (S. 2993) granting an increase of pension to Edward Madden; and

A bill (S. 2994) granting a pension to Fanny F. Robertson (with an accompanying paper).

Mr. ELKINS introduced a bill (S. 2995) for the relief of William T. White; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2996) for the relief of W. H. Morris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2997) granting a pension to J. W. Shepherd; which was read twice by its title.

Mr. COCKRELL. I present the petition of J. W. Shepherd, Company F, Third Regiment Kansas State Militia, together with the affidavits of Dr. Perkins, Dr. Thrush, and Dr. Nelson, and also of Comrades Curless, Bowen, Hindman, Wheadon, and Crutchfield, and a paper giving the military record of the petitioner. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. FORAKER introduced a bill (S. 2998) granting a pension to Maria V. Sperry; which was read twice by its title, and referred to the Committee on Pensions.

SOLDIERS' MONUMENT AT TALLADEGA, ALA.

Mr. MORGAN. I present the memorial of the Andrew Jackson Chapter of the Daughters of the American Revolution, of Talladega, Ala., asking the assistance of Congress in the very patriotic and noble work of removing the remains of 15 soldiers who fell in the battle of Talladega, November 9, 1813, under the command of Gen. Andrew Jackson. A limestone wall was built about the remains, which are all buried in one grave, and upon that the early pioneers in that part of the world erected a superstructure of wood, which has all fallen down. The walls have tumbled, and within a hundred yards of this place there has been established a very large and extensive iron works, so that it remains no longer a proper place of sepulture for those soldiers.

The ladies of Talladega who belong to the chapter I have mentioned have already raised some subscriptions for the purpose of reinterring the remains of those soldiers and building over them a modest monument of Talladega marble.

There is a very interesting piece of history connected with that struggle in the destiny of man, amongst whom was Lieutenant Barton, a man of conspicuous gallantry, and also a man whose name I can not recall, who died by the side of David Crockett, Crockett afterwards having married his widow and come to Congress.

I ask that the memorial may be printed as a document.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

Mr. MORGAN. I also introduce a joint resolution, which is based upon the memorial.

The joint resolution (S. R. 82) for erecting a monument to the soldiers who fell in the battle of Talladega, Ala., on the 9th day of November, 1813, and for other purposes, was read twice by its title.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on the Library, and the memorial which the Senator has presented will be referred to the same committee and printed as a document, in the absence of objection. The Chair hears no objection, and it is so ordered.

THE NATIONAL WHITE CROSS.

Mr. STEWART. I ask that the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes, which was reported from the Committee on the District of Columbia some days ago with the recommendation that it be referred to the Committee on Foreign Relations, be now referred to the latter committee. I hope that the change of reference will be made, as it is satisfactory to all Senators.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Foreign Relations, in the absence of objection. The Chair hears no objection, and it is so ordered.

AMENDMENTS TO BILLS.

Mr. McBRIDE submitted an amendment directing the Auditor for the Interior Department to reexamine the disbursing accounts of Charles D. Rakestraw with a view of allowing certain expenditures for sleeping-car fares made by him, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate $40,000 for the purpose of rebuilding the Winnebago school, at the Winnebago Indian Agency, Nebr., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which, with the accompanying paper, was ordered to be printed, and referred to the Committee on Claims.

Mr. TELLER submitted an amendment relative to the ratification, confirmation, and approval of certain agreements made with the Southern Ute Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment relative to the ratification, confirmation, and approval of certain agreements made with the Northern Ute Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SPOONER, it was

Ordered, That the papers accompanying a bill granting a pension to Martha A. Buell be withdrawn from the files of the Senate, no adverse report having been made thereon.

PROPOSED AMENDMENT OF THE RULES.

Mr. GALLINGER. Mr. President, I give notice of a proposed amendment to the rules of the Senate, which I ask shall be read and printed.

The PRESIDENT pro tempore. The Senator from New Hampshire gives notice of a proposed amendment to the rules of the Senate; which will be read.

The Secretary read as follows:

Mr. GALLINGER gives notice that he will, on to-morrow or some subsequent day, submit an amendment to paragraph 5 of Rule XIV, so that, if amended, it shall read:

"All resolutions shall be referred without debate to their appropriate committees, unless the Senate by unanimous consent orders otherwise."

EXCHANGE OF DENUDED LANDS.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what legislation, in his opinion, is necessary to protect the Government in the exchange of denuded lands in Government reservations for other lands on the public domain, and to enable him to adjust in such exchanges the relative value of the lands authorized to be exchanged under existing laws.

ASSISTANT CLERK TO COMMITTEE.

Mr. PETTIGREW submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided by law.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. 2431) to present to the city of Nashville, State of Tennessee, the cannon on the gunboat *Nashville* from which was fired the first shot in the Spanish-American war.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 284) granting permission and authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, La.;

A bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; and

A bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou, near Shreveport, La.

The bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa., was read twice by its title, and referred to the Committee on Military Affairs.

CUBAN VESSELS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 734) relating to Cuban vessels; which was referred to the Committee on Commerce.

SOIL SURVEYS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of Agriculture, covering extensive field operations consisting of soil surveys over various areas aggregating 720,000 acres. In the opinion of the Secretary of Agriculture this is the most important work of its kind ever undertaken.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *February 5, 1900.*

Mr. COCKRELL. Are there any papers with the message?

The PRESIDENT pro tempore. There are none.

Mr. ALLISON. There must be a report accompanying it.

The PRESIDENT pro tempore. The documents were sent to the other House.

Mr. COCKRELL. The message ought to be printed, and we ought to have the other documents printed with it, if possible.

Mr. ALLISON. I move that the message of the President be printed, with the accompanying documents sent to the House, and that it be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

DISTRICT TAX DEPARTMENTS.

Mr. HANSBROUGH. I ask unanimous consent for the consideration at this time of the bill (H. R. 5042) to provide for improvements in the tax departments of the District of Columbia.

Mr. PLATT of Connecticut. From what committee does that bill come?

The PRESIDENT pro tempore. From the Committee on the District of Columbia.

Mr. HANSBROUGH. It is a House bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that, to enable the Commissioners of the District of Columbia to enlarge the rooms now occupied by the assessor and collector of taxes of the District of Columbia, and to rearrange the space so as to better accommodate the public who have occasion to transact business with those offices, and to provide fixtures and pay other necessary expenses incident thereto, and to put in operation the card system for the improvement of the business methods of those offices, including the temporary hire of clerks, the sum of $4,000 shall be appropriated, one-half out of any moneys in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia, to be immediately available.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROCEEDINGS OF NAVAL COURTS-MARTIAL.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PETTUS February 1, 1900, as modified, as follows:

Resolved, That the Secretary of the Navy is directed to inform the Senate whether the Navy Department has or has not refused or refrained to communicate to the Court of Claims any information concerning proceedings of naval courts-martial, on the call of said court, under section 1076 of the Revised Statutes; and if so, his reasons therefor.

Mr. PETTUS. Mr. President, this resolution asking for information as to the practice in one of the great Departments of the Government was offered in the utmost good faith and without in anyway reflecting or intending to reflect on anyone. The Secretary of the Navy, so far as I know or have ever heard, is an honorable gentleman, intending to discharge his duties according to law, but he might make a mistake. It has never been my habit to make charges or insinuations against officers, and I hope I never will make any such charges without the best foundation for making them. We all know that sailors on our men of war are subject to the most rigid discipline. It has always been so, and it is believed to be necessary that it should continue. The commander of a ship of war at sea is almost a monarch. His orders must be obeyed for the safety of the ship and the good of the service. Thus subject to the iron rule of necessity, do not these sailors need and deserve your most diligent protection?

The American sailors do deserve your protection. Since 1776 they have always been on the danger line, whenever there was danger, either from the wrath of the sea or our national enemies on the great waters. And from Paul Jones to George Dewey the sailors, commanded by American naval officers, have been the equals of any other sailors who ever went down to the sea in ships and the superiors of all sailors mentioned in history who did not speak the English language. These American sailors, under educated, brave, and faithful officers, have protected this Republic from its birth to its present full-grown and glorious manhood, and for such services they deserve your most watchful and scrutinizing protection, and they need that kind of protection from the Congress of the United States. We all know that the sailors as a class are imprudent even to recklessness in what merely concerns their personal interest. They know nothing of the maxims of caution or "ill-timed prudence" or the gathering of pounds shillings and pence, by hook or by crook, or what the moralists call overreaching. They are even said to entertain no sufficient veneration for the temperance societies. In short, they do not know how to live, but they know how to work the ship under orders and how to stand to their guns, and more than all, these

American sailors know how to die—how to die for their country as heroes and patriots die.

These American sailors deserve and need your protection. They can not protect themselves. The law of the land is the only protection they can have. Thus under necessarily stern control and subject to punishment by naval courts-martial, more or less severe, but regulated by law, how are these sailors to be properly protected unless they can procure easy access to the proceedings of naval courts-martial, under the findings and sentences of which they are punished? The law makes copies of those proceedings legal evidence if relevant, and the law gives the Court of Claims the power to call on the Departments for papers and information and makes it the duty of the Departments to furnish what is called for by the court unless the officer called on by the court believes that to do so would be against the public interest. This was evidently so provided so as to guard state secrets, as they are called; but I am unable to conceive how the proceedings of a naval court-martial by which a sailor has been tried, after the finding has been approved and after the sailor has been punished, can be a state secret or ought to be a secret of any kind. I am satisfied that such proceedings should always be open to the inspection of every person interested and to the public, under proper regulations, like the judgments of all civil courts of the United States.

Mr. President, we need a strong Navy, and the United States ought to have a strong Navy, with or without the permission of those who manufacture steel plates. Our Navy ought to be strengthened now or as soon as practicable. We ought to have better and more ships. We ought to have our Naval Academy improved and enlarged, so as to have educated officers sufficient to command the ships which we ought to build. We ought also to have a regular system by which all the officers of the Navy and others who, for skillful conduct and for level-headed daring, stand, like Saul, head and shoulders above their fellows, can be rewarded. They ought to be rewarded by honors. Honors ought to be crowded on them. What for? To encourage others to go and do likewise.

Mr. President, these officers, when thus encouraged, learn how to, and they will solve the great problems of war. When we were discussing the war and after the war had commenced, do not Senators remember the one serious, the one alarming problem that was introduced into that war which had never been found before? The question was, How are we to protect our naval vessels from the power of the Spanish torpedo boats? That was the question. It was really the only alarming question there was in it, and that question was solved like a problem in Euclid by one of our naval officers. Wainwright solved the problem. It was very simple. Get a fast yacht and the best crew you can get and stand to your guns, and that solved the problem. That was the only real, substantial danger that we feared, and it had never been solved before. This one officer solved that great problem, and we want an educated number from Annapolis to solve others as they may present themselves. Mr. President, but all these officers and all these guns and all the ships that you can build are of no substantial value unless you have sailors to stand by the guns. These sailors need your protection. They are, as it were, infants and helpless in themselves to protect their own rights.

All I want to know by this resolution is whether the sailors can go to that Department or send to that Department and get a record of the proceedings of a court-martial by which they were tried. That is all I want to know. The court orders it. I do not know of my own knowledge whether it has been furnished or not, but I have reasons for the inquiry, and I should like to add a line to the resolution by way of amendment, if the Secretary will be kind enough to write it down.

The PRESIDENT pro tempore. The Senator from Alabama has a right to modify his resolution.

Mr. PETTUS. I wish to insert the words:

And the Secretary of the Navy will also inform the Senate as to the practice of the Navy in reference to the examination of proceedings of courts-martial on the application of parties interested or their authorized agents.

Mr. CHANDLER. Mr. President, it gives me great pleasure to concur in the eulogium pronounced by the Senator from Alabama [Mr. PETTUS] upon the American sailor, and to thank him for the sentiments which he has so appropriately expressed in behalf of a newer and larger and better Navy.

With reference to the pending resolution calling upon the Secretary of the Navy to inform the Senate whether or not he has refrained from answering calls for information made by the Court of Claims, not believing that the Secretary had for insufficient reasons omitted to comply with any such request, I communicated with him and received from him certain correspondence, which I submitted to the Senator from Alabama. That correspondence shows, I think, that there has been no omission or refusal to transmit information required by the Court of Claims in cases pending before them, and that the course pursued by the Navy Department with reference to calls supposed to be either frivolous or proceeding from ulterior motives was approved by the Court of Claims itself.

Mr. President, notwithstanding that this information has been furnished to the Senator from Alabama, there can be no objection to the passage of the resolution, if the Senator from Alabama so desires.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from Alabama as modified.

The resolution as modified, was agreed to.

TRANSACTIONS BETWEEN TREASURY DEPARTMENT AND BANKS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day.

The resolution submitted by Mr. ALLEN on the 2d instant was read, as follows:

Resolved, That a special committee, consisting of nine members of the Senate, be immediately appointed by the President pro tempore to make a thorough and complete investigation of all dealings and transactions between the Secretary of the Treasury or the Treasury Department of the United States and the National City Bank and the Hanover National Bank, of the city of New York, or any other national bank of the United States, from the 4th day of March, 1897, to the present time, and especially in regard to all letters, agreements, papers, or documents between the Treasury Department of the United States, or any person connected therewith, and the National City Bank and the Hanover National Bank, of the city of New York, or any person acting for them, or either of them, since the 4th day of March, 1897, relating to the depositing of public funds, bonds, or revenues in said bank or banks; or any other relations or business transactions now existing or heretofore had between the Government and the said banks, or either of them, and the amount of public money, bonds, or revenue deposited with said banks, or either of them, or with any national bank, by the Government, upon what security, for what length of time, and the reasons therefor, and whether said banks, or any of them, have paid the Government any interest on said deposits, and if so, how much, and all other information concerning the same or in any way relating thereto; and also the date of the sale of the custom-house property of the United States in New York City to said National City Bank, the date of the execution of the deed thereto, the date and manner of payment of the purchase money therefor, the disposition of the proceeds of said sale, and whether or not the Government has paid any rents for said property, or any portion thereof, for any purpose since the day of sale, and if so, to whom, and all facts relating to said transaction, and all other matters in connection therewith or in any way relating thereto; and said committee is authorized to send for persons, books, letters, telegrams, papers, documents, and agreements, administer oaths, and hold open sessions, and sit at any time in any place in the city of Washington, New York, or Chicago, the expense for the same to be paid out of the contingent fund of the Senate, and the Sergeant-at-Arms, or some one acting for him, shall attend said committee and carry out its mandates; and said committee is instructed to make a report to the Senate, with testimony and exhibits, with all convenient speed.

Mr. ALLEN. I do not want to disappoint the Senator from Louisiana [Mr. CAFFERY] who has given notice of his intention to speak to-day. So I ask unanimous consent that the resolution may go over, retaining its place.

Mr. SPOONER. Also the other resolution.

The PRESIDENT pro tempore. There is another resolution, offered by the Senator from South Dakota [Mr. PETTIGREW], which is in the same position.

Mr. ALLEN. The Senator from South Dakota [Mr. PETTIGREW] is not here.

Mr. SPOONER. Let that take the same course.

The PRESIDENT pro tempore. The Senator from Nebraska asks that the two resolutions coming over from a former day may go over without prejudice, retaining their place.

Mr. SPOONER. There is another resolution which was offered by the Senator from Nebraska and which he discussed the other day.

Mr. ALDRICH. That has gone to the Calendar.

The PRESIDENT pro tempore. That resolution had its day and is on the Calendar.

Mr. SPOONER. It can be taken up by unanimous consent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska? In the absence of objection, the order is entered.

THE FINANCIAL BILL.

Mr. TURNER. Mr. President, I wish to announce that to-morrow, after the conclusion of the remarks of the Senator from North Carolina [Mr. BUTLER], I shall ask the Senate to hear me make some remarks on the bill now pending as the unfinished business.

POLICY REGARDING THE PHILIPPINES.

Mr. CAFFERY. Mr. President, I ask that Senate joint resolution 45 may now be read.

The joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands, introduced by Mr. BACON December 18, 1899, was read, as follows:

Resolved, etc., That the Government and people of the United States have not waged the recent war with Spain for conquest and for the acquisition of foreign territory, but solely for the purposes set forth in the resolution of Congress making the declaration of war—the acquisition of such small tracts of land or harbors as may be necessary for governmental purposes being not deemed inconsistent with the same.

SEC. 2. That in demanding and in receiving the cession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain permanent dominion over the same as a part of the territory of the United States, or to permanently incorporate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government; and the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands.

SEC. 3. That the United States having accepted the cession of the Philippine Islands from Spain, and having by force of arms overthrown all organized authority and opposition to the authority of the United States therein, the duty and obligation rest upon the United States to restore peace and maintain order throughout the same; to protect in said islands the enjoyment of life and property and the pursuit of lawful avocations; and to continue such protection until the power and duty to maintain said protection shall have been transferred and intrusted by the United States to a government of the people of said islands deemed capable and worthy to exercise said power and discharge said duty.

SEC. 4. That when armed resistance to the authority of the United States shall have ceased within said islands, and peace and order shall have been restored therein, it is the purpose and intention of the United States, so soon thereafter as the same can be practically and safely accomplished, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be thereafter independently exercised and controlled by themselves, it being the design of the United States to accord to the people of said islands the same measure of liberty and independence which have been pledged by the Congress of the United States to the people of Cuba.

SEC. 5. That when a stable government shall, by the method aforesaid, have been duly formed and erected in said islands, competent and worthy, in the judgment of the United States, to exercise the powers of an independent government and to preserve peace and maintain order within its jurisdiction, it is the purpose and intention of the United States, reserving to themselves only such harbors and tracts of land as may be needed for coaling stations or other governmental purposes, to transfer to said government, upon terms which shall be reasonable and just, all rights and territory secured in said islands under the treaty with Spain, and to thereupon leave the dominion and control of the islands to their people.

SEC. 6. That when said government has been thus formed and set up in the Philippine Islands and approved by the United States, it is the design and intention of the United States, through such means and measures as may be deemed most efficient and appropriate, to secure the guaranty of the continued independence of the same.

Mr. CAFFERY. Let the Secretary now read Senate joint resolution No. 53.

The joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands, introduced by Mr. BEVERIDGE January 4, 1900, was read, as follows:

Resolved, etc., That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

Mr. CAFFERY. Mr. President, these two resolutions in regard to the Philippine Islands, one by the Senator from Georgia [Mr. BACON] and the other by the Senator from Indiana [Mr. BEVERIDGE], embrace the opposing views held by members of the Senate and the people at large in the United States on this very difficult and embarrassing question.

The joint resolution of the Senator from Georgia substantially provides for the abandonment of the Philippine Islands by the United States, so far as its sovereignty is concerned, and the establishment there conjointly by the United States and the Filipinos of a republican form of government, an independent government under the control of the Filipinos themselves. The resolution of the Senator from Indiana, which is very short and very comprehensive, is as follows:

That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

Here is the proposition boldly stated that the Philippine Islands belong to the United States, and that they shall be held for all time as Territories and shall be governed in such manner as the Congress of the United States may deem proper. So, therefore, we have the question presented by these two resolutions as to the power of Congress to establish within the Territories of the United States just such a government as they may please to adopt, and that government to be maintained indefinitely.

From that proposition I dissent, and, Mr. President, in view of the substantial adoption of that proposition by the Secretary of War and in view of the proposed regulations which I am told are being prepared to establish in Puerto Rico different tariff rates from those observed throughout the United States, I deem it proper to consider the questions of constitutional right assumed in the resolution of the Senator from Indiana and in the report of the Secretary of War.

No more momentous question has ever occupied the attention of the American Congress. No more momentous question can occupy it. The question is, broadly presented, whether or not, by implication from an obscure section of the Constitution, the Congress of the United States can exercise sovereign jurisdiction and power over whatever territory may be acquired by the United States.

Mr. SPOONER. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. SPOONER. Upon what theory does the Senator from Louisiana call any provision in the Constitution of the United States an obscure provision?

Mr. CAFFERY. I call it an obscure provision because I believe it is only a provision for administration of Territories, and not a provision conferring any such power as is assumed. I believe that the provision in the Constitution giving power to Congress to make rules and regulations for the government of territory is simply a power to administer the laws of the United States so far as they may be applicable to that territory.

The question as to who may, in a Territory, for a temporary purpose, administer such laws is secondary.

Mr. President, I will quote from the report of the Secretary of War, page 26:

I assume, for I do not think it can be successfully disputed, that all acquisition of territory under this treaty was the exercise of a power which belonged to the United States, because it was a nation, and for that reason was endowed with the powers essential to national life, and that the United States has all the powers in respect of a territory which it has thus acquired, and the inhabitants of that territory, which any nation in the world has in respect of territory which it has acquired; that as between the people of the ceded islands and the United States the former are subject to the complete sovereignty of the latter, controlled by no legal limitations except those which may be found in the treaty of cession; that the people of the islands have no right to have them treated as States, or to have them treated as the territories previously held by the United States have been treated, or to assert a legal right under the provisions of the Constitution which was established for the people of the United States themselves and to meet the conditions existing upon this continent, or to assert against the United States any legal right whatever not found in the treaty.

I now skip a portion of it.

The people of the ceded islands have acquired a moral right to be treated by the United States in accordance with the underlying principles of justice and freedom which we have declared in our Constitution, which are the essential safeguards of every individual against the powers of government, not because those provisions were enacted for them, but because they are essential limitations inherent in the very existence of the American Government.

In another part of this report it is stated that there is no constitutional right upon the part of the Puerto Ricans to have free trade with the United States, but that the United States may establish whatever duties it pleases upon the import of articles from Puerto Rico into the United States and the import of articles into Puerto Rico from the United States and foreign countries, and that regardless of our revenue laws. He says further that on account of the financial and industrial conditions existing in Puerto Rico the tariff ought to be modified and that the Puerto Ricans ought to be allowed to import into the United States their produce free from any tax or tariff on the part of the United States, but that is only in consideration of the deplorable industrial condition that prevails in the island.

Mr. President, even the natural rights of man, rights which belong to him without constitutions, are denied as constitutional rights to the people of the Territories. By grace, by the influence of moral considerations, by the inspirations of constitutional liberty we may be impelled to grant to the people of Puerto Rico the exercise of the rights guaranteed in the bill of rights of the Constitution, but there is no constitutional guaranty; there is no operation of the Constitution in the territory of Puerto Rico *proprio vigore*. Those rights inherent in mankind have been denied and abused by tyrants. They may be abused and denied again.

So we have this broad question to consider. I do not deny that the United States is a nation; I do not deny that the United States possess all the rights of nationality in every way and in every regard, but I do deny that the Congress of the United States possesses the sovereign rights of the sovereign people of America.

I claim that the fountain of all supreme right, the foundation of all sovereignty, is in the political unit called the people. I deny that there is any expressed grant of the sovereign power assumed nor any by reasonable or necessary implication, and I deny that there is anywhere in any department of the Government an unlimited, sovereign, despotic power. The people of the United States framed the Declaration of Independence and announced a principle in the beginning of their national life which is the foundation stone of all republican government. We violated that elemental principle in taking over the sovereignty of the Philippines without their consent. Afterwards the people of the United States formed a representative government. A representative government is necessarily based upon the consent of the governed. I contend that there is no power anywhere outside of the people of the United States, no power in any branch of government or in all the branches combined to make any other than a representative government in any territory which may be acquired by war or by cession.

Now, Mr. President, I will first inquire what is meant by citizenship of the United States? Who is a citizen of the United States? Have we alien subjects in the Territories and citizens within the confines of the present Union? Does it not necessarily follow that everybody who owes allegiance to the United States is a member of the political community of the United States, and therefore a citizen of the United States, and therefore entitled to all the rights, privileges, and immunities of citizens of the United States?

That proposition, Mr. President, I propose to discuss. I quote from Cooley's Constitutional Law, pages 254, 255:

Citizenship in State and Union: The fourteenth amendment recognizes the fact that there is a citizenship of the United States and also a citizenship of the several States, and that the two coexist in the same persons. Both governments owe a duty of protection to the persons who are subject to their jurisdiction, and both are entitled to the allegiance of such persons, and may punish breaches of this allegiance. It is impossible to conceive of such

a status as citizenship of a State unconnected with citizenship of the United States, or of citizenship of the United States within a State unconnected with citizenship of the State. The States can not naturalize, though they may confer special privileges upon aliens; and the act of naturalization by the United States is the grant of citizenship within the State where the naturalized person resides. It is only in the Territories and other places subject to their exclusive jurisdiction that there can be a citizenship of the United States unconnected with citizenship of a State.

Now, Mr. President, after stating broadly the distinction between citizenship of a State and citizenship of the United States, and that both of these different kinds of citizenship may coexist, Cooley lays down the proposition that the citizens of the Territories are citizens of the United States exclusively and not citizens of any State. Of course that needs no argument to prove. Now, then, he continues, on the same page:

Naturalization may be effected, first, by special laws which confer the privilege upon individuals named; second, by proceeding under general laws, whereby individuals renounce any foreign allegiance and take upon themselves the obligations of citizenship; third, by the acquisition by the United States of foreign territory, with its people, who thereby become citizens of the United States. In this manner the citizens brought within the jurisdiction of the Union by the acquisition of Louisiana, Florida, and portions of Mexico became citizens. The second method above named is that provided by acts of Congress, and the first and third must always be exceptional.

Now, Judge Cooley does not say that in the cases cited the citizenship was conferred by treaty. Judge Cooley says that the citizenship was obtained by the mere acquisition of these Territories, and that principle, in my mind, is undoubtedly correct.

Mr. PLATT of Connecticut. I do not know whether the Senator from Louisiana desires any interruption or not. I will not interrupt him if he does not desire it.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Louisiana yield to the Senator from Connecticut?

Mr. CAFFERY. Certainly.

Mr. PLATT of Connecticut. What Judge Cooley says there was written since the acquisition of Alaska. Now, why was it that Judge Cooley, in referring to the Territories, omits any reference to Alaska?

Mr. CAFFERY. I suppose that that was a mere lapsus of memory.

Mr. PLATT of Connecticut. I guess not.

Mr. CAFFERY. Judge Cooley has stated enough to embrace Alaska within the principle. Judge Cooley need not have cited any case at all. The citizenship of Alaska, I believe, was provided for in the treaty between Russia and the United States.

Mr. PLATT of Connecticut. It differed from the other treaties in that it did not provide that the inhabitants were to be incorporated into the Union.

Mr. CAFFERY. If they were citizens of the United States, Mr. President, they would, soon after arriving at a position or condition of statehood, be admitted as a State without any provision in the Russian treaty.

Mr. SPOONER. Of course.

Mr. CAFFERY. Now, I will quote Judge Bradley (16 Wallace, page 119):

But even if the Constitution were silent—

Speaking of these individual and personal rights—

the fundamental privileges and immunities of citizens, as such, would be no less real and no less inviolable than they are now. It was not necessary to say in words that the citizens of the United States should have and exercise all the privileges of citizens—the privilege of buying, selling, and enjoying property; the privilege of engaging in any lawful employment for a livelihood; the privilege of resorting to the laws for redress of injuries and the like. Their very citizenship conferred these privileges, if they did not possess them before. And these privileges they would enjoy whether they were citizens of any State or not. Inhabitants of Federal Territories and new citizens, made such by annexation of territory or naturalization, though without any status as citizens of a State, could, nevertheless, as citizens of the United States, lay claim to every one of the privileges and immunities which have been enumerated, and among these none is more essential and fundamental than the right to follow such profession as each one may choose, subject only to uniform regulations equally applicable to all.

Now, then, Mr. President, Judge Bradley says nothing of citizenship conferred by treaty stipulations. He broadly says that we make citizens of the United States by the acquisition of territory, and by the fact of annexing of territory to the United States. In the course of the decision he says that citizens of the United States enjoy the fundamental rights of citizens of States without the necessity of these being incorporated into the Constitution by amendment. In my opinion, inhabitants of Territories become citizens of the United States by the very fact of the United States claiming and exercising sovereignty over them. They may be unwilling citizens; they may be forced into the United States, as they have been by the annexation of the Philippine Islands; but they none the less become citizens ipso facto by reason of the United States flag floating over them, and the paramount sovereignty of the United States, made good over them by fire and sword.

Mr. Chief Justice Waite, in United States *vs.* Cruikshank, page 549, says:

We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State—

Quoting from Judge Bradley—

but his rights of citizenship under one of these governments will be different from those he has under the other. (Slaughterhouse Cases, 16 Wall., 74.)

Citizens are the members of the political community to which they belong. They are the people who compose the community and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights. In the formation of a government the people may confer upon it such powers as they choose. The government when so formed may, and when called upon should, exercise all powers it has for the protection of the rights of its citizens and the people within its jurisdiction, but it can exercise no other. The duty of a government to afford protection is limited always by the power it possesses for that purpose.

And Mr. Chief Justice Fuller, in Boyd *vs.* Thayer (143 United States), says:

Manifestly the nationality of the inhabitants of territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their former nationality by removal or otherwise, as may be provided.

Now, the proposition is distinctly asserted that citizens are members of the political community to which they belong. What political community do these territorial inhabitants belong to? They have no community. They had a community, but we have destroyed it. There was a Filipino government. There was, in my opinion, a de facto government, possessing all the essential elements of government. But that government has been destroyed by fire and sword. The forces of the United States, unequaled the world over for valor and military skill, have, as we all knew they would, vanquished the Filipinos.

Now, then, if these Filipinos are not members of our political community, are they waifs floating about in the political world without a home, without a nationality? If they should be trespassed upon by a foreign power, if Great Britain to-day or any foreign power in the world should spoliate or oppress the Philippine people, would we not be compelled, by reason of their nationality, as members of our political community, to redress the wrong and prevent the oppression? Could we claim that they were citizens of the United States for the purpose of protection and disclaim this citizenship for the purpose of any participation on their part in the rights and immunities of citizens of the United States? No, sir; they are citizens entirely, completely, absolutely. A subject and a citizen are the same. Citizenship is only one of the terms applied to a member of a political community. If the Filipinos are not members of the political community of the United States, what are they? And if they are members of the political community of the United States, the Constitution, proprio vigore, carries there in the Philippines every single one of the rights guaranteed to American citizens in all the amendments to the Constitution.

Mr. SPOONER. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. SPOONER. I think the Senator knows that I have always great respect for his opinions, and I certainly always listen to him with great interest. I should like to ask him his view as to this particular phase of the question he is discussing. As I understand it, the Senator contends that where foreign territory is acquired by treaty any provision in the treaty as affecting the status of the inhabitants of the acquired territory so far as citizenship is concerned is inefficacious.

Mr. CAFFERY. I think it is surplusage; yes, sir.

Mr. SPOONER. But as a matter of law, the inhabitants become citizens of the United States.

Mr. CAFFERY. That is what I assert.

Mr. SPOONER. And are entitled to the individual rights guaranteed by the Constitution to citizens of the United States.

Mr. CAFFERY. Yes, sir.

Mr. SPOONER. Now, assuming, for the purposes of the argument, that to be true, does the Senator go further and insist that they are thereby entitled under the Constitution to any particular form of government——

Mr. CAFFERY. I do.

Mr. SPOONER. Provided that the form of government which is given to them does not interfere with those rights essential in a citizen to life, liberty, and the pursuit of happiness?

Mr. CAFFERY. I do not exactly understand the Senator.

Mr. SPOONER. I understood the Senator to say a little while ago that the inhabitants of a Territory belonging to the United States are entitled to a representative government.

Mr. CAFFERY. They are; that is just exactly what I contended for.

Mr. SPOONER. Does the Senator regard our government of Alaska as unconstitutional?

Mr. CAFFERY. I do not.

Mr. SPOONER. Is it a representative government in his view?

Mr. CAFFERY. It is not.

Mr. SPOONER. Then it must be unconstitutional.

Mr. CAFFERY. No, sir; I beg your pardon. When we acquire territory that has not at the moment of acquisition or for some time after the character and the condition of statehood, Congress

must exercise a kind of tutorship over that territory. There is a kind of intermediary condition. Congress is the guardian of that territory. But the territory must possess the ingredients of representative government ultimately.

Mr. SPOONER. If the Senator will permit me, I was not speaking——

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. CAFFERY. Certainly.

Mr. SPOONER. I did not have in mind in the question I put the subject of statehood. I was referring to the form of Territorial or quasi Territorial government.

Mr. CAFFERY. If you mean by your question that Congress can impose upon the Territories any other than a form of free government——

Mr. SPOONER. Of course I did not mean that.

Mr. CAFFERY. Then I shall answer that they have no such power. Congress has heretofore sedulously guarded the rights of the citizens of the Territories.

The Territory of Louisiana has been quoted as an evidence of the power of Congress to impose just what sort of government they pleased, but that case does not bear out the contention. It is not necessary to clothe the inhabitants of a Territory with the political right of franchise until they are fitted for it. But I do contend, and that goes back to the original contention that we had when the treaty with Spain was pending, that whatever territory the United States acquires it must govern that territory under the constitutional limitations, not by grace, as the Secretary of War says, but by the binding and coercive force of these constitutional rights.

There is no grace about it, sir. Every man who belongs to the political community of the United States is constitutionally under the protection of the Constitution so far as individual rights go. They can not be infringed; they can not be set aside. There is no implication about it, as Judge Bradley says. There is no grace about it, as my friend from Connecticut [Mr. PLATT], I believe, advocated. But there is the constitutional prerogative and right to these different constitutional privileges guaranteed in the Constitution itself.

Now, Mr. President, what particular rights of citizenship have been recognized by the Supreme Court? The right of free locomotion is one. The right of trial by jury is another. These rights have been passed upon by the Supreme Court and recognized as constitutional rights; and if the Constitution extends proprio vigore in the matter of these personal rights, how can you curtail its operation in the great principle of representative government?

Are you going to carry one part of the Constitution to the Philippines and leave another part at home? Are you going to guarantee to the Filipinos the right of trial by jury, the right to bear arms, the right of free access to the United States and of free egress therefrom, and are you going to deny them, after granting them these rights, the right of a representative form of government? The rights are one; they are inseparable and indivisible rights. You can not divide them. You can not separate them. The Constitution, proprio vigore, goes everywhere that the United States have established their power. In Murphy *vs.* Ramsey (114 U. S. Reports, page 44) Mr. Justice Matthews says:

> The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, State and national. If we concede that this discretion in Congress is limited by the obvious purposes for which it was conferred, and that those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union, still the conclusion can not be avoided that the act of Congress here in question is clearly within that justification.

So again, in The Mormon Church *vs.* The United States (136 U. S., page 44), Mr. Justice Bradley says:

> Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments, but these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives all its powers than by express and direct application of its provisions.

Now, Judge Bradley does not say that these provisions of the Constitution guaranteeing personal rights do not exist in the Territories, but he says they do not exist there by direct application of these rights, but rather by inference. Now, then, Justices Fuller, Field, and Lamar dissented from this proposition, and stated:

> Congress possesses such authority over the Territories as the Constitution expressly or by clear implication delegates. * * * but the power of Congress to legislate over the Territories is granted in so many words by the Constitution. (Article IV, section 3, clause 2.)
>
> In my opinion Congress—
>
> In my opinion Congress is restrained, not merely by the limitations expressed in the Constitution, but also by the absence of any grant of power express or implied, in that instrument. * * * I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any one of the departments. The legislative power of Congress is delegated and not inherent, and is therefore limited.

There is a great deal of difference between the inherent power of a nation and the inherent power of one of the functionaries of that nation. Our Constitution is a Constitution of grants, of enumerated, specific grants. The people of the United States, when they formed this Constitution, did not grant to any one of these departments of Government or to all combined any absolute authority. Absolute authority and absolute sovereignty only exist with the people of the United States.

Mr. PLATT of Connecticut. Will the Senator from Louisiana permit me to ask him a question?

Mr. CAFFERY. Yes, sir.

Mr. PLATT of Connecticut. How can the people of the United States exercise that sovereign authority except through Congress or by amendment?

Mr. CAFFERY. The people of the United States have granted to the Congress of the United States sufficient sovereign power to govern these United States and all territory that the United States may acquire. The Congress of the United States can not exercise any other authority than that contained in the Constitution. There is no inherent power anywhere in any of the departments of the Government. That is a false and a pernicious principle. That principle has been denounced from the commencement of our Government until now; that principle is a principle of despotism and arbitrary rule; that principle creeps into republics when they take the downward course of empire. The Congress of the United States is given unlimited power to make laws for certain purposes only. The Congress of the United States can make laws to govern the Territories. I quite agree with my friend from Connecticut [Mr. PLATT], who advanced the proposition that the power to acquire necessarily involved the power to govern even if the Constitution had been silent. I agree with that proposition. But govern how? Govern according to the caprice or according to the unchecked volition of Congress? No, sir; govern according to the Constitution of the United States; govern in that way, and in that way only; give to the Territories just that sort of a government under the Constitution that their condition requires. But Congress can not impose upon the Territories any sort of government they choose.

Let me suppose a case, Mr. President. Suppose the cession of the Northwest Territory to the old Confederation in 1787 had had no provision that that Territory was to be carved into States, and when Congress became the heir of the Confederacy they erected governments in that Territory, and governed the inhabitants without regard to the Constitution or the amendments, and offered them no hope for a government of their own, I want to know whether or not the Congress of the United States could have established such a government there? I want to know if the treaty between France and the United States providing for the incorporation of the Louisiana territory into the Union and providing for citizenship of the inhabitants had not contained those provisions, whether an empire could have been established in the States carved out of that territory; whether Congress would have had the unlimited power to govern that territory as it chose under any laws that it might desire to adopt, and to exercise all the rights that are now claimed to be inherent?

What are inherent rights? Where do they come from under our Constitution? You can not locate one single inherent right in any one of the branches of the Government of the United States. There is nothing contained there that the fathers and framers of the Constitution have not given either by direct grant or that does not spring from the direct grant by necessary implication.

I take no part or lot in the new doctrine of empire. The Constitution has given to the branches of the Government all the power necessary to govern a free and enlightened nation, and that is enough. Nobody has ever yet dreamed of inherent powers until the glitter of empire obscured our vision and blinded our judgment. This doctrine of inherent power in any one of the branches of government sprang from the desire of the advocates of this theory, to govern these dependencies and colonies other than according to the Constitution; and it can not be done. We have either got to govern them by the Constitution, or Congress must usurp power to govern them.

Mr. President, there is another part of the Constitution that seems to stretch proprio vigore over the Territories without any legislative action on the part of Congress. That is the provision that "duties, imposts, and excises shall be uniform throughout the United States." Section 8 of Article I of the Constitution provides that—

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

There are two cases that I have examined with reference to this subject. The first is the case of Loughborough *vs.* Blake, and the second is the case of Cross *vs.* Harrison. The first case arose in the District of Columbia and the second in California. Chief

Justice Marshall, in deciding the case of Loughborough *vs.* Blake (5 Wheaton, 643), used the following language:

The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises," for the purposes thereinafter mentioned.

Senators will pardon me for reading this decision. I know they are all very familiar with it, for it has been quoted so many times that it has become almost a household word:

This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire?

This learned judge uses the word "empire." He must have anticipated the acquisition of the Philippines—

Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

Notwithstanding this clear, unambiguous, and pertinent decision, an attempt is made to minimize its weight by the advocates of imperialism, on the ground that it is obiter.

Before I quote from Justice Wayne, in the case of Cross *vs.* Harrison (21 Howard, page 82), I will briefly state the facts of the case. The taxes, which had been paid under protest, were disputed by the plaintiff (Cross) upon the ground that the collector had no right to demand and receive them because there were no collection districts in California. There was a part of those taxes that was due under the de facto government of the Territory of California, and a part due after the ratification of the treaty of peace between the United States and Mexico. It appears that after the ratification, and before the notice of the ratification had been given to the collector in California, the taxes imposed by the military government were exacted, and after that period the revenue duties of the United States were exacted, and paid under protest. Justice Wayne, in deciding the case, said:

By the ratification of the treaty California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage.

Mr. SPOONER. If the Senator will permit me, does not that language simply imply that there is power to stipulate in a treaty that might have some efficacy?

Mr. CAFFERY. That is a remote inference that might be drawn. Such things have been done, but I believe unconstitutionally done. I do not believe that a treaty can stipulate for any other duties than those that the United States imposes; that is, if they are different from the duties that are required to be paid under the revenue act, it would violate the uniformity of taxation.

Mr. SPOONER. Is not that where the Senator seems to differ from the Supreme Court?

Mr. CAFFERY. No, sir; I do not think so. The decision continues:

It has been sufficiently shown that the plaintiffs had no right to land their foreign goods in California at the times when their ships arrived with them, except by a compliance with the regulations which the civil government were authorised to enforce, first under a war tariff, and afterwards under the existing tariff act of the United States. By the last, foreign goods, as they are enumerated, are made dutiable; they are not so because they are brought into a collection district, but because they are imported into the United States. The tariff act of 1846 prescribes what that duty shall be. Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last become a part of the consumption of the country as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kind of goods; thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our own farmers and planters. The right to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts and excises, shall be uniform throughout the United States. Indeed it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation "to take care that the laws be faithfully executed."

We will here briefly notice those objections which preceded that which has been discussed. The first of them, rather an assertion than an argument, that there was neither treaty nor law permitting the collection of duties, has been answered, it having been shown that the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

Mr. President, the first proposition of Judge Wayne in deciding this case is that California, by treaty, became a part of the United States. The next is that the tariff-revenue act of the United States then operating immediately attached to that Territory, and that the duties to be demanded and collected were those imposed by the revenue act, and in consequence of the principle of uniformity which must obtain in the imposition and collection of taxes throughout the United States.

These two decisions, in my opinion, ought to carry weight. They are not obiter; they are directly upon the point. They decide, first, that Territories are a part of the United States; then, that our tariff laws operate there by the principle of uniformity established in the Constitution. I can myself see no escape from these decisions. I can not see how it is possible to exact on imports from Puerto Rico into the United States any taxes whatever. One of the grounds of the formation of the Union was the embarrassment and difficulty arising on account of hostile tariff laws imposed in one State of the Confederacy against another.

It is obvious, Mr. President, that if our Constitution has any power whatever over the Territories this principle of uniformity of taxation must apply. There can be no duty levied upon the Philippine products imported into the United States, and there can be no export duty levied upon any exports from that country; otherwise you will establish another government; you will establish a different revenue system; you will have a government of colonies entirely distinct from the Government of the United States; you will have tariff duties laid according to the wisdom or unwisdom of Congress, at least according to its volition, operating in the colonies in a different way from that provided for the balance of the United States and without any regard to the Constitution. I do not see how this can be brought about.

The Constitution operates in this particular proprio vigore. The Constitution of the United States takes hold of the imports from these distant possessions and lays upon them the tariff duties that are charged everywhere over the United States, and none other. There can be none upon the imports into the United States from those countries and there can be no other upon imports from foreign countries into the Philippines than is exacted from the balance of the nations of the world. There must be an absolute uniformity, or this language of the Constitution is meaningless, or Congress has the unlimited powers which are claimed for it.

Mr. President, I have diverged somewhat from a discussion of the Constitution working of its own vigor in the matter of carrying these personal guaranties to the Territories into a discussion of the uniformity of taxation as applicable to the Territories, led into it to some extent by the question propounded to me.

There are a number of decisions on the matter of the right of the people of the Territories to have the constitutional guaranties of trial by jury applied to them. In the case of Callan *vs.* Wilson (120 U. S., page 547) the constitutional guaranty of trial by jury was applied to citizens of a Territory. The decision of the court, Justice Harlan delivering the opinion, is as follows:

It is contended by the appellant that the Constitution of the United States secured to him the right to be tried by a jury, and that, the right having been denied, the police court was without jurisdiction to impose a fine upon him, or order him to be imprisoned until such fine was paid. This precise question is now, for the first time, presented for determination by this court. * * *

The third article of the Constitution provides that "the trial of all crimes, except in cases of impeachment, shall be by jury, and such trials shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed." The fifth amendment provides that no person shall "be deprived of life, liberty, or property without due process of law." By the sixth amendment it is declared that in "all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have previously been ascertained by law and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." * * *

The contention of the Government is that the Constitution does not require that the right of trial by jury shall be secured to the people of the District of Columbia. * * *

Upon a careful examination of this position we are of opinion that it can not be sustained without violence to the letter and spirit of the Constitution. * * *

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property, especially of the privilege of trial by jury in criminal cases. In the draft of a constitution reported by the committee of five on the 6th day of August, 1787, in the convention which framed the Constitution, the fourth section of Article XI read that "the trial of all criminal offenses (except in cases of impeachment) shall be in the States where they shall have been committed, and shall be by jury." (1 Elliott's Deb., 229.) But that article was, by unanimous vote, amended so as to read: "The trial of all crimes (except in cases of impeachment) shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, then the trial shall be at such place or places as the Legislature may direct." (Id., 270.) "The object of thus amending the section," says Mr. Madison, "was to provide for trial by jury of offenses committed out of any State." (3 Madison Papers, 144.) * * * We can not think that the people of this District have, in that regard, less rights than those accorded to the people of the Territories of the United States.

So in Springville *vs.* Thomas (166 U. S., page 708) the question

was upon the unanimity of a verdict. The court, Mr. Chief Justice Fuller delivering the opinion, say:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so.

The act of Congress was set aside as unconstitutional because it provided for a verdict that was rendered by a less number than twelve.

The case of Thompson *vs.* Utah (170 U. S., page 346) is to the same effect. The court, Mr. Justice Harlan delivering the opinion, say:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

On page 350 the court say:

It must consequently be taken that the word jury and the words trial by jury were placed in the Constitution of the United States with reference to the meaning affixed to them in the law as it was in this country and in England at the time of the adoption of that instrument; and that when Thompson committed the offense of grand larceny in the Territory of Utah—which was under the complete jurisdiction of the United States for all purposes of government and legislation—the supreme law of the land required that he should be tried by a jury composed of not less than twelve persons.

I would not cite these opinions were it not that this unlimited power of Congress to dispense with the guaranties of the Constitution in the matter of jury trials had been urged in this Chamber. I believe the Senator from Vermont [Mr. ROSS] quoted a case in In re Ross which he thought established the fact that even in the matter of jury trials the Congress of the United States could set aside the guaranties in the amendments to the Constitution. The decision in In re Ross is found in 140 United States, and this is the opinion of the court:

By the Constitution a government is ordained and established "for the United States of America" and not for countries outside of their limits. The guaranties it affords against accusation of capital or infamous crimes, except by indictment or presentment by a grand jury, and for an impartial trial by a jury when thus accused, apply only to citizens and others within the United States, or who are brought there for trial for alleged offenses committed elsewhere, and not to residents or temporary sojourners abroad. (Cook *vs.* United States, 138 U. S., 157, 181.) The Constitution can have no operation in another country. When, therefore, the representatives or officers of our Government are permitted to exercise authority of any kind in another country, it must be on such conditions as the two countries may agree, the laws of neither one being obligatory upon the other. The deck of a private American vessel, it is true, is considered for many purposes constructively as territory of the United States, yet persons on board of such vessels, whether officers, sailors, or passengers, can not invoke the protection of the provisions referred to until brought within the actual territorial boundaries of the United States; and, besides, their enforcement abroad in numerous places where it would be highly important to have consuls invested with judicial authority would be impracticable from the impossibility of obtaining a competent grand or petit jury. The requirement of such a body to accuse and to try an offender would in a majority of cases cause an abandonment of all prosecution. The framers of the Constitution, who were fully aware of the necessity of having judicial authority exercised by our consuls in non-Christian countries, if commercial intercourse was to be had with their people, never could have supposed that all the guaranties in the administration of the law upon criminals at home were to be transferred to such consular establishments and applied before an American who had committed a felony there could be accused and tried.

What were the facts in this case? An American ship in a harbor in Japan had on board a seaman who was a British subject. He then and there committed the crime of murder within the territorial jurisdiction of Japan. He was arrested, tried, and condemned before a consular court established by treaty between the United States and Japan. He was condemned to death. He appealed to the President for a pardon. His sentence was commuted to life imprisonment. While in prison at Albany, N. Y., I believe, he sued out a writ of habeas corpus and the judge in rendering his decision, from which I have quoted, refused the habeas corpus.

Mr. President, does that establish the point sought to be established by the Senator from Vermont? Not only does it not establish the contention of the Senator from Vermont, but it directly refutes his contention; for it is asserted in this judgment, which is true, that the United States has no jurisdiction in foreign countries; that it is only by the comity of nations that it is allowed in these non-Christian countries to establish consular courts. This man could have been tried by the authorities of Japan, who primarily had jurisdiction. Notwithstanding the constructive extension of our territory over the ships that sail under our flag, the actual jurisdiction and the actual territory were in the foreign Government, and the United States only stipulated in behalf of its citizens for a fairer trial, one paying more respect to law and justice than would otherwise be obtained in such non-Christian courts.

But, says the judge, after the criminal is brought within our territories he is subject to trial according to the Constitution of the United States, and the Constitution of the United States guarantees to him the right of presentment by a grand jury, the right of trial by a petit jury, and a verdict of the whole jury in cases of felony. So this contention of the Senator from Vermont falls. This decision establishes precisely the reverse of unlimited power upon the part of Congress, and it does establish that any citizen of the United States coming within the Territorial jurisdiction of the United States is entitled to a trial by jury. Where, Mr. President, will these implied powers end, if a citizen of the United States can be jerked up and tried without a jury?

Mr. President, I had a quotation from Mr. Webster, whose great argument with Mr. Hayne almost broke down, if not quite broke down, the theory that the Constitution was the resultant of a compact between the sovereign States and not the resultant of the will of the people. As I can not now lay my hand on the quotation, I will read one from a contemporary of his who held precisely the opposite view about the Federal Constitution.

Mr. TELLER. The opposite view?

Mr. CAFFERY. Yes, in regard to the nature of Federal Constitution; one who was equally as emphatic as Mr. Webster. I refer to the great statesman of South Carolina, Mr. Calhoun. I quote from his speeches, page 411 of his works, volume 4:

That it would be contrary to the genius and character of our Government and subversive of our free popular institutions to hold Mexico as a subject province is a proposition too clear for argument before a body so enlightened as the Senate. You know the American Constitution too well—you have looked into history, and are too well acquainted with the fatal effects which large provincial possessions have ever had on the institutions of free states—to need any proof to satisfy you how hostile it would be to the institutions of this country to hold Mexico as a subject province. There is not an example on record of any free state holding a province of the same extent and population without disastrous consequences. The nations conquered and held as a province have, in time, retaliated by destroying the liberty of their conquerors through the corrupting effect of extended patronage and irresponsible power. Such, certainly, would be our case. The conquest of Mexico would add so vastly to the patronage of this Government that it would absorb the whole powers of the State; the Union would become an imperial power, and the States reduced to mere subordinate corporations. But the evil would not end there; the process would go on, and the power transferred from the States to the Union would be transferred from the legislative department to the Executive. All the immense patronage which holding it as a province would create—the maintenance of a large army to hold it in subjection and the appointment of a multitude of civil officers necessary to govern it—would be vested in him. The great influence which it would give the President would be the means of controlling the legislative department and subjecting it to his dictation, especially when combined with the principle of proscription which has now become the established practice of the Government. The struggle to obtain the Presidential chair would become proportionably great—so great as to destroy the freedom of elections. The end would be anarchy or despotism, as certain as I am now addressing the Senate.

I believe those words are prophetic. I believe that the end of empire is destruction. I believe when the Constitution of the United States is wrenched from its moorings and carried into these remote seas and is established there in despotic sway, that it is the beginning of the end of the Republic. All these evils spoken of by Mr. Calhoun would necessarily flow, all the vast patronage which proconsular appointments to those distant possessions would give, all the innumerable jobs which would spring from such possessions, would necessarily corrupt the people at home just as the proconsuls of Rome corrupted the Roman citizens and destroyed that great Republic.

Mr. President, we have heard a great deal about Congressional power. We have heard a great deal about the limitation of our Constitution to our present dimensions. It has been stoutly denied that the Constitution extends over our new territories. It has been stoutly denied that any of these people whom we take in are people of the United States, and all this in line with the imperial policy of the present. The Declaration of Independence has been set aside as a worn-out garment. It is one of these parochial questions spoken of by a distinguished member of the Cabinet which ought not to claim our attention at all, but we ought to set our eyes upon those heights where glory-crowned American freedom sits. Where that is I am not now able to say. We are invited to go upon a voyage to Cathay and explore all the riches of the ancient Empire of China; and in order to do this we must set up an imperial sway in the Philippine Islands.

I believe that it is not inopportune to discuss the principle of governments being founded on the consent of the governed. I do not believe the Declaration of Independence is a dead letter. I do not believe that it has no connection at all with the present policies of the Government. I do not believe that it can be set aside. I believe that it is part and parcel of the Constitution of the United States. This great nationality contended for by the Senator from Connecticut I concede, but, sir, the American nation sprung into existence before the American nation ordained the Constitution of the United States. The people who framed the Constitution of the United States, acting by their delegates to the Constitutional Convention, were the same people who announced as the living principle of American liberty that all governments derive their just powers from the consent of the governed. And who were they? They were the people of the United States of America, and the delegates to the Continental Congress spoke in behalf of that people.

When that Declaration was sent abroad as a principle of government it was sent by and with the authority of the American people. It was as much the voice of a nation as the voice that proclaimed the Constitution of the United States. Nationality then came into birth. That same nationality, however it might

have been scattered and dissipated throughout the 13 original colonies, existed throughout the war of independence; and when the war was over, the same people who framed the Declaration of Independence framed the Constitution of the United States, and there has never yet been a statesman of any merit or distinction in the United States who has ever held that the people of the United States were not the ultimate foundation of all sovereignty, that the people of the United States themselves did not constitute sovereignty. And who are the people of the United States, Mr. President? For whom was the Constitution of the United States framed? Was it framed entirely for the people then living and the heirs of their body? When the representatives of the people sent forth the Constitution of the United States, they declared that they ordained and established that Constitution for themselves and their posterity in order that they might enjoy the blessings of peace and liberty.

And who, Mr. President, are the posterity of the framers of the Constitution? The Constitution provides for naturalizing foreigners. Will anyone say that the 10,000,000 Germans in the United States are not our "posterity" in the sense that word is used in the Constitution of the United States. Have they not been "adopted" by naturalization? Will anyone deny that any human being taken within the jurisdiction of the United States is the posterity spoken of by the framers of the Constitution? When the population of the province of Louisiana were taken in by adoption they became heirs to all the privileges and immunities and rights granted by the Constitution of the United States to freemen coming within the operation of its provisions and coming under the jurisdiction of its flag.

Mr. President, I am not entirely without support in the contention I make that the Declaration of Independence is a part and parcel of our organic law. Sir, that Declaration stated the foundation of government. It stated that all governments derive their just powers from the consent of the governed. That is the living, energizing principle of the Declaration of Independence, and that is incorporated as a part of the Constitution of the United States. In pursuance of that Declaration the Constitution of the United States was framed so as to give representative government, and so that the consent of the governed could be had in an unmistakable form.

In this connection I will state that it does not make any difference whether the consent of the governed is expressed in one form or another. Any government of civilized people which is tolerated by that people, which is acquiesced in by that people, is presumably the government of their consent. Would anyone say the constitutional monarchy of Germany is not a government founded upon the consent of the governed? I think not. Would anyone hold that the voluntary obedience of a half-civilized people to their rulers, that their acquiescence in a government for ages, for instance, the ancient Empire of China, is not a government founded on the consent of the people? I think not. But in order to give the consent of the people an active form, the Constitution of the United States, modeled and grounded upon the Declaration of Independence, provided for a representative form of government. I quote from Pomeroy on Constitutional Law, page 36, section 52:

> Again, the Declaration of Independence was not the work of thirteen separate colonies, each acting in an assumed sovereign capacity, but of the united colonies, acting in a national capacity, through their delegates in Congress assembled. This Congress did not propose the Declaration to the States and recommend its adoption by their local legislatures; nor did it need such indorsement to give it validity. State ratification, when made, was a work of supererogation. The Declaration was finally and forever established by the whole independent political society, through the means which they had appointed. The language of the instrument itself indicates its nature and its origin. Nothing is said of the independence of the several States, but the operative clauses indissolubly combine the idea of organic unity and nationality with that of independence. "We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent States—
>
> This Declaration is made by and in the name of the good people of the colonies, declaring their independence of the British Crown—
>
> "that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."
>
> * * * * * * * *
>
> There never was, in fact, a moment's interval when the several States were each independent and sovereign. While colonies they unitedly resisted, revolted, declared that combined political society independent. The blow which severed the connection with the British Empire did not leave a disintegrated mass made up of thirteen communities, now independent; it left a united mass, a political unity, a nation possessing the high attributes of sovereignty, which it had just exercised. The United States was then a fact, and no power but that which called it into being—the people—is competent to decree the national destruction.

Here is the opinion of a very distinguished constitutional author who can not be accused of any desire to limit any of the powers of the Federal Government—that is manifest from an examination of his writings—who declares that the Declaration of Independence was the act of a political unit, the people of the colonies in their sovereign national capacity, and that Declaration has as much strength and bearing as if it were incorporated as an article of the Constitution of the United States, for that Constitution is framed upon this Declaration. The Constitution only carries into execution the general principles of government announced in the Declaration of Independence.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. SPOONER. Does the Senator carry his contention under the Declaration of Independence to the extent of asserting that the United States has no constitutional power at the end of a war with a foreign government, and in settlement of it, to exact and to accept inhabited territory as a ceded conquest without the consent of its inhabitants? Does the Senator apply the doctrine for which he is contending to such a case as that?

Mr. CAFFERY. I do. I contend, in answer to the question of the Senator from Wisconsin, that we can wage no war of conquest. I contend that every line and word of the Constitution of the United States only authorizes us to make war for the common defense.

Mr. SPOONER. Then the Senator contends that the acquisition of California from Mexico at the end of the Mexican war was unconstitutional.

Mr. CAFFERY. I do not.

Mr. SPOONER. Then the Senator admits that we may take at the end of a war, justifiable in its inauguration and conduct, inhabited territory as indemnity, accompanied by cession, without the consent?

Mr. CAFFERY. Mr. President, that depends upon the nature and character of the territory and its inhabitants, and its inhabitants especially. If there is a people, if there is a nationality, if there is the germ of nationality, you must procure the consent of that people or you violate the fundamental principles of the Constitution of the United States.

Mr. SPOONER. Then, if the Senator will permit me, his contention is that we have no constitutional power at the end of a war between ourselves and another government to accept by way of indemnity and take a cession of the territory of another government, or another nation, not a party to the war. That I agree to.

Mr. CAFFERY. I did not contend that we could not take by agreement the territory of another nation not at war. I said we could not take the territory of a nation with whom we were at war if that territory were inhabited by a people with the germ of nationality and with a capacity to give national consent.

Mr. SPOONER. Oh!

Mr. CAFFERY. Mr. President, I see——

Mr. SPOONER. The Senator will permit me. Do not almost every people have the germ of nationality?

Mr. CAFFERY. No, sir. A wandering, nomadic tribe has no nationality. A scattered, roving band of Indians have no nationality or any step or progress toward nationality.

Mr. SPOONER. I said the germ of nationality. That is what the Senator from Louisiana said.

Mr. CAFFERY. They have not the germ of nationality. They have no starting point and they end nowhere.

But, sir, under the Constitution of the United States, in my opinion, the Declaration of Independence forming a part and parcel of that august instrument, you can not take any people who have the capacity to form a government and have the germs of nationality into the territory of the United States without their consent. You can not take the Canadians without their consent. If a war was waged against Great Britain and the United States triumphed, as everybody knows she would triumph, and Canada was sought to be taken by the United States to indemnify the United States for the expenses incurred in that war, I do not believe, without a violation of our organic instrument, without a violation of our traditions of government, without a violation of that Declaration made on the 4th of July, 1776, that you could take those people and force upon them the Government of the United States without their will or consent.

Mr. SPOONER. If the Senator will allow me——

Mr. CAFFERY. That is the position that I assume.

Mr. SPOONER. Why? Will the Senator say why not?

Mr. TELLER. Give us a reason.

Mr. CAFFERY. Why not?

Mr. SPOONER. Yes.

Mr. CAFFERY. Because it is repugnant not only to the genius and the spirit of our Constitution, but it is repugnant to the very letter of that document, which, though not contemporaneous, is linked in with the Constitution and becomes a part of the Constitution, and is the corner stone of the Constitution which you have adopted in every ordinance that you have made, which pervades the American mind, which is a part of their political rights and political heritage, and which when it departs liberty will depart and free government depart. That is what I believe. I believe that our ancestors in that Declaration of Independence

did more than to announce a principle of government for themselves directly; they announced it for the world, and the world has profited by it.

I believe in no war of aggression. I do not believe you can absorb any people who are a people against their will and consent; and I believe, from the facts as detailed by our own officers and observant travelers, that the Filipinos are such a nation and have the germs of a national life, and that we can not, without violation of our Constitution itself, kill them to civilize them, slaughter them to give them liberty. That is what I do not believe you can do.

Mr. BEVERIDGE. Will the Senator from Louisiana permit me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. BEVERIDGE. The Senator said, in answer to the questions of the Senator from Wisconsin, that it all depended upon whether or not these people had the germ of nationality or were in reality a people.

Mr. CAFFERY. Yes, sir.

Mr. BEVERIDGE. Who is to determine whether they have the germ or not?

Mr. CAFFERY. That is largely to be determined by the conscience and the judgment of both parties. We can not assume to deny a nationality that exists as a matter of fact. Suppose we had taken Spain. From all accounts the Filipino government is quite as good as that of Spain. The Filipino had almost as much liberty as the individual Spaniard. Now, suppose that instead of taking the Philippines we had chosen to take the Kingdom of Spain as indemnity, could we assume to say that they did not have a national life?

Mr. SPOONER. Will the Senator from Louisiana permit me? Suppose we had chosen, after a long and expensive war with Spain, to take a portion of the Spanish domain as indemnity, would we have been obliged to have asked and obtained the consent of the inhabitants of that portion?

Mr. CAFFERY. I think so.

Mr. SPOONER. And if they did not consent, would we be precluded from any indemnity by way of territory?

Mr. CAFFERY. I think so, sir. If they are a part of that nationality, you can not segregate them. You could not destroy the nationality piecemeal. You could not take part of Barcelona or Cadiz, a part of Castile and a little part of Andalusia, and leave the Spaniards confined to the middle of the territory.

Mr. SPOONER. Did we not destroy the nationality of Mexico piecemeal when we took a part of Mexican territory and its inhabitants?

Mr. CAFFERY. I think not.

Mr. SPOONER. We did not?

Mr. CAFFERY. No.

Mr. TELLER. Why not?

Mr. SPOONER. Then the Senator would say we would have had no power to take Puerto Rico as indemnity if any of the Puerto Ricans had objected?

Mr. CAFFERY. I am not aware that the Puerto Ricans had national life.

Mr. SPOONER. Oh!

Mr. CAFFERY. I do not know whether they had or not. I rather think they had. I think they had more than the Cubans.

Mr. SPOONER. Then the germ of nationality is a little difficult to define?

Mr. CAFFERY. Well, it is. I admit that. Every case depends on its own circumstances.

Mr. SPOONER. I only want to get at the Senator's views. Does he say that we would have had no power to exact as indemnity at the end of the war Puerto Rico if it had not been entirely agreeable to its people?

Mr. CAFFERY. In this particular war we had no right to exact any indemnity from anybody.

Mr. SPOONER. But leave that out. On general principles?

Mr. CAFFERY. On general principles I would state that I do not think we would have the right.

Mr. SPOONER. Then the Senator would say that the United States, unlike any other nation in the world, is precluded by the Declaration of Independence from accepting or exacting at the end of a war as indemnity inhabited territory unless it is inhabited by nomadic tribes without a germ?

Mr. CAFFERY. Well.

Mr. SPOONER. That is, people who never could become, under any circumstances, a nationality.

Mr. CAFFERY. Mr. President, I would drop them like I would a hot potato if they had the germ of imperialism, whatever sort of nationality they had. I think that is one of these microbes that eats its poisonous way into the vitals of republics. But this is a cross-examination, Mr. President. Of course I am only laying down the general principles.

Mr. SPOONER. Oh, I beg the Senator's pardon.

Mr. CAFFERY. I do not object, as a matter of course.

Mr. TELLER. I should like to ask the Senator from Louisiana a question.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. CAFFERY. Certainly.

Mr. TELLER. The Senator seems to think if there is an organized society, then it must be consulted.

Mr. CAFFERY. I do.

Mr. TELLER. Was there not an organized society in Louisiana?

Mr. CAFFERY. No, sir.

Mr. TELLER. You say there was not?

Mr. CAFFERY. No, sir.

Mr. TELLER. Then I will put the question as to other sections that I think you will have to admit, although I could challenge your statement that there was not an organized society there. They had a government.

Mr. CAFFERY. That is a difference of opinion about a matter of fact. I do not think there was.

Mr. TELLER. Take the province of California, which was a political organization and had been for many years. The same was true of New Mexico. Both of them had governments and all the appliances of civilized governments, of course, under the general power of Mexico. Now, was it necessary to consult them?

Mr. CAFFERY. Mr. President, it was not.

Mr. TELLER. Will the Senator tell us why?

Mr. CAFFERY. Because they had nothing but a municipal life. They had no national life.

Mr. TELLER. But they were a part of a national life.

Mr. CAFFERY. The territory was so vast, the population was so scattered, that it was impossible in that particular instance that there should have been either an incipient or a complete national life. Now, then, if we do, under the stress of circumstances, take territory inhabited by a sparse population, and that population has no capacity to give or to withhold a national consent, I do not see any objection to taking them within our territory. Now, in the case of Louisiana——

Mr. SPOONER. Then, if the Senator will permit me——

Mr. CAFFERY. Permit me to state. Just pardon me for a moment.

Mr. SPOONER. Certainly.

Mr. CAFFERY. My friend from Colorado has stated that he thinks that there was a national life there. Now, in that whole territory, running from almost the Canadian border to the Gulf and west of the Mississippi River to the territories of Spain and California, the whole number of inhabitants, according to the census report taken by a United States collector of customs, I think, in 1803, amounted to but 49,000 people.

Mr. TELLER. That is quite right.

Mr. CAFFERY. There were about 8,000 of that population in the city of New Orleans. The parishes—they were then called parishes, for the subdivisions of my State instead of being called counties are called parishes—were very thinly settled. All of that territory, 1,800,000 square miles of territory, larger in area than the whole of the Northwest Territory with the original thirteen States, was only inhabited, black and white, by 49,000 people.

Mr. SPOONER. Will the Senator permit me? They were not nomadic tribes, were they?

Mr. CAFFERY. They were not exactly nomadic, but they were mostly pioneers, adventurers. The mass of the population was congested in the city of New Orleans. But here was this immense territory, big enough for an empire. You can not say there was a national life or any approach to a national life in that territory.

Mr. SPOONER. Does the Senator mean to say that pioneers have no right to come in under the Declaration?

Mr. CAFFERY. No; I do not mean any such thing. Pioneers have as much national life as anybody, if they get together into an organized society, as a matter of course.

Mr. SPOONER. Does the Senator mean to say that 49,000 people have not as much right to consent and to govern under the Declaration?

Mr. CAFFERY. I do not say any such thing. I say that the 49,000 people, inhabiting an area of 1,800,000 square miles, was a population practically so small in comparison to the area, having nothing but a municipal government under the authority of Spain, they had no national life and could not have any national life.

Mr. SPOONER. That depends not only on the number of people, but upon the size of the territory?

Mr. CAFFERY. It does not, sir. If there are 49,000 people in any little republic on God's earth or any little empire or kingdom that has an organized government, that have their courts, their system of government, that society is protected against American aggression under the Declaration of Independence.

But that sort of a society is by no means paralleled by the condition of Louisiana. Here was a vast territory, most of it uninhabited. I believe that that territory was properly acquired, and any

other territory under the same conditions would be properly acquired.

Mr. TELLER. So do we. We believe that.

Mr. CAFFERY. And I believe the mass of the people there, if a vote had been taken, would have voted to come into the United States; all, perhaps, except the French residents of the city of New Orleans.

Mr. PLATT of Connecticut. Now, may I ask the Senator a question?

Mr. CAFFERY. Certainly.

Mr. PLATT of Connecticut. The Senator is very kind in yielding. But suppose Mexico makes war upon us, and we carry the war into Mexico and conquer Mexico?

Mr. CAFFERY. Yes.

Mr. PLATT of Connecticut. Have we got to consult the people there as to what we will do?

Mr. CAFFERY. Yes, sir. You can not wage any war of aggression. It is not only ingrafted into our political framework of government, but there is the authority of the United States Supreme Court maintaining that position, the case of Fleming *vs.* Page, and also in a case in which Mr. Justice Clifford rendered the opinion of the court.

[Fleming *vs.* Page, 9 Howard, page 614, Chief Justice Taney.]

But the genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the General Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens.

A war, therefore, declared by Congress can never be presumed to be waged for the purpose of conquest or the acquisition of territory; nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country. The United States, it is true, may extend its boundaries by conquest or treaty, and may demand the cession of territory as the condition of peace in order to indemnify its citizens for the injuries they have suffered or to reimburse the Government for the expenses of the war. But this can be done only by the treaty-making power or the legislative authority, and is not a part of the power conferred upon the President by the declaration of war. As Commander in Chief he is authorized to direct the movements of the naval and military forces placed by law at his command and employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country and subject it to the sovereignty and authority of the United States. But his conquests do not enlarge the boundaries of this Union nor extend the operation of our institution and laws beyond the limits before assigned to them by the legislative power.

Mr. BEVERIDGE. Will the Senator from Louisiana permit me a question?

Mr. CAFFERY. Certainly.

Mr. BEVERIDGE. The Senator said in answer to the question of the Senator from Wisconsin that the whole thing depends upon whether the individuals have a germ of nationality, and in answer to my question the Senator said that whether they had this germ of nationality would have to be determined by consulting the conscience of both parties.

Mr. CAFFERY. I think so.

Mr. BEVERIDGE. Now, passing over the rather pertinent query as to how you would find out what the conscience of both parties answered, suppose that the conscience of one party answered one thing and the conscience of another party answered the other thing, then where are you? Are you not simply at the point where you are going to do just what the conscience of the party that is the stronger says? Is not that where the Senator's argument ends?

Mr. CAFFERY. No, sir. My arguments never end in force. It is the argument of force, Mr. President, that has been pushed forward before the Senate to vindicate the action of the United States in taking the Philippine Islands.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. SPOONER. Will the Senator permit me?

Mr. CAFFERY. Certainly.

Mr. SPOONER. Then the Senator, if he will pardon me for saying it, did not answer the question put by the Senator from Connecticut. The Senator from Connecticut——

Mr. CAFFERY. The Senator from Connecticut is perfectly quiescent. He has not complained, and the Senator from Wisconsin is not his brother's keeper in this regard.

Mr. SPOONER. No, sir; but I am seeking for information, and I value the Senator's views.

Mr. CAFFERY. I am much obliged to the Senator.

Mr. SPOONER. I regard him as a very able lawyer; I have never known a man anywhere who had stronger convictions or exhibited more moral courage in adhering to them than the Senator, and I should be very sorry if he considered any interruption by me as other than respectful.

Mr. CAFFERY. I beg pardon of the Senator; I do not think so at all. It is only a little bit of pleasantry. I am much obliged to the Senator for his highly complimentary phrases.

Mr. SPOONER. Well, they are sincere. The question which the Senator from Connecticut put to the Senator from Louisiana was this: Whether if Mexico should wage war upon us in the prosecution of a war originating in self-defense, which oftentimes and nearly always involves aggression, that course were pursued, and we should insist upon a part of Mexico, whether we would be obliged to consult the inhabitants?

Mr. CAFFERY. I will answer that question precisely as I answered the Senator from Connecticut. Yes.

Mr. SPOONER. If we took it as indemnity?

Mr. CAFFERY. We can not take it as indemnity against the consent of the Mexicans. I answered that question distinctly.

Mr. SPOONER. Then, what is there left to the United States?

Mr. CAFFERY. Mr. President, we have an empire left. We covet no other portion of God's earth than that we possess. Republics have been weakened by these extensive dominions stretching abroad in every direction. Our strength lies in maintaining our institutions at home. Our strength lies in developing our own resources. Our strength did not come from distant foreign acquisition, and it never will come from such acquisitions. Weakness rather, Mr. President, comes from extensive and distant foreign dominions. We have an instance of it right now. The greatest power of the earth is trembling to her very center in a war waged against less than a million of freemen in the Transvaal; and if England's weakness is ever demonstrated to the world it will be through her extensive dominions abroad. She trembles to-day at the specter of the Russian Bear crawling over the Ural Mountains, and well she may tremble at the result of the contest in the Transvaal.

There the whole power of that mighty empire is unable to subdue 1,000,000 people, and half of them black. There is no strength in these extended dominions. There was no strength in them to the Roman Empire. Her downfall was precipitate, sudden, and crushing when she went beyond the seas, the Adriatic, the Mediterranean, and the Atlantic, to subdue the nations of the earth. The very moment you take in such people as the Mexicans and the Filipinos and these unassimilative nations, that very moment you have inoculated our own Republic with a poison which will circulate through every vein in its political body.

I do not believe that there is any warrant, any constitutional warrant anywhere, to take foreign territory as an indemnity or any other way against the consent of the people from whom you take it, if they are in a position to give a national consent; and at that doctrine I do not halt, whether it is a little republic or whether it is a vast empire.

Now, Mr. President, look at the condition of the world to-day. Germany, France, England, and Russia are all greedy and voracious, ready to gobble up the Chinese Empire and partition it out among them as a piece of personal property. The Declaration of Independence says to us, "Beware, beware of such acquisitions of territory." Not only I do not believe that the acquisition of foreign territory and an unassimilative people against their consent is weakness, but I believe it is an outrage and a crime. I believe it was weak and atrocious to take these people in the Philippine Islands who are fighting for their independence and, under the Pecksniffian garb of humanity, to murder and butcher them in order that they might enjoy the benefits of American liberty.

Now, Mr. President, my amiable friends have diverted me a good deal. I want to say that there is warrant in the Constitution of the United States to justify the position I assume—that every particle of territory that we take in the United States, whether unduly or not, becomes a part and parcel of the United States; that the whole Constitution, not only the Bill of Rights, but the whole Constitution, proprio vigore, extends to that kind of acquisition. The Constitution declares that—

This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land.

Of what land? Of any land, all lands, every possession over which the jurisdiction of the United States extends. You can not limit that phrase at any one time to certain boundaries. If the Constitution is supreme over all the land, how are you going to circumscribe the land which you yourself have brought within the jurisdiction of the Constitution. Whether ex invito, whether by their free will and consent or not, the Constitution, proprio vigore, works there.

Why, sir, the pretension is made here that Congress not only have power to rule despotically, but they have power to create a new form of government, founded on a new principle. The deduction of my friend from Connecticut, for whom I have the greatest respect, that because the nation is supreme therefore Congress is supreme is to my mind a monstrous deduction, not warranted by the premises, one repugnant to every line and letter of the Constitution and to the spirit that breathes through that whole instrument.

Mr. President, the power given to Congress to make all needful rules and regulations for the government of the Territories is nothing but a grant of an administrative power. Can Congress

make any and every rule and regulation it deems wise and proper? No, sir.

Mr. SPOONER. What does it mean, then, if the Senator will permit me, by saying "all needful rules and regulations?"

Mr. CAFFERY. It means just what it says. It means that the Congress of the United States can only administer these Territories under and by virtue of the provisions of the Constitution of the United States, and it means nothing else. But the meaning of the imperialists is that side by side with this Republic you erect an empire. Taking this Republic as a foundation, you erect on its base a superstructure of tyranny and despotism. That is the principle; that is your argument—govern at will; govern unlimitedly; we have the inherent power; there is nothing to restrain us; the Constitution has given it to us. I deny that proposition. You can not infer absolutism from a grant of administration. That grant must be confined to the purpose for which it was given, and that purpose is to govern these Territories under the provisions of the Constitution, and no other purpose.

I will not say anything, Mr. President, in regard to the constitutional purpose for which we can take territory. Notwithstanding the decision in the Dred Scott case is belittled and derided, that part of the decision which says that the only constitutional purpose for which we can acquire territory is to make new States has never been controverted, and can not be successfully controverted.

The opinion of Mr. Webster and Mr. Calhoun and I believe the opinion of every distinguished man of their period was that there was no power in the Constitution of the United States for Congress to take and to hold as subject colonies the territories acquired by the United States.

What do you do if you carry out the doctrine of the brilliant junior Senator from Indiana [Mr. BEVERIDGE]? You make a new kind of government; you establish a tyranny, a despotism, in the Philippine Islands; you hold them perpetually in sway; you establish a proconsular government. It is a delightful piece of information to be told that our foreign governors will be highly gifted men, so much so that their government will have a beneficial, reflex action upon us at home. It is very delightful to be told that; but I had rather confine myself as to the consequences of that sort of government to the experience of all past ages, to the experience of all republics, proving that sort of government was absolutely destructive of the republic which undertook it.

You can not create a government by implication. Is it not wonderful, sir, that the framers of the Constitution of the United States should have undertaken to guard so sedulously, so carefully, the liberties of the people against our own governors here at home, our own functionaries right here, where a vigilant people and an enlightened press could take note of every departure from the principles of liberty, and should have given Congress the power to establish in distant lands beyond the sea an empire beyond control of the people, without any of the safeguards that our fathers provided for the security of our liberties?

Mr. PLATT of Connecticut. Will the Senator permit me to ask him a question?

Mr. CAFFERY. Yes, sir.

Mr. PLATT of Connecticut. Will the Senator from Louisiana tell the Senate what he means by our establishing an empire in the Philippine Islands?

Mr. CAFFERY. I mean this, Mr. President: I mean that the power is contended for that Congress can establish in the Philippine Islands, or in any other territory that we may acquire, just such a government as Congress pleases, and that that government shall be made permanent if Congress shall please. That is what I call an empire. That is what I call despotism. That is what I call a government created by Congressional action without the warrant of the Constitution.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question, as he has very kindly yielded to the Senator from Connecticut?

Mr. CAFFERY. Certainly.

Mr. BEVERIDGE. The Senator was speaking about safeguards. How would the establishment of such a government as that take away or affect any of the safeguards with which the Senator says we are surrounded here?

Mr. CAFFERY. It is very easy—conceding all the power of appointment to rest with the President of the United States. The United States Constitution would be ignored in the government of such a territory. The President could appoint one man as governor, one as captain-general, another as judge; and the whole government, in fact, would lodge in the hands of the President of the United States. That government is not a government consistent with the Constitution of the United States. That is the government of Spain.

Mr. PLATT of Connecticut. Does not that system substantially now apply in all the Territories of the United States?

Mr. CAFFERY. Ah, Mr. President, that is simply in the tutelage of those Territories; that is not a permanency.

Mr. PLATT of Connecticut. It has been.

Mr. CAFFERY. When the President of the United States appoints the governor of a Territory, he appoints that governor as the initial step toward statehood. He does not appoint that governor to continue during life, another governor to follow him, and another governor to follow him, down to the last syllable of recorded time. Your permanent plan establishes empire. You have assumed greater power than the German Kaiser exercises. He has no such power in Germany, and there is not a despotism in Europe—there are very few now there—there is not a government of Europe that would leave such unlimited power in the hands of the President as that contended for by the gentlemen who advocate the policy of imperialism. Govern those people perpetually, permanently, without representation, without any voice in the Government—if that is not despotism, Mr. President, I should like to know what despotism is; if that is not tyranny under the American view, I should like to know what tyranny is.

The truth is, if the Senator from Indiana is to be taken as an authority on that point, we had no business ever to take those islands. If those people are incapable of self-government, as he says they are, then you have ingrafted perpetually upon the American Government a foreign growth, to be controlled, necessarily, by some central despotic power here; and that, I say, is repugnant not only to the letter, but to the spirit of our Constitution.

Mr. BEVERIDGE. Will the Senator yield to me?

Mr. CAFFERY. Yes, sir.

Mr. BEVERIDGE. I understand the Senator to say that if those people are incapable of self-government, then it is necessary that they should be governed by a central and, as he says, despotic power?

Mr. CAFFERY. Yes, sir; but let that central and despotic power be one established by themselves, if they want it; let us keep our hands off of all despotism, and let some other hands enjoy the beneficent pleasure of ruling a subject people.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. TELLER. Does the Senator from Louisiana contend that the Constitution of the United States is in force in the Philippine Islands?

Mr. CAFFERY. The military arm of the Constitution is in force; not the peaceful arm of it.

Mr. TELLER. But I want to know whether the Constitution is there irrespective of any restriction?

Mr. CAFFERY. It is there constructively; it is not there actually; and you do not propose to put it there actually.

Mr. TELLER. But how can we put it there actually? That is the question.

Mr. CAFFERY. Well, Mr. President, the Senator from Colorado knows just as well as I do that the Filipinos and we have been waging war against each other ever since last February, just a year ago, and that it has been impossible for us to have an actual possession of that territory. I do not see any point in stating whether the Constitution is actually there or not in view of the military operations going on in that territory.

Mr. PLATT of Connecticut. I desire now to ask the Senator a question, for which I have previously obtained his consent.

Mr. CAFFERY. Very well.

Mr. PLATT of Connecticut. I assume two things: First, that we are in possession of the Philippine Islands and have a legal title there; second, that the people there are not capable of self-government. What, under those circumstances, shall we do? Shall we get out, or shall we try to bring them up to a condition where they will be capable of self-government?

Mr. CAFFERY. Mr. President, I would say to the Senator from Connecticut, turn them loose as soon as you can do so. That is just my idea about it.

Mr. PLATT of Connecticut. Does the Senator think that would be better for those people?

Mr. CAFFERY. It would be better for us.

Mr. PLATT of Connecticut. Or is it better to try to bring them up to the enjoyment of the blessings and the privileges of free government?

Mr. CAFFERY. It would be better for us to turn them loose as soon as we could, considering all the circumstances.

Mr. MONEY. If the Senator will allow me, would it not be a great deal better for us, whether it would be better for the Filipinos or not?

Mr. CAFFERY. It would be better for us; and what would be better for us would be better for them.

Mr. President, we have heard a great deal of the humanitarian idea of subduing people to civilize them, of killing them to Christianize them, of murdering them to give them the benefit of good government. I should like to know, Mr. President, what is the condition of the provinces of England? I should like to know whether all history does not teach us that no people have ever

wrought out civilization except of themselves, through themselves, and by their own efforts?

There was a time in the history of the world when these dark races, whom we are now oppressing in the Tropics, had more of civilization and enlightenment than the Aryan race, which is now oppressing them. The Mongolian races in China had a civilization antedating ours. There was a time when our ancestors were roving in the forests hunting, pursuing a nomadic life, when these peoples were partially civilized and enjoying the blessings of government.

In this transition of human affairs we now have arrived at the highest degree of excellence in civilization that the world ever saw. But does that civilization give us any charter to impose upon people with fire and sword our particular civilization, our particular views of government? No, sir. If we will continue in the plan that we have heretofore adopted of disseminating the principles of our free government in peaceful methods, we may and will, I believe, in God's providence, live to see a plentiful harvest reaped from the seed of liberty we sow abroad. I believe that by peaceful methods we can instill our principle of government into half-civilized and semibarbaric peoples better than by the Mohammedan principle of fire and sword.

There is not a nation of the world to-day that holds subject peoples—Great Britain particularly—that does not feel the danger, the calamity, of insurrection among her subject tribes and the dismemberment of empire in consequence. The people of India are sullen and discontented. They have not forgotten that the Sepoys were shot at the mouth of the cannon in the great mutiny of the fifties; and, sir, when they are civilized up to that point that the English propose to civilize them according to their not very sincere humanitarian declarations, that will be the signal of the independence of the Hindoos and the absolving of any allegiance that they may have to the British Crown. What good are those people to her?

This thing of commercial greed, this thing of seeking foreign markets in semibarbaric countries is no justification for the aggressive war we are waging against the Filipinos. The game is not worth the candle. The trade statistics show that civilized nations deal mostly with civilized nations, and that the vast mass of our exports are to-day to civilized and not to savage peoples—more than nine-tenths of them. All this glittering, showy panorama of empire and riches amounts to nothing. It is an empty bauble; it is something that perhaps may enrich a few promoters and a few exploiters, but it will not benefit the mass of the American people; it never will benefit them, because that country is not capable of settlement by any white race.

Notwithstanding the statement of the Senator from Indiana of the healing seas, of the delightful breezes, of the fertile soil, of the excellent health enjoyed by the people there, the fact remains that there are not in the Philippine Islands 10,000 Spaniards, after three hundred years of occupation by them. There is no place on the globe where the white race has ever flourished in the Tropics or in the sub-Tropics; and if the prize is held out to the American yeoman that that distant country will afford him a home, will afford an opportunity for him to work up, as our ancestors did, from the wilderness into flourishing States and cities, that promise is vain. It is a promise that will bring nothing but disappointment; and if we expect any addition to our strength by a great increase of our trade from the acquisition of the Philippine Islands, we shall be a very much disappointed people.

I believe it was the Senator from Wisconsin [Mr. SPOONER], or perhaps it was the Senator from Connecticut [Mr. PLATT], who asked me what I would do with those people. Mr. President, I have thought but little on that point. I think that the great error was committed when we ratified the treaty of peace. I think that was the beginning of our woes, and I think the quicker we can get rid of the complications and embarrassments attendant upon the ratification of that treaty the better it will be for the American Republic.

Mr. STEWART. May I ask the Senator a question?

Mr. CAFFERY. Yes, sir.

Mr. STEWART. Would the Senator vote for the passage of a law at this time to dispose of those islands—to give them away, to give those people their independence to get rid of them? Would the Senator withdraw our Army there now and let the islands go?

Mr. CAFFERY. I do not think now is the proper time for that.

Mr. STEWART. When will the proper time be?

Mr. CAFFERY. As soon as we have restored the status quo.

Mr. STEWART. Then the Senator——

Mr. CAFFERY. Permit me to answer your question. As soon as we have restored the condition of affairs to such an extent that those people can be assured of their independence, I believe that the same declaration that we made in regard to Cuba ought to be applied to the Philippine Islands. I believe from the facts I have read that those people are much more capable of self-government than are the Cubans. I believe those people have every muniment and had every muniment of a republic when the cooperation of Aguinaldo was used, if not invited, to crush the Spanish army.

Mr. STEWART. Is the Senator from Louisiana dissatisfied with what is being done now?

Mr. CAFFERY. I am.

Mr. STEWART. Is the Senator dissatisfied with what is being done and what has been done for the last month? Is there anything which has been done since Congress convened of which the Senator disapproves?

Mr. CAFFERY. The Filipinos are in scattered bands, in insurrectionary bands, and we insist upon imposing our Government upon them at the point of the bayonet. That is all. We continue to do just what we started out to do.

Mr. STEWART. Would the Senator stop the war right now?

Mr. CAFFERY. I would call for an armistice; I would promise the Filipinos independence; and there never would be a gun fired afterwards. You can give these people peace the very moment you declare peaceful intentions, the very moment you declare your intention not to absorb them permanently and not to govern them despotically. Then you will not use any weapons; you will have no need to use weapons, but peace can be had by peaceful declarations. As I said, however, it is idle to talk about peace when both sides have arms in their hands and both sides are fighting.

Mr. STEWART. Then your idea is that the soldiers of the United States should lay down their arms?

Mr. CAFFERY. I have explained my ideas sufficiently, and there is no use catechising me upon such quibbling points. That is perfectly idle. My proposition is perfectly plain.

Mr. STEWART. Not to me.

Mr. CAFFERY. Well, then, I can not give the Senator comprehension of my bad points.

Mr. TELLER. I should like to ask the Senator a question, if it will not be out of the way.

Mr. CAFFERY. Very well.

Mr. TELLER. The Senator says that we made a mistake in ratifying the Spanish treaty. I want to know what the Senator would have done instead of ratifying the treaty—what his course would have been? I do not recall what he said about the treaty at the time it was pending?

Mr. CAFFERY. Mr. President, I exerted my utmost powers to procure from the Congress of the United States a declaration in a joint resolution, just as was done in the case of Cuba, that the Filipinos are, and ought to be, a free and independent people. That is what I think ought to have been done, and I think the resolution of the Senator from Colorado—which was a most admirable resolution, and which he himself says, if he had thought of it at the time, he would have made apply to the Philippines—if applied to the Philippines, would have covered the case exactly; it would fill all the requirements of the situation. If we had promised the Filipinos just that sort of autonomy, just that sort of freedom that we declared we would give to Cuba, we would not have had a ripple of excitement, nor would there have been the slightest insurrection in those islands.

Mr. TELLER. Would that have taken the place of the treaty?

Mr. CAFFERY. We should not have ratified that treaty.

Mr. TELLER. What right would we have had there unless we ratified the treaty? What amendment would the Senator have proposed to the treaty?

Mr. CAFFERY. Just the amendment that my friend the Senator from Missouri offered to the treaty, substantially embodying the same proposition that the Senator from Colorado inserted in the Cuban declaration.

Mr. TELLER. Then the Senator would have made a treaty with Spain by which we should guarantee to those people freedom?

Mr. CAFFERY. We would have amended the treaty. It was the easiest thing in the world to do. Spain would have done anything we wanted her to do.

Mr. TELLER. We did not want her to do anything.

Mr. CAFFERY. Spain was compelled to cede the Philippines almost at the point of the bayonet—everybody knows that—and Spain would have signed a treaty in which there was incorporated the same declaration in regard to the Philippines that we incorporated in reference to Cuba.

Mr. SPOONER. Will the Senator from Louisiana allow me to ask him a question?

Mr. CAFFERY. Yes, sir.

Mr. SPOONER. I wish to ask the Senator, if he believes, as he has asserted several times here this afternoon, that at the time of the ratification of the treaty there was a de facto government over there, and that the people are capable of self-government, would he have voted for such an amendment to the treaty as to the Philippines as he voted for as to Cuba? What business would we have had then to stay there a day or an hour?

Mr. CAFFERY. We declared in regard to Cuba that the Cubans were virtually independent; that they were and ought to be a free and independent people. That is what we declared, and

that is what we had a right to declare in regard to the Philippines. If we did not want to wage this war of extermination on the Filipinos we could have amended the treaty. It was sought to be amended, but the amendment was defeated and thrown out. If we had embodied in the treaty of Paris the declaration to which I refer, the Filipinos would have been free—just as free as the Cubans. Of course we would have been bound to see that that declaration was not an empty phrase. We would have been bound to see that that declaration was carried out in good faith, and that they did establish there a free government. After that we would have retired, as we propose to do in the case of Cuba.

Mr. CARTER. Will the Senator yield to me for a question?

Mr. CAFFERY. Yes, sir.

Mr. CARTER. I understood the Senator to state that the Filipinos are unfit for self-government. I will ask how he reconciles to that statement his assertion that he believes we should have caused those people to be declared a free and independent people, charged with all the responsibilities of an independent government?

Mr. CAFFERY. Mr. President, we speak of self-government after the manner of our self-government—a representative government. I do not believe that those people are capable of that sort of government any more than I believe that most of the South American States are capable of that sort of government; but I believe they are capable of making a government of their own on their own consent, not entirely based upon the representative principle. That is what I believe. I have never stated that they were incapable of some kind of government. I have stated, or intended to state, that they were incapable of that sort of government which we enjoy; and there are very few people in the world who are capable of the kind of government we enjoy.

I do not consider the facts in regard to the condition of the Philippine Islands at the time of the destruction of the Spanish fleet and prior and subsequent to that time as being of the high importance of the great principles of our Government, applicable to territories that we may happen to acquire.

The PRESIDING OFFICER (Mr. KEAN in the chair). Will the Senator from Louisiana please suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALDRICH. I ask that the unfinished business may be laid aside temporarily to allow the Senator from Louisiana to complete his speech.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Louisiana will proceed.

Mr. CAFFERY resumed his speech. After having spoken altogether two hours and forty minutes,

Mr. GALLINGER. The Senator from Louisiana suggests to me that he would prefer to conclude his argument in the morning, and if he will yield the floor, I should like to ask consent to have a little bill passed, to which I think there will be no objection.

The PRESIDENT pro tempore. Does the Senator from Louisiana yield?

Mr. CAFFERY. Yes, sir.

PUBLIC BUILDING AT NASHUA, N. H.

Mr. GALLINGER. I ask unanimous consent that the Senate consider the bill (S. 26) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire. A similar bill has passed the Senate three times already.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use and accommodation of the United States post-office and other Government offices in the city of Nashua, N. H., the cost of the site and building complete not to exceed $100,000, which sum is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS AT HOT SPRINGS, ARK.

Mr. BERRY. I ask unanimous consent to call up the bill (H. R. 6073) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes. It is now on the desk. I reported it this morning.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT EVANSTON, WYO.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

Mr. CLARK of Wyoming. Will the Senator from Minnesota yield one moment, that I may have passed a bill which I am very anxious to get through? A similar bill passed at the last session.

Mr. DAVIS. I yield.

Mr. CLARK of Wyoming. I ask leave to call up at this time the bill (S. 329) to provide for and purchase a site and the erection of a public building thereon at Evanston, in the State of Wyoming.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site, and cause to be erected thereon a suitable building, for the use and accommodation of the United States courts, post-office, land offices, and for other Government purposes, at Evanston, Wyo., the cost of the site and building complete not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTER COUNTY, MONT.

Mr. CARTER. Will the Senator from Minnesota yield to me?

Mr. DAVIS. I will.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 704) for the relief of the county of Custer, State of Montana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the board of county commissioners of Custer County, Mont., $4,350, in full settlement of all demands against the United States for the construction of a steel bridge across the Tongue River for the accommodation of the Fort Keogh Military Reservation, in Montana.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' HOME AT CASTLE PINCKNEY, SOUTH CAROLINA.

Mr. TILLMAN. Will the Senator from Minnesota withhold his motion for a moment longer to allow me to have a little bill passed? I do not think it will lead to any discussion.

Mr. DAVIS. I yield.

Mr. ALLISON. What is it about?

Mr. TILLMAN. It is about a soldiers' home. I want an appropriation for my country. I ask unanimous consent for the present consideration of the bill (S. 1018) to establish a branch home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of disabled officers and enlisted men of the Volunteer Army and Navy of the United States.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill.

Mr. HAWLEY. Mr. President, I happened to be out of town when this bill was taken around the Chamber to obtain the consent of the Military Affairs Committee, and I am not sure that I am satisfied with it. I ask the Senator from South Carolina to let it lie for a day, or possibly two, and then we can consult the proper authorities of the War Department and see what is really in the proposition, for I have my serious doubts as to whether those islands are healthful. They were unhealthful to some of us when we were living around Charleston. I ask that the bill may lie over a day or two.

Mr. TILLMAN. Very well.

EXECUTIVE SESSION.

Mr. DAVIS. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 6, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 5, 1900.

INDIAN AGENT.

Joseph O. Smith, of Cortez, Colo., to be agent for the Indians of the Southern Ute Agency in Colorado, vice Louis A. Knackstedt, whose nomination has been withdrawn.

SUPERVISOR OF CENSUS.

Mr. Thad A. Thomson, of Austin, Travis County, to be a supervisor of the Twelfth Census for the Tenth supervisor's district of Texas, vice Edward R. McLean, resigned.

PROMOTIONS IN THE NAVY.

Commander John F. Merry, to be a captain in the Navy, from the 29th day of December, 1899 (subject to the examination required by law), vice Capt. Edwin White, retired.

Lieut. William F. Fullam, to be a lieutenant-commander in the Navy, from the 29th day of December, 1899 (subject to the examinations required by law), vice Lieut. Commander John C. Wilson, promoted.

Lieut. (Junior Grade) Harry H. Caldwell, to be a lieutenant in the Navy from the 29th day of December, 1899, vice Lieut. William F. Fullam, promoted.

Lieut. Commander Uriah R. Harris, to be a commander in the Navy from the 31st day of December, 1899, vice Commander James W. Carlin, deceased.

Medical Inspector William G. Farwell, to be a medical director in the Navy from the 22d day of January, 1900, vice Medical Director Grove S. Beardsley, retired.

Surg. Daniel N. Bertolette, to be a medical inspector in the Navy from the 22d day of January, 1900, vice Medical Inspector William G. Farwell, promoted.

Pay Inspector Daniel A. Smith, to be a pay director in the Navy from the 20th day of January, 1900, vice Pay Director Edwin May, retired.

Rev. L. Paul Rennolds, a citizen of Maryland, to be a chaplain in the Navy from the 31st day of January, 1900, to fill a vacancy existing in that corps.

WITHDRAWAL.

Executive nomination withdrawn February 5, 1900.

Louis A. Knackstedt, of Colorado, who was appointed during the recess of the Senate, to be agent for the Indians of the Southern Ute Agency in Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1900.

POSTMASTERS.

Leander W. Dutro, to be postmaster at Memphis, in the county of Shelby and State of Tennessee.

Richard M. Norment, to be postmaster at Lumberton, in the county of Robeson and State of North Carolina.

Robert P. Caldwell, to be postmaster at Newton, in the county of Catawba and State of North Carolina.

Millard F. Kepner, to be postmaster at New Rockford, in the county of Eddy and State of North Dakota.

George B. Tretbar, to be postmaster at Lamberton, in the county of Redwood and State of Minnesota.

Jesse A. Maxwell, to be postmaster at Fulda, in the county of Murray and State of Minnesota.

Leonard S. Calkins, to be postmaster at Nevada City, in the county of Nevada and State of California.

Moses C. Thomas, to be postmaster at Homer, in the county of Champaign and State of Illinois.

William H. Holt, to be postmaster at Graham, in the county of Alamance and State of North Carolina.

John H. Crowder, to be postmaster at Gordon, in the county of Sheridan and State of Nebraska.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 5, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE TO PRINT IN THE RECORD.

Mr. DALY of New Jersey. Mr. Speaker, on the 19th of last month I submitted some remarks, pending the appropriation bill, on the Gage resolution. I have been engaged since that time trying cases in my State, and did not submit the remarks——

The SPEAKER. The gentleman will suspend until the House is in order. It is impossible for the Chair to hear what is being said. Gentlemen will cease conversation and resume their seats. The gentleman from New Jersey [Mr. DALY].

Mr. DALY of New Jersey. Mr. Speaker, on the 19th day of January I submitted some remarks to the House on the Gage resolution, and held the same for revision and extension in the RECORD. Immediately thereafter I was called home to try some causes and was absent until the latter part of last week and failed to submit the remarks within the time limited under the rule. I now ask unanimous consent to print in the RECORD these remarks. I ask for five days.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks upon the Gage resolution, having failed to do so within the time limited. He asks for five days' time. Is there objection? [After a pause.] The Chair hears none, and the order is made.

JOHN ANDERSON.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee simple patent to John Anderson and the following adult children of said John Anderson, to wit, Julia Anderson, John Anderson, jr., Thomas Anderson, Eliza Anderson, and Maggie Anderson, to all the land now held by them and purchased from the United States under the act of May 23, 1872, and located in Pottawatomie County, Oklahoma Territory.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I hope that we shall have some statement, Mr. Speaker.

Mr. FLYNN. I ask that the report be read.

The report (by Mr. FLYNN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children, beg leave to report that they have had the same under consideration and report that the bill do pass, and attach as part hereof the correspondence had with the Interior Department concerning said bill.

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1900.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, requesting report on the accompanying H. R. 6493, "A bill for the relief of John Anderson, a Pottawatomie Indian, and his adult children."

This bill provides for the issuance of a fee-simple patent to John Anderson and his five children to all the land now held by them and purchased from the United States under the act of May 23, 1872, and located in Pottawatomie County, Okla.

In response thereto I transmit herewith a copy of a report, dated the 24th instant, from the Commissioner of Indian Affairs, in which recommendation is made for the passage of the bill.

The Commissioner's recommendation meets with my approval.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 24, 1900.

SIR: I have the honor to acknowledge the receipt, by your reference, for consideration, report, and recommendation, of a letter from Hon. J. S. SHERMAN, dated January 17, 1900, submitting House bill No. 6493, entitled "A bill for the relief of John Anderson, a Pottawatomie Indian, and his adult children."

In reply I have to state that the said John Anderson is a bright, intelligent man, of fine business qualifications, upon whom this office largely depends for information as to members of the tribe, their identity, and, in case of deceased Pottawatomies, who are their sole heirs and how they became such—important data required of a business committee of six members of the Pottawatomie tribe in the consideration of deeds of conveyance of land in Oklahoma Territory by the several allottees of the Pottawatomie Nation under act of Congress approved August 15, 1894.

Mr. Anderson and his children took their allotments under the act of May 23, 1872 (17 Stats., 159), which required payment therefor and only permitted the issuance of certificates by this office as evidence of title in and to said lands, and their sale was restricted to persons of Indian blood residing within the then Indian Territory, with the approval of the President. If any Indian, by reason of his intelligence and frugality, is deserving of a patent in fee for his land, surely John Anderson is. I take great pleasure in recommending the passage of this bill.

I return herewith said bill and submit a copy of this report.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. SHATTUC, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask unanimous consent for a reprint of 500 copies of House bill No. 15, introduced by Mr. BROSIUS, providing for a retirement fund for clerks. The supply is exhausted, and there is much demand for it.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent for a reprint of House bill No. 15 of 500 copies——

Mr. GILLETT of Massachusetts. Mr. Speaker, I withdraw the request for 500 copies and let it stand simply for a reprint.

The SPEAKER. The gentleman asks unanimous consent for a reprint of House bill No. 15. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

POLLUTION OF WATER SUPPLY.

Mr. BARTHOLDT. Mr. Speaker, I move that the rules of the House be suspended for the consideration of the bill (H. R. 5) to appoint a commission for the investigation of the pollution of water supplies where such pollution affects or threatens to affect the sanitary condition of the people of more than one State.

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That a scientific commission shall be appointed to investigate fully the subject of the pollution of rivers and other natural sources of water supply where the sanitary condition of the people of more than one State is affected or threatened to be affected by such pollution, this commission to consist of five members, to be appointed by the President, by and

with the consent of the Senate, whose compensation during the time when actually engaged in the performance of their duties under this act shall be $10 per diem each and reasonable expenses.

SEC. 2. That the commission shall meet in Washington, D. C., within thirty days after the passage of this act, to consider the methods to be adopted in the investigation, and it shall have authority and be empowered to make use of the services of chemical, bacteriological, and sanitary experts, and of such persons as it may judge most competent by reason of their special knowledge and experience to afford it correct information on the subject of its inquiry, as well in formulating its methods as in carrying them into effect. It shall meet thereafter from time to time at such places as it may consider best suited for the furtherance of its inquiry.

SEC. 3. That the commission shall report to Congress at its next session the progress made in the investigation undertaken under this act, and shall submit such suggestions as may seem desirable, with the view of remedying any insanitary conditions that have been developed by its work.

SEC. 4. That the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated to pay the salaries and expenses of said commission and carry out the purposes of this act.

With the following amendments recommended by the committee:

In line 3, page 1, insert, after "a" and before "commission," the word "scientific."

In line 7, page 1, strike out "three" and insert "five."

In line 11, page 1, strike out the words "$10 per diem" and insert in lieu thereof the words "at the rate of $5,000 per annum."

In lines 2 and 3, page 2, strike out the words "passage of this act" and insert in lieu thereof the words "date of its appointment."

In line 13, page 2, insert, after "report" and before "to," the word "finally."

In line 14, page 2, strike out "progress made in" and insert in lieu thereof the words "results of."

In line 16, page 2, strike out "insanitary" and insert in lieu thereof the word "unsanitary."

In line 18, page 2, strike out the word "thirty" and insert in lieu thereof the word "forty."

Mr. RICHARDSON. Mr. Speaker, I demand a second.

Mr. HOPKINS. I do not know, Mr. Speaker, that I am opposed to this bill, but I demand a second.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri has twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, this is a bill unanimously recommended by the Committee on Interstate and Foreign Commerce. It provides for an investigation of the pollution of water supplies. The investigation is to be conducted by a nonpartisan scientific commission to be appointed by the President, with the advice and consent of the Senate. This, together with a small appropriation, is all that is asked for in this measure. I believe there is no member on this floor who is not interested, from a due regard for the health and lives of his constituents, in the success of this legislation, and a mere statement of the object of the bill seems to me to be sufficient to commend it not only to the members of this House, but to all thoughful and well-meaning citizens of this country.

In our country, as everyone knows, it is the universal practice to discharge the waste of manufacturing establishments and the filth and sewage of cities into the rivers. The question presented in this bill is whether this can longer be permitted to be done without injuriously affecting the health and lives of our people and whether, if the pollution is found to threaten life, it will not be advisable to stop this nefarious practice by legislation. We must remember that it is one of the inalienable rights of the people to have the water for drinking, for watering stock, for manufacturing, agricultural, and domestic uses come to them in its natural and accustomed flow, free from sewage and pollution; and since it is a notorious fact, known to everyone, that this right has not been properly protected, such protection becomes the legitimate object of legislation and a duty and necessity.

Right here, Mr. Speaker, I ask the Clerk to read an extract from consular reports which were made in the year 1895 in response to an inquiry of the State Department upon this very subject.

The Clerk read as follows:

The soil of many of our cities, saturated with the putrefying contents of cesspools and leaking sewers, emits at certain seasons the poisonous emanations which generate typhoid fever, yellow fever, diphtheria, dysentery, and cholera, while the waters of our principal rivers are too often converted into open sewers teeming with pestilential exhalations. The government of every State, whose duty it should be to superintend and watch over the health of the community at large, would do wisely to lay down and carry out an efficient, complete, and common-sense plan of drainage and sewerage for every town and city of the commonwealth.

Were the fearful consequences which result from the reprehensible practice of converting our rivers into open sewers properly understood and properly estimated by the public, no expenditure of time or money would be deemed too great to put an end to a system so disgusting and so destructive to the health and lives of the community at large, but more especially of those whose avocations necessitate their daily and hourly exposure to the evil. Unless this suicidal practice is abated by penal enactment, our cities will ultimately become the hotbeds of pestilence and plagues, such as prevailed in the middle ages.

Mr. BARTHOLDT. Mr. Speaker, the reports following these introductory remarks show that the large cities of nearly all civilized countries have long ago discontinued the barbarous practice of dumping filth and sewage into their running streams. Either the sewage is subjected to a process of purification before it is so discharged, as in London, or it is utilized for irrigation purposes, as in Berlin and other cities. Is it not high time that this subject is taken up here? There is no difference of opinion among sanitary experts and physicians as to the supreme necessity of the case. They are all agreed that the high death rate of typhoid fever in nearly all our large cities is directly traceable to our primitive methods of sewage disposal, and especially to the pollution of our river water. For the present we are not asked to inquire into the methods of remedying the evil, but we are asked by the people and the press to provide for an investigation, an inquiry as to the extent and the nature of the evil; then Congress can make the official reports on this question the basis for further legislative action.

What are we doing? We have city boards of health and State boards of health, but what has been done for the protection of health nationally? By quarantine regulations, it is true, we have endeavored to protect our people against infection from outside, and our Marine-Hospital Service has been very efficient in this respect. But when it comes to the question of infection from within our borders, very little, if anything, has been done. It may be argued that under our system of government this is left to the several States, but how about cases where one State suffers from the practices of another State? Shall the District of Columbia make war upon Maryland because the people of that State are polluting the water of the Potomac? Shall the people of Ohio invade the State of Pennsylvania with an armed force to stop the people of Pittsburg from discharging their factory waste and their sewage into the Ohio River? Shall Missouri read the riot act to the people of Chicago and Illinois because the nasty contents of the Chicago Drainage Canal, recently opened, are being emptied into the Mississippi? Ah, you say the Federal courts will provide a remedy in such cases. True, but this surely does not acquit us of our responsibility and duty. Legislation is had to prevent litigation by establishing certain general rules of conduct and by furnishing at the same time an authoritative measure according to which justice is meted out to all alike. Official reports of a Government commission will largely obviate the necessity of taking expert testimony in court and will be instrumental in each court proceeding in determining the facts. Every consideration of public welfare demands the speedy enactment of legislation of this kind.

Mr. Speaker, I desire to add that this bill has been recommended by the legislatures as well as the State boards of health of a large number of States, and its passage has been strongly urged by the National Medical Association, an organization of physicians extending into every State of the Union.

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Missouri if he undertakes to claim that under the jurisdiction of the courts of the United States no remedy can be invoked by a State where such pollution exists as that to which he refers?

Mr. BARTHOLDT. I have just stated, Mr. Speaker, that the remedy did exist to a certain extent in the Federal courts. But this does not acquit Congress of its duty and responsibility to the people of the country to protect them against this pollution.

Mr. ROBINSON of Indiana. But you are speaking now of the enactment of legislation for a commission to go all over the country and investigate the pollution of rivers without reference to the demand of the people of localities for protection in that regard.

Mr. BARTHOLDT. Wherever the water is used for drinking purposes or agricultural purposes or domestic purposes this commission can be called upon to proceed to the locality indicated and make an investigation and make its report upon the subject.

Mr. ROBINSON of Indiana. But what about the conflict of jurisdiction between the United States and the States? You establish here at once a policy which necessarily leads to a conflict of jurisdiction on matter of State polity.

Mr. BARTHOLDT. The gentleman is mistaken in that. That point has been already settled by the enactment of the national quarantine law.

Mr. ROBINSON of Indiana. But this is evidently an enlargement of the quarantine laws, although there is no question of any pollution affecting a whole section, such as the quarantine laws usually apply to.

Mr. BARTHOLDT. If the gentleman desires to occupy some time, I will yield to him.

Mr. ROBINSON of Indiana. Not just now.

Mr. BARTHOLDT. Then I reserve the balance of my time. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. RICHARDSON rose.

Mr. HOPKINS. Will the gentleman yield to me?

Mr. RICHARDSON. I promised to yield to the senior gentleman from Illinois [Mr. CANNON]. I now yield him five minutes.

Mr. CANNON. Mr. Speaker, this seems to be a proposition to appoint a commission of five persons—a scientific commission—to investigate fully the subject of the pollution of rivers and other natural sources of water supply. The pay of these commissioners

is to be $5,000 each, and the bill appropriates $40,000. It is true the bill makes provision that a final report shall be made to the next Congress; but I think I may fairly prophesy that if this commission be organized its work will be extended for the next year, and the next year, and the next year, and for many years to come.

Now, if this be an important investigation, and if this be the best way to make it, well and good; then let us make it in this way. But, in my judgment, if this investigation should be made at all, there are better ways of making it. I know it is not worth while to talk about economy, and I will not talk of this question from that standpoint.

I repeat, that if there is no other way to do this important work as it ought to be done than by the appointment of a commission, then let us appoint a commission. But I think that if this work is necessary, there is a better way of doing it under existing law. We have a National Academy of Sciences which, for the bare payment of traveling expenses, has done better work on great questions than any or all of the commissions that have ever been appointed. We can under the law refer this matter to that eminent body—nonpartisan, patriotic, capable—and we shall get a prompt report.

Mr. BARTHOLDT. Will the gentleman yield to me a moment?

Mr. CANNON. I have but five minutes. I will yield to the gentleman at the conclusion of my remarks if I have any time left.

That is one way to do this work—through the National Academy of Sciences. There is another way to do it. We have a Marine-Hospital Service engaged in investigating questions of this very kind. That body expends $100,000, $200,000, $300,000, $400,000 a year in the investigation of sanitary questions. Now, let me say, measuring my words, that I believe that this Marine-Hospital Service is more competent than a dozen commissions would be to do this work. If it is important to have this investigation and to arrive at the facts, the Marine-Hospital Service already has the material, the laboratories, etc., for doing this work. It is already doing work along the line of these investigations. Let us refer this matter to that body, if it is necessary to have an investigation, and we shall in that way get the facts.

Commissions, after they investigate, make reports, which are printed and which then sleep the long sleep of death. Nobody reads them. Why, sir, you can find about this Capitol reports of commissions by the cord which have been made during the last dozen years on subjects which most of us did not know were being investigated or reported upon.

Now, as I understand from the dispatches, there is a case pending that meets my friend's view. What moves him, I apprehend, is the question of sewage from Illinois that may reach Missouri.

Mr. BARTHOLDT rose.

Mr. CANNON. I have but five minutes, and the gentleman must excuse me. I presume that is what moves him. Under the law and the Constitution, if the dispatches can be trusted, there is already pending in the court of last resort—the Supreme Court of the United States—this very question. They have got to take the evidence; they have got to try the case; they have got to settle this case of pollution of the national water courses and how the public health in the various States would be affected. And when they come with a judgment it will cover the whole ground. What is the use of vexing the atmosphere with this commission and that commission? If it is wise at all to make an investigation of this sort with this litigation pending, then let us, as I have suggested, utilize the National Academy of Sciences, which can do the work without expense ably and fairly, or, if you will not utilize the National Academy, let us utilize the Marine-Hospital Service.

Now, that is all I want to say; and if I have any time left I yield it to the gentleman from Missouri [Mr. BARTHOLDT].

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BARTHOLDT. Very well; I will take my own time.

Mr. CANNON. I had no wish to be discourteous. If the gentleman will yield to me a minute or two I will answer any question he may wish to put.

Mr. RICHARDSON. I yield to the gentleman from Illinois [Mr. HOPKINS] for five minutes.

Mr. HOPKINS. If agreeable to the Chair, I will allow the gentleman from Missouri [Mr. BARTHOLDT] to yield to my colleague, in order to answer his question.

Mr. CANNON. I did not intend to be discourteous, nor did I want to dodge any question.

Mr. RICHARDSON. It is understood that this does not come out of our time.

The SPEAKER. It comes out of the time of the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman from Illinois has stated that St. Louis is interested in this question. I say yes. If he wants to put the matter in that way, I am perfectly willing to admit that I speak for the people of St. Louis and for the protection of their health and their lives.

Mr. CANNON. Is not the matter being litigated now?

Mr. BARTHOLDT. If the gentleman wants to be put in a position of defending the claims of Chicago, I have no objection to his pursuing that course; but, if I am correct, a gentleman representing Chicago on this floor [Mr. MANN] is a member of the Committee on Interstate and Foreign Commerce, and he has no objection to this bill. The drainage commissioners in Chicago have unanimously passed a resolution advocating the passage of this bill, so that not only in St. Louis and in Chicago, but all over the country, we may have a fair examination by bacteriologists of the highest standing upon this very important question.

Mr. CANNON. I should like just a minute.

Mr. RICHARDSON. I yield a minute to the gentleman from Illinois.

Mr. CANNON. Now, let me say to my friend that I do not represent Chicago as against St. Louis, or St. Louis as against Chicago, two great, powerful cities; but I stand here as a Representative in Congress. I do not know what the drainage district wants, nor what the Representative from Cook County wants, but I say in the interest of the public service, in my judgment, no good result is to be had from the organization of this commission, and upon my own authority, independent of everybody else, I record my protest against it.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] has five minutes.

Mr. HOPKINS. Mr. Speaker, the answer just made by the gentleman who introduced this bill to my colleague [Mr. CANNON] discloses the motive that prompts him to ask Congress to pass this bill, which is to practically appropriate $40,000 for the benefit of the city of St. Louis and the State of Missouri.

Now, gentlemen will observe that the bill creates a commission composed of five members and gives each of these members a salary of $5,000 per annum, thus absorbing, if they take a year, $25,000 of the proposed $40,000.

In addition to that they are allowed also their reasonable expenses, which, in my judgment, would more than double the amount of the salary, because no commission can investigate the rivers of this country for the pittance of $15,000. They will be required to charter a vessel of some kind or character, to go up and down these various rivers, at a large expense to the General Government, so that when they come to make their report, instead of taking $40,000 out of the Treasury of the United States, it will cost from one hundred to two hundred thousand dollars.

Is there any necessity for this, from a national standpoint? Every gentleman familiar with the legislation of our country and the powers and authorities delegated to these various bureaus and departments knows that the Marine-Hospital Service of the Government has absolute control and jurisdiction over this subject. The Marine-Hospital Service is to-day engaged in this very question that is embodied in this bill, and the Marine-Hospital Service, Mr. Speaker, can control revenue cutters, with which they can go into any of the rivers or bays or inlets at a less expense to the Government than would be incurred by this proposed commission, and their investigations are of a nonpartisan character and will be much more important to the general public and to Congress than any investigation that might be made by a commission of this kind.

Then we come back, Mr. Speaker, to this proposition: There being no reason from a national standpoint why an extra commission should be appointed and this extra expense incurred, is there any reason from a State standpoint? The States of this Union have absolute jurisdiction within their limits, and the cities within those States have jurisdiction likewise, and you will find that not only the States, but all the great cities have commissions appointed to look out for and protect the general public from the pollution of any of the rivers, inlets, or bays, and they have, as I say, plenary power within the limits of the State. Now, as between the city of St. Louis and the city of Chicago, is there any reason for this legislation? Why is this newborn zeal of my friend from the city of St. Louis, one of the Representatives from Missouri? He has been in Congress here, to my knowledge, six or eight years, an energetic, pushing, able Representative, but until recently he had never thought that there was any necessity for such legislation as this.

Mr. BARTHOLDT. Just a moment, Mr. Speaker. I desire to say to my friend that this bill was introduced in the Fifty-third Congress by myself, long before anybody thought of the Chicago Drainage Canal ever becoming a danger to the city of St. Louis and its people.

Mr. HOPKINS. Well, I will say, Mr. Speaker, that that bill has been buried with the mass of proposed legislation that has never been brought to the attention of the House. To my knowledge, this is the first time in the history of the gentleman from Missouri [Mr. BARTHOLDT] that it has ever been pressed upon the attention of Congress in the manner now proposed.

Now, as has been said by my colleague [Mr. CANNON], there is on this question of drainage between the State of Illinois and the State of Missouri a case pending in the Supreme Court of the

United States. The State of Missouri has commenced a suit in the Supreme Court, under the provisions of the Constitution, to test this very question of the pollution of rivers, streams, etc., and the State of Illinois, in due time, will make response to that. That is the issue presented, and evidence will be taken in that lawsuit as to whether any of the rivers in Illinois or those in Missouri or that pass by or through it will be polluted by the action of the city of Chicago. I want to know, Mr. Speaker, if the members of this House propose to make an appropriation here for the State of Missouri to litigate a question against the State of Illinois. If Missouri is in that financial condition that the hat should be passed around, let it be done in a private manner and not come to the Treasury of the United States. [Laughter.]

The gentleman ought to know that if this evidence is taken it can not be used under the law at all; and I trust that the members——

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. I yield three minutes to the gentleman from Indiana.

Mr. ROBINSON of Indiana. Mr. Speaker, one feature of this measure presents an evil that is growing in this country and which calls for prompt correction. It is a custom which has become general of appointing commissioners to consider legislative subjects, to voice the wish of Administrations and not the wish of the people, to control the sentiments of the people and not to echo them. Numerous commissions in late years have been appointed, not to protect the voter, but to formulate policies for an Administration. The gentleman from Illinois [Mr. CANNON] says that the reports of the commissioners are useless, as a rule, and are usually buried without reading.

This is a strong argument for economy and against the creation of commissions. But I differ from the gentleman as to many of these commissions, and we find many of their reports brought in and presented to this House, and their superior opportunity for investigating the facts is urged as a reason why we should follow their recommendations. But, sir, they do not represent our constituencies, and every time you authorize a commission to consider legislative subjects you are abdicating your rights as sovereign representatives of the people, not to mention the great expense with which you are burdening them by such creations, and not to mention other evils ensuing.

I have known men with principles firm set and intolerant to be mellowed and won over by the glitter of a commission. Scores of commissions are being appointed, and so far members here are relinquishing their sovereignty and the rights and interest of their constituents. I protest against it.

Mr. BARTHOLDT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BARTHOLDT. I yield three minutes to the gentleman from Maryland.

Mr. PEARRE. Mr. Speaker, this bill comes before the House with a favorable report from the committee, and I desire to say in the very limited time allotted to me that I heartily favor this provision; and more, the additional provisions which I favor are embodied in a bill which I offered to this House early in the present session. This provision adds to the provisions of this bill penalties for the pollution of streams which are the source of water supply to the people of the various cities and towns of the United States. While I favor this bill, I think it incomplete in that it does not define the crime and furnish a penalty for the violation of the law. However, I desire to add my voice to that of the gentleman from Missouri in advocacy of this measure. It has been suggested here by the gentleman from Illinois [Mr. HOPKINS] that the zeal of the gentleman from Missouri [Mr. BARTHOLDT] is new born.

Mr. Speaker, perhaps the zeal may be new born; but it is better that the gentleman from Missouri should be inspired by a newborn zeal to perform a long-neglected public duty than that he should smother in the womb of an unfulfilled duty the zeal which should characterize members upon this floor in regard to the provisions of this bill. Mr. Speaker, this is a matter which is urging the consideration of the people of the United States. The various rivers of the United States have been investigated, and principally among them the Potomac River, on the banks of which I live, and which furnishes the water supply to the District of Columbia, the seat of the National Government. It has already been determined, I will say to my valued friend from Illinois, that the Potomac River is polluted, and that has been determined by the Marine-Hospital Service. It has also been determined——

Mr. HOPKINS. Will the gentleman allow me right there to interrupt him?

Mr. PEARRE. Certainly.

Mr. HOPKINS. If it is true that that work has been done by the Marine-Hospital Service, you can not do anything more than that by this bill.

Mr. PEARRE. I favor additional provisions, and I think that this bill is a step in the right direction.

Mr. HOPKINS. This will not do anything that can not be done by the Marine-Hospital Service.

Mr. PEARRE. I will say in reply to the gentleman that this bill provides for a recommendation of remedial legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. I will yield three minutes to the gentleman from New Jersey [Mr. DALY].

Mr. DALY of New Jersey. Mr. Speaker, for the information of the gentleman from Missouri, let me say to him that if he will consult the laws of New Jersey for the last two years he will find this subject-matter considered; and if he will consult the law reports of New Jersey for the last year he will find that the citizens of New Jersey have enjoined the city of Paterson from dumping its sewage into the waters of the river Passaic, and the entire matter is covered in the decisions, as well as by legislation.

Mr. BARTHOLDT. Will the gentleman permit me to ask him a question?

Mr. DALY of New Jersey. Certainly.

Mr. BARTHOLDT. Does not that relate to a stream altogether within the boundary lines of your State?

Mr. DALY of New Jersey. Yes; but that does not prevent the circuit court of the United States from taking jurisdiction as between two States.

Mr. BARTHOLDT. But this entirely relates to a case where the health of the people of more than one State is affected.

Mr. DALY of New Jersey. If the citizens of Illinois and the citizens of Missouri are injured, or vice versa, one citizen can restrain the other by injunction from the circuit court of the United States the same as a State court would enjoin its own private citizens. There is a complete remedy at law without appealing to the Congress of the United States.

Mr. RICHARDSON. Mr. Speaker, how much time is left in opposition to the bill?

The SPEAKER. Six minutes remain under the control of the gentleman from Tennessee.

Mr. RICHARDSON. Does the gentleman from Missouri wish to occupy any time now?

Mr. BARTHOLDT. No.

Mr. RICHARDSON. Mr. Speaker, I only want to say a word——

Mr. BARTHOLDT. I beg the gentleman's pardon; I did not understand him. If he desires to yield me his six minutes, I desire to accept. There are several gentlemen who have asked me for time to speak in favor of the bill.

Mr. RICHARDSON. No; I want to say a word in opposition to the measure. So far as I am concerned, I am not opposed to the investigation of the pollution of the water of any stream. I have no objection to the investigation being conducted by the Government experts under the direction of the Government; but I submit that we already have sufficient machinery to enable us to make this investigation. We have a number of bureaus that have been referred to by gentlemen who have spoken against the measure, and I am of opinion that they are not overcrowded with work. They have experts, and we are paying them annual salaries and carrying them on the pay roll.

Let us give them something to do. I am opposed to creating a commission of five additional experts now and giving the President of the United States the power to appoint them, to be sent out at all times, and perhaps to be carried along permanently. We have the Bureau for the Promotion of American Science, the Marine Bureau; we have experts in the Agricultural Deparment and in the bureaus of that great Executive Department of the Government, and they can make all this investigation and report to Congress. And then, as stated by the gentleman from New Jersey, the courts already, in my judgment, have ample jurisdiction to take care of this question. I am opposed to creating a commission of five additional experts with the large salaries mentioned. So far as I am concerned, I am content to have a vote taken on the measure. I reserve the remainder of my time.

Mr. BARTHOLDT. Mr. Speaker, I merely desire to say, in answer to the gentleman from Tennessee, that this question of intrusting the Marine-Hospital Service with this work has been thoroughly gone over by the committee. In order to elevate this investigation beyond the possibility of sectional prejudice it was deemed wise to have an impartial nonpartisan commission appointed by the President of the United States, without regard to geographical lines and the sections of the country which are interested in this legislation. It is a well-known fact that the superintendent of the Marine-Hospital Service is a St. Louis gentleman, and while he is an excellent official, we want neither a St. Louis gentleman nor a gentleman from Chicago to be intrusted with this work; and in this instance a gentleman from Chicago happens to be Secretary of the Treasury. We want an impartial, independent commission, free from all sectional preferences and clothed with the highest national authority, a commission which will inspire the confidence so essential to the success of this legislation, and which can come into the House and say to us, "Here are the

facts as we have found them; they are absolutely true and reliable, and now base your further action and future legislation on our report."

Mr. TERRY. Why not let the Interstate Commerce Committee of the House investigate it?

Mr. BARTHOLDT. I now yield three minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, this bill is not an attack on the city of Chicago, as these overzealous gentlemen from Illinois seem to imagine. They say that they have no feeling of that kind, and yet I undertake to say that all the opposition inspired against this measure comes from the city of Chicago. They think in some way that it is an attack on their new drainage system. It is not true. The purpose of this bill is much broader than that. There is a dispute among scientists as to whether or no streams once polluted do speedily purify themselves, and it was to ascertain the very facts with regard to so important a matter as that that this bill found favor with the committee. This is not a new question, but it is one constantly growing in importance. As our cities become more and more populous, as they have drainage systems pouring into the depressions, all of them pouring into the drainage at the head of the streams and along the banks of the streams from which great multitudes of people draw all their drinking water, it is a matter of supreme importance that we should know what the actual facts are.

Some gentlemen say that in a distance of 400 miles, as the current flows in the Mississippi River, the water is purified. Others say in a distance of 15 miles this purification occurs. Now, there is a great range for dispute, and we want to know the actual facts. A little while ago a court found that the waters of the Potomac River north of us, or west of us, was not polluted, and failed to give relief; and yet every man who has passed along the Baltimore and Ohio Railroad has noticed the condition of the Potomac River for a distance of more than 30 miles below the city of Cumberland. I want to know, for one—I think other members of the House want to know—whether or not there is danger from this source. The gentleman from Illinois suggests that we have abundant means, and yet in one hundred years these means have not been invoked. It is necessary that some power should put them in motion. The society to which he refers has not yet undertaken the work which he says they are so well qualified to perform.

The power that might control, perhaps, has not done it, except in the case of the Potomac River, and there, according to my recollection, there was special authority given by Congress.

[Here the hammer fell.]

Mr. RICHARDSON. I yield one minute to the gentleman from St. Louis [Mr. JOY], although I believe that he is on the opposite side of the question from myself.

Mr. JOY. Mr. Speaker, by the courtesy of the gentleman from Tennessee [Mr. RICHARDSON] I want to say one word in behalf of this measure. It is not one in which St. Louis is arrayed against Chicago. I had charge of this bill in the Committee on Commerce, and every member of that committee—from the North and the South, from the Republican side and the Democratic side, from St. Louis and from Chicago—joined me in advocating the measure and requesting that it pass. Representing in that committee the city of Chicago was a gentleman from that city [Mr. MANN], who seconded the motion that the bill be reported with a favorable recommendation.

This is a bill providing for a high scientific commission to pass upon these questions—not in the interest of St. Louis as against Chicago, nor in any other interest but that the people of the United States and especially that the people of my city shall be convinced, as I believe they will be, that this influx of sewage from Chicago through the Illinois River would not injure the health of the people of the great city of St. Louis.

[Here the hammer fell.]

The question being taken on the motion of Mr. BARTHOLDT to suspend the rules and pass the bill, it was not agreed to; there being—ayes 66, noes 87.

PERSONAL EXPLANATION.

Mr. WHITE. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WHITE. I ask the Clerk to read the marked article which I send to the desk.

Mr. CUMMINGS. From what paper?

Mr. WHITE. From the News and Observer, published at Raleigh, N. C.

The Clerk read as follows:

THE COLORED MEMBER.

It is bad enough that North Carolina should have the only nigger Congressman. It is sufficiently humiliating to the white people of the Second district; a sad enough commentary upon the political conditions that have obtained in this State. What shall be said when that nigger Congressman gives utterance to the following on the floor of the House?—

"I have investigated the lynchings in the South and find that less than 15 per cent of them are due to the crime of rape. And I desire to announce here that if it were not for the assaults of white men upon black women, there would be less of the other class."

Thus does the Manleyism of 1898 show its head in 1900. Manley slandered white women in a scurrilous negro newspaper having a local circulation; WHITE justifies assaults by negroes on white women by slandering white men in a speech in the Congress of the United States. We are told that "the public galleries contained many colored people who applauded this utterance vigorously."

So far as this particular negro is personally concerned, he may be dismissed as beneath contempt. There is a far graver side to the matter. This negro is regarded by his race as a leader; he both reflects the sentiment of his race, and his utterances react upon his followers with an effect that was made sufficiently plain by the "vigorous applause" with which his slander was greeted by the negroes in the gallery. As the blatant mouthing of a mere negro, WHITE's utterances are not worth notice; as a fresh manifestation of negroism, of what the negro's attitude is toward the white man, now and always, its significance should not be allowed to escape us.

When a negro of some education and of more than ordinary intelligence among his race can so far forget himself as to use such language in a speech on the floor of Congress, what is to be expected of the more ignorant of his followers? If there were no other reason, this utterance of WHITE's is sufficient to show the absolute necessity of permanent white rule in this State. It makes plain the fact that the negro has learned nothing from experience, and that he is utterly devoid of all sense of official responsibility and of public decency—nay, more, that the negro in office regards himself as the enemy of the white man and is anxious to have his race share in that sentiment. Therefore he becomes a menace to the peace of the Commonwealth and a danger to the safety of both races.

The "inoffensive negro official" is largely a myth. The negro may be inoffensive as a private citizen, but with his induction into office he becomes a new individual. WHITE is typical of his kind. Venomous, forward, slanderous of the whites, appealing to the worst passions of his own race, he emphasizes anew the need of making an end of him and his kind. That is what the white people of this State propose to do. They have had enough of Manleyism. They have more than enough of Negro Congressman WHITE. He must be made an impossibility for the future, and will be. The people of this State will not tolerate that sort of thing. This has been made sufficiently plain already. And after next August it will be so plain that even WHITE, PRITCHARD, BUTLER, and all advocates of Manleyism will be able to understand it.

Mr. WHITE. Mr. Speaker, I desire to give that vile, slanderous publication the widest possible circulation. I desire that it shall go out through the documents of this House that the world may see what the poor colored man in the Southland has to undergo from a certain class.

In making this statement it is proper, Mr. Speaker, that I should exonerate a very large percentage of the white people of North Carolina, my native State. No better people live anywhere on God's green earth than some of them. But, unfortunately, men of the type of him who wrote that article are now in the ascendency.

I desire to repudiate as slanderous and wholly untrue the utterances there attributed to me. I did the other day, while my colleague [Mr. LINNEY] was speaking, interject a remark to the effect that from an investigation which I made last summer, as stated in a paper which I read before a local organization of this city, I had found that less than 15 per cent of the lynchings in this country were for assaults committed upon women, not in the South, but in the entire United States. I repeat that utterance. I did not justify the commission of assaults by black men upon white women on the ground that white men did the same in regard to black women.

I said that there were assaults occasionally committed upon women and that they were not all committed by black men upon white women, but were also committed by white men upon black women, as evidenced by the great numbers of mulattoes in the Southland. I said that then; I repeat it now; and if any man here or elsewhere desires to verify the truthfulness of that statement, he has but to make a visit through the South, where I live.

I repudiate as much as any man can anyone, whether he be a white brute or a black brute, who commits an assault upon any woman, whether a white woman or a black woman. I think such a man ought to be hung—hung by the neck until dead. But it ought to be done by the courts, not by an infuriated mob such as the writer of that article would incite.

Mr. Speaker, this article is but an evidence of what we have got to contend with—an absolute perversion and slanderous misrepresentation of the truth—preparing for the election to be held in August. And the world is notified that those whom the Constitution of these United States, by the fourteenth and fifteenth amendments, has enfranchised are to be reduced once more to the condition of goods and chattels, if such men as the one who edits the News and Observer can have the control of affairs in North Carolina.

As I said before, I want to give the fullest publication to the utterances of this vile sheet; and I want my colleagues in this House, both Democrats and Republicans, with Populists thrown in, to judge my character and my conduct for the last three years on this floor and say whether or not it has conformed to the description given by this fellow who edits the News and Observer and pollutes the country with such literature as has been read at the desk. [Applause.]

ORDER OF BUSINESS.

Mr. HITT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

Mr. ROBINSON of Indiana. Pending that motion, I would like to have an opportunity to ask unanimous consent to occupy ten

minutes. The body of Major-General Lawton to-day lies in my home town—his home—and I would like an opportunity to offer a few remarks on that subject.

Mr. HITT. I will withdraw my motion in order to give the gentleman an opportunity to ask consent.

Mr. ROBINSON of Indiana. I ask unanimous consent to occupy ten minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that ten minutes be accorded him to make some remarks upon the life and character of General Lawton. Is there objection? The Chair hears none. The gentleman from Indiana will proceed.

MAJ. GEN. HENRY W. LAWTON.

Mr. ROBINSON of Indiana. Mr. Speaker, while I speak these words of tribute here the body of General Lawton lies in state at his town and mine, Fort Wayne, in northern Indiana, surrounded by his comrades of the Thirtieth Indiana and by friends and associates of many years.

Maj. Gen. Henry W. Lawton's name will remain in the archives of the nation to commemorate his heroism and his fidelity as a soldier.

He needs no encomium to preserve his fame save the plain, blunt facts of his service in the field.

His life from early boyhood when he enlisted at 18 at Fort Wayne till he laid it down on the field of battle was a career of activity which fulfilled every requirement of a patriotic soldier.

He won his spurs and places of honor in the Army by active service in the field, and never enjoyed the advantage and distinction that come to the college trained.

He was a true type of that strong class commonly known as citizen soldiers, the volunteers. His prowess as a warrior was tested and proven in every mode of warfare. In the civil war, from 1861 to 1865, against foemen worthy of his steel, his own race, in wars with the Indians in the West, later with the Spanish, and last in the war in the Philippines, he showed all the elements of a soldier. In private life he was modest and unassuming. General Lawton's nearly forty years' service in the Army, his long service and activity, make him one of the most deserving heroes of our country.

All Indianians recommended him for a brigadier-generalship in the Regular Army; he had won it, and the President and Senate were about to confer this distinguished honor upon him. This distinction so prized by a commander never reached General Lawton, but his name and fame will survive as if he had received it.

The generosity of individual citizens as shown to his widow voice the esteem in which he is held by them, but the Government which he served so long and well should likewise be generous to her.

Gen. Henry W. Lawton was a born fighter. Without the advantage of an education at the National Military Academy, so essential to recognition and promotion under the Army regulations, he secured a distinction that is rare in the records of our soldiers. These obstructions were overcome by severe hardships, by sore trials of endurance, by great activity, and by intrepidity in four wars. He doubtless saw the longest term of actual field service of any commander in the late history of our country.

He was repeatedly commended in general orders for "vigilance and zeal, rapidity and persistence of pursuit, great skill, perseverance and gallantry," and was awarded a medal of honor for distinguished gallantry in the war.

General Lawton was born in Ohio, March 17, 1843, but with his father moved to Fort Wayne, Ind., in 1858. A more complete summary of the interesting events of his life is presented in a letter which was read on September 19, 1899, at the reunion of his regiment, the Thirtieth Indiana, held at Millersburg, Ind., which letter reads:

HEADQUARTERS FIRST DIVISION EIGHTH ARMY CORPS,
Manila, P. I., August 8, 1899.

MY DEAR COMRADE: Your favor of June 18 has just been received, and I hasten to assure you of my sincere appreciation of the kind feeling which you express for me from yourself as well as from the comrades you represent. If it has been my good fortune, in my efforts to perform my whole duty since the commencement of our war with Spain, to earn the good opinion and admiration of my friends and comrades of the civil war, it is a sufficient and ample recompense for all the effort it has cost me. There are no people in the world who can better judge of the merits of a soldier than those who fought from 1861 to 1865, and none whose good opinion I appreciate more highly.

Concerning the proposition which you refer to—to raise money for the purpose of making some substantial expression of your appreciation of my work—I beg to assure you that your good opinion and good wishes are all that I desire, and I trust that my friends will not burden themselves further. At the same time I beg to assure you of my heartfelt appreciation of your efforts in that direction.

In reply to your inquiries concerning my birthplace, residence, early life, etc., the following, I think, will cover all the facts you desire to know:

My father resided in Fort Wayne, Ind., long before I was born, he having come to Indiana at the time of the building of the Wabash and Erie Canal. I was born, however, on the 17th day of March, 1843, at Manhattan, in the State of Ohio. Manhattan, now a suburb of Toledo, is the point near which the canal entered Lake Erie. Later my parents resided in Maumee City, Ohio, and it is there my first recollections began. I attended the primary schools, at that place, and at the age of 7 years my father went to California, and I, with my mother, moved to Lorain County, Ohio; two years later, my father having returned from California, I went with him to the West, remaining something more than a year in Iowa and about one year in Missouri.

In 1858 my father returned to Fort Wayne, and I entered the Fort Wayne Methodist Episcopal College as a student. Since that time Fort Wayne has been my home. I remained at college until the breaking out of the war in April, 1861, when I enlisted in a company organized by Capt. W. P. Segur, which became part of the Ninth Indiana Volunteers. At the close of my term of service in that regiment I returned to Fort Wayne and immediately reenlisted with Capt. O. D. Hurd, whose company became part of the Thirtieth Indiana Volunteers. At the close of the war I returned to Fort Wayne as colonel of that regiment, entered the office of Judge Ninde (Ninde & Taylor) to read law. In the summer of 1866, at the solicitation of Judge Ninde, I left his office to take a law course at Harvard University, at Cambridge, Mass. I was a student at that institution when I received an appointment in the Regular Army, which I accepted.

As I was appointed to the Army from the State of Indiana, and as I was at the time a citizen and resident of Fort Wayne, my military service should not affect my residence or citizenship, and I still remain a resident of Fort Wayne and a citizen of that State. I have a letter before me from G. W. Boerger, secretary of Harmony Lodge, No. 19, I. O. O. F., dated Fort Wayne, Ind., February 24, 1899, in which the following occurs:

"I have a book before me in which you signed the constitution on the night of your initiation, and it reads, 'H. W. Lawton; residence, Fort Wayne, Ind.; age, 21; occupation, soldier; date, March 24, 1864.' This makes you the oldest living member," etc.

So, you will observe, I was a citizen of Fort Wayne at the time of reaching my majority. The Army Register shows me as appointed from Indiana, and there is on file in the Adjutant-General's Office various statements made by myself at different times, whenever my grade in the Army had to be changed, each of which reads, "Residence, Fort Wayne, Ind." I am also, as you know, a member of Sion S. Bass Post, G. A. R., and I am also a member of Summit City Lodge, F. and A. M., having joined that fraternity, I believe, the same year that I joined Harmony Lodge of Odd Fellows, to wit, 1864.

I have never wavered in my allegiance to the State of Indiana and have never for a moment contemplated a change of residence. Fort Wayne, Ind., is the only place where I could legally cast a vote or where I could have voted at any time since I attained my majority.

I was married to Mary Craig, near Louisville, Ky., in 1881; we have four children, one boy and three girls, all in good health and doing finely. I think you will find my name in a book giving a history of Allen County. I think this gives you all the information you desire and answers all your questions.

I take great interest in the reunions of our old regiments and keep posted as well as I can concerning my old comrades. I have, therefore, heard of the death of many of them, and feel often that the time is close at hand when I, too, must join the great majority as they go marching along.

Sincerely and fraternally, yours,

H. W. LAWTON,
Major-General, United States Volunteers.

A. S. COVELL, *Fort Wayne, Ind.*

Those who knew him at Fort Wayne in his boyhood spoke of his great interest and enthusiasm in all things military, and which presaged his future success in his chosen walk of life.

On the 18th of April, 1861, three days after President Lincoln's first call for volunteers in the war for the Union, at the age of 18, he enlisted as a private in the Ninth Indiana Volunteers.

He was discharged July 29, 1861. On September 24, 1861, he became first lieutenant of the Thirtieth Indiana Volunteers. He was made a captain May 17, 1862. February 10, 1865, he was made a lieutenant-colonel. He was brevetted colonel of volunteers March 13, 1865. He served with his regiment in the field in the Army of the Tennessee throughout that war, and at its close was mustered out, at the age of 22, as lieutenant-colonel, after being brevetted colonel for gallant and meritorious service and awarded a medal of honor for distinguished gallantry.

He was mustered out of the Volunteer Army November 25, 1865. He was commissioned second lieutenant in the Regular Army on the 28th of July, 1866, and served in the infantry until 1869, then in the cavalry until 1888, and thereafter as inspector-general until the commencement of the war with Spain.

Upon the declaration of war with Spain he was made brigadier-general of volunteers, and on the 8th of July following major-general of volunteers. His nomination for brigadier-general of the Regular Army was determined upon and was ready to be sent to the Senate upon the day of his death. He commanded the Second Division of the Fifth Army Corps in the Cuban campaign, rendering distinguished service in the battles before Santiago, and subsequently commanded the Department of Santiago and the Fourth Army Corps. On the 18th of March, 1899, he assumed command of the First Division of the Eighth Army Corps in the Philippine Islands and remained in command of this division in a practically continuous and most eventful service till he fell in battle on the 18th of December, 1899. He was a member of several Fort Wayne lodges—of Sion S. Bass Post, Grand Army of the Republic; of Harmony Lodge, Independent Order of Odd Fellows, No. 19, which conferred upon him a short time before his death a medal of honor as a quarter-of-a-century member; and of Summit City Lodge, Free and Accepted Masons.

The nation which he served so long mourns the death of this distinguished soldier, and Indianians feel it as a personal loss. Fort Wayne, the place of his first enlistment, and the city which during his entire military service he cherished as his home, sincerely mourns his loss, and its citizens met together in a convention of sorrow in December, 1899, with many of his old soldier friends and brothers in affiliated orders, and voiced their sentiments in appropriate resolutions.

As a member of his lodge, as a son of one who fought with him in the Thirtieth Indiana, as a member of the American Congress, I esteem it a special privilege and honor that the Speaker and the

members here assembled turned from important public work to hear this tribute to Indiana's hero.

No truer sentiment can be spoken of General Lawton, no better tribute can be paid him, than to say he lived and died in the esteem of all his countrymen. The hearts of the volunteers were ever with him in his struggle up the obstructed stream of promotion in the Army, made difficult by his not receiving a military college education. He was their idol, and his heart was ever with the volunteers till it ceased to beat on the field of battle. No man was ever more popular with the volunteer soldiers than Maj. Gen. Henry W. Lawton. [Applause.]

CONTESTED ELECTION—EVANS VS. TURNER, FIFTH DISTRICT, KENTUCKY.

Mr. LINNEY. Mr. Speaker, I desire to present a privileged report from the Committee on Elections No. 1.

The SPEAKER. The gentleman from North Carolina submits the following privileged report.

The Clerk read as follows:

Resolved, That Walter Evans was not elected a member of the Fifty-sixth Congress of the United States from the Fifth Congressional district of Kentucky and is not entitled to a seat therein.

Resolved, That Oscar Turner was elected a member of the Fifty-sixth Congress from the Fifth Congressional district of the State of Kentucky and is entitled to a seat in the Fifty-sixth Congress.

Mr. LINNEY. Mr. Speaker, as I am informed there is to be no minority report, I ask for the immediate consideration of the resolutions.

The SPEAKER. The gentleman moves that the report of the committee be agreed to.

The resolutions were agreed to.

On motion of Mr. LINNEY, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION—PEARSON VS. CRAWFORD, NINTH DISTRICT, NORTH CAROLINA.

Mr. ROBERTS, from Committee on Elections No. 3, presented the report of the committee in the contested-election case of Pearson *vs.* Crawford, Ninth district, North Carolina, stating that it was agreed to in the committee that the minority should be given ten days in which to present their views.

The SPEAKER. If there is no objection, ten days will be allowed the minority in which to present their views.

There was no objection.

The report was ordered to be printed and referred to the House Calendar.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

And then, on motion of Mr. HITT, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, with Mr. SHERMAN in the chair.

Mr. HITT. Mr. Chairman, I move to dispense with the first formal reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks to dispense with the first formal reading of the bill. Is there objection?

There was no objection.

Mr. HITT. Now, Mr. Chairman, before proceeding further, I should like to make some agreement with the gentleman representing the minority of the committee as to the time desired for general debate.

Mr. DINSMORE. Mr. Chairman, I suggest to the gentleman from Illinois [Mr. HITT], the chairman of the committee, that I have had applications from a number of gentlemen who desire to speak. Several gentlemen on the committee desire to be heard, and one or two others have asked for an opportunity to address the House on this bill. So I suggest to the gentleman that we let this day be devoted to discussion of the bill under general debate, without placing any other limitation upon it.

Mr. HITT. I think, Mr. Chairman, with such an arrangement, the practical result would be to give the time substantially to the minority, and only a small part of it will be asked for by the majority, as far as I am advised, and I will make that agreement on behalf of my colleagues, that we close the general debate to-day. The committee can rise when general debate is closed, and we will proceed to read the bill by paragraphs to-morrow.

Mr. DINSMORE. Mr. Chairman, that was not my proposition to the gentleman. I suggested that we place no limitation as yet upon the general debate; that we agree only to devote this day to general debate and leave it until to-morrow morning to determine what limitation shall be placed upon it. I hope we shall be able to get through with it to-day, but I am doubtful about it, if anybody speaks upon the other side, because of the applications to speak on this side. I would rather have a more liberal allowance than that. I am sure there is plenty of time.

Mr. SHAFROTH. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Colorado?

Mr. HITT. Yes; I yield to the gentleman from Colorado for such remarks as he desires.

Mr. SHAFROTH. Mr. Chairman, I understand from the ranking member on this side of the House that he has received applications from members of the committee that will consume all of the time that will be allotted to him on this side. I will state that I should like to talk——

Mr. HITT. I will supplement his statement by saying that I will give him some additional time which belongs to our side of the House, which we do not expect to consume.

Mr. SHAFROTH. I will state, Mr. Chairman, that it seems to me that the proposition of the gentleman from Arkansas [Mr. DINSMORE] is fair, and that debate ought to be extended in this matter, at least for a reasonable time. I should like to have some time myself to finish a talk that I started here the other day. If that time is given, why, of course, it will be satisfactory to me that we finish to-day, if no other member desires to occupy more time.

Mr. DINSMORE. I submit, Mr. Chairman, that it is unusual to allow such a short time as this. There is no demand now on the time of the House. We have been meeting and adjourning and transacting very little business, and I think if gentlemen desire to be heard they ought to be indulged.

Mr. HITT. What would the gentleman say to 2 o'clock to-morrow as the time at which to close general debate?

Mr. DINSMORE. I would rather leave it open entirely.

Mr. HITT. We can settle that at any time. I will assent to the gentleman's proposition that to-day be devoted to general debate.

Mr. DINSMORE. Leave it until to-morrow to determine at what hour debate shall close.

Mr. HITT. And the committee will rise when it sees fit.

The CHAIRMAN. The Chair understands that no arrangement has been made.

Mr. HITT. There is an arrangement as to general debate—that it shall continue and consume this day, and that no vote shall be taken to-day.

The CHAIRMAN. That is simply a statement of the gentleman, and it has not been put to the committee as the request of the gentleman from Illinois.

Mr. HITT. I request, then, that general debate only be in order for to-day.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate alone be in order for to-day upon this appropriation bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HITT. The time will be controlled, I suppose, according to usage.

The CHAIRMAN. Without some arrangement, that would not be so.

Mr. HITT. The gentleman from Arkansas can suggest an arrangement.

The CHAIRMAN. The gentleman asks unanimous consent that the time may be equally divided between the two sides of the committee, to be controlled on the one side by the gentleman from Illinois and on the other by the gentleman from Arkansas. Is there objection to that request? [After a pause.] The Chair hears none.

Mr. HITT. Mr. Chairman, before general debate begins, which will not have much to do with the bill, I will say a word about the measure itself as it is before the House. It appropriates the money to support the consular and diplomatic service of the United States for the next fiscal year. The amount is $1,743,408.76, or $31,875 more than we appropriated last year, and some $152,440 less than the estimates of the Department. I will say to gentlemen to whom the bill may not be familiar, that this apparent appropriation is far greater than the real burden to the Treasury and to the taxpayer.

Half of the amount that is appropriated is paid into the service by the officers of the Government. Over $900,000 was paid into the Treasury by the consuls. Many of the other items that are in this bill which seem very large are in their nature contingent, and are rarely if ever all expended, sometimes not one-fifth; but it is always deemed prudent to make these appropriations for apparently considerable sums of expenditure. Some of them are not nearly all expended and some, as, for instance, expenses on extradition cases, is all reimbursed by the foreign governments; so that the sum to be taxed upon the people and drawn from the Treasury is far less than the amount stated in the face of the bill.

The bill is substantially a repetition of existing legislation. By the rules of the House the committee is forbidden to make changes in existing law, and we have only made changes in those items which are of such elastic nature that they can be considered as subject under the rules to change in amount. Though the expenditure is for an object authorized by existing law, some salary appropriations have increased apparently, because a number of officers are in this bill for the first time paid by fixed salaries,

where they have heretofore been paid by fees. They now appear for the first time upon this bill as increases apparently.

Such offices are at Aden, on the Red Sea; at Chihuahua, Mexico; Ensenada, Mexico. The difference between the amount paid heretofore as fees and the amount of the salary now given is so inconsiderable that it is hardly perceptible. At Aden, where the fees now amount to $1,479, the salary is fixed at $1,500. At Chihuahua the fees were $1,430, and that is made a salaried consulate at $1,500. It is desirable always that the compensation of the officers of the Government should be fixed and the various sums stated plainly in the law. For the information of the House I have stated these changes.

There is some increase in the amount allowed for contingent expenses of foreign missions, namely, $20,000, but really an increase of $17,000 appropriated, as $5,000 for the inspection of diplomatic and consular offices, heretofore a separate item, is put in the category of contingent expenses for foreign missions, and it will be paid out of this contingent fund. For the Mexican Boundary Commission $20,000 is appropriated. When the matter was before the committee they first cut it down $5,000, but at the last moment, on a statement from the Secretary of State that it was needed immediately for the Government's pressing wants, it was put at $20,000.

There were a large number of recommendations by the Department which we could not under the rules accede to, increasing the salaries paid to consuls at many points where they are too low, and also in the allowances for clerk hire. We have taken one, where the highest amount of labor is done in the transaction of business, at London, where the consul-general himself has to pay for additional hire. We have taken and added the sum paid by him and made the allowance.

The bill, gentlemen, is a good bill. It was reported by the committee unanimously. I think it is inadequate provision for a service which itself is inadequate and ought to be increased and improved. I would have been glad to make better provision for a service that is increasing in its duties every year and a service that has proven more and more valuable every year to the great commercial interest, especially in promoting the enormous and rapidly increasing exportations of our manufactured goods everywhere.

In that work these men are our agents, furnishing information, promoting trade. They are a kind of propaganda all over the world for the sale of our products that are now invading every market. Their compensation and number ought to be increased, as they are increasing in their efficiency. I will now yield to the gentleman from Arkansas [Mr. DINSMORE].

Mr. DINSMORE. Mr. Chairman, as has been stated by the chairman of the Committee on Foreign Affairs, the bill which has been reported from that committee has but few changes from the law of appropriations of last year for the diplomatic and consular service, and those changes are such as were suggested and demanded by changed conditions since the former law was enacted. Therefore, there is no necessity for any discussion of the measure in itself. It has been reported to the House unanimously from the committee. But, sir, I desire to avail myself of this opportunity to submit a few observations upon the general conditions in the country in relation to foreign affairs and in relation to our Government's action toward its recently acquired possessions or those which it is now struggling to acquire.

I will read, in the first place, Mr. Chairman, from the President's annual message sent to Congress at the beginning of the present session, in which we find this language:

> The withdrawal of the authority of Spain from the island of Cuba was effected by the 1st of January, so that the full reestablishment of peace found the relinquished territory held by us in trust for the inhabitants, maintaining, under the direction of the Executive, such government and control therein as should conserve public order, restore the productive conditions of peace so long disturbed by the instability and disorder which prevailed for the greater part of the preceding three decades, and build up that tranquil development of the domestic state whereby alone can be realized the high purpose, as proclaimed in the joint resolution adopted by the Congress on the 19th of April, 1898, by which the United States disclaimed any disposition or intention to exercise sovereignty, jurisdiction, or control over Cuba, except for the pacification thereof, and asserted its determination when that was accomplished to leave the government and control of the island to its people. The pledge contained in this resolution is of the highest honorable obligation and must be sacredly kept.

So said the President of the United States, and when he used this language I believe that he earnestly felt what he uttered, that it was his purpose, so far as he was able as the Chief Executive, to see that the faith pledged in the resolution of Congress that he recites should be kept by this Government. In connection with this message, I want to call the attention of the House to one or two incidents. Just after it was sent to Congress by the President the Committee on Rules, which has complete control of procedure in the House, reported a resolution creating a new committee to take jurisdiction of certain legislative matters.

That committee was styled, is styled, the Committee on Insular Affairs. It was supposedly created to take jurisdiction of matters appertaining to the undisputed territory of the United States. Prior to the creation of this committee the Committee on Foreign Affairs had jurisdiction of all things appertaining to the relations between the United States and Cuba. Presumably it was not done because of any doubt of the ability of the Foreign Affairs Committee to continue successfully to manage that business.

The resolution, before it was referred to the Committee on Rules and reported back, did not provide for the transfer of that jurisdiction to the Committee on Insular Affairs; but the Committee on Rules, for some reason best known to its members, provided by the resolution that the jurisdiction should be taken away from the Committee on Foreign Affairs. What was it, Mr. Chairman? What motive impelled them to that action? The Committee on Rules does not act without some purpose. The resolution as introduced in the House, before it was reported back by the Committee on Rules, did not provide for the transfer of the jurisdiction.

Why, I ask again, did they see proper to make such a transfer to the new committee from the Committee on Foreign Affairs? The new committee has its hands full of the business relative to other matters, and the Committee on Foreign Affairs is left with practically, at this time, nothing to do. I am glad that, since the Committee on Foreign Affairs is relieved of the business and it has gone to the Committee on Insular Affairs, a committee very able in its personnel, that our very able chairman [Mr. HITT] was made a member also of the new committee. I am not especially jealous of the fact that the jurisdiction has been taken away from the Committe on Foreign Affairs, but I deplore the fact that this action on the part of the Committee on Rules has an appearance of a purpose not to carry out the will of the President as expressed in his message, but to give color to a pretension which may be later boldly asserted, that we have rights in the island of Cuba beyond the pledge of Congress, and, in violation of it, that there is an ultimate purpose to destroy the liberties which our men fought for at Santiago and achieved for the Cubans. I do not impute to any particular person bad motives.

I do not say that men act dishonestly; I believe there is not a gentleman in this House who, if confronted with the proposition contained in the President's language with reference to Cuba, would not assert that that is the purpose of Congress. He would resent indignantly any imputation that he had any other purpose, but at the same time it is in the atmosphere and we hear it on all hands that other things will happen; doubts are expressed, not only by the ordinary individual in the common walks of life, but by men of official character, although not making the statement officially, as to whether the United States Government will ever relinquish its hold on the island of Cuba.

Why all this talk, Mr. Chairman, about who shall haul down the flag? It is as applicable to Cuba as it is to the Philippines. Who shall haul it down, they say, where once its folds have sheltered any territory? It must be left and never pulled down. I myself have heard from individuals the assertion that we never will abandon Cuba. We are told that we dare not leave the Philippines to themselves; that they are incapable of self-government. Are they more so than the Cubans? Admiral Dewey has told us they are less so.

Now, let us consider the conditions in Cuba and in the Philippines at the outbreak of the war and compare them with each other.

Mr. BOUTELL of Illinois. Will the gentleman allow me a moment?

Mr. DINSMORE. Certainly.

Mr. BOUTELL of Illinois. I should be glad if the gentleman from Arkansas, in this connection, would state whether he would be in favor of the annexation of Cuba if the people of Cuba so voted.

Mr. DINSMORE. Mr. Chairman, I say to the gentleman that I have for a long time, as a citizen of this country, felt a desire that at some time we should possess the island of Cuba; and if at any time I recognized that there had been a full, free, fair, untrammeled expression of a desire on the part of the Cuban people themselves to be admitted into this Union, they coming in with a proper form of government to entitle them to admission, and their people were prepared for it, I would favor it. I will say furthermore to my friend that never would I favor any such method as that adopted when the Hawaiian Islands were annexed, when the people of those islands were not consulted—nobody, practically, except a lot of missionaries, traders, and commercial adventurers.

Mr. BOUTELL of Illinois. I referred simply to a full and complete vote on the part of the people of Cuba, asking for admission.

Mr. DINSMORE. Well, I have answered the gentleman as definitely as I could and, I hope, to his satisfaction. I do not want to be drawn beyond the limits which I have set for myself in this discussion and which I propose to follow in a general and brief way.

But if the flag can not be pulled down in the Philippines because the honor of the nation is involved, and so it is said; if we have pledged to civilization anything in behalf of the inhabitants of the Philippines, is it not fully so with regard to the Cubans? There

is at least this to be said: With reference to Cuba, we defined what honor demands, in the name of liberty, by Congressional action. Yet it seems, according to the President, that honor demands one thing in Cuba and another in the Philippines. Admiral Dewey has told us that the Filipinos are more capable of self-government than the Cubans. He has said that he is familiar with the two peoples and that in his view the inhabitants of the Philippine Islands are more capable of self-government than the Cubans. Is not liberty as dear to one as to the other?

Mr. Chairman, the Cubans and the Filipinos have suffered under the same cruel oppression and tyranny of the same despotic power. When we went to their relief the people of Cuba were in insurrection against that tyranny and so were the Filipinos, each having organized armies, the army of the Filipinos the larger one and more capable and better armed than that of Cuba, both struggling for liberty with the same cause, the same justification exactly, though their interests and revolutionary actions were not mutual.

When Cuba, which is nearer to our own borders, sent up her cries of distress, drawn forth by Spanish persecutions, which were unheeded, the people of the United States, after patient and earnest protests, demanded that action should be taken on the part of this Government in their behalf.

Why? For the purpose of territorial acquisition? Not at all; that we specifically disavowed; but because the condition of suffering, distress, and oppression in Cuba appealed to the sympathy of the most liberty-loving people on earth, a people who have established for themselves a government under which liberty abounds and whose people desire to see it enjoyed by all who aspire to independence and freedom. By a solemn resolution of Congress we declared that they were and of right ought to be free and independent; we invoked the power of this great Government to make them so; and for fear of that spirit of greed which dwells in the minds of men grasping after money, we provided in that resolution that it was not the purpose of the United States to carry on a war of conquest or to exercise any dominion or control in the island of Cuba, but to give those people freedom and then to withdraw our forces.

The country is familiar with conditions existing in Cuba at the outbreak of hostilities, and the official correspondence of our consular officers on file in the State Department, published with other important correspondence, which I shall allude to hereafter, in Senate Document 62, has informed us equally well the state of affairs in the Philippines. The conditions were exactly similar. Consul Williams, writing from Manila to the State Department on February 22, 1898, said:

> Peace was proclaimed. * * * but there is no peace and has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are of almost daily occurrence, and ambulances bring in many wounded, and hospitals are full. Prisoners are brought here and shot without trial, and Manila is under martial law.

Writing again, March 19, 1898, Mr. Williams said:

> Insurrection is rampant; many killed, wounded, and made prisoners on both sides. A battle ship, the *Don Juan de Austria*, sent this week to the northern part of Luzon to cooperate with a land force of 2,000, dispatched to succor local forces, overwhelmed by rebels.
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> * * * * * * *
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> Rebellion never more threatening to Spain. Rebels getting arms, money and friends, and they outnumber the Spaniards, resident and soldiery, probably a hundred to one.

In his letter of March 27, Mr. Williams said:

> Cuban conditions exist here possibly in aggravated form. Spanish soldiers are killed and wounded daily, despite claimed pacification, and the hospitals are kept full.

When our forces are to be withdrawn I can not say; no other gentleman can say; but I hope it may be early. Yet I have grave fears that it will be never, notwithstanding the President's message, saying our "pledge is of the highest honorable obligation and must be sacredly kept." We know his and his party's purpose in the Philippines, and we doubt. People who will not recognize a moral obligation because it is not evidenced by a sealed contract may easily find a way to break the terms of a written bond, especially so when the reasons assigned for the justification of the one are, if true at all, which I deny, equally applicable to the other. What great differences exist that we are impelled on the one hand to act in the name of liberty and on the other for the purpose of oppression and in denial of freedom?

Mr. PEARCE of Missouri. If the gentleman will allow me——

Mr. DINSMORE. Certainly. I yield to the gentleman.

Mr. PEARCE of Missouri. I do not desire to interrupt the thread of my friend's argument, but his views are always interesting to me, and I would like him before he concludes his remarks to elaborate an affirmative proposition as to what, in his judgment, would be a proper solution of the Philippine problem.

Mr. DINSMORE. I shall be very glad to do so, and I do not know that there will be a better opportunity than the present, because I have no prepared speech to deliver.

Let us take a retrospect for only a moment. If there are any embarrassments or difficulties presented to us to-day in withdrawing our forces from those islands or in taking a position which does not look to ultimate and permanent sovereignty, that condition is due to the fault of ourselves, and not to the inhabitants of the Philippine Islands.

But whatever the embarrassment may be to-day, I say, without hesitation so far as I am concerned, that in respect to every tradition of this Government, with respect to our Constitution, with respect to the Declaration of Independence, which breathes a holy assertion of the principles of liberty and the rights of all men to participate in their own government and control, in view of our own interests, commercial and industrial, this Government should officially say now—we having failed to say it formerly, as we should have done—to those people who are in arms against the United States: "It is not our purpose to acquire permanent sovereignty over you. It is not our purpose to hold you in subjection and to force upon you a government to which you yourselves have objected. We will not do so. We offer to you our friendly assistance to restore peace and order and to establish a government of your own."

That is what they expected of us in the beginning; and if that proposition had been made to them at any time during the progress of this war, it is my belief that they would have come to terms and laid down their arms, and there would have been a cessation of hostilities. And having done this, I would make a treaty with that government on the part of the United States and withdraw from it and no longer be responsible for it otherwise than as provided for in that treaty. [Applause on the Democratic side.]

That is easy of accomplishment. Why not? What peculiar obligations rest upon us that will prevent us from doing that?

There are two arguments used, two reasons assigned on the part of the annexationists. The one is in the name of civilization and alleged humanitarianism, the other in the name of trade and commerce. These two alone.

The speeches we hear are not arguments directed to reason; they are appeals to sentiment, to the hearts of the people, their love for the flag, and they charge us with interfering with the progress of American arms, and we have been branded in the yellow journals, and even by men in high official station, as "traitors" and "copperheads."

Mr. Chairman, the flag is a prolific theme. The mere mention of the flag of our country stirs the hearts of all Americans. When an appeal is made in its name by the sophist, it reaches the unreflecting and carries them away at times. Who does not love the flag! We love it because it is the emblem of liberty; because it is the ensign under which this great country has grown in prosperity and wealth and happiness and power; because it stands for the liberty of the individual citizen and for the right of the people to govern themselves, and never, until this new era of dishonor, has it ever been emblematic of anything else.

"Who will haul it down?" I should say that a President of the United States, loving that flag for itself and every association, loving it because it means the best things that have ever been accomplished in this country—and if the simple principles of our Constitution and our system of government are adhered to, as in the past, it means more and greater growth in happiness and material prosperity—that that President, unwilling that the flag should stand for anything other than is consistent with our professions in the past, our life as a nation and a people, should, by his own order, have it taken down where it means the subjugation of any people on earth against their own will. [Applause on the Democratic side.]

My friend from Pennsylvania [Mr. SIBLEY] the other day made a very happy and eloquent speech as an annexationist. I listened to him with a great deal of pleasure. I always do. I have for him the kindliest feeling of affection, and my admiration of his speech on that occasion was not in the least disparaged by the fact that I knew he could make just as eloquent a speech and a much stronger one upon the other side of the question, and probably will before he is two years older. I am justified in making that statement by the fact that I have heard him make very able speeches on two sides of a question quite as important as this since I have been in Congress.

He glorifies the flag. He says that he is an optimist, and I truly think he is, in the superlative degree. I can not, like him, plant myself on hope alone, and without reference to practical conditions, in disregard of the operation of legal and constitutional restraints, forgetting our best and holiest traditions, bidding defiance to the things that have wrecked governments in other lands and other ages, declare my belief "that on this continent God has willed to plant a people who shall carry the arts of peace and the story of the cross to the nations of the earth" and at the same time offer the sword and the bayonet as the instruments of that achievement. God hath said, "They that live by the sword shall perish by the sword."

My friend used this language with reference to Rome, which I recall, and quote from the RECORD:

Mr. Speaker, we have held up to us for warning the history of Persia and Greece, of Babylon and Rome. They have flourished and have faded. They had their morning hour and their meridian and went out in the blackness of night. Rome expanded until, like a wheel, the spokes radiated from the hub throughout Europe, Asia, and Africa. The collapse of her power and of every empire of the past came not from the weakness of the periphery of the wheel, but from the rottenness of the hub.

Mr. Chairman, that is exactly what we, of conservative position upon this question, desire to prevent for our own country—the rotting of the hub. The gentleman is correct, but when the periphery was extended to such remote bounds, when so many spokes were crowded into the hub, when an enormous military establishment became necessary to keep in subjection and order all this wide domain over which Rome exercised control, then it was that the possibility arose for corruptions to begin at the center of government and the hub became strained and split and cracked and rotten, and the whole Empire came tumbling down, a mighty heap of ruin upon the heads of people who had enjoyed liberty before.

We would pursue a conservative, safe course in this country. We desire to refrain from expanding our dominion away out into the islands of the sea, because we believe it is dangerous; because we believe the creation of great standing armies is not only expensive and a drain upon the substance of the people, but that it imperils their liberties; because we believe that it tempts the jealousy of other nations and makes us a party to the contest going on in the great Orient for the possession of territory when we do not need it for our own uses.

I do not believe, Mr. Chairman, in the theory of commerce by military establishment. I believe that commerce follows peace. I do not believe in the trade of the bayonet; I believe in the trade of the pen and countinghouse. I do not believe in the trade of the man-of-war with bristling cannon; I believe in the trade of the ship that flies under the white sails of peace and friendship and thrift and competition, bearing our commerce to every clime and offering it to the world upon terms which are reciprocally beneficial to it and to us. This is the true theory of commerce, and no other can be justified. By it we maintain peace and friendly relations with all the world. By the other we constantly hazard the liberty of the people and endanger our Government to disturbances and embarrassments with foreign powers.

But, Mr. Chairman, I ask the House to reflect a moment upon the theory of commerce as a justification of the Administration's policy. If this war is being waged for money, that there shall be additional trade established for the benefit of those who sell and buy in this country, what is the price that we pay? It is not only the millions of dollars that go out from the Treasury to maintain permanent armies; it is not only the millions of dollars that will be necessary in the future to maintain colonies under military rule; not that alone; we are paying for it in the precious blood of our land. Who shall adjudge the value of an American soldier's life? Who shall place it in the scale with trade and dollars and material wealth?

Who shall say how many lives we will be justified in expending for the establishment of the trade which gentlemen value so highly? The soldier must do his duty. His duty is to obey orders, and the President is his officer of supreme command. No matter what the danger, what the cause. Soldiers know nothing of causes. When ordered to fight the Filipino, could they refuse?

Not tho' the soldier knew
Some one had blundered:
Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die.

Ah, Mr. Chairman, the blunders of this Administration have accomplished a fearful harvest of death. The Washington Post two days ago gave this telegram from San Francisco:

REMAINS OF 800 AMERICAN SOLDIERS.

SAN FRANCISCO, *February 2, 1899.*

A cable from Manila was received from the quartermaster's department stating that the *Hancock* sailed for San Francisco on January 19 with the bodies of 462 dead soldiers. The *Indiana* is expected in immediately with 200 bodies, and the *Ohio*, with 138, arrived to-day.

Over 800 dead soldiers brought back to their native land. Dead, Mr. Chairman and gentlemen. Dead, Mr. President and Messrs. Commissioners. Dead, as a logical, inevitable result of your blundering, grasping policy. Sacrifices offered up by this Administration in the name of trade, in the cause of greed, in the cause of a false and hypocritical philanthropy. I protest against it. Even this morning the gentleman from Indiana [Mr. ROBINSON] arose to announce that the gallant General Lawton to-day lies in his native city in state, with his comrades and his friends weeping about him.

That great life was given as a sacrifice, an enforced sacrifice, by this Administration to establish domination in the Philippine Islands. By what right are these 800 lives sacrificed? And there have been many more and there will be yet more. These boys who went away a few months ago under orders, and bearing upon their lips the parting kiss of sweetheart, sister, wife, and mother, followed across the seas by prayers of loved ones at home, are now returning cold and dead, bringing a pall of gloom into thousands of homes. Ten thousand weepers and mourners will stand about them, and pour out tears before the broken forms of those that "sleep the sleep that knows no waking." And may I be permitted to ask of the President, of every Republican in the country, and of my good friend from Pennsylvania, how many more American lives they feel justified in sacrificing, how many more homes shall be made desolate, in the name of trade and "mercy?"

That is the price that is being paid for the domination of the United States in the Philippines; that is the sacrifice that is being exacted by the President. Is it with the consent of the people? Was it done with the consent of Congress? Congress was not consulted in regard to the action to be taken in the Philippines. This calamitous condition was brought upon us by the action of the Administration, by the Executive and his officers.

He sent his commission to Paris to effect a treaty of peace. There was but one thing that stood as an obstruction to the speedy accomplishment of that purpose. They demanded cession of the Philippines. Under instructions, the American commissioners held the knife at the throat of a prostrate, beaten antagonist, and holding out $20,000,000 as a bribe, added to intimidation, induced him to yield a reluctant consent; $20,000,000 were given as consideration for the privilege or as a pretext to crush the Filipinos and force them into subjection to this Government against their will; $20,000,000 were paid for an excuse to sacrifice thousands of lives of Americans and islanders in the name of God and trade; and gentlemen call this "carrying the arts of peace and the story of the Cross to the nations of the earth."

How does this appear to you? What kind of sentiment does it engender, what feeling inspire, in view of all that was said and done in the cause of liberty for Cuba? Now, "honor" demands that we must wage cruel war against the Filipinos to force them to submit to that which under the dictates of honor we freed the Cubans of. So it runs all through, the same character of dissimulation and false pretense, for I must call it that; and they insist that we are now committed to it forever by the action of the Filipinos themselves, which is but adding one degree more of hypocrisy.

Mr. Chairman, when we have cited them to the fact that we gave the Filipinos cause to believe that we would assist them to independence, and that we sought and had their cooperation in fighting the Spaniards, that by their aid the Spaniard was crushed in Luzon, they say there was no cooperation. There was a practical alliance between our forces and Aguinaldo; but this, too, is denied.

A commission appointed by the President, in their "preliminary report," which was filed and referred to Congress by the President with his message, says there never was any cooperation. While battling for the liberty of the people in Cuba when we asserted the sovereign right of all men to control their own destinies, or at least participate in that control, it became necessary to strike the enemy in the Orient.

He had a fleet in Manila Bay. He had garrisons in the Philippine Islands. All are familiar with our wonderful victory in Manila Bay. But while Dewey held the bay Aguinaldo and his patriot army pressed the land forces of the enemy to the very verge of the sea and could have taken the city of Manila any day. There was no cooperation say the commission. How came Aguinaldo there? Go to the official reports of our own officers and ascertain. United States Consul-General Pratt at Singapore held frequent interviews with Aguinaldo before the battle of Manila, and through him communication was had between Dewey and Aguinaldo, which led to the latter's accepting passage on a United States ship of war and going to Manila and taking command of the insurgent army by the assistance and advice of Admiral Dewey, who furnished him with arms.

Before Admiral Dewey left Hongkong for Manila Consul-General Pratt wired him from Singapore that Aguinaldo was willing to join him "for general cooperation, if desired." Those were the words. What was Dewey's answer? "Tell Aguinaldo come soon as possible." Aguinaldo arrived at Hongkong too late to go with Dewey, but so important was his presence and cooperation esteemed that by Dewey's orders he was taken on board the *McCulloch* and conveyed to Manila. What further evidence is there of cooperation? On July 4 Gen. Thomas Anderson, commanding the United States land forces, wrote to Aguinaldo, having been placed by Dewey at the head of the insurgent army, as follows:

General, I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands. For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces, etc.

Now, this same commission tells you that not until long after

that, until after the Spaniards had been crushed, did Aguinaldo or his followers ever express a desire for independence. But here Admiral Dewey tells you in this dispatch to the Department, dated June 27, that he has gone to attend a meeting of the insurgent leaders for the purpose of forming a civil government.

DEWEY'S DISPATCH.

HONGKONG, *June 27, 1898.*

SECRETARY OF NAVY, *Washington:*

Receipt of telegram of June 14 is acknowledged. Aguinaldo, insurgent leader, with 13 of his staff, arrived May 19, by permission, on *Nanshan*. Established self Cavite, outside arsenal, under the protection of our guns, and organized his army. I have had several conferences with him, generally of a personal nature. Consistently I have refrained from assisting him in any way with the force under my command, and on several occasions I have declined requests that I should do so, telling him the squadron could not act until the arrival of the United States troops. At the same time I have given him to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government. Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water recruits, arms, and ammunition, and to take such Spanish arms and ammunition from the arsenal as he needed. Have advised frequently to conduct the war humanely, which he has done invariably. * * * In my opinion, these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

DEWEY.

Is this cooperation? He says that he furnished him the means to get arms for his people. That he acted independently it is true, but under the advice of Dewey, and Dewey commends him for the manner in which he is discharging the duty which is expected of him by Dewey and the military commanders that he shall perform.

"They did not expect independence." Why, Mr. Chairman, one of the most pathetic things in the history of all the transactions, in view of what is now said and the contention of people in Congress and of the Administration, is contained in a proclamation of joy which the insurgent representatives in Hongkong sent to the people in the Philippine Islands after the conference with Pratt, after Dewey had gone to Manila to strike the Spaniards. Here it is—a part of it—of the proclamation to the Filipinos from their leaders, the Filipino junta, in Hongkong:

Compatriots, Divine Providence is about to place independence within our reach. The Americans, not from any mercenary motives, but for the sake of humanity, have considered it opportune to extend their protecting mantle to our beloved country. Where you see the American flag flying, assemble in mass. They are our redeemers.

Does that read as if they hoped for independence? But that is not the only significance of this dispatch. Mr. Rounseville Wildman, United States consul at Hongkong, had advised with Aguinaldo throughout, and says himself that he (Wildman) outlined the proclamation Aguinaldo issued to his people. This is his language:

Immediately on the arrival of Aguinaldo at Cavite he issued a proclamation, which I had outlined for him before he left, forbidding pillage and making it a criminal offense to maltreat neutrals. He, of course, organized a government of which he was dictator, an absolutely necessary step if he hoped to maintain control over the natives, and from that date until the present time he has been uninterruptedly successful in the field and dignified and just as the head of his government. According to his own statements to me by letter, he has been approached by both the Spaniards and the Germans, and has had tempting offers made him by the Catholic Church. He has been watched very closely by Admiral Dewey, Consul Williams, and his own junta here in Hongkong, and nothing of moment has occurred which would lead anyone to believe that he was not carrying out to the letter the promises made to me in this consulate.

Here is proof both of abundant cooperation and of the hope and expectation of the Filipinos from the first for independence.

Does it appear that they wanted independence? Were they justified in sending their proclamation from Hongkong? They were justified in every view; by the position we had taken with reference to Cuba, by the solemn promise of the Congress of the United States in reference to Cuba, because they were exactly in the condition that we found the Cubans. They wanted us to assist them to independence and then withdraw.

Does anybody believe any Filipino insurgent or leader thought that our people had any other purpose than that? Does any member believe that Admiral Dewey ever expected anything else to occur? Do you believe that Otis, or any other general in command of the land forces, expected anything else? To have taken a position at the time these difficulties first occurred that we would pursue any other course than that which we pursued toward Cuba would have been an insult to the dignity and fair name of the United States Government. The Administration contends that the Filipinos opened hostilities against us.

To say so is not true. We began them ourselves. We firedt he first shot. A soldier from a Kansas regiment fired upon a Filipino patrol between the lines of the American and insurgent forces. The fire was returned, and a number of the native soldiers were killed. Aguinaldo immediately expressed to General Otis his regret at the occurrence, distinctly disavowed any purpose of hostility, and offered to move his lines back as far as the American commander desired. Honor between men, honor between nations, honor in every sense demanded that this proposal should have been recognized in the interest of peace. But it was not. General Otis made the cruel reply that since the fighting had commenced, it must go on to the bitter end. That end is not yet reached, and Otis is responsible.

Let us look a little further. These things are being done in the name of "benevolent assimilation" and other high-sounding phrases.

The President of the United States appointed his commission and sent them out to the Philippine Islands. That commission reports that the people of the Philippine Islands never dreamed of independence till after the Spaniards had been crushed and we had taken possession of Manila. The records tell you differently. The Singapore Press, reciting interviews between our officials and Aguinaldo, their correctness vouched for by United States Consul-General Pratt, controvert the statement. The proclamation of the Philippine representatives, made public to the world, tell you differently. The very struggle of those people striving for liberty itself gives the lie to the commission's statement.

After the Spaniards had capitulated, but before the treaty was concluded, the President issued a proclamation and sent it over to be promulgated by General Otis. General Otis took a very extraordinary liberty with that proclamation—a liberty which he was justified in taking in the cause of fairness and honesty, and for the purpose of preserving the good name of our country. Whether that was his motive must be ascertained by all that he said and did taken together, but it might well have been. That he did so is not denied. He himself reports the manner in which it was done. What does he say? General Otis reports—

After fully considering the President's proclamation and the temper of the Tagalos, with whom I was daily discussing political problems and the friendly intentions of the United States Government toward them, I concluded that there were certain words and expressions therein [the President's proclamation], such as "sovereignty," "right of cession," and those which directed immediate occupation, etc., which, though most admirably employed and tersely expressive of actual conditions, might be advantageously used by the Tagalo war party to incite widespread hostilities among the natives. The ignorant classes had been taught to believe that certain words, as "sovereignty," "protection," etc., had peculiar meaning disastrous to their welfare and significant of future political domination, like that from which they had recently been freed.

It was my opinion, therefore, that I would be justified in so amending the paper that the beneficent object of the United States Government would be brought clearly within the comprehension of the people, and this conclusion was the more readily reached because of the radical change of the past few days in the constitution of Aguinaldo's government, which could not have been understood at Washington at the time the proclamation was prepared. It was also believed that the proclamation had been induced partially by the suggestions of the naval authorities here, which three weeks previous, and while affairs were in a specific and comparatively quiet state, had recommended "that the President issue a proclamation defining the policy of the United States Government in the Philippine Islands and assuring the inhabitants that it is our intention to interfere as little as possible in the internal affairs of the islands; that as soon as they developed their capability for self-government their powers and privileges will be increased. That will allay the spirit of unrest."

What "beneficent object?" We could only have two purposes—one to assist those people in accordance with our pledge to the Cubans to establish a free government for themselves and the other to take away from them their liberty. One or the other of these must be our purpose. It developed in the President's proclamation that the purpose of the United States was to take away their liberty. But General Otis says, "We must disguise this purpose; we must so amend this proclamation that the Filipinos will not be misled and the benevolent purpose of the United States be misunderstood."

Why, Mr. Chairman, I can not believe otherwise than that General Otis at the time he took this liberty with the President's proclamation, believed that the language used by the President did not convey the purpose of the Administration. As a liberty-loving man, as a self-respecting American citizen bearing a commission from his Government, he was justified even in taking the position that the President used terms which he did not intend to use. If that was not his understanding, then his words which I have quoted are used as irony.

The sarcasm, the biting, burning sarcasm, with which he blisters the President of the United States in that dispatch amounts to insubordination for which he might have been court-martialed.

But, Mr. Chairman, a peculiar temper pervades the mind of the annexationist of to-day. It is needless to stand here and discuss the analogies between the acquisition of the Philippines and the acquisition of the Louisiana purchase. Why not come up and consider this question upon its merits?

Everybody knows that different reasons existed in the two cases; that different objections obtained. I shall not pause to discuss that phase of the question. The first question is, Do we need the Philippines; and if so, for what purpose? The second is, Have we the right, under the Constitution, to acquire them? And a third question is, If we have the right, and if we have a need for them, can we, under our traditions, under the broad pledge of this great Union of States, under every observance by which we have grown great and strong and mighty as a nation, afford to tear down the beautiful temple of liberty which we ourselves have constructed and make it a waste place and a burying ground for the blasted hopes of humanity—for the dead aspirations of those who have striven for freedom?

The President and his commission would have us believe that the natives—those engaged in resistance to our arms—are brutal and cruel and have no conception of free government, nor desire for it, and that if we withdraw, chaos would follow and lawlessness run riot; that they are incapable of forming a government. To refute this we have not only the direct testimony of Admiral Dewey, but he reports the testimony of officers whom he sent on a tour of inspection of 600 miles in the interior, where the Tagal government was in force.

I shall not go into a discussion of the constitutional questions involved in the Administration's purposes. My object is only to make plain what it is intended shall be done and how, and to expose the insincerity of the motives and plans, that the American people, who must ultimately determine this question for themselves, may know what they are to pass upon. I said a moment ago that a peculiar temper prevails. Men are inspired these days with great contempt for constitutional obstructions. Gentlemen of this House have been busy for weeks and are still engaged in seeking some constitutional sanction for imperialism, for holding subject provinces by military power. If they fail, and they will, I nevertheless expect to hear them assert it. They should, if they intend to persist in their purpose, be as honest as Mr. Whitelaw Reid. During the summer I received a copy of a speech delivered by him before the Miami University, in Ohio, upon the subject of the duty of the American Government in the Philippine Islands.

Mr. Reid takes up this question of constitutionality and the rights of the United States to acquire territory for purposes other than that of statehood. Under the Constitution, according to the contention of some, and as I myself believe, as interpreted in the decisions rendered by Chief Justice Marshall and followed by the Supreme Court in other decisions, our constitutional power is limited to acquiring territory for statehood. But I care not to discuss that. I am showing now the temper which possesses the minds of men. Mr. Whitelaw Reid takes up these decisions and refers to what Jefferson and Madison said. He comments upon what Senator HOAR has said and upon the decisions of Chief Justices Marshall and Taney, and he uses this startling language. I quote from memory:

> I would not by a hair's breadth disparage the weight to be attached to the opinions and decisions of these learned men; but I can not believe that any dispassionate person can read these decisions and opinions in the light of surrounding circumstances and the conditions under which they were rendered and expressed and come to any other conclusion than that they are flimsy as a cobweb.

Behold, Mr. Chairman, a greater than Washington is here, a more profound and learned jurist than Marshall, a greater patriot than Jefferson, a wiser than any of the fathers—the gentleman who assisted in negotiating the treaty with Spain at the dagger's point and wrested from her her poor title to possession which she was not able to maintain against the insurrectionists themselves and to enforce her authority beyond the narrowest limits.

Not only does Mr. Reid say this; he goes further, and makes assertions each more startling and dangerous. I am sorry that I have not here a copy of his address. I tried to procure it, but was unable to find it in the Library or elsewhere. I state it from memory, but I pledge myself to the correctness of its substance, if I do not give it in the exact language, and I can almost do that. In speaking of the purposes of this Government and our possibilities as a nation, he says:

> Neither chains forged in the Constitution, nor chains of precedent, nor yet the dead hand of the Father of his Country, whom we all revere, can prevent us as a nation from doing anything that any other nation could do or meeting any emergency which arises or discharging any obligation which imposes.

There you are! What useful function is left for the Constitution?

What is meant, Mr. Chairman, by this? When an emergency arises, the Constitution, if it stand in the way, will be disregarded. If an obligation imposes, we will discharge that obligation without reference to the organic law of the land—throw it aside, just as his colleague and compeers have cast aside the Declaration of Independence and trodden it under foot. We will not be bound by chains forged in the Constitution. We will perform our purpose, whatever that purpose may be.

Mr. Chairman, who is to determine when the emergency arises? Who is to decide when an obligation is imposed? If we cast ourselves loose from all moorings to constitutional safeguards, then we are left to the opinion of any bare majority which may get control of the affairs of the Government, and in this instance we should be left to the dictation of a class of statesmen whom I for one am unwilling to intrust with the sacred rights of the people unrestrained by "chains forged in the Constitution."

The CHAIRMAN (Mr. ALLEN of Maine). The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask unanimous consent that the gentleman have leave to finish his remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Arkansas be allowed to finish his remarks. Is there objection?

There was no objection.

Mr. DINSMORE. Are the Filipinos to become citizens under the new order of things, enjoying equal rights with us? Nobody will be bold enough to propose that. Mr. Whitelaw Reid, in the address to which I have referred, says that "it is not to be considered or thought of; they are not fit for it; they can not be made so;" and he holds that they should be held as a subject province under the dominion of the United States, suffering such impositions as we impose upon them, and denied the blessings that are enjoyed by our citizens. Is this Americanism? When did it become so?

Why, Mr. Chairman, the very thing our fathers fought against was taxation without representation. Can it be that England had no right in justice or morals to impose such burdens upon us, who were confessedly her subjects, and that we may honorably and rightly exercise such power over the Filipinos, who have never owed us any kind of allegiance? I am sorry indeed to find people who seem to think so.

Have we already advanced the car of liberty so far that we may now reverse its wheels? Have we done so much for the fair goddess that we may now turn and rend her? Oh, that patriotism might inspire the hearts of Americans with love of country rather than desire for conquest and greed for ill-got gold!

Oh, that our people might be governed now, as in the past, by the one desire to make of this a great proud republic, where peace may ever abide and the happiness of our citizens at home be the chiefest aim, the first purpose of the laws. Shall our flag, that we all love because it has ever been the emblem of liberty, of the universal equality of man, of his right to govern himself, of the immortal principle that government derives its just powers from the consent of the governed, whose bright constellation and flowing stripes remind us of our growth in power and dominion and happiness, while adhering to the safe traditions grown out of the Declaration of Independence—shall it be the ensign that shall float over the heads of people held in subjection to our laws by military power against their will, laws that discriminate against them and deny them participation in the blessings that we enjoy? God preserve it from such disgrace. God restrain our people from the perpetration of such a wrong. God make us strong in the future, as we have been in the past, for the establishment and promotion of liberty in our own land, by the light of our example inspiring it throughout all the world. [Loud applause.]

Mr. BOUTELL of Illinois. I wish to ask the gentleman one question, if he will answer it.

Mr. DINSMORE. With pleasure, if I can.

Mr. BOUTELL of Illinois. There is, of course, a great diversity of opinion among those who are honestly seeking to arrive at a conclusion as to the most honorable course to be pursued in the treatment of the Philippine Islands, both immediately and in the future. Is it the gentleman's view that the United States troops in the Philippines should be immediately withdrawn and leave the Filipinos absolutely to their own devices?

Mr. DINSMORE. Immediately?

Mr. BOUTELL of Illinois. That they be immediately left to their own devices?

Mr. DINSMORE. I do not think they ought to be immediately withdrawn. I have already stated to the House that I think our course with reference to them should be the same as our course was promised to be to Cuba, whether we ever fulfill it or not. I hold that the highest and first duty of the American Government is to our own people, without reference to what may happen to anybody else. [Applause on the Democratic side.]

Mr. BOUTELL of Illinois. I would like to ask the gentleman one further question. Would the gentleman be in favor of the retention of the Philippines at the request of the Filipinos?

Mr. DINSMORE. Oh, well, Mr. Chairman, that is the same question propounded with reference to Cuba.

Mr. BOUTELL of Illinois. I am asking it honestly and sincerely.

Mr. DINSMORE. I would not. If I could be satisfied that a substantial majority of Cubans should desire it, I might be willing to take them; but the Philippines, so remote from us—I care not what may be said about the obliteration of time and distance in communication—and so near to other powers struggling for supremacy in the Orient, I would not be willing to take under any view.

Mr. WILLIAMS of Mississippi. So numerous and so alien.

Mr. DINSMORE. Yes; so filled with people who never can be homogeneous with us. I do not want them. I think they would be an injury rather than a blessing to us.

Mr. BOUTELL of Illinois. Does the gentleman from Arkansas think that if we retained the Philippines with the consent of the Filipinos it would be of commercial advantage or disadvantage to this country?

Mr. DINSMORE. I think it would be an absolute impossibility within years to come for us to know whether we had the consent of the Filipinos, particularly while we are in military occupation. Let me say that I do not care how much they might desire it, I should be opposed ever to taking them, because I think it would be a menace to us and a danger, without compensating advantages.

Mr. BOUTELL of Illinois. I agree with the gentleman that it may be difficult to ascertain the opinion of all the Filipinos; but supposing by a proper plebiscite they should request retention by the United States, does the gentleman think it would be to the advantage or the disadvantage of the United States from a commercial point of view?

Mr. DINSMORE. I do not think it would be of any advantage to us from a commercial point of view. I have already stated that I believe that healthful, desirable, profitable trade follows peace rather than war, thrift rather than force, and that we should maintain relations of peace with the world and adhere to the injunction of our fathers to keep free from entangling alliances. I believe that an adherence to the Monroe doctrine rather than a departure from it would promote our commerce, our happiness, and our safety.

One more word in closing. Mr. Chairman, I have a horrible fear that if this thing is done, it may be the beginning of the end. It will be done unless prevented by the people in the ensuing election. The decree of the Administration has gone forth. When Americans deprive other people of liberty as they desire it, I tremble for our own. Perhaps the roseate view of my friend from Pennsylvania [Mr. SIBLEY] is the correct one, but mine at least accords with history in the past, and his is based only upon hope and pride of race. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 746. An act to authorize C. R. Dobbins to accept a watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia;

S. 707. An act for the relief of Charles T. Rader;

S. 421. An act for the relief of Napoleon B. Giddings;

S. 422. An act for the relief of George A. Orr;

S. 423. An act for the relief of Joseph W. Carmack;

S. 424. An act for the relief of John S. Neet, jr.;

S. 425. An act for the relief of John M. Davis;

S. 426. An act for the relief of Ezra S. Havens;

S. 427. An act for the relief of A. F. Fleet;

S. 428. An act for the relief of Laura S. Gillingwaters, widow of J. E. Gillingwaters;

S. 432. An act for the relief of James W. Howell, late of Company H, Fifty-fourth Regiment Illinois Infantry Volunteers;

S. 433. An act for the relief of Richard C. Silence;

S. 436. An act to correct the military record of Perry J. Knoles;

S. 437. An act for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

S. 438. An act for the correction of the military record of James M. Crabtree;

S. 439. An act for the correction of the military record of John R. Leonard;

S. 359. An act to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg.;

S. 1580. An act for the erection of a public building at Providence, R. I.;

S. 2727. An act authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899; and

S. R. 51. Joint resolution recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

The message also announced that the Senate had passed with amendments joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $50,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern hospital at Fort Leavenworth, Kans.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution of the Senate No. 11, to print 7,000 copies of the report of Maj. Gen. John R. Brooke, military governor of the island of Cuba.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed for immediate use as a public document 11,000 copies of the proceedings in connection with the reception of the Webster statue on January 18, 1900, as reported by the committee of arrangements, of which 1,000 shall be for the use of Mr. Stilson Hutchins, 4,000 for the use of the Senate, and 6,000 for the use of the House of Representatives; also 10,000 copies in the form prescribed by law for printing eulogies, of which, in cloth binding, 1,000 shall be for the use of Mr. Hutchins, 3,000 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, 2,000 for the use of the Senate, and 4,000 for the use of the House of Representatives.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 947. An act to create a new division in the eastern judicial district of the State of Tennessee;

H. R. 5491. An act to amend section 4843 of the Revised Statutes; and

H. R. 5042. An act to provide for improvements in the tax departments of the District of Columbia.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. ADAMS. Mr. Chairman, the House has under consideration the consular and diplomatic appropriation bill. The slight changes in the items thereof have been so well explained by the chairman of the committee that I do not see that it is necessary to go further in that direction. But, Mr. Chairman, the thought arises whether we, as representatives of the people, in simply passing the appropriation bills for the different branches of our Government, perform our whole duty in not looking into the condition and state of them to see whether our appropriations are wisely bestowed and whether they are organized for the fullest efficiency and for the greatest degree of economy.

In appropriating the various items of the sum total for our consular service, should we not look into that branch, a most important one in the commercial relations of our country, and see what its organization is to-day, what are the principles upon which it is founded, and what is the efficiency of the personnel of that service? It strikes me that this would be a proper function to be performed by the representatives of the people in passing this annual appropriation bill, and I ask the attention of the committee for a short time while I call attention to the present organization and the conditions that exist in our consular service to-day.

It is a curious fact, Mr. Chairman, that with all the energy and push shown by the business men of our country in developing trade at home and their exports abroad, they have paid so little attention to this most important service which represents the best interests of our country in foreign lands. It is even a more curious fact that those who are intrusted with the government of our country, both the executive and the legislative branches, have paid but little attention to this important service from the foundation of the service by the act of 1780. Nothing was done in the whole history of our country to enlarge or improve the service until 1883, when a bill was passed taking away, to a large degree, the shipping fees which had grown to be such a sore in the service and brought it into such disrepute that it was found absolutely necessary to take some step in that direction. From that day to this there has been no practical legislation bearing upon this important service in our country.

Some of the consulates that were of great importance since that time, owing to changes in the trade, have become less so, and those that had no factor in the development of our trade practically, owing to geographical and political changes, have become some of the most important in the service. The compensation attaching to these various positions has not been changed, while the cost of living has greatly increased. The whole system of salaries in the service is hodgepodge, some increased here and there under diplomatic appropriation bills, but as a whole not founded on any idea of system or proper compensation for the amount of work done or the ability of the incumbent that holds the office.

Such changes in condition show the necessity for a careful revision of the salaries throughout the service. As an example of the incongruous condition which this detached legislation has imposed upon the service the following are cited:

The consulate at Nuremberg, Germany, a city of 160,000 inhabitants, has a salary of $3,000, and the consulate at Fürth, but a few minutes distant by street car, has a salary of $2,000.

On the other hand, the important consulates at Mannheim and Munich, the latter the capital of Bavaria, a city of 405,000 inhabitants and the residence of a large American colony, have a salary of only $1,500 each.

The values of declared exports to the United States from the Mannheim district in 1894 were $3,648,989; in 1895, $3,875,538; and in 1896, $3,468,261; while those from Nuremberg were, 1894, $1,406,740; 1895, $1,525,204; and in 1896, $1,561,521.

The case at Kehl is even more striking, for the district of that consulate includes all of Lorraine and a large part of Alsace, where the cases of friction between the authorities and naturalized American citizens, natives of those provinces, are of constant occurrence and require on the part of the United States consul the exercise of firmness and diplomatic discretion, while the duties of the consul at Munich, with its large number of inhabitants, many of them being Americans, requires the assiduous and constant attention of the person occupying that position.

The recital of these facts assuredly shows the need of the revision in our consular service, and they could be amplified in every portion of the globe to which that service is extended.

Thus it will be seen that from a business standpoint the service to-day is in a most mixed and unsatisfactory condition. Let us

look at the organization of the service: let us see how the appointments are made, what qualifications are deemed necessary, and what is the tenure of office. I wish it distinctly understood that I am speaking absolutely from a nonpartisan standpoint. I do not attack the Administration of either political party. I hold that under the present system it is absolutely impossible for the Executive of our Republic or for any Senator or Representative, however earnest or highly qualified he may be, to stand up against the political pressure that is brought to bear to-day to secure political appointments in our consular service.

The advantage of a reorganization of our consular service has been called to the attention of Congress from time to time by those who saw the growing necessity for some legislation in that regard. The Department of State has long recognized the inadequacy of the consular service to the growing needs of the country and to the proper protection of the business and property of our citizens residing abroad, either for business or the pleasure of travel.

Secretary of State Livingstone, in 1833, and Secretary of State Buchanan, in 1846, called attention to the evils existing in the service, but it was not until 1884, when Secretary of State Frelinghuysen discussed the subject in his admirable and exhaustive report transmitted to Congress by President Arthur March 20 of that year, that the strong necessity for action was made apparent. In it he said:

> Until recently the demands of Europe, which consumed the greater portion of our exports, and the condition of the producing countries were such as to give us control in the supply of certain products, such as breadstuffs, provisions, cotton, and petroleum, etc. The demands of Europe for all these products and of the other continents for petroleum especially were so positive, and our producing conditions so favorable, as to give us practically a monopoly for their supply.
>
> These conditions of international demand and supply are undergoing radical changes, which the near future will intensify.
>
> The efforts which have been made and which are being made by Europe to enlarge the field of supply in the above-mentioned products, aided by the ambition which prevails in all countries for the development of natural and artificial resources to meet their own wants and to supply the wants of others, have resulted in awakening competition for the supply even of those products which we have heretofore controlled. It is true that thus far this competition has not affected our trade to any appreciable extent, but the desire for development which is now abroad and the ambition which prevails to increase the production (outside of the United States) of the foregoing articles render consular supervision of absolute importance. *The complex commercial relations and industrial interests which now prevail in Europe have originated hostility to American products in many countries and afford additional reasons for the enlargement and perfection of the consular service.*

The same necessity has been pressed upon the Government at home by our representatives in the service abroad. In 1864 John Bigelow, consul at Paris, wrote:

> The practical results of our system, which in this respect has no parallel under any other government, are—
>
> (1) That we are obliged to select for consular posts men without the proper training and qualifications.
>
> (2) We are obliged to select men who have no intention of making a career in the consular service. Consequently they have no great inducement to qualify themselves properly for a post which they can hope to hold only for a brief term by the acquisition of knowledge of little or no use to them in any other profession.
>
> (3) The fact that our consuls are so transitory deprives them of their proper influence in the consular body, as well as in most political and social circles where it is the interest of the Government that they should circulate.
>
> (4) Such frequent changes prevent anything like uniformity or regularity in the conduct of consular business, which results in a serious prejudice to commerce and a grave inconvenience to the Department.
>
> (5) With each change of Administration the Government is exposed to lose the benefit of whatever knowledge and influence its agents have acquired during their terms of service, and thus most of the time is served by raw, and, therefore, to a considerable extent, by incompetent officers.
>
> There is no other country in the world where the tenure of the consular office is dependent upon the permanence of the home administration. Nor can the practice be defended by any consideration whatever which looks to its usefulness and efficiency.

Surely no stronger evidence could be adduced, coming from one of experience in the consular service.

The Hon. Robert Adams, jr., when United States minister to Brazil, in 1889, wrote in the North American Review:

> The method by which the men are chosen for the positions necessarily brings forth poor candidates, while the short tenure of office, which is generally limited to the Presidential term, almost certainly so if a change of party takes place, and the meager salaries paid—in some posts hardly sufficient to support life in a respectable manner—deters competent men from entering the service. It should also be remembered that there is no promotion for efficient service; that a consul can not hope for a change of climate from a trying to a more healthful and genial one after a given period of service, and that there is always the prospect of returning to the United States broken down in health, unfitted to resume private business, and without prospect of further employment at the hands of the Government.

Assistant Secretary Rockhill, in an article in the Forum for the month of February, 1897, sums up the evils of our consular system as follows:

> (1) Imperfect mode of selection of consular officers.
> (2) No permanency of tenure.
> (3) Inadequate compensation, resulting in (*a*) the exaction of excessive fees and (*b*) the creation of consular agencies to increase salaries.
> (4) Excessive number of feed consulates and commercial agencies.
> (5) Imperfect enforcement of regulations, especially as regards amounts of fees and their collection.

This judgment from the late Assistant Secretary of State, who had especial charge of the consular service, is certainly deserving of great weight upon this subject.

It is proposed to place all grades of consuls under a salary and to do away with consular and commercial agencies, and provide that all fees of all kinds must be accounted for and covered into the United States Treasury. Of the advantages of this system over the present one abundant evidence is presented by those most conversant with the needs of the service. In 1871 Inspector Keim reported:

> The act of 1856 was doubtless designed to correct the most conspicuous of the abuses which prevailed. * * * The evils prior to that date may have been mitigated or may have suffered temporary abatement. * * * They were certainly not eradicated: and these abuses * * * have been perpetuated in most cases by each succeeding officer.

Again, in 1879, Gen. Julius Stahel, then consul at Hiogo, Japan, wrote to the Department of State:

> The permission granted to consular officers of receiving unofficial fees for notarial acts, etc., is liable to abuse, and is the root of many evils and irregularities. * * * I suggest that the permission to charge unofficial fees be withdrawn, and that all fees received by consular officers, for whatsoever service rendered, be considered as official, and so accounted for. * * * In this way one of the greatest evils of our service would be remedied and dignity added to the representation of the United States in foreign countries.

Secretary Frelinghuysen, in his report of 1884 on the consular service, said:

> In the opinion of the Department, the present system of compensation by fees, either official or unofficial, should be abolished. Whatever money comes into the consul's hands should be turned into the Treasury of the United States, and he should depend for his support entirely upon the salary allowed by Congress.

In 1885, writing on the same subject to the Department, Gen. John S. Mosby, consul at Hongkong, expressed himself even more emphatically:

> Consular fees should, in my opinion, be altogether abolished. * * * The best way to secure honesty in the public service is to make it impossible for officers to be dishonest. I can see no sound reason for sending consuls abroad to collect revenue for the Government. You might as well send the Navy to do it.

The personnel of the service has improved under the orders issued by President Cleveland and President Harrison, and which are being carried out by the present Executive. But that is only a step in the right direction; it is liable to be overturned at any time; it is transient in its nature, and the appointment is still a subject of political pressure.

What business man who wanted to choose a clerk in his business would allow some outside person to bring a candidate for that position and say, without regard to his fitness, "This man must be appointed," and to back that up with sufficient personal and political influence to force that person into the place? That is the present status of our consular service. To-day men are not appointed for their qualifications or their fitness; they are appointed under political pressure.

I know the feeling that exists among many members of this House against what is known as "civil-service reform." Now, I do not wish to be misunderstood in regard to my ideas on this subject. I know that many members of this House are loath to part with any patronage which they think may be of any assistance to them during their renomination. I would call the attention of such gentlemen to this fact in regard to appointments in the consular service: You may have three or four applicants in your district for appointment as consul to a particular place. In the distribution of patronage it is absolutely impossible, however great may be your influence, for you to get more than one person appointed in your district.

Now, my friends, what is the practical result of securing this appointment? The only gentleman whom you have favored and upon whose support you may think you can rely is sent out of the country, and the three gentlemen whom you have disappointed remain at home, each vowing vengeance in his heart—each ready to take the greatest satisfaction in preventing your return to Congress when you come up for renomination. And the one friend upon whom you thought you had the right to rely for support and aid will write to you that owing to the smallness of his compensation and the largeness of his family and expensiveness of the trip, however glad he would be to come home and give you that support which gratitude would indicate as his duty, he regrets that under the circumstances it will be utterly impossible for him to come back.

So I say that any member of this House who thinks that he is securing assistance in his political life or a continuance of his political position by controlling such appointments will, if he will look into the matter carefully, see that the sooner this sort of so-called "influence" is removed the more likely will be the continuance of his tenure in office and the retention of his seat.

Suppose, Mr. Chairman, that a good business man does receive one of these appointments. Suppose he is admirably fitted to report on the commercial necessities of the country to which he is accredited and to inform our people at home of what those countries have to sell to us or exchange with us in commerce. I acknowledge that the previous business experience may be of benefit to a consul. But suppose the appointee is simply a good American citizen who speaks only good "United States." Suppose he is sent, as he most likely will be, to a country where his

native language is scarcely spoken at all or scarcely understood. Can anyone maintain that after this man has been there four years and has acquired the language and has become able to read the newspapers and the trade reports and to inquire and report upon the needs of the country—what that country needs to buy and what it has to sell us—is there a business or professional man in this House who will contend that the system is founded on a sound principle which would bring that man home at the end of four years and send out another to go through the same course of schooling and to be also brought home when he has acquired sufficient knowledge to perform well the duties of the consulship? I think these facts are self-evident propositions that any man can realize.

Mr. Chairman, bills have been introduced into this House for the purpose of putting this whole service under a long tenure, conditioned upon passing examinations for the entering of the service, removals to be only on account of misbehavior or unfitness, with the service divided into classes, and promotions from one class to the other for diligence and ability. It is to these measures that for a few moments I invite the attention of the House, to improve the conditions which now exist.

Very few people, Mr. Chairman, realize the full functions of a consul while he is performing his duties abroad. If the House will bear with me, I will read briefly in order to impress upon them the importance of this branch of the service:

Consuls are appointed to reside abroad for the purpose of protecting, facilitating, and extending commerce between the countries which appoint them and the countries whither they are sent. Their functions, however, are not limited to commercial transactions. They stand as the protectors and advisers of their countrymen present in foreign lands; they act as judges, notaries, and administrators of interests and of all property of such as have no legal representative; they have to prevent frauds on the revenue; to notice infractions of treaty stipulations relating to trade; to advise their government of new laws or regulations within their districts; to preserve the discipline of the commercial marine; to guard seamen from oppression, and they are expected to aid the destitute, for which purpose no funds are available except their meager salary.

Consuls are also required to prepare from time to time reports upon matters affecting commercial, industrial, financial, and agricultural interests; regarding labor, rate of wages, hours of work, and the condition of working people. In preparing these reports they are to bear in mind that the principal purpose to be served is the extension and encouragement of American industry at home and of her commerce abroad. Certainly these are duties sufficiently arduous and numerous to require for their faithful performance all the intelligence, honor, and patriotism of the best citizens of the Republic.

Mr. Chairman, that is an extract from an article that I wrote as much as ten years ago for the North American Review. It was written in consequence of my personal observations in South America, whither I had been sent officially as United States minister to Brazil. I visited every consulate, from Para down to Buenos Ayres, on the west coast. I do not wish to refer personally to the conditions I found there, for, as I have already stated, it is the system to which I wish to call attention, and not the personnel, because, until the system is changed, it is beyond the power of man to entirely change the conditions.

A consul at the present time has no incentive to work. Why should a man who is sent to a bad climate, who knows that at the end of four years, even if his own political party remains in power, he will be called home in order that some other man may be rewarded? What incentive has that man in a tropical climate to arouse his energy to work to the full measure of his ability?

Under these bills which have been introduced—and one of which I hope will be reported for submission to this House—the service is divided into classes, and a man can be promoted from one to the other by the State Department under direction of the President. Not only that, but make this a long-tenure service and you will find that young men in our country, the same as they do in others, will fit themselves for this profession and enter it as a livelihood. They would not be warranted under present conditions in expending the time and money necessary to take a two years' course or even a shorter time. That amount of capital would not be warranted to be invested unless a young man felt that he had a life service or a long-tenure service before him. The universities are already inquiring. I have had communications from two colleges this winter asking if it would be possible, if this bill were to pass, that they could institute special courses in the universities to prepare young men for this service.

Our consuls should be trained for their positions and pass an examination on such subjects as the laws regulating shipping, the commercial treaties existing between their own and other countries, the laws relating to intestates, on the consular regulations of the United States, and on such other subjects as relate to their duties. They should also be required to have a practical knowledge of French or of the language of the country to which they are to be sent. It will be demanded, "Where will such a specially educated class come from?" Once it is understood that the service is a permanent one, young men will prepare for it the same as they do for other professions, and in sufficient numbers to arouse competition. That this was not a matter of conjecture was fully established by the experience in Great Britain when the examination for the civil service was thrown open to all, the number of applicants having increased the first year from 5,000 to 15,000 and the character and ability of the applicants having proved as high as if not better than that of the selected applicants had been before.

To insure this, however, the salaries must be raised. How can a man be expected to live at Para, in Brazil, under an equatorial sun, exposed to malarial and yellow fevers, and deprived almost entirely of all social intercourse, for $2,000 a year; or, even worse, at Santos, where the town was decimated by yellow fever, the victims including the United States vice-consul? Yet the importance of the first position to our country can best be stated by the value of the exports to the United States, which amount annually to $7,000,000, while the annual export of coffee alone from the second port to our country is $30,000,000. These cases could be amplified, but they are sufficient to illustrate the present state of affairs.

Nowhere is the adage "The best is the cheapest" more forcibly illustrated than in the consular service. Had it been composed of the proper material, no necessity could have arisen for the establishment of the South American Bureau or of sending special commissioners to the foreign governments to make arrangements for the exhibits at the Columbian Exposition.

Mr. Chairman, I am an American in my love for my country and in my belief in its institutions, but I am not so wrapped up in patriotism that I do not think our Republic, which is young compared with the other nations of the world, can not learn from other countries. We are the only civilized nation to-day that allows this important branch of its service to be run on haphazard appointments and without proper control. England, France, Germany, Russia, Italy, Turkey, every country has this service organized in such a way that men can become acquainted with their duties and can make more efficient reports. As trade expands and commerce becomes more complicated and competition becomes more keen, the necessity that our merchants should have the most accurate information gathered by trained men who know just what is required, and not gathered haphazard, with an energy that may be commendable but which is not advisable, all this becomes more important for those at home. All the countries which I have mentioned have a service in which men are promoted for their ability and their efficiency from one post to another.

It has been advanced that some of our consuls make admirable reports. I acknowledge that fact with great pleasure, Mr. Chairman, and those gentlemen deserve all credit for their loyalty and devotion to their country, but those men and those reports are accidents and do not come as the result of a principle. These men were appointed at the suggestion of some one, but for every good man who is appointed it is just as likely, under the present system, that a bad one may come next. There is no regulation or organization of the system.

Now, Mr. Chairman, what I contend is that this great service of our country, which represents its business and commercial interests, should be founded on principle, so that every appointee should be qualified for the place, so that every man who does his duty and makes good reports will be assured of promotion, and every man who is sent to an undesirable post with an almost deadly climate may at least live in the hope that if he arouses his energies in that enervating atmosphere and performs his duties with credit, in a short space of time he may receive promotion and be moved up in the service.

In conclusion, without going into the political question which has been raised by my distinguished colleague from Arkansas [Mr. DINSMORE], I will simply take the physical fact that our country is about to expand territorially. Just so surely as that takes place, it must expand commercially. The energy and the enterprise of the American people will not allow any opportunity to pass where they can add to the wealth and industry and employ the labor of our great country.

Mr. Chairman, in my judgment, the possession of the Philippine Islands is a mere stepping-stone to the great trade for which all Europe is grasping in China and the East. Whatever advantages they may offer, of themselves, sink into insignificance compared to the trade that is going to open to the civilized nations of the world with the 400,000,000 people, semicivilized at least, who taunt us with our civilization, for they think theirs is much older, but who are certainly civilized sufficiently to use our goods, to employ our machinery, to market our electrical appliances and railroad supplies and other such commodities which our country exports. Surely we must have reliable information from these regions if we wish to secure their trade. Surely we should have men there who are specially prepared to report what is necessary.

Just to illustrate how perfectly useless a haphazard citizen would be to send as consul to China, on Saturday it was my privilege to accompany the Interstate and Foreign Commerce Committee to an institution in Philadelphia, which is established to expand our export trade; and one of the most curious things submitted to that committee was a report from China, with a great number of illustrations of the stamps to be put on the covers of the goods to be

sent there. For if you impugn or slight in any degree the religion or any of the traditions of China by any labels that you put on the goods, or any design in the patterns that go there, you might as well take those goods and burn them up in a bonfire. This is one illustration, Mr. Chairman, that relates to the cotton goods to supply 400,000,000 people. I do not think any consul, unless he had previous training and had had his attention called to the subject, would be likely to learn this one thing until he had resided in China some time; and even then, if he had the incentive of longevity, I question if he would have the time, the trouble, to report that to his own government.

Mr. Chairman, this opportunity that is now coming before our country for the extension of our trade and commerce is one of the principal reasons why I press this question upon the House and why I urged this legislation before the Committee on Foreign Affairs, which I think should induce the committee to report one of the bills that has been submitted to it. The measure has the entire support of the business community. The National Board of Trade, assembled in Washington only last week, is unanimously indorsing the principle of this bill. The boards of trade of Chicago, Cleveland, New York, and Philadelphia sent deputations to appear before our committee to urge the passage of some such measure as this; and I have taken this opportunity to call the attention of the House to the question, hoping to arouse general interest in this great question, which will tend as much to the development of the prosperity of our country as any measure that will come before it this session of Congress.

Mr. CLARK of Missouri. Mr. Chairman, a correspondent of the London Times once wrote to that paper stating that he sent it a long letter because he did not have time enough to prepare a short one. That was a very philosophic remark. I, perhaps, will speak longer to-day than if I had had time to write out a speech on the Philippine question, to which I propose to devote myself exclusively. In order that there may be no question whatever about what I think upon this subject, I propose to begin with a few plain propositions which I intend to discuss.

A man does not have to be an idiot in order to be a patriot. A man is not a traitor because he is opposed to doing those things which jeopardize the existence of this Republic.

An American is not a pessimist because he is unwilling to see his country adopt as a settled creed the political principles of Alexander, Cæsar, or Napoleon.

In the hands of political jobbers the American flag, like the mantle of charity, will be made to cover a multitude of sins. I do not care a baubee about Aguinaldo or the Philippinos. My sympathy, my heart, my solicitude, goes out to the American people. I think more, far more, of the liberties of my children than of all the trade of all the earth. I would like to leave them both rich and free, but of the two I would infinitely prefer to leave them free—free to labor, free to work out their own destiny, free to sympathize with and help all people everywhere struggling for liberty. I would not give the life of one healthy, honest, moral, patriotic, ambitious American white boy in exchange for all the Philippinos [applause] now in the archipelago or who will be there until the great judgment day. Believing firmly—and I will answer your question, my good friend——

Mr. BOUTELL of Illinois. Thank you.

Mr. CLARK of Missouri. Believing firmly that the annexation of the Philippines, either forcibly or with the consent of the people of those islands, will in the end prove dangerous, if not ruinous, to our "government of the people, by the people, and for the people," I am dead against it now, henceforth, and forever. I would be against annexing them if every man, woman, and child in the Philippine Islands stood beseeching us to annex them.

Crimination and recrimination are not ideal methods of ascertaining truth or of discovering either the path of duty or the best interests of ourselves and of our posterity.

It must be taken for granted that every citizen of the Republic worthy of his birthright of freedom is heartily in favor of perpetuating our representative Government.

No more important question was ever before the American Congress than the one which now confronts us of determining our relations to the Philippine Islands. Upon its solution depend our own prosperity and happiness no less than the happiness and prosperity of the Philippinos. For its consideration and determination I invoke the patient study, careful investigation, deliberate judgment, and purest patriotism of every man upon this floor.

What has been done and said is not of as much consequence as what will hereafter be done and said. Thus far propositions offered and theories advanced have been tentative in their character. In military parlance, divers and sundry gentlemen, from the President down to the junior Senator from Indiana, have been "feeling the position," listening for the vox populi, and trying, let us hope, all of them, to learn what is right and what is best for us to do in the position of indubitable difficulty in which we find ourselves.

But the time is coming, and it is coming rapidly, when we must adopt a permanent policy that we are willing to stand or to fall by.

Mr. Chairman, it looks as if we had the Philippine Islands in theory. We have them not in fact. It was first said that we had them by conquest; but the President gives up that proposition, if he ever held it. Judge Day, who was at the head of the Peace Commission, says: "If we have any claim over there, it is a right by purchase and not by conquest." Now, what are we doing? I invite your attention, and, if need be your questions, because, as this is not a written, cast-iron, prepared speech, it admits of elasticity; and I am not sure but what we shall arrive at a wise and righteous conclusion a great deal sooner by questioning each other than by making set speeches.

Section 10 of the treaty of Paris provides—

> That the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

The phrase "the territories hereby ceded" means the Philippines.

Nearly fourteen months have gone to join the years before the flood since that treaty was signed—to-morrow will be the anniversary of its ratification by the Senate—yet Congress has done nothing, absolutely nothing, has not even attempted to do anything, toward carrying out that provision of the treaty to "determine the civil rights and political status" of those far-away and unhappy islanders.

The status of the Philippines and the rights of Americans are left, like Mohammed's coffin, suspended between heaven and earth.

After that treaty was ratified by the Senate, imitating the example of the man who locked the barn after the horse was gone, that body passed a resolution by way of construing the treaty, in which it declares "that by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States."

That is what the Senate said, but the Senate is not the Congress; and as at least one-half of the Senators have expressed opinions diametrically opposed to that resolution, and as the President of the United States, in his stumping tour through the West in 1898, which changed what would have been a democratic majority into a Republican majority [applause on the Republican side]—the gentleman from Iowa [Mr. LACEY] does well to applaud, because he would not have been in this Congress if it had not been for Mr. McKinley's speeches [laughter]—as on that tour the President rejected that theory, it must be taken for granted that the Congress does not indorse it.

Now, the primary question is—and I press it home upon your minds and consciences—Does Congress intend to abdicate its functions or not? That is what we have done so far. In the last Congress we frequently inquired what was the policy of the White House, what the policy of the Republican party was. No man on that side of the Chamber ever undertook to say what it was; occasionally and only occasionally one would say what his own theory was. But I wish to repeat that question: Does Congress intend to legislate under the tenth section of the treaty of Paris, as it is in duty bound to do, or does it intend to abdicate its constitutional function and permit the President to run things ad libitum in the Philippines by means of a military satrapy? Judging the future by the past, all that Congress is expected to do in this matter of such far-reaching consequence to the American people is to furnish the money to carry on the government by satraps and to keep up a war which Congress never authorized and which Congress and Congress alone had the constitutional power to authorize. How long is this extraordinary state of affairs to continue? Is it to be continued only till after the election in order to give Republicans a chance to repudiate any particular policy and to advocate the one that appears to be most popular, or is it, like Tennyson's brook, to go on forever?

These questions are not asked for amusement or aggravation, but because the people of America have a right to the information.

Indeed, on several occasions, when, in the other end of the Capitol, gentlemen have offered resolutions of inquiry, the resolutions have been tabled and the patriotism of the authors impugned.

In the days of reconstruction Congress usurped Executive functions until the office of the President of the United States was reduced almost to a nullity. Now the President of the United States usurps legislative functions until Congress has fallen to the low estate of being merely an animated cash register for the executive department of this Government. [Laughter.]

A MEMBER. Which do you like the best?

Mr. CLARK of Missouri. I do not like either one. I like for the executive department to attend strictly to its own business, for the legislative department to attend to its business strictly, and for the judicial department to attend to its business strictly, and not undertake to run the politics of this country by issuing an injunction at every full or change of the moon. [Laughter.]

There was a day when the rescripts of the Roman emperors were supposed to be of binding effect throughout their vast domain. It really appears that we are fast sinking to a position

when the wish of the President and not the Constitution is the supreme law of the land.

The Spanish war, which Congress declared, really ended in July, 1898; technically it ended with the ratification of the treaty of Paris.

The Philippine war, which Congress never declared, began about the time the Spanish war closed, is still raging, and the end thereof is not even in sight.

One day we are informed by General Otis, our viceroy in Asia, that Aguinaldo is cornered and about to be captured at some distant point; the next day Aguinaldo is fighting within hearing of Manila.

This game of military hide and seek has been played for about a year at a cost to the people of thousands of valuable American lives and of over one hundred millions in hard cash.

The mothers and fathers of the country who are called upon to sacrifice their sons, the overburdened taxpayers who foot the bills, are beginning to exclaim, "How long, O Lord, how long?"

The Spanish war—the war authorized by Congress—added to our renown by the splendid victories of our forces by land and sea and gave us at least two new naval heroes of the first rank—George Dewey and Winfield Scott Schley.

But no man who has any reputation for veracity to lose will assert that the Philippine war has added to either our glory as a people or to the strength of the Republic.

When the Spanish war closed we could have occupied the most enviable position ever held by any nation since creation's dawn, and all we had to do was to do that which we owed it to ourselves to do, and that was to say to both the Cubans and the Philippinos, "The Spaniards are beaten; your chains are broken; you helped us to do this thing; now set up any sort of government you want, and we will make the other nations of the earth keep their hands off of you or we will shoot them off." [Applause.]

We would never have been compelled to fire a gun to make that promise good, for there is not a nation on earth that has any desire to see the fleets of Dewey and of Schley riding triumphantly in their harbors and shelling their seaport cities.

Had we done that, unstinted praises of our disinterestedness and philanthropy would have rung round the world, coupled with the amazing story of American valor and the prowess of Americans in arms. Wherever Old Glory floated it would have been hailed by millions of loving hearts in every quarter of the globe as the emblem of a people who are free themselves and who are willing and anxious that all men everywhere shall be free.

Now, on the principle that a fellow-feeling makes the whole world kin, the crowned and sceptered despots of Europe say to us: "All hail! We welcome you to membership in the ancient and sordid society of land grabbers. As you are the youngest and the strongest, we will give you the largest, choicest, and juiciest slice in partitioning the face of the globe among ourselves. We are in high good humor with you because you have eschewed the pestiferous principles of the Declaration of Independence, the cobweb restrictions of the Constitution, the preposterous sentiments of Washington's Farewell Address, the decisions of the Supreme Court for a century, the presumptuous doctrine of James Monroe, and the solemn advice of Abraham Lincoln. Those men and those principles were well enough in a crude age and among a backwoods people, but this is the last year of the nineteenth century—if not the first of the twentieth—and we will go land hunting, gold hunting, diamond hunting, and man hunting together. As a special favor we will give you all the entangling alliances you want for the rest of your lives, beginning with the Anglo-American alliance."

Just here I desire to make a few remarks upon another question, which is edged in here once in a while. It has been stated upon the floor of this House repeatedly by several Republican members, and it has been hinted at once or twice on this side of the House, that no party can succeed that is merely a party of negation. Now, that sounds very well—that no party will amount to anything that is simply an anti-party. That sounds very well, too. I do not know how much attention you gentlemen have paid to political nomenclature, but I state, without fear of successful contradiction, that no party in this country has ever amounted to anything that did not start out with the word anti prefixed to its name, and it grows out of the very nature of things. The robust party, the party of opposition, must in the very exigencies of the case fight a good many of the theories of the majority.

Let us see if that proposition is not true. The Democratic party as it exists to-day was first called the anti-Federalist party. It won its first great victory by turning John Adams and the Federalists out of this Government under the name of anti-Federalists. Now, if some of these doctrinaires, including my brother from Pennsylvania [Mr. SIBLEY], who is not now in his seat, had been living in that day and generation, they would with sublime effrontery have said to Thomas Jefferson and James Madison and Albert Gallatin, "Why, you do not know what you are doing, to call yourselves an anti-Federalist party." After they got in they changed the name of the party by a natural evolution to Republican party; then when the revolution came, which brought on the "era of good feeling"—which was the worst period of American personal politics—we took, under Jackson, the name of Democratic party, which we hold to this day.

Now, how about you Republicans? You started out as the anti-slavery party, and all the victories that you ever won for which history will give you any credit you achieved as the anti-slavery party. You afterwards changed the name to the Republican party. As applied to our institutions, the phrase "Republican party" means absolutely nothing, and the phrase "Democratic party" means absolutely nothing. A Republican is a man that is in favor of representative government; and we all claim to be in favor of that. A democracy is a country where all the people get together and make their own laws, a thing which can only happen in a very small community, like the republics of Greece.

An anti-imperialist of to-day is a man who is in favor of preserving the Republic and is against establishing an empire under the American flag in Asia or elsewhere.

An anti-trust man is one who believes the Ten Commandments, particularly the one which says, "Thou shalt not steal;" who believes in giving every person an equal chance and who believes that competition is the life of trade.

An anti-gold-standard man is one who believes in the money of the Constitution—both silver and gold. And so on to the end of the chapter. So let us hear no more cant about a mere party of negation. We are for everything that is right and "anti" as to everything wrong.

But to return to our mutton. What are we going to do about the Philippines? What is it our duty to do? What have we a right to do? Under the Constitution and the decisions of the Supreme Court we must either refuse to take the Philippines and to hold them permanently or we must admit them as States. There is no escape from that proposition if we are to pay any attention to the highest judicial authority.

It is with the greatest diffidence that I quote the Supreme Court of the United States or any judge thereof. My observation is that everyone admires the Supreme Court and adores it when it has decided his way; and when it decides against him, he reserves to himself the right to go outside and "cuss" the Court. Very much depends on whose ox is gored.

The other day my distinguished friend from Maine [Mr. LITTLEFIELD] who sits in front of me and who honors me by his attention, put in a great deal of his time apotheosizing Judge Story, of the Supreme Court of the United States. I do not object to that. Judge Story deserves well at the hands of posterity. But I am going to quote you another judge of the Supreme Court of the United States—John Marshall—for nearly thirty-five years Chief Justice of the United States. I am not enamored of Marshall's politics; he was the rankest Federalist that ever lived; but this tribute is due to him—that he was the greatest jurist that ever sat on that bench; and Judge Story compared with Marshall "is as moonlight unto sunlight, or as water unto wine." Here is what Chief Justice Marshall says in one case:

> The Government of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication.

Now, please bear in mind who John Marshall was. He was not only Chief Justice, but he was the chief of Federalists. He resolved every doubt in favor of the General Government. But those were his words, and surely Republicans ought to accept them as sufficient. Remember also that he is defining the powers and scope of the Federal Government under the Constitution. We are, or ought to be, at this very hour trying with all the lights before us to ascertain our powers and our rights in dealing with the Philippine Islands under the Constitution.

Again the Supreme Court says:

> A power in the General Government to obtain and hold colonies as dependent Territories over which they (the Congress) might legislate without restriction would be inconsistent with its own existence in its present form.

Those be pertinent words.

Then in another case:

> The power of Congress over the Territories is limited by the obvious purposes for which it was conferred; and those purposes are satisfied by measures which prepare the people of the Territories to become States of the Union.

I want to read that to you again, because upon that proposition turns this whole question. The paramount problem to us and our posterity is, What are we going to do with the Philippines if we get them? I have no doubt about our getting them if we want them, though we have not got them yet; but, as I stated once before upon the floor of this House, in fighting the annexation of the Sandwich Islands, this Government is strong enough to do what it pleases with the nations of the earth; and if we want to, we can take the islands; never fear about that.

But I want to read you that proposition again. This is a decision of the Supreme Court of the United States. Now, no Republican or "Goldbug" can afford to say that he is not going to be governed by the decision of the Supreme Court of the United States, because

in 1896 you denounced us all over this land as anarchists because we proposed to do the very same thing that the Republican party had done with the Supreme Court of the United States; that was to reorganize it so that we could get the kind of decision out of it that we wanted. And as for myself, I unhesitatingly say that if I had the power I would reorganize it.

But I will read the proposition again, for you are nearly all lawyers:

The power of Congress over the Territories is limited by the obvious purposes for which it was conferred; and those purposes are satisfied by measures which prepare the people of the Territories to become States of the Union.

Now, I desire to submit this to you while you are cool, while this has not yet become a party question. It is becoming one; but it has not become one yet. Is any man on this floor willing to say that the Philippine Islands shall ever become States of the American Union? I challenge the array on the other side of the House individually for any man there to get up and state that he is in favor of making American States out of the Philippine Islands, either now or hereafter. I pause for a reply.

I will tell you what I think about the Philippinos. One of two things is true about them—either they are fit for self-government or they are not. If they are, in God's name let them govern themselves. If they are not, we do not want them as fellow-citizens.

I will tell you another thing I believe I know about them. No matter whether they are fit to govern themselves or not, they are not fit to govern us [applause], and that is precisely what they will do if we let them in as States.

Do you know when they will come in as States? I will not tell you the date. I am not prophet enough for that; but I will tell you the conditions under which they will come, and the day that they are admitted to the Union the American Union is dead as the mammoths that lived in the glacial period. It may take the Republic a thousand years to die, as it took Rome, but die she will if we admit the Philippine Islands as States, and they will be admitted as States into the American Union—now listen, because this is not a Democratic propaganda—they will be admitted whenever the President of the United States and the Senate of the United States and the House of Representatives are all of the same political party, when a Presidential election is coming on, and the party in power—it does not make a bit of difference which party it is—thinks it needs a few more rotten-borough electoral votes. When those conditions exist at the same time, in they will come.

Now, some people grow very virtuous. I understand that. And they say that no State has ever been admitted for political effect. The man who says that either does not understand the history of his country or he states what he knows is not true. How did Maine get into the Union? It came in to balance Missouri, imperial Missouri.

Mr. LACEY. Are you getting to be an imperialist?

Mr. CLARK of Missouri. No; I am not an imperialist. I live in an imperial Commonwealth. How did Florida get into the Union? To balance Iowa. How did Nevada come into the sisterhood of States? Because the Republicans thought they needed another State to ratify the thirteenth, fourteenth, and fifteenth amendments. How did that bunch of Rocky Mountain States get in here? For two reasons: Benjamin Harrison had an ambition that more States should be admitted during his Presidency than were ever admitted in the Presidency of anybody else; but chiefly because the men then in Congress believed that those States would vote the Republican ticket early, often, and late.

Now, let us see what the Supreme Court says a little further—it is mighty good reading when it is your way:

The Territories acquired by Congress, whether by deed of cession from the original States or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects.

There you have it. Now, the Philippine Islands have one of the two qualifications. They have the population. Nobody knows how many islands there are. There is not a man in the House or on the earth, except by accident, who can guess within five hundred of the number of the Philippine Islands. Even MARK HANNA can not do it, nor General GROSVENOR, who knows nearly everything. [Laughter.] There is not a man in the United States or on the face of the earth who can tell within 5,000,000 of the number of people there are in these islands. But if you take the lowest estimate, 8,000,000 people, how many States would that make in the American Union equal to the population of Nevada, which at the last election only cast about 9,000 votes and at the Presidential election 12,000? Why, it beggars the imagination to think of the number of almond-eyed, brown-skinned, Mohammedan United States Senators who would sit over there to kill the vote of Gen. FRANCIS MARION COCKRELL, senior and perpetual Senator from the State of Missouri, and those other illustrious conscript fathers.

Now, you gentlemen must look out for breakers. The truth is, the more you study it the less you are going to be in favor of taking those islands in at all. The more the American people think about it the less stomach they are going to have for seeing the liberties of their children imperiled by people who go naked, sleep outdoors, and make their living by eating breadfruit off the trees.

Let us read some more; it is good when it is with you.

The Supreme Court says:

The Constitution was made for the benefit of every citizen of the United States, and there is no citizen, whatever his condition, or wherever he may be within the territory of the United States, who has not a right to its protection.

Now, our Ways and Means Committee—of course I would not say anything disrespectful of that august body, which contains several of the most distinguished statesmen in this House—that committee have been studying what? Politics? No. Finance? No. Political economy? No. Studying lexicography, to find out what constitutes the United States. I am not authorized to speak for that committee, but I understand that they are about to run foul of Brother McKinley's opinion in their definition of what constitutes the United States.

Let me read to you some more from the opinion of the United States Supreme Court:

The personal and civil rights of the inhabitants of the Territories—

It does not help it to call them colonies, for that is a mere subterfuge; that is a piece of legislative legerdemain to undertake to escape a great and grave responsibility to ourselves and our posterity by trying to hide behind the word "colony"—

The personal and civil rights of the inhabitants of the Territories are secured to them as to other citizens by the principles of constitutional liberty, which restrain all agencies of the Government, State and national.

Oh, yes; but these statesmen say they are not going to let the Filipinos come over here. "No, bless your soul; they shall not come." No man who is fit to sit on the Supreme Bench or the circuit bench of the United States or the bench of a State court would tolerate that cheap demagogy for half a minute. Thank God that the American citizen, black or white, brown or copper colored, male or female, has the right, under the Stars and Stripes, to go wherever he pleases within the broad confines of this Republic without asking the consent of any power or getting a pass from the President of the United States. As quick as you make them American citizens, they can come here and drive our white men out of their positions into starvation; and really the men who are back of this propaganda are in favor of doing that very thing. I want to read you a little more. Here is what Judge Cooley says:

And when territory is acquired, the right to suffer States to be formed therefrom, and to receive them into the Union, must follow, of course.

Now, it will not do to say that Judge Cooley is "an old fool," not while the gentleman from Maine [Mr. LITTLEFIELD] is an honored member of this House and while the Roberts case concerns the intelligence of mankind. Listen to Cooley again:

Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania.

And when territory is acquired, the right to suffer States to be formed therefrom, and to receive them into the Union, must follow, of course, not only because the Constitution confers the power to admit new States without restriction, but because it would be inconsistent with institutions founded on the fundamental idea of self-government that the Federal Government should retain territory under its imperial rule and deny the people the customary local institutions.

Gentlemen, if there ever was a legal proposition proved in this world by the decisions of the Supreme Court of the United States, that string of decisions, and others which might be cited, demonstrate that we can not take the Philippine Islands unless we intend ultimately to make States out of them; or unless you intend to go back to your old doctrine of 1855 and '6 and '7 and '8, and propose to reorganize the Supreme Court of the United States and pack it, as you did in 1868 and '9 to get the legal-tender decisions.

Now, I want to ask it again. I am not making this speech for fun, nor for my health, nor as an oratorical exercise. I am discharging a solemn duty to my country and my kind. I am trying, if possible, to invoke the best thought of this House on all sides of this Chamber on the most momentous proposition that has been discussed within these walls since Sumter was fired on in the spring of 1861. It is more momentous than that, because if the Southern Confederacy had succeeded liberty would not have been dead. There would have been two republics on this continent instead of one. But if we take these Filipinos into partnership with us, then the knell of American liberty is sounded.

On the President's policy, so far as it has been revealed in its nebulosity, the American people are divided into three parts: Those who really indorse it because they believe it will add to the glory and wealth of the Republic; those who oppose it tooth and nail on grounds of highest patriotism and broadest humanity, because they believe that it will be dangerous, perhaps ruinous, to the Republic; those who deem it wrong and hazardous, but say, "We must support the President's policy, right or wrong."

A lover of "government of the people, by the people, and for

the people" may respect the first class; he must respect the second class, and he must heartily despise the third class.

The proposition that we must support the President's Philippine policy—whatever that may be—right or wrong, is the veriest rot, an insult to intelligence, a shame upon manhood, a tale told by an idiot, a betrayal of the principle of self-government.

I am willing to go as far as anyone in patriotism. I will support the country in any emergency; but President McKinley is not the country. The time has not yet come—I pray Almighty God that it may never arise—when the American people will accept the arrogant dictum of Louis XIV, when repeated by an American President, "I am the State!"

If President McKinley is at all worthy of his high position, he must entertain a supreme contempt for those political invertebrates, particularly for those claiming to be Democrats, who, in order to catch the crumbs falling from their master's table [applause], go about saying, "The President is wrong in his Philippine policy, but we must support the President." Out upon such cringing sycophancy!

Suppose a case. Suppose that when George III undertook to force our forefathers to pay the stamp tax, Patrick Henry, instead of delivering that great lyric speech before the Virginia house of burgesses, which precipitated the Revolution and which still thrills the heart like strains of martial music, had risen in his place and, cooing gently as a sucking dove, had said, "His Most Gracious Majesty is wrong about this stamp tax, but we must, as loyal subjects, support him, right or wrong." And suppose Washington, Jefferson, Greene, Warren, Lee, Putnam, Hamilton, Franklin, and all that glorious host of warriors and statesmen had weakly agreed to that. What would we be to-day? Instead of being the strongest, the richest, the most beneficent Republic that the sun ever looked down upon, we would still be English colonies, ruled by British proconsuls, without any voice whatsoever in the Government under which we live.

Those immortal state builders had been reared on the pleasant fiction that "the King can do no wrong," but when he did do wrong they boldly and iconoclastically trampled that preposterous falsehood in the dust and, wresting a continent from his iron grasp, made it the home of liberty and dedicated it to the twin propositions, "All men are created equal" and "Governments derive their just powers from the consent of the governed." There were men in the land in 1776. Are there only manikins now? I do not believe such a monstrous libel on 75,000,000 American citizens. George III did wrong. Our fathers fought and conquered him. William McKinley does wrong. We will oppose and overthrow him under the forms of law. [Applause.]

I wish to make another suggestion along this line of letting these Philippinos in here. Now, Mr. Chairman, this startling proposition presents itself. Ten millions of Asiatics, not one of whom is fit to be an American citizen or to be made an American citizen—because that is what they will be—and have all the rights and privileges of American citizens! They can live on 15 cents a day from habit as well as we can on a dollar a day. Under the tutelage of skillful American teachers they will soon be as competent to use American machinery as our own mechanics, and the result of the whole thing is that American laborers, white and black, are to be brought into competition with the pauper labor of Europe and Asia, which you gentlemen have talked about so long, without a single, solitary compensatory benefit from the theory of free trade.

Now, think about it on the grounds of humanity. We are told that we have commissioned ourselves as a lot of Don Quixotes to go forth into the world in quest of ventures, and that our duty is to carry the blessings of liberty and settled government to the ends of the earth. I deny it. Our duty is to attend to our own business, to secure the blessings of liberty to our posterity.

Now, let us see if we are fit to go into the political missionary business, and on this I challenge your attention. I am going to state facts that are within the common knowledge of all the people here. I ask you reformers over there, are we, the American people, in condition to go into the world as missionaries to carry the blessings of liberty and settled government to all other peoples? My friend from Pennsylvania quoted Scripture the other day, I understand—I was not here; I am sorry I was not—in favor of the imperial doctrine. Why, the devil quoted Scripture on a celebrated occasion in favor of his proposition. [Laughter.]

I will quote you a bit of Scripture that fits it like a glove: "Let every man set his own household in order before he goes to meddling with the households of other people." [Laughter.] Also, "Physician, heal thyself." What kind of a condition are we in to do missionary work? Let us see what we are doing right now. Hanging "niggers" in Mississippi, burning "niggers" in Kentucky, hanging Italians in Louisiana, a double-headed government in Kentucky, one governor assassinated and two living, two governments and two legislatures, and they can not hold a court in some parts of the State, my native State, without calling the militia. Out in Illinois one Sunday evening last summer they had a battle in which more men were killed—and by a strange concatenation of events every one of them had a black hide—more men were killed than at the battle of Palo Alto or Resaca de la Palma.

Out in Idaho the State is under martial law. Up in Maine, the home of civilization and patriotism and learning, last summer they mobbed two preachers, tarred and feathered them, and rode them on a rail because they preached the doctrine of Jesus Christ. [Laughter.] The Washington Post—I wish I had the editorial here—stated that they would have burned them, but the lucifers would not work well. [Laughter.] Thank God, the lucifers were out of fix, or in the closing days of the nineteenth century, in the State of Maine, we should have had two humble followers of the Saviour burned alive because they preached the doctrine of the lowly Nazarene.

Last summer a mob with fury in its eye, murder in its heart, and a rope in its hand, chased a colored man and brother through the woods in Connecticut, the land of steady habits, but whether they ever found him or not I don't know; he has never been heard of since. [Laughter.] What must Charles Sumner, Harriet Beecher Stowe, William Lloyd Garrison, and other departed and distinguished philanthropists think of that, if they think at all amidst their present environments? [Laughter.] A year or two ago they hanged five men on one tree in one night in Indiana, and it was not a very good night for Judge Lynch, either.

Let us take another instance. All last summer the United States courts in this country were run overtime, and all of the judges were liable to be stricken down with nervous prostration, and what were they doing? Busy issuing injunctions at the command of the plutocrats of the land against men exercising the God-given right of earning their bread in the sweat of their faces.

Let us come east a little. If what John Wanamaker says about Matthew Stanley Quay is correct, Quay ought to be in the penitentiary the rest of his natural life [laughter]; and if what he says is not true, Wanamaker is the greatest liar since the days of Ananias and Sapphira. [Laughter.] Perhaps they are both correct. [Laughter.] I will not undertake to decide such a delicate question of Republican morals and Republican etiquette. [Renewed laughter.] The city of Philadelphia, whence my distinguished friend, brother ADAMS, comes, has become so corrupt that, notwithstanding it had 100,000 Republican majority at the last election, it imported ballot-box stuffers and repeaters from the city of Washington merely from the force of habit. [Laughter.]

Mr. ADAMS. I want to say to the gentleman from Missouri that the bad people from Washington came up there and led us astray. [Laughter.]

Mr. CLARK of Missouri. Oh, no; that is like the sheep biting the wolf. [Laughter.] Old Dr. Johnson, the author of the English dictionary—and I commend him to the Ways and Means Committee in their struggle to find out what the words "United States" mean [laughter]—old Dr. Johnson, the Ursa Major of English literature, is said to have gone to see one widow every night for twenty years, and finally somebody said to him, "Why don't you marry her, Doctor?" He replied, "My dear sir, if I married her, where would I go to spend my evenings?" Force of habit. Just like the Philadelphia stuffing of ballot boxes. They say it is an absolute fact that that Republican city is so corrupt that when the man in the moon passes over it he holds his nose to keep from fainting. [Laughter.]

Mr. ADAMS. Mr. Chairman, I should like the gentleman to know that one lot of those ballot-box stuffers are in jail and every one of the others has skipped his bail, which has been forfeited; so that when the gentleman refers to the moral condition of Philadelphia, I want him to understand that the people there are still ready to see that what is right is done and that the men who break the laws are punished.

Mr. CLARK of Missouri. If all the ballot-box stuffers and heelers in Philadelphia were sent to the penitentiary the town would be depopulated. [Laughter.]

Mr. ADAMS. Perhaps some of our ballot-box stuffers went to Missouri.

Mr. CLARK of Missouri. There is not a State in the American Union that has a better election law than the State of Missouri. I drew it myself; I helped pass it through the legislature. In that imperial Commonwealth every man, black or white, rich or poor, votes once and has his vote counted once.

Mr. ADAMS. Yet we had a gentleman rise in his seat the other day and state that the election law in Missouri was such that it would be impossible to hold an honest election there. Did the gentleman from Missouri draw and pass that law?

Mr. CLARK of Missouri. There is no such law. I will state what is the matter with the gentleman from St. Louis.

Mr. ADAMS. He is all right.

Mr. CLARK of Missouri. Wait a moment. The gentleman from Missouri represents a large German constituency.

Mr. ADAMS. That is good.

Mr. CLARK of Missouri. They are in favor of the Boers and

against the Philippine propaganda. The gentleman from Missouri has been running with the McKinley Administration until his political fences have got into very bad order, and he thought he would recoup by getting up here and making a spread-eagle speech about the corruption of elections in St. Louis.

Mr. BARTHOLDT rose.

The CHAIRMAN. Does the gentleman from Missouri yield?

Mr. CLARK of Missouri. Oh, yes.

Mr. BARTHOLDT. Mr. Chairman, I made a dispassionate statement the other day——

Mr. CLARK of Missouri. Well, I did not hear it.

Mr. BARTHOLDT. It was made in a Republican caucus, and I do not intend to betray the secrets of a caucus. But I stand by every word I said—that the election law in our State is every bit as bad as, if not worse than, the law upon the statute books of the State of Kentucky which resulted the other day in bloodshed and murder. And I want to ask the gentleman a question in this connection. If he drew the election law of Missouri, he is probably aware of the fact that under that new law there will not be appointed in the city of St. Louis, nor in the city of Kansas City, a Republican either as judge of elections or as clerk; consequently the machinery is entirely in the hands of the Democracy——

Mr. CLARK of Missouri. Oh, no.

Mr. BARTHOLDT. So far as my own district is concerned——

Mr. CLARK of Missouri. Wait a moment. I yielded for a question; not for a speech. I want to make my speech myself.

Mr. BARTHOLDT. The gentleman referred to my State; will he allow me a word in this connection?

Mr. CLARK of Missouri. We will give you time when I get through. I want to go on with my speech.

The CHAIRMAN. The gentleman from Missouri declines to yield further.

Mr. CLARK of Missouri. The judges of election under that law are politically about half and half; so are the clerks. That answers the gentleman's statement. The new law, of which he complains, is an amendment to the law which I helped pass. This new law has never been tried. Consequently, nobody knows whether it is good or bad. Anyway, it applies only to the large cities and is intended to prevent corruption.

I have stated one reason assigned by the imperialists why we should go out carrying the blessings of liberty to the ends of the earth. Another class of them say, "It is Providence." I have heard a good many bad things unloaded on Providence, but I never heard anything as bad as that. To claim that this is the work of Providence reminds one of the old colored brother who said he had observed that when he prayed that Providence would send him a chicken he never got it; but when he prayed that Providence would send him to the chicken he usually got there. [Laughter.]

Another thing to demonstrate our fitness to do political missionary work among the effete monarchies of the East: Five Southern States are now taxing their ingenuity to eliminate the colored brother from the political equation without infracting the Federal Constitution, and you Northern people would do precisely the same thing under the same circumstances.

In fact, the Congress of the United States has carried that plan further than any Southern State has done, for right under the shadow of this Capitol 300,000 citizens of the District of Columbia, white and black, are disfranchised by act of Congress and have no more voice in the government under which they live than so many stocks and stones.

Physician, heal thyself!

There was one candid imperialist. That was the immortal soldier and statesman, Frederick the Great. He took Silesia, to which his ancestors had some shadowy claim two hundred years before his day. Through the horrors of the seven years' war, in which he soundly thrashed the Russians, Austrians, and French combined, he resolutely held on to his prey. All Europe in arms could not tear Silesia from his iron grasp. When all was over and he stood forth victor over all his foes, in a state paper one of his ministers undertook to demonstrate that it was the will of God, whereupon candid, heroic Frederick growled, "Strike it out. Leave the name of God out of that. Say I did it."

Our imperialists are not so courageous as Frederick. A good many of them beat about the bush; but some do not. Living out West has a tendency to increase and encourage independence of character.

Senator CARTER of Montana took a whack at this business not long ago. Here is what he said:

> This is a practical age. We are going to deal with this question on the basis of dollars and cents. Neither religion nor sentiment will have much influence in determining the verdict. The great question will be, Will it pay? If we can show the country that it will, as I think we can, the American flag will never come down from the Philippines.

Mr. Chairman, when the Republican party was first organized it went forth to do battle against the intrenched powers of the land as the friend of humanity; and I do not believe that if Abraham Lincoln and the coterie of great men who gathered around him were here to-day they would be willing to write the dollar mark as the sign in which the American people shall conquer. [Applause.] "Will it pay?" Are you willing to fritter away the liberty of coming generations that a lot of jobbers may be permitted to rake in a few dollars in the Philippine Islands?

But take the matter as the Senator from Montana puts it—on the low and debasing standard of the almighty dollar—and let us see how we will come out. It is said that figures will not lie. Here they are: The appropriations for the Army, passed in the spring of 1898, just before the Cuban war began, were $23,129,344.30. The other day we passed an urgent deficiency bill carrying $47,602,032.61 for the Army. The regular appropriation bill for the Army carried $75,247,811, making a total of $122,849,843.61 for the Army alone. Deduct from that the appropriation for the fiscal year, made in the spring of 1898, under normal conditions, and you have $99,720,499.31 left as the cost of this imperial policy up to the present time for the Army alone.

That is the price of the Philippine war to date, exclusive of the increased expenditures for the Navy, exclusive of the awful waste of human life and human health, and exclusive of the expense of a long roll of pensioners, which our children to the third and fourth generation will not live long enough to see paid.

What have we to show for this immense expenditure of life and blood and tears and treasure? Nothing, absolutely nothing.

When will this war end? Can anybody predict the day, even approximately?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DINSMORE. I ask unanimous consent that the gentleman from Missouri be allowed to complete his remarks without limit.

The CHAIRMAN. The gentleman from Arkansas can yield further time to the gentleman from Missouri.

Mr. DINSMORE. Well, I yield to him such time as he desires.

The CHAIRMAN. The gentleman from Arkansas yields to his colleague without limit, within the time that he possesses.

Mr. CLARK of Missouri. I thank my friend from Arkansas [Mr. DINSMORE], also the chairman of the committee [Mr. HITT], for their courtesy.

Mr. LACEY. Now that the gentleman's time has been extended, I want to ask him a question.

Mr. CLARK of Missouri. Very well.

Mr. LACEY. I understood the gentleman from Missouri, not long ago, to say that his party took the Republicans by the scruff of the neck and got them into this trouble.

Mr. CLARK of Missouri. I did not say any such thing. That speech of mine seems destined to be immortal. I will tell you what I said. I said that the Democratic party in this House took the Republican party by the scruff of the neck and dragged it into the Spanish war, and I stand by that statement. It is the truth of history. We did that very thing. But the Spanish war is not the Philippine war. You are simply making me say that a little sooner than I would have said it anyway. I wish to call the attention of lawyers to this fact:

The Constitution of the United States gives Congress the right to declare war. We declared it. You Republicans came in under a good deal of pressure. You had a "kickers'" caucus around here that had eighty-five members in it, I have understood. At last you came in with a declaration of the Spanish war that Congress had the right to declare, that Congress did declare, and Congress carried that war to a glorious conclusion. And I say now that if that war had done nothing else except to give George Dewey and Winfield Scott Schley to immortality it is worth all that it cost.

But this war is not the Spanish war. It is not part of the Spanish war. Congress never authorized it, and Congress should stop it.

Mr. LACEY. I understood my friend was giving us a list of appropriations for the year 1898.

Mr. CLARK of Missouri. I gave you that as the last normal appropriation of the War Department.

Mr. LACEY. Immediately before the Spanish war.

Mr. CLARK of Missouri. Yes; and it was an appropriation made when nobody expected that there would be a war.

Now, I want to stir up your pure minds by way of remembrance. We went into that Spanish war with the solemn resolution of Congress that it was not for imperial aggrandizement or to enlarge our territory. What did we do that for, do you suppose? Did we do it because we had nothing else to do? Was it just a mere empty flourish of rhetoric? No; I will tell you what we put it in there for. For two reasons. In the first place, you never would have got a resolution through this Congress declaring war in the world if it had not been put in there, because there were enough of us here who dreaded this very thing to prevent it.

In the second place, we put it in there to secure the good opinion of mankind, to keep the old nations of the earth from getting scared at this lusty young giant of the West, and it did keep them off; and if anybody had had any idea that an attempt would have

been made to confine that resolution to Cuba, it would have been put into that resolution so broad that it would have covered every foot of land on the face of God's footstool.

We are in a nice fix, are we not? There is one other gentleman about whom I wish to express my opinion. A man stood up in the Senate of the United States not long ago and held up before the twinkling eyes of the members of the House of the Ancients a piece of glittering gold that he alleged he had picked up in the Philippine Islands, and said, in substance, "There are mountains of it over there, and for that reason we should go and dispossess the people and take their land."

Mr. Chairman, the junior Senator from Colorado did not overstep the mark when he denounced that speech as "base and sordid," and I will give my opinion of it in another way. There is scarcely a convicted thief in any penitentiary of any civilized country on the globe who did not land behind the bars by reason of just such temptation as the gentleman from the Wabash held up before the Senate of the United States. [Applause on the Democratic side.]

Now, they quoted Scripture here the other day. I want to quote a little myself. It is written, "Judge a tree by its fruits." That is good gospel. It was wisdom before it was ever put in the Bible. What are the fruits of imperialism up to date? I am not going to overstate the case at all. In the first place, it has led us into abandoning the Declaration of Independence, which has made us what we are and glorified us in the eyes of the whole world. That is the first proposition.

Now, gentlemen, I have philosophized a good deal about that document. I want to say this to you. There is nothing new in the Declaration of Independence except two propositions, and they revolutionized this world. One of them is that all men are created equal; the other is that governments derive their just powers from the consent of the governed. What did those two propositions do? Why, they made us a republic. They made all of North America a republic, except the British possessions. They made Central America a bevy of republics; they made South America republican. They made two republics in Europe and four in Africa, and gave liberty to the islands of the sea, and we did it. Mark Twain says, "Blessed is the man that bloweth his own horn, lest it shall not be blown." We did it. There is not a republic existing on earth to-day that does not exist by reason of our example and the twin propositions in the Declaration of Independence that all men are created equal and that governments derive their just powers from the consent of the governed.

I never think about the condition of the world now that I do not bless God for the men who wrote the Declaration of Independence and for the men under Washington who made it good on a thousand battlefields. Think of what a Republican Secretary of State did. When Louis Napoleon, the lucky adventurer, took possession of Mexico, at a time when his arms glittered from China to Peru, when we got through with our family fight the first thing that the Secretary of State did was to notify him to get out of Mexico and not to stand on the order of his going, and he went; and Mexico exists to-day by reason of our patriotism, our courage, and our good sense.

But some fellow somewhere will get up and say that it is not true that all men are created equal; that one man is 6 high, another one only 5; that one man has the brain of a Webster and another is an idiot; one is black and another is white. Well, it never meant any such thing as that. It meant that every child is born into this world with the same political rights as any other child.

Latter-day Republicans sneer at the Declaration of Independence as composed of glittering generalities and barren idealities, not fit to be considered seriously by fin de siècle statesmen. Any man who asserts that it really means something, that it is the major charta of our liberties, that it contains the argument not only for our Revolution but for all representative government, is rated by these practical statesmen as a sickly sentimentalist.

Let me read you the words of a man famous for common sense wherever civilization abounds:

> I never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. * * * Now, my friends, can this country be saved upon this basis? If it can, I shall consider myself one of the happiest men in the world if I can help to save it. If it can not be saved upon that principle, it will be truly awful. But if this country can not be saved without giving up that principle, I was about to say I would rather be assassinated on this spot than surrender it.

Who do you suppose said that? Abraham Lincoln, the best product of Kentucky's fertile soil. When and where did he utter those memorable words which are a condemnation of all the jingoes in the land? In 1861, in Independence Hall, a place sacred to lovers of liberty everywhere.

Again he said:

> What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling seacoasts, our Army, or our Navy. These are not our reliances against danger. All of these may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men in all lands, everywhere. Destroy this spirit and you have planted the seed of despotism at your own doors. Familiarize yourself with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the strength of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Still again he said:

> No man is good enough to govern another man without that other's consent. When the white man governs himself, that is self-government; but when he governs himself and also governs another man, that is more than self-government—that is despotism. Our reliance is in the love of liberty which God has planted in us; our defense is in the spirit which prizes liberty as the heritage of all men, in all lands, everywhere. They who deny freedom to others deserve it not for themselves, and under a just God can not long retain it.

As if endowed with prophetic power to see what would be happening here in 1900, Mr. Lincoln, at Lewiston, Me., said, in 1858.

> Wise statesmen as they were, they knew the tendency of prosperity to breed tyrants; and so they established these great self-evident truths, that when in the distant future some man, some faction, some interest, should set up the doctrine that none but rich men, or none but white men, or none but Anglo-Saxon white men, were entitled to liberty and the pursuit of happiness, their posterity might look up again to the Declaration of Independence and take courage to renew the battle which their fathers began. * * * so that no man should thereafter dare to limit and circumscribe the principles on which the temple of liberty was being built.

Those words seem spoken to describe our imperialists, who sneer at the Declaration of Independence and its authors.

Republicans are fond of tracing their political pedigree to Alexander Hamilton, who condemned their present performances in these words:

> National liberty is a gift of the beneficent Creator to the whole human race; and the civil liberty is founded on that, and can not be wrested from any people without the most manifest violation of justice.

Charles Sumner was once considered a great prophet in Republican Israel, and the popular voice endowed him with all the virtues of martyrdom. In an unguarded moment he said:

> The words that "governments derive their just powers from the consent of the governed" are sacred words, full of life-giving energy. Not simply national independence was here proclaimed, but also the primal rights of all mankind.

His illustrious successor in the Senate, the learned and venerable GEORGE FRISBIE HOAR, is now denounced as a traitor by cheap-John demagogues because he expresses sentiments similar to those of Sumner.

Sneer at the great Declaration and its self-evident truths, do you? Here are a few pearls of thought and patriotism culled at random from the archives of the Republican party in its better days:

> *Resolved*, That the principle promulgated in the Declaration of Independence is essential to the preservation of our republican institutions.—*Republican platform of June 17, 1856.*
>
> *Resolved*, That the maintenance of the principles promulgated in the Declaration of Independence, that governments are instituted among men, deriving their just powers from the consent of the governed, is essential to the preservation of our republican institutions.—*Republican platform of May 17, 1860.*
>
> *Resolved*, This convention declares itself in sympathy with all oppressed people who are struggling for their rights. We recognize the great principles laid down in the immortal Declaration of Independence as the true foundation of democratic government, and we hail with gladness every effort toward making these principles a living reality on every inch of American soil.—*Republican platform of May 20, 1868.*
>
> *Resolved*, That the Republican party has always been the champion of the oppressed and recognized the dignity of manhood, irrespective of faith, color, or nationality. It sympathizes with the cause of home rule in Ireland.—*Republican platform of June 19, 1892.*

Really, some Anglomaniac ought to move to strike out sympathy for Ireland and insert sympathy for John Bull in the awful but righteous trouncing he is just now receiving at the hands of Oom Paul Kruger.

But, gentlemen, we do not have to confine ourselves to quotations from the dead statesmen and to musty platforms in the years agone. There is an eminent, I may say preeminent, Republican jingo statesman now living—not only living, but living in clover—who not long since publicly and solemnly gave in his adhesion to the doctrines of the Declaration and with prophetic power condemned the present Philippine policy of the Administration. His name is William McKinley. He resideth in the White House. He hath offices galore to distribute to the faithful. But in a moment of temporary aberration he uttered these treasonable words:

> I speak not of forcible annexation, for that, under our code of morals, would be criminal aggression.

Some supple-jack of a jingo ought to move to expunge those words from the records of the country and from human memory.

TESTIMONY OF A GREAT MISSOURIAN.

I will quote a few pregnant sentences lately spoken by a great Missouri Republican, now a resident of Washington, Gen. John B. Henderson. I like to quote Republicans when they talk wisdom and patriotism. John B. Henderson is one of the greatest lawyers ever in either branch of Congress. He was a brigadier-general in the Union Army, a Senator of the United States for eight years, President of the convention which nominated Blaine, and president of the Pan-American Congress. He is the

only man, living or dead, that ever refused a place on the supreme court bench of Missouri. He rendered his country and his party conspicuous service by having conscience, courage, brains, and patriotism enough to vote for the acquittal of Andrew Johnson, to prosecute the whisky ring even unto death, and to help defeat General Grant for a third term.

It will not do for gentlemen to sneer at General Henderson when he says:

For what purpose, then, are we conquering the Philippine people? And how are they to be governed when passed under the yoke of subjugation? These are the great questions which sooner or later we must solve for ourselves, and which the Philippine people have propounded to our rulers, beginning with the President and going down to the captains of companies, whose only reply has been to mow them down by thousands with the destructive arms of modern science. Shall these people be citizens of the United States, free to come and go from State to State? Shall they be governed by local legislatures of their own selection, represented in the Federal Congress, and clothed with all the rights of American freemen? Tell them this and the war will close in an hour. To tell them less is to deny the theory of our own Government, to subvert the foundations of American liberty, and to enter upon a system of imperialism as fatal and as corrupting to the governing power as is personal slavery to the master.

From these people we have concealed the records of our political history. We hide from ourselves, as we hide from them, the judicial interpretations of our own Constitution, and tell them with brazen front that the Declaration of Independence and the Constitution itself are but glittering generalities intended for the strong and not for the weak.

EVIDENCE OF AN EMINENT REPUBLICAN STATESMAN.

I now quote from a man who is admired and beloved by all friends of liberty wherever domiciled. His name is Carl Schurz. "To name him is to praise him." Born in Germany, he was one of that band of noble revolutionists who in 1848 strove heroically to make Europe free. He came to this country to find here that liberty which was unattainable there. The friend and confidant of Lincoln, he became a major-general, minister to Spain, Senator of the United States from Missouri, and Secretary of the Interior. He is universally recognized as a man of conscience, of courage, of brains, of learning, and of eloquence. At the age of three-score and ten he is still a great tribune of the people and an active friend of human freedom. I commend his words of wisdom to all who hear or read this speech. In speaking of the possibility of new States from our newly acquired territory, he says:

In Puerto Rico, for instance, politicians of lively ambition are already clamoring for the speedy organization of that island as a regular Territory, soon to be admitted as a State of the Union. You may say that they will have long to wait. Be not so sure of that. Consult your own experience. Has not more than one Territory, hardly fitted for statehood, been precipitated into the Union as a State when the majority party in Congress thought that by doing so its party strength could be augmented in the Senate and in the House and in the electoral college? Have our parties become so unselfishly virtuous that this may not happen again? So we may see Puerto Rico admitted before we have had time to rub our eyes.

You may say that little Puerto Rico would not matter much. But can any clear-thinking man believe that when we are once fairly started in the course of indiscriminate expansion we shall stop there? Will not the same reasons which induced us to take Puerto Rico also be used to show that the two islands of Santo Domingo, with Haiti, and of Cuba, which separate Puerto Rico from our coast, would, if they were in foreign hands, be a danger to us and that we must take them? Nothing could be more plausible. Why, the necessity of annexing Santo Domingo is already freely discussed, and agencies to bring this about are actually at work. And as to Cuba, every expansionist will tell you that it is only a matter of time. And does anyone believe that those islands, if annexed, will not become States of this Union? That would give us at least three, perhaps four, new States, with about 3,500,000 inhabitants—Spanish and French Creoles and negroes—with six or eight Senators and from fifteen to twenty Representatives in Congress, and a corresponding number of votes in the electoral college.

Nor are we likely to stop there. If we build and own the Nicaragua Canal, instead of neutralizing it, we shall easily persuade ourselves that our control of that canal will not be safe unless we own all the country down to it, so that it be not separated from our borders by any foreign, and possibly hostile power. Is this too adventurous an idea to become true? Why, it is not half as adventurous and extravagant as the idea of uniting to this Republic the Philippines, 9,000 miles away. It is already proposed to acquire in some way strips of territory several miles wide on each side of that canal for its military protection. But that will certainly be found insufficient if foreign countries lie between. We must, therefore, have those countries. That means Mexico and various small Central American republics, with a population in all of about 14,000,000, mostly Spanish-Indian mixture—making at least 15 States, entitled to 30 Senators and scores of Representatives and Presidential electors.

As to the character of the people whom those Senators, Members, and Presidential electors are to represent, I will let an authority speak that may astonish you, considering his present position—the Hon. Whitelaw Reid, who said in a public address at the time when the annexation of Santo Domingo was under discussion:

"This land greed of the Anglo-Saxon race is still at work. We have absorbed the best part of Mexico, but we have plenty of propagandists, mainly in the Army, and with influential voice near the head of the Government, clamorous for the rest. We have taken a foothold in the West Indies; it will be of God's mercy if we do not find the whole West Indian Archipelago crowded upon us to tax an already overloaded digestion. What are we to do with the turbulent, treacherous, ill-conditioned population? They have shown no faculty for self-government hitherto; and are we to precipitate them in a mass into the already sufficiently degraded elements of our national suffrage? We are trying the powers of Anglo-Saxon self-governing digestion upon 3,000,000 slaves; are the gastric juices of the body politic equal to the addition of the Mexicans, the Santo Domingans, the Cubans, the 'Conks' of the Bahamas, the Kanakas, and the rest of the inferior mixed races of our outlying tropical and semi-tropical dependencies?"

I could stand here till midnight and make quotations to show that in our present attitude, defending the Declaration of Independence, we occupy the position held by all the statesmen of all parties prior to the beginning of the Philippine war, and that the jingoes are propagating theories to which the great and good among our public men would never have subscribed; but there is no use to waste my strength and consume your time.

Another thing. Name the Constitution to one of these imperialists, and what answer do you get? Why, Gen. Wesley Merritt blurted out, what most of you were thinking, that "the Constitution is played out, it is not even worth discussing."

They sneer at Washington's Farewell Address, that everybody, including Mr. McKinley himself, has acknowledged as containing the wisdom of the world. Abandon the Monroe doctrine—that is what imperialism means—at once and without a struggle; because it stands to reason and to nature that we can not play the dog in the manger on this continent and at the same time colonize in the Eastern Hemisphere. Let us take another thing which has been done and which has been applauded by the public conscience. The other day, in a ground swell of virtue, this House rose in its might and took Brigham H. Roberts by the nape of the neck and slack of the trousers and set him out in the cold, cold world. [Laughter.]

Now, why, gentlemen? Because he had three wives; but the real argument against Roberts was never stated on this floor, and that was that it invaded the Democratic doctrine of equal rights to all and special privileges to none. [Renewed laughter.] But we performed that very virtuous act when we put him out because he had three wives, although Brigham H. Roberts was a Democrat. Now, this Republican Administration goes into an agreement or treaty—I do not care what they call it, but some kind of a paper—by which it takes into the employment of the United States Government that eminent Republican officeholder, the Sultan of Sulu, who has 300 wives. [Laughter.] Now, we Democrats, we virtuous Democrats——

Mr. WILLIAMS of Mississippi. And we pay him tribute.

Mr. CLARK of Missouri. Yes; I will tell you about that in a few moments. We virtuous Democrats joined with you virtuous Republicans and put out of this House a polygamous Democrat. Now, as one good turn deserves another, I ask you virtuous Republicans to join hands with us virtuous Democrats and not admit within the American Union that eminent Republican officeholder, the Sultan of Sulu. [Laughter.] What are you doing? You are paying him $250 a month and you are paying his dato, Murah Jara, $75 a month. What are the duties of Murah Jara? Why, he is the keeper of the Sultan's harem [laughter]; and if you go on with this thing no Republican statesman will be properly equipped for a seat in the American Congress unless he has a harem and a keeper of his harem. [Great laughter.] I believe in having one wife, and I never saw what anybody wanted with more, and I am teetotally opposed to me or my people helping pay a part of the salary of the keeper of anybody's harem.

Let us see another thing about it, because it is all here. What are we doing now? Paying tribute to a petty tyrant. That is the plain fact. You can not wriggle out of it; that is what it is—paying tribute to a petty despot for the privilege of running the American flag up on the strawstack he inhabits as his palace. [Great laughter.] When did an American President ever pay tribute before? I will tell you. George Washington had to, because he could not help it. John Adams did it for the same reason; but when Thomas Jefferson came in, the only red-headed President of the United States [laughter and applause]—and in that connection, if the color of a man's hair has anything to do with his deeds, it is high time that another red-headed man should become President [renewed laughter]—he refused to pay tribute to the Barbary pirates, and ordered a Democratic lieutenant of the United States Navy to shell them out of their holes, which he did, and that was the end of the United States paying tribute at the Straits of Gibraltar or anywhere else.

Now, in the closing year of the nineteenth century, if not the first of the twentieth, the President of the United States, the President of 75,000,000 of people, pledged himself to pay this tribute to a petty despot whose very name you do not know. How do they justify it? Why, President Schurman has admitted in his declaration that it includes slavery and polygamy both. Schurman made defense of it. What reason do you think he gave? He said, "They tolerated slavery and they tolerated polygamy because these things were a part of their religion."

Now, my brothers, did not Brigham H. Roberts stand in this very House and justify his position on the ground that it was a part of his religion? Did he not? What else did Schurman say? He said the kind of slavery they have over there is a very mild form, a sort of patriarchal institution. Did you ever hear that kind of talk before? You young men never did, but the older men here know that that was precisely the defense that the people of twelve or thirteen States of the American Union made, that African slavery was a mild form, a sort of patriarchal institution. We are coming to it again. Verily, the whirligig of time brings its own revenges.

Now, I want somebody to answer this question. If polygamy

is wrong in the United States, is it right in Asia? Is it? The last Democratic President of the United States, James Buchanan, sent an army to thrash the Mormons in Utah. The latest Republican President of the United States, and, let us hope, the last, enters into some kind of an agreement—they say it is not a treaty—with a polygamist of the Sulu Islands. I submit that if Brigham Young was a criminal for having 26 wives, the Sultan of Sulu is a greater criminal for having 300 wives. [Laughter.] Did you ever hear of the question of slavery and what it did? For four long years it made this country red with the best blood of the nation because some people thought other people should not buy and sell human flesh. But I submit that what is wrong in America is not right in Asia. And if it is wrong for an American citizen to own a black African, it is wrong for anybody to own a brown Asiatic.

Now, one other thing. How do you like this paying of tribute? I do not believe you people like it any better than I do. Do you know what was the first infallible sign of the decline and fall of the Roman Empire? It was paying tribute to barbarians. Armies destroyed might be replaced, cities razed might be rebuilt, but when the insatiable barbarian got the first taste of Roman tribute he never stopped until his whiskered pandours and fierce hussars rode through the vine-clad hills of Italy and fed their horses in the temples of the Romans of the seven-hilled city.

Let us see another thing that this imperialism has brought us to—a press censorship. These are the fruits of the tree of forbidden knowledge. A press censorship! Do you know what was the only party that ever established a press censorship in this country? It was the old Federalist party. It passed a law making it a crime to speak disrespectfully of the President of the United States, or of the Vice-President, or of the Supreme Court, or of the Senate or House of Representatives, or any member thereof. Good heavens! Just think of it! Suppose that law had been on the statute book during the last two years of Cleveland's second Administration; where would we have been? Every man jack of us would have been in prison and not one would have escaped. [Laughter.] Yes, on both sides of the House. [Laughter.] Suppose that was the law now; where would a good many of us be? In durance vile.

But in 1800 the American people arose in their wrath and might and hurled the old Federalist party from power and buried it in a grave upon which there is inscribed, "No resurrection;" and if the Republican party in the United States persists in this press censorship it will follow the old Federalist party in the broad and dusty pathway to oblivion.

Another bitter fruit of the tree of imperialism is that it makes our Government callous to the Macedonian cry which comes to us from other peoples who are fighting for the right to govern themselves.

The love of freedom is not confined to any latitude or longitude. Wherever people are struggling for liberty they should have the friendship of all Americans.

It is astounding that there should be any argument as to that proposition within the broad confines of this puissant Republic. Two years ago there would not have been; but a change, a marvelous change, has come over the spirit of our dream.

In the elder day we would have made the welkin ring; now, officially speaking, we are dumb as oysters. Wherefore? Because England is a robber nation; we are ambitious to become a robber nation; and all robber nations must stand together for self-protection; and because it is so English, don't you know!

That's official America, mark you—only official America.

From its sordid and inhuman verdict we appeal to the unofficial masses, who make and unmake statesmen, the great body of our citizenship, whom Abraham Lincoln affectionately denominated "the plain people"—yes, the plain people, the honest people, the uncorrupted people, who do not covet their neighbor's land, whose eyes are not blinded by the sheen of their neighbor's gold, whose cupidity is not excited by the sparkle of their neighbor's diamonds, who do not believe that larceny, burglary, arson, and murder are fundamentals of political economy and Christian civilization, and in whose pure and tender hearts the sweet song of human freedom is forever singing.

The Senate of the United States may laugh to scorn Senator MASON'S resolution of sympathy with the Boers, but the toiling millions of America will send their sympathy and their hearty Godspeed across the sea to the brave burghers who are the best marksmen seen on earth since Andrew Jackson's immortal day at New Orleans.

Why should we not sympathize with these sturdy defenders of their liberty, their homes, their wives, and their little children? They are in the right. Not only that—they have five times as much cause for fighting as our fathers had in 1775.

Daniel Webster once declared that our Revolutionary sires went to war about a preamble; but if that be true, it is also true that the essence of that preamble was the right of self-government, for which the Boers are fighting.

Twice they have abandoned their humble homes and removed into the wilderness to get rid of the English; but the villain still pursues them.

Why should we not express our sympathy?

The precedents all favor such action.

We passed resolutions of sympathy with the Greeks, when struggling heroically to break the yoke of the unspeakable Turk, and in advocacy of those resolutions Daniel Webster established his fame as an orator by his lofty and impassioned appeal to the moral sentiment of the world—the same sentiment which we now invoke in behalf of an oppressed and long-suffering people.

Under the lead of that matchless Kentuckian, Henry Clay, we hastened to express our sympathy with the nascent South American republics, thereby assisting them to throw off their Spanish chains; and we did our duty by that act.

We did these things when we were a feeble folk.

Then we were willing to defy the world, the flesh, and the devil to aid anybody anywhere struggling for freedom.

Now, that we are so strong that we can not estimate our strength, we have fallen to the low estate of being John Bull's silent partner in butchering and despoiling white men—flesh of our flesh and bone of our bone—fighting valiantly and gloriously for their altars and their fires. Shame upon such a craven spirit!

If gold and diamonds had never been discovered in grand old Paul Kruger's bailiwick, there would have been no war. It is the Boers' gold and diamonds that the English are fighting for, and not the rights of the Utlanders. Any weak people discovering gold, diamonds, or anything of value may expect a visit from Mr. Bull.

I hope he will get his fill of gold. I hope it from the bottom of my heart. I want him to get it as Crassus got it.

He waged a war against the Parthians to gobble their gold. They defeated his legions, cut off his head, poured melted gold down his dead throat, and, in derision, said: "Now, Crassus, thou hast thy gold!"

So may it be with Johnny Bull in South Africa and to all who are the foes of human liberty.

I do not wish to weary the House, but there is another branch of this matter I want to mention briefly. This appetite for islands grows with what it feeds on. When we took in the Sandwich Islands I said then it was only the beginning of the end.

Now we have the Sandwich Islands; we have the island of Guam; we have Puerto Rico; we intend to swallow Cuba at the first opportunity; we are reaching out for the Philippines. One day two weeks ago the Philadelphia Inquirer had an editorial advocating the purchase by the United States of the Danish West India Islands—St. John, St. Croix, and St. Thomas. The very same day the Philadelphia North American had an editorial advocating the proposition that we buy the Galapagos Islands. Now, I undertake to say, unless you have rubbed up your geography lately, there is not a man in the House who would know which way to start—north, south, east, or west—if required to start instantly for the Galapagos Islands.

One other proposition. They say that where the American flag has once been raised it shall never be hauled down. The President of the United States said that. My friend from Ohio, General GROSVENOR, is the originator of that absurd theory. A more preposterous one was never hatched in the brain of man. I do not believe that the President had any more intention of making that speech when he started South than I have of undertaking to fly. But he got down there among the Southern people; they are warm-hearted, hospitable, generous, enthusiastic, feather-headed, and they sometimes boil over. [Laughter.] I love the Southrons with all the intensity of my being; for blood is thicker than water. When he got down there, with his engaging personality and handsome presence, it was such a relief from Cleveland that they went wild in their enthusiasm; and, as the newspapers stated, he interpolated that clause into his written speech at the banquet when it was past midnight—"Who shall haul down the American flag? Men of Dixie, will you haul it down?" Of course they swore by the horns of the altar that they would not haul it down. [Laughter.] And in their then excited frame of mind and exaltation of spirit, they would have sworn just as cheerfully and vociferously to storm the gates of hell or scale the mountains of the moon.

Now, I have not attended very many banquets; I have attended a few; but my opinion is that the poorest place on the American continent to ascertain the cool, deliberate, settled judgment of the American people is at a banquet, especially in the South at 2 o'clock in the morning "betwixt the walnuts and the wine." [Laughter.]

Now, let us see where this doctrine would land us. The proposition is that we are not going to haul down the American flag. Did any Roman emperors ever haul down their flag? Adrian, one of the greatest of them, hauled it down, and everybody has applauded him since.

There used to be a man named Napoleon Bonaparte, who roamed around a good deal away from home. [Laughter.] He

may be called the most masterful flag raiser of that age. He ran up the French flag on every capital of Europe except London, and I have always been sorry he did not run it up there. Did he always keep his flag up where he first put it? Why, bless your souls, no. He pulled it down at Berlin, at Vienna, at Madrid, and—I was about to say a thousand other places. He took the French eagles back to their eyrie on the banks of the Seine. If my friend General GROSVENOR had been there he would have said, "Sire, you will sully your reputation. Where the French flag has once waved it must wave—

"Forever and forever,
As long as the river flows,
As long as the heart has passions,
As long as life hath woes."

And when Victoria, Louis Napoleon, and the Sultan of Turkey went into the Crimean war Queen Vic got into rather bad company on both sides. They ran up their flags on Russian soil. Did they keep them there? No; they pulled them down, and were glad to have an opportunity to pull them down and go home. If they had not done so Kinglake's history of the Crimean war would have contained so many volumes that the world would not have held them.

Does England always keep her flag up where she has hoisted it? She had floated it over every capital of Europe except that of Russia. She once floated it over the Philippines, but pulled it down again. On a day that no American can remember except with shame and humiliation the British burned this Capitol, and over its ruins ran up the cross of St. George. Did they keep it there? No. If they had undertaken to keep it there, what would have happened? Why, every boy and half the girls born in the United States since that time would have died in the attempt to haul down that hateful rag.

Let us recur to our own history. Have we always kept our flag where we ran it up? Why, sir, we ran it up on the river Thames, in Canada. One of my kinsmen died on that battlefield running up that flag. We ran up our flag over the halls of the Montezumas, in Mexico; we ran it up on the walls of the Barbary powers, in Africa. Did we keep it up? No; when it had answered the purposes for which it was put up we pulled it down and brought it back into our own country, and have been stronger and better ever since for doing so.

Let me tell you something further about running up the flag and hauling it down. To say that you will never haul down the flag from any place where it has once been hoisted, means a war of extermination inevitably.

When John A. Dix at the beginning of the civil war telegraphed, "If any man undertakes to haul down the American flag, shoot him on the spot," it fired the patriotic heart of the land, because that flag was floating where it ought to float. But whenever you run it up where it has got no business, it ceases to be the banner of the free and the emblem of liberty and becomes to the people where it is run up an emblem of slavery and humiliation.

Now, gentlemen, I must stop, of course. But one other thing I want to suggest to you. It is not pleasant to play the rôle of Cassandra, but people ought to learn by experience.

Why will we learn nothing from the sad fate of those who have gone before? I had an uncle somewhat given to wild ways. My father, an older man, advised him to profit by the experience of others. "Oh," replied the ardent youth, "I want to experience these things myself." We are acting in precisely the same reckless manner. Strong beyond computation, happier than any other people on earth, growing by leaps and bounds, yet with the history of the world for six thousand years before our faces we are hastening with flying feet into that broad and easy pathway whose end is death.

Take a few from the innumerable examples which history furnishes for our instruction—examples authenticated beyond all cavil.

Greece was the first great nation of Europe. As long as she was contented to remain within the bounds which nature fixed for her she flourished, the home of art, poetry, learning, commerce, and valor. But Greece was not big enough for Alexander, who, not satisfied with being the son of Philip of Macedonia, boasted that he was Ammon's son. So he started out to slaughter, to conquer, and to seek universal dominion. We certainly can not hope to beat him at his own game. You know what befell him. But where be the cities now which he founded? Where the empire which he created? the glory of his own country, which he debauched, ruined, and enslaved?

Then Rome arose upon the banks of the yellow Tiber; waxed strong, spread out till Rome was synonymous with the civilized world; lorded it over all creation for some centuries; broke to pieces of her own weight and own rottenness; became the victim of the cruel barbarian and followed Greece to the graveyard of nations.

"In the second century of the Christian Era the Empire of Rome comprehended the fairest part of the earth and the most civilized portion of mankind. The frontiers of that extensive monarchy were guarded by ancient renown and disciplined valor." Those are the splendid sentences with which Edward Gibbon opens The History of the Decline and Fall of the Roman Empire, the saddest story in the annals of the human ra e. Dull indeed must be the man, cold must be his heart, whose imagination, fired by those two glowing and gorgeous sentences, does not conjure up for his contemplation magnificent pictures of human happiness and human prosperity. But, alas! the six large volumes which he wrote are almost exclusively devoted to giving a melancholy, a heart-rending history of human folly, human depravity, human weakness, human misery, and human poltroonery, such as can be found nowhere else in the entire realm of literature.

Here and there a flash of genius, an act of patriotism, a deed of humanity, a feat of heroism, lights up the somber scene of desolation and woe—only the last flickerings of the expiring candle. Constantly, forever downward, the great historian leads our steps, through suffering and decay, from the accession of Augustus Cæsar to the fall of Constantinople—scenes twelve hundred years apart, but welded together for our instruction and our warning. The end may be described succinctly as "Darkness everywhere; chaos come again."

I wish most fervently that every citizen of this Republic could be compelled to read carefully and prayerfully Gibbon's stupendous work. It would wound the jingoes past all surgery, give the coup de grâce to imperialism on this continent, and save our children from a fate at the contemplation of whose horrors even the bravest of us must shudder.

Over and over and over again he tells us with an emphasis which can never be forgotten that "the decline and fall of the Roman Empire" was caused by the failure of the successors of Augustus to follow the sage advice of that crafty statesman to keep the empire within safe, reasonable, and natural bounds. With their evil example and its awful consequences before our eyes, we seem determined to plunge headlong into the black and bottomless abyss in which they disappeared forever from human ken.

If you desire a poetical description of Rome after their folly and wickedness had wrought their perfect work of destruction, read the famous lines of Lord Byron, the greatest poet that ever lived:

O Rome! my country! city of the soul!
The orphans of the heart must turn to thee,
Lone mother of dead empires! and control
In their shut breasts their petty misery.
What are our woes and sufferance? Come and see
The cypress, hear the owl, and plod your way
O'er steps of broken thrones and temples, Ye!
Whose agonies are evils of a day—
A world is at our feet as fragile as our clay.

The Niobe of nations! there she stands,
Childless and crownless, in her voiceless woe;
An empty urn within her wither'd hands,
Whose holy dust was scatter'd long ago;
The Scipios' tomb contains no ashes now;
The very sepulchers lie tenantless
Of their heroic dwellers: dost thou flow,
Old Tiber! through a marble wilderness?
Rise, with thy yellow waves, and mantle her distress.

The Goth, the Christian, Time, War, Flood, and Fire,
Have dealt upon the seven-hill'd city's pride;
She saw her glories star by star expire,
And up the steep barbarian monarchs ride,
Where the car climb'd the Capitol; far and wide
Temple and tower went down, nor left a site—
Chaos of ruins! who shall trace the void,
O'er the dim fragments cast a lunar light,
And say, "Here was, or is," where all is double night?

The double night of ages, and of her,
Night's daughter, Ignorance, hath wrapp'd, and wrap
All round us; we but feel our way to err;
The ocean hath its chart, the stars their map,
And Knowledge spreads them on her ample lap;
But Rome is as the desert, where we steer
Stumbling o'er recollections; now we clap
Our hands, and cry, "Eureka!" it is clear—
When but some false mirage of ruin rises near.

Then came Mohammed, camel driver and prophet, with the Koran in one hand and the sword in the other, and founded in blood and on fanaticism an empire which spread until it looked as though it were to be universal; but on the field of Tours and under the walls of Vienna Charles Martel and John Sobieski rolled back the tide of Saracen invasion, which has been receding ever since, until the latest of his successors is the laughing-stock of royalty, and "the Sick Man of Europe" is permitted to play at being a monarch only because the great powers can not agree as to who shall own Constantinople, the key to the eastern world.

At the astounding historic pageant at Brussels, when Charles V, weary of glory, of power, of conquest, and of the world, abdicated in favor of Philip II, he could with perfect truth have made the proud boast which Daniel Webster made for England, that the sun never set upon his dominions and that his morning drumbeat encircled the globe. Not only Spain was his, but also Italy,

Sicily, Austria, the Netherlands, the Floridas, most of North, Central, and South America, and nearly all the islands of all the seas. Even the great highway of the ocean was denominated the Spanish Main. But his immense and glittering empire was an unnatural, an incongruous, an incoherent, an incompatible conglomeration of states, and only last year we, who as a nation were in our swaddling clothes when that great Emperor doffed his crown and betook him to a monastery, gave the finish to his abnormal empire.

Next came Louis XIV, the Grand Monarque, who was King for seventy-two years; who for half a century did bestride this narrow world like a Colossus; who, in the plenitude of his power, dreamed that he could defy the immutable laws of nature and by a family compact could give the earth and the fullness thereof in fee simple to his descendants; whose old age was made bitter by Blenheim, Oudenarde, Ramillies, and Malplaquet, by the loss of armies, battles, and provinces; whose cup of humiliation was filled to overflowing by the invasion of La Belle France; whose grandson died upon the block, and whose heirs are mere phantom kings—wanderers and vagabonds upon the face of the earth.

Close upon his august heels came the marvelous Corsican, the wonderful warrior, the self-styled "Armed Soldier of Democracy," who boasted that he found the crown of France in the gutter, picked it up on the point of his sword, and with his own hands clapped it upon his own head. Had he been warned by the fate of his predecessors, he would have died upon the throne, left it to his son, and in history would have been named "Napoleon the Invincible." Not so, however. Filled with the vain lust of universal dominion, he, too, caught the fatal mania of imperialism. He conquered kingdoms, empires, and principalities. He deposed kings and queens and potentates until Europe was full of fleeing royalties. He made queens of his sisters, kings of his brothers, brothers-in-law, and even of his stable boys. In his vainglory he called his baby heir by the high-sounding title of King of Rome; but in an evil hour for him—a blessed hour for humanity—he, too, ran up against the inexorable law of nature; his legions perished in the snows of Russia, and at last, a prisoner on a tropic isle, he died in a delirium, shouting, "Tête d'armée!"

At last appeared John Bull as the great practitioner of the fatal theory of imperialism. He gobbled North America, a portion of South America, a large slice of Asia, most of northern Africa, the majority of all the islands in the bosom of the multitudinous seas. John was the greatest imperialist of them all. He had a long and successful run. At last he butted his hard head against Spion Kop and lost his glory in the Modder River. Many men hope and more believe that John has reached his highest point and hastes now to his setting, and that in South Africa, at the hands of old Paul Kruger, he will find his Waterloo.

Unless we are the veriest idiots upon whom God has showered his blessings, rich and manifold, we will profit by the dreadful example of these and others who have gone to ruin by the fatal process of imperialism.

Oh, yes; but they ask if Jefferson did not expand. Of course he did on rational principles. I am not against expansion on rational principles and in proper directions. I am to-day in favor of taking every foot of the British North American possessions. [Applause on the Democratic side.] They join our territory. Their people are educated in self-government. We would welcome them as citizens, and we would then not have John Bull for our nearest neighbor. Jefferson expanded, and I thank God that he was President in 1803, for if he had not been we never would have had the trans-Mississippi country. We needed it in our business. It was necessary for our healthy growth and for our perpetuity. It was contiguous territory. It had nobody in it except the Indians, whom we intended to kill, and a few white people who wanted to come with us. That is the truth. But even Napoleon, who can not be counted among the friends of liberty, stipulated that the Louisiana purchase should be admitted as a State or States and the people thereof protected in the enjoyment of their religious and political rights. We had to have the Floridas, because we did not want Spain with a foothold south of us and England with a foothold north of us. We had to acquire Texas—that was a part of the Louisiana purchase, too—because if we did not have it a foreign nation would come up to Missouri, Louisiana, Arkansas, and Kansas. In all these cases we were seeking a natural frontier and we got it. But over yonder there is a people alien to us; 10,000 miles away from us. There are sixty of them to the square mile, and there are only twelve of us to the square mile here. There is no room for our people there, even if they could stand the climate.

I am proud of being a native of Kentucky; prouder of being a Missourian by adoption; proudest of all of being an American. I have made this speech because I wanted to contribute my mite to the preservation of representative government.

When I look into the faces of my little children my heart swells with ineffable pride to think that they are citizens of this mighty Republic, one and indivisible, built not for a day but for all time, bottomed on eternal truth and right and justice, and if we are true to our principles and faithful to our mission, destined under God to be the dominating influence through all the centuries yet to be.

And now may the God of our fathers, the God who inspired the tongue and heart of Patrick Henry, the God who guided the hand of Jefferson while he traced the greatest state paper in the tide of time, the God who sustained Washington and his starving men during seven years of awful war and gave them complete victory on the blood-stained heights of Yorktown, may He preserve this great Republic, the last hope of constitutional government on the face of the earth, from all its enemies, foreign and domestic, and from its unwise friends who would lure it into the path that certainly leadeth to destruction. [Applause on the Democratic side.]

Mr. HITT. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Chairman, I am sure we have all been entertained if not instructed by our eloquent friend from Missouri [Mr. CLARK]. I have received in my mail to-day the utterance of another gentleman from Missouri that I am going to read, to show that there is not a unanimity of sentiment even in Missouri. It says:

MY DEAR MR. SIBLEY—

I was going to leave out a little of it, but I will read it all—

Your patriotic speech of yesterday pleased me beyond expression. Within the last month there has been a decided change of sentiment amongst our people, and they are becoming much more Democratic as to sustaining the Government. Our Populistic brethren have worked the cry of anti-expansion for all it was worth, but Democratic instinct refused to accept it as part of our political faith.

Our friends must get back into line or be left, for as sure as we live our party in Missouri is in favor of holding the Philippine Islands as United States territory and of ultimately making a State in the Union of Cuba. We can conceive of no greater measure of liberty or a situation of more independence than being a State in the Union. We look forward with pleasure to the time when our Union of States will be increased by additions of Commonwealths created from the territories we have taken from Spain in our last glorious war.

That is from a Democrat.

Mr. COCHRAN of Missouri and others on the Democratic side. Name him!

Mr. SIBLEY. That is a personal letter. I have written the gentleman for his permission to give his name; but he is a man who sat on the floor of this House for many years and raised his voice for the principles of Democracy. He was a Chicago platform Democrat [applause on the Republican side], and I had the honor to sit with him in this body.

Mr. COCHRAN of Missouri and Mr. DINSMORE rose.

Mr. COCHRAN of Missouri. Mr. Chairman, I ask my friend for one moment's interruption.

The CHAIRMAN. Does the gentleman yield?

Mr. SIBLEY. I yield to the gentleman from Missouri.

Mr. COCHRAN of Missouri. I will ask you if that gentleman is not at this time a candidate for an appointment by the McKinley Administration, and if he does not live in Jasper County?

Mr. SIBLEY. I believe this gentleman would not accept any appointment to a Federal position or other position.

Mr. DINSMORE. Will my friend from Pennsylvania yield to me? I desire to ask him if he can explain to me why, if this letter is written by a Democrat, who sat upon this floor as a Democrat, appealing to my friend from Pennsylvania as a Democrat, saying that this party—the Democratic party—must get back to the traditions of Democracy as set forth in the speech which my friend from Pennsylvania made only a day or two ago, the only indorsement and applause it elicited in this House came from the Republican party on the other side of the Chamber. [Laughter and applause on the Democratic side.]

Mr. SIBLEY. Perhaps that is correct. I want to say, Mr. Chairman, that I have been invited so many times to take my seat upon the other side of the Chamber that, if standing by the convictions I hold, if standing in defense of all that makes for higher life and better government, if standing patriotically by my country as against her open enemies, it is necessary for a man to sit upon that side of the Chamber, you can constructively place this seat there at this very minute. [Loud applause on the Republican side.]

Upon the floor of this House you have said to-day that my position in the past was one thing and in two years was another thing, and that two years from now it might be different. [Laughter on the Democratic side.] That I grant you. My hope is that I may ever keep with the living present rather than with the dead past. [Applause on the Republican side.] I would rather be true to the present than consistent with the past. I have been charged with turning my coat. [Laughter on the Democratic side.]

I want to tell you that whenever the time comes that the other side of my coat looks better than this side, I will change it quicker than any man you ever saw. [Applause on the Republican side and laughter on the Democratic side.] I want to tell you that there is many a Democrat who can change his coat and cover up the rags and tatters that he is now wearing and present a more

respectable appearance to the public view. [Laughter and applause.]

If I were a prodigal, living on the dry husks of the past, and were compelled to eat the fodder with the swine I kept and quarrel with them for a scanty pittance, upon an invitation to a feast and a clean robe I would leave the husks for the sake of the better surroundings elsewhere afforded and leave to my friend from Arkansas, if he will, the diet of husks. That is all I care to say at the present. [Applause on the Republican side.]

Mr. DINSMORE. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, nobody has just cause to complain about a change of opinion by any servant of the public. It is commendable rather than censurable that one shall follow conscience and judgment wherever it leads. But it does not follow that when one's opinions change he is justified in arrogating to himself such superiority of judgment as to entitle him to say that men who do not see fit to change their opinions quite so frequently as he are necessarily less intelligent or less progressive. I apprehend that nobody on this floor will question the right of any representative of the people to change his mind upon any or even all current public questions. If such a change involves inconsistency, it is a question between him and his constituents, and not to be passed upon by anybody in this Chamber.

As to the fundamental precepts of liberty many of us have not experienced a change of heart. I for one think the Democratic party can afford to base its action in reference to legislation affecting every creature within our jurisdiction on the Declaration of Independence. It can afford to base its action on the Constitution of the United States. It can afford to base its action on the rulings of the Supreme Court and the writings and speeches of the great men who have attempted to define what Congress may and may not do in applying our system to acquired territory. I believe that careful study of these precedents and opinions is a safer guide than can be found in beautiful phrases, high-sounding platitudes, and well-rounded periods. Such speeches charm the imagination, but, unfortunately, are not always instructive. It is unquestionably true that in the past the Democratic party has been the champion of expansion in this country, but it has expanded republican institutions as well as territory. Democratic expansion means enlargement of the domain blessed by constitutional government and liberty as well as of the boundaries of the United States. We would take under our flag no people inimical to its institutions. We would not impose the Government of the United States upon any country by force.

I believe that the Declaration of Independence means something. I believe that all men are created equal and endowed with certain inalienable rights. I believe that governments do derive their just powers from the consent of the governed. Is that heresy? I believe that a government imposed by violence and force is tyranny. Is that heresy or is it Democracy? It is true that the great party of which I am an humble member and whose principles I devoutly believe has added to this nation a vast area of territory, but it is American territory and has been carved into American States. It is to-day peopled by Americans, whose great achievements have increased our material prosperity without in the least disparaging or injuring the politics, institutions, or morals of the country.

If we are to annex the Philippine Islands, it must be with the understanding that the Constitution applies to every part of the territory of the United States. The Constitution says that taxation shall be equal throughout the United States, and the Supreme Court has said that the United States comprises not only the States of the Union, but all territory belonging to the United States. The programme of the imperialist requires avoidance of this provision. We are to have tariff laws levying taxes in our new possessions which are unknown in the States, and in order to carry out this programme a new theory is promulgated as to the meaning of the Constitution. Gentlemen on the other side of the Chamber must be aware that a construction has been placed upon the organic law fatal to their programme, and yet they would attempt to haggle and split hairs about what the words "United States" mean, doubtless hoping that the Supreme Court may be induced to reverse its former decision.

Mr. Chairman, you can not find in the literature of the Republic prior to last year a single syllable that even suggests a limitation of the benign provisions of the Constitution to citizens dwelling in the States comprising the Union. Now, we here proposed the adoption of the theory of liberty preached and practiced by the Romans. They said liberty was for the Romans and slavery for the remainder of mankind. Jefferson taught that liberty was for mankind. Hitherto the Democratic party has professed this faith, and I trust it may ever adhere to it. [Applause.]

[Here the hammer fell.]

Mr. HITT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 7941, making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, and had come to no resolution thereon.

The SPEAKER. The gentleman from New York, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration House bill 7941, and has come to no resolution thereon.

Mr. CLARK of Missouri. Mr. Speaker, I would like to have permission not to so much extend my remarks in the RECORD as to straighten them up, rearrange, and fix them to suit myself.

The SPEAKER. The gentleman from Missouri asks unanimous consent that he may extend or rearrange his remarks made to-day in the RECORD. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered printed, and referred to the Committee on Agriculture:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a communication from the Secretary of Agriculture, covering extensive field operations, consisting of soil surveys over various areas aggregating 720,000 acres. In the opinion of the Secretary of Agriculture, this is the most important work of its kind ever undertaken.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *February 5, 1900.*

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 746. An act to authorize C. R. Dobbins to accept a watch awarded to him by the government of the Dominion of Canada in recognition of his humane and gallant services to the shipwrecked crew of the British schooner *Ashton*, of Weymouth, Nova Scotia—to the Committee on Foreign Affairs.

S. 707. An act for the relief of Charles T. Rader—to the Committee on the Public Lands.

S. 421. An act for the relief of Napolian B. Giddings—to the Committee on Claims.

S. 422. An act for the relief of George A. Orr—to the Committee on War Claims.

S. 423. An act for the relief of Joseph W. Carmack—to the Committee on War Claims.

S. 424. An act for the relief of John S. Neet, jr.—to the Committee on War Claims.

S. 425. An act for the relief of John M. Davis—to the Committee on Military Affairs.

S. 426. An act for the relief of Ezra S. Havens—to the Committee on War Claims.

S. 427. An act for the relief of A. F. Fleet—to the Committee on Claims.

S. 428. An act for the relief of Laura S. Gillingwaters, widow of J. E. Gillingwaters—to the Committee on War Claims.

S. 432. An act for the relief of James W. Howell, late of Company H, Fifty-fourth Regiment Illinois Infantry Volunteers—to the Committee on Military Affairs.

S. 433. An act for the relief of Richard C. Silence—to the Committee on Military Affairs.

S. 436. An act to correct the military record of Perry J. Knoles—to the Committee on Military Affairs.

S. 437. An act for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers—to the Committee on Military Affairs.

S. 438. An act for the correction of the military record of James M. Crabtree—to the Committee on Military Affairs.

S. 439. An act for the correction of the military record of John R. Leonard—to the Committee on Military Affairs.

S. 359. An act to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg.—to the Committee on Ways and Means.

S. 1590. An act for the erection of a public building at Providence, R. I.—to the Committee on Public Buildings and Grounds.

S. R. 51. Joint resolution recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution 22:

Resolved by the Senate (the House of Representatives concurring), That there be printed for immediate use as a public document 11,000 copies of the proceedings in connection with the reception of the Webster statue on January 18, 1900, as reported by the committee of arrangements, of which 1,000 shall be for the use of Mr. Stilson Hutchins, 4,000 for the use of the Senate, and

6,000 for the use of the House of Representatives; also 10,000 copies in the form prescribed by law for printing eulogies, of which, in cloth binding, 1,000 shall be for the use of Mr. Hutchins, 3,000 delivered to the Senators and Representatives of the States of New Hampshire and Massachusetts, 2,000 for the use of the Senate, and 4,000 for the use of the House of Representatives—to the Committee on Printing.

CHANGE OF REFERENCE.

The SPEAKER. The Chair calls attention to Senate bill 197, for the relief of Hattie Phillips, which was erroneously sent to the Committee on Pensions when it should have been referred to the Committee on War Claims. Without objection, it will be so referred.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RHEA of Kentucky, for ten days, on account of important business.

To Mr. GARDNER of New Jersey, until Thursday, on account of death.

LEAVE TO PRINT IN THE RECORD.

Mr. DINSMORE. Mr. Speaker, in order to give the privilege to certain members of the House who do not care to speak on the present bill, I ask unanimous consent that members of the House may have the privilege to print in the RECORD for a term of five days.

Mr. STEELE. I think the gentleman had better make it one day.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that all members may be permitted to print remarks on the bill pending before the Committee of the Whole House on the state of the Union for five days.

Mr. PAYNE. Mr. Speaker, I am not disposed to object to this request; but I want to call the attention of the House to the fact that this has been repeated time after time, so that there are already three or four consents for matters of this kind.

Mr. STEELE. I object.

Mr. DINSMORE. Well, Mr. Speaker, I will make the request for one day.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that members of the House may be permitted to print in the RECORD for one day. Is there objection? [After a pause.] The Chair hears none.

Mr. HITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for establishing an Indian agency at Leech Lake, Minn.—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for certain judicial salaries, and a request in relation to an appropriation for penitentiary at Fort Leavenworth—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for classification of mineral lands in Montana and Idaho—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey and estimate of cost of improving harbor of New London, Conn.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Arthur Kill, or Staten Island Sound, New York and New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting an abstract of the militia force of the United States—to the Committee on the Militia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LYBRAND, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5288) relating to lights on steam pilot vessels, reported the same without amendment, accompanied by a report (No. 197); which said bill and report were referred to the House Calendar.

Mr. LINNEY, from the Committee on Elections No. 1, to which was referred the resolution of the House (H. Res. 130) relating to contested-election case of Evans *vs.* Turner, Fifth Congressional district of Kentucky, reported the same, accompanied by a report (No. 198); which was ordered to be printed.

Mr. ROBERTS, from the Committee on Elections No. 3, to which was referred the resolution of the House (H. Res. 131) relating to the contested-election case of Pearson *vs.* Crawford, from the Ninth Congressional district of North Carolina, reported the same without amendment, accompanied by a report (No. 199); which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BRANTLEY: A bill (H. R. 8059) to amend the items in the river and harbor acts of 1894, 1896, and 1899, containing the contract with C. P. Goodyear, his heirs and assigns, to deepen the outer bar of Brunswick, Ga.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8060) to establish a military post at or near Waycross, Ga.—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 8061) to incorporate the American National Red Cross, and for other purposes—to the Committee on Foreign Affairs.

By Mr. FLYNN: A bill (H. R. 8062) creating the county of Quapaw, Okla., and defining the boundaries thereof—to the Committee on Indian Affairs.

By Mr. HENRY of Mississippi: A bill (H. R. 8063) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: A bill (H. R. 8064) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898—to the Committee on Insular Affairs.

By Mr. MOODY of Oregon: A bill (H. R. 8065) permitting citizens of the United States, bona fide residents of the States of California, Oregon, and Washington, to fell and remove, for building, agricultural, mining, and other domestic purposes, timber growing or being upon the mineral lands of the United States in the States aforesaid—to the Committee on the Public Lands.

By Mr. DOLLIVER: A bill (H. R. 8066) for the preservation of prehistoric monuments, ruins, and objects, and to prevent their counterfeiting—to the Committee on the Public Lands.

By Mr. CRUMPACKER: A bill (H. R. 8067) to incorporate the National Society United States Daughters Eighteen Hundred and Twelve—to the Committee on the District of Columbia.

By Mr. WILSON of Arizona: A bill (H. R. 8068) authorizing the board of supervisors of Pima County, Arizona Territory, to issue fifty-year 5 per cent bonds of Pima County, Arizona Territory, to redeem certain funded indebtedness of said county—to the Committee on the Territories.

By Mr. BABCOCK: A bill (H. R. 8069) to amend an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. JOY (by request): A bill (H. R. 8070) to require employees of the United States and District governments in the District of Columbia to pay certain judgment debts or be dismissed from service—to the Committee on Reform in the Civil Service.

By Mr. RICHARDSON: A bill (H. R. 8071) providing that calls made by the Court of Claims under the provision of section 1076 of the Revised Statutes shall be complied with in ten days—to the Committee on the Judiciary.

By Mr. RAY of New York: A bill (H. R. 8072) for the preparation of a site and erection of a pedestal for statue of late Maj. Gen. George B. McClellan—to the Committee on the Library.

By Mr. KERR: A bill (H. R. 8073) to provide for lessening the number of appeals in applications for patents—to the Committee on Patents.

By Mr. SMALL: A bill (H. R. 8123) authorizing and directing the Secretary of War to make a preliminary examination and survey of Pasquotank River, North Carolina, at a point known as South Mills, through the said river and cut to Albemarle Sound, through Albemarle Sound to Croatan Sound, through Croatan Sound to Pamlico Sound, through Pamlico Sound to Core Sound, through Core Sound to Beaufort Inlet, including a survey of said inlet, with the cost of establishing permanently a draft of water of not less than 18 feet over said Beaufort Inlet Bar at low water—to the Committee on Rivers and Harbors.

By Mr. SCUDDER: A joint resolution (H. J. Res. 158) directing the Secretary of War to submit plans and estimates for the construction of a breakwater at Luces Landing, Northville, Suffolk County, N. Y.—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 159) to amend joint resolution to furnish the daily Congressional Record to members of the press, and so forth, approved February 17, 1897—to the Committee on Printing.

By Mr. BROWNLOW: A joint resolution (H. J. Res. 160) providing for the publication of 200,000 copies of the Special Report on the Diseases of Sheep—to the Committee on Printing.

By Mr. HENRY C. SMITH: A resolution (H. Res. 127) requiring the Commissioner of Pensions to make special report—to the Committee on Invalid Pensions.

By Mr. POWERS: A resolution (H. Res. 128) providing an amendment to the rules—to the Committee on Rules.

By Mr. RICHARDSON: A resolution (H. Res. 129) of inquiry relating to certain contracts in the Navy Department—to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A resolution (H. Res. 132) providing for an annual clerk for the Committee on Pensions—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Kentucky: A bill (H. R. 8074) for the relief of Wormley E. Wrae, Hawesville, Hancock County, Ky.—to the Committee on Military Affairs.

By Mr. BARHAM: A bill (H. R. 8075) removing the charge of desertion from the record of Samuel Watson—to the Committee on Military Affairs.

Also, a bill (H. R. 8076) for the relief of W. S. Curless, of California—to the Committee on Claims.

Also, a bill (H. R. 8077) removing the charge of desertion from the record of John Hill—to the Committee on Military Affairs.

By Mr. BURKETT: A bill (H. R. 8078) granting a pension to G. W. Fairbrother—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 8079) granting a pension to Bertha M. Jordan—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 8080) granting a pension to Mrs. Elcy Bennett—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 8081) granting a pension to Caroline Oliver, widow of Edward E. Oliver, private, Company A, Captain Parker's Iowa Dragoons Volunteers, Mexican war—to the Committee on Pensions.

By Mr. FITZGERALD of New York (by request): A bill (H. R. 8082) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workingmen of the District of Columbia for fifteen years last past—to the Committee on Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 8083) granting an increase of pension to James Winnie—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 8084) removing the charges of desertion from the military record of Myron H. McMullen—to the Committee on Military Affairs.

Also, a bill (H. R. 8085) restoring to the pension roll Alexander D. Harper, alias John Harden—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8086) for the relief of the First Presbyterian Church, of Knoxville, Tenn.—to the Committee on War Claims.

By Mr. HENRY of Mississippi: A bill (H. R. 8087) for the relief of the estate of Richard Harding, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 8088) for the relief of the legal representatives of Margaret A. Russell, deceased—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 8089) granting a pension to Catherine Pixley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8090) granting a pension to the minor heirs of Patrick McGee—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 8091) granting a pension to Benjamin E. Styles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8092) to increase pension of Silas Barnett—to the Committee on Invalid Pensions.

By Mr. LINNEY: A bill (H. R. 8093) for the relief of D. Froneberger, surviving partner of the firm of D. Froneberger & Co., late of Cleveland County, N. C.—to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 8094) authorizing the restoration of the name of Nathan S. Jarvis, late captain and assistant surgeon, United States Army, to the rolls of the Army, and providing that he be placed on the list of retired officers—to the Committee on Military Affairs.

By Mr. PACKER of Pennsylvania: A bill (H. R. 8095) to correct the military record of William M. Sibel, alias William Siple—to the Committee on Military Affairs.

By Mr. RIXEY (by request): A bill (H. R. 8096) for the relief of Thomas Sherman, of Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 8097) to carry out the findings of the Court of Claims in the case of Samuel W. Hough, administrator of William N. Hough, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8098) to carry out the findings of the Court of Claims in the case of Duncan James—to the Committee on War Claims.

By Mr. RANSDELL: A bill (H. R. 8099) for the relief of Stephen D. Clark and the estate of Emma C. Lovelace, deceased—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 8100) granting an increase of pension to Julia A. Cook—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 8101) for the relief of the estate of Cyrus Martin, deceased, late of Washington, D. C.—to the Committee on War Claims.

By Mr. SPRAGUE: A bill (H. R. 8102) for the relief of Edward Everett Hayden, United States Navy—to the Committee on Naval Affairs.

By Mr. SLAYDEN: A bill (H. R. 8103) for the relief of Augusta De Ahna—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 8104) granting to the grandson, heir and representative, of Maj. John Burnham a sum of money equal to the amount of pension withheld from him between March 4, 1820, and February 7, 1828—to the Committee on Pensions.

By Mr. SHOWALTER: A bill (H. R. 8105) for the relief of A. G. White, postmaster at Beaver, Pa.—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 8106) granting a pension to Olivia Donathy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8107) granting a pension to Nancy W. Hadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8108) for the relief of Philip Miller—to the Committee on Military Affairs.

Also, a bill (H. R. 8109) for the relief of Anthony Remley—to the Committee on Military Affairs.

Also, a bill (H. R. 8110) granting relief to Milo Osterhout—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 8111) for the relief of Caroline Commandun, widow of Eugene Commandun, adjutant of the Twenty-third Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 8112) granting a pension to John Vogler—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 8113) for the relief of Recknagel & Co.—to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 8114) granting a pension to Annie E. Bell and Florence M. Bell—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 8115) to remove the charge of desertion from the military record of Robert Fairman—to the Committee on Military Affairs.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8116) to carry out the findings of the Court of Claims in the case of J. B. McAlpin, administrator of John Willis, deceased—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 8117) to grant Amelia Hutchinson an increase of pension—to the Committee on Pensions.

By Mr. McALEER: A bill (H. R. 8118) to remove the charge of desertion now standing against George Brownlay, or Brownlee, late of Company A, Sixty-ninth New York Infantry Volunteers, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. ROBERTS: A bill (H. R. 8119) granting a pension to Michael Murphy—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 8120) granting an increase of pension to David L. Wentworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8121) granting a pension to Sarah Kate Tibbs—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 8122) for the relief of Frank B. Crosthwaite—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the National Board of Trade of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the National Board of Trade of Philadelphia, Pa., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. ALLEN of Kentucky: Papers to accompany House bill to correct the military record of W. E. Wroe—to the Committee on Military Affairs.

By Mr. BOUTELLE of Maine: Resolution of the Board of Trade of Portland, Me., asking for an appropriation for the erection of a United States court building in the city of Portland, Me.—to the Committee on Public Buildings and Grounds.

By Mr. BRANTLEY: Resolutions of the mayors and councils of Lumber City and Waycross, Ga., indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

By Mr. BURKETT: Resolutions of the National Board of Trade, of Philadelphia, Pa., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. CANNON: Papers to accompany House bill granting a pension to Mrs. Elcy Bennett—to the Committee on Invalid Pensions.

Also, petition of W. B. Koon and other citizens of Onarga, Ill., protesting against certain postal legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. CHICKERING: Petition of underwriters of Oswego, N. Y., favoring amendment to the revenue law in regard to affixing stamps on insurance policies—to the Committee on Ways and Means.

By Mr. COONEY: Resolutions adopted by the employees in the Bureau of Animal Industry stationed at Louisville, Ky., and Kansas City, Mo., for provision to grant them the usual leave of absence with pay—to the Committee on Agriculture.

By Mr. COWHERD: Resolution of the common council of Kansas City, Mo., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Kansas City branch of the National Association of Railway Postal Clerks, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. CUSACK: Petition of Henry F. Boynton and other citizens of the Fourth Congressional district of Illinois, asking for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Memorial of the Appalachian National Park Association, asking for legislation for examination and surveys to determine the best location for a proposed national park in the southern Appalachian region—to the Committee on Public Buildings and Grounds.

Also, resolutions of the National Board of Trade of Philadelphia, Pa., favoring a competing submarine cable line between Cuba and the United States—to the Committee on Insular Affairs.

By Mr. EDDY: Resolutions adopted by the Minneapolis (Minn.) Board of Trade, in favor of a more efficient harbor between the South Pass of the Mississippi and the Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, resolutions adopted by the Minneapolis (Minn.) Chamber of Commerce and John A. Logan Regiment, No. 2, Union Veterans' Union, of St. Paul, Minn., protesting against the passage of House bill No. 3988—to the Committee on Agriculture.

By Mr. GAMBLE: Paper to accompany House bill No. 7074, for the relief of Michael Ackerman—to the Committee on Invalid Pensions.

By Mr. GLYNN: Paper to accompany House bill No. 6795, for the relief of Daniel Leary—to the Committee on Claims.

By Mr. GREEN of Pennsylvania: Statement of the Mellert Foundry and Machine Company, of Reading, Pa., to accompany House bill No. 4413, in relation to a Government contract—to the Committee on Claims.

By Mr. GREENE of Massachusetts: Petition of Thomas W. Cook and others, of New Bedford, Mass., in favor of House bill No. 4742, for military instruction in the public schools—to the Committee on Military Affairs.

By Mr. GROUT: Petition of Rev. J. H. Reid and 19 other citizens of Bellows Falls, Vt., for the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOPKINS: Resolutions of the Cigar Makers' International Union of America, Local Union No. 71, Elgin, Ill., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

By Mr. KLUTTZ: Memorial of the Appalachian National Park Association, in favor of legislation for examination and surveys to determine the best location for a proposed national park in the southern Appalachian region—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: Resolution of the millers of the State of Iowa, in favor of an amendment to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Local Union No. 172, of Foster, Iowa, United Mine Workers of America, favoring trial by jury in injunction contempt cases—to the Committee on the Judiciary.

By Mr. LANE: Remonstrance of J. Lohmann and others, of Wheatland, Iowa, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LENTZ: Papers to accompany House bill granting a pension to Silas Barnett—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of Isaac N. Hays, guardian, for pension to minors of Patrick McGee—to the Committee on Invalid Pensions.

By Mr. MANN: Letter of Maj. R. H. Ferguson, of Chicago, Ill., urging the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry S. Robbins and other members of the bar of the Supreme Court of the United States, asking for better quarters for the law library of Congress—to the Committee on the Library.

By Mr. MERCER: Remonstrance of citizens of Blair, Nebr., against the parcels-post bill—to the Committee on the Post-Office and Post-Office.

By Mr. NEVILLE: Evidence and papers to accompany House bill No. 6523, granting a pension to Joseph W. Skelton—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolution of the common council of the city of Milwaukee, Wis., in favor of the naval training school—to the Committee on Naval Affairs.

By Mr. PAYNE: Petition of Austin Thomas and others, of South McAlester, Ind. T., for free transportation to citizens of African blood who desire to locate in Liberia, Africa, or in the Philippine Islands, with suitable homestead provision—to the Committee on Insular Affairs.

By Mr. POWERS: Petition of Ohio Wool Growers' Association, Columbus, Ohio, against the ratification of the treaty with the Argentine Republic—to the Committee on Foreign Affairs.

Also, petition of Good Templars of Vermont, praying for more stringent legislation against the sale of liquors in the Army canteens—to the Committee on Alcoholic Liquor Traffic.

Also, papers to accompany House bill No. 5938, granting a pension to Mary M. Strong—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Papers to accompany House bill to increase the pension of Julia A. Cook—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): Petition of Agnes B. Hoffman, to accompany House bill granting her a pension of $12 per month from January 1, 1898—to the Committee on Invalid Pensions.

By Mr. RUCKER: Petition of 78 citizens of Oklahoma Territory, praying for the passage of a free-home bill—to the Committee on the Public Lands.

By Mr. RUSSELL: Resolutions of secretaries and officers of Connecticut associations of civil-war veterans, favoring service pension—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Petitions of the publishers of the Rawlins (Wyo.) Herald; Kewanee Star-Courier; Trion Factory Herald, Georgia; Harlem Reporter, New York; Howard Democrat, South Dakota; The State, Columbia, S. C.; Union Scout, Dalles Times-Mountaineer, Oregon; Easton Star-Democrat, Maryland; Wyndham Journal, Catskill Recorder, Warsaw Times, Nyack City and Country, Rome Sentinel, New Rochelle Press, Cooperstown Journal, Canandaigua Repository-Messenger, Cobleskill Index, Geneseo Democrat, Watkins Democrat, Carthage Tribune, Rochester Herald, Callicoon Democrat, White Plains State Journal, in the State of New York; also the Raleigh News and Observer, Washington Progress, Newbern Journal, Lenoir Topic, Kinston Free Press, Hendersonville Hustler, Greenville Weekly, Goldsboro Headlight, Concord Times, Winston Sentinel, Asheville Citizen, Oxford Public Ledger, in the State of North Carolina; also Edwardsville Standard-News, Huntsville Mercury, Mobile News, Clanton Banner, Oneonta News-Dispatch, Florence Herald, Ashland Advocate, Montgomery Advertiser, Gurley Herald, Tuskegee News, in the State of Alabama; Hudson Gazette, Jackson Star, Howell Democrat, Holland Times, Reed City Democrat, Hillsdale Democrat, Jackson Patriot, Grand Rapids Democrat, Hastings Journal, Big Rapids Herald and Bulletin, Grand Rapids Chronicle, Mount Clemens Press, Charlotte Leader, Charlevoix Courier, Newago Democrat, Owosso Reporter, Three Rivers Tribune, Pontiac Gazette, Hastings Herald, in the State of Michigan; also Lawrenceville (Pa.) Herald; also Magnolia Banner, Corning Courier, Fort Smith Elevator, Pine Bluff Graphic, Batesville Bee, Pine Bluff Eagle, Bentonville Sun, Ozark Democrat, Conway Democrat, Waldron Reporter, in the State of Arkansas; also New London Record, Perry Enterprise, Sedalia Sentinel, Clinton Tribune, Marceline Mirror, Gallatin Democrat, Columbia Statesman, Alton Missionary, Cassville Democrat, Nevada Post, Springfield Leader-Democrat, Warrensburg Star,

Canton Press, Ava Farm Record, Keytesville Signal, Houston Herald, Waynesville Democrat, Carrollton Democrat, Carthage Democrat, Sturgeon Leader, Shelbyville Herald, Fulton Sun, Monroe City Democrat, Kirksville Democrat, Shelbina Democrat, Troy Free Press, Clayton Argus, Marshall Democrat-News, Excelsior Springs Standard, Joplin Globe, in the State of Missouri, for the repeal of the tariff on printing paper—to the Committee on Ways and Means.

By Mr. SHOWALTER: Paper to accompany House bill for the relief of A. G. White—to the Committee on Claims.

By Mr. SPRAGUE: Petition of James T. Donovan and other clerks in the post-office at Milford, Mass., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Resolutions of the St. Paul Chamber of Commerce, in favor of establishing a Government route to the Philippines via Puget Sound—to the Committee on Military Affairs.

Also, resolutions of John A. Logan Regiment, No. 2, Union Veterans' Union, of St. Paul, Minn., in opposition to House bill No. 3988, relating to appointments in the Weather Bureau—to the Committee on Agriculture.

Also, resolution of the St. Paul Chamber of Commerce, against provisions of the Payne-Hanna ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, *February 6, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

IRRIGATION ON THE GILA RIVER, ARIZONA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 29th ultimo, a letter from the Director of the Geological Survey inclosing a report on the general conditions and cost of water storage for irrigation on the Gila River, Arizona, for the benefit of the Indians occupying the Gila River Reservation; which, with the accompanying papers, was referred to the Committee on the Geological Survey, and ordered to be printed.

THE FINANCIAL BILL.

Mr. BATE. Mr. President, I shall ask permission to address the Senate to-morrow at 2 o'clock upon the unfinished business, the financial bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 2727) authorizing payment of commutation of rations to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899.

The message also announced that the House had passed a bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the New York Railroad Club, praying that the International Railway Congress of 1904 be held in the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Cigar Makers' Union of Oneonta, N. Y., praying that all the remaining public lands of the United States should be sacredly held for the benefit of the whole people and that no grants to the title of these lands should ever be made to any but actual settlers; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Holley, N. Y., and a petition of sundry citizens of Rhinebeck, N. Y., praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

He also presented the petition of Edmund Wetmore and sundry other lawyers of New York City, praying that better facilities be provided for the law library of Congress; which was referred to the Committee on the Judiciary.

Mr. PERKINS. I present a memorial of the legislature of California, remonstrating against the ratification of the so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty. I ask that the memorial be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

STATE CAPITOL, *Sacramento, Cal., February 5, 1900.*

Hon. GEORGE C. PERKINS,
United States Senate Chamber, Washington, D. C.

In accordance with the instructions sent forth in the accompanying joint resolution, I herewith transmit same and certify to its correctness:

Senate joint resolution No. 5, introduced by Senator Jones February 3, 1900.

Read and adopted February 5, 1900. Senate joint resolution No. 5, relative to a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty.

Whereas there is now pending in the Senate of the United States, for ratification, a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty; and

Whereas the proposed reduction of duties upon the importations from these islands that come into competition with the products of the United States apply only to sugar-cane products, citrus fruits, and fresh vegetables, which are only produced in competing quantities by the States of Florida, Louisiana, and California; and

Whereas the articles of export enumerated in said proposed treaty upon which a reduction of duty is obtained are neither produced nor exported from cities of the said States of Florida, Louisiana, or California, thereby entailing great loss to them without any corresponding benefits; and

Whereas the citrus products of this State, amounting to over 5,000,000 boxes, which will be doubled within the next decade, is handicapped by a freight rate to the principal centers of population and trade of 90 cents per box, which exceeds by 15 cents per box the combined freight rate and the proposed import duty from the British West Indies; and

Whereas the citrus products of these islands come directly into competition with the holiday trade, which is known to be the best of the entire year; and

Whereas the entire imports of the island of Jamaica have never exceeded $8,000,000 dollars per annum, a large proportion of which is imported from England owing to a preferential tariff rate; and

Whereas, at the request of this body and the petition of the citrus fruit-growers of this State, the Fifty-fifth Congress fixed a tariff duty upon that product, placing it on an equality with the foreign production in respect to the freight rate only; and

Whereas the American producer is entitled to and ought by right to enjoy the benefit of his home market when fully able to supply the demand: Therefore,

Resolved by the senate of the State of California, the assembly jointly, That it deprecates the attempt to disturb the present existing conditions of the tariff upon sugar, citrus fruits, and fresh vegetables; that it is an unequal and unjust hardship to sacrifice the interests of a few for the benefit of a very large majority; that the supposed benefits accruing to this country in its added proportion of the $8,000,000 of trade with Jamaica will not compensate it for the loss inflicted upon one item alone of California production; that the California producer is entitled to a protective duty as against foreign competition at least equal to the difference in their several freight rates, and that the American producer should be maintained in his demand for the market of his own country; and be it

Further resolved, That our Senators be instructed to vote against the ratification of said treaty, and that our Representatives in Congress be requested to use their influence and best efforts to accomplish its defeat.

Resolved, That a copy of these resolutions be telegraphed to the Hon. GEORGE C. PERKINS by the secretary of senate, and that a copy be transmitted by mail to each of our Representatives in Washington.

F. J. BRANDON,
Secretary of Senate.

Mr. ROSS presented the petition of Selim Newell and sundry other railway mail clerks of St. Johnsbury, Vt., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented sundry petitions of railway mail clerks of Newton Centre and North Attleboro, in the State of Massachusetts, praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Leominster, Mass., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of sundry railway clerks of Beatrice, Nebr., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Dr. R. S. Grimes and sundry other citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of William H. Dodge, D. V. S., and 102 other citizens of Leominster, Mass., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry railway mail clerks of South Framingham, Mass., and a petition of sundry railway mail clerks of Lowell, Mass., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry letter carriers of Lowell, Mass., praying for the passage of House bill No. 1051, to regulate the pay of substitute letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL presented a petition of the Business Men's Association of Newport News, Va., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a memorial of the Business Men's Association of Newport News, Va., remonstrating against the passage of House bill No. 5462, regulating pilots; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Washington, D. C., praying that an appropriation be made to pay the Freedman's Bank depositors; which were referred to the Committee on Finance.

THE SUEZ CANAL.

Mr. MORGAN. I present a paper, being a copy of a convention between Great Britain, Germany, Austria-Hungary, Spain, France, Italy, the Netherlands, Russia, and Turkey respecting the free navigation of the Suez Maritime Canal, signed at Constantinople October 29, 1888. I move that the paper be printed as a document for the use of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1250) granting a pension to Mrs. Hattie E. Redfield;

A bill (S. 1251) increasing the pension of Celia A. Jeffers to the sum of $30 per month;

A bill (S. 1254) granting a pension to Catherine E. O'Brien;

A bill (S. 1255) granting an increase of pension to James M. Simeral;

A bill (S. 2167) granting an increase of pension to Franklin C. Plantz;

A bill (S. 2351) granting a pension to Joseph W. Skelton;

A bill (S. 1194) granting a pension to John B. Ritzman;

A bill (S. 1202) granting a pension to Sarah E. Stubbs; and

A bill (S. 1721) granting an increase of pension to Amos H. Goodnow.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 2344) granting a pension to Alice V. Cook, reported it with an amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1729) granting an increase of pension to Oliver J. Lyon;

A bill (S. 320) granting an increase of pension to Allen Buckner, of Baldwin, Kans.;

A bill (S. 1264) granting a pension to James A Southard;

A bill (S. 1265) granting a pension to Elender Herring, of Elsmore, Kans.;

A bill (S. 1266) granting a pension to Jacob Saladin; and

A bill (S. 1268) granting a pension to Sarah R. Burrell, of Wichita, Kans.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2441) granting a pension to Felix G. Sitton;

A bill (S. 2203) granting an increase of pension to William Taylor;

A bill (S. 755) granting a pension to Hannah R. Johnson;

A bill (S. 757) granting increase of pension to William C. Stockton; and

A bill (S. 477) granting a pension to Levi C. Faught.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 1985) granting an increase of pension to Elizabeth Foster, reported it with an amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 2667) to establish a library post, asked to be discharged from its further consideration and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 2438) to establish a fish-hatching and fish station in the State of West Virginia, reported it without amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on Finance, to whom was referred the bill (S. 392) to pay the General Marine Insurance Company of Dresden the sum of $1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2880) granting an increase of pension to Caroline B. Bradford, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2432) granting an increase of pension to James A. Thomas, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 752) granting an increase of pension to Isaac W. Comery, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1007) granting a pension to Mary E. Fenn, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2943) granting an increase of pension to James Holland; and

A bill (S. 2942) granting an increase of pension to William Padgett.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 716) granting a pension to Susan Buck, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 207) granting a pension to Mrs. J. J. Van Horn, reported it with amendments, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2510) granting an increase of pension to Caroline C. Townsend; and

A bill (S. 1977) to increase the pension of Levi Moser.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 344) granting a pension to Nancy A. Dowell; and

A bill (S. 103) granting an increase of pension to Charles Critzer.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1752) for the relief of James J. Wheeler;

A bill (S. 1754) granting a pension to Burton Packard;

A bill (S. 1758) to increase the pension of Farnham J. Eastman; and

A bill (S. 347) for the relief of Margaret C. McKay, widow of the late Dr. William C. McKay, of Oregon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 358) granting a pension to William P. Arble; and

A bill (S. 342) granting a pension to Eleanor McDevitt.

THE FINANCIAL BILL.

Mr. ALDRICH. From the Committee on Finance I report an amendment to House bill No. 1 as an additional section. Let it be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

Amendment to the committee substitute to H. R. 1.

Add the following as an additional section:

"That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver."

The PRESIDENT pro tempore. What is the request of the Senator from Rhode Island—that the amendment be printed and lie on the table?

Mr. ALDRICH. Yes.

The PRESIDENT pro tempore. It will be printed and lie on the table.

Mr. WOLCOTT. I desire to give notice that on Monday next, when the financial bill comes up at 2 o'clock, I shall ask leave to address the Senate on the bill and on this amendment.

Mr. STEWART. When the routine morning business is concluded, I should like to make a few remarks, occupying not more than ten minutes, in regard to the financial bill and especially in regard to the amendment just reported.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 2999) for the relief of the Prairie Presbyterian Church, of Washington County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 3000) granting a pension to Edward O. Porter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3001) for the relief of Bertha M. Schimmelfennig; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3002) granting a pension to Wesley Reed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT of New York introduced a bill (S. 3004) granting an increase of pension to James H. Stevens; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3005) removing the charge of desertion from the military record of Edward S. Conkling; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3006) for the relief of J. B. Cornell and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 3007) for the relief of Thomas F. Tobey; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WOLCOTT introduced a bill (S. 3008) for the relief of certain enlisted men of the United States Army for losses sustained by them through theft; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHANDLER introduced a bill (S. 3009) to regulate electrical wiring in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BAKER (by request) introduced a bill (S. 3010) for the benefit of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. PENROSE introduced a bill (S. 3011) granting an increase of pension to Joel Metz; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3012) to pension certain soldiers and nonenlisted men who served in the war of the rebellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 3013) to appropriate $100,000 for sinking artesian wells in the State of Idaho; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. WARREN introduced a bill (S. 3014) granting a pension to Matthew Uien; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 3015) for the relief of the Presbyterian Church of Kossuth, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 3016) for the relief of the estates of Celina M. Wright and Charles G. Wright, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3017) granting an increase of pension to Julia M. Edie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment directing the Secretary of the Treasury to pay $998.96 to Capt. B. Tellefsen for expenses incurred by him in consequence of a violation of an article of a treaty of commerce and navigation between the United States and the Kingdom of Sweden and Norway by an officer of the city of Boston, Mass., intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing an appropriation of $2,000 to pay the salary of the consul at Berne, Switzerland, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the salary of the consul at Chefoo, China, from $2,500 to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. SHOUP submitted an amendment proposing to appropriate $1,600 for current and contingent expenses at the Nez Perce Agency, Idaho, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for support and civilization of Nez Perce Indians in Idaho from $1,000 to $2,500, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment extending to July 1, 1901, the time in which settlers may make payments for lands on ceded Indian reservations purchased with the condition annexed of actual settlement, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO THE FINANCIAL BILL.

Mr. CHANDLER. I ask to have printed an amendment which I intended to offer to House bill No. 1, and which I ask may be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

Amend H. R. No. 1 by striking out lines 13 to 22, inclusive, on page 10, and inserting the following:

"That the dollar at the standard weight of 25.8 grains of gold nine-tenths fine or 412½ grains of silver shall be the unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard; and United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold or silver coin of such standard."

The PRESIDENT pro tempore. The proposed amendment will be printed and lie on the table.

Mr. PETTUS submitted the following amendment; which was ordered to lie on the table and be printed:

Insert at the end of the bill, as a separate section, the following:

"SEC. —. Nothing contained in this act shall be held or construed to affect the present legal-tender quality of silver dollars coined by the United States."

Mr. JONES of Arkansas submitted the following amendment; which was ordered to lie on the table and be printed:

Add as a new section the following:

"SEC. —. That the Secretary of the Treasury is hereby directed to have printed and to keep on hand United States Treasury notes under a special account to be called the "emergency circulation fund." Such notes shall be full legal tender. Any citizen of the United States shall have the right to deposit United States bonds, under rules and regulations to be prescribed by the Secretary of the Treasury, and receive from such fund 90 per cent of the face value of such bonds in United States Treasury notes, and shall have the right at any time within twelve months to redeem such bonds by repaying in United States Treasury notes the amount so received by him on account of such bonds, with interest at the rate of 6 per cent per annum on such amount. Failure to so redeem such bonds within the limit of twelve months shall operate as a forfeiture of such bonds to the United States, and such bonds shall be sold to the highest bidder in the open market, and the balance, after the payment of the principal of the amount advanced, the interest on the same, and the expenses, shall be paid to the former owner of such bonds. Any moneys received from such sale may be exchanged with other moneys in the Treasury, so that this fund shall consist alone of Treasury notes. The principal of all sums so advanced when repaid shall be returned to the "emergency circulation fund," and all interest upon such sums shall be passed to the credit of the Treasury under miscellaneous receipts.

"The actual amount of notes held in the 'emergency circulation fund' shall never be less than $50,000,000 in excess of any outstanding advances. Said fund shall neither be increased nor diminished except in the manner provided."

AMENDMENT OF THE RULES.

Mr. GALLINGER. In accordance with the notice given yesterday, I present a proposed amendment to paragraph 5 of Rule XIV, which I ask shall be read, printed, and referred to the Committee on Rules.

The Secretary read as follows:

Amend paragraph 5 of Rule XIV so that it shall read as follows:

"All resolutions shall be referred without debate to their appropriate committees, unless the Senate by unanimous consent shall otherwise order."

The PRESIDENT pro tempore. The proposed amendment will be referred to the Committee on Rules, and printed.

ADDITIONAL CLERICAL ASSISTANCE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections be authorized to employ additional clerical assistance in connection with the investigations which said committee is authorized to make, at a cost not exceeding $600, the same to be paid from the contingent fund of the Senate on vouchers approved by the chairman of said committee.

STATUE OF LAFAYETTE AT PARIS EXPOSITION.

Mr. DEPEW. I desire to call up the joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900. The joint resolution upon a former day was considered by the Senate and went over in order to make inquiry on a question which was raised here as to whether the French Government would permit women representatives at the exposition. It has been ascertained that they will, and that they are to be appointed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDENT pro tempore. Two amendments to the joint resolution were agreed to as in Committee of the Whole. If there be no further amendments it will be reported to the Senate.

Mr. COCKRELL. Let it be read as amended; as the amendments have been agreed to.

The PRESIDENT pro tempore. The joint resolution will be read as amended.

The Secretary read the joint resolution as amended, as follows:

Resolved, etc., That the President may appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette and the presentation of a tablet for said statue at Paris, France, in 1900, and at the exposition then to be held.

That said commissioner shall not be entitled to receive compensation for any services rendered in connection with this mission.

Mr. COCKRELL. I move to strike out the last clause of the joint resolution.

The PRESIDENT pro tempore. Does the Senator from Missouri move to strike out the words which were placed in as an amendment, "and at the exposition then to be held?"

Mr. COCKRELL. No; what I want is to so amend it that this representative will receive the same compensation that others receive, and to place her on an equality with the others.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Strike out the words:

That said commissioner shall not be entitled to receive compensation for any services rendered in connection with this mission.

The PRESIDENT pro tempore. Will the Senate agree to the amendment of the Senator from Missouri?

The amendment was agreed to.

Mr. COCKRELL. When the question of the money necessary to carry on this exhibit was before the Committee on Appropriations the question was raised about a woman's exhibit. We examined and ascertained that there was no exhibit which would be in charge of women alone, and in consequence of that no provision was made specifically for that kind of an exhibit.

Now I understand the President intends to appoint a lady as one of the commissioners, and I doubt not the French Government will not object to that. That being the intention of the President, I see no impropriety in passing the joint resolution as it is. I understand that the President will appoint one or more ladies on the commission, and this joint resolution is to designate one lady for a specific purpose.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children, was read twice by its title, and referred to the Committee on Public Lands.

TRANSACTIONS BETWEEN TREASURY DEPARTMENT AND BANKS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. A resolution by Mr. ALLEN, providing for a special committee to make a thorough and complete investigation of all dealings and transactions between the Secretary of the Treasury or the Treasury Department and the National City Bank and the Hanover National Bank of New York, etc.

Mr. ALDRICH. I move to refer the resolution to the Committee on Finance.

Mr. SPOONER. I ask the Senator to let that motion go over until to-morrow. I wish to make some reply to the speech of the Senator from Nebraska [Mr. ALLEN], and I do not wish to interpose it before the Senator from Louisiana [Mr. CAFFERY] shall have finished his speech. He is ready to go on. Is that course agreeable to the Senator from Rhode Island?

Mr. ALDRICH. Certainly.

The PRESIDENT pro tempore. The Senator from Rhode Island can enter his motion and have it lie over.

Mr. ALDRICH. That is my purpose, to have it lie over, without losing its place, until to-morrow morning.

Mr. ALLEN. That is entirely agreeable to me, provided I can have an opportunity to reply to the Senator from Wisconsin if I deem it advisable.

Mr. SPOONER. I have no doubt the Senator will deem it advisable and I know he will have an opportunity.

Mr. ALLEN. I have no doubt the Senator will say many things that will be worthy of my consideration.

The PRESIDENT pro tempore. Is there unanimous consent that the motion may be entered and that the resolution shall lie over, retaining its place? The Chair hears none, and it is so ordered.

SOUTH AFRICAN REPUBLIC.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, and which is before the Senate by unanimous consent. It will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 2d instant, as follows:

Whereas from the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the heroic battle of the South African Republic against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

Mr. PETTIGREW. I ask that the resolution be laid over, as there is no opportunity, I see, to speak to it this morning, on account of other notices. I ask that it may go over without prejudice.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that this resolution may lie over, retaining its place. Is there objection? The Chair hears none, and it is so ordered.

THE FINANCIAL BILL.

Mr. STEWART. Mr. President, I desire to call up for a few moments the financial bill, to make a few suggestions to my friend from Rhode Island with regard to his new movement, or that of the Committee on Finance. The amendment of which he gave notice this morning to the financial bill reads as follows:

That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

I suppose any ratio will do that. Whatever ratio the nations of the world fix, that would be the relation. The legal relation is always the commercial ratio between gold and silver.

But what I wish more particularly to call attention to is the declaration in the amendment that there is no intention to interfere with international bimetallism by this bill. The bill makes all the obligations of the Government payable in gold. Would not that be something of an obstacle? If you are going to treat with other nations, our obligations are now payable in either gold or silver. We have been in a position where our obligations were payable in either gold or silver, but when you tie our hands then we can not treat, for you make our obligations payable in gold. You adopt the gold standard in so many words, and then you say you have no intention of interfering with bimetallism.

It reminds me of a story I once heard. Whether it is true or false is immaterial; it illustrates the point. There was an old Quaker on board the *Constitution*. They wanted to make him fight, but he would not fight. But when the British came to climb up the sides of the vessel he took a marline spike and struck them on the fingers and knocked them down into the water, and he said, "Oh, I don't mean to hurt thee; I trust thee can swim!" And he kept pounding away.

Now, they do not wish to hurt bimetallism, but they by legislation place it beyond the possibility of ever being reached if this bill becomes a law. To offer such an amendment to such a bill when they say they do not intend to do what they are doing, it seems to me, is trifling with the subject. I am willing to treat the whole subject seriously, but to put such an amendment on the bill is presuming too largely on our ignorance.

The Senator from Rhode Island must know that the amendment is trifling with the question. He ought for his own credit to withdraw it.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. The morning business is concluded.

Mr. CAFFERY. Mr. President——

Mr. HANSBROUGH. I should like to call up a bill on the Calendar.

Mr. CAFFERY. I had the floor yesterday evening and am ready to proceed for the purpose of concluding my remarks.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of a bill similar to one that has heretofore passed the Senate several times. It will give rise to no debate. I am very anxious to get it through.

Mr. CAFFERY. I should like to know if I have the floor?

The PRESIDENT pro tempore. The Chair thinks that under what took place when the Senator left the floor yesterday he ought to be entitled to it. So he recognizes the Senator from Louisiana. Will the Senator from Louisiana yield to the Senator from North Dakota?

Mr. CAFFERY. For how long, may I inquire of the Senator from North Dakota?

Mr. HANSBROUGH. I do not desire to interfere with the Senator from Louisiana.

Mr. CAFFERY. My remarks will be brief this morning.

Mr. HANSBROUGH. I simply desire to call up a bill that has

heretofore passed the Senate two or three times. I am sure it will not lead to any debate; but I do not desire to interfere with the Senator from Louisiana.

Mr. CAFFERY. If it will not lead to any debate, I am willing to yield.

The PRESIDENT pro tempore. The Senator from Louisiana yields to the Senator from North Dakota for the purpose of calling up a bill.

BRIDGE AT DRAYTON, N. DAK.

Mr. HANSBROUGH. I ask the Senate to proceed to the consideration of the bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 3, to strike out "trustees" and insert "council;" in the same line to strike out "town" and insert "city;" in line 8, after "Almeron," to insert "or Grant;" and after those words to strike out "street" and insert "streets;" so as to read:

That the council of the city of Drayton, county of Pembina, State of North Dakota, be, and are hereby, authorized to construct and maintain a pontoon bridge and approaches thereto across the Red River of the North, between the State of North Dakota and the State of Minnesota, extending from the foot of Almeron or Grant streets in said town of Drayton to a point opposite, in the State of Minnesota.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 2, to strike out "trustees" and insert "council;" so as to read:

Said bridge shall be constructed so as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, and for all road travel, for such reasonable rates of toll and under such rules and regulations as may be prescribed by said council and approved from time to time by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 25, to strike out the word "trustees" and insert "council;" on page 3, line 1, to strike out "town" and insert "city;" and in line 2 to strike out "town" and insert "city;" so as to read:

Provided, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said council of the city of Drayton shall maintain, at the expense of the said city, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 12, to strike out "town" and insert "city;" so as to read "said city of Drayton."

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 2, to strike out "town" and insert "city;" and in the same line to strike out "trustees" and insert "council."

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 20, after the word "reserved," to strike out the remainder of the section, in the following words:

And the right to require any changes in the said structure or its entire removal at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interests so require, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SELMA, ALA.

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. CAFFERY. I do, if there is no objection to the bill, and if it is a short one.

Mr. PETTUS. By the courtesy of the Senator from Louisiana I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1174) for the erection of a public building at Selma, Ala.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fireproof vaults, for the use and accommodation of the post-office, and for other Government uses, at Selma, Ala. The building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost $100,000, including cost of site.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POLICY REGARDING THE PHILIPPINES.

Mr. CAFFERY. Mr. President, when I concluded my remarks yesterday afternoon I had reached a point where I proposed to discuss the facts bearing upon our relations with the Philippine Islands, but I will now leave that branch of the subject and take up certain opinions of eminent men bearing on the subject which I have discussed and lay them before the Senate.

Yesterday I was unable to find the quotation from Mr. Webster which I propose to lay before the Senate. I have now obtained it, and will read it. It is an extract from a speech of Mr. Webster on the "Objects of the Mexican war," found in his works, volume 5, page 300. That extract is as follows:

Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukraine and the provinces of the Caucasus and Kamtschatka by different codes, ordinances, or ukases. We can do no such thing. They must be of us, part of us, or else strangers.

If the great name of Mr. Webster can in argument as counsel in a case before the Supreme Court be quoted in opposition to these views, I submit that when that great statesman, feeling the full weight of responsibility upon him for his utterances upon such a question, addressed the Senate of the United States, more weight ought to attach to those utterances than to those of an advocate in the discharge of his duty to his client. The position of Mr. Webster is that arbitrary governments have no place in our system; that we can not rule by different systems than our own these distant possessions. Russia may rule the Ukraine and the provinces of the Caucasus, but, according to Mr. Webster, we can only rule according to our own system and our own laws.

Our Constitution is not so elastic as even that of England, where unlimited power resides in the British Parliament. The British Parliament can rule India under arbitrary sway, or rule any of its colonies under arbitrary sway; but, Mr. President, it is to be observed that in the rule of England, justified under her system, that arbitrary sway never extends to people who have the force and the ability to resent it. She is trying it now in the Transvaal, and she is trying it at her bitter cost.

I now quote an extract from the speech of Mr. Charles Sumner, of Massachusetts, on the subject of the ratification of the treaty between Russia and the United States in the acquisition of Alaska. This extract is very instructive. I read from his speech, thus:

But there is one other point on which I file my caveat. This treaty must not be a precedent for a system of indiscriminate and costly annexation. Sincerely believing that republican institutions under the primacy of the United States must embrace this whole continent, I can not adopt the sentiment of Jefferson, who, while confessing satisfaction in settlements on the Pacific coast, saw there in the future nothing but "free and independent Americans," bound to the United States only by "ties of blood and interest," without political unity. Nor am I willing to restrain myself to the principle so tersely expressed by Andrew Jackson in his letter to President Monroe: "Concentrate our population, confine our frontier to proper limits, until our country to those limits is filled with a dense population." But I can not disguise my anxiety that every stage in our predestined future shall be by natural processes without war, and, I would add, even without purchase. There is no territorial aggrandizement which is worth the price of blood.

That, sir, is a stinging commentary upon the forcible annexation of the Philippines. This great man announces the doctrine that no territory is worth the price of blood, and the blood of our soldiers and the blood of the Filipinos will forever ensanguine the annexation of those islands, and vast seas will not wash out the bloody spots.

Only under peculiar circumstances can it become the subject of peculiar contract. Our triumph should be by growth and organic expansion in obedience to "preestablished harmony," recognizing always the will of those who are to become our fellow-citizens. All this must be easy if we are only true to ourselves. Our motto may be that of Goethe, "Without haste, without rest." Let the Republic be assured in tranquil liberty with all equal before the law, and it will conquer by its sublime example.

Is there any equality under the law contemplated in the resolutions before the Senate or in the treaty of Paris itself? The political status and the civil rights of the Filipinos are reserved for the determination of Congress. Now, sir, if they did not contemplate an inequality of political status and civil rights, why insert that reservation in the treaty? Why turn over to Congress the settling of the political status of those people? What do they mean by "political status?" Do they mean that those people are not ipso facto citizens of the United States by the very acquisition of the territory? If so, they stultify themselves. Citizenship is an international fact as well as a national fact. The nations of the world will consider those people citizens of the United States; and the United States Constitution embraces them within its folds, and this notwithstanding their coming in is involuntary.

More happy than Austria, who acquired possessions by marriage, we shall acquire them by the attraction of republican institutions:

"Bella gerant alii; tu, felix Austria, nube;
Nam quæ Mars aliis, dat tibi regna Venus."

The famous epigram will be just as applicable to us, inasmuch as our acquisitions will be under the sanction of wedlock to the Republic. There may be wedlock of a people as well as of a prince. Meanwhile our first care should

be to improve and elevate the Republic whose sway will be so comprehensive. Plant it with schools, cover it with churches, fill it with libraries, make it abundant with comfort, so that poverty shall disappear; keep it constant in the assertion of human rights. And here we may fitly recall those words of antiquity, which Cicero quoted from the Greek, and which Webster in our day quoted from Cicero, "You have a Sparta; adorn it."

We have an America. Let us adorn it. Let us not encircle the brow of Columbia with a bloody wreath. Let rather a garland of sweet roses, as an emblem of peace, encircle her noble brow. This quotation breathes the very spirit of the Declaration of Independence and the elevating principles of the Constitution of the United States. We should take no country without the will and consent of the people in it. We should acquire no territory by blood. We must adorn and elevate our Republic by our sublime example and by the dissemination of our institutions abroad. Let the territories that come to us come to us in loving wedlock. Let them be married to our institutions, and let them be of our household, willing and obedient members of our household, who will help us in our endeavors toward a higher and higher ideal of liberty and development.

Is that the case with the Philippine Islands, Mr. President? Here we have been warring for more than a year—terrible war, terrible devastation, blood and ruin and havoc everywhere—in defiance of the principles announced by this distinguished and illustrious man.

Mr. President, I am glad, and I rejoice, that Massachusetts has here upon this floor a worthy successor of Webster and of Sumner. I am glad that he announces the principles of the Declaration of Independence and the principles of our Constitution as applicable to those people. I am glad that he stands foremost in our ranks as the champion of human liberty and the guardian of constitutional right and constitutional law.

I shall but briefly touch the facts bearing upon our relations with the Philippines, both past and present. These facts have been run over to such an extent and with so much care by the Senator from South Dakota [Mr. PETTIGREW] that it would be a useless work for me to undertake to supplement his labors.

It appears that in 1896 a revolution started in the Philippine Islands under the leadership of Aguinaldo. That revolution had proceeded to such an extent that the Spaniards were driven to their fortified towns on the seacoast, and the insurgents held the balance of the territory. When the position became analogous to that of Cuba, when the insurgents could not drive the Spaniards from their fortified towns, nor the Spaniards defeat the insurgents in the country, a compromise was entered into. The Spanish Government made a compromise whereby the deportation of the leaders of the insurrection was agreed on, and Aguinaldo and certain of his followers were paid $800,000 for leaving the country, so that things could settle down. They left. But a part of the agreement was that the Spanish Government would grant certain reforms to the Filipinos; that they would give them representation in the Cortes; that they would provide for them an autonomous government to a large extent; that they would reform the abuses that had crept into the church and grant other reforms which I do not now recall.

Aguinaldo retired to Hongkong. Four hundred thousand dollars of money was left in a bank in Hongkong as security that the Spaniards would comply with their promise. They did not comply. That money was used by Aguinaldo subsequently, and intended to be used by him all the time, for the purpose of raising another insurrection and for the purpose of again commencing hostilities against the Spaniards. While he was in Hongkong Admiral Dewey sunk the Spanish fleet. Hearing of this, Aguinaldo hastened to Singapore, and there he had a conference with Consul Pratt, and from that point—I will not now go into the conversations between him and Consul Pratt, for it is not necessary—from that point Consul Pratt sent a telegram to Admiral Dewey, informing him that Aguinaldo was present at Singapore and desired to go over to Manila to help the American forces. A telegram was received from Admiral Dewey to the effect, substantially, of inviting Aguinaldo to come. He came with thirteen of his staff. Immediately after landing he commenced to organize the insurrection in cooperation with our military commanders. His cooperation was invited by General Anderson, and accepted. He was armed by Admiral Dewey; his assistance was accepted; he surrounded Manila; he cooped up the Spaniards within the walls of that city; he got up an army, according to the official statements of our consul, of about 30,000 men. With those 30,000 men he drove the Spaniards out of any control whatever of the interior. Those are the facts up to that point.

It is asserted by Admiral Dewey that he never mentioned independence to Aguinaldo; that he never employed him as an ally or engaged him as an ally. It was known that Aguinaldo, from repeated expressions of his, was fighting for the independence of the Filipino people; and whether Admiral Dewey accepted him in terms as an ally or not, he did so in fact, and the whole American Army accepted him in fact as an ally. Why quibble about words when facts speak stronger than words? Why go into an unseemly discussion in this body as to whether or not Aguinaldo is a liar? There are facts that can not be controverted that make him an ally; and why go into any investigation of the point whether Admiral Dewey in terms accepted him as one? He was an ally; he rendered us important services; he drove the Spaniards from the country and cooped them up in the fortified towns; and the testimony of two most intelligent explorers sent out by Admiral Dewey himself, Ensign Sargent and Lieutenant Wilcox, is to the effect that Aguinaldo had established a complete de facto government, with full control of Luzon; that quiet and order obtained everywhere where he had jurisdiction; that he administered the ordinary affairs of government, and that the Filipinos gladly welcomed his leadership and gladly enrolled under his banner.

Mr. President, that creates a state of facts which rendered the Filipino government such that it could have been recognized as an independent republic. They had control of that whole island, except the city of Manila, and with all its territory, with armies organized, with a government organized, with administration of the law, with all the civil departments of government in full and active operation. Then Aguinaldo's government, or the government of the Filipino people, was a de facto government. It had every muniment of a government; it possessed title to recognition more than the Cubans did, whom we recognized as belligerents by a resolution of this body. The Cubans did not have so good a title as the Filipinos had after the cooperation of Aguinaldo was accepted and after Aguinaldo had established this government. Let Aguinaldo be what he may, let him be what his enemies depict him, let him be everything that his friends say of him, it has not anything to do with the fact that the government established there was in full possession of the territory of Luzon, except the fortified town of Manila, and the Filipinos themselves rendered willing obedience to the sway of that government, whatever it was. It does not make any difference whether that government was a military despotism or whether it was a free republic, it was that sort of a government that the Filipinos at that period wanted; it was that sort of a government which they accepted; it was that sort of a government to which they gave their consent.

Then what occurred? After inviting his cooperation, through General Anderson, who was the first military commander in charge, our authorities became chary of any recognition of Aguinaldo. A change had come over the spirit of the dream of our rulers. From wanting a coaling station only in Luzon, our covetous eye seemed to take in the whole of the Philippine group, the island of Luzon, the Visayas, and the Sulu group. The gaudy bauble of empire was held up as a coveted prize, and we grasped at it. From the moment that this insidious and pernicious idea seized possession of the American mind in high places, from that very moment we commenced treating Aguinaldo as an insurgent. When he demanded a parley and a cessation of hostilities, he was told that the war having commenced, it must go on to the grim end. Every step in the progress since that time has been military domination; every step has been marked by blood; every inch of the territory of the island of Luzon has been traveled over by armed men, until the American forces have virtually destroyed the insurgent army and scattered it into roving bands.

It is said now that we must change the term from that of "insurgents" to that of "banditti." Why give them the name of insurgents, Mr. President? Why go out of our way to say that they are rebelling against the authority of the United States if they are not citizens of the United States? How is it that we can hold these people as insurrectionaries against our authority when they are hanging in mid-air, neither Filipinos nor Americans? I propounded the question yesterday whether or not these people, if not citizens of the United States, were anything. That question has been revolving in my head for some time. I can not tell for the life of me what the imperialists hold the Filipinos to be. If they are insurrectionists, then they are in insurrection against the authority of the Constitution of the United States; then they are citizens of the United States; then they are under the jurisdiction of the United States, and they have all the privileges and immunities of citizens of the United States.

I will, without reading—for I do not desire to take up the time of the Senate to any great extent, and I have occupied too much of it already—introduce various extracts from Senate Executive Document No. 62, showing the various facts which I have briefly narrated, and some letters from the Outlook. They are the correspondence between our consuls and the State Department and the letters of Messrs. Sargent and Wilcox. I take these letters to be authentic and true. They were introduced by the Senator from Massachusetts [Mr. HOAR] as an appendix to his remarks, and I feel warranted in introducing them as proof of the assertions I have made.

Mr. HOAR. They were indorsed by Admiral Dewey.

Mr. CAFFERY. Yes, sir; they were sent out by Admiral Dewey himself, and their statements were indorsed by Admiral Dewey as being full and satisfactory, giving a more complete

description of the islands, their inhabitants, and their condition, both military and civil, than was contained in any other report up to that time.

The papers referred to are as follows:

CONSULAR REPORTS ON PHILIPPINE AFFAIRS.

Mr. Williams to Mr. Cridler.

No. 9.] CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, February 22, 1898.

SIR: Without specific instructions it seems my duty at this critical period to inform the Washington Government somewhat as to political conditions here. But as I have been here less than a month vigilance has not overcome all difficulties, and the rigid censorship of the press in general and the suppression of such publications as uttered the truth have made news gathering onerous.

I have before me a lengthy dispatch giving dates of many warlike and political matters, with rumors, observations, and conclusions, but deem it wise to write more briefly to-day, to bide events and wait specific instructions from you.

Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace, and has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are of almost daily occurrence, ambulances bring in many wounded, and hospitals are full. Prisoners are brought here and shot without trial, and Manila is under martial law.

The Crown forces have not been able to dislodge a rebel army within 10 miles of Manila, and last Saturday, February 19, a battle was there fought and 5 dead left on the field. Much of such information is found in my longer dispatch, referred to, and which is at your command.

The Governor-General, who is amiable and popular, having resigned, wishes credit for pacification, and certain rebel leaders were given a cash bribe of $1,650,000 to consent to public deportation to China. This bribe and deportation only multiplied claimants and fanned the fires of discontent.

Insurgents demand fewer exactions from church and state, a half of public offices, and fewer church holidays, which seriously retard business.

A republic is organized here, as in Cuba. Insurgents are being armed and drilled; are rapidly increasing in numbers and efficiency, and all agree that a general uprising will come as soon as the Governor-General embarks for Spain, which is fixed for March.

While some combatant regiments have recently been returned to Spain, it was for appearance only, and all authorities now agree that unless the Crown largely reenforces its army here it will lose possession.

Command me for any desired information.

Your obedient servant,

OSCAR F. WILLIAMS, *Consul.*

Mr. Williams to Mr. Cridler.

No. 2, special.] CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, March 19, 1898.

SIR: Matters are in a serious state here. I have daily communication by cable and letter with Commodore Dewey, but we pass letters by British and other shipmasters and by private parties, because cables and letters are tampered with.

Insurrection is rampant; many killed, wounded, and made prisoners on both sides. A battle ship, the *Don Juan de Austria*, sent this week to the northern part of Luzon to cooperate with a land force of 2,000 dispatched to succor local forces, overwhelmed by rebels.

Last night special squads of mounted police were scattered at danger points to save Manila.

I caution Americans against bearing arms in violation of local law, although threats have been made by Spaniards that all Americans would soon have their throats cut. Certain ones are so frightened as to frequently come to my consulate and hotel, and spies watch all my movements.

Yesterday I examined stock of an American who had been threatened and abstracted his ledger. To-day his inventory and accounts were placed in my safe. To-day two others came to me to send their effects to some American ship lying in the bay, and I have so planned.

I have no instructions from you as to these delicate complications, but so far have gotten on well. I fly our flag all the time, give double hours to the consulate, and have notified Americans that they can find me all the time at the consulate, or at my hotel, or on the path between. We have many holidays, but I keep open consulate every day, including Sundays, so Americans may find me.

Rebellion never more threatening to Spain. Rebels getting arms, money, and friends, and they outnumber the Spaniards, resident and soldiery, probably a hundred to one.

Report says that Holy Week the insurgents plan to burn and capture Manila. But, if so, you will learn it by wire before you receive this dispatch.

My March quarterly reports may be delayed or captured. If no trouble thwarts my work, all reports from here will be sent by first mail after March 31, but my consular agents at Cebu and Iloilo are both absent, and hence I may not receive their reports for transmission as early as I send my own.

All news comes direct from Washington. I hear nothing as to relations between United States and Spain, and, depending upon unofficial reports, I must act as if peace reigned. I can only assure you of vigilance and loyalty, await your instructions, and remain,

Your most obedient servant,

OSCAR F. WILLIAMS, *Consul.*

Mr. Williams to Mr. Cridler.

Special.] CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, March 27, 1898.

SIR: Because of having given daily information to Commodore Dewey as to disturbances here I have assumed that he informed the Washington Government, and I have written little on war matters.

Cuban conditions exist here possibly in aggravated form. Spanish soldiers are killed and wounded daily, despite claimed pacification, and the hospitals are kept full.

The majority of casualties are reported from the ranks of the native insurgents, and the cruelties and horrors of war are daily repeated.

Cavite is the naval port of Luzon, situated about 8 miles across the bay from Manila and about 20 miles distant by way of bay shore and public highway, and last Thursday, March 24, a Crown regiment of natives, the Seventy-fourth, stationed there, was ordered to advance against native insurgents near by. The regiment refused to obey orders, and eight corporals were called out and shot to death in presence of the regiment, which was again ordered to advance and threat made that a refusal would be death to all. All did refuse and were sent to barracks to await sentence. On the morning of the following Friday, March 25, the entire regiment, with arms and equipment, marched out of the barracks and deserted in a body to the insurgents, saying they were willing to fight the foreign enemies of Spain, but would not fight their friends.

Since beginning this dispatch I learn of the desertion to the insurgents of another entire regiment. These are said to be the severest setbacks received by Spain during the two years' insurrection here.

On Friday morning, March 25, a church holiday, a meeting of natives was being held near my consulate in Manila, the natives being unarmed. The building was surrounded by police and military, the meeting broken up, 12 natives wantonly shot to death, several wounded, and 62 taken prisoners. Saturday morning, March 26, the 62 prisoners were marched in a body to the cemetery and shot to death, although it was shown that several were chance passers-by or employees in ships adjoining, not being in attendance at the meeting.

It was cold comfort to the widows and orphans of innocent men to have Spanish officers present them the mangled corpses of husbands and fathers.

Such horrors, but usually on a smaller scale, but at times attended by greater disregard for modern rules of war, occur almost daily, and the piteous cry goes up, "Will it ever stop?"

The Crown forces are now building a cordon of small forts on city's outskirts for defense against provincial natives, who are expected to soon attack Manila. In fact, two detectives and one messenger have come to me this evening with information that attack was to be made to-night, and everybody is anxious, as 8,000 native insurgent soldiers are encamped only 5 miles away.

The insurgents seem to lack arms and organization, but, so far as I can learn, outnumber the Spanish forces and inhabitants 20 to 1. Arms are being obtained and organization slowly effected, and all classes fear the near future. It is said that the only reason why Manila has not been taken and burned is because a vast majority of its population is in perfect accord with the insurgents.

Because of anxiety among Americans and my wish to keep in reach of all demands, I keep the consulate open double hours and on all holidays and Sundays, with biggest flag flying, so any needing a refuge may find it.

Barbarities are reported as daily practiced, such as placing prisoners and suspects in black-hole dungeons in the walls of old Manila, so placed that with rise of tide prisoners are drowned; several hundred reported to have so perished.

Cruelties too horrid for an official report are detailed to me every day, and it seems that the cry of outraged humanity would soon compel Spain to abolish Middle Age methods of warfare.

Christian nations are such only in name when such atrocities as daily blacken the calendar are known to be perpetrated here and no effort made to protect the weak.

There is to-day no Christian nation—policy and mock diplomacy govern all: the vilest cruelties of war are added to the mangling of old men, women, and children to make full the measure of iniquity.

The American Indians would not permit one of their tribes to practice such barbarities. Why should so-called Christian nations decline to call a halt upon Spanish outrages?

All information as to defenses of Manila has been sent to Commodore George Dewey at Hongkong.

For fear of confiscation this dispatch and other mail go by messenger to Hongkong, to be there mailed.

Cable is cut in three places. I keep copies of dispatches, etc., but at present, for reasons, they are not copied on the register at consulate.

I remain, etc.,

OSCAR F. WILLIAMS,
United States Consul, Manila.

Mr. Williams to Mr. Day.

UNITED STATES CONSULATE,
Manila, Philippine Islands, March 31, 1898.

HONORED SIR: My returns and accounts for March quarter to both your Department and the Treasury having been perfected and mailed, I turn with reluctance, but from a sense of duty, to somewhat inform you, as Secretary for Foreign Affairs, of the insurrection which for about two years has devastated these marvelously fair islands, "covered them with blood, often of the innocent, and has bereft thousands of homes of the husbands and sons who were the sole breadwinners."

Last week Thursday, March 24, at Cavite, near here, the Seventy-fourth Spanish Regiment, recruited among the natives of the southern islands of this group, refused to obey orders and attack the native insurrectionists. Eight corporals were called out and shot to death in presence of the regiment. Again orders to advance were given and disobeyed, when death to all was threatened. The regiment expressed a willingness to fight the foreign enemies of Spain, but said they would all be shot rather than fight their friends. All were sent to barracks to be punished later, but the next morning all took arms and deserted to the insurgents.

On Friday, March 25, a church and legal holiday, unarmed natives were holding a meeting near my consulate. The building was surrounded by police and the suspicious military, the meeting broken up, 12 natives shot to death, several wounded, and 62 prisoners taken, certain of whom were mere passers-by, not having attended the meeting. The next morning these 62 prisoners, without form of trial, were marched in a body to the cemetery and all shot to death.

Hardly a day passes without such scenes of Middle Age treachery and barbarity. A recent uprising at Cape Bolinao, on the northwest coast of this island (Luzon), about 300 miles from Manila, was crushed by united action of two regiments of infantry aided by the battle ship *Don Juan de Austria*. A British shipmaster there at the time reports about 40 killed and 40 wounded. After surrender, the Spaniards put dead and wounded together in a house, and by burning it cremated all.

In the old walls of "Walled Manila," built about three hundred years ago, are said to be several "black-hole" dungeon prisons, in which incarceration is almost sure death. Two of these, both of which I have seen, with apertures at summit of wall, have floors below low tide, so 2 or 3 feet of slime, mud, and water floor the dungeons. In these hundreds of so-called insurgents have lately been placed, and all drowned by the rising tide. No judge, no jury—simply hate, suspicion, treachery. Of this several reports have been made to me, one that above 200 victims were counted in one of these prisons. No reliance can be placed upon the public press. Censorship is rigid, and the oldest daily there, El Diario de Manila, and another have been suspended by public order because truth was told.

Months ago pacification was claimed by the Governor-General. It was false. A truce had been bought with $1,650,000, during which the Governor-General hoped to embark for Spain, but all was a hollow farce.

The Madrid Government seems now to understand all, and the Governor-General has been ordered to remain, and his appointed successor sent to one of the provinces.

Now 5,000 armed rebels, which for days have been encamped near Manila and have been reenforced from the mountains, plan to attack the city to-night. All is excitement and life uncertain.

News came this afternoon of the wounding of a governor of one of the southern provinces and the defeat of the Crown forces under his command.

The only church permitted here is the Roman Catholic, and its interference with the Government, its intolerance, immorality, and despotism are perhaps the greatest bar to progress in these islands.

From consensus of opinion received from men of several nationalities, from oldest foreign residents, from natives, Chinese, and a few Spaniards, I believe that of the Philippine people, estimated at 15,000,000, not 5 per cent are loyal to Spain.

But officials and priests, the leeches of the people, are in authority, have money, influence, and cunning, so that the natives and half breeds (Chinese and European) are more or less controlled.

During the period when war between the United States and Spain was expected, which seems happily now to be disappearing, I daily heard the assurance that the natives, half-breeds, Chinese merchants, and such Spaniards as were in business were all ready to welcome our fleet, fight with it to hoist over these islands the United States flag, and swear allegiance to it; and once done, all interests here would thrive, be settled and happy.

I have daily felt it a duty to inform you, but for nearly the entire period of my incumbency every odd hour of day and many of evenings have been given to inspection of forts, arsenals, and battle ships in order to fully inform Commodore Dewey at Hongkong.

And because his means of communication with Washington were better than my own, I have trusted all to him. Another fact, I have not had money to cable Commodore Dewey as asked, but needed to borrow for it.

Fortunately, I have been well every hour, so that by double hours at the consulate, and by keeping it open, with flag flying on holidays and Sundays, the Americans have felt sure of a refuge if trouble came, and threats were freely made that all Americans would have their throats cut. I have not dared to fully trust the post-office or telegraph company, as letters and cables have been freely tampered with, and hence have, until to-day, sent much mail by private messengers to Hongkong, and have received mail the same way.

To-day's mail being returns and accounts, etc., and having no chance to send to Hongkong, all was mailed here. This will be sent by messenger to China.

Now bubonic plague exists at Hongkong, and quarantine here delays ships, and Governor-General has ordered that ships take no passengers from these islands.

By discoveries here and by a plan devised, I have saved the United States Treasury in two months nearly double the amount of my salary, and each year hereafter it will be saved $300 from one item alone.

My hotel room has been searched, and, I believe, my consulate also, and friends have daily called to advise me to seek safety in hiding or in flight; but I have not shared their fears sufficiently to leave a post at which you had expectations that I would remain and perform every loyal duty to your Department and to our Government.

All officials have treated me well except one underling, whose head I threatened to smash, and with a return of cordiality between nations I shall make all official calls anew, as I have but just received my exequatur from Madrid.

My work for the commodore now lighter, I shall prepare reports on Philippine tariff, import wants, products, and institutions for the departments at Washington.

I do not copy this on the records of the consulate, because it may be there read any night by spies, and if so, my usefulness as well as my personal comfort would be impaired. I dare not even intrust my cipher cables and code to the old office safe, but carry all in my pockets.

Mr. Williams to Mr. Day.

Special.] CRUISER BALTIMORE,
CONSULATE OF THE UNITED STATES,
MANILA BAY, OPPOSITE CAVITE,
Manila, Philippine Islands, May 12, 1898.

SIR: To aid you, if possible, permit me to give assurance of the friendliness of the Philippine natives to our country and to me as its representative.

During the period of my residence in Manila, every week was a history of barbarities by Spaniards, and of efforts, often futile, of the natives to obtain rights and protect their homes.

Scores of times I have heard hopes expressed that either United States or Great Britain would acquire these islands. In all this foreign residents, other than Spanish, concurred; and all such classes are most friendly to me.

In the struggle between Spain and the insurgents, the deaths have been many and greater among the natives. First, because the Spaniards have been much better armed. Second, because the Spaniards killed many noncombatants, old men, women, and children, while the natives refrained from such barbarities.

From consensus of opinions of many reliable people, I estimate Spanish forces here about as follows:

First. Naval force, in ships annihilated in the notable battle of Manila Bay, in which 10 Spanish war ships were burned and sunk—2 auxiliary gunboats, ditto—and about 30 steamers, schooners, tugs, etc., captured.

Second. About 4,000 Spanish infantry, nearly a half of whom are in hospitals.

Third. About 6,000 native troops under Spanish officers; but if such officers were deported their soldiers would eagerly follow our flag.

An insurgent leader, Major Gonzales, reported to me last week on the *Olympia* that they had 37,000 troops under arms, good and bad, surrounding Manila, endeavoring to cooperate with us. In the main they are very poorly armed, but have about 6,000 rifles, taken from the Spaniards. They have captured the entire railroad line and the River Pasig, thus cutting off supply lines, while we, by cutting off supply by bay and sea, can soon starve Manila into surrender.

These natives are eager to be organized and led by United States officers, and the members of their cabinet visited me and gave assurance that all would swear allegiance to and cheerfully follow our flag. They are brave, submissive, and cheaply provided for.

To show their friendliness for me as our nation's only representative in this part of the world, I last week went on shore at Cavite with British consul, in his launch, to show the destruction wrought by our fleet. As soon as natives found me out, they crowded around me, hats off, shouting, "Viva los Americanos," thronged about me by hundreds to shake either hand, even several at a time, men, women, and children striving to get even a finger to shake. So I moved half a mile, shaking continuously with both hands. The British consul, a smiling spectator, said he never before saw such an evidence of friendship. Two thousand escorted me to the launch amid hurrahs of good feeling for our nation, hence I must conclude:

First. Our squadron can force surrender in a day. Spaniards are all cooped up in Manila.

Second. Spanish officers of native regiments away, these 6,000, together with selections from the 37,000 insurgents, can give us ample land force, and can be well armed with rifles of Spanish soldiers and from barracks and arsenals.

Third. Few United States troops will be needed for conquest and fewer still for occupancy. Expulsion of Spaniards, naval, civil, military, and clerics, will remove all discord and danger, and civil government, crude in the beginning, but better than the present, will be easy and be well received, while native priests, of which there are many, can fully and with perfect acceptability meet all religious requirements so far as present established religion is concerned.

All natives, all foreigners other than Spanish, and certain Spaniards in mercantile and retired life will aid us to every extent. The people crave a change of flag. Hence I believe ample assurances are at hand that civil government by us will be easy of organization and gratefully received by the people.

My communications to your Department are, these war days, supra consular, but on other lines I endeavor to serve our fleet and thus serve our nation.

All rejoice over the merited promotion of our commodore to the rank of rear-admiral, but every man of the fleet proved a hero, and it seems as if the shield of Providence warded off the enemy's shot, leaving our men unharmed, our ships and guns intact, and gave us the most important and unique victory of history.

The student of the next century will read with pride that the right arm of Spain was broken at the battle of "Manila Bay," and from this must come the acquisition of these islands, many times more extensive, more populous, and more valuable than Cuba, or else their capture will force Spain to conditions of peace on basis of honor, so much sought by our nation.

I have, etc.,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
MANILA BAY, OFF CAVITE,
Manila, Philippine Islands, May 24, 1898.

SIR: I have the honor to report successful efforts on the part of the insurgents of these islands in preparation for more successful war against Spain.

Officers have visited me during the darkness of night to inform the fleet and me of their operations, and to report increase of strength.

At a conference with General Aguinaldo, the head of the movement, I was told that they had now above 4,500 Mauser rifles taken from the Spaniards, and had also abundant ammunition. Until the present they have been fatally crippled in these respects.

Last week Major Gonzales captured two buffalo cart loads of rifle ammunition from the Spaniards. To-day I executed a power of attorney whereby General Aguinaldo releases to his attorneys in fact $400,000, now in bank in Hongkong, so that money therefrom can pay for 5,000 stand of arms bought there and expected here to-morrow.

The same sources informed me that about 37,000 insurgents stand ready to aid United States forces, and General Aguinaldo's headquarters were this a. m. at 7 o'clock surrounded by 500 to 1,000 men eager to enlist. I was there at that hour and saw the men.

My relations with all are cordial, and I manage to keep them so pro bono publico.

When General Merritt arrives he will find large auxiliary land forces adapted to his service and used to this climate.

I am, sir,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, June 16, 1898.

SIR: I have the honor to report that since our squadron destroyed the Spanish fleet on May 1, the insurgent forces have been most active and almost uniformly successful in their many encounters with the Crown forces of Spain. Gen. Emilio Aguinaldo, the insurgent chief, who was deported late in 1897, returned recently to Cavite and resumed direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements. He told me to-day that, since his return, his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom were Spaniards, and all of whom had rifles when taken. General Aguinaldo has now about 10,500 rifles and 8 fieldpieces, with 8,000 more rifles, 2 Maxim guns and a dynamite gun bought in China and now in transit. The insurgents have defeated the Spaniards at all points except at fort near Matate, and hold not only North Luzon to the suburbs of Manila, but Bantanyos province also and the bay coast entire, save the city of Manila.

While the Spaniards cruelly and barbarously slaughter Filipinos taken in arms, and often noncombatants, women, and children, the insurgent victors, following American example, spare life, protect the helpless, and nurse, feed, and care for Spaniards taken prisoners and for Spanish wounded as kindly as they care for the wounded fallen from their own ranks.

For future advantage I am maintaining cordial relations with General Aguinaldo, having stipulated submissiveness to our forces when treating for their return here. Last Sunday, 12th, they held a council to form provisional government. I was urged to attend, but thought best to decline. A form of government was adopted, but General Aguinaldo told me to-day that his friends all hoped that the Philippines would be held as a colony of United States of America.

It has been my effort to maintain harmony with insurgents in order to exercise greater influence hereafter when we reorganize government.

Manila is hemmed in; foreigners other than Spaniards have, by kindness of Rear-Admiral Dewey, been allowed to leave the beleaguered city and are cared for on merchant ships in the bay.

The *Baltimore* leaves early to-morrow to meet the troop ships northeast of Luzon, and incidentally to reconnoiter Dagupan Bay, the northern terminus of the Manila railroad, for Spanish cruisers and merchant ships.

We are impatient, made doubly so by the miraculous battle of May 1, which after inspection of waters and wrecks proved to be more signal than detailed in my dispatch on that subject.

The Spanish fleet, comprised of the following vessels, was annihilated so far as Spain is concerned, viz: Cruiser (flagship) *Reina Christina*, cruiser *Don Antonio de Ulloa*, cruiser *Don Juan de Austria*, cruiser *Isle de Cuba*, cruiser *Isle de Luzon*, gunboat *General Lezo*, gunboat *Marques del Duero*, gunboat *Velasco*, gunboat *Argos*, and armed transport *Isle de Mindanao*.

The above destroyed and sunk; the armed transport *Manila* was captured and soon appears as a United States cruiser, and the cruiser *Callao* has since been captured and augments our fleet.

The superb cruisers *Isle de Cuba* and *Isle de Luzon* were almost uninjured when sunk, by scuttling, to defeat capture. These are rich prizes which, later on, I hope to see flying our flag. We have had neither death nor serious sickness since we came. Manila is at the mercy of our fleet, and I believe its

capture may be effected, so far as the fleet's part is concerned, without the loss of a man or the disabling of a vessel. Rear-Admiral Dewey only awaits troops to insure order and good government once we are in possession. We fear the city may fall too soon. For this reason Admiral Dewey asked me to remain here, where he could command such service as I may be able to render in event of his taking the city.

I expect that on July 4 we will celebrate in Manila under the folds of "Old Glory," and write in living letters a page of history that this magnificent insular empire has become a part and parcel of the United States of America.

I have the honor, etc.,

OSCAR F. WILLIAMS,
United States Consul.

Mr. Cridler to Mr. Williams.

No. 18.] WASHINGTON, *August 4, 1898.*

SIR: I have to acknowledge the receipt of your special dispatch of the 15th of June last, copy of which has been sent to the Secretary of War and the Secretary of the Navy. Your course, while maintaining amicable relations with the insurgents, in abstaining from any participation in the adoption of their so-called provisional government, is approved.

Respectfully, yours,

THOS. W. CRIDLER,
Third Assistant Secretary.

Mr. Williams to Mr. Day.

Special.] U. S. S. BALTIMORE, MANILA BAY,
Manila, Philippine Islands, July 2, 1898.

SIR: I have the honor to report the arrival here on June 30 of 2,500 United States troops under command of General Anderson, the flotilla being convoyed by the *Charleston*.

To General Anderson and all I am rendering every possible assistance, and have been asked by him to treat with General Aguinaldo as to American interests.

Relations between General Anderson and Aguinaldo.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 4, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces, Cavite, Luzon.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

In our operations it has become necessary for us to occupy the town of Cavite as a base of operations. In doing this, I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule.

I would be pleased to be informed at once of any misconduct of soldiers under my command, as it is the intention of my Government to maintain order, and to treat all citizens with justice, courtesy, and kindness.

I have therefore the honor to ask your excellency to instruct your officials not to interfere with my officers in the performance of their duties and not to assume that they can not visit Cavite without permission.

Assuring you again of my most friendly sentiment and distinguished consideration, I am, with all respect,

THOMAS M. ANDERSON.
Brigadier-General, U. S. Volunteers, Commanding.

Brig. Gen. THOMAS M. ANDERSON,
Commanding the United States Volunteers.

GENERAL: Interpreting the sentiments of the Philippine people, I have the honor to express to your excellency my most profound gratefulness for the sympathy and amicable sentiments which the natives of these islands inspire the great North American nation and your excellency.

I also thank most profoundly your desire of having friendly relations with us, and of treating us with justice, courtesy, and kindness, which is also our constant wish to prove the same, and special satisfaction whenever occasion represents.

I have already ordered my people not to interfere in the least with your officers and men, orders which I shall reiterate to prevent their being unfulfilled; hoping that you will inform me of whatever misconduct that may be done by those in my command, so as to reprimand them and correspond with your wishes.

I beg of your excellency to accept in return the assurance of my most respectable consideration.

I remain, respectfully, EMILIO AGUINALDO.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, Philippine Islands, July 6, 1898.

Señor Don EMILIO AGUINALDO Y FAMY,
Commanding Philippine Forces.

GENERAL: I am encouraged by the friendly sentiments expressed by your excellency in your welcome letter received on the 5th instant to endeavor to come to a definite understanding, which I hope will be advantageous to both.

Very soon we expect a large addition to our forces, and it must be apparent to you as a military officer that we will require much more room to camp our soldiers, and also storeroom for our supplies. For this I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country.

It must be apparent to you that we do not intend to remain here inactive, but to move promptly against our common enemy; but for a short time we must organize and land supplies and also retain a place for storing them near our fleet and transports.

I am solicitous to avoid any conflict of authority which may result from having two sets of military officers exercising command in the same place.

I am also anxious to avoid sickness by taking sanitary precautions. Your own medical officers have been making voluntary inspections with mine and fear epidemic disease if the vicinity is not made clean. Would it not be well to have prisoners work to this end under the advice of the surgeons?

I again renew my assurances of distinguished consideration.

I am, with great respect,

THOMAS M. ANDERSON,
Brigadier-General, U. S. Volunteers, Commanding.

Beginning and progress of the revolution (from Captain Green's testimony before the Paris commissioners).

An insurrection had been in progress from August, 1896, to December, 1897. Unable to suppress it, the Government made a written treaty with the insurgent leaders, paying them a large sum of money and promising to introduce various reforms on condition that they would leave the country. Hardly had the Spanish officials recovered from this when the appalling disaster of the destruction of their fleet occurred under their very eyes.

Then followed in rapid succession the naval blockade, the arrival of the insurgent leaders from Hongkong, the raising of an insurgent army, which blockaded Manila on the land side, and finally the American troops. At the end of one hundred and four days after the destruction of the Spanish fleet the city surrendered to a combined land and naval attack of the American forces. On the day after the capitulation the American commander in chief issued his proclamation establishing a military government, appointed a military governor, a minister of finance, a collector of customs, collector of internal revenue, postmaster, and judge of the provost court; took possession of all public funds (about $900,000) and all public offices, and as rapidly as possible put this government in operation.

The machinery of the Spanish Government was thoroughly disorganized when we entered Manila. The courts of justice, except the inferior criminal courts, had not been in session since early in May; the officials had been cut off from communication with the other islands and with Spain for over three months; there had been no customs to collect, and owing to the entire suspension of business, but little internal revenue; a forced loan of $2,000,000 for military purposes had been extracted from the Spanish-Philippine Bank, and yet the troops were several months in arrears of pay; all Government officers outside the walled city had been moved to temporary quarters within the walls, and their records had been lost or thrown into confusion; the officials, seeing the inevitable end in sight, were intent only on planning for their return to Spain. * * *

The situation thus created is without precedent in American history. When Scott captured the City of Mexico it was ackowledged on both sides that his occupation was only to be temporary, and there were no insurgents to deal with. When the Americans entered California they found only a scanty population, who were soon outnumbered by the American immigrants. But in the Philippine Islands there is a population of more than 7,000,000, governed by an alien race whose representatives present in the islands, including military and naval forces, clergy, and civil employees, do not exceed 30,000 in number. Against this Government an insurrection is in progress which claims to have been successful in provinces containing a population of about 2,000,000. The city and province of Manila, with a population of 400,000 more, have been captured and occupied by a foreign army, but whether its occupation is to be temporary or permanent has not yet been decided. * * *

Between 2,000 and 3,000 Spanish native troops surrendered to it during the months of June and July; it constantly annoyed and harassed the Spaniards in the trenches, keeping them up at night and wearing them out with fatigue; and it invested Manila early in July so completely that all supplies were cut off, and the inhabitants, as well as the Spanish troops, were forced to live on horse and buffalo meat, and the Chinese population on cats and dogs. It captured the waterworks of Manila and cut off the water supply, and if it had been in the dry season would have inflicted great suffering on the inhabitants for lack of water.

The results, it is true, were obtained against a dispirited army containing a considerable number of native troops of doubtful loyalty. Yet from August, 1896, to April, 1897, they fought 25,000 of the best regular troops sent out from Spain, inflicting on them a loss of over 150 officers and 2,500 men killed and wounded, and they suffered still greater losses themselves. Nevertheless, from daily contact with them for six weeks, I am very confident that no such results could have been obtained against an American army, which would have driven them back to the hills and reduced them to a petty guerrilla warfare. If they attack the American army this will certainly be the result; and while these guerrilla bands might give some trouble so long as their ammunition lasted, yet with our navy guarding the coasts and our army pursuing them on land, it would not be long before they were reduced to subjection.

Insurgent civil administration.—In August, 1896, an insurrection broke out in Cavite under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying sucesses on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the Governor-General, Primo de Rivera, entered into written agreement with Aguinaldo, the substance of the document, which is in possession of Senor Felipe Agoncillo, who accompanies me to Washington, being attached hereto and marked A. In brief, it required that Aguinaldo and the other insurgent leaders should leave the country, the Government agreeing to pay them $800,000 in silver and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty for all insurgents, and the expulsion or secularization of the monastic orders.

Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, $400,000, was deposited in banks at Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs, named Artacho, which is interesting on account of the very honorable position taken by Aguinaldo. Artacho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artacho $5,000.

No steps have been taken to introduce the reforms: more than 2,000 insurgents, who had been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

On the 24th day of April Aguinaldo met the United States consul and others at Singapore, and offered to begin a new insurrection in conjunction with the operations of the United States Navy at Manila. This was telegraphed to Admiral Dewey, and by his consent, or at his request, Aguinaldo left Singapore for Hongkong on April 26; and when the *McCulloch* went to Hongkong early in May to carry the news of Admiral Dewey's victory, it took Aguinaldo and 17 other revolutionary chiefs on board and brought them to Manila Bay. They soon after landed at Cavite, and the Admiral allowed them to take such guns, ammunition, and stores as he did not require for himself. With these, and some other arms which he had brought from Hongkong, Aguinaldo armed his followers, who rapidly assembled at Cavite, and in a few weeks he began moving against the Spaniards. Part of them surrendered, giving him more arms, and the others retreated to Manila.

Soon afterwards two ships, which were the private property of Senor Agoncillo and other insurgent sympathizers, were converted into cruisers and sent with insurgent troops to Subig Bay and other places to capture provinces outside of Manila. They were very successful, the native militia in Spanish service capitulating with their arms in nearly every case without serious resistance. On the 18th of June Aguinaldo issued a proclamation from Cavite establishing a dictatorial government, with himself as dictator. In each village or pueblo a chief (jefe) was to be elected, and in each ward a

headman (cabeza); also in each pueblo three delegates—one of police, one of justice, and one of taxes. These were to constitute the junta or assembly, and after consulting the junta the chiefs of pueblos were to elect a chief of province and three councilors—one of police, one of justice, and one of taxes. They were also to elect one or more representatives from each province to form the revolutionary congress.

This was followed on June 20 by a decree giving more detailed instructions in regard to the elections. On June 23 another decree followed changing the title of the government from dictatorial to revolutionary, and of the chief officer from dictator to president; announcing a cabinet, with a minister of foreign affairs, marine, and commerce, another of war and public works, another of police and internal order, justice, instruction, and hygiene, and another of taxes, agriculture, and manufactures; the powers of the president and congress were defined, and a code of military justice was formulated.

On the same date a manifesto was issued to the world explaining the reasons and purposes of the revolution. On June 27 another decree was issued containing instructions in regard to elections. On August 6 an address was issued to foreign governments stating that the revolutionary government was in operation and control in 15 provinces, and that in response to the petition of the duly elected chiefs of these provinces an appeal is made for recognition of belligerency and independence. Translations of these various documents are all appended, marked B, C, D, E, F, G, and H.

In the province of Cavite and that portion of the province of Manila outside of the city and its suburbs which was occupied by the insurgent troops, as well as those of the United States, their military forces, military headquarters, etc., were very much in evidence, occupying the principal houses and churches in every village and hamlet, but there were no signs of civil government or administration. It was reported, however, that Aguinaldo's agents were levying taxes, or forced contributions, not only in the outside villages, but (after we entered Manila) by means of secret agents in the market places of the city itself. At Aguinaldo's headquarters, in Bacoor, there were signs of activity and business, and it was reported that his cabinet officers were in constant session there. Aguinaldo himself never failed to claim all the prerogatives due to his alleged position as the de facto ruler of the country.

The nation to which they all turn is America, and their ideal is a Philippine republic under American protection, such as they have heard is to be granted to Cuba. But when it comes to defining their ideas of protection and the respective rights and duties of each under it—what portion of the government is to be administered by them and what portion by us; how the revenues are to be collected, and in what proportion the expenses are to be divided—they have no clearly defined ideas at all; nor is it to be expected that they should have, after generations of Spanish rule, without any experience in self-government.

The United States Government, through its naval commander, has to some extent made use of them for a distinct military purpose, viz, to harass and annoy the Spanish troops, to wear them out in the trenches, to blockade Manila on the land side, and to do as much damage as possible to the Spanish Government prior to the arrival of our troops; and for this purpose the Admiral allowed them to take arms and munitions which he had captured at Cavite, and their ships to pass in and out of Manila Bay in their expeditions against other provinces. But the Admiral has been very careful to give Aguinaldo no assurances of recognition and no pledges or promises of any description. The services which Aguinaldo and his adherents rendered in preparing the way for attack on Manila are certainly entitled to consideration; but, after all, they were small in comparison with what was done by our own fleet and army.

Bradford's testimony before Peace Commission at Paris.

Q. What do you know of the disposition of the natives beyond Luzon?
A. Only what I read.
Q. Do you know that this insurrection is confined to the island of Luzon?
A. No, sir.
Q. It has been?
A. The Spanish have never had full control of the southern islands of the group.
Q. No one has ever had control of Mindanao and the other islands except the Mohammedan natives there; they have never submitted to any civilized government?
A. The Spaniards have suppressed piracy in the Sulu Sea.
Q. But the natives have never submitted to the Spaniards?
A. No, sir; I believe not, outside of certain fortified towns.

Mr. FRYE:

Q. I would like to ask just one question in that line. Suppose the United States in the progress of that war found the leader of the present Philippine rebellion an exile from his country in Hongkong, and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms, and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation, in the eyes of the world, would we appear to be to surrender Aguinaldo and his insurgents to Spain to be dealt with as they please?

A. We become responsible for everything he has done; he is our ally, and we are bound to protect him.

Their inefficiency (and the creditable work of the insurgents as well) is further proved by the fact that they were driven by the natives from Cavite twenty-odd miles into the defenses of Manila, with never a successful attack, never a capture of arms or men. All the success was on the native side, and yet the Spaniards surrendered between 7,000 and 8,000 men, well armed, plenty of ammunition, and in good physical condition. The excuse of the latter may be that their enemy was in small bands; but they never captured one of these, and the small bands drove them to their walls. Jaudenes, the acting Captain-General, in reply to Merritt and Dewey's notice to remove his noncombatants, acknowledged that the insurrectionists surrounded the city, and that he could not move women, children, etc., out. (His fear and solicitude about the natives entering the city when I received the surrender of Manila were almost painful to witness.) This admission demonstrates as well the military ability shown by the Filipinos, whose characteristics I will now enumerate.

Aguinaldo went to Cavite, under the permission of Admiral Dewey, in reply to a telegram sent by Spencer Pratt, esq., our consul-general at Singapore, who offered that chief money for his expenses. The offer was declined. After arrival (on one of our ships) he went ashore, accompanied by 13 staff officers, to organize his army; but no adherents appeared the first day, and Aguinaldo, rather discouraged, meditated returning to Hongkong. I think Dewey advised him to make another effort, at the same time saying that he must leave the public buildings at Cavite, where he had made his headquarters. Soon, from across the bay and from all sides, men gathered. The fact that Dewey permitted the armed men to move from the surrounding districts and for the rebels to take arms (not many, says the Admiral) in the arsenal was the only help we gave him, excepting, of course, the most important destruction of the Spanish navy. From that time the military operations and the conduct of the insurgents have been most creditable. Positions taken and the movements of troops show great ability on the part of some leader—I do not say it was necessarily Aguinaldo, but he gave the directions.

The CHAIRMAN:

Q. How many men did he get together?
A. His forces went around the city, taking the waterworks and the north part of the city, and running up the railroad. I asked that question of several, and the opinions differed widely—all the way from 8,000 to 30,000 or 40,000 men.
Q. Do you think he had as many as 8,000 men before the surrender?
A. Yes, sir; the environment of the city took a great many men. There is a vast extent of country there, including the waterworks, and running around the city, and they certainly had to have more than that to do so.
Q. How many arms did Dewey turn over to them?
A. I never knew exactly. I asked him that question, and he said a very few.
Q. Where did they get the rest of their arms?
A. Some captured from the Spanish, some brought to him by deserters, and there were some shipments of arms from Hongkong—I believe Americans brought them in—and they have lately taken some to Batangas, in the southern part, and have taken some new Maxim guns in there too.

Mr. GRAY:

Q. To the insurgents?
A. Yes.
Q. Since the capitulation?
A. Yes. They changed the name of a vessel and used it. She had had a Luzon name, the *Fusig*, and they changed it to the *Maby*. Dewey sent down and seized the boat, and the insurgents followed to Manila Bay, hoping to reclaim it. In other respects their demands, from their point of view, have not been unreasonable, and show a proper appreciation of the status.

STATEMENT RESUMED.

The day after the surrender (August 13) four representatives of Aguinaldo called on General Merritt, who assured them in general terms that "we are the friends of the Filipinos." At that time they occupied a portion of Manila. We soon demanded that they should give that up, to which Aguinaldo's representative agreed, but in seeking confirmation from him the condition was made that in case we gave up the country they should be restored to the positions then occupied and which they had taken greatly by their own merits. However, matters have been amicably settled. Aguinaldo's headquarters are at Malolos, 24 miles up the railroad. His troops control all the settled part of the island (except Manila), as well as much of the southern country.

The CHAIRMAN:

Q. What do you mean by the "southern country"—those islands below?
A. Yes.

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind for the most brutal revenge, I have heard no instance of torture, murder, or brutality since we have been in the country.

The CHAIRMAN:

Q. Did you ever talk with Admiral Dewey about his relations with Aguinaldo?
A. Yes, sir. He read me a copy of his dispatch in answer to the one in which he is asked the question whether he had made any promises, and he said he had not. Aguinaldo went down with his conference, without doubt, and the Admiral allowed armed people to cross the bay and join him and made no remonstrance.
Q. Did he furnish him any arms?
A. He says not, except the few furnished them from Cavite. Foreman, in his article, makes the statement that he has a treaty with Aguinaldo, and I went one morning and left the article with the Admiral to read, and he said it was not true.
Q. This relation—whatever Admiral Dewey did—took place before he got the dispatch of inquiry from the Navy Department—some time before?
A. Yes.
Q. How far does the Admiral say he encouraged Aguinaldo?
A. I do not think he says he gave him any encouragement, except that he rather dissuaded him from returning to Hongkong when he was discouraged.
Q. Did you get that statement from Dewey?
A. Yes. Aguinaldo was rather discouraged when any of the people failed to come to his banner on the first day. That dispatch also included a statement that he knew well the Filipinos and the Cubans, and that the Filipinos were a far superior people—I think that was in that dispatch; it was in one.

Mr. FRYE:

Q. Were they of material assistance to us?
A. Very great. If the protocol had not been signed, I think the Spanish at home would have insisted upon their army doing something. They dismissed Augustin because he was not disposed to fight, and I think if they had not had this experience of having been driven back into the city and the water cut off, so even that Jaudenes said he could not remove his noncombatants, the Government would have insisted on his making a fight, and he could have made a very good one, for his position was strong, if they had any fight in them at all. But every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner.

The CHAIRMAN:

Q. The insurrection had been ended in December, 1897, by an arrangement under which money was paid in Hongkong and certain reforms promised. Were these promises ever carried out?
A. Not at all, and Primo de Rivera stated lately in the Cortes that he never made any. I was surprised at reading that statement.

STATEMENT RESUMED.

I talked with Spanish prisoners at Tarlac, an important military station on the line of the railroad, and they said that they had had good treatment only. The wives of two officers had lately visited their husbands in jail (one at Dagupan, 123 miles north), and gave same testimony. Aguinaldo, in a letter of August 1 to our late consul at Manila, Mr. Williams, said: "Say to the Government at Washington that the Filipino people abominate savagery; that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life." I believe the natives to be brave (under good leadership), most tolerant of fatigue and hunger, and amenable to command and discipline, if justice and fair dealing rule. They are very temperate, as most of the natives of the East are. I have never seen a drunken one, and this with the example of our soldiers, whom they imitate in everything else; very quiet, no loud quarrels, very good house servants and cooks.

* * * * * * *

And now comes the vital question, What is to be done with these islands; and if we hold them, what form of government is to prevail? Whatever grave doubts one may have as to colonial extension on the part of America, we have gone too far, either by design or chance, to recede. It can not be

denied that we owe it as a duty to the natives and to humanity that the islands should not be restored to Spain (even if they were, they could not be held for a year). Any division of them is absolutely impracticable. This would induce constant friction, the ruin of Manila as the great commercial center; the important products would be shipped direct from the southern islands and goods sent directly there in exchange. One owner must hold the whole country and prescribe uniform duties and government.

I will digress here to say that the British at Manila, at Hongkong, Singapore—all over the East—are more than anxious we shall hold the islands. There is such a contrast in the expression of good will and admiration of our country with the feelings of only a few years ago. It seems to me that every day for the last six weeks some Englishman has said to me in the strongest terms, "There should be an Anglo-American alliance." They speak in the warmest terms of praise and surprise at our moderation, absence of looting, thefts, and every kind of outrage after the taking of Manila. Strange that they should make so much of a thing which, to our officers and people, seemed so obviously the proper and necessary thing. A few days before the surrender some British and other merchants and bankers came to our transports, asking from General Merritt safeguards, or the assurance of protection for the houses and persons of foreign residents.

I assured Mr. Wood, at the head of one of the largest houses (Smith, Bell & Co.'s, that they were in no danger. Noticing a look of incredulity, I said: "You don't believe me?" "Well, I think the men getting away from their officers will take possession of the spirit shops and commit outrages." I replied: "It is not possible; it is not in accord with the temper of our people. If you will consider our civil war, where after the terrible losses, running over four years, no punishment of a single person or appropriation of property was made, you may believe that we shall behave in no other way as the result of this little affair." I doubt if anything has inspired so much the respect of foreigners for us as this, which seems to me so natural a thing.

To take all the islands and ignore the natives would be impracticable and unwise.

On October 25 I went, in the company of H. L. Higgins, general manager of the Manila Railway, Limited, to Malolos for an interview arranged the day before with Aguinaldo. I found his headquarters were in a very nice house, ten minutes' drive from the railway station; a guard of twenty or thirty soldiers in the courtyard below.

We were soon ushered by one of his officers, who spoke English, to the waiting room upstairs, and I met Buen Camino, a wise-looking counselor, whom I met at Ayuntamiento the day after the fall of Manila. He carried us to the presence of the insurgent leader and president, who was dressed, contrary to his usual daily garb, in a black smoking jacket, of low-cut waistcoat and trousers, both black, large white tie—in fact, the evening dress common at our clubs and during the summer.

Buen Camino left us. I started the talk by announcing to Aguinaldo that I was to leave in a few days to appear before the Peace Commission, and that I had a very friendly feeling for the Filipinos and admiration for many of their good qualities, their quiet, cleanliness, temperance, and great imitative power, and a possibility of learning almost any profession or business; that I would like to be able to present to the commission his and his people's views and demands and what relation they expected to hold to the United States in case we decided to keep the islands.

Aguinaldo replied, rather naively, that his people were divided into two parties—those in favor of absolute independence and those of an American protectorate; that the parties are about equal; that he is waiting to see who will have the majority, in that case to take his position. I pointed out to him that it would probably be useless to try to bring those in favor of absolute independence to any change of opinion, but they must consider that they are without any navy and without capital, which is greatly needed for the development of the country; that the Philippine government alone did not possess the element of strength to insure the retention of the islands without the assistance of other governments. They would be at the mercy of any of half a dozen powers striving to take either a part or the whole of the islands, and they must consider that their greatest prosperity would come by the gradual accession of power under American auspices.

He said: "But the civilized nations of the world would see that our possessions were not taken from us." I replied: "How has it been in China, where England, Russia, France, Germany, etc., all strive to control territory?" To this he could make no reply. I further asked what that side would expect America, acting the rôle of protector, to do. He said: "To furnish the navy, while the Filipinos held all the country and administered civil offices with its own people." "And what then would America get from this," said I. "That would be a detail," he said, "which would be settled hereafter."

I asked how far they controlled Luzon and other islands. "Almost entirely," he said. That the different bands, little by little, were expressing their desire to join him. The Igorrottos had sent in some of their leaders the day before and were acting with him. That he had had three representatives from Iloilo within a few days on the same mission.

We pursued all this subject of a protectorate for some time without getting any nearer any satisfactory result. Mr. Higgins felt that Aguinaldo had been simply repeating a lesson, but I did not feel so sure of that. He said that he had had many Americans to interview him, most of them reporters, I fancy, and he had always told them the same thing. Thereupon I stated that this was quite a different case. "I am ordered, as an officer of the United States Army, to proceed to Paris and give evidence on points which may be of vital interest to you." After that his tone was different. Buen Camino returned, and Aguinaldo reported to him everything he had said to us. After a little talk between the two, Buen Camino said he, and he was sure the president, was in favor of an American protectorate, and seemed to approve the suggestion that we should have the nucleus of an army; that his people should be joined to it, filling the places of minor officers; and the possibility and the hope within a few years that they should fill the most important civil and military functions.

Buen Camino said I could be certain that if a protectorate were granted that they would do their best to have it accepted by their people on the lines that I have stated, agreeing with me fully that to hold one island and giving the others to other powers would be most unfortunate, and not to be considered.

They expressed pleasure at my having come to them, feeling that they had been rather neglected by the Americans.

This I dictated hastily just after the visit, and it does not give the impression which the interview left upon me—a great desire for our protection, for the improvement of their people materially and intellectually, the wish to send their young people to America for education.

Mr. GRAY:

Q. What sort of looking people are the insurgents?

A. They are somewhat undersized, are fairly good in appearance, are brave, will stand any amount of hunger and hardship, and, well led, would be very good soldiers. The country on the line of railroad is divided into four parts or zones. There was one General Macabulus, whose headquarters were at Tarlac, and it was said that Aguinaldo rather dreaded his popularity and wanted to transfer him. There was good feeling between them, however, and he sent down by Higgins $6,000 as a contribution. This was Mexican, of course. In all my talk it will be of Mexican dollars, about 47 cents' worth in our money or in gold. That trip was most interesting, but I have stated most of these things in my little story. We were the first officers who had been anywhere in the island outside the immediate environs of Manila.

The next Sunday, in company with a member of one of the chief mercantile houses and the senior British medical officer at Hongkong, Colonel Evatt, we went up the River Pasig on the launch of the former. We went up about 28 miles to the laguna. Paixanang would have been better to see, but time would not permit. We went to Banos, a health resort. There is an enormous tract of land on the laguna on the market, held by the priests. They wish to sell it for $1,700,000. It is an enormously productive country. You pass cascos loaded with cocoanuts and enormous quantities of nipa thatching for roofs. At this time I was collector of the port, and during this time I heard all sorts of expressions, and I think I had a very fair opportunity, being amused with the natives and studying their peculiarities, to form a fair judgment. I stand a little isolated in my opinions, however, perhaps. Men so quickly dismiss the natives from their minds as simply "niggers" and "savages," but when you think of all they have done you must give them credit for great capacity. I think there is a very good authority on this subject, Sir Frank Swettenham, of the British Straits Settlements colony, from whom I have a letter written to Mr. Pratt, our consul at Singapore. Sir Frank Swettenham has written a very clever book of local stories.

Mr. DAY:

Q. Does he live in the Philippines?

A. No, sir; in the Straits Settlements in the Malay Peninsula. His letter is as follows: !

CARCOSA, SELANGOR, MALAY PENINSULA, *October 28, 1898.*

DEAR MR. SPENCER PRATT: I send you all I have at present available. It may be all you want.

The Philippines are Malays, with more intelligence, more education, more courage, perhaps, than their confrères in the Peninsula.

In one sense they would be easier to govern, because they have been for many years in contact with white men and understand their ways. Moreover, the majority are not Mohammedans.

But, on the other hand, they have aspirations for political institutions and the management of affairs without the necessary experience, perhaps without the essential qualities, to secure success.

I should say that our experiment in the Malay Peninsula might be successfully repeated in the Philippines, provided that the controlling power made it clearly understood at the start that they meant to control and not only to advise and educate.

If that point were never in doubt, and the means of enforcing authority were in evidence for a short time, the rest would be easy, and I firmly believe the results would surpass all anticipations.

Yours, sincerely,

FRANK SWETTENHAM.

[From speech of Senator HOAR, January 9, 1900.]

At Aparri I witnessed a ceremony which at the time I considered pregnant with significance, and I have seen no reason since for changing my opinion. During our entire journey we had noticed the existence of a distinct civil and military government. The civil government was simple and efficient, consisting of four officials for each province and four for each town. The military government consisted of an officer in command of a military district, having under his orders one officer as military governor of each province and one as governor of each important town. The military government was the dominant one. We remarked on this condition several times, and were told that it would last only during a state of war. At Aparri we received proof of the sincerity of this statement. Word had been received from Hongkong that our commissioners at Paris, negotiating the terms of the treaty of peace, had plainly indicated that it was their intention not to return the islands to Spain. Relieved from their great apprehension of this action, the Filipino population began at once to see rosy visions of peace descending on their war-torn country. Steps were immediately taken to adjust existing conditions to the new state of things. Colonel Tirona, the governor of the northeastern military district, took the lead by relinquishing the control of affairs in the provinces comprised in his district in favor of a civil official chosen by the people. I was present at the impressive ceremony which solemnized this change in the province of Cagayan. The ceremony took place in the cathedral at Aparri and was attended by all the local officials of the towns of the province, as well as by any military officers that could be spared from their duties. Colonel Tirona placed the usual insignia of office—a gold-headed cane—in the hands of the governor-elect at the close of a short speech, in which he said that now that a state of peace seemed probable he desired to divest himself of the unusual authority that it had been necessary for him temporarily to exercise and to assume his proper position as a servant—not a ruler—of the people. The governor, in reply, expressed his thanks to the Colonel and to all of the expeditionary forces for the incalculable service they had rendered the people of the province in freeing them from Spanish rule and declared the purpose of the people to expend the last drop of their blood, if necessary, in defending the liberty thus gained against the encroachments of any nation whatsoever. The governor then took the oath of office, being followed in turn by each of the three other provincial officials, the heads of the departments of justice, revenue, and the police. It was the Colonel's intention to have a similar ceremony performed in each of the other provinces under his control. Had the Filipino government been allowed to work out its own salvation, this movement could hardly have failed to become historical.

At Apparri we saw proof also of the extent of Aguinaldo's authority. Four natives had been tried for robbery and attempted murder and had been sentenced to death. At the time of our visit they were awaiting the arrival from Malolos of the ratification of their sentence by the president.

Everywhere we traveled the greatest loyalty toward Aguinaldo was expressed. Now, at the time of his reverses, it is possible, though I am far from convinced, that he represents but one element of his people; then, in his prosperity, he certainly represented them all—at least in northern Luzon. At that time the enthusiasm of the people was tuned to the highest pitch. In every village every man was training in arms. Companies were formed of boys from 8 years of age upward. Wooden guns were furnished them, and they were drilled systematically every day. The women also were imbued with the spirit. Many and many a time have the people of a village gathered in the large room of the "presidencia," where the paymaster and I were quartered, and put their whole hearts into the songs in which their patriotism found vent. Of these songs the national hymn was the favorite, and no one within hearing ever failed to join in the chorus:

Del sueño de tres Siglos
Hermanos despertad!
Gritando, "Fuera España!
Viva la libertad!"

(From your sleep of three centuries,
Brothers awake!
Crying, "Away with Spain!
Live liberty!")

[From The Outlook, September 23, 1899.]

THE MILITARY FILIPINO.

[By Leonard R. Sargent.]

The provisional government which assumed control of Filipino affairs in Luzon Island after the downfall of the Spanish power was a military one. The president of the so-called republic was general of the army and had at his command all the forces of the state, while military officers filled the high positions throughout the provinces. It was continually asserted by those in power that this disposition of the control of affairs had been resorted to merely to tide over the existing emergency and that it should continue only until the establishment of a permanent peace. As long as it remained in force, however, the concentration of power was absolute, and, moreover, no change of government could be contemplated without the cooperation of the controlling class. In the event of peace the population hoped to see the reins of government placed in their hands, but if opposition were offered, they certainly had not the power to seize them. The military class controlled the situation, and with it, in great measure, the destiny of the people. Accordingly as they were actuated by motives of patriotism or of personal ambition they could, if unmolested, inaugurate a just and liberal government or they could set upon the galled shoulders of their race a yoke as cruel as that they had just cast off.

It will never be known how they would have stood this crucial test. The peace they had anticipated is further from them now than ever, and it has been decreed that a stronger power should relieve them of the responsibility of the vital decision. Yet they have not been deprived of importance. They still retain the official voice of their people, and it is with them that our nation is now at war. In view of their preeminent position in Luzon affairs, past, present, and future, some interest must attach to every observation of their character, especially to such as tend to show to what extent they represent the feelings and aspirations of the great mass of the Filipino population, and in what measure they have at heart the truest interests of their race.

The leaders of the military element have been drawn, almost without exception, from the younger generation of that enlightened class of Filipinos of which I have spoken in a previous article as existing everywhere throughout Luzon Island. They possess, of course, many qualities in common with their older kinsfolk, in whose charge they have been reared; and yet they differ from them so significantly on many points as to deserve particular attention. The characters of men are not set to such rigid lines as to remain unchanged by the sudden attainment of authority, and the Filipino, like his brother of every other land, assumes a new demeanor with his uniform of office

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APPENDIX.

[From The Outlook, September 2, 1899.]

THE BACKWOODS FILIPINO.

[By Leonard R. Sargent.]

It has been my privilege to be intimately associated with the Filipino people for a short time at a most interesting period of their history. With the permission of Admiral Dewey I spent the greater part of the months of October and November of 1898, in company with Paymaster W. B. Wilcox, United States Navy, in the interior of the northern part of the island of Luzon. It will be remembered that at that date the United States had not yet announced its policy with regard to the Philippines. The terms of the treaty with Spain were being negotiated by our commissioners at Paris, and the fate of the islands hung in the balance. In the meantime the native population, taking matters into their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government, with Aguinaldo at its head.

Although this government has never been recognized, and in all probability will go out of existence without recognition, yet it can not be denied that in a region occupied by many millions of inhabitants for nearly six months it stood alone between anarchy and order. The military forces of the United States held control only in Manila, with its environs, and in Cavite, and had no authority to proceed further; while in the vast remaining districts the representatives of the only other recognized power on the field were prisoners in the hands of their despised subjects. It was the opinion at Manila during this anomalous period in our Philippine relations, and possibly in the United States as well, that such a state of affairs must breed something akin to anarchy.

I can state unreservedly, however, that Mr. Wilcox and I found the existing conditions to be much at variance with this opinion. During our absence from Manila we traveled more than 600 miles in a very comprehensive circuit through the northern part of the island of Luzon, traversing a characteristic and important district. In this way we visited seven provinces, of which some were under the immediate control of the central government at Malolos, while others were remotely situated, separated from each other and from the seat of government by natural divisions of land, and accessible only by lengthy and arduous travel. As a tribute to the efficiency of Aguinaldo's government and to the law-abiding character of his subjects, I offer the fact that Mr. Wilcox and I pursued our journey throughout in perfect security, and returned to Manila with only the most pleasing recollections of the quiet and orderly life which we found the natives to be leading under the new régime.

Mr. CAFFERY. Mr. President, it occurs to me that the infinite pains taken to show that the Filipinos are not American citizens are due to the fact that if we can hold them outside, beyond the pale of the Constitution, then we can protect certain home industries against the competition of the products of those islands. That appears to me to be one cause, if not a very great cause. It has been alleged that this war was undertaken for commercial greed. I do not believe it. I would be loath to believe, Mr. President, that there was any man or that there were any set of men in the United States so utterly depraved, so lost to every sentiment of honor and patriotism and humanity, as to undertake a war of this character, so disastrous and so destructive, for the mere purpose of commercial greed.

I believe that after the war with Spain was declared certain parties took advantage of the situation in order to exploit our acquisitions for their personal benefit, but I do not believe that the President of the United States or his advisers ever contemplated or projected a war of this kind in order that certain men might derive benefit and advantage. That to me is so appalling, that to me shows such utter depravity and inhumanity as to be incredible.

Now, sir, if these people are citizens of the United States and are, as the Senator from Indiana stated and as the report of the Schurman commission states, utterly incapable of self-government, what are we going to do with them? Are we going to tolerate for all time a rule beyond the Constitution, deriving its source and power only from the Congress of the United States? Is not that abhorrent to the doctrine laid down by the distinguished men of the past, the dead statesmen of bygone years? Does not this distinguished man from Massachusetts, Mr. Sumner, say that the will and consent of the people must be had first before we can take them into constitutional wedlock? Can the Constitution of the United States embrace in its holy arms such people as reside in the Philippine Islands? Can we take head-hunters, polygamists, savages, slaveholders, who for all time will be incapable of our government, and make them citizens of the United States? They are citizens if we take them; and if they are incapable of ever coming up to the forms of our Government, the very best of statesmanship, the very best of humanity, the very best of regard for our own interests and our own institutions require us to get rid of them.

I am willing to get rid of them at any moment. I do not want some accomplished gentleman from Ohio, or from any other State, I will say to my friend the senior Senator from Ohio, to be sent over there as the proconsular agent of Congress, appointed by the Executive, to govern the head-hunters and the polygamists and the slave owners of that country. I do not want them to be American citizens, as I think they must be if we take over that territory; and therefore it is that I do not want them, and I do not think the American people want them. I believe that this question ought to be agitated from now on. I believe that when the intelligence of the American people is thoroughly awakened and their consciences quickened on this matter we will drop the Philippine Islands, after having restored the status quo as near as may be and after having pacified the people and aided them to establish stable government.

Certain responsibilities rest upon us, and greater responsibilities rest upon us after this war, this terrible war of blood and havoc and destruction. We must see to it that that people are reestablished in some kind of a government. We must see to it that peace reigns there, and the first signal of peaceful greeting sent from this Congress to that people will be the signal of their laying down their arms. You can not reestablish a people on a peace basis when you pursue the bloody methods of war. It is an utter impossibility. You can not do it. It is not in human nature; and if these people are such as they are described to be, mixed races descended from the Spaniard and Malay, revenge is deeply embedded in their nature. A Spaniard is the most noted man in all the world for guerrilla warfare, and the Malays have been distinguished for ages for the quality of sullen revenge.

Mr. President, I have occupied as much of the time of the Senate as I desire upon this question. I have not gone into these facts with that industry and systematic care which they deserve, as much for the reason that they have been gone over thoroughly and analyzed completely and exhaustively by others as that my time has been occupied in other directions to such an extent that I was not prepared to do so. The main facts, however, I think I have grouped. The main facts bearing upon this situation authorized us before active hostilities commenced to have treated with those people as an independent people. They had more muniments of independence than the Cubans, and we declared that the Cubans are, and ought to be, a free and independent people, and we are estopped to deny, from the facts in Document 62, that the same declaration could not and should not have been made in regard to the Filipinos. Our ways ought to be ways of peace in dealing with these people. Our Constitution does not, in my opinion, recognize any war whatever of aggression. "Forcible annexation," in the language of President McKinley, "is criminal aggression." It was true then and it is true now, and I would to God he had followed a course indicated by the expression of that noble sentiment. If forcible annexation is not what we are attempting in regard to the Filipinos, it is difficult to say what it is. They, with arms in their hands, resent our attempt to impose our Government upon them. With only one further remark I will close.

The idea seems to prevail in the minds not only of Senators and Members of the other House, but largely throughout the United States, that as our Government is the best Government in the world, any people who reject that Government when we seek to impose it on them by force must be subjected to our military and civil tyranny. No people in the world, however good your Government, desire to take it at the point of the bayonet. Every people are entitled to their own government, whatever it may be. Our propaganda is a peaceful one. Our institutions, if more excellent than those of other nations, will silently but surely find lodgment in other lands. It will be triumph sufficient when our Republic will by peaceful methods give laws and constitutions to mankind. War and blood, fire and sword, will not do it.

PUBLIC BUILDING AT SALT LAKE CITY, UTAH.

Mr. RAWLINS. I ask unanimous consent for the present consideration of the bill (S. 2198) increasing the limit of the cost of the public building at Salt Lake City, Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 6, before the word "thousand," to strike out "seven hundred and fifty" and insert "five hundred;" so as to make the bill read:

Be it enacted, etc., That the limit of the cost of the public building to be erected at Salt Lake City, in the State of Utah, is hereby changed from $[illegible] to $500,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF SUFFRAGE IN NORTH CAROLINA.

Mr. BUTLER. I ask that the resolution offered by my colleague [Mr. PRITCHARD] may be laid before the Senate.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Chair lays before the Senate the resolution indicated by the Senator from North Carolina, which will be read.

The resolution submitted by Mr. PRITCHARD January 8, 1900, was read, as follows:

Resolved, That an enactment, by constitution or otherwise, by any State which confers the right to vote upon any of its citizens because of their descent from certain persons or classes of persons, and excludes other citizens because they are not descended from such persons or classes of persons, having all other qualifications prescribed by law, in the opinion of the Senate, is in violation of the fourteenth and fifteenth amendments to the Constitution of the United States and of a fundamental principle of our republican form of government.

Mr. BUTLER addressed the Senate. After having spoken for twenty-five minutes,

The PRESIDENT pro tempore. The Senator from North Carolina will suspend for one moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. PRITCHARD. I ask that the unfinished business be temporarily laid aside in order that the Senator from North Carolina may proceed.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside in order that his colleague may conclude his speech. Is there objection? The Chair hears none, and the junior Senator from North Carolina will proceed.

Mr. BUTLER. Mr. President, I have listened attentively to the three speeches which have been delivered in the Senate in opposition to this resolution. I have been surprised that these Senators have devoted the major part of their speeches not to the legal and constitutional questions at issue, but, instead, to a discussion of a question that is not at issue and about which there is no contention—that is, whether or not the negro is as intelligent and as capable of self-government as the white man. If the proposition before the Senate were a resolution for the repeal of the fifteenth amendment, then their speeches would have been more to the point. But that is not the question raised by the resolution, nor is it the question that confronts the people of North Carolina to be voted on at the August election of this year, nor is it the question that the courts would consider.

The fifteenth amendment, whether its adoption was wise or unwise, is a part of the organic law of this Republic, and is as binding as any other section of the Federal Constitution; and while it so remains it should and must be respected and obeyed, not only by every State, but by every citizen and voter; and further, it is well known that the highest court of the land, regardless of what the private opinions of the individual judges might be as to the wisdom of the fifteenth amendment or any other provision of the Constitution, must and will declare null and void any and every enactment of any State legislature or any State constitutional amendment that violates that or any other provision of the Federal Constitution.

THE ONLY QUESTION AT ISSUE.

The resolution now before the Senate, offered by my colleague, raises this question as to two States of the Union. The State of Louisiana has already adopted an amendment to its State constitution the open and declared purpose of which was to evade the fifteenth amendment to the United States Constitution. The legislature of the State that I have the honor in part to represent has submitted a similar amendment to the people of that State, to be voted on next August. Now, I submit that the only question at issue which will or can be considered by the Senate in passing upon the proposed resolution is whether or not the Louisiana amendment and the proposed North Carolina amendment are in violation of the Federal Constitution. The opinion of the Senate on this legal question will determine whether it will pass or reject the pending resolution, and the opinion of the Supreme Court of the United States on this same legal question, when it comes before it, will determine whether such an amendment shall stand or fall. I may add also that it will be this legal question that will largely determine whether or not the voters of North Carolina will next August adopt the proposed amendment at the polls. I say this, for I feel that I can say on behalf of the voters of North Carolina, regardless of party, that they will not knowingly and willfully vote for a measure that is in violation of any provision of the Federal Constitution, even though in their judgment such provision was not wise. I know myself personally many voters who believe that the adoption of the fifteenth amendment was not only unwise, but a great mistake and a grievous error, yet who will vote against the proposed amendment because they are satisfied that it is clearly in conflict with our National Constitution.

The people of North Carolina are law-abiding. They believe in dealing in a frank, honest, and candid manner with public questions as well as with private ones. I believe that a majority of the voters of that State would to-morrow, if the question were before them, vote to repeal or amend the fifteenth amendment. But I say it to their honor and to their credit that they have too much respect for their oaths as citizens and too much regard for every law while it remains law to vote for a proposition in violation of the fifteenth amendment as long as that amendment stands.

Therefore, the only questions at issue before the Senate and before the voters of North Carolina are the legal ones which would be considered by the Supreme Court if the proposed suffrage amendment should come before it to be tested. What are these legal questions?

First. Is section 5 of the proposed amendment unconstitutional—in conflict with the fifteenth amendment?

Second. If the Supreme Court should hold that section 5 is unconstitutional, would it also hold that the balance of the amendment (which makes a complete and constitutional scheme of limiting suffrage) should stand as a part of the organic law of the State?

These are the questions I propose to discuss. If the law and the decisions of our Supreme Court show that the answers to both of these questions must be in the affirmative, I take it that then there would not be a man in this body nor a voter in North Carolina who would dare support the proposed amendment.

WHAT ARE THE FACTS AND WHAT IS THE LAW?

Then let us see what the facts are and what the law is. The proposed amendment, with the exception of section 5, is admitted by everyone to be clearly constitutional. The educational qualification section, which is section 4, is as follows:

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the 1st day of March of the year in which he proposes to vote, his poll tax, as prescribed by law, for the previous year. Poll taxes shall be a lien only on assessed property, and no process shall issue to enforce the collection of the same except against assessed property.

Now, is this section limiting suffrage to those who can meet the educational test to read and write constitutional? Clearly so, because the States have full power to limit and regulate suffrage, except as inhibited by the fifteenth amendment of the Federal Constitution. That amendment is as follows:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The Supreme Court in a number of cases, passing upon this question and construing the fifteenth amendment, has definitely laid down this principle: A suffrage qualification, to be in accordance with the fifteenth amendment, must operate equally, impartially, and uniformly upon both races and upon those formerly free or formerly bond. Thus we see that the fourth section, limiting suffrage to those who can read and write, operates uniformly upon both races, and upon those formerly free or formerly bond, and therefore is clearly not in violation of the fifteenth amendment, but comes directly within the rule laid down by the court. If the proposed suffrage amendment in North Carolina had stopped here, there could have been no question as to its constitutionality.

But there is another section which, by an arbitrary provision, pretends to attempt to create a special privileged ancestral class and to exempt them from the operation of section 4. It is as follows:

SEC. 5. No male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications prescribed in section 4 of this article: *Provided*, He shall have registered in accordance with the terms of this section prior to December 1, 1908.

The general assembly shall provide for a permanent record of all persons who register under this section on or before November 1, 1908, and all such persons shall be entitled to register and vote at all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, Such persons shall have paid their poll tax as required by law.

Now, the question is this: Is this section (known as the "grandfather clause") constitutional? It provides that a citizen who could vote on or before January 1, 1867, or whose fathers or grandfathers were then allowed to vote, shall be exempt from the provisions of section 4 and permitted to vote, even though unable to read and write, and therefore not possessing the qualifications required of other voters. Now, does this provision operate equally, impartially, and uniformly upon both races and upon those formerly free or formerly bond? If it does not, as the Supreme Court says it must to be constitutional, then clearly it is unconstitutional and must fall.

THE SUPREME COURT RULES OF CONSTRUCTION.

The advocates of this proposed amendment boast that its purpose is to disfranchise all illiterate blacks while not disfranchising a single illiterate white man. Yet they claim that they have so covered up their purpose in the wording of section 5 that the Supreme Court of the United States will be unable, from its form, to detect its purpose and effect. Let us see if this is true. We can best determine what rule of construction and interpretation the court would follow in considering such a provision as the proposed amendment by referring to the decisions of the Supreme Court in similar cases. These decisions (some of which I will cite in a few moments) show that in considering questions like the proposed amendment the court would consider, first, the political history of the times that called forth the fifteenth amendment to the Constitution of the United States and section 5 of the proposed amendment in North Carolina, and next the court would consider the effect of section 5 of the proposed amendment and see if its natural and reasonable effect would be to destroy the guaranty against discrimination in the fifteenth amendment. I take it that no lawyer familiar with the decisions of our Supreme Court will question that this is a fair and correct statement of the rule of construction and interpretation by which the court has in the past been guided and would, of course, be guided in this and all similar cases.

AUTHORITIES CITED.

I cite the opinion of the court, rendered by Chief Justice Marshall in the case of Brown *vs.* Maryland (12 Wheaton), in support of my statement as to the rules of construction that the court adopts in such cases.

Also the opinion of the court in the Dred Scott case, rendered by Chief Justice Taney, and, in addition, every concurring and dissenting opinion in that case bear out this rule of construction.

In discussing the constitutionality of Article IV, section 3, subsection 2, of the Constitution, the court in the latter case said:

> A brief summary of the history of the times, as well as the careful and measured terms in which the article is framed, well shows the correctness of the proposition.

In Bank *vs.* Fenno (8 Wallace) Chief Justice Chase, in discussing the meaning of the term "direct tax," said:

> We are obliged, therefore, to resort to historical evidence and to seek the meaning of the words in the use and in the opinion of those whose relation to the Government and means of knowledge warranted them in speaking with authority.

I cite, in addition, the opinion of the court, rendered by Chief Justice Fuller, in the recent income-tax case, as well as the dissenting opinions, all of which went into long historical dissertations.

In the case of Hahns *vs.* Louisiana Judge Bradley reviews fully the history that surrounds the enactment of the eleventh amendment to the Constitution.

Chief Justice Cooley, the author of Cooley's Constitutional Limitations, in People *vs.* Harding (53 Michigan), says:

> In seeking for the real meaning of the Constitution we must take into consideration the times and the circumstances under which it was framed, the general spirit of the times, and the prevailing sentiment among the people. Every constitution has a history of its own, which is likely to be more or less peculiar, and unless interpreted in the light of this history is liable to express purposes which were never in the minds of the people when agreeing to it. This the court must keep in mind when called upon to interpret.

Many more decisions to the same effect can be cited, and none to the contrary, as far as I have been able to find, to support the rule of construction and interpretation to the effect that the court would consider the political history of the times, etc., in determining the object of section 5 of the amendment.

As to the second rule of construction, that the court will look to the effect of section 5 when passing upon its constitutionality, the authorities are equally as abundant and conclusive.

In Parke *vs.* Press Company Judge Campbell, one of Michigan's greatest judges, rendering the opinion of the court, said:

> But we do not think the State controls the action or is within the power of constitutional legislation. This will, in our judgment, appear from a statement of its effect if carried out.

Again, in Soon Hing *vs.* Crowley (113 U. S. Reports, page 703), the court says:

> And the rule is general with reference to the enactments of all legislative bodies, that the courts can not inquire into the motives of the legislators in passing them, except as they may be disclosed on the face of the acts, or inferrible from their operation, considered with reference to the condition of the country and existing legislation. The motives of the legislators considered as the purposes they had in view will always be presumed to be to accomplish that which follows as the natural and reasonable effect of their enactments.

Is it possible for anything to be clearer or more to the point and conclusive than this opinion of the court?

Again, in Minnesota *vs.* Barber (136 U. S. Reports, page 313), the court says:

> In whatever language a statute may be framed, its purpose must be determined by its natural and reasonable effect.

The United States Supreme Court has universally followed the same rule of construction. I will stop to quote from but one more case.

In Henderson *vs.* The Mayor (92 U. S. Reports) the court, using almost the same language I have quoted above, said:

> In whatever language a statute might be framed, its purpose must be determined by its natural and reasonable effect.

So I take it that everyone will admit that should section 5 of this proposed amendment come before the court, that the court would, of course, consider the history that surrounds and is so mingled with the fifteenth amendment and section 5, and would also consider "the natural and reasonable effect" of that section.

I repeat, Mr. President, that I do not think there is a lawyer in this body or in the country that will question that statement. Now, if that is true, and it is true beyond question, then what follows?

SECTION 5 CLEARLY UNCONSTITUTIONAL.

The court, following these well-established rules of construction, would necessarily discover that section 5 was plainly obnoxious to the fifteenth amendment. The court would first inquire, Why was the arbitrary date of 1867 adopted? Why not 1875 or 1880 or 1899? The court would necessarily have to inquire what class of citizens could vote in 1867 or prior thereto and what class could not; whose grandfathers could vote then and whose grandfathers could not. The answer to this question would bring sharply to the attention of the court the fact that all of that class of citizens who were in servitude, and who, therefore, could not vote in 1867, are discriminated against by being excluded from the special privilege attempted to be conferred by section 5 upon the class that was not in servitude in 1867.

Mr. President, can there be any shadow of a doubt as to what the decision of the court would be when it thus had plainly before it the fact that the purpose and necessary effect of section 5 is to establish an educational qualification for every former slave or descendant of a slave while expressly removing this educational qualification from practically all others? It was to prevent this very thing from being done that the fifteenth amendment was adopted. If section 5 of this proposed amendment is not in violation of the fifteenth amendment to the United States Constitution, then it seems to me that it would be impossible to violate that amendment. Section 5, as worded, is just as unconstitutional as if it were worded as follows:

> Every male person who was a slave or who is the descendant of a slave shall not be allowed to vote unless he can read and write, but all male persons who could vote in 1867 or whose fathers or grandfathers could vote then shall not be required to submit to any educational test.

Is there anyone who would contend that this language would be constitutional? Certainly not. But how does this language differ from section 5? In form only; the purpose of effect of both are the same. When this same amendment was before the Louisiana convention, Judge Coco opposed section 5 because, he declared, it was clearly unconstitutional. He argued that, inasmuch as in 1867 only whites could vote, the fifth section, as far as its constitutionality was concerned, might as well read:

> No person shall be denied the right to vote who on January 1, 1868, or any date prior thereto, was a white citizen of the State of Louisiana.

Continuing, he said:

> To my mind the section presents a weak and transparent subterfuge, an unmanly evasion of the Constitution of the United States, and on that ground alone I could not give it my support.

This extract of the judge's speech is taken from an article in the Harvard Law Review of December, 1899, in which Mr. Eaton ably reviews the proceedings of the Louisiana constitutional convention.

Mr. President, it is so well settled that the constitutionality of a law is to be determined not by its form, but by the effect of its operation that this principle has become an established axiom of constitutional law. Hence the legal maxim: "Nothing can be done indirectly which can not be done directly." I do not deem it necessary to burden the Senate with further citations on this point, for there is not a case in the United States Reports that is not an authority to support this position.

Then how can the court escape the inevitable conclusion that section 5 is unconstitutional? Indeed, unless the court should reverse all former decisions it must so hold. Nothing can be clearer; nothing can be more certain.

Mr. President, this completes my argument as to the unconstitutionality of section 5, and I would proceed at once to discuss the other question, as to whether the amendment would fall as a whole or only section 5 would fall, were it not for the speeches made by Senators on the other side of this question.

There have been three of these speeches, and I desire to call attention briefly to each of them before proceeding to discuss the legal phases of the other important question.

While I think I can say truthfully that not an argument or a citation made by any of them controverts my position, yet I will refer briefly to the few cases which they cited and which they claim as authority to the contrary.

REPLY TO SENATOR M'ENERY.

The Senator from Louisiana [Mr. MCENERY] based his whole contention, as I understood him, upon the claim that section 5 did not discriminate against former slaves because it did not exclude them from suffrage; but, on the other hand, included another class who had not been in servitude. His contention, if I understood him, was that section 4, limiting suffrage to an educational qualification and applying it to all races alike, was, of course, constitutional (which everybody admits), but that when section 5 comes along and confers a still wider suffrage on a certain class none of whom were slaves, that this inclusion, not being exclusion, is not in violation of the fifteenth amendment. I have heard one or two other persons make the same argument; not in this body, however. Mr. President, with all due respect to the Senator, candor forces me to say that a thinner and more transparent subterfuge, a weaker and more untenable argument, was never advanced by any lawyer in the court-house, even with the most desperate case to defend. I take it that the distinguished Senator would not have the courage to seriously make that argument before the Supreme Court of the United States.

But the Senator cites an authority which he claims supports that position. It is as follows: McPherson *vs.* Blackner (110 U. S., page 1). He quotes the following:

> The right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State. There is no color for the contention that, under the amendment, every male inhabitant of the State, being a citizen of the United States, has, from the time of his majority, a right to vote for Presidential electors.

He quotes next from The State *vs.* Cruikshank et al. (92 U. S. Reports, page 542), as follows:

> From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right on account of race, etc., is; but it must be expressly averred.

The only point that I could see that he attempted to make by this citation was that he repeated the words "expressly averred."

But, Mr. President, the Senator's own authority contains sufficient language with which to answer his contention. Is not the inclusion of a class into certain privileges which are denied to another class as much a discrimination as the direct exclusion of the said class? When there is a discrimination in favor of one class there is necessarily at the same time a discrimination against another class; and is not this discrimination "expressly averred" in section 5? The authority he cites is an authority against his contention.

Of course the Federal Government does not confer the right to vote on anyone. The States confer that right; but the fifteenth amendment says that when a State proceeds to confer that right upon its citizens it shall not abridge the suffrage rights of those who have been in slavery. Abridgment there can mean but one thing, and that is that the States shall not confer less suffrage privileges upon the class of former slaves than upon its other citizens. But if there was any doubt about this question, the Supreme Court, in one terse sentence, interpreting the fifteenth amendment, in the case of The United States *vs.* Reese, has settled it. That sentence is as follows:

> If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be.

Thus we see that it makes no difference whether the discrimination is by restricting directly the suffrage privileges of the former slave or indirectly by enlarging the privileges of another class while denying those privileges to the former slave; yet it is an abridgment within the meaning of the fifteenth amendment. Can anything be clearer?

If that does not put beyond all question the unconstitutionality of section 5, then nothing can (for those who still doubt) except to have the court to call the section by name and apply the above words to it.

But, Mr. President, I do not consider it necessary to analyze the argument of the Senator from Louisiana, even if it were stronger than it is, because the Senate will remember that while the Senator was delivering his speech I interrupted him and read the following letter from the New Orleans Times-Democrat of Friday, March 18, 1898, in which the Senator strongly expressed the same view that I now hold. The letter is as follows:

> WASHINGTON, D. C., *March 17, 1898.*
>
> *To the Times-Democrat:*
>
> In answer, I say that section 5 is grossly unconstitutional. I have submitted the same to some of the ablest Democrats of the Senate, who are able constitutional lawyers. They all concur in my opinion, that if adopted, the effect will be to lose our representation in Congress and in the electoral vote of the State.
>
> S. D. MCENERY.

The Senate will remember that when I asked the Senator if he did not write that letter and if he was not then of the opinion that the amendment was "grossly unconstitutional" he replied:

> Yes, sir; when the constitutional convention was in session I was telegraphed to know what was my opinion of this section 5. I replied to that telegram that in my opinion it was unconstitutional. I then received another telegram, after its adoption, to know if, when it was attacked, I would defend it in the Senate of the United States. To that telegram I replied that I would.

So, Mr. President, I take it that the Senator's speech was simply delivered in response to that pledge to attempt to defend the "grossly unconstitutional" thing if his State should unwisely adopt it.

REPLY TO SENATOR MONEY.

The Senator from Mississippi [Mr. MONEY], if I remember correctly, cited only one authority in support of his contention that section 5 is constitutional, and that was the Mississippi case, in which the Supreme Court sustained the constitutionality of the Mississippi suffrage amendment; but the decision of the court in that case is not in the least in point, but applies to an entirely different constitutional provision. What does the suffrage provision of the Mississippi constitution provide?

I happen not to have an official copy of the constitution of Mississippi, and this extract is taken from a magazine article, but presume it is correct.

It provides that—

> On and after January 1, 1892, every elector shall, in addition to the foregoing qualifications, be able to read and write any section of the constitution of this State, or he shall be able to understand the same when read to him, or to give a reasonable interpretation thereof.

This provision, as is readily seen, creates no privileged class. It does not confer the right to vote upon one class and deny it to another, but it provides an educational qualification which applies to all classes alike. It is similar to section 4 of the proposed amendment in North Carolina, which everybody admits is constitutional. To make the Mississippi suffrage provision like the North Carolina amendment it would be necessary to add another section following the section I have just read, which would exempt a class—that is, those who voted or whose fathers and grandfathers voted in 1867 or before—from the provisions of the Mississippi constitution. But the Mississippi constitution contains no such provision. The court, in passing upon the suffrage provision of the Mississippi constitution, stated that it was clearly constitutional unless the State court should so construe that provision or unless its provisions should be administered in a way to violate the fifteenth amendment by denying the former slaves and their descendants the right to vote as conferred upon other citizens. In short, as the court said in Williams *vs.* Mississippi, in passing upon the same provision, there was nothing unconstitutional in the terms of the Mississippi suffrage provision nor was there anything unconstitutional in its legal effect. The court did say, however, that it might be construed so as to make it unconstitutional and that it might be administered "with an evil eye and an unequal hand" so as to make it unconstitutional, but the court went on further to say that the case as it was presented to the court did not show that either had been done; therefore the court upheld its constitutionality.

But how different with the proposed amendment in North Carolina, where the Mississippi educational provision is qualified by section 5. In this case the unconstitutionality of the "grandfather" section is apparent from its terms when interpreted according to the rules I have before referred to—that is, in the light of the history of the times and in view of the immediate and necessary effect. So the Mississippi cases, instead of being authority to support section 5, are strong and direct authority the other way. Mr. President, section 5 of the proposed amendment can not be so construed or interpreted as to make it constitutional. It can not be administered so as to make it constitutional. It is unconstitutional as its stands on its face and by its necessary effect, by every rule of construction that the court has ever followed.

REPLY TO SENATOR MORGAN.

When the Senator from Alabama [Mr. MORGAN] delivered his speech on this question, I sat near him and paid the closest attention. On account of his reputation as a constitutional lawyer I was very anxious to hear him and curious to know what kind of argument he could advance or what hitherto-undiscovered opinion of the Supreme Court he could adduce to maintain the constitutionality of such a thinly veiled subterfuge as section 5. But for once I was doomed to disappointment when listening to the Senator from Alabama. He did not attempt seriously to discuss and argue the constitutionality of section 5. Clearly he is too wise and too good a lawyer to put himself on record with argument that would not bear the test of analysis and comparison with decided cases.

So he contented himself with expressing an opinion that the Mississippi cases applied to section 5 and then devoting all of the remainder of his speech to a discussion of the dangers of reconstruction and using high-sounding phrases about the magnitude

of the difference between the Anglo-Saxon and the African. The same is true in this respect of the speeches of the other two Senators. What legal argument they essayed to put forth seems to indicate that they are influenced more by their desires and hopes than by their judgment. Their speeches would no doubt be fitting in a campaign where "nigger" was to be the slogan and race prejudice must be aroused in order to prevent the calm and deliberate consideration of argument and to banish reason and enthrone in its stead passion and prejudice; and, whether so intended or not, this will be the chief use to which their speeches will be put in the coming campaign in North Carolina. But I submit that such a discussion of the difference between the Anglo-Saxon and the African does not seem fitting in the United States Senate when a great legal and constitutional question is under consideration, and, surely, their authors could not expect such speeches to be listened to with much patience should they attempt to deliver them before the greatest and ablest court in the world while this constitutional question was being considered for adjudication.

WHAT THE LAW JOURNALS AND GREAT CONSTITUTIONAL LAWYERS SAY.

Mr. President, the adoption of this novel scheme of attempting to evade the fifteenth amendment in Louisiana and the proposed attempt in North Carolina has attracted a great deal of attention from the legal profession and the law journals. I have on my desk the Harvard Law Review of December, 1899, which contains an able and thoughtful article by Amasa M. Eaton on this question, to which I have already referred. After reviewing the whole question at length from a legal standpoint, he contends that the court must necessarily declare section 5 unconstitutional. He himself expresses doubt as to the wisdom of the adoption of the fifteenth amendment, but calls attention to the fact that this has nothing whatever to do with the constitutionality of the proposed suffrage amendment.

A number of other law journals have discussed it, and so far as I have seen not a single one has attempted to uphold its constitutionality. I have a copy of the current number of the Law Notes, with a comment upon the speech delivered by my colleague, in which the editor takes the same position. The editor also cites the opinion of Mr. William D. Guthrie, of the New York bar, as a good constitutional authority.

Mr. Guthrie was one of the distinguished lawyers associated with Mr. Choate in arguing the income-tax cases before the Supreme Court, and is recognized as one of the ablest constitutional lawyers in the United States. In his law lectures on the fourteenth and fifteenth amendments, he refers to and discusses the constitutional amendment of Louisiana, and the proposed one in North Carolina is like it. He declares, commenting upon section 5, the "grandfather clause," that it is a "travesty of constitutional justice." I do not put my hand just now on the extract from Mr. Guthrie's lectures, in which he declared that the proposed constitutional amendment is a travesty of constitutional justice, but I will ask permission to put it in my remarks.

The matter referred to is as follows:

> This travesty of constitutional justice ought to be brought to the test in the Federal courts at the earliest possible moment. If such a provision can be sustained as within the power of the States to regulate the qualification of voters, the result ought to be the diminution of Louisiana's representation in Congress and in the electoral college in proportion to the excluded negro vote.

Ex-Senator Edmunds, who is recognized as one of the greatest, if not the greatest, living constitutional lawyers, has declared section 5 of the Louisiana amendment unconstitutional, and he is also of the opinion that section 5 would fall and that the remainder of the amendment would stand. But I will discuss that feature of the question in a few minutes.

In this connection I also call attention to the recent action of the Georgia legislature in voting down a similar amendment by the overwhelming majority of 137 to 3. In the debate the members of the legislature took the position that section 5 was not only unconstitutional, but that it was an unmanly subterfuge, was unjust, and was not necessary. I have condensed the debate on this question before the Georgia legislature, as published in the Atlanta papers, and will ask permission to put it into the RECORD as a part of my remarks.

I ask permission to put the extracts from that debate in my remarks because I think the Senate and the country ought to see the argument, the legal opinions, and the doubts expressed that influenced the Georgia legislature in repudiating this dangerous, uncandid, and unmanly scheme.

THE CONSTITUTIONAL AMENDMENT DISCUSSED BY GEORGIA LEGISLATURE.

The Atlanta (Ga.) Constitution of November 29, 1899, giving a report of the legislative proceedings, said:

> "The only voice raised in defense of the measure was that of its author, who made an able, though ineffective, argument, while half a dozen leading members of the house took the floor in protest against the passage of the bill, which they pronounced an open and admitted discrimination against one class of citizens in the State. After the previous question had been called, shutting off debate on the issue, an effort was made to lay the bill on the table, partly out of deference to its author and in view of the stubborn opposition with which it met, as well as the certainty that it would meet defeat if put on its passage. The main line of opposition to the Hardwick bill brought out in the debate was against the grandfather clause.
>
> "Mr. Copeland, of Walker, addressed the Chair. He said: 'If I properly understand this measure, it is radical, unjust, and unfair. I am in favor of no amendment to the constitution or change in the law that does not meet with the approval of the qualified voters of the State, and I am satisfied that the people of Georgia would not and never have given their approval to so radical a change as this. No one appreciates more than I the deplorable condition of the ballot in our State to day, but I submit that this measure is not the proper one to work the change so much needed. I wish to remind the house that for everyone who sells his vote there is one who buys it, and the wrong in one case is as great as in the other.' Mr. Copeland proceeded to make an able presentation of the reasons against the passage of the measure, and was once interrupted by loud applause.
>
> "Mr. Harrison, of Quitman, declared the proposed measure harsher in every respect than any reform bill ever enacted into law in any of the Southern States except Louisiana. He said: 'In Mississippi some educational qualification is imposed by recent enactment, but the qualification is nothing compared to the harshness of this measure. The objection I raise to the bill here and the objection with which I fought the measure in the committee room is that it is legislating purposely, positively, and conclusively against one race; purposely, positively, and conclusively in favor of another race. Is it judicious to work this change in the law? I speak from an experience of fifty years as a citizen, in which time I have had occasion to observe the prevailing condition in my State, and I tell you that the provisions are first of all unnecessary.'
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> "Mr. Howard, of Challapoochee, opposed the bill. He said: 'In my section of the State the negro who has never spent one day in school is the best citizen of his class and the most intelligent voter of his race. It has been my observation that education is not a test of citizenship. We are hedged in by the Federal Constitution, which prohibits us from barring any man from citizenship by reason of race, color, or previous condition of servitude, and I can not see how the bill before the house can be considered in any light but as a violation of the provisions of that Constitution. If we are to limit the franchise, it is a limit that should work alike in both races.'
>
> "Mr. Overstreet, of Screven, began with a statement that he would feel that he was doing the people of his section and State an injustice and falling far short of his duty to his constituents if he did not raise his voice in opposition to the pending measure. He said: 'From the time when the fifteenth amendment to the Constitution was enacted up to the present day the best part of the negro race in Georgia has voted and stood by the party to which I have the honor to belong. I would take pleasure in going on record as favoring the elimination of the ignorant and purchasable voter of all classes of this State, but I am not in favor of the discrimination which is proposed in this bill.'
>
> "On the call of the ayes and nays, which were demanded, only three members, Mr. Hardwick of Washington, Mr. Bell of Forsyth, and Mr. Ellis of Bibb, voted for the bill.
>
> "Mr. Hall, of Bibb, was against the bill, because it might be the means, he claimed, of interfering with the white voter.
>
> "In voting against the Hardwick bill Mr. Holder, of Jackson, had the following to say: 'I oppose the bill because I believe it to be in violation of the Constitution of the Republic. But were it constitutional, it is not right to deprive any man of his ballot on account of his color. I believe in every man in this State being allowed to vote regardless of his color, so long as he complies with the requirements of the State in paying taxes, working roads, responding to his country's call to go to arms when his service is needed, and as long as he is obedient to law. I oppose the measure because it will also disfranchise hundreds of honest white men who can not read and write and give a reasonable interpretation of the Constitution. I oppose it because it is unnecessary.'"

I also insert some extracts from the debates in the Louisiana convention:

DEMOCRATS IN LOUISIANA CONSTITUTIONAL CONVENTION DENOUNCED THE CONSTITUTIONAL AMENDMENT AS VICIOUS AND UNCONSTITUTIONAL.

In the New Orleans Times-Democrat of March 28, 1898, the views of the Democratic members of the constitutional convention in opposition to the amendment are given as follows:

Mr. Clingman said: "I am opposed to section 5. I favor an educational or property qualification, with a poll tax, to take effect at the adoption of this constitution."

Mr. Chiapella said: "I believe that section 5 is violative of the amendments of the Federal Constitution, and I fear that the adoption of this unconstitutional ordinance is fraught with danger to the State of Louisiana and to the national Democratic party. I therefore vote 'no.'"

Mr. Carver said: "I feel constrained to vote against any plan that incorporates the payment of a poll tax as a prerequisite for voting, as does section 6 of this ordinance. Such a provision in my judgment violates the canons of taxation and the cause of suffrage as well. I think it is unwise, dangerous, inexpedient, and contrary to the sound principles of government."

Mr. Chenet said: "I vote against the ordinance in its present form because, in my opinion, section 5 is unconstitutional."

Mr. Drosman said: "I am opposed to poll tax as incorporated in this bill."

Mr. Strickland said: "It contains a section, section 5, which, in my opinion, will work great wrongs and damage to the best interests of the people of the State, which violates the fundamental principles of free government, all the accepted theories of free government, all the accepted theories of suffrage, and is undemocratic, un-American, and unconstitutional. The adoption of said section 5 will, in my judgment, compel the repeal of the Australian ballot law, a wise and good law, and without which a large majority of the members of this convention could not have been elected, and whose enactment by a Democratic legislature was one of the best and most patriotic acts in the history of the State."

Mr. Wise said: "I am opposed to the adoption of this ordinance because I believe an educational and property qualification in the alternative, with the payment of a poll tax as a prerequisite for voting, would meet the exigencies of the situation, and because I believe section 5 is unconstitutional and vicious and undemocratic in principle."

Mr. C. K. Browning said: "I oppose section 5 on the grounds of its unconstitutionality, and section 6 on principle, believing such a requirement un-American, undemocratic, and unjust, and by every honest and manly method endeavored to defeat it, and have gone on record on these lines."

Mr. J. T. Boone said: "I oppose this ordinance for the following reasons: The educational and property qualifications are placed beyond the reach of many of our best citizens. These citizens are too proud to vote because their father could vote. They desire to vote because they are white men and good citizens, and have always tried to do their duty as such. They are poor and unlearned, but honest. Their property, in consequence of depreciated values, is not worth $300, and they will be unable without assistance to file the application required for registration required by this ordinance. The poll

tax should go into effect at once. The fifth section is of such doubtful constitutionality as to cause me to withhold my support. For these reasons, I vote no."

Mr. Paul Leche said: "I vote no. First, because I believe section 5 of the ordinance is unconstitutional; that it is unfair in giving naturalized foreigners an advantage over native citizens, and the registration thereunder is not sufficiently safeguarded against fraud."

Mr. J. E. Moore said: "I am unalterably opposed to certain provisions of the bill. * * * I am opposed to section 5, because it is unconstitutional, and, further, I regard that portion of it which allows the sons and grandsons of a certain class of voters to vote without other qualifications as undemocratic and thoroughly vicious."

Mr. Hart said: "I vote against ordinance 205, because I consider section 5 in conflict with the Constitution of the United States."

Mr. Henry G. Hester said: "In voting on this measure in its earliest stages I have expressed my opposition to it, fearing that it is an uncertain and dangerous experiment which may possibly defeat the main objects for which this convention was called."

Dr. H. Dickson Bruns said: "I desire to be recorded as voting against Ordinance No. 205, because I believe it to be indefensible in reason, law, or morals. I vote 'no' because, although I have friends in the opposition in whose integrity I have the fullest confidence, I believe they have been misled into that they will soon regret. I vote 'no' because, whether unconstitutional or not, in the light of legal technical knowledge it is undoubtedly so in the light of common sense, because this ordinance, while ostensibly ostentatiously pretending to qualify the suffrage, contains a section that will admit men to the electorate in spite of every disqualification; because while pretending to exclude all but legally naturalized foreigners, it expressly permits, through the intervention of an interpreter, the registration of American (?) citizens in every jargon in the world. I vote 'no' because it incorporates in the organic law the un-American doctrine that a man shall be a voter because his father or grandfather once possessed that right. I vote 'no' because the ordinance while providing in Article II a summary process by which persons excluded from registration may appeal for redress to the highest court of the State, and that without cost, it denies by express provision incorporated by the same process formal amendment of justification against the permanent roll of unqualified voters, while granting it against the roll of voters qualified by reason of property or education. I vote 'no' because, while admitting the principle of a poll tax, it gives the shadow and withholds the substance of benefit for two years by a unique exception to the time of the effect of this constitution. I vote 'no' because I believe that that ordinance, No. 205, as now written violates justice, law, and morals, and I have faith that every such violation inexorably evolves in the fullness of time its own punishment upon the violator, be it a man, a party, or a State."

Mr. Soulé said: "Mr. President and gentlemen, I desire to record my vote against the entire bill (205) for the following, among other reasons:

"I consider that certain sections of the bill are glaringly unconstitutional, undemocratic, and un-American. Were I alone in my opposition to this bill, and particularly to section 5, I would have remained silent and not have uttered another word on the floor of this convention, for the reason that I would have considered that I was in error; but when I consider the fact that both of our Senators in Washington, and many of their associates, condemn in unmeasured terms said section and declare that our representation in Congress and our Presidential electors might be jeopardized, and when I further consider the fact that a majority of the members of this very convention have openly expressed their dissatisfaction to some and were induced to vote for some only on the ground of expediency, I can not but take issue with the majority and urge that the adoption of said sections will work great injury to the State at large and eventually cause the disruption of the Democratic party in Louisiana, because it discriminates as between the whites and the blacks—the whites against whites, and the native-born citizens against foreign or naturalized citizens."

I desire now to reiterate briefly the arguments that I have repeatedly urged against the obnoxious section 5, and which are as follows:

It is now proposed to allow any male citizen the right of voting who was on January 1, 1867, or at any date prior thereto, entitled to vote under the constitution or statutes of any State of the United States wherein he then resided, and to the son or grandson of any such person.

Now, Mr. President, the manifest purpose or motive of this clause is to discriminate in favor of the whites and against the blacks; because it is a well-known fact that on January 1, 1867, the blacks were not voters in Louisiana, and only the whites were electors. If this be so, it is clearly made to debar the blacks as a class of citizens of the United States from the right of suffrage, and in this manner violates the fifteenth amendment of the Constitution of the United States.

But I am told that certain States of the Union had granted to the blacks the right of voting prior to said date, and therefore this section does not discriminate against that class. If the prohibition of the Federal Constitution was limited to the color line that argument might be conclusive, but the authors of that amendment did not stop there; they added the words, "previous condition of servitude."

Why is it that the blacks were allowed to vote in certain States and were denied that privilege in others? It is simply because some few Northern States considered them citizens from the date of their emancipation and others denied them that right, and why? Simply on account of their previous condition of servitude. It is patent, therefore, that you are discriminating against certain colored citizens in the very teeth of a constitutional provision of the United States Senate, and you thereby render not only this section liable to a serious attack, but the whole suffrage clause, for the reason that if one brick in the edifice be demolished you make such a breach therein that it may all fall from that inherent defect.

But I am told, Mr. President, that we must not be concerned as to the effects of laws; that a law may be unconstitutional in its effect, but may be nevertheless valid. This would unquestionably be true if the motive or purpose was constitutional. * * * But, Mr. President, under what constitution or statutes of the State of Louisiana, or any other State, prior to 1867, do the majority wish to stand? Clearly not under the constitution of 1864 and the laws passed thereunder, for the reason that Congress by act of March 2, 1867, declared that "no legal State government or adequate protection for life or property existed in the Southern States," and thereby set aside said constitution and necessarily all laws in so far as suffrage was concerned. It follows, therefore, that no valid ordinance can be predicated upon something illegal. * * * If, therefore, there were no constitutions or statutes existing prior to 1867 upon which you can stand to base this suffrage clause, why, then it becomes perfectly useless and should be entirely eliminated.

It is useless for us to butt our heads against the fourteenth and fifteenth amendments; they are stone walls and can not be assailed by any human ingenuity. We might as well recognize the fact that from the beginning of the war until the acts of Congress which granted Louisianians the right of suffrage, in 1867, and their ratification by the adoption of the constitution of 1868, they possessed it not, neither under the constitution of any of the Southern States, nor under any statutes thereunder.

Another objection that I make to this section is that it is ambiguous in this, that the words "son and grandson" may mean legitimate, as some contend, and may mean illegitimate. As for me, I consider that it may mean both, for the reason that these words must be understood in their broadest signification.

The consequence will be that in certain parishes the registrar of voters will admit all descendants of voters prior to 1867—some blacks, many mulattoes, and some whites—and in others the registrar will understand the law differently.

* * * * * * *

I therefore, Mr. President, will demand that these very reasons should be embodied in the journal, because I wish it to be well understood that the great city of New Orleans, which I have the honor to represent, does not need such a law, * * * and that it will give to certain parishes unfair advantage over our city.

* * * * * * *

Feeling convinced, therefore, that this whole ordinance is wrong in principle, inexpedient, and unwise, and that I voice the sentiments of my constituents, I now desire to vote "no."

Mr. President, these are about the views held by a large majority of the voters of North Carolina on this same question, and for such reasons they will vote to repudiate the amendment next August.

THE OPINION OF THE LEADING DEMOCRATIC PAPER IN LOUISIANA.

In addition to these expressions by members of the Louisiana constitutional convention, I call attention to the following editorial that appeared in the New Orleans Times-Democrat, the leading Democratic paper of Louisiana, on Friday morning, March 25, 1898, the next day after the adoption of section 5 by the convention:

TRIUMPH OF POLITICIANS.

After themselves disavowing and fiercely denouncing section 5, a majority of the members of the constitutional convention yesterday passed that offensive section—offensive to Democracy, to political honesty, and to Americanism. * * * And the convention, too, has passed this offensive section in the face of the fact that the ablest Democrats in the United States Senate have declared it to be unconstitutional. Senators CAFFERY and MCENERY have both protested against its passage and have declared that it contravenes the Federal Constitution. In this opinion they are joined by such stalwart Democrats and uncompromising State-rights Senators and Congressmen as the following: * * *

Then follows the names of Senators and Congressmen who are recognized as among the ablest constitutional lawyers in this body and in the other House. The New Orleans Times-Democrat has not since that time changed its opinion as to the unconstitutionality of this measure. That paper in many recent editorials has repeated the opinion that was expressed the day after the action of the convention. I read the following from an editorial of recent issue:

The people of North Carolina will vote in August on the proposed constitutional amendment disfranchising the negroes from voting, and which contains the famous "grandfather clause" borrowed from the Louisiana constitution. * * * The grandfather clause, which the Louisiana constitutional convention invented, is objected to as of doubtful constitutionality, containing elements of great danger, and besides altogether unnecessary. * * * The theory that the opposition to the grandfather clause comes from the Republicans is wholly untrue. The Northern Democrats have unanimously declared against this plan of disfranchising the negro as unconstitutional.

WHAT THE WASHINGTON POST SAYS.

The Washington Post, which has never joined in the sectional crusade against the people of the South, and which probably understands the peculiar social and industrial conditions of our section better than any other Northern paper, takes the same view. Indeed, the Post is the strongest defender that the South has among Northern papers. Yet that paper denounces the amendment as unconstitutional and wicked in morals. I read the following extract from a recent editorial:

It is to be hoped that Senator BUTLER speaks by inspiration when he predicts the defeat of the North Carolina suffrage amendment.

* * * * * * *

If it sought simply to make the act of voting an intelligent and enlightened function and to reduce to a minimum the opportunities of bribery and corruption, we should hail it as a step toward purity and wholesomeness in politics. But, as we see the matter, the scheme is simply to disfranchise the negro because he is black, and to protect at least a majority of the whites who would otherwise be disfranchised under an impartial application of the same rule.

North Carolina, in a word, has borrowed from Louisiana the iniquitous expedient whereby illiterate white voters may retain the franchise enjoyed by their fathers or grandfathers in 1867, no matter what may be their personal disqualifications under the restrictions imposed upon the negroes without exception. We believe the plan to be unconstitutional, as we know it has been so denounced by both the Louisiana Senators in the case of their own State, and we have not the slightest doubt that it is wicked in morals as it is stupid and blundering in expediency.

The defeat of this measure will be a national benefaction.

AN ABSURD CLAIM—A SLANDER UPON THE SUPREME COURT.

Before passing from this part of the discussion, I desire to refer to one other argument that I have heard advanced in support of this proposed amendment.

A certain judge in my State, who has a reputation not only for considerable legal learning, but also for high character and conscientiousness of motive, was appealed to to write a legal opinion in support of section 5. The judge wrote an article in response, but hardly a legal opinion. The sum and substance of his article, after attempting to prove that the white man was superior to the negro (which every advocate of this provision seems to feel called upon to do), was to express the hope that the Supreme Court of the United States would take note of the fact that public opinion had changed in regard to the fifteenth amendment and would hence uphold section 5, though in violation of it.

Since that time I have noticed that one of the leading Democratic candidates for governor in my State has written an article taking the same position. I do not deem it necessary to reply to such a claim, for its evident absurdity upon a mere statement of the same is a sufficient reply. If I could believe that these men are serious in claiming that the Supreme Court of the United States would themselves violate their oaths and nullify by their decision the United States Constitution, then I would be constrained to say that no one has ever uttered a more serious slander against said court. I take it that no court will ever assume such a position, no matter how high or strong public opinion may be. The court can not recognize public opinion as far as the fundamental law of the land is concerned until said public opinion is crystallized into a constitutional repeal or amendment through the prescribed constitutional methods. To the court the fifteenth amendment represents public opinion on the suffrage question until public sentiment has forced the repeal or the amendment of that provision. If the fifteenth amendment is wrong, then its only remedy is its repeal. While it stands the court must and will uphold it.

THE REMAINDER OF THE AMENDMENT WILL STAND.

Mr. President, I come now to consider the second question, which is: Section 5 being unconstitutional, will the court in declaring it so hold that all the amendment must fall, or that only section 5 (the unconstitutional part) must fall, leaving the remainder of the amendment, which is clearly constitutional, to stand? In my opinion the court would follow the many precedents already laid down in similar cases, and hold that, inasmuch as section 5 has one object and the remainder of the amendment has a very different object and are therefore severable, and inasmuch as the amendment with section 5 (the unconstitutional part) left out would still be operative and intelligible and would make a complete and constitutional scheme for limiting suffrage, it would stand, while section 5 would be eliminated. I make this statement as my opinion because the decisions of the Supreme Court sustain that position, which I will presently show. But before proceeding to quote these authorities and make an argument upon them, I wish to note briefly the two cases cited by the Senator from Mississippi [Mr. MONEY] which he claims establish a different doctrine. He read first from Sprague *vs.* Thompson (118 U. S., page 90), as follows:

> The insuperable difficulty with the application of a principle of construction to the present instance is that by rejecting the exception intended by the legislature of Georgia the statute is made to enact what confessedly the legislature never meant. It confers upon the statute a positive operation beyond the legislative intent, and beyond what anyone could say it would have enacted, in view of the illegality of the exception.

Next he cites Warren *vs.* Mayor and Aldermen of Charlestown (68 Mass.), and quotes the following from that decision:

> When parts of a statute are so mutually connected and dependent as conditions, considerations, or compensation for each other as to warrant a belief that the legislature intended them as a whole, and that if all could not be carried into effect the legislature would not pass the residue independently—if such parts are unconstitutional and void, all the provisions which are thus dependent, conditional, or connected must fall with them.

The Senator from Mississippi, after reading these two decisions, one a decision of the Supreme Court and the other a decision of the State court of Massachusetts, proceeded to say that these cases were not only exactly in point, but that they settled the question. The Senate will remember that at that point in his speech I asked permission to interrupt the Senator; that I had on my desk nine or ten volumes of the Supreme Court Reports, and held in my hand a statement of the cases in those reports which I stated showed that the Senator was wrong as to the weight of authority on his side. I asked permission of the Senator to read from these cases, which he declined. I then asked permission for a simple statement of the names of the cases to go into the RECORD with his speech, so that those who read his speech might also, if they desired, read these cases and know what the court had held. The Senator declined to permit even the title of those cases to go into the RECORD along with his speech. He declared that he did not mean to be discourteous, but he said that he would rather not have those cases cited in his speech.

Now, let us for a moment examine the two cases cited by the Senator. I have just read from the RECORD the two extracts which he read from those cases and upon which he relied. They are both to the effect that the court must consider, among other things, the legislative intent in deciding whether an unconstitutional part of a statute shall fall alone or drag the remainder of the statute with it. This is true, I admit, to a certain extent and in a certain sense; but it is not the only consideration with the court, and is not by any means, as a rule, the controlling consideration, even where the intent of the legislature is clear. To say that the Supreme Court will never declare any one section of a statute void and leave the remainder to stand, where it is clear that the legislature would not have passed one part without passing the others, is practically to say that the court will never declare one section of any statute void without declaring the whole statute void, even though constitutional.

It is to be presumed that every legislature and every Congress when it passes an act intends it all to stand, or it would not have passed it. I make that statement to show that the quotation of the Senator, without qualification or explanation, is an absurdity in the sense in which he used it. In short, his quotations standing alone clearly misrepresent the position of the court. Was the Supreme Court of the United States governed by the intent of Congress in the income-tax cases? Was it not perfectly clear and unquestioned that Congress never would have passed the Wilson-Gorman tariff act with the rates of tariff duties that it contained had not Congress at the same time and in the same act put in a provision for an income tax to raise thirty or forty millions of revenue? Probably every schedule in that act would have been changed if those income-tax provisions had not been in it. Not only did attorneys call the attention of the court to this fact, but also did Justice Harlan and other justices, in their dissenting opinions. Justice Harlan said:

> The judgment just rendered defeats the purpose of Congress by taking out of the revenue not less than thirty millions and possibly fifty millions of dollars, expected to be raised by the duty on incomes. We know from the official Journals of both Houses of Congress that taxation on imports would not have been reduced to the extent it was by the Wilson Act except for the belief that that could be safely done if the country had the benefit of revenue derived from a tax on incomes. We know from official sources that each House of Congress distinctly refused to strike out the provisions imposing a tax on incomes. The two Houses indicated in every possible way that it must be a part of any scheme for the reduction of taxation and for raising revenue for the support of the Government; that (with certain specified exceptions) incomes arising from every kind of property and from every trade and calling should bear some of the burdens of the taxation imposed.

Yet the court, regardless of the clear intent of Congress, knocked out as unconstitutional the income-tax provision, while leaving the other sections.

THE LEGISLATIVE INTENT.

But, Mr. President, the two decisions cited by the Senator, even if they represented the weight of authority and fixed an unvarying rule of the court (which they do not), would not apply to the present case in the least unless the court should be convinced that the legislature would not have attempted to restrict suffrage at all unless it could do so by placing the restriction upon former slaves and their descendants while leaving all other citizens free to vote without any restrictions. To say that such was the intention of the legislature would be to make the legislature ridiculous. Would not the court rather conclude that the intention of the legislature was to restrict suffrage by an educational test, and that after having done this it made an attempt through section 5 to exempt, if possible, a certain class from its operations, which every lawyer in the legislature must have known, to say the least, was of very doubtful constitutionality?

There are many reasons to believe that the legislature did not expect section 5 to stand the test of the court, while they did expect the remainder to stand. When the Louisiana amendment was being discussed in that State convention, such admissions were made on the floor by delegates who were good lawyers. I read from the Harvard Law Review of December, 1899, from an article entitled "Suffrage clause of the Louisiana constitution." Mr. Eaton, the author of this article, reviews the proceedings of that convention. Judge Simms, a member of that convention, while advocating the insertion of section 5 in opposition to the advice of the two Senators from that State and of many other distinguished lawyers, called attention to the fact that if section 5 should be declared unconstitutional there would still remain a good constitutional working scheme.

He expressed the opinion in the convention that if section 5 should fall the remainder would stand; and that same opinion was expressed by others supporting the amendment, and in the face of that the convention adopted the constitutional amendment. The only difference, he declared, would be that the special class of illiterate upon whom they tried to confer the right to vote under section 5 would be prevented from voting and would have to stand the same educational test with the negro. Gen. T. F. Bell, who was chairman of the suffrage committee of that convention, when reporting the amendment with section 5 to the convention, in answer to objections to section 5, said:

> If it fails in the courts, you will still have a fairly good system with section 5 out.

Would not the court look at that declaration, provided it looked at anything outside of the act itself?

Mr. President, it was after explanations like this that the amendment was adopted by the convention. All of this, and more, too, was known to the legislatnre in North Carolina when it adopted a similar provision. Indeed, a delegation came to Washington City, in behalf of the legislature, to confer with Louisiana Senators and other Senators about the suffrage provisions in their respective States.

The leading daily at Raleigh published full reports of interviews

which showed that the general consensus of opinion in Washington was that section 5 would not stand the test of the court, and the editor of that paper recommended that the legislature adopt the Mississippi suffrage provision instead of the Louisiana provision, on account of the danger of the court knocking out section 5.

Mr. President, I have here a copy of the paper, the Raleigh News and Observer, containing that editorial. This is the same paper to which I have referred, one of the leading Democratic dailies of Raleigh. The editor editorially advises the legislature to put both the Mississippi plan and the Louisiana plan in the same amendment, and then proceeds to say:

If, however, the courts should declare the "son and grandson" clause unconstitutional, there would then remain the "understanding" clause, which in Mississippi has operated to secure the uninterrupted exercise of the elective franchise to those white voters who are not learned in the books.

It was the information to be gathered by that delegation in Washington that was to guide the legislature in adopting a suffrage amendment. The information they got showed that the probabilities, to say the least, were that section 5 would fall. Then the editor of this Democratic daily advises that both the Mississippi plan and section 5 of the Louisiana plan be put into the same amendment, so that if section 5 should fall in the courts the Mississippi plan would still remain. Yet, after all this, and in the face of it, the legislature adopted this Louisiana plan. So if the court should look for intent outside of the substance of the act itself it could find abundant reasons for believing that the legislature adopted this provision knowing or at least seriously doubting the constitutionality of section 5, and knowing or having reasonable grounds to believe that the court would eliminate that section, leaving the remainder to stand.

SECTIONS 4 AND 5 ARE DISTINCT AND SEVERABLE.

But the tendency of the decisions of our court has been to look to the effect of a statute rather than to the intention of the legislature when the question is, Shall all of the statute fall or only a part? And this is always true where the unconstitutional section has one object and the constitutional section has another object. The leading test applied by the court in all such cases has been, Will the remainder of the statute be intelligible and operative after the unconstitutional parts are stricken out? As I have already said, this is exactly what the court did in the income-tax case.

In Penniman's case (103 U. S. Reports, page 113), Judge Wood, delivering the opinion of the court, says:

Statutes that are constitutional in part only will be upheld so far as they are not in conflict with the Constitution, provided the allowed and prohibited parts are severable. So that if so much of the section under consideration as relieves the debtor from imprisonment for debt is constitutional and can be severed from the other parts of the enactment, the judgment of the supreme court of Rhode Island should be affirmed. That part of the section which relates to the imprisonment of the debtor and that which relates to the seizure of his property are entirely distinct and independent, and either one can stand and be operative, though the other should be declared void.

Now, is it not clear that the other sections of the proposed amendment can "stand and be operative, though the other (section 5) is declared void?" Clearly so, because when section 5 is declared void and eliminated, the remainder of the amendment makes a complete and constitutional scheme for limiting suffrage by an educational qualification applying to all classes alike.

The decisions of the court to the same effect as in Penniman's case are numerous and overwhelming. I will, however, cite only a few more.

The Supreme Court, in the case of Presser *vs.* Illinois (116 U. S.), lays down the same doctrine. Mr. Justice Wood, delivering the opinion of the court, in which one section of an act was declared invalid, while the remainder of the act was sustained, in closing the argument of the court and giving the reasons for the decision of the court, says:

But it is a settled rule that statutes that are constitutional in part only will be upheld so far as they are not in conflict with the Constitution, provided the allowed and prohibited parts are severable.

As an authority for this position the court cites Penniman's case, from which I have just quoted, and many other cases. This has always been the rule of the Supreme Court. Many early decisions could be cited.

I call attention to Bank *vs.* Dudley (2 Peters, 492), decision rendered in 1829. Chief Justice Marshall rendered the decision of the court in that case, in which he said:

If any parts of an act be unconstitutional, the provisions of that part may be disregarded, while full effect will be given to such as are not repugnant to the Constitution of the United States or to the ordinance of 1787.

In Packet Company *vs.* Keokuk (95 U. S., page 80), Mr. Justice Strong, delivering the opinion of the court, says:

Admitting that parts of the ordinance under consideration may be in conflict with the Constitution and laws of the United States, it does not follow that its objectionable provisions, when capable of being separated and enforced, will be set aside and its legislative purposes defeated.

Continuing, the court says:

Statutes that are constitutional in part only will be upheld so far as they are not in conflict with the Constitution, provided the allowed and prohibited parts are severable. We think a severance is possible in this case.

The facts in this case are: The legislature of Iowa had given the city of Keokuk, in its charter, the power to establish and regulate wharfs and to fix the rates of landing and wharfage of all boats, rafts, and water craft moored at or landing at the wharf. Acting under this power, the city passed an ordinance providing such regulation. The ordinance referred to but one thing and had but one purpose, and that was regulating the rates, etc., as I have stated. Yet the court declared that the fourth section of this ordinance was unconstitutional and void, while leaving the other five or six sections to stand, for the reason given by the court in the opinion I have just read.

In the case of Supervisor *vs.* Stanley (105 U. S., page 303), Mr. Chief Justice Waite, delivering the opinion of the court, said:

The general proposition must be conceded that in a statute which contains invalid or unconstitutional provisions that which is unaffected by these provisions or which can stand without them must remain. If the valid and invalid are capable of separation, only the latter are to be disregarded.

The cases from which I have read cite many other cases to the same effect. In fact, the cases which I have read state that they set forth the law as uniformly held by the court.

Mr. President, I could go to State decisions and cite numerous authorities to the same effect. I will, however, take a recent one which is in harmony with all the former decisions. This is the case of Russell *vs.* Ayer (120 N. C. Reports), decided a year or two ago, in which the court says:

While the parts of sections 2 and 3 of the act above referred to which concern the amounts of the capitation tax are void, because they disturb the equation between property and poll taxes, yet the remainder of the act is valid; and that although the revenue act of 1897 contains a clause which repeals all acts and parts of acts contrary to its provisions, yet the parts of sections 2 and 3 of the act of 1897 being unconstitutional and void, it follows that those parts of sections 2 and 3 of chapter 116 of the acts of 1895, which levy the amounts of capitation and property tax, are unrepealed and are in full force and effect.

Now, how does the law as set forth in those cases, which is the rule followed by the court, apply to the present case?

If there ever was a case where sections are severable, surely this constitutional amendment presents that case. Section 5 is not dependent upon any other section, nor is the remainder of the act incomplete in any sense without it. Indeed, section 5 attempts to do one thing, while all of the remainder of the act attempts to do just the opposite. There are two different purposes attempted by the two different sections; and I take it everyone will admit that the authorities are uniform that where that is so, there is no question but that the section which is invalid will fall, and the others will stand. Every standard work on constitutional limitations or constitutional construction is along the line of these decisions, and show clearly that in a case like this section 5 would fall, leaving the remainder of the amendment to stand.

GARBLED EXTRACTS FROM A GREAT AUTHORITY.

I would not consider it necessary to dwell further on this matter had not the Senator from Mississippi [Mr. MONEY] read some extracts from Cooley's Constitutional Limitations, which he claims is authority to the contrary. I regret that the Senator is not in his seat, for I would much prefer for him to be present while I read this authority, because the Senator's quotation misrepresents the text. I do not want to believe, and will not charge, that the Senator intended willfully to misrepresent the text; but his quotation does it, and I must call attention to it in the interests of truth, so that the law may go into the RECORD correct. The Senator objected to me correcting him while he was speaking, so I must do it now.

Mr. PETTUS. To what Senator is the Senator from North Carolina referring?

Mr. BUTLER. The Senator from Mississippi [Mr. MONEY]. I have in my hand the CONGRESSIONAL RECORD containing his speech, in which he quotes from Cooley's Constitutional Limitations. I read from the RECORD:

The constitutional and unconstitutional provisions may even be contained in the same section and yet be perfectly distinct and separable, so that the first may stand though the last fall. The point is not whether they are contained in the same section, for the distribution into sections is purely artificial, but whether they are essentially and inseparably connected in substance. If, when the constitutional portion is stricken out, that which remains is complete in itself and capable of being executed in accordance with the apparent legislative intent, wholly independent of that which was rejected, it must be sustained.

Mr. President, when I look at the text I find that what the Senator quoted is here, but he skips two sentences, and then quotes the following:

But if its purpose is to accomplish a single object only, and some of its provisions are void, the whole must fail unless sufficient remains to effect the object without the aid of the invalid portion.

But in the text there are two sentences between those read by the Senator, which he skipped. Now, why should the Senator skip them when they bear directly on the question at issue and state the opposite contention from what he read in the next sentence? I submit it is not a fair presentation of the authority. The Senator surely did not himself examine the text. He must

have been misled by some one who made the extracts for him. Here are the sentences that were skipped:

The difficulty is in determining whether the good and bad parts of the statute are capable of being separated within the meaning of this rule. If a statute attempts to accomplish two or more objects and is void as to one, it may still be in every respect complete and valid as to the other.

Mr. President, the significance of that sentence is that it applies directly to the case under discussion; and if the Senator had put that sentence in between the sentences he quoted, he would have been quoting a direct authority for my contention and not for his.

Mr. President, we are all familiar with how the late Bob Ingersoll quoted the Bible to prove that there was no God. We are also told that the devil quotes Scripture to justify his course. But it is also well known that when they do they garble the text by selecting an extract here and there and leaving out the qualifying and essential parts important and necessary for a correct construction. Quotations made in this way can be gotten to prove that black is white, that wrong is right, and that things that are unconstitutional are constitutional.

Mr. President, in order that no one may be misled and that everyone may know exactly the law as laid down by this eminent authority, I ask permission at this point to put into the RECORD everything that Judge Cooley says on this question, beginning on page 214, under the subhead "Statutes unconstitutional in part," down to page 219, where the discussion under that subhead ends.

The quotation referred to is as follows:

STATUTES UNCONSTITUTIONAL IN PART.

It will sometimes be found that an act of the legislature is opposed in some of its provisions to the constitution, while others, standing by themselves, would be unobjectionable. So the forms observed in passing it may be sufficient for some of the purposes sought to be accomplished by it, but insufficient for others. In any such case the portion which conflicts with the constitution, or in regard to which the necessary conditions have not been observed, must be treated as a nullity. Whether the other parts of the statute must also be adjudged void because of the association must depend upon a consideration of the object of the law, and in what manner and to what extent the unconstitutional portion affects the remainder.

A statute, it has been said, is judicially held to be unconstitutional because it is not within the scope of legislative authority. It may either propose to accomplish something prohibited by the constitution or to accomplish some lawful and even laudable object by means repugnant to the Constitution of the United States or of the State. A statute may contain some such provisions, and yet the same act, having received the same sanction of all branches of the legislature, and being in the form of law, may contain other useful and salutary provisions not obnoxious to any just constitutional exception. It would be inconsistent with all just principles of constitutional law to adjudge these enactments void because they are associated in the same act, but not connected with or dependent on others which are unconstitutional.

Where, therefore, a part of a statute is unconstitutional, that fact does not authorize the courts to declare the remainder void also, unless all the provisions are connected in subject-matter, depending on each other, operating together for the same purpose, or otherwise so connected together in meaning that it can not be presumed the legislature would have passed the one without the other. The constitutional and the unconstitutional provisions may even be contained in the same section and yet be perfectly distinct and separable, so that the first may stand though the last fall.

The point is not whether they are contained in the same section—for the distribution into sections is purely artificial—but whether they are essential and inseparably connected in substance. If, when the unconstitutional portion is stricken out, that which remains is complete in itself and capable of being executed, wholly independent of that which was rejected, it must be sustained. The difficulty is in determining whether the good and bad parts of the statute are capable of being separated within the meaning of this rule. If a statute attempts to acomplish two or more objects, and is void as to one, it may still be in every respect complete and valid as to the other.

But if its purpose is to accomplish a single object only and some of its provisions are void, the whole must fail unless sufficient remains to effect the object without the aid of the invalid portion. And if they are so mutually connected with and dependent on each other, as conditions, considerations, or compensations for each other, as to warrant the belief that the legislature intended them as a whole, and, if all could not be carried into effect, the legislature would not pass the residue independently; then if some parts are unconstitutional, all the provisions which are thus dependent, conditional, or connected must fall with them.

It has accordingly been held, where a statute submitted to the voters of a county the question of the removal of their county seat, and one section imposed the forfeiture of certain vested rights in case the vote was against the removal, that, this portion of the act being void, the whole must fail, inasmuch as the whole was submitted to the electors collectively, and the threatened forfeiture would naturally affect the result of the vote.

And where a statute annexed to the city of Racine certain lands previously in the township of Racine, but contained an express provision that the lands so annexed should be taxed at a different and less rate than other lands in the city, the latter provision being held unconstitutional, it was also held that the whole statute must fail, inasmuch as such provision was clearly intended as a compensation for the annexation.

And where a statute, in order to obtain a jury of six persons, provided for the summoning of twelve jurors from whom six were to be chosen and sworn, and under the constitution the jury must consist of twelve, it was held that the provision for reducing the number to six could not be rejected and the statute sustained, inasmuch as this would be giving to it a construction and effect different from that the legislature designed.

On the other hand, to illustrate how intimately the valid and invalid portions of a statute may be associated, a section of the criminal code of Illinois provided that "if any person shall harbor or secrete any negro, mulatto, or person of color, the same being a slave or servant, owing service or labor to any other persons, whether they reside in this State or in any other State or Territory or District within the limits and under the jurisdiction of the United States, or shall in anywise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every person so offending shall be deemed guilty of a misdemeanor," etc., and it was held that although the latter portion of the section was void within the decision in Prigg vs. Pennsylvania, yet that the first portion, being a police regulation for the preservation of order in the State and important to its well-being and capable of being enforced without reference to the rest, was not affected by the invalidity of the rest.

A legislative act may be entirely valid as to some classes of cases and clearly void as to others. A general law for the punishment of offenses which should endeavor to reach, by its retroactive operation, acts before committed, as well as to prescribe a rule of conduct for the citizen in the future, would be void so far as it was retrospective, but such invalidity would not affect the operation of the law in regard to the cases which were within the legislative control. A law might be void as violating the obligation of existing contracts, but valid as to all contracts which should be entered into subsequent to its passage, and which, therefore, would have no legal force except such as the law itself would allow. In any such case the unconstitutional law must operate as far as it can, and it will not be held invalid on the objection of a party whose interests are not affected by it in a manner which the constitution forbids. If there are any exceptions to this rule, they must be of cases only where it is evident, from a contemplation of the statute and of the purpose to be accomplished by it, that it would not have been passed at all except as an entirety, and that the general purpose of the legislature will be defeated if it shall be held valid as to some cases and void as to others.

Mr. President, the above is the full text of the law on this question as set forth by that distinguished authority. Those who have listened to it will be more convinced of the absolute correctness of the contention I stand for than if they simply read what I had already quoted.

Mr. President, I call attention to several illustrations given by Mr. Cooley in the matter I have asked to put in the RECORD toward the latter part of his discussion, illustrations to show when a court will knock out one section and retain the remainder of an act. The sections of the proposed amendment under discussion, sections 4 and 5, present a stronger case for separation than a single one cited by that authority.

While on this question I would quote another standard authority. I quote from Pomeroy's Constitutional Construction, page 554, in which the author, in discussing this very question, says:

It is well settled that an act may be void in part by reason of its violation of a constitutional provision, and good as to the remainder. "If any part of the act be unconstitutional," said the Supreme Court of the United States, "the provisions of that part may be disregarded, while full effect will be given to such as are not repugnant to the Constitution of the United States, or of the State, or to the ordinance of 1787."

Every authority on constitutional law takes the same position.

Now, Mr. President, do not these facts and these authorities prove, as conclusively as anything can be proven in advance, that the court will declare that section 5 is unconstitutional and that it will hold that the remainder of the amendment—which is constitutional, and which is a logical, complete, and constitutional scheme for limiting suffrage—shall stand? If this is true,

WHAT WILL BE THE RESULT?

What would be the effect of the operation of the proposed North Carolina amendment with section 5 eliminated? No one familiar with the facts or who will take the trouble to examine the census reports will deny that the result will be to disfranchise fifty or sixty thousand white voters—indeed, as many white voters as colored voters. I regret to say it, and would not advertise the fact if the threatened danger of disfranchisement of this large number of the sturdy yeomanry of the State did not demand it, that North Carolina has a larger percentage of illiterate whites than any other State in the Union. Therefore, the adoption of such a disfranchising scheme would result in disfranchising a larger per cent of good substantial men in my State than in any other State in the Union. These illiterate white men are not like the class of illiterates who make up the slums of the great cities, but they are, as a rule, sturdy and as worthy citizens as North Carolina has within her borders. They are noted for their honesty, integrity, industry, and patriotism. They are the descendants of the Revolutionary patriots who fought at Kings Mountain, Moores Creek, Guilford Court-House, and on every field in the Revolution. Many of them are old men and Confederate soldiers, who are now too old to start to school and get an education even if they had the time and money to do so. Many of this class volunteered and entered the United States Army in the late war with Spain.

They are intensely patriotic and never fail to respond with their life and blood and their all when their country needs their services or when duty calls. Let it be remembered that in the late war North Carolina, with only about 110,000 voters, furnished over 120,000 soldiers. A large number of these men were illiterate, and many of their sons who grew up during or since the war have had even less opportunities or means to get an education. Now, what will be the result if this proposed amendment is adopted?

These men, who compose some of the very best and most substantial citizens of my State, would be disfranchised on account of the unconstitutionality of section 5, while the town negro dude would vote and be eligible to hold office according to the provisions of the amendment. This great danger, in addition to the belief that the amendment is unconstitutional, will cause a large majority of the voters of North Carolina to reject this amendment at the polls.

A CONFESSION AND AN ATTEMPTED AVOIDANCE.

The supporters of this amendment have recently realized that this is true. They have realized what this great, sturdy, honest element of illiterate whites in my State have made up their minds

to do. In fact, they have just confessed that they can not sustain this measure by argument before the people. I hold in my hand the proof of that confession. On last Thursday Judge Brown, one of the State circuit court judges of North Carolina, while holding court at Wilmington, gave to the press an interview in which he not only expressed an opinion about the constitutionality of the proposed amendment, but he went further and advised his political friends to amend it in order to avert defeat at the polls. I will not at this time comment upon the impropriety of a judge expressing an opinion in advance and for political effect about an important question that is liable to come before his court for adjudication. I can only say I regret it. But I desire to call the attention of the Senate to the change in this amendment which he proposes.

He advises that when the legislature meets, at an adjourned meeting, before the election in August, that it amend the amendment by adding a new section, to be known as section 6. The form of the amendment that he advises the legislature to adopt is as follows:

SEC. 6. This act shall be construed and taken as a whole, and if any of its clauses, sections, and provisions shall for any reason become or be declared inoperative and invalid, the whole of this amendment and every part and section thereof shall become null and void and of no effect.

Every newspaper in the State that is supporting the amendment, so far as I have seen, has indorsed this suggestion. Within the last few days the chairman of the Democratic State committee has published a carefully prepared official interview not only indorsing the suggestion, but claiming that he is the father of it and first suggested it to the Judge. He goes further, and, speaking by authority, says that the legislature will meet and will amend the amendment by adding such a section. So I take it that it is proper to discuss this proposed amendment with this proposed section added.

Judge Brown has the reputation of being a good lawyer, so the Judge must know that the section that he proposes will not be considered by the court as a part of the amendment, but simply as a legislative declaration, even though it be ingrafted into the amendment as one of its sections. He must know, further, that the court, if it did not resent, would at least ignore, such an effort on the part of the legislature to instruct the court as to how it should construe a statute. In this country, where the legislative and judicial departments are entirely distinct, neither one is ever permitted to intrench upon the authority and domain of the other.

A LEGISLATURE CAN NOT INSTRUCT THE COURTS.

No court, so far as I know, has ever yet permitted any legislative body in North Carolina or anywhere else in this country to thus instruct them as to how they should construe a statute. The court never looks at the declaration that a legislature makes, but it looks at the substance of what it does and renders its judgment accordingly. The supreme court of North Carolina, in the case of Robinson *vs.* Barfield (2 Murphy), ignored such a declaration on the part of the legislature and in the decision said that the court would allow such declarations attempting to instruct the judiciary to remain "as dead letters on the statute books." Further on in the opinion, Judge Daniels, one of the ablest judges of the State, in delivering the opinion, said:

The court can neither nibble at the legislative power nor can the legislature stride over the judicial.

This doctrine was approved in Hoke *vs.* Henderson (1 Dev.) and in many other State decisions.

Within the last five years there have been, I think, at least a dozen cases in North Carolina where the courts have declared that notwithstanding the legislative declaration that it had done a certain thing, that the court would pay no attention to the declaration, but would look to the substance of what they did. I think I could cite at least 10 or 15 cases, but I take it that there is no authority to the contrary in any other State or in the United States Reports. I have not had time to look through all the United States Reports on this point, but every case I have found holds as I have stated. In the case of United States *vs.* Claflin (97 U. S. Reports) the court says:

A recital in a statute that a former statute was repealed or superseded by subsequent acts is not conclusive as to such repeal or supersedure. Whether a statute was repealed is a judicial, not a legislative question.

Whether section 5 will fall, leaving the remainder of the amendment to stand, is a judicial and not a legislative question, and it is a piece of impertinence on the part of the legislature to attempt to instruct the court as to how it shall construe a judicial question.

Mr. President, nothing is better settled than that an alternative judgment is void. Now, this proposed section instructs the court that if it thinks all of the sections of the amendment are constitutional, then to let all of them stand; but, on the other hand, if it should find one of the sections unconstitutional, that then it must declare the whole act unconstitutional. Such a proposition seems absurd.

The courts have uniformly held that when the legislature attempts to create a corporation, that if it fails to confer the essential powers necessary to make a corporation in the charter, that then a corporation has not been formed, even though the legislature declare in the same act its intention to create a corporation. And, on the other hand, if the legislature should confer the powers necessary to create a corporation, the court would hold that it was a corporation even though the legislature in the same act should declare that it did not intend to create a corporation. There is a case in the North Carolina Reports, which I have not had time to put my hands on, which declares that where the maker of a deed declared at the end thereof "that the above deed was made without fraud" that the declaration was not only void and of no effect to make the deed valid, but that the declaration was itself a badge of fraud. Just so this declaration, if made by the legislature of North Carolina, would not only not be considered by the court in rendering its decision, but its only purpose will be to serve to put the court on notice that the legislature, when it adopted this provision, itself doubted, to say the least, the constitutionality of section 5, and that they passed the provision in spite of this doubt and belief.

ANOTHER ATTEMPT TO FOOL THE VOTERS.

Judge Brown, in this interview, while expressing the opinion that the proposed amendment was constitutional, yet gave as his excuse for advising the legislature to adopt this new section that in his opinion the masses of the people could not understand legal argument. Therefore I take it that he offers this new section because he thinks the people will not be able to see its absurdity and utter futility. If he had less ability as a lawyer, it might be supposed that he had fooled himself.

But, Mr. President, this section, attempting to instruct the court how to construe the amendment, will not fool the voters of the State into supporting such a dangerous scheme. They have had intelligence enough to see the danger in section 5. The same intelligence will guard them against this new device. The voters of North Carolina are intelligent enough to know that there is not only grave, if not certain danger to from fifty to sixty thousand white voters in this amendment, but they also know that if this amendment were adopted and section 5 eliminated that no way under heaven could restore to those voters their ballot except by again amending the constitution. These thousands of illiterate white voters are intelligent enough to know that when once disfranchised they would have no vote to help change the amendment and help wipe out the wrong. They also know that the average politician only fears the people so long as they have a vote.

This proposed new section will not prevent the court from declaring section 5 invalid and holding that the remainder of the amendment shall stand, and no one knows it better than Judge Brown, and the voters will show at the election next August that they also know better.

IT PUTS THE SOUTH IN A FALSE POSITION.

Mr. President, this whole scheme is not only fraught with danger, but it is unnecessary. It not only puts the representation of the South in Congress and in the electoral college in jeopardy, but it also puts so many thousands of white voters themselves in danger. Section 5 is not only unconstitutional, but it is offensive to every principle of democracy; offensive to political honesty and to Americanism. Mr. President, it puts the South in a false and unenviable position to attempt to deal with suffrage in this miserably uncandid manner. It is a position that no Southern State should put itself in. It is dangerous, it is unnecessary, it is not honest. There are constitutional methods for dealing with the suffrage question whenever and wherever the necessity arises, without resorting to such undemocratic and unconstitutional and absurd subterfuges.

ANOTHER ABSURD SUGGESTION.

One word more on this subject. I notice that in the interview by the Democratic State chairman to which I referred a few minutes ago that he also advises the legislature when it meets to do another thing—to put sections 4 and 5 of this proposed amendment into one section, and he says that will lessen the danger of the courts knocking out section 5 and leaving section 4 to stand. That suggestion is absurd. There is not an authority in all the books but what holds that the court will knock out not only one section, but even one-half of a section, or one sentence of a section and let the other half stand, just as quick as they would knock out one section and leave another stand. Every lawyer with a thimble full of brains knows that. Then why is that suggestion made? Is it made in good faith? No! There can be but one purpose why a man who knows any law should make such a suggestion, and that is with the hope that it would fool some voters who are not lawyers. It is absurd, it is demagogy and falsehood, and yet that is one of the suggestions for another amendment when the legislature meets.

OTHER VERY SERIOUS OBJECTIONS.

Mr. President, there are other very serious objections to this proposed amendment, even if section 5 were constitutional. Let us briefly note a few of them. In the first place, what class of the

negro population would be disfranchised by the amendment? It would be the good old country darkey who was as faithful and true as steel to our mothers, wives, and sisters during the late war, and who is a good citizen and a good laborer, who has never been offensive in politics nor in other ways.

Now, what class of negroes would be left to vote? There would be many thousands who would still vote, and this number would include all of that element who have been active and offensive in politics, and who, either from innate perversity or for a consideration, have furnished the capital necessary to enable the machine politicians to raise the negro cry and appeal to race prejudice.

In short, the only negroes who have ever made the race issue possible would be those who would not only be eligible to vote, but to hold office under the proposed amendment. The trifling negro dude, who talks loud and takes up all of the sidewalk, would be left with full power to vote. This class would be sufficient in number to be the balance of power in politics and to furnish an object lesson at any time to help the "negro-howling politicians" to raise their old cry.

But it is claimed by the supporters of this suffrage amendment that its adoption would remove the race question from the politics of the State and make it possible for economic and governmental issues to be discussed on their merits and passed upon by the voters intelligently. Mr. President, if this amendment were constitutional and would stand the test of the courts, it is clear that it would have no such effect. In the first place, I am constrained to observe that those who are making this claim are those who have been most active and diligent in appealing to race prejudice in every campaign in season and out of season. In the next place, this amendment, if adopted and if section 5 should be sustained by the court, would still leave about 50,000 negro voters in North Carolina. That is a larger number than there are to-day in the State of Kentucky. I am informed that there are only about 40,000 negro votes in that State. And yet see the appeals to race prejudice, the turbulence, violence, and appeal to passion and prejudice instead of to reason in that State. And the same would be true in North Carolina, were this amendment adopted, as long as there were politicians at the head of the party with no other purpose or ambition except to have power and office regardless of the great economic questions at issue and regardless of the welfare of the State.

This will be so as long as there are men at the head of any party who believe in ballot-box stuffing and all kinds of fraud and crime in order to defeat the will of the people and to put themselves in power. This will be so as long as such men are at the head of any party organization and can find one negro in sight to use as a scarecrow with which to appeal to race prejudice and banish reason, common sense, and justice. Now, shall we run the risk of disfranchising about 50,000 or 60,000 of as good white men as there are in North Carolina in order to secure the great privilege of having in that State a repetition of the kind of campaign that Kentucky had last year?

WHITE VOTERS WHO ARE SURE TO BE DISFRANCHISED.

There is another great objection to this amendment. It provides that after 1908 every white man of voting age who is not then able to read and write any section of the Constitution shall be disfranchised. Think of the number of boys in North Carolina to-day who are 12 years of age and under who may not be able to get an education by the time they are 21 years of age!

These boys are sure to be disfranchised and put on a plane lower than the town darkey with his eyeglasses and cocked hat. How many fathers and mothers are there in the State to-day, struggling to make both ends meet, who have managed to raise their boys until they are now 10 or 12 years of age, an age at which these boys are just beginning to help them on the farm or in the factory? In how many cases is such a boy the mainstay of a father and mother who are dependent upon his work to support the family until he is 21 years of age?

How many of these boys will reach 21 without getting an education? Yet it is this kind of a noble boy who will be called upon each year to pay taxes, to work the road, and to shoulder his musket and do the fighting if his country needs his services. This is the boy who will be expected to do the fighting and give his life for his country, while many of the politicians who are trying to disfranchise him will no doubt, like Cleveland, hire a substitute.

THE POLL-TAX-RECEIPT SCHEME.

Another objectionable feature is the provision requiring the presentation of the poll-tax receipt before voting. What does this mean? Every man in the State who is on the delinquent tax list or who has not paid his taxes as much as six months before the State election and as much as eight months before the national election will be disfranchised. How many good men are there in the State who are unfortunate or who from any reason can not pay their poll tax before the election, much less pay them six or eight months before the election?

Yet these are the men, and every one of their sons who are not more than 12 years old now, whom these politicians are trying to disfranchise under the false and specious cry of "white supremacy." A man may have paid his taxes in April, as long as five or eight months before the elections, and yet he is disfranchised at the election in August or November unless he has paid his poll tax as far back as the 1st day of March previous.

A SCHEME TO TRICK OR BRIBE VOTERS.

There is another provision in the same poll-tax section that is intended to encourage a man not to pay his taxes, so that he may be disfranchised thereby. Its purpose is to try to trick or bribe the voter into not paying his tax before the 1st day of March, so that the machine politicians may get rid of his vote. The result will be not only to cut off thousands from voting, but to also rob the State and the public school fund of tens of thousands of dollars of taxes which the public schools will lose, or which other taxpayers will be forced to make up by increased taxation. The evident purpose of this autocratic political machine is to try to restrict the suffrage of the people down to as small a number as possible, so that they may the better manipulate elections and fortify their machine in power.

Besides, there is a provision in the amendment giving to the legislature unlimited power to enact general registration laws. Under this provision the legislature can manufacture a number of hocus-pocus schemes to disfranchise voters, white and black, by preventing them from getting on the registration books. This provision in connection with section 5 is the snake in the amendment, and will enable a political machine to disfranchise white voters as well as black.

Mr. President, these are some of the many objections to this undemocratic disfranchising scheme, even if it were constitutional. And these are to my mind sufficient reasons why it is not safe to adopt such a scheme, if there were no others.

But, in the language of the New Orleans Times-Democrat, this scheme is not only unconstitutional, but it is also fraught with great danger to the white voter and to the State.

THE CHARGE OF NEGRO DOMINATION—A BASE SLANDER.

Mr. President, I have said all that I originally intended to say in discussing the resolution offered by my colleague and the proposed amendment, but the charge that has been made in this Chamber, indirectly, if not directly, that there has been negro domination in North Carolina and that it is threatened with more of it if this proposed amendment is not adopted makes it necessary for me to say something further.

No better answer is needed in reply to this unfounded and false charge than to call attention to the fact, which is a fact and which nobody will deny, that the politicians in North Carolina who have forced before the people this proposed amendment and who are to-day supporting it pledged the people on every stump in my State from mountains to sea in the last campaign that if they were put in power, they would not favor, support, or propose any suffrage scheme that would disfranchise anybody, white or black. I can prove out of the mouths of the men who are now supporting this amendment, by declarations and pledges officially made on the stump and in interviews, that the charge that there is or has been negro domination in North Carolina is unfounded and false and a base slander on the State.

If there was any negro domination in North Carolina, why was it necessary for these Democratic politicians to pledge the people, in order to get enough votes to elect them, that they were in favor of manhood suffrage and opposed to any disfranchisement of anybody? If there had been any negro domination—which neither the people of my Staten or of any other State, North or South, will permit—then the popular thing to have done to secure votes would have been the promise to the people to devise some scheme to limit suffrage as soon as they got in power. Did they do that? No. But, on the other hand, they pledged the people that they would not disfranchise a single voter in the State, white or black.

But the Senator from Mississippi, speaking on this resolution, and with an apparent effort to show that there was negro domination in North Carolina, put into the RECORD some matter from a political document to show that there has been recently a number of negroes elected to minor positions in my State, and used that as the text for the chief part of his speech. In defense of the State, and in order that the Senate and the country may know the facts, I will take the time to make a brief statement to brand that false charge.

THE FACTS.

The negro population of North Carolina comprises less than one-third of the whole population and less than one-third of the voting population. There are only 12 counties in the State in which the negro population is in a majority, while in the remaining 85 counties the white population is in an overwhelming majority. Unfortunately, a number of years ago the State supreme court, in a decision, held that under the State constitution the legislature could not give to the 85 white counties local self-government while putting the 12 negro counties under a different system.

In short, they held that the constitution required a uniform system of county government. Under that decision the legislature forced upon the 85 white counties the same kind of county government system that it seemed best to them to adopt in the 12 negro counties. Thus the people in the 85 white counties were robbed of the right and power to elect their county governing officers, but instead were forced to submit to their county governing officers being elected directly or indirectly by the legislature. This, of course, proved to be very unpopular in the 85 counties.

For many years, at every Democratic State convention, there was a contest over county government, the representatives from the 85 counties insisting that they should be allowed to elect their county governing officers and thus have direct control over their county affairs. But the State central political machine, which enjoyed the power of dictating and controlling the affairs of every county by building up local and subordinate machines at the various county seats to receive orders and do the bidding of the State machine, had, however, up to 1894, been able to force the counties of the State to submit to that odious and undemocratic system. But each year that system had grown more and more unpopular, to such an extent that it became necessary year by year to provide new methods for ballot-box stuffing, vote manipulating, and the compiling of fraudulent returns, in order to keep the majority of the people from repudiating at the polls the party organization that forced upon them such an odious machine system.

In the campaign of 1894 the revolt in the Democratic party against this machine county governing system and against the open and notorious election methods was so large that, in spite of an election law under which at least 30,000 votes were stolen, suppressed, or falsely counted, a majority of 20,000 was piled up against the Democratic party as a repudiation of the machine county government system and the fraudulent election methods. The issues in that campaign were honest elections and local self-government.

The majority of the legislature elected was composed of Republicans and Populists, who were elected on their pledge that they would establish a system of county local self-government. It was well known to the people when they voted that as long as that strange and anomalous decision of the court to which I have referred should stand that under local self-government there would necessarily be more or less negroes elected to minor positions in some of the 12 eastern counties; but there was at the same time strong hope that the supreme court would reverse that troublesome and, I might say, what seemed to be an unnecessary and an uncalled-for decision.

It was not, however, until 1897 that the supreme court reversed the county government decision and held that it was constitutional for the legislature to provide one system of county government for one county and another system for another county. This decision was so just and so in accordance with the constitution that no lawyer of any party in the State has ever criticised the court for rendering it or even questioned that it was according to the constitution. Now, this decision having been rendered, the way was perfectly clear for the 85 counties to have their local self-government and for the legislature to provide a different system for the 12 black counties, by which no negro would ever be put in a position of power or authority over white people.

Now, it is true that until this decision some negroes were elected to minor positions in these eastern counties, as everybody knew there would be until the decision of the court could be reversed, but not in a single one of these counties were the negroes in control; in not a single one were they in any position of power to dominate or dictate. Indeed, the legislature that adopted this local self-government scheme, while unable to prevent the election of any colored man to any place, yet did devise a scheme, which was constitutional, that made it impossible for the county legislative board, known as county commissioners, in any county to ever be controlled by colored men; and the fact is that no county or town or township has ever had or could have a majority of negroes on any controlling board or committee. Now, that is the "negro domination" that certain politicians have attempted to advertise to the world under false and lurid coloring.

But even that imperfection in the new system of local self-government has been removed, and who removed it? An undemocratic decision by a Democratic court made it necessary. I will not question the motives of the court in rendering the decision and in refusing to reverse it, but I will say that it was not necessary under the constitution to render such a decision, and that it resulted in building up a State political machine to control county affairs that was so undemocratic and odious that the people elected a legislature pledged to repeal it and at the same time defeat the Democratic supreme court for reelection and elected a nonpartisan supreme court. This new supreme court at the first opportunity reversed the old county government decision, and in doing so it has had the approval of the people of the State, and has not been criticised by a single lawyer, as far as I know; nor has anyone ever suggested that the decision was not in accordance with the constitution.

What has been the result? The people got the system of local self-government that they wanted, and the supreme court, by its decision, has removed the only defect to the system by reversing a former decision of the same court. The only trouble there has ever been under the system was that between the time when the legislature adopted it and the time when the decision of the court referred to was rendered. During this short period there were necessarily some negroes elected to some minor places in a few of the negro counties, as everybody knew there would be. But that condition is now and forever removed by the decision of the court.

Mr. President, when the last campaign was on, did our Democratic friends denounce this new county government system that gave to the people the control of their local affairs? No. Did they denounce the present court for the decision that removed the only defect in the system, or rather make it possible for the legislature to do it? No. Why? Because the people indorsed both and would never submit to going back to the old system.

Then what did they do? Why, they joined the People's Party and every other political party in pledging themselves to the people that they would keep that system of county government which we had established; and, in addition, they pledged themselves to enact legislation in accordance with the recent decision of the supreme court to remove the only defect in that system (under which some negroes had been elected to office) by establishing a different system of county government in the 12 negro counties referred to. This is exactly what the fusion legislature promised the people they would do as soon as the court would reverse that county government decision, and this was the only remedy offered by the Democratic party for what they called negro domination.

I repeat, every political party in the State in this last campaign made this same pledge, and that was the remedy and the only remedy offered by anybody, because it was what was necessary and all that anybody demanded.

Mr. President, so clear and patent was it to every voter in North Carolina that that remedy was all that was needed to establish forever permanent white supremacy and at the same time local self-government without disfranchising anybody, that when it was charged in the campaign that if the Democratic party got into power they would go further, and submit a disfranchising amendment, every Democratic paper and speaker in the State made haste to declare that the charge was false.

SOLEMN PLEDGES TO THE PEOPLE NOT TO DO THIS THING.

The Democratic leaders knew that if they declared in favor of disfranchising a single voter in the State, or allowed or permitted a suspicion to that effect to rest in the mind of the voter, there was no hope for them to carry the election. Realizing this, they pledged their party officially, from their State committee down to their humblest candidate, that if placed in power they would attempt nothing of the kind.

They put it officially in their handbook and declared that all their candidates, from the highest to the lowest, would make the pledge on every stump. Yes, the handbook issued by the Democratic State committee not only denounced the charge, but also declared that they were not in favor of disfranchising a single voter, white or black, and further declared for manhood suffrage and that they were in favor of upholding the fifteenth amendment in good faith, and further pointed out that as long as that amendment stood it was impossible to disfranchise a single colored man without at the same time disfranchising a white man for the same reason.

OFFICIAL PARTY PLEDGE IN THE DEMOCRATIC HANDBOOK.

In spite of that, Mr. President, the People's Party handbook made the charge that there were many leaders of the Democratic party in favor of a disfranchising amendment. The Democratic State committee thought it was necessary to reply to that charge. What did they do? They issued a second handbook, a supplement to the first handbook, in which they denounced the charge made in the People's Party handbook as false.

They went further, and said that a Democratic convention would spit upon any man who would make such a proposition. They went further, and said that the men who made the charge ought to be ashamed of themselves for willfully lying, because their whole record had shown that they would not do anything of the kind. Here is the language; it is official; it will speak for itself.

It is as follows:

The Democratic party is the poor man's party. Nine-tenths of its members are poor men. How utterly absurd, then, is the false charge that the Republicans are trumping up to deceive the unwary. In order to give some color to it, they quote something from a Yankee newspaper, whose owners and editors are, we have always understood, Republicans, that Gen. W. R. Cox, who lives in Washington, told a reporter if the Democrats succeeded they would disfranchise the ignorant negro. But General Cox publishes over his own name a declaration that he never said that and never said anything like it, for he well knew that if even the Democrats should succeed and

should have control of the legislature they would be powerless to disfranchise anybody. The Constitution forbids it.

The Constitution gives the right of suffrage to all male persons over 21 years of age not disqualified by crime, and the legislature can not add or take away a letter from that. That can only be done by the people themselves, and the Democrats will never submit any proposition to the people to take from a man his right to vote. No Democrat has ever proposed such a thing. The charge is only intended to mislead, to deceive, and to make political capital. It is entirely false. There is not a Democratic convention that would not spit upon the man who might make such a proposition. There is not a Democratic candidate for office who would not pledge himself most solemnly against it.

PLEDGE BY DEMOCRATIC STATE CHAIRMAN.

Later on in the campaign, on December 27, Mr. Simmons, the Democratic State chairman, realizing that there was some doubt as to their sincerity and some suspicion that they intended to submit a disfranchising scheme, thought it necessary to issue an address. Here is his address: He not only repeats the pledges in the Democratic handbook, but he makes them even stronger and more emphatic. He declared strongly and unequivocally for manhood suffrage, white and black; that "never under any circumstances under the sun" would he or the Democratic party favor or consent to the passage of any law that would in any way lessen their present rights and privileges of voting. So solemn and positive were these pledges that not only were the white people fooled, but even thousands of negroes were made to believe that the Democratic party was their best friend; and the result was that the Democratic party in the last campaign got more negro votes than their majority at the election amounted to. Listen to the following extract from that address:

For the past twenty years or more, just before every election, the Republican speakers, at their midnight meetings, have been in the habit of telling the negro if the Democrats came into power their right to vote would be taken away from them.

First, they told them if the Democrats got the State government they would disfranchise them. The Democrats got the State government and did not disfranchise them. Then they told them if the Democrats elected a President they would disfranchise them. The Democrats elected a President and they did not disfranchise them. Then they told them if the Democrats got control of Congress they would disfranchise them. The Democrats got control of Congress and did not disfranchise them.

All along the honest white men of the State laughed at these lies, and marveled that the negro did not have sense enough to see that he was duped. Finally the negro himself began to see through the trick. He had seen the Democrats in full power in the State for twenty-two years, and had learned through experience that that party did not propose to disfranchise him, and he, too, began to laugh at these liars, and finally refused to be frightened by their rot any longer. So the old Republican scarecrow had to be hauled down and put away.

They know that the Democratic party has always stood for manhood suffrage, and they know that the Democratic party will never, under any circumstances under the sun, consent to the passage of any law which will take from them, however poor and ignorant they may be, the right to vote, or which will in any way diminish or lessen that great privilege.

Mr. President, could pledges be more direct and solemn?

PLEDGE BY THE DEMOCRATIC PRESS.

Not only this, Mr. President, but every Democratic newspaper in the State denounced the charge that their party had any such intention in most vigorous language. The following is an extract from an editorial in the Daily Wilmington Messenger of September 18, 1898, which is a sample of the editorial utterances of the Democratic press of the State on this question.

Mr. President, before reading the extract, I desire to call attention to its language. It will be noticed that the editor denounced as a liar, and used many adjectives to strengthen that word, any and every man who dared to make such a charge against the purposes of the Democratic party. He wrote a long argument to show that any attempt to disfranchise the negro voters, unless at the same time illiterate white voters were also disfranchised, would be unconstitutional and would not stand the test of the court. I read the following extract from the editorial referred to:

The most stupid lie of the campaign is the Populist lie put out by the Skinner and Thompson gang and slyly repeated by the black radicals, the bald-faced lie that if the Democrats should carry the State they would disfranchise the negroes. If they desired it ever so much, they have no power to effect it. The lie is so stupid that it could not have been started and repeated but for the profound ignorance of the niggers generally. If they knew anything, they would know that North Carolina has no power under heaven to abridge the political rights and to deprive of the privilege of voting the negroes any more than the whites. The franchise is a right secured under the Constitution of the United States, and it takes the same power to abrogate the right as to confer, to repeal a law as to make it. So it is all bosh and falsehood to try and bewilder and befool the poor, ignorant negroes in the way it has done. It is pitiful and mean to so work upon them by lying and deception. Their right to vote is as absolutely secure as the white man's right to vote.

As we stated yesterday, the three amendments to the Constitution introduced and adopted soon after the war fixed the status of the negroes as citizens equal with that of the whites in their rights. The only way to rid the country of the negro ballot is by the same means and processes that were gone through with to enfranchise him in his stolid and stupid condition. So it is a lie out of whole cloth when the dirty tricksters imposed upon the ignorant, credulous negroes by telling them that a Democratic victory means depriving them of the right to vote.

Mr. President, that editor is now contending that it is constitutional to do the very thing that he proved then would be unconstitutional. He is now freely using the words "lie" and "liar" to denounce those who question the constitutionality of section 5, and he piles up the adjectives and foams and raves when anyone calls attention to his editorials of 1898 or to the other solemn pledges made in that campaign.

PLEDGES ON THE STUMP BY DEMOCRATIC SPEAKERS.

Not only this, but every speaker put into the campaign by the Democratic State committee, so far as I can learn, made the same pledge. Hon. James H. Pou, ex-chairman of the Democratic State committee, not only made the pledge in his speeches, but he also made an affidavit to that effect. It seems that at one of his speakings some person in the audience doubted his intention and asked him if he would make an affidavit to support what he said in his speech. He agreed to make the affidavit, and he did make the affidavit, and here it is:

STATE OF NORTH CAROLINA, *County of Wake.*

James H. Pou, being duly sworn, deposes and says:

"I have never said that if the Democrats regained control of the State they intended to disfranchise the negroes and illiterate white voters. I never have said anything like this, and I know that such is not the intention of the Democratic party. I have never heard a single Democrat give utterance to such a sentiment, and I do not believe, if such a proposition comes before the general assembly, that it would receive a single Democratic vote. I believe that a majority of the uneducated white voters of North Carolina are Democrats. The Democratic party is appealing to them for aid in preserving white supremacy in the center west and in restoring it in the eastern part of this State.

"They are responding to our appeal, and to repay them for their aid with a disfranchisement of their votes would be folly and ingratitude indeed. The men who make these charges know they speak falsely, but their campaign this year is run upon the idea that the people of North Carolina would rather believe a falsehood than the truth, and they would rather hear libels upon the honored dead than to hear arguments based upon truth.

"JAMES H. POU."

Sworn to and subscribed before me this October 1, 1898.

[SEAL.] GEO. W. THOMPSON, *Notary Public.*

Mr. Pou is the only speaker, so far as I know, who made an affidavit himself to try to convince his audiences that he was telling the truth when he was making these pledges. But I have on my desk a number of affidavits from voters, who testify that other Democratic speakers made on the stump the same pledge that the party organization officially made in their campaign handbook. I will read one of them:

STATE OF NORTH CAROLINA, *Hertford County:*

A. W. Simons and Jack Everett, being duly sworn, depose and say: That they heard Hon. R. A. Daughton, one of the Democratic speakers, who was speaker in the senate of 1895 and 1895, make a speech at Harrellsville, in Hertford County, on or about October, 1898, in which Mr. Daughton denounced the charge made upon the Democratic party by Populists and Republicans, that they would pass a franchise law or a disfranchising scheme. He, Daughton, further declared and assured every voter in the audience, both white and black, that the Democratic party had no such intention and did not want to take any privileges from any voter, it made no difference how humble or how illiterate; that if the Democrats got control of North Carolina, they should have their political rights, and they would soon see that all such charges were utterly false, and that no such thing would be attempted; that the Democratic party would never attempt anything of the kind.

A. W. SIMONS, *Justice of the Peace.*
JACK EVERETT.

Sworn to and subscribed before me this 29th day of January, 1900.

J. H. EVANS, *Justice of the Peace.*

PLEDGES BY DEMOCRATIC CANDIDATES FOR LEGISLATURE.

Not only this, but the Democratic candidates for the legislature, from the mountains to the sea, made the solemn pledges on the stump that their State chairman said they would make. I have on my desk affidavits from voters in different counties who heard the Democratic candidates make these pledges. But it is unnecessary to read them or offer any other proof, because not one of these candidates has ever denied that he made these pledges. It has been charged on them since, and they all admit it or all keep silent.

Mr. PETTUS. I desire to ask when these pledges were made?

Mr. BUTLER. They were made during the last campaign in North Carolina when the legislature was elected which adopted this proposed constitutional amendment. Since the Senator has asked the question, I will read the affidavit that I hold in my hand. This affidavit refers to Mr. Plummer Davis, of Franklin County, a Democratic member of the legislature, who voted to submit this amendment to the people, but who pledged the people of his county that he would not do it. The affidavit is as follows:

STATE OF NORTH CAROLINA, *County of Franklin:*

Ephraim Blacknall, being duly sworn, deposes and says that he heard Mr. Plummer Davis, Democratic candidate for the legislature in Franklin County, say publicly in the town of Louisburg that nobody need be afraid to vote for him; that if elected he would not vote to disfranchise anybody, and he would vote for no law that would be against the interest of the colored race; and, in my opinion, such promises as this was the reason why several hundred colored people in this county voted the Democratic ticket.

EPHRAIM BLACKNALL.

Sworn to and subscribed before me this the 15th day of December, 1899.

H. A. FINCH, *Justice of Peace.*

Mr. Davis was elected a member of the legislature. He is a member of the legislature now. When he got to the legislature he voted to submit this amendment, and is to-day supporting it, notwithstanding his solemn pledge and the pledge of his party to the contrary.

Mr. President, I will stop to read only one more of these affidavits:

STATE OF NORTH CAROLINA, *Cumberland County:*

D. K. Taylor, being duly sworn, deposes and says that he heard H. McD. Robinson, Democratic candidate for the legislature in Cumberland County,

say that the Democrats did not want the Louisiana disfranchising amendment to the constitution; that the charges made by the Republican and Populist speakers that they, the Democrats, would disfranchise the negro and poor whites was false and only used to influence their votes. They also favored the negroes controlling their own schools.

D. K. TAYLOR.

Sworn to and subscribed before me this the 27th day of January, 1900.

W. P. WEMYSS, *Justice of the Peace.*

Mr. Robinson, like Mr. Davis and a majority of the Democratic members, also broke his pledge when he was elected. But be it said in the honor and to the credit of a few Democratic members of the last legislature that they refused to violate their solemn pledges and to betray those who voted for them on this pledge. They defied the lash of the party machine and stood true to their pledges and to the people. They refused to vote for this proposed amendment in the legislature, and they are now openly opposing it in their counties.

PLEDGES BY DEMOCRATIC COUNTY CHAIRMEN.

Mr. President, not only did the Democratic candidates from the legislature make these pledges, but the Democratic county chairmen thought they ought to follow the State chairman, and they issued addresses and appeals to the people. I have here a sample of them. This is from Chatham County. Mr. R. H. Hayes, the county chairman, published an address to the voters of his county in which he uses as strong language as the State chairman had used in denouncing everybody who made the charge that they intended to disfranchise a single voter. I read the following from Mr. Hayes's address to the voters of Chatham County:

The most astounding charge of the Fusionists, in their desperation, is that if the Democrats win they will "disfranchise the negro and poor white man." I consider this an absolute insult to the intelligence of the whites and colored alike. In the first place, this can not be done without a change in the constitution, and this can only be done by a two-thirds vote of the people. The legislature can not do it.

One of the fusion candidates in Chatham is a lawyer, and when pressed by me at Cumnock admitted this was so, but tried to invent some other excuse. Men of Chatham, have not the Democrats had control for the last twenty years? Have they ever disfranchised one of you? Have you been denied the right to vote? If we can and wish to, could we not have done so long ago? I can not believe that any man of intelligence believes such ridiculous and absurd proposition as I am informed these people are secretly making to the negro and unlettered white man. My friends, it is an attempt to presume upon your ignorance and is an insult to your intelligence.

I read the following affidavit appended to this address certifying that what I have read is a correct copy:

R. B. Lineberry, being duly sworn, says that the foregoing is one of the circular letters addressed to the voters of Chatham and distributed in Chatham County just previous to the election in 1898, and that R. H. Hayes, a lawyer, who sent out said circular letter, was then and is now, as he is informed and believes, the chairman of the Democratic executive committee.

R. N. LINEBERRY.

Sworn to and subscribed before me this 12th day of December, 1899. In witness whereof I hereunto set my hand and affix my official seal.

R. H. DIXON,

Clerk Superior Court of Chatham County.

Mr. President, I have here on my desk copies of similar addresses issued by other Democratic county chairmen to the same effect, which I will not take the time to read unless some Senator wants to hear them.

THEY HAVE BROKEN ALL OF THESE SOLEMN PLEDGES.

Now, Mr. President, this is the kind of pledges made to the voters of North Carolina in the last campaign by the politicians who are the authors of this disfranchising amendment.

No sooner had the Democratic party gotten in power by these pledges than certain party leaders began to prepare the disfranchising suffrage scheme that we have now under consideration.

I do not charge that all members of the legislature when they made those pledges on the stump knew at the time that they would keep them, for I believe that most of them when they made pledges intended to stand to them. Why? Because the record of the Democratic party in North Carolina has been for manhood suffrage, and they boasted of it on every stump. But when the legislature met a few leaders began to urge this amendment. A large number of the Democratic members of the legislature protested against it, first on the ground that they had pledged their constituents not to vote for anything of the kind, and next, on the ground that their constituents were opposed to it, and if it was submitted it would be voted down. The leaders continued to work and lay on the party lash.

At this juncture efforts were made to try to get the leaders, instead of submitting this proposed amendment, to submit another amendment, one to prohibit the colored man from holding office, but not prohibiting him or anybody else from voting. It was claimed that they had not pledged the people not to prohibit anybody from holding office. It was further claimed that that would be constitutional because the fifteenth amendment did not use the words "to hold office," but used the words "to vote."

It was also pointed out to them that no race prejudice was ever raised when the negro simply voted, because they compose only about one-third of the voters of the State, but that it was only when the negro held office or aspired to office that race prejudice and antagonism was or could be aroused.

It was further pointed out to them that the change made in the county government, putting the negro counties under a different county government system, in accordance with the recent decision of the supreme court, was sufficient to settle whatever negro question there was; and if that did not settle it, then an amendment to prohibit the negro from holding office would settle it beyond question.

They contended that it "would be going too far" to prohibit the negro from holding office. Besides, they contended that such an amendment would be unconstitutional, while at the same time they contended that section 5, which discriminated against the negro's right to vote, was constitutional.

Mr. President, these ringleaders not only refused to submit an amendment to prohibit the negro from holding office, but, on the other hand, they explicitly provided in their amendment that the negro should be eligible to hold office. It is clear from this that these politicians are carefully nursing and preserving the race issue for use in future campaigns.

I am told that there were many stormy meetings in the secret caucuses of that legislature, but the party lash was laid on from morning till night. At last, by a bare majority, as I understand, this dangerous and undemocratic measure was driven through.

But, Mr. President, while a sufficient number of the members of the legislature were whipped in by the party lash to break their pledges and pass this proposed amendment, yet I am proud to be able to say that the masses of the Democratic voters have not been whipped into line with the party lash and will not be.

THE PEOPLE WILL NOT TOLERATE SUCH TREACHERY.

There is not a more independent set of men on God's green earth than the voters in North Carolina. They have been doing their own thinking since the last election, and the result is that they have decided that section 5 is dangerous and they are going to vote against it. The Democratic leaders have discovered it, and here they rush with a new device, to be known as section 6, that they think will hoodwink these voters or satisfy them to run the risk of section 5. But the trick will not work.

Mr. President, the masses of the Democratic party in North Carolina do not indorse the treachery of their so-called leaders. They contend, and correctly, that the Democratic party in the past has always stood up for manhood suffrage and that at least they ought to be honest with the people on this question. They point to the late Senator Vance as the leader of the party for this Democratic doctrine of manhood suffrage, for which he always stood. As long as Senator Vance lived no such disfranchising scheme as this could ever be gotten through a Democratic caucus or a Democratic legislature.

ZEB VANCE DEMOCRATS AND MANHOOD SUFFRAGE.

To illustrate how the rank and file of the Democratic party in North Carolina looked upon Senator Vance as their leader, and who followed him loyally while he was alive and who revere his memory now, I will read the following interview with an old-time Zeb Vance Democrat, given in the last few days, Mr. W. H. Hargrave, ex-Democratic representative from Haywood County in the general assembly of North Carolina. He says:

I am an old-time Democrat, and there are many in my section who can boast of the same distinction. With some exceptions we are opposed to this attempt to deprive white men of their prerogative.

I fought a similar measure when I was in the legislature eleven years ago. It was introduced at a midnight caucus, and for that reason the proceedings were never printed, as I can remember. It was the warmest kind of a debate, but the measure was defeated by a small majority. Such eminent Democrats as Judge Hoke, Lieutenant-Governor Daughton, and Mr. George Jones fiercely opposed the bill as undemocratic. Zeb Vance was not present at this caucus, but was known to be in sympathy with the opposition.

No, we old-time Democrats do not intend to organize anti-amendment clubs. We are going to make a "still" fight against the proposed amendment and election law. Let me tell you, the amendments will get a big surprise when the returns from Haywood are turned in.

Now, it may be asked, How is it possible for these supporters of the amendment to hope to carry the State in the coming election in the face of the past record of the Democratic party for manhood suffrage, in the face of these false promises and broken pledges in the last campaign, and in the face of the fact that ring politicians who were the enemies of Senator Vance have captured the machinery of the party? Indeed, the man who is now Democratic State chairman was by Senator Vance defeated for confirmation in this Senate for a revenue office.

My answer is, they do not hope to carry the State; they do not hope to get a majority of the votes. They know that an overwhelming majority of the voters of the State are opposed to the amendment they have submitted and, besides, are determined to vote to repudiate them for their broken pledges and treachery.

They knew it when they submitted the amendment. Knowing this, Mr. President, they proceeded to take precautions before their legislature adjourned to provide a machinery by which they hoped to put it through. What was that? They gave long and careful attention, these leaders who forced this amendment upon the rank and file, toward framing one of the most indefensible election laws that any State has ever had upon its statute book.

THE ELECTION LAW.

They have not only given in it unlimited discretion and power to minor election officers, but they have provided that there shall

be no appeal to the court from any wrong, however great. Before, we have had appeals in North Carolina to some higher body than a little election officer when the law and the constitution were violated. It is not so with the present law. The fair and just election law that we had upon the statute book when this legislature met provided that every political party in North Carolina should be represented on every election board in the State.

That fair and honest election law provided further that the parties should select their own officials to represent them and not have some other party select them for them. Is there any such provision in the present election law? If it had such a provision in it, the Democratic leaders of the State would never make a fight for this proposed constitutional amendment, for they would know it would not be worth while. They would know before they began that it would be defeated by from fifty to seventy-five thousand votes.

Instead of a fair and just provision like the one I have referred to, giving every party a representative of its own selection on all election boards and giving power to appeal to the courts when necessary to secure justice, they have adopted the machine methods of the Kentucky law, and with cunning ingenuity have devised new schemes for manipulating and miscounting votes.

I have said this much, Mr. President, to give to those interested a fair idea of the political situation now existing in the State. Under these conditions, we are preparing to vote on the proposed amendment. In spite of the election law referred to, if the people of my State are of the opinion that section 5 is unconstitutional, then the majority against it will be so great that I do not think the election law will save them to overcome it. Besides, those who do not indorse bad faith and treachery will vote to repudiate the leaders who have violated their solemn pledges to the people.

The Democratic leaders in my State realize that the more this proposition is discussed the more the voters will make up their minds that it is unconstitutional, and already that part of the press and the politicians who are supporting it are declaring that the amendment should not be further discussed, but, on the other hand, they are doing everything in their power to banish reason and to arouse prejudice and create a state of excitement.

A few days ago a prominent citizen who is opposed to this amendment gave out an interview in which he stated that he was satisfied that a majority of the white voters of the State were against the amendment and would vote against it if it could be calmly discussed upon the stump and the speeches pro and con could be put before every voter in the State.

To that end, and to make it impossible for politicians who want to appeal to race prejudice and prevent discussion from doing so, he suggested that the negro should not register or vote in the coming election, but leave the proposed amendment to be discussed and settled by the votes of the white men alone.

Would you not think that every Democratic paper and politician who has appealed and yelled for "white supremacy" and loudly objected to negroes voting at all would have gladly indorsed that suggestion to have one election in which the colored people would take no part, but stand aside and let the white people settle it? It will surprise those who think so to be told that at once the newspapers supporting the amendment began to denounce the suggestion and redoubled their efforts to stop discussion and to appeal to race prejudice.

One of the leading papers in the State supporting the amendment, published at Raleigh, as a countermove to this proposition for the negro not to take any part in the campaign, proceeded to interview a negro and got an opinion from him for publication to the effect that he did not approve of this plan.

The editor, after stating the plan, said:

> As to the success of this plan, however, there is considerable room for doubt.

And then proceeded to publish the following interview from a negro politician:

> "Do they expect us to stand idly by while our liberties are in danger?" said a negro leader and politician yesterday. "If they do, they'll be badly fooled. We'll do nothing of the sort. If we did, we'd deserve to be disfranchised. Just now the negro is dazed. He doesn't know where to turn or what to do; but, mark my words, you'll hear from him later on in the campaign."

The paper proceeds to comment on that negro politician's interview as follows:

> Whether their leaders wish it or not, the negro is going to be very much in the coming campaign.

The above is from the Raleigh News and Observer of Wednesday, January 31, 1900.

Mr. President, I submit to the Senate and to a candid public that the editor of a newspaper, claiming to be in favor of removing the negro from politics, yet who goes out to hunt up negro politicians and secures and publishes interviews from them to the effect that they are not in favor of such a plan to leave the white people alone to settle this suffrage question, is not a fit man to advise the people how to vote on such a question or on any other question.

I submit that it has the earmarks of desiring the negro question to stay in the campaigns in order to hide the real issues and to enable politicians to appeal to race prejudice instead of to argument. This is the first step to try to bring the negro into the campaign, and this from a source that is supporting this amendment. This same editor in the last campaign in my State advised negroes to become candidates for various offices in order that he might have a text from which to appeal to race prejudice. I will leave every Senator to form his own opinion of such methods and the cause that needs to be supported by such methods.

DISCUSSION WILL KILL THIS DANGEROUS AND PERFIDEOUS SCHEME.

Mr. President, this proposed amendment will be discussed in North Carolina on every stump, and before the discussion is over the people will see the flimsiness and the absurdity of the proposition of Judge Brown to instruct the court how to decide on the constitutionality of section 5 as clearly as they have already seen that section 5 was unconstitutional.

Mr. President, discussion will kill this amendment wherever it is discussed, here or elsewhere. Appeals to race prejudice, mob violence, and ballot-box stuffing are its only hope, and that the people of North Carolina will not again tolerate.

Mr. President, in conclusion, I trust I can truthfully say that I have proven by the weight of authority that section 5 of the proposed amendment is clearly unconstitutional; that I have proven by the overwhelming weight of authority and by all rules of construction ever observed by the court that section 5 would fall and that the remainder of the amendment would stand, and that the result would be that as many white voters would thereby be disfranchised as negroes; that I have proven that the proposed attempt to amend the amendment at another session of the legislature by the adoption of a provision instructing the court how to construe the amendment would be ignored by the court as not only a "dead letter," but as a piece of impertinence, and hence would be of no effect except to call the attention of the court to the fact that the legislature itself in passing the amendment doubted its constitutionality.

Mr. President, in addition to the above I have proven beyond question the fact that the legislature that submitted this proposed amendment got elected by making the most solemn pledges that they would not attempt to disfranchise anyone, white or black, if they were trusted by the people and put into power. Now, Mr. President, it would be a base slander upon the voters of North Carolina to say that they would condone and indorse such treachery, perfidy, and dishonor, to say nothing of supporting at the polls such an unconstitutional and dangerous scheme. They will not do it.

But, on the other hand, the majority against this base and fraudulent scheme and against these politicians of perfidy and dishonor will be so large that they will not be able to steal or suppress it, even under the most infamous and thieving election law that ever disgraced the statute books of any State. The voters of North Carolina, even though many of them are illiterate, are not dishonest, neither are they cowards.

Mr. President, I ask that the resolution lie on the table subject to further call.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. TURNER obtained the floor.

Mr. TELLER. Will the Senator from Washington yield to me?

Mr. TURNER. Yes, sir.

Mr. TELLER. It is nearly 4 o'clock and the Senate is exceedingly thin. I hardly think we ought to ask the Senator from Washington, under the circumstances, to go on with his speech, unless he wishes to do so.

Mr. TURNER. My remarks would probably detain the Senate until about half past 5 o'clock; and whilst I am perfectly willing to go on if it is the pleasure of the Senate that I shall do so, I am also perfectly willing to defer my remarks until to-morrow if that will accommodate the Senate.

Mr. TELLER. I do not know whether the chairman of the Committee on Foreign Relations [Mr. DAVIS] does or does not desire an executive session. I suppose he does from what he heretofore said; but I do not see him present at this time.

Mr. FORAKER. I would say to the Senator from Colorado that I think it is the desire of the chairman of the Committee on Foreign Relations to have an executive session this afternoon.

Mr. COCKRELL. There will be ample time for that. If we are not going to discuss the financial bill this afternoon, I suggest that we go to the Calendar.

Mr. FORAKER. For how long a time?

Mr. COCKRELL. For half an hour or three-quarters of an hour.

Mr. ALDRICH. I understand it will be more agreeable to the Senator from Washington [Mr. TURNER] to proceed to-morrow. Perhaps we had better have a short executive session and go to the Calendar afterwards.

Mr. COCKRELL. Why not go to the Calendar now?

Mr. ALDRICH. I do not object if the Senator prefers that course, but I suggest that the unfinished business may be laid aside temporarily.

Mr. FORAKER. Perhaps, in the absence of the chairman of the Committee on Foreign Relations, that would be better.

Mr. COCKRELL. Let the pending business be informally laid aside, and let us go to the Calendar.

Mr. ALDRICH. The Senator from Washington [Mr. TURNER] to be entitled to the floor at 2 o'clock to-morrow.

Mr. TURNER. With that understanding, I yield.

The PRESIDENT pro tempore. Unanimous consent is asked that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

CONSIDERATION OF THE CALENDAR.

Mr. TELLER. Is the Calendar before the Senate?

Mr. COCKRELL. The Calendar is now before the Senate.

The PRESIDENT pro tempore. Not by virtue of any rule. The Senator from Missouri [Mr. COCKRELL] asks unanimous consent to proceed to the consideration of unobjected bills on the Calendar. Is there objection? The Chair hears none. The first bill on the Calendar will be stated.

The SECRETARY. A bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof.

Mr. ALDRICH. I would suggest that when the Calendar is taken up cases which have been heretofore objected to, like the one which has just been stated, should not be called.

Mr. COCKRELL. Let that bill be passed over. If bills which will provoke debate have not been objected to, I object to them now.

Mr. ALDRICH. Any other course may lead to embarrassment and surprise, because there are a number of objected cases on the Calendar; otherwise we must have such bills go to the Calendar under Rule IX. If we do not do that, Senators will be obliged to stay here to object to bills like the one the title of which has just been stated, to which a number of Senators have strenuous objections. I would suggest, when the Calendar is called, as has been the custom heretofore, that we shall take up the cases subsequent to those which have been passed over under objection.

Mr. COCKRELL. Let Orders of Business 18 and 36 go to the other Calendar. It will not make any difference, for they can be taken up on one Calendar as well as on the other.

Mr. ALDRICH. All right; let them go to the Calendar under Rule IX.

The PRESIDENT pro tempore. It has been the custom of the Senate to commence with the consideration of bills where the last preceding case on the Calendar was left off.

Mr. ALDRICH. That has been the custom, and it has also been customary to print the Calendar with a statement showing the point which was reached when the Calendar was last under consideration. I think it would be a very good idea to have that custom continued.

The PRESIDENT pro tempore. The next bill in order on the Calendar will be stated.

EXTENSION OF LAWS OVER PUERTO RICO.

The bill (S. 730) to extend the laws relating to commerce, navigation, and merchant seamen over the island of Puerto Rico, ceded to the United States, was announced as next in order on the Calendar.

Mr. COCKRELL. That bill was objected to in the same way, and I object to it now. I object to all such bills. Let them go to the other Calendar.

Mr. ALDRICH. They can be taken up on vote at any time on one Calendar as well as another.

Mr. COCKRELL. If such bills are to be called every time the Calendar is taken up, I shall object to them, notwithstanding that I may be in favor of them. Let them go on the other Calendar.

THE FINANCIAL BILL.

Mr. TELLER. I want to say a word, not on the bill the title of which has been stated, but I want to be in order so as to speak when there is something before the Senate.

We have had a discussion going on for some time in the morning hour which extends so far beyond the morning hour that the financial bill has been practically shelved. The time when final action is to be taken on the bill is getting to be very short. I desire to say that I shall feel it not only my right, but my duty, to-morrow, if any Senator insists on extending his remarks beyond the morning hour, to object.

Mr. ALDRICH. I am very glad to hear the Senator from Colorado make that remark. I understand that, so far as to-morrow is concerned, by unanimous consent, the Senator from Washington [Mr. TURNER] has the floor at 2 o'clock, so that anything which may be under consideration before that time will have to be set aside at that hour.

Mr. ALLISON. I want to make another suggestion in reference to the financial bill; and that is that after a day or two we ought to take up the financial measure immediately on the conclusion of the routine business of the morning hour.

Mr. COCKRELL. That is right.

Mr. ALDRICH. I think that will be necessary in order to allow Senators who wish to speak an opportunity to do so.

Mr. COCKRELL. Why not begin to-morrow morning?

Mr. ALDRICH. I have no objection to having an understanding or an agreement that we take up the financial bill to-morrow morning by unanimous consent after the routine morning business.

The PRESIDENT pro tempore. Does the Senator make that request?

Mr. ALDRICH. I do make that request, that to-morrow morning and afterwards, until the financial bill is disposed of, it be taken up immediately after the routine morning business.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the bill known as the financial bill shall be taken up immediately after the conclusion of the morning business——

Mr. ALDRICH. The routine morning business.

The PRESIDENT pro tempore. After the conclusion of the routine morning business, and taken up on all subsequent mornings——

Mr. ALDRICH. And continued from day to day until finally disposed of.

The PRESIDENT pro tempore. And continued from day to day until finally disposed of, to the exclusion of all other business.

Mr. CULLOM. I suppose if no Senator wants to speak on the financial bill in the morning hour of any day, we can attend to other business.

Mr. ALDRICH. That will be all right.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island as stated by the Chair? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. FORAKER. I want to give notice for whatever it may be worth that as soon as the financial bill is disposed of, I shall move to take up for consideration the bill to provide a government for Puerto Rico, and for other purposes, being Senate bill 2264. I hope there will be no objection to that.

Mr. CULLOM. I trust that my colleague on the Committee on Foreign Relations and the chairman of the committee reporting the bill in reference to Puerto Rico will not interfere with the bill in relation to Hawaii.

Mr. FORAKER. I have no disposition to do so at all. On the contrary, I am equally interested in that bill.

Mr. CULLOM. I know the Senator is. I did not wish to move to take up that bill when another bill was under consideration and proceed with its consideration an hour or two one day and an hour or two two or three days thereafter. I should like to have the Hawaiian bill taken up after the financial bill shall be disposed of, and I think it will not take very long to pass it.

Mr. FORAKER. I have no doubt the Senator and I can agree upon the matter without any conflict at all, but I want the Puerto Rican bill passed also.

Mr. COCKRELL. I call for the regular order—the Calendar.

Mr. SHOUP. I observe the absence of the chairman of the Committee on Privileges and Elections. He has given notice that he would move on Wednesday to take up the question of seating Senator Quay. If that shall not be out of the way before the Senator from Ohio and the Senator from Illinois move the consideration of the bills named by them, I think it would be well for them to yield until it shall have been disposed of.

The PRESIDENT pro tempore. Under the unanimous-consent agreement nothing can be taken up after the routine business each morning until the financial bill shall have been disposed of.

Mr. ALDRICH. That is right.

Mr. PETTUS. Would not unanimous consent set it aside for the time being?

Mr. SHOUP. But the motions of which notice has been given are motions to be made following the vote on the financial bill. I do not think any measure ought to interfere with the determination of the question as to whether or not Senator Quay is entitled to a seat in the Senate.

Mr. ALDRICH. The time as to which the Senator is speaking is after the 15th of February.

Mr. SHOUP. Yes.

Mr. COCKRELL. Let us wait until the 15th of February comes.

The PRESIDENT pro tempore. The Calendar is in order and the Secretary will report the next case.

CAPT. FRANCIS TUTTLE AND OTHERS.

The joint resolution (S. R. 24) recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear;* also the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Dr. Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported from the Committee on Commerce with an amendment, on page 2, after line 19, to strike out the last paragraph, as follows:

That the sum of $2,500 is hereby appropriated, the same to be disbursed by the Secretary of the Treasury, for the purpose of bestowing suitable rewards upon W. T. Lopp, agent of the American Missionary Society of Cape Prince of Wales, Alaska; Artisarlook, and other natives of Alaska, for material aid and assistance rendered by them to the overland relief expedition, commanded by First Lieut. David H. Jarvis, Revenue-Cutter Service.

So as to make the bill read:

Resolved, etc., That the thanks of Congress are hereby extended to Capt. Francis Tuttle, of the Revenue-Cutter Service, and the officers and men of the revenue cutter *Bear*, under his command, for their able and gallant services in conveying relief to and succoring the officers and crews of the imperiled whaling fleet in the Arctic Ocean in the season of 1898.

That the thanks of Congress are hereby extended to the members of the overland expedition, landed from the revenue steamer *Bear*, composed of First Lieut. David H. Jarvis, Revenue-Cutter Service, commanding; Second Lieut. Ellsworth P. Bertholf, Revenue-Cutter Service, and Dr. Samuel J. Call, surgeon, for their heroic struggle of more than three months through the barren wastes of arctic Alaska, in the depths of an arctic winter, over nearly 2,000 miles of that desolate and dreary region, carrying relief and cheer to 275 distressed citizens of our country, and that in commemoration of the dauntless courage and heroic struggles of these brave men a gold medal of honor of an appropriate design, to be approved by the Secretary of the Treasury, be awarded to each of said officers of the overland expedition.

That the sum of $500, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the medals above specified.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT FOR HAWAII.

The bill (S. 222) to provide a government for the Territory of Hawaii was announced as next in order.

Mr. COCKRELL. Let that be passed over. There is no need of wasting time in debating that now.

The PRESIDENT pro tempore. The bill will be passed over.

BOARDING OF VESSELS.

The bill (S. 733) concerning the boarding of vessels was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 4, after the word "directed," to insert "from time to time;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed from time to time to prescribe and enforce regulations governing the boarding of vessels at the seaports of the United States, and for that purpose to employ any of the officers of that Department.

SEC. 2. That each person violating such regulations shall be subject to a penalty of $100.

SEC. 3. That this act shall be construed as supplementary to section 9 of chapter 374 of the Statutes of 1882, and section 4600 of the Revised Statutes.

SEC. 4. That this act shall take effect thirty days after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ILLINOIS RIVER BRIDGE.

The bill (S. 561) extending the time for the commencement and completion of the railroad bridge across the Illinois River, near Grafton, Ill., by the St. Louis, Perry and Chicago Railroad was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the act approved May 21, 1896, granting the St. Louis, Perry and Chicago Railroad authority to construct and maintain a bridge across the Illinois River, near Grafton, in the State of Illinois, which has expired by limitation, be, and is hereby, revived and reenacted.

SEC. 2. That section 6 of the said act be amended to read as follows:

"SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced and completed within one year from May 21, 1900."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act to establish a railroad bridge across the Illinois River near Grafton, Ill.,' approved May 21, 1896."

FUNERAL OF GENERAL LAWTON.

The PRESIDENT pro tempore. The Chair is in receipt of a telegram, which will be submitted to the Senate for its information.

The Secretary read as follows:

[Telegram.]

WAR DEPARTMENT,
Washington, D. C., February 7, 1900.

To the President of the Senate:

In making arrangements for the funeral of the late General Lawton, which is to take place at the Church of the Covenant, next Friday at 2 o'clock, seats have been reserved for the military committees of the two Houses of Congress, also the Indiana delegation in Congress. I desire to inform you, and through you the members of the body over which you preside, that seats will also be reserved for all individual Senators and Members who shall before Thursday noon notify the Adjutant-General of the Army of their desire to be present. The suggestion as to Senators and Members applies to the officers of the Senate and House.

ELIHU ROOT,
Secretary of War.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 5 and 26 to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent, if it be necessary, that the conference report may be laid before the Senate and considered at this time. It will take but a moment.

The PRESIDENT pro tempore. Without objection, the Secretary will read the report, which will be now considered.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 5 and 26 to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same.

W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

J. G. CANNON,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

LUMBER RIVER BRIDGE.

Mr. COCKRELL. Let the Calendar be proceeded with.

The PRESIDENT pro tempore. The next case on the Calendar will be stated.

The bill (S. 1617) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C., was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EAST RIVER BRIDGE.

The bill (S. 282) extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS CHAMBERS.

The bill (S. 146) for the relief of Thomas Chambers was considered as in Committee of the Whole. It proposes to pay to Thomas Chambers, of Mackinac, Mich., $3,654.56, in full compensation for the additional expenses incurred by him in carrying the Canada mails, as contractor on route No. 24413, from Sault Ste. Marie, Mich., to Mackinac, Mich., from July 1, 1875, to June 30, 1879, inclusive, he having contracted to carry United States mails only.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. D. CROW.

The bill (S. 1543) for the relief of M. D. Crow was considered as in Committee of the Whole. It directs the Postmaster-General to credit the account of M. D. Crow, late postmaster at Pueblo, in the State of Colorado, with the sum of $1,032.62, being the amount necessarily expended by him in conducting the business of the post-office at Pueblo from April 1, 1885, to June 30, 1889, in excess of the amount allowed him by the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. L. PEPPERELL.

The bill (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans., was considered as in Committee of the Whole. It directs the Postmaster-General to cause the accounts of W. H. L. Pepperell, late postmaster at Concordia, State of Kansas, to be credited with $1,545, and that he cause the credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of $1,345 in postage stamps and $200 in postal funds stolen from that post-office on August 27, 1887.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERFORMANCE OF EXECUTIVE FUNCTIONS.

The bill (S. 334) prohibiting the appointment or employment of Senators and Representatives to perform executive functions was announced as the next bill in order on the Calendar.

Mr. PLATT of Connecticut. I object to the consideration of the bill.

The PRESIDENT pro tempore. The bill goes over without prejudice.

CATHOLIC CHURCH AT MACON CITY, MO.

The bill (S. 468) for the relief of the Catholic Church at Macon City, Mo., was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated the alleged use and occupation by the United States military authorities, for Government purposes, during the late war, of the Catholic Church at Macon City, in Macon County, Mo., the actual value of such use and occupation, and the Secretary of the Treasury is directed to pay the amount, if any, found to be due from the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. CHARLES COLLEGE, MISSOURI.

The bill (S. 446) for the relief of St. Charles College was considered as in Committee of the Whole. It directs the Secretary of War to investigate the alleged use and occupation by the United States military authorities, for Government purposes, during the late war, of the college buildings and grounds of St. Charles College, in St. Charles County, Mo., the actual value of such use and occupation, and the Secretary of the Treasury is directed to pay to the St. Charles College the amount, if any, found to be due from the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOILERS OF THE ALVENA AND AILSA.

The bill (S. 1746) to provide for the inspection of the boilers of the *Alvena* and *Ailsa* was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. Is there a report accompanying the bill?

The PRESIDENT pro tempore. There is a report.

Mr. PLATT of Connecticut. Is it a long or short report?

Mr. COCKRELL. A short one.

The PRESIDENT pro tempore. It is a short report.

Mr. PLATT of Connecticut. I should like to hear it read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report (submitted by Mr. PENROSE, from the Committee on Commerce, January 11, 1900), as follows:

The Committee on Commerce, to whom was referred the bill (S. 1746) to provide for the inspection of the boilers of the *Alvena* and *Ailsa*, have considered the same, and report as follows:

Evidence filed with the committee shows that in 1897 the wrecks of the steamers *Alvena* and *Ailsa* lay in New York Harbor, and that in April of that year the Engineer Department of the Army advertised for their removal. John W. Chittenden of New York, associated with the Merritt & Chapman Wrecking Company, was the successful bidder. During the progress of the work the engineer officer in charge decided it would be to the Government's interest to dispose of the material recovered to the highest bidder. The most valuable of the material was five boilers. The contractor's (Chittenden's) bid was the highest, and the amount of his bid for the boilers was deducted from the amount coming to him for removing the wreckage.

After purchasing the boilers and applying for their Government inspection, so that they could be used in a United States vessel, the purchaser, Chittenden, found that the United States inspectors had no authority under existing laws to make the inspection, as the boiler plates are of foreign manufacture. The present bill is to permit the inspection of these boilers to see if they are sufficiently strong and suitable to be used for United States marine purposes, to which end the usual tests will be applied, and the material will be passed only in the event that it successfully withstands all the tests, the Government being in no way committed to passing the boilers, under the language of the bill.

The Supervising Inspector-General of Steam Vessels, to whom the bill was referred, reported that he had no serious objections to the passage of the bill.

As the purchaser appears to have bought the boilers in good faith from the Government, for a valuable consideration, and as there is great need for all steamship material at the present time, your committee feels that it is justified in waiving a technical requirement of the general law, and accordingly report back the bill with the recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTS ON STEAM PILOT VESSELS.

The bill (S. 732) relating to lights on steam pilot vessels was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 14, page 2, section 3, after the word "effect," to strike out the words "on June 30, 1900," and insert "sixty days after its enactment;" so as to make the section read:

SEC. 3. That this act shall take effect sixty days after its enactment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. E. SAVILLE.

The bill (S. 442) for the relief of M. E. Saville was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated an embezzlement of quartermaster and commissary funds and stores at Fort Gill, Okla., discovered while M. E. Saville, first lieutenant, Tenth Regiment United States Infantry, was quartermaster and commissary at that post, in 1896 and 1897, and if upon such examination he shall be satisfied that Saville exercised due diligence and care, he is authorized to release Saville from any further liability for the sum of $1,369.55, and to refund and pay back to Saville whatever sums may have been withheld and deducted from his pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES STIERLIN.

The bill (S. 2281) for the relief of Charles Stierlin was considered as in Committee of the Whole. It authorizes the President to revoke and set aside, so far as they relate to Charles Stierlin, certain special orders dishonorably dismissing Second Lieut. Charles Stierlin, Battery L, First Missouri Artillery, and to issue to him an honorable discharge as of date of March 16, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS MILLER.

The bill (S. 195) for the relief of Louis Miller was considered as in Committee of the Whole. It authorizes the Secretary of War to correct the military record of Louis Miller, late a member of the Sixty-second New York Infantry Volunteers, and to grant him an honorable discharge as of date August 4, 1862, from Company I of that regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF CHARLES M. ROBERTS, DECEASED.

The bill (S. 188) for the relief of the estate of Charles M. Roberts, deceased, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to the administrator de bonis non of the estate of Charles M. Roberts, deceased, $39,034.21, in full settlement of the findings of the Court of Claims in Congressional case No. 71, House Miscellaneous Document No. 108, Forty-ninth Congress, first session.

Mr. COCKRELL. Unless some one can explain why no movement has been made against the parties who indemnified the United States I should like to have the bill passed over.

Mr. STEWART. A similar bill has passed the Senate several times.

Mr. COCKRELL. I know it, but that does not necessarily and absolutely preclude any inquiry in regard to it.

Mr. STEWART. It has been thoroughly inquired into, and there is a report here which makes it a very clear case.

Mr. COCKRELL. The report does not say anything about whether the Government has any recourse on those parties, who ought to have been required to give a bond of indemnity under the terms of the contract.

Mr. STEWART. The party is dead and the estate is good for nothing. There is no recourse on him.

Allow me one moment. A contract was to be let to put down a pavement, and Roberts, the claimant, and Cook both bid on it. Roberts bid 45 and Cook 28½ cents per square foot. Roberts had the exclusive right to lay pavements under the Schillinger patent, which afterwards went through all the courts. The Architect of the Capitol held that, inasmuch as it was cheaper and the courts had not established the validity of the patent, it would be for the interest of the United States to accept the lower bid. He took

the lower bid of Cook, disregarding the patent. The court held that the patent was good. The case went to the Supreme Court, and later the matter was referred to the Court of Claims to find out what the use of the patent was worth. They found it would be worth 45 cents; that that was a reasonable bid, he being a licensee under the patent. The matter has been thoroughly adjudicated. The Supreme Court, in other cases, has held that the patent was good, and the Court of Claims have decided, the patent being good, how much the Government saved. They think it ought to pay for the use of the patent, for which the Government did not pay.

Mr. ALLISON. It is the difference between 28½ cents and 45 cents a square foot; that is all?

Mr. STEWART. Yes, sir; what would have been reasonable for the patent. I think it is a bill which ought to be passed.

Mr. COCKRELL. This is only for the amount between 28½ cents and 45 cents a square foot?

Mr. STEWART. That is all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNION IRON WORKS, AT SAN FRANCISCO.

The bill (S. 1894) for the relief of the Union Iron Works, of San Francisco, Cal., was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to remit to the Union Iron Works, of San Francisco, Cal., the horsepower penalty imposed under the contract for the armored coast-defense vessel *Monterey*, and the sum of $32,823 is appropriated for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. GODWIN.

The bill (S. 395) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant, was announced as the next case in order on the Calendar.

Mr. PETTIGREW. I should like to ask whether this is a unanimous report of the Military Affairs Committee?

The PRESIDENT pro tempore. The Senator from South Dakota inquires whether this is a unanimous report.

Mr. HAWLEY. The Senator from Kansas [Mr. HARRIS], who reported the bill, is not here.

Mr. PETTIGREW. Let the bill go over.

The PRESIDENT pro tempore. Does the Senator from South Dakota object?

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. It will go over without prejudice.

WILLIAM H. HUGO.

The bill (S. 792) for the relief of William H. Hugo was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint William H. Hugo a first lieutenant of cavalry in the Army of the United States, and thereupon to place him on the retired list of the Army.

Mr. SPOONER. Will a Senator who is on the committee make a statement about this bill?

Mr. PETTUS. There is a written report, but I can state the case.

This officer served through the civil war, and he served with great distinction on every occasion. He was brevetted twice, I believe. His Army record was perfect, both as a diligent soldier and as a brave man in every respect. After the war was over he served in the Indian wars and conducted himself in the same manner. He distinguished himself in every engagement in which he took part.

At the date mentioned in the bill hew as arraigned before a military court-martial. It was in time of peace, in a garrison, and he happened to be the officer appointed that evening to attend roll call, and he did attend it, but he had been to dinner and had taken too much spirits. He was tried for that, and that alone, and sentenced to be dismissed from the Army. It was the unanimous opinion of the Military Affairs Committee that that was an awful sentence for such an offense committed by such a man, and the committee were unanimously of the opinion that the bill ought to be passed.

Mr. SPOONER. How long ago was he dismissed.

Mr. HAWLEY. In 1881.

Mr. COCKRELL. This officer was in the volunteers during the civil war and afterwards was appointed in the Regular Army, and was a lieutenant in the Regular Army at the time of his dismissal. The bill simply puts him back on the retired list in that position.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTH MANCHESTER, CONN., A PORT OF DELIVERY.

The bill (S. 2114) to constitute Manchester, Conn., a port of delivery was considered as in Committee of the Whole.

Mr. HAWLEY. The parties in interest desire that the bill shall be amended and the word "South" inserted before the word "Manchester," more completely to carry out the purposes of the measure. That is where the chief business is done.

The PRESIDENT pro tempore. The Senator from Connecticut moves to amend the bill by prefixing the word "South" before "Manchester" wherever it occurs throughout the bill. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to constitute South Manchester, Conn., a port of delivery."

YACHT ANDRIA.

The bill (S. 2177) to extend the privileges of section 4216 of the Revised Statutes to the yacht *Andria* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN W. LORING.

The bill (S. 281) to restore Benjamin W. Loring to the Revenue-Cutter Service was announced as next in order, and was read.

Mr. PETTIGREW. I should like to know what the bill is.

The PRESIDENT pro tempore. There is a report in the case.

Mr. PETTIGREW. I did not suppose it was necessary to have an act of Congress to secure a promotion.

The PRESIDENT pro tempore. Does the Senator object to the consideration of the bill?

Mr. PETTIGREW. I shall object, unless some one explains it.

Mr. HAWLEY. There is a report from the Committee on Commerce. I know nothing of it. It was reported from the Committee on Commerce by the junior Senator from New York [Mr. DEPEW].

The PRESIDENT pro tempore. If the Senator from South Dakota objects, it will go over without prejudice.

Mr. HAWLEY. Does the Senator from South Dakota want to have the report read?

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. The bill goes over without prejudice.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the bills which have been passed over will be placed as heretofore, and that on the next call of the Calendar it will begin at the point which has just been reached, so that those which have been passed over will not be called.

The PRESIDENT pro tempore. That direction has been given to the clerks at the desk. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 7, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate, February 6, 1900.

UNITED STATES CIRCUIT JUDGE.

Henry F. Severens, of Michigan, to be United States circuit judge for the sixth judicial circuit, vice William H. Taft, resigned, to take effect March 15, 1900.

INDIAN AGENT.

Charles E. McChesney, of Sioux Falls, S. Dak., to be agent for the Indians of the Rosebud Agency, in South Dakota, to take effect April 17, 1900, at the expiration of his present term of office. (Reappointment.)

PROMOTIONS IN THE ARMY—MEDICAL DEPARTMENT.

Maj. James P. Kimball, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, February 1, 1900, vice Tilton, retired from active service.

Capt. William O. Owen, assistant surgeon, to be surgeon with the rank of major, February 1, 1900, vice Kimball, promoted.

Capt. Peter R. Egan, assistant surgeon, to be surgeon with the rank of major, February 2, 1900, vice Munn, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 6, 1900.

UNITED STATES ATTORNEY.

David O. Watkins, of New Jersey, to be attorney of the United States for the district of New Jersey.

PROMOTIONS IN THE NAVY.

Pay Inspector Henry T. Wright, to be a pay director in the Navy from the 23d day of December, 1899.

Paymaster Samuel R. Colhoun, to be a pay inspector in the Navy from the 23d day of December, 1899.

P. A. Paymaster Joseph J. Cheatham, to be a paymaster in the Navy from the 23d day of December, 1899.

P. A. Paymaster Martin McM. Ramsay, to be a paymaster in the Navy from the 12th day of November, 1899.

APPOINTMENTS IN THE NAVY.

Joseph Anthony Murphy, a citizen of Pennsylvania, to be an assistant surgeon in the Navy from the 3d day of January, 1900.

Raymond E. Sawyer, a citizen of New York, to be a second lieutenant in the Marine Corps, from the 2d day of January, 1900.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Preston H. Uberroth, of Pennsylvania, to be a first lieutenant in the Revenue-Cutter Service of the United States.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 6, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FUNERAL OF GENERAL LAWTON.

The SPEAKER. With the permission of the House, the Clerk will read a telegram from the Secretary of War in regard to the funeral of General Lawton.

The Clerk read as follows:

WAR DEPARTMENT, *February 5, 1900.*

THE SPEAKER OF THE HOUSE:

In making arrangements for the funeral of the late General Lawton, which is to take place at the Church of the Covenant next Friday at 2 o'clock, seats have been reserved for the Military Committee of the two Houses of Congress, also the Indiana delegation in Congress. I desire to inform you, and through you the members of the body over which you preside, that seats will also be reserved for all individual Senators and Members who shall before Thursday noon notify the Adjutant-General of the Army of their desire to be present. The suggestion as to Senators and Members applies to the officers of the Senate and House.

ELIHU ROOT, *Secretary of War.*

COMMUTATION TO PETTY NAVAL OFFICERS.

Mr. TATE. I ask unanimous consent to take from the table and put upon its passage the bill (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899.

The bill was read, as follows:

Be it enacted, etc., That the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899, be, and hereby are, allowed commutation of ration for the time they so served.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I should like to hear the report read.

The report of the Senate Committee on Naval Affairs (by Mr. HALE) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899, having had the same under consideration, beg leave to report it back favorably and recommend that it do pass.

The committee append the views of the Navy Department upon the measure, as follows:

NAVY DEPARTMENT, *Washington, January 25, 1900.*

SIR: I have the honor to transmit herewith the draft of a bill authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899, and to recommend the same to the favorable consideration of the committee.

There are a number of petty officers, among whom are 25 yeomen employed in the Navy Department, who served from one-half month to nineteen months on detached duty and were allowed to commute their ration.

The accounting officers of the Treasury have held that under the decision of the Comptroller of the Treasury of October 19, 1898, the provisions of the act of January 31, 1895, that "all enlisted men and boys in the Navy attached to any United States vessel or station and doing duty thereon, and naval cadets, shall be allowed a ration, or commutation thereof in money, under such limitations and regulations as the Secretary of the Navy may prescribe," do not include these men, the places where they were employed not being "stations" in a military sense, and, they having been paid the amount of the commuted ration, checkages of from $4.50 to $175 have been directed against their accounts. The pay of these men has been small, and they are not in such circumstances that their accounts may be checked without injury to themselves and those dependent upon them, and in some cases they would be left in straitened circumstances.

It was understood at the time of enlistment that these men would be entitled to commutation and ration, and the Department has received the services of some who otherwise would have been unwilling to enlist. In view of the ruling of the accounting officers, on November 4 last, the pay of petty officers serving on detached duty was, by Executive order, increased $9 per month, in lieu of the ration allowed in the Navy.

A second draft, placing the proposed measure in form suitable for insertion in the appropriation bill, is also inclosed for the convenience of the committee, should that form be preferred.

Very respectfully, JOHN D. LONG, *Secretary.*

HON. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. TATE, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. In the absence of objection, House bill 7661, similar in its provisions to the bill just passed, will be laid on the table.

There was no objection.

LEAVE TO PRINT.

Mr. FITZGERALD of New York. Mr. Speaker, on Friday and Saturday last I submitted some remarks upon matters pertinent to the Indian appropriation bill, which was then under consideration. Leave to print has been given, but it is limited to five days. In consequence of absence from the city it will be impossible for me to file my remarks within the time specified. I ask unanimous consent, therefore, to extend my remarks in the RECORD without regard to the limitation of time fixed by the House.

There was no objection.

URGENT DEFICIENCY BILL.

Mr. CANNON. I rise to make a privileged report—the report of a committee of conference—and I ask unanimous consent that the reading of the report be dispensed with and that only the statement of the House conferees be read.

There was no objection.

The conference report (which was not read) is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 5 and 26 to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same.

J. G. CANNON,
L. F. LIVINGSTON,
Managers on the part of the House.
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 26, appropriating $5,000 to enable the Naval Observatory to observe the approaching total eclipse of the sun, submit that the action recommended in the accompanying conference report will result in the House agreeing to said amendment and making the said appropriation.

J. G. CANNON,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, a single word about this report. This is the urgent deficiency bill. The House made an amendment to the Senate amendment; and as to one item the Senate agrees; and the House by this report recedes from its disagreement to the other item. I am satisfied that from the standpoint of the public service the matter agreed to ought not to be appropriated for. It carries $5,000 for observing the total eclipse of the sun. There is another item in the bill, which was the proper item and was agreed to, making an appropriation for observing the total eclipse of the sun under the authority of the Smithsonian Institution. This is an additional appropriation to enable the Naval Observatory to make the same observations.

As the Senate insists, your committee did not feel justified in further holding out against the insistence of the Senate. This bill makes available between fifty and sixty million dollars for the public service where it is needed and which can not wait longer.

If this matter had stood by itself, your committee would not have agreed to this item. And I may say right here for the information of the House that the scientific work and much of the engineering work and topographical work of this Government is in a pretty bad condition, so far as the public service is concerned. The work is being duplicated in many departments.

The sum of money now in question is small—only $5,000. But it is money appropriated for no practical use, because one corps of surveyors and one corps of observers will be quite sufficient.

We have here a provision for doing this work under the Naval Observatory. Strange to say, this work is to be done under the command of the Navy, and generally under the command of an officer of the Government who does not know anything more about astronomy than some of us do about heaven; and that is not much.

But here we have two separate machines, two separate organizations. If one is left out, that organization is inclined to pout; and the sisters, the cousins, and the aunts of the employees besiege members in regard to the matter. And so you go.

I make this remark for the information of the House—that somebody, the House or the Senate, or both, can perform much good work if we could bring this scientific work necessary to be done in the various bureaus and departments under one management and stop duplicating the work. There is in this round earth

of ours quite enough to be done for the service of any government without having two sets of people doing it.

I now move the adoption of the conference report.

The conference report was agreed to.

ADDITIONAL FOLDERS.

Mr. JOY. I desire to submit a privileged report from the Committee on Accounts.

The Clerk read the following resolution, introduced December 7, 1899, by Mr. BULL:

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to employ fifteen additional folders in the folding room of the House, at a compensation at the rate of $75 each per month, to be paid out of the contingent fund of the House: *Provided*, That such employees shall be dropped from the rolls of the Doorkeeper at a period not later than one month from the expiration of the present session of Congress.

The amendment reported by the committee was read, as follows:

In line 1 strike out "fifteen" and insert "fourteen;" so as to provide for 14 additional folders.

The SPEAKER. The question is on agreeing to the amendment.

Mr. RICHARDSON. I would like to ask the gentleman from Missouri whether this is not earlier in the session than this resolution usually comes in?

Mr. JOY. It is not. It usually comes in in January or February; and I will say this year the documents to be sent out have come in a great deal earlier than usual. Within a week after the currency bill was disposed of there were 300,000 documents to be sent out. This resolution proposes to allow the same number of folders usually allowed in a Presidential year.

Mr. BARTLETT. One less.

Mr. JOY. One less in this resolution; but there is another resolution providing for the assistant foreman. It is in effect the same number as we usually allow.

The amendment recommended by the Committee on Accounts was agreed to.

The resolution as amended was agreed to.

ASSISTANT FOREMAN OF FOLDING ROOM.

Mr. JOY. I present another resolution from the Committee on Accounts.

The resolution was read, as follows:

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to appoint P. L. Coultry, the acting assistant foreman of the folding room during the Fifty-fifth Congress, as assistant foreman of same from December 3, 1899, to June 30, 1901, inclusive; and for such service be paid by the Clerk of the House out of the contingent fund of the House until otherwise provided for, at rate of $3.85 per day.

With the following amendment recommended by the Committee on Accounts:

In line 4 strike out the words "June 30" and insert in lieu thereof the words "March 4."

The amendment recommended by the committee was agreed to.

The resolution as amended was agreed to.

MILITARY HOSPITAL, FORT LEAVENWORTH, KANS.

The SPEAKER laid before the House the joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans., with Senate amendments thereto.

The Senate amendments were read, as follows:

Line 4, insert ", or so much thereof as may be necessary."

Lines 6 and 7, strike out "mentioned in said act, or so much thereof as may be necessary" and insert "by the act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, approved March 3, 1899."

The SPEAKER. The question is on agreeing to the Senate amendments.

Mr. CANNON. I want to know what these amendments do. What is the effect of them?

Mr. HULL. They do not change the amount at all; they simply make it clear that it comes out of that appropriation, and after the words "sixty thousand dollars" it inserts the words "or so much thereof as may be necessary."

Mr. CANNON. The limit of cost is $60,000?

Mr. HULL. Sixty thousand dollars.

The Senate amendments were concurred in.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 899. An act granting an increase of pension to Mary A. Dennis—to the Committee on Invalid Pensions.

S. 2354. An act enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company—to the Committee on Indian Affairs.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of appropriation bills, with a view to taking up the diplomatic and consular appropriation bill.

Before that motion is put, I ask my colleague on the committee, the gentleman from Arkansas [Mr. DINSMORE], if we can not make some arrangements as to a limitation of debate.

Mr. DINSMORE. Mr. Speaker, several gentlemen on this side are anxious to speak, three or four in addition to those who have already spoken, and I should be very glad to make provision for them, if I can do so, by agreement with the gentleman.

Mr. HITT. About how much time does the gentleman desire in addition to what he has consumed?

Mr. DINSMORE. I have requests for at least two hours and a half.

Mr. HITT. If we can limit the debate, then, say, to 5 o'clock to-day——

Mr. DINSMORE. I will consent to that.

Mr. SHAFROTH. I will ask the gentleman from Arkansas whether that includes the time that I have asked him for?

Mr. DINSMORE. Yes; I have made provision for the gentleman from Colorado in that time.

Mr. HITT. If the general debate is to run until 5 o'clock to-day, we might as well let the vote go over until to-morrow.

Mr. DINSMORE. Yes; I think that would be best.

Mr. HITT. Mr. Speaker, after consulting with my colleague on the committee, the gentleman from Arkansas [Mr. DINSMORE], I ask the Chair to state the agreement between us—that to-day be devoted to general debate, as on yesterday, and that, having concluded the general debate to-day, we may proceed with the consideration of the bill by paragraphs to-morrow.

The SPEAKER. Unanimous consent is asked by the gentleman from Illinois that general debate be concluded to-day. Is there objection?

Mr. WM. ALDEN SMITH. I should like to ask the gentleman from Illinois what proportion of time has been consumed upon this side and on the other?

Mr. HITT. Forty minutes have been consumed upon this side and three hours upon the other.

Mr. WM. ALDEN SMITH. It seems to me that the time ought to be more evenly divided, if there is any disposition upon this side to debate the bill.

Mr. HITT. I consulted the wishes of gentlemen on this side who wished to speak yesterday, and all those who wished to speak on this side yesterday had the opportunity to do so.

Mr. WM. ALDEN SMITH. I simply desire to say that, as a member of the committee, I may wish to consume some time in the general debate, and I should like the opportunity of doing so if I desire.

Mr. HITT. The gentleman had the opportunity on yesterday, and he will have it again to-day if he will mention it.

Mr. WM. ALDEN SMITH. I understand I can have the time then, if I need it.

Mr. HITT. I will make liberal arrangement for the gentleman.

The SPEAKER. Is there objection?

There was no objection.

And then, on motion of Mr. HITT, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, with Mr. SHERMAN in the chair.

The CHAIRMAN. General debate on this bill, as the Chair understands it, is limited to 5 o'clock.

Mr. HITT. The understanding was reached on yesterday, and is confirmed again to-day, that the time is to be controlled on the one side by the gentleman from Arkansas [Mr. DINSMORE] and on the other by myself.

The CHAIRMAN. The time for debate to be equally divided?

Mr. HITT. The time for debate is to be equally divided between the two sides of the House.

Mr. DINSMORE. That was the understanding, Mr. Chairman; that is correct; but it presents this embarrassment——

Mr. HITT. It was so stated.

Mr. DINSMORE. But in coming to this agreement, understanding that there was a lack of disposition on the majority side of the House to avail themselves of all the time, I stated that I thought there would be opportunity for gentlemen on this side of the House who desired to speak if we closed the general debate to-day. The gentleman from Illinois will at once see that if one-half of the entire time is taken up on the majority side it would not leave us sufficient time here.

The CHAIRMAN. The agreement reached in the House, as the Chair understands it, was that general debate be closed to-day, and in furtherance of the agreement reached yesterday, that the time be equally divided, to be controlled alike by the gentleman from

Illinois [Mr. HITT] and the gentleman from Arkansas [Mr. DINSMORE], and that disregards the time that was occupied yesterday.

Mr. DINSMORE. My understanding at the time——

Mr. HITT. That would include both days; but I will state to the gentleman from Arkansas that so far as I know we do not expect to occupy all our time, and I shall yield to the gentleman for his side of the House all the time that is not asked for by friends here.

The CHAIRMAN. Does the gentleman from Illinois [Mr. HITT] desire to occupy some of his time now?

Mr. HITT. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. GIBSON] one hour.

Mr. GIBSON. Mr. Chairman, I wish to take advantage of this opportunity to discuss the question of expansion from a national standpoint; to show the various expansions in the history of our country from the very beginning. It might be stated generally that we began as a people to expand from the moment that the feet of our ancestors first landed upon the shores of the Atlantic coast of North America, and from that day to this we have been extending the area of our possessions and our influence until they have reached their present extraordinary limits.

Ordinarily the Louisiana acquisition is considered our first expansion; and it was our first expansion from what might be termed a national standpoint. But it was not our first expansion as a people. In 1753 the whole of the Mississippi Valley, as well that on the west side of the river as that upon the east side, belonged to France. That vast domain reaching from the Allegheny Mountains on the east to the Rocky Mountains on the west was in the undisputed possession of France. The territory now occupied by the States of Mississippi and Alabama was a part of the territory of France. What is now Tennessee and Kentucky and West Virginia was a part of the territory of France. Western Pennsylvania and all of Ohio, Indiana, Illinois, Michigan, and Wisconsin were all carved out of what once was a part of the territory of France.

FRENCH POSSESSIONS IN NORTH AMERICA.

As stated by Bancroft in his History of the United States, in 1753 France owned twenty twenty-fifths of the whole of North America, Spain owned four twenty-fifths, and England owned only one twenty-fifth. In 1753 the area of the original thirteen colonies was only 358,000 square miles, not as large as the State of Texas when annexed; and they were inhabited by only 1,165,000 white people, none of whom lived west of the Allegheny Mountains. In 1753 France owned the whole of that immense area reaching from the Allegheny Mountains on the east to the Rocky Mountains on the west, and no other nation disputed her sovereignty or her possession. But the spirit of expansion, the thirst of enterprise, and the love of adventure that have animated our race from the dawn of its history, and that first brought our ancestors from the Baltic Sea to Denmark, Norway, and Sweden, then to the north of France, then from those regions to England, and then from England to America, where they laid the foundations of their final empire, were still inspiring the hearts, energizing the intellects, and propelling the footsteps of our ancestors. To roam, to explore, to occupy, and to build was their nature. The Almighty had made them so. This decree He had written in their souls, and it was a part of their very life.

Hitherto this new and vigorous and wonderful race had crossed seas and bays and oceans, but had never yet crossed mountains. The Alleghenies barred their way to the West. On the other side was the yet unconquered red man. On the other side was the sovereignty of the great Kingdom of France. On the other side were boundless forests, unexplored wildernesses, unnavigated rivers, and unmeasured prairies.

These formidable obstacles, obstacles that heretofore in the history of the world had been sufficient to divide people from people, race from race, and nation from nation, were no obstacles at all to the descendants of those mighty adventurers that had breasted the tempests and buffeted the billows in order to lay the foundations of their future empire on the continent of North America.

WASHINGTON THE FIRST AMERICAN LEADER OF EXPANSION.

And so our ancestors began to cross the Allegheny Mountains. The French resisted, and who was chosen to overcome that resistance? It was George Washington. George Washington it was who led the first army of American expansion. George Washington it was who fought the first battle in the first war of American expansion. And George Washington it was who won the first victory ever won in battle for American expansion.

Then came on the great French and Indian war, which raged from 1754 to 1763, the Indians and the French on the one side and the British and the Americans on the other side; a war whose line of battle was a thousand miles, reaching from the Plains of Abraham in Upper Canada to Fort Loudon in what is now East Tennessee, a war waged by land and sea, a war waged by cannon and rifle, by tomahawk and scalping knife, a war whose zone of conflict was illuminated by the blazing homes of hundreds of the inhabitants of the frontiers and made hideous by the warwhoops of painted savages and the fearful cracks of the deadly rifle.

The people of the American colonies never looked backward. Looking backward is not one of the characteristics of our race. We have not only always looked forward, but have looked far forward.

In June, 1754, the representatives of the American colonies met in convention at Albany, N. Y., and agreed to unite in making defense against the French and Indians, and in an effort to drive them out of the country west of the Allegheny Mountains.

Mr. Chairman, that was a great day in American history, for then and there we began to be one people; and from that day down to the present, amid many trials, many discords, many vicissitudes, many perplexities, and many dangers, have continued to be one people. And hence it is I call this great war the first war of expansion ever entered on by the American people.

OUR FIRST GREAT WAR OF EXPANSION.

The American people, as I have already stated, then numbered 1,165,000. Bryant, in his history of the United States, says that during this war the Americans "lost nearly 30,000 of their young men," which was one out of every six men capable of bearing arms. And hundreds of women and children were massacred, the victims of the tomahawk and the scalping knife of the merciless Indian savages.

That, Mr. Chairman, was war. There were no faint hearts in that war. There was nothing said about the rights of the French and the Indians; nothing said about "the consent of the governed." No, Mr. Chairman, nations do not move forward in that way. The children of Israel did not ask the "consent" of the Canaanites to take possession of their country. The army of Joshua did not ask the consent of anybody when they crossed the Jordan and planted the ark of the covenant in the land of Canaan. The earth is the Lord's, and the people of the earth are but His tenants, and tenants at will, and He gave us this land to be our inheritance.

This great war between the Americans and British on the one side and the French and Indians on the other resulted in the overthrow of the armies of France, and the ten years' war was brought to a close by France surrendering all the territory east of the Mississippi and all of what is now Canada. By this surrender there was added to the domain of the American colonies 530,000 square miles, now occupied by the great States of Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, and Wisconsin, and by the western part of Pennsylvania.

This was our first great expansion—530,000 square miles of the choicest land to be found to-day anywhere beneath the bright sun.

OREGON OUR SECOND EXPANSION.

Exactly what territory was our second expansion may be a matter of dispute. Captain Gray, in 1792, discovered the mouth of the Columbia River and sailed up that river and laid claim to the unknown country of Oregon in the name of the United States of America, and that has always been the foundation of our claim to the Oregon country—its discovery by Captain Gray in 1792. Oregon is no part of our Louisiana purchase, and the maps of the United States, now issued by the Land Office, show upon their face that Oregon was no part of the territory we purchased from France in 1803. Our title to Oregon depends, first, upon the discovery of the mouth of the Columbia River by Captain Gray in 1792. It is a law of nations that any country that discovers and occupies the mouth of a river thereby becomes entitled to all the unoccupied territory watered by that river. It was on that doctrine of international law that France laid claim to the whole valley of the Mississippi between the Rocky Mountains and the Alleghanies, and it was in accordance with this law that we based our claim to all the territory watered by the Columbia River.

The next ground of our title to Oregon was the treaty of 1819 with Spain, whereby Spain, at the time she ceded Florida to the United States, quitclaimed to the United States all of that territory north of what was then called Upper California, now occupied by the States of Oregon, Washington, and Idaho. And it is upon those two acts, one of discovery by Captain Gray and the other of quitclaim by Spain, that we base our title to the territory of Oregon. And so Oregon is our second acquisition. The whole territory aggregates 299,000 square miles.

LOUISIANA OUR THIRD EXPANSION.

I now come to the Louisiana purchase, in 1803, whereby for a consideration of $15,000,000 we acquired from France that great territory reaching from Canada down to the Gulf of Mexico, and lying between the Mississippi River upon the east and the Rocky Mountains on the west, including Texas, for I will show in the course of my remarks to-day that Texas was a part of the Louisiana purchase, and that in 1819, when we acquired Florida, President Monroe and the American Government turned over Texas and the Americans in it to Spain as part of the purchase price.

Mr. Chairman, the average man who has not investigated this

question often thinks, in consequence of confusion of names, that the Louisiana we acquired from France in 1803 is merely the present State of Louisiana; but that is far from the truth. The Louisiana that we purchased from France contained, leaving out Texas, 883,000 square miles, and including Texas contained 1,260,000 square miles. Out of the Louisiana purchase have been carved the States of Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, and Colorado, and the Territory of Oklahoma and the Indian Territory, all carved out of this magnificent domain acquired by Thomas Jefferson in 1803, at the price of $15,000,000.

Our next acquisition was Florida, which we purchased from Spain in 1819, the treaty being finally consummated in 1821, when the country was turned over to us; and for Florida we contracted to pay Spain $5,000,000, although as matter of fact the actual cost was $6,500,000. By that acquisition we acquired 70,000 square miles of territory.

TEXAS OUR FIFTH EXPANSION.

Our fifth acquisition or expansion was Texas, which we acquired in 1845 by agreement between the then independent Republic of Texas and the United States of America, the agreement upon our part having been consummated by joint resolution passed by the two Houses of Congress. In that day, as in this, there were men in the Congress of the United States fighting the further expansion of our country, and good men at that—wise men and patriotic men. Even so good and great a man as Daniel Webster opposed the acquisition of Texas. Henry Clay opposed the acquisition of Texas, although in 1819, when in acquiring Florida we sold Texas to Spain, and sold many Americans in the bargain, Henry Clay then protested against the sale, declaring that Texas was worth five times what Florida was worth. In 1819 Andrew Jackson favored the transfer of Texas to Spain. President Monroe himself said that our claim to Texas was as good as our claim to New Orleans, and President Tyler, in his message to Congress in reference to the annexation of Texas, said that we were then reclaiming a territory that we had once transferred to another country.

By the annexation of Texas we acquired 377,000 square miles of territory.

Mr. GAINES. Before the gentleman leaves the question of the Louisiana purchase, I hope he will explain that in the treaty making that purchase it was expressly provided that the Territory should be made into States of the Union; and that is not even contemplated, as I understand, either by the treaty with Spain or by Congress with reference to the Philippine Islands or Puerto Rico.

Mr. GIBSON. I will bring all that in at the right place.

Mr. TERRY. I would like to ask the gentleman a question right there. Does he think there is any analogy——

Mr. GIBSON. I will come to the analogies after a while. I hope gentlemen will wait.

Mr. TERRY. I should like to have the gentleman now——

Mr. GIBSON. No; it does not fit in with my argument. I am going to show that the objections that were made to the acquisition of Louisiana, and the objections that were made to the acquisition of Texas and to the acquisition of California were exactly the same objections that you gentlemen are now urging in this House against any further extension of American sovereignty—the very same. But do not be so tender under the saddle.

Mr. TERRY. We are not at all tender; but you must be a little tender when you will not permit any interruption at this point.

Mr. GIBSON. It will be no interruption when I get to the right place; but gentlemen must not get too touchy. I have hardly made any motion yet in the direction in which you want me to proceed. I know that a horse with a tender back will flinch as soon as you put in an appearance. But the time for gentlemen on the other side to flinch will come a little later.

CALIFORNIA OUR SIXTH EXPANSION.

Our sixth acquisition was in 1848, when we acquired California. By that acquisition we obtained 523,000 square miles of territory, for which we paid thousands of lives and hundreds of millions of treasure in prosecuting the war and $15,000,000 in hard cash to boot.

Our seventh acquisition was Arizona, made in 1853, whereby we acquired 46,000 square miles of country, sometimes called "the Gadsden purchase;" and for that Gadsden purchase we paid $10,000,000. Anybody who has ever traveled over the territory embraced within that Gadsden purchase knows that it will not sprout any sort of seed that has ever been discovered, unless it be seed ticks, or some other vermin. [Laughter.] Prairie dogs, gophers, coyotes, and rattlesnakes are about the only sort of animals you will find in the Gadsden purchase, for which we paid $10,000,000 in 1853; but that was all right, because it was done under a Democratic Administration.

Our eighth acquisition was Alaska, acquired in 1867, containing 577,000 square miles of territory, for which we paid $7,200,000.

Our ninth acquisition was the Hawaiian Islands, acquired in 1898, in the same manner that we acquired Texas. The parallel between the two cases is absolutely perfect. They are on all fours and fit at every corner. In the case of Hawaii, as in the case of Texas, the Senate of the United States failed to ratify the treaty, and the annexation was finally brought about by joint resolution passed by a majority of each House of Congress.

The government of Texas was revolutionary, just as the government of the Hawaiian Islands was revolutionary, when the acquisition by joint resolution was consummated. By the Hawaiian acquisition we obtained 6,000 square miles of territory.

PUERTO RICO AND THE PHILIPPINES OUR TENTH EXPANSION.

Our tenth acquisition was Puerto Rico and the Philippine Islands, acquired as a result of the treaty with Spain ratified last year; and by that treaty we acquired 120,000 square miles of territory, thus bringing up the area of our national domain from 358,000 square miles to 3,789,000 square miles—all as the result of expansion; for, be it remembered, when our ancestors first landed on the shores of North America they did not own one foot of the soil.

And I will say here now, Mr. Chairman, that expansion is a part of our national life. We are expansionists by destiny and by heredity. The progressive men, the aggressive men, the enterprising men, the adventurous men of every generation have moved still farther west. From the Atlantic coast they moved westward until they reached the Blue Ridge Mountains; then they crossed the Blue Ridge and went westward until they struck the Allegheny Mountains. The most adventurous of that generation crossed those mountains, going down into Tennessee and Kentucky and western Virginia and western Pennsylvania and Ohio; and the most adventurous inhabitants of those States continued to go west, until the Mississippi River was reached, ever following the setting sun, as though anxious to discover his resting place.

When the banks of the Mississippi River were reached, many of the people of the United States believed that we had reached our "*Ultima Thule*." They believed that the Mississippi was the "*Ne Plus Ultra*" of American territory; and that if we went farther we would travel the rugged road of danger; and in both branches of Congress at that time, both in the House of Representatives and in the Senate of the United States, there were men who rose up and protested that the acquisition of the territory west of the Mississippi River would result in the ultimate destruction of the country, and was so violative of the provisions of our Constitution that it amounted in itself to a dissolution or abandonment of the Union, and relegated all of the original States to their rights prior to the formation of the Constitution.

PREDICTIONS OF EVIL AND DANGER.

But gloomy forebodings and warnings of danger and predictions of disaster failed to deter the adventurous American expansionists. The heredity of expansion was in their heels and in their hands and in their heads and in their hearts, and no danger could alarm them, no difficulty deter them, no obstacle stop them. The sons of the pioneers of Tennessee, Kentucky, Alabama, and the great West moved down into Texas, rebelled against Mexico, raised the banner of independence, and finally annexed Texas to the United States. This brought on a war with Mexico, during which we acquired Upper California, and thereby more firmly planted ourselves on the shores of the Pacific Ocean.

Then it did seem that we had indeed reached the Ultima Thule of territorial expansion; that here on the shores of the mighty Pacific we were to set up the pillars of the god Terminus, on which should be inscribed the words "Ne Plus Ultra;" that there was no further beyond for the sovereignty of the great American Republic. But those who adopted that view, like those who fixed bounds for us previously, found themselves mistaken.

Mr. Chairman, when Columbus discovered America all the English-speaking people on the face of the earth numbered only 4,000,000 and occupied but 51,000 square miles of territory. How many are we to-day? One hundred and forty-three million. And we possess 15,000,000 square miles of territory, two-fifths of the whole habitable globe, and we are still expanding! This mighty and irresistible wave of expansion, that started from the Baltic Sea about two thousand years ago, is spreading, ever spreading, and will continue to spread until it rolls over every sea and washes every shore in all the world. The progress of our race can never be stayed. You can never fix its bounds. No one continent can suffice it. No one ocean can satisfy it. No one zone can contain it. No one hemisphere can circumscribe its powers and its activities.

EXPANSION OUR DESTINY.

The world is its arena, and the limits of the world its only boundary. Its destiny is to dominate the entire face of the earth, including all races and all countries and all lands and all continents, in all latitudes, under every sky; and wherever we go we carry blessings in our hands; from the folds of our flag are shaken out the bright rays of liberty, and out of our mouths will proceed the gospel of a higher civilization, a better religion, and a grander life.

Here the free spirit of mankind, at length,
Throws its last fetters off; and who shall place
A limit to the giant's unchained strength,
Or curb his swiftness in the forward race?

I am one of those, Mr. Chairman, who believe that the race we belong to—I care not whether you call it German or whether you call it Saxon or Anglo-Saxon, or whether you call it American—I believe that the race we belong to, the race that came from the Baltic Sea—call it Norwegian, Swede, or Dane if you will—that Viking race that came from the Baltic Sea, one branch of it coming toward the west and the north, peopling Denmark, Sweden, Norway, Holland, France, and the British Islands, and thence across the Atlantic to America: and the other branch going into Russia, establishing itself in that country and giving to it its name and its inspiration—yes, these same Northmen, who, finding the Baltic Sea open to the west, sailed thence across two oceans around the world, finding this same sea closed on the east by the greatest unbroken stretch of land in the Old World, with a sublime faith in their destiny and the universality of their empire, boldly took possession of its shores and undertook the gigantic and seemingly impossible task of reaching the sea by a conquering march of 6,000 miles across two continents, and now behold them on the shores of China, launching their ships on the Pacific Ocean and saluting their American kinsmen at the other end of the earth!

THE RUSSIAN EXPANSIONISTS OUR KINSMEN.

The Northmen, ordinarily under the name of Varangians, not only gave Russia her name but her start as the ruling power in northeastern Europe and northern Asia; and when Russia finally reached the Pacific through the Gulf of Pechili, one of her Varangian dreams was realized, and once more the Russian sea kings could launch their ships upon the unbounded sea.

In the Gulf of Pechili the descendants of those Northmen who sailed west out of the Baltic met the descendants of their brother Northmen who marched eastward from the Baltic, and when they shook hands their dominion girdled the globe and their conquest of the whole earth was assured. I say, Mr. Chairman, I am one of those who believe that this race can never be confined to any quarters, however large. It despises barriers, ignores limits, and rebels against boundaries. For it there is no Rubicon, no Pillars of Hercules, no impassable Alps, no unnavigable sea, no impenetrable desert, no intolerable climate.

This race, Mr. Chairman, born of what divine parents we know not, cradled in the Baltic Sea thousands of years ago, baptized with what baptism of glory we know not, the gospel of human liberty breathed into its nostrils as the breath of its life, and the badge of empire imprinted on its brow, it went forth commissioned to subdue and conquer the earth and to have dominion over every living thing.

You may as well try to dam the floods of the Mississippi with ropes of sand, or to stay the mighty currents of the ocean with bags of chips, or stop the planets in their courses with cobwebs, as to try to stay the irresistible and all-conquering progress of that spirit of national expansion that has animated our race for the last thousand years. Like the "eternal spirit of the chainless mind," no dungeon can confine it, no whip can subdue it, no difficulty can discourage it, no obstacle can stay it, no power can conquer it, for God is its father and victory is its destiny. It is the master heredity of our master race.

OUR RACE HAS A MISSION.

Mr. Chairman, our race has a mission. No devout student of history can misread it. We are the preachers of a new evangel of government; we are the missionaries of a new and higher civilization; we are the apostles of the New World to the Old, and a part of our mission is to evangelize Asia and the Islands of the Sea.

The Genius of this New World, standing like an Archangel on the highest mountain on our Pacific coast, might well use that grand poetic and prophetic chant of Walt Whitman, uttered many years ago:

I chant the world on my Western sea,
I chant copious the islands beyond, thick as stars in the sky,
I chant the new empire grander than any before, as in a vision it comes to me.
I chant America, the mistress, I chant a greater supremacy,
I chant projected a thousand blooming cities yet in time on those groups of sea islands,
My sail ships and steamships threading the archipelagoes,
My Stars and Stripes fluttering in the wind,
Commerce opening, the sleep of ages having done its work, races reborn, refresh'd,
Lives, works resumed—the object I know not—but the old, the Asiatic renewed as it must be,
Commencing from this day surrounded by the world.

* * * * * * *

The sign is reversing, the orb is inclosed.
The ring is circled, the journey is done.

Mr. Chairman, the Philippine Islands have been lawfully and constitutionally acquired. The President made the treaty of acquisition, the Senate ratified it, and the House of Representatives voted the money to pay for them, and voted 65,000 soldiers to hold them.

And yet some complain of the President because he is obeying the orders of Congress and the mandates of the Constitution. If the President were to surrender these islands or pause a moment in the enforcement of our sovereignty there, he would be guilty of an impeachable offense and would violate his oath of office.

OUR POLICY IN THE PHILIPPINES.

In prosecuting the war in the Philippines the President is not only doing his duty under the Constitution and laws of the land, but he is doing what a large majority of this Congress and a large majority of the American people desire him to do; and in his every act has shown himself not only a great President and patriotic American but a magnificent specimen of the true type of that grand race to which we belong.

My individual views on the Philippine question are contained in these resolutions, which I introduced in this House December 10, 1899:

Concurrent resolutions relative to the views and purposes of Congress as to the Philippine Islands.

Resolved by the House of Representatives (the Senate concurring), That the Philippine Islands are, and ever since the ratification of the late treaty with Spain have been, the exclusive and absolute property of the United States; and that it is, and ever since said ratification has been, the constitutional duty of the President to maintain the sovereignty of the United States over said islands and to effectually suppress all insurrections against said sovereignty and other disturbances of the public peace in said islands; and that we hereby ratify and approve all that the President has done to maintain our authority and restore order in said islands.

SEC. 2. That as soon as the supremacy of the United States shall have been fully established in said islands Congress will provide for them such a form of government as will best secure protection to person and property and develop the arts of peace, giving to the inhabitants as large a share in their government as will be promotive of their happiness and welfare and consistent with the sovereignty of the United States.

Mr. Chairman, I want now to come a little nearer to the present time. I want to show the character of the objections that are interposed against any further growth of our country, and especially against the acquisition of the Philippine Islands.

One objection is that they are too far off. They say they are 11,000 miles away, measured from one side of the country, and 7,000 from another side of the country. In these days, Mr. Chairman, distance is not so often a question. If a man is going from here to San Francisco, he does not inquire how far it is. He wants to know how long it will take him to go, and what is the price of a railroad ticket: and that is all. We have passed the day when distance has to be counted.

PHILIPPINES NOT TOO FAR AWAY.

The civilized man of the present is omnipresent and almost omnipotent. Too far, they say! Why, you can go from the United States, from San Francisco to the Philippine Islands and come back on a troop ship in two months. And yet when we acquired California it took six months to go there, and it was like going through a hell to get there. [Laughter.] You had to cross 2,000 miles of country uninhabited by anybody except wild Indians, buffaloes, prairie dogs, gophers, and coyotes. You had to pack your water supply oftentimes for a hundred miles, and it is estimated that one out of every seven persons who undertook the trip perished by the roadside. I have been over the overland route to California, and on the right and on the left are found the graves of the thousands of men, women, and children who lost their lives in that awful overland journey of six months.

Now, when you go to the Philippines, all that you have to do is to get on a ship and touch a button, and the balance is done for you. You can play cards, you can read books and newspapers, you can write sermons or political speeches, you can dance or pray or sing, you can attend dinner parties, you can do everything that you can do in your office or in your home on land; and all this while the ship is steaming away across the ocean at the rate of 15 miles an hour, and you are put down at Manila without having raised a drop of sweat, without having given a thought to the journey, without having lost a meal or an hour's sleep. And yet in this day some of us Americans have become so effeminate, either through wealth, or through excess of civilization, or through the refinements of political or theological polemics, that they dread boarding a ship to go to the Philippine Islands, when their forefathers girded up their loins, saddled their horses, packed their mules, yoked their oxen to their own wagons, and took their wives and their children, traveling on foot 3,000 miles across plains and deserts, across mountains and valleys, across creeks and rivers, among Indians and wild beasts, in order to reach California; and they were not afraid.

JOSHUA AS A LEADER OF EXPANSION.

To hear some of these men talk, I am reminded of what took place when the Children of Israel approached the promised land. They sent spies to look out the country, timid men, the Democrats of those days, and when these spies returned, what did they say? They said, "Oh, it is an awful country. The land devoureth the inhabitants, and the children of the giants are out

there, the Anakim and the Zamzummim, and we, in their sight, are but as grasshoppers." That was the report of a Democratic investigating committee a thousand years before the Saviour was born, and they are still bringing in the very same reports. But notwithstanding all that, Joshua, at the head of the army of Israel, crossed the Jordan and occupied the country.

Mr. Chairman, I will just read you a summary of the objections raised against the acquisition of Louisiana and California. These objections were just as vociferously urged in their day as are the objections to the acquisition of the Philippines in our day.

OBJECTIONS TO THE ACQUISITION OF LOUISIANA.

First. Territory too large ever to be peopled.

Second. Population too large and too incongruous ever to become homogeneous with people of the original thirteen States.

Third. Impossibility of ever making the inhabitants fit for American citizenship.

Fourth. Territory too remote from the Atlantic coast ever to be anything more than a wild land roamed over by wild beasts and wilder men.

Fifth. If ever peopled like the Eastern States, it will eventually dominate these States and overwhelm their civilization and laws, and perhaps their religion and liberty.

Sixth. The United States have no constitutional power to acquire the territory.

Seventh. Parts of the territory are so remote as to be inaccessible to the influences of civilization, commerce, or religion.

Eighth. The expense of governing it will pauperize the people of the East, and no compensations therefor.

Ninth. Governing it will cost the lives of thousands of our sons, in battle or by disease.

Tenth. If ever peopled by white men, they will be as wild and lawless as the Indians and as unfit for civilization and citizenship, and they will be a menace to the Eastern States, and may in time subjugate them, as the Goths, Vandals, and other barbarians subjugated Rome.

OBJECTIONS TO ACQUISITION OF CALIFORNIA.

First. Too far away; can not be reached in less than six months either by land or sea.

Second. Population dissimilar in race, customs, traditions, laws, and religion.

Third. Impossibility of defending it against a foreign foe.

Fourth. It will shift the balance of territorial power from the Atlantic coast to the Pacific.

Fifth. It will introduce into our population a race of mongrels, unfit for our civilization, religion, or liberties.

Sixth. The land is mainly composed of deserts and mountains, the deserts blasted by unbearable heat and the mountains covered by unmeltable snow.

Yes, there were kickers, too, in those days, but they kicked against the pricks and were forced forward in spite of themselves. In vain they protested; in vain they predicted evil; in vain they prated about the Constitution; in vain they abused Jefferson as to Louisiana, and Polk as to California; in vain they swore they would never submit. The great mass of the American people, obeying the fundamental law of their heredity, went on in their acquisitions, with sublime confidence in their destiny, and now behold the glorious results!

I hate to say it, but the American who belittles expansion belittles not only the mighty statesmen and grand heroes who have expanded our country from the Gulf to the Lakes and from the Allegheny Mountains to the Pacific Ocean, but he belittles his own self and takes from his own head that glorious crown of citizenship which makes an American the foremost man in all the world.

THE TRUE AMERICAN SPIRIT.

How different the spirit now animating some men who think they are good Americans from that mighty spirit of patriotism that blazed up into one universal conflagration two years ago.

In the Spanish war the world beheld a marvelous spectacle. It saw the North and the South, the East and the West rally around the banner of the Republic as the great object of their love and loyalty. Fitzhugh Lee and Joseph Wheeler, mighty men who had battled for an independent Confederacy from 1861 to 1865, now fought side by side with the sons of Grant and Logan, and in the Congress of the United States men who served in the Confederate army joined the men who served in the Federal Army in voting men, money, and ships to uphold the cause of a reunited country.

There is an inspiring lesson in the very names of the ships which wrought the ruin of Spain's navies. At Manila the *Olympia* spoke for the great Northwest, and the *Boston* for the great Northeast. The *Concord* spoke for the old North and the *Baltimore* and *Raleigh* spoke for the new South, while at Santiago the *Oregon* spoke for the Pacific States, the *Texas* for the Gulf, the *Brooklyn* for our Atlantic coast, and the *Iowa* for the great Mississippi Valley. Every section and party of our mighty many-in-one thundered and lightened in the cause of liberty, and rained fire and iron hail upon freedom's enemies. And the descendants of the old Norsemen, the sons of the Vikings, were the men behind our guns.

They have another objection to the acquisition of the Philippine Islands. They say the people have not consented, and that we ought to get the consent of the people. Mr. Chairman, when did we ever get the consent of any people except those of the State of Texas? Never. When we drove the French out of the country between the Allegheny Mountains and the Mississippi River did we get the consent of the inhabitants? No, sir.

CONSENT OF THE PEOPLE.

When we bought Louisiana did we get the consent of the inhabitants? Not at all. The inhabitants were opposed to it to a man; and when the French flag was pulled down at New Orleans thousands of people cried like children to see the flag of their country hauled down upon the soil of North America forever. Who was President then? Thomas Jefferson, the apostle and high priest of Democracy. Did he say anything about the consent of the governed? No. He bought the people of Louisiana along with the soil, and as appendages or appurtenances to the soil; and that was Thomas Jefferson! And after we acquired Louisiana what did Thomas Jefferson do? He sent a military governor there, backed by United States bayonets, and gave that military governor the right to pass just such laws as he saw fit and to execute them at the point of the bayonet; and that was Thomas Jefferson!

No consent of the inhabitants there. When we acquired Florida was there any consent of the inhabitants? No; President Monroe sent Andrew Jackson, of Tennessee, down to Florida, and Andrew Jackson wrote upon a sheet of white paper just such laws as he wanted to prevail in the district of Florida, and enforced them by the United States Army. He was at the same time military commander, governor, legislature, judge, and sheriff, all combined; and he was another of the gods of the Democracy, and a great god he was, too. I am willing to sign and subscribe an affidavit to that effect. If Andrew Jackson were here to-day he would be standing side by side with his illustrious successor, William McKinley, in enforcing the sovereignty of the United States over all justly and constitutionally acquired territory. [Applause.] That is where Andrew Jackson would be, and where Thomas Jefferson would be, too, or else they would have to go back on the precedents they furnished us in the cases of Louisiana and Florida.

No, we have never asked for the consent of any people. Did we get the consent of the Mexicans when we annexed Upper California? No. Did we get the consent of the Spaniards when we annexed Florida? No. Well, now, I want some man to tell me whether the French and the Mexicans and the Spaniards are not as good people to consult as are the Tagalos and the Visayans in the Philippine Islands. Are the French to be written down as infants and incapable of giving consent? Are the Spaniards to be written down as infants and incapable of giving consent? Are the Mexicans of Upper California to be written down as infants and incapable of giving consent? No.

EXPANSION NOW BECOME A POLITICAL QUESTION.

The question of consent has never been raised in any of our acquisitions until this late day; and I want to say this—some on my side here may not agree with me in it, but I believe it to be true—I believe that if William Jennings Bryan had been elected President of the United States instead of William McKinley, the Spanish war would have come on all the same; that Dewey would have sunk the Spanish fleet in Manila Bay all the same; that the United States would have acquired the Philippine Islands all the same; that William Jennings Bryan, by the aid of an American army, would to-day be putting down Aguinaldo all the same, and that every man on the Democratic side of this House would be shouting "Hurrah!" and "Amen!" while some men on this side of the House would be kicking. Now, put that in your pipes and smoke it. [Laughter.]

This opposition to the acquisition of the Philippine Islands is political, and political only. So far as I am concerned, I welcome the issue, because no party yet has ever been able to stand up against the great wave of American expansion, and never will until the time comes to write our epitaph, and not until then; and that day may God in his wisdom and mercy put off forever.

Some say that we may have the right to buy land, but we have no right to buy people; and they sarcastically say that if we do buy people, they ought to be worth more than $2 a head.

When we bought Louisiana, some no doubt said, "$15,000,000 for 150,000 redskins, a hundred dollars per skin!" But if anybody did say it, no man has wasted paper in preserving his name; and if he has any descendants (which I doubt, as cowards have no children), they are not bragging about it.

When we bought Florida did we not buy Seminoles, alligators, bullfrogs, and mosquitoes? And the shallow-brained wits no doubt claimed that there was nothing to be admired about the territory but its name.

When we bought California, Arizona, Utah, Nevada, and New Mexico, no doubt the disgruntled politicians of 1848 inquired why we paid $15,000,000 for territories we had already conquered by the sword; and others wanted to know what use we had for territories beyond the Rocky Mountains, when we already had a million square miles of territory this side of the Rockies, inhabited by nothing but Indians, buffaloes, and prairie dogs.

And when a Democratic President bargained away Texas to Spain, did he not bargain away the Americans then living in Texas without their consent?

FILIPINOS NO BETTER THAN OUR INDIANS.

Others, again, say: "Are not the Filipinos as much entitled to their liberty as we are to ours?" Force rules the world, and all our rights are based on force, which is only another name for law. We drove out the Indians and robbed them of their lands, just as these Indians in their turn drove out a race that lived here before them; and thus race drives out race, one religion supersedes another, one barbarism supplants another, one civilization gives way to another, as a rule the better always superseding the worse.

Did not Massachusetts destroy her Indians and murder King Philip, who was an Aguinaldo in his day? Did not Virginia exterminate the Potomac Indians? Did not North and South Carolina and Georgia drive out their Indians? Did not we Tennesseans expel the Cherokees? Is Aguinaldo any nobler than was Pontiac? or Logan? or Tecumseh? or Osceola? or Black Hawk? or Captain Jack? or Sitting Bull? or Geronimo?

No; it is safe to say that these great Indian chieftains were one and all the superiors of Aguinaldo, and the red warriors of their tribes were far braver and greater lovers of liberty than the yellow-faced soldiers of the Philippines; and are we not, to-day, governing 200,000 Indians right here in the United States without their consent?

Another objection that is urged is that we have no use for the country. No use for it! That was said in 1753, when we started to acquire Mississippi, Alabama, Tennessee, Kentucky, West Virginia, western Pennsylvania, Ohio, Indiana, Illinois, Michigan, and Wisconsin. Why, they said, "We have plenty of country over here on this side of the Allegheny Mountains. England, that is nearly two thousand years old, is not thickly populated, and she has only 51,000 square miles, while we have got nearly 400,000 square miles, and we have enough land on the east of the Alleghenies to last us ten thousand years. Why, then, send our young men off across the Alleghenies to fight the French and Indians and bring on war and cause blood to be shed and money to be spent?"

But the spirit of expansion, the spirit of the Vikings, was in their hardy hearts, and we went forward. Then, when Thomas Jefferson acquired Louisiana, they said we did not need it, had no use for it, none whatever. So, when we acquired Texas, Daniel Webster said we had all the country we needed. All the Whigs all over the country said we had no use for it.

Mr. ROBB. May I ask the gentleman a question?

Mr. GIBSON. Certainly.

Mr. ROBB. I would like to ask the gentleman if he believes we are authorized by justice and morals to invade a country and take it because we have a use for it?

Mr. GIBSON. My friend and brother, nations do not go to Sunday school. If they did, you would to-day surrender all the property you have to the Indians—every dollar's worth of it—for, from your standpoint, it has all been the result of robbery.

Mr. ROBB. I have another question I would like to ask the gentleman. I would like to ask if he thinks that England is justified in the course she is now pursuing down in South Africa toward the Boers?

Mr. GIBSON. Ask me some question about Siberia. [Laughter.] It would have just as much to do with my argument. Such a question is an admission that the gentleman has nothing substantial to say.

Mr. ROBB. I have another question——

The CHAIRMAN. Does the gentleman from Tennessee yield further to the gentleman from Missouri?

Mr. GIBSON. Not for such irrelevant questions. No use for the country, no use for Texas, no use for Louisiana, no use for Florida, no use for California, no use for Oregon, no use for Alaska! Why, a member of Congress arose on the floor of this House and offered a resolution to give $7,200,000 to any nation on earth that would take Alaska off our hands.

Mr. GAINES. And yet you did not think that they ought to have a jury up there.

Mr. GIBSON. I see that I am stirring up the animals, although I have tried to keep very quiet. [Laughter.] No use for the territory! I am one of those men who believe in Providence; I do not know whether gentlemen on the other side believe in it or not, and I do not know whether everybody on this side believes in it or not, but I believe in it. I can not understand history any other way. I believe there is a Providence in this matter. Mr. Chairman, what would have been the condition of North America if the English, the Irish, the Germans, the Danes, the Swedes, and the Norwegians had not come over here?

Mr. ROBB rose.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

STATESMANSHIP LOOKS AHEAD ONE HUNDRED YEARS.

Mr. GIBSON. No, sir; unless my time is extended, I can not yield. What would be the condition of North America? It would be one vast wilderness inhabited only by heathen Indians—not a church, not a Sunday school, not a Bible, not a civilized man. Now see it—the glory of the whole earth, the admiration of all nations, and the nearest realization of a heaven on earth yet achieved by the children of men. Of course it has cost blood and cost treasure; it has caused injustice in individual cases; but we do not look at what is to-day or at what will be to-morrow. Statesmen look forward a hundred years, and looking forward a hundred years, when the Philippines will be like a new Jerusalem, come down from the skies, glorified by Christianity, ennobled by civilization, purified by the principles of liberty, and living happily under a republican government, then what will become of the men who rise in this Congress and want to know whether it is right to go and take possession of the Philippine Islands without the consent of the people there, just as no doubt four hundred years ago there were men in England who said it was wrong to come here and dispossess the red men?

No, Mr. Chairman, we are moving forward and moving onward, this great army of American civilization and American progression. Under the starry banner of Columbia there can be no such thing as legalized oppression, no more than there can be darkness under the light of the midday sun or iniquity in the courts of heaven. [Applause.]

APPENDIX.

Objections to the acquisition of Louisiana on the part of members of Congress.

The acquisition of Louisiana, in 1803, was vigorously opposed in Congress. Senator Pickering, of Massachusetts, said:

"It is declared in the third article [of the treaty] that the inhabitants of the ceded territory shall be incorporated in the Union of the United States. But neither the President and Senate, nor the President and Congress, are competent to such an act of incorporation. I believe the assent of each individual State to be necessary for the admission of a foreign country as an associate in the Union."

Senator White, of Delaware, said:

"But as to Louisiana, this new, immense, unbounded world, if it should ever be incorporated into the Union, of which I have no idea, it can only be done by amending the Constitution. I believe it will be the greatest curse that could at present befall us. It may be productive of innumerable evils, and especially of one that I fear ever to look upon. * * * Thus our citizens will be removed to the immense distance of two or three thousand miles from the capital of the Union, where they will scarcely ever feel the rays of the General Government."

Representative Griswold, of Connecticut, said:

"The vast and unmanageable extent which the accession of Louisiana will give the United States, the consequent dispersion of our population and the destruction of that balance which it is so important to maintain between the Eastern and Western States, threatens, at no very distant day, the subversion of our Union."

Representative Griffin, of Virginia, said:

"I fear the effect of the vast extent of our empire; I fear the effects of the increased value of labor, the decrease in the value of lands, and the influence of climate upon our citizens who should migrate thither. I fear (though this land is represented as flowing with milk and honey) that this Eden of the New World will prove a cemetery for the bodies of our citizens."

When, in 1811, the bill for the admission of the present State of Louisiana—the mere southern corner of the Louisiana purchase—came before the House of Representatives, Josiah Quincy, of Massachusetts, said:

"To me it appears that it [the passage of the bill] would justify a revolution in this country, and that in no great length of time it may produce it.

"I am compelled to declare it as my deliberate opinion that if this bill passes the bonds of the Union are virtually dissolved.

* * * * * * *

"This Constitution never was and never can be strained to lap over all the wilderness of the West without essentially affecting both the rights and the convenience of its real proprietors. It was never intended to form a covering for the inhabitants of the Missouri and the Red River country; and whenever it is attempted to be stretched over it will rend asunder.

"Why, sir, I have already heard of six States, and some say there will be, at no great distance of time, more. I have also heard that the mouth of the Ohio will be far to the east of the center of the contemplated empire. * * *

"I oppose this bill from no animosity to the people of New Orleans, but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country. * * * This bill, if it passes, is a death blow to the Constitution. It may afterwards linger, but, lingering, its fate will at no very distant period be consummated."

OBJECTIONS TO OREGON.

When the bill for the settlement of Oregon Territory came before the Senate in 1843, Senator McDuffie, of South Carolina, said:

"Why, sir, of what use will this be for agricultural purposes? I would not for that purpose give a pinch of snuff for the whole Territory. I wish to God we did not own it. I wish it was an impassable barrier to secure us against the intrusion of others. This is the character of that country. Who are we to send there? Do you think your honest farmers in Pennsylvania, New York, or even Ohio or Missouri will abandon their farms to go upon any such enterprise? God forbid!"

In opposition to the same measure, Senator Dickerson, of New Jersey, said:

"We have not adopted a system of colonization, and it is hoped we never shall. Oregon can never be one of the United States. If we extend our laws to it we must consider it as a colony. * * * Is the Territory of Oregon ever to become a State, a member of the Union?

"Never.

"The Union is already too extensive."

Mr. DINSMORE. Mr. Chairman, I now yield one hour to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I hope not to take all the time the gentleman has yielded to me. I have several times discussed the Philippine annexation question and questions cognate to it. I have hitherto attempted to discuss the higher phases of the question, from the standpoint of human liberty and world civilization. I shall discuss it to-day from a lower standpoint. I hate to discuss great questions from a groveling standard of dollars and cents, but there is a spirit of "commercialism" abroad in the land that absolutely demands that that phase of this question shall be met.

On yesterday, while my colleague from Arkansas [Mr. DINSMORE] was speaking, he was interrupted with a question from my friend upon my right [Mr. BOUTELL of Illinois] to this effect:

> Suppose the will of the Filipinos were ascertained, and they desired the Philippine Islands to be annexed to the United States, would that annexation be from a commercial standpoint advantageous or disadvantageous to us?

I shall take that as the text of the beginning of what I have to say, and I think I can show from the standpoint of American agricultural industry, and from the standpoint of the interest of American laborers, that the annexation of the Philippine Islands, if every Filipino man, woman, and child desired it, would not be advantageous to the United States and to its commerce, either absolutely as an original proposition, or in comparison with what we may do under comparatively free trade relations with them by treaty; and when I say *comparatively* free trade relations, I mean a trade which shall give us a right to free entry into their ports and not give them free entry to ours.

I think I can make it "plain, palpable, and obvious" that the most advantageous of these two positions is the position of giving these people a protectorate for a time until they learn how to stand up and walk by themselves, while we take advantage of the fact that we have stretched out our great arm to help them, to obtain such commercial expansion as we can, such commercial expansion as I believe they will readily grant. Everybody wants commercial expansion.

I believe they will readily grant perpetual free entry of American products to all their ports, and I believe in doing that we can solve the great question which is interesting a great many of you gentlemen on that side in your perplexity, namely, how to make them a part of the United States and at the same time, in contradiction of the decisions of the Supreme Court and all precedents of authority laid down by the Secretaries of State and the great publicists, fix one rate of import duty for New York, another for Pensacola and Nogales, and another for Manila. That is the task you are confronted with under your plan of colonial accession.

You can not hope to do this, as I hope to prove, if the Philippine Islands become definitely a part of the United States. If you do not make them a part of the United States and thereby bring them under the uniform-import clause of the Constitution, you can by treaty provisions obtain the utmost markets for our goods and abundant stations for our Navy, and yet avoid all injury to our agricultural interests and our labor and also many troublesome questions of citizenship. That is our plan. Commercial expansion pure and simple.

But before proceeding to that I want to argue the commercial question from a present, actual, practical standpoint—the standpoint of unwilling Filipinos protesting with arms in their hands against annexation and undergoing the process of military subjugation. I hope to prove that annexation will be the death knell to some of our laboring men and to some of our agricultural interests and a grave menace to others.

At the very forefront of this question it is well to remember that we have in the Philippine Islands to-day, wearing the blue uniform of the Republic, 65,000 men.

It is well to remember that it has been estimated again and again—and it is a conservative estimate—that, taking the rank and file and officers all together of the Army of the United States, that Army costs $1,000 per annum per man. A thousand thousand is a million, and sixty-five thousand thousand dollars is $65,000,000. You are then paying now $65,000,000 for the purposes of "benevolent assimilation," as you call it, or for purposes of conquest and greed, as I call it.

But whatever may be the purpose, that is what it is costing the people of this country. What are you getting as a possibility—not as an actuality? You might be getting as a possibility the entire trade of the entire Philippine Islands in imports and exports. That is the utmost possibility. Of course, however, that is practically improbable, because there are some things which we sell that they do not want, and there are some things which they sell which we do not consume.

But if you take it for granted that we could get the entire trade of the entire archipelago, including all the imports and all the exports, that neither Spain, Great Britain, France, China, nor Korea would trade a dollar with them, then upon the present basis you would get $30,000,000 a year, for that is the sum total of all their exports and imports with all the world as reported by the Bureau of Statistics of the United States Treasury Department; and if out of the exports on the one side and the imports on the other we should get 25 per cent clear profit, the American people would make one-fourth of those $30,000,000—some seven or eight million dollars. And who would make that? Not the plain people, but capitalists and syndicates, who would carry machinery and money thither for industrial exploitation, employing not American labor, because white men can not labor in the fields there—but coolies of every clime and race. Bring this question down to a paltry, miserable, contemptible question of dollars and cents, if you choose, and there is where you will find yourself!

But I have not made a fair calculation, because an American soldier in the Philippines, upon a conservative estimate made by gentlemen who think they know what they are talking about—and I think perhaps they do know—costs 40 per cent more than an American soldier in the United States. This is because of increased cost of subsistence and immense cost of transportation for men and munitions. Therefore your army out there is costing you, instead of $65,000,000 a year, $91,000,000 a year, three times the amount of the entire import and the entire export trade of the entire archipelago with all the world, and over ten times all possible profits that could possibly be made out of them.

Mr. BOUTELL of Illinois. Will the gentleman allow me a single question?

Mr. WILLIAMS of Mississippi. With pleasure.

Mr. BOUTELL of Illinois. I have some diffidence in interrupting any gentleman in the course of his remarks, but I think sometimes we may arrive at some honest conclusion by a little interchange of thought. There is a great diversity of opinion as to just what course we should pursue in the Philippines in the immediate future.

I understand the chairman of the Anti-Imperialist League says that he believes that we should immediately withdraw all our troops from the Philippine Islands and leave them hereafter absolutely to their own devices. Now, in connection with the gentleman's remarks as to the expense of the maintenance of the Army, I would ask whether in his view that would be the wisest course for us now to pursue?

Mr. WILLIAMS of Mississippi. Mr. Chairman, the question is a little irrelevant to the immediate point I was discussing; but I am always glad to be interrupted by a gentleman so courteous as my friend from Illinois.

I have given my opinion upon that question by introducing into this House a set of resolutions expressing my views upon it, and also by two speeches upon this floor. Sometimes a man is put in a position in which he does not want to be put. I have been put sometimes in a position in which I did not want to be put.

Sometimes you find yourself in the midst of a fight, and you must fight it out, even though your better judgment tells you you ought not to have been in the fight, having been mistaken in its incipiency, and that as soon as you can make your peace with your antagonist from any honorable standpoint, you had better do it. Still, you can not stand still and let him knock you down. You would rather postpone explanations to *him* until after the fight. Meantime you can consult your own conscience. I am now probing the American conscience and judgment. [Applause.]

Now, let me leave that branch of the case and go on. Gentlemen may say in answer to my argument, "The Army will finally be drawn away from the Philippines, and even if that country is kept as a 'part' of the United States or as a 'possession' or 'dependency'" (and I care nothing about language—call it what you please—let us differ about ideas if we differ at all) "that Army will be reduced or entirely done away with."

I do not believe it; and I have behind me in my unbelief the history of the world. There is not a single instance in which a white or European race has held in subjection an Asiatic race where it has not been found necessary to keep up an immense army of occupation. Great Britain has found it necessary in the East Indies and in Egypt. France finds it necessary in Algiers and in Madagascar.

All nations have found it necessary wherever they have gone. You may stamp out this insurrection except for a few bushwhackers here and there; but every three months it will break out afresh. Is my friend aware of the fact that Great Britain was fifteen years in subduing the hill tribes of Jamaica, a miserable little country not larger scarcely than a county of Mississippi; and that even then, in order to obtain permanent peace, she had to enter into a treaty and give those people certain rights of tribal autonomy?

I say that when the so-called war is over you will have to keep at least 25,000 men in the Philippine Islands for all time as an army of occupation to prevent further insurrection. At a thousand dollars a man per year that is $25,000,000, and at 40 per cent increase it is thirty-odd million of dollars per annum, which

is more than equal to all the present import and export trade of the Philippine Islands with all the world.

Now, my friends, I want to be perfectly fair. Gentlemen may say in response to that that the present commercial condition in the Philippines is not a fair sample of what it may be under the American flag when law and order and peace and justice and civilization and all those things have been introduced; when it has become the "New Jerusalem," as the gentleman from the mountain district of Tennessee [Mr. GIBSON] said a moment ago.

Let us be fair. Now, my friends, one of two things is absolutely certain, and I want in this connection especially to address those men who are engaged in cotton planting, who have been led off by the arguments of some men with interested motives who have wanted to dupe them into the belief that they would obtain a vast market there for cotton and cotton goods, and who have been led off also by some other men who are not knavish and do not desire to dupe them, but who are themselves ignorant of the conditions in the Philippine Islands and who, while duping the people, have duped themselves.

Mr. RICHARDSON. Will my friend allow me before he enters upon that branch of his argument? He has made a very interesting statement in respect to the money cost of holding the Philippines. I would like to ask him if in the course of his remarks he is prepared to speak of the cost in the loss of human life?

Mr. WILLIAMS of Mississippi. I am not now. I am now addressing the spirit of "commercialism," and it unfortunately does not care a bawbee for human life, and consequently I am not talking about that at this moment. God knows there are higher things than this little money aspect of the case that I am discussing now—things that I would rather discuss—but I am confining myself to that aspect of the problem to-day.

Now, my friends, one of two things, as I have said, must follow, and I want to address this especially to men of the class I have indicated. Either commercial conditions in the Philippines will remain substantially as they are, or they will be vastly improved under our flag. If they remain as they are, then if all the Filipinos who wear clothes were to put into one gigantic order all the cotton they want for a year, and send it within one week to the city of New Orleans, it would not create a ripple upon the cotton market.

Now if, upon the contrary, we teach them to wear clothes, either in the schoolhouse or upon the battlefield, and we produce a condition of great industrial progression and improvement; if this dream that the brown man in the Orient can be imbued with the energy, the industry, progressiveness and goaheadativeness of white men in the Occident, if that shall be realized; if we should succeed in bringing about a vast industrial amelioration of industrial and commercial conditions by improved transportation facilities, by the introduction of labor-saving machinery, by the equal administration of the law, and by all the instrumentalities that can bring that about, then we may possibly create a valuable customer. But how will he become a valuable customer?

How, if not by first becoming a better producer? Because, except a man have the wherewithal to buy, he can not buy, and except he produce something to sell he can not obtain the wherewithal to buy. Now, suppose that you put these people in a position where they progress more marvelously than Japan has progressed. Suppose they increase in productive capacity to such an extent that they are capable of increasing their purchasing power twenty-fold. Upon what lines of increased production must they increase their purchasing power? What will be the lines of improved and increased production? Why, to-day the main exports of the Philippine Islands consist of sugar, tobacco, and hemp.

Do the tobacco growers of Connecticut and Maryland want to produce that sort of "industrial amelioration" in the Philippine Islands that will enable men who are employed at 20 cents a day, even if their wages double, as they have done in Japan, to compete with them in the Connecticut Valley and along the hills of Maryland?

Do the sugar planters of Louisiana want to get valuable customers for the manufactured goods of this country by enabling these people after putting up improved machinery for sugar manufacture to sell five, ten, twenty, fifty, a hundred fold as much sugar as they do now in competition with the Louisiana man who raises cane sugar? Does the man out West who has gone into the new industry of raising beet sugar want to annex competition?

You have had an object lesson in Hawaii. We gave Hawaiian sugar free entry to our ports and capitalists went there, introduced the best machinery, and imported from all parts of the world Japanese, Chinese, Portuguese, East India coolies, Negritos, and even Tagalos, to compete under the peonage contract system with our colored laborers in Louisiana and white farmers in Nebraska. Do you want more of it?

Congressmen have stood here loud-mouthing their opposition to Chinese immigration and to contract importation of labor, and these same lawmakers, because they think the people's eyes are not open, have already admitted tens of thousands of Chinese and Japs by the annexation of Hawaii, and now propose to admit 10,000,000 of pauper labor and their products to the freedom of trade and freedom of travel, secured to all parts of the Union by the Constitution. For whose benefit? Labor's? No! Syndicates and capitalists with money to work paupers? Yes!

Do the few hemp raisers who are yet left in the United States want to increase competition of that sort?

What is the capacity to raise these things? We are told in Government documents that only one-twentieth of their arable land is in cultivation.

But now, my friends, in that connection I will go a little bit further. These are the things that the Filipinos to-day export, but they are not the only things that they can export or did export when they were formerly in a condition of prosperity compared to what they are now. They then exported a large quantity of rice.

Do the rice growers of Georgia and South Carolina and Louisiana want to annex that sort of competition? And that is not all. I find from this Treasury document, page 1313, that as far back as 1818 these people exported over $25,000 worth of long-staple cotton. Remember, they had then no cotton gins. Remember how small were our own exportations at that time.

Some time ago I was talking to my friend the gentleman from Texas [Mr. SLAYDEN] in the cloakroom, and he told me of a conversation that he had had with one of the Philippine commissioners about raising long-staple cotton in the Philippine Islands. I thought it must be a mistake, but it put me upon inquiry, and I consulted this document from which I have been quoting and which I have here, issued by the Treasury Department of the United States, and I find that in 1818 they actually exported that amount of long-staple cotton.

I find also that they exported "homespun fabrics of cotton," on page 1310 of this document, which is entitled "Summary of Commerce and Finance of the United States for November, 1899." On page 1311 I find this language: "The galleons used to carry from there spices, cotton fabrics, silks," etc. That led me to further investigate this matter, and now I want to tell you why I looked into it.

I come from a section of country that raises long-staple cotton. I am myself a producer of long-staple cotton. Lately Egyptian cotton has been coming in in larger and larger quantities, and during three or four seasons the prices of long-staple cotton have been cut down from between 14 and 16 cents, its old price, to between 7 and 9 cents by Egyptian competition. This year the price went up again, owing to a small crop in Egypt. Such was the result of the introduction of law and order and improved machinery and irrigation in Egypt, under the equal administration of English laws, in producing competition at our doors.

This thing went so far that a great many people down in my section of the country, forgetting the traditions of a lifetime, were knocking at the doors of Congress for a protective tariff upon long-staple cotton; men who had spent their lives denouncing a protective tariff as a robbery of the great mass of the consumers for the benefit of some class found themselves willing to rob the general consumer a bit further in order to benefit themselves. Being a cotton planter, I received a great deal of pressure to vote for a law to put money by tariff taxation into my own pocket, as well as into theirs.

It may suit the New England cotton manufacturer to get his long-staple cottons cheaper than he does now, but it happens to be our interest that he should pay enough for them to give us a profit upon our investments and a reasonable living besides. Now, I find in this book to which I refer (Foreman's) the following language, on page 361:

> Long-staple cotton was formerly extensively cultivated in the province of Llocos Norte, whence many years ago large quantities of good cotton stuffs were exported. This industry still exists. The cultivation of this staple was, however, discouraged by the local governors in order to urge the planting of tobacco for the Government supplies.

I wish to explain to the House here how that came about. The Spanish Government instituted, as did many governments in Europe, what is called the tobacco monopoly, the Government and the politicians and the farmers of the revenue thus becoming directly interested in encouraging the growth of tobacco leaf in the Spanish colonies, so that the utmost profit possible might be made out of the tobacco monopoly.

Orders were then issued, of course, from the home Government, and the local governors proceeded to discourage the cultivation of everything standing in the way of tobacco and to encourage the production of tobacco. This they did through revenue laws and administrative favoritism, to the enrichment of the monopoly. This author furthermore says: "Cotton spinning and weaving is still carried on on a reduced scale in the Llocos province."

I find, furthermore, in Fiske's "Story of the Philippines," on page 66:

> The long-staple cotton could be easily cultivated, and at one time there were cotton fields in northern Luzon. * * * It only needs enterprise and common sense to make cotton raising a valuable industry.

Mr. TERRY. Will the gentleman from Mississippi permit me to ask him a question there?

Mr. WILLIAMS of Mississippi. Yes.

Mr. TERRY. Is it not a fact that these various products that you have shown would come in competition with others in this country will be raised and produced and sent here by corporations and syndicates employing cooly labor?

Mr. WILLIAMS of Mississippi. It is a fact, and I am coming to that after a while. We have had an object lesson in Hawaii.

Mr. TERRY. And has it not been stated here and published in the public prints with reference to Cuba and the Philippines that unless a man had a million or more dollars' capital he could not make anything by going there, so that the plain people of this country will never be benefited by the present policy of the Administration?

Mr. WILLIAMS of Mississippi. Why, I do not know whether I can make it as strong as a million; but I am coming to that part of it after a while. I beg the gentleman's pardon. I did not hear him distinctly. The statement he made accords with all I have read or heard from Hawaii and the Philippines.

Now, my friends, these long staple cotton people have been knocking here. I am not a protectionist. I am not willing to lay a dollar of taxes upon any human being on the face of this globe in order to put an increased profit into my own pocket, but I will tell you how far I do go along that line. I am not in favor by any vote of mine of *annexing* oriental pauper competition against my constituents.

But, again, my friends, what sort of competition is this that we are about to annex?

Mr. LACEY. Will the gentleman yield a moment to me?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. LACEY. By free trade you would annex the pauper competition of the whole world.

Mr. WILLIAMS of Mississippi. Oh, my friend, there is not the slightest danger of what you call "free trade," except when you are making a political speech. A Democratic "tariff for revenue" is "free trade" when you are making political speeches. [Applause on the Democratic side.] Besides that, free trade with those who compete with agriculture and labor alone is one thing, and free trade in all things—fair trade—is another. Give us free trade with all the world and we will risk it, but do not give us legislation which discriminates against the people for whom I now speak.

I will say further to my friend from Iowa that I heard my friend Mr. BAILEY of Texas say rather a good thing the other day. He said "his free-trade principles had never been remotely staggered except by one thought, and that was the prospect of competition, not from the white men, who have a decent standard of living, but from the brown man and yellow man of the Orient."

But to go further in my argument. When I examined this book of Foreman—which, by the way, I will commend you all to read, written by John Foreman, fellow of the Royal Geographical Society, and entitled "The Philippine Islands," written before this controversy arose, and without any political purpose—I found there a very important industry growing up in copra oil, an industry of making oil from cocoanut-palm nuts. I found that this oil is sent to exactly the same people in Europe who buy our cotton-seed oil.

It is an illuminant and lubricant and at the same time an edible oil, and it is being sent to France to mix with olive oil, and sent elsewhere to mix with the various other things which furnish healthy articles of food for humanity.

I found it a comparatively new industry. Beginning in 1890, the export was 4,653 tons; in 1892 the export had risen to twenty-two thousand and a few odd hundred tons in round numbers; in 1895 it had grown to 37,000 tons in round numbers; and in 1897, even with the war and trouble, it had grown to 53,750. In 1891 a cocoanut-oil factory, with modern appliances, was started near Manila.

Most of the cocoanut-oil factories, to use the language of our author, are "very rough, primitive establishments, built with eight or ten posts supporting a nipa-palm-leaf roof, and closed in at all sides with split bamboo. The nuts are heaped for a while to dry and concentrate the oil; then they are chopped up, and a man, sitting on a board, with his feet works a treadle, from which a rope is passed over to work to and fro a cylindrical block, in the end of which is fixed an iron scraper. He picks up the half nuts one at a time and on applying them to the scraper in motion the white fruit or pith falls into a vessel. These scrapings are then pressed between huge blocks of wood to express the oil." If they can export 54,000 tons in round numbers of this oil compressed in this crude manner, what amount could they not send out if our capitalists introduced our superb oil-mill machinery?

Now, take either horn of the dilemma you choose, whether the Philippines remain commercially as they are, when even their entire trade is not a drop in the bucket to any one of the industries of the United States, or whether they improve immensely, in which case they must improve along the lines of increased production in sugar, hemp, tobacco, rice, long-staple cotton, and copra oil.

Now, Mr. Chairman, already the cry has begun to "come up from Macedonia." Perhaps the New York press voiced it first; but its cry has been reinforced and swollen by the cries of the men from the Connecticut tobacco-raising country and from the men of the West who are raising sugar beets; and if there be any idea upon the part of any sugar planter of Louisiana to the effect that any agreement between Senators can bring around a state of things where the Philippine Islands can be kept at one and the same time out of the United States and in the United States, or at one and the same time kept neither out of the United States nor in the United States, they are horribly mistaken. They will find out their mistake, and their voices will increase the wail.

The courts will be called upon to consider the question; and if the courts decide as they have hitherto done, if they follow the uniform precedents beginning before the time of John Marshall, but voiced most forcibly by John Marshall in the case of Blake against Loughborough, and then by Justice Curtis, and then by Justice Taney, and lastly by Chief Justice Fuller himself, under these precedents it will be found incumbent on them, if precedents have any weight or authority, to decide the first time the question arises, when a man has imported goods from San Juan to some port on the Atlantic or from Manila in the Philippines to San Francisco, and refuses to pay duty, that the Louisiana sugar and the beet sugar of the West must meet the competition of the sugar of this people in the open markets of the country.

Now, to return to what I was on the eve of saying when interrupted by the gentleman from Iowa [Mr. LACEY], what sort of competition and by what sort of people is it, my friends? Here on page 334 of this book—Foreman's—I find a statement of the wages actually paid in a sugarhouse and sugar factory over there; and all my friends from sugar and cotton districts will understand that men employed three months—a sort of harvest time—in a sugar warehouse are a superior class of labor to those who are employed in ordinary cotton-field work.

Let me give you what these men are paid. One hundred laborers, $1.50 per week for the season of three months. They are the high-priced ones, employed in "harvest time." Forty laborers, at $4 a month for the whole year round. Four overseers—God save the mark—are paid the munificent wage of $6 per month each the whole year round. I find but two men that get money enough to keep soul and body together, one a machinist, who gets $30 a month, and another a manager, who gets a salary of $1,500.

Then I find this curious entry here: "Food for the laborers during the whole time of service," 145 laborers, for all these laborers for a year, "$2,000!" Something less than $15 apiece a year to feed the whole business! I suppose the high-priced fellows who got $6 a month lived high, and that must have brought down the average for the others. That is the sort of competition you are introducing here—annexing unnecessarily.

Now, my friends, I say that "cries have come up from Macedonia," and they have begun to have some effect. Why, some time ago the President said it would be rank injustice to tie Puerto Rico to us as a part of the body politic and then starve her to death with a protective tariff.

The gentleman from New York [Mr. PAYNE] introduced a bill in this House along the lines of the President's recommendation, and a bill was introduced in the Senate, and then your ultra-protectionist constituents came after you and you got scared to death; then the Ways and Means Committee appointed a "subcommittee on lexicography" to determine what the words "United States" meant.

John Marshall had decided, in Blake against Loughborough, that it was the name our ancestors chose to give to the great Republic and that it included every Territory and foot of ground over which the United States had jurisdiction. But John Marshall was to be forgotten, Jay was to be forgotten, Hamilton, Daniel Webster, all the great masters of the school of loose construction, as well as those of the strict construction school, were to be forgotten.

The Supreme Court decisions had to be forgotten. "Political necessity," the tyrant's plea, entered into this House of Representatives, so that I understand that it has been now authoritatively reported by a majority of the Ways and Means Committee that "United States" does not include the Territories of the United States. This is "official," as they say in "Pinafore." Why? Ah, because the Connecticut tobacco growers were beginning to find out something. The western sugar-beet raiser was beginning to see a little farther than the end of his nose.

Louisiana sugar planters had found a new "nigger in the wood pile," who was not as useful as the one they have now. Men were waking up to the "cries from Macedonia." Moreover, laboring men from this country had learned something about the decisions in that august tribunal, the Supreme Court—a court which I decline to believe to be either corrupt or a political machine even to this

day. I believe it will stand as it has stood so many times athwart the path of political necessity and athwart the path of party ambition.

The laboring men began to find out that the Constitution not only guaranteed freedom of trade between the States, but freedom of *travel* as well as freedom of *traffic*. They began to find out that the great Chief Justice of this country had announced that, in the opinion of the Supreme Court, when we annex a territory, at the moment we annex the land we annex the inhabitants, and when you annex them you annex them as citizens of the United States entitled to all the civil and personal liberties and rights of citizens—not the power to vote, of course, because that is a privilege and not a right under our laws—but all the personal and civil rights, including the right to remove from Manila to San Francisco or New York.

Mr. TAWNEY. In what opinion does the gentleman find that decision?

Mr. WILLIAMS of Mississippi. I am going to cite that and a great many more in a few minutes. I will cite them in a few seconds. Do not be uneasy. The laboring men began to find out that cases had gone up from nearly every Territory when it was in its infancy, some of them involving the application of the eight first amendments, containing the Bill of Rights, some of them involving the construction of the import clause declaring that "imports shall be uniform in all parts of the United States," and some involving other personal rights of various sorts.

But gentlemen say—and I want to state their position before I undertake to answer it—"We are not going to subject our people to this competition; we are not going to make the Philippines 'a part' of this country; we are going to make them 'a possession' of the Republic, 'a dependency' of the Republic, 'a colony' of the Republic." Words, idle words! Pure, unadulterated political wind!

Why, my friends, you can not have an imperio in republica; you can not have an empire within the Republic. We have a written constitution, and that written Constitution created the Government. How can a government which is the creature of a written constitution legally govern anything in any manner except in the manner provided by the constitution which created it and gave it power within its own limits to legislate? Daniel Webster himself said that no *government* upon the American Continent possessed, in the European sense, sovereignty; that sovereignty was in the people who had created both the Constitution and the State and the National Governments.

And when the people of the States created the Federal Government it was merely through the instrumentality of that Constitution and within its limits, not outside of it, that they created it. It is barbarous and absurd to speak of a *government* which is a creature of the *constitution* which can, through *its* congress, impose laws upon a people, and at the same time deprive those people of the right to appeal to the highest law—its own creator and source—namely, the constitution itself; which gave birth to the government.

On this question we are met by two different sets of men, giving two different answers. The rough soldier, in the person of General Merritt, is reported in the newspapers as saying—whether he said it or not—"We have outgrown the Constitution; what is the use of talking about it?"

And then men like a distinguished Senator whose name I have in my mind, coming from a State whence good lawyers have come, made a long and elaborate argument upon the floor of the Senate to prove that every father of the Republic was wrong, that the Constitution itself was wrong when it said all powers not granted to the Government are reserved to the States and to the people, and that this is a government of delegated, not inherent powers. This Senator undertook to show that in foreign affairs, at any rate, this Government has all the "inherent" rights of Great Britain.

But, my friends, with all due deference to both sides—the impulsive explosion of the rough soldier—to be excused because he entertained, of course, the habitual and professional contempt of the soldier for civil institutions—and the argument of the lawyer—all this is absurd. You can not hold the Philippines *at one and the same time outside of the Union and inside of the Union.*

You can not legislate for foreigners if they be foreigners; and if they be not foreigners, then they must be inhabitants of the territory of the United States; and if that territory shall have been annexed, then its inhabitants were annexed; and if annexed, they were annexed as cititizens, because we can not have subjects. As the Supreme Court says—and I will refer to the language in a moment—the very moment and fact of annexation works a change of allegiance.

On common-sense principles the opposite contention would not do for a people with a written constitution.

Mr. TAWNEY. Will the gentleman allow one question?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. TAWNEY. How did the men who made the Constitution legislate for the people inhabiting the territory northwest of the river Ohio?

Mr. WILLIAMS of Mississippi. Why, for the easiest reason in the world——

Mr. TAWNEY. How did they do it?

Mr. WILLIAMS of Mississippi. Why, Mr. Chairman, we have heard a dissertation this morning on the history of the United States; I do not want to go into another one. The gentleman certainly knows that they never undertook to legislate for the Northwestern Territory until after the States that had a title to the Northwest Territory had ceded that territory to the government of the Confederacy. That was before the Constitution went into effect.

Mr. TAWNEY. But how did the men who made the Constitution—the men who sat in the First Congress of the United States—legislate for that territory?

Mr. WILLIAMS of Mississippi. Why, when they made the Constitution itself were they not legislating for Virginia and Massachusetts and Connecticut? Were they not legislating for all the parts of Virginia and Massachusetts and Connecticut? And when those States ceded those lands to the Government, did not the Government have to accept the cession, and did they not thereby become a part of the public domain—a part of the Union—and subject to further legislation?

Mr. TAWNEY. Not in the judgment of the men who made the Constitution, because they reenacted the ordinance of 1787, making that territory a part of the United States.

Mr. WILLIAMS of Mississippi. Undoubtedly.

Mr. TAWNEY. Then it was not a part of the United States before.

Mr. WILLIAMS of Mississippi. This reenactment was deemed necessary, or at any rate advisable, because in the meanwhile they had founded a new Government entirely; a new Government had been formed by the accession of the various States, some of which had formerly owned this land; and it became necessary that these lands should become a part of the new Government as well as of the old.

Mr. HILL. Will the gentleman pardon a question?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. HILL. I ask it because I value the gentleman's opinion; not with any desire to antagonize his views.

I find in the United States Statutes at Large a treaty of alliance between France and the United States, under the date of February 6, 1778—eleven years before the Constitution was adopted—a treaty which was annulled nine years after the Constitution was adopted. That treaty contains in Article V this language:

> Conquests that shall belong to the United States:
> If the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America or the islands of the Bermudas, those countries or islands, in case of success, shall be confederated with or dependent upon the said United States.
>
> BENJAMIN FRANKLIN.
> SILAS DEANE.
> ARTHUR LEE.

What did that mean?

Mr. WILLIAMS of Mississippi. That was a recognition on the part of France and of the controlling authorities of the United States that the United States, being engaged in war with Great Britain, had a right to make conquests—a right not disputed by any judge of any court. It admitted the right to acquire territory by conquest, which has never been disputed, I believe, by anybody.

France and the United States thereby entered into a treaty that these lands should become and remain, if conquered, a part of the United States. I suppose the purpose upon the part of France was to keep the United States from ceding them back in the treaty of peace to Great Britain and thereby arming her great hereditary enemy with additional territorial power as against her.

Mr. HILL. But what would be their relation as dependencies of the United States?

Mr. WILLIAMS of Mississippi. They could not have been "dependencies" of the United States in any sense excluding them from the benefits of the Union. That proves that even great men sometimes use words which seem to mean one thing when they mean to express other things.

In a certain sense everything is a "dependency" of the United States; but our Supreme Court has held that when a Territory and its population become a "dependency" of the United States, it becomes a "part" of the United States; that the population become citizens of the United States, and that they are—land and people—alike covered by the Constitution as by a blanket; that every right guaranteed by the Constitution to anybody is guaranteed to them.

Now, gentlemen, I want to give some of these authorities. And, by the way, I will say to gentlemen who are seeking information that I bought a number of the Conservative Review for February, 1899. The first article which appears in it is entitled "The Constitution and absolutism." I do not know the man who wrote it.

I never heard of him until I read this article, but it is the most masterful and exhaustive compilation and collocation and analysis of authorities upon this question that I ever saw. He starts out in the beginning by saying that he is not going to quote a single publicist or statesman who belongs to the so-called "strict-construction" school, because their authority would carry little weight with a great many men who are imperialists, but that he intends to quote Jay and Hamilton and Marshall and William Everett and Daniel Webster among his statesmen, and the Supreme Court, with its binding decisions.

Then he takes up every decision that Senator PLATT referred to in his speech in the Senate and traces it back, and, with the one solitary exception of an utterance in an interruption upon the part of Daniel Webster on the floor of the Senate, every one of them is shown to be either misquoted or misconstrued.

Now, I will read you some of them. Alexander Hamilton is the father of Federalism, and through Federalism the father of the Republican party.

Alexander Hamilton thus announced the rule for determining the constitutionality of a proposed measure:

> If the *end* be clearly "comprehended within any of the specified powers," and if the measure have an obvious relation to that end, and is not forbidden by any provision of the Constitution, it may safely be deemed to come within the compass of the national authority.

Note the language. "If the *end* be comprehended within the Constitution," then the *means* need not be specifically stated. In other words, if you have the right as an end to acquire territory, then you can acquire it by one means or another not necessarily specified. If you have the right as an end to carry on a banking business, then you have a right as a means to issue a charter, and so on. What is the end? Why, it *must* be a constitutional end, or else it can not be "comprehended within" any of the clauses of the Constitution.

Chief Justice Jay announced the same doctrine,[1] and Chief Justice Marshall declared:

> The Government of the United States can claim no powers which are not granted to it by the Constitution; and the powers actually granted must be such as are expressly given, or given by necessary implication.[2]
>
> This instrument contains an enumeration of the powers expressly granted by the people to the Government.[3]

Daniel Webster asserted the same rule. In the "Reply to Hayne" he said:

> The National Government possesses those powers which it can be shown the people conferred upon it, and no more. The people erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited Government. They have defined its authority. They have restrained it to the exercise of such powers as are granted.
>
> It is a Government of strictly limited powers; of enumerated, specified, and particularized powers; and whatever is not granted is withheld.

Mr. MORRIS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS of Mississippi. One moment, sir.

And right in that connection, Daniel Webster, in that same speech, gave utterance to the thought that I mentioned a moment ago.

You remember for a long time there was a great quarrel in this country as to where "sovereignty" rested, whether in the Federal Government or in the State government, and Daniel Webster said that in the European sense there is no sovereignty in any *government* here; that the people were sovereign; they have created the existing governments, and can uncreate them; the people created the States, and then the people of the States, respectively, created the Federal Government by means of the Constitution, and created it to operate within the limits of that Constitution.

Now, the people, the sovereigns, can change your Federal Constitution whenever they please by amending it. By proceeding in the proper way they can absolutely nullify and annul it. How? Why, they could hold a new constitutional convention, repeal the old Constitution, and pass a new one, or they could even go so far, if they chose, as to hold a new constitutional convention, all of them being represented there, and repeal this present Constitution without putting anything in its place, thus relegating us to the unwritten constitutional law of the English-speaking race—the common law.

But until your Constitution is altered, amended, or annulled, then, no man can vote against its plain, palpable, and obvious provisions without committing perjury in the sight of the great God before whom he raised his hand when he was sworn in as a member of this House.

Why, gentlemen, but for the miserable plea of political necessity nobody ever would have been bold enough to announce that any part of this globe could be at one and the same time neither in the Union nor out of the Union; or, if in the Union, that it would not be in the same Union that you and I are in, namely, the Union created by the Constitution, governed by the Constitution, and which breathes and lives and *has its being within the limits* of the Constitution.

But let us go on and read some more. I am not going to read all of these authorities in this Review, but I am going to put nearly every one of them in the RECORD. Let us read from some of the text writers. Cooley's Constitutional Limitations, page 11——

Mr. MORRIS rose.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I promised to yield to him.

Mr. MORRIS. Did the gentleman from whom you read give all the quotations or did he pretend to give all the quotations from Daniel Webster on this subject?

Mr. WILLIAMS of Mississippi. No; I am going to give some more in a minute, and one of them seems to be on your side, and after I have read it I am going to explain it.

Mr. MORRIS. Since you are on that subject——

Mr. WILLIAMS of Mississippi. Will the gentleman excuse me if I ask him to tell me what the case is to which he would refer? Was it the speech of Webster in the Senate when he was discussing the Calhoun resolutions? If so, I have it here and it will go into my remarks.

Mr. MORRIS. I refer to a speech in the Senate of the United States as late as the year 1848.

Mr. WILLIAMS of Mississippi. Mr. Chairman, how much time have I left? I ask because I think the speech of Webster referred to will be covered by me if I can go on.

The CHAIRMAN. The gentleman has twelve minutes left.

Mr. MORRIS. I will allude to the matter when I come to it in my own remarks.

Mr. WILLIAMS of Mississippi. I thank the gentleman.

Mr. TAWNEY. I want to ask the gentleman in reference to the decision of the Supreme Court of the United States which he says holds that when we annex territory to the United States we thereby make the inhabitants of that territory citizens of the United States.

Mr. WILLIAMS of Mississippi. For the gentleman's benefit I will come to that case first, although it is not in the immediate line of my argument, and I think it is a little out of the way to have me come to that first. I will come to it now, however, if I can find it. Here it is.

It has been stated by the Supreme Court that, even independent of an express stipulation by treaty, the allegiance of the inhabitants of the territory acquired is ipso facto transferred to the United States.

Now, here is the language of the court, and the justice who pronounced this decision was Chief Justice Marshall himself. Here is the language:

> The same act which transfers that territory transfers the allegiance of hose who remain in it.

Mr. TAWNEY. Does that make them citizens under the Constitution?

Mr. WILLIAMS of Mississippi. Why, Mr. Chairman, if a man is not a citizen of the country to which he owes his allegiance, if that country be the United States, what is he?

Mr. TAWNEY. Does that make him a citizen under the Constitution?

Mr. WILLIAMS of Mississippi. Undoubtedly. It may not make him a voter, but it makes him a citizen, entitled to the personal and civil rights guaranteed by the first eight amendments, containing our Bill of Rights, and to all the other trading and personal guarantees of the Constitution. I have quoted from 1 Peters, 511. But the Supreme Court goes further, and the Chief Justice, in Boyd against Thayer (114 U. S. Reports, page 159), says:

> The nationality of the inhabitants of a territory acquired by conquest or cession becomes that of the government under whose dominion they pass.

Mark the language, "nationality." If a man's nationality is American, then he is a citizen. Can the gentleman deny it?

Why! Is the gentleman going to contend that the United States can have subjects? I ask you that, and I dare you to say that.

Mr. TAWNEY. No, sir; I do not say so.

Mr. WILLIAMS of Mississippi. Then what can the United States have except citizens? If they are all equal and of American "nationality," then they are American citizens. If not citizens, then I ask you again what they are? I challenge a reply. If not subjects, what else can inhabitants be except citizens? I await a reply from any of you.

Mr. RICHARDSON. Mugwumps.

Mr. WILLIAMS of Mississippi. If they are not citizens, what are they?

Mr. WEEKS. Inhabitants of the Territory.

Mr. WILLIAMS of Mississippi. Oh, inhabitants! Well, then, if an inhabitant is neither a subject nor a citizen, what is he?

Mr. GAINES. They are Republican microbes. [Laughter.]

Mr. WILLIAMS of Mississippi. A gentleman says they are "international mugwumps." Perhaps that is an answer. It is as satisfactory as any that can be given.

Mr. MANN. Will the gentleman define what Indians are?

[1] See Jay's Writings and Correspondence, Volume III, page 306.
[2] See Martin against Hunter's Lessee, 1 Wheat., 304, 326.
[3] See Gibbons vs. Ogden, 9 Wheat., page 1.

Mr. WILLIAMS of Mississippi. Indians are recognized as foreign tribes—aliens—under our wardship or under our guardianship or protectorate or suzerainty, and we make treaties with them, just as if they were foreign powers. We do not pretend, except through those treaties or authority given by the treaties to exercise any power over the Indian lands or the Indian people. [Applause.]

Mr. MANN. Will the gentleman say whether they are subjects or whether they are citizens?

Mr. WILLIAMS of Mississippi. They are foreigners; I have told you they are not citizens of the United States. Some are citizens of the Choctaw Nation, some of them are citizens of the Cherokee Nation, and they are bound by our authority only so far as they themselves have consented to be bound by it through treaties. [Applause.]

Sometimes, to be sure, we have forced them to make treaties; but always we have forced obedience under the pretense of treaties; and when we pretend to exercise any authority over them at all, it is in pursuance of treaties made with them. They are called in the Constitution "Indians not taxed."

Mr. McRAE. Following up the gentleman's suggestion, I would like him to ask the gentleman on the other side if the proposition is to give to the inhabitants of those islands the same status as the Indians?

Mr. WILLIAMS of Mississippi. They will not answer that. [Laughter.] The United States can not have any subjects. I challenge any man on that side to say that the United States can have subjects. I have waited for a reply. No man has said so, and no man will say so.

No man will get up and say we can have an imperium in republica, or an empire within the Republic, and yet, upon the other hand, there is not one of you who will rise in his seat and say—and I challenge you to do so, and will pause for reply—that he would be willing to admit these Philippine Islands, with their 10,000,000 people, at any time as States in the American Union. I dare anyone to say it. I dare you to go on record. Is there one of you? Not one.

Mr. WEEKS rose.

Mr. WILLIAMS of Mississippi. Now, one sentence and then I will yield to the gentleman. Let us not play with fire; let us be frank and honest with one another and frank and honest with the country. If you are going to make subjects of these people, and make them subjects of an eternal, perpetual, imperial, military despotism, say so bravely.

My friends, I state to you frankly and with a full intent to mean all I say, that, as far as I am concerned, when I hear people say, "I am in favor of Philippine annexation, but I am opposed to imperialism," my reply is that I am much more opposed to annexation of the Philippines in its old, historic American sense—that is, the expansion of our institutions over them and their partnership as equals with us in the Union—than I am to the new-fangled doctrine of imperialism.

As much as I would hate to see the Declaration of Independence thrown to the winds, as much as I would hate to see the old, historical landmarks of Washington's Farewell Address forgotten, as much as I should hate to see the Constitution amended so that we might have subjects, I would rather frankly change the Constitution, I would rather be relegated to the unwritten constitution of the English-speaking race—the common law itself—than to admit 10,000,000 barbarians like those to share and share alike with me and my children and my grandchildren in molding the destinies of this great Republic—the last hope of all the ages for popular freedom and for the demonstration of the fact that man can govern himself. [Applause.]

Ah, but gentlemen tell me that these people over there are not fit to govern themselves. In what chancel of God were you made the judges? I am willing to stand by them for five years or for ten years until they prove they can govern themselves, if they can not now. But I tell you, gentlemen of the House of Representatives, that the right of self-misgovernment is no less divine than the right of self-government. I am sure only that they have no divine or other right to govern or misgovern me. But to govern themselves; that is different.

Who is to pronounce the judgment? Where will you stop if you once begin to take people who can not govern themselves and say that they must be governed by me and you or by Great Britain or France or Germany or by somebody else? Did not Admiral Dewey say that these people were more competent for self-government than the Cubans, and do not you and I know that the Cubans are more competent and capable of self-government than the Nicaraguans and the Costa Ricans and the Venezuelans? And yet we are not waging a war on Nicaragua or Costa Rica to establish our military tutelage because they can not govern themselves.

I have as high a regard for the white man as any man that ever existed. I am perhaps fanatical in my race pride. I believe that God has chosen our race as the instrumentality for the propagation of all that is civilized and all that is cultured in this world. But at the same time, my friends, no man can ever learn self-government when held in tutelage. Lord Macaulay said, and said well, that if you keep a man in darkness until he can stand the light, he would remain in darkness forever. So it is with man's capacity for self-government. I will now yield to the gentleman from Michigan, who wanted to interrupt me.

Mr. WEEKS. I want to ask the gentleman if, in the treaty of Paris, the inhabitants of Puerto Rico were not mentioned as inhabitants, and did it not differ from the other treaties like the treaty of Mexico? Now, did it not leave to Congress alone the decision as to what should be done with these people?

Mr. WILLIAMS of Mississippi. Mr. Chairman, they put the word "inhabitants" in the treaty purposely, I suppose, because they did not want to tell whether they were going to hold them as subjects or keep them as citizens. But that stands for nothing; anybody is an inhabitant; you might be an American citizen, for example, and yet an inhabitant of Italy. I do not think that is relevant.

Mr. WEEKS. Did not the treaty leave it to the Congress to settle the status of these people?

Mr. WILLIAMS of Mississippi. Oh, I catch the gentleman's point. The gentleman now is going to the point of contention that if the ordinary law of Congress is not superior to the Constitution, then a treaty, as a special sort of a law, is superior to the Constitution.

A treaty is but a law. That question has also been settled by the Supreme Court. The Supreme Court has held that the Constitution is the highest law of this land, no matter what other sort of law may be brought into clash with it. I did not understand at first what the gentleman was talking about.

Now, I go on with some of these authorities.

There are some things here which are so strong that I want to read them to this House. Here is the language of Mr. Justice McLean:

> In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object.
>
> No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit; so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

And Mr. Justice Curtis said of the power of Congress over the Territories:

> "I can not doubt that this is a power to govern the inhabitants of the Territory, by such laws as Congress deems needful, until they obtain admission as States."

It is a striking fact that Chief Justice Marshall, in a memorable opinion, finds the sole and entire defense of our system of Territorial government in the same doctrine, namely, that territory held and governed by Congress is held and governed under the Constitution to be admitted into the Union as States. The decision to which we refer is the one delivered by the Chief Justice in the case of Loughborough *vs.* Blake. (101 U. S., 129 [1897].)

In that case it was contended that the citizens of the District of Columbia, not being represented in Congress, could not be subjected to direct taxation, which the Constitution provides shall be apportioned, like Representatives, among the several States according to their respective numbers. It was claimed that if the United States could impose direct taxes upon citizens residing out of the States of the Union and having no representation in the Government, such was clearly a case of "taxation without representation," which the colonies made the chief cause of revolt against Great Britain.

The question was here unmistakably presented as to whether the Constitution contemplated or permitted a colonial system. Chief Justice Marshall, having held that direct taxation could be applied to the District and to the Territories as well, found the reply to the above question in the fact that statehood was the end necessarily intended and marked out by the Constitution for the Territories of the United States.

Now, let me read another citation stronger even than that:

> During the interim between the decision in Loughborough *vs.* Blake and that in Scott *vs.* Sanford that tribunal had distinctly announced the same doctrine in the important and instructive case of Pollard's Lessee *vs.* Hagan (3 How., pages 221, 223), and that case was in that particular fully affirmed in 1893 in the case of Shively *vs.* Bowlby (152 U. S., page 49), in which the court asserted:
>
> "*The Territories acquired by Congress*, whether by deed of cession from the original States, or by treaty with a foreign country *are held with the object as soon as their population and condition justify it of being admitted into the Union as States, upon an equal footing with the original States in all respects*, and the title and dominion of the tide waters and the lands under them are held by the United States for the benefit of the whole people, and as this court has often said, in *trust for the future* States."
>
> In the same case the court, summing up its conclusions, adds (page 57):
>
> "Upon the acquisition of a territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people, *and in trust for the several States, to be ultimately created out of the territory.*"
>
> In Murphy *vs.* Ramsay (114 U. S., page 45) to the same effect it was said:
>
> "The power of Congress over the Territories *is limited by the obvious purposes* for which it was conferred, and those purposes are satisfied *by measures which prepare the people of the Territories to become States in the Union.*"
>
> The same doctrine is distinctly laid down by Mr. Justice Field in Weber *vs.* Harbor Commissioners (18 Wallace, page 65), and it is notable that all these later decisions contain express references to the Dred Scott decision for the propositions they announce.
>
> The views of the late Mr. Justice Cooley fully coincide with those above stated. In his Constitutional Law (pages 169 to 170), he says:
>
> "It could never have been understood that any territory which by purchase, cession, or conquest should at any time come under the control of the United States *should permanently be held in a Territorial condition*, and the new States which have been formed of territory acquired by treaty *must be supposed to have been received into the Union in strict compliance with the Constitution.*"

He cites Scott *vs.* Sanford (19 How., page 447), and continues:

"And when territory is acquired, the right to suffer States to be formed therefrom and to receive them into the Union must follow of course, not only because the Constitution confers the power to admit new States without restriction, but because it would be inconsistent with institutions founded on the fundamental idea of self-government that the Federal Government should retain territory under its imperial rule and deny the people the customary local institutions."

The same learned authority, distinguishing, as did Chief Justice Marshall, between the Territories of the United States and the American colonies under Great Britain, points out that—

"*There are differences which are important and, indeed, vital.* The first of these is that the Territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the Territories, while it continues, are assured of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable; *while the British colonial system contained no provision or assurances of any but a dependent government indefinitely.*" (Page 36.)

"Besides being thus embodied in the jurisprudence of the country, the doctrine in question is fully supported by our political philosophy."

"Edward Everett finely points out 'the inherent incongruity of colonial government with the principles of constitutional liberty.' He analyzes that form of government and shows that 'in its very nature it is inconsistent with the requirements of constitutional freedom, either to the colony or the mother country,' and that it 'obstructs the growth of liberty in the colonies and favors the growth of arbitrary power in the mother country.'" (Everett's Works, Volume I, page 530; also Volume II, page 489.)

Daniel Webster's Works, Volume V, page 300, says:

In the part which I have acted in public life it has been my purpose to maintain the people of the United States what the Constitution designed to make them—*one people, one in interest, one in character*, and *one in political feeling*. If we depart from that we break it all up. Arbitrary governments may have territories and distant possessions because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukrane and the provinces in the Caucasus and Kamchatka by different codes, ordinances, or ukases. We can do no such thing. They must be *of us, part of us, or else strangers.*

Mr. Calhoun also, in opposing the annexation of Mexico to the Union, pointed out plainly that it would be impossible to incorporate that territory into the Union or to admit it as a State. He showed that if annexed it would have to be ruled as a dependent province or colony, which, he declared, would be totally incompatible with the Constitution and in the end subversive of our free institutions.

Note also the following language from Pomeroy's Constitutional Law, section 492:

But is Congress absolute over these districts or territories? Is it, like the British Parliament, bound by no limitations save those which are self-imposed? This can not be; nor does the language of the Constitution require a construction so much opposed to all our ideas of civil polity. The safeguards of individual rights—those clauses which preserve the lives, liberty, and property of the citizen from the encroachments of arbitrary power—must apply as well to that legislation of Congress which is concerned exclusively with the District of Columbia, or with the Territories, as to that which is concerned with the States.

The reasoning which leads to this conclusion is irresistible. A bill of rights is certainly no less important for the District of Columbia and for the Territories than for that portion of the nation which is organized into States. If it were thought necessary that Congress should be hedged round with restrictions while it is legislating for the inhabitants of States, who may be partially protected by their local governments, how much more necessary that the same body should be restrained while legislating for the inhabitants of those districts and Territories over which it has an exclusive control.

Chief Justice Marshall, in Blake *vs.* Loughborough, says:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or *any particular portion of the American empire?* Certainly this question can admit of but one answer. *It is the name given to our great Republic, which is composed of States and Territories.* The District of Columbia or the territory west of the Missouri *is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than the other.*

In the early days of the Republic the first judges of the Supreme Court had announced substantially the same principle as that above quoted from Chief Justice Marshall. In the case of United States *vs.* More it was declared:

The Constitution was made for the benefit of every citizen of the United States, and there is no citizen, whatever his condition, or wherever he may be, *within the territory of the United States*, who has not a right to its protection.

Upon the point under consideration the language of the Dred Scott decision is explicit and decisive. Chief Justice Taney declared:

The power of Congress over the person and property of a citizen can *never be a mere discretionary power* under our Constitution and form of government. The power of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. *And when territory becomes a part of the United States the Federal Government enters into possession* in the character *impressed upon it by those who created it.*

It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it, and it *can not when it enters a territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it.*

It can not create for itself a new character separated from the citizens of the United States and the duties it owes them under the provisions of the Constitution. The Territory *being part of the United States*, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out, and the Federal Government can exercise no power beyond what that instrument confers, nor lawfully deny any right which it has reserved. * * *

The powers over persons and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extends to the whole territory *over which the Constitution gives it power* to legislate, including those portions of it remaining under Territorial government as well as that covered by the States.

In these propositions Mr. Justice Curtis concurred. They have also, as we shall see, been frequently affirmed by the Supreme Court, and Mr. Pomeroy, in his Constitutional Law, says of this part of the opinion of the Chief Justice:

The position assumed by the court that Congress in the exercise of its legislative function for the Territories is bound by the restrictive clauses of the bill of rights, can not be successfully attacked. Indeed, it can make no difference whether that body proceeds under the express grant of Article IV, or under its power implied in the capacity to acquire and hold additional soil. In either case, it is equally hedged round and trammelled by the safeguards of individual rights that are contained in the first eight amendments.

The doctrine has also been enunciated in recent decisions of the Supreme Court, oftentimes with express reference to the Dred Scott case.

In Murphy *vs.* Ramsey the Supreme Court declared:

The *people* of the United States as sovereign owners of the national Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they *are represented by the Government* of the United States, to whom all the powers of government over that subject have been delegated, *subject* only to *such restrictions as are expressed in the Constitution, as are necessarily implied in its terms, or in the purposes and objects of the power itself.*

* * * The personal and civil rights of the inhabitants of the Territories are secured to them as to other citizens by *the principles of constitutional liberty which restrain all the agencies of government, State and national.*

In National Bank *vs.* County of Yankton, the court, by Chief Justice Waite, on page 133, asserted:

All territory within the jurisdiction of the United States not included within any State must necessarily be governed by or under the authority of Congress. * * * The organic law of the Territory takes the place of a constitution as the fundamental law of the local government. * * * But Congress is supreme and for the purposes of this departmental authority has all the powers of the people of the United States, *except such as have been expressly or by implication reserved in the prohibitions of the Constitution.*

"In Callan *vs.* Wilson, which was a criminal prosecution by information in the police court of the District of Columbia, the accused claimed that the right of trial by jury was secured to him by the third article of the Constitution, as well as by the fifth and sixth amendments. The court held that the article and amendments of the Constitution referred to applied to the District of Columbia, saying in part:"

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of the District *may be lawfully deprived of the benefit of any of the constitutional* guarantees of life, liberty, and property. * * * We can not think that the people of this District have in that regard less rights than those accorded to the people of the Territories of the United States.

The author of Absolutism, or the Constitution, well says in conclusion:

If the powers of Congress over the Territories of the Union are discretionary, absolute, untrammeled by the above restraints of the fundamental law, as maintained in the speech of Senator PLATT, what is to prevent that body from violating all those safeguards of personal and civil rights? What limits can be assigned to its power? What security has the citizen of the United States living in its territory against the encroachments of arbitrary dominion? What could restrain a dominant faction in Congress from establishing the President as emperor or king over newly acquired territory and investing him with all the prerogatives of oriental despotism?

Against this infatuated departure from the great doctrines of constitutionalism, we caution the people of the Republic that their welfare and safety and the welfare and safety of their free institutions are vouchsafed alone by the written law. We admonish them that their Government can not endure half constitutional and half despotic. We warn them that the principle of absolutism once admitted, by which the Government created by the Constitution becomes lifted above its solemn declarations and restraints, heralds the ultimate doom of the Republic.

[Mr. WILLIAMS of Mississippi resumed his seat amid loud applause.]

Mr. HITT. I now yield one hour to the gentleman from Minnesota [Mr. MORRIS].

Mr. MORRIS. Mr. Chairman, it is my purpose to-day to discuss the constitutional questions as to the government of acquired territory growing out of the conditions presented by our recent acquisitions. From the beginning of the century we have been acquiring, governing, and controlling large areas of territory which did not originally belong to the United States, and it would seem that our right of acquisition, at least, no matter what may be our powers of government, have at all times been conceded by the members of all parties. It is true that it has recently been contended, and indeed by some strenuously maintained, that such acquisition could only be made for the purpose of ultimately admitting the territory as a State, or a number of States, into the Union. I think it will be apparent when we come to consider the grounds of our authority to acquire that this position is altogether untenable. It would seem to be too plain for argument that the framers of the Constitution and the people of the States who adopted it could not possibly have foreseen what territory the fortunes of war or the necessities of commerce or of self-preservation might bring to us, and also equally plain that it would have been absurd for them to require that such territory should be brought

into the Union no matter how ill adapted its location or the character of its people to the conditions of statehood. But, be that as it may, the right of acquisition under the Constitution seems to be now, and to have been always, universally admitted.

That the question as to whether or not certain territory has been or should be acquired is a political and not a judicial one, to be determined by the political departments of the Government, the executive and the legislative departments and not the judicial, is now too firmly established by the decisions of our highest court to admit of controversy. (United States *vs.* Reynes, 9 Howard, 127, 154, and cases there cited; Johnson & Graham's lessees *vs.* McIntosh, 8 Wheaton, 543, 588; Jones *vs.* United States, 137 U. S., 202, 212, and cases there cited.) The question of the policy of our recent acquisitions I think it is too late to discuss. That the circumstances and conditions surrounding them, at least so far as the Philippine Islands were concerned, were entirely different from those which were presented in the acquisition of Louisiana and the adjacent territory must be admitted. And it may also be admitted that had the circumstances been different we should not have sought them as we did Louisiana. To my mind it is plain, in the face of the conditions presented, that we ought not to, that we could not, have acted otherwise than we have done. And I have not the slightest doubt that if we had we would now be hearing from the other side of this Chamber even fiercer denunciations than those to which we have lately become accustomed: that we would be told how we had basely betrayed those who had trusted us; how we had left them to their former inhuman oppressors or to the selfish greed of other European powers; how we had failed, in the moral obligation resting upon us amongst the nations of the earth, to restore peace and order when we had destroyed their only safeguards; how we had failed in the highest duty which we owed to civilization and progress; how we had failed to grasp and hold that which to us is the commercial opportunity of the centuries; and they would then be extolling the splendid achievements of Jefferson and his party in seizing every opportunity to extend the boundaries of our dominion and the blessings of our civilization as loudly as they now vaguely proclaim the doctrine of the consent of the governed. But the question whether we could act otherwise or not passed beyond the domain of discussion, at least so far as Congress is concerned, upon the adoption of the treaty and the appropriation for carrying it into effect. By that action they became a part of the territory belonging to the United States, and the only thing left for us is to go forward in a manly and straightforward way, with hope and confidence and courage, to the performance of the duties which have devolved upon us.

No one could take any exception to the course of any Senator who, when the treaty was under consideration, opposed its ratification or of a member of the House who, when the appropriation for carrying it into effect was being considered, opposed the grant of the necessary funds, believing in his heart and mind and conscience that we were doing something which we ought not to do. But the treaty having been ratified and carried into effect, not only can no good be accomplished by criticism and fault-finding with what is beyond recall, but no sense of duty can command such a course. On the contrary, every impulse of patriotism ought to prompt every citizen to stand squarely behind those charged with the administration of the Government and lend every aid to the correct and successful solution of the difficulties by which we are confronted. And not only ought he to do this freely and with all his might and main, but to do less is little short of treason. The treaty being ratified and carried into effect, what, then, is the duty of Americans, and especially of those who have the high privilege and duty of a voice in this Capitol? It seems to me there could be but one answer. I ask myself what I would do if I had been amongst those opposed to these acquisitions. I have been able to find but one answer. I would say I have done my duty; I have spoken and voted against this course of action; I have warned my colleagues and my countrymen; but they have not heeded my advice or my warning. They have thought otherwise. They have determined otherwise. The die is cast, and now I stand for my country and with my countrymen against all who would strike at the flag, who are in arms against our authority, wherever they may be. This was the spirit of the brave men who, although opposed politically to Mr. Lincoln, answered his call to arms in 1861. This should be the spirit of the patriot to-day. There can be no middle ground. "Choose you this day whom ye will serve." If your country, shall you not do it fully, unreservedly, unstintedly? Should you not do it in word and deed? Should you not, in the name of humanity and peace, demand that your Government should strike hard and strike home, and should you not be ready to give every assistance to that end? I do not wish to sit in judgment on any other man. I only judge myself. But I do say that when I read the words of that noble hero who has just given to his country the full measure of devotion, I felt that I would not be one of those who, since the ratification and exchange of that treaty, have found no words but those of condemnation for our Government and praise for those in arms against us for all the wealth of all the Indies. I would have felt that every such word had sped a bullet straight to the heart of some American soldier. I would have felt like exclaiming, with the heartbroken, remorse-stricken Macbeth:

> What hands are here! Ha! they pluck out mine eyes.
> Will all great Neptune's ocean wash this blood
> Clean from my hand? No; this my hand will rather
> The multitudinous seas incarnadine,
> Making the green one red.

How admirable the course of the President of the United States in comparison with that of his critics and detractors. Does anyone who knows his pure and exalted life, public and private, suppose for an instant that he is any less actuated by a sense of duty than are they? Can anyone who remembers his readiness in other days to offer his life for the cause of freedom and humanity suppose that he loves liberty any less than these nursery statesmen, who talk about his intention to subvert it and set up a monarchy? Can anyone suppose that he has not as complete and ever-present realization as they of the arduous task which is set before him and us?

Ah, no, Mr. Chairman. He sees all, feels all, understands all, as well as they, and with no less profound sense of duty, with no less stern realization of the magnitude and delicacy of the responsibility, with no less ardent love of liberty and justice. But he approaches that duty with no sign of shirking or evading. He sets about the task slowly and cautiously and tentatively, as well becomes so great an undertaking, but hopefully, courageously. He indulges in no ill-timed, academic, and axiomatic deliverances about liberty, but goes steadily on with the work of establishing and extending, not its theoretical shadow, but its practical and enduring substance. He ought to succeed; he will succeed. He ought to be supported by the American people; he will be supported by them. And when the history of this Administration, this brilliant, this wonderful Administration, comes to be written, like those of Washington and Lincoln, it will stand out bright and shining and glorious in the onward march of the nation; "great in the arduous greatness of things accomplished," remembered ever for its splendid achievements and noble sacrifices, while those who, instead of supporting and assisting it, are censuring or carping and caviling, will be forgotten, or, if remembered, remembered as to this part of their public careers only with sorrow and regret.

For my part, I place myself under the flag, behind the Administration of my country, by the side of the American soldier in whatever land he may be. I believe in my country. I believe in the sincerity of those whom the people have called to guide its destinies. I do not believe there throbs a tyrant heart amongst them. I do not believe there exists anywhere any sentiment or hope or aspiration that does not make for the lifting up of these people whose destiny we have made a part of our own. Believing thus, I look forward, not backward. I ask myself, not what of the past, but what of the future? I would wipe out no footprints that have been made, but make more certain and secure the steps that are yet to be taken.

The power to acquire being admitted, and acquisition being accomplished and complete, we then approach that subject with which we have to deal, the only real, practical question which now remains, the question of their government and control. Of course, the immediate business in hand in the Philippines is the restoration of peace and order. But in Puerto Rico the case is different, and what I shall say to-day is prompted by the knowledge that in a few days we will be called upon to legislate for that island. And we here meet with problems totally different from any which have ever confronted us before, and indeed different from any with which any other government has had to deal. Problems more complex, even, in these islands, with their enormous area and in some of them their savage or semisavage population of many millions, and in all of them a people totally unaccustomed to our institutions, than any ever presented to England in all her broad empire. It should be our endeavor to make no mistakes, or as few as possible. That we have made some mistakes in the past when confronted by new conditions I think few will now deny, and with the warning of these before us it behooves us to move and act cautiously and slowly, and inspired by the feeling that what we do now may affect not only the present but many generations to come. And we should be governed not by any spirit of partisanship or party advantage, but only by that of the loftiest patriotism and the most unselfish devotion to the principles of liberty and humanity.

There is much talk about a protectorate for these islands. To me this would seem to be the widest and most inexcusable departure from the settled policy, upon which we have acted for more than a century, of minding our own business. It is true that we have undertaken a limited quasi protectorate as to our neighbors in this hemisphere, going to the extent of forbidding any European nation to acquire, and extend the European system to, any part of their territory; but this we have done for our own

protection, not for theirs, and as essential to our own peace and security, not to theirs. In other words, the Monroe doctrine is in the strictest sense a minding of our own business. We can find no justification or excuse for extending it to the Philippine Islands. To attempt to do so would only make us absurd and absolutely destroy the tenability of that doctrine. If we attempt to extend to them a protectorate in the real meaning of that term, we shall be meddling not only with their affairs, but with the affairs of every other nation with which as an independent sovereignty they may be brought in contact, and thus we shall be obliged to take practical control of their affairs or else constantly expose ourselves to the danger of being embroiled with other nations about matters which they may justly say are none of our concern. Surely there can be no question in the minds of thoughtful men that if we are to have the responsibility of them, it would be best to have at once power equal to that responsibility. But if we make them our own, call them our own, treat them as our own, they and all nations will know to whom to look and with whom to reckon, and whatever we may do with them or in them or about them will be our own business and nobody else's. We have not yet gone into the business of acting as general guardian for all the weak and incapable tribes and peoples of the earth, and I hope we never shall. But wherever our flag floats there it is the symbol of our protection, our power, and our responsibility.

Holding them as our own, there ought to be no question amongst reasonable men as to our duty to their people. The spirit of our Government, the genius of our people, point the way.

That we should lead them to civilization and fit them for self-government; that we should at the beginning confer upon them such measure of self-government as their character and past and present environment will admit; that we should gradually from time to time increase that measure of self-government; that in the years to come we should bring them, if it be possible, to that condition of practical independence enjoyed by Canada and Australia with reference to Great Britain; and for my part I hope and look for the day to come when, reserving to ourselves only such points of advantage as shall be necessary for the maintenance of our commercial and international interests, we shall grant them actual independence, if they shall desire it and shall prove themselves fit for it and able to maintain it. How far off that time may be no man can now determine. That they will ever, after they have for a time enjoyed in their fertile and prolific soil, and in the soft air and under the brilliant skies of their beautiful climate, all the blessings of liberty and law, after they have found under the flag of this great Republic a safety and security and sweetness in life of which they have never dreamed before, desire to depart from its protection and set up an independent government and flag of their own I do not believe. But that we should, if it be possible, guide and lead them to the capacity to do so, if they shall wish to, is to my mind our clear duty, as it should be our unceasing endeavor. Some people seem to talk about holding these possessions as dependencies or colonies as though it was unworthy of us and degrading to them. They seem to forget that right upon our northern border there are a people as free and as liberty loving and brave as we are who occupy that relation to Great Britain. They seem to forget that for nearly two centuries we were in that condition ourselves, and that but for that apprenticeship we probably would not have been fit for the task which we have had to perform. But the business in hand now is to govern and control them as we find them. It is for us to meet our responsibilities and leave those who come after us to meet theirs.

That we shall abide by and enforce those great principles of liberty and natural justice and right, which are, as it were, bred in the bone of our race and inseparably a part of our traditions and of our habits of thought and action, I do not think any will deny, unless it be a rare one here and there who having found under our institutions a liberty and freedom unknown elsewhere is now engaged in the self-imposed task of teaching us how to preserve them. But that we shall be obliged in the outset to establish in these islands a government in some respects different from any we have ever before adopted for any portion of our territory I do not doubt. The judicial system will probably have to be in some respects different from our own. No people can be fit for that participation in the administration of justice to which under our system every American is accustomed, without years, perhaps generations, of training in the habits of freedom and self-restraint and in that spirit which stands, above everything, for law and order, and which dreads, above all else, the pollution of the fountains of justice. The revenue laws and commercial regulations may have to be different from our own. There may be other things as to which we may have to adopt different principles and policies from those heretofore pursued by us. Surely at first we will have to govern with a firm, strong hand.

Let us, then, approach this problem from this standpoint and with the objects to which I have referred in view. At the very outset it is a matter of the greatest importance that we should determine whether in dealing with these dependencies we are bound, by reason of our written Constitution, by certain paper limitations by which other nations—as, for instance, Great Britain—are not bound. At the very outset in such legislation as we undertake we must determine this question, and sooner or later the courts must also decide it. While these limitations may not be and, I think, are not insuperable obstacles to success, yet it must be evident that, if we are not bound by them, the chances of success will be much greater in the greater freedom of action which we will enjoy. There have appeared recently in the magazines and the public press of the country articles by eminent constitutional lawyers, professors of law, and publicists of the greatest learning and research, on both sides of this question. I desire here to express my indebtedness to these articles, and to say that I have not hesitated to adopt those views which I consider sound, and to use their language when it has appeared to me most apt to express the proper and exact meaning. I have given to them and to the Constitution and the decisions of the Supreme Court thereon the closest examination possible in the time at my disposal, and I purpose to give to the House the result of that examination and the conclusions I have drawn therefrom. I shall not discuss, then, the character of the people of these islands or the form of government best suited to them or what rights and privileges ought to be granted to them or withheld from them; but how far, in whatever legislation may be considered best for them, the Congress of the United States is free to deal with them, and whether the limitations of the Constitution apply.

I.

Let us first turn to the Constitution.

In the first place it is necessary for us (and the Supreme Court will find it necessary) to come to a clear and fixed determination of the meaning of the term "United States" as used in the Constitution.

The preamble begins, "We, the people of the United States, in order to form a more perfect Union," etc., and ends, "do ordain and establish this Constitution for the United States of America."

"We, the people of the United States." What people? What people ordained and established it? What does the term "United States" mean here? The Constitution framed and proposed by the Federal Convention was ordained and established, or, as we might express it, enacted into law, by the people of the several States acting through their respective representative conventions. Ratification by the conventions of nine States was sufficient for its establishment between the States so ratifying it. (Article VII.) The people of the western territory, which had prior to that time been ceded by certain of the States to the United States, united under the Articles of Confederation, or which had been acknowledged by Great Britain as belonging to the United States, had no part in its adoption. Furthermore, Article V provided that amendments might be proposed and adopted, and that they should become valid as a part of the Constitution when ratified by the legislatures or by conventions of three-fourths of the States united under it. And each amendment which has been adopted has become, as it was intended it should be, a part of the organic law, as prescribed by that law, by the action of three-fourths of the States so united.

In no case have the people outside of the limits of the States had any voice or part in making such amendments. "People of the United States" could, then, mean nothing else than the people of the States which should ratify it or amend it, acting severally in their State conventions or legislatures. If they had said, "We, the people of the United States, respectively" (they could not say, "We, the people of the thirteen States, respectively," for it was uncertain how many States would adopt it), the sense in which the words "United States" was used would have been precisely the same. There can be no doubt, then, that the term "United States," first used in the preamble of the Constitution, must mean the States collectively within which resided the people who should establish it or amend it; and that in this its collective sense it must comprise the territory within those States, and none other.

It is, then, the people of the States who ordain and establish. And what do they ordain and establish? "This Constitution for the United States of America." "This charter of government," for what? For the people of States who should not adopt it? Certainly not. For the States which should adopt and for the territory and its people belonging to the United States? If certain of the States had refused to adopt it a question might have arisen, certainly would have arisen, as to who was the owner of that territory. Certainly it could not have this meaning. The only answer, then, can be, for the States, collectively, which shall adopt it, if there shall be nine of them, and for those which may thereafter be admitted to the Union, all forming together when thus united that sovereign nation which, when the requisite number of States shall have ratified and adopted, will be hereby created.

The term "United States" in the preamble, then, can have but

one meaning, the collective name of the States, and under this name comprising the territory embraced within those States, and no more. By no possible twisting or turning of the language and its context can it be given that wider meaning, having its equivalent in the word "Empire" in England, and thus embracing all the territory, the States, and that outside the States as well, over which the sovereignty of the United States extends. And this would seem to settle the question, for it is the preamble that shows by whom, for whom, and for what purpose the Constitution was adopted. If the Constitution was adopted by the people of the States united under it, and for those States, then it would seem to be self-evident that it and its limitations could only apply to those people and to those States. By it a nation was created with all the powers of a nation among nations. Among these powers would inevitably be that of acquiring territory. Such territory having been acquired would belong to the United States, and must be governed and controlled. Its framers realized this, and also that the power to govern such territory would be as broad as the power to acquire. But in order that there might be no question about the matter, after providing for the powers of the Government of this nation made up of the States united under it with reference to those States, and placing certain checks and inhibitions upon it in reference to the States, and upon those States with reference to it, they went on to provide, in the third section of the fourth article, that the representatives of the sovereignty of that nation—the Congress—should make all needful rules and regulations respecting the territory belonging to that nation. Note the words "belonging to." Territory might belong to that nation and yet not be a part of the nation; its people subject to the Government and control of that nation and yet not a part of the supreme governing power.

Passing now from the preamble to the body of the Constitution and its amendments, we find that this term is used seventy times, in such phrases as the following: "Congress of the United States," "President of the United States," "Citizens of the United States," "The judicial power of the United States," "Treason against the United States," "All persons born or naturalized in the United States," "Officers of the United States," "Common defense and general welfare of the United States," "Within the United States," "Throughout the United States," etc. I will append a note giving all of these phrases and their references. *a*

a Congress of the United States. (Art. I, sec. 1, sec. 2, subs. 3.)
Citizens of the United States. (Art. I, sec. 2, subs. 2, sec. 3, subs. 3; Art. II, sec. 1, subs. 4; fourteenth amendment, sec. 1 (twice), sec. 2; fifteenth amendment, sec. 1.)
Senate of the United States. (Art. I, sec. 3, subs. 1.)
Vice-President of the United States. (Art. I, sec. 3, subs. 4; twelfth amendment; fourteenth amendment, sec. 2.)
President of the United States. (Art. I, sec. 3, subs. 5, subs. 6, sec. 7, subs. 2, subs. 3; Art. II, sec. 1, subs. 1, subs. 7.)
Office under the United States. (Art. I, sec. 3, subs. 7, sec. 6, subs. 2 (twice); Art. II, sec. 1, subs. 2; Art. VI, subs. 3; fourteenth amendment, sec. 3.)
Treasury of the United States. (Art. I, sec. 6, subs. 1, sec. 10, subs. 2.)
Common defense and general welfare of the United States. (Art. I, sec. 8, subs. 1.)
Throughout the United States. (Art. I, sec. 8, subs. 1, subs. 4; Art. II, sec. 1, subs. 3.)
On the credit of the United States. (Art. I, sec. 8, subs. 2.)
Securities and current coin of the United States. (Art. I, sec. 8, subs. 6.)
Service of the United States. (Art. I, sec. 8, subs. 16; Art. II, sec. 2, subs. 1.)
Government of the United States. (Art. I, sec. 8, subs. 17, subs. 18; twelfth amendment.)
No title of nobility shall be granted by the United States. (Art. I, sec. 9, subs. 8.)
Within the United States. (Art. II, sec. 1, subs. 4; thirteenth amendment, sec. 1.)
Shall not receive any emoluments from the United States or any of them. (Art. II, sec. 1, subs. 6.)
Constitution of the United States. (Art. II, sec. 1, subs. 7; fourteenth amendment, sec. 3.)
Army and Navy of the United States. (Art. II, sec. 2, subs. 1.)
Offenses against the United States. (Art. II, sec. 2, subs. 1.)
Officers of the United States. (Art. II, sec. 2, subs. 2, sec. 3, sec. 4; Art. VI, subs. 3; fourteenth amendment, sec. 3.)
The judicial power of the United States. (Art. III, sec. 1; eleventh amendment.)
Laws of the United States. (Art. III, sec. 2, subs. 1; Art. VI, subs. 2.)
Controversies to which the United States shall be a party. (Art. III, sec. 2, subs. 1.)
Treason against the United States. (Art. III, sec. 3, subs. 1.)
The territory or other property belonging to the United States. (Art. IV, sec. 3, subs. 2.)
Claims of the United States. (Art. IV, sec. 3, subs. 2.)
The United States shall guarantee to every State in the Union. (Art. IV, sec. 4.)
All debts, etc., shall be valid against the United States. (Art. VI, subs. 1.)
Treaties made, etc., under the authority of the United States. (Art. VI, subs. 2.)
Court of the United States. (Seventh amendment.)
The powers not delegated to the United States by the Constitution. (Tenth amendment.)
Suit commenced or prosecuted against one of the United States by citizens of another State, etc. (Eleventh amendment.)
All persons born or naturalized in the United States and subject to the jurisdiction thereof, etc. (Fourteenth amendment.)
Public debt of the United States. (Fourteenth amendment, sec. 4.)
Neither the United States nor any State shall assume or pay, etc. (Fourteenth amendment, sec. 4.)
Insurrection or rebellion against the United States. (Fourteenth amendment, sec. 4.)
Shall not be denied or abridged by the United States. (Fifteenth amendment, sec. 1.)

Examining these with reference to the context, it will be found that in all of them, with the possible exception of three, the term "United States" has the same meaning as in the preamble, or is used as the name of the sovereignty or nation created by the Constitution and made up of the several States united under it in the Federal Union, or, in other words, to designate the Federal sovereign, and can have no other meaning. These three are the following: "Throughout the United States," "Within the United States," and "All persons born or naturalized in the United States and subject to the jurisdiction thereof."

Now, it would seem that it would have to be presumed that if, as we have seen, the term "United States," as used in the preamble and in all the other phrases in the Constitution, has one or the other of the two meanings above given, to wit, (1) collective or United States, (2) Federal sovereign, it would also have one or the other of those two meanings as used in these three phrases. And but for what has been said by the judges of the Supreme Court in certain of their opinions, I hardly think there would be any question as to the conclusiveness of this presumption. These opinions we will consider hereafter. Let us examine these phrases now only in the light of the Constitution itself, the context and the scope and object of the whole instrument and its various parts.

The phrase "Within the United States," as noted above, occurs once in the original Constitution (Art. II, sec. 1, subs. 4). That subsection prescribes what persons shall be eligible to the office of President: First, a natural-born citizen (the meaning of this we will have to consider hereafter); second, a citizen of the United States at the time of the adoption of the Constitution, though he should not be a natural-born citizen. And as to any one of this latter class, the last clause of this subsection further prescribes that he shall have been fourteen years a resident "within the United States." Suppose only nine of the States had ratified the Constitution, could there be any doubt as to the meaning of the term "United States?" This question puts it beyond doubt that the meaning is the first above given, for we are obliged to remember that the outside territory would not then have even belonged to the States ratifying, but would have had to be the subject of negotiation, and as the result of that negotiation might have gone to the nonratifying States. The phrase also occurs in the thirteenth amendment. There the term can have no other than the same meaning, if the words which follow, "or any place subject to their jurisdiction," are to have any meaning whatever. Indeed, does not the wording of this amendment show that its authors understood that the term "United States," when used to express extent of territory, had no other meaning than that first above given?

The phrase "throughout the United States" is used three times, each time in the original Constitution. As used in subsection 3 of section 1 of Article II, the term "United States" can have no other meaning than the first, for it relates to the time of choosing electors and the day on which they shall give their votes, and electors are not chosen except by the States which compose the United States. Would not this, taken in connection with the evident meaning of the term elsewhere in so many places and in so many different connections, furnish an almost conclusive presumption that it has the same meaning when used in Article I, section 8, subsections 1 and 4. And I think, in the light of the context and of the scope and object of the whole Constitution, and particularly of the whole of this section of the first article, which I shall presently consider, that presumption is made absolutely conclusive.

In the phrase "all persons born or naturalized in the United States and subject to the jurisdiction thereof" we would argue from the facts above that, as the term has no other meaning elsewhere in the Constitution than one of the two above given, the same must be the case here, and if it has either meaning it must have the first. But aside from this the words following, "citizens of the United States and of the State wherein they reside," would seem to show that the authors of the amendment contemplated only the States, and this view is further emphasized by the language of the thirteenth amendment, to which I have alluded, which was fresh in their minds and which some of them had helped to frame. Besides, the amendment consisted mainly of prohibitions against the States, and the whole of it resulted from the conditions existing after the civil war, and was intended to secure its results and to give certain rights to persons of African descent residing in the States, and to prevent the States from taking away those rights. [Applause.]

Now, if the term "United States" in the Constitution has only one or the other of the two meanings above given, wherever it occurs in that instrument, then it would inevitably follow that the limitations of the Constitution, except those containing positive and express prohibitions, do not extend beyond the limits of the States united by and under it, except so far as they may have been extended by the action of Congress.

In what I have to say hereafter let the exceptions above referred to be borne always in mind. There the inhibition is against any legislation by Congress at all, either in the United States or in

the territory belonging thereto. As to those things, it can pass no law. But where it can legislate, either by express grant in the Constitution or by necessary implication, then what I have to say as to the limitations imposed upon it applies.

II.

Let us now turn to and examine, in the light of the circumstances of their adoption and of the objects sought to be accomplished, those provisions of the Constitution conferring power upon Congress and restricting the power so conferred which can affect in any way the subject now under discussion.

Considering the Constitution as a whole, we find that its framers were first and mainly concerned with the creation and organization of the three great departments of Government—the legislative, the executive, and the judicial. Article I creates and organizes and defines most of the powers of the legislative department, Article II the executive, and Article III the judicial. They always remembered, however, and we must always remember, that it was a Federal Constitution they were making; a Constitution, it is true, creating a sovereign nation, but still a Federal Constitution. By it there was to be a partition of the sovereignty which the people of the several States would have exercised if, instead of adopting it, they had separated into different and distinct nations. By it the people of each State were to vest in the new sovereignty created by the Constitution a portion of their sovereignty. By it, in all internal and domestic relations, each State was to possess the powers of sovereignty originally vested in its people, except such as the Constitution should specifically grant to the Federal Government; in all external and international relations, and in all those concerns which could not without inevitable conflict and confusion be left to the States, every sovereign power originally vested in the States not expressly prohibited by the Constitution, and all the incidental powers necessarily implied therein, were vested in the new sovereignty.

Moreover the Federal Government was to exercise certain powers operating directly upon the people of the several States, such as the power of taxation and such powers relative to the general welfare as could best be exercised by a general government. Hence, as to the legislative department, it became necessary to make the grants and restrictions contained in the eighth, ninth, and tenth sections of Article I and in Article III of the Constitution.

In these we find the following:

(1) A specific enumeration of powers which would have been exercised by each of the States if, instead of adopting the Constitution, they had separated and had become thirteen separate and independent nations, but which are conferred upon the legislative body of the nation to be exercised by it. (Article I, section 8; Article III.)

(2) Certain prohibitions and restrictions upon Congress in the exercise of the powers so conferred. (Article I, section 9; Article III section 2.)

(3) A prohibition to the States as to the exercise of certain powers, making those conferred upon Congress and prohibited to the States exclusive in Congress. (Article I, section 10.)

Of the remainder of Article I and of the whole of Article II, no part has any reference or application or can have any reference or application to any territory outside of the limits of the States. As to Article III, the practice of the legislative department of the Government and the decisions of the Supreme Court, beginning with Seré *vs.* Pitot in 6 Cranch and coming uniformly down, have put it beyond question that it has no reference or application to territory outside the States.

Seré *vs.* Pitot, 6 Cranch, 332; American Insurance Company *vs.* Canter, 1 Peters, 511; Benner *vs.* Porter, 9 How., 235; Clinton *vs.* Englebrecht, 13 Wallace, 434; Reynolds *vs.* United States, 98 U. S., 145; City of Panama, 101 U. S., 453; McAlister *vs.* United States, 141 U. S., 174.

The fact that no partition was to be made of the powers of sovereignty in territory outside the limits of the States would seem to make it apparent that section 8, so far as regards its main object and scope, could have no application to such territory, for there could be no object in specifying and defining powers where every sovereign power of legislation existed. Besides, one of the incidental objects of this section was to provide security that the United States, in the exercise of its powers, should treat all the States alike; otherwise a majority of States might combine to oppress a minority. Hence the provision of this section as to uniformity of duties, imposts, and excises throughout the United States. I have already given reasons for holding that the term "United States" in the expression "throughout the United States" as used in two subsections of this section, must mean the collective name of the States, embracing only the territory within the States, and that view is strengthened and confirmed by this consideration of the scope and object of the whole section. The legislative and executive departments are sovereign in their nature, it being by them alone that the sovereignty of the United States could declare or execute its will. Congress, representing that sovereignty, undivided as to the territories, would have full legislative powers as to them, without any grant to that effect from the States. And hence it would be absurd to hold that the grant of power had any reference to the Territories. *A fortiori* it would be absurd to say that the limitations of the grant have a more extensive operation than the grant itself.

The object of section 9 is to place certain restrictions and prohibitions on Congress, and the object of the limitations therein contained was therefore the same as that of the limitations contained in section 8, and could not have a wider operation than those limitations. Two of the subsections, on their face, are to be operative within the States, and the limitation as to the apportionment of direct taxes has a similar object to that of the limitation in section 8 as to uniformity of imposts, etc.—that is, to prevent a minority of wealthy States from having an unreasonably greater part of the burdens of government thrown upon them by a less wealthy majority.

The limitations in section 10 are upon the States. And we must note here, as to these limitations and all other limitations wherein the word "State" is used, that that word as used in the Constitution refers only to one of the members of the Union, as has been held by the Supreme Court over and over again. Internationally and in treaties it may mean any political entity whose foreign and international affairs and relations are conducted and controlled by the General Government. But in the Constitution its meaning is one of the States of the Union. (Hepburn *vs.* Ellzey, 2 Cranch, 445; New Orleans *vs.* Winter, 1 Wheaton, 91; Loughborough *vs.* Blake, 5 Wheaton, 317; Barney *vs.* Baltimore, 6 Wallace, 280; Geoffroy *vs.* Riggs, 133 U. S., 258.)

In Hepburn *vs.* Ellzey (2 Cranch, at page 452) Chief Justice Marshall, delivering the opinion of the court, says:

"On the part of the plaintiff it has been urged that Columbia is a distinct political society; and is, therefore, 'a State,' according to the definition of writers on general law.

"This is true. But as the act of Congress obviously used the word 'State' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a State in the sense of that instrument. The result of that examination is a conviction that the members of the American Confederacy only are the States contemplated in the Constitution.

"The House of Representatives is to be composed of members chosen by the people of the several States; and each State shall have at least one Representative.

"The Senate of the United States shall be composed of two Senators from each State.

"Each State shall appoint, for the election of the Executive, a number of electors equal to its whole number of Senators and Representatives.

"These clauses show that the word State is used in the Constitution as designating a member of the Union, and excludes from the term the significance attached to it by writers on the law of nations.

"When the same term which has been used plainly in this limited sense in the articles respecting the legislative and executive departments is also employed in that which respects the judicial department, it must be understood as retaining the sense originally given to it."

In Geoffroy *vs.* Riggs (133 U. S., at page 268) Justice Field, delivering the opinion of the court, says:

"This article is not happily drawn. It leaves in doubt what is meant by 'States of the Union.' Ordinarily these terms would be held to apply to those political communities exercising various attributes of sovereignty which compose the United States as distinguished from the organized municipalities known as Territories and the District of Columbia. And yet, separate communities with an independent local government are often described as States, though the extent of their political sovereignty be limited by relations to a more general government or to other countries. The term is used in general jurisprudence and by writers on public law as denoting organized political societies with an established government. Within this definition the District of Columbia, under the Government of the United States, is as much a State as any of those political communities which compose the United States. Were there no other Territory under the Government of the United States, it would not be questioned that the District of Columbia would be a State within the meaning of international law, and it is not perceived that it is any less a State within that meaning because other States and other Territories are also under the same Government. In Hepburn *vs.* Ellzey (2 Cranch, 445, 452) the question arose whether a resident and a citizen of the District of Columbia could sue a citizen of Virginia in the circuit court of the United States. The court, by Chief Justice Marshall, in deciding the questions, conceded that the District of Columbia was a distinct political society, and therefore a State, according to the definition of writers on general law, but held that the act of Congress in providing for controversies between citizens of different States in the circuit court referred to that term as used in the Constitution, and therefore to one of the States composing the United States. A similar concession, that the District of Columbia being a separate political community, is, in a certain sense, a State, is made by this court in a recent case of Metropolitan Railroad Company *vs.* District of Columbia (132 U. S., 1, 9), decided at the present term."

It would seem, from what I have said, to be reasonably certain that the limitations upon the powers granted to the General Government in the original Constitution were not intended to operate beyond the limits of the States united under it. But a consideration of the specific grant contained in the fourth article, following all these grants and limitations, will, in my judgment, put it beyond doubt. It is this:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, etc. (Article IV, section 3, subsection 2.)

Here there is no qualification or limitation. If the Constitution had not been adopted and the States had separated into different and distinct nationalities, the territory recognized by Great Britain as belonging to the United States, and that ceded by certain of the States to the United States under the Articles of Confederation, would have belonged to all of the States, and would

necessarily have had to be divided between them, or be the subject of negotiation and treaty between the different States after separation.

The Constitution being adopted, this territory (or a part of it, the number of States adopting being greater than nine and less than thirteen) belonged to the States united by and under it, and would have to be disposed of and governed by the government created by it. Besides, other territory might be acquired under the great national powers of that instrument. Therefore the relations between the Federal Government and the States, by the grants of power and the restrictions of that power in the preceding articles of the Constitution, being disposed of, this grant of power was made. And in view of the fact that by the Constitution was to be created a sovereign nation, made up of the States composing it, and with no divided powers of sovereignty as to the Territories, and in view of the further fact that the framers of the Constitution could not possibly forecast the circumstances and conditions which might attend any future acquisition of territory, it must be apparent that this grant must be absolutely unrestricted, and that its exercise must be left to the untrammeled judgment and discretion of the representatives of the national sovereignty, and that the framers of the Constitution so intended.

Such were the grants of power and the restrictions thereon as they existed in the Constitution as originally framed and submitted to the States for their ratification or rejection. When it came to be considered by the States, objection was made from many quarters that its limitations did not sufficiently safeguard the States against an improper exercise by the General Government of the great powers which had been conferred. This objection was urged with such effect as to endanger its ratification by a sufficient number of the States, and such ratification would probably not have been secured had not assurances been given that the first ten amendments would be at once proposed and ingrafted upon it. Accordingly the first ten amendments were proposed and submitted to the legislatures of the several States by the First Congress September 25, 1789. Thus, in considering their effect and the proper construction to be put upon them, they may be considered as though they had been originally adopted by the Federal Convention and made a part of the original articles, to wit, section 9 of Article I, and Article III, and what I have said as to the limitations in these articles apply equally to these amendments.

The eleventh and twelfth amendments need not be considered here, as they have no bearing upon the subject under discussion.

The last three amendments grew out of the conditions existing at the close of the civil war and were intended to secure its results. The thirteenth forbids slavery "within the United States or any place subject to their jurisdiction." The fourteenth in its first section defines who are citizens of the United States and places certain restrictions on the States. The other provisions are aimed at the States. This is made clear by considering the express words of the whole amendment, and particularly the prohibition contained in the first section, that no State should "deprive any person of life, liberty, or property without due process of law." That the general prohibition to that effect contained in the fifth amendment would not bind the States, as had been uniformly held by the Supreme Court, was known to the framers of this amendment, and so they put in these words as a protection to those persons for whose benefit and protection it was proposed and adopted.

I shall hereafter allude to these decisions in another connection as sustaining the views here contended for. This amendment was proposed by the next Congress after that which proposed the thirteenth, and with that amendment and its peculiar language before them, and so was adopted by the States. In it were used the words, "All persons born or naturalized in the United States," without any words, like those in the thirteenth, showing that it was to have any wider application than to the States united under the Constitution, and the words "citizens of the United States and of the States wherein they reside" were used without any words suggesting that any persons are citizens of the United States within the meaning of the Constitution except as they are such by having been citizens of one of the States, or by being made such by operation of the laws of Congress. The words "and subject to the jurisdiction thereof" were evidently intended, as has been held by the Supreme Court (United States *vs.* Wong Kim Ark, 169 U. S., 649), to exclude from its operation the children of ministers, and others in similar circumstances, born in this country. The fifteenth forbids the disfranchisement by either the States or the United States of citizens of the United States on account of race, color, or previous condition of servitude.

Thus we see there is nothing in any of the amendments, either the first ten or those subsequently adopted, which can change the conclusions arrived at from a consideration of the original Constitution; that is, that the term "United States" has, in the Constitution, wherever it is used, one of the two meanings above given, and no other; that the limitations placed upon the powers granted were intended to apply only as to the action of the General Government in its dealing with the States or their people; and that the grant contained in the fourth article was absolutely unrestricted by those limitations, and the power therein conferred was left to the judgment and discretion of Congress.

III.

The conclusion above arrived at would be easily reached, both by Congress and by the courts, and, indeed, it would seem that no other could be reached, if we approached the conditions presented by our recent acquisitions only in the light of the Constitution itself. But, as I have said before, there are a number of opinions of the Supreme Court in which expressions have been used which seem to indicate an opposite view. These, I think I shall be able to show, are mere *dicta*, and therefore not binding as authority in the consideration of subsequent cases.

Let us now consider these cases. The first one I call attention to is that of Loughborough *vs.* Blake. (5 Wheaton, 317.) The case was this: Congress had passed an act laying an annual direct tax of $6,000,000 upon the United States and had, as required by the Constitution (Article I, section 9, subsection 4), apportioned that tax among the States. Subsequently Congress passed another act extending the first act to the District of Columbia. The plaintiff claimed exemption from this tax on the ground that the act thus extending the tax to the District was unconstitutional. What the effect of the decision was is shown by the learned reporter's headnote or syllabus to the case. It was this: That Congress has authority to impose a direct tax on the District in proportion to the census directed to be taken by the Constitution; that the power of Congress to levy and collect taxes, duties, imposts, and excises is coextensive with the territory of the United States; that the power of Congress to exercise exclusive jurisdiction in all cases whatsoever within the District includes the power of taxing it. This was all, as the reporter viewed it, that the decision meant; and if this had been all that the learned judge who delivered the opinion of the court had said, it would not now be necessary to refer to the case. But in the course of the opinion he used words having a much wider and more far-reaching import and which, if they had been necessary to the conclusion reached, would, unless subsequently modified or reversed, settle the question now under consideration.

If the Chief Justice had said in the beginning of the opinion, as he did in the latter part of it, that under the power of exercising "exclusive legislation in all cases whatsoever within this District," Congress had, within the District, all the power that it had in any State and in addition the power of the legislature of a State and therefore had an unqualified power of taxation, without regard to representation by the District in Congress, and that in case that power was exercised the Constitution furnished a rule or standard by which the share of the burden might be justly and equally determined and applied, that would have ended the matter, and the decision would have been what it was, no more and no less. But for some reason, it is hard to say what, he thought it proper, in the first part of the opinion, to go further and say what was not at all necessary to the conclusion reached, and which might have been omitted without in any way affecting that conclusion. Accordingly he went on to use those words, which seem to indicate that the position which I have taken is unsound, as follows:

> This grant is general without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words which modify the grant. These words are, "but all duties and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power then to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole, or any particular portion of the American Empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

It must be apparent from the statement of the case and from the latter part of the opinion to which I have referred before that this was in nowise necessary to the decision, and that it must therefore be taken as a mere dictum.

Let us see whether this dictum is sound and should be followed. It can not be contended that the grant of the power of taxation is not general or is limited as to place. And it must follow that it extends to all places over which the jurisdiction of the United States extends. There can be no question as to the extent of the power. The question is, however, not as to the power, but as to the modification of the power. And right here is the fault of the reasoning of the Chief Justice. Of course, no one would contend that the modification of the power extends to places to which the power does not itself extend. But it may be contended, and is contended, that the power extends to places to which the modification does not extend.

The power is to lay and collect duties, imposts, and excises.

This power may be exercised wherever the jurisdiction of the Government extends. The modification is that such duties, imposts, and excises must be uniform throughout the United States. But it does not necessarily follow from this that this modification must extend wherever the power extends, to territory outside the States united under the Constitution, but which is subject to the jurisdiction of the Government as well as to the United States proper. It is true that the term "United States" may in popular usage and internationally be used to designate the whole "American empire," yet in the Constitution it is used again and again with the two other meanings given above, and, indeed, seems nowhere in that instrument to have been given this meaning. This did not seem to have occurred to the Chief Justice at the time, nor the further fact that in the first act Congress had given it another meaning.

Besides, there is a very striking inconsistency between the statement that "it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, etc., should be observed in the one than in the other;" that is, in the Territories than in the States, and what he says subsequently in the same connection as to apportionment of direct taxes. The Constitution does not less require apportionment as to direct taxes than it does uniformity as to indirect taxes or imposts, etc. Yet, while he says it is necessary to exercise the power to lay indirect taxes in the Territories if we exercise it in the States, and that we must do it uniformly, he also says we need not exercise the power to lay direct taxes and apportion them in the Territories unless we choose to; that we may lay direct taxes and apportion them to the States, but we are not obliged to extend and apportion them to the Territories at all.

Yet the obligation of apportionment to the Territories, if there be such, exists as much, under the principles of our Constitution, as does the obligation of uniformity. Would it not necessarily follow, if he is correct in his first proposition, that he must be incorrect in the second? And if the obligation of apportionment does not extend to the Territories, would it not necessarily follow that the obligation of uniformity also does not extend to the Territories? And would not the necessity and desirability be determined in each case by the relative conditions existing in the States and in the Territories, or any part of them, according to the judgment of Congress? Surely there can be but one answer. [Applause.]

It may be further observed that the grant of legislative power over the District is contained in Article I, along with the other grants of power conferred by the States, and might be regarded as limited by the same restrictions as the other grants therein contained, and especially as the District was at the time of the adoption of the Constitution a part of two of the States, whereas the plenary grant of power over the Territories is found in a subsequent article (Article IV) and contains nothing to indicate any restriction.

Having pointed out that this part of the decision is a mere dictum, and having shown the inconsistencies in that dictum, I now point out that not only has the case never since been cited as sustaining this assertion of the learned Chief Justice, but, on the contrary, as to this assertion, it has, in a subsequent case, been substantially overruled in an opinion delivered by the same judge. The case is American Insurance Company *vs.* Canter (1 Peters, 511). In that case Mr. Webster, one of the counsel, in the argument used these words, at page 538:

> What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions.
>
> The Territory and all within it are to be governed by the acquiring power, except where there are reservations by treaty.
>
> By the law of England, when possession is taken of territories the King, jure coronæ, has the power of legislation until Parliament shall interfere. Congress has the jus coronæ in this case, and Florida was to be governed by Congress as she thought proper.
>
> What has Congress done? She might have done anything. She might have refused the trial by jury and refused a legislature. She has given a legislature, to be exercised at her will, and a government of a mixed nature, in which she has endeavored to distinguish between State and United States jurisdiction, anticipating the future erection of the Territory into a State.
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> Does the law establishing the court at Key West come within the restrictions of the Constitution of the United States? If the Constitution does not extend over this Territory, the law can not be inconsistent with the National Constitution.

And in the opinion the Chief Justice says, at page 545:

> We have only to pursue this subject one step further to perceive that this provision of the Constitution does not apply to it. The next sentence declares that "the judges of both the Supreme and inferior courts shall hold their offices during good behavior." The judges of the supreme courts of Florida hold their office for four years. These courts are not constitutional courts, in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress in the exercise of those general powers which that body possesses over the Territories of the United States. Although admiralty jurisdiction can be exercised in the States in those courts only which are established in pursuance of the third article of the Constitution, the same limitation does not extend to the Territories. In legislating for them Congress exercises the combined powers of the General and of a State government.

Here are the two great expounders of the Constitution, the great judge and the great lawyer and advocate, each of them perhaps the greatest man in his particular sphere of action that has ever lived. We all know that the bench and the bar mutually act and react on each other—a good bar, a good bench; a good bench, a good bar. And who knows but that these two great minds each affected and influenced and stimulated the other, so that the one became the greatest judge of our country and the other the greatest lawyer and orator.

The judge in this opinion says nothing to indicate any disapproval of Mr. Webster's language, and I am at a loss to understand how he could say what he did without entirely approving it, and what he did say is directly against what was said in Loughborough *vs.* Blake as to the meaning of the term "United States" as used in the Constitution. Mr. Webster maintained to his dying day, always and everywhere, the position here taken, at the bar and in the Senate. We find him as late as 1848 still maintaining it in a debate with Mr. Calhoun, in which the advantage was clearly on the side of the great lawyer, and again later on, in a speech in answer to Mr. Berrien, of Georgia, making use of these words:

> As to the power of Congress I have nothing to add to what I said the other day. Congress has full power over the subject. It may establish any such government and any such laws in the Territories as, in its discretion, it may see fit. It is subject, of course, to the rules of justice and propriety; but it is under no constitutional restraint.

And Mr. Benton ridiculed the idea of the Constitution extending to the Territories as the doctrine of "the transmigration of the Constitution."

And there is nothing in the case of Cross *vs.* Harrison (16 Howard, 164) in conflict with the view here contended for. In that case it was held that duties on foreign goods imported into San Francisco were lawfully demanded and collected by the civil governor appointed by the President while the war continued and afterwards from the ratification of the treaty of peace until the revenue system of the United States was put into operation in California under the acts of Congress passed for that purpose. So far from holding that the Constitution would extend ex proprio vigore to such territory, it might be said to indicate the contrary; for from the time of the ratification of the treaty until the governor received notice of it (more than two months) duties were collected as prescribed by the tariff, prescribed and enforced during the military occupation, and not as prescribed by the tariff act of the United States, and this was sustained by the court.

It should always be noted in considering the case of Cross *vs.* Harrison that no point was made by counsel or considered by the court as to the rates of duty being different in California from what they were in the United States. The principal point made, and considered by the court, was that after the acquisition of California by the treaty and before a law was passed making it a collection district and providing for a collector there was no authority to prevent the landing of foreign goods or to charge duties upon them. In other words, that our revenue laws covered only so much of the territory of the United States as had been divided into collection districts, the contention going to the extent of claiming that out of such collection districts there was no authority to prevent the landing of goods or to charge duties on them, even though such landing had been made within the territorial limits of the United States. (It was assumed that the port of San Francisco was within the territorial limits of the United States.) And it was in passing on this contention that those expressions in the opinion were used which are being relied on by those taking the opposite view from that at which I have arrived. Surely this case will not be considered an authority by the courts in a case where the question to be considered will be the constitutional power of Congress in territory belonging to the United States, but which, it is contended, is not a part of the United States within the meaning of the Constitution, and in which the court's attention will be particularly directed to the last proposition and an opinion thereon demanded as absolutely necessary to its proper decision.

Let me not be misunderstood as to this matter of revenue legislation. That direct taxation for purposes of the General Government will again be resorted to I do not think now enters the mind of any member, and even if it should be resorted to, it is not to be supposed that it will be extended to these islands, or, if extended, that it will be applied except by the rule of equal and just apportionment. The direct taxes which they will have to pay will be for the support of their local governments and to cover their local expenditures; and those taxes will, so far as they are controlled by our legislation, be made equal and uniform upon their people. As to tariff legislation, this, too, will be made uniform as to these islands and their people; but the conditions existing there and here, and our commercial policy, may make it necessary that there shall be one tariff for them and another for

us, and it is the power to thus legislate that I am contending for. It is hardly to be supposed that their tariff rates will be greater than ours, or even as great; on the contrary, it would seem that they could and ought to be made much less.

I next refer to the case of Callan *vs.* Wilson (127 U. S., 540). In that case the plaintiff had been tried and convicted, in the District of Columbia, for the crime of conspiracy, without a jury, which he had demanded. He sued out a writ of habeas corpus, on the ground that he was restrained of his liberty in violation of the Constitution, in that he had been refused the right of a trial by jury. That contention was sustained by the Supreme Court of the United States, and he was discharged from custody. This decision was as to the District of Columbia, and can be distinguished on four grounds, either of which would seem to be conclusive, and show that the same would not be the holding as to the Territories: First, the grant of legislative power over the District is contained in Article I of the Constitution, along with the other grants of power conferred by the States, and was intended to be limited by the same restrictions as the other grants therein contained, whereas, the plenary grant of power over the Territories is found in a subsequent article and contains nothing to indicate any restriction; second, the grant contemplates the transfer of territory and people then within certain States to the United States, for the purpose of a seat of government, and the conclusion is irresistible that the States desired and intended to secure for this territory and its people the same protection as for the States themselves; third, the Constitution once extended over it, and has never ceased to extend over it; fourth, by the act of February 21, 1871, the Constitution and laws of the United States were specifically extended to the District of Columbia.

It is true the learned judge, Justice Harlan, in the opinion, says, at page 550:

> In Reynolds *vs.* United States (98 U. S., 145, 154) it was taken for granted that the sixth amendment to the Constitution secured to the people of the Territories the right of trial by jury in criminal prosecutions; and it had been previously held in Webster *vs.* Reid (11 How., 437, 460) that the seventh amendment secured to them a like right in civil actions at common law. We can not think that the people of this District have, in that regard, less rights than those accorded to the people of the Territories of the United States.

But it will be noticed that the point as to whether the Constitution and its limitations extend ex proprio vigore to the Territories was not raised in Reynolds *vs.* United States. Indeed, it could not be raised in that case, for the Constitution had been specifically extended to the Territory of Utah by act of Congress (9 U. S. Stats., chap. 51, sec. 17, p. 458). And in the case of Webster *vs.* Reid it was not decided that the seventh amendment applied to the Territories (although it was quoted, it is true), but it was stated that the provisions of that amendment had been extended to the Territory of Iowa by the organic law of that Territory.

It may be said further of Reynolds *vs.* United States that the contention was that the act of Congress defining bigamy in the Territories and providing for its punishment, which act was intended for the suppression of polygamy in Utah, was in conflict with the first amendment to the Constitution in that it prohibited the free exercise of religion. The decision of the court on this point was that the law was not against that amendment, because it did no such thing. But if this matter is to be determined by dicta in the opinions of the judges, then the whole question is still an open one, for in the case of American Publishing Company *vs.* Fisher (166 U. S., 464), which is quoted with approval in Springville *vs.* Thomas, in the same volume, Justice Brewer, delivering the opinion, says, at pages 466, 467:

> The Territorial statute was relied upon as authority for this action. Its validity, therefore, must be determined. Whether the seventh amendment to the Constitution of the United States, which provides that "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved," operates ex proprio vigore to invalidate this statute, may be a matter of dispute. In Webster *vs.* Reid (11 How., 437), an act of the legislature of the Territory of Iowa dispensing with a jury in a certain class of common-law actions was held void. While in the opinion, on page 460, the seventh amendment was quoted, it was also said: "The organic law of the Territory of Iowa, by express provision and by reference, extended the laws of the United States, including the ordinance of 1787, over the Territory, so far as they are applicable," and the ordinance of 1787, Article II, in terms provided that "the inhabitants of the said Territory shall always be entitled to the writ of habeas corpus, and of the trial by jury." So the invalidity may have been adjudged by reason of the conflict with Congressional legislation. In Reynolds *vs.* United States (98 U. S., 145, 154), it was said, in reference to a criminal case coming from the Territory of Utah, that—
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> "By the Constitution of the United States (Amendment VI) the accused was entitled to trial by an impartial jury." Both of these cases were quoted in Callan *vs.* Wilson (127 U. S., 540) as authorities to sustain the ruling that the provisions in the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in Mormon Church *vs.* United States (136 U. S., 1, 44) it was said by Mr. Justice Bradley, speaking for the court:
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> "Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions."
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> And in McAlister *vs.* United States (141 U. S., 174) it was held that the constitutional provisions in respect to the tenure of judicial offices did not apply to Territorial judges.
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> But if the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations, and it has legislated in respect to this matter.

What has been said as to the case of Callan *vs.* Wilson applies with equal force to the case of Capital Traction Company *vs.* Hof, reported in 174 U. S.

The case of Thompson *vs.* Utah (170 U. S., 343) may also be cited as against the position for which I am contending. In that case Justice Harlan, delivering the opinion of the court, says at page 346:

> The Constitution of the United States provides: "That trial of all crimes except in cases of impeachment, shall be by jury, and such trials be held in the State where the said crime shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed." (Article III, section 2.) And by the sixth amendment of the Constitution it is declared: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the States and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of council for his defense."
>
> That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question. (Webster *vs.* Reid, 11 How., 437, 460; American Publishing Company *vs.* Fisher, 166 U. S. 464, 468; Springville *vs.* Thomas, 166 U. S., 707.)

And also at page 347:

> It is equally beyond question that the provisions of the National Constitution relating to trials by jury for crimes and to criminal prosecutions apply to the Territories of the United States.

A mere statement of that case will be sufficient to show that the argument of the learned justice as to Article III, section 2, of the Constitution, and as to the amendments, was wholly unnecessary to the decision of the case, and must therefore be regarded as extrajudicial or a mere dictum. It was this: The law of the Territory of Utah provided that a trial jury in criminal cases should consist of twelve persons. The crime was committed while this law was in effect. Subsequently the constitution of the State of Utah provided for the trial of this crime by a jury of eight persons. The case was clearly covered by subsection 1 of section 10 of Article I of the Constitution, prohibiting a State from passing an ex post facto law.

I next call attention to cases relating to citizenship, which is considered by some to be a matter of great importance. But before proceeding to their examination it will be necessary to examine carefully the provisions of the Constitution on that subject. Those necessary to be considered will be found in Article I, section 8, subsection 4, in Article IV, section 2, subsection 1, and in the fourteenth amendment, section 1. I do not conceive that there can be any objection to allowing the same persons to be naturalized in any of the recently acquired territories as in the territories heretofore acquired. The expression "throughout the United States" used in Article I, section 8, subsection 4, has already been considered in connection with the case of Loughborough *vs.* Blake, and what has been said there is equally applicable here. As to the provision contained in Article IV, section 2, subsection 1, it is by its terms applicable to the States, and what has been said as to the meaning of the word "State" in the Constitution might be repeated here. But as to the first section of the fourteenth amendment two questions arise:

First. Do the inhabitants of ceded territory become citizens of the United States within the meaning of the Constitution, ex proprio vigore that instrument, when the cession is complete?

Second. Will all persons hereafter born in these territories be citizens of the United States under the Constitution, ex proprio vigore?

It would seem that the answers to these questions are not dependent upon the establishment of a civil government therein. These territories belong now to the United States. They are now subject to the sovereignty of the nation. The allegiance of the inhabitants has been transferred to the United States. Of course, then, in the international and common law sense, they are citizens of the United States. But that is a different thing from citizenship under the Constitution. The question is, Are these islands a part of the United States within the meaning of the Constitution, and are persons born in them born in the United States, and therefore citizens within the meaning of that instrument? The provision defining citizenship does not wait upon the action of Congress; they are or they are not citizens by operation of the Constitution.

Certainly a treaty of cession may stipulate that the inhabitants of ceded territory may, all of them or a part of them, become citizens of the United States, either immediately upon the cession being complete or in the future, upon certain conditions or contingencies. The treaties with France, Mexico, and Spain, for the cessions heretofore acquired from them, all substantially provided the same thing:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the

meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

It would seem that the makers of these treaties did not consider that the inhabitants of the ceded territory would become citizens of the United States, except by force of the treaty, or by statute, prior to the admission of the States to be formed out of it into the Union.

The Alaska treaty stipulated that—

The inhabitants, * * * with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

Citizenship here, as in the former cessions, is the result of treaty stipulation. And here again we note that the makers of the treaty did not consider that they would become such citizens by the operation of the Constitution and without such stipulation.

The definition in the Constitution is:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

In Elk *vs.* Wilkins (112 U. S., 94) Gray, J., delivering the opinion, at pages 101 and 102, says:

This section contemplates two sources of citizenship, and two sources only—birth and naturalization. The persons declared to be citizens are "all persons born or naturalized in the United States and subject to the jurisdiction thereof." The evident meaning of these last words is not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction and owing them direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do to the time of naturalization in the other. Persons thus not subject to the jurisdiction of the United States at the time of birth can not become so afterwards except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.

Indians born within the territorial limits of the United States, members of and owing immediate allegiance to one of the Indian tribes (an alien though dependent power), although in a geographical sense born in the United States, are no more "born in the United States and subject to the jurisdiction thereof" than the children of subjects of any foreign government born within the domain of that government or the children born within the United States of ambassadors or other public ministers of foreign nations.

And in United States *vs.* Wong Kim Ark (169 U. S., 649), at pages 702, 703, the same justice, delivering the opinion of the court, says:

The fourteenth amendment of the Constitution, in the declaration that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside," contemplates two sources of citizenship, and only two—birth and naturalization. Citizenship by naturalization can only be acquired by naturalization under the authority and in the forms of law. Citizenship by birth is established by the mere fact of birth under the circumstances defined in the Constitution. Every person born in the United States and subject to the jurisdiction thereof becomes at once a citizen of the United States and needs no naturalization. A person born out of the jurisdiction of the United States can only become a citizen by being naturalized either by treaty, as in the case of the annexation of foreign territory, or by authority of Congress, exercised either by declaring certain classes of persons to be citizens, as in the enactments conferring citizenship upon foreign-born children of citizens, or by enabling foreigners individually to become citizens by proceedings in the judicial tribunals, as in the ordinary provisions of the naturalization acts.

The recent treaty with Spain provides:

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, * * * in case they remain in the territory, (they) may preserve their allegiance to the Crown of Spain by making before a court of record, witnin a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance, in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Here there is no naturalization by treaty, either of the natives or of the Spaniards, natives of the Peninsula, and it is clear from the opinions above quoted that the inhabitants of Puerto Rico and the Philippines, born there prior to the time of acquisition, do not become citizens of the United States, within the meaning of this amendment, by the mere fact of acquisition, but can only become so by naturalization under Congressional legislation. And it is also clear that uncivilized natives, under tribal relations, occupy the same status as our own Indians or the uncivilized tribes of Alaska. (See Cherokee Nation *vs.* Georgia, 5 Peters, 1; Kagama *vs.* United States, 118 U. S., 375; Talton *vs.* Mayes, 163 U. S., 376.) It may also be well to note that the naturalization act embraces only white persons and persons of African descent.

But how about persons born in these Territories after acquisition? To answer this we must answer the question, Are such persons born in the United States? And this brings us again to the meaning of the term "United States" in this amendment. If my contention, heretofore set forth, as to this is correct, it must mean the States united under the Constitution. The status of a person born outside the States is determined, not by the Constitution, but by the law of nations, the common law, and the statutes enacted by Congress. I have also pointed out the objects sought to be accomplished by the fourteenth amendment, and how it was framed and its language used with the language of the thirteenth amendment before those who framed and adopted it, and how they would have used other language if it had been intended that the words "in the United States" should include the Territories, and how a consideration of all the clauses of the Constitution shows the absence of any intention to extend the constitutional limitations beyond the limits of the States united under it, except where words are used which can bear no other interpretation.

If this be correct, we are bound to conclude that persons born beyond the limits of the States are citizens of the United States only in the international sense or the common-law sense, and not by force of the fourteenth amendment, and that they may be made citizens within the meaning of the Constitution only by treaty or by statute. Of course, it is not contended for a moment that the Constitution does not operate and have full force in Arizona and New Mexico and Oklahoma in this respect, and in respect to the personal and civil rights of all, but that it thus operates and has full force because it has been specifically extended to them by treaty or by statute.

That there are expressions in the opinion of Mr. Justice Miller in the Slaughterhouse cases (16 Wallace, 36), at page 73, which indicate the contrary view will not be denied. But that an examination of that case and of the opinion will show that they are extrajudicial and a dictum I think will be apparent. There the learned justice, speaking for the court, states that the first section of the fourteenth amendment defines citizenship, not only citizenship of the United States, but citizenship of the States; that no such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress; that it had been the occasion of much discussion in the courts, by the Executive Departments, and in the public journals; that it had given rise to two questions which had been the subject of differences of opinion, to wit:

First. That no man was a citizen of the United States except as he was a citizen of one of the States composing the Union, and, therefore, those who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens, which question had never been judicially decided.

Second. That a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States, which question had been decided in favor of the proposition by a decision which, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled.

He then goes on to say that the clause "All persons born or naturalized in the United States are citizens of the United States and of the State wherein they reside," puts at rest both of these questions, and that, while there can be no doubt that its main purpose was to establish the citizenship of the negro, it declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and that it makes all persons born within the United States, and subject to its jurisdiction, citizens of the United States.

In the conclusion drawn in these observations of the learned justice there is no conflict with the view which I have taken except in the wider meaning given to the phrase "in the United States." In the view which I have taken a person may be a citizen of the United States without reference to his citizenship of a particular State; indeed, he may be a citizen of the United States without being a citizen of any State. Such citizenship may be established by treaty or by statute, either as to the inhabitants of Territories or Indians born in tribal relations, but such citizenship is a legislative and not a constitutional citizenship. And what the legislative power may grant it may withhold. It, therefore, rests with Congress to grant or withhold citizenship to the inhabitants of these acquisitions.

That the observations made in this connection by the learned justice constitute a mere dictum will be shown by a consideration of the questions raised and decided. Indeed, part of the statement has been expressly overruled—that part wherein he says that the clause "and subject to the jurisdiction thereof" was intended to exclude from its operation children of citizens or subjects of foreign States born within the United States; for in the case of United States *vs.* Wong Kim Ark (167 U. S., 649) the court expressly held that a person born in the United States, of parents who are subjects of the Emperor of China, but have a permanent domicile and residence in the United States, and are there carrying on business, and are not employed in any diplomatic or official capacity under the Emperor of China, is a citizen of the United States and of the State wherein he is born or may thereafter reside.

In the Slaughterhouse Cases the State of Louisiana had passed an act which, in effect, created a monopoly, and the point was made that by it the privileges and immunities of citizens of the United States were abridged. The court held that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and that it is only the privileges and immunities belonging to the former which are placed by this clause under the protection of the Federal Constitution, and that those

belonging to the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment; that while there are certain privileges and immunities of citizens of the United States, which owe their existence to the Federal Government, its national character, its Constitution, or its laws, which no State can abridge, the privileges and immunities alleged and relied on in the argument to have been abridged are those which belong to the citizens of the States as such, and that they are left to the State government for security and protection, and not by this article placed under the special care of the Federal Government; and that, therefore, there had been no abridgment of those privileges and immunities of citizens of the United States which are protected by this amendment.

It will thus be seen that it was not necessary to decide who were citizens of the United States, and whether or not persons born in the Territories are such by force of the Constitution. This question was not raised and was not decided. It was only contended that the privileges and immunities protected by this amendment, of citizens of the United States, whoever they might be, had been abridged, and the court decided that they had not been. It was contended that there were no privileges and immunities belonging to the citizens of the States as such, distinct from those belonging to citizens of the United States as such, and the court held that there were such privileges and immunities of citizens of the States, that those were left to the State governments for security and protection, and that only those, if any, had been abridged. Surely the dictum in this case will have little weight with the Supreme Court when it comes to consider the question of the citizenship of the inhabitants of Puerto Rico and the Philippines, which has been expressly, and it would seem purposely, left with a different status from that of the inhabitants of any other territory heretofore acquired.

In the case of United States *vs.* Wong Kim Ark, above cited, which is the last which I have found on this subject, Justice Gray uses the following language:

> The amendment (referring to the fourteenth amendment), in clear words and in manifest intent, includes the children born within the territory of the United States of all other persons (that is, except the children of members of the Indian tribes and the children of ambassadors or ministers, etc., of whatever race or color domiciled within the United States.

It is quite evident from the whole opinion that by the phrases "within the territory of the United States" and "within the United States" the learned justice meant to include all the territory, both within and without the States, over which the sovereignty of the nation extends. But the case was that of a person born within a State. It never has been decided that a person born in a Territory is a citizen of the United States, within the meaning of the Constitution, by force of the Constitution, irrespective of treaty or specific statute, or otherwise than in the broad international and common law sense to which I have referred.

The questions here involved never have arisen as they are presented by the status of the people in Puerto Rico and the Philippines, because in all the decided cases the territory considered has been that in which the provisions of the Constitution under consideration had, by treaty or by statute or by organic acts, been specifically made operative.

In all these cases, which amongst those I have been able to find seem to bear most strongly against my contention, it is well to bear in mind the words of the great chief justice in Cohens *vs.* Virginia, 6 Wheaton 264, 399.

> It is a maxim not to be disregarded that general expressions, in every opinion, are to be taken in connection with the cases in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care and considered in its full extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated.

IV.

And it must further be borne in mind that in all the decided cases which have reference to the subject now under consideration the facts and conditions have been entirely different from those now existing as to the people and territory of Puerto Rico and the Philippine Islands by reason of the difference in the treaty stipulations, and also by reason of the operation of statutes which had been passed by Congress extending the Constitution or the laws of the United States, or both, to the territory.

Having now considered these cases, all of which I think I have been able to show are not applicable to the conditions as presented by our latest treaty, I now proceed to present those which, in my judgment, fully sustain my position.

And first let us consider the source of the power to acquire. Having fixed that, it would seem not difficult to find the source of the power to govern and the extent of that power. In American Insurance Company *vs.* Canter (1 Peters, 511), in which the question was directly involved and decided, at pages 541 and 542, Marshall, Chief Justice, says:

> The course which the argument has taken will require that, in deciding this question, the court should take into view the relations in which Florida stands to the United States. The Constitution confers absolutely on the Government of the Union the power of making war and of making treaties; consequently, that Government possesses the power of acquiring territory either by conquest or by treaty.

This part of the opinion has been quoted over and over again by the Supreme Court, with approval, and has been uniformly cited, with like approval, by all writers on the Constitution. Here the power to acquire is derived from the powers to make war and to make treaties.

But there is a long line of opinions of the same court, in which certain powers are deduced from the objects and scope of the Government created by the Constitution, and from the whole tenor and scope of its language, as inherent and implied powers of national sovereignty; in other words, certain powers implied in and necessarily inherent in sovereignty.

Thus we find Chief Justice Marshall, in McCulloch *vs.* Maryland (4 Wheaton, 316), at page 406, saying;

> But there is no phrase in the instrument which, like the Articles of Confederation, excludes incidental or implied powers, etc.

And in Cohens *vs.* Virginia (6 Wheaton, 264), at page 413:

> That the United States formed for many and for most important purposes a single nation has not yet been denied. In war we are one people; in making peace we are one people. In all commercial regulations we are one and the same people. In many other respects the American people are one; and this Government which is alone capable of controlling and managing their interests in all these respects, is the Government of the Union. It is their Government, and in that character they have no other. America has chosen to be, and in many respects, and to many purposes, a nation; and for all these purposes her Government is complete; to all these objects it is competent.

And in American Insurance Company *vs.* Canter (supra), at page 546:

> They are legislative courts created in virtue of the *general right of sovereignty* which exists in the Government, etc.

Justice Bradley, in the Legal Tender Cases (12 Wallace, 457), in his concurring opinion, at pages 554, 555, 556:

> The Constitution of the United States established a Government and not a league, compact, or partnership. It was constituted by the people. It is called a Government. In the eighth section of Article I it is declared that Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in *the Government of the United States*, or in any Department or officer thereof. *As a Government it was invested with all the attributes of sovereignty.*
>
> The doctrine so long contended for, that the Federal Union was a mere compact of States, and that the States, if they chose, might annul or disregard the acts of the National Legislature, or might secede from the Union at their pleasure, and that the General Government had no power to coerce them into submission to the Constitution, should be regarded definitely and forever overthrown. This has been finally effected by the national power, as it had never been before, by overwhelming argument. *The United States is not only a government but it is a national government, and the only government in this country that has the character of nationality.* * * *
>
> Such being the character of the General Government, it seems to be a self-evident proposition that it is invested with all those *inherent and implied powers which, at the time of adopting the Constitution, were generally considered to belong to every government as such and as being essential to the exercise of its functions.*

Chief Justice Waite, in National Bank *vs.* County of Yankton (101 U. S., 129), at page 133:

> In the organic act of Dakota there was not an express reservation of power in Congress to amend the acts of the Territorial legislature, nor was it necessary. *Such a power is an incident of sovereignty, and continues until granted away.*

Justice Field, in the Chinese Exclusion Cases (130 U. S., 581), at page 604:

> While under our Constitution and form of government the great mass of local matters is controlled by local authorities, the United States in their relation to foreign countries and their subjects or citizens are one nation, invested with powers which belong to independent nations, etc.

Justice Miller, in re Nagle (135 U. S., 1), at page 62:

> While it is limited in the number of its powers, so far as its sovereignty extends it is supreme.

Justice Gray, in Jones *vs.* United States (137 U. S., 202), the Navassa Island case, at page 212:

> By the law of nations, recognized by all civilized states, dominion of new territory may be acquired by discovery and occupation, as well as by cession or conquest; and when citizens or subjects of one nation, in its name and by its authority, or with its assent, take and hold actual, continuous, and useful possession (although only for the purpose of carrying on a particular business, such as catching and curing fish, or working mines) of territory unoccupied by any other government or its citizens, the nation to which they belong may exercise such jurisdiction and for such period as it sees fit over territory so acquired.

And Justice Story, in his work on the Constitution, section 1286, speaking of the cession of the Louisiana Territory:

> The friends of the measure were driven to the adoption of the doctrine that the right to acquire the territory was incident to national sovereignty; *that it was a resulting power, growing necessarily out of the aggregate powers confided by the Federal Constitution;* that the appropriation might justly be vindicated upon this ground, and also upon the ground that it was for the common defense and general welfare. In short, there is no possibility of defending the constitutionality of this measure but upon the principles of the liberal construction which has been, on other occasions, so earnestly resisted.

And so I might multiply authorities. The italics above are my own.

It must be remembered that in the early days after the adoption of the Constitution, and for a long time afterwards, there were those who, whenever it suited their purposes, contended for so strict and limited a construction of that instrument that they

held that there was no power in the General Government not granted in express terms, and some went so far even as to deny to the Federal Union the right of self-preservation. Hence the judges very naturally, as far as possible, sought in that instrument for some express provision to justify any exercise of power. But here we find, beginning with Chief Justice Marshall, a progressive interpretation, deriving from it necessarily certain inherent and implied powers, so that when Justice Bradley said that the Government of the United States was "invested with all the inherent and implied powers which, at the time of adopting the Constitution, were generally considered to belong to every government as such, and as being essential to the exercise of its functions," he but stated what has come to be the accepted doctrine.

And so Chief Justice Marshall would only have stated what is now too firmly established to be disputed, if he had derived the right of acquisition not only from the power to make war and to make treaties, but also from those inherent and implied powers of sovereignty existing in every independent and sovereign nation. On no other ground can the right of acquisition by discovery and occupation, recognized in Jones *vs.* United States, supra, be justified.

And if the power of acquisition in the United States is derived from the inherent and implied powers of national sovereignty, common to every nation as such, would it not necessarily follow that by virtue of the same powers we have the right of government in territory acquired? If the Government of the United States is the representative of the national sovereignty of the people of the United States as the British Crown and Parliament are the representatives of the national sovereignty of Great Britain, would not the Government of the United States, through its political departments—the executive and legislative—have the same power of governing territory acquired by virtue of its inherent right of sovereignty as a nation as the Crown and Parliament of Great Britain have of governing British territory, or as the representatives of the sovereignty of any other nation would have?

Judge Story, in his work on the Constitution, section 1328, says:

> The power of Congress over the public territory is clearly exclusive and universal, and their legislation is subject to no control, but is absolute and universal, unless so far as it is effected by stipulations in the cession or by the ordinance of 1787, under which any of it has been settled.

And again, at section 1324:

> As the General Government possesses the right to acquire territory, either by conquest or by treaty, it would seem to follow as an inevitable consequence that it possesses the power to govern what it has acquired. The territory does not, when so acquired, become entitled to self-government, and it is not subject to the jurisdiction of any State. It must, consequently, be under the dominion and jurisdiction of the Union, or it would be without any government at all. In cases of conquest, the usage of the world is, if a nation is not wholly subdued, to consider the conquered territory as merely held by military occupation until its fate shall be determined by a treaty of peace. But during this intermediate period it is exclusively subject to the government of the conqueror. In case of confirmation or cession by treaty, the acquisition becomes firm and stable, and the ceded territory becomes a part of the nation to which it is annexed, either on terms stipulated in the treaty or on such as its new master shall impose.
>
> The relations of the inhabitants with each other do not change, but their relations with their former sovereign are dissolved, and new relations are created between them and their new sovereign. The act transferring the country transfers the allegiance of its inhabitants. But the general laws not strictly political remain as they were until altered by the new sovereign. If the treaty stipulates that they shall enjoy the privileges, rights, and immunities of citizens of the United States, the treaty as a part of the law of the land becomes obligatory in these respects. Whether the same effect would result from the mere fact of their becoming inhabitants and citizens by the cession without any express stipulation may deserve inquiry if the question should ever occur. But they do not participate in political power until they become a State and are admitted into the Union as such. Until that period the territory remains subject to the Government in such manner as Congress shall direct, under the clause of the Constitution now under consideration.

In the last section he follows and uses almost the exact language of Chief Justice Marshall in American Insurance Company *vs.* Canter, supra.

And in the case of United States *vs.* Kagama (118 U. S., 375, 380) Justice Miller says:

> But this power of Congress to organize Territorial governments and make laws for their inhabitants arises not so much from the clause in the Constitution in regard to disposing of and making rules and regulations concerning the Territory and other property of the United States as from the ownership of the country in which the Territories are and the right of exclusive sovereignty, which must exist in the National Government and can be found nowhere else. (Murphy *vs.* Ramsey, 114 U. S., 15, 44.)

If, then, there were no clause in the Constitution conferring upon Congress the power to dispose of and make all needful rules and regulations respecting the territory belonging to the United States (Art. IV, sec. 3, subs. 2) (and it may be said of this clause that it only strengthens the position and makes clear the intention of the makers of the Constitution), would not the power to acquire by reason of its national sovereignty necessarily imply the power to govern by reason of its national sovereignty? And would not this power be unlimited, unless so far as it is affected by stipulations in the cessions, as Judge Story has expressed it? It would seem that there could be but one answer.

Those who contend that the limitations of the Constitution apply, and who think that those limitations would be fatal to the successful government of these islands and their people, are driven to the position that a civil government prescribed by Congress for them must be left for the indefinite future, and that in the meantime they must be left to the will of the President, executed by the President's representatives. In other words, that while the limitations of the Constitution would at once apply and be binding as to any government that might be prescribed by Congress, those limitations would not apply and be binding as to any government prescribed and carried on by the President; that territory whose acquisition has become complete, and in which there is no state of war or insurgency, can be kept under the absolute and unrestrained rule of the President, free from the limitations of the Constitution, for an indefinite and unlimited period, but that immediately upon the action of Congress those limitations take effect; that those limitations do not apply to the acts of the President, not enforcing martial law, or not exercising the rights and powers of belligerency, which implies war or insurgency, but do apply to the acts of Congress; that one department of the Government created by the Constitution is free to act in regard to territory acquired untrammeled by its limitations, while another is not.

It would seem to be self-evident that the limitations of the Constitution, after peace has been restored and a treaty has been made, and acquisition is complete, bind all of the departments of the Government, if they bind any; that if those limitations do not apply to the Executive in his government of acquired territory, under these conditions, they would not apply to Congress in its government of such territory. And this view seems to be made absolutely conclusive by the fact that the Constitution has, in a clause containing and implying no limitations, given to Congress the power of governing such territory, while it nowhere confers such power on the Executive, and such power has only been recognized as pertaining to the Executive while in the exercise of the belligerent rights of a conqueror or in the suppression of insurrection and the restoration of peace and order.

But when we say that the United States has power to acquire territory by virtue of its inherent and implied powers of sovereignty, and after acquiring it has power to govern it by virtue of the same powers, we deduce at once the power in the President, as the representative of that sovereignty, to govern it until Congress acts, untrammeled by the limitations of the Constitution which are not in express terms made applicable to such territory, and the same power in Congress as representing that sovereignty when Congress comes to act.

In American Insurance Company *vs.* Canter, supra, the court says at page 541:

> The usage of the world is, if a nation be not entirely subdued, to consider the holding of conquered territory as a mere military occupancy until its fate shall be determined at the treaty of peace. If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession or on such as its new master shall impose. On such transfer of territory it has never been held that the relations of the inhabitants with each other undergo any change. Their relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transferred their country transferred the allegiance of those who remained in it; and the law which may be denominated political is necessarily changed, although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the state.

And again at page 543:

> It has been already stated that all the laws which were in force in Florida while a province of Spain, those excepted which were political in their character, which concerned the relations between the people and their sovereign, remained in force until altered by the Government of the United States. Congress recognizes this principle by using the words "Laws of the Territory now in force therein." No laws could then have been in force but those enacted by the Spanish Government.

That is, until the territory is ceded by the treaty of peace, it is considered that the holding of such territory is a mere military occupation. When the acquisition is complete, however, by cession, then the laws which were in force while the territory was a part of another nation, those excepted which are political in their character, as, for instance, those attaching to the obligations of allegiance and protection, remain in force until Congress acts. After complete acquisition, and until Congress acts to change them, the former local laws apply, and the President administers them through his agents.

And there is nothing in Cross *vs.* Harrison (16 How., 164) which conflicts with this. This is a very different thing from their being subject to the absolute and untrammeled will of the President. During this time, if the laws of the former sovereign made no provision for juries or grand juries, the limitations contained in Amendments V, VI, and VII could not be in force without permitting criminals to go untried and unpunished, and rights which, under our system, would be tried in suits at common law, to be without a remedy, for there would be no way of securing a jury under the law.

I do not think anyone would contend that the Constitution would require or permit any such result. Yet it must require it, if its limitations apply to the government by the President while administering the laws of the former sovereign. And would it not be absurd

to say that the President could administer the laws of another sovereign free from such limitations while he could not so administer laws passed by our own sovereignty? The only escape is to say that these limitations do not apply, and that as we have the right to acquire by virtue of the inherent powers of national sovereignty, so we have the right to govern by virtue of the same powers; that the Constitution only confirms and strengthens that right by the express provision of the fourth article; and that in the government of such Territory we are as free from all limitations, not by the Constitution expressly made applicable, as England or any other nation would be. [Applause.]

It would seem to be impossible to harmonize the position taken by the Supreme Court as to courts in the Territories and as to the clause of the fourth article, above referred to, with any other view than that which I have taken. I have already cited and quoted from the case of American Insurance Company *vs.* Canter. I now call attention to the following opinions, and I might cite others:

Story on the Constitution, section 1328, page 230:

"The power of Congress over the public territory is clearly exclusive and universal; and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions, or by the ordinance of 1787, under which any part of it has been made."

Serè *vs.* Pitot (Cranch, 333, 336), opinion by Marshall, Chief Justice:

"The power of governing and of legislating for a Territory is the inevitable consequence of the right to acquire and to hold territory. Could this position be contested, the Constitution of the United States declares that 'Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' Accordingly, we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the Territory of Orleans. Congress has given them a legislative, an executive, and a judiciary, with such powers as it has been their will to assign to those departments, respectively."

Benner *vs.* Porter (9 How., 235, 242), opinion by Nelson, judge:

"The distinction between the Federal and State jurisdictions, under the Constitution of the United States, has no foundation in these Territorial governments; and consequently no such distinction exists, either in respect to the jurisdiction of their courts or the subjects submitted to their cognizance. They are legislative governments, and their courts legislative courts, Congress in the exercise of its powers in the reorganization and government of the Territories combining the power of both the Federal and State authorities. Their is but one system of government or of laws operating within their limits, as neither is subject to the constitutional provisions in respect to Federal and State jurisdiction.

"They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creations exclusively of the legislative department and subject to its supervision and control. Whether or not there are provisions in that instrument which extend to and act upon these Territorial governments it is not now material to examine. We are speaking here of those provisions that refer particularly to the distinction between Federal and State jurisdiction."

National Bank *vs.* County of Yankton (101 U. S., 12 supra).

Murphy *vs.* Ramsey (114 U. S., 15, 44), opinion by Mathews, judge:

"The counsel for appellant in argument seems to question the constitutional power of Congress to pass the act of March 22, 1882, so far as it abridges the rights of electors in the Territory under previous laws. But that question is, we think, no longer open to discussion. It has passed beyond the state of controversy into final judgment. The people of the United States as sovereign owners of the national Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are *expressed* in the Constitution, or are necessarily implied in its terms, or in the purposes and object of the power itself; for it may well be admitted in respect to this, as to every power of society over its members, that it is not absolute and unlimited."

United States *vs.* Gratiot (14 Peters, 526, 537), opinion by Thompson, judge:

"And the Constitution of the United States (Article IV, sec. 3) provides: 'That Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' The term territory, as here used, is merely descriptive of one kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States. And this power is vested in Congress without limitation and has been considered the foundation upon which the Territorial governments rest."

Shively *vs.* Bowlby (152 U. S., 1, 48), opinion by Gray, justice:

"By the Constitution, as is now well settled, the United States having rightfully acquired the Territories, and being the only government which can impose laws upon them, have the entire dominion and sovereignty, national and municipal, Federal and State, over all the Territories so long as they remain in a Territorial condition."

Talbott *vs.* Silver Bow County (139 U. S., 438, 445, 446), opinion by Brewer, justice:

"But the whole argument fails when applied to a Territory. It is not a distinct sovereignty. It has no independent powers. It is a political community organized by Congress, all whose powers are created by Congress, and all whose acts are subject to Congressional supervision. Its attitude to the General Government is no more independent than that of a city to the State in which it is situated, and which has given to it its municipal organization."

Endlemen *vs.* United States (86 Fed. Rep., 456, 459), opinion by Morrow, justice:

"The answer to these and other like objections urged in the brief of counsel for defendant is found in the now well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution nor subject to its complex distribution of the powers of Government as the organic law, but are the creation exclusively of the legislative department and subject to its supervision and control. (Benner *vs.* Porter, 9 How., 235, 242.) The United States having rightfully acquired the territory and being the only government which can impose laws upon it, has the entire dominion and sovereignty, national and municipal, Federal and State."

See also Utter *vs.* Franklin (172 U. S., 416, 423).

It will be seen that Chief Justice Marshall, remembering what he had said in Serè *vs.* Pitot, supra, made use of the language used in American Insurance Company *vs.* Canter as to the Territorial court in Florida. These cases have been uniformly followed and approved, and from them it is clear that the established doctrine of the court is that "the judicial power of the United States" provided for in the third article of the Constitution means, according to the decisions of our highest court, the judicial power of the Federal Government as exercised within the territory comprised within the States, and has no reference to the judicial power exercised under Federal legislation in the Territories; that the courts of the Territories are created in virtue of the general right of sovereignty which exists in the Government or of the clause of the fourth article authorizing Congress to make all needful rules and regulations respecting the Territories belonging to the United States; that Congress may by virtue of these powers establish there such courts as it may see fit; may give to them such jurisdiction as it may deem proper, including admiralty and maritime jurisdiction, notwithstanding the provision of Article III on that subject; and, notwithstanding the provision as to life tenure, may provide for the appointment of judges whose terms of office shall be limited and who may be removed at the pleasure of the appointing power.

Surely here are some of the limitations entirely disregarded, and all on the ground that they are not constitutional courts, but are organized under and by virtue of the general right of sovereignty which exists in the Government, or the needful rules and regulations clause. Here, too, is a case of the exercise of power under that clause independent of the limitations in other parts of the instrument.

It would seem that this ought to be conclusive. But mark also what is said as to the Government of the United States, by the Constitution, having the entire dominion and sovereignty, national and municipal, Federal and State, over all the Territories. As to them there is no partition of sovereignty. It is all in the United States. In legislating for the Territories Congress has the powers both of the Federal Government and of the State governments. In other words, as to the Territories it has every sovereign power of legislation.

Now, note the decision of the Supreme Court in Barron *vs.* Baltimore (7 Peters, 243), which has been uniformly followed and approved. (Fox *vs.* Ohio, 5 How., 410; Withers *vs.* Buckley, 20 How., 84; Twitchell *vs.* The Commonwealth, 7 Wallace, 321; Edward *vs.* Elliot, 20 Wallace, 532; Pierson *vs.* Yewdall, 95 U. S., 294; Davis *vs.* Texas, 139 U. S., 651; Talton *vs.* Mayes, 163 U. S., 376.) In all these cases the doctrine announced is that the limitations on the powers of the General Government in the Constitution, expressed in general terms, are not applicable to the States, but were adopted to quiet the fears of the States, and as limitations upon the exercise of the powers of the General Government in reference to the people of the States adopting it and united under it. [Applause.]

Now, if the General Government, in legislating for the Territories and their people, has the legislative powers both of the General Government and of the States with respect to their people, in virtue of the general right of sovereignty which exists in the General Government, or in virtue of the plenary-power clause of the fourth article, and if the States in their legislative powers for their own people are not restrained by the limitations expressed in general terms in the Constitution of the United States, would it not necessarily follow that the General Government in legislating for the Territories is not restrained by those limitations? And would not the conclusion be inevitable that Congress, in its legislation in respect to the Territories, would have those absolute and plenary powers of undivided sovereignty which, at the time of adopting the Constitution, were generally considered to belong to every government as such? There would seem to be but one answer. And thus we find that in the thirteenth amendment, and in those other provisions to which I have referred, where it was intended that the inhibition should apply wherever the sovereignty of the United States extended, words are used which convey directly, and without any possibility of mistake or misconstruction, that meaning.

The following question is sometimes asked by those taking the opposite view, and they seem to think that it is absolutely conclusive of the matter: "Can the Government of the United States, the creature of the Constitution, having lawful existence only by virtue of the Constitution, go anywhere in the exercise of its powers and jurisdiction unaccompanied by the Constitution?"

It would seem at first blush to be hard to answer, and yet it has been answered, and answered completely, in the case In re Ross (140 U. S., 453).

The case was this: Ross, a seaman on board a United States ship lying in the harbor of Yokohama, Japan, killed one Kelly, the second mate of the vessel. He was arrested and confined in jail in Yokohama, and was subsequently tried, convicted of murder, and condemned to death by a consular court, sitting in Yokohama consisting of the United States consul-general and four associates. During the trial motion was made on his behalf for a

trial by jury, which was refused. After his conviction and sentence the President commuted the penalty from death to imprisonment for life in the penitentiary at Albany, N. Y. He was brought from Yokohama to the Albany penitentiary and there incarcerated. After he had been confined there for some years motion was made in the circuit court of the United States for his discharge, on the ground that his trial, conviction, sentence, and imprisonment were in violation of the Constitution. The circuit court denied the motion, and an appeal was taken to the Supreme Court, where the order of the lower court was affirmed.

The authority under which the consular court was organized and acted was derived from treaties between the United States and Japan, wherein it was provided that Americans committing offenses in Japan were to be tried by the American consul-general, or consul, and punished according to American laws, and from acts of the Congress of the United States investing ministers and consuls of the United States to Japan with judicial power over such cases, providing for the organization of the consular court, and prescribing the manner of procedure in which that power should be exercised.

Attempt has been made to distinguish this case by giving to the language of the court the meaning that the Government of Japan authorized the American consul to exercise jurisdiction according to any form of procedure which his Government might prescribe, and only required that the punishment should be inflicted according to American law, and that in the procedure, in arraignment and trial, the lawmaking power of the United States had the permission of Japan to prescribe such regulations as it might think proper, the lawmaking power of the United States acting in this respect for the Japanese Government. This would seem to be exceedingly farfetched. But the fact still remains, and it would seem to be a complete answer to this position, that the court was organized and its procedure was had under a law of the Congress of the United States.

I can not better give the real meaning of the decision in this case than by quoting the words of Dr. Talcott Williams, of Philadelphia, in Annals of the American Academy, Supplement, May, 1899. He says:

> Any confusion on this subject arises from failing to discriminate between the limits of sovereignty and constitutional jurisdiction. * * * Sovereignty and jurisdiction may be coterminous. Either may exist where the other is absent. The sovereignty of the United States sentenced in Japan to death, and provided for the imprisonment of Ross for life in Albany, a stronger case than the finding in Japan, because the sentence had to be executed within our constitutional limits, but no one will pretend that the constitutional jurisdiction of the United States applied in either case, because if it had a jury would have been necessary, and the Supreme Court wisely found the authority for dealing with the life and liberty of an American citizen, not in any special grant of power to Congress, but in the necessity for the exercise of the international powers of an independent sovereignty. * * *
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> The Constitution created a constitutional jurisdiction within certain defined limits, to wit, the States which formed the Union. It also created a nation with the usual international powers needed and demanded by an independent nation, recognized and acting as such under the law of nations. * * * When this national sovereignty acts within the sphere of constitutional jurisdiction it is limited by constitutional provisions. When, as a national sovereignty, it acts within the international field, it has whatever powers are needed for its work as such, a principle established by a long series of decisions (Fong Yue Ting *vs.* United States, 149 U. S., 712.) Sovereignty is exercised over conquered territory under no specific constitutional power, but as a part of the rights inherent in the international nation created by the Constitution. Legislation by treaty or statute (American Insurance Company *vs.* Canter, 1 Peters, 511) decides when the constitutional jurisdiction shall be coterminous with this national sovereignty, etc. * * *
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> Sovereignty, in short, moves with the international acts of the nation. Constitutional jurisdiction travels with the municipal law of the United States, and is created by a treaty because it is a part of that law. Nor does any decision, not even that cited referring to the District of Columbia, traverse this distinction, for the simple reason, if no other, that a treaty annexing territory without conferring civil rights—that is, extending constitutional jurisdiction in greater or less degree—has never yet been before our courts. I submit, therefore, that in dealing with territory thus annexed there may be found a power wider than that simply "to make all needful rules and regulations respecting territory and other property," to wit, the broader national power which permits annexation itself, though the Constitution makes no provision for the act, and under which power a long series of statutes have been passed and even juryless courts created as part of national sovereignty, and not part of our municipal constitutional jurisdiction.

The course of decisions in regard to the Indian tribes, subject as they are to the sovereignty of the United States and living in territory subject to that sovereignty, are also suggestive. In regard to them it has never been considered that the power of Congress was limited by the Constitution. These semi-independent tribes have always been recognized as exempt from our laws, whether within or without the limits of an organized State or Territory, and in regard to their domestic government left to their own rules and traditions. (Ex parte Crow Dog, 109 U. S., 556; United States *vs.* Joseph, 94 U. S., 614, 617; United States *vs.* Kagama, 118 U. S., 375; Talton *vs.* Mayes, 163 U. S., 376.)

Now, if Congress can establish such courts and provide such procedure as that established and provided for the trial of Ross in foreign territory, and can provide for or permit such procedure as may be required by the rules and traditions of an Indian tribe in our own territory, unrestricted by any provision of the Constitution, surely the reasoning which I have given should not be considered strained and artificial to show that the constitutional limitations do not apply to legislation for territory acquired as our new possessions have been.

It will be noted, Mr. Speaker, that there is one decision of the Supreme Court to which I have made no reference, the case of Scott *vs.* Sanford, commonly known as the Dred Scott Case. I have purposely refrained from making any reference to this case. It is possible I might have found something to sustain my argument in that case, where it was decided that a free man of the African race, whose ancestors were brought to this country and sold as slaves, was not a citizen of the United States within the meaning of the Constitution, and that, too, in the face of the fact that such persons were recognized as citizens and given all the privileges of citizens in several of the States. That case never was entitled to the respect of honest men, either lawyers or laymen. All of it was absolute obiter dictum, except that part relating to the jurisdiction of the court; and it long since, in the language of an eminent justice of the Supreme Court, became a useless incumbrance in the reports of that high tribunal.

V.

Having examined the provisions of the Constitution and the opinions of the Supreme Court touching the question now under discussion, I might now cite a great number of historical and legislative precedents sustaining my contention. But I will not take the time of the House by thus adding to a speech which is already too long. I desire, however, to call the attention of the House very briefly to the acquisition of Louisiana (the first acquisition of territory which did not already belong to the United States, or to one of the States, after the adoption of the Constitution) and to the first legislation had in regard thereto. We shall find much here that is instructive, and perhaps something that ought to be startling, to those who in these days are inveighing so strongly both against our right to acquire and our ability to govern, and especially to those who are in the habit of deifying Mr. Jefferson.

A very brief examination of the views of one or two of the most prominent statesmen of that period and of the debates in Congress will show that none of those entertaining different views, with the exception of Mr. Jefferson, contended against the right of acquisition, and that the differences arose principally on questions of government and as to whether the treaty-making power could, under the Constitution, provide in the treaty of cession for the admission into the Union of acquired territory, or for special commercial privileges to ports in such territory, and as to whether, without a clear violation of that instrument, foreign territory could be admitted to the status of States at all.

The purchase and cession of that Territory was a political event of as great, if not far greater, importance than the recent cessions. We find Mr. Jefferson, as usual, doubting and asserting that it was a direct violation of the Constitution; writing to one that the Constitution has made no provision for our holding foreign territory, and that it should be amended (letter to Breckenridge, Jefferson's Works, volume 4, page 500), to another that our peculiar security is in the possession of a written Constitution and that we should not make it a blank paper by construction, and cautioning that, if it must be done, it should be done as quietly as possible, and signifying his willingness to acquiesce, if his friends should not agree with him, and trusting that the evil of construction might be corrected when it shall produce ill effects. (Letter to Nicholas, Jefferson's Works, volume 4, page 505.)

On the other hand, we find Mr. Gallatin laying down the broad doctrine since so fully sanctioned by the decisions of the Supreme Court:

> (1) That the United States as a nation have an inherent right to acquire territory; (2) that whenever that acquisition is by treaty the same constituted authorities in whom the treaty-making power is vested have a constitutional right to sanction the acquisition; (3) that whenever the territory has been acquired Congress have the power either of admitting into the Union as a new State, or of annexing to a State with the consent of that State, or of making regulations for the government of such territory.—*Writings of Albert Gallatin*, volume 1, pages 113, 114.

And Mr. Nicholas, that—

> There is nothing in the Constitution that limits the treaty-making power except the general limitations of the other powers given to the Government and the evident objects for which the Government was instituted.

Jefferson subsequently acquiesced in Mr. Gallatin's views as to the power of acquisition (Writings of Albert Gallatin, volume 1, page 115), and when the matter reached Congress the members also seemed to have adopted them, and there was substantially no question raised by any member of either of the great parties of the day as to the right of the President and Senate to make the treaty so far as the mere acquisition of territory was concerned, and thus bring that vast territory under the sovereignty of the United States.

As to the right to make a treaty of acquisition, all were agreed. Randolph, Jeffersonian Republican, said that the power to settle disputes as to boundaries involved the power of extending boundaries; Nicholson, Jeffersonian Republican, that a sovereign nation had a right to acquire new territory under the war power and

the treaty-making power; that the right must exist somewhere as essential to independent sovereignty; Cæsar Rodney, Jeffersonian Republican, that there was no reason why within the fair meaning of this general provision (the general-welfare clause) is not included the power of increasing territory if necessary for the general welfare or common defense; that the words of the Constitution which give Congress the authority to make all laws which shall be necessary and proper for carrying into effect the foregoing powers vested in us every power necessary for carrying such a treaty into effect; that as for the special privilege of trade accorded to New Orleans, it violated in no way the Constitution; Taylor, Jeffersonian Republican and mover of the Virginia resolutions, that it was derived from the war power and the treaty-making power; Breckenridge, Jeffersonian Republican and mover of the Kentucky resolutions, that it was derived from this source.

On the other side, the Federalists all admitted that the power to acquire territory was vested in the Government under the war and treaty-making powers and also by the inherent right of sovereignty. They only contended that there was no right to admit foreign country as an associate in the Union without the assent of each individual State, or to give the port of New Orleans special privileges over the other ports of the country. To these contentions Nicholson replied that the right to acquire territory was one thing, but the right to admit that territory into the Union quite another thing, which he refused to discuss as not before the House; that as to the privilege to the port of New Orleans, this territory was purchased by the United States in their confederate capacity, and might be disposed of by them at pleasure; that it was in the nature of a colony whose commerce might be regulated without any reference to the Constitution. And Randolph replied that the stipulation as to the port of New Orleans was a part of the price of the territory; and as to the admission of new associates into the Union, so far as the Constitution was concerned we might admit Great Britain or France; that the only reason we could not was because we could not.

And it was on this subject of admission to the Union afterwards that the speech of Josiah Quincy so often alluded to was made, not as to the acquisition of the territory. So, also, we find Gouverneur Morris, who drew the third section of the fourth article of the Constitution, approving the acquisition, but condemning the clause of the treaty pledging the admission of the territory into the Union, and saying that he always thought that when we should acquire Louisiana, as he always thought we would, it would be proper to govern it as a province, and that in drawing this section he had gone as far as circumstances would permit to establish the exclusion. (Letters to Henry W. Livingston, December 4, 1803, and Jonathan Dayton, January 7, 1804.)

The first legislation for the government of this Territory was the act passed October 31, 1803 (2 U. S. Stat., 245), which it may not be amiss to note was approved and carried into effect by Mr. Jefferson. The people of that Territory were restless, uneasy, and dissatisfied, and provision had to be made for their government and control. By this act the President was given absolute power. He was authorized to take possession and maintain the authority of the United States, and to make use for that purpose of the Army and Navy of the United States and of the militia to the number of 80,000, and to vest in such person or persons as he might appoint all the military, civil, and judicial powers exercised by the officers of the existing government, to be exercised in such manner as he might direct.

Mr. Jefferson immediately appointed one person, Governor Claiborne, to exercise all the powers both of the governor-general and intendant, which had theretofore been vested in different individuals, and the latter of which had to some extent been a check upon the former. He thus made him substantially a temporary king, and intrusted to him the administration of a system of laws entirely unknown to and in many respects in violation of our Constitution. It may be noted that there was a religious establishment, and that canons and curates received salaries from the public treasury. Nobody but John Quincy Adams had made any effort at amending the Constitution to fit the case, and he had received not only no encouragement but positively hostile action from the Jeffersonian Republicans. This bill was reported by John Randolph, of Virginia, the chairman of the committee, and when the Federalists objected that the powers conferred on the President by it were unconstitutional, he defended it on the ground of necessity and maintained that with respect to this territory the United States possessed the powers of European sovereignty.

Others defended on the ground that Congress have a power in the Territories which they can not exercise in the States, and that the limitations of power found in the Constitution are applicable to States and not to Territories. Thus defended by the Jeffersonian Republicans, the bill passed. It is true that this was a temporary measure, intended rather for the taking possession of than for the government of the Territory. But it is well to note the grounds on which it was justified and the doctrine announced—that in the Territories Congress is unrestrained by the limitations of the Constitution.

Shortly afterwards, on the 26th of March, 1804, a further act was passed for the government of this Territory. By this bill it was divided into two parts, that north of the thirty-third parallel to be known as the district of Louisiana and subject to the Territorial government of the Indiana Territory, that south of that parallel to be known as the Territory of Orleans and to be governed as prescribed in the act. In this government the people of Louisiana, numbering 50,000 persons in an old and established society, were to have no voice, and were in no way consulted about it or asked to consent to it. The governor, secretary, and legislative council of thirteen, and judicial officers were all to be appointed by the President. In the selection of none of these officers were the people to have any voice, and the governor and legislative council were invested with full legislative powers.

This bill was reported to the Senate by Breckenridge, of Kentucky, Jeffersonian Republican, and mover in the legislature of Kentucky of the Kentucky resolutions. This bill was violently assailed in the House by members of both parties and was amended, but was passed as it came from the Senate, with the exception that the time of its operation was limited to one year from the 1st day of the following October, to which time the act of October 31, 1803, was to remain in force. It may be said of this act also that it was only to be operative for a limited time, and until Congress should provide for that Territorial government which was afterwards put into operation and remained so until the admission of Louisiana as a State; but it may be pertinent to inquire whether, if Congress had the right to provide for the government of this Territory by these two acts for nearly two years, it would not have had the right to so govern it for a longer time; and if so, for how much longer time? Who could determine that but Congress itself?

Was there any consent of the governed, either in the negotiation and ratification of the treaty or in this legislation passed to make it effective and to govern the people of the acquired territory, when the Louisianians had shed tears, as was alleged in the debate, when the American flag was raised in place of the French? And on what ground could either be justified other than those on which they were justified—that the power was an inherent power of the sovereign nation created by the people when the Constitution was adopted? All this was done by the Government of the United States in the complete control of Jefferson and his party. And I have alluded to it not because I think Mr. Jefferson or his followers were infallible or even authoritative interpreters of the Constitution, but in the hope that it may challenge the attention of those who in these days are accustomed to worship at the shrine of Jeffersonian idolatry.

Thus we see that the view which I have taken was the one entertained by statesmen like Gallatin, and indeed all the statesmen of the early years of the century (with the possible exception of Jefferson, who at least acquiesced), before there had been or could be any judicial decisions on this subject. (For we must remember that the status of the Northwest Territory was entirely different from that of any subsequently acquired.) And not only did they entertain this view, but in their legislation they did not seem to give to the principle of "the consent of the governed" the meaning now sought to be attached to it.

I hope, Mr. Chairman, that there is not one of us who does not thoroughly believe in that principle announced in the great Declaration. But there are some of us who believe that the consent should be at least first expressed in a legal and orderly and unmistakable manner by a people capable of its intelligent expression, and that it can not be inferred from the will of the minority or from actions instigated by the intrigues and deceptive influences of ambitious, designing, and selfishly interested individuals, and that, except with this qualification, it would be destructive of all organized government. If its meaning had been construed in the past to be that which is now claimed for it by some persons, we would not now have one undivided and indestructible Union. Life, liberty, and the pursuit of happiness. These are the essential things, and these they shall enjoy as they have never enjoyed them before.

VI.

I conclude, then, Mr. Chairman, from an examination of the Constitution, the opinions of our highest judicial tribunal, and the history of our country and its legislation on this subject, that we have clearly the same latitude of action in regard to our recently acquired possessions that England has in regard to her dependencies, save and except only as I have herein indicated.

Whether forbidden by the Constitution or not, surely no member of this body will ever wish, or even dare, as to them, to authorize or permit arrests by general warrant; or authorize or permit excessive bail to be required; or authorize or permit any unreasonable delay in the trial of a person held to answer for crime; or authorize or permit one accused to be deported for trial outside the district fixed by law; or authorize or permit secret trial; or

authorize or permit one accused to be deprived of the right to have counsel, to be informed of the nature and cause of his arraignment, to confront the witnesses against him, and to have compulsory process for obtaining witnesses in his favor; or authorize or permit him to be compelled to give testimony against himself; or authorize or permit him to be prosecuted a second time for the same offense; or authorize or permit the imposition of any excessive fines or cruel or unusual punishments; or authorize or permit property to be taken for a public purpose without making just compensation therefor; or authorize or permit the seizure of property by general search warrants; or authorize or permit soldiers to be quartered in any house in time of peace without the consent of the owner, or in time of war except as prescribed by law; or authorize or permit any person to be deprived of life, liberty, or property without due process of law; or authorize or permit unjust or unequal taxes to be imposed.

If any such there ever shall be here, he will be found only amongst those who are accustomed to exert every faculty of brain and energy of body to devise methods by which others may be deprived of rights which they themselves claim and enjoy, or else amongst those who are the beneficiaries of such methods. He will not come from the great State of Minnesota, which I have the honor in part here to represent, nor from any of those great States where it is the pride and delight of all to enforce equal rights and equal and exact justice for all.

And to whom can all this subject be more safely committed than to Congress, responsible always, as it is, to a constituency saturated with the traditions of liberty, jealous of any exercise of arbitrary or unwarranted power, and watchful to condemn carelessness or callousness in the exercise of power by their representatives? Indeed, it might be said that on almost every limitation of the Constitution little controversy could possibly arise, on account of the universal readiness to concede the largest measure of freedom and self-government. [Applause.]

It may be necessary, Mr. Chairman, to provide different tariff laws and commercial regulations from our own for these people, not for their oppression, but for their benefit and support, and for the enforcement of a commercial policy which will redound to their welfare and our own. It may be necessary for a time, until the habits of freedom and the elevating influences of education and the experienced blessings of law and order have fitted them for a better system, to establish a judicial system not strictly in accordance with those to which we have been accustomed (to be as rapidly as circumstances will admit brought into full harmony with our system), not to debase, but to improve and purify the quality of justice and mercy. It may be necessary to place certain restrictions upon their inhabitants, not for their oppression or degradation, but for their and our security and protection.

That the inhabitants of these islands shall enjoy every fundamental and inalienable right, such as protection by the Government, the enjoyment of life and liberty, and the right to the pursuit of happiness and to acquire and enjoy property, subject only to such restraints as may be prescribed for the public good, all of us are fully agreed. That they will, under our Government, come to a realization of blessings of which they have never even had a glimpse before I for one have not the slightest doubt. It could not possibly be otherwise under the government and control of a people in whom, as I have said in the beginning, these things are bred in the bone—a race and people liberty loving, liberty preserving, and liberty extending. [Loud applause.]

Mr. DINSMORE. I yield fifteen minutes to the gentleman from Nebraska [Mr. NEVILLE].

The CHAIRMAN. The gentleman from Arkansas has not fifteen minutes to yield.

Mr. DINSMORE. I thought I had more than that.

Mr. HITT. I will yield to the gentleman from Arkansas fifteen minutes.

Mr. DINSMORE. My understanding was that the time to-day was to be equally divided between the two sides.

The CHAIRMAN. The gentleman from Illinois [Mr. HITT] yields fifteen minutes to the gentleman from Arkansas [Mr. DINSMORE].

Mr. DINSMORE. Very well. I will yield that to the gentleman from Nebraska [Mr. NEVILLE].

Mr. NEVILLE. Mr. Chairman, in the discussion of this bill it is my purpose to dwell upon the policy of this country in relation to human rights, and especially those involved in imperialism attempted under the cloak of expansion.

The question as to the right and wisdom of this country entering upon a colonial policy is intensely political and has already reached the bitter state, yet there is a difference of opinion among members of each party, and I have no doubt an honest one, as to the duty of this country in the matter.

Variety of opinion is sure to exist where there is a variety of interest considered separate from their relation to justice and patriotism.

I belong to a party which believes that the declaration of principles upon which the American people passed from the condition of colonial dependencies to the enjoyment of human liberty and national greatness is still as sound as the day it was written.

It is a real consolation to believe in the common brotherhood of the human family; to believe that all men were created equal, or in other words, to believe that when God made man and woman as the source of human development, class distinction was not decreed.

In the consideration of human rights it is well to know that classes, royalty, kings, monarchs, subjects, lackeys, valets, serfs, tramps, and slaves are all attributes resulting from man-made law and rule of conduct.

Throughout all the ages liberty has cost eternal vigilance, and national greatness has been in proportion to the freedom of its people, resulting in the high intelligence of the average citizen, yet experience of freemen obtained by heroic efforts in the establishment of government is never inherited by the children of heroes.

History imparts to us a desire to become great and a patriotic love for the liberty we enjoy, but gives us no practical wisdom by which we can measure regard for the rights of others while such rights interfere with our apparent opportunities.

The proposition that "the just powers of government are derived from the consent of the governed" is as correct to-day as it was when American patriots hurled it in the teeth of King George, and the consent of the majority implies the right of all to participate. No government can claim the dignity of being a government by the people when a portion of its people are subjects not having equal rights before the law.

It is amazing to a Populist to hear members upon this side of the House declare in debate that "this is a white man's government," and justify a property and educational qualification to exclude the black man from the right of suffrage and at the same time denounce the Republican party for trying to govern the brown man without his consent.

I am one of those who believe that every American citizen has the right to work for whom he will and for such price as he deems just, and in addition thereto should have the right to participate in the framing of the law which shall control the collection of his pay.

Mr. Chairman, as a Populist, I am much more amazed to observe members upon the other side of this House dramatize indignation because a black man is occasionally deprived of life without due process of law, and in the same breath laud the Administration for shooting salvation and submission into the brown man because he wants to be free.

The prophet of Bagdad said, "Go with the sword and follow with the Koran, and he who will not accept my teachings smite him down." When we contrast with this doctrine the present American policy of "benevolent assimilation" we are led to wonder who the present Administration of this Government will ape next.

Nations should have the same right among nations that men have among men. The right to life, liberty, and the pursuit of happiness is as dear to the black and brown man as to the white; as precious to the poor as to the rich; as just to the ignorant as to the educated; as sacred to the weak as to the strong, and as applicable to nations as to individuals, and the nation which subverts such right by force is no better governed than the man who takes the law in his own hands.

And it is a gratification to note that the liberty-loving people from all countries are flocking to the standard of the Boers, to help crush out that infamous doctrine that large nations have the right to subjugate small ones.

Aside from its relation to rectitude, what does a colonial policy mean to this country? The love of freedom is not easily obliterated after once having been sought by a human being. The standing army, when sufficiently large and biddable, may keep it in check, but never eradicate. Can the great American Republic afford to abandon civil government for militarism? Has the human family not yet realized that a large standing army is the bodyguard for kings and tyrants and is always a menace to the perpetuity of free institutions?

Only a few days ago a bill passed this House to establish a military post at Des Moines, Iowa; an innocent act of itself, yet the reason advanced by the Secretary of War for its necessity was a desire to locate the Army near the great centers of population; where many railway lines converge. I need not go into details, the humblest wage-earner in the land knows what this means.

A republic based upon a declaration of equality to all its citizens and operated by the consent of the majority of the people only needs sufficient soldiery to police and defend in emergency, but where a minority class seeks to throttle and hold the majority in subjection and slavery force is required, and the standing army is the most suggestive and the most potent. We need not tell the

naturalized citizens who came from any of the provinces of European nations the effect of militarism. They know what a government by force means.

In the selection of a standing army only those physically and mentally sound are enlisted, and thus it is the greater the army the less the mental and physical average of those remaining to father the future generations.

Our Volunteer Army was sufficient to back our assertion of human rights in 1776. It was equal to the emergency in the war of 1812. It was all we needed in the war with Mexico. It saved the Union in the fiercest of all—the struggle between the States, North and South. It was the admiration of the world in the Spanish-American war, and in the war to subjugate the natives in the Philippine Islands the citizen soldiery of Nebraska, from a patriotic devotion to American valor, increased the record for human bravery without the incentive of a just cause.

The American flag as the emblem of liberty and protector of human rights has been hitherto followed by a patriotic devotion that knew no obstacle, because the American people firmly believed that it represented liberty, justice, and good government; and when the American flag rightly stands upon any spot of the earth as an evidence of sovereignty justly obtained the American citizen will defend its right to stand there, and all other nations will know enough to respect its purpose; but when the American flag is made to become a cloak for greed, avarice, and oppression, those who try to wrest it from such degrading tendencies care little for the yell "Traitor!" "Copperhead!"

We are willing that the British lion should have a monopoly of the policy of aggrandizement and expansion by subjugation and criminal aggression, but let us hope the day may never come when the American eagle will abandon the patriotism and humanity of a Washington and a Lincoln for the greed and avarice of a Napoleon and an Alexander or the brutality of a Tiberius and a Nero. Has it come to this in learned America, that the halting of a patriotic people must be goaded by such stirring words as "Who shall dare pull down the flag?" Humanity in pursuit of a just cause never needed a lash.

Was the flag never hauled down? There was a time when it waved over the City of Mexico as an evidence of supremacy, and the whole Mexican army lay vanquished at our feet. Who was it then said, "Who shall dare take it down?" That element of American citizenship who believed the Declaration of Independence did not apply to the black man said, "Let it stand;" it will make 7 more States, 14 new Senators, and the proportionate number of Congressmen to urge the doctrine that one man may own and operate another.

But the big-hearted advocates of human rights said, "Take it down; if left there it will stand for conquest and aggression against justice and liberty." Who were the "traitors" and "copperheads" then? I pause for a reply.

The venerable gentleman from Illinois [Mr. CANNON] charges that our conduct makes the suppression of the Philippines cost $2 where $1 would otherwise suffice. In speaking solely for myself, Mr. Chairman, let it be distinctly understood that so long as I believe a proffer of freedom justly due would end hostility I will not cease trying to thwart inhumanity because of the cost to the butcher.

I pledged my constituents that if elected to Congress I would never vote one dollar of public money to help the Sultan of Sulu support 12 wives and 146 slaves; and while upon this branch of the subject I would be glad to have the members upon the other side of this House answer the following questions:

First. Does the Administration intend to permanently hold the Philippine Islands as American territory or colonies?

Second. If it does, or does not, does the Administration intend to recognize slavery and polygamy in Jolo so long as it holds the Philippines as United States territory or colonies?

Third. If the Administration intends to stamp out polygamy and slavery at some future time, was the concession for a present continuance thereof necessary to secure peaceable control?

Fourth. If the object of the Administration was to get peaceable control by binding this Government to support polygamy, slavery, and Mohammedanism, was the acquisition worth the cost?

Fifth. If the Administration did not intend to be bound, was the cunning and fraud up to the proper standard of American manhood in dealing with an ignorant and unsuspecting people?

But, Mr. Chairman, these are not all the complications. We have upon our statute books a law known as the Chinese-exclusion act, and some months ago General Otis, in an effort to enforce this law, refused to allow a shipload of Chinamen to land on the Philippine Islands. These people had mingled and intermarried for a thousand years. They were next-door neighbors. Their habits and customs were the same. They were akin by all the ties of brotherhood. What happened? China, after consulting with other powers, demanded an explanation of the United States, and what was the explanation? The Administration telegraphed Otis "to let them land," and word went out to the newspapers that it was disposed to relax the rigor of the exclusion act. Does the average citizen see the endless chain? Will it lead to American civilization in the Philippines or Mongolian equilibrium in America?

Who shall say that the people of an American colony may not mingle and trade in the master country? Shall Puerto Rico, as a Territory of the United States, be allowed a delegate familiar with her wants to represent her upon this floor with a view to ultimate statehood, or shall she be governed as a colony to augment that part of our possessions over which an American President may pose as an emperor?

Let me warn you, my Populist brethren, my Democratic friends, and conscientious Republicans all over the land, to weigh well the tendency of American domination under the cloak of Christian duty, industrial and commercial benefits.

You penetrated the hypocritical mask covering Republican financial intent only in time to discover you had slept upon your rights. Can you not now see the tendency of the Republican party to utilize the Army when sufficiently large, with the aid of armed assassins, to prevent by force a lawful transfer of the reins of government when the slightest pretense is available? [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAY of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2477. An act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa;

S. 704. An act for the relief of the County of Custer, State of Montana;

S. 329. An act to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming; and

S. 26. An act to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire.

The message also announced that the Senate had passed with amendment joint resolution (H. J. Res. 136) providing for the distribution of compiled statutes of the District of Columbia to committees of the Senate and House of Representatives; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 5076) to amend the first section of an act to change the time and places for the district and circuit courts of the northern district of Texas, approved June 11, 1896; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 6073) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session, Mr. SHERMAN in the chair.

Mr. HITT. I yield to the gentleman from Arkansas further time.

Mr. DINSMORE. I yield to the gentleman from Missouri [Mr. COCHRAN] twenty minutes.

[Mr. COCHRAN of Missouri addressed the committee. See Appendix.]

Mr. WM. ALDEN SMITH. Mr. Chairman, the bill under consideration makes an appropriation for the consular and diplomatic service of our country. No more important measure will be presented for our consideration. Very little attention has thus far been given in debate to the specific provisions of the bill, the result of patient and laborious care on the part of the committee, and especially commendable to the distinguished and able chairman.

Many suggestions have been made by members of the committee and others during its preparation, looking to the improvement of the foreign service; and I have no doubt whatever, but for the rule which prevents new legislation on general appropriation bills, some of these suggestions might have met with favor.

Notice was given to the committee of my desire to incorporate a new provision in the bill authorizing a minister resident to the Orange Free State and the South African Republic, not for the purpose of adding to our perplexities, but because of the growing importance of our relations to those countries and the desire to afford to the President, whenever he might think proper, this wider latitude for diplomatic relationship.

Realizing the hostility of our committee to this plan in the present bill, and the fruitlessness of such an effort in the face of a single objection, which I am advised will be forthcoming, I have concluded not to press the matter in violation of the rules, with

which every member is supposed to be familiar, but shall content myself by bringing in a bill in the usual and orderly way.

Mr. Chairman, much discussion has been going on in the public press and in Congress regarding our foreign affairs and much about the foreign affairs of other countries. It is not my purpose to traverse these well-worn paths, but to briefly point out the difficulties of our position and fix some of the responsibility therefor.

A very large and representative element in our country has placed itself in opposition to the annexation of new territory by the United States whenever it has been attempted in the past. There was much respectable opposition to the annexation of Louisiana, Texas, and that vast empire of the West now constituting a veritable bulwark of American States; opposition loud and demonstrative against the cherished idea of President Grant to make Santo Domingo a part of the American Union, when it was offered to our country merely for the asking and defeated out of pure spite by a tie vote in the Senate—that rich gem of the Caribbean Sea, the natural resting place and rendezvous of our West Indian fleet.

The distinguished representative of this Government in the Hawaiian Islands under the Administration of President Harrison, and at a critical juncture in the affairs of that Pacific territory, raised the American flag with the concurrence of the authorities of the Hawaiian group.

These islands had long been under the care and protection of our country. European powers understood that our interests were paramount there, and no other government regarded these islands as open to conquest. The attitude of our country was hailed with delight and satisfaction by the people there, and for the first time they felt themselves relieved from the doubt and anxiety of maintaining public order.

President Harrison promptly submitted a treaty of annexation to the Senate, but before it was acted upon the Administration changed. The Democratic party came into power; the treaty of annexation was withdrawn and a commissioner with paramount authority dispatched to these islands to connive and thwart the manifest purpose of his predecessor.

The country well remembers the unjustifiable conduct of the Democratic party at that time, and it disapproved this backward step. So soon as an opportunity was presented, the wrong done by Commissioner Blount was remedied, and these islands came legally, effectively, permanently within the legal limits of our sovereignty. [Applause.]

Were we wise in this action? Everyone now admits it. The danger of hostile attack upon our western coast has been reduced, and no foreign fleet hovers about this Pacific stronghold prepared to dash upon our coast at the slightest provocation.

The dream and hope and expectation of our statesmen, strategists, and sailors received its final consummation when annexation became an accomplished fact. Is there a man upon the other side of this Chamber who has the temerity to now rise in his place and say that he regrets the course pursued by the Republican party in this matter?

When the last revolution of the Cuban people was at its height; when they were entitled to belligerent rights under every rule of international law; when they had held at bay 200,000 soldiers, the flower of the Spanish army, and had driven back to Spain every prominent general who had been sent over for the purpose of accomplishing the pacification of the island; when they had maintained a separate government for upward of three years and the island was torn with war, devastated with fire and famine, and depopulated with disease and starvation from end to end; who was it that opposed their recognition as belligerents? Why, of course, it was a Democratic President, and his action was sustained for many months by his party in the Congress of the United States. The prayer of the struggling, the parched lips of the dying, the cry of distress from women and little children, were not heard until the Democratic party was retired from power and the Republican party installed in its place. [Applause.]

From what source does this wail of political opposition to the annexation of the Philippine Islands come? Who is it that finds most fault and is loudest in denunciation of our conduct? No less a personage than the late leader of the Democratic party in a fruitless Presidential contest, who, if my memory serves me right, was, if it be a crime, *particeps criminis* in our action in this regard, for he not only enlisted in the Army to put down the power of Spain, knowing that the fruits of war would dispossess her of her territory wherever it was the disposition of this Government to strike, but he could scarcely wait to be discharged before he posted off to Washington to advise the hesitating and halting Democrats in the United States Senate that they should ratify the Paris treaty of peace, which provided that the Philippine Archipelago, Puerto Rico, and the island of Guam should become part of the territory of the United States [applause], and providing also for the payment of the $20,000,000 agreed upon in this convention. How often since, with a brazenness and effrontery unequaled, has he berated the Government and its high officers for doing the very thing which he himself advised and to which he was a party?

From what source does this criticism come, I ask again, for our policy as to the Philippine Islands and Puerto Rico and Guam? It comes from the disorganized, disordered, distracted organization represented upon the other side of this Chamber, occasionally sprinkled with a few well-meaning but misguided and mischievous critics, who, having taken a wrong position, have not the courage to change it.

When the declaration of war was made with Spain it contained a proposition binding upon our Government a certain course of conduct with reference to the future government of Cuba. I regretted that condition then and I regret it now. From what source did that provision emanate? It was tacked on to the declaration in the Senate of the United States by a Populistic Senator as a mere sop to the jealous powers of Europe.

Who are they, Mr. Chairman, who have upon every occasion given aid and comfort to the enemies of our country in rebellion against the flag borne so bravely by Lawton and Logan and the soldiers of our Union in that far-off land? Democrats, Populists. Sir, they have criticised the President for not acting earlier in Cuba; have criticised the President for acting at all in the Philippines. We can not satisfy them. They urged us to war with Spain before the country was ready, and want us to stop before we are through. The Democratic party were eager for our soldiers to go into Cuba and, lo and behold, are as eager for them to get out. You are a party of negation, fault-finding, demagogy, and demoralization. You complain of the treaty of peace, ratified under the whip and spur of public opinion, many Democrats being forced to vote therefor; and now, with sublime impudence, you arise here upon every occasion to find fault with us for occupying the ceded territory. Consistency, thou art a jewel, but indeed rare upon the other side of this Chamber. [Applause.]

Complaining of our embroilment in the affairs of the far east, to which point you say we have unlawfully stretched the Constitution, you now seek to involve our country in the affairs of the South African Republic. Can we safely be governed by their advice? When has it been wise and helpful? I pause for a reply, and "the only answer is the echo of your wailing cry."

You accuse us of making an alliance with England. What for? The occasion does not exist, and the desire is not present in the heart or mind of any worthy public official. The charge is baseless, unworthy its authors, and intended merely as a cheap scarecrow to alarm timid people.

The only alliance known to me between England and the United States was dissolved yesterday by mutual agreement. It was made before the Republican party was born, and is known as the Clayton-Bulwer treaty, providing for the joint use and occupation of a canal across the Isthmus. It was an ill-gotten child and nobody regrets its demise.

Alliance with England! Intangible, indefinite, indistinct hallucination, born in the small brain of a distorted demagogue for political purposes in this campaign only! [Applause.]

For several weeks past the tender sympathies of the American people have been aroused and their interest excited in the unjustifiable war now being waged by England in South Africa. Public meetings have been held, resolutions of sympathy adopted, and funds raised to ameliorate suffering and distress—all commendable, praiseworthy manifestations of the federation of mankind and humanity's interest in humanity, though seas divide and continents separate. [Applause.]

Demonstrations of this character are cosmopolitan, embracing Americans, native and foreign born, but whether of Dutch, German, Irish, Scandinavian, or Polish descent, they vie equally with one another in upholding the right and condemning the wrong. Their love of liberty may have been born in the throes of revolution. The ax of the Duke of Alva may have been made crimson with the blood of ancestors spotless in the sight of heaven, or their native soil despoiled and they driven forth into the world without a country, save, perhaps, this God-given land of their adoption where the bright bow of promise lured them. Emigrants though they were, they have been true and loyal to the country through storm and trial.

I have the honor to represent upon this floor more Holland-Americans than any member here. They are among the best citizens of our Commonwealth. Honest, sturdy, self-reliant, frugal, they plod the weary path of life with hope as their guiding star and faith in the life to come.

Sirs, I would consider myself unworthy to represent them here if for a moment I yielded to the precipitate pressure of the overzealous or did any act that might in its consequences place our country in a false light in the eyes of the world, involve the destruction of the salutary doctrine enunciated by Monroe, or lessen the feeling of security now enjoyed by all classes of our citizenship. A man in the private walks of life is responsible only to his conscience—may give expression to his feelings unrestrained—but those charged with official responsibility must never forget that

no matter how many are pro-English or pro-Boer, it is his bounden duty under the Constitution he has sworn to uphold to be openly, avowedly, loyally pro-American. [Applause.]

Gentlemen upon the other side of this Chamber mistake the character of those sympathizing with the Boer and underestimate their love of liberty and devotion to America if they think these sturdy men would for an instant imperil our institutions or impair the security of our homes, the peace of our firesides, or cast discredit upon our Government by any hasty, unwise, unlawful, or premature act.

Yesterday upon this floor, in the heat of debate, a distinguished and able Representative, after detailing the conquests of England, expressed the wish that this last war in South Africa might work the beginning of the end of the British Empire. Shame! Shame! Would you welcome the fall of a vast empire, bringing wreck and ruin upon the millions of peasants and yeomanry who are only temporarily represented by a foreign secretary, bent upon his present unholy mission? Far, far more preferable be it said that Joseph Chamberlain misinterprets the will of the English people. Public sentiment does not sustain him at home, and the wide, wide world is encircled with disapproval.

The ministry overstepped when they undertook to interfere in the domestic affairs of the South African Republic. I need not go to the other side of this Chamber for witnesses. I can summon to the bar of public opinion many of the foremost statesmen of England. Take, for example, the uncontradicted statements of James Brice, W. T. Stead, of Sir William Vernon-Harcourt, the great Liberal leader of England and formerly in the cabinet of Gladstone, who says:

That convention as it was called, of 1881, reserved to Great Britain the right of veto upon treaties with foreign states. Secondly, in regard to its internal administration, it limited, in a certain degree, the internal government and autonomy of the Transvaal State, but as Lord Derby, who was then colonial secretary, stated (I give his words), "In all other respects entire freedom of action was accorded not inconsistent with the rights expressly reserved," so that in the convention of 1881—follow me here—it was in that first convention of 1881 the independence so limited was expressed by the word suzerainty, a vague word, but one which was employed in that convention of 1881.

Then as for the new convention. You have a convention in which the word "suzerainty" has disappeared. You have a reservation of the control of this country over the treaty relations of the Transvaal, and what was the result of that new convention? The result of that new convention was stated by Lord Derby; and now this is a very important statement. He said:

"By the omission of those articles in the convention of 1881, which assigned to Her Majesty and the British Government certain specific powers and functions connected with the internal government and the foreign relations, your Government will be left free to govern the country without interference, to conduct its diplomatic intercourse and shape its foreign policy, subject only to the requirements embodied in the fourth article of the new draft that any treaty with a foreign state shall not have effect without the approval of the Queen."

Therefore, I think you may take it with absolute certainty that the new convention of 1884 was this: It kept the control of foreign affairs under the veto of the British Government, and in respect of their internal affairs struck out the word "suzerainty," leaving or giving to the people of the Transvaal absolute internal authority—home rule, in fact, for themselves.

Why should we copy an old preamble in a new convention? In the preamble of 1884 the word "suzerainty" disappears, and it is not found in any of the articles of that convention. This may seem rather technical to you, but it really lies at the bottom of what is at issue to-day. * * *

Mr. W. H. Smith, who was the respected leader of the House of Commons, as the representative of that Government, said:

"The convention of London made in 1884 between Her Majesty and the South African Republic contains no express reservation of the Queen's right of suzerainty; and though Her Majesty retains under the convention the power of refusing to sanction the treaties made by the South African Republic with foreign states and nations and with certain native tribes, the cardinal principle of that settlement [mark this] was that the internal government and legislation of the South African Republic shall not be interfered with. What is the use of talking of the existing of suzerainty over their international affairs reserved in the preamble of the convention of 1881 which was done away with by the convention of 1884?"

Clearly no legal right existed in Great Britain to regulate the suffrage laws and fix new qualifications for electors. This was a domestic affair, to be regulated by the Government of the Transvaal.

In his dispatch of December 31, 1895, Mr. Chamberlain defined the South African Republic as "a foreign State which is in friendly treaty relations with Great Britain."

Again, on May 8, 1896, he said in the House of Commons:

To go to war with President Kruger in order to force upon him reform in internal affairs of his State, in which secretaries of state, standing in this place, have repudiated all right of interference—that would be a course of action as immoral as it would be unwise.

To whom shall he now answer for this deplorable war, with its fearful loss of life? To high heaven and his country and mankind. Once aroused, the common sense of England will hurl him from his high office and, following the example of Gladstone, "whose wisdom still rules us from its urn," will halt her troops, wherever scattered, and bid them return to the constitutional and legal limits of her lawful domain.

Gentlemen upon the other side have upon the rostrum and in this presence said it was our duty to interfere. The gentleman from Colorado [Mr. SHAFROTH] says it is our duty to offer mediation. Mr. Chairman, such doctrine is unknown in the law of nations, and such course upon our part would properly subject us to the charge of unwarranted meddlesomeness. We do not know that our offer would be acceptable to either party. The Boers, who have shown a disposition to take care of themselves, have not asked us to interfere, while Great Britain bears her defeats without complaining. Where does our duty lie?

Much as we deplore war, sincerely as we would welcome peace, the war is not of our making and our sympathies must not be permitted to involve us.

While Secretary, Daniel Webster thus wrote to the President in 1852, as follows:

It has never been the purpose of the Government of the United States to interpose, directly or indirectly, in the affairs of the States of Central America, with a view to settle the controversies between them by any influence whatsoever exercised by this Government without their request or free consent.

Mr. Everett, Secretary of State, in writing to Sir Edward Thornton, the British minister, in September, 1879, apropos of the proposition to join with Great Britain and Germany in offering their mediation in the war then pending between Chili and Peru, made the following statement:

I am able to say, however, that our ministers have given and are giving attention to the wishes of this Government to procure its good offices in favor of peace at the earliest indication of the readiness of the belligerents to consider such good offices acceptable.

Our course is plain. We must await events or expose our own country to criticism and possibly obloquy. The Boers in South Africa seem amply able to take care of themselves. [Applause.] And I hope and trust that no false sentimentality will prompt our country to enter upon any other course than will be creditable to it now and in the future. I would not have England crush the Boers; neither do I wish for England calamity within her proper and legitimate domain, and I do not believe the most ultra pro-Boer in the United States wishes any such destiny for that great Empire across the sea.

Why, Mr. Chairman, what does it mean? It means that the policy of the colonial secretary, Mr. Chamberlain, is to bring down upon the heads of the common people of England the failure and fall of their country and their Government. Any man or party or set of men who would wish such an end for the British Empire is thoughtless indeed. Are you talking for mere party advantage? How unjustifiable. Who constitutes the British Empire? Not Sir Joseph Chamberlain alone, but Sir William Vernon Harcourt as well and those whom he represents as the great leader of so many thousands of Liberals who oppose and think unwise the policy of Mr. Chamberlain in this crisis.

Why, Mr. Chairman, would the gentleman from Missouri [Mr. CLARK] bring down ruin upon the common people of England? Great in her history, great in her sober, steady yeomanry, it is not the mere temporary representative in power, but it is the common people behind that representative, for whom I speak; and much as my sympathies go out to the Boers, much as I believe England to be wrong in this controversy, much as I believe that history will hold her forever the unlawful aggressor in the field of her present military operations, still I do wish for England honor, fame, and renown as a country, because I believe in the ultimate glorious destiny of the Anglo-Saxon race.

Mr. Chairman, I am well aware of the fact that the President has been urged again and again to mediate in this controversy. The gentleman from Colorado [Mr. SHAFROTH] holds that he has this power of mediation at any time. A close reading of international law throws doubt upon this proposition. Indeed, if he goes according to the rule of nations, he must wait until one of the parties to the contest or both of them ask him to mediate or intervene.

I find in this resolution which I hold in my hand, passed by over 4,000 citizens of my home city at Grand Rapids, at a pro-Boer meeting, sympathizing strongly, as does every lover of liberty the world over, with the Boers—I find in the closing paragraph of this arraignment of Great Britain and her course a provision that the President shall be requested to mediate and offer his good offices "whenever it may be done within the rules of international law," and I am ready to await the action of the President. I am eager to follow in his lead. He can be trusted to do what is right, both for our country and for others, should they ask mediation.

Many of us recall how we urged the President to take early action with reference to Cuba. Committees were appointed from this House to wait upon him and urge him that civilization and the people of the country wanted him to act. But he waited, with thoughtful hesitation, not wishing to be rushed unduly into a scene the end of which no man could foretell. And I recall how, sitting around his Cabinet table one day, members of this House urged him to act promptly and vigorously.

I know one gentleman, now in my hearing, who said to him, "Mr. President, those torpedo boats are upon the high sea. They will soon menace our harbors. We must have protection for our coast cities. We think it is time for you to act." I recall the reply, as do others sitting near me, when the President said, "You ask me to act. You say you are afraid of the torpedo boats now

upon the sea and headed for our country. Give yourself no uneasiness, sir. While I do not propose to go to war if it can be avoided, while I pray to God that we may be absolved from this terrible thing—I know what war is—while I shall not shrink from it if it comes, but would be saved from it if possible, if those torpedo boats come to our country our American Navy will take care of them, sir. Give yourself no uneasiness upon that point." [Applause.]

And so they did; and I recall with what splendid composure the President awaited the final outcome, while many were criticising him. Indeed, in some sections of the country he was hung in effigy. In the theaters his name was hissed; but splendidly, superbly, with great composure, he stood at the helm in the midst of the storm and awaited the final outcome. And when the time came to act, he acted in harmony with that judgment of which he alone seems to be capable, and met every situation that confronted the country with matchless tact and great ability, which covered our country with glory and imperishable renown. [Applause.] That we were wiser in his leadership than we should have been without it everyone now concedes. That he was supremely right and met the full measure of his responsibility all admit.

Now, Mr. Chairman, in this exigency, when he is asked to intervene, when he is asked to mediate, when he is asked to take action, shall we await the ripened judgment of his splendid mind, equal to every emergency, or shall we unduly force him when it is unnecessary? For my part, I am willing to follow the President.

If he ever sees the time when he thinks it will be appropriate to intervene, so may it be; but until that time comes I do not believe there is a single citizen of my district or State, I do not believe there is a single person in the United States, who, down deep in his heart, would have the President act otherwise than according to his own best judgment. He has led the country through many a perilous period. He will do it again. Thank God, I have never yet in the course of my life felt called upon to criticise in severe or harsh language any President of the United States. My respect for that high office prompts me to pause, and my respect for its present occupant would not permit severe criticism or abuse to be hurled at him without making an attempt in his defense.

He is our President, no matter what political party puts him in power. He is the President of the whole people; and it ill becomes any citizen of the country to abuse him without cause. [Applause on the Republican side.] The burden of the President of the United States is heavy enough without our adding greater or more onerous ones for him to carry. The people of my district do not desire to embarrass the President, and our Democratic friends on the other side should not do so merely to meet the requirements of political exigencies. [Applause on the Republican side.]

Mr. Chairman, why do not our Democratic opponents criticise something in the Administration of President McKinley at home? Not a single word of criticism upon the tariff law, which a special session of Congress put upon the statute books, reviving industry and giving employment to labor; not a single criticism about any of our internal affairs chargeable to the President. Instead, they carry us far out into the Pacific and to the Sulu Islands.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. WM. ALDEN SMITH. The farther away their inquiry is directed the better the excuse for heaping opprobrium upon the President and his party.

Mr. RICHARDSON. Will my friend allow me to ask him a question?

Mr. WM. ALDEN SMITH. Certainly.

Mr. RICHARDSON. I understand you are ready to follow the President on the questions of the day. I want to ask the gentleman if he is going with him in recommending free trade for Puerto Rico, or is he going to vote to tax them at 25 per cent?

Mr. WM. ALDEN SMITH. Yes.

Mr. RICHARDSON. Then you will not go with the President.

Mr. WM. ALDEN SMITH. Yes; I am with the President, and follow his leadership, because I believe it inspired by the highest wisdom and loftiest patriotism.

Mr. RICHARDSON. He has recommended free trade, and the committee recommend 25 per cent tax. Are you going to vote for that, or are you going to vote for free trade and be with the President?

Mr. WM. ALDEN SMITH. I am going to stand with the President.

Mr. RICHARDSON. That is all right.

Mr. WM. ALDEN SMITH (continuing). The leader of our party and the embodiment of more wisdom than will ever be gathered up from all the cohorts of the Democracy of the North, East, South, or West. [Applause on the Republican side and in the galleries.]

The CHAIRMAN. Applause in the galleries is not permissible.

Mr. RICHARDSON. I am glad the gentleman is with us in that.

Mr. WM. ALDEN SMITH. Mr. Chairman, I reassert that they have not made a criticism upon our domestic affairs upon which they dare to go to the country in the next Presidential election. They know that factories have been opened as well as the mints. They know that the country is prosperous. We know it. From every State represented on the other side of this Chamber the uncontradicted testimony comes, while the great industries of my home city were never more prosperous.

Twice a year the buyers of furniture throughout the United States make their way to the city of Grand Rapids. In the past, 300 buyers, representing as many cities, filled the measure of our realization; but this year, this great year of Republican prosperity, over 800 buyers, from States represented on the other side of the Chamber as well as this, have gone there to buy the handiwork of our genius. [Applause.]

You can not stop this march of progress; you can not cripple the prosperity of our land. You know that your efforts are futile, and so you perch yourselves upon a very lofty plane and criticise our policy in the farthest nook of the world with which we may possibly have some temporary relation.

No, Mr. Chairman, the Democratic party will never succeed by misrepresentations. The country is too wise; it knows their methods; it knows the results of their government, and they will avoid you as surely as the time comes to test our strength. Will they nominate for President their last and only leader? Will he say that the annexation or attempted annexation in the Philippine Islands was unwise, when he fought to obtain this identical conquest? He advocated the payment of this money and he advocated the ratification of the treaty which meant the annexation of these islands. Will he go to the country upon a platform that he was or is opposed to that policy? The country will see through his sham.

No, Mr. Chairman, this is too great a country for small evasions. The people are too sincere and devoted to it to be trifled with. Our struggles are our chaplets woven in the woof of history. Mankind the world over shares in our triumphs. Where we think and act, and by action change into reality the dreams of optimists who love their fellows; where by suffering we wring from defeat the glories of victory, it seems to the listening nations of an awakened world that our heroic efforts are glorified and graced by the approval of heaven itself and redound to the benefit of the whole human race, and the spectacle is shown of the Giant of the West, with burnished shield and drawn sword, standing in the midst of the nations of earth as the champion of the oppressed, the defender of the weak, and the acknowledged arbiter of the eternal right.

It was once said of the resurrection of Greece and the cession by Great Britain of Crete, Thessaly, Epirus, and the Ionian Isles, "Thus did the old Hellas arise from the grave of nations; scorched by fire, riddled by shot, baptized by blood, she emerged victorious from the conflict. She achieved her independence because she proved herself worthy of it. She was trained to manhood in the only school of real improvement—the school of suffering." Thus our country was born, cradled, and reared, and for the incarnation of this mighty spirit I follow willingly and gladly the matchless leadership of William McKinley, President of an indissoluble and united country. [Great applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session, Mr. SHERMAN in the chair.

Mr. HITT. Mr. Chairman, I yield the remainder of the time to the gentleman from Michigan [Mr. HENRY C. SMITH].

Mr. HENRY C. SMITH. Mr. Chairman, I was prompted by an article in the Washington Post, of this city, to say something on this occasion.

THE VOICE OF CHAMBERLAIN—EMPIRE'S SAFETY DEMANDS EXTINCTION OF REPUBLICS.

Mr. Chamberlain further declares that the war was just, necessary, and righteous. * * *

"Speaking for the Government, there will be no second Majuba. Never again shall the Boers erect in the heart of South Africa a citadel whence to proceed to disaffection and race animosity. Never again shall they be allowed to endanger the paramountcy of Great Britain. Never again shall they be able to treat an Englishman as though he belonged to an inferior race."

Through that article—and I hope there will be no want of harmony among the Smiths, especially of our State [laughter]—I find that this same Sir William Harcourt contended that though

the war was an unhappy business, it must be fought out to the bitter end. Bitterness does not go with justice. Justice is tempered with mercy.

Now, Mr. Chairman, as far as I am concerned, I am in harmony with my brother from the northern part of my State in saying that the sympathy of our country ought to be extended to these brave people in the southern Republic, in whose affairs I believe a parallel can be traced between their rights, their course, and their progress and the early struggles of the American Republic.

It seems to me that the parallel might be complete if we should assume that these Germans, like the Germans everywhere, had sought only a home, peace, education, and prosperity. Suppose in the early days England had had the strength and the right and had had the justice to have conquered us when we were colonies, and suppose we had declined to submit to live under the domination and the tyranny of that Empire, which it exerts everywhere it has ever placed its hand; and suppose we had moved, for instance, to the State of Texas, and we had there builded ourselves homes; we had there carved out farms; we had there raised our children, and we were happy and peaceable and contented, pursuing education and advancement in culture and civilization, and that England had marched on and had taken possession of our farms and little homes and had driven us from them.

Suppose we had peaceably surrendered those homes and what we had, and had gone on, say to Missouri or Minnesota—and the distance is about the same—and had there carved out new homes and had started again to rear families, to have an education, to have peace and have quiet, and the English had discovered that in this new land of ours there was gold. If in this new land of ours there were diamond fields; and if they had come to ask us to move on, to leave those homes and those diamond fields, would we not have fought to maintain them?

For one I want to say that in my State the civilization that we have, the advancement that we have made, the progress we have attained we owe largely to the splendid, progressive, and honest German blood. I believe that it will grow stronger with time; and I believe that if we are to tie up to any power, we ought not to tie up to the decaying power of England, but we ought to tie up to the progressive, the strong, the growing blood of the German Empire.

The article in the Post further states:

The prowess of British arms has long been a factor in the Empire's world influence. England has commanded obedience, if not respect, by sheer brute force. But with her troops making as pitiable a showing against the Boers as China made against Japan, the hereditary enemies of Great Britain will find new courage. The entire press of Europe, reflecting the sentiment of the masses of the people, which official diplomacy or conservatism can not stifle, is rejoicing in the defeats of the British. A single spark may ignite these inflammable elements. Intervention is probable; and if England, savage over her humiliating showing, refuses to accept the suggestion, what more natural than that her opponents should turn upon and rend her?

And if it should come to pass that this unholy war against the Boers should result in the dismemberment of the British Empire, what a triumph of retributive justice it would be! There can be little genuine sympathy for England anywhere. She has ever been an oppressor, a slaughterer of savages, a crusher of the weak, the most relentless of masters.

The Boers, fighting for their homes and their freedom, have the admiration of the world. They may lose the unequal battle, for England's millions of men and money must eventually triumph, but the struggle will write an indelible page in the bloody history of British greed and injustice.

Mr. SIMS. Why do not the SMITHS from Michigan introduce a resolution expressive of our sentiments on this subject?

Mr. HENRY C. SMITH. I supposed that the other SMITH from our State would do it; otherwise I should have done so. [Laughter.]

Mr. HITT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN reported that the Committee of the Whole on the state of the Union had had under consideration the diplomatic and consular appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 6. An act authorizing the Secretary of War to use $60,000 of the appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern hospital at Fort Leavenworth, Kans.;

H. R. 947. An act to create a new division in the eastern judicial district of the State of Tennessee;

H. R. 5042. An act to provide for improvements in the tax departments of the District of Columbia; and

H. R. 5491. An act to amend section 4843 of the Revised Statutes.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 2727. An act authorizing payment of commutation of rations to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899.

UNITED STATES COURTS IN TEXAS.

Mr. LANHAM. I ask unanimous consent to take from the Speaker's table, for the purpose of concurring in an amendment of the Senate, the bill (H. R. 5076) to amend the first section of an act to change the time and place for district and circuit courts for the northern district of Texas, approved June 11, 1896. I will state that I am authorized to make this motion by the Committee on the Judiciary.

There being no objection, the bill was taken up, and the Senate amendments were read, as follows:

On page 1, lines 6 and 7, strike out "to read as follows" and insert "to provide."

On page 1, line 9, strike out all after "Texas" down to and including "court," in line 10.

Mr. LANHAM. I move that the House concur in the amendments of the Senate.

The motion was agreed to.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

Mr. HITT. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Chief of Division of Loans and Currency submitting an estimate of appropriation for canceling machines—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate of appropriation for improvement of Charleston Harbor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for the naval service for the year ending June 30, 1901—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for deficiencies in the naval service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for an assistant superintendent of the free-delivery system—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7662) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898, reported the same with amendment, accompanied by a report (No. 212); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7771) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported the same without amendment, accompanied by a report (No. 213); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred House bill 7408, reported in lieu thereof a bill (H. R. 8127) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain, accompanied by a report (No. 221); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1066) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863, reported the same with amendment, accompanied by a report (No. 222); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4615) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, reported the same without amendment, accompanied by a report (No. 214); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 3206) to correct the naval record of Thomas Dunn, reported the same with amendment, accompanied by a report (No. 200); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 405) for the relief of Julius A. Kaiser, reported the same without amendment, accompanied by a report (No. 201); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1197) for the relief of Edward Kershner, reported the same without amendment, accompanied by a report (No. 202); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2465) to grant an honorable discharge to George W. Shank, reported the same with amendment, accompanied by a report (No. 203); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Mississippi, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7483) for the relief of James T. Ellis, of Rankin County, Miss., reported the same with amendment, accompanied by a report (No. 206); which said bill and report were referred to the Private Calendar.

Mr. BRENNER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, reported the same without amendment, accompanied by a report (No. 207); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4275) for the relief of the Atlantic Works, of Boston, Mass., reported the same with amendment, accompanied by a report (No. 215); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 5220) for the relief of Charles M. Kennerly, reported the same without amendment, accompanied by a report (No. 219); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 150) for the relief of Edwin L. Field, of Gray, Cumberland County, Me., reported the same without amendment, accompanied by a report (No. 220); which said bill and report were referred to the Private Calendar.

Mr. METCALF, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1616) to correct the naval record of Joseph Pitt, alias Joseph Marr, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the United States Navy, reported the same with amendment, accompanied by a report (No. 223); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 163) for the relief of Henry O. Morse, reported the same with an amendment, accompanied by a report (No. 224); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. BRENNER, from the Committee on Claims, to which was referred the bill of the House (H. R. 145) for the relief of Col. Albert W. Bishop, of Buffalo, N. Y., reported the same adversely, accompanied by a report (No. 208); which said bill and report were ordered to lie on the table.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3950) for the relief of Eliza C. Armin, widow of Frank Armin, reported the same adversely, accompanied by a report (No. 209); which said bill and report were laid on the table.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5217) for the relief of Alexander Stoddart, of New York, reported the same adversely, accompanied by a report (No. 210); which said bill and report were laid on the table.

Mr. BRENNER, from the Committee on War Claims, to which was referred the bills of the House H. R. 557, 564, 6133, 561, 559, 555, 565, 558, 574, and 566, reported the same adversely, accompanied by a report (No. 211); which said bills and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 2080) for the relief of the estate of Dennis O'Dea, late of Richmond, Va., reported the same adversely, accompanied by a report (No. 216); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 5405) for the relief of Mrs. Catherine O'Dea, of Washington, D. C., reported the same adversely, accompanied by a report (No. 217); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the petition of the House praying that the claim of Adalina T. Blick, administratrix, for property taken by the Army be referred to the Court of Claims under the Tucker Act, reported the same adversely, accompanied by a report (No. 218); which said petition and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8036) for the relief of A. B. Coit, colonel Fourth Regiment Ohio Volunteer Infantry in the Spanish-American war—Committee on Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 8025) granting a pension to Mrs. J. J. Woods, of Oswego, Kans.—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHACKLEFORD: A bill (H. R. 8124) granting an increase of pension to soldiers of the Mexican war—to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 8125) fixing the salary and compensation of the chief justices and associate justices of the supreme courts in the Territories of Arizona, New Mexico, and Oklahoma—to the Committee on the Judiciary.

By Mr. CATCHINGS: A bill (H. R. 8126) to reenact section 256 of the United States Revised Statutes and continue the same in force—to the Committee on the Judiciary.

By Mr. GIBSON, from the Committee on War Claims: A bill (H. R. 8127) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain—to the Union Calendar.

By Mr. CUSHMAN: A bill (H. R. 8128) to establish light-house and fog signal at Browns Point, in Puget Sound—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 8129) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1898—to the Committee on Naval Affairs.

By Mr. CALDWELL (by request): A bill (H. R. 8130) to amend an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved February 3, 1887—to the Committee on War Claims.

By Mr. GRAHAM (by request): A bill (H. R. 8131) providing for the naturalization of foreign-born citizens—to the Committee on Immigration and Naturalization.

By Mr. RODENBERG: A bill (H. R. 8132) to amend section 4386 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: A bill (H. R. 8181) to provide what evidence may be received to show the length of time any person served in the Missouri Home Guards to determine whether he, his widow, or minor children, is entitled to a pension—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 8194) to provide for a minister resident to the South African Republic and the Orange Free State, and to appropriate the sum needful therefor—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: A bill (H. R. 8195) to preserve the aboriginal antiquities and prehistoric ruins on the public lands—to the Committee on the Public Lands.

By Mr. MOODY of Oregon: A bill (H. R. 8196) confirming the title of mixed-blood Indians to certain lands, and providing the manner for selling, conveying, and encumbering the same—to the Committee on Indian Affairs.

Also, a bill (H. R. 8197) to provide for the sale of the unsold portion of the Umatilla Indian Reservation—to the Committee on Indian Affairs.

By Mr. STEWART of Wisconsin: A joint resolution (H. J. Res. 161) to authorize members of the Prairie band of Pottawatomies, in the State of Kansas, to sell their allotments to purchase lands in the State of Wisconsin, and for other purposes—to the Committee on Indian Affairs.

By Mr. LOUDENSLAGER: A resolution (H. Res. 133) authorizing the payment to George C. Randall the sum of $252.80 from the contingent fund—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 8133) to remove the record of dishonorable discharge from the military record of Robert Fitzgerald—to the Committee on Military Affairs.

By Mr. ALLEN of Mississippi: A bill (H. R. 8134) for the relief of the Presbyterian Church of Kossuth, Miss.—to the Committee on War Claims.

By Mr. BOREING: A bill (H. R. 8135) pensioning Elijah Patrick at the pensionable rate of a captain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8136) to pay Elijah Patrick, of Salyersville, Ky., for two years' service in the late war as captain of a company of volunteers—to the Committee on War Claims.

By Mr. CRUMP: A bill (H. R. 8137) pensioning Mrs. Eliza Bayard—to the Committee on Invalid Pensions.

By Mr. CARMACK: A bill (H. R. 8138) for the relief of the Methodist Episcopal Church at Saulsbury, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8139) for the relief of the First Baptist Church, of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8140) for the relief of the estate of Mrs. M. A. Walker, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 8141) granting a pension to Mrs. Sarah J. Peddycoart—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 8142) to remove the charge of desertion from the military record of James May—to the Committee on Military Affairs.

Also, a bill (H. R. 8143) for the relief of John R. Brown, Robert T. Thorp, Richard A. Wise, and William F. Aldrich—to the Committee on Claims.

By Mr. COWHERD: A bill (H. R. 8144) granting that the name of J. W. Shepherd be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 8145) for the relief of the heirs of Peter De Haven—to the Committee on War Claims.

By Mr. DAVIS: A bill (H. R. 8146) granting a pension to J. N. De Long—to the Committee on Invalid Pensions.

By Mr. EPES: A bill (H. R. 8147) for the relief of Oak Grove Methodist Church, at Reams Station, in Dinwiddie County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 8148) for the relief of W. H. Wesson—to the Committee on War Claims.

Also, a bill (H. R. 8149) for the relief of the trustees of the Episcopal Church at Dinwiddie Court-House, Dinwiddie County, Va.—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 8150) granting an increase of pension to Thomas Godfrey, of Lawrenceburg, Ind.—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 8151) for the relief of Levi H. Hendren—to the Committee on Military Affairs.

Also, a bill (H. R. 8152) for the relief of Jasper N. Cooper—to the Committee on Military Affairs.

Also, a bill (H. R. 8153) for the benefit of the heirs of James D. McKenzie—to the Committee on War Claims.

Also, a bill (H. R. 8154) for the relief of Henry P. Bottom—to the Committee on War Claims.

Also, a bill (H. R. 8155) for the relief of Jonathan Jacobs—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 8156) granting a pension to Mary Sanders—to the Committee on Invalid Pensions.

By Mr. JETT: A bill (H. R. 8157) granting an increase of pension to T. C. Mills—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 8158) for the relief of the St. George's Episcopal Church, of Fredericksburg, Va.—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 8159) to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 8160) locating certain land scrip in the name of Antonie La Pierre and others—to the Committee on the Public Lands.

By Mr. LYBRAND: A bill (H. R. 8161) granting a pension to Annis Bean, mother of William H. Wood, late of Company F, Thirty-first Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. MUDD (by request): A bill (H. R. 8162) for the relief of James Baker, of Washington, D. C.—to the Committee on Claims.

By Mr. McALEER: A bill (H. R. 8163) for the relief of Harriet Schroeter, daughter of Jacob Krider or Creider, who was a Pennsylvania soldier in the war of the Revolution—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 8164) for the relief of John D. Sullivan—to the Committee on Military Affairs.

Also, a bill (H. R. 8165) granting an increase of pension to Samuel A. Parrish—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 8166) granting an increase of pension to Jerome B. Cassavant, of Ponca, in the State of Nebraska—to the Committee on Invalid Pensions.

By Mr. RICHARDSON (by request): A bill (H. R. 8167) for the relief of holders of certain District of Columbia tax-sale certificates—to the Committee on the District of Columbia.

By Mr. REEDER: A bill (H. R. 8168) to remove the charge of desertion and grant an honorable discharge to James Perkinson—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 8169) granting an increase of pension to James H. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8170) removing the charge of desertion from the military record of Edward S. Conkling—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 8171) granting a pension to Thomas S. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8172) to correct the military record of Neill M. Campbell, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 8173) to correct the military record of Cicero Jordan, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 8174) to correct the military record of Newman P. Tennison, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 8175) for the relief of Frank Swanson—to the Committee on War Claims.

Also, a bill (H. R. 8176) for the relief of Reinhart Brenneiren—to the Committee on War Claims.

Also, a bill (H. R. 8177) to extend the pension laws to Captain Shoemaker's company, Provisional Missouri Militia, and so forth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8178) to pay the findings of the Court of Claims in the case of Edward W. James—to the Committee on War Claims.

Also, a bill (H. R. 8179) for the relief of James H. Wilson—to the Committee on War Claims.

Also, a bill (H. R. 8180) to correct the military record of Joshua W. Piles, and so forth—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 8181) granting a discharge to Peter Wilson, of Kentucky—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 8183) to remove the charge of desertion from the record of Michael Fitzgerald—to the Committee on Military Affairs.

Also, a bill (H. R. 8184) to remove the charge of desertion from Charles Snyder—to the Committee on Military Affairs.

By Mr. WILLIAM E. WILLIAMS: A bill (H. R. 8185) for the relief of William B. Payne—to the Committee on War Claims.

By Mr. WILSON of Arizona: A bill (H. R. 8186) for the relief of the occupants of the town of Flagstaff, Coconino County, Ariz.—to the Committee on the Territories.

By Mr. POWERS: A bill (H. R. 8187) to amend the military record of Francis H. Staples—to the Committee on Military Affairs.

By Mr. QUARLES: A bill (H. R. 8188) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 8189) for the relief of Richard Berry—to the Committee on War Claims.

By Mr. WACHTER: A bill (H. R. 8190) granting a pension to Henry Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8191) granting an increase of pension to Adam Bieger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8192) authorizing the Secretary of War to settle the claim of Margaretta Engelhardt for back pay and bounty due her husband, Frederich Engelhardt, deceased—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8193) for the relief of holders of certain District of Columbia tax-sale certificates—to the Committee on the District of Columbia.

By Mr. ZIEGLER: A bill (H. R. 8198) to remove the charge of desertion from the military record of Lewis Camplain, late of Company G, Ninety-first Pennsylvania—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Resolutions of Cherry Creek Grange, No. 58, of Colorado, favoring a general free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, protest of Local Union No. 55, Brotherhood of Carpenters and Joiners, Denver, Colo., against the ceding of public lands to States and Territories—to the Committee on the Public Lands.

By Mr. BULL: Statement of Michael F. Shea, of Newport, R. I., relative to the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CUMMINGS: Petition of Hon. T. B. Reed, Wheeler H. Peckham, and other leading lawyers of New York City, for relief for the law library of Congress—to the Committee on Rules.

By Mr. DALZELL: Resolutions of the National Board of Trade of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. DE VRIES: Petition of the Chamber of Commerce of Sacramento, Cal., in favor of the passage of House bill No. 3988, to reorganize the Weather Bureau—to the Committee on Agriculture.

Also, petition of J. F. Farnsworth and other letter carriers of Stockton, Cal., favoring the passage of House bill No. 4911, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of A. E. Else and 52 other citizens of Deland, S. Dak., favoring the passage of House bill No. 996, providing for free homesteads—to the Committee on the Public Lands.

Also, paper to accompany House bill No. 1944, for the relief of Eli C. Walton—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of H. F. Vortkamp and other druggists of Lima, Ohio, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of the National Association of Postmasters, favoring certain amendments of the law governing the carrying of second-class matter in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petition of C. C. Markland and other post-office clerks at Columbus, Ind., favoring the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of G. T. Shanks and 47 other citizens of South Londonderry, Vt., urging the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Ohio Wool Growers' Association, Columbus, Ohio, against the ratification of the treaty with the Argentine Republic—to the Committee on Foreign Affairs.

By Mr. HARMER: Petition of J. Seldon Sands and other druggists of Philadelphia, Pa., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. HAUGEN: Resolutions adopted by the employees in the Bureau of Animal Industry stationed at Louisville, Ky., for provision to grant them the usual leave of absence with pay—to the Committee on Agriculture.

Also, resolution of General Hancock Post, No. 22, Department of Iowa, Grand Army of the Republic, urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

By Mr. HITT: Petition of Frank Gilroy and 2 other clerks in the post-office at Belvidere, Ill., asking for the passage of House bill No. 4351, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Petition of Frederick C. Kean and other post-office clerks of Woburn, Mass., favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph F. Egan and other substitute letter carriers of Lowell, Mass., favoring the passage of House bill 1051, to grade substitute letter carriers—to the Committee on the Post-Office and Post-Roads

By Mr. LACEY: Protest of 58 citizens in and near Old Fort Bliss, Tex., against the bill to donate Old Fort Bliss to the county of El Paso—to the Committee on the Public Lands.

By Mr. LANE: Remonstrances of Anderson & Vetter Bros. and Paul Seigmund and other citizens of Grand Mound and Calamus, Iowa, against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. LYBRAND: Petition of Edward E. Reimund, F. R. Conklin, and other post-office clerks at Findlay and Delaware, Ohio, in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. McALEER: Petition of H. K. Mulford Company and Robert A. Hance & Co., chemists, of Philadelphia, Pa., favoring the passage of House bill No. 5765, modifying the existing internal-revenue law—to the Committee on Ways and Means.

Also, petition of F. Humphreys, M. D., of New York City, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolution of the National Board of Trade of Philadelphia, Pa., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

Also, petitions of H. K. Mulford & Co., the A. Calborn Company, Burt Bros., Hance Bros. & White, International Navigation Company, and C. Este, of Philadelphia, favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL: Statement and papers to accompany House bill to correct the military record of John G. Wolf—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Statement to accompany House bill to correct the military record of John D. Sullivan—to the Committee on Military Affairs.

By Mr. MOODY of Massachusetts: Petition of Helen G. Sharhawk, suggesting the adoption of a national song—to the Committee on Insular Affairs.

By Mr. ROBINSON of Indiana: Petition of G. N. Wickwire, of Angola, Ind., relating to the laws of Alaska—to the Committee on the Judiciary.

By Mr. RUCKER: Petition of 151 citizens of Higbee, Mo., favoring trial by jury in injunction contempt cases—to the Committee on the Judiciary.

By Mr. SHACKLEFORD: Petitions of the publishers of the Florence (S. C.) Argus; Las Vegas (N. Mex.) Optic; Monticello (Iowa) Times; Portsmouth (N. H.) Gazette; Great Falls (Mont.) Leader; Richfield (Utah) Reaper; Victor (Colo.) Record; Salem (Oreg.) Journal; Wichita (Kans.) Commoner; Alva (Okla.) Courier; Keeseville (N. Y.) Republican; Ellendale (Mo.) Leader; Springfield Gazette, Chagrin Falls Exponent, West Union Scion, State of Ohio; Broken Bow Chief, Wymore Wymorean, State of Nebraska; also Georgetown Journal, Middletown New Era, Milford News and Advertiser, State of Delaware; Port Jefferson Echo, Nunda News, Canastota Journal, News, State of New York; Brainard Arena, Hastings Democrat, St. Paul Tidings, State of Minnesota; Ocala Witness, Orlando Sentinel-Reporter, Sanford Chronicle, Ocala Star, Brooksville News-Register, Key West Inter-Ocean, Monticello Constitution, Tampa Times, State of Florida; Cresco Times, Iowa; Chillicothe Bulletin, Lacon, Democrat, Pinckneyville Democrat, State of Illinois; Waller Advance, Fort Worth Despatch, San Angelo Enterprise, State of Texas; Yankton Freie Presse, Elk Point Courier, Wanbay Clipper, Hudson Tribune, State of South Dakota; Bloomington Progress, Indiana; Oregon Republican, Muncie News, Illinois; Hanford Journal, Visalia Delta, San Francisco Wasp, Santa Cruz Sentinel, San Diego Tribune, State of California; Towanda Argus, Slatington News, Mauch Chunk News, Lock Haven Express, Lancaster Express, Williamsport Sun, Meadville Democrat and Messenger, Renovo Record, Coudersport Democrat, Dunmore Pioneer, Halifax Gazette, Chambersburg Repository, Birdsboro Dispatch, Middlesburg Post, Bellefonte Democrat, Greenville Record, Girard Cosmopolite, McKeesport Times, Reading Adler, Reading Telegram, Hanover Record, Lewisburg News, Sandy Lake News, Johnsonburg Press, Danville News, State of Pennsylvania, for the repeal of the tariff on printing paper—to the Committee on Ways and Means.

Also, petition of James H. Wilson, of the State of Missouri, praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SHERMAN: Petition of James McCarthy and others, of Taberg, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petition of Albert Duling and other clerks of Nashville, Tenn., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: Petition of Susie A. Porter and G. F. Ball, of the North Attleboro, Mass., post-office, in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. STARK: Petition of G. H. Van Horne and 5 others, of

Gage County, Nebr., for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Resolutions of citizens of Minneapolis, Minn., in mass meeting assembled January 28, expressing sympathy for the Boer Republic in its present war—to the Committee on Foreign Affairs.

Also, resolutions of the St. Paul Chamber of Commerce, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Appropriations.

By Mr. WACHTER: Paper to accompany House bill to correct the military record of Thomas Saville—to the Committee on Military Affairs.

By Mr. WHITE: Petition of N. F. Mossel and 113 others, protesting against the crime of lynching and mob violence—to the Committee on the Judiciary.

By Mr. JAMES R. WILLIAMS: Papers to accompany House bill to remove the charge of desertion against the military record of Michael Fitzgerald—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of Charles Snyder—to the Committee on Military Affairs.

Also, paper to accompany House bill correcting the record of Robert McKowen—to the Committee on Military Affairs.

By Mr. YOUNG of Pennsylvania: Petition of Tarrow Brothers and other druggists, of Philadelphia, Pa., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

Also, resolution of the National Board of Trade of Philadelphia, Pa., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. ZIEGLER: Papers to accompany House bill No. 5433, to remove the charge of desertion against William R. Cox—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 2913, to remove the charge of desertion against the military record of William Lehman—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of Lewis Camplain—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 6045, granting a pension to Rosanna Wavell—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *February 7, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LINDSAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899;

A bill (H. R. 947) to create a new division in the eastern judicial district of the State of Tennessee;

A bill (H. R. 5042) to provide for improvements in the tax departments of the District of Columbia;

A bill (H. R. 5491) to amend section 4843 of the Revised Statutes; and

A joint resolution (H. J. Res. 6) authorizing the Secretary of War to use $60,000 of the appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern hospital at Fort Leavenworth, Kans.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented a petition of Golden Eagle Lodge, No. 78, Brotherhood of Locomotive Firemen, of Sedalia, Mo., praying that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to any of these lands should hereafter be made to any but actual settlers and home builders on the lands; which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Higbee, Mo., remonstrating against the use of injunctions, and praying for the enactment of legislation providing for a trial of indirect contempt by jury; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry employees of the Bureau of Animal Industry residing in Kansas City, Mo., praying that they be granted annual leave of absence with pay; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying for the adoption of the pneumatic-tube system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Missouri, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of the Furniture Board of Trade of St. Louis, Mo., praying for the enactment of legislation to enable competing cable companies to lay and operate submarine cables from the United States to Cuba; which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a meeting of sundry pro-Boer citizens of St. Louis, Mo., relative to the war in the South African Republic; which was referred to the Committee on Foreign Relations.

Mr. LINDSAY presented a petition of sundry stock and bond brokers of Louisville, Ky., praying for the enactment of legislation to remove the internal-revenue tax of $50 imposed upon them as a license; which was referred to the Committee on Finance.

Mr. SPOONER presented petitions of the Belle City Manufacturing Company, of Racine, the Smalley Manufacturing Company, of Manitowoc, and of the La Crosse Plow Company, of La Crosse, all in the State of Wisconsin, praying for the enactment of legislation providing for the construction of a new Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. PLATT of New York presented a memorial of sundry citizens of Gatesville, Penn Yan, and Halls Corners, all in the State of New York, remonstrating against the ratification of the proposed treaty with the Argentine Republic; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the petition of V. H. Laederich, of Nebraska, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of Nicholas Lochboehler, of the District of Columbia, praying that the sum of $600 be granted him in settlement of his claim against the United States; which was referred to the Committee on Claims.

Mr. PENROSE presented a petition of sundry citizens of Tunkhannock, Pa., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry railway mail clerks of New Castle, Pa., and a petition of sundry railway mail clerks of York, Pa., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry druggists of Philadelphia, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 207, Carpenters and Joiners' Union, of Chester, Pa.; and a petition of Local Union No. 7100, Kindling Wood Workers, of Austin, Pa., praying for the enactment of legislation to preserve the public lands of the United States for the use of actual settlers and home builders; which were referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Phœnixville, Pa., praying for the enactment of legislation to increase American shipping; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Wilkesbarre, Pa., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pennsylvania, praying for the repeal of the tariff law placing 15 per cent duty on raw hides; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying that a charter be granted to the Lake Erie and Ohio River Ship Canal; which was referred to the Committee on Commerce.

He also presented a petition of sundry commercial, maritime, and trade organizations of Philadelphia, Pa., praying for the erection of a permanent light-house to mark the extreme southern end of the breakwater of the national harbor of refuge, Delaware Bay; which was referred to the Committee on Commerce.

Mr. SEWELL presented petitions of the Bateman Manufacturing Company, of Grenloch; the Murphy Varnish Company, of Newark, and of John A. Roebling's Sons Company, of Trenton, all in the State of New Jersey, praying for the enactment of legislation providing for the construction of a new Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented a memorial of the Federation of Labor of Galva, Ill., and a memorial of Federation of Labor No. 7241, of Dundee, Ill., remonstrating against the cession of public lands to the several States; which were referred to the Committee on Public Lands.

He also presented a memorial of the Medical Society of Brainard, Ill., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Chenoa, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture and sale of alcoholic liquors, etc., in our new possessions; which was referred to the Committee on Education and Labor.

He also presented petitions of the Rock Island Plow Company, of Rock Island; the U. S. Wind Engine and Pump Company, of Batavia; the Moline Wagon Company, of Moline; the Deere-Manson Company, of Moline; the Keystone Manufacturing Company, of Sterling; the Grand Detour Plow Company, of Dixon; the Union Malleable Iron Company, of Moline; the Rock Island Stone Company, of Rock Island; the Joliet Manufacturing Company, of Joliet; the Moline Malleable Iron Company, of St. Charles, and of the Heller & Merz Company, of Chicago, all in the State of Illinois, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented the petition of D. M. Kilpatrick, president of the Chamber of Commerce; J. C. Murphy, president of the Sugar and Rice Exchange, and of Lazare Levy, president of the Produce Exchange, of New Orleans, La., praying for the passage of the so-called merchant-marine bill; which was referred to the Committee on Commerce.

MAPS AND VIEWS OF WASHINGTON CITY.

Mr. McMILLAN. I present a paper, being a list of maps and views of Washington and the District of Columbia in the Library of Congress, prepared by P. Lee Phillips, F. R. G. S., superintendent of maps and charts. I move that 500 copies be printed for the use of the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2216) for the relief of Mary C. Mayers; and

A bill (S. 196) for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 2200) granting an increase of pension to Elizabeth W. Murphey, reported it with amendments, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 226) for the relief of heirs of Philip C. Rowe, reported it without amendment, and submitted a report thereon.

Mr. MASON, from the Committee on Claims, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1795) for the relief of Flora A. Darling; and

A bill (S. 1336) for the relief of William Leech.

Mr. MASON, from the Committee on Manufactures, to whom was referred the bill (S. 2692) to incorporate The National Association of Manufacturers, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 1676) for the payment of certain claims, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1710) for the relief of Alphonso M. Potvin, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1905) granting an increase of pension to Lillian Capron, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1906) granting an increase of pension to Agnes Capron, reported it with amendments, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by him on the 6th instant, proposing an appropriation of $2,000 to pay the salary of the consul at Berne, Switzerland, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by him on the 6th instant, proposing to increase the appropriation for the salary of the consul at Chefoo, China, from $2,500 to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 1191) granting an increase of pension to Orpha W. Reynolds, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1127) to increase the pension of Hannah G. Strong, reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 299) granting a pension to Susanna Marion;

A bill (S. 139) granting a pension to Adelaide Sessions; and

A bill (S. 1600) granting an increase of pension to John T. Hayes.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 135) granting a pension to Mrs. Frances C. De Russy, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek, within the boundary lines of Edgecombe County, N. C., reported it without amendment.

MAP OF THE UNITED STATES.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 67) providing for the mounting and distribution of United States maps, to report it with a substitute for the original joint resolution, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Printing was, to strike out all after the resolving clause and insert:

That all maps of the United States published by the General Land Office shall, before distribution, be mounted on sticks, ready for use, by the Department of the Interior, and shall be distributed by the Secretary thereof, those published for the use of Congress only upon the orders of Senators, Representatives, and Delegates. Duplication in their distribution shall be prevented, and in all cases recipients shall be informed upon whose order the map is supplied.

Mr. COCKRELL. I should like to ask the Senator from New York, the chairman of the committee, if this publication includes a map which the newspapers have been announcing for several months would be published, containing a map and description of the islands?

Mr. PLATT of New York. I think so.

Mr. COCKRELL. Unfortunately the announcement went out from the Interior Department that such a map was in preparation, and we have been flooded with applications for it when it does not exist. I shall be gratified to know that it is about to be published; but I should like to have the Senator certain that this is that map.

Mr. PLATT of New York. It is the map that is recommended by the Secretary of the Interior.

Mr. COCKRELL. That is all very true. We have been publishing maps recommended by him; but I refer to a map including the new islands—our island possessions, as they are called. That map, it has been reported, was being prepared in the office, and we have been getting applications for it for a long time. I should like to know if it is that map that this resolution authorizes to be published.

Mr. PLATT of New York. I can not state positively as to that. It is the map prepared by the Interior Department.

Mr. COCKRELL. Yes, we have published seven, eight, or ten different editions of that map. I suppose this is the regular map of 1898 or 1899. I take it for granted that it is; and I hope there will be no applications for it under the name of the new map that was to be issued, with the islands described on it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported as a substitute.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE GOVERNMENT PRINTING OFFICE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom the subject was referred, to report an original joint resolution, and I ask for its immediate consideration.

The joint resolution (S. R. 83) increasing the limit of cost of the new building for the Government Printing Office, to meet the

increased prices of building materials, and to permit of making the south end of the power-house extension of the same height as the main building, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the limit of cost of the new building for the Government Printing Office, authorized by the sundry civil act approved March 3, 1899, be, and hereby is, increased by $429,000, or so much thereof as may be necessary, to meet the increased prices of building materials and to permit of making the south end of the power-house extension, for a depth of about 45 feet from G street NW., of the same height as the main building.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PIUTE WAR CLAIMS.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2385) for the settlement of Piute war claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2385) entitled "A bill for the settlement of Piute war claims," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ROBERT ADGER AND OTHERS.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 2688) for the relief of Robert Adger and others, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2688) entitled "A bill for the relief of Robert Adger and others," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. COCKRELL. I ask that those two resolutions, the one reported by the Senator from Nevada and the one reported by the Senator from South Carolina, may be printed, so that we can have them and see what has been done.

The PRESIDENT pro tempore. They will be printed.

ESTATE OF PAUL M'NEEL, DECEASED.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 1259) for the relief of the legal representatives of Paul McNeel, deceased, of Pocahontas County, W. Va., reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1259) entitled "A bill for the relief of the legal representatives of Paul McNeel, deceased, of Pocahontas County, W. Va.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

The PRESIDENT pro tempore. The resolution will be printed.

BILLS INTRODUCED.

Mr. PLATT of New York introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3019) for the relief of James Bigler;

A bill (S. 3020) for the relief of James J. Cox; and

A bill (S. 3021) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor.

Mr. PRITCHARD introduced a bill (S. 3022) to provide for lessening the number of appeals in applications for patents; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 3023) authorizing the Commissioners of the District of Columbia to convey a certain parcel of land in the District of Columbia to Lewis Tillman, trustee; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a bill (S. 3024) for the erection of a new public building at Burlington, Vt.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3025) to amend sections 5424, 5425, 5426, 5428, and 5429 of the Revised Statutes of the United States, under Title LXX, chapter 5, crimes against the operation of the Government; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3026) for the relief of Sarah Jane Johnson; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 3027) for the relief of C. E. Moore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3028) to require administrative action to be taken upon the accounts of the registers and receivers of certain United States land offices within the State of Kansas, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. QUARLES introduced a bill (S. 3029) for the relief of Samuel Ryan; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3030) granting an increase of pension to Henry Guckes (with an accompanying paper);

A bill (S. 3031) granting a pension to Elizabeth Woerz;

A bill (S. 3032) granting a pension to Mary Ann Shea;

A bill (S. 3033) granting an increase of pension to William J. Wallace;

A bill (S. 3034) granting an increase of pension to Robert M. Glaze;

A bill (S. 3035) granting a pension to William C. Travis; and

A bill (S. 3036) granting a pension to Henry Justus.

Mr. FORAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3037) granting an honorable discharge to William W. Johnson (with an accompanying paper);

A bill (S. 3038) for the relief of Jacob Burkhardt (with accompanying papers);

A bill (S. 3039) for the relief of Foreman S. Wells (with accompanying papers); and

A bill (S. 3040) for the relief of William S. Laney.

Mr. CULLOM introduced a bill (S. 3041) granting a pension to Benjamin F. Bell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3042) to correct the military record of J. B. Boyd; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 3043) making the proceedings of the Grand Army of the Republic a part of the public records of the United States; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a bill (S. 3044) for the relief of William L. Ellsworth; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3045) to incorporate the Lake Erie and Ohio River Ship Canal Company and defining the powers thereof, and to establish the canals and works herein authorized as military post-roads; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BERRY introduced a bill (S. 3046) for the relief of the estate of N. D. Shinn, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 3047) to increase the pension of William Mullevy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 3048) for the relief of Elizabeth Galbreath; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 3049) granting an increase of pension to Mary U. Wilmarth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LINDSAY introduced a bill (S. 3050) for the purchase of an oil portrait of Henry Clay; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3051) for the relief of H. Clay McKee; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 3052) for the purchase of a site and the erection of a public building at Jacksonville, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SEWELL introduced a bill (S. 3053) relating to officers on the retired list of the Navy who served during the rebellion; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

AMENDMENTS TO BILLS.

Mr. ALLEN submitted an amendment proposing to appropriate $75,000 for the erection of a public building at Norfolk, in the State of Nebraska, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $1,200 for an electric-lighting plant at the Devils Lake (N. Dak.) Indian School, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (S. 2426) to prevent the manufacture of adulterated foods; which was referred to the Committee on Manufactures, and ordered to be printed.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 407) to promote the efficiency of the clerical service in the Navy of the United States, to organize a clerical corps of the Navy of the United States, to define its duties, and to regulate its pay; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. JONES of Arkansas (by request) submitted an amendment intended to be proposed by him to the bill (S. 1706) for the reference of certain claims against the Government of the United States to the Court of Claims; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MASON submitted an amendment intended to be proposed by him to the bill (S. 2426) to prevent the manufacture of adulterated foods; which was referred to the Committee on Manufactures, and ordered to be printed.

AMENDMENT TO THE FINANCIAL BILL.

Mr. VEST. I present an amendment to the financial bill and ask that it be printed and lie on the table.

Mr. ALLISON. Let it be read.

The PRESIDENT pro tempore. The Senator from Iowa requests the reading of the proposed amendment. It will be read.

The Secretary read as follows:

Add at the end of section 7 the following:

"*Provided further*, That the Secretary of the Treasury shall cause to be prepared Treasury notes to the amount of $200,000,000, said notes to be in such form and denomination as the Secretary may determine, and to be full legal tender for all debts, public and private. The Secretary shall cause to be engraved upon each of said notes the words 'bond note' and the statement that said note is a full legal tender, as aforesaid; and he shall loan, under such rules and regulations as he may prescribe, said notes to any person, persons, or corporation in sums not less than $100 on their depositing in the United States Treasury at par value and in sums equal to the amount of bond Treasury notes issued to such applicant or applicants; said bond Treasury notes so issued shall bear the same rate of interest as the bonds upon which they are issued, and said bonds so deposited with the Treasury shall only be redeemed by the original depositors of the same or their assigns by surrendering to the Treasury bond Treasury notes or other legal-tender money of the United States of equal amount with the par value of said bonds and accrued interest."

The PRESIDENT pro tempore. The proposed amendment will lie on the table and be printed.

PUBLIC-SCHOOL STUDIES IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Commissioners of the District of Columbia be directed to inform the Senate what course of studies is prescribed for the public schools of the District, and whether a thorough instruction in spelling, reading, writing, grammar, arithmetic, and geography supersede teaching of the higher branches of learning; and if not, why not.

Mr. GALLINGER. Mr. President, I perhaps am not well informed about this matter; but I should like to ask the Senator from Nevada whether the Commissioners of the District of Columbia prescribe the curriculum for our public schools?

Mr. STEWART. They will have some knowledge on that subject.

Mr. GALLINGER. It seems to me that that is asking something the Commissioners really have nothing whatever to do with. I think perhaps if the Senator would send the resolution to the Committee on the District of Columbia for investigation he might reach the result he desires.

Mr. HAWLEY. If the Senator will excuse me, is there not a superintendent of schools here?

Mr. GALLINGER. Certainly.

Mr. HAWLEY. Would he not have some direction of these matters?

Mr. GALLINGER. Unquestionably.

Mr. HAWLEY. Let the inquiry be directed to him, then.

Mr. ALLISON. The board of trustees, I think, has control over the schools of the District of Columbia.

Mr. GALLINGER. Certainly.

Mr. STEWART. Then let the inquiry be directed to the board of trustees. I think that would be better. I will change the resolution so as to direct it to the board of trustees.

Mr. HOAR. I suggest to the Senator from Nevada that he adopt the suggestion of the Senator from New Hampshire.

Mr. STEWART. Very well; let it go to the committee.

Mr. HOAR. Let him direct the Committee on the District of Columbia to inquire into the condition of primary education in the District of Columbia and report to us.

Mr. GALLINGER. I think that course is better.

Mr. STEWART. I accept that suggestion. Let it be a resolution of inquiry directing the Committee on the District of Columbia to make inquiry and report to the Senate.

The PRESIDENT pro tempore. The resolution will require an amendment to it.

Mr. STEWART. I will offer the amendment.

The PRESIDENT pro tempore. Perhaps the Senator had better withdraw the resolution and present it later in an amended form.

Mr. STEWART. Very well.

The PRESIDENT pro tempore. Are there further concurrent or other resolutions?

Mr. STEWART subsequently submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia is hereby directed to make inquiry and inform the Senate what course of studies is prescribed for the public schools of the District, and whether a thorough instruction in spelling, reading, writing, grammar, arithmetic, and geography supersede teaching of the higher branches of learning; and if not, why not.

SOUTH CAROLINA STATE CLAIMS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to examine the account between the United States and the State of South Carolina growing out of the claim for moneys expended by said State for military purposes in the Florida war of 1836 and 1837, and to report to the Senate of the United States as follows:

First. What amount was paid said State by the United States on said claim, stating date of payments, and under what acts of Congress said payments were made.

Second. What amount of interest was paid said State by the United States on said claims. If no interest was paid, what amount would be due said State on June 30, 1901. In the computation of interest applying the following rules, to wit:

"Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceeds the interest due, the balance shall be applied to diminish the principal; if the payment falls short of the interest, the balance of interest shall not be added to the principal so as to produce interest."

NEUTRALITY IN SOUTH AFRICA.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas commercial relations have been established and maintained for many years between the United States and Portugal in the Portugese East African possessions; and

Whereas a state of warfare exists between Great Britain and the Republics of South Africa in the territory contiguous to these possessions; and

Whereas there is entailed on the United States the duty of maintaining a strict neutrality between the belligerent nations while maintaining her commercial rights in those possessions; and

Whereas the United States is without any naval force there to maintain her obligations to Great Britain and the South African Republics as belligerents while maintaining her commercial rights with Portugal as neutral nations: Therefore,

Resolved, That the President of the United States be requested to detail from any of our squadrons, here or abroad, such and so many vessels as in his judgment may be necessary to effect these purposes.

CHANGES OF REFERENCE.

Mr. PENROSE. The bill (S. 2947) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863, introduced by me, was improperly referred to the Committee on Claims. I move that the Committee on Claims be discharged from its further consideration, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. TURNER. On the 20th of December, 1899, I introduced a bill (S. 1941) for the relief of the Lower band of the Chinook Indians of the State of Washington, and it was referred to the Committee on Claims. I find that such bills are being referred to the Committee on Indian Affairs. I move that the Committee on Claims be discharged from the further consideration of the bill, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

AFFAIRS IN THE PHILIPPINE ISLANDS.

Mr. DEPEW. Mr. President, on the 31st of January the Senator from South Dakota [Mr. PETTIGREW], in the course of his speech on the Philippine question, made the following remarks in reference to the president of the Philippine Commission, President Schurman, of Cornell University. He said:

Mr. Schurman, in his Chicago interview (and this is the only authority I will read which is not vouched for by official documents) August 20, 1899, said:

[President Schurman, Chicago interview, August 20, 1899.]

General Aguinaldo is believed on the island to be honest, and I think that he is acting honestly in money matters, but whether from moral or political reasons I would not say.—*Oriental American*, page 99.

The fact of the matter is that he tried to bribe the insurgents, as near as we can ascertain, and failed; they would not take gold for peace.

This speech of the Senator from South Dakota was brought to the attention of the president of Cornell, and I have from him the following letter, which I will read. I do it for the purpose of having the RECORD corrected by his statement:

CORNELL UNIVERSITY, OFFICE OF THE PRESIDENT,
Ithaca, N. Y., February 3, 1900.

DEAR SENATOR DEPEW: I see, from page 1362 of the CONGRESSIONAL RECORD, that Senator PETTIGREW, speaking of myself, says:

"The fact of the matter is that he tried to bribe the insurgents, as near as we can ascertain, and failed; but they would not take gold for peace."

Had this preposterous statement been made anywhere else I should not have paid any attention to it; but as it has been made in the Senate of the United States, I desire to say to you that it is absolutely without foundation.

Very truly, yours,

J. G. SCHURMAN.

Hon. CHAUNCEY M. DEPEW,
United States Senate, Washington, D. C.

Now, Mr. President, at the time this speech was being made President Schurman was in this city upon business connected with his report and the report of his commission on the Philippine matter. He was at that very hour in conference with the President at the White House, and therefore competent to be summoned.

It seems to me that the alleged facts which have been brought forward by my friend the Senator from South Dakota in order to substantiate his contention that the President of the United States is a tyrant and that Aguinaldo is a patriot fail in the important consideration that his alleged facts never turn out to be true.

He has summoned the two witnesses who were more competent than any others to testify on the question of the original understanding had with Aguinaldo and of the position of the Philippine people, one Admiral Dewey and the other President Schurman, the president of the Philippine Commission.

Any evidence, any statement, in regard to this matter made by Admiral Dewey would be received at once by the people of the United States without further question, and the same can be said of any statement made by the president of Cornell University.

But instead of presenting his evidence by calling the witnesses themselves, he calls others for the purpose of proving what they have said.

With Admiral Dewey here in the city, his house well known, himself the most accessible of men, he reads, as proving what Admiral Dewey has said and what his position is, an alleged proclamation of Aguinaldo, translated by an unknown translator and published without any certificate of its authenticity in a New England newspaper; and instead of ascertaining, when President Schurman is in the city, what his views really are and what he really did say and what he really did do, he reads a report of an anonymous interview with an anonymous and unknown reporter in a Chicago newspaper. Admiral Dewey at once branded the statement affecting him as absolutely and unqualifiedly false, and now President Schurman repudiates the testimony attributed to him.

I submit, Mr. President, that having amid the mass of newspaper reports, of anonymous remarks, of testimony of no consideration and no value, subpœnaed the two greatest and most prominent witnesses in the country, he has done it in a way which discredits all the alleged facts which are presented on his side or the contention which Senator PETTIGREW and his friends endeavor to make in behalf of Aguinaldo and in discredit of the President and of the Philippine policy of the Administration.

These facts, or alleged facts, cited by the Senator from South Dakota, are like the army of Aguinaldo. Whenever the United States troops appear, there is no army of Aguinaldo. And whenever the truth is let in, as Admiral Dewey and President Schurman let it in, these alleged facts vanish in thin air. The basis of their whole contention has no better foundation than the seat of the Aguinaldo government, which, as far as I can ascertain, is nowhere except in the hat of Aguinaldo.

Mr. PETTIGREW. Mr. President, I suppose this debate is proceeding by unanimous consent.

The PRESIDENT pro tempore. It is, if it proceeds at all.

Mr. PETTIGREW. I desire to reply very briefly to the Senator from New York.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from South Dakota will proceed.

Mr. PETTIGREW. Mr. President, if it were not for the debate proceeding by unanimous consent, I should be very glad to go fully into the question with regard to the letters of Admiral Dewey. Under the circumstances I will simply reply briefly to the statement of Mr. Schurman and the letter of Admiral Dewey.

Mr. Schurman was chairman of the Philippine Commission. We received from him a brief report previous to the election. We have got part of another one now. It was well understood throughout the United States that we offered a sum in money for rifles if the insurgents would surrender them. It is well understood that we got no rifles, because they would not surrender them for gold. Occasionally a gun was delivered, when it was found afterwards that they were guns which had been captured, that were carried and surrendered by Filipinos who had been hired by some of our soldiers to do it.

What is more, Mr. President, the report went out throughout this country that our peace commissioners offered Aguinaldo a position equal to $5,000 a year and were unable to secure his services.

Now, have we been trying to get the facts? I introduced a resolution asking for facts two months ago, and no reply comes. We were told all summer that this was a matter for Congress to dispose of, and when Congress meets the facts are withheld. Not only are the facts withheld, but what are sent to us are garbled facts, not a full, fair statement of the whole question, as in duty bound the Executive should have done; not all the truth, but a portion of it, is sent to us.

I charge, Mr. President, that we attacked an ally; I charge that we have made an alliance with slavery; and the answer from Mr. Schurman is that it is not true that he offered Aguinaldo gold. I do not suppose Schurman saw Aguinaldo; but that the offer was made with his consent there can be no question.

The answer of Admiral Dewey is that he did make an alliance with the insurgents. Admiral Dewey says, referring to Aguinaldo:

I never promised him, directly or indirectly, independence for the Filipinos. I never treated him as an ally, except so far as to make use of him and his soldiers to assist me in my operations against the Spaniards. He never uttered the word "independence" in any conversation with me or my officers. The statement that I received him with military honors or saluted the Filipino flag is absolutely false.

Sincerely, yours,

GEORGE DEWEY.

Well, what is an "ally" if it is not an assistant against a common foe?

I simply want to read one brief extract from Lieut. Carlos G. Calkins, of the United States Navy, published in the June volume of the Proceedings of the United States Naval Institute. Touching the relations with the insurgents after the battle, the author says:

The *Raleigh* and *Concord* were sent to Subig Bay, where they effected the capture of Isla Grande, and turned the place over to the Filipinos, along with the troops and naval officers composing the garrison. This was the nearest approach to a direct alliance during the campaign.

They marched together. Aguinaldo's ships and sailors and our ships and sailors made a joint attack on Subig Bay, and, having captured the garrison, turned the troops and the garrison over to Aguinaldo's forces. If that was not an alliance as plain and distinct as it is possible to make one, then certainly the English language is at fault, for there is not a dictionary in our tongue which does not define such acts as an absolute alliance.

With regard to the word "independence," Aguinaldo scarcely ever used any other phrase. Here is a telegram dated Hongkong, July 22, 1898:

HONGKONG, *July 22, 1898.*

SECRETARY OF THE NAVY, *Washington:*

The following is for the Secretary of War:

"Aguinaldo declares dictator(ship) and martial law over all islands. The people expect independence. Recommend China ponies.

"ANDERSON, *Commanding.*"

DEWEY.

That was on the 22d of July, 1898, and I read from the Report of the Secretary of the Navy, volume 2, page 117.

Mr. President, it is exceedingly unfortunate, it seems to me, that Admiral Dewey ever wrote this letter, and that it was unfortunate was evidently comprehended by the Senator from Massachusetts [Mr. LODGE], for when he first used the letter he only read a portion of it, not reading the damaging statement which declares that there was an alliance. Afterwards the debate brought out the whole letter. Admiral Dewey's reports to the Navy Department show that independence was expected and relied upon.

On July 17, 1898, Admiral Dewey forwarded a decree issued by Aguinaldo to the Filipino people, with the following indorsement:

U. S. FLAGSHIP OLYMPIA, *Cavite, July 17, 1898.*

Respectfully forwarded for the information of the Department.

GEORGE DEWEY,
Rear-Admiral, U. S. N.,
Commanding United States Naval Force on Asiatic Station.

The decree by Aguinaldo to the people of the Philippines reads as follows:

To the people of the Philippines:

Acts of Providence have placed me in a position for which I can not but recognize my natural inefficiency; but as I have no right to violate the laws of Providence, nor to decline the duties which honor and patriotism impose upon me, I greet you, my beloved people, from that position.

In the face of the whole world I have proclaimed that the aspiration of my whole life, the final object of all my wishes and efforts, is your independence, because I have the inner conviction that it is also your constant longing, since independence for us means the redemption from slavery and tyranny, the recovery of lost liberty, and the admission to the concert of civilized nations.

That was transmitted by Admiral Dewey on the 17th of July, 1898, and yet he sends a letter here saying that the word "independence" was never used between him and Aguinaldo. I do not impeach the veracity of Admiral Dewey, for it is barely possible that in the conversations between Aguinaldo and Admiral Dewey the word "independence" was never used. The evasion might be made if the Spanish word for "independence" was used; but even if that were not the case, there were five or six cases where the direct connection, the direct knowledge of the claim of the insurgents was brought home to Admiral Dewey. How could he transmit this decree setting forth distinctly and absolutely what the insurgents claimed, and how could he transmit Anderson's telegram in the body of his own, unless he knew what the insurgents demanded? The facts are, Dewey did make an alliance with Aguinaldo, did know that he demanded independence, and Schurman offered gold to Aguinaldo and his followers, either directly or indirectly. Why these evasions? Give us the whole truth.

Oh, Mr. President, the more this matter is turned over and exposed to the view of the American people the more the reason will appear why the Administration withholds the facts.

Mr. HOAR. Mr. President, I should like, with the leave of the Senate and in justice to myself, to ask the Senator from New York [Mr. DEPEW] one question in regard to the letter he read, though not in regard to the point he made.

In the New York Independent, I think it was, a journal of high respectability, I am sure—and I have no doubt it was the Independent—was reported an address of President Schurman to his pupils at Cornell University, after his return from the Philippines, in which address he says that he thinks Aguinaldo an entirely honest man. He accompanies that statement, I think, by saying that he does not regard Aguinaldo as a man of great intellectual power, using the word "weak," or something of that sort; but he bears his emphatic testimony to Aguinaldo's honesty.

I have quoted that statement in public, and I agree with the honorable Senator from New York in having the highest respect for President Schurman; but has the Senator from New York any information which questions the authority or correctness of that report of President Schurman's statement about Aguinaldo's integrity? If he has, I should wish at once to withdraw my affirmation based upon that report if I have done any injustice to President Schurman in that particular.

Mr. DEPEW. If the Senator will permit me, I have no information on the question except the letter of President Schurman, addressed directly to the remarks of the Senator from South Dakota.

Mr. HOAR. He adverts incidentally to this matter, though he makes no denial of that particular point in the letter. I put this question because I agree whatever may be President Schurman's opinions on this subject are entitled to respect. He is a man whose personal qualities entitle him to the regard of every person in the country; and I supposed it very important testimony, after such things as have been said about the insurgent leader in our press and in the Senate, that the chairman of the Philippine Commission, of course with the fullest knowledge of the transaction which had been charged against Aguinaldo as an act of corruption, had pronounced him, as several of our military commanders have done, a man of integrity.

Perhaps this observation of mine may attract President Schurman's attention. As I have said, he was reported in a speech to his students—a verbatim report in the New York Independent, I think—to have made that declaration.

COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT pro tempore. The Chair has been notified that there is a vacancy in the board of directors of the Columbia Hospital for Women and Lying-in Asylum, which, under the law, is to be filled by the Presiding Officer of the Senate. The Chair appoints to that vacancy the junior Senator from Maryland [Mr. MCCOMAS].

THE FINANCIAL BILL.

The PRESIDENT pro tempore. The morning business is concluded, and the Chair lays before the Senate, by virtue of the unanimous-consent agreement made yesterday, the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. PETTIGREW. I understood yesterday morning that the resolution which I introduced went over until to-day. I inquire if it has been laid before the Senate?

The PRESIDENT pro tempore. The unanimous-consent agreement made yesterday was that immediately after the completion of the routine morning business the Chair should lay before the Senate the financial bill; and the Chair will be obliged to hold that resolutions coming over from a previous day are not part of the routine morning business.

Mr. PETTIGREW. And that the unanimous consent subsequently given disposed of the unanimous consent given previously?

The PRESIDENT pro tempore. The Chair would think if the Senator desired the two resolutions to remain without prejudice a request should be made to that effect.

Mr. PETTIGREW. I make that request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTIGREW. I wish to state that had I been here yesterday at the time the consent was given, I should not have consented to the unanimous agreement. It seems to me, with very few Senators present, it was rather a strange order to make. However, the Senate made the order, and I shall, of course, submit to it; but I shall take the first opportunity on the financial bill, unless it shall be considered improper to do so, to address the Senate on the subject of which I gave notice.

Mr. ALLEN. I rise to a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. ALLEN. Yesterday morning, by unanimous consent, a resolution I introduced some days ago was passed over until this morning as the unfinished business, and was to be laid before the Senate at the conclusion of the regular order as part of the unfinished business. What has become of that, I inquire?

The PRESIDENT pro tempore. Under a subsequent unanimous-consent agreement there was an arrangement made that the financial bill should receive consideration immediately after the disposition of the regular routine morning business, and resolutions coming over from a previous day are not a part of the routine morning business.

Mr. HOAR. I rise to a parliamentary inquiry.

Mr. ALLEN. I should like to finish my inquiry.

Mr. HOAR. I beg pardon.

Mr. ALLEN. Then, if the hour of 2 o'clock expires without the disposition of that resolution, what will become of it?

The PRESIDENT pro tempore. A request has been made by the Senator from South Dakota [Mr. PETTIGREW] that the resolutions be permitted to remain without prejudice where they are; and that has been assented to.

Mr. ALLEN. Very well; that is satisfactory.

Mr. HOAR. I should like to inquire of the Chair whether the Chair holds that resolutions which come over from a previous day, as these resolutions have done, are standing upon the Calendar as routine morning business or not?

The PRESIDENT pro tempore. The Chair holds they are not.

Mr. HOAR. I thought that the Chair said the other day that they were, but I probably misunderstood the Chair.

The PRESIDENT pro tempore. No; the Chair would hold they are not part of the routine morning business. The Chair if left without any former decision would hold that the resolutions which come over should go to the Calendar; but he has yielded to the custom of the Senate, and presented resolutions the next morning where they lie over under objection.

Mr. TURNER rose.

Mr. CHANDLER. Mr. President, I desire to say, before the Senator from Washington [Mr. TURNER] proceeds, that having given notice that I would call up this morning the resolution in reference to the vacant seat from Pennsylvania, in order that the Senator from Tennessee [Mr. TURLEY] might speak, I refrain from doing so, because it was understood—and very properly understood—that no business should interfere with any remarks any Senator might desire to make upon the financial bill from now until next Thursday, when the bill is to be voted upon. Therefore, I do not insist upon bringing that privileged question to the attention of the Senate against the unanimous consent given yesterday, which was a very proper consent to have been given under the circumstances. It was, however, remarked by the Senator from Rhode Island [Mr. ALDRICH] that at any time when no Senator desired to speak upon the financial bill there would be no objection to proceeding with other business; and I shall endeavor to call up the Pennsylvania case whenever any Senator does not desire to speak upon the pending bill.

Mr. TURNER. Mr. President, we have before us for consideration both the original bill as it passed the House of Representatives and the substitute drafted by the majority of the Finance

Committee of this body and reported to us by the latter in lieu of the original bill. The provisions of both measures are identical in their essence, and are intended to effectuate precisely the same objects. The only difference is that the language of the substitute is a little more subtle than that of the original bill, and accomplishes by the indirection of necessary but veiled construction some of the objects which the House bill openly and candidly avows. I think I shall show the essential agreement of the two measures before I conclude my remarks, and, since the House bill may in the end prevail against the Senate substitute, I think it safer to address my remarks to both measures rather than to the Senate substitute alone.

OBJECTS OF THIS LEGISLATION.

The first and most important object of this legislation, as I read it, is to fix and fasten on the American people forever the single gold standard, and, by removing from the arena of contention the only nation whose voice in favor of silver might compel the respect of other nations, to fasten that standard on the world forever.

The next great object is to establish in favor of the national banks of the country a monopoly in the issue and control of all money save gold, and thereby to establish the great trust of trusts, around which all others shall revolve, paying homage to it in time of prosperity and drawing sustenance and support from it in the hour of adversity and threatened disaster.

These are the two great primary objects of both the House and the Senate bill. In devising the machinery to accomplish them it has been thought proper to decree several other results which, in the light of the primary ends sought, may be called subsidiary, but which are so startlingly brazen in their disregard of the rights of the people that, if they stood alone, they would command amazed and indignant attention from every lover of his country and his kind. For instance, it has been thought proper to strike down and reduce to the condition of token money the $600,000,000 of silver money in the country, now coined and in circulation, thus changing by a stroke of the pen an asset of $600,000,000 belonging to the United States and its people into an indebtedness due from them for that stupendous sum. Our Republican friends are not content to give the simple quietus to the white and shining handmaid of civilization for whom they lately professed so much love, but the dagger, after being driven into her heart, is to be turned round so that the wound will give to the world evidence of the ferocity which dealt it, and thus cow into submission the timorous voices which otherwise might lament and denounce and clamor against the cruel deed.

Another subsidiary result decreed is the increase by a quarter of a billion of dollars of the market value of the interest-bearing obligations of the Government in the hands of their individual holders. This is to be done not by legitimately appreciating the credit of the Government and thereby benefiting the holders of our securities—no one could complain of that—but it is to be done by giving up and surrendering a valuable option in our favor declared by the almost unanimous voice of the Government to exist as early as the year 1878, and which we expressly declined to surrender at the time of one of our later bond issues, although then offered $16,000,000 to give up the option in connection with that bond issue.

Another subsidiary object decreed is the contraction of the circulating medium of the country to the extent of more than $900,000,000 until such time as the national banks may have increased their capitalization sufficiently to enable them to supply the deficit, thus incurring the certainty of great loss and inconvenience and the very great risk of irreparable disaster.

Another most remarkable means to the accomplishment of the ends sought is the vesting in the Secretary of the Treasury of the power, in executing the main purposes of the law, to issue, at will and ad libitum, the interest-bearing bonds of the nation. The people of the country will not soon forget the extraordinary course resorted to by Mr. Cleveland to extricate his Administration from its financial difficulties, when, instead of using the $500,000,000 of full legal-tender silver money then lying in the Treasury, he increased the interest-bearing debt of the country to the extent of more than $250,000,000, by borrowing that amount of money in gold and issuing the bonds of the Government therefor. With the same amount of silver money still in the Treasury, it is now gravely proposed to confer on the Secretary of the Treasury, as an ordinary everyday prerogative, and for the very purpose of destroying the debt-paying quality of that silver, the power which Mr. Cleveland exercised in the last resort and as a desperate expedient. And all this in the face of a record of Republican clamor and abuse and objurgation against Mr. Cleveland only six years ago, in both branches of Congress and in the public press, and of protestation in favor of silver and of denunciation against those who would debase and degrade it, which ought to estop and conclude any political party from proceeding in the same direction now, and which would conclude and estop any party not calloused to criticism by a reliance on the power of wealth for its success rather than on the intelligent voice of the common people of the land.

THE TWO BILLS ARE ONE.

Mr. President, I shall address myself to the task of showing by an analysis of these measures that the foregoing general summary of their purpose and effect is well within the limit of their provisions, and in so doing I shall make good as I go along my statement that the House bill and the Senate substitute are in effect one and the same thing. There is a declaration in each measure that the gold dollar shall be the standard unit of value and the two declarations are almost identical in terms. There are provisions in the respective measures making all forms of money issued or coined by the Government redeemable in money of the standard value, namely, gold; and these provisions, while not identical in terms, are so in effect. The House bill, after providing for the redemption in gold of all interest-bearing obligations of the United States, and all United States notes and Treasury notes, and all other public obligations of the Government, makes this provision concerning the redemption of silver money:

SEC. 4. * * * And if at any time the Secretary of the Treasury deems it necessary in order to maintain the parity and equal value of all the money of the United States, he may, at his discretion, exchange gold coin for any other money issued or coined by the United States.

The transaction here described is called "exchange," but an obligation to exchange gold for any other "form of money issued or coined by the United States" is, of course, as everybody knows, an obligation to redeem that money in gold, and everybody knows, likewise, that silver is one of the "forms of money issued or coined by the United States." The Senate substitute effectuates the same thing in this regard as the House bill, but with more subtlety and less danger of exposure to criticism. It provides:

SEC. 1. That the dollar consisting of 25.8 grains of gold nine-tenths fine shall, as established by section 3511 of the Revised Statutes of the United States, continue to be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard; and United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold coin of such standard.

This is a direction to the Secretary of the Treasury to take such steps as he may deem necessary to keep silver at a parity with gold, and it means, as he will understand, and as it is meant that he shall understand, that he may, at his discretion, establish the practice that silver when presented at the Treasury will be redeemed in gold. It has been claimed heretofore by the Secretary of the Treasury, notably by Mr. Carlisle, and, if I am not mistaken, by Mr. Gage also, that the act of November 1, 1893, repealing the purchasing clause of the Sherman Act, conferred the power on the Secretary to redeem silver with gold when it declared it—

to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement or by such safeguards of legislation as will insure the maintenance of the parity in value of the coin of the two metals and the equal power of every dollar at all times in the market and in the payment of debts.

As matter of fact, this declaration is very far from conferring a power of redemption on the Secretary of the Treasury. Both gold and silver, according to that declaration, were to continue "as standard money" and to be coined into money of "equal intrinsic and exchangeable value," and this was to be done either by international agreement or the safeguards of Congressional legislation. Moreover, the Congressional legislation contemplated did involve the expedient of redeeming silver in gold, because that not would have been to discontinue silver "as standard money," and would have had the immediate result of destroying the "equal intrinsic and exchangeable value" of the money coined from the two metals. The difference between the declaration of the act of 1893 and the provision on the same subject found in the present Senate substitute and the far-reaching effect of the latter will be readily seen when the two are contrasted. The language of the act of 1893 was a declaration of governmental policy. That of this proposed law is a direction for administrative guidance. The act of 1893 proposed to maintain, by and through the influence of legislation giving both metals a fair show, the equal intrinsic value of both silver and gold. This act proposes simply that silver money shall be maintained at a parity of value with the standard money, leaving it to the discretion of the Executive Department to adopt such means as it may deem expedient for that purpose, and indicating the means by providing for the redemption of other forms of money in gold. Finally, the act of 1893 was a declaration that silver should never be dishonored, and that its rank as one of the standard money metals would be maintained by this Government by every means at its command. This act has for its prime object the purpose to degrade and debase and dishonor silver; to strike it down absolutely as standard money; to deprive it of its character of money at all and to make it simply a representative of money.

A REPUBLICAN BUBBLE.

Our Republican friends will fail, I apprehend, when they go before the country and claim that this proposed law is simply a

reaffirmation of former law, and that the power conferred by it on the Secretary of the Treasury is one which he has had and which he might have exercised at any time since the year of 1893. It is well that this bubble should burst before it has been fully blown. To more completely explode it I hope some Senator will, at the proper time, offer an amendment to section 1 of the Senate substitute, providing that nothing therein contained shall be construed as authorizing the Secretary of the Treasury to redeem at the Treasury, or elsewhere, with gold, any of the outstanding silver money of the United States. If our friends shall accept such an amendment, then, while I shall not admit that I am mistaken as to the effect of their proposed measure, I shall admit that I am mistaken as to the effect which its framers intended it to have. If they shall refuse to accept it, their action will be a confession that both the actual and intended effect of their guarded but skilfully worded legislation is such as I have described.

We have, then, in both of these measures, not only an affirmation of the single gold standard, but provisions designed to clinch that affirmation for all time by destroying absolutely and in toto the character of silver as money. When either measure shall have passed it will be the sheerest folly to continue the use of silver as money, because a token of much less marketable value and of infinitely greater convenience can be found to take its place. What would be thought of a policy of printing paper dollars on thick clumsy paper costing 60 cents per single sheet when paper equally as good and much more convenient for the purpose could be obtained for 60 cents per thousand sheets? Yet, when silver is degraded to the position of token money and made redeemable in gold, that is what we will be doing, in effect, if we continue its use as money. Better call the silver all in, melt it down into bullion and sell it for what it will bring in the market, and make all our token money both cheap and uniform by the exclusive use of paper.

I do not mean to argue that a place is not left for silver as a subsidiary token coin. The necessity of money of minor denominations for change and small transactions which this bill creates will leave that money a place in the business of the country, but it is a most insignificant place, and one which will still further dishonor and degrade the white metal. Moreover, it is a place which a very small volume of coin will adequately fill, and we may well dismiss a consideration of it as unworthy of serious regard.

BANKS WILL CONTROL.

Now, to proceed a step further. Both the House bill and the Senate substitute are in substantial accord in the provisions designed to accomplish the second primary object described by me, namely, to create and establish in the national banks a monopoly in the issue and control of all money save gold. While neither the House bill nor the Senate bill makes provision against the reissue of silver coin when it shall come into the Treasury by exchange, redemption, or otherwise; yet, no longer being standard money, and deriving its value largely from the redemption quality attached to it, it can not, in good faith, be paid out to ordinary creditors; and if it should be so paid out at one counter of the Treasury, it could, under the operation of these proposed measures, be immediately taken to another counter and exchanged for gold. No one will want silver money, both because of the legislation discrediting it and because paper is more convenient to handle. No one will want silver certificates, payable exclusively in silver, because in order to turn them into gold, the money now which all must have, you must by one process of exchange first transmute them into silver dollars and then by a second exchange transmute the silver into gold. This can all be done by preferring the gold itself, or, if paper be desired for convenience, by insisting on the gold certificates which both these measures alike permit to be issued. Indeed, the very first fiscal operation the banks will undertake with the Government after the passage of either of these measures, unless they have put off the dross of humanity and take on the unselfishness of immortality, will be to transmute their silver dollars and silver certificates into gold certificates. They can first surrender their silver certificates and obtain silver. Then they can exchange the silver for gold. They can then deposit the gold and obtain gold certificates. As the outstanding silver dollars and silver certificates amount approximately to $500,000,000 and it is now proposed to increase the gold reserve to $150,000,000, this raid of the banks would require the Government to provide itself with $650,000,000 in gold. It now has in the Treasury approximately $250,000,000 in gold. It would be compelled to provide $400,000,000 more gold. The only way to do that would be to issue the 3 per cent bonds, which both of the proposed measures provide for just such an emergency, and to borrow on them the needed gold; so that the currency will not only be contracted $500,000,000 immediately if either of these measures be passed, but the people will have been saddled with $400,000,000 more of bonded indebtedness to the profit of the banks and of the money changers, whose intervention seems necessary whenever the Government needs to borrow money. Should the Government ever succeed in again forcing the silver into circulation, this operation could be repeated over and over again until we had absorbed all the surplus gold in the world and mortgaged ourselves therefor to an extent which neither our children nor our children's children would ever see the end of. The ability to repeat this endless-chain performance is the only thing that will ever again float silver beyond the Treasury doors, and the certainty that silver could and would be used for that purpose is the safe and sure guaranty afforded the banks that after it has once been redeemed it will never again see the light of day or ever again be permitted to vex and confound them in their schemes to corner the money of the nation. So much for the silver money, both the coin and the certificates.

Our paper money, outside the gold and silver certificates and a very few currency certificates, is composed of $346,681,016 in United States notes, commonly called greenbacks, and $93,518,280 in Treasury notes, issued under the act of July 14, 1890, both amounting in the aggregate to $440,199,296. The House bill and the Senate substitute, while not identical in terms, are in substantial harmony in the provisions made to retire these forms of money from circulation. The language of the Senate substitute is:

> And United States notes, and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold coin of such standard.

When this paper money has thus gotten into the Treasury, section 2 of the Senate substitute makes it the duty of the Secretary to use it in the following manner: First, to exchange it for any gold coin in the general fund of the Treasury; secondly, to exchange it for any gold which individuals may offer at the Treasury for that purpose, and third, to purchase gold with it in the open market at such rate of discount as may then prevail in the market. Now, since individuals may under both measures present their gold at the Treasury and obtain gold certificates for it, it is certain they would not part with their gold for a less satisfactory form of paper money. The only way, then, which this act leaves by which we may get the paper money in circulation again is to go into the open market and purchase gold with it. This would immediately place gold at a premium, and no Administration would either wish to do that or would dare to do it if it had the inclination.

GOLD AND NATIONAL BANK NOTES.

While the Senate substitute does not expressly declare that the paper money shall not be again paid out in the ordinary course of business, that is undoubtedly its purpose. The express mention of the manner in which it shall be dealt with by the Secretary is the exclusion of every other means of dealing with it. Expressio unias, est exclusio alterius. So that the Treasury notes and greenbacks, having once got into the Treasury, are there for all time and might as well be sent to the macerater at once. The House bill does directly and certainly what the Senate bill does by indirection, but with no less certainty. It provides:

> The notes and certificates so redeemed or exchanged shall be held in and constitute a part of said redemption fund, and shall not be withdrawn therefrom nor disturbed except in exchange for an equivalent amount of the coin in which said notes were redeemed, or exchanged, etc.

The amount of money, then, which it is proposed to retire by this legislation is as follows:

Silver, approximately	$500,000,000
Treasury notes and greenbacks	440,199,296
Total	940,199,296

This will be to withdraw from circulation almost one-half of the money in the country. If it were to be permanently withdrawn, everyone knows that the results would be frightful. I shall not accuse any person of desiring to produce results so baneful and sinister. Our Republican friends are simply endeavoring to create a hiatus into which the national banks may step. The idea in this regard is to vest them with the function heretofore exercised by Congress of regulating and controlling the money supply of the nation. This has long been a favorite idea with the Secretary of the Treasury. We all remember his appearance before the House committee more than two years ago and the exposition of his policy at that time. He wanted to fasten the gold standard on the country and to vest the power to issue paper money in the banks, where it would be controlled by the law of supply and demand. The incident made a deep impression, because it was so soon after the Presidential election, in which the Republican party had pledged itself to secure bimetallism by international agreement; because we then had a commission in Europe endeavoring to negotiate such international agreement, and because when that commission returned its chairman excoriated the Secretary while complimenting the President on his steadfast adherence to principle. But it appears now that the Secretary was better acquainted with the purposes and views of the President than the distinguished Senator from Colorado who was chairman of the Monetary Commission. Note now what the President says in his last annual message, observe its agreement in every respect with the analysis which I have made of the provisions of these two measures,

and then judge between the Secretary of the Treasury and the Senator from Colorado. The President says:

In its earlier history the national banking act seemed to prove a reasonable avenue through which needful additions to the circulation could from time to time be made. Changing conditions have apparently rendered it now inoperative to that end. The high margin in bond securities required, resulting from large premiums which Government bonds command in the market, or the tax on note issues, or both operating together, appear to be the influences which impair its public utility.

The attention of Congress is respectfully invited to this important matter with the view of ascertaining whether or not such reasonable modifications can be made in the national banking act as will render its service in the particulars here referred to more responsive to the people's needs. I again urge that national banks be authorized to organize with a capital of $25,000.

I urgently recommend that to support the existing gold standard, and to maintain "the parity in value of the two metals (gold and silver) and the equal power of every dollar at all times in the market and in the payment of debts," the Secretary of the Treasury be given additional power and charged with the duty to sell United States bonds and to employ such other effective means as may be necessary to these ends.

The authority should include the power to sell bonds on long and short time, as conditions may require, and should provide for a rate of interest lower than that fixed by the act of January 14, 1875. While there is now no commercial fright which withdraws gold from the Government, but, on the contrary, such widespread confidence that gold seeks the Treasury, demanding paper money in exchange, yet the very situation points to the present as the most fitting time to make adequate provision to insure the continuance of the gold standard and of public confidence in the ability and purpose of the Government to meet all its obligations in the money which the civilized world recognizes as the best. The financial transactions of the Government are conducted upon a gold basis.

We receive gold when we sell United States bonds and use gold for their payment. We are maintaining the parity of all the money issued or coined by authority of the Government. We are doing these things with the means at hand. Happily at the present time we are not compelled to resort to loans to supply gold. It has been done in the past, however, and may have to be done in the future. It behooves us, therefore, to provide at once the best means to meet the emergency when it arises, and the best means are those which are most certain and economical. Those now authorized have the virtue neither of directness nor economy.

We have already eliminated one of the causes of our financial plight and embarrassment during the years 1893, 1894, 1895, and 1896. Our receipts now equal our expenditures; deficient revenues no longer create alarm. Let us remove the only remaining cause by conferring the full and necessary power on the Secretary of the Treasury, and impose upon him the duty to uphold the present gold standard and preserve the coins of the two metals on a parity with each other, which is the repeatedly declared policy of the United States.

In this connection I repeat my former recommendations, that a portion of the gold holdings shall be placed in a trust fund, from which greenbacks shall be redeemed upon presentation, but when once redeemed shall not thereafter be paid out except for gold.

REPUBLICAN PERFIDY.

Mr. President, no one in the Republican party any longer professes friendship for silver. Even the President, who thinks it the part of wisdom, if not of statesmanship, to follow where others would lead, has seen his way clear to advance to the position of the Secretary of the Treasury, and, throwing behind him the professions of an entire lifetime, has thought it well to recommend to Congress legislation designed "to support the existing gold standard." No one, however, who has studied the tendencies of the Republican party of late years and the peculiar characteristics of our honored Chief Executive is surprised, unless we except the junior Senator from Colorado. This exception appears to be necessary in view of the warm and impassioned eulogy which that Senator, on returning from his fruitless trip abroad, delivered on the President as an earnest and ardent friend of the cause of bimetallism. So clearly do both of these measures prove the abandonment by the Republican party of its former professed friendship for silver that the majority of the Finance Committee became alarmed, after reporting their substitute to the Senate, at the clear evidence of Republican perfidy thus afforded, and on yesterday they reported an amendment reviving the old farce of international agreement which was used with such dishonest effect in 1896. That amendment reads:

That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be received by concurrent action of the leading commercial nations of the world, and at a ratio which shall insure permanence of relative value between gold and silver.

But the people of the United States can not be longer deluded with such chaff. The Secretary of the Treasury came to the conclusion more than two years ago that it was a worn-out expedient. The President has now evidently come to the same conclusion. The House of Representatives indorses both of them in that view. And before the dog days are done the Finance Committee of the United States Senate will be reluctantly compelled to see the matter in the same light.

Mr. President, it will be observed from my analysis of these measures, and also from the recommendations of the President's message, which both measures were framed to carry out, that I was justified in stating that the second primary object of this legislation was to vest a monopoly of money in the national banks. In anticipation of that result both measures make provision for increased facilities on the part of the banks to add to their circulation. The provisions in the House bill to that end are the most marked and pronounced and many radical changes are there proposed. The Senate substitute, pursuant to the policy, which appears to have been thought wise, of muddying the waters, is not quite so radical. However, it is sufficient, and under its provisions, if adopted, the banks will have no difficulty in adjusting themselves to an execution of the sovereign power there conferred on them. They can contract the circulating medium to the vanishing point or expand it to the bursting point at will, and the man little understands human nature who imagines that they will exercise this great power with any other view than that of their own enrichment. And the enrichment of one set of men through the delegation of sovereign power means the impoverishment of everybody else. It always has been so on this earth, and always will be so until the millennium, and I fear, if this proposed legislation may be accepted as indicative of the average of human thought and purpose toward our fellows, that that beatific state of the world is still far in the indefinite future.

Mr. President, to be strictly accurate, the money to be retired from circulation under these measures in kind and amount is as follows:

Silver dollars in circulation	$85,191,429
Silver certificates outstanding, representing—	
Silver dollars in the Treasury	402,190,017
Treasury notes, act July 14, 1890	93,518,280
United States notes, greenbacks	346,681,666
Total	926,527,992

Add to this $150,000,000 gold reserve, to be maintained in the Treasury at all times, and this will require the Government, in the immediate future, to come into the possession of $1,076,527,992 in gold. Of this sum we now have in the Treasury $283,759,703. We will be required then to provide, in addition to the last-named sum, $792,767,289 more gold to meet the demands on the Treasury. These figures are stupendous, but the gold can be procured. We have not sufficient in this country to supply the amount needed, but our credit is good, and the entire world stands ready to honor our requisition when backed by the bonds of the nation. Both the Senate bill and the House bill are full in their provisions authorizing the issue of bonds to meet the necessities of the nation to be created by this great drain on the Treasury. I quote from section 2 of the Senate bill, so that the country may see how fully the authors of that measure realized the necessity of resorting to loans to meet the demand created by their bill:

If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore and maintain the same by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of not exceeding 3 per cent per annum, payable quarterly, etc.

Mr. President, this process of retiring our own money in order to give the banks a monopoly of furnishing the money supply will require an issue of bonds to the amount of $792,767,289. At 3 per cent per annum, the amount fixed by each of these measures, this will cost the taxpayers every year the sum of $23,783,018.67. If we adopt twenty years as the average life of the bonds, the taxpayers will have paid at the end of that time for the privilege of further enriching the national banks and investing them with autocratic power the sum of $475,660,373.40. These things come high to the taxpayer, but in this day and age, when our financial institutions are found contributing $15,000,000 to one political party in a single political campaign, the interests of the taxpayers, who have nothing but votes to give, and who can be bamboozled into giving them, are a secondary consideration.

GOLD FOR ALL OBLIGATIONS.

Mr. President, I proceed now a step further in my analysis of these measures. When it comes to an explicit direction making all the obligations of the nation payable in gold coin, the two measures are somewhat variant. Section 2 of the House bill takes the bull by the horns and provides in express terms:

That all interest-bearing obligations of the United States for the payment of money now existing or hereafter to be entered into, and all United States notes and Treasury notes issued under the law of July 14, 1890, shall be deemed and held to be payable in the gold coin of the United States, as defined in section 1 of this act, etc.

The Senate measure is not nearly so explicit. Its authors apparently could see no virtue in being so direct and incriminating. After making silver to be redeemed in gold it did not seem necessary to their minds to make further provision directing the use of gold in paying the bonds of the nation. When the holders could take their silver and demand gold for it, it would simply be an avoidance of clumsy circumlocution for the Secretary to establish the practice of paying the bonds in gold in the first instance. Moreover, the bulk of our bonded debt is approaching maturity, and it was easier and far less embarrassing to make a renewal of those bonds the vehicle for introducing the gold-paying clause than to apply it directly to the present outstanding bonds, as the House bill does. Accordingly, we find the following elaborate provision in the Senate substitute for the refunding of our 3, 4, and 5 per cent bonds:

SEC. 6. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing

interest at 5 per cent per annum, payable February 1, 1904, and any of the bonds of the United States bearing interest at 4 per cent per annum, payable July 1, 1907, and any bonds of the United States bearing interest at 3 per cent per annum, payable August 1, 1908, and to issue in exchange therefor coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of 2 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That none of such outstanding bonds shall be received in such exchange at a valuation greater than their present worth to yield an income of 2½ per cent per annum, and said bonds shall be issued at not less than par: *And provided further*, That such bonds when issued shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid; and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call: *And provided further*, That the Secretary of the Treasury may, in his discretion, pay, out of any money in the Treasury not otherwise appropriated, the difference between the present worth, computed as aforesaid, of the outstanding bonds surrendered in accordance with the provisions of this act and their par value.

Mr. President, the present worth of the outstanding bonds of the descriptions mentioned in the foregoing section is, on an average, about 1.12. This would entitle the holder of each outstanding $1,000 bond to receive in exchange a 2 per cent gold bond for $1,120. The income from this $1,120 bond, giving it an average life of twenty years, which, as it is payable any time at the pleasure of the Government, is a fair average, would be as follows:

Annual interest at 2 per cent on $1,120	$22.40
Division of premium of $120 into 20 annual payments and applied each year for 20 years	6.00
Total	28.40

This is equivalent to exchanging at par the present coin bonds for gold bonds bearing interest at the rate of 2.840 per cent per annum, or nearly 3 per cent.

Mr. ALLISON. Would I interrupt the Senator if I called his attention to another portion of the bill, which he seems to have overlooked?

Mr. TURNER. Not at all.

Mr. ALLISON. That is, that there shall be no more of the bonds issued than the bonds taken up. So it is impossible to have an eleven hundred and twenty dollar bond as suggested.

Mr. TURNER. The bonds are to be taken up that are then outstanding, at the market value, and if you take up a thousand-dollar bond worth $120 premium on the market, how are you to get it without issuing bonds to cover the premium?

Mr. ALLISON. By paying the difference in money. It expressly provides for that. I merely call the attention of the Senator to the fact that the bonded debt is not increased under the bill.

Mr. TURNER. It is wholly immaterial whether it is paid in money or in bonds.

Mr. ALLISON. It may be immaterial, but it is a fact, nevertheless, that it is not paid in bonds.

Mr. TURNER. I apprehend when you go into this business you can not get this extra $120——

Mr. ALLEN. Will the Senator permit me?

Mr. TURNER. Certainly.

Mr. ALLEN. Mr. Gage, in his testimony before the House committee two years ago, said it would increase the bonded indebtedness of the United States by $90,000,000.

Mr. ALLISON. But we have expressly provided here that it shall not.

Mr. ALDRICH. The Secretary of the Treasury was discussing another act, one framed upon a different basis.

Mr. ALLEN. It was substantially the same.

Mr. ALDRICH. Not substantially the same, because it proposed to issue an additional amount of bonds.

Mr. TURNER. More than all that, our friends on the other side can not be assured that their own substitute is going to pass. The House bill is to be considered here as well as the Senate bill. The bill we have here may not be the one which ultimately is to become the law.

Mr. ALDRICH. The House bill contains no provision of the kind—nothing in regard to refunding.

Mr. TURNER. I think it does. I think my analysis has shown it. But perhaps the Senator was not here when I was on that subject.

The method of exchange provided and the rate at which the exchange is to be made is, as I said, equivalent to 2.840 per cent per annum, or nearly 3 per cent. It is fully equivalent to 3 per cent, if not more, when we consider that the holders are to now receive the premium in a lump, instead of having it spread out over a long series of years, and that this premium lasts until the bonds are paid, and is paid when they are, instead of suffering the depreciation to which the premiums on all bonds are subject as the latter near maturity of payment. As we have been able at any time during the last ten years to float 3 per cent coin bonds at par, and even above par, it will be seen that the only difference between the House bill and the Senate substitute, so far as the provisions for the payment of our bonded obligations in gold are concerned, is that under the House bill they are to run until maturity at the present rate of interest, and then be payable in gold, which will be done by refunding them into gold bonds, while under the Senate substitute they are to be refunded into gold bonds immediately, but at a lower rate of interest than they now bear. To the extent last stated the Senate substitute is an improvement on the House bill.

Under the operation of both measures, then, our outstanding bonds are to be made payable in gold. This follows as a necessary corollary of the provisions making gold the single and sole standard of money. If the one thing is to be done, the other must necessarily follow. But the cost is something to make one marvel. For more than twenty years we have had the following resolution concerning our bonded debt, known as the Stanley Matthews resolution, on our statute books:

Resolved by the Senate (the House of Representatives concurring thereto), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

That resolution passed both Houses of Congress in 1878 by large majorities, and it received the vote, I believe, of every Republican then and now in public life. Under it, and with full knowledge of its terms, every Government bond now outstanding has been accepted by its holder. With half a billion dollars in silver money in the Treasury, we are now giving up our option to pay these bonds in that kind of money. If our credit were impaired there might be some reason for making the sacrifice. But our coin bonds, payable in either metal at the option of the Government, are selling in the market at from 10 to 40 per cent above par, the premium varying according to the interest rate and the length of time the bonds may run. Why are we doing it then? Because if the effort to strike down silver is to succeed, we must do it. To make gold the only standard money and then decline to pay in it would be ridiculous and absurd.

THE PRICE OF THE GOLD WHISTLE.

Now, how much are we paying in this matter alone for our new gold whistle? In the spring of 1895 Mr. Cleveland negotiated a loan of $62,315,435, and delivered 4 per cent bonds therefor. He notified Congress, however, that if it would consent to make the bonds gold bonds the purchasers would accept a rate of 3 per cent, and thus save the Government, during the life of the bonds, the sum of $16,174,770. Here is what Mr. Cleveland said to Congress:

The arrangement just completed * * * develops such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter, as represented by three-fourths of a cent in annual interest. In the agreement just concluded the annual saving in interest to the Government, if 3 per cent gold bonds should be substituted for 4 per cent coin bonds under the privilege reserved, would be $539,159, amounting in thirty years, or at the maturity of the coin bonds, to $16,174,770.

Congress, however, declined, even for the proffered saving, to degrade silver by making the bonds payable in gold, and none were more vehement in denouncing the proposition than the Republican Senators and Representatives then in public life. Now, if there be the same proportional difference in value between all our outstanding coin bonds and strict gold bonds, and it is hard to see why there should not be, it is a mere matter of mathematical calculation to determine the value of the right we are now giving up. The proportion that 16,000,000 bears to 62,000,000, applied to our entire bonded indebtedness, amounting to $1,300,000,000, gives us as a result, roughly speaking, $325,000,000. That sum, then, is the value of our option to pay in silver, which we are making a present of to the holders of our bonds. If it is worth that to them, it is worth that to us.

Yes, Mr. President, to speak broadly, it is worth ten times that sum to us, because if we retain it we will be in honor bound to maintain silver as a money metal, to enter on a policy which will support and uphold its dignity and sustain its purchasing and debt-paying power. In the enhanced value which a successful maintenance of that policy would give to our products now and in the future the sum of $325,000,000 would, by comparison, be a mere bagatelle. But I see nowhere in either of these measures any indication that the interests of the people of this country have been considered. The Republican party is legislating for the moneyed interests, and those interests require not cheap money and dear goods, but dear money and cheap goods; they require not an amplitude of money and an enhancement of prices, but a paucity of money and a decline of prices. Let it be so. I welcome this evidence of the solicitude of that party for their very dear friends. It comes at an opportune time. My only surprise is that the Republican party, with its record of shiftiness on this question, could get its own consent to come out into the open in a Presidential year and in advance of the casting of the votes.

A NEW SLAVERY.

Mr. President, the fight made in this country to preserve silver as money is the only issue we have had since the abolition of slavery which has appealed to the higher sensibilities of the human mind and aroused to life and energy the nobler emotions of the human heart. This is so because the question involves the never-ceasing conflict of interest between aggressive power, panoplied with all the aids that make for success, and impotent weakness, naked and helpless before its confident and ever-pushing adversary. In that conflict, bottomed as it is on the selfishness of human nature, strength is always advancing because it can and weakness receding because it must, and if there were not a power somewhere to throw its force into the scale and restore the equilibrium the process would go on until there was absolute dominion on the one hand and abject slavery on the other. It always has been so where power could work its will, and it always will be so. The overruling force that intervenes when the process has reached a point that provokes the attention of the world is the enlightened conscience of mankind. Such a conflict has been going on for the last twenty-five years throughout the entire world, strength being represented by the wealth of the few and weakness by the poverty of the many. The struggle has been to enhance the purchasing power of the money controlled by the former and to diminish thereby the selling power of the commodities produced by the latter. I would not say that any single individual has consciously acted on such a view. We are all of us prone to associate our own interests with those of our country, and this conflict has been going on between strong and weak nations as well as between strong and weak individuals. The creditor nation wants dear money and cheap commodities, the same as the creditor individual. And even the weak nation, like the weak individual, may feel called on to submit to the exactions of power, and to conform its fiscal and commercial policy to that of its neighbors, lest it meet with further aggressions, which might lay it helpless and prostrate at the feet of its adversary. So that men of every nation are always able to bolster themselves with the satisfaction of believing that their action, however selfish it might be if it concerned their individual interests alone, is really based on a patriotic conception of that which is best for the interests of the country at large. But, however, it is the leaven of self-interest at bottom, scarcely perceived, perhaps not perceived at all, that turns the scale, and the individual generally finds himself acting with his own class and as his and its interests seem to require.

This conflict, I say, has been going on for the last twenty-five years, and it has taken the form of an attempt to lessen the supply of metallic money in the world in order that that which remains may increase in purchasing power, and thus further enrich its owners by an unearned increment to be paid by the masses in cheapened products. The governing powers of Europe, with this end in view, determined more than twenty-five years ago that silver should cease to be money, and they kept up the struggle until in a very short time every nation in Europe of any consequence had ceased to coin silver. We ourselves in 1873, through ignorance of the import of our action, forbade silver free and unlimited access to our mints, and thereby joined the coalition of the classes against the masses. But our statesmen soon realized what they had done, and then a struggle began to right the great wrong, which has continued with varying fortunes down to the present moment. At times it has seemed on the point of succeeding, but ignorance, weakness, and selfishness have always had the power to postpone victory, and now it would seem as if a combination of those forces was about to fasten the great iniquity of gold monometallism on the world for all time to come.

The Republican party does not lend itself to these forces in ignorance of the nature of its act or of the consequences which will ensue. On the contrary, it is proceeding with open eyes and in the light of long-continued discussion in which it participated, of legislative declarations which it helped to make, and of solemn party pledges which it may now ignore, but which will ever rise up to accuse and convict it of perjured faithlessness.

Mr. Blaine said in a speech in this body as long ago as 1878:

I believe gold and silver coin to be the money of the Constitution—indeed, the money of the American people anterior to the Constitution, which that great organic law recognized as quite independent of its own existence. No power was conferred on Congress to declare that either metal should not be money. Congress has, therefore, in my judgment, no power to demonetize silver any more than to demonetize gold; no power to demonetize either any more than to demonetize both. * * * Few persons can be found, I apprehend, who will maintain that Congress possesses the power to demonetize both gold and silver, or that Congress could be justified in prohibiting the coinage of both; and yet in logic and legal construction it would be difficult to show where and why the power of Congress over silver is greater than over gold—greater over either than over the two. If, therefore, silver has been demonetized, I am in favor of remonetizing it. If its coinage has been prohibited, I am in favor of ordering it to be resumed. If it has been restricted, I am in favor of having it enlarged.

* * * * * * *

I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce widespread disaster in the end throughout the commercial world. The destruction of silver as money, and establishing gold as the sole unit of value, must have a ruinous effect on all forms of property except those investments which yield a fixed return in money. These would be enormously enhanced in value, and would gain a disproportionate and unfair advantage over every other species of property. If, as the most reliable statistics affirm, there are nearly $7,000,000,000 of coin or bullion in the world, not very unequally divided between gold and silver, it is impossible to strike silver out of existence as money without results which will prove distressing to millions and utterly disastrous to tens of thousands. (From speech in U. S. Senate February 7, 1878.)

Mr. McKinley, in a public speech at Toledo, Ohio, as late as February 12, 1891, said:

During all of Grover Cleveland's years at the head of the Government he was dishonoring one of our precious metals, one of our own products, discrediting silver and enhancing the price of gold. He endeavored even before his inauguration to office to stop the coinage of silver dollars, and afterwards and to the end of his Administration persistently used his power to that end. He was determined to contract the circulating medium and to demonetize one of the coins of commerce, limit the volume of money among the people, make money scarce, and therefore dear. He would have increased the value of money and diminished the value of everything else—money the master, everything else the servant. He was not thinking of "the poor" then. He had left "their side." He was not standing forth in their defense. Cheap coats, cheap labor, and dear money! The sponsor and promoter of these professing to stand guard over the welfare of the poor and lowly! Was there ever more inconsistency or reckless assumption!

Between these speeches and before and since our political literature has been enriched with a wealth of discussion and illustration from Republican sources, and all in the same line, from which I would quote if it were not to weary the Senate with the iteration of things which it has heard so often and knows so well, I will content myself with the statement that almost every Republican statesman in public life to-day has at one time or another given utterances in this or the other Chamber, or on the stump, to language showing the most perfect familiarity with the true reason for the crusade against silver and the fullest comprehension of the baleful results to ensue to the people if that crusade should in the end be successful.

In 1888 Mr. McKinley, then chairman of the platform committee of the Republican national convention, reported to the convention and procured to be adopted on the subject of bimetallism, the following plank:

The Republican party is in favor of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

In 1892 the Republican party adopted this platform on the subject of bimetallism:

The American people, from tradition and interest, favor bimetallism, and the Republican party demand the use of both gold and silver as a standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals so that the purchasing and debt-paying power of the dollar, whether silver, gold, or paper, shall be at all times equal. We commend the wise and patriotic steps taken by our Government to secure an international conference and adopt such measures as will insure a parity between gold and silver for use as money throughout the world.

It is evident, then, that the Republican party is not now proceeding in ignorance of the principles underlying the question, or of the effect which must sooner or later ensue, should the present efforts of its leaders in Congress be successful. Our Republican friends have simply turned a deaf ear to their own teachings, and at the dictation of the selfish interests to which they have surrendered have abandoned the people to the evils they have so often foretold and which they foresee now as plainly as at any former period in the history of their party.

BOASTING OF A BUNCO GAME.

Mr. President, the silver question is not dead, but if it were so, as Republican orators and newspapers tauntingly proclaim, it might be written on its tombstone, "Dead in the house of its friends, and murdered by the author of its being." So certain are our Republican friends that it is dead that they have begun to quarrel over the question of who delivered the coup de grace. It is assumed that the money plank of the St. Louis convention, that skilfully constructed juggle of words designed to read all things to all men, did the business, and two distinguished Republican citizens are proudly claiming the authorship of that plank. The controversy waxed so warm that it involved to a greater or less extent most of the shining lights who were at St. Louis assisting in that pious fraud, and nearly all of them have now spoken, giving such lucid testimony that both distinguished citizens feel fully confirmed thereby in the honor which they have claimed. For my part, speaking merely to the truth of history, and without desiring to disturb the satisfied equanimity which any man may feel in his achievements, I should as soon boast of a successful confidence game practiced on some confiding innocent as to claim credit for the financial plank of the St. Louis platform, because if a bunco game was ever successfully played, one was perpetrated when the people of the United States were induced by that plank to vote Mr. McKinley into the Presidential chair. If the silver question be dead, indeed, and these measures of legislation are intended for its burial, let it not be forgotten by our Republican friends that all must die, and that there is a resurrection morn when all shall stand before the great white throne, the deserving to drink of the water of eternal life, "But the fearful, and unbelieving, and abominable, and murderers, and whoremongers, and sorcerers, and

idolators, and all liars, shall have their part in the lake which burneth with fire and brimstone."

No Republican to-day denies the principle, laid down by political economists without exception, that the general level of prices of all commodities is determined by the volume of money in existence, and that to decrease the volume of money is to decrease the general average of prices, and to increase the volume of money is to increase the general average of prices. They can not deny it, because it is too well established and has been too many times illustrated and proven in the history of the world. But they say that the output of gold has increased so enormously of late years that that metal is sufficient to bear the burden formerly borne by both gold and silver, and they point to the present alleged prosperity of our country in confirmation of their contention. But our prosperity, such as it is, is only comparative. It is based on a range of prices for all the products of the workshop, the forge, and the farm, which are 50 per cent less than those which prevailed twenty-five years ago, when silver was first struck down. Such a result, succeeding the true prosperity of that day, would have been starvation then; but succeeding a long period of starvation now, it may in a sense be called prosperity.

OUR PROSPERITY.

Without stopping to discuss the effect which the war with Spain and the present war with the Filipinos may have had in producing such prosperity as we now enjoy, or the influence thereon of a repeated failure of crops in other countries while our own have been bountiful, it is sufficient for the purposes of my argument to say that the claim of increased prosperity by reason of the bountiful output of gold, or the admission that that has had influence in that direction, is the highest confirmation of the correctness of those who in 1896 laid our evils to the striking down of silver, and who insisted that it could be corrected by again restoring silver to its full function as one of our money metals. It is striking proof of the fact that prosperity depends on the possession of an ample volume of primary money, capable of paying debts everywhere throughout the world. Now, with this fact conceded and emphasized, how can any fair-minded man, desirous of promoting the happiness and prosperity of our people, get his own consent to proceed to the final and irremediable destruction of silver money by the passage of either one of these measures now before Congress? Who can say how long this increased output of gold is to continue? And when it ceases, as it must do, sooner or later, what barrier are we then to interpose against the renewed appreciation of money and the renewed depreciation of all other forms of property? When that process shall again commence and proceed as far and as rapidly as it did from 1873 to 1900, our farmers will be serfs, our mechanics bondmen, and our laborers slaves. With the immediate past behind them and its lessons graven on their minds, with the prospective future before them and its consequences so clearly pointed out, to assume that the silver question is dead so long as the masses of our people have votes to give is to say that they do not deserve to be free and that they ought to be slaves.

THE FIGHT FOR THE RIGHT.

Mr. President, both our great political parties admitted for years that the striking down of silver was a crime against humanity, and both declared in their platforms time after time that our nation was strong enough to undo the crime, and that its duty to its own people required it to do so. I do not mean that they so declared in terms, but that was the effect of their declarations. Yet, notwithstanding these declarations, no matter which political party succeeded in securing the votes of the people, nothing was ever done to restore silver. At last, in 1896, when the condition of the country had become deplorable, public interest was aroused to a pitch which demanded not only a decisive declaration by both political parties, but the nomination of candidates whose history and personality would insure that the declarations made would be crystallized into law. The Republican party was the first to meet in national convention in that year, and instead of meeting the just expectations of the people by an explicit statement affirming its former declarations, making good the professions of its leaders, and exemplifying its long and illustrious career as the champion of human rights, it ingloriously surrendered itself to the selfish interests against whose aggressions the people were clamoring, adopted a juggling and deceptive platform, and then nominated William McKinley thereon for President of the United States.

The Democratic party was the next to meet in convention, and never did a political party in this country more gloriously respond to the demands of an imperious situation or the just expectations of an insistent people. The note which was then struck vibrated with the accents of earnestness and truth, and the great leader put forth was himself an inspiration and a platform. More than that, that party pulled down from their high places and expelled from the Democratic temple the unfaithful stewards who had so long stood in its way and stultified its most solemn and binding declarations. It did that which few political parties in their decadence have ever had the power to do. It renewed its youth, rejuvenated itself, dedicated itself anew to the cause of liberty and humanity. It made itself again the party of Thomas Jefferson, and stepped into the shoes of the Republican party as the true exponent of the principles of Abraham Lincoln. Its action was so glorious that another political party, young, strong, and vigorous, and formed in despair at the faithlessness of the old parties, melted into its embrace and adopted its platform and its candidate; and hundreds of thousands of men who had never voted anything but the Republican ticket, moved by the manifest deception and trickery and chicane in their own party, of which they had long been tired and to which they had determined to no longer submit, let the scales drop from their eyes and sprang to the support of the standard erected by the loyalty and the courage and the conviction of a noble, an inspired, and a godlike Democracy.

It is not necessary to recount the struggle which followed. Everybody knows that the will of the people was defeated by force, by fraud, by intimidation, by corruption without parallel in the history of the country. But the gallant fight is to be renewed on the same lines and under the same leadership. And now that the Republican party has come out into the open, recanted even its hypocritical professions made at St. Louis, become the open advocate of all the industrial trusts, and made itself the father of the great monetary trust erected by the measures now pending and under consideration—the trust of trusts, which is to crush the lifeblood not out of labor alone, but out of every profession, avocation, and pursuit not allied to itself—who can doubt that the enlightened conscience of the nation will at last triumph over the force and fraud and corruption which before stood in its way and which will be again opposed to its just and humane demands?

Mr. President, I have here a discussion by Mr. Bryan upon the questions to which I have adverted in my remarks. Without reading it, I ask that it may be printed as part of my speech.

The PRESIDING OFFICER (Mr. McCOMAS in the chair). In the absence of objection, it will be so ordered.

The paper referred to is as follows:

BANK-NOTE DESPOTISM.

[William J. Bryan in the New York Journal.]

The advocates of the gold standard have a double purpose: First, they desire to make gold the only legal tender for the payment of debts, public and private. I have discussed this question on former occasions and pointed out that the necessary effect of such a law would be to create a greater demand for gold, which would then be the only money legally available for the payment of debts, and thus aid the money-owning class and injure the wealth-producing class.

The second purpose of the advocates of the gold standard is to make bank notes the only credit money.

In response to your invitation, I beg to submit a few arguments in support of the greenback as against the bank note. The greenback is issued by the Government, and the volume of such money is determined by the people, acting through their representatives. The Supreme Court has held that such a money can be made a legal tender. When a man has greenbacks in his pocket he has money which is available for the payment of his debts; if he has bank notes, his money is only good when the creditor is willing to accept the money.

During the war, when gold and silver were at a premium, bank notes circulated on a level with greenbacks and were never worth any more; the reason being that national-bank notes are payable in lawful money, and the greenback being lawful money (and at that time the cheapest money) was used by the banks for the redemption of bank notes. It is interesting now to hear these same bankers, who redeemed bank notes in paper when gold and silver were at a premium of over a hundred per cent, talk about the dishonesty of a debtor, whether the debtor be an individual or the Government, who would redeem his obligations in anything but the dearest money.

The bank note has been good because it has had behind it the bonds and the greenbacks issued by the Government. If the greenback is good enough to stand behind the bank note, it is good enough to stand alone without any bank note in front of it.

A national-bank currency is objectionable because it is gross favoritism extended to a few. A bill reported by the House Committee on Coinage, Weights, and Measures in the last Congress provided:

First, that the Treasurer of the United States pay out gold coin in redemption of greenbacks and Treasury notes; second, that the Secretary of the Treasury have authority to issue gold bonds, drawing not more than 3 per cent, to secure the gold to maintain gold redemption; third, that national banks be allowed to deposit bonds and receive bank notes up to the par value of the bonds so deposited; fourth, that the tax on the national banks be reduced. If this plan goes into operation, the difference in its effect upon the individual and the national bank may be stated as follows: The greenbacks are to be retired and bonds issued. This will mean an increase in taxes to pay the interest upon the bonds. The individual who enjoys no special privileges will find his taxes increased, while the national bank, that enjoys special privileges, will find its tax diminished.

Second. If the individual buys a bond at par, he will lose the use of his money and must content himself with the 3 per cent interest. If a national bank invests its capital in bonds at par, it can deposit the bonds and secure bank notes to the face value of the bonds, thus securing a return of its investment, and in addition to that it can draw 3 per cent interest upon the bonds. In other words, the individual parts with his money and draws interest, while the national bank gets its money back and draws interest besides. The individual must eat his cake or keep it. The national bank both eats its cake and keeps it. This is favoritism that ought not to be tolerated in a government which recognizes the doctrine of equality before the law. The moment the Government begins to confer special privileges those in a position to profit by favoritism begin to clamor for legislation immediately in their interest, and as a result the instrumentalities of government are used for private gain and the true purpose of government forgotten.

There is another objection to the national-bank currency, namely, that the national banks are given control over the volume of credit money. Power to issue money should never be intrusted to private individuals or private corporations. Jefferson was an opponent of banks of issue, and in

one of his letters declared that his opposition was so persistent that he had been denounced as a maniac by those bankers who desired to secure this privilege from the Government. Benton, in summing up the work of Jackson, gave emphasis to his fight with the national bank, and compared his work with the work of Cicero, saying that when he destroyed the bank conspiracy he saved America as Cicero had saved Rome by overthrowing the conspiracy of Cataline.

Wendell Phillips has so well described the danger of allowing private individuals to control the volume of money that I quote from a speech made by him a few years before his death:

"In other words, it was the currency which, rightly arranged, opened a nation's well springs, found work for willing hands to do, and filled them with a just return, while honest capital, daily larger and more secure, ministered to a glad prosperity. Or it was currency, wickedly and selfishly juggled, that made merchants bankrupt and starved labor into discontent and slavery, while capital added house to house and field to field, and gathered into its miserly hands all the wealth left in a ruined land.

"The first question, therefore, in an industrial nation is: Where ought control of the currency to rest? In whose hands can this almost omnipotent power be trusted? Every writer of political economy, from Aristotle to Adam Smith, allows that a change in the currency alters the price of every ounce and yard of merchandise and every foot of land. Whom can we trust with this despotism? At present the banks and the money kings wield this power. They own the yardstick, and can make it longer or shorter, as they please. They own every pound weight and can make it heavier or lighter as they choose. This explains the riddle, so mysterious to the common people, that those who trade in money always grow rich, even while those who trade in other things go into bankruptcy."

The third objection to national banks of issue is that the moment the national bank is permitted to issue money, that moment it becomes, for pecuniary reasons, the enemy of any Government paper.

The banks are now urging that the issue of paper money is a function of the banks and that the Government ought to go out of the banking business. Our answer is that the issue of money is a function of government and that the banks ought to go out of the governing business. The Government can not afford to build up a strong financial interest hostile to the exercise, by the Government, of the right to issue and control both the metallic and paper money of the nation.

Our national bank circulation rests upon Government bonds, and can not in amount exceed the total sum of bonds outstanding. Hence, if the banks are to supply an increasing amount of currency to meet the needs of increasing population and business, the national debt must perpetually increase.

Mr. BATE. Mr. President, the legislation involved in the House financial bill and in the Senate substitute, as well as that which may be the outcome of a conference of the two Houses, it seems to me, is, after all that has been said, the naked triumph of that Democratic faction which in 1896 polled less than a quarter of a million of votes for the gold standard—in fact, only 133,554—while over 14,000,000 votes were cast for bimetallism.

Instead of this measure being legislation for the people, it is legislation against every expression of the public will. There has been no expression of the public opinion in this regard since that voiced in 1896 at the Presidential poll. Then nearly six and a half millions of Democratic voters declared for independent bimetallism; at the same time about 7,000,000 of Republicans declared for international bimetallism, and a beggarly 133,000 Gold Democrats voted, amid the derision of the people, for gold monometallism, not even, I believe, getting a precinct in the United States.

The stone which the builders rejected with scorn this Congress makes the corner stone of our financial superstructure; and that faction which, because of utter insignificance as a political factor, would have passed into absolute forgetfulness has been exalted into the directing force which has brought the Republican party to abandon bimetallism and establish the standard of gold monometallism, with all its attendant evil and depressing influences on the energies, the industries, the property, and the indebtedness of the people of these States.

As an illustration of the fact that a discredited Democratic faction blazed the way to the gold standard when the Republican party at St. Louis lost itself in the intricacies of international bimetallism, I will read an extract from the Indianapolis platform which, without a party behind or before it, has dictated the gold standard to the Republican party, and which again emphasizes the proverb that the tail may sometimes wag the dog:

Realizing these truths, demonstrated by long public inconvenience and loss, the Democratic party—

Meaning thereby the omnibus load which made up the Indianapolis convention, so called—

In the interest of the masses and of equal justice to all, practically established by the legislation of 1834 and 1853 the gold standard of monetary measurements.

If that is true history, then the "existing gold standard" of President McKinley's message antedates all Republican legislation, was of legal age when the crime of '73 was perpetrated; survived every law enacted since 1853; was unknown to the Supreme Court when the legal tendership of greenbacks was sustained; in fact, was hid from all the rest of the world except that "baker's dozen" of bolting Democrats which at Indianapolis laid down the lines which the Republican party have followed in their financial scheme.

A recapitulation of the arguments, facts, and statements which in 1896 convinced six and a half millions of the voters of this country that gold monometallism would follow the abandonment of bimetallism is not necessary, now that the fact has been accomplished, as evidenced by this bill under consideration. But from the advocates and supporters of this radical departure from the financial policy of bimetallism, which has been coeval with the establishment of the Federal Union, which is called for by no expression of the public voice, rendered necessary by no condition of the public business, but is interjected into our financial system at a time when its supporters have rendered themselves hoarse with acclaiming prosperity all over the land, we are entitled to know what existing public exigency calls for a change of financial policy against the expressed voice of 14,000,000 voters.

Yes, what is it that demands such legislation, and especially at this time? If, as you say, we are prosperous, why change the financial system of the country? An analysis of the original bill as it came to the Senate is now useful only as showing the animus of that portion of the Republican party which controls legislation at the other end of the Capitol. But for all practical purposes the original bill has been emasculated in the Committee on Finance of the Senate by its substitute proposing to draw the black line of criticism, if not condemnation, through every section by "striking out all after the enacting clause and inserting the part printed in italics," as reported by the Senator from Rhode Island [Mr. ALDRICH].

But notwithstanding, the work and labor of a specially constituted Republican caucus committee, whose labor at the seashore and mountain resorts was heralded in the press during the summer and fall, is now black-lined by the Senate wing of the Republican party. A short and condensed analysis of the product of that labor may be of use in the future as a warning and example for the consideration of our reading and thinking people, and I give it in a brief way:

Section 1 of the now defunct House bill provided for the gold standard, repealed the silver-dollar unit of the legislation of those who founded the Government, and brought our country to the level of an imitator of the British standard and British finances.

Section 2 declared all bonds and other Federal obligations, whether issued already (ex post facto) or to be issued hereafter, to be payable, principal and interest, in gold; thus repealing the statutory provision of redemption in "coin" under which every obligation had been bought.

This House bill declares all greenbacks and Treasury notes to be redeemable only in gold, thus giving a black eye to silver.

It restricts silver certificates to denominations of one, two, and five dollars.

It creates a division of issue and redemption in the Treasury and practically reduces that great Department to a bank.

It establishes a permanent reserve fund of gold equal to 25 per cent of the total of greenbacks and Treasury notes outstanding.

It directs the Secretary of the Treasury to maintain that reserve by selling 3 per cent gold bonds, running twenty years—swapping noninterest-bearing money for interest-bearing.

It prohibits the reduction of that general fund of the Treasury (for redemption of greenbacks and Treasury notes) below $50,000,000.

It redeems greenbacks and Treasury notes in gold, and authorized their reissue for gold only, and thus strikes down silver.

It provides for "parity" by a reserve fund to be created by the Secretary of the Treasury by exchange of gold for any other notes issued by the Treasury under this process and under this reliance. Will there be any "parity" money?

It receives subsidiary, worn or uncurrent coins for coinage and repealed all laws limiting the issue of such coins to $50,000,000.

It provides for a note currency to be issued by the Treasury in denominations of not less than $1, as the Secretary may prescribe. A reproduction of "shin-plasters" not expected at the opening of the twentieth century.

It increases the note issues of national banks by repealing the 90 per cent limit and authorizing an issue to the full par value of bonds deposited to secure circulation, a manifest help to speculators on the exchange, but of questionable aid to the people in their business.

It repeals the 1 per cent tax on national-bank circulation and requires a tax of only one-fifth of 1 per cent. This section and the preceding unite in increasing profits and diminishing taxes—but only to benefit national banks; all others must follow the old, old rule of taxes increasing as profits increase. Here under this bill taxes decrease as profits increase.

It authorizes the incorporation of small national banks of $25,000 capital in towns of 2,000 and over of population.

But, Mr. President, the House bill and all that long debate which followed elsewhere are overshadowed by this Senate substitute, which after weeks of debate in this Chamber will find its quietus in a conference report, the purport and scope of which no human intelligence can define. The substitute provides in section 1 that the gold standard is fixed, with a sort of mental reservation that it is not now new, but has been in existence, unknown to the people, since the enactment of section 3511 of the Revised Statutes, and this substitute only "continues" that "standard unit of values," and incidentally to maintain all forms of money at a "parity" with the unit standard of value, and to that end all

Treasury obligations, issued under the act of July 14, 1890, shall be redeemed in gold.

This substitute establishes "a reserve fund of $150,000,000 in gold coin" for redemption purposes only.

This substitute makes it the duty of the Secretary of the Treasury to coin standard silver dollars, and with them to retire and cancel an equal amount of Treasury notes for that purpose only. But having by section 1 made 25.8 grains of gold the standard, it is somewhat confusing to ascertain of what the silver dollar is the standard in this section.

Mr. President, the manner in which the silver dollar, of whose usefulness and sacredness we have heard so much, was made a part of our coinage and how it came to be made the essential feature of our national currency is a matter that would doubtless interest, and I beg to give the incident as legendary lore, though it may be that years agone it appeared in Niles's Register. It is interesting not only for revealing the history of the making and adoption of our "dollar," but becomes more so because of the personality of those who stood godfathers at its birth.

Those two grand characters who figured so conspicuously in the formation of our Government, Alexander Hamilton and Thomas Jefferson, both members of the Cabinet of President Washington, were its sponsors. It is said that every morning when they came around the Cabinet board they were in the habit of sitting on opposite sides of the table, like two game cocks when gaffed and trimmed and put into a pit ready for battle; that especially upon all matters relating to the police regulations and the respective jurisdictional powers of the States and the General Government they were constantly antagonistic, but that there was one question upon which they agreed, and that question was the money of the country.

The story relates how those two distinguished gentlemen were appointed by the President in 1792 a committee, so to speak, for the purpose of seeing what should be the "dollar of account," what should be "the unit of value" in this country; what should be the system of weights, and what of measurement. Those gentlemen, with alacrity and great painstaking, attended to their duty, and they first established the yard stick according to the English rule, adopting the old metallic yard stick, which had been in use long in England and kept in the exchequer with gold tips, which, when measured at a certain temperature Fahrenheit between the gold tips, would measure exactly 36 inches. They adopted that as the standard of measurement.

Then, as to the pound weight, they adopted that in use in England, saying a pound was a pound, whether of lead or of iron or of feathers. They agreed as to these, but had some trouble when they came to make money—this dollar, this almighty dollar, as it is sometimes called. When they came to the consideration of that question they invited into consultation two gentlemen, Mr. Bowdrich and Mr. Rittenhouse, who were practical business men and understood all the transactions of every-day business life.

These gentlemen were called in. They sent for an assayer, and finally decided on getting 1,000 Spanish milled dollars of different dates of coinage for an experiment. At that time Spain was not what she is now. She was a great power, was in the vanguard of nations, and her money went abroad to a greater extent than that of any other nation. Her money was used in Mexico and South America, as well as in other places; it was current here; not only so, but the Spanish milled dollar was then the predominant money in this country and had been in colonial days.

It was then agreed, advising with these eminent business men, Bowdrich and Rittenhouse, that in order to arrive at what should constitute a dollar they would make an experimental test. They agreed that they would get 1,000 Spanish milled dollars of different dates and have them thoroughly cleansed of all extraneous matter, and have an assayer take them, melt them down, and extract all the alloy therefrom in their presence. So they took a thousand Spanish milled dollars thus prepared and had them melted and had this residuum weighed. They then divided that residuum by 1,000 and the product of that division thus ascertained was exactly 371¼ grains of pure silver, and they made that 371¼ grains the "dollar of account," the "unit of value," and it has been so ever since.

From the time of the adoption of that standard, April 2, 1792, this country has grown into a vast area, with untold strength and wealth and capabilities and all that constitutes true greatness. Since the 2d of April, 1792, this dollar has stood the test of the storm of wars, of politics, and of revolution, and that dollar still maintained its value until the assassin struck it, by stealth, in 1873, and its veritable ghost has lingered on the stage of action since and will not down at the bidding; and now its former friends, with this bill, seek to give it the finishing stroke and put it out of the way by a statutory burial.

That seems to have been the condition, and it was so stated in the various resolutions which were adopted here and in party platforms until we were informed by the President of the United States in his recent message that the gold standard is the "existing" standard in this country. He adopts, then, the principle which was enunciated in the Indianapolis platform of going back to 1853.

Mr. President, this is the condition which surrounded the almighty dollar. I shall not enter upon any eulogy of that dollar; but it has sacredness and purity. The question has been debated over and over again, yet we have a respect for it; and now, when a doubt exists in the popular mind as to whether the gold standard really exists or not, we have here a bill introduced by the party which is predominant not only through its thousands of officials throughout the country, but predominant in the House of Representatives and in the Senate, and controls the executive department, all adhering to the doctrine that we must have the gold standard. The question is, Will it be of benefit or injury to the people of this country? I shall have something to say about that, Mr. President; but before I do I wish to proceed a little further in reference to the silver dollar.

England, as has been stated by my friend on my right, who has just addressed the Senate [Mr. TURNER], did away with her silver and demonetized it in 1816. The other day I heard a remark made by the senior Senator from Colorado [Mr. TELLER] which struck me with force. He said that he defied any man to show him any great country that was known to the history of the enlightened world which had adopted the single gold standard which was not injured by the adoption of that standard.

In furtherance of this idea I had occasion to look into some statistics, which are startling. Cast your eye for a moment to that great power, England, which seems to be the head and front of this offense, and contrast for a moment the former and present condition of the subjects of that Kingdom—Empire. To say nothing of her crushed and starving millions in India, from whom she a few years since took even the right to coin, in a small way, silver money, go to her boastful island itself and see the former and present condition of her bone and sinew, the laboring population.

In 1816 England demonetized silver. That was the first great power we know of in modern times, at least, which had taken such action; and when she did it, what was her condition? Turn to the statistics, and you will find that 60 per cent of her laboring population, the plain people, as Mr. Lincoln called them, were the owners of their own homes and lived under their own rooftree.

Look there again, twenty years later, and an examination of the statistics will show that, instead of 60 per cent, there were only 40 per cent who owned their own homes under the grinding centralizing power of the single gold standard, and from that time on during every decade the per cent of ownership of homes has lessened, until now you can rarely find a man who labors for his bread—the man who tills the soil, or the man who works in the great factories in the cities—who is the owner of the house in which he lives. Such has been the inroad, such has been the course and curse of the single gold standard.

It is centralizing in its power; it makes the rich richer and the poor poorer. That has been the history everywhere of the single gold standard, and it will in the future, when our population becomes more dense, be so with us. Therefore, we ought, with all the power within us, strive to maintain our silver dollar with its 371¼ grains, as adopted by Jefferson and Hamilton, with the aid of Rittenhouse and Bowdrich. Let us hold to it, Mr. President, as to an anchor of safety.

Again, look at France. While all this was going on in England, impoverishing the people and taking away from them their homes, go across the fretful English Channel into France, and what do you see? You see upon the sunny banks of the Seine, where nature smiles in beauty, and upon the vine-clad hills of the Rhone, where the grape clusters and yields to the wine press its imprisoned sweets—go there, and what do you find? There almost every man owns his own home and sleeps under his own rooftree and cultivates his own garden and vineyard, and there is no one to molest or make him afraid.

They are small farmers as a general thing, and when trouble came, when the storm of war came with its angry clouds bursting upon them, when the hordes of Germany were thundering at the gates of Paris in 1870, with the cry of "Væ victis," demanding millions in coin or blood, what did they do? They did that which no other people on earth could have done in so short a time—paid the milliards as a ransom of their capital, and paid most of it in silver coin. Those owners of their own homes drew from their pockets and the women from their stockings the silver coins which thrift and economy had, under the silver Latin Union then in vogue in France, enabled them to lay aside for a rainy day. They were then free from the grinding power of a single gold standard.

Now, I might cite other countries to illustrate this, but am content not to extend my criticism further in this direction than to place, as I have, in contrast, these two great European powers. It shows that when a nation demonetizes silver and establishes the single gold standard it disturbs the proper business relations, giving advantage to money over labor, and enriches the one and impoverishes the other.

I have, Mr. President, rather parenthetically gone out of the line of what I intended to say; but to resume my criticism, this substitute of which I am speaking also provides for deposit of gold coins and the issue therefor of gold certificates.

I believe the first bill that was framed and given out touching this very vital question was prepared by a select committee of Republicans in vacation, which was presented to the House Republican caucus and discussed by it and molded into the shape of the House bill now before us; which in turn has been superseded by the substitute of the Senate Finance Committee, which is also before us for discussion. It will be observed that in each and every bill the destruction of silver money as a standard and the establishing of gold as a single standard, together with the conversion of coin bonds into gold bonds, are leading features. Indeed, they are the essentials in each bill, and should be so regarded.

The House bill passed the House by Republican votes, and the Senate substitute, differing in some respects from it, will doubtless pass the Senate substantially in its present form by Republican votes, bringing about, as no doubt originally designed by their authors, a conflict which will result in throwing the House bill and Senate substitute into a committee of conference of the two Houses, and this is the diplomatic condition, no doubt, intended from the beginning of this discussion in which to place this contention. In this conference committee such changes will be made as the power behind the throne may desire, and on this report the final issue will rest. In this report the danger lies—the main features, if not the form, of this report are doubtless already understood by the controlling spirits of the Republicans in the Congress, and will finally work out, as originally designed, under party discipline. My grave fears are that it will pass in an ugly form and be detrimental to the rights and interests of our people.

It—this substitute—provides against the issue of United States notes and Treasury notes in denominations less than $10, and for the cancellation of all such notes of less than $10 when received in the Treasury and also that silver certificates shall not be issued for more than $10, and all such certificates of greater value than $10 shall be canceled when received in the Treasury, thus decreasing the circulation, for an increase of which there is so much demand.

The substitute also provides for further issues of Government bonds to be exchanged for outstanding bonds. That is a most startling proposition. Why, I ask, should that be done, converting them into gold and giving, as I shall show, longer life to the banks? Mr. President, why is this done? Why is it necessary at this time, when they say that prosperity abounds in the land? Why, at a time when the President in his message tells us we are paying gold in all of our transactions, is it necessary to place upon the statute books that which will condemn the silver of the country and result in the issue of bonds that will be payable, principal and interest, in gold? I have heard no sensible reason, and I think none can be given.

But there is a reason which is behind the scene. It is under the curtain and you can not see it exactly, but it is so. What power was it that brought this bill about? Was it not the national banks of this country? No sensible man denies that fact. What was the situation of the banks then before the issuance of the bonds by Mr. Cleveland in 1894-95, amounting to $162,000,000? Let me read for a moment from the Treasury report. We had then and have now how many bonds?

The amount of bonds outstanding July 1, 1896, was as follows: Four and a half per cent bonds continued at 2 per cent, $25,000,000; 4 per cent bonds of 1907, $559,000,000; 5 per cent bonds of 1904, $100,000,000. Then come the Cleveland bonds—4 per cent bonds—$162,000,000; that is all. It makes about $847,000,000. It is known to every intelligent man, especially those who have read with care the bank act under which the national banks are now doing business, that the banks are required to have money issued only at 90 per cent on the dollar. They could not go beyond that. This bill provides that it shall go to the full face value of the bonds.

It was essentially provided in this law that they should take these bonds of the United States—not State bonds or corporation bonds, but bonds of the United States—upon which they are to base their operations, and which are liable for any forfeiture or any failure to meet the obligations of that bank in any form. That now is essential. They had, exclusive of the Cleveland bonds, $685,000,000. How many banks are there in the United States? More than 3,500, with a paid-in capital of more than $605,000,000. So when the bonds due in 1907 are taken up, there will be but little left to bank on. They could not get a sufficiency of bonds, and the banks are increased in number and enlarged as our country builds up and the business demands it. Therefore more bonds were necessary in order to sustain the banks and give them a safe basis of operation, or an additional capital upon which they might do business. Therefore the banks must have more bonds.

I shall not, even by intimation, accuse Mr. Cleveland of doing that demanded by the interests of the banks when he issued the $162,000,000 of bonds, but nevertheless it so operated that it gave additional strength to them. Mark you, the point to which I wish to especially direct the attention of the Senate is that these bonds expire by their own limitation in 1904 and 1907—and they are all coin bonds, every one of them. They all expire then except the bonds issued by Mr. Cleveland expiring in 1925.

There are then of the bonds which fall due in 1904, $100,000,000; they are 5 per cent bonds. There are also $559,000,000 of bonds which fall due in 1907, and there are only $25,000,000 of 2 per cent bonds. They extended these last-named bonds by grace; they have been continued over; they are overdue and are retained by the holders at 2 per cent. There are $25,000,000 of those. I do not know whether they are subject to use as sources of bank circulation or not. I suppose, as they are overdue, they are not. Including the Cleveland bonds there were only $847,000,000 subject to being used as a basis for banking operations. Take the $162,000,000 off, and you have only about $685,000,000 upon which the banks can operate, and nearly all those will be due in 1907.

Now, the banks see that they would have to go out of business in 1904 and 1907 unless there is a new supply of bonds. There have been a hundred and ninety-eight million dollars of bonds issued during the Spanish war by the President which might be operated upon, but five hundred and fifty-nine million will go out in 1907 unless renewed, and this would leave the amount required insufficient and the banks would have comparatively nothing to operate upon. They must either quit business or convert their bonds into those of longer life.

They seek in this bill to renew the life of the bonds. They make it a bond for twenty-five or thirty years longer. It is the renewal and extension of the life of the bonds they are after, so that the national banks of this country may flourish under existing laws. That is, in my opinion, one of the main secrets of this bill. The banks are at the back and bottom of it. They are, doubtless, instigating those who have fashioned the bill in this shape. That is not in the interest of the main body of the people of this country.

I object to national banks for various reasons. They are the greatest of centralizers, and one of the great dangers to this country is centralization. Yes, sir, it is going on and on, and through the instrumentality of national banks in part it is being done, and another mode by which this centralizing movement is being effected is the establishment of one money metal instead of retaining both silver and gold.

The authors and promoters of this bill have the power in the House; they have it in the Senate; they have the Executive. All official influences are upon their side, and I believe that the Executive will approve the bill, should it pass, notwithstanding the President has been regarded as a self-announced bimetallist. Legislation in favor of enlarging and extending the powers of national banks ought to be checked.

Furthermore, Mr. President, the substitute also provides for increasing the issue of national-bank notes to the par value of bonds deposited to secure circulation. It reduces the taxation of national banks from 1 per cent to one-fourth of 1 per cent each half year, or one-half of 1 per cent yearly—that is, one-half as much as the present law requires.

I observe no provision in the substitute for smaller national banks. If allowed at all, they should be allowed in the country as well as towns and crossroads if wanted and the law conformed to, and not concentrate them in cities, as this bill does, with large capital, thus centralizing financial power.

It is surprising that the initiation of a monetary policy thus fraught with so many departures from the principles and precedents of more than a century of our financial history should have been accompanied with a panic in the stock markets little less disastrous than that which made "Black Friday" a memorable day on our financial calendar, so much so that the Secretary of the Treasury, whether rightfully or wrongfully, did go to the relief of the bankers of New York and, as they boastfully say, relieved their panic, showing that when you undertake to establish the gold standard and to exclude silver from circulation and lessen your currency, as this bill does, the very motion excites the alarm of the speculators and the money dealers of the country and precipitates a panic.

But these national banks, permit me to say, have the absolute power to precipitate a panic at any time. The touch of an electric button in New York will get its response in a half hour or less from San Francisco upon the Pacific coast, and between them there can be a panic precipitated on the country. We are putting ourselves in the power of the banks, and they can give flush times or hard times at will. We should legislate against any such power.

Thus at the first serious intimation that the Congress intended to abandon every promise made on the platforms of both political parties and inaugurate a standard of value on the principle of a single money of ultimate redemption, we see developed in the money exchanges a storm center from which came the cyclone which swept away the values which the alleged prosperity was

represented to have firmly established. It did it almost in a day, to a very large amount.

Thus the very first appearance of gold monometallism in this Congress was accompanied with the rumbling and threatening of the return of one of those cycles of business adversity which follow close on the heels of factitious prosperity. And the settlement of accounts on the 31st of December, 1899, was overshadowed by the "slump" in the prices of all investments, whether of a permanent or speculative character.

Mr. President, if "coming events cast their shadow before," the factitious prosperity upon which so many hopes have been founded may prove to be the hectic flush and not the ruddy glow of returning health to the body politic. The enormous expenditure of the Government incident to the war with Spain, as well as those which keep pace with our Army in the Philippines, has stimulated some business enterprises and given an impetus to trade in certain lines without spreading prosperity over the States. A rise in all prices followed by a general advance in values of property are the indicia of genuine prosperity, but a partial rise of prices in certain articles, with stagnation in the values of property, imposes a higher cost of living without providing the means of meeting its demands.

Five years after the crime of '73 had been perpetrated, and when it was in the green and tender state, Mr. Blaine said:

I believe the struggle now going on in this country and in other countries for a single gold standard would, if successful, produce widespread disaster in the end throughout the commercial world.

That, my fellow-Senators, on the other side of this Chamber, is not the expression of the conviction of a Democrat; it is not the prophecy of a Populist, but the well-considered judgment of the man who was in his lifetime the leader, the Henry Clay, of the Republican party, and whose words were the golden apples for which Republicans scrambled over each other on every utterance.

If Mr. Blaine could revisit the "glimpses of the moon" that struck the Republican party when it formulated this financial policy, what would he say? One can only infer from what he predicted of legislation like this that—

The destruction of silver as money and establishing gold as the sole unit of value—

Exactly what the bill does—

must have a ruinous effect on all forms of property, except those investments which yield a fixed return in money. These would be enormously enhanced in value and would gain a disproportionate and unfair advantage over every other species of property.—*Congressional Record*, Forty-fifth Congress, second session, volume 7, part 1, page 821.

When those words were uttered by Mr. Blaine there was no greater political insult that could be offered to Republican or Democrat than to charge him with being a "Gold Bug."

At the same time that Mr. Blaine uttered the language I have quoted, the Republican party in Congress further enacted what are known as the Stanley Matthews resolutions, in the Forty-fifth Congress, which were as follows:

Senate concurrent resolution No. 22.

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it is provided and declared that the faith of the United States was thereby solemnly pledged to the payment, in coin, or its equivalent, of all interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same shall be paid in lawful money or other than gold and silver; and

Whereas all bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin at the then present standard value, bearing interest payable semiannually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payment," approved January 11, 1875, are required to be of the same description of bonds of the United States described in said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value at that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sum whatever.

I will read the resolution itself; it is short; it is very clear, and, if carried out, perhaps no resolution which has been introduced in Congress in modern times could have more effect:

Therefore,

Resolved by the House of Representatives (the Senate concurring), That all the bonds of the United States issued or authorized to be issued under said act of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

Language could not be put together stronger or more clear and conclusive. Not only that, but the Republicans indorsed the bill in the Senate and in the House, and those who were present voted with him upon this question; and it has been said here, and I believe truthfully said, that you can not find a leader or a man who posed as a leader of the Republican party to-day or since that time who has not indorsed at one time or another in full that resolution and who has not been in favor of the remonetization of silver and opposed to its demonetization. They were always opposed to the issue of gold bonds in every instance.

The Republicans voted against issuing bonds and gave as the reason that they did not want to issue gold bonds, but coin bonds. Mr. Cleveland some years ago sent the figures to us, who were then in the Senate and House, showing that he could give us $16,000,000 advantage by way of interest if he had authority to issue gold bonds, and they refused to do it then. The Republicans as well as Democrats refused to do it. Why? Because they did not want gold bonds. That is the reason. Yet now, presto, change! we find our Republican friends on the other side advocating not only the issuing of gold bonds but making gold the single standard.

The declared policy of the United States by those resolutions of Congress was to strengthen the public credit by declaring that all bonds were payable in coin, and that such payment in silver dollars was not in violation of the public faith nor in derogation of any right of the public creditor. I come now to the act to repeal the purchasing clause of the Sherman law, that act in which we all figured here and in reference to which we remained so long in our secret caucuses on each side, and when we, the two parties, were balanced in this Chamber almost to a man and all these troubles came upon us (in 1893) and for which many politicians, on our Democratic side at least, have been condemned for voting to repeal the Sherman law, Tennessee presenting two or three notable instances; for the Democratic voters there have always been for silver having equal rights with gold and not for a single gold standard.

Politicians, under the influence of an Administration remarkable for its strong personnel, seeking patronage from it and receiving now and then a little taffy that flatters vanity, do sometimes go too far in trying to keep in with the Administration and are forgetful of the rights of their constituents and subsequently are condemned by the people for so doing. No one remembers all those troubles in 1893 more than the Senator from Iowa [Mr. ALLISON], whom I see before me, and justly one of the leaders of his party then and now, as do other Senators present among our friends the enemy, on the other side of this Chamber.

So, as late as 1893, when repealing the purchasing clause of the Sherman Act of 1890, it was again declared "to be the policy of the United States to continue the use of both gold and silver as standard money" as well for the bondholder as for the citizens. Then the policy of the Republican party was to "strengthen the public credit" by paying bonds in silver. Now, the financial scheme under consideration, whatever form it may take, proposes to change the public policy of all previous legislation, and by that change in redemption from "coin" or silver dollars to gold, to give to the present holders of bonds that increase in value which gold has over silver.

What magic words! Four little letters—to substitute one for the other—what difference it makes! "Coin" has four letters; "gold" has four letters. Substitute one for the other, and what does it do? It puts $60,000,000, according to Mr. MCCLELLAN, of New York, into the pockets of the bondholders as a bonus. That is what the change of these four little letters from coin to gold means. Substitute one for the other, as in this wicked bill, and you see the result. I am against such a change. I do not believe it best and proper for the country in its commercial, social, and business relations, or in any other way that will benefit the vast mass of taxpayers and consumers who constitute the bone and sinew of our country.

As said, it has been estimated to amount to $60,000,000 (by Mr. MCCLELLAN of New York, in the House of Representatives) alone upon the issue of bonds maturing in 1925. Those are the Cleveland bonds, a handsome present, I may say, to the bondholders, taken from the pockets of the people; $60,000,000 that could be saved by keeping in the word "coin" instead of taking it out and putting in the word "gold." There are sometimes certain policies and there are certain other policies embodied in the same movement. One of our misfortunes is that we can not always see the bottom of the well. There are policies that are open and aboveboard, but there are others which we can not see and can not find until too late.

Never before in the history of the country did any political party so openly abandon the policy of "strengthening the public credit" for one increasing the profit of corporations. That is what this bill does for corporations and especially for banks. It is worthy of note that the Stanley Matthews resolution not only made the bonds redeemable in coin, but made coin synonymous with silver dollars, and recited those separate acts of Congress in support of the provisions of those resolutions, viz., the act of March 18, 1869; the act of July 14, 1870, and the act of January 11, 1875, each and all of which made the financial policy of the country to be understood as declaring silver the equal of gold as money of redemption for Government obligations.

This resolution is in keeping with the Constitution. "Coin" is the word used in the Constitution, and that instrument itself interprets the meaning of "coin" when it says no State shall have a legal tender in payment of debts but gold and silver—not one alone, but both—and makes no distinction between them.

I do not understand why the constitutional point could not be made upon this matter, for you can not by act of Congress destroy silver as a full and complete debt payer in the States. The Constitution itself forbids it. You have to do away with a portion of the Constitution before you can destroy it. Any debt in any State can be paid in silver as a legal tender, for the Constitution says a State shall make nothing but silver and gold legal tender.

The profit which Mr. MCCLELLAN estimated for the bonds maturing in 1925 applies equally to all of the United States bonds now outstanding, which are—

4½ per cent bonds, continued at 2 per cent	$25,364,500
4 per cent bonds due 1907	559,636,850
5 per cent bonds due 1904	100,000,000
4 per cent bonds due 1925	162,315,400
4 per cent Spanish war bonds	198,000,000

Thus over $1,000,000,000 of bonds, payable by their terms in coin, have been appreciated in value to the holders by percentage varying from 15 to 25 per cent.

You will find that the time will not be very long before some of these other bonds will be issued. I doubt very much if it will be before the ides of next November, for reasons best known to the Republican party; but you will find that the remainder of the $400,000,000 of bonds that are authorized will be issued, and they must be gold bonds then, under this law, if you pass it.

This financial scheme not only mortgages the resources of the people of this country to pay gold bondholders a profit not "nominated in the bond," but adds to that unnecessary burden that of redeeming in gold $98,026,280 Treasury notes issued under the Sherman law of July 14, 1890, as well as the greenbacks legal tenders, amounting to $346,681,016, together aggregating $435,707,269. And further, the Secretary of the Treasury, by either wing of this financial policy—the House bill or the Senate substitute—may, in his discretion, redeem silver dollars and silver certificates in gold by a roundabout process, and that notwithstanding Treasury Circular No. 123, of 1896, declares, in substance, that—

Silver dollars, standard coins of the United States, are not redeemable.

Why are they not redeemable? Simply because they are standard, and being a standard, you can not redeem them, for they already stand at the highest point. The language used in that Treasury circular is:

Gold coins and standard silver dollars, being standard coins of the United States, are not redeemable.

But, Mr. President, the advocates of this bill say they will go on and coin some of these silver dollars and that the bill proposes to do it. Well, I may very pertinently ask, For how long can that last? Do you provide by this bill the right to purchase silver or in any other way to prepare to coin it, as was formerly done? Do you let the owners of silver go and submit it to the mint to be coined free, or by paying for doing it? No. Do you propose to keep a supply by any means whatever? No. Then, just as soon as you exhaust the little amount of silver you have on hand, no more standard silver dollars can be made.

"Silver certificates are receipts for standard silver dollars deposited and are redeemable in such dollars only" until this financial scheme makes them exchangeable by the hocus-pocus of its "division of issue and redemption," in House bill, or its "reserve fund" or its "general fund of the Treasury," in the Senate substitute. Every provision of the scheme runs to the advantage and profit of the bondholders, who are the stockholders of the national banks.

The criticism of President Cleveland by Mr. McKinley on the tendency of the former toward all that was harmful in financial policy reveals the inconsistencies of men and parties when in the evolutions of politics they abandon pledges and principle.

I have the highest respect personally for the President of the United States, Mr. McKinley, but he is but mortal, and sometimes he makes mistakes. Anyhow, he was upon one side of this question some eight or nine years ago and is now on the other. I make a witness of him now as to the correctness of our position to-day and the error that the other side of this Chamber are making when they pursue the course that they have marked out in this bill.

Mr. McKinley said at Toledo, Ohio, in February, 1891, not so long ago, but long after the act of 1853, which, it is said, did away with silver and established gold as the standard—I will read what Mr. McKinley said, and I tell you this is very sharp criticism. It is not exactly personal, and it is not that which ought to be stricken from the speech of a Senator because it is scandalous or too personal, but, my fellow-Senators, it is about as strong and rough as language can be used against the policy which you are pursuing here, and it is by the chief of your party, the President of the United States. Here it is. I read it:

During all of Grover Cleveland's years at the head of the Government he was dishonoring one of your precious metals—one of your own products—discrediting silver and enhancing the price of gold. He endeavored, even before his inauguration into office—

Mr. Cleveland did, says Mr. McKinley—

to stop the coinage of silver dollars, and even afterwards and to the end of his Administration persistently used his power to that end.

He used his power to that end. Does anyone dare say that the President is not now using his power to that end? You will see when this bill is presented to him whether he will approve it or not. I believe he will. It is the very same thing which this Administration is now doing along the same line. Continuing, Mr. McKinley said:

He [Cleveland] was determined to contract the circulating medium and to demonetize one of the coins of commerce, limit the volume of money among the people, make money scarce, and therefore dear.

That is the language Mr. McKinley applied to Mr. Cleveland when President, and pray is he, President McKinley, not now doing the same thing in a more aggressive and objectionable form? Mr. McKinley continues in the same censorious style:

He [Cleveland] would have increased the value of money and diminished the value of everything else—money the master, everything else the servant. He was not thinking of "the poor" then. He had left their side. He was not standing forth in their defense. Cheap coats, cheap labor, and dear money. The sponsor and promoter of those professing to stand guard over the welfare of the poor and lowly.

But the finish of this has the most poisonous sting to it. He concludes his tirade on President Cleveland in the following terse, pungent, and epigrammatic style:

Was there ever more inconsistency or reckless assumption?

I answer, Never!—until this Administration and this financial policy became the pet scheme of President McKinley and his Administration, when the "mote" in the eye of Grover Cleveland became the "beam" in that of Mr. McKinley.

Mr. McKinley in 1891 was the ardent advocate of silver, the passionate defender of bimetallism, the earnest opponent of demonetization of silver; but he has lived and learned to follow the footsteps and adopt the measures of Grover Cleveland. In his last message I find this extract, which Grover Cleveland might have written without the least recantation of previous opinions or the least ground for any charge of inconsistency:

I urgently recommend that to support the existing gold standard—

Was the gold standard less "existing" then than it was when the Toledo speech was made?—

I urgently recommend that to support the existing gold standard, and to maintain "the parity in value of the coins of the two metals (gold and silver) and the equal power of every dollar at all times in the market and in the payment of debts," the Secretary of the Treasury be given additional power and charged with the duty to sell United States bonds and to employ such other effective means as may be necessary to these ends. The authority should include the power to sell bonds on long and short time, as conditions may require, and should provide for a rate of interest lower than that fixed by the act of January 14, 1875.

While there is now no commercial fright which withdraws gold from the Government, but, on the contrary, such widespread confidence that gold seeks the Treasury, demanding paper money in exchange, yet the very situation points to the present as the most fitting time to make adequate provision to insure the continuance of the gold standard and of public confidence in the ability and purpose of the Government to meet all its obligations in the money which the civilized world recognizes as the best. The financial transactions of the Government are conducted upon a gold basis. We receive gold when we sell United States bonds and use gold for their payment. We are maintaining the parity of all the money issued or coined by authority of the Government. We are doing these things with the means at hand. Happily at the present time we are not compelled to resort to loans to supply gold. It has been done in the past, however, and may have to be done in the future.

It behooves us, therefore, to provide at once the best means to meet the emergency when it arises, and the best means are those which are the most certain and economical. Those now authorized have the virtue neither of directness nor economy. We have already eliminated one of the causes of our financial plight and embarrassment during the years 1893, 1894, 1895, and 1896. Our receipts now equal our expenditures; deficient revenues no longer create alarm. Let us remove the only remaining cause by conferring the full and necessary power on the Secretary of the Treasury and impose upon him the duty to uphold the present gold standard and preserve the coins of the two metals on a parity with each other, which is the repeatedly declared policy of the United States.

In this connection I repeat my former recommendations that a portion of the gold holdings shall be placed in a trust fund from which greenbacks shall be redeemed upon presentation, but when once redeemed shall not thereafter be paid out except for gold.

Mr. President, every great Republican party leader throughout the political course of that party has been the opponent of the gold standard, the supporter of bimetallism, the friend of greenbacks and Treasury notes, and not one would recognize their ideas of Republican finance in this bankers' bill for the establishment of gold monometallism.

What does this financial scheme, whether of the House or Senate, do for any other interest than that of corporate and accumulated wealth? There is not a feature in any section of either House bill or Senate substitute that carries a sympathetic note to

the hardships and sufferings of any but those capable of reciprocating favors when the Presidential election comes around. The great farming and planting interests of the people in many of the States have experienced the rise in the prices of nearly all they have to buy without receiving any increase in the prices for what they must sell. They witness their products swelling the volume of their country's exports, but they do not realize any increased returns to their purses.

The gold standard acts "after the fact," so far as farmers are concerned. It may swell the profits of speculators in grain, tobacco, wheat, meats, cotton, rice, and other agricultural products, but it brings no help or relief to the agriculturist. It may hold out to the speculator the blessing of a 100-cent dollar, but it keeps for the producer the 50-cent dollar, supported only on the promise of "parity," and how long, pray, will that promise be kept? How long will that promise be kept when there is nothing to provide for a sufficient amount of money to do the business of the country?

In this financial scheme we have the abandonment of the promises and pledges of maintaining bimetallism made on many party platforms and avowed with solemn protestation in every Republican speech. The pledge of "parity" rests on no greater sanctity than that on which the maintenance of bimetallism was solemnly given. How long will the pledge of parity be kept? It can be abandoned by the repeal of the law, and it will be abandoned when the powers behind this bill make that demand. Parity and gold monometallism can not live together in the same monetary system. It requires two metals of standard value in order that parity may exist.

If you take this away from silver, how can you have parity? Their separation will not be compelled prior to the next Presidential election, but with the return to power of a Republican Administration and Congress the divorce a mensa et thoro will follow.

Mr. President, the only hope for silver as a money of ultimate redemption rested on the possibility of free coinage by the United States. That hope this financial scheme destroys certainly for a time, and it is too much to expect that gold monometallism will long carry the burden of "parity" with a depreciated coinage. The hour when parity will be abandoned will come and come quickly after the reelection of a Republican President and Congress, should that occur; and parity repealed, the holders of silver and silver certificates will realize the loss, while the more prudent speculators, always alive and alert, will pocket the profits of the gold standard.

The silver certificates float only on the promise of parity, and that exists only in the statutes, repealable by Congress; and with another Republican Congress and Executive the power behind this bill will assert its authority and compel the full fruition of gold monometallism.

I am one of those who believe that silver is not dead. It seems that you may strike it down, and yet, like the antique wrestler, in the olympian contests, it rises the greater for the fall. Silver belongs to the people; it is domestic; it is the friend of the poor; it is the handmaid of charity; it belongs to commerce; it belongs to the world; it is recognized by our Constitution; it was given us by God; and, sir, we can not strike it down so that it will not rise again. Whenever hard times come, when speculations have run rife in this country, leaving, as is generally done, a charred and blackened track, and the people have become embarrassed and disheartened, then they willturn about, and, remembering what virtue there is in silver, will bring it back again, through the ballot box, and renew this battle for silver. It has not been dead in the last few years. It is not dead now. You can not kill silver. It has a God-given life. It is more useful than gold. It sleeps in the same mountains with gold, is found in the same rocky bed and will not remain separated. There must be bimetallism. It is necessary for the success of the commerce of this country, as for all its business and social relations.

Gold monometallism, "the standard of the most enlightened nations," that is the phrase of the Republican platform which concealed the purpose now avowed in this financial scheme to abandon bimetallism. There has been some dispute in the public press as to the authorship of that platform. I will not speak at length upon it, but whoever he may be he illustrates again that art of Talleyrand which employs words only to conceal purpose. So long as the United States maintained by parity two metals in its currency it was, according to the Republican platform, outside of the enlightened nations.

So, in order to bring us within that pale, this Administration perpetrated that practical joke of an international silver conference, at which France united with the United States in the agreement as to silver, and the joke took a serious outlook. But England saved the day for gold monometallism, and bimetallism was found to be no longer practicable, since the most "enlightened nation," Old Mother England, refused to unite in maintainingsilver on an equality with gold.

The single standard of gold had been her policy for more than half a century, and under its operation the world—all other enlightened nations—had become her debtors and she could see no reason for reducing the standard of the money in which the debts owing to her must be paid. So this Republican Administration and Congress, having pretended toward a conference for international bimetallism and England not agreeing, they promptly abandoned every pledge and promise of their platforms except that of following in the footsteps and imitating the policy of England, and this financial scheme is the outcome and fruit of that international bimetallic conference, and abandons bimetallism and puts the United States as a "second best" to England in the race for gold monometallism.

The State Department of this Administration is reported in the public press to have secured the cooperation of the most enlightened nations in keeping "open" the trade doors of China, where silver is the only money known and used, while gold is merely an article of commerce: and when the merchant from the United States enters that "open door," he must sell by weight the golden dollars of our currency for the silver pieces of the Chinese.

Have you thought of that? When we go to China with our money we have to sell the gold by weight, because they have only silver coin there. Whether that barter of our gold currency will help our commerce is to be ascertained only on trial.

This experiment of gold monometallism has therefore no sanction in the public will, no precedent in party politics, no support in the conditions of trade, business, and commerce, no reason in the state of our finances, and no justifiable cause in the alleged prosperity of the people. What, then, has brought it about?

While the people had voted almost solidly against gold monometallism, as I have shown, there was a potent influence, small and insignificant in numbers, but powerful in its "pull" on political parties, which demanded its "pound of flesh" cut from the very heart of the people. By this financial scheme all Government bonds heretofore made redeemable in "coin" are made redeemable hereafter in gold, and now the essence and doctrine of the Indianapolis convention is adopted by the Republicans.

If that change in the character of redemption creates an increase in the value of the bonds, by what authority and on what principles of finance was that increase in value given to the holders of bonds already bought on a coin basis? What sound reason existed for making a present of that increase in the value of the bonds to the present holders?

But two Congresses past the President, Mr. Cleveland, asked for authority to issue gold bonds on the plea that many millions of dollars would be saved to the Treasury. And notwithstanding the country was to have the advantage of that increase in value, the country and the Congress refused Mr. Cleveland the authority to issue gold bonds. It was then stated that a 3 per cent gold bond would net the Treasury as much and perhaps more than a 4 per cent coin bond, but the Congress refused the temptation because it was a step in the direction of gold monometallism, and the Republicans voted against it, as well as did the Democrats.

Not for the profit of sixteen and a half million dollars, which a change from coin to gold would have earned the Treasury on a scale of $65,000,000 of 3 per cent gold bonds, would the Congress or the people take the initial step toward gold monometallism. The Republican party in the House of Representatives, in the debate on resolution No. 275, on the 14th of February, 1895, appealed to the following provisions of its platforms as reasons why it would not vote to issue a gold bond, and I want no better reason than they give themselves. In 1888 that party declared that—

> The Republican party is in favor of the use of gold and silver as money, and condemns the policy of the Democratic Administration—

Cleveland's—

> in its efforts to demonetize silver.

That was said in the House of Representatives by Republicans. In 1892 it declared:

> The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of gold and silver as money.

These extracts from party platforms were read on the floor of the House by the floor leader of the Republican party as "the declarations of our (Republican) party, and, Mr. Speaker, as one faithful to this party declaration, I can not vote for this measure"—gold bonds.

But, Mr. President, all that has been changed and the bondholder, not the taxpayer, is now to reap all the profits of a gold bond over a coin bond. The people "are not in it," as the phrase goes; only the bondholding class. And that class is largely the stockholders of national banks and come in for another nice plum in other sections of this financial scheme for the relief of the classes at the expense of the masses.

The greenbacks, which stood the shock of war and held their own when all else felt the depressing influence of the crime of '73, and which have weathered every storm that has blown across the financial world, are to be impounded in order that the national banks may have no rival in the expansion of their notes and may still further increase the issue of their notes and the

profit thereon. To the profit on a gold over a coin bond, said to be 25 per cent, since a 3 per cent gold bond would sell for more than a 4 per cent coin bond, there is added by this scheme the profit of increased circulation, and both profits go to the stockholders of the national banks.

What part the money power in this country has taken in the preparation and passage of this financial scheme is known only to those who enjoy its confidence and share in the contributions of its wealth. But there is one feature in this financial scheme, an earmark of the money power, which can not be mistaken.

The power given to the Secretary of the Treasury to issue bonds at his pleasure effectually sidetracks the Congress, mortgages every interest of the people at the discretion of a single officer, who, from his official duties, is far more connected with and interested in the money power than in the popular prosperity. That power never came from the people and is not likely to be used for their benefit. For the "endless chain" of greenbacks this bill substitutes an "endless chain" of bonds running uninterruptedly from the Treasury to the banks and back to the Treasury.

On the 6th day of December, 1899, there were in the Treasury $238,065,588.87 of gold; there were in circulation Treasury obligations amounting to $483,870,133 for which gold could be demanded and must be paid under this bill. Such a presentation and demand would leave $245,804,544.13 of notes to be redeemed after all the gold had been paid out and require a sale of $200,000,000 of gold bonds to raise the amount required by the provisions of this financial scheme.

Thus it is placed in the power of the banks to create an "endless chain" of bonds payable in gold and bearing interest in gold, and all proceeds going into the bank vaults and leaving no returning tracks therefrom, lessening the amount of circulation.

The power of the national banks, already far too great, is increased by this bill, which turns over to them the right to issue all the paper money of the country. That creates a great bank trust and gives it a monopoly of the paper currency and increases the profits of the banks.

The voice of the people calls upon this Congress to suppress all trusts, combines, and syndicates of every character whose operations hinder the great law of competition in anything in which the people are interested, and both parties say it must be done; and now this financial scheme, shutting the issue department of the Treasury, shuts also that of the State bank and opens wide, without competition of the Government or State banks, the issue department of the national banks, and compels every man to make obeisance thereto. The power to establish small banks of $25,000 capital in country towns was provided by the original House bill, but has been totally abandoned in the Senate substitute, leaving the large banks in commercial centers to monopolize and control without competition.

As for myself I am in favor of State banks. I believe in local self-government. National banks are not consistent with local self-government. They can bring about a panic at will by touching a button in the East, whose effect will be felt in the western or central portion of the country; can advance or lower the price of stocks and bonds at will, and destroy the price of property, and then bring flush times by agreement, and thus precipitate a panic at any time. That is one of the great objections to this bill. I believe in State banks, and I believe in repealing the 10 per cent tax upon their issues.

Let them issue the money and have it at home. This bill is not local self-government, but it is centralization in operation and effect. With the State-bank system, based upon proper securities and under proper regulations, if a panic should occur it would be limited and less disastrous.

This financial scheme in either House bill or Senate substitute contains no help, no relief, no aid, and no assistance to any class of people but the rich and influential. It is another illustration of "taking away from him that hath not and giving to him that hath," making the rich richer and the poor poorer.

The motives which underlie a financial scheme so utterly destitute of public sanction and approval must be sought elsewhere than in that "general welfare" for which this Union was created and its Constitution ordained and established. There exists in the public mind an apprehension that the last Presidential election was won not in the forum of argument and debate, but was wrested from the consciences and convictions of the people through their fears and apprehensions, and not by fair and legitimate means.

The candidates and supporters of the Democratic party were held up before the people as a gang of socialists, red republicans, anarchists, and nihilists because their platform boldly declared against "government by injunction" and refused to accept a ruling of the Supreme Court as final and conclusive against an income tax which previous decisions of the court had sustained.

The Democratic party demonstrated to the people that with the mints of the United States open to the free coinage of silver as well as gold, the parity of the two metals would be self-acting and self-adjusting and no longer dependent on the provisions of a repealable law. We advocated an abundant supply of good money, not "cheap" money, but a supply of metal money equal to the needs of the whole country, rather than the "dear" money which a gold standard compels.

We, the Democrats, contended that property and the movements of trade should regulate the quantity of money rather than that the business of 75,000,000 industrious people should be handicapped and cramped by a supply of money controlled in the interest of the manipulators of banks, trusts, and corporations. We, the Democrats, have stood and stand square to every wind that blows for both the silver and the gold coins of the Federal Constitution, and denied the authority of the Federal Congress to divorce the two metals. We held that the right of legal tender of either silver or gold coins was so secured by the Federal Constitution that it was without the power of Congress to make either coins the sole legal tender in business or trade.

We, the Democrats, demanded that bonds payable in coin and bought with that knowledge on the part of the buyer should remain redeemable in coin, at the option of the Treasury, when presented for redemption. We, the Democrats, opposed the issue of interest-bearing bonds in times of peace, and that carried the moral obligation that Congress should neither create nor recognize the necessity for issuing bonds in times of peace, whether they were to be payable in coin or gold.

We accepted, as graciously as we could, the ruling of the Supreme Court that under the constitutional power to "coin money" Congress could authorize the Treasury to issue notes as currency, and that it was a plain principle of political economy that a non-interest-bearing currency provided by the United States was preferable to the notes of national banks based on an interest-bearing bond.

We, the Democrats, deprecated that "financial servitude to London," which this financial scheme inaugurates; and we believed firmly that the United States, now recognized as the most powerful nation on earth and as the wealthiest and most progressive people, could have and maintain its own financial policy of gold and silver at the ratio of 16 to 1, and that there was no power, either material or political or commercial, that could make us afraid to pursue our own policy on our own convictions as to what was best for our own interest; we felt that this great country, with all its wealth and power, was able to stand alone and face the frown of any power, interest, or potentate.

In that glorious pride of country we failed not before the reason and judgment of our fellow-citizens, but we succumb to what we believe to be the most stupendous fraud of the ballot and the most unprecedented apprehensions that our patriotism and our pride of country would not keep from wreck and ruin this mighty governmental fabric, freighted as it is with the hopes and fortunes of our too patient people.

This bill is the result of that defeat at the polls, and its patrons both in and out of this Capitol hope that its gold standard, its fostering care of national banks, its making an endless chain of bonds, its corralling of the greenbacks, and its manifest declarations that the Republican party is prone to give its aid to those who can return, in kind, the benefactions which this financial scheme distributes with a most liberal hand to corporate wealth will find its recompense and reward in the to-day of 1900. I say to our friends the enemy on the other side of this Chamber, "Boast not thyself of to-morrow, for thou knowest not what a day may bring forth."

When the near-by canvass of 1900 lays bare the ugly questions which are shaping up to it; when the open policies and the half-concealed policies and the no-policy course of the present Administration, having control of all branches of the Government, is held up before the calcium light of public criticism; when its new departure from doctrine long adhered to and sanctified by being in platform after platform, as is shown by this bill; when employees who win bread by labor feel the weight of accumulated taxes; when the small commercial enterprises that have been crushed by combines under this Administration raise their ghostly forms as witnesses; when trusts, unprosecuted by this Administration, have become rampant and defiantly rear their imperialistic crests, overawing trade; when the countless columns of countless millions of dollars expended by this Administration are made to confront the taxpayers in this 1900, it will be in order for the authors and promoters of this silver-killing bill to exclaim, "Boast not thyself of to-morrow, for thou knowest not what a day may bring forth."

Mr. ALLEN. Mr. President, the time is rapidly approaching when this measure is to be voted on, and whatever may be said in its support or in opposition to it must be said speedily. I have not had time to make as close an analysis of the measure as I had hoped to make, and therefore will not consume much time in discussing it. It is so radically different from my ideas of what a great monetary bill should be that it is very difficult to find in it anything that commends itself to my judgment.

The money question—and I use the expression in its most enlarged sense—is an important question, I believe the most important before the American people to-day, and it will continue so until it is finally settled upon a sound, honest, and scientific basis.

I am an adherent of silver and gold at the ratio of 16 to 1. If there be those who have heretofore advocated the free and unlimited coinage of silver at the ratio of 16 to 1 who have receded from it, I do not know them and I am not of them. If the doctrine was good in 1893, it has been good every hour and every day from that time to the present and it will continue to be good throughout the ages; and no mere change in commercial or industrial conditions—ephemeral, false, and deceptive as they are—can change the conviction of the American people on the subject of the relation of gold and silver. No such fleeting change will ever close the eyes of the American people to the fact that there has been a studied, constant, and sustained effort on the part of those charged with administering the affairs of the Government to discredit silver and to injure the industries and the industrial classes of our country, thereby to promote the interests of gold and the interests of the advocates of the gold standard.

It is not pleasant to think that any man or any class of men charged with the legislation or with the administration of the Government would be so far forgetful of their duty to the public, even to the humblest citizen of the land, as to be actuated by low and base motives; and yet I have never been able to bring myself to the belief that there was a lofty thought or motive or a pure purpose in the advocacy of bills such as the one now before the Senate. The measure is wholly selfish, sordid, greedy, sinister, and untrue to the interests of the people, and, if put in operation, will bring to this country more distress, want, and suffering than all the wars and pestilences and famines through which we have passed in our national history.

Mr. President, permit me to say that I am not an advocate of silver because I believe silver to be better money than gold. I believe it to be equally as good, but I advocate the use of both gold and silver. I am not the advocate of either gold or silver, because I believe either of them to be better than paper money, for I believe a well-regulated and limited volume of full legal-tender paper money to be as good as either or both.

I utterly repudiate the idea that there is any such thing as commercial value in money as money, but I will not discuss that question. That has passed into a conviction with me long ago. It is not open to debate any longer in my mind. I believe it is as well established as is any other established fact, yet I realize that a great many men hold to the barbarous doctrine—the monstrous doctrine, I may say; the illogical doctrine—that we can not properly use anything as money unless the material upon which it is stamped has a distinct commercial value equivalent to the value of money itself.

I have heard repeated here, over and over again, that it is impossible to create value by legislation. I heard the distinguished Senator from Rhode Island [Mr. ALDRICH] proclaim it in this Chamber some years ago.

Mr. ALDRICH. Never.

Mr. ALLEN. The Senator now enters a denial.

Mr. ALDRICH. I never proclaimed any such doctrine.

Mr. ALLEN. I am rejoiced to know that he is improving.

Mr. ALDRICH. No; I am not improving.

Mr. ALLEN. And that he now occupies a different position from that occupied then.

Mr. ALDRICH. I never occupied such a position.

Mr. ALLEN. Does the Senator now admit that legislation can affect values?

Mr. ALDRICH. He does.

Mr. ALLEN. I should like to get it on record. Let it be spoken loud enough, that the RECORD may contain it.

Mr. ALDRICH. I never held any other position, and I never expressed any other opinion, here or elsewhere.

Mr. ALLEN. In 1893, when we were discussing the bill to repeal the purchasing clause of the Sherman silver law, in which the honorable Senator from Rhode Island participated extensively, it was argued upon that side of the Chamber and by some upon this side that there was no power in legislation to affect or create values.

Mr. SPOONER. That is another thing—to "create values."

Mr. ALLEN. No; it is not another thing. If you can affect values by legislation, you can create and destroy, because that is what it means.

Mr. SPOONER. Well——

Mr. ALLEN. But, Mr. President, put that aside. I am glad to know there is progress even on that side of the Chamber, although it comes slowly.

Mr. SPOONER. Will the Senator yield to me?

Mr. ALLEN. Yes.

Mr. SPOONER. The power to destroy does not involve the power to create.

Mr. ALLEN. It may not——

Mr. SPOONER. A potato bug can destroy a potato, but it can not create one. [Laughter.]

Mr. ALLEN. Mr. President, I do not care to have the course of my remarks interrupted by matters that are calculated to create diversion.

Mr. SPOONER. I beg pardon.

Mr. ALLEN. This is a serious question with me; it is not a laughable matter to those concerned. I do not like to be made the butt of jests of that kind. They have no place here.

It was argued upon that side of the Chamber, and it was believed, if not argued, by some upon this side, that there was no power in law to create or affect values. I now understand the leader of the Republican party, the Senator from Rhode Island, to admit that they were wrong in 1893 and that my position is right now.

Mr. ALDRICH. Mr. President, if the Senator will permit me, I never occupied any such position in 1893, and I do not know of anybody upon this side of the Chamber who did occupy such a position.

Mr. ALLEN. I have been looking up the discussion of 1893, and I find by examining the RECORD that the Senator from Rhode Island was present, giving aid and comfort to the enemies of the people on that occasion. He was one of the gentlemen who voted to repeal the purchasing clause of the Sherman Act of 1890; and by his vote, by his associations, by his influence, and by what he said, he gave currency to the thought that it was not within the power of Congress to create or affect values by legislation. Now he admits that it is. The progress is somewhat slow and possibly painful, but nevertheless marked.

I was about to say, before engaging in this side discussion, that that question seems to have been settled by those who formed the Constitution and adopted it; for Congress is by that instrument given power "to coin money and regulate the value thereof." Certainly it must have been in the minds of those who framed the Constitution, and in the minds of the people who adopted it, that it was within the power of Congress to regulate the value of money.

What does "regulate value" mean? Can not regulation be carried to the extent of creating and destroying? "To regulate" certainly means to affect, to change, to move from one standard to another. If the value of money were a thing fixed by trade, then it was a work of supererogation in the fathers of the Constitution to invest that power in Congress. The power to control the volume of money, to issue money, and to regulate its value is a sovereign power which no Government has a right to alienate or to abandon. You might as well say, if you have a right to turn this power over to the national banks or to private institutions, that the power to tax the people, which is also a sovereign power, may be farmed out to private individuals and exercised by the few to the detriment of the many, as it was in Rome at one time in her history.

The power to raise armies and navies, which is part of the power to make war, and essential to national preservation, is a sovereign power; yet Congress has as much right to turn over to private individuals and private corporations the power to make war, to conclude peace, to raise armies, and to construct navies as it has to turn over the power to coin money and regulate its value.

Whenever we concede that Congress has the right to abandon one of these powers to be exercised by private institutions or individuals, we admit that Congress has the right to abandon all sovereign power and to turn over the Government in its entirety to private interests and to the few, and therefore, because this bill is an abandonment of the sovereign power to make money and to regulate its value, I am opposed to it.

In 1893, when we were discussing the money question here, another argument was made by the honorable Senator from Rhode Island; and I refer to him because he is the general tipstaff and major-domo of his party. That argument was that silver should not be coined on terms of equality with gold because the silver barons would make money out of it, and all over the country that argument was used by the advocates of the gold standard. They said it would not do to coin silver on terms of equality with gold, because if we did the silver miners, the silver barons—they became barons after a time—would make money out of it. And we all recall the drivel that was sifted out from the hustings about the 50-cent dollar, as though such a thing as a 50-cent dollar were possible.

How stands the argument in respect to this bill? Who is protesting upon that side against turning over to the national banks the right to make, by the issuance of their currency and by the retirement of the different forms of paper money and silver, more money than the "silver barons" in their wildest dreams ever expected to make? It was wrong in the owners of silver mines in 1893 to make money out of the people. So said our friends upon that side of the Chamber. It was wrong to put them where they were before the crime of 1873; and it was a crime against civilization and against the rights of the men, women, and children of

this country, let it be sneered at publicly or privately as it may. If it was wrong to coin silver at the ratio of 16 to 1 at that time because it would result in a benefit to a certain class of our citizens much greater in number than the beneficiaries of this bill, is it not for a like reason wrong in 1900 to pass this measure because its only beneficiaries will be about 3,500 banks? I am not the enemy of legitimate banks. I realize as fully as any man the necessity of banks of discount and deposit. In our complex civilization they can not be dispensed with; they are necessary.

But when they perform those offices they perform every function that properly pertains to legitimate banking, and when they are permitted to issue their notes as money they are invading the sovereign power of the people of this nation. There is where I draw the line, and there is where I believe the people will draw it forever.

Mr. President, this is a bill for confiscation. Our Constitution provides that "no State shall * * * pass any * * * law impairing the obligation of contracts." So the framers of the Constitution said. And yet this bill by its express terms impairs the obligations of all contracts, public and private. Now, is there any doubt about that? It may be said that while the Constitution prohibits a State from passing laws impairing the obligations of contracts that it does not prohibit the nation; and I admit that technically that statement is true.

Mr. SPOONER. There is a moral prohibition, anyway.

Mr. ALLEN. The Senator from Wisconsin very truthfully says there is a moral inhibition against it. Technically Congress can pass a law impairing the obligations of a contract and destroy the contract, because to impair its obligations means to destroy it in part or in whole. Is it wise for the Congress to do that which the Constitution has prohibited the States from doing in this respect? If there is an obligation on the part of the legislatures of the several States of the Union to preserve the binding force of contracts and their obligations, does not that obligation extend to the nation as a political entity? Yet, by the express terms of this bill the obligations of contracts are to be impaired and violated. I will read section 2 of the House bill:

> That all interest-bearing obligations of the United States for the payment of money, now existing or hereafter to be entered into, and all United States notes and Treasury notes issued under the law of July 14, 1890, shall be deemed and held to be payable in the gold coin of the United States as defined in section 1 of this act; and all other obligations—

Note the words—

> public and private, for the payment of money shall be performed in conformity with the standard established in said section.

There it is, an unblushing provision, impairing the obligation of contracts. Mr. President, under the terms of that section it would make no difference that a citizen had entered into a contract payable in so many silver dollars or so much lawful money of the United States. He will find when this bill shall become a law that every one of his obligations is transformed from an obligation payable at the time the contract was made in the lawful money of the country into an obligation to pay in gold according to the standard fixed by this measure.

Mr. STEWART. Does that include all taxes?

Mr. ALLEN. Everything.

Mr. STEWART. All taxes?

Mr. ALLEN. All taxes.

Mr. STEWART. Then what becomes of silver, if it will not pay taxes?

Mr. ALLEN. It is gone. That is the purpose of the bill. I supposed the Senator from Nevada understood that.

Mr. STEWART. I do understand it, but I want to chip in here to make it a little more emphatic. The Senator from Nebraska understands it; I want the public to understand it. It is very important to be understood that the silver dollar will not pay taxes any more.

Mr. ALLEN. It goes out of the category of money.

Mr. SPOONER. The Senator is speaking of the House bill.

Mr. ALLEN. Of both bills, only one is a little more artfully drawn than the other. Whoever drew the House bill had the courage of his convictions and was willing to take the responsibility for it, but the man who drew the Senate amendment had great craft and no moral courage.

Mr. President, it embraces not only taxes but every obligation that a private citizen, or the United States, or a State government, or a municipality, can enter into. All of the vast body of indebtedness, national, State, municipal, county, and private, is converted into a gold indebtedness, regardless of the terms of the contract creating that indebtedness. We have no assurance that this measure will not become a law. It has passed one body. It is here; and while the Senate committee have stricken it out, they have left the substance of it beneath the hidden folds of the skillfully drawn amendments that are presented here.

Mr. President. I never expected to see the time come in the history of my country when it would be guilty of spoliation—an act against the people which it prohibited the States from doing. I doubt if there can be found in modern legislation so bold a declaration as that contained in this section, that all private and public contracts shall be payable in the standard created by the bill rather than in the money of the contract, and if there be a disparity between gold and silver and paper money and the debtor is compelled to pay in the dearer money, costing more sacrifice, more of his property, more of his labor to obtain a dollar than formerly, what is that but confiscation? So this ought to be termed "a bill to confiscate the property of the people" rather than be named as it is.

There is another thing about this bill which is vicious and inexcusable. It is a bill to perpetuate the national debt.

Mr. TELLER. It increases it, too.

Mr. ALLEN. To increase and to perpetuate it. To my utter surprise I heard a distinguished New England Senator say five years ago that it was never the intention of the railroads to pay the principal of their debt. I was so much surprised that I rose at my desk and asked him if he spoke seriously, and he said he did. I want to put a question to the Senator from Rhode Island, who has this measure in charge, and to whose door much of the wrong it will inflict upon the people will be brought. Do you expect to see this nation pay off its indebtedness?

Mr. ALDRICH. I certainly do.

Mr. ALLEN. When and how?

Mr. ALDRICH. That is a question which I suppose every Senator will have to answer for himself.

Mr. ALLEN. Will it come in the lifetime of the Senator from Rhode Island?

Mr. ALDRICH. I hope so.

Mr. ALLEN. Does the Senator expect it?

Mr. STEWART. The mode of paying it off under this bill is to provide for its perpetual increase.

Mr. ALDRICH. The expectations of a man's life are something as to which no man can answer with respect to time.

Mr. ALLEN. I am afraid the method of paying the debt will be very much like the case of a man I once knew who came to my office and said, "I am getting out of debt pretty rapidly. I paid $2,500 to-day. I will soon be out of debt." I said, "How did you do it?" He said, "I gave a new note." That is the purpose of this bill—to renew our debt. By a system of renewals, pleasantly called refunding, the national debt has been perpetuated for nearly forty years, and according to the terms of this bill we are to issue bonds that will not mature for thirty years. Then when the time comes and they mature, and the Senator from Rhode Island and I shall have passed away and others are on the scene of action, they will find this Government in such condition that it will be impossible to pay the national debt, and it will be renewed, and the principal and interest will bear upon future generations as a heavy burden for endless time. That is the purpose of the bill.

I have no hesitancy in declaring as my solemn conviction that it is the purpose of this bill to perpetuate the national debt; and its authors have no idea that the time will ever come when that debt will be discharged. So the 75,000,000 of our people and the millions that are to come are to be saddled with an interest-bearing, perpetual national debt to eat up their substance in order that the idle few, the gold gamblers and the money sharks, may live, at the expense of the toiling masses, in idleness; and this because the Republican party is the debtor of this class of people for political and financial favors past and present, and to be rendered in the future.

Have we come to the time in the history of this great nation when we can not rise above our sordid surroundings and say we will put national banks aside, giving them their proper consideration, and everything else aside, and legislate upon money matters and upon other subjects in the interest of all and in justice to all? It would seem that we have come to the parting of the ways, and to follow the direction marked out by this measure will lead to where the few are to have all the benefits of legislation and the many must bear its burdens.

It is not an uncommon thing to hear men say that a national debt is a national blessing; and every once in a while you will pick up a paper or a magazine containing an article which attempts to demonstrate that a national debt is a national blessing, and that when the people are kept busy earning money to pay their taxes and the interest upon their debts, they are prevented from getting together and agitating public questions and grumbling. I understand in some sections of the country it is held to be a crime to be an agitator. They look upon a man who is called an agitator as a man who is fit to be expelled from society and deprived of his citizenship.

I thank God I am an agitator. I delight in being called an agitator. Agitation is life, motion, energy, and success. If you point me to a man who is called conservative, I will point you to a man whose powers, mental, moral, or physical, are on the road to senility and decay. A man who does nothing and never thinks except when provoked by abnormal circumstances, who is satisfied with himself; a man who does nothing and thinks nothing, or

who thought and acted to thirty or forty years ago and quit thinking or acting and has not engaged in the occupation since then, is of no value in this world and will not be in the next. He is in the attitude of the minister's son when caught swearing. A man said to him, "I thought you were a preacher's son; that your father is a Christian." The boy replied, "He is, but he has not been working at his trade for a good many years."

A great many such men who claim to be conservatives have not had an intelligent thought pass through their minds in a third of a century. They are mere inert matter, a drag, a dead weight. They desire to be considered conservative. It is more polite to be a conservative than an agitator, you know. Every evolution in mental and physical science, every discovery in the various departments of progress that has been made, has been through agitation and investigation. Agitation is investigation, and investigation is agitation. But the conservative gentlemen, who know nothing and think nothing and care for nothing except themselves and their particular friends, would have it understood that every man who does not believe as they do has simply water running in his veins, while their veins are surcharged with the finest and the purest aristocratic blood. So, Mr. President, I am an agitator when I assail the provisions of this bill.

Here is the monstrous purpose of saddling upon the present and future generations of our country a debt they will never be able to pay, and there is no expectation of their ever being able to pay it; and yet a majority of the Senators, representing every State in this Union, will sit here silent and permit this crime to be consummated without a protest, simply because the people will bear it and its burdens rather than rise against it.

This bill not only creates a perpetual national debt, but it turns over the power of taxation to the Secretary of the Treasury. By it we abdicate that power, for when we say that the Secretary of the Treasury may issue Government bonds ad libitum, as he sees fit, as this bill provides, then the question of taxation to meet the interest upon those bonds is merely perfunctory, because the foundation for the taxation has been laid by the mere caprice of an executive officer, and the taxation can not be escaped.

Mr. President, who has asked for the passage of this bill?

Mr. STEWART. That question never will be answered.

Mr. ALLEN. It will never be truthfully answered in this world. It may be in the next, where it is said things are finally set right; and probably, after all, it is well that the Bible doctrine of the future rewards and punishments is not entirely destroyed, and that the law of responsibility is to be eventually enforced against us.

Who has asked for a change of the law? I defy a Senator in this Chamber to point to one petition asking for this change which has come before this body from what may be termed the people, as distinguished from the plutocrats—the common, plain people, as distinguished from the aristocracy of wealth that smells to heaven. Not a farmer or a farmers' organization; no organization has asked for its change except those organizations that are influenced by the bank trust that sought to foist this measure upon the country some years ago. The people are silent about it because they know but little about it. They will experience its effects within the next year or two, when its provisions get into active operation among them.

Mr. President, where was this bill framed? That is important to know. It was framed in 1897, at the Indianapolis monetary conference; not exactly in the language we find it here, but in substance. It was framed by a conference of national bankers and those interested directly in national-bank management. It was a self-constituted organization of financiers, like the Podsnaps and Veneerings, who thought all financiering consisted in cent per cent. They met together in Indianapolis, I think possibly two years ago last January. They were not an official organization. They came here and began swarming all over this city, barnstorming the White House and the halls of Congress to have this measure put before Congress and enacted into a law at that time; but the Republican party was a little too cunning to be caught at that time with this measure. They looked it over. "Suppose," they said, "we put it into operation now, and it proves a boomerang before the Presidential election of 1900; it will do us more injury than good, and probably destroy us." So the tariff question was put forward and discussed in 1897, and this measure was held back until the closing days of the present Administration, that it might get into operation and the evil consequences of its enactment could not be known until after the next Presidential election.

I have not a doubt that for the first few months after this bill shall go into operation the thoughtless of the country will be induced to believe it is a measure of great value. The currency will be inflated like a balloon filled with gas to the point of bursting; there will be apparent prosperity throughout the land; but when the time comes, as come it will, after the Presidential election is over and the enemies of the Government are enthroned in power for four years more, then will come the slow and deadly process of contraction; then will come ashes and ruin, bankruptcy and decay, to the nation and to our homes, and the great body of our toiling, struggling, wealth-producing citizens, before the campaign, four years hence, will have been bound hand and foot by a chain of indebtedness created by this infamous measure, from which they can never escape. And nobody but this so-called Indianapolis convention, the outward exponents of the bank trust, has ever asked for the passage of this bill.

Mr. President, I should like to have some Senator who knows all about this question—and there are many of them on the other side of the Chamber who think they do—tell me wherein bank currency is superior to full legal-tender paper money issued by the Government. If it is superior, I should like to know it. I see the honorable Senator from Rhode Island, and of course, being at the head of the Finance Committee and having studied the matter thoroughly, he knows, and I should like to hear from him if he believes, and if so, why he believes, that bank currency is superior to greenbacks or to legal-tender notes.

Mr. ALDRICH. Mr. President, I presume the Senator does not ask me that question with the expectation of an answer at this time. I will say to him, to relieve what seems to be a misapprehension in his mind, that this proposed law does not change the status of either. It does not give to bank currency any additional rights or privileges over what it has at this moment. The Senator seems to feel as though we were doing something for the banks.

Mr. ALLEN. It is a harmless sort of bill, is it?

Mr. ALDRICH. I should not describe it as harmless, but as beneficial.

Mr. ALLEN. The Senator seems to think this inquiry is not germane to the discussion, and that there is nothing in the bill to prevent the use of greenbacks or Treasury notes and different forms of Government paper money. Why, Mr. President, the very purpose of this bill is to impound and destroy every greenback and every Treasury note and every form of Government paper money. That has been the cry which has come up from the bulls and bears of Wall street for the last three years, and has been even occasionally echoed from Princeton, if there is any life left there. The greenback is sought to be impounded and destroyed, and if you do not destroy it utterly and literally, why we are to build a wall around it by legislation, put it in a prison from which it can not escape, and let it die as the prisoner in his rayless dungeon dies to earthly things before the breath leaves his body.

The very purpose of this bill is to retire the silver dollar, the greenbacks, and the Treasury notes, amounting in round numbers to about a thousand million dollars, and to turn over the field now occupied by them to national-bank currency for that amount or more, and that currency is to occupy the channels which have heretofore been filled by these different forms of Government money. Why should that be done? The greenback has cost us nothing. There are men who are to-day gray who have done business upon nothing during their natural lives but upon greenbacks. They have known no other money.

Mr. President, the greenback was the money that carried us successfully through the struggle from 1861 to 1865. It was the money that preserved the life of this nation and permitted you to occupy that chair and me to occupy this desk. It is the sacred money of the common people, and now by this bill, without excuse, it is proposed to destroy it. And destroy it for what reason? Destroy it that private corporations may have the power of issuing certificates of indebtedness of their own and forcing them into circulation among an unwilling people, and forcing the people to pay large sums of interest upon those certificates of indebtedness issued in the form of national-bank currency.

Mr. BUTLER. Money that will support a nation in time of war certainly is the soundest money that a government ever had, is it not? Does the Senator think that any country could not support itself in time of peace on money that would save the country in time of war?

Mr. STEWART. Did gold ever do that?

Mr. BUTLER. No.

Mr. ALLEN. The Senator from Nevada is right, as he is always right on the financial question.

Mr. President, there is no history of a war in the last one hundred and fifty years where both gold and silver have not at the first opportunity gone out of sight during hostilities, and that was the case in this country. This Government forced its soldiers to take $16 a month during the civil war in greenbacks for their services, money worth at that time about 33 cents on the dollar in comparison with gold. The greenback was in universal circulation among all classes of people, and now, forty years after its issuance, when there is no popular demand for its destruction, when the people upon the other hand are clamorous that it shall be retained, the Republican party proposes to humble itself at the feet of this money power and give it the right to usurp the field so long occupied by the greenback.

There is not ingenuity enough upon the other side of the Chamber to invent a theory or a respectable subterfuge that will deceive the commonest American mind upon this subject.

Is there not anything in this measure that appeals to the sense of honor and to the patriotism of legislators? Are the vast millions of men, women, and children to be bound like slaves and, under the provisions of this bill, turned over to be robbed by the financial concerns of the country? Will not some effort be made to prevent that great calamity?

Mr. President, the Republican party professes to be and to have been the friend of silver. In 1888 the distinguished gentleman who now occupies the White House drafted the silver plank of the Republican platform, denouncing the Democratic party for an attempt to demonetize silver. In 1892 the Republican party declared in favor of both gold and silver as standard money. In 1896 it declared in favor of international bimetallism and in favor of the gold standard until that could be brought about.

What has it done to bring it about? Nothing, absolutely nothing. It may be said that under a law passed shortly before the close of the Fifty-fourth Congress a commission was appointed and sent abroad to negotiate international bimetallism, and so it was; but, Mr. President, when that commission went abroad, when they were in London, Berlin, and Paris, the Indianapolis conference was in session, doing its deadly work, and two hours before the close of the extra session of the Fifty-fifth Congress the President sent us a message advising us to pass a bill along the lines pointed out at the Indianapolis conference before the adjournment of that session.

Before I read from that message I want to emphasize the fact that when Congress had agreed to adjourn, had fixed upon the date of final adjournment, and after that and within two hours or less of the moment of final adjournment, the President sent this message. What did he say to us? Let me read it:

To the Congress of the United States:

* * * * * * *

Another question of very great importance is that of the establishment of our currency and banking system on a better basis, which I commented upon in my inaugural address in the following words:

"Our financial system needs some revision; our money is all good now, but its value must not further be threatened. It should all be put upon an enduring basis, not subject to easy attack, nor its stability to doubt or dispute. The several forms of our paper money offer, in my judgment, a constant embarrassment to the Government and imperil a safe balance in the Treasury."

Nothing was settled more clearly at the late national election than the determination upon the part of the people to keep their currency stable in value and equal to that of the most advanced nations of the world.

The soundness of our currency is nowhere questioned. No loss can occur to its holders. It is the system which should be simplified and strenghtened, keeping our money just as good as it is now, with less expense to the Government and the people.

A notable assembly of business men, with delegates from 29 States and Territories, was held at Indianapolis in January of this year. The financial situation commanded their earnest attention, and after a two days' session the convention recommended to Congress the appointment of a monetary commission.

I commend this report to the consideration of Congress.

This subject should receive the attention of Congress at its special session. It ought not to be postponed until the regular session.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *July 24, 1897.*

Mr. COCKRELL. What is the date of that message, and who signed it.

Mr. ALLEN. It is signed William McKinley, Executive Mansion, July 24, 1897. I think it reached here, as I recollect it, about two hours before we adjourned.

Mr. SPOONER. Will the Senator allow me to ask him whether he understands that as recommending any system of currency legislation adopted by the Indianapolis convention, or only as adopting the recommendation for the appointment of commissioners to investigate and report?

Mr. ALLEN. I would hardly say that the President of the United States would recommend the work of the Indianapolis conference unless he thought that work ought to be enacted into law. I hold in my hand the proceedings of that conference. I will not stop to read it, for it is long.

Mr. ALLISON. They did not recommend any plan, I believe.

Mr. ALLEN. They recommended the adoption of the gold standard. There is no question about where those gentlemen were and how they stood. They were in favor of the single gold standard and in favor of the retirement of greenbacks.

Mr. ALLISON. Will the Senator allow me a moment?

Mr. ALLEN. Certainly.

Mr. ALLISON. I understand from the President's message, which the Senator read, that the Indianapolis convention recommended the appointment of a governmental commission to take into account all these questions; that that was what the President recommended and not any plan that was unfolded at Indianapolis.

Mr. ALLEN. Well, Mr. President, that would not be my understanding of the recommendation. I presume it is open to either of two constructions. But you will remember, as I do, that that commission visited this city and had copies of their bill in print and circulated it among members of the House and Senators.

Mr. ALDRICH. Not at that time.

Mr. ALLEN. Before that time; I beg your pardon. I was a recipient of a call from them myself before that time. There will be no mistake as to what their purpose was or what the purpose of this conference was.

Mr. President, it was understood then that this Indianapolis conference was a meeting of the agents and friends of the national banks who sought to destroy silver, the greenbacks, and the legal-tender notes, and I have yet to hear a man offer a reason for the destruction of either. They have served every purpose of money, Mr. President, they are money, as they circulate as a universal medium of exchange and are everywhere received for services and property and have the legal-tender quality, and such a medium of exchange is money, regardless of the material upon which it is impressed or stamped.

Not one word has been said against the greenbacks in this Chamber, and this old friend the people have been familiar with for forty years is to be stricken down in the dark, not at their behest, not because the people called for it, not because they do not protest against it, but because the allies and the friends of the Republican party demand its destruction as a consideration for their support; and everyone of them will be found supporting the Republican ticket this year, as they have in the past. Mr. President, they will shed their gold in this contest as a patriot would shed his blood in a war for humanity and in defense of his country.

The general subject of money I do not propose to discuss. As I said, that has passed into a conviction with me and is no longer open to discussion.

In 1890 the Republican party began to get a little uncertain in the halls of Congress on the subject of silver. It wanted to run with the hare and hold with the hounds, and it undertook to do so, but failed. It professed undying loyalty to the cause of bimetallism in its conventions and by the utterances of public men, while secretly in legislation it plotted against silver. So it injected into the act of 1890 a stump speech in this language:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

That was an anomaly in legislation, and language of that kind is absolutely foreign to correct and honest legislation. It stands without a precedent in the history of our country to that time.

But, Mr. President, it was a falsehood upon its face, and it ought not to have deceived any intelligent man. How are we to maintain a law of equality between two things when we strike down their equality? Parity is a law of equality, and the parity between gold and silver referred to in that act was the debt-paying and purchasing power of these two metals when coined at a fixed ratio.

Since 1873, on all occasions and at every opportunity, the Republican party has stealthily stricken down silver, and that party alone is responsible for the condition of silver to-day. In 1893, when the purchasing clause of the Sherman Act was repealed, a majority of Republican Senators voted for the bill. They had it in their power by voting the other way to have defeated that bill and save that clause, and it will not do now to crawl out of sight like a cuttlefish and say that Cleveland and his mere handful of rag, tag, and bobtail are responsible for it.

But, Mr. President, the Republican party in 1893 did more than to repeal the purchasing clause of the Sherman Act. They voted for the Democratic platform; and, with the exception of a few words omitted, this language occurs in the Democratic platform of that year:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in payment of debts.

I have called attention to the fact that a commission was sent abroad shortly after the inauguration of the present Chief Executive to negotiate international bimetallism. There were, unfortunately, those who believed that this declaration, which finds its precedent in the act of 1890, was intended to be carried out. They supposed that it was made in good faith, and that as soon as the Republican party was in power some steps would be taken to bring about international bimetallism.

Now, Mr. President, turn back if you will to the time when that commission, composed of the junior Senator from Colorado [Mr. WOLCOTT], ex-Vice-President Stevenson, and General Payne, was abroad. What was transpiring in this country at the time?

At the precise time when they were abroad undertaking to negotiate an international agreement for international bimetallism this Indianapolis conference was in session, receiving the aid and comfort of the President of the United States; and at that time

the present Secretary of the Treasury, for whose conduct the President is to be responsible as long as he occupies the position, was before the other House with a bill drafted in his Department trying to commit the country to the single gold standard, according to his own evidence and as he expressly declares in his testimony, to a national debt payable in gold, that should never mature except at the option of the Government, and to a debt where the creditor should have nothing to say respecting the period of its maturity. In his evidence before the Committee on Coinage, Weights, and Measures in the other branch of Congress he declared that it was his purpose to fix the gold standard more firmly upon the country; and he was doing that while our commissioners were abroad endeavoring to negotiate international bimetallism.

The President was giving aid and encouragement to the proceedings of the Indianapolis conference of monetary reformers (?), and the Secretary of the Treasury was before the Committee on Coinage, Weights, and Measures of the House of Representatives, with a bill drafted by his able solicitor, of the same purport and drift of the measure before Congress at this moment, undertaking to commit the country and his party to the gold standard.

Why, sir, the commissioners were undermined at every step. Everywhere they went in Europe—as was said by the chairman of the commission, on their return, in a speech on the 17th of January, 1898—they were met with the declaration by those with whom they sought to negotiate that the press of this country was declaring that the policy of the Republican party was the policy of the gold standard; that the President was giving encouragement—the Senator did not say that, but that was the fact—to the adoption of the gold standard, and that the Secretary of the Treasury—he did say that—had appeared before a committee of another branch of Congress and advocated that the Government and the Republican party should be committed to the single gold standard.

Was there good faith in all this? Do you hope to make the American people believe that this was good faith and that the Republican party has sought in good faith to bring about international bimetallism? It was a sham and a pretense. There was no purpose, no hope, no expectation when that commission went abroad that anything would come of it in the nature of an agreement for international bimetallism. It was only to comply in a perfunctory way with the declaration of the Republican platform of 1896.

But, Mr. President, the Republican party was not to stop when it failed to secure international bimetallism. According to the declaration in the act of 1893 I have quoted, it was to go on and secure bimetallism by legislation if it could not by an international agreement. What has been done even in the way of introducing a bill to bring about the free coinage of silver in accordance with the declaration of the act of 1893?

The Senator from Rhode Island and the Senator from Iowa voted for that bill. If you will turn to the RECORD you will find that they committed themselves to its provisions. They were bound, too, by the platforms of their party. What have you gentlemen on the other side done, or what has your party done, to bring about bimetallism by legislation? I speak of the Senators from Rhode Island and Iowa because they are in many respects their party. You had not done a thing until yesterday, when the Senator from Rhode Island, in the closing hours of this interesting discussion, introduced a proposed amendment to the bill now before the Senate. I will read it:

> Amendment reported by Mr. ALDRICH, from the Committee on Finance, to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, viz: Add the following as an additional section:
>
> SEC. —. That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world, and at a ratio which shall insure permanence of relative value between gold and silver.

It is not intended to obstruct, so the Senator wants the country to believe, the accomplishment of international bimetallism, when there is not a thought or expectation of taking one step to bring about international bimetallism and there never has been since the return of the monetary commission in 1898 or even before that time.

Mr. President, do you suppose, does any sane man suppose, that the people of the United States are to be deceived by this declaration? Whenever a court of last resort wants to overrule a decision and wants to appear to be consistent with itself it always says in its opinion, "This opinion is not in conflict with the opinion in the case of Smith *vs.* Jones in such and such a report," naming it.

The Senator from Rhode Island, speaking for his party, knowing the inconsistency between the professions of that party for bimetallism and the provisions of this bill, wants an official declaration made by the Senate that they do not intend to obstruct the obtaining of international bimetallism. It is not a question of obstruction. It is a question of what you will do. Why does not the Senator in the use of his constructive genius invent some method of bringing about international bimetallism? Why is not some bill or resolution introduced in this body or in the other branch of Congress to bring about international bimetallism? Why does not the Republican party do something except to sit silent upon this subject?

Mr. BUTLER. I suppose they mean they will not obstruct the effort of England to force it upon us.

Mr. ALLEN. No; it is a mere cheap method of trying to get votes, and very cheap at that.

This measure contains the single gold standard in all of its provisions and reduces all debts, public and private, to that standard. It fastens upon the country a perpetual national debt; and that man does not exist whose imagination is so fertile that he can foresee the time when the people of this country will be relieved from that debt. Yet in view of these expressed purposes of this measure, the Senator from Rhode Island wants the people to believe that he is the friend of bimetallism; but the people will not be deceived.

It is said in a Grecian fable that at one time the lion pretended that he was sick abed and wanted all his neighbors to come to see him. He is a very poor kind of a man who will not go to see a sick neighbor, and it is a poor sort of an animal who will not go to see a sick neighbor when asked to do so. The lion sent special word to the fox that he wanted him to come and see him because they had been rivals and there had been hostility between them.

The lion made out that he was upon his deathbed and wanted a reconciliation with his rival before the hour of his demise came. The fox, it is said, relented; but when he called at the lion's den, he looked at the approach and he saw all the tracks going in and none coming out. Hundreds of animals had gone down into the den, but not one had come out. The fox did not pursue his journey farther in his neighborly call upon the lion. And the people will not be deceived by tracks like these seen upon this bill that will lead to their utter destruction and not to their relief.

Mr. President, will the Senator from Rhode Island point out the tracks that lead up from this bill to justice and equality among the people, and not try to deceive those whose backs are burdened with toil from morning until night, from year to year, and from decade to decade, into the belief that this measure is a good thing for them? It is a crime to take advantage of ignorance. Life at best is a ceaseless struggle from the cradle to the grave for the strong, and how much greater to the weak! The great millions are engaged in industrial pursuits and have little time to give to the consideration of measures like this and know nothing of them until they become laws. They should not be deceived.

Mr. STEWART. Does the Senator desire to conclude his remarks this evening, or would he prefer to proceed to-morrow morning?

Mr. ALLEN. I can finish in about half an hour in the morning, if that will be satisfactory.

Mr. STEWART. Would the Senator prefer to do that and let us have an adjournment at this time?

Mr. ALLEN. I should prefer to finish my remarks in the morning, if that be satisfactory to the Senate.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 8, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 7, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

The SPEAKER laid before the House joint resolutions of the following titles, the reference of which was by unanimous consent changed from the Committee on Ways and Means to the Committee on the Judiciary:

Joint resolution (H. J. Res. 61) proposing an amendment to the Constitution authorizing a tax upon incomes;

Joint resolution (H. J. Res. 78) to amend the Constitution of the United States in relation to income and succession taxes; and

Joint resolution (H. J. Res. 99) proposing an amendment to the Constitution in relation to income tax.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 26. An act to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire—to the Committee on Public Buildings and Grounds.

S. 329. An act to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 704. An act for the relief of the county of Custer, State of Montana—to the Committee on Claims.

BRIDGE ACROSS LUMBER RIVER, NORTH CAROLINA.

Mr. BELLAMY. I ask unanimous consent for the immediate consideration of the bill (H. R. 4000) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. I wish to inquire whether the bill has been reported unanimously by the appropriate committee?

Mr. BELLAMY. Yes, sir.

Mr. PAYNE. And it has the approval of the Secretary of War?

Mr. BELLAMY. Yes, sir. It has been submitted to and approved by the Secretary of War, and it has also been favorably reported by the committee. It is very necessary for the people of our section of country that the bill should pass. The road has been completed on either side of the stream; the bridge is ready to be put up, the iron laid on either side, and they are now only waiting for the action of this House to legalize the structure, so that it may be finished.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BELLAMY, a motion to reconsider the last vote was laid on the table.

COMPILED STATUTES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House, with the amendments of the Senate, the joint resolution (H. J. Res. 136) providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

The amendments were read, as follows:

Line 6, after "standing," insert "and select."

Lines 7 and 8, strike out "not now supplied therewith for its use" and insert "on the requisition of the chairman of such committee, and to each justice of the several courts of the District of Columbia, on his written request."

Mr. RAY of New York. I move that the House concur in the Senate amendments.

Mr. RICHARDSON. I would like the gentleman to state the effect of these amendments.

Mr. RAY of New York. In reply to the gentleman from Tennessee, I would say that these compiled laws of the District of Columbia have been already printed; a large number of copies are in the custody of the Secretary of the Interior, who has written to me saying that there is no law at present under which committees of the House and Senate can be supplied with these documents, and that legislation of this kind is necessary. He sent me a joint resolution, which I introduced, which passed the House and went to the Senate. The Senate amended it for the reason that they desire, and the justices of the supreme court of the District of Columbia desire, to be supplied with copies. That will take seven or eight copies. They also amend by saying that these copies are to be supplied on the requisition of the chairmen of the various committees of the Senate and of the House. In no other respect is any change made.

The SPEAKER. The gentleman from New York moves that the House concur in the Senate amendments.

The Senate amendments were concurred in.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

And then, on motion of Mr. HITT, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, with Mr. SHERMAN in the chair.

Mr. HITT. Mr. Chairman, the Clerk may proceed to read by paragraphs.

Mr. SHAFROTH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. SHAFROTH. I wish to make a request. Yesterday morning, at the time of entering into the Committee of the Whole, when an agreement was about to be reached as to the limiting of the debate, I asked the gentleman who has charge of the time upon this side [Mr. DINSMORE] whether he had included in his calculation the amount of time that I had requested to use, and he stated that he had. Through some misunderstanding between the gentleman from Illinois [Mr. HITT] and the gentleman from Arkansas [Mr. DINSMORE], that time was not forthcoming. I would like to have that time, forty-five minutes, for general debate this morning, if I can.

The CHAIRMAN. Does the gentleman submit that as a request for unanimous consent?

Mr. SHAFROTH. Yes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that he may address the Committee of the Whole for forty-five minutes as in general debate. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Colorado is recognized for forty-five minutes.

Mr. SHAFROTH. Mr. Chairman, last week, I had occasion to offer some remarks, on what I deemed was the duty of this Government, relative to the conflict now taking place in South Africa.

On account of my time being limited, I was not able to finish my talk, and I therefore avail myself of this opportunity to do so.

Since that time the treaty of The Hague has been ratified by the Senate, and so far at least, as this nation is concerned, is the law of the land.

By that treaty, it is made the duty of the nations, strangers to the controversy, to mediate between combatants and suggest arbitration of the differences between them. The implication is plain that, upon refusal of such offer by one of the contending powers, the moral sympathy of all the nations to the treaty will be with the one willing to comply with the terms thereof, and against the one refusing so to do; and, further, a moral duty exists on the powers at variance, to comply therewith, and thus carry out the evident object of the treaty.

This duty to mediate exists in every case, irrespective of the cause of the war. With how much greater reason, then, ought the United States to offer mediation, when a gigantic power having an empire of 400,000,000 inhabitants is about to crush two little Republics, having a population, exclusive of the native tribes and outlanders, of less than 150,000 people and having standing armies, in times of peace, which aggregate less than 900 men. And how clear does it become our duty when the great power is waging a war of injustice and oppression, and the little Republics are attempting to maintain their liberty and independence.

In my remarks last week I tried to demonstrate, that Great Britain had no more right to interfere with the internal affairs of the South African Republic, than has the United States. I showed by the language of the treaties between England and the South African Republic, that the little State was as free to manage its internal affairs as we are to manage ours.

I further showed from the declarations of the Right Hon. William E. Gladstone, Lord Derby, and Joseph Chamberlain himself, that no power was reserved by Great Britain to interfere with the internal affairs of the Republic.

I now want to take up a branch of the subject, as to whether Great Britain had a right to interfere with the internal affairs of the Republic, on account of the alleged grievances of its citizens or, as some people claim, in the interest of civilization, which involves an examination into the specific complaints of the outlanders.

The right of a foreign power to make demands upon a nation, relative to its internal concerns, exists only when the liberty or property of the citizen of such foreign country is involved. And even in those cases, the violation of the right must be clear. No such right exists for political grievances, for the reason that there is no such thing as political rights in an alien. As soon as the alien is naturalized, he renounces his allegiance to his mother country, and terminates his relation therewith.

The principal grievances of the outlanders, on account of which Great Britain has interfered with the internal affairs of the South African Republic, were five.

I.

THE NATURALIZATION LAWS OF THE BOER REPUBLIC.

The outlanders complained, that the naturalization laws were oppressive, and they caused England to demand that those laws be amended, so as to permit citizenship upon five years' residence, including past residence.

The naturalization laws of the South African Republic had required fourteen years' residence, and that period, upon the complaint of the outlanders, had been reduced to seven years.

In order to understand the reluctance with which the Boers granted liberal terms of citizenship to aliens, it must be remembered that upon the discovery of gold at the Witwatersrandt, thousands of fortune seekers poured into the little Republic, and it was not long, before they far outnumbered the Boers. It is said that at the time of the commencement of hostilities, the outlanders were more than three times as numerous as the citizens of the Republic.

The great mass of the outlanders, did not go to Johannesburg to permanently reside, but to stay there only until they made their fortunes, when they expected to return to their native lands. It must not be forgotten, that the Boers had settled in the country

when it was a wilderness, inhabited only by wild beasts and savage men; that their hardships and privations had been the most severe of any pioneers of modern times, and that they justly thought they had the best right to make the laws and administer the same.

It can readily be seen that to grant very liberal terms of citizenship, would result in the turning over of the Government to the outlanders; and as the English predominated among them, it would mean the transfer of the country to the British Empire.

It is not strange, then, that the Boers were reluctant to give liberal terms of citizenship to the outlanders.

Can we, the people of the United States, believe that even the most illiberal of their naturalization laws, were not justified? Can we condemn such laws, when we have upon our own statute books a law, which even goes much further—a law which absolutely excludes from our shores Chinese, unless they come for purposes of education or travel? If to have a fourteen years' naturalization law is repugnant to civilization, where do we stand with our exclusion act?

Sir, every government has the inherent right of self-preservation and self-protection. We have exercised that right in the Chinese-exclusion act, and any other nation has the same right to preserve the independence and integrity of its government. But even upon this demand for naturalization on five years' residence, as unreasonable under the circumstances as it was, Paul Kruger yielded.

But, Mr. Chairman, England contended that the law granting franchise upon seven years' residence, did not give the right to vote for a member of the upper chamber of the Volksraad, nor for the office of President, and she demanded that full franchise be given. Sir, with what grace does this demand come from Great Britain, who does not give a naturalized, or even a native-born, citizen, a voice in the selection of the members of the upper chamber of her Parliament, nor of the chief executive of her Empire? A Government that recognizes the divine right of kings, and the right only of the sovereign to appoint new members to the House of Lords, is not in a position to insist upon the extent of the franchise given by an independent nation to a foreign citizen. But, notwithstanding that, Paul Kruger yielded upon this point.

Mr. RIDGELY. Will the gentleman allow me an interruption?

Mr. SHAFROTH. My time is limited, but I will.

Mr. RIDGELY. I desire to ask the gentleman from Colorado, if it is not true, that Great Britain also demanded, that English subjects should have the right of franchise in the Transvaal Republic, without relinquishing allegiance to Great Britain?

Mr. SHAFROTH. I was just coming to that. The most outrageous of all the demands, was that made by Great Britain, that her subjects in the Transvaal on being naturalized, should not be required to renounce allegiance to the Crown.

What nation on earth permits a naturalized citizen to retain allegiance to his native land?

Does our Government permit it? No; we say as Paul Kruger said: If you help run the Government in times of peace, you must fight for it in times of war, even where the conflict is against the mother country. Is there anything wrong in that? Does not England herself require from every one of her naturalized subjects the renunciation of his allegiance to his native country? Of course she does. With what justice, then, can she demand a different course from the South African Republic?

Upon this point, Paul Kruger said, to yield to this demand, would be a surrender of independence, and that he would never do.

What lover of justice and fairness can fail to honor the old President of the little Republic, for this determined stand?

II.

DEMAND FOR INCREASED REPRESENTATION IN THE VOLKSRAAD.

The second demand made by Great Britain, was that the Johannesburg district, should have ten representatives, in the legislative body of the South African Republic.

Mr. Chairman, upon what ground, did Great Britain predicate her right, to demand an increase of from two to ten representatives from that district, in the Volksraad? It was upon the ground that the outlanders own the mines at Johannesburg, and pay five-sixths of the taxes of the state. When was it, sir, that England became the champion of the principle, that taxation entitled a people to representation? It surely was not during the Revolutionary war, nor was it up to 1832, when she had 56 boroughs, having a population of less than 2,000 each, represented in Parliament by 56 members, while one district having as many inhabitants and as much wealth as the entire 56 boroughs combined, had only one representative in that body.

You all remember the terrible arraignment of the British Government by Lord Macaulay, for the inequality it permitted in representation in the House of Commons. One borough, as I remember it, was represented in that body for years, when it did not even have an existence. The territory had been encroached upon by the sea until it was entirely covered with water. The only way in which a member of Parliament could be selected, was by taking a skiff with two or three persons, who had formerly lived in the borough, rowing out to where the limits of the same once extended, and there holding a mock election for a representative to the body that legislates for the British Empire.

With what consistency does it become England, to demand full representation of a district in a foreign land, to the legislative body of that country, when it has been guilty of much grosser inequalities, and when it to-day refuses to give to Ireland, the due representation in Parliament, to which it is entitled?

At the time the negotiations were going on between Joseph Chamberlain and Paul Kruger, relative to the differences between their countries, there was filed in the colonial office at London, a petition by 3,000 Dutch residents of British Guiana, which recited these circumstances: That there were 3,000 British subjects in British Guiana, and a like number of Dutch residents; that although most of the Dutch inhabitants were born on the soil, yet they were not entitled to hold an office, under either the executive, legislative, or judicial branches of the government.

Here was a grievance, much stronger than that which existed in the Transvaal, and yet this petition must slumber, as to its own colony, while England must interfere in a less equitable cause in a foreign state.

And yet, even as to this demand, Paul Kruger yielded.

III.

DEMAND THAT ENGLISH SHOULD BE USED IN THE PUBLIC SCHOOLS.

Mr. Chairman, another grievance of the Outlanders, was, that the schools aided by public moneys, were taught in the Dutch language, and hence their children had to go to private schools, in order to obtain an education. They demanded that the schools, also be taught in English.

This demand was not that the English language be taught in a Dutch school, but that all the branches of the school course, be taught in English, as well as Dutch; in other words, that there be established English public schools, at the expense of the Dutch Republic.

Sir, what would we think of a demand from our Russian or Italian naturalized citizens, that a Russian or Italian school be established and maintained in our country, at public expense? Would there be a single American citizen, in favor of the same? Would we be subject to the criticism, that we are uncivilized in refusing such a demand? We must remember, that the language of the Boers, is as dear to them, as our language is, to us. We must take into consideration, the influence of a language upon a people.

Such a demand, upon the South African Republic by the English, means a great deal more, than a similar demand from any foreigners, in our country, upon us. The Transvaal is almost entirely surrounded by English colonies. Ever since fifteen years ago, when Cecil Rhodes placed the palm of his hand across a map of the southern portion of Africa, and said that it was the dream of his life, that all that territory should be British dominion, there has been danger of the little Republic, not only being forcibly annexed, but also absorbed by this mighty power. When the English, in such large numbers came into the Transvaal and openly advocated annexation to Great Britain, is it any wonder that the sturdy Boer, whose rights had continually been encroached upon, saw in the demand for the establishment of English public schools, the danger of Anglicizing the entire people, and the ultimate absorption of their Government, by the English residents.

No one, it seems to me, in the light of their situation, can blame the Boers for refusing such a demand.

IV.

TAXATION OF THE OUTLANDERS.

Another ground of complaint on the part of the outlanders, was that they were taxed enormously, because they owned the mines of the Transvaal.

It is claimed that five-sixths of the taxes of the South African Republic, are paid by the British subjects and corporations. I presume that is true. But, Mr. Chairman, the reason they pay that proportion of the taxes, is because they own five-sixths of the property in that country. The laws of that Republic are uniform, and the taxes are imposed upon the net products of all mines, irrespective as to who own the same.

The Outlanders came to that country and bought from the Boers, for a song, some of the richest mines in the world, and under the laws of that Republic, located others, at a nominal cost. Should the state not get a revenue from this great source of wealth?

The Transvaal is a barren country; its plains are arid; its soil is not fertile, and its only source of wealth, is its diamond fields and gold mines. The Boer loves his country, and looks forward to the building of a great commonwealth there. He knows that in order to do so, it is necessary that great institutions should be founded, requiring immense revenue, that fine public buildings and vast internal improvements must be constructed, at enormous

cost, and a large military establishment maintained to command respect in that part of the world.

He sees that most of these diamond fields and gold mines have passed into the hands of a few corporations, whose directors and officers nearly all are citizens of, or reside in other countries, and have no common interest with him, in building up a great republic in Africa. He sees the only wealth the country possesses, being daily exhausted and shipped to foreign lands.

Instead of the proceeds returning to his country, he finds this vast wealth is used in building magnificent structures in foreign cities and gorgeous palaces on the shores of the Mediterranean Sea. In the meantime he still lives in poverty, in his unpretentious cottage. Is it any wonder, sir, that he feels that such wealth, before it is entirely exhausted, must be made to yield at least a part of the revenue, with which to build his great Republic?

The tax imposed by the Boers, was 2½ per cent upon the profits of the mines. It is an output profit tax, not a tax on the mine. When we take into consideration, that one company declared dividends to the amount of 675 per cent in one year, and another corporation made a profit of over $2,000,000 in twelve months, out of ores dug from Transvaal soil, is it possible that they should not contribute a paltry 2½ per cent, to the maintenance of the Government and the upbuilding of the State?

But, Mr. Chairman, it comes with ill grace from English citizens, to demand a lower tax. Great Britain has a colony on this continent—the brightest jewel in her crown—Canada; yet when an American goes to British Columbia or the Klondyke region to mine precious metals, he must not only pay 2½ per cent but 10 per cent of the profits of the mines. If it shows an utter lack of civilization to impose a 2½ per cent tax, how much greater lack of civilization is shown by the imposition of a tax four times that amount!

V.

THE DYNAMITE CONCESSION.

Another complaint of the English outlanders was, that the South African Republic granted a concession to a company, for the exclusive manufacture and sale of dynamite and other explosives, which paid a large revenue to the State, and resulted in doubling the price of dynamite in that country.

As dynamite was used very extensively in the mines, which were mostly owned by the English, it operated as an additional tax on the British corporations and subjects.

But, sir, has Great Britain been free from the granting of concessions? Does her past history not show innumerable instances of such grants? And did she then regard that such conduct, on her part, relegated her to the position of an uncivilized nation?

As reprehensible as the granting of such concessions may be, let us see whether the South African Republic has any reasons, peculiar to her situation, for justifying such an exclusive privilege.

It must be remembered, that dynamite, is perhaps the most violent explosive known to man; that large quantities of it and other explosives, in the hands of the enemies of the country, might be used to accomplish the destruction of its armies and citizens, and the overthrow of the Government itself.

The situation in the Transvaal was very peculiar. A foreign population, composed largely of English—the old enemies of the Boers—seemed almost instantly, upon the discovery of the mines at Johannesburg, to take possession of the country. They largely outnumbered the citizens of that Republic. They had scarcely taken up a temporary abode, before they began to openly advocate annexation of the territory to the British Empire.

In 1890, Paul Kruger, the President of the Boers, visited the magic city of Johannesburg. While there, the flag of the South African Republic, which floated over the public building of that city, was pulled down and torn to shreds.

On another occasion, upon the arrival at Pretoria of Sir Henry Loch, the British high commissioner of South Africa, President Kruger went to the station to receive him. The two were hurried into a carriage, the box was mounted by two men who unfurled the union jack, the horses were removed, and a large crowd of men drew the carriage through the streets of that city, singing "Rule Britannia" and "God save the Queen." President Kruger protested violently against such an insult to him and his country, but all in vain.

A few years later, in 1896, a conspiracy was organized by Cecil Rhodes, Dr. Jameson and others to overthrow the Republic and place the Transvaal under the dominion of Great Britain. They armed a large force and attempted to seize Johannesburg and take possession of the Government.

It was called the Jameson raid. The Germans and other mixed population of the Rand, refused to join in the war, and hundreds of English and Cornish residents fled from that city. Dr. Jameson called his countrymen who fled poltroons and cowards, and said that Johannesburg thereafter would be known as "Judasburg."

The raid failed, because of the valor and vigilance of the sturdy Boers, in defending the independence of their country. A battle was fought, and the English were defeated and captured. Instead of hanging the prisoners, as the Boer Government had a right to do, they were handed over to Great Britain, to be dealt with by that nation, as its conscience should dictate.

Is it any wonder, Mr. Chairman, that this little Republic, in order to protect itself against such a numerous enemy, within the limits of its own land, should have desired to maintain the most perfect control, of the sale of dynamite and other explosives, within its jurisdiction? Can it be blamed for wanting to keep the exclusive sale of such explosives, in the hands of a friendly company, which would not dispose of the same, except for legitimate mining purposes, and where the most perfect inspection could be made by the Government, as to the sales, and as to the character of the persons, purchasing any large quantity of the same?

Subsequent events have demonstrated, that if no restraints had been imposed upon the sale of dynamite and other explosives, today there would be in the field, in the very heart of the Transvaal, an armed force of British outlanders, which would threaten the destruction of the armies of the South African Republic.

Mr. Chairman, these are the principal grievances, of the English outlanders, against the Boer Republic. They had come to earn a living, that they could only make with difficulty, in their own land. They made money, and many of them made fortunes.

In view of their own disturbing actions in a foreign country, have they a single complaint of wrong well founded?

The subsequent conduct of the outlanders themselves, has demonstrated that their grievances were more imaginary than real.

War exists between Great Britain and the South African Republic, and yet nearly all the outlanders, other than of British nationality, not even content to remain neutral, have joined the army of General Joubert and are fighting heroically for the flag of the little Republic. Even the English outlanders themselves, are not found in large numbers, in the armies of Great Britain; and yet if they had suffered oppressive wrongs, all of the outlanders, of all nationalities, would have been in the ranks of Lord Roberts and General Buller.

What fairer proposition to England, as a last resort, could have been offered than that proposed by President Kruger, to submit their differences to arbitration? And yet it was rejected by the Imperial Government.

Then, sir, President Kruger, tired of yielding specifically to the details of the demands of the British Government, in pathetic tones, ever to be remembered by his countrymen, said, "I will yield all, all, all, except independence."

A close examination of the causes of this war, shows conclusively, that it is a war of oppression and greed on the part of Great Britain, and a war for the maintenance of liberty and independence, for the defense of homes from foreign invasion, on the part of the South African Republic. [Applause on the Democratic side.]

Mr. RAY of New York. Will the gentleman yield for a question?

Mr. SHAFROTH. Certainly.

Mr. RAY of New York. The gentleman from Colorado has evidently satisfied himself and perhaps many others that England is all wrong in this matter and that the Boers in South Africa are all right. Now, I want to know what remedy he proposes. What does he want the United States to do? Does he want us to interfere?

Mr. SHAFROTH. No, I do not want any armed intervention. I want the United States simply to exercise the prerogative and privilege given to it by the third article of the treaty of The Hague. That article provides that powers strangers to the controversy, even during hostilities, upon their own initiative, should mediate between the contending powers with a view to a peaceful solution of the differences by arbitration.

Mr. RAY of New York. Now, Mr. Chairman, right there. That Hague treaty which you speak of has not gone into force and effect, has it?

Mr. SHAFROTH. I understand it was ratified by the Senate of the United States on yesterday.

Mr. RAY of New York. But it is not in force until ratifications are exchanged between the different governments, is it?

Mr. SHAFROTH. I do not know the exact condition of it, but I apprehend that it must have been ratified by several of the nations, if not by Great Britain herself, as she has had a Parliament in session since the treaty was signed.

Mr. RAY of New York. Do you know of any such thing?

Mr. SHAFROTH. I do not; but I apprehend that every nation whose representative signed that treaty could not consider as an unfriendly act that which international law has never regarded as an unfriendly act. It is true that the United States before the signatures of its representatives reserved the right of the United States not to interfere in the internal affairs of Europe; but that was only a reservation on our part, and mediation is not interference.

Mr. RAY of New York. Has the English Government asked for our good offices in this matter?

Mr. SHAFROTH. Oh, no; and perhaps she never will.

Mr. RAY of New York. Has the Transvaal Government made such a request?

Mr. SHAFROTH. It has not; but let me tell the gentleman that whenever either one of those nations——

Mr. RAY of New York. If there is a treaty which is in force, if the Hague treaty applies, will it not be time enough for this Government to act when the English Government or the Transvaal Government, one or both, asks for our good offices?

Mr. SHAFROTH. I want to say to the gentleman that our Government will not recognize diplomatic agents from the South African Republic, and hence there is no means for that Republic to ask for our mediation.

But there is much less cause for offense when a nation, acting independently, offers mediation than if we wait until one asks us. Then it will appear as if we were taking sides with the one that asks.

Mr. HEPBURN. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. HEPBURN. What effect do you think this action that you propose on the part of our Government would have upon our ideas of the Monroe doctrine?

Mr. SHAFROTH. I will say, in answer to the gentleman from Iowa, that if intervention were made by our Government, it might interfere with the Monroe doctrine; but where mediation is extended, it is simply a request that the parties submit their differences to arbitration, not to be followed by force if refused, but simply relying upon the moral effect which would surely follow, namely, that the sympathy of all the nations, parties to the Hague treaty, would be upon the side of the one, offering to arbitrate and against the one, refusing so to do. No nation, that is a party to that treaty, could equitably refuse to comply with such offer of mediation.

Mr. Chairman, although the Boers have been successful so far in this conflict, I feel that the British arms will triumph in the end. They can not withstand the unlimited resources and innumerable men, which Great Britain can use in this war. And unless some of the powers, bound by the provisions of the treaty of The Hague, come to the rescue, you will find that in the end there will be a total annihilation, of the brave, honest people of that little Republic.

Should not the Administration, at least, use this power to establish peace between these nations, and thereby prevent the further destructive results of a bloody war? [Applause.]

The CHAIRMAN. The Clerk will read the bill by paragraphs.

The Clerk read as follows:

SCHEDULE A.

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to France, Germany, Great Britain, Mexico, and Russia, at $17,500 each, $87,500.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word.

I have listened with great interest to the speech of the gentleman from Colorado upon a subject that is not before the House, that is not before the country, and, so far as I know, can not be before the country upon this measure. I wish the gentleman had stated for the benefit of the country, because certainly his speech was not made for the benefit of the House, whether either of the contending parties in South Africa has asked of this Government any interference; whether the Boer Government has requested our Government to in any wise interfere by any suggestion to Great Britain, or whether Great Britain has made a like or any suggestion to our Government upon the subject?

Mr. SHAFROTH. Will the gentleman yield to a question?

Mr. GROSVENOR. I am putting a question to you.

Mr. SHAFROTH. I could not hear it.

Mr. GROSVENOR. My question is whether one of the contending parties has asked of this Government any interference.

Mr. SHAFROTH. They have not. I so stated in my talk. But the third clause of The Hague treaty says that "powers strangers to the controversy should upon their own initiative offer mediation to both parties."

Mr. GROSVENOR. But that treaty has not been exchanged yet.

Mr. SHAFROTH. It was ratified, I understand, by the Senate on yesterday.

Mr. GROSVENOR. But the ratification has not yet been exchanged. We do not know what may happen before that is done.

Mr. SHAFROTH. But the moral effect would be the same.

Mr. GROSVENOR. But I want to go a great deal farther than the gentleman has. I sympathize with every nation struggling for liberty, and I hope that my countrymen here on this floor will give patient attention for five minutes to a few suggestions I want to make, supplementary to those made by the gentleman from Colorado. There was a little, peaceable people in Europe known as the Finlanders. Their nationality has been wiped out and destroyed. A greater outrage, in defiance of human rights, was never perpetrated, unless, perhaps, it was the destruction and dismemberment of Poland; and the statute of limitation never runs against a crime like that. Russia was engaged in that; the other nations of Europe stood and looked on at that.

Not only so, but recently the Greeks were sat down on by the Turks, and a terrible outrage, in my judgment, was perpetrated. The overwhelming power of a semibarbarous nation was brought to bear to crush the life out of little Greece, and it was humiliated, taken possession of by foreigners, and finally subjected to the disgraceful and degraded position of a power without any power of independence or self-control. Then the Armenians were murdered by the Turks, and all the nations of the world stood by and looked on; and my friend from Colorado, so far as I remember, was absolutely silent. Now, I have in my Congressional district some Finlanders; and I want to speak a word for the Finlanders—and I have Greeks in my district, and I have Armenians in my district. [Laughter and applause.]

I have in my Congressional district, Mr. Chairman, some Hungarians, and I want to know by what authority Austria has squeezed the life out of the glorious independence that Hungary had under Kossuth and the great leaders of that day. [Renewed laughter and applause.] I have some Polacks in my district, and I call the attention of the gentleman from Colorado to the fact that the blood of Pulaski, the brave Pole who fell at Savannah in the defense of American liberty, has never yet been avenged; and Poland has been destroyed, and the men of my district look to me to vindicate the integrity of their country. [Renewed laughter and applause.] Not that alone. If I had time—but I do not wish to trespass upon the time of the House—I could name several others.

Mr. HOPKINS. And Germany took Alsace and Lorraine from France.

Mr. GROSVENOR. And then came this great nation Germany, that in the great struggle among nations in many cases is a leader; but in the same way it took those two beautiful provinces of France, Alsace and Lorraine, and took those people away and carried them over to a country that they do not belong to, and here we are standing silently by. God Almighty is looking at us. [Laughter and applause.] Why do not we go and defy Germany? And Mr. Chairman, there are Germans in my district, there are Frenchmen in my Congressional district. [Great laughter and applause.] There ought to be something done about this.

Mr. SHAFROTH. Has there been a single word——

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that I may have five minutes more, and I will not trespass any more on the time of the House.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he be permitted to have five minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. SHAFROTH. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Colorado?

Mr. GROSVENOR. Certainly not; there is nothing to answer. Nobody can answer that any more than I could have answered the gentleman's argument. [Laughter.] It was a terrible humiliation to France when the German army came there and marched its victorious columns through the great Arche de Triomphe at the head of their beautiful street, the Champs Elysée, and camped in the woods of Boulogne and destroyed that magnificent forest, then went to the various historical places at St. Cloud and Fontainbleau and desecrated the temples of French history. It was an awful thing, and we stood by and never said a word, and there are Frenchmen in my Congressional district. [Great laughter.]

Mr. Chairman, let us rise to the occasion. Let us appoint a commission—I would suggest a commission of 25, not more than 13 of which shall belong to any one of the parties in this House; their salaries ought to be $20,000 each per annum—and let that commission go forth to the world and see what has been done wrong, and wherever a wrong has been committed against any people let them come back and report to this House whether any of the members of this House have any of those people in their Congressional district, and if they have, let us go to war at once and exterminate them. [Great laughter.]

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that I may have two minutes.

Mr. HITT. I object.

Mr. SHAFROTH. I only ask for two minutes.

Mr. HILL. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I have just taken from the post-office the Bridgeport Post, in which I find this quotation, taken from a speech of Mr. Bryan in the city of Hartford the day before.

It is as follows:

QUEER COMPARISON.

The speaker early reached the money question and announced his intention of speaking straight to the financiers of "This splendidly wealthy city of Hartford."

"I am conservative," he said, "and I am more conservative than Jesus

Christ, who drove the money changers out of the temple because they made it a den of thieves.

"When I want to be severe I quote the Nazarene, who spoke as no man spoke, and I quote His words against the financiers of Hartford:

"'The wealth of riches choketh down the truth.'

"If I could touch upon but one question in Hartford to-day I should choose the money question. Financiers of Hartford, do not imagine that you can own everything."

The subject of free silver occupied the speaker's attention for an hour, after which he dealt exhaustively with the other issues in his usual manner.

Mr. Chairman, I want to say in reply to that single quotation that the capitalists of Connecticut are the working men and the working women of Connecticut, and that the foundation of their capital is their energy, their thrift, their economy, and their industry. They want no Mr. Bryan to prescribe the financial basis upon which their wages shall be paid. I want to say, furthermore, to the people of Connecticut from this standpoint, and to the people of the country, that they want no such proposition as I hold in my hand, presented authoritatively by one of the leading Democratic members of this House.

I will read it to you in a moment that the country may see, and the working men and the working women of Connecticut may see what would be in store for them if this man, who is "more conservative than Jesus Christ," was in power and authorized to carry out this proposition. What is it? An entire repeal of all national banking laws of the country and substitution of legal-tender Treasury notes. How issued? Under the regulations to be made by the Secretary of the Treasury, and that is all there is of it. Talk about trusts—talk about money trusts! The entire money issue of this country to be placed absolutely, without restraint, under the control and direction of one man, to be issued and withdrawn at his will! This is the diet that the Democratic party proposes to hold out to the people of this country in the next Administration, should they be successful.

Mr. HAMILTON. Is there any method of redemption provided?

Mr. HILL. No method of redemption, no method of withdrawal, no method of issue; simply legal-tender Treasury notes shall be issued at the will and dictation of the Secretary of the Treasury of the United States, issued and withdrawn at his caprice; and this bill was introduced by one of the leading Democratic members of this House, not only a leading Democrat, but one of the oldest.

A MEMBER. Who is it?

Mr. HILL. Judge MCRAE, of Arkansas.

Mr. COCHRAN of Missouri. Will the gentleman yield to me for a question?

Mr. HILL. I have concluded my remarks, and they ought to convince anyone. [Laughter.]

Mr. SHAFROTH. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. That proposition is already pending. The Chair will recognize the gentleman in opposition to that motion. [Laughter.]

Mr. SHAFROTH. Mr. Chairman, the gentleman from Ohio has attempted to turn into ridicule what a vast number of people think are violations of liberty and violations of solemn covenants on the part of Great Britain. He pretends to think that I have spoken on what I conceive to be the duty of our Government in the Transvaal conflict because that I may have some persons from Holland in my district. Mr. Chairman, I do not know of a single person from that country that resides in my district. If they are there I do not know them. When liberty is being destroyed and independence violated anywhere in the world, I can not see why it is a crime to mention it in this House. Nor will the gentleman's ridicule prevent all people who love justice and right from sympathizing with the brave, God-fearing people of the South African Republic.

The gentleman intimates that I want to declare war against Great Britain. Have I said anything in the course of my remarks that can be construed in that manner? Have I not said that there is one duty, and but one, for us in this matter, and that is to offer mediation? And have I not shown by the article in The Hague treaty that that is not only proper, but is enjoined upon the nations strangers to the conflict as a duty?

That treaty is before me. It uses the word "should" mediate. The gentleman says there have been various countries that have committed outrages, and there have been various wars, and that we did not intervene. We are not asking for intervention. We are asking for mediation.

But I want to say to the gentleman that there has been hardly a war—not many, at least, in the nineteenth century—when some nation has not only mediated, but has actually intervened. In the Crimean war there was intervention; in the Turko-Russian war there was intervention; in the Austro-Prussian war there was intervention; in the Franco-Prussian war there was intervention; and more than that, they were interventions which produced good results, without a resort to arms. The Russian army was within one day's march of the capital of the Ottoman Empire when it was stopped by an intervening power. Intervention is far different from mediation. Is it possible that we will not make some effort to have the contending nations arbitrate their differences and thereby stop bloodshed and destruction?

Mr. WM. ALDEN SMITH. Will the gentleman allow me a question?

Mr. SHAFROTH. I can not yield; I have but a minute or two.

Mr. WM. ALDEN SMITH. Just one moment. Does the gentleman know that mediation has not been offered?

Mr. SHAFROTH. I do not know. If it has been, God bless the man who has offered it.

Mr. WM. ALDEN SMITH. Why does the gentleman make his statement so strong? Does the gentleman know it has not been?

Mr. SHAFROTH. I do not.

Mr. WM. ALDEN SMITH. Mediation is not ordinarily offered with a brass band, but through the regular channels of diplomacy. The parties might reject it and the Government be placed in a most embarrassing light.

Mr. SHAFROTH. Will the gentleman assert that it has been offered?

Mr. WM. ALDEN SMITH. I know that the kindly offices of this Government are at the disposal of both or either of the parties in this conflict.

Mr. SHAFROTH. Will the gentleman answer the question whether he thinks that mediation has been offered?

Mr. WM. ALDEN SMITH. I do not represent this Government in Great Britain nor in the Transvaal. But I do believe that I have as much right and more authority to assert that our friendly offices are at the disposal of those contending parties whenever they ask it than the gentleman from Colorado has to assert that our position is one of hostility.

Mr. SHAFROTH. I do not say that. I simply say, here are the provisions of the treaty which says that it is the duty of some nation, strangers to the conflict, under these circumstances to offer mediation. If the United States has offered it, God bless the United States. That is all I have to say. If Germany, or France, or any other nation has done it, well and good. Such a measure is in the interest of peace, in the interest of humanity, in the interest of stopping bloodshed and the destruction of human life. And the step ought to be taken by some power. Whether in Europe or this country makes no difference.

I do not make any accusation as to whether the President is acting properly in this matter. I know that the Chief Executive of our country has grave responsibilities resting upon him and must be extremely careful in dealing with the questions presented to him. But it seems to me that at some time, before there is a total annihilation of the people fighting in that country, some Government—the United States, if no other—should through mediation ask these countries to settle their differences by arbitration.

[Here the hammer fell.]

The CHAIRMAN. Without objection, the formal amendment will be considered as withdrawn, and the Clerk will read.

The Clerk, proceeding to read the bill, read the following:

Consuls general at London, Paris, and Rio de Janeiro, at $5,000 each, $15,000.

Mr. DOLLIVER. I wish to ask the chairman of the committee whether these consuls-general at London, Paris, and Rio de Janeiro have any additional compensation provided by law beyond that appropriated here?

Mr. HITT. They are restricted by the law to this exact sum as compensation from the Treasury. As Government officers they are allowed to perform notarial acts and to render unofficial services to citizens of the United States, for which those citizens can pay them, and they retain the money thus received; but all fees paid to them for official services as consuls of the United States they have to turn into the Treasury.

Mr. DOLLIVER. I have seen it stated in the newspapers that these consuls-general at London and Paris are in receipt of an annual income vastly greater than that of the President of the United States. I will ask my friend whether there is any way in which the fact as to that matter may be ascertained?

Mr. HITT. The consul-general at London receives the salary indicated in the bill—$5,000; and during the year ending June 30, 1898, he received for services, notarial and otherwise, $7,323.70. Besides that, he was entitled under the law to one-half of the fees collected at the consular agency at Dover, amounting to $17.50, his proportion being one-half of that sum. Out of these amounts he had to pay a considerable sum for clerical service, because the acts enacted by Congress in past years have not provided sufficient clerical force to discharge the enormous business at the great consulates.

Mr. DOLLIVER. What are the facts as to the fees at the consul-general's office in Paris?

Mr. HITT. In Paris last year the consul received the salary in the bill, $5,000, and in addition, for notarial and other services, there was paid the sum of $8,376. There are no consular agencies, and that was all that he received. It should be stated, in justice

to these officers, that the business of that office is so vast that the fees paid into the Treasury from the Paris consulate last year were $17,101.

Mr. DOLLIVER. I am much obliged to the gentleman.

Mr. HITT. That will explain what I said as to the need of so many clerks. The allowance which we make in this bill for clerk hire at the Paris consulate is inadequate, as I suppose it is always inadequate at these great consulates, and the consul takes from his own compensation for other services and pays the clerks when necessarily employed.

Mr. DOLLIVER. I have no complaint to make about the aggregate amount of their receipts, and I am obliged to the gentleman for making the statement, which corrects an impression which has been circulated for many years in the country that these official receipts were so great as at least to warrant an effort on the part of Congress to divert a part of them into the Treasury.

Mr. HITT. As to Rio Janeiro, about which the gentleman also inquired, I will say there is almost nothing in the way of notarial fees. The amount received by that consul last year was $372 and one-half of $290 from agencies.

I ought to add, in explanation of the popular impression, that there has been some basis for that impression in the past. Formerly these fees were very much greater than they are now. The indirect income of the consul used to be a great sum of money, and a few years ago our committee brought in a measure here that cut off two-thirds of that income, so that the income of all those great consulates is very much reduced. Everybody has heard of Hawthorne, and how that great literary man went over as consul and a fortune dropped into his lap at Liverpool by these vast fees. There have been other instances of large fees, as in London, Belfast, Sheffield, etc.; but those fees have been cut down, as I have just stated.

Mr. DOLLIVER. I suppose the notarial fees, outside of the official consular business, are regulated by local laws.

Mr. HITT. The notarial fees are regulated by an order of the State Department, which fixes in a schedule the amounts a citizen can be required to pay for notarial services, as in taking an acknowledgment of a deed, or certifying to a will. That is all set forth in an order of the State Department, which requires the list of fees to be kept posted in the consulate.

Mr. DOLLIVER. I make that inquiry for the reason that one of my constituents has complained to me that he was compelled to pay, I think, four dollars and a half for a notarial service which in this country would have cost him, probably, a half a dollar, and I was a little interested to know upon what basis these charges were regulated.

Mr. HITT. If that were done to a citizen who would submit it with the proof to the State Department, and the fee were exorbitant, it is quite probable that that consul would soon hear of it.

Mr. DOLLIVER. I am not prepared to say that the fees charged were not proper, because I know nothing of the service that the consul actually rendered.

Mr. GROSVENOR. I should like to call the attention of the gentleman from Illinois to the fact, if I am right, that consuls have urged the State Department that they ought to have the right to charge for their notarial and unofficial work the same prices that are fixed in the country in which the work is done, which, in most cases, would be two or three times greater than the table of fees allowed by the State Department. Is not that true?

Mr. HITT. That is the fact. The list of fees fixed by law in the District of Columbia is the one that is generally followed by the State Department in fixing the schedule of fees. The fees prevailing in foreign countries and the fees in legations and consulates of foreign countries in this country exceed those allowed under our laws. Our passports, for example, cost a dollar. It is not the same in other countries.

The Clerk read as follows:

Consuls-general at Berlin, Montreal, Yokohama, Panama, and Mexico (city), at $4,000 each, $20,000.

Mr. GILLETT of Massachusetts. Mr. Chairman, I ask unanimous consent to go back to page 10. While I was out for a moment the Clerk read the paragraph.

Mr. HITT. The gentleman was not present when it was read?

Mr. GILLETT of Massachusetts. No; I was not present.

Mr. HITT. Then I have no objection.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to page 10, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. GILLETT of Massachusetts. Mr. Chairman, the amendment I wish to offer is to change "two thousand" to "$5,600," and to make it read "expenses and salary of a commissioner" instead of simply "expenses."

The CHAIRMAN. Will the gentleman either write out his amendment or state it more specifically?

Mr. HITT. I must say, Mr. Chairman, that that is subject to a point of order, but if the gentleman desires to make a statement I will not press the point, but will withhold it for a moment, so that he can make a statement.

The CHAIRMAN. Will the gentleman from Massachusetts either send up his amendment or state it, so that the Clerk can note it.

Mr. GILLETT of Massachusetts. The amendment is to insert, after the word "expenses," the words "and salary," in line 19, on page 10, and, instead of "two thousand dollars," the words "five thousand six hundred dollars."

I will very briefly state the reasons for offering this amendment.

Mr. HITT. I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. GILLETT of Massachusetts. I trust my statement will modify the opinion of the gentleman from Illinois. There is at present, as is well known, a commissioner of the United States on the International Prison Commission, who is the gentleman formerly our colleague here from Massachusetts, Mr. S. J. Barrows. I have here a letter from the Secretary of State recommending this very amendment which I now suggest, which I will read:

DEPARTMENT OF STATE,
Washington, January 3, 1899.

SIR: I have the honor to transmit herewith, for the information and consideration of Congress, a report of the commissioner of the United States on the International Prison Commission, giving a detailed statement of his work during the past year, and of the additional work which, at the suggestion of the commission and with the approval of the Department, he has already undertaken.

The work of the commissioner is both interstate and international. The measures taken by him to solicit and diffuse information in this country concerning penal laws, methods, and agencies preventive of crime in the different States is of national value. On the other hand, the international character of the commission secures the friendly and systematic cooperation of penologists in all of the great countries of the world, and the exchange of information and experience is of mutual advantage.

The present annual appropriation of $2,000 for the commission simply suffices for the subscription of the United States and clerical and other necessary expenses. As the preparation of the reports authorized by the Department will absorb almost the entire time of the commissioner, I respectfully ask that the appropriation for the commission may be increased so as to provide for the compensation of the commissioner, and suggest the following item:

For subscription of the United States to the International Prison Commission and the expenses and compensation of the commissioner, to be expended under the direction of the Secretary of State, $5,000.

The previous report of the commission will be found in Senate Document No. 181, Fifty-fourth Congress, first session.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

HON. GARRET A. HOBART,
Vice-President of the United States, United States Senate.

As this letter indicates, Mr. Barrows has for several years performed the duties of his important office with great ability and fidelity, and without any compensation. The $2,000 allowed for expenses was used last year as follows:

Subscription of the United States to the International Commission	$350.00
Subscription of the United States to the Official Bulletin	50.00
Translations, clerical labor, and researches	734.79
Typewriting, postage, session laws	426.39
Expenses of commission abroad	438.82
Total	2,000.00

The very modest sum appropriated by the commissioner to his personal expenses bears witness to his economy and conscientiousness, and the work he has accomplished proves his industry. It is of great importance to the country that this growing work should not be abandoned or diminished and to insure that it should be fairly compensated.

There are fourteen nations which unite in supporting this commission, and every commissioner except ours has a salary from his own government. As each of our States has its separate penal system, it is of great importance that the nation should have at least one central bureau of penal information and suggestion, where the differing systems of the States can be compared and the varying results noted and foreign developments collected. Statistics, methods, and experiments should all be gathered there, and there is constant correspondence and interchange of views and results with foreign nations. There should also be prepared a digest of the new criminal laws passed by Congress and all the States.

The Sixth Quintennial Prison Congress meets next July at Brussels, which it will be the duty of the American commissioner to attend, and he must report the proceedings for distribution in the United States in a document whose preparation involves much labor.

In recognition of the very valuable service which our commissioner has rendered in the past, and as a moderate compensation for the important work which he might accomplish this year by devoting his whole time to the subject, I hope the amendment will be adopted.

Mr. HITT. Mr. Chairman, in the discharge of my duty to the committee, having been put in charge of the bill, I am compelled to make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Consuls general at Antwerp, Apia, Constantinople, Dresden, Guayaquil, Frankfort, Ottawa, Rome, St. Petersburg, Singapore, Cape Town (Africa), Barcelona, and St. Gall, at $3,000 each, $39,000.

Mr. RAY of New York. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Line 24, page 11, after the word "dollars," insert the following: "and to pay the expenses of the consul at Constantinople in making special inspection of the consulates and consular agencies in Turkey, the Balkans, and Roumania, the sum of $1,000, or so much thereof as may be necessary."

Mr. HITT. Mr. Chairman, I will have to reserve the point of order; but I do not wish to prevent the gentleman from making his statement.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. RAY of New York. Mr. Chairman, I desire to say that I had no opportunity before this bill was reported to present this matter to the committee; and I trust that if a point of order would lie that it will be waived. The consul-general at Constantinople is one of the most efficient men in the service and has done a great deal to promote the interest of the service at that place and throughout Turkey. Within the last year he was directed by the State Department to make an examination of those consulates, and later on that order was revoked, for the reason that there was no money available for the purpose. It stands in that way now.

Now, this appropriation of $1,000 for this purpose, or so much thereof as may be necessary, would not necessarily incur any expense to the Government or take any money from the Treasury. It would simply furnish the money to make it available in case the State Department here see fit to order that work to be done; and at the same time, if the work is necessary and if they see fit to order it to be done, a want of funds ought not to stand in the way of that service being performed for the Government of the United States. If it in any way directed this to be done, I would not ask it, but it is entirely discretionary with the State Department and simply makes that amount of money available in case the work is required.

Mr. HITT. Mr. Chairman, reserving the point of order, I will make one remark in response to the very reasonable request made by my friend. I think that expenditure is a just and proper one, and it was because the committee desired to provide for it that they inserted on page 6, line 14, the words newly found in that paragraph, "for inspection of diplomatic and consular offices." Below that is an appropriation which by this bill is $150,000 and which under the present law is $128,000. Now, a provision of $5,000 had been made from year to year, until last year, to provide for the inspection of consulates and embassies. Last year it was omitted; and that was the reason of the fact stated by the gentleman, that there was no money in the State Department to provide for the expenses of this consul in making the inspection, an inspection so necessary. That is the reason we have made this provision.

Mr. RAY of New York. Then, Mr. Chairman, if the gentleman will permit me a question, I am to understand that the money appropriated or to be appropriated by this bill, on page 26, under the head of "Contingent expenses of United States consulates"——

Mr. HITT. No. Page 6, line 14, "For inspection of diplomatic and consular offices."

Mr. RAY of New York. That provision will furnish the money that might be applied to this particular work, if it is directed by the State Department?

Mr. HITT. It was for that very purpose that it was inserted.

Mr. RAY of New York. It does not pay some old bills that have been carried forward?

Mr. HILL. It must be a bill incurred after the 30th of June, 1900.

Mr. RAY of New York. Then, Mr. Chairman, I think that with that explanation, and with that provision in the bill, I will withdraw my amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from New York will be withdrawn. [After a pause.] The Chair hears none.

The Clerk read as follows:

Consul-general at Monterey, at $2,500.

Mr. DOLLIVER. Mr. Chairman, I move to strike out the word "two," in the first line, and insert "four." And in connection with that amendment I desire to ask the chairman of the committee upon what theory the salary of the consul-general at Mexico is made $4,000, while the salary of the consul-general at Monterey, whose territory is larger and whose duties I believe are more arduous, is given a salary of only $2,500?

Mr. HITT. Mr. Chairman, I desire to make a point of order, or reserve it, on this amendment. I will say, in answer to the gentleman's inquiry, that Monterey is a provincial office in Mexico. The City of Mexico is the capital, and the business of Monterey is not as great as the business of the City of Mexico, nor nearly as great. True, it has recently risen very rapidly. It was nothing but an agency a few years ago, then a consulate, and then raised to consul-general upon the opening of the railroad. Now, I would call the attention of the gentleman to the fact that the compensation of this consul-general is not only $2,500, but that he gets half of the fees of these consular agencies.

Mr. DOLLIVER. My information is that there is practically no income outside of the salary of the consul-general.

Mr. HITT. It is over $200 in the returns, and they are incomplete.

Mr. DOLLIVER. Now, I will ask the gentleman if the State Department has made any suggestion to the committee in respect to the salaries of these two great consular offices of Mexico? The consul-general at Monterey has the territory practically of the whole north half of Mexico, with duties scattered and expenses greater than are now incurred by the consul-general's office at the City of Mexico, with an income hardly one-half of that provided for the salary of the consul-general at Mexico, and that practically there is no addition arising from the fees of those supposed consular agencies which had no business.

Mr. HITT. The recommendations of the Department, which I have here, are not in alphabetical order, and I can not answer the gentleman offhand from memory as to whether Monterey has been recommended for increase or not.

Mr. DOLLIVER. I will say to the gentleman that the State Department has informed me of their intention to recommend an increase in the salary at Monterey, and, anticipating the point of order being sustained, I will take this occasion to urge upon the chairman of the committee to consider the recommendation of the State Department, and, if possible, in the progress of this measure, do justice to the consul-general at Monterey.

Mr. HITT. I would be glad to give that consul and many others more ample compensation.

The CHAIRMAN. Will the gentleman from Illinois inform the Chair whether or not the statute fixes the salary of the consul-general at Monterey at $2,500?

Mr. HITT. That is the law at present, Mr. Chairman.

Mr. DOLLIVER. I will say, Mr. Chairman, that there is no law upon that subject except the custom and habit of the Committee on Foreign Affairs.

Mr. HITT. I hold the law here in my hand, Mr. Chairman. It was approved February 9, 1899, and it has been decided by the Chair many times that having been once established by the House, creating a salary, is a sufficient justification for renewing it by the committee.

Mr. DOLLIVER. Does my friend from Illinois mean to say that the salary was fixed by any general law of Congress?

Mr. HITT. It is fixed by law.

Mr. DOLLIVER. By an item in an appropriation bill.

Mr. HITT. By the appropriation bill, and that is the usage by which salaries are fixed.

The CHAIRMAN. The Chair thinks the gentleman from Illinois is in error in his statement that it has been held that where a prior statute has fixed the salary and an appropriation bill changes that law the item in the appropriation bill governs; but where there has been no statute fixing a salary it has been held that the appropriation bill is the law which establishes that salary.

Mr. HITT. I may say, Mr. Chairman, that there is no general law establishing the salary for this post. The post was created about three years ago as a salaried office. The salary was raised; the title was changed. It was a consular agency, then a consulate, and then was made a consulate-general,

Mr. DOLLIVER. All I ask is that it be given the dignity and emoluments that go with increased duties.

The CHAIRMAN. Upon the statement of the gentleman from Illinois the amendment is not in order, and the Chair will sustain the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Consul-general at Stockholm, $1,500;
Total, $110,500.

Mr. HITT. Mr. Chairman, in line 6, after the word "consul-general," I move to insert "and secretary of legation." This is done with the assent and direction of the Committee on Foreign Affairs. The minister at Stockholm and the consul-general both, confirmed by the Secretary of State, in a communication sent to the committee, have requested that this addition to the function of this officer be made by law, so that there may be some one at Stockholm to take the place of the minister of the United States when absent. There is no increase in the pay at all.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, page 12, after the word "consul-general," insert the words "and secretary of legation;" so that it will read: "Consul-general and secretary of legation at Stockholm, $1,500."

The amendment was agreed to.

Mr. HEATWOLE. Mr. Chairman, I offer the following amendment, which the Clerk will read.

The Clerk read as follows:

On page 12, after line 7, insert the following: "Consul-general at Christiana, $1,500."

And on page 12, line 8, strike out the word "ten" and in lieu thereof insert the word "twelve;" also, in line 8 strike out the words "five hundred."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

At $2,500 per annum.
Argentine Republic: Consul at Buenos Ayres.
Austria: Consul at Reichenberg.
Belgium: Consul at Brussels.
Brazil: Consuls at Santos and Pernambuco.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert, in line 10, page 14, after the word "Santos," the word "Bahia."

Mr. HITT. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The point of order is reserved.

Mr. OVERSTREET. Mr. Chairman, this amendment seeks to place the consul at Bahia in the schedule at $2,500 instead of $2,000. I call the attention of the chairman to the fact that this increase of salary has been recommended several times by the State Department. This consulate, as relates to other consulates, is out of proportion in the allowance of salary. We have already in the preceding portion of this bill arranged for salaries to consulates in that country whose receipts are far less than at Bahia.

At the consulate at Buenos Ayres, where the salary is $2,500, the receipts are but $1,400. At Pernambuco, in the same line, the receipts are less than $1,000, while the salary allowed is $2,500. At Valparaiso, which has just been passed, the official receipts amounted last year to the inconsiderable sum of $112, while the amount allowed for salary is $3,000. At Callao the receipts last year were $948, while the salary of the consul is $3,500. At Montevideo, where the salary is $3,000, the receipts last year in fees were less than $1,000.

The living expenses at this Brazilian port, Bahia, are greater than at any of the consulates I have named. The consul is compelled out of his own purse to make provision for clerk hire in excess of the allowance of the Government, for the reason that the Government requires an English-speaking clerk; and the mercantile houses of that town offer better inducements for English-speaking clerks than the American Government offers in the shape of the salary of a consulate clerk.

Taking into consideration the greater expense of living and the fact that the money in which the consul is paid is not on a par with the money of the country in which the duties are performed, the inconsiderable increase of salary which my amendment proposes is by no means disproportionate.

I appreciate, Mr. Chairman, that the chairman of the Foreign Affairs Committee has the privilege of consigning this amendment to the grave by his point of order; but I inquire whether it is not true that this is the only way in which these salaries can be increased and whether it is not often done? I appeal to the gentleman to withhold his point of order in view of the enlarged duties imposed upon the consul at this post and the increased expense of living, and in view also of the fact that this increase of salary has been recommended repeatedly by the State Department.

Mr. HITT. Mr. Chairman, the remarks just made by the gentleman from Indiana contain much that I recognize as true in regard to the inadequacy of the compensation of our consular officers, especially those in these unhealthy places now under consideration. I am aware of the facts in these cases; but the duty incumbent upon our committee is laid down in mandatory form in the rules; and if the chairman of the committee should come in here and, following his own judgment, should pick out posts here and there and ask the House to make increases of salary, it would not be fair treatment. If the gentleman from Indiana has stated this case correctly, the amendment he suggests can be adopted in the Senate committee; and, representing the House, upon these statements which will appear upon the record, I will try not to be unjust in conference.

Mr. OVERSTREET. Is it not true that the State Department has recommended this increase of salary?

Mr. HITT. The State Department recommended a salary of $2,500 for this consul.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TERRY. Mr. Chairman, what a change has come over the majority of the Republican party! What a change has come over the spirit of their dreams! In 1861 they were engaged in a great propaganda and crusade against human slavery. Now they are backing a covenant made by General Bates with the polygamous Mohammedan Sultan of Sulu, authorizing the continuance of human slavery in the south part of the Philippine Islands. In 1861 to 1865, with their principal backing in New England, they were marching and singing as their battle hymn:

> In the beauty of the Lily Christ was born across the sea,
> As He died to make men holy, let us die to make them free!

Now their propaganda is that civilization and Christianity is to be carried at the point of the bayonet, and that in the red glare of blazing guns and not in the whiteness of the Lily Christ is "born across the sea!" What would their old leaders say of such a change? "How have the mighty fallen!" [Great applause.]

Mr. GILLETT of Massachusetts. I move a formal amendment to strike out the last word, and I would like the privilege of occupying ten minutes.

Mr. HITT. I must object to that. If the gentleman will speak five minutes he will be able upon another motion to obtain a second five minutes, and I will be willing to make such a motion. But I have been obliged to refuse these requests for additional time upon the other side, and I must be consistent.

The CHAIRMAN. The gentleman from Massachusetts will proceed for five minutes.

Mr. GILLETT of Massachusetts. Mr. Chairman, in the last Congress no one was more decided than myself in the conviction that the permanent acquisition of distant tropical territory with a large population was most undesirable. I will read one sentence from a speech I made then in this House:

> To our isolation and compactness we owe much of our security and strength; to extend our possessions outside of this continent is to extend our vulnerability; we still have undeveloped resources here sufficient to occupy our energy for another century. The great menace to our future prosperity is lowering the character of our citizenship, and to enter upon a career of imperial expansion is to break our cherished traditions, to expose ourselves to foreign complications and war, and to win a broader empire at the risk of heavy taxes, corrupt administration, and a deteriorating suffrage.

Those opinions I still hold.

I opposed expansion mainly on selfish grounds, because I thought it was antagonistic to the best development and security of our own country. Yet I thought, too, that in this case selfishness was the most enlightened and effective philanthropy, and that America could better promote the cause of civilization by purifying her own administration, assuring her own development, and exhibiting to the world an ideal example of republican self-government, than by lifting up occasional degraded people at the risk of her own security and progress.

Nor will I deny that I was somewhat influenced by the argument that in abstaining from all permanent territorial aggrandizement we were not only promoting our own welfare, but were also proving to the world the sincerity of the professions with which we began the war and exhibiting a self-restraint and magnanimity and philanthropy quite new and unprecedented in international affairs.

But the decision was against me. The President and Senate, in whom the Constitution vested the power, have legally acted, and Puerto Rico and the Philippines are ours, and how they could legally be again separated from us is already a matter of dispute among constitutional lawyers.

No party is alone responsible. Neither in Congress nor in the country was opinion at first divided on party lines. The Republicans did not even have a majority in the Senate, and if half the opposition there had voted against the treaty, it could have been rejected or modified.

The question, however, is now settled, and while the events of the past year have not weakened my first impressions, yet I now acquiesce in the decision. I recognize that the only question now before us is not shall we have them, but how shall we govern them?

Nearly twenty years ago Mr. Gladstone said in the House of Commons:

> To disapprove the annexation of a country is one thing; to abandon that annexation is another. Whatever we do we must not blind ourselves to the legitimate consequences of facts. By the annexation of the Transvaal we contracted new obligations. I must look at the obligations entailed by the annexation, and if, in my opinion and in the opinion of many on this side of the house, wrong was done by the annexation itself, that would not warrant us in doing fresh, distinct, and separate wrong by a disregard of the obligations which that annexation entailed.

And so we have legally assumed new obligations which we must meet, which it is now too late to escape; and when an inevitable task is before us I think it is wiser to spend our time and strength in grappling with its difficulties than in bemoaning them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITT. I move to strike out the last two words, and I yield to the gentleman five minutes.

Mr. GILLETT of Massachusetts. Mr. Chairman, from the best information I can find I do not believe the Filipinos are capable of self-government, or are likely to be capable of self-government during our lifetime.

Mr. LENTZ. Will the gentleman permit a question?

Mr. GILLETT of Massachusetts. Certainly; though I have only five minutes left.

Mr. LENTZ. I want to ask whether it would not be appropriate and well, in order to get some of that information, to ask the Filipinos to send a commission to Washington of such men as they see fit to select to present their case here untrammeled and uninfluenced?

Mr. GILLETT of Massachusetts. I think we had better wait until we are not at war with them before we make such a request.

Mr. LENTZ. You say they are ours. We want information. Would not that be a good way to get it? Would it not be a fair way to get it?

Mr. GILLETT of Massachusetts. I see no objection to that, though I think the first thing is to subdue this insurrection.

Mr. LENTZ. I notice that Admiral Dewey was willing to have their help and their suggestions.

Mr. GILLETT of Massachusetts. I believe that they are much like minors, that they are not capable of making a contract, that they must be the wards of some nation for a long time; and the fact that they were ceded to us without consulting the wishes of their inhabitants does not to me at all impeach the validity of the transfer. They must long be treated as minors, incapable of making valid contracts—wards of some other nation; and if we could negotiate an exchange with England of these ten millions for the six millions of Canada, I should consider the transaction at once legal and most desirable, and would gladly throw in Puerto Rico as a makeweight.

But we are at present in a state of war with one tribe of these people—a war whose existence and active prosecution were provided for by the Army bill last year—and it seems to me that some persons forget the limitations which war legitimately imposes upon both expression and conduct. That the war is most deplorable we all admit—deplorable not only for the lives and suffering and money it is costing, but for the lasting hatred it must generate. It certainly did seem at first that we might reasonably hope and expect that diplomacy would avert conflict and make us welcome as friends and protectors. But I do not sympathize with the spirit that casts on our officers all the blame and exonerates the natives. On the contrary, while I presume there may have been fault on both sides, yet after the breach has occurred, in the uncertainty and doubt and vagueness of the evidence, I do not hesitate to take the side of my own country and believe our own witnesses, and claim that the unreasonableness and aggressiveness of our opponents forced the conflict. And while the war continues—a war which the fundamental law of nations compels every citizen to support with his life, if necessary—I would not wittingly do or say anything which might weaken our force or give aid or comfort to our enemy. It seems to me bitterness of feeling has in some places led to much indiscretion of statement. The war to us seems sometimes so trifling, so far away, that we discuss it academically, as if it were in another planet. But to the men there fighting it for us, at our command, in our stead, it must seem very real and serious, and they must wonder that anyone whom they are representing at the risk of their health and comfort and life can wish for their failure or contribute to their difficulties and dangers.

Until this war is ended I for one would not like to do or say anything which by encouraging our foes might prolong the conflict a day or cause the death of one more soldier. And I incline to believe that the great majority of my constituents, whatever may have been their first predilections, recognize that now the task of governing these distant and half-civilized people is for the present inevitable, and approach it not as desirable, as easy, or as a chosen path to greatness; not with a jaunty self-confidence or an eager and greedy ambition, but soberly, determinedly—as a burden which can not be shifted, and to which they hope they may find an adaptability which has thus far never failed them.

Mr. COCHRAN of Missouri. Mr. Chairman——

Mr. HITT. Is the gentleman for or against the amendment?

The CHAIRMAN. He has been recognized against the amendment.

Mr. COCHRAN of Missouri. I fully sympathize with the concluding remarks of the gentleman from Massachusetts [Mr. GILLETT]. This country is at war. It is a serious war, and as long as that condition exists every American in this Chamber and outside of it should stand by the Government. An American army is in the Philippines, and all of us favor strengthening and supporting it as long as hostilities continue, always with the understanding that the Republican party and the President are responsible for its conduct. I believe it is the sense of this body, without regard to politics, and of the electorate all over this country, without regard to opinions, that all requisitions for the men and money necessary to the vigorous prosecution of the war should be forthcoming. Up to this hour the President has found Congress ready to act upon his mere suggestion in reference to these matters.

But, Mr. Chairman, I believe this war in the Philippines could have been and should have been avoided. As to who was responsible for the beginning of this conflict it may be that, as has been said by the gentleman from Massachusetts [Mr. GILLETT], we are in the dark. But as to the year of bloody strife that has followed, it seems to me it is not difficult to fix the responsibility. Conclusive and admitted facts stand out prominent in the discussion. When the first collision between the American troops and the Filipinos occurred at Manila the commander of the Filipinos sent representatives through our lines deploring the conflict and begging piteously for a cessation of hostilities. The Filipino commander disclaimed acts committed by privates, and offered to retire with the Filipino forces to a sufficient distance from Manila to guarantee the restoration of peaceful conditions pending a settlement of the matter by peaceful methods. Acceptance of this proposal would have restored peace. It was rejected, and the war was the result. The answer of the American general was that the conflict having begun, it must go on to the bitter end. This is the history of the outbreak as preserved in the archives of our Government.

I submit that with these admitted facts staring them in the face the American Government must admit that we, not the Filipinos, declared war. It was the general commanding our armies at Manila, who, acting, doubtless, under instructions from Washington, declined peace when peace was offered and declared that a mere brawl between the outposts of two armies which had just emerged from a successful campaign against a common enemy was to be made a pretext for a war which must go on to the bitter end.

Mr. Chairman, these cruel words, these fatal words, should never have been spoken. If we can in any way recall them, if we can end this bloody business by treating with these natives and arrive at a peaceful solution of the Philippine controversy, we ought to do it. If through its authorized agents this Government needlessly brought on the war, the great Republic should find a way to end it without going on to the bitter end—the extermination of the civilized population of the islands.

Mr. Chairman, we can afford to be generous with these people. We should take into consideration the fact that if they err in judgment it is because their judgment has been perverted by three centuries of wrong, oppression, and despotism. If they are suspicious and not willing to trust us, albeit that suspicion may be unjustifiable, still, let us reflect that it grows out of the fact that their former masters made many promises which were not kept. Three centuries of injustice, robbery, and cruelty had rendered them desperate. The overthrow of the Spaniards made them believe their dream of liberty and independence was about to become a reality. The edict of our general portending, as it did, the advent of a new master, filled them with despair. These are the facts, gentlemen, and we may as well face them. The matter most important is not who began the war, but who insists upon continuing it? No matter who began the war, we can and ought to end it.

Mr. Chairman, Republican leaders and organs say that we, as legislators, have just one duty to perform. We must stand by the President. They insist that to dare to question his judgment is akin to treason. The President of the United States was formerly an honored and distinguished member of this body. Did any member of Congress then forego his personal judgment because, forsooth, William McKinley sat here as a Congressman? He has been called to a higher civil position now. Does that add to his capacities or give greater value to his opinions? He carried with him to the office of Chief Executive every imperfection of judgment that characterized him here. He is entitled to the respect due to his high office. But when he was a Congressman he was surrounded by his equals, and not unfrequently met men who were his masters in intellectual and moral endowments. What was true of him then is no less true now. Because one member of this body has been called to a higher sphere, it does not follow that all the others should renounce the right to think for themselves. It is the duty of every member upon this floor to study every grave question presented in this body and, having done so, to pronounce his own individual judgment upon it.

This is not a one-man government. It is not a government by the President. It is a government of the people, who speak through their Representatives on this floor; and when they speak, the duty of the occupant of the White House is to obey.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIDGELY. I ask the gentleman be allowed ten minutes.

Mr. HITT. I object.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Missouri be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COCHRAN of Missouri. What is the supreme question in this Filipino controversy? It is whether the United States shall continue in perpetual sovereignty in the Philippine Islands. Congress must finally determine that question. Why have we not entered upon an effort to do so? What stands in the way? The

Administration says nothing can be done until the end of the war. In his message to Congress at the beginning of the present session the President said the war had practically terminated. The Filipinos have been scattered and driven into the hills and mountains. Only small bands of natives are now in the field. If Congress is to determine the question, what is the meaning of steps recently taken by the Executive?

The President is about to establish civil government throughout the island of Luzon. Is this not a barefaced usurpation of the powers of the Congress? If the time has arrived for definitive action, the lawmakers and not the President should act.

I insist that Congress owes it to the country and owes it to the Filipinos to declare what shall be the policy of this Government there. If we intend finally to concede to the Filipinos the same rights that are to be conceded to the Cubans—and I believe we ought to—then let us say so.

If this Congress would declare that when peace shall have been restored—when a government republican in form and capable of protecting life and property shall be organized in the Philippines—it is our intention to withdraw our military forces, retaining only a naval station, and allow the people to govern themselves, I believe that upon publication of the good tidings in the Philippines war and bloodshed would cease. Am I mistaken? Possibly. If so, no harm would result from trying the experiment. If I am right, what a blessing could thus be bestowed, not only upon the Filipinos, but upon ourselves as well.

And what do the gentlemen on the other side of the Chamber propose? Why, they tell us to stand by the President. This Congress, like the last, is to be content with passing appropriation bills. Having done this, we will return to our homes. Again we are going to "give the President a free hand." At the last session of Congress this course was justified by Republicans on the theory that the war would soon end, and this would pave the way for intelligent legislation. Now, when, according to the President's message and dispatches that come to us daily from General Otis, the war has practically terminated, the majority in Congress shows no disposition to act.

How long will you procrastinate? How long is your President to be allowed to exercise the powers of an absolute monarch? Is the question involved so momentous that you feel incapable of solving it? If so, it is too important to be dealt with by a single individual. Again I declare that the mere fact that a politician has been elevated to the Presidency adds nothing to his capabilities. The Congress, and not the President, must determine finally all questions of public policy. Upon the Republican majority in this body and the Senate devolves the duty of settling the future status of the Philippines.

Gentlemen, why do you hesitate? If you have a policy—if you know what you are going to do—why do you not declare it? It is idle to bandy words as to whether our troops or the Filipinos made the first assault. What difference does it make? The war resulted. It has cost many lives and millions of treasure. It makes no difference how it began. As to who is responsible for its inauguration may be an interesting historical question, but for present purposes it cuts no figure in this case. What the country demands is that a way be found to end the conflict, and what it expects at the hands of Congress is the fearless discharge of its constitutional duties. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SHAFROTH. Mr. Chairman, I ask unanimous consent that I may be allowed to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that he may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, I could not hear all that the gentleman from Connecticut [Mr. HILL] said this morning, but I gathered enough to impress me that his remarks were denunciatory of what William J. Bryan is doing up in his country—that is, discussing bimetallism, favoring bimetallism, and condemning imperialism. Mr. Chairman, I want to call the attention of this House just a moment to the condition of one of England's colonies, one of her gold-standard imperial victims, India. I shall read from a splendid authority, the Philadelphia North American of February 5, a leading Republican sheet. Could anything be more horrible than this? I read from this paper:

REDWING, MINN., *February 4, 1900.*

A letter has been received in this city from Mrs. C. C. Lenth, a missionary in India, giving an account of the famine and appealing for help. According to the letter, "The outlook is dreadful. Food and clothing are needed. The people are coming to us, and we are giving food and work to as many as we can. We give each one a cup of flour. Men work for 3 and women for 2 cents a day, the latter often with infants strapped on their backs."

That, Mr. Chairman, is the condition of that empire-ridden and colonial dependency, India; and yet the distinguished gentleman who so well represents the great Eastern sentiment derides William J. Bryan, in that he opposes imperialism and the gold standard which precipitated famine and ruin in India, and who is to-day, all over this country, opposing imperialism with that magnetic eloquence and those speeches that but few of the gentlemen on the opposite side of this House dare attempt to answer—yea, more, dare rise here and state their views, for fear that when they go back home they will have to face their records before an indignant and outraged people.

Mr. Chairman, this is not the first news we have heard from this empire-ridden colony of England. On February 19, 1897, and April 7, 1897, this great liberty-loving country, this great American country that does not believe that you can have slave and citizen, that you can have a State and a dependency under our form of government, opened wide the portals of her Treasury and gave money to the Secretary of the Navy without limit to carry food to people in India who were starving. This is not the first news we have heard of the unfortunate condition superinduced by the gold-standard combination. I read from our statutes as follows:

Whereas a famine exists in India which is daily causing thousands of deaths among the poor, which famine can readily be relieved from the surplus products of other parts of the world; and

Whereas generous people of the United States in different States are freely giving wheat, flour, and corn for the relief of the famishing inhabitants in India: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the collector of the port of New York any ship or vessel belonging to the Navy of the United States best adapted for such service for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ under the authority of the United States a suitable American steamship or vessel, with a cargo capacity of 2,000 to 4,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved April 7, 1897.

You will all bear witness that this was passed by a Republican Congress, with not a single solitary vote on this side or that cast against it. Therefore the Republicans themselves bear testimony to the wretchedness in India by reporting and passing, with the Democrats, this resolution.

Mr. HILL. Will the gentleman allow me an interruption?

Mr. GAINES. Certainly.

Mr. HILL. Does the gentleman attribute the famine and plague in India to the gold standard?

Mr. GAINES. I do, and to the imperial domination of England that cares not how many slaves she makes so that she gets food and raiment from them.

Mr. HILL. I want an answer to the question. Does the gentleman attribute the plague and famine to the gold standard?

Mr. GAINES. I attribute the condition of that country to England's imperial domination and monetary condition.

Mr. HILL. I would suggest to the gentleman that the famine and plague both began in India under the silver standard, and before the gold standard was adopted.

Mr. GAINES. I do not agree with the gentleman in his history of India.

I want to read now from good Republican authority printed in 1873, when there was no necessity or cause for whitewashing the effect of the gold standard.

[Here the hammer fell.]

Mr. SHATTUC. Mr. Chairman, I ask that the gentleman from Tennessee have ten minutes more.

Mr. HITT. Mr. Chairman, I shall have to object.

The CHAIRMAN. The amendments on this paragraph are exhausted. If there is no objection, the formal amendments will be withdrawn.

Mr. GAINES. Does the gentleman from Illinois object?

Mr. HITT. Yes; I object.

The Clerk having read another paragraph of the bill,

Mr. GAINES. I move to amend by striking out the last word. I want to read to my Republican brethren here exactly what was predicted by a Republican authority, Dr. Linderman, in 1873, at a time, unlike nowadays, when it was not necessary to whitewash the never-present and always-invisible blessings of the gold standard. What does he say? On page 481 of the Report of the Secretary of the Treasury for 1873-74 will be found this language of the Director of the Mint:

The gradual adoption of the gold standard and consequent demonetization of silver will of course be followed by an increase in the value of gold, or, what is the same thing, a decrease in the price of articles measured by it. Indeed, it is quite certain that this effect is already perceptible in some portions of Europe. * * * Now, add to the foregoing (gold requirements of Denmark, Sweden, and Norway) the requirements of France and the United States in the near future, and it will be readily understood that gold must appreciate in value.

The gold advocate says now gold does not cause "a decrease in the price of articles measured by it," and that gold has not "appreciated in price;" that silver has fallen. Here the fruits of the gold standard and imperialism are combined. Mr. Chairman, here is a frank statement of the effect of the gold standard foisted upon us in 1873 by fraud, when the American people did

not expect it or demand it, passed through Congress by fraud. Why, even Mr. Blaine, who then sat in the chair as Speaker of this body, stated that he did not know when he signed the bill that it stopped the coinage of the silver dollar, and he afterwards introduced bills here to remonetize that dollar.

In another part of the same report, on page 477, I find this language:

The passing from the double standard of gold and silver and from silver to gold by the nations can not be completed without some embarrassments financially and otherwise.

The countries adopting gold as the sole measure of value have, as a necessary consequence, assigned a subsidiary position for silver. This system increases the use of gold as money and decreases that of silver for the same purpose, or, in other words, enhances the value of the one and depreciates that of the other.

Bankruptcy and starvation, it was prophesied before 1873, would follow the demonetization of either gold or silver.

Mr. Carlisle, in 1878, in effect describes India's condition of to-day. He said:

According to my views of the subject, the conspiracy which seems to have been formed here and in Europe to destroy, by legislation and otherwise, from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age. The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilences, and famines that ever occurred in the history of the world.

Thus the gentleman from Connecticut now has ancient history—1873 to 1878—and modern history of the present day, clearly showing that where there are slaves there is imperialism and the gold standard; where there are colonies or imperialism, bimetallism is absent and Americanism is unknown; there we find penury, there we find poverty, there we find hunger; and the good women of that unfortunate country, that colony of England—India—are perambulating the highways and the byways begging for the small wage of 2 cents a day that their little children, strapped upon their backs like the savages of the Indian Territory, may not starve. [Applause.]

Mr. Chairman, I withdraw the formal amendment.

The CHAIRMAN. In the absence of objection, the formal amendment will be considered as withdrawn.

The Clerk read as follows:

Russia: Consul at Vladivostock.

Mr. PRINCE. I move to amend by adding after the word "Vladivostock," in line 8, page 15, the words, "Switzerland: Consul at Zurich."

Mr. Chairman, the salary of the consul at Zurich, as fixed by this bill, is $2,000. The purpose of my amendment is to change this consulate from Class V to Class IV and fix the salary at $2,500. Zurich is one of the largest cities—in fact the largest city—in Switzerland. The duties of the consul there are onerous. There are many persons traveling there, especially from our own country, who call upon the consul and require of him the performance of many duties in their behalf. The trade with our country from that place in the silk industry is of importance. In view of all these circumstances it does seem to me that the salary of this consul should be increased from $2,000 to $2,500. I trust that the amendment will prevail.

Mr. HITT. Mr. Chairman, I am constrained to raise the point of order against this amendment.

The CHAIRMAN. The gentleman from Illinois is late in raising his point of order. The amendment has been debated.

Mr. HITT. I tried to get the attention of the Chair at the moment when the gentleman from Illinois rose; but, as to the merits of this proposition, I will say that I think the amendment offered by the gentleman has a great deal of merit. I have, however, no authority from the committee to accept such an amendment; and I must ask that the point of order be ruled upon.

The CHAIRMAN. The Chair can not recognize the gentleman to make the point of order after the question has been debated.

Mr. STEELE. Not upon the statement of the gentleman that he sought to obtain the attention of the Chair, but could not?

Mr. HITT. I did my duty, and I will leave the matter to the Chair. The Chair acted in good faith, and I tried to act in good faith. The matter itself is one in which we can not go wrong, even if we should follow the lead of my colleague [Mr. PRINCE].

Mr. PRINCE. Mr. Chairman, I do not wish to take what may appear to be any undue advantage of my colleague. I will say frankly to the House that I talked with him about this proposition and he told me that he would have to raise a point of order.

The CHAIRMAN. The Chair did not see the gentleman from Illinois rise to make the point of order——

Mr. PRINCE. I do not wish to take advantage of the chairman of the committee, even to secure an advantage in favor of my proposition.

The CHAIRMAN. If the gentleman from Illinois states to the Chair that he sought the floor in order to make the point of order——

Mr. HITT. The Chair was at the moment conversing with a member, and did not seem to observe me.

The CHAIRMAN. Upon that statement the Chair will recognize the gentleman as having raised the point of order.

Mr. HITT. And now I ask a ruling upon it.

The CHAIRMAN. The Chair must sustain the point of order. The Clerk read as follows:

Germany: Consuls at Breslau, Freiburg, Hanover, Mannheim, and Zittau.

Mr. DOLLIVER. Mr. Chairman, I ask unanimous consent to return to page 16 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. DOLLIVER] asks unanimous consent to return to page 16 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. DOLLIVER. After the word "Palermo," in line 14, I move to insert the word "Genoa."

Mr. HITT. Mr. Chairman, I am aware of the merit of the motion made by the gentleman. I know very well the condition of affairs at that consulate, but I must raise the point of order. While I admit that a good deal is to be said on behalf of the motion, I shall have to ask for the ruling of the Chair on the point of order.

The CHAIRMAN. There is no such office created now by statute?

Mr. HITT. The office exists, but the amendment puts it in another class, and would be new legislation and a change in the salary.

The CHAIRMAN. On the statement of the gentleman from Illinois the Chair sustains the point of order. The Clerk will continue reading the bill.

The Clerk read as follows:

Sweden and Norway: Consul at Christiania.

Mr. HITT. Mr. Chairman, on page 20 lines 13 and 14 were stricken out by a previous amendment, to insert Christiania in the consulates-general, on page 12. That motion included the striking out of these two lines on page 20.

The CHAIRMAN. The Clerk will make the correction.

Mr. HITT. Those two lines should be omitted.

Mr. McCALL. Mr. Chairman, if in order, I should like to move that the salary of the consul at Batavia be increased to $2,500 per year.

Mr. HITT. I would have to make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order and the Clerk will read.

The Clerk read as follows:

Cairo, Cologne, Constantinople, Huddersfield, Aarau, Mayence, Munich, Nottingham, Odessa, Para, Pernambuco, Tampico, Vera Cruz, and Zurich, at $600 each, $8,400.

Mr. OVERSTREET. Mr. Chairman, I move to amend by inserting the word "Bahia" after the word "Para," in line 9, on page 22. That will increase the salary of the clerk there from $500 to $600.

Mr. HITT. I raise the point of order. That is a plain change of existing law.

The CHAIRMAN. Will the gentleman from Illinois state what is the existing legislation?

Mr. HITT. The statute reads exactly in the language of the bill, and the insertion of Bahia at this point would be an addition to the law. It is provided for in an entirely different manner by existing statute.

The CHAIRMAN. The Chair will sustain the point of order and the Clerk will read.

The Clerk read as follows:

Berne, Demerara, Florence, Genoa, Malaga, Mannheim, Naples, and Stuttgart, at $480 each; $3,840.

Mr. HILL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of lines 17, 18, and 19, page 22, and insert the following: "Berne, Demerara, Florence, Genoa, Malaga, Mannheim, and Stuttgart, at $480 each, and Naples at $1,000; $4,360.

Mr. HILL. I offer that subject to the point of order.

Mr. HITT. I reserve the point of order.

Mr. HILL. My offer is made subject to the point of order, recognizing the right of the chairman of the committee, of course, to protect his bill, and my right to offer the amendment. It provides substantially that where $480 is now allowed for clerk hire at Naples, which every gentleman knows is entirely inadequate for the clerk hire at such a consulate as that, I ask to raise it to $1,000. I leave it to the judgment of the chairman of the committee.

Mr. HITT. I believe that consulate is inadequately provided with clerk hire, but I do not believe this is the way in which we can change it, after the bill is reported. I must raise the point of order.

Mr. HILL. I recognize the right of the gentleman to do that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed and completed the reading of the bill.

Mr. HITT. Mr. Chairman, there should be a change in the

footings in the note at the end of the bill, to conform to certain amendments which have been made.

The CHAIRMAN. The Clerk will make the corrections indicated by the gentleman from Illinois.

And then, on motion of Mr. HITT, the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7911) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, and had directed him to report the same back with sundry amendments and with the recommendation that as amended the bill do pass.

Mr. HITT. I move the adoption of the amendments reported from the Committee of the Whole.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title:

H. R. 6073. An act to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MAHON indefinitely, on account of sickness in his family.

ASSISTANT CLERK TO COMMITTEE ON MILITARY AFFAIRS.

Mr. JOY. Mr. Speaker, I desire to present several privileged reports from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri submits a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Military Affairs be, and he is hereby, authorized to appoint an assistant clerk for the Committee on Military Affairs.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RICHARDSON. I could not hear the resolution. I should like to have an explanation of it.

Mr. JOY. I ask that the resolution be read again.

The resolution was again read.

Mr. HULL. Mr. Speaker, a parliamentary inquiry. Would that carry the pay back to the time that the clerk was actually appointed, or only from the date of the passage of the resolution?

The SPEAKER. That is a question that does not come up as a parliamentary inquiry.

Mr. JOY. I would like to state that, under the law, the pay will run from the date certified by the chairman of the committee, provided the employment was since the appointment of the committee itself, on the 18th of December.

Mr. HULL. That is all right.

The resolution was agreed to.

ASSISTANT CLERK TO THE COMMITTEE ON NAVAL AFFAIRS.

Mr. JOY, from the Committee on Accounts, submitted the following, which was read by the Clerk:

Resolved, That the chairman of the Committee on Naval Affairs be, and he is hereby, authorized to appoint an assistant clerk to his committee during the sessions of the Fifty-sixth Congress.

The resolution was agreed to.

ADDITIONAL CLERK TO COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE.

Mr. JOY, from the Committee on Accounts, also submitted the following resolution, which was read by the Clerk:

Resolved, That the chairman of the Committee on Interstate and Foreign Commerce be authorized to appoint an additional clerk for said committee whose salary shall be paid out of the contingent fund of the House.

The resolution was agreed to.

CLERK TO COMMITTEE ON REVISION OF THE LAWS.

Mr. JOY, from the Committee on Accounts, submitted the following resolution, which was read by the Clerk:

Resolved, That the chairman of the Committee on the Revision of the Laws be, and hereby is, authorized and directed to appoint a clerk for said committee, to be paid out of the contingent fund of the House, at the rate of $6 per diem, during the present Congress, until otherwise provided for.

The resolution was agreed to.

CLERK TO COMMITTEE ON PACIFIC RAILROADS.

Mr. JOY, from the Committee on Accounts, submitted the following resolution, which was read by the Clerk:

Resolved, That the chairman of the committee on Pacific Railroads is hereby authorized to appoint a clerk to said committee for the sessions of the Fifty-sixth Congress, to be paid out of the contingent fund of the House, at the rate of $6 per day.

Mr. RICHARDSON. I would like to have some explanation of this resolution, or some reason for its passage. Has not that committee had a clerk?

Mr. JOY. It has no clerk.

Mr. RICHARDSON. The Committee on Pacific Railroads?

Mr. JOY. It had none except a session clerk, and has none now.

Mr. RICHARDSON. This gives it a session clerk?

Mr. BARTLETT. I will state to the gentleman that when we reported the resolution from the Committee on Accounts some time ago, instead of putting in the Committees on Education and Insular Affairs. The Committee on Pacific Railroads did have a session clerk last session; the chairman of the committee informed us that the committee wanted to have a clerk, and upon his statement to the committee and inquiry, we have given a clerk. At the last session the committee did have one, but this session, up to this time, it has not had one.

Mr. RICHARDSON. I knew that it had a clerk in former Congresses, and I supposed it had now.

The resolution was agreed to.

CLERKS TO COMMITTEES ON ELECTIONS NOS. 2 AND 3.

Mr. JOY. Also the following resolution.

The Clerk read as follows:

House resolution No. 88.

Resolved, That Election Committees Nos. 2 and 3 are each authorized to employ a clerk at an annual compensation of $2,000 each, to be paid out of the contingent fund of the House until otherwise provided for.

Mr. BARTLETT. Does that provide for a session clerk? Read that again.

Mr. DINSMORE. It provides for an annual clerk.

Mr. BARTLETT. That was not the intention of the committee. I call the attention of the gentleman from Missouri to the fact that it was intended that these should be session clerks, and not annual clerks.

Mr. JOY. I will ask that that be amended. The resolution was intended to be amended so as to read "at the rate of $6 a day."

The SPEAKER. The resolution will be considered as amended so that they will be session instead of annual clerks.

Mr. STEELE. Mr. Speaker, I call attention to the fact that it provides for annual clerks, at $2,000.

Mr. BARTLETT. "At the rate of."

Mr. RICHARDSON. But a session clerk gets $6 a day.

The SPEAKER. The Clerk will report the resolution as amended.

The Clerk read as follows:

Resolved, That Election Committees Nos. 2 and 3 are each authorized to employ a clerk at a compensation during the present session of the House of Representatives at the rate of $2,000 per year.

Mr. BARTLETT. Mr. Speaker, I move to amend that resolution by striking out "at the rate of $2,000" and inserting "at the rate of $6 per day during the session."

Mr. JOY. I accept that amendment.

Mr. BARTLETT. That was the intention of the committee.

The SPEAKER. Without objection, this amendment will be made. [After a pause.] The Chair hears no objection. The Clerk will now report the resolutions as amended.

The Clerk read as follows:

Resolved, That Election Committees Nos. 2 and 3 are each authorized to employ a clerk at a compensation of $6 per day each during the sessions of the House of Representatives, to be paid out of the contingent fund of the House until otherwise provided for.

Mr. BARTLETT. It should be during the sessions of the Fifty-sixth Congress.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. WEAVER. Do I understand the resolution as amended provides for pay during the sessions of the House, or during the sessions of Congress?

The SPEAKER. During the sessions of Congress, at $6 per day.

The amendment was agreed to.

The resolution as amended was agreed to.

ASSISTANT BOOKKEEPER TO SERGEANT-AT-ARMS.

Mr. JOY. I also offer the following.

The Clerk read as follows:

House resolution No. 112.

Resolved, That the Sergeant-at-Arms of the House is hereby authorized to employ an assistant bookkeeper in his office for the remainder of the present Congress, to be paid out of the contingent fund of the House at the rate of $75 per month.

Mr. JOY. One moment. I did not get permission of the Speaker to be recognized for that, and I withdraw it.

The SPEAKER. Without objection, it will be withdrawn.

There was no objection.

WILLIAM A. WATSON.

Mr. JOY. I also present the following.

The Clerk read as follows:

House resolution 110.

Resolved, That William A. Watson, of New York, be appointed as special messenger to serve in and about the House, under the direction of the Doorkeeper, at a salary of $1,200 per annum, to be paid out of the contingent fund until otherwise provided for.

Mr. JOY. Mr. Speaker, I desire to withdraw that resolution until I get leave to present it. I did not know that was in those resolutions presented to the Clerk.

The SPEAKER. Without objection, that will be withdrawn.

Mr. FITZGERALD of Massachusetts. I object to the withdrawal of that resolution.

Mr. JOY. I have no right to offer it, as I had not obtained the consent of the Speaker to offer it. I rose for another purpose. The resolution ought to pass; the report of the committee is unanimous that it should pass, and I could give an explanation why it should pass; but I withdraw the resolution at this time, for the reason that I have not asked the Speaker's consent to present it.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, would it not, then, be in order to ask unanimous consent that the resolution may be considered now? The gentleman from New York who was to ask for consideration is not here. The matter has been unanimously reported by the committee. It provides an extra messenger for the Democratic side of the House; and, inasmuch as there is no objection on the part of the committee, I can not see any objection to having the matter considered here now. I therefore ask unanimous consent for its consideration.

The SPEAKER. Does the gentleman from Missouri say that these were sent up by mistake?

Mr. JOY. These last two resolutions were sent up by mistake. I did not ask the Speaker's consent to present them at this time, but only asked consent to present those resolutions on the question of additional clerks. While I approve the resolution and think it ought to pass, I do not wish to take advantage of the Speaker of the House or the House itself by asking consideration of it until I first submit my request for that purpose.

The SPEAKER. Has the resolution been recommended by the committee?

Mr. JOY. It has been unanimously recommended.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts to ask unanimous consent for its consideration.

Mr. FITZGERALD of Massachusetts. Then, Mr. Speaker, I ask unanimous consent that the resolution may be now considered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the resolution may be now considered. Is there objection?

Mr. HEMENWAY. Mr. Speaker, reserving the right to object, I wish to ask the gentleman whether this is in addition to the usual employees on the other side of the House?

Mr. JOY. I will answer that. During the early part of the session a resolution was presented giving annual employment to one on the Republican side of the House, at the rate of $100 a month. As an offset to that, at the request of the Democratic side of the House, this resolution was agreed to by the committee. They say it is necessary for the Democratic side to have this other messenger, and the committee agreed to the resolution unanimously. We think it ought to pass in perfect fairness to the other side of the House.

Mr. HEMENWAY. This is in addition to the employees allowed the other side of the House in this and in previous Houses?

Mr. JOY. No; one equal to this was allotted in the last Congress. It is a proper resolution and ought to pass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. FITZGERALD of Massachusetts, a motion to reconsider the last vote was laid on the table.

Mr. BARTLETT. Mr. Speaker, in fairness to the gentleman from Missouri, I think he ought to ask that the resolution which the committee directed to be reported giving an additional bookkeeper to the Sergeant-at-Arms be taken up and disposed of. These resolutions were both considered together and both directed to be reported by the committee.

Mr. JOY. I prefer to submit that resolution to the Speaker before it is presented here. I will submit it at a later day.

BINDING SENATE AND HOUSE BILLS.

Mr. DINSMORE. Mr. Speaker, I wish to submit the following report on resolution No. 6, from the Committee on Accounts, which I send to the Clerk's desk.

The Clerk read the report, as follows:

The Committee on Accounts, to whom was referred resolution No. 6, authorizing the Doorkeeper to appoint a suitable person to prepare for binding Senate and House bills and resolutions of certain Congresses, as required by the act of January 12, 1895, to be paid at the rate of $2,000 per annum during the Fifty-sixth Congress, have had the same under consideration and beg to report as follows:

The printing act of January 12, 1895, requires that all Senate and House bills, joint and concurrent resolutions shall be bound. This necessitates the taking from the files of the document room one copy each of the bills and resolutions of certain Congresses for binding. A portion of this work has been performed under authority of a resolution of the House passed in the Fifty-fourth Congress. It is believed that the present force of employees in the document room is sufficient to complete the work without the employment of an additional clerk, and we therefore report the accompanying resolution adversely, and recommend that it be laid on the table.

The recommendation of the committee was agreed to.

On motion of Mr. DINSMORE, a motion to reconsider the vote whereby the recommendation of the committee was agreed to was laid on the table.

And then, on motion of Mr. PAYNE (at 3 o'clock and 17 minutes p. m.), the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for deficiency for improvement of Yellowstone National Park, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURKETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2955) providing for the resurvey of township No. 8, of range No. 30 west, of the sixth principal meridian, in Frontier County, State of Nebraska, reported the same with amendment, accompanied by a report (No. 225); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUCKER, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the joint resolution of the House (H. J. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States, submitted a report (No. 88, part 2); which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. KERR, from the Committee on Patents, to which was referred the bill of the House (H. R. 6497) for the relief of the heirs at law of the late Duncan H. Campbell, reported the same with amendment, accompanied by a report (No. 226); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 8199) to prevent monopoly and trusts, and to secure free competition in trade among the States and Territories of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 8200) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. McCLELLAN: A bill (H. R. 8201) for the acquirement and enlargement by the United States of the Erie Canal, in the State of New York—to the Committee on Railways and Canals.

By Mr. BROWNLOW: A bill (H. R. 8202) to provide for the erection of a public building at Greeneville, Greene County, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. LITTLE: A bill (H. R. 8203) to ratify the agreement between the commission to the Five Civilized Tribes and the Seminole tribe of Indians—to the Committee on Indian Affairs.

By Mr. ACHESON: A bill (H. R. 8204) to extend free delivery of mail along star routes—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 8205) to provide for the extension of free rural mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. NEVILLE: A resolution (H. Res. 134) ordering the Speaker to appoint an additional Committee on Invalid Pensions because of the inability of the present committee to consider all bills before it—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 8206) for the recognition of the

military service of the "First Union League Regiment Pennsylvania Volunteers," or Forty-fifth Pennsylvania Militia—to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 8207) to grant a pension to Joseph Quinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8208) for the relief of Frank W. C. Fox—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 8209) for the relief of the Oak Bowery Church, of Cherokee County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8210) for the relief of the trustees of Gaylesville Academy and Methodist Episcopal Church, of Gaylesville, Cherokee County, Ala.—to the Committee on War Claims.

By Mr. BRICK: A bill (H. R. 8211) granting an increase of pension to William Shulmire—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 8212) for relief of James W. Allen—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 8213) removing charge of desertion from Jason M. Owen, Company C, Fifth Tennessee Infantry—to the Committee on Military Affairs.

By Mr. COCHRANE of New York: A bill (H. R. 8214) removing the charges of desertion against Edmond F. Cornelius—to the Committee on Military Affairs.

By Mr. DINSMORE: A bill (H. R. 8215) for the relief of the Prairie Presbyterian Church, of Washington County, Ark.—to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 8216) to correct the military record of John Hunter—to the Committee on Military Affairs.

Also, a bill (H. R. 8217) granting a pension to Josephine B. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8218) granting a pension to Mrs. Mary E. Lacey, an army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8219) removing the charge of desertion and granting an honorable discharge to John D. Long—to the Committee on Military Affairs.

Also, a bill (H. R. 8220) granting a pension to Sarah E. Gillette—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 8221) granting a pension to Lucinda Storms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8222) for the relief of Daniel Jamison—to the Committee on Military Affairs.

Also, a bill (H. R. 8223) granting an increase of pension to Jeheil J. Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8224) granting a pension to Laura J. Stimson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8225) granting a pension to Harriet J. Woodbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8226) granting an increase of pension to Elizabeth Parrish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8227) granting a pension to Milo H. Dakin—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 8228) to correct the military record of Charles Root—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 8229) for the relief of mother of William R. McAdam—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 8230) granting increase of pension to Marcia M. Merritt, widow of W. H. Merritt, late colonel First Iowa Infantry—to the Committee on Invalid Pensions.

By Mr. JETT: A bill (H. R. 8231) granting an increase of pension to John L. Carr—to the Committee on Invalid Pensions.

By Mr. LENTZ: A bill (H. R. 8232) granting an increase of pension to Austin P. Thayer—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 8233) for the relief of the city of Wichita, in the State of Kansas—to the Committee on Claims.

By Mr. LIVINGSTON: A bill (H. R. 8234) for the relief of the St. Luke's Protestant Episcopal Church, of Atlanta, Ga.—to the Committee on War Claims.

By Mr. McDOWELL: A bill (H. R. 8235) granting an increase of pension to Daniel Metcalf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8236) granting an increase of pension to James M. Dennison—to the Committee on Invalid Pensions.

By Mr. McALEER: A bill (H. R. 8237) to correct the military record of William S. Russell—to the Committee on Military Affairs.

By Mr. OTJEN: A bill (H. R. 8238) for the relief of W. S. A. Heiss—to the Committee on Claims.

By Mr. PEREA (by request): A bill (H. R. 8239) for the relief of Anastocio de Baca, administrator of Francisco de Baca, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 8240) to carry out the findings of the Court of Claims in the case of Adin I. Hurd, administrator of Robert M. Clark, deceased—to the Committee on War Claims.

By Mr. STARK: A bill (H. R. 8241) granting an increase of pension to James W. Black, of Belvidere, Nebr.—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 8242) for the relief of J. D. Lane—to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 8243) to authorize the Secretary of War to cause to be investigated and to provide for the payment of the claim of the Methodist Episcopal Church of Huntsville, Ala., for the use and occupation of said church building for Government purposes by the United States military authorities during the late war, and all claims for damages resulting from the appropriation to Government use of any of the furnishings or materials pertaining to said building, and for damage to said building—to the Committee on War Claims.

By Mr. McALEER: A bill (H. R. 8244) for the relief of Margaret Krider Hare, daughter of Jacob Krider, or Creider, who was a Pennsylvania soldier in the war of the Revolution—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the National Board of Trade of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Board of Trade of Philadelphia, Pa., favoring a competing submarine cable line between Cuba and the United States—to the Committee on Insular Affairs.

By Mr. ADAMS: Resolution of the National Board of Trade, of Philadelphia, Pa., in favor of a national quarantine law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Board of Trade, of Philadelphia, Pa., asking for the extension of American trade by the establishment of reciprocal concessions with Canada—to the Committee on Foreign Affairs.

Also, resolutions of the National Board of Trade, of Philadelphia, Pa., to amend the revenue law so as to eliminate the tax on each transaction in grain, etc.—to the Committee on Ways and Means.

Also, resolutions of the National Board of Trade, of Philadelphia, Pa., in relation to our trade and commercial advantages with the Chinese Empire, etc.—to the Committee on Foreign Affairs.

Also, resolutions of the Boston Merchants' Association, in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. CANNON: Petition of Charles S. Pollard and others, of Joliet, Ill., post-office, asking for the passage of House bill No. 4351, for the classification of clerks in the first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARKE of New Hampshire: Petition of Frank L. Lane and other clerks in the post-office at Concord, N. H., in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. FLETCHER: Resolution of a meeting of citizens of Minneapolis, Minn., in favor of the Transvaal Republic—to the Committee on Foreign Affairs.

By Mr. GLYNN: Paper to accompany House bill No. 6795, for the relief of Daniel Leary—to the Committee on War Claims.

By Mr. GRAHAM: Petition of J. B. Atherton and many prominent citizens of Hawaii, to enact in the constitution for that Territory laws prohibiting the importation, manufacture, and sale of intoxicating liquors and opium, and prohibiting gaming—to the Committee on Insular Affairs.

Also, resolutions of the Chamber of Commerce of the State of New York, urging certain legislation for the improvement and development of Alaska—to the Committee on the Territories.

By Mr. GROUT: Resolutions of the National Association of Postmasters, favoring certain amendments of the law governing the carrying of second-class matter in the mails—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Board of Trade, Philadelphia, Pa., indorsing House bill No. 887, to provide for adding and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of John V. Dakin and 36 other citizens of North Ferrisburg, Vt., urging the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNOX: Papers to accompany House bill No. 4428 to correct the military record of Michael Rachell—to the Committee on Military Affairs.

Also, papers to accompany House bill 7593 to authorize the auditing and payment of the claim of Charles Cowley—to the Committee on Claims.

By Mr. McCLEARY: Resolutions adopted by the citizens of

Minneapolis, Minn., favoring arbitration of the dispute between Great Britain and the Transvaal Republic—to the Committee on Foreign Affairs.

By Mr. OTJEN: Papers to accompany House bill relating to the claim of W. S. A. Heiss against the Government for certain lands taken for the use of a harbor of refuge at Portage Lake, Michigan—to the Committee on Claims.

By Mr. PEREA: Petition of Anastocio de Baca, administrator of the estate of Francisco de Baca, deceased, of New Mexico, for reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. SHACKLEFORD: Petitions of the publishers of the Portsmouth (N. H.) Journal, Olympia (Wash.) Standard, Munfordville (Ky.) News, Brainerd (Minn.) Tribune; also Rushville Times, Monticello Bulletin, Lawrenceville Herald, Woodstock Democrat, Rantoul News, State of Illinois; also Higginsville Leader, Fayette Advertiser, Lexington Intelligencer, State of Missouri; also Chester Democrat, Somerset Democrat, Pennsylvania; Wheatland Gazette, Maquoketa Record, Osceola Sentinel, Malvern Iowan, State of Iowa; Nocogdoches Plaindealer, Warrenton Clipper, Madison Advertiser, Thomasville Times-Enterprise, Cartersville News, Dalton Citizen, Griffin News and Sun, Greensboro Herald-Journal, Dawsonville Advertiser, Elberton Star, Cederton Standard, Tifton Gazette, Talbotton New Era, Lexington Echo, Decatur New Era, Moultrie Observer, Monroe News Messenger, Savannah Press, Columbus Enquirer-Sun, Valdorta Times, Quitman Free Press, Savannah Tribune, State of Georgia, for the repeal of the tariff on printing paper—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill No. 7186, for the relief of Sylvester Doss, alias Harry Doss, late pilot U. S. ram *Lancaster*—to the Committee on Invalid Pensions.

Also, memorandum for subcommittee of the Judiciary Committee, to accompany House bill 7842, in favor of increasing the salary of the United States marshal for the southern district of Ohio from $4,000 to $5,000 per annum—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of J. W. Ford and other citizens of Fairfield, N. Y., for legislation relating to dairy or food products and their transportation from one State or Territory into another—to the Committee on Interstate and Foreign Commerce.

By Mr. SHOWALTER: Petition of W. A. Leslie and clerks in the post-office at Newcastle, Pa., in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. STARK: Paper to accompany House bill for an increase of pension to James W. Black, of Belvidere County, Nebr.—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: Resolutions of the Chamber of Commerce of the State of New York, asking for legislation for the improvement of Alaska—to the Committee on the Territories.

Also, resolution of the Chamber of Commerce of the State of New York, in favor of a commission to study and report upon the industrial and commercial conditions in China—to the Committee on Foreign Affairs.

Also, resolution of the Chamber of Commerce of the State of New York, relative to changing the location of the general post-office in the city of New York—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *February 8, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the year ended December 31, 1899; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 136) providing for the distribution of the Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4000) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.; and

A bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 5076) to amend the first section of an act to change the time and places for the district and circuit courts in the northern district of Texas, approved June 11, 1896;

A bill (H. R. 6073) to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes;

A bill (H. R. 6237) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes; and

A joint resolution (H. J. Res. 136) providing for the distribution of the Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

THE FINANCIAL BILL.

Mr. JONES of Nevada. Mr. President, I give notice that on next Tuesday I shall ask leave to deliver some remarks on the financial bill.

PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a joint resolution adopted by the legislature of California, urging the passage of a bill by Congress to provide for a submarine cable across the Pacific Ocean, the cable to be made by an American company in the United States. I ask that the joint resolution be printed in the RECORD, and referred to the Committee on Naval Affairs.

There being no objection, the joint resolution was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

STATE CAPITOL, *Sacramento, Cal., February 7, 1900.*

Hon. GEO. C. PERKINS,
United States Senate, Washington, D. C.:

In accordance with provisions of Senate joint resolution No. 3, I hereby certify that the following is a true copy of same as adopted this day by the senate and assembly. By Senator Wolfe, senate joint resolution No. 3, relating to construction of Pacific cable and requesting that Congress require the same to be of American make:

Whereas there are now pending in Congress measures for the laying of a submarine cable from some point in the State of California across the Pacific Ocean; and

Whereas the construction of the same will be of great benefit to the United States and to this State; and

Whereas if the cable is made by an American company in the United States it will favorably advertise our manufactures abroad and give employment to a great number of our citizens: Now, therefore, be it

Resolved by the senate and the assembly, jointly, That our Senators in Congress be instructed and our Representatives therein be requested and urged to vote for and use all honorable means to secure the passage of a bill requiring the laying of such cable and also requiring that the cable be made by an American company in the United States; and be it

Further resolved, That a copy of this resolution be forwarded by telegraph to Hon. GEORGE C. PERKINS, and that he be requested to deliver a copy of the same to each member of the California delegation in Congress.

F. J. BRANDON, *Secretary of Senate.*

Mr. PERKINS presented a petition of sundry railway mail clerks of Los Angeles, Cal., and a petition of sundry railway mail clerks of Oakland, Cal., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which were referred to the Committee on Post Offices and Post-Roads.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the enactment of legislation to prevent the adulteration, misbranding, or imitation of food, beverages, etc.; which was referred to the Committee on Manufactures.

He also presented a petition of the Manufacturers and Producers' Association of California, praying that an appropriation be made for the continuation of the hydrographic work of the United States Geological Survey; which was referred to the Committee on Appropriations.

He also presented a petition of the Chamber of Commerce of the Territory of Alaska, praying for the enactment of certain legislation needed for the welfare of that Territory; which was referred to the Committee on Territories.

Mr. PLATT of New York presented a petition of the Taxpayers' Alliance of New York City, praying for the construction of the Harlem Kills Canal, connecting the Hudson River with the deep water of Long Island Sound; which was referred to the Committee on Commerce.

Mr. MCMILLAN presented a memorial of the board of directors of the Merchants and Manufacturers' Exchange of Detroit, Mich., relative to the construction of a competing cable to Cuba; which were referred to the Committee on Relations with Cuba.

Mr. MCCOMAS presented a petition of sundry railway mail clerks of Baltimore, Md., praying for the enactment of legislation to provide for the classification of clerks in first and second class

post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Philip Walker, of the District of Columbia, in support of Senate bill No. 2640, for the relief of the estate of Gottlieb C. Grammer, deceased; which was referred to the Committee on Claims.

Mr. FOSTER presented a petition of the Young Peoples' Society of Christian Endeavor of the First Christian Church of Olympia, Wash., praying for the enactment of legislation to prohibit the sale and manufacture of alcoholic liquor and the continuance of gambling and the opium trade in the Hawaiian Islands; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. VEST presented a petition of sundry citizens of the Second Congressional district of Missouri, praying for the enactment of legislation relative to proceedings in cases for contempt of court; which was referred to the Committee on the Judiciary.

Mr. PETTIGREW presented a paper to accompany the bill (S. 930) granting an increase of pension to Eli C. Walton; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 7739) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. BERRY. I move that the bill (S. 2708) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899, being Order of Business 193 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2683) to provide for the construction of a revenue cutter for use in St. Mary's River, Michigan, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 738) to establish the department of commerce and industries, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 2366) to authorize the establishment, at some point on Beaufort Harbor, North Carolina, of a station for the investigation of problems connected with marine fishery interests of the Middle and South Atlantic coast, reported it without amendment, and submitted a report thereon.

Mr. BUTLER. I ask to have printed as an appendix to that committee report certain letters from biologists of various State universities over the country urging the establishment of this marine laboratory at Beaufort, N. C. The report of the committee has just been sent up, and I ask that these letters be printed as an appendix to that report.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. BURROWS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7660) granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pa., reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (S. 2947) to indemnify the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1935) for the relief of the Globe Works, of Boston, Mass., reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1787) granting an increase of pension to Maj. Joseph P. Pope; and

A bill (S. 1872) granting a pension to Hiram J. Reamer.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 2636) granting an increase of pension to Mary E. Law, reported it with an amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 2139) to restore Maj. Stephen R. Stafford to the active list of the Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3054) to amend section 12 of an act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 2138) to prescribe the number of chaplains in the Regular and Volunteer Army, and to fix their pay and allowances; and

A bill (S. 1086) to amend section 12 of an act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the petition of leading lawyers of New York City, praying for relief in the way of affording better accommodations for the law library of Congress, asked to be discharged from its further consideration, and that it be referred to the Committee on the Library; which was agreed to.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 2545) granting a pension to Nellie A. West, reported it with an amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1017) for the relief of John M. Guyton, reported it without amendment.

THE FINANCIAL BILL.

Mr. CHANDLER. I desire to give notice that on Saturday, after the routine morning business, I shall ask leave to submit some remarks to the Senate in connection with House bill No. 1, the financial bill.

REMOVAL OF LEVEE LINE IN NEW ORLEANS.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 284) granting permission and authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, La., to report it without amendment.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill just reported from the Committee on Commerce by the Senator from Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 596) granting authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the United States marine-hospital property in New Orleans, La., reported adversely thereon, and the bill was postponed indefinitely.

CAPE NOME DISTRICT, ALASKA.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Washington [Mr. FOSTER], to provide for the printing of extra copies of the report of the Director of the Geological Survey, submitted to the Secretary of the Interior, relating to the Cape Nome district, in Alaska, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments of the Committee on Printing were, in line 2, to strike out "twenty-five thousand" and insert "twelve thousand five hundred;" in line 6, to strike out "five thousand" and insert "twenty-five hundred;" in line 7, to strike out "ten," before "thousand," and insert "five;" in line 8, to strike out "ten," before "thousand," and insert "five;" and, after line 9, to strike out the remainder of the resolution in the following words:

Authority is hereby granted to the Public Printer to have the maps accompanying this report engraved and printed by the Geological Survey or by contract.

So as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,500 extra copies of the report of the Director of the Geological Survey submitted to the Secretary of the Interior, relating to the Cape Nome district, in Alaska, with maps accompanying the same, 2,500 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Geological Survey.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

AFFAIRS IN THE PHILIPPINE ISLANDS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. HOAR on the 1st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 5,000 extra copies of Senate Document No. 62 of the last Congress, entitled "Affairs in the Philippine Islands."

BILLS INTRODUCED.

Mr. PLATT of Connecticut introduced a bill (S. 3055) to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLATT of New York introduced a bill (S. 3056) granting an increase of pension to Giles W. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3057) to authorize the reimbursement of officers and men of the Army and Navy for medical expenses incurred during leave or furlough; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 3058) granting an increase of pension to Harriet E. Meylert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3059) for the relief of Charles Davis, assignee of Augustus D. Saylor, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 3060) for the relief of James C. Drake; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3061) making an appropriation for continuing the construction of the Lake Washington-Puget Sound Canal and Naval Basin, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FORAKER introduced a bill (S. 3062) to remove charge of desertion from the record of Samuel Critchfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3063) for the relief of Charles Hurrle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3064) fixing the date of the restoration to rank of Capt. Tenodor Ten Eyck; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BAKER introduced a bill (S. 3065) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3066) for the relief of James W. Morgan; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3067) granting an increase of pension to James W. Dotson;

A bill (S. 3068) granting an increase of pension to John L. Finley;

A bill (S. 3069) granting a pension to Joseph Adams;

A bill (S. 3070) granting a pension to Margaret J. Verbiskey;

A bill (S. 3071) granting a pension to Thomas J. McBride (with an accompanying paper); and

A bill (S. 3072) granting a pension to George W. McKenzie.

Mr. BAKER (by request) introduced a bill (S. 3073) authorizing J. H. Arter and Davis Hill to construct and operate telephone systems in the Indian Territory and Oklahoma; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3074) for the relief of Platoff P. Bush; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. NELSON (by request) introduced a bill (S. 3075) granting an increase of pension to Marie J. Blaisdell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3076) to provide for an increase of pay of certain employees of the Government; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3077) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHOUP introduced a bill (S. 3078) granting a pension to Charles Weitfle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3079) granting an increase of pension to William Oliver; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 3080) for the relief of Salvador Costa; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3081) for the relief of John Jackson; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES of Arkansas (by request) introduced a bill (S. 3082) granting a pension to Elizabeth F. Wolfley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEBOE introduced a bill (S. 3083) for the relief of W. A. Short; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HANSBROUGH introduced a bill (S. 3084) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3085) to place James W. Foley, late commissary sergeant, upon the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCCOMAS introduced a bill (S. 3086) for the relief of G. Finley Smith, administrator of David Smith, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON. On behalf of my colleague [Mr. GEAR], who is still confined to his house by illness, I introduce sundry bills.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3087) granting an increase of pension to Marcia M. Merritt;

A bill (S. 3088) granting an increase of pension to Edward R. Slai;

A bill (S. 3089) granting a pension to Thomas Glynn;

A bill (S. 3090) granting an increase of pension to John F. Slippy (with accompanying papers);

A bill (S. 3091) granting a pension to Hannah C. Smith; and

A bill (S. 3092) granting an increase of pension to Dorus M. Fox (with accompanying papers).

Mr. ALLISON (for Mr. GEAR) introduced a bill (S. 3093) for the relief of B. F. Moody & Co., or their legal representatives; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. GEAR) introduced a bill (S. 3094) to remove the charge of desertion from the military record of Charles M. Anthony; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3095) for the relief of Margaret J. Parks;

A bill (S. 3096) for the relief of the trustees of Gaylesville Academy and Methodist Episcopal Church, of Gaylesville, Cherokee County, Ala.;

A bill (S. 3097) for the relief of the estate of E. R. Kennedy, deceased (with an accompanying paper); and

A bill (S. 3098) for the relief of the Oak Bowery Church, of Cherokee County, Ala.

Mr. WELLINGTON introduced a joint resolution (S. R. 84) to enlarge the powers of the United States Postal Printing Telegraph Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 2627) granting equal privileges to per diem employees in the United States Navy outside of Washington, D. C., with those employed at the Executive Department in Washington, D. C.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. LODGE (for Mr. DAVIS) submitted an amendment proposing to appropriate $1,200 for clerk hire at Rotterdam, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also (for Mr. DAVIS) submitted an amendment proposing to appropriate $3,000 for consul at Rotterdam, Netherlands, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,600 for compensation of the commissioner to the International Prison Commission, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. McENERY submitted an amendment intended to be proposed by him to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes; which was referred to the Committee on Pacific Islands and Puerto Rico, and ordered to be printed.

Mr. DEBOE submitted an amendment proposing to appropriate $2,000 for a consul at Breslau, Germany, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,800 for secretary of legation to Guatemala and Honduras, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $2,000 to pay the salary of the consul at Mazatlan, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment relative to the establishment of a consulate at Zurich, Switzerland, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

BIG HOLE BATTLEFIELD, IN MONTANA.

Mr. CARTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to ascertain and report to the Senate the legal subdivisions of land over which the battle of the Big Hole, in Montana, was fought in 1877, and what, if any, action has been taken or should be taken to properly mark the graves of those killed and buried on or near the battlefield, and to preserve such marks from obliteration.

J. A. WARE.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, authorized and directed to examine and audit the amount, if any, which may be found to be equitably and justly due to J. A. Ware under his contract of October 14, 1886, on the part of the United States by Maj. C. F. Humphrey, deputy quartermaster, United States Army, for expense of labor and materials used on gravel road from Cache River to the Mound City National Cemetery in repairing damages caused by high water in the spring of the year 1897, and report to the Senate the amount, if any, found to be equitably and justly due to him on such examination and auditing.

GOVERNMENT FOR PUERTO RICO.

Mr. FORAKER submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 2,000 additional copies of Senate Document No. 147 and 2,000 additional copies of Senate Document No. 148.

REPORT OF THE PHILIPPINE COMMISSION.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate, and sent to the Senate document room, 5,000 additional copies of volume I of the Report of the Philippine Commission.

HOUSE BILL REFERRED.

The bill (H. R. 7941) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the act (S. 2727) authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March 1, 1898, and November 4, 1899.

THE FINANCIAL BILL.

The PRESIDENT pro tempore. Is there further morning business? If not, the Chair lays before the Senate House bill No. 1.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. PETTIGREW. Do I understand that the resolutions which lie on the table are to retain their place without speaking of it every morning?

The PRESIDENT pro tempore. That request was made yesterday, as the Chair understands, and it was agreed to. The Senator from Nebraska [Mr. ALLEN] is entitled to the floor.

Mr. ALLEN. Mr. President, when the Senate adjourned last evening I was discussing the peculiar attitude the Republican party has taken respecting the question of bimetallism for the last fifteen or twenty years. I had not gone into that matter extensively, and I do not intend doing so now, but I believe it to be the part of wisdom to cite the provisions of the Republican platforms of 1888, 1892, and 1896, and the utterances of the distinguished gentleman who now occupies the position of President of the United States.

The Republican platform of 1888 contained the following plank:

> The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

That was during Mr. Cleveland's first Administration. Just what that gentleman had done at that time to demonetize silver I do not recall, unless by a letter written by him to some parties in New York he expressed hostility to free coinage. This attitude of the leader of the Democratic party was severely condemned by the Republican party in its national convention, and if I am correctly informed the present occupant of the White House drafted the resolution I have just read.

In 1892 the Republican platform contained the following plank:

> The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of the two metals, so that the purchasing and debt-paying power of the dollar, whether of gold, silver, or paper, shall be at all times equal.

Mr. President, in this there is an express declaration, and a truthful one, too, that the American people, from tradition and interest, favor bimetallism. Up to 1892 that fact had not been seriously questioned by any political party, and had been reaffirmed from time to time by political organizations as the subject seemed to demand their attention. Here it said:

> The Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of the two metals, etc.

Mr. President, the Republican party at that time pledged itself to domestic bimetallism. Bimetallism was to be promoted by legislation, not by international agreement. From that time to this moment the Republican party, although in power in this Chamber and in the other branch of Congress, has never caused to be introduced a bill for the restoration of silver or attempted by legislation to restore it to the place it formerly occupied. In other words, while pledging itself to both gold and silver as standard money and to securing the parity of the two coins by legislation, it has done nothing to promote or secure it by legislation.

Now, Mr. President, if an individual should make a promise, and upon the strength of it secure the assistance of another, which he never fulfilled and never intended to fulfill, that would be regarded as reprehensible in morals. What, then, must be said when a great political party promises in its platform, to secure the people's votes, a thing it does not intend to fulfill? That the Republican party has done that exact thing can not be and is not disputed.

And, Mr. President, as though to set at rest the position silver was to occupy, this platform declared in favor of gold and silver as standard money. I admit that from my standpoint it is difficult to distinguish between standard money and any other kind of money; but assuming that such a distinction exists, what was intended by that expression was that gold and silver were to be used as redemption money; that they were to be placed upon an equality, gold as good as silver and silver as good as gold; and that they were to be used interchangeably and indiscriminately in the redemption of the different forms of paper money put in circulation by the Government.

Instead of undertaking to make both gold and silver standard money there has been a constant, a sustained, and, I regret to say, there will be, in my judgment, a successful effort to dishonor silver and to make gold the single standard, thereby presenting the singular fact that a great political party in the closing hours of the century has been guilty of obtaining the votes of the people by gross frauds and false pretensions.

Mr. President, this matter does not end there. In 1896 the Republican party shifted its position a little. It had been given to understand, I suppose, by those who shape the financial affairs of the nation, that it would not receive the support and encouragement of the moneyed interests of the country if it continued to advocate the free coinage of silver; and so becoming a party of cowardice rather than of courage, the party turned its face at the critical hour of danger and yielded without protest and without contest to the demands of this interest. After declaring that it was opposed to the domestic coinage of silver and in favor of the gold standard until such time as international bimetallism could be accomplished, it said:

> We are therefore opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such an agreement is obtained the existing gold standard must be preserved.

I have pointed out that nothing has been done to promote international bimetallism. I called attention to the fruitless journey of our commissioners shortly after the inauguration of the President, and how when they were engaged in the most delicate negotiations to bring about international bimetallism the Indianapolis conference, the gold-standard conference, the President, the Republican press, and the Secretary of the Treasury were discrediting them in their work and declaring that the Republican party was committed to the gold standard.

It would seem that the Republican party is contented with that insincere and abortive attempt.

I have myself no doubt of the utter good faith of our commissioners, of their earnest work in that behalf, nor have I the slightest doubt that their efforts were neutralized and rendered ineffectual by the deliberate plan at home to discredit them and their efforts.

The President, in his letter of acceptance in 1896, used this language:

> The Republican party has declared in favor of an international agreement, and if elected President it will be my duty to employ all proper means to promote it.

And the only means employed, the only thing done, to bring about an international agreement, as I have said, was the appointment of commissioners, who had no sooner left our country and gone abroad than they were discredited at home. The junior Senator from Colorado [Mr. WOLCOTT], the chairman of the monetary commission, felt the force of this situation in this country, and in his remarks in this Chamber on January 17, 1898, gave utterance to these words:

> We were also somewhat embarrassed by the statements of representatives of the New York bankers in England, who sought access to English officials and assured them that any sentiment which had formerly existed in the United States in favor of bimetallism was dead; that the commission was sent solely as a sop to a few far Western Republicans; that the country generally favored the gold standard, and that the President of the United States shared this view.
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> The statements were untrue, of course, but in support of them these people assumed to present interviews and statements of the Director of the Mint, a hold-over from the last Administration, the late Comptroller of the Currency, an equally precious legacy, now out of the public service and translated to a Chicago bank, and pretended statements in letters and interviews from the Secretary of the Treasury to the effect that there was no chance for international or other bimetallism and favoring the permanent adoption of the gold standard. Nobody in Europe cared a rap what the two minor prophets thought or said, as nobody in this country cares, but the alleged statements of the Secretary were a different matter. * * * In my opinion, the great majority of the members of the Republican party are bimetallists, and the fact that they are misrepresented by a Cabinet officer is not pleasing, but endurable.

That is the language of the chairman of the commission sent abroad to negotiate international bimetallism, and that gentleman said in his remarks on his return from Europe that the plank with the promise of international bimetallism was represented by bankers and others abroad as a sop thrown out to catch Western Republicans. What is the meaning of "sop thrown out to catch Western Republicans?" It means no more nor less than that it was a promise made with the intention of breaking it or of never fulfilling it. It is a polite way of expressing the fact that it was an intentional falsehood on the part of those who inserted it in the platform and of those who represented it to the country.

On the 28th of January, 1898, but two years ago, the President, in his remarks at a reception in the city of New York, used this language:

> It will not suffice for citizens nowadays to say simply that they are in favor of sound money. That is not enough. The people's purpose must be given the validity of public law.

And in his annual message of last December he said:

> While there is now no commercial fright which withdraws gold from the Government, but, on the contrary, such widespread confidence that gold seeks the Treasury demanding paper money in exchange, yet the very situation points to the present as the most fitting time to make adequate provision to insure the continuance of the gold standard and public confidence in the ability and purpose of the Government to meet all its obligations in the money which the civilized world recognizes as the best.

The President was not always a gold-standard man. There was a time when in the other House of Congress he was the foremost advocate of bimetallism; there was a time when he condemned the Administration of another gentleman for trying to commit the country to the gold standard. On June 14, 1890, in the House of Representatives, the Hon. William McKinley said:

> I am for the biggest use of silver in the currency of the country. I would not dishonor it; I would give it credit and honor with gold. I would make no discrimination. I would utilize both metals as money and discredit neither. I want the double standard.

Mr. President, it is impossible for language to be plainer than this language of that distinguished gentleman. He decried the policy of discrediting either gold or silver. He wanted them to stand upon an equality as the money of our nation.

When did the President change his opinion on this important subject? When did the scales fall from his eyes, and when was he made to see that bimetallism was wrong and the gold standard right? What argument was used, and by whom was it used, to convince him that his life service to the cause of bimetallism was an error, that he should retrace his steps and become the foremost advocate of the gold standard? What was there in the history of the country, in our financial or in our industrial conditions, to produce this remarkable change? Nothing, Mr. President; absolutely nothing.

I am not prepared to say that this is not the honest conviction of the President. I would not do that, for I recognize in him the right and duty to change if subsequent events convinced him that his former position was wrong. But I submit that whenever a man changes the convictions of a lifetime upon any public question he ought to be bold and brave enough to stand before the world and admit it, and say why he changed, and give his reasons for doing so. But the President has said nothing and has given no reason for this remarkable change of front.

At Akron, Ohio, in 1891—I can not give the exact date—the Honorable William McKinley, in a public speech, used this language in speaking of the gentleman who was then President of the United States:

> During all his years at the head of the Government he was dishonoring one of our precious metals, one of our own great products—discrediting silver and enhancing the price of gold. He endeavored, even before his inauguration to office, to stop the coinage of silver dollars, and afterwards and to the end of his Administration persistently used his power to that end. He was determined to contract the circulating medium and demonetize one of the coins of commerce, limit the volume of money among the people, make money scarce, and therefore dear.
>
> He would have increased the value of money and diminished the value of everything else—money the master and everything else the servant.

Mr. President, how aptly this language applies to the attitude of the present President of the United States! If the Hon. William McKinley in 1891 was capable of delivering such a philippic against his predecessor for an attempt to demonetize silver; if he was then convinced that his predecessor was determined to make gold the master and everything else its servant; if he then believed that the adoption of the single gold standard would bring want and misery to the country, what has taken place since then to convince him to the contrary, and when did it take place? Why does he not give the country the benefit of his reasons for this remarkable change of opinion? Yet he says nothing, and those who represent him are silent when this question is called to their attention.

In that speech the President went further and said:

> He was not thinking of the poor then. He had left their side. He was not standing forth in their defense. Cheap coats, cheap labor, and dear money; the sponsor and promoter of these professing to stand guard over the poor and lowly. Was there ever more glaring inconsistency or reckless assumption? He believes that poverty is a blessing to be promoted and encouraged, and that a shrinkage in value of everything but money is a national benediction.

Mr. President, how aptly these words apply to the present occupant of the White House! But to expand upon this view or to enlarge upon this utterance of the President will serve no useful purpose. When we appeal to our friends upon the other side of the Chamber to inform us why the President of the United States has changed his convictions upon this subject, what reason he had for doing so, they are silent. There is no response to the inquiry; and, Mr. President, in my judgment there is no intention upon that side of the Chamber to enlighten the country respecting this thing. This bill, sir, is to be driven through by mere machine force, by mere force of numbers, regardless of the proprieties of the occasion, regardless of reason or of logic.

What is to be gained by the adoption of the gold standard? We are complacently told that it is the money of civilization; that all the great civilized nations, or great powers, to use a popular expression—an expression popular in this Chamber, but which ought to be offensive everywhere—have gone to the gold standard, and therefore it is necessary for us to do so.

Mr. President, there have been more panics, more financial disasters, more lockouts, more strikes, more depression, and more wrong during the existence of the gold standard in this country than in all the eighty-one years of domestic bimetallism.

Gold is not the money of civilization. There is nothing in the nature of gold that makes it superior to silver as money; there is nothing in silver or gold that makes them superior to a limited volume of full legal-tender paper money. If anything can be said to be at rest and free from discussion, it is that money is a creation of law, simply and solely a creation of law, and that any material that can be limited, that is not easily counterfeited or easily destroyed, can be used as successfully for money material as gold and silver. But I shall not discuss that question at this time.

Within a few weeks we had a financial panic in New York, and call money ran up to 168 per cent, I think.

Mr. TELLER. One hundred and eighty-six per cent.

Mr. ALLEN. One hundred and eighty-six per cent the Senator says. The Secretary of the Treasury was compelled to go to the aid of the bankers of New York to stop the panic. We seem to have fallen into the notion that every time the bulls and bears of Wall street get into a fight among themselves and undertake to destroy each other, it is the duty of the Secretary of the Treasury of the United States to go to their assistance and to afford them

financial relief; and I suppose we shall be told before this discussion ends that this course is proper, that the Government should do so because to settle the money market of New York is to incidentally relieve the people of financial stress.

Sir, there never was a tyrant upon the face of the earth who did anything that was wrong that he did not have an excuse for it. Discretion, unlimited discretion, is the first demand of every tyrant who has disgraced the history of the world. Unlimited power in the Secretary of the Treasury, without let or hindrance or check, to issue the bonds of the people of this country in unlimited sums is the first step to a perpetual national debt, and will rob the people of the power to interpose checks through Congress, their duly constituted authority; and this measure intends to and does give precisely that power.

I ask any gentleman on the other side—and I direct my question specifically to the Senator from Rhode Island [Mr. ALDRICH] who sits near me—I ask that Senator, as the representative of his party and as chairman of the Committee on Finance, Is there any check in this bill upon the power of the Secretary of the Treasury to issue bonds except his mere discretion and caprice?

Mr. ALDRICH. Certainly there is.

Mr. ALLEN. Where is it?

Mr. ALDRICH. That is too big a question for me to answer categorically, but every provision in regard to the issue of bonds is limited for a specific purpose and can only be used for a specific purpose.

Mr. ALLEN. That is no answer at all, but it is about the answer I expected to get; and I am not disappointed by it. "Whenever and as often" is the language of your bill, in the discretion of the Secretary of the Treasury, he may issue bonds and sell them upon the market.

Mr. ALDRICH. Oh, no; there is no such thing in the bill.

Mr. ALLISON. Read the provision, and that will show.

Mr. ALLEN. I will put this bill in the RECORD as a part of my speech, and the people can read it and see for themselves.

Mr. ALDRICH. That is the safer way.

Mr. ALLEN. They will read that provision which applies particularly to the gold reserve. That is where the language is used. I will not occupy the attention of the Senate in reading it at this time. The Senator has it in front of him; and if he will turn to the provision respecting the gold reserve he will find the language I have quoted.

Mr. ALDRICH. I do not wish to interrupt the Senator's speech.

Mr. ALLEN. The Senator does not want that language in the RECORD, Mr. President.

Now, what check is there to be placed upon the Secretary of the Treasury? None whatever. Of course the mere ipse dixit of the Senator from Rhode Island is not going to be taken in opposition to the plain provision of the bill. There it stands, Mr. President, written in words so plain that no man can be deceived by it.

Whenever a raid shall be made upon the Treasury, upon the gold reserve, and that has become reduced to $50,000,000, then the Secretary of the Treasury, as often as he may see fit, and at his discretion, may issue bonds without limitation to supply that deficiency. You have turned the whole power of controlling the financial policy of this nation into the hands of the Secretary of the Treasury, who, according to precedent, has been dictated to heretofore by the national banks; and it is not conceivable that any man will occupy that position in the future, if matters continue as they have been, unless he is a national banker or the servant or agent of such institutions and more friendly to them than he is to his country.

But this bill is to go through, I suppose. The decree has gone forth. Every effort will be used to strengthen the weak places, if there are any weak places in your lines, and every vote that can be obtained by the party whip, by threats, and by cajolery will be obtained to pass it through speedily and have it signed and become a law.

It is said the American people can stand anything; and, in a general sense, I think that is true, but I know of no people or the people of no nation who could stand the direful consequences which must flow from the enforcement of this bill if it shall become a law. The back of labor must be bent a little lower, the lines of care must be driven a little more sharply into the features of those who toil, and their state of civilization will be lowered rather than raised. We are to raise up a great army of industrial and agricultural serfs to dig out of the soil and to carve out of wood and iron by their daily toil the money to pay the idle and indolent class of bondholders; and one of the arguments used and urged most strongly by the honorable Senator from Rhode Island in behalf of this bill—and I noted the peculiar smile of intelligent joy which lighted his face at that time—is that it is to furnish an easy, safe, and reliable investment for those who have money to invest.

That was one of the arguments used in favor of it, and I think the chief argument—certainly the chief argument that I remember—and the Senator from Rhode Island seemed to think that the country ought to be grateful to him that he had devised a scheme that would take millions out of the masses of the people and make them contribute to the incomes of the idle few, and that we were providing a safe and an unlimited means of investment for those who had money to invest. The Senator seems to be committed to the idea that a national debt is a national blessing.

Mr. President, a nation is like a business man in some respects. A business man who gets out of debt and stays out will meet with greater success than the one who is constantly getting into debt, for indebtedness eats out the earnings of the debtor every year for interest and other charges. And so it is with a nation, for a nation is merely an aggregation of individuals. Whenever a nation can get out of debt, it should remain out, unless some great unforeseen event should compel it temporarily to tax its credit.

But the Senator from Rhode Island seems to think the country ought to be congratulated upon the fact that its credit is to be extended and taxed anew, and we are told that this will increase our credit at home and abroad. No man has ever questioned the credit of the United States, and no man ever will question it unless blind partisanship, so frequently miscalled statesmanship, shall cause the issuance of bonds and the increase of our debt to such an extent that the taxing power will not produce revenue enough to pay the interest on our obligations.

Why do you not return to the first principle of finance? Why do you not permit the power to issue money to rest in Congress, where the Constitution places it? Why do you turn this power over to less than 4,000 corporations of the country? Why do you place in the hands of a mere executive officer, in one man, the power to increase the indebtedness of this nation without limitation? These questions are unanswered and will remain unanswered by you.

Mr. President, there has been no claim in the argument thus far that the bill is calculated to promote the interests of the common men of this country. It is a surrender, an unconditional surrender, to the money power, and is in keeping with that other course of business, which has been exploited to its full extent within the last few days, of wedding the Treasury of the United States to the national banks. Gold is to be made the single standard and silver is to be stricken down and taken out of circulation, except as subsidiary coin.

The greenbacks and the Treasury notes and every other form of Government paper money are to be taken out of circulation and destroyed by this measure, and the void is to be filled by the issuance of a thousand million dollars or more of national-bank notes. When the population of this country shall expand, as it is daily expanding; when thirty years shall have rolled around and the population of the country shall have increased 50 per cent and there is necessity for an enlarged volume of money, the bonded indebtedness of the nation will keep pace with the growth of population, and the national-bank currency, instead of being a thousand million, will be two thousand millions. These great organizations can then form more effectively than in the past—and they have been quite effective in the past—a solid political organization, designed to control the politics of every State and Territory in the Union.

Mr. President, there was a time in the history of this country when there was some statesmanship in Congress, when, at least, there was an attempt to enact laws in the interest of all the people. There has been a decadence in this respect. We have reached the time when men high in public life, to preserve their own political fortunes, are compelled to remain silent on measures passed by Congress that ought to be spurned from its doors. This bill is a withering curse and should be universally execrated.

Mr. COCKRELL. Mr. President, I propose to discuss briefly House bill No. 1 as it came to us from the House of Representatives, and then to discuss the proposed amendments of the Senate Committee on Finance.

Section 1 of the House bill makes the gold dollar of 25.8 grains of gold nine-tenths fine and one-tenth alloy, being 23.22 grains of pure gold and 2.58 alloy, the standard unit of value.

It makes a standard unit of value without any coin to represent it. English, "you know," after the pound sterling, which has never been coined. A unit of value which the people can never see or use.

Section 2 makes all the interest-bearing obligations of the Government for the payment of money, now existing or hereafter to be entered into, and all United States notes or greenbacks, and all Treasury notes issued under the law of July 14, 1890, payable in the gold coin defined in the first section—the gold dollar—and then declares "all other obligations, public and private, for the payment of money shall be performed in conformity with the standard established in said section"—that is, section 1. What does "shall be performed in conformity with the standard established in section 1" mean? It is compulsory, and can mean only, shall be paid in the gold coin defined, authorized, in section 1.

Then after this plain, compulsory requirement of payment of

all obligations, public and private, in gold coin only, regardless of the provisions in the face of such obligations authorizing payment in gold and silver coins or in greenbacks or lawful money, this section 2 provides that—

> Nothing herein contained shall be construed or held to affect the present legal-tender quality of the silver dollar or of the subsidiary or minor coins or of the paper currency of the United States or the laws making national-bank notes receivable and payable for certain public debts and dues and obligations between national banks.

Such unqualified, unblushing legislative repudiation of existing laws and obligations, public and private, has never before been proposed or attempted in the whole financial history of our country.

Of the $1,026,772,320 of interest-bearing bonded indebtedness now outstanding, $828,056,150 of the bonds issued under the laws of July 14, 1870, and January 14, 1875—the resumption act—have written in plain American language in their face these words: "Redeemable * * * in coin of the standard value of the United States on said July 14, 1870, with interest in such coin," which the law required to be inserted in their face. No one has ever denied or can deny that the "coin of standard value" was then the standard silver dollar of 412½ grains of silver and the gold dollar of 25.8 grains of gold, both nine-tenths fine.

Of the noninterest obligations we have $346,681,016 in United States notes or greenbacks, redeemable in standard silver dollars equally with gold, and $88,320,280 in the Treasury notes of July 14, 1890, issued for the purchase of silver bullion, which law required that the Secretary of the Treasury "shall coin of the silver bullion purchased under this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for." Beyond question these Treasury notes can be lawfully and properly redeemed in silver dollars.

These laws and the obligations issued thereunder and the plain provisions written in their face are repudiated and nullified. Still worse, if possible, all obligations of States, municipalities, corporations, and individuals which call for the payment of money, whether the money specified therein is silver dollars or merely dollars or lawful money or United States notes, or any other equivalent for dollars, are repudiated, nullified, and the debtors made to pay gold coin only. In short, all payments of money must be made in gold coin, although the parties to the contract or obligation may name and even require the payment to be made in silver dollars or greenbacks or lawful money. It is no answer to say that such payment in gold coin is in as good or better money than that specified. It may be as good, and yet it may cost much trouble, annoyance, and delay, and even many additional dollars, to the debtor to get the gold coin with which to pay.

It destroys the freedom of contract between individuals and practically prohibits them from making anything but gold payable on contracts or obligations, and gives to the creditor a ruthless power over his debtor.

It is in direct conflict with and plain violation of our Constitution, which guarantees to every State the right, the power, to make gold and silver coin a tender in payment of debts. The Constitution is plain. It says:

> No State shall * * * coin money * * * or make anything but gold and silver coin a tender in payment of debts.

Beyond question this clause grants to every State the right to make gold and silver coin, not gold or silver coin, a tender in payment of debts.

The provision in this section 2 that "nothing shall be construed or held to affect the legal-tender quality of the silver dollar" is a trick of legerdemain—a slight of the pen performance. It professes not to affect the legal-tender quality of the silver dollar, and yet there is no kind of obligation for payment of money, public or private, in the payment of which it can be used as a legal tender or in the payment of which the greenbacks can be used, not even Government obligations or liabilities of any kind whatever. When once the silver dollars go into the Treasury, or greenbacks go into the Treasury, they are there forever impounded and held, and can never be paid out or issued in payment of any obligation, liability, or debt of the Government existing or hereafter created.

For thus saith this bill: "Obligations, public and private, for the payment of money, shall be performed (paid) in conformity with the standard established in section 1"—the gold dollar. All the Government can do with the silver dollars is to pay them out on presentation of silver certificates calling for so many silver dollars. And all it can do with the greenbacks is to issue and pay them out to persons willing to accept them.

There is no express authority given in the House bill to reissue them. The individual citizen can do nothing with either silver dollars or greenbacks—can pay no debt or obligation existing or hereafter created, either to the Government or to an individual, except as the Government or individual may voluntarily accept them.

Why shall such iniquitous legislation be enacted? In whose interest is it?

Is it in the interest and for the benefit of the great producing classes of our country?

How can they be benefited by such legislation? I challenge you to show how the great majority of our people can be benefited by this proposed legislation. It is easy to see how largely the holders of accumulated wealth, the owners of bonds, mortgages, and debts of our nation, States, municipalities, corporations, and individuals will be benefited. All such obligations are made payable in gold coin only, while fully one-half of the legal-tender money of the United States is deprived of that quality and right and can no longer be used to pay such liabilities. In truth and verity, the rich are made richer and the poor poorer.

Section 3 creates under the United States Treasurer a division of issue and redemption to keep all records and accounts relating to issue, redemption, and exchange of the several kinds of money. To this division there is to be transferred from the general fund in the Treasury of the United States and to be taken up on its books as a redemption fund the gold coin and bullion represented by outstanding gold certificates, the greenbacks or United States notes represented by outstanding currency certificates, the silver dollars represented by outstanding silver certificates, and the silver dollars and silver bullion represented by outstanding Treasury notes issued under the act of July 14, 1890, and an amount of gold coin and bullion as a reserve fund equal to 25 per cent of the amount both of the United States notes or greenbacks and Treasury notes issued under act of July 14, 1890, outstanding, the gold and silver coins transferred from the general fund in the Treasury to be increased or diminished in accordance with this act and in no other way.

Supposing this bill to have been the law January 1, 1900, the following would be the operation: There would be transferred from the general fund in the Treasury to this division of issue and redemption $161,122,797 in gold coin and bullion, representing outstanding certificates in the general fund of $236,909,230 in gold coin and bullion; $11,980,000 United States notes, represented by currency certificates, act June 8, 1872, leaving $16,431,651 United States notes in the general fund; 395,040,816 silver dollars, representing outstanding silver certificates, leaving 10,740,478 silver dollars in the general fund; and $86,934,351 in silver dollars and silver bullion, representing United States Treasury notes outstanding, leaving $1,385,929 in such Treasury notes or silver bullion in the general fund; and, finally, an amount of gold coin and bullion equal to 25 per cent of the amount of both greenbacks and Treasury notes outstanding, which would be $101,300,929 in gold coin and bullion as a reserve fund, a gold-reserve fund, to be increased or diminished only as provided in this act, and leaving $135,608,301 in gold coin and bullion in the general fund. The operation completed, there would be left in the general fund in the Treasury $164,161,359 of all kinds except subsidiary coins and national-bank notes.

Section 4 prescribes the modus operandi between this division of issue and redemption and the general fund in the Treasury to maintain intact the gold reserve fund.

To do so the Secretary of the Treasury may transfer to this gold reserve fund any moneys in the Treasury not appropriated, or may exchange any funds in this division for other funds in the general fund in the Treasury, and, in addition, whenever in his judgment it is necessary to maintain the gold reserve fund, he can issue and sell United States bonds bearing not exceeding 3 per cent per annum interest, payable in gold coin at the end of twenty years, but redeemable in gold coin at the option of the United States after one year. These are the three methods to maintain intact this precious gold reserve fund.

This section then particularizes what further acts the Secretary may do or not do. No transfer shall be made from the general fund in the Treasury to the issue and redemption division which will reduce the general fund below $50,000,000 gold. Now, we have two gold reserve funds, remember—one in the division of issue and redemption and one in the general fund of the Treasury—and that in the general fund of the Treasury must not go below $50,000,000, and that in the issue and redemption division must be 25 per cent of all the outstanding greenbacks and Treasury notes. The United States notes and Treasury notes presented for redemption shall be redeemed in gold coin at the will of the holder, and silver certificates shall be redeemed in accordance with existing law.

What is that? Upon their face that they would be redeemed in silver dollars, which had been deposited in the Treasury and upon which certificates had been issued. That may be the meaning or it may not. That will depend upon the discretion of the Secretary of the Treasury. The Secretary is required to use the reserve fund in maintaining at all times the parity—sweet-sounding word to the gold-standard advocates—and equal value of every dollar issued or coined by the Government, and if he deem it necessary to so maintain such parity and equal value of all the money of the United States, he may exchange gold coin for any other money issued or coined by the United States.

That embraces everything on top of the face of this green earth

coined, issued, or put into circulation by authority of the United States. There can be no mistaking this language. The word "certificates" here not only embraces the currency certificates to which I have referred, but the silver certificates as well.

The notes and certificates—mark these two words, "notes and certificates"—so redeemed or exchanged shall be held in and constitute a part of the redemption fund, but shall not be withdrawn therefrom nor disbursed except in exchange for an equivalent amount of the coin in which they were redeemed or exchanged. Nothing in the act to repeal the requirement of the act of July 14, 1890, that "no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and silver dollars coined therefrom then held in the Treasury purchased by such notes."

Sections 5, 6, and 7 authorize the silver bullion in Treasury to be coined into subsidiary coins and an equal amount of Treasury notes retired and canceled, the recoinage of the worn and uncurrent subsidiary silver coin in the Treasury, and the repeal of any limitation on the amount of subsidiary silver coins to be issued—I think that is a very good provision—and require all greenbacks and Treasury notes hereafter issued or reissued to be of denominations not less than one dollar, and all silver certificates hereafter issued or paid out are to be in denominations of one, two, and five dollars. Large notes for the gold aristocracy, the bank aristocracy; greenbacks and silver certificates for the masses, the toiling millions—class distinction among our people created by class distinction in your law. The financial scheme is in operation. It is in operation now.

In the division of issue and redemption we now have an amount of gold coin and bullion equal to all outstanding gold certificates, United States notes equal to the outstanding currency certificates, standard silver dollars equal to outstanding silver certificates, and silver dollars and bullion equal to outstanding Treasury notes, and the gold-reserve fund equal to 25 per cent of all outstanding greenbacks and Treasury notes, now aggregating over $405,000,000. And the gold reserve fund must be maintained intact in this division, while at the same time the gold in the general fund of the Treasury must not be reduced below $50,000,000 of gold. It is now $135,608,301; its minimum, $50,000,000. United States bonds are the dearly loved objects of the holders of accumulated wealth, and every proceeding necessary to secure them will be taken. And the Secretary of the Treasury has full power in his discretion to issue and sell them, bearing interest not exceeding 3 per cent at par, above or below par, or at any sum he may be willing to accept for them.

There is no limitation, no restriction in the bill in regard to the amount that he shall accept in payment of the bonds, and he is required to use the gold reserve fund to maintain at all times the parity and equal value of every dollar issued or coined by the Government, which necessarily includes greenbacks, Treasury notes, silver dollars, and even silver certificates, payment of which may be demanded in gold. Remember also that the national banks, with the increase of their circulation, must necessarily largely increase their gold reserve.

Now, sixty millions of greenbacks and Treasury notes, either or both, are presented to this division of issue and redemption, and gold asked and paid, and the gold reserve reduced to forty-one millions, and the sixty millions of United States notes are exchanged from the redemption division to the general fund in the Treasury, and being in the Treasury the redemption fund is reduced 25 per cent of the sixty millions, or fifteen millions, leaving it at eighty-six millions intact, and forty-five millions are transferred from the general fund of one hundred and thirty-five millions of gold to restore the reserve fund intact at eighty-six millions, and thus the gold in the general fund is reduced to ninety-five millions. Progress to bonds is made. Another raid is made.

Sixty millions of silver dollars or silver certificates are presented and gold payment demanded. Thereupon, to maintain the parity and equal value of every dollar issued or coined by the Government, sixty millions of gold are paid out of the gold reserve in the redemption division, and it is then reduced to twenty-six millions, and to restore it back to eighty-six millions intact sixty millions of gold in the general fund of ninety-five millions in the Treasury are exchanged with the redemption division, and the general fund in the Treasury reduced to thirty-five millions, fifteen millions below its minimum, which must be raised.

Now, forty millions of greenbacks are presented for redemption in gold and redeemed out of the eighty-six millions of gold in the redemption division—now reduced to forty-six millions; and if the forty millions redeemed greenbacks are transferred to the general fund in the Treasury and remain there, then the redemption division would only require thirty millions in gold from the thirty-five millions in the general fund to raise it to seventy-six millions—25 per cent of all outstanding greenbacks and Treasury notes, and the general fund of gold in the Treasury would be reduced to five millions, forty-five millions below its minimum, and bonds would be issued and sold at whatever price the Secretary, in the emergency of maintaining the parity and equal value of all the money issued or coined, might feel at liberty to accept from his dear friends who have proven their loyalty to the gold standard by liberal contributions in political emergencies and necessities. This is only one of many illustrations—fair, practicable, and most probable—which can be given to demonstrate how the issue of bonds can be easily forced.

Even if the act of June 13, 1898, requiring the coinage of the silver bullion purchased under the act of July 14, 1890, and the retirement of the Treasury notes is not repealed by the House bill, which is an open question, yet it will require some time before its coinage and the subsidiary silver coinage from that bullion will exhaust and retire the Treasury notes. When those Treasury notes are all retired and canceled, we will still have $346,681,016 greenbacks and 483,530,019 standard silver dollars, to be increased by the coinage of the existing bullion to considerably more than five hundred millions, making at least $850,000,000, whose parity and equal value must be maintained by their redemption in gold when asked.

Now, what is the inevitable result of this process of forcing the issue of bonds to get gold to maintain the two gold funds, the gold reserve in the issue and redemption division and the gold fund of not less than fifty millions in the general fund in the Treasury, and to maintain the parity and equal value of all the money issued or coined by the Government? It is the impounding, the accumulation in the Treasury of all the greenbacks, Treasury notes, silver dollars, and silver certificates so redeemed, practically their retirement, and a contraction of the circulating money to their amount. For all obligations, public and private, which must necessarily include all debts, public and private or individual, as well as all appropriations made by Congress to expend or pay certain sums or amounts for certain objects to certain persons, must be performed, paid, discharged, in the gold dollars, the only money of final payment and redemption.

It is no answer to say that "all silver certificates presented for redemption shall be redeemed in accordance with existing law." If this House bill become a law, then it is the existing law. But admit, for argument's sake, that they will be redeemed in silver dollars, then the silver dollars are coined by the Government, and to maintain their parity and equal value with gold they must, according to all gold-standard authorities, be redeemed in gold; and the Secretary is expressly "required to use said reserve fund in maintaining at all times the parity and equal value of every dollar issued or coined by the Government. Any time the Secretary of the Treasury deems it necessary, in order to maintain the parity and equal value of all the money of the United States, he may, at his discretion, exchange gold coin for any other money issued or coined by the United States."

This is express authority in the very language of the bill which I have quoted. This clinches the fact beyond controversy. For, if he is not expressly required to redeem silver certificates or silver dollars out of the gold reserve, he has the discretion persuasively given to exchange gold coin for them or either of them. Does any sane man suppose for a moment that the Secretary of the Treasury would hesitate a second to exchange gold coin for silver certificates or silver dollars upon the request of the National City Bank of New York or any member of the gold-standard trust, the father and the mother of all the trusts?

Remember also that "the notes and certificates so redeemed or exchanged shall be held in and constitute a part of said redemption fund, and shall not be withdrawn therefrom nor disbursed except in exchange for an equivalent amount of the coin in which said notes were redeemed or exchanged." This can only mean that they can never be withdrawn nor disbursed—paid out—except in exchange for gold coin. Will the Secretary of the Treasury, after having exchanged gold coin for these notes and certificates, take them around—hawk them about—trying to get some "benevolently assimilated" gold-standard friend to exchange his gold coin for them?

Never—no, never! Anathema to him who would suspicion, much less charge, the Secretary of the Treasury with such unbecoming gold-standard conduct. Then, there in the vaults they would remain, retired from circulation, and gold bonds would be issued and sold to replace the gold coin so exchanged for them; and the process would be repeated in the manner of an endless chain until the insatiate desire for United States bonds was fully satisfied.

Enough for the present of this ignis fatuus of a gold standard and this trick-of-the-pen modus operandi of maintaining it!

I go now to the provision in regard to national banks. Section 8 amends section 5159 of the Revised Statutes of the United States so as to require national banks proposing to commence the banking business to transfer and deliver to the United States Treasurer as security for circulating notes any interest-bearing United States registered bonds to an amount, where the capital is $150,000 or less, not less than one-fourth of the capital, and $50,000 where the capital is in excess of $150,000, with authority for such banks

as have on deposit bonds in excess of that amount to reduce their circulation as provided by law. It authorizes existing banks having bonds on deposit, and such banks as hereafter deposit such bonds, to issue circulation to an amount not exceeding the par or face value of such bonds—that is, dollar for dollar of the face value of the bonds.

Section 9 amends section 10 of the act of July 12, 1882, extending the corporate existence of national banks, so as to authorize such banks upon a deposit of bonds, as described in sections 5159 and 5160, to receive from the Comptroller circulating notes not exceeding the face value of their bonds, such notes not to exceed the amount at such time actually paid in of its capital stock, and repeals sections 5171 and 5176, Revised Statutes of the United States.

Section 10 requires national banks to pay to the United States Treasurer, in addition to the taxes imposed by act of June 13, 1898, a tax semiannually of one-tenth of 1 per cent upon the value of its franchise—that is, upon the aggregate amount of its capital, surplus, and undivided profits—being an annual tax of one-fifth of 1 per cent on capital, surplus, and undivided profits, and repeals sections 5214, 5215, 5216, and 5217, Revised Statutes of the United States, but does not repeal any liability for taxes or penalties already incurred, and imposes penalties for failure to pay the taxes.

Section 11 amends section 5138, Revised Statutes of the United States, so that no national bank shall be organized with less capital than $100,000, but gives the Secretary authority to organize banks with not less than $50,000 capital in places having not over 6,000 population; and with not less than $25,000 in places with not over 2,000 population, and no bank to be organized in a city with a population exceeding 50,000 with a less capital than $200,000.

No one can question the fact that these provisions are in the interest and for an increase of the profits of national banks.

Under existing law a national bank with a capital of $100,000 receives $90,000 in notes and loans same at 6 per cent and receives $5,400 interest, and $4,000 interest from the Government on 4 per cent bonds; receipts $9,400; and pays a tax of $900, 1 per cent, leaving receipts $8,500.

Under this bill the same bank receives $100,000 in notes, loans them at 6 per cent, $6,000 interest, $4,000 interest on bonds; receipts $10,000; and pays a tax of one-fifth of 1 per cent upon its capital, counting it without surplus or undivided profits, being $200, leaving receipts at $9,800, instead of $8,500; clear profit $1,300, equal to 1.3 per cent interest per annum on its capital.

Why shall the national banks be selected as the only ones to have their taxes reduced?

The creation and issue of money is purely and necessarily a function of government—of sovereignty.

Without a government, a sovereignty of the people with authority to legislate, there can be no legal-tender money among the people. Why then shall this great constitutional Government abandon its sovereign right to issue the paper currency for the people and delegate it to corporations—national banking associations? Why shall they alone have the authority to make this Government issue and deliver to them the entire paper currency and be responsible for its final redemption?

Why shall individual citizens holding the same kind of bonds as the banks not have the same?

If this great Government can not maintain coin redemption of its own notes, how can it maintain the coin redemption of the national-bank notes?

Now, Mr. President, I pass to a more interesting question, I hope, to the Senate, and that is to the amendments proposed as a substitute by the Senate Committee on Finance.

Section 1 of the Senate amendments provides that the dollar of 25.8 grains of gold nine-tenths fine, as established by section 3511, Revised Statutes of the United States, shall continue to be the standard unit of value; and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard. And United States notes and Treasury notes, when presented to the Treasury for redemption, shall be redeemed in gold coin of such standard. There is no chance to mistake the meaning of this plain language.

It means and can only mean that the gold coins, all of which by weight and fineness and denominations are described in said section 3511, are the only money of final payment and redemption, the only standard unit of value; and that all forms of money issued or coined—mark the words—issued or coined—all forms of paper money or currency, the United States notes or greenbacks, the Treasury notes, and the national-bank notes are issued, and all forms of silver, nickel, and copper money are coined—shall be maintained at a parity of value with the gold standard coins. In plain American words, shall be redeemed in such gold coins whenever demanded.

This is the unquestioned interpretation given by all gold-standard advocates to the word "parity" ever since it crept into the law of July 14, 1890, agreed upon in conference committees. To maintain the parity of value of all forms of money with gold coins, all forms of such money must, at the option of the holder, be redeemed in or received in exchange for gold coins.

To clinch this, and yet at the same time to throw a thin mist of doubt as to the redeemability or exchange of silver dollars in or for gold coins, the greenbacks and Treasury notes shall be redeemed in gold coin; no discretion left—they can be redeemed only in gold coin and in nothing else. The legal tender of the standard silver dollar is taken away—now, let me finish the sentence—is nullified absolutely as to greenbacks and Treasury notes. You can not shake your head now. I will repeat it. The legal tender of the standard silver dollar is taken away, is nullified absolutely as to greenbacks and Treasury notes, and the option of the holders to have them redeemed in silver dollars is taken away, absolutely denied.

You can not shake your head at that. Even the standard silver dollars coined from the same silver bullion purchased with these Treasury notes can not be used in the redemption of such notes, even on demand of the holders of such notes. This section certainly makes glad the heart of the Secretary of the Treasury, Mr. Gage, who on the 16th and 17th of December, 1897, before the Ways and Means Committee of the House, said:

> Mr. Chairman and gentlemen of the committee, the objects I have in mind in the series of provisions offered by me are four in number:
> 1. To commit the country more thoroughly to the gold standard, remove, so far as possible, doubts and fears on that point, and thus strengthen the credit of United States at home and abroad.
> 2. To strengthen the Treasury in relation to its demand liabilities, in which are included greenbacks, Treasury notes, and the incidental obligation to maintain on a parity, through interchangeability with gold, so far as may be necessary, the present large volume of silver certificates and silver dollars.
> 3. To do this in such a way as not to contract the volume of circulation in the hands of the people.
> 4. To take an initial step toward a system of bank-note issues without the conditional deposit of public bonds as security therefor.

A gold-standard advocate, a Democrat, or mugwump, as you may prefer, taken into the political family of the Republican Executive in the second and most potential position, Secretary of the Treasury, in fraternal recognition of the quasi obligation for the votes and support of the gold-standard Democrats in the Presidential election, has forced upon the Republican party a total abandonment of bimetallism and the adoption of the single standard of gold as the only money of final payment and redemption of all forms of money issued or coined.

This bill is the literal embodiment of the first and second of his four objects, boldly proclaimed in December, 1897. The Senator from Rhode Island, chairman of the Senate Committee on Finance, in his speech of January 4 last, in explanation of the bill, referring to the increase of the reserve fund to $150,000,000, said:

> The reason for this is found in the rapidly increasing amount of notes and certificates which, under existing pledges for the maintenance of the parity of value, are directly or indirectly a burden upon the fund.
> On November 1, 1899, the total amount of notes and certificates, including national-bank notes, outstanding was $1,054,000,000, and a reserve fund of $150,000,000 would be 14 per cent of this amount.

This $1,054,000,000 includes $394,976,239 of outstanding silver certificates, the currency certificates, the greenbacks, Treasury notes, and national-bank notes. This he must admit.

And the distinguished chairman of the Finance Committee, being present, can not deny it. These are his own figures, and these are the only items in the financial statements of the Government that can make the $1,054,000,000.

Now, I want that remembered.

The Senator from Rhode Island further said:

> It is true we do not propose to make all outstanding notes and certificates a direct burden upon the gold reserve. National-bank notes, through their method of redemption in lawful money, are indirectly a burden upon the fund, and so, in a certain sense, are silver certificates and silver dollars.

He further said:

> Both silver dollars and silver certificates are by law receivable for all public dues, and as long as the ordinary receipts of the Government are more than $600,000,000 per annum it is very evident that silver certificates are not likely to go to a discount.

Mark the language:

> The Government itself, in the absence of a positive injunction, would be bound to maintain the value of this form of currency—mark the words—this form of currency—

Now, mark the words—

> through the ordinary business channels of exchange for self-protection.

The Government is bound to do it. Therefore, you do not put it in the bill, for the Government is bound to maintain silver certificates, silver dollars, and national-bank notes at a parity with gold by the exchange of gold coin whenever demanded.

Mr. ALDRICH. Oh, no.

Mr. COCKRELL. No other interpretation can be given to it. That is the legitimate interpretation.

Mr. ALDRICH. Oh, no.

Mr. COCKRELL. Let us see. The Senator further said:

> The committee believe that under these conditions, or, in fact, under any which are likely to arise, there will be no difficulty in maintaining a parity without directing the Secretary to exchange gold coin for silver dollars at the demand of the holder of the silver.

That is to say—mark it—there is no necessity to direct the Secretary to exchange gold in the reserve fund for silver dollars on the demand of the holder of the silver, because the Secretary is already bound to do it and will do it. There is no question on that point.

Mr. ALLISON. Bound to do what?

Mr. COCKRELL. Bound to maintain the parity by that method; and that is the only method by which he can do it.

There is no necessity, because the Government is already bound in self-protection to maintain the parity by exchanging gold for silver, silver certificates, and silver dollars, and redeeming Treasury notes, greenbacks, and national-bank notes in gold dollars.

Mr. ALDRICH. The Senator from Missouri put his own construction upon the last part of it.

Mr. COCKRELL. That is exactly the construction that your Secretary of the Treasury will put upon it, and it is what every gold-standard advocate outside of this Senate Chamber, when the bill shall have become a law, will say it means. There can be no question as to that.

I am trying to deal with exact fairness, and I have quoted the exact language of the Senator from Rhode Island. I say that the Secretary of the Treasury will not hesitate a moment—he has already declared his purpose—whenever silver dollars, silver certificates, greenbacks, Treasury notes, or national-bank notes are presented and gold demanded, to exchange gold for them; and whether you call it redemption or exchange does not make any difference.

Mr. ALDRICH. I know the Senator from Missouri wants to deal fairly with this question.

Mr. COCKRELL. Certainly.

Mr. ALDRICH. Do I understand the Senator to say that the Secretary of the Treasury would be bound to pay gold from the reserve in exchange for silver dollars or silver certificates?

Mr. COCKRELL. Under this law?

Mr. ALDRICH. Under this law.

Mr. COCKRELL. That is his interpretation of it.

Mr. ALDRICH. The Senator can not have read the second section of the bill, which provides that this gold shall be used, and used only, for the redemption of United States notes and United States Treasury notes. It can not be used otherwise.

Mr. COCKRELL. But that does not nullify the provision that you have got to maintain the parity.

Mr. ALDRICH. I understand that.

Mr. COCKRELL. We have got to take the whole law together.

Mr. ALDRICH. The Secretary of the Treasury can not use the gold reserve for any other purpose except the redemption of United States notes and United States Treasury notes. It is undoubtedly true that the Secretary of the Treasury now and heretofore has, by the use of the clearing house and by other methods, maintained the parity between gold and silver, and so long as they are of equal value the exchange in the ordinary course of business of the general fund in the Treasury affects nobody unfavorably, either the holders of silver or of gold, or the producers of silver or of gold, or any other citizen of the United States who has a general interest in it.

Mr. COCKRELL. We shall see when we go further along. I want to establish the fact—and it is established by the language I have read—that the reason a clause is not put in this bill to require, by explicit words, the Secretary of the Treasury to exchange gold for silver and silver certificates was that he already had that authority by law, and everybody knows he will exercise it.

Mr. CHILTON. And that is the reason for increasing the gold reserve $50,000,000.

Mr. COCKRELL. The Senator from Rhode Island admits that in his speech which I quoted.

Mr. ALDRICH. He can do it indirectly, but not directly.

Mr. COCKRELL. It may be done incidentally; and when it is done incidentally, what is the difference? It is only the difference between tweedledum and tweedledee.

Mr. ALDRICH. The purpose of the Senate committee amendment in increasing the gold reserve was to enable the Secretary of the Treasury, under any circumstances, to maintain the parity of all forms of money issued or coined in the United States.

Mr. COCKRELL. Certainly it was; and to do that he must redeem all the other forms of money just the same. He must redeem them to maintain the parity.

Mr ALDRICH. The Senator uses the word "redeem."

Mr. COCKRELL. Well, then, exchange. I have used the word "exchange" in regard to silver and silver certificates and "redeem" as to the others.

Mr. ALDRICH. "Exchange" is the proper word, but redemption is not the proper word, because the Secretary of the Treasury can exchange any of the forms of money in the general fund of the Treasury at any time when he thinks it is to the public interest, or for the purpose of maintaining the parity.

Mr. COCKRELL. It does not make any difference whether you call it redemption or exchange. When a man goes there with silver certificates, Treasury notes, greenbacks, or silver dollars and demands gold, he gets it.

Mr. ALDRICH. It makes all the difference in the world, because redemption is one thing and exchange is another. Money that is redeemed and redeemable by law is not paid out again, unless there is some provision of law, as there is in the case of United States notes, for their reissue. Redemption is the final transaction and the money is retired. An exchange is simply exchanging one form of money in the general fund for another to be used in the course of business for the payment of the debts of the United States.

Mr. COCKRELL. That is not the way you are legislating in this bill, for you say the greenbacks shall be reissued.

Mr. ALDRICH. Not unless there is some express provision of law.

Mr. COCKRELL. We shall have no controversy about that.

Mr. ALDRICH. We retire the Treasury notes for silver dollars, in accordance with the provisions of law.

Mr. COCKRELL. I understand that perfectly; but you redeem the greenbacks, to be reissued. It is only the difference between tweedledum and tweedledee, whether you call it redemption or exchange. When a man goes to the Treasury with silver dollars, silver certificates, or Treasury notes and says he wants gold, he gets it, and he does not care whether you call it redemption or exchange.

Continuing, the Senator from Rhode Island said:

> They believe, in fact, that no public interests will be served by the adoption of legislative provision for such an exchange. To make all our silver currency a direct charge upon the gold reserve might imperil at a critical time the sufficiency of the fund. We fear it would serve as an invitation for unfriendly drafts upon the Treasury resources.

Well may you have those fears, and after you have enacted this bill into law you will realize them before many years shall have passed. These quotations settle the question that the Secretary has the right, and will certainly exercise it, without any direct legislative direction, to redeem silver dollars or certificates in gold or exchange gold for them on the demand of the holder of the silver, to maintain the parity of all forms of money with the gold coin.

I now come to section 2, which provides that "to secure the prompt and certain redemption of the United States notes and Treasury notes," the Secretary of the Treasury shall "set apart in the Treasury a reserve fund of $150,000,000 in gold coin" to be "used for such redemption purposes only," and as such notes are redeemed the Secretary shall use them to restore and maintain such reserve fund as follows: First, by exchanging such notes for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the greenbacks so redeemed; third, by procuring gold coin by the use of said notes in accordance with the provisions of section 3700, Revised Statutes of the United States.

Fourth. If the Secretary be unable to restore and maintain the gold coin in the reserve fund by the three methods named, and the amount of such gold coin reserve fund at any time falls below $100,000,000, then the Secretary shall restore the same to the maximum of $150,000,000 by borrowing money on the credit of the United States; and for the debt thus incurred shall issue and sell coupon or registered bonds, in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing not exceeding 3 per cent interest, payable quarterly, payable at the option of the United States after one year from date, principal and interest payable in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States and from taxation in any form by or under State, municipal, or local authority.

The gold coin received from the sale of the bonds shall be covered first into the general fund of the Treasury and then exchanged as before provided for an equal amount of the notes so redeemed and held for exchange, and the United States notes exchanged from the reserve fund into the general fund of the Treasury shall be reissued as provided by law. And the gold coin in the reserve fund, together with the redeemed notes held for use as herein provided, shall at no time exceed the maximum sum of $150,000,000.

Suppose, for illustration, the Senate amendments are a law. By such law there are two funds in the Treasury, the gold reserve fund and the general fund.

On January 1, 1900, there was in the Treasury, in round numbers, the sum of $236,000,000 in gold.

To establish the gold reserve fund one hundred and fifty millions are transferred to it from the two hundred and thirty-six millions in the general fund, leaving in the general fund eighty-six millions of gold.

Of the greenbacks, Treasury notes, and currency certificates outstanding there were four hundred and seventeen millions, redeemable only in gold, and termed by the Senator from Rhode Island a direct burden on the reserve.

Of the silver dollars and certificates outstanding there were four hundred and sixty-five millions, no less a burden upon the reserve,

because their parity with gold must be maintained and can only be done by exchanging gold coin for them on demand of the holder of the silver, which the Secretary has the clear right to do and would doubtless do.

In addition there were two hundred and forty-two millions of national-bank notes which are indirectly a burden on the reserve, as the United States must redeem them and then look to the bank for their payment. And if redeemed in greenbacks, then the greenbacks would be presented and gold demanded, so that they are no less a burden than the greenbacks. The aggregate of these three burdens on the gold reserve is $1,124,000,000, making the reserve less than 8 per cent of the burdens or liabilities.

More bonds are wanted by the gold aristocracy, and they raid the Treasury and present greenbacks and Treasury notes to the amount of sixty millions. The reserve is reduced to ninety millions and sixty millions are exchanged from the general fund to the reserve for the redeemed notes, and only twenty-six millions are left in the general fund. Another raid of sixty millions is made and the reserve reduced to ninety millions, and the twenty-six millions of gold in the general fund is transferred to it, making it one hundred and sixteen millions, and no gold in the general fund.

Another raid of thirty millions reduces the gold reserve to eighty-six millions, fourteen millions below the minimum, and no gold in the general fund. And now sixty-four millions of gold must be secured to restore the reserve fund to one hundred and fifty millions, in one of the four manners named in the bill. The first—exchanging gold coin in the general fund for the redeemed notes—has been exhausted, and there is no gold in the general Treasury. And one hundred and fifty millions of greenbacks and Treasury notes are held in the Treasury, excepting such greenbacks as may have been reissued in defraying the expenditures of the Government.

The second is the voluntary deposit of gold coin by its holders in exchange for the greenbacks. This is impracticable, because it is the holders of the greenbacks, etc., who have demanded gold for them, and when such a process of presenting greenbacks and other liabilities for redemption in gold has been going on, no holders of gold will make such exchange.

The third—and I desire to call the special attention of the Senate to the third process—is to procure gold coin by the use of said notes, as authorized in section 3700, Revised Statutes of the United States. I will read this section:

SEC. 3700. The Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interests.

This law was enacted March 17, 1862, in war times and extremities, and the gold standard is bringing us back to the enactment of laws such as were necessary in times of war and extremity, because it is producing a monetary war and monetary extremity more disastrous to the country and the world than the devastations of war.

Is it possible that a Republican Administration, a Republican House, Senate, and Executive, will, in order to maintain this phantom of a gold standard and the parity of the full legal-tender United States notes, Treasury notes, standard silver dollars and certificates with gold coin, not only sanction but directly and specifically authorize their gold-standard Secretary to purchase the precious gold coin with the legal-tender United States notes at such rates and upon such terms as he may deem most advantageous—that is, to sell at public auction, or in the open market, or at private sale United States greenbacks at such rates or prices and upon such terms as he may deem most advantageous to the public interests—that is, the gold standard and its maintenance.

As these notes bear no interest, and if they can not be sold for gold, then bonds bearing interest must be sold, no holder of gold will buy them. He will wait for the bonds. Then the Secretary having failed by the three methods named to restore the gold reserve, it becomes his duty to restore the reserve to its maximum of one hundred and fifty millions by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell United States 3 per cent bonds, as described in said section, for gold coin at such rates or prices as he may deem best—at par, above par, or below par—and to such an amount as will restore the reserve to its maximum.

When this has been done, and the greenbacks, silver certificates and dollars impounded in the Treasury have been reissued and paid out for appropriations made by Congress for the support of the Government and other objects, and more bonds are wanted, they can all be again presented, gold demanded, and the reserve exhausted and bonds again issued, and the endless chain will continue.

It can be and it will be worked as I have indicated, and just as has been done in past years.

The gold-standard trust, composed of the holders of the accumulated wealth of Europe and the United States, and having in their control and power most of the rich gold mines of the world and the existing stock of gold and many billions of the debts and obligations of the governments, states, municipalities, corporations, and individuals of the whole world, have the power under this proposed law to do just as I have pointed out; and not only have they such power, but it is also to their pecuniary interest and profit to do so.

When they have forced the issue of a few hundred millions of dollars in bonds, and are keeping the endless chain in operation, the cry will be raised, "The credit of the Government at home and abroad must be maintained," and can only be done by canceling and destroying the greenbacks and making the silver dollars a subsidiary coin, legal tender for a small sum, and giving to the banks the absolute control of all the paper currency of the country. There is what your legislation leads to.

Section 3 requires the Secretary, as fast as standard silver dollars are coined under the acts of July 14, 1890, and June 13, 1898, from the bullion now in the Treasury, to retire and cancel an equal amount of the Treasury notes issued in its purchase whenever they come into the Treasury and to issue silver certificates for such dollars—a very good provision. Under the act of June 13, 1898, the Secretary can coin it all as rapidly as the coinage capacity of the mints can issue the dollars.

He can coin it if he will in a very short time. He is required to coin not less than a fixed sum, but there is no maximum sum prescribed over which he shall not coin. If he chooses, he can coin that bullion rapidly and substitute silver and silver certificates for Treasury notes and wipe the Treasury notes out of existence.

Section 4 authorizes the Secretary of the Treasury to receive deposits of gold coin in sums not less than $20 and to issue gold certificates therefor not less than $20, and to hold the coin for the payment of such certificates only; such certificates to be receivable for customs, taxes, and all public dues, and when so received to be reissued. The authority to issue such certificates shall be suspended whenever and so long as the gold coin in the reserve fund falls and remains below $100,000,000.

One-fourth of such certificates at least shall be in denominations of $50 or less.

The Secretary may issue such certificates in denominations of $10,000, payable to order.

Section 5193, Revised Statutes of the United States, authorizing the Secretary to issue certificates in denominations not less than $5,000 upon deposit in sums not less than $10,000 of United States notes by national banks, is repealed.

These gold certificates of large denominations, of not less than $10,000, as a matter of course can only be used in the clearing houses and in large banks. So far as the gold represented by them is concerned, it is practically out of circulation among the people transacting the business of the country. It is simply in the clearing houses and in the large banks, and is transferred by check or draft, but it is not part of the money of our country—the money of the people.

Section 5 requires all United States notes and Treasury notes to be in denominations not less than $10 and all silver certificates in $10 and less.

The result of this will be that all the silver will be represented by certificates, because the people always prefer the certificates to the silver dollar—that is, the great bulk of them do—and it is an advantage to the Government and to the people to have silver certificates circulating instead of silver dollars, for if the silver dollar is lost it is gone, but if the silver certificate is lost or destroyed, the silver dollar representing it is still in the Treasury and belongs to the whole people, to the country. What is the loss to the individual is the gain to the mass.

Now, you make gold the only money of final payment and redemption, which will cause great difficulty in many places in the country, where an extortionate creditor, for instance, demands gold of his debtor, and only gold. The great bulk of the money of the people will be the small notes. There will be no place where anyone will be bound to exchange gold for them, because the exchange can only be compulsory at the Treasury of the United States or at a subtreasury of the United States, for no national bank will be compelled to exchange them. The banks will not be compelled, in the first instance, even to redeem their own notes in gold; they can redeem them, first, in greenbacks, and then, as a matter of course, the greenbacks go to the Treasury.

That is the way the bank notes are maintained. They depend for their existence, validity, and circulation upon the redeemability by the United States, just as the greenbacks are redeemable; and the Government is just as directly bound for their redemption as it is bound for the redemption of the greenbacks. For the redemption of the greenbacks the Government has the entire population and property of the United States to call upon by taxation, and for the redemption of the national-bank notes we only have the bonds which they have deposited with us.

Section 6 authorizes the Secretary to receive any or all the $95,009,700 of bonds bearing 5 per cent interest, payable February 1, 1904, and the $545,345,350 4 per cent bonds, redeemable at the

pleasure of the United States after July 1, 1907, and the $198,791,440 3 per cent Spanish-war bonds, redeemable after ten years at option of the United States and payable twenty years from August 1, 1908, aggregating over $839,000,000, and to issue in exchange therefor an equal amount of United States coupon or registered bonds, in denominations of $50 or any multiple thereof, bearing 2 per cent interest, payable quarterly, to be redeemable or payable at the pleasure of the United States after thirty years from date, principal and interest payable in gold coin of present standard, to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

The outstanding bonds to be received in exchange at a valuation not greater than their present worth, to yield an income of 2½ per centum per annum, and the Secretary to pay to the holders of such outstanding bonds, received for such exchange, a sum not greater than the difference between their present worth, computed as above stated, and their par value; such payments to be on account of sinking fund, the 2 per cent bonds to be issued at not less than par, numbered consecutively in order of issue, and when payable, the last numbers issued shall be first paid; and whenever any outstanding bonds are called for payment, interest thereon shall cease three months after such call.

Section 7 authorizes all national banks, existing and hereafter to be organized, to receive from the Comptroller of the Currency circulating notes equal to the par value of the bonds deposited, and if the market value of the bonds fall below the par value of the circulating notes the Comptroller can require additional deposits of bonds or of lawful money.

No national-bank notes hereafter are to be less than $10, and the total amount of such notes shall at no time exceed the amount of capital stock actually paid in.

Section 8 requires every national bank having on deposit United States 2 per cent bonds to secure circulating notes to pay a tax of one-half of 1 per cent annually, or one-fourth of 1 per cent semiannually, upon the average amount of its circulating notes in lieu of the existing taxes of 1 per cent annually, one-half of 1 per cent payable semiannually, imposed by section 5214, Revised Statutes United States.

I ask the Senator from Iowa if I am not correct in this respect? This would leave all national banks having other than 2 per cent bonds on deposit for circulating notes still subject to a tax of 1 per cent per annum on average amount of circulating notes, thus giving the benefit of one-half of 1 per cent to the banks having 2 per cent bonds on deposit for circulating notes, and holding out an inducement to that amount to exchange their bonds for 2 per cent bonds.

The Senate amendments introduce an entirely new measure—the refunding of the United States bonds, aggregating over $839,000,000, maturing February 1, 1904, July 1, 1907, and August 1, 1908, into thirty-year bonds, with reduced rates of interest, to mature in 1930, and remainder of our United States bonds not maturing till February 1, 1925, being $162,315,400, so that none of them can be paid prior to 1925 and the eight hundred and thirty-nine millions not till 1930. This is a manifest departure from the traditional policy of our Government.

My recollection is that but once in the whole history of our country has the United States Government ever issued any bond obligations running longer than thirty years. Here is a measure to issue $839,000,000 of bonds, it is true bearing a low rate of interest, but running for thirty years, and then the only interest-bearing bonds we would have outstanding would be a hundred and sixty-two millions of bonds not maturing until 1925 and one hundred and ninety-eight millions Spanish war bonds payable at option after ten years from date.

So when this bill becomes a law in the form that is proposed by the Senate committee, we will not have any indebtedness which can be reached or paid by the people of the United States except a little sum of money, $25,000,000, I believe, of bonds outstanding, which matured in 1891, and which are only drawing 2 per cent. They are payable at the option of the Treasury of the United States. All the indebtedness of the Government then would be deferred, a hundred and sixty-two million dollars payable in 1925 and one hundred and ninety-eight millions ten years after their date at our option and the remaining $839,000,000 in 1930, and the people will have no method of exchanging those bonds. They are not payable at the option of the Government. Here is a movement, the first initial movement, for the perpetuation of the national debt of the United States in imitation of the debt of Great Britain, in imitation of the English consols.

Now, is it to the interest of the people of the United States that this great nation shall be bound down for ages and ages to come by interest-bearing obligations which the people are abundantly able and will be able and will be anxious to extinguish and wipe out? It weakens this Government to that extent, because freedom from debt among the nations of the world is the greatest strength any nation can possess. It is power, it is prestige, and it has its influence upon every other nation; and yet we are burdened for the next thirty years with obligations to the extent of over a billion dollars of interest-bearing bonds, which we can not pay, no difference what our surplus revenues may be.

We have gone through that process, Mr. President. We have paid out millions upon millions of dollars—I have forgotten the exact amount—in premiums to the holders of our bonds bought with greenbacks at 50 cents on the dollar, made by law redeemable only in gold, and then we have paid them dollar for dollar in gold, after having paid 4 or 5 or 6 per cent interest upon them, and have given them a premium of from 10 to 15 per cent upon the value of the bonds for the privilege of exchanging them and stopping the interest.

This will be the only process we can ever resort to in regard to these bonds until they become due, and yet that load has to be carried. We have to stand among the nations of the world with a burden of a billion dollars of national interest-bearing debt. Why is this, I ask? Is it done simply to perpetuate the single gold standard and transfer to the national banks of the United States the absolute, unqualified right and power to issue and control the entire paper currency of the United States; to make the volume of money whatever it is to their interest to have it, and to reduce it to whatever amount it is to their interest to reduce it?

You bind the people of the United States in bondage to the chariot wheels of the national banks for all time to come. You surrender the sovereign right of the United States to issue paper currency. You do not transfer it to the banks, but you organize the banks, and then you issue the bank notes, showing that the issue of paper currency is an act of sovereignty, because you issue the notes and kindly hand them over to the national banks, dollar for dollar for every dollar of bonds deposited, and then you pay interest upon the bonds and allow them to loan the money that you give them, that you create, that you issue by law, at the highest rate of interest which they can compel the people of the United States to pay them. Where is the justice, where is the humanity, where is the Christianity in any such a process as this? You can find no justification for it; you can find no extenuation for it in anything written by mortal or divine authority.

BRIDGE ACROSS LUMBER RIVER, NORTH CAROLINA.

Mr. BUTLER. I ask the Chair to lay before the Senate House bill 4000.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill indicated by the Senator from North Carolina.

The bill (H. R. 4000) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C., was read the first time by its title and the second time at length.

Mr. BUTLER. A similar bill passed the Senate Tuesday. I ask that the vote by which the Senate bill on the subject was passed be reconsidered and that the bill be indefinitely postponed and the House bill be taken up.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent to reconsider the vote by which the bill (S. 1617) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C., was passed February 6, and that the bill be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER. I ask that the House bill may be considered.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill (H. R. 4000) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS FISHING CREEK, NORTH CAROLINA.

Mr. BUTLER. I ask unanimous consent that the bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C., may be now considered.

The PRESIDENT pro tempore. Has the bill been reported?

Mr. BUTLER. It was reported yesterday by the Senator from Missouri [Mr. VEST].

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUBAN VESSELS.

Mr. GALLINGER. Mr. President, on the 17th of last month the Senate passed the bill (S. 734) relating to Cuban vessels, and it went to the House and the House amended it. The bill and

amendment came here and went to the Committee on Commerce. I am directed by the Committee on Commerce to report the bill back, with the recommendation that the House amendment be concurred in. As this is a somewhat urgent matter, I ask for its immediate consideration.

The PRESIDENT pro tempore. The amendment of the House of Representatives will be stated.

The SECRETARY. The House of Representatives propose to insert as a new section the following:

SEC. 2. That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, upon application and satisfactory evidence, tonnage taxes and light dues which have been imposed on vessels owned by citizens of Cuba entering ports of the United States since April 11, 1899, which have been in excess of the tonnage taxes prescribed by section 11 of the act of June 19, 1886.

The PRESIDENT pro tempore. The question is, Will the Senate concur in the amendment of the House of Representatives?

The amendment was concurred in.

LANDS ON OAHU ISLAND, HAWAII.

Mr. CLARK of Wyoming. Some days ago I asked unanimous consent for the present consideration of the joint resolution (S. R. 76) withdrawing certain lands on the island of Oahu, Hawaii, from the public domain, which I then reported from the Committee on Public Lands. I see that both of the Senators who had some questions about it on that day are present to-day, and I again ask for its present consideration. I deem it a matter of sufficient importance to make the request.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of the joint resolution indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT pro tempore. The joint resolution has heretofore been read.

Mr. SPOONER. I should like to ask the Senator to explain in a word, if he can, what the object of the bill is?

Mr. CLARK of Wyoming. It is simply this: There is a tract of probably a hundred and twenty thousand square feet of land in the suburbs of Honolulu which has been for many years dedicated to the purposes of a royal mausoleum. It has upon it buildings built by the Hawaiian government, and the people there are very solicitous lest it shall become a part of the public domain of the United States and either be divided up or let out for show purposes. It may be a mere sentiment on their part, but they are very solicitous about it, and on my visit to the island I was asked to take up the matter—and I do so in this manner—to withdraw it from the public domain.

Mr. FORAKER. The Senator from Wisconsin asked one of the questions I wanted to ask. There is another he did not ask, and it is one which has not yet been answered. There are about 120,000 square feet. Can the Senator tell us whether it is all occupied or all in use? That is a considerable tract of ground for the royal family alone to have for burial purposes.

Mr. CLARK of Wyoming. It is not so very large when you come to consider the dimensions. I think perhaps it is 250 feet on the street, extending backward so as to contain in all about 120,000 feet. There are upon that ground one or two buildings, one a building for the caretaker of the grounds, the other a mausoleum, a Gothic building of stone, and one or two subterranean vaults. The land is all needed for the purpose for which it has been reserved, and is all properly cared for and set out in walks, with trees, etc.

Mr. COCKRELL. What is the depth of it?

Mr. CLARK of Wyoming. The Senator's arithmetic will tell him. I should say it is 250 feet in front. The dimensions are all given in the joint resolution. That would make it——

Mr. COCKRELL. I did not hear the joint resolution read. In fact, it has not been read to-day.

Mr. CLARK of Wyoming. There are 120,000 square feet, and I think it is not more than 250 feet in front, extending back——

Mr. COCKRELL. Is there anything more than a reasonable space around the mausoleum and the buildings?

Mr. CLARK of Wyoming. I think it is only a reasonable space.

Mr. SPOONER. Will the Senator allow me to inquire what was the condition of the title before the annexation of the islands by Congress?

Mr. CLARK of Wyoming. It was public land.

Mr. FORAKER. Was not this a part of the Crown land?

Mr. CLARK of Wyoming. No; it was a part of the public land.

Mr. FORAKER. It was part of the land set aside originally for the government.

Mr. CLARK of Wyoming. For the government.

Mr. FORAKER. I understand that originally the public domain was divided into three classes.

Mr. CLARK of Wyoming. Three classes—the government one-third, the Crown one-third, and individuals one-third.

Mr. FORAKER. One-third for the government, one-third for the Crown, and one-third for the people.

Mr. CLARK of Wyoming. This belonged to the public lands, and was taken over by our Government the same as the Crown lands.

Mr. GALLINGER. There is one matter which troubles me, and probably the Senator from Wyoming can readily explain it. This relates to a mausoleum for the royal family of Hawaii, and the bill provides that the land "shall * * * be forever reserved for the purpose to which the said lands have been heretofore dedicated." I presume we are not going to have a royal family of Hawaii continued in that possession which now belongs to the United States?

Mr. SPOONER. The Senator from New Hampshire would not be unwilling to allow those who are of the royal family to be buried where their kindred are buried?

Mr. GALLINGER. Certainly not; but they would hardly want 25 or 30 acres for that purpose.

Mr. CLARK of Wyoming. Oh, there are probably not over 5 or 6 acres.

Mr. GALLINGER. I have not figured it out.

Mr. TELLER. There are about 2½ acres.

Mr. COCKRELL. Why make a dedication of it now? I move to strike out all that part of the bill which dedicates it.

Mr. CLARK of Wyoming. There is no part at all that dedicates it. The land is simply withdrawn from the public domain, so that a constituent of the Senator from Missouri or a constituent of mine from Wyoming can not go in and file on it for a homestead whenever the public-land laws are extended over it.

Mr. TELLER. I should like to ask the Senator from Wyoming if this land was not dedicated by the existing government for that purpose?

Mr. CLARK of Wyoming. Nothing has ever been done by the existing government in regard to it. I will say to the Senator that it has been kept up by private enterprise.

Mr. TELLER. There are less than 2½ acres, as I understand from the statement; somewhere in that neighborhood.

Mr. CLARK of Wyoming. The Senator from New Hampshire is figuring it out.

Mr. TELLER. It is less than 3 acres, anyway.

Mr. CLARK of Wyoming. It is very small, but it is one of those matters of sentiment which I think ought to prevail.

Mr. TELLER. There are less than 3 acres.

Mr. GALLINGER. That is right.

Mr. COCKRELL. I have no objection to reserving the land from sale, but I object to dedicating it and keeping a guard at the tomb.

Mr. CLARK of Wyoming. The bill does not do that.

Mr. TELLER. Does this bill do any more than allow the President to withdraw the land?

Mr. CLARK of Wyoming. The bill simply withdraws the land from public sale under the land laws.

Mr. SPOONER. It does provide for withdrawing the land forever.

Mr. CLARK of Wyoming. Yes, sir.

Mr. FORAKER. Let the joint resolution be reported.

Mr. COCKRELL. Let it be again read.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary proceeded to read the joint resolution.

Mr. FORAKER. Pass over the description.

Mr. CLARK of Wyoming. I will say to the Senator from Ohio that this description is taken from the official records.

Mr. FORAKER. We assume that it is right.

The Secretary read as follows:

Area, 119,610 square feet, be withdrawn from sale, lease, or other disposition under the public-land laws of the United States, and that said lands shall, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, be forever reserved for the purpose to which the said lands have been heretofore dedicated and for which they have been heretofore used.

Mr. FORAKER. Is it sufficient to answer the purpose of the Senator to simply withdraw the land from sale or lease?

Mr. CULLOM. Strike out the word "forever."

Mr. COCKRELL. In pursuance of that suggestion, I move to strike out, in line 15, all after the words "United States;" so that the land will be "withdrawn from sale, lease, or other disposition under the public-land laws of the United States."

Mr. CLARK of Wyoming. I do not think the portion proposed to be stricken out is material. I am satisfied with that amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. In line 15 it is proposed to strike out:

And that said lands shall, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, be forever reserved

for the purpose to which the said lands have been heretofore dedicated and for which they have been heretofore used.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALLISON. Mr. President, I have observed that frequently notices are given of the time when Senators desire to speak upon the pending bill. I wish to give notice that on Saturday, if an opportunity occurs, I shall be very glad to address the Senate. I understand the Senator from New Hampshire [Mr. CHANDLER] has already given public notice of his intention to speak on that day, and I do not wish to interfere with him; but after he shall have finished, if no other Senator wants the floor at that time, I shall be glad to take it.

Mr. TALIAFERRO rose.

Mr. ALDRICH. If there is no other Senator ready to proceed with the discussion of the bill at the present time, I ask that it may be laid aside temporarily in order that we may go to the Calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

Mr. TELLER. I wish to say a word. There are several Senators who have expressed their intention to speak upon this bill who have not given any notice, and with the notices already given if they are not ready to speak to-morrow they will very likely be cut out, unless they come in under the ten-minute rule.

Mr. SPOONER. Does the Senator from Arkansas know of any Senator on the other side who wants to speak on the bill to-morrow?

Mr. JONES of Arkansas. I have not been notified of anyone who will be ready to go on to-morrow.

Mr. TELLER. If there is anyone ready, he can go on to-morrow.

Mr. JONES of Arkansas. I hope the Senator from Rhode Island will not press the proposition to proceed with the Calendar until the Senator from Florida [Mr. TALIAFERRO] has had an opportunity to present to the Senate a request for unanimous consent. He was on the floor at the time.

Mr. ALDRICH. I did not intend to cut off the Senator from Florida, but simply desired to withdraw the bill from consideration to allow other matters to be considered that the Senate might see fit to decide upon.

JAMES J. HOLLAND.

Mr. TALIAFERRO. I ask unanimous consent to call up the bill (S. 2943) granting an increase of pension to James J. Holland.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James J. Holland, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF THE CALENDAR.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that House bill No. 1, the financial bill, be temporarily laid aside, and that the Calendar be proceeded with.

Mr. ALDRICH. Under Rule VIII.

The PRESIDENT pro tempore. Under Rule VIII. Is there objection? The Chair hears none, and the first bill on the Calendar will be stated.

LOG ENTRY OF COLLISIONS.

The bill (S. 731) to amend section 4290 of the Revised Statutes, relating to log entry of collisions, was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4290 of the Revised Statutes by adding the following:

Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in section 4291, and failure to make such entry shall subject the offender to the penalties prescribed by section 4292.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY BIEDERBICK AND OTHERS.

The bill (S. 1938) to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army was considered as in Committee of the Whole. It authorizes the President to cause Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell, survivors of the Lady Franklin Bay expedition, to be enlisted as first-class sergeants of the Signal Corps of the Army and to place them on the retired list of the Army, with the pay and allowances, from and after the passage of this act, of first-class sergeants of the Signal Corps who have been retired after continuous active service of fifteen years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD KING.

The bill (S. 328) for the relief of Richard King was announced as next in order on the Calendar, and the Secretary read the bill.

Mr. SPOONER. I should like to hear some explanation of the bill from the Senator who reported it.

Mr. CLARK of Wyoming. If the Senator from Wisconsin will listen to me for a moment I can explain it. There is a written report here. A similar bill passed the Senate at the last session of Congress, after having passed the scrutiny of the Committee on Military Affairs. They reported the bill favorably and it was passed, but it failed of consideration in the other House for some reason or other. The bill was reintroduced at the present session of Congress and referred to the Committee on Military Affairs, and again favorably reported from that committee.

Mr. SPOONER. Now, Mr. President——

Mr. CLARK of Wyoming. I can detail briefly what the report is, or the Senator can have it read. It is a matter upon which the War Department has passed favorably.

Mr. SPOONER. Will the Senator briefly detail the circumstances.

Mr. CLARK of Wyoming. I will briefly detail them.

A citizen of Wyoming, one fine summer day, was feeding his sheep, all the property he had, on a hillside upon the trail between Rawlins, in Wyoming, and Fort Du Chesne, Utah. A troop of United States cavalry were passing along the route and certain hunters had been detailed to get provisions. This man King, who comes from my own town, was, as I said, seated upon the hillside. The first thing he knew he heard the report of a Winchester, and at the same moment felt the ball, which passed entirely through him. The two soldiers who were hunting came up and said to him that they mistook him for an antelope and shot him. They went on and joined their command, promising to send back help. Being fearful of the consequences of their action, they made no report at the time when they rejoined the column, and I think it was the next day before either of them made any report, when the surgeon was sent back.

In the meantime this man had managed by one way and another to crawl to his camp, where his wife was, and he was laid up for many months in the hospital, and incurred an expenditure of over $600 for medical attendance. His sheep were scattered, all the property that he had on earth was gone, and all his misfortunes were caused through the fault and neglect of a soldier of the United States Army.

This bill is in line with many other appropriations which have been made. The Senator will remember one case from his own State.

Mr. SPOONER. What case was that?

Mr. CLARK of Wyoming. No; it was in Minnesota, at Fort Snelling, where a man was injured by the carelessness and the bad aim of a soldier who was firing at a target, the citizen coming within range of his shot. There have been a number of precedents for this relief, and I hope the Senator will not raise any objection to the bill, in view of the circumstances of the case, and it having already once passed the Senate.

Mr. SPOONER. The fact that a bill has already once passed the Senate is not by any means conclusive evidence that it ought ever to have passed or that it ought to be passed now.

Mr. CLARK of Wyoming. But it shows that it has been considered here.

Mr. SPOONER. I had the honor and the very great labor for a number of years to act as chairman of the Committee on Claims, and during those years it was the settled policy of the Senate and the House of Representatives not to pass any bill which admitted liability upon the part of the United States for injuries resulting from the wanton or negligent acts of servants of the United States, whether in the Army, in the Navy, or in any other department of the public service.

And, Mr. President, while the case stated by the Senator from Wyoming is one which of course appeals to the sympathies of any right-minded man, it is one which in my judgment ought not to

be adopted as a precedent by Congress. There have occurred thousands of such cases—yes, tens of thousands of such cases—in the history of the Government. They will occur again, because all the administration of the Government must be carried forward by agents. The Government can only act through the instrumentality of agents; and if the Government of the United States is to be held liable for injuries resulting from the carelessness or the negligence of its agents, we will simply bankrupt the Treasury of the United States. These soldiers, according to the statement of the Senator, were not at the time of this accident in the discharge of public duty. They were hunting.

Mr. CLARK of Wyoming. The Senator from Wisconsin certainly misunderstood my statement. It was the transfer of a column of United States troops from one post to another, and these men were detailed to procure meat for the command.

Mr. SPOONER. Well, that makes no difference, although I misunderstood the Senator. The Senator himself states that the injury for which his constituent seeks compensation was the result of negligence upon the part of a soldier.

I remember a case, one of the most heartrending I ever heard of in my life, that was pressed by the Senators from New Hampshire, and which, out of regard for the public interest, the Committee on Claims felt obliged to report adversely. There was a company of colored artillerymen, as I remember it, at Portsmouth Harbor in the offing of an island upon which there were blackberries. The poorer class of people used to go from Portsmouth to that island—men, women, and children—to gather berries. The soldiers one day, shooting at a target, shot and exploded shell after shell toward that island. It was in broad daylight. They knew, or had every reason to suppose, that there were people upon that island. A woman and her children, frightened by the explosion, sought the little boat which took them over there and was to bring them back, and after they had started from the shore a shell fired by this company exploded and destroyed the boat, killed one of the children, injured the woman and made her insane, and wrought ruin and havoc in the family.

This was an application by the husband for damages. It was a wanton act upon the part of the soldiers, and the committee felt obliged, with all the sympathy that men could feel in such a case, to decline to recommend the bill for favorable action by the Houses of Congress.

Agents of the Government, soldiers, are negligent somewhere every day. Agents of the Government who work upon the rivers and harbors of the United States are negligent. The drivers of mail wagons are negligent. There is absolutely no limit to claims of this kind if the doors of the Treasury are once opened.

Mr. GALLINGER. If the Senator from Wisconsin will permit me, I will state that during my service in the other House I pressed with great pertinacity this New Hampshire case, but I found after a good deal of experience and labor that the policy of the Government was not to pay claims of this character. It was abandoned and has not been renewed. It was as the Senator from Wisconsin states. I was surprised, I think in the last Congress, when this case was mentioned, to find his familiarity with it. It was a case of extreme suffering and sorrow. The case now under consideration does not at all compare with it in magnitude, and yet it was not allowed, and I do not suppose it ever will be presented to Congress again.

Mr. SPOONER. There were during the war thousands, tens of thousands, of cases—cases which occurred to soldiers who were located in the North—of injuries by negligence, sometimes wanton injury. A great many of such claims came to the committee. I repeat, Mr. President, notwithstanding the case is one which appeals to the sympathy of Senators, if we open this door, if we make a precedent of this kind, there will be absolutely no limit to them.

The PRESIDENT pro tempore. The Senator's five minutes have expired. Is there objection to the consideration of the bill?

Mr. SPOONER. I object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CLARK of Wyoming. Without prejudice?

The PRESIDENT pro tempore. Without prejudice. The next bill on the Calendar will be stated.

Mr. SPOONER subsequently said: I did not intend by the objection which I made to the consideration of the bill for the relief of the citizen of Wyoming to have it lose its place on the Calendar. I ask unanimous consent that it may retain its place on the Calendar, notwithstanding my objection.

The PRESIDENT pro tempore. The Chair announced that it would retain its place without prejudice.

Mr. SPOONER. I did not hear the announcement of the Chair. All right.

BENJAMIN W. LORING.

Mr. PLATT of New York. I ask consent to call up at this time Senate bill 281, which was passed over yesterday.

The PRESIDENT pro tempore. The Senator from New York asks that the Senate proceed to the consideration of a bill which, in his absence yesterday, was passed over without prejudice.

Mr. PLATT of New York. It is the bill (S. 281) to restore Benjamin W. Loring to the Revenue-Cutter Service.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to commission First Lieut. Benjamin W. Loring, now on the permanent waiting orders list of the United States Revenue-Cutter Service, a captain on that list with the pay of that grade provided by law for officers on permanent waiting orders.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREE HOMES ON PUBLIC LANDS.

The PRESIDENT pro tempore. The next bill on the Calendar will be reported.

The SECRETARY. A bill (S. 17) to provide free homes on the public lands for actual and bona fide settlers, and reserve the public lands for that purpose.

Mr. ALDRICH. Let that bill go over.

The PRESIDENT pro tempore. The bill is objected to, and it goes over without prejudice.

REVENUE-CUTTER SERVICE.

The bill (S. 728) to promote the efficiency of the Revenue-Cutter Service was announced as next in order.

Mr. ALLISON. From the indications at the desk it seems to me that that is a bill rather too important to be passed under the five-minute rule. I do not know but that it is a meritorious bill. I hope it will be passed over without losing its place.

The PRESIDENT pro tempore. The bill will go over without prejudice.

PROOF IN PENSION CASES.

The bill (S. 1881) defining and regulating proof in certain pension cases was considered as in Committee of the Whole. It provides that upon the consideration of any application for a pension under any law of the United States the fact that the applicant was accepted and mustered into the military or naval service of the United States shall be taken and held as prima facie proof that such applicant was of sound body and mind at the time he was so accepted and mustered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA M. COLMAN.

The bill (S. 447) to permit Anna M. Colman, a widow, to prosecute a claim, was read.

Mr. ALLISON. I hope some Senator will explain the nature of that case.

Mr. COCKRELL. Let the report be read.

The Secretary read the report submitted by Mr. STEWART January 15, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 447) to permit Anna M. Colman, a widow, to prosecute a claim, have duly considered the same and submit the following report:

A similar bill was favorably reported from this committee in the Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, and passed the Senate in each Congress, and S. 253, Fifty-fifth Congress, was favorably reported in the House (House Report 204, Fifty-fifth Congress, second session).

A similar bill, presented in the House (H. R. 10052, Fifty-second Congress, second session), was favorably reported from the Committee on War Claims by Mr. Cobb.

The case is set forth in said report, which your committee adopt as a part of this report, and recommend the passage of the bill.

The report made by Mr. Cobb in the last Congress is as follows:

"The Committee on War Claims, having had under consideration the bill (No. 10052) entitled 'An act to permit Mrs. Ann M. Colman, widow, to prosecute a claim,' respectfully report that they find that Charles D. Colman, the husband of claimant, was appointed by the President, June, 1863, provost-marshal for the first district of Missouri; that Colman had theretofore been a lawyer, enjoying a lucrative practice, in St. Louis; that on February 15, 1865, he had on deposit the sum of $30,049 in money and Government bonds; that one James H. Baker, acting as provost-marshal-general, seized said money and bonds and turned over the same to Capt. John Hamilton, mustering and disbursing officer, and a fine of $700 was also assessed against him by a court-martial, which he paid to L. C. Easton, chief quartermaster of the Department of Missouri.

"The seizure and conversion of this money and securities, as well as the fine, Colman claimed was illegal and an act of mere arbitrary power. While still asserting his claim to have it refunded to him, he died, bequeathing by his will this claim to his widow, the claimant. The question of the legality of the seizure and of the fine is one, in the opinion of the committee, which this claimant should be permitted the right to have investigated and passed upon by a court of competent jurisdiction. The facts, as presented to the committee, seem to entitle her to a full and fair hearing on the merits upon legal proof, and therefore recommend that the bill do pass."

Mr. ALDRICH. I think that bill had better go over. It seems to me that it establishes a dangerous precedent.

The PRESIDENT pro tempore. The bill goes over without prejudice.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

The bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz was announced as next in order.

Mr. ALLISON. I ask that that bill may go over.

Mr. STEWART. Without prejudice?
Mr. ALLISON. Without prejudice.
The PRESIDENT pro tempore. The bill will go over, retaining its place.

ROAD TO NATIONAL CEMETERY AT DOVER, TENN.

The bill (S. 79) to construct a road to the national cemetery at Dover, Tenn., was read.

Mr. ALDRICH. I should like to have some explanation of the bill. I did not know that it was the policy of the Government of the United States to build roads 11 miles long in any State or in any part of the United States. It seems to me to be a little stretch of the authority of the Government. I should be glad to hear the Senator from Tennessee [Mr. BATE] who reported the bill as to the necessity for it.

Mr. BERRY. The Senator from Tennessee is not here.

Mr. ALDRICH. Then the bill had better go over.

The PRESIDENT pro tempore. The bill goes over without prejudice.

ELIAS B. BELL.

The bill (S. 148) to remove the charge of desertion from the record of Elias B. Bell was considered as in Committee of the Whole. It proposes to remove the charge of desertion now borne on the records of the War Department against the name of Elias B. Bell, formerly a member of Company E, Fourth Regiment West Virginia Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMMIGRATION REGULATIONS.

The bill (S. 233) to amend the immigration laws of the United States was announced as next in order.

Mr. RAWLINS. I think that bill had better go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

SOLDIERS' HOME AT CHARLESTON, S. C.

The bill (S. 1018) to establish a branch home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of disabled officers and enlisted men of the Volunteer Army and Navy of the United States, was announced as next in order.

Mr. COCKRELL. The senior Senator from Connecticut [Mr. HAWLEY] desires to be present when that bill is considered, and I ask that it may be passed over, retaining its place on the Calendar.

Mr. PLATT of Connecticut. Let it be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

LOUISA M. WRIGHT.

The bill (S. 1353) granting an increase of pension to Louisa M. Wright was announced as next in order.

Mr. GALLINGER. Let that bill be passed over temporarily. The senior Senator from Connecticut [Mr. HAWLEY], who is interested in it, is not in the Chamber.

The PRESIDENT pro tempore. The bill goes over.

EUNICE TRIPLER.

The bill (S. 147) for the relief of Eunice Tripler, widow of Charles S. Tripler, was considered as in Committee of the Whole. It proposes to pay to Mrs. Eunice Tripler, widow of Surg. Charles S. Tripler, United States Army, $3,000, for services by Charles S. Tripler in his lifetime, in preparing, superintending, and directing the publication of a manual for the medical officers of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS W. SEELEY.

The bill (S. 1387) to place Francis W. Seeley on the retired list of the Army was considered as in Committee of the Whole. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint Francis W. Seeley, late a captain in the Fourth Regiment United States Artillery, a captain of artillery in the Army, and to place him on the retired list with that rank and pay, the retired list being thereby increased in number to that extent; but from and after his appointment under the provisions of this act no pension shall be paid him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BVT. COL. THOMAS P. O'REILLY.

The bill (S. 1394) for the relief of Bvt. Col. Thomas P. O'Reilly was considered as in Committee of the Whole. It authorizes the President of the United States to appoint Thomas P. O'Reilly, late second lieutenant in the Twenty-second Infantry of the Army, a second lieutenant in the Army, and to place him upon the retired list of the Army in his late grade, the retired list being thereby increased in number to that extent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. FIDELIO S. CARTER.

The joint resolution (S. R. 43) granting a life-saving medal of the first class to Lieut. Fidelio S. Carter, of the United States Navy, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to bestow upon Lieut. Fidelio S. Carter, of the United States Navy, a life-saving medal of the first class in recognition of his services in saving the lives of two persons from drowning off Fort Monroe, Va., on the evening of April 24, 1898.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTEROCEANIC CANAL.

The bill (S. 1783) to provide for the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific oceans was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

SARAH K. M'LEAN.

The bill (S. 1386) for the relief of Sarah K. McLean was considered as in Committee of the Whole. It directs the proper accounting officers to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to Nathaniel H. McLean as a major from July 23, 1864, to the date of his reinstatement, March 3, 1875, and appropriates the amount found due by said adjustment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF THE SCHOONER BERGEN.

The bill (S. 1243) for the relief of the owner or owners of the schooner *Bergen* was considered as in Committee of the Whole. It directs the claim of the legal owner or owners of the schooner *Bergen*, of New York, Benjamin H. Moss, master, of her cargo, freight, tow, and personal effects, alleged to have been sunk by collision with the U. S. S. *Periwinkle*, at the mouth of the Potomac River, on or about the 18th day of January, 1865, to be referred to the Court of Claims, to hear and determine the same to judgment, with the right of appeal as in other cases; but no suit shall be brought under the provisions of this act after six months from the date of its passage.

The bill was reported to the Senate without amendment, ordered to engrossed for a third reading, read the third time, and passed.

LEVI STOLTZ.

The bill (S. 879) for the relief of Levi Stoltz was announced as next in order.

Mr. ALDRICH. I object to that bill.

The PRESIDENT pro tempore. The bill goes over under objection.

Mr. FORAKER. I hope the Senator will not object to that bill.

Mr. ALDRICH. I shall have to object. It involves a question which can not be disposed of under the five-minute rule.

Mr. FORAKER. I do not understand the Senator.

Mr. ALDRICH. The bill involves the question of the removal of the force of the statute of limitations in regard to certain revenue cases, and I think it can not be disposed of under the five-minute rule.

Mr. FORAKER. The bill has been several times passed. It is an absolutely just claim, and it involves only a very small amount, about $1,100.

Mr. ALDRICH. It may involve many hundreds of millions of dollars when the question of removing the statute of limitations is concerned.

Mr. FORAKER. That may be.

Mr. ALDRICH. And it will be a very dangerous precedent, I will say to the Senator from Ohio.

The PRESIDENT pro tempore. The bill goes over.

Mr. ALDRICH. Without prejudice.

Mr. FORAKER. It does not lose its place on the Calendar, I understand.

The PRESIDENT pro tempore. It does not.

GLOBE WORKS, OF BOSTON, MASS.

The bill (S. 1934) for the relief of the Globe Works, of Boston, Mass., was announced as next in order.

Mr. ALLISON. Let that bill go over.

The PRESIDENT pro tempore. The Chair will ask that for a

few moments the bill be allowed to lie over. The Senator from Wyoming [Mr. WARREN] reported a bill for the Globe Works this morning, and the Chair has sent for that bill to see whether it is the same.

Mr. ALDRICH. I think the bill had better go over, Mr. President.

The PRESIDENT pro tempore. The Chair did not mean to help it in that direction. The bill will go over.

OWNERS OF THE BRITISH SHIP FOSCOLIA.

The bill (S. 189) for the relief of the owners of the British ship *Foscolia* and cargo was considered as in Committee of the Whole.

Mr. SPOONER. I should like to inquire if the report shows that that bill has been referred to any of the Departments of the Government for examination and recommendation?

The PRESIDENT pro tempore. There is a report from the Navy Department.

Mr. SPOONER. Recommending the passage of the bill?

Mr. PERKINS. There is a recommendation for favorable action on the bill, which will be found on page 2 of the report.

The PRESIDENT pro tempore. The Chair understands the Department has recommended it.

Mr. CULLOM. Are there any indications of the cost of this ship, cargo, etc.?

The PRESIDENT pro tempore. There is a report accompanying the bill.

Mr. CULLOM. I think if there are any reports connected with such bills for the settlement of large claims, they ought to be read, so that we may hear the facts.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. WARREN January 17, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 189) for the relief of the owners of the British ship *Foscolia* and cargo, having carefully considered the same, submit the following report:

A similar bill to the one now under consideration was favorably reported by this committee last session and passed the Senate. The Senate bill was also favorably reported by the House Committee on Claims.

As the committee's report (Senate Report No. 1625) made last session fully sets forth the facts in the case, your committee adopt said report as their report and recommend the passage of the bill.

The report is as follows:

"The Committee on Claims, to whom was referred the bill (S. 5000) for the relief of the owners of the British ship *Foscolia* and cargo, beg leave to recommend the passage of the bill for the reasons set forth in the letter of the Secretary of the Navy and accompanying papers."

NAVY DEPARTMENT, *Washington, January 11, 1899.*

SIR: In response to the committee's request, contained in its letter of the 9th instant, for the views and recommendation of the Department in regard to the Senate bill 5000, for the relief of the owners of the British ship *Foscolia* and cargo, I have the honor to state that on the 28th of May last, at 7.30 p. m., the U. S. S. *Columbia*, while engaged in patrol duty just outside the harbor of New York and about 12 miles southerly and easterly from the Fire Island light ship, came into collision with the British merchant steamer *Foscolia*. The *Columbia* was not seriously injured, but the *Foscolia* suffered much damage and sunk nine hours after the collision. There was no loss of life, the officers and crew of the *Foscolia* being taken on board the *Columbia* and cared for and brought into port, but the *Foscolia* and her cargo were a total loss.

It appears from the finding of a naval board of inquiry, convened to investigate and report upon the circumstances attending the collision, that at the time it occurred and for an hour and a half previously a thick fog had prevailed; that the vessels were both running at reduced speed on account of the fog; that a proper lookout was kept on both vessels; that the *Foscolia* was exhibiting the usual lights and sounding the fog signal, but that the *Columbia* had all her lights screened and was sounding no fog signal. It also appears from the finding of the court that no fault is imputed to any of the officers or men on board the *Columbia*, and that, aside from the screening of lights and discontinuance of the sounding of fog signals, everything that could have been done by them to avoid the catastrophe and to minimize its consequences, when it became inevitable, was done.

The testimony adduced shows that the lookouts on each vessel sighted the other at about the same time, the two vessels being about 100 yards apart, and that the *Columbia* was so maneuvered that a glancing blow only was received from the *Foscolia*, and doubtless little injury would have been caused either vessel but for the fact that the bow of the merchant steamer was caught upon one of the projecting after sponsons of the cruiser.

Upon careful consideration of the facts reported by the naval court of inquiry, above mentioned, the Department is satisfied that there is at least reasonable ground for the contention advanced by the owners of the *Foscolia* that the collision might have been avoided had the *Columbia* shown the lights and sounded the fog signals usual under such conditions. The lights and signals were, however, dispensed with by the *Columbia* on this occasion for the reason that the Spanish fleet under the command of Admiral Cervera had not at that time been located and the cruiser was then engaged in patrol duty in the vicinity of the most important ports of the country, New York and Philadelphia, the points between which she was cruising being Fire Island light-ship and Delaware Breakwater, and that it was deemed essential to take extraordinary precautions, even to the extent of incurring some hazard, in guarding against possibilities which might have developed at any moment.

A collision with one of our war ships having occurred under such circumstances when, for public reasons deemed sufficient to justify such action, our vessel was disregarding the rules of the road at sea, and a valuable merchant steamer and cargo belonging to a friendly power being destroyed, apparently without contributory negligence on the part of her officers and crew, it would seem proper that the losses incident thereto should not be allowed to rest upon the owners of a private vessel, but that such losses should, on the contrary, be borne by the United States, provided, of course, that it shall be judicially determined in the courts of the United States that the facts are as hereinbefore outlined.

Entertaining these views, and inasmuch as it appears that the bill (S. 5000) provides simply for the submission of all matters of fact in the case to the United States district court for the southern district of New York, sitting as a court of admiralty, and for the payment of such amount only as may be adjudged to the claimants by decree of such court, the Department recommends the bill to the favorable consideration of the committee, section 2 of the bill, making provision for the prompt payment of the amount which the court may find to be due, being deemed proper in view of the fact of the foreign ownership of the vessel lost and the desirability of avoiding in such a case the delay which would result from a resubmission of the matter to Congress for the necessary appropriation.

In this connection I desire to state that, under date of the 21st of June last, this Department addressed letters to the Committees on Naval Affairs of the Senate and House of Representatives, respectively, recommending favorable action in the matter of the claim of the owners of the *Foscolia* and cargo.

The inclosures of your communication are herewith returned.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. H. M. TELLER,
Chairman Senate Committee on Claims, United States Senate.

NAVY DEPARTMENT, *Washington, June 20, 1898.*

GENTLEMEN: Complying with the request contained in your communication of the 14th instant, I transmit herewith a press copy of the findings of the court of inquiry which recently investigated the collision between the U. S. S. *Columbia* and the steamer *Foscolia*. The Department's action of this date upon the case is as follows:

"The findings of the foregoing court of inquiry are approved.

"With respect to the claim of the owners of the *Foscolia* for damages, the Department will request Congress to authorize the submission of such claim to the United States district court for the southern district of New York for determination."

Very respectfully,

JOHN D. LONG, *Secretary.*

Messrs. COWEN, WING, PUTNAM & BURLINGHAM,
45 William street, New York City.

FINDING.

On the evening of May 28, 1898, the U. S. S. *Columbia*, on patrol duty, was in latitude 40° 20′ north, longitude 73° (?)′ west, and about 12 miles southerly and easterly from Fire Island light-ship. At 7.30 p. m. the course was S.W. ¼ S., and her speed 6 knots per hour. A thick fog had prevailed since 7 p. m., and the *Columbia* had all her lights screened and was sounding no fog signal. The British merchant steamer *Foscolia* was at the same time approaching on a course E. ¼ S., at a speed which had been reduced to 7½ knots on account of the fog. At 7.38 p. m. the lookout on the *Columbia* and the man in the forward chains sighted the *Foscolia* on the starboard bow.

The officer of the deck of the *Columbia* sounded the steam whistle twice, put the helm to starboard, and signaled the engine room for full speed ahead. The commanding officer of the *Columbia*, coming quickly from the emergency cabin, repeated the order for full speed ahead and sounded the siren, the collision occurring at the same moment. When the *Foscolia* was sighted the two vessels were about 100 yards apart. She had her starboard, port, and masthead lights set, yet none of these were visible to the *Columbia* until after the *Foscolia's* hull was seen. This is accounted for by the fact that the fog was very dense and daylight had not yet entirely disappeared. The *Foscolia* sighted the *Columbia* at about the same time that she herself was seen. The *Foscolia's* engines were at once reversed and given full speed astern. Her helm was put hard aport for starboard, but the distance was so short that her headway was probably not stopped until the collision occurred. The *Foscolia* struck the *Columbia* at the aft sponson on the starboard side, her stem cutting into five compartments above the protective deck. A considerable portion of her stem was left in the *Columbia's* side.

Measures were promptly taken for the temporary repair of the damages to the *Columbia*, and two of the *Columbia's* boats were sent to the assistance of the *Foscolia*. The *Columbia* remained in the locality nine hours, until the *Foscolia* sank. There was no loss of life, the crew of the *Foscolia* being taken on board the *Columbia* and cared for and brought to port. The damages to the *Foscolia*, occurring through the collision, caused her to sink. The court finds that the fog whistle of the *Foscolia* had been sounded for upward of half an hour previous to the collision, and that the whistles were not heard on board the *Columbia* until after the vessel was sighted. The evidence shows conclusively that the captain, officers, and men of the *Columbia* were attentive to their duties previous to and at the time of the collision. The same is true of the master, officers, and men of the *Foscolia*.

OPINION.

The court is of the opinion that when the two vessels sighted each other the distance between them was so small and their speed and relative positions were such that a collision was unavoidable. If the lights of the *Columbia* had been displayed it is impossible to state positively whether they would have been visible to the lookouts on the *Foscolia* before the *Columbia's* hull was in sight, but the court is of the opinion that the hull would have been first discovered. The opinion of the court is, therefore, that the absence of the *Columbia's* lights is not an element in the causes which produced the collision. Notwithstanding that the fog whistle on board the *Foscolia* was not heard on board the *Columbia*, the court is of the opinion that the *Columbia's* fog whistle might have been heard on board the *Foscolia* had it been sounded. The court can not, however, express a positive opinion on the subject, owing to well-known instances of sound being diverted under certain atmospheric conditions.

The court having taken into consideration the instructions in the case of the loss or grounding of a ship of the Navy, as directed by the precept, did not consider it necessary to call all the officers and crew before it, because of the fact that there had been no loss or grounding of a Navy vessel. Capt. James H. Sands, of the *Columbia*, had received positive orders from his superior officer in command of the northern patrol fleet to cruise without lights. The object of this order was to conceal the presence of his ship from the vessels of a nation with which the United States was at war. (See article 445 of the United States Navy Regulations.) Captain Sands directed fog signals to be suspended for the same purpose. The court is of the opinion that he was justified in so doing. The court is of the opinion that the collision between the *Columbia* and the *Foscolia* was, under the circumstances of war, in no respect due to the fault or negligence of any of the officers or members of the crew of the U. S. S. *Columbia*, and therefore it is of the opinion that no further proceedings should be had in the matter.

WILLIAM P. MCCANN,
Commodore, United States Navy, Retired, President.
DOUGLAS ROBEN,
United States Navy, Retired, Judge-Advocate.

Mr. CULLOM. I think there has been enough of the report read to justify the position which the Secretary of the Navy takes

in the premises. The screening of those lights by the *Columbia* itself, it seems to me, justifies the Secretary in recommending the passage of the bill, as the vessel which was sunk could not know what it was approaching; and, so far as I am concerned, I withdraw the call for the further reading of the report.

Mr. PERKINS. I should like to ask if the committee considered the question of whether this ship was insured or not? If she was insured with the collision clause—which is the custom with underwriters—then the owners of the ship have been paid and reimbursed for the loss of the ship and cargo, and we now propose to pass a bill paying them again the same amount. I think that question should be considered in connection with this bill. There is no question that we are liable if the U. S. S. *Columbia* was at fault, and any court of admiralty would have awarded damages against that ship.

I think the bill should be amended so as to provide, in the event of her being insured, that the money appropriated should go to the underwriters, and not to the owners of the ship.

The PRESIDENT pro tempore. Does the Senator from California object to the further consideration of the bill?

Mr. PERKINS. I think it is the part of prudence to let the bill go over, not losing its place on the Calendar.

The PRESIDENT pro tempore. The bill goes over without prejudice.

BILLS PASSED OVER.

The bill (S. 1744) for the relief of the Atlantic Works of Boston, Mass., was announced as next in order.

Mr. ALDRICH. I think these bills had better all go over together. Objection has already been made to one of them, and the Senator from Wyoming [Mr. WARREN] who reported the bill does not appear to be in his seat at this moment.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 795) for the relief of The William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa., was announced as next in order.

Mr. ALDRICH. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN O'KEANE.

The bill (S. 102) for the relief of John O'Keane, of the State of Washington, was considered as in Committee of the Whole. It proposes to pay to John O'Keane, of the State of Washington, $45, as balance of salary due him for services as a farmer in charge of Tulalip Indian Agency, Wash., for the month of October, 1882.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

The bill (S. 2258) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River, was announced as next in order.

Mr. PENROSE. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill goes over.

ALBERT C. BROWN.

The bill (S. 256) for the relief of Albert C. Brown was considered as in Committee of the Whole. It proposes to pay to Capt. Albert C. Brown, master of the schooner *Alexandra*, $1,000, in full compensation for fitting out his vessel and rescuing and transporting from the southwest end of the island of Kadiak, Alaska, to Wood Island, Alaska, the crew of the American schooner *C. G. White*, which was wrecked on Kadiak Island April 13, 1895.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW GEDDES.

The bill (S. 41) to authorize the President to place Andrew Geddes on the retired list with the rank of captain was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. GALLINGER. That bill has been read heretofore, when there were some objections made to it, but the objections have all been withdrawn. I hope it will be passed promptly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADOLPH VON HAAKE.

The bill (S. 8) for the correction of muster of Adolph von Haake, late major Sixty-eighth Regiment New York Veteran Volunteer Infantry, was considered as in Committee of the Whole. It directs the Secretary of War to amend the records of the War Department so as to show that Adolph von Haake was mustered into service a major of the Sixty-eighth Regiment New York Volunteer Infantry on October 25, 1863, and was mustered out of service as of that grade on June 10, 1865; and he shall be held and considered to have been continuously a major between the dates specified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE WILLIAM CRAMP & SONS COMPANY.

Mr. STEWART. I think that Order of Business No. 115, being the bill (S. 795) for the relief of the William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa., was objected to under a misapprehension, it being supposed that it belonged to an old class to which the other bills that were objected to belong; but that was a recent transaction, occurring since 1891, and the matter of additional compensation was referred by act of Congress to the Secretary of the Navy, who has made a report recommending that the claim be referred to the Court of Claims. I do not want to have the bill laid over on account of the company it is in.

Mr. LODGE. Mr. President, I have no objection in the world to Senate bill 795, to which the Senator from Nevada refers, but I think Nos. 111 and 114 in the Order of Business, being the bills for the relief of the Globe Works and the Atlantic Works, of Boston, Mass., are exactly as meritorious as the bill to which the Senator refers. Those bills have passed the Senate twice. I think they are perfectly good and proper bills, and I think the money ought to be paid. I do not believe the fact that the Government has owed the money for a long while is any reasonable ground for objection. If those bills are to be put over, to which I made no objection, as the point was raised that it was better to put all those claims over, I will submit, of course—I shall have to submit in any event, and I submit to that very gladly—but I do not see why any other bill should be picked out and given the preference when it really is of the same general class.

Mr. STEWART. Well, I have simply made the request.

The PRESIDENT pro tempore. The next bill on the Calendar will be stated.

SOLDIERS' AND SAILORS' HOMESTEADS.

The bill (S. 156) to amend sections 2304 and 2305 of the Revised Statutes, relating to soldiers' and sailors' homesteads, was announced as next in order.

Mr. HANSBROUGH. Let that bill go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 9, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 8, 1900.

SURVEYOR OF CUSTOMS.

John M. Lenihan, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa. (Reappointed.) Mr. Lenihan's term of office under his present commission will expire by limitation February 12, 1900.

APPOINTMENTS IN THE NAVY.

Doctor Joseph A. Murphy, a citizen of Pennsylvania, to be an assistant surgeon in the Navy from the 3d of January, 1900, to fill a vacancy existing in that corps.

Doctor John T. Kennedy, a citizen of Connecticut, to be an assistant surgeon in the Navy from the 15th day of January, 1900, to fill a vacancy existing in that corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 8, 1900.

REGISTER OF THE LAND OFFICE.

Albert D. Chamberlin, of Inez, Wyo., to be register of the land office at Douglas, Wyo.

SUPERVISORS OF THE TWELFTH CENSUS.

William B. Reed, jr., of Centerville, Queen Anne County, Md., to be a supervisor of the Twelfth Census for the Second supervisor's district of Maryland.

Mr. Thad A. Thomson, of Austin, Travis County, to be a supervisor of the Twelfth Census for the Tenth supervisor's district of Texas.

PROMOTIONS IN THE NAVY.

Commander John F. Merry, to be a captain in the Navy, from the 29th day of December, 1899 (subject to the examination required by law).

Lieut. William F. Fullam, to be a lieutenant-commander in the Navy, from the 29th day of December, 1899 (subject to the examinations required by law).

Lieut. (Junior Grade) Harry H. Caldwell, to be a lieutenant in the Navy, from the 29th day of December, 1899.

Lieut. Commander Uriah R. Harris, to be a commander in the Navy, from the 31st day of December, 1899.

Medical Inspector William G. Farwell, to be a medical director in the Navy, from the 22d day of January, 1900.

Surg. Daniel N. Bertolette, to be a medical inspector in the Navy, from the 22d day of January, 1900.

Pay Inspector Daniel A. Smith, to be a pay director in the Navy, from the 20th day of January, 1900.

Rev. L. Paul Rennolds, a citizen of Maryland, to be a chaplain in the Navy, from the 31st day of January, 1900.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 8, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CUSTOMS AND INTERNAL REVENUE IN THE ISLAND OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I am directed by the Committee on Ways and Means to report back House bill 6883 to extend the laws relating to customs and internal revenue over the island of Puerto Rico, ceded to the United States, with a substitute, and the recommendation that the substitute pass.

The SPEAKER. Ordered printed and referred to the Union Calendar.

Mr. RICHARDSON. Mr. Speaker, I desire to submit the views of a portion of the minority, and ask to have them printed with the report of the majority. The views of the minority are signed by six members.

The SPEAKER. They will be printed and referred to the Union Calendar with the report.

Mr. MCCALL. Mr. Speaker, I wish to submit individual views on the same matter.

The SPEAKER. Ordered to be printed with the others, and referred to the Union Calendar.

Mr. PAYNE. Mr. Speaker, doubtless a large number of these reports, with the views of the minority, will be called for. I have consulted with several members of the committee, and I ask unanimous consent that 10,000 extra copies of the report and the views of the minority be printed and placed in the folding room to the credit of members.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, asks unanimous consent that 10,000 extra copies of the report of the majority, with the views of the minority, be printed and put to the credit of the members in the folding room of the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PAYNE. I desire, Mr. Speaker, to give notice that I shall call up this bill on Thursday, the 15th of February, and ask the House for its consideration.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, gives notice that he will call the bill up for consideration on Thursday next.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WEEKS. I rise to a question of personal privilege, and I ask that the Chair direct the Clerk to read certain extracts from newspapers which I have handed to him for that purpose.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

[From the Virginian-Pilot, of Norfolk, Va.]

WISE-YOUNG CONTEST—REPUBLICAN GUILTY OF BREACH OF FAITH.

When the report was submitted to the House this afternoon there was an attempt made by Representative WEEKS to have it considered, and he asked unanimous consent for that purpose. It is probable the House would have assented had it not been for Representative BURKE of Texas, who is to make the minority report. When the report of the majority was submitted to the full committee, on Wednesday last, it was expressly stipulated that ten days would be granted the minority in which to prepare their report, when both would be submitted to the House simultaneously.

BREACH OF FAITH.

There is a breach of faith in the matter which a member of the committee is responsible for, and it created considerable surprise when the majority report was submitted this afternoon. Rumor says it was the purpose of the Republicans to take an advantage of the Democrats by reason of what was supposed to be Representative BURKE'S absence. However, that gentleman happened to be in the cloakroom of the House, and when he heard what was going on he paid his compliments in no uncertain manner to the majority for the unfairness they had shown. He succeeded in gaining his full time—ten days—in which to report; hence, it is not a certainty that the House will adopt the report of the majority.

[From the Norfolk Public Ledger.]

THE WISE-YOUNG CONTEST.

[Special dispatch to the Public Ledger.]

WASHINGTON, D. C., *February 2, 1900.*

The breach of faith on the part of Representative WEEKS of Michigan with Judge BURKE of Texas, on the matter of allowing the latter ten days in which to prepare a minority report in the Wise-Young contest, is severely criticised to-day. But for the accidental presence of Judge BURKE yesterday the report of Election Committee No. 3 might have been rushed through and the seat awarded to Wise without a hearing before the House. Judge BURKE detected WEEKS in his dishonorable act and severely excoriated him, with the result that by unanimous consent of the House he was allowed the time asked for. This is regarded as a favorable omen for Mr. Young, and it is more than probable that WEEKS'S sneaking act may result in turning some Republican votes, or in others refraining from voting.

[From the Richmond News.]

IN FAVOR OF SEATING WISE—REPORT SUBMITTED TO THE HOUSE IN THE YOUNG-WISE CASE—THE REPUBLICANS ACTED UNFAIRLY—FAITH NOT KEPT WITH THE MINORITY IN THE TIME OF PRESENTING THE REPORT—PROBABLE ACTION ON IT.

WASHINGTON, D. C., *February 1, 1900.*

Representative WEEKS of Michigan to-day submitted to the House the majority report of Elections Committee No. 3 in the Wise-Young contest, Second Virginia district. The majority of the committee all report in favor of seating Wise. The report, in substance, says:

"The evidence in this contest is of the same character as in the contest of two years ago. The mass of fraud uncovered by the contestant's testimony leaves no doubt in the minds of the committee that he is entitled to the seat by a large majority."

VOTE OF NORFOLK.

The report proceeds to an analysis of the vote of the city of Norfolk and declares: "The evidence overwhelmingly establishes the fact that the judges of election in Norfolk were in collusion with the interests of the contestee." The returns from Longview are also questioned by the majority of the committee and finally rejected. The report states that the returns from the Court-House precinct "can not stand for a minute." The correct returns for Isle of Wight County are declared by the committee to be:

Young, 415; Wise, 426. The returns from Powhatan precinct are rejected on account of manifest fraud, and the correct vote for James City is declared to be, Young, 25; Wise, 287. The various precincts in Nansemond County are figured in tables in the report, with little comment, and the summary of the majority of the committee gives Young 49 votes, Wise 1,171 votes. The majority of the committee make the vote of Princess Anne County to be, Young, 281; Wise, 426. In Southampton County the majority of the committee give Young 527 votes and Wise 625 votes. Warwick, according to the committee, gave Young 174 and Wise 211. York County is made to give Young 64 votes and Wise 715. Portsmouth, as the committee has corrected the vote, gives Young 1,189, Wise 418.

THE TOTAL VOTE.

Williamsburg is made to give Young no votes and Wise 117 votes. Exclusive of Surry, the committee foot up the total correct vote as Young, 3,668; Wise, 4,553. Adding the uncontested returns from counties of Charles City and Elizabeth City, Norfolk County and city of Newport News, which gave Young 2,148 votes and Wise 2,697 votes, the committee figures that the total correct vote would be, Young, 4,816, and Wise, 7,250.

Accordingly, they make out that Dr. Wise has a clear majority of 2,434. If the returns from Surry were allowed to stand as they were reported, the committee finds that Dr. Wise would still have a majority of 1,947 votes.

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Mr. WEEKS. Now, Mr. Speaker——

Mr. LANHAM. The gentleman from Michigan will allow me to state that my colleague from Texas [Judge BURKE] is not present this morning.

A MEMBER. He is in the cloakroom and will be here in a moment.

Mr. LANHAM. I am informed that my colleague is in the cloakroom.

The SPEAKER. The Chair has sent for Judge BURKE.

Mr. WEEKS. Mr. Speaker, I have no quarrel with Judge BURKE on this subject. But I learn from reliable sources that this alleged "news" has been telegraphed all over the State of Virginia. All its newspapers are full of it. Now, I ask the Speaker to direct the Clerk to read from the record of this House showing what did take place on the occasion referred to, when I, as chairman of the subcommittee, under instructions of the whole committee, presented the report of the Wise-Young contested-election case.

The SPEAKER. The Clerk will read.

The Clerk read as follows from the proceedings of February 1, 1900:

CONTESTED-ELECTION CASE—WISE VS. YOUNG.

Mr. WEEKS. Mr. Speaker, I am directed by the Committee on Elections No. 3 to file the report of the committee in the contested-election case of Wise against Young, from the Second district of Virginia, and ask that a time may be fixed for the hearing before the House.

The SPEAKER. The gentleman from Michigan submits a privileged report, which the Clerk will read.

The Clerk read as follows:

"Report of Committee on Elections No. 3 in the case of Wise against Young."

The SPEAKER. The report will be printed, and the case will go on the House Calendar.

Mr. BURKE of Texas. Mr. Speaker, I will ask the gentleman from Michigan

if he has made the request agreed on in the committee in reference to filing the views of the minority?

Mr. WEEKS. I was about to make that statement to the Chair. I would like to have the time fixed for the hearing, and what would the gentleman like?

Mr. BURKE of Texas. It was agreed in committee, Mr. Speaker, that the members of the minority should have ten days in which to present their views after the presentation of the report of the committee.

Mr. WEEKS. That would be satisfactory.

The SPEAKER. Without objection, ten days will be given to the minority in which to file their views. [After a pause.] The Chair hears none. The Chair will state to the gentleman from Michigan that he can call the case up at any time.

Mr. WEEKS. Mr. Speaker, the record as read shows precisely what occurred. Now, I have no fault to find with Judge BURKE, nor do I wish to make any animadversion upon the conduct of anyone in this matter save those who are responsible for publishing the "news" that has been read from those Virginia papers.

Mr. Speaker, I desire to denounce the statements in those newspapers as absolutely false wherein they charge me with any wrongdoing, breach of faith, or other improper conduct in the premises.

I do not know who the author of those telegraphic gems of "news" may be, but he is evidently a cheerful and willing prevaricator. I hope I use proper parliamentary language. Some people elsewhere would denounce the sender out of such news by a much harsher name, but I hope to use diplomatic and parliamentary terms in this great presence.

I do not know in whose interests this kind of slanderous news is given out, but leave that to the House and to the public to decide. I will not delay the public business with any extended remarks. The facts now before the House are sufficient for my purpose. But I will venture to remark that, while I do not object to reasonable or even unreasonable criticism within the lines of truth upon anything I may say or do in this House, this is neither reasonable nor unreasonable criticism, nor within gunshot of the truth. Besides, it is an assault upon a member of the House in an official act, charging conduct not only unbecoming in a member, but so reprehensible as to require attention. Furthermore, it is an attack upon the members of the majority of the committee, as members of the House, inasmuch as the chairman of a subcommittee could not do the things charged without their connivance or consent. It is thus an assault upon the very integrity of the House itself.

I may say, too, sir, that this is an assault upon the Speaker of this House, because such a thing as is alleged in those newspapers could not take place without the Speaker knowing something about it. His long experience as a parliamentarian upon the floor of this House would render him so alert, so ready to take note of what was going on, that such a thing would be impossible.

Besides, it is a gross violation of the reportorial privileges of the House, freely granted to the representatives of the press, and in the very essence of the thing a matter which the House should protect itself and its members against by putting the seal of its condemnation upon it.

This great and honorable body, the greatest in the world of legislation, can not afford to pass in silence such base and slanderous assaults upon its officers and members. Criticism is criticism, but lying is lying, and slander is slander, and I am unwilling to sit silent and permit this thing to pass without a challenge and a most emphatic denial. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 55. Joint resolution authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900;

S. 160. An act to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.;

S. 1174. An act for the erection of a public building at Selma, Ala.;

S. 2198. An act increasing the limit of the cost of the public building at Salt Lake City, Utah;

S. R. 24. Joint resolution recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear;* also the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers;

S. 733. An act concerning the boarding of vessels;

S. 561. An act extending the time for the commencement and completion of the railroad bridge across the Illinois River, near Grafton, Ill., by the St. Louis, Perry and Chicago Railroad;

S. 282. An act extending the time for the completion of the bridge across the East River between the city of New York and Long Island now in course of construction, as authorized by the act of Congress approved March 3, 1887;

S. 1617. An act to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.;

S. 146. An act for the relief of Thomas Chambers;

S. 1543. An act for the relief of M. D. Crow;

S. 1284. An act for the relief of W. H. L. Pepperell;

S. 468. An act for the relief of the Catholic Church at Macon City, Mo.;

S. 446. An act for the relief of St. Charles College;

S. 1746. An act to provide for the inspection of the boilers of the *Alpena* and *Ailsa;*

S. 732. An act relating to the lights of steam pilot vessels;

S. 442. An act for the relief of M. E. Saville;

S. 2281. An act for the relief of Charles Stierlin;

S. 195. An act for the relief of Louis Miller;

S. 188. An act for the relief of the estate of Charles M. Roberts, deceased;

S. 1894. An act for the relief of the Union Iron Works, of San Francisco, Cal.;

S. 792. An act for the relief of William H. Hugo;

S. 2114. An act to constitute Manchester, Conn., a port of delivery;

S. 2177. An act to extend the privilege of section 4216 of the Revised Statutes to the yacht *Andria;*

S. R. 67. Joint resolution providing for the mounting and distribution of United States maps; and

S. R. 83. Joint resolution increasing the limit of cost of the new building for the Government Printing Office, to meet the increased prices of building materials and to permit of making the south end of the power-house extension of the same height as the main building.

The message also announced that the Senate had passed without amendment the bill (H. R. 284) granting permission and authority to the New Orleans levee board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, La.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,500 extra copies of the report of the Director of the Geological Survey submitted to the Secretary of the Interior relating to the Cape Nome district, in Alaska, with maps accompanying the same, 2,500 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Geological Survey.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 6237. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes;

H. J. Res. 136. Joint resolution providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives; and

H. R. 5076. An act to amend the first section of an act to change the time and places for the district and circuit courts in the northern district of Texas, approved June 11, 1896.

ASSISTANT BOOKKEEPER FOR SERGEANT-AT-ARMS.

Mr. JOY. I desire to present a privileged report from the Committee on Accounts. That committee has directed me to report back favorably the resolution which I send to the desk.

The Clerk read the following resolution, introduced January 23, 1900, by Mr. JOY:

Resolved, That the Sergeant-at-Arms of the House is hereby authorized to employ an assistant bookkeeper in his office for the remainder of the present Congress, to be paid out of the contingent fund of the House at the rate of $75 per month.

The SPEAKER. The question is on agreeing to this resolution.

The resolution was agreed to.

On motion of Mr. JOY, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

REFERENCE OF A BILL.

Mr. BUTLER. Mr. Speaker, I rise to a question of order. I wish to call the attention of the Chair to the fact that House bill 3718, reported from the Committee on Naval Affairs, has been placed upon the Calendar of the Committee of the Whole on the state of the Union, where, I submit to the Chair, the bill does not belong. The bill does not provide for the raising of revenue; neither does it carry an appropriation; therefore I move the proper reference, which will be the House Calendar.

The SPEAKER. The Chair, upon inspection of the bill, thinks that the proper place for it is the House Calendar; and without objection, the change will be made.

Mr. CANNON. Does the bill provide for any charge upon the Treasury?

The SPEAKER. The Chair will have the bill read for the information of the House.

The Clerk read as follows:

A bill (H. R. 3718) for the preservation of the frigate Constitution.

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to place the frigate *Constitution*, now lying at the Boston Navy-Yard, as near as may be consistent with her preservation, in the same condition as regards her hull and rigging as she was when in active service: *Provided*, That before beginning on such work a sufficient sum of money to complete such work shall be raised through the agency of the Massachusetts State Society United States Daughters of 1812 and placed at his disposal for the purpose.

Mr. CANNON. I have no objection to this bill going on the Calendar indicated, by unanimous consent; but it does seem to me that it provides for an expenditure. At least, it employs Government officers. It provides that the Government shall be reimbursed. While that is true, it does involve a public expenditure, as it seems to me, nevertheless.

I have no objection to its going on the Calendar by unanimous consent; but as a matter of right, it seems to me, it ought to be on the Union Calendar under the rule.

Mr. PAYNE. I would suggest to the gentleman from Pennsylvania that he ask unanimous consent to take up the bill for consideration now.

Mr. BUTLER. I will say to the gentleman from New York that after consultation with the Speaker of the House it was understood that we would move for the consideration of this bill on the call of committees. With that understanding, while I thank the gentleman for his suggestion, we desire to wait and take our chances under the call of committees.

The SPEAKER. An inspection of this bill satisfies the Chair that it lays no burden upon the Government. The money to do this work must be provided for, in the first instance, as the Chair understands the language of the bill, by other means than through the Treasury of the United States; but as the House Calendar is to be taken up at once, if the gentleman will ask unanimous consent, the Chair will submit a request for the immediate consideration of the bill.

Mr. BUTLER. Then, Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of House bill 3718, which has just been read to the House. Is there objection?

Mr. RICHARDSON. Mr. Speaker, before consent is given, we should like to have an explanation of the bill. It has been impossible for us to hear what the gentleman from Pennsylvania has said.

Mr. BUTLER. Mr. Speaker, I will endeavor to speak sufficiently loud to enable the gentleman to hear me. I fully appreciate the great difficulty of hearing on one side of the Chamber what is said on the other side, in the confusion that sometimes exists.

With the permission of the Chair, I will surrender the floor to the gentleman from Massachusetts [Mr. ROBERTS] who introduced this bill and can answer all the questions which any gentleman may see fit to put.

The SPEAKER. The gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I do not wish to take the time of the House upon this measure unless members desire information concerning it, in which case I would be very glad indeed to furnish all information within my knowledge.

A MEMBER. What is it about?

Mr. ROBERTS. Mr. Speaker, I ask that the bill be read, and also the report accompanying it, which I trust will give full information to the members of the House.

The SPEAKER. The Chair will state that the bill having been read, if there be no objection, the reading will be confined to the report. The Clerk will read the report.

The report (by Mr. BUTLER) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 3718) to authorize the Secretary of the Navy to place the frigate *Constitution* in the same condition as regards her hull and rigging as she was when in active service, beg leave to submit the following report:

The frigate *Constitution*, better known as "Old Ironsides," is now moored to a wharf at the Boston Navy-Yard, where she has been since her removal from Portsmouth, N. H., in 1897. Her hull is protected from the weather by a roof, but dry rot has attacked her once staunch timbers and they are fast going to decay. The achievements of "Old Ironsides" during the war of 1812, filling as they do so proud and glorious a page of American history, have endeared this grand old ship to our people and enshrined her in the affections of a loyal and patriotic nation. The Massachusetts State Society United States Daughters of 1812 solicit the privilege of furnishing a sufficient sum of money to defray the entire cost of placing the *Constitution* in the same condition as regards her hull and rigging as she was when in active service. It is more than a work of patriotism with these ladies—it is a labor of love and reverence, and they feel they have a legitimate claim to the honor of carrying it out, because many of them are the direct descendants of the men who helped build the ship, fought upon her decks, and commanded her when she gained her epoch-making victories. The Government will be at no expense whatever under the plan proposed for the restoration and preservation of this famous vessel; the patriotic impulses of our people will be stimulated, and a striking and curious object lesson of the development and growth of the nation will be handed down to future generations in the form of the, to us, quaint old battle ship which first made our nation famous on the seas.

The Secretary of the Navy, urging the speedy consideration and passage of this bill, submitted the following:

NAVY DEPARTMENT, *Washington, December 4, 1899.*

SIR: The Massachusetts State Society United States Daughters of 1812 has informed the Department that it desires to restore the old frigate *Constitution* to a serviceable condition, in order that she may be again placed in commission and used as a training ship, or in such manner as may be deemed best by the Secretary of the Navy, the cost of such restoration to be defrayed by popular subscription, and the work to be done at the navy-yard, Boston, Mass., and carried on and completed to the satisfaction of the Department. The society has also, in pursuance of this object, requested the Department to recommend the passage of an act by the Congress granting the necessary authority in the premises.

The *Constitution* as she exists to-day is a relic of the glory of the Navy in its early days, and the fact that the memory of her prowess is still cherished among the people is a gratifying evidence of patriotism that should be encouraged. The restoration of this old man-of-war for the Government by voluntary contribution from the people, under the auspices of this society, would be an object lesson of great value to the nation.

I have the honor, therefore, considering also the serviceability to the Navy of the ship should she be restored, to recommend the early passage of an act authorizing her rehabilitation in the manner proposed, providing, however, that the work shall be done under the supervision of and as directed by the Department.

Very respectfully, JOHN D. LONG, *Secretary.*

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS, *United States Senate.*

In view of the above facts, and the further fact that the Massachusetts State Society United States Daughters of 1812, in raising the funds to defray the expense of such refitting of the *Constitution*, will present to the public an object lesson in patriotic devotion of great value, your committee recommend that said bill do pass.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I hope there will be no opposition to the consideration of the bill which has been reported to the House by the gentleman from Pennsylvania who is on the Naval Affairs Committee. The legislation proposed in this bill seeks to give to the Daughters of Eighteen Hundred and Twelve the right to rehabilitate the grand old frigate *Constitution* without any expense to the Government. It was my privilege during my first term in Congress to obtain the passage through the House of an appropriation sufficient to put this vessel in proper condition to make the trip from Portsmouth to Boston on the occasion of the one hundredth anniversary of her construction. The citizens of Massachusetts have a just pride in the history of this great ship. The waters of Massachusetts Bay were the first to greet her. She was built by Massachusetts mechanics, and during the greater part of her historic career was manned by Massachusetts sailors. At the celebration which was held in Boston in October, 1897, fitting honors were paid to this monument of the naval victories of the war of 1812. People from all parts of the State of Massachusetts flocked to Boston to join in honoring her glorious deeds, and the occasion was one which will live in the memories of those who witnessed the events of that day.

The Daughters of Eighteen Hundred and Twelve have taken a deserved pride in the history of the vessel, and are anxious to have her refitted and put in the same condition as regards her hull and rigging as she was when in active service without any expense to the Government. It is an undertaking which I know will receive the plaudits not only of this House, but of the people of the entire country, who have a proper appreciation of the grand work that has been accomplished by this ship for the preservation of the Union. In every war since the foundation of the Government until the present day the sons of Massachusetts have come to the aid of the Government in a magnificent manner, and enduring monuments are raised to-day in all portions of that State to the valor and brave deeds of her sons. But I think that dearer to them than all else is the grand old hulk of the *Constitution*, which now lies at the Charlestown Navy-Yard and which not only typifies the heroism of Americans of a century ago, but will stand for all time as an incentive to greater deeds and greater glory at the hands of the American youth of future generations.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ROBERTS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER (at 12 o'clock and 35 minutes p. m.). The Clerk will call the committees.

The Clerk having proceeded with the call, the Committee on the Judiciary was called.

COURT IN THE INDIAN TERRITORY.

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 2936) changing the place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes.

The original bill was read, with an amendment recommended by the Committee on the Judiciary, as follows:

Strike out all of the original bill and insert the following:

"That subdivision 3 of chapter 145 of the United States Statutes at Large, approved March 1, 1895, entitled 'An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes,' which said subdivision reads as follows: 'The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Cameron,' be amended by striking out of said subdivision the word 'Cameron' and inserting in lieu thereof the word 'Poteau,' so that said subdivision when amended shall read as follows: 'The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Poteau.'

"SEC. 2. That all suits, prosecutions, and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court at Cameron are hereby transferred to and shall be made returnable and have force in said court at Poteau."

Mr. RAY of New York. Mr. Speaker, I desire to yield to the gentleman from Wisconsin [Mr. JENKINS] ten minutes, if he desires that time.

Mr. JENKINS. Mr. Speaker, I ask for a vote.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

DEPOSITIONS DE BENE ESSE.

Mr. RAY of New York. Mr. Speaker, I call up the bill (H. R. 92) to amend section 864 of the Revised Statutes of the United States, in relation to taking depositions de bene esse.

The bill was read, as follows:

Be it enacted, etc., That section 864 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 864. Every person deposing as provided in the preceding section shall be cautioned and sworn to testify the whole truth, and carefully examined.

"His testimony shall be reduced to writing or typewriting by the magistrate, under his personal supervision, or by himself in the magistrate's presence, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent."

With the following amendments:

Line 10, strike out the words "magistrate or" and insert in lieu thereof the words "officer taking the deposition, or by some person."

Line 11, after the word "by" insert the words "the deponent," and in the same line strike out the word "magistrate's" and insert in lieu thereof the word "officer's," and in the same line, after the word "presence" insert the words "and by no other person."

Mr. PAYNE. Mr. Speaker, I hope the bill will be read as it will read after it is amended.

Mr. RAY of New York. The gentleman from New York [Mr. PAYNE] desires to have the bill read as it will read with the amendments agreed to.

The SPEAKER. The Clerk will read the bill as it will read when amended.

The Clerk read as follows:

SEC. 864. Every person deposing as provided in the preceding section shall be cautioned and sworn to testify the whole truth, and carefully examined.

His testimony shall be reduced to writing or typewriting by the officer taking the deposition, or by some person under his personal supervision, or by the deponent himself in the officer's presence, and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent.

Mr. RAY of New York. Mr. Speaker, I would say for the information of the House that this makes no change in existing law, excepting to provide for the taking of depositions in typewriting as well as in pen writing, there having been some question raised and a diversity of holding as to whether or not a deposition could be taken in typewriting. It also changes the word "magistrate" to "officer." The person designated to take a deposition is not always a magistrate, and for that reason it is more appropriate to say the "officer" taking the deposition.

The amendments recommended by the Committee on the Judiciary were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

CUBAN VESSELS.

Mr. GROSVENOR (when the Committee on Merchant Marine and Fisheries was called). Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to report back the bill (H. R. 5074) relating to Cuban vessels and ask that it lie on the table. A bill in that regard coming from the Senate has been passed by the House.

The SPEAKER. Without objection, that order will be made.

There was no objection.

LIGHTS ON STEAM PILOT VESSELS.

Mr. LYBRAND. Mr. Speaker, I call up the bill (H. R. 5288) relating to lights on steam pilot vessels.

The bill was read, as follows:

A bill (H. R. 5288) relating to lights on steam pilot vessels.

Be it enacted, etc., That a steam pilot vessel, when engaged on her station on piloting duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of 8 feet below her white masthead light a red light, visible all around the horizon, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry, in addition to the lights required for all pilot boats, the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels.

SEC. 2. That this act shall be construed as supplementary to Article VIII of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," and to Article VIII of an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

SEC. 3. That this act shall take effect on June 30, 1900.

Mr. LYBRAND. Mr. Speaker, this bill was unanimously reported by the Committee on Merchant Marine and Fisheries. Under the revised international regulations for preventing collisions at sea and the laws of the United States for the prevention of collisions on inland waters there is no provision for a distinctive light for steam pilot vessels when engaged on their stations. This makes the United States regulations conform with those of other nations, especially Great Britain.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LYBRAND, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOG ENTRY OF COLLISIONS.

Mr. FORDNEY. Mr. Speaker, I call up the bill (H. R. 5066) to amend section 4290 of the Revised Statutes, relating to log entry of collisions.

The bill was read as follows:

Be it enacted, etc., That section 4290 of the Revised Statutes be amended by adding the following:

"Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in section 4291, and failure to make such entry shall subject the offender to the penalties prescribed by section 4292."

SEC. 2. That this act shall take effect sixty days after its passage.

The SPEAKER. The Chair will state that this bill has just been reported, and is not yet upon the Calendar. The Chair thinks that unanimous consent of the House should be obtained for its consideration.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEVING CERTAIN ENLISTED MEN FROM THE CHARGE OF DESERTION.

Mr. FOSS (when the Committee on Naval Affairs was called). Mr. Speaker, I am instructed by the Committee on Naval Affairs to call up the bill H. R. 969.

The bill was read, as follows:

A bill (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888.

Be it enacted, etc., That chapter 890, volume 25, of the United States Statutes at Large, entitled "An act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August 14, 1888, be, and the same is hereby, revived and reenacted.

SEC. 2. That section 5 of the said act be, and is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said act.

Mr. STEELE. Mr. Speaker, I would like to have some explanation of this bill.

Mr. FOSS. I will ask the Clerk to read the report.

Mr. PAYNE. From what I could hear of the reading, it seems to me to extend some privilege, and I suppose that bill does not strictly belong to the House Calendar. I understand it extends the time in which something is to be done and grants some further right. I did not catch the reading of the bill completely.

Mr. FOSS. I will ask for the reading of the report. I think that will explain the bill.

Mr. PAYNE. I make the point that it does not properly belong to the House Calendar.

The SPEAKER. Pending the point of order, the report will be read in the gentleman's time.

The report (by Mr. DAYTON) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August

14, 1888, having carefully considered the same, report the same back with the recommendation that it do pass for the following reasons:

The Fiftieth Congress passed an act, approved August 14, 1888, and found in volume 25 of United States Statutes at Large, page 442, providing for the relief of certain appointed or enlisted men of the Navy and Marine Corps from charges of desertion. The act was carefully considered and drawn, and by its terms the Secretary of the Navy was given the discretion to remove such charges. This discretion, however, was subject to reasonable conditions and carefully safeguarded.

The operation of the act, however, was, by a proviso to section 5, limited to those who should apply for relief within a period of five years from and after its passage, and it has, therefore, for all practical purposes, become inoperative.

While in force the law seemed to be entirely satisfactory in its operations, and no good or sufficient reason is apparent why it should not be given full force and application. On the other hand, Congress is burdened with a large number of private bills seeking to remove these charges in individual cases, many of which are meritorious in character, but which, by reason of the arduous duties from other sources of the Naval Committee, do not and can not receive consideration, or if reported by the committee more often fail of consideration in the House.

This bill would remove the time limit for application contained in the act of 1888, and restore the Secretary of the Navy's power to dispose of these cases under reasonable conditions.

It may be pertinently added that similar bills have been unanimously recommended by this committee in the Fifty-fourth and Fifty-fifth Congresses, and the power which will be conferred upon the Secretary of the Navy will be the same which the Secretary of War under existing law now has in like cases arising in the Army.

Mr. PAYNE. Now, Mr. Speaker, I gather from the reading of the report the bill would give these men, if the charge of desertion were removed, back pay or a right to pension, and that would be a charge upon the Treasury. I do not think the bill is on the proper Calendar.

Mr. FOSS. Mr. Speaker, I will yield to the gentleman from West Virginia, who prepared the report and who is more familiar with the subject than I am.

Mr. PAYNE. The point of order is pending, Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman from West Virginia on the point of order.

Mr. DAYTON. I desire to say a word upon the point of order. I think if the gentleman had carefully examined the statute he would have ascertained that the point of order is not well taken. This is not new legislation that will give any new or additional privilege to the parties, but it simply, under existing legislation, removes the restriction of time in which an application can be made. I hope the gentleman will note the distinction I make. The law is on the statute book. This enables all these parties now provided for to file their applications at any period of time.

Mr. PAYNE. I want to ask the gentleman a question right there?

Mr. DAYTON. Very well.

Mr. PAYNE. Now they can not get any right, unless you pass this legislation, to draw back pay or apply for pension. If you do pass the bill it removes the disability and allows them to get back pay and pension that they are now disabled from getting.

Mr. DAYTON. So far as the question of back pay is concerned, I do not think there is any possibility of that question arising. So far as their position to apply for a pension is concerned, that is a relative question, as the law of 1890 extends to these men a pension anyhow. If they have engaged in other service of the Government they can apply for pension.

Mr. PAYNE. They can apply, but can not get pensions on account of this charge standing against them.

Mr. DAYTON. This strikes out the five years' limitation that was placed in the original act, and would leave it with the same restrictions now applicable to the Army. We are constantly passing bill after bill to remove these charges of desertion, and the whole of that kind of legislation can well be relegated from the halls of Congress and placed in the hands of the Secretary of the Navy, as it is now in the hands of the Secretary of War.

Mr. PAYNE. The gentleman is speaking on the question of the merits of the bill. The point that I make is that it is not on the proper Calendar.

Mr. FOSS. I hope that the gentleman will not insist on that point.

Mr. PAYNE. I do not see that I can refrain from making the point. We have this order, and I think we ought to conform strictly to it. This bill should be on the House Calendar, in my opinion.

The SPEAKER. The Chair overrules the point of order, believing this does not impose any burden on the Government; it is simply extending the time within which application may be made for the removal of the charge of desertion. Effacing the record of desertion is the thing aimed at by this bill. Non constat that a dollar is due to anyone. The assumption is entirely too remote, and it seems to the Chair clear that if any bill can properly be on the House Calendar this can be.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I would like to ask the gentleman from West Virginia if this bill gives the men in the Navy the same rights that the soldiers in the Army have?

Mr. DAYTON. Exactly the same.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, as I understand the proposition before the House, this act gives to the men of the Navy the same privileges as are now accorded the men in the Army. I would like to ask the gentleman from West Virginia if this is so?

Mr. DAYTON. Exactly the same.

Mr. FITZGERALD of Massachusetts. Then, Mr. Speaker, I certainly hope this bill will pass. I think there are many deserving cases of men who have served honorably in the Navy, but who, for some reason or other, are unjustly charged as deserters.

I have knowledge of two or three cases myself where men, after four years of faithful and honorable service in the Navy during the war, were separated from the service without discharge.

Many men after the war was over left their ships immediately, so as to get home to their families, and never bothered about a discharge. Hundreds of cases of this kind occurred, and I think the Secretary of the Navy, who has access to the records, is much better able to handle this question than Congress.

I certainly think the Navy has justified this confidence in all periods of our history, and I hope this bill will receive the unanimous support of the House.

Mr. STEELE. Mr. Speaker, I would like to ask the gentleman from West Virginia if he has examined the law and knows that the same limitations are placed on the men in the Navy who are charged with desertion that are placed upon soldiers in the Army who are so charged? If they are, there can be no harm in the bill, but if it leaves it entirely to the discretion of the Secretary of the Navy, so that he can discharge Jones to-day and not Smith to-morrow, then it is a very dangerous bill and it may involve the Treasury of the United States in a vast sum of money which ought not to be paid to men who did not make an honorable record.

Mr. CUMMINGS. Mr. Speaker——

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from New York?

Mr. DAYTON. I do.

Mr. CUMMINGS. I had the honor of reporting this bill in the last Congress from the Committee on Naval Affairs. I will say, in response to the gentleman from Indiana [Mr. STEELE], that the same limitations exactly apply here as are placed upon the soldiers in the Army. This bill simply proposes to give the Secretary of the Navy the same power as the Secretary of War. When the original bill was passed it limited the power of the Secretary of the Navy to five years. That limit is passed, and to-day the inevitable result follows. We have in the Committee on Naval Affairs over 100 private bills for the removal of the charge of desertion against sailors and marines. Now, Mr. Speaker, it seems to me that the Secretary of the Navy is more capable of judging of the merits of these cases with the record before him than is the Committee on Naval Affairs. It is unjust to the Committee on Naval Affairs not to give the Secretary of the Navy the same power the Secretary of War possesses in similar cases.

Mr. MADDOX. Mr. Speaker——

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Georgia?

Mr. DAYTON. I will yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. I want to address a question to the gentleman from New York [Mr. CUMMINGS]. If the Secretary of War has the right to remove charges of desertion, why do we have so many bills upon the Calendar to remove charges of desertion?

Mr. CUMMINGS. The bill differs in no wise from the Army law in such cases.

Mr. MADDOX. I understand that the object of this bill is to confer a like authority on the Secretary of the Navy that is held by the Secretary of War.

Mr. CUMMINGS. Exactly.

Mr. MADDOX. It has been almost impossible to hear what was going on on the other side of the House, and as it seems to be a very important bill we want to get at the object of it.

Mr. STEELE. Mr. Speaker, I desire to state to the gentleman from Georgia that there is no excuse, in my opinion, for any bill being presented in this House to relieve a soldier from the charge of desertion, if he was not a real deserter and ought to have the benefit that soldiers have who made an honorable record, for the Secretary of War can remove the charge.

Mr. ROBINSON of Indiana. Mr. Speaker——

The SPEAKER. The gentleman from West Virginia has the floor. To whom does he yield?

Mr. DAYTON. I will yield in a moment to my friend from Indiana. I now yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. I want to say to the gentleman from Indiana [Mr. STEELE] that he ought to come here Friday night and tell the committee what he has just stated in regard to these bills for desertion.

Mr. STEELE. I have done that a dozen times. I think it an outrage——

Mr. MADDOX. I agree with you.

Mr. STEELE (continuing). That pension bills and bills for deserters should have the same privilege in this House.

Mr. MADDOX. I agree with you. I think this is a proper bill, as it proposes to put the thing where it belongs.

Mr. CUMMINGS. I will say to the gentleman from Indiana that I also agree with him in this matter.

Mr. ROBINSON of Indiana and Mr. GROSVENOR rose.

Mr. DAYTON. I promised the gentleman from Ohio and the gentleman from New Jersey that I would yield to them, and I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I will yield to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. What I wished to ascertain was whether there are not many cases presented over which the military or naval authorities have no jurisdiction.

Mr. STEELE. I think there are many such; but they are cases which ought not to be presented in the House; because if the persons were not in fact deserters, in my opinion the Secretary of War is empowered to give relief in all meritorious cases.

Mr. GROSVENOR. Mr. Speaker, I think I can throw a little light on this controversy. About 1889, I think—somewhere about that time, perhaps earlier—a bill was passed in Congress——

Mr. DAYTON. The act was approved August 14, 1888.

Mr. GROSVENOR. That bill was passed with the declared intent and purpose on the part of Congress to cover every meritorious case where a man was improperly marked on the record as a deserter. The bill was very carefully prepared; the friends of the soldiers who had been complaining were heard; and every possible case deserving of consideration was covered by the bill. The Secretary of War was authorized to remove the charge of desertion upon proof that brought the case within any one of six or seven classes named in the act.

Now, that law had a limitation in its operation. In my judgment, all the men who deserved to have their records set right should have come in under that law and obtained relief. But a great many are now making application who could not come under that law—men who would come under the condemnation of those who passed that law. Yet there are meritorious cases where the parties did not hear of this law, did not know of its existence; so that years passed without their having the opportunity to have the charge of desertion removed from their military record. I do not think there are very many such cases; and I would almost indorse the statement of the gentleman from Indiana [Mr. STEELE] that those men who, from 1865 down to this time, have stood by and never made any successful effort to get the facts of their cases before the War Department when it was within the jurisdiction of that Department to give them relief have very little merit in any application they may make now.

Mr. DAYTON. Just one word. The act by which we gave this relief to enlisted men in the Navy and Marine Corps of the United States was approved August 14, 1888. The provisions are the same as have been stated by the gentleman from Ohio. The only trouble about the matter was that this proviso was attached to the fifth section:

> That all applications for relief under this act shall be made to and filed with the Secretary of the Navy within a period of five years from and after its passage; and all applications not so made and filed within the said term of five years shall be forever barred, and shall not be received or considered.

Now, the purpose and object of this bill is simply to repeal that clause and enable parties to apply under the law for the relief which the act contemplates, though they may not have filed their applications within five years from the passage of the act. This law was found to operate beneficially; no complaint ever arose under it; it removed a vast burden from the shoulders of Congress in the consideration of these cases. Application after application of men who desired to be relieved from these charges of desertion has been made to the Navy Department and has come back here with the stereotyped reply that the Department is powerless to consider the case because of the proviso which I have just read.

I wish to say that the Secretary of the Navy in at least three of the last reports submitted by him to Congress has recommended the passage of this legislation. It has been earnestly sought for by the Judge-Advocate-General's Office, because almost the same labor involved in passing upon and determining the merits of these applications for the removal of the charge of desertion has been done by that Department anyhow. After going to the Department the party comes to the halls of Congress asking relief; and before it is granted we ask the advice of the Department, together with the record of the man, in order to determine whether we shall grant the relief or not. So that I think, under the circumstances, there can be no reasonable objection to this measure.

As my colleague on the committee [Mr. CUMMINGS] has stated, it has been reported favorably by us in at least two prior Congresses.

Mr. TALBERT. Does this apply to soldiers in the Army or——

Mr. DAYTON. Only to enlisted men in the Navy and Marine Corps. By other legislation now in force the soldiers of the Army have the same relief.

Mr. TALBERT. Is the time within which application may be made unlimited?

Mr. DAYTON. Yes, sir. I now yield to my friend from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I have been interested in this bill for some years. It proposes to make this privilege as to the Navy exactly what it is now under the law with reference to the Army; in other words, that there shall be no mere time limit upon the right to apply to the Department in proper form to set aside a record of desertion.

While serving as chairman of the Military Affairs subcommittee, having jurisdiction of cases of this kind, I was astonished to find how many cases there are where men do not know that they were marked as deserters. There are cases where men have reenlisted, where they have gone through the war and left the service after the war was over, and never found out that they were technically guilty of desertion until, upon making application for a pension, they found themselves so disgraced. There are cases of that sort to this day, and some of them are the very best men who served in the Army. I will go further, and say that I think the general law itself needs some amendment.

Mr. TALBERT. Will the gentleman allow me to ask him a question? I want to ask, if this bill is passed, will that prevent the introduction here of private bills for the removal of the charge of desertion?

Mr. PARKER of New Jersey. To the extent that they are covered by this statute, it will, but not in all cases.

Mr. TALBERT. If it will do that, I think it is a good bill.

Mr. PARKER of New Jersey. You ought to be in favor of it. Now, I want to add that there are some bills that have to be introduced in Congress. The committee upon which I have had the honor to sit have turned down nine-tenths of these bills, but I secured the passage of two bills through Congress, one to cover the case of a man who had left his command because he was worn out on the march from Fredericksburg to Antietam, and died. Yet his sergeant had put him down as a deserter. The Secretary of War said that under the law he had no power to change that record, although he was satisfied that the man died in the field.

There are changes that ought to be made, perhaps, in the law to cover the really just cases; and if we could get a law that would provide for all just cases, and remove the charge of desertion in such cases by general law instead of by special legislation, it would be a consummation devoutly to be wished. Let us ask the aid of gentlemen on both sides in securing that result. But this at least we can do now, by providing that when a man comes to the Secretary of the Navy and asks him to remove such a charge and shows that he did not know of it before, and a mere time limit forces the Secretary of the Navy to say to him that he has no power, that limit ought to be removed. We have removed it as to the Army, and it ought to be removed now as to the Navy.

Mr. DAYTON. I yield three minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, this discussion has suggested to me a recollection of the acts relative to the Army removing the limitation of time during which the charge of desertion might be expunged. I find by referring to the acts that in the one approved in May, 1886, the limitation was made five years. In 1892 Congress passed another act, extending the limitation or reviving the right under the law to have a charge of desertion removed in that way for two years longer. Finally, in 1895, the limitation of time which had previously been imposed, during which these applications for the removal of the charge of desertion must be made, was absolutely repealed as far as the soldiers of the war of 1861–1865 and the Mexican war were concerned.

As I understand the pending measure, it simply proposes to place the sailors and Marine Corps upon the same footing as the soldiers of the war of 1861–1865 and the Mexican war. It is a matter of simple justice, and I can not conceive any reasonable objection which can be made to this tardy act of justice to the sailors and marines of the United States.

Mr. DAYTON. I yield three minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, I concur in the views expressed by the gentleman from Maryland [Mr. PEARRE], and I am heartily in accord with this provision. I take the floor to say that I hope that some bill will come into the House to reenact the law, which by limitation has expired, permitting the granting of this relief to the soldiers of the war of 1861–1865, and thus impose upon a Department so much better able to handle the subject the labor that is now upon the shoulders of the members of this House in granting relief in meritorious cases. I think no

better reform upon this subject could be accomplished than by legislation in direct line with this measure, which concerns only certain branches. I hope it may be extended so as to give relief to the soldiers in the Army along the same line as the law which has expired by limitation.

Mr. DAYTON. I yield so much time as the gentleman may desire to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I think a minute is all I want. I am not familiar with the provisions of this bill. I understand it gives certain power to the Secretary of the Navy to remove charges of desertion. There is a class of cases in which that power ought to be lodged somewhere, to remove a charge of desertion. I have a case in point, a bill now pending before the Committee on Military Affairs.

A farmer boy, of good habits, a private in an Indiana regiment, on the march of his regiment to Stone River, was taken very sick and was seemingly in extremis, so that he could not march farther. Two comrades left him by the roadside, satisfied that he would die. In more than thirty years he never had been heard from, although the family exercised great diligence for the first two or three years in trying to find his whereabouts. There is no doubt in my mind and in the minds of the people who knew him that he died. Yet the charge of desertion is there. Now, there ought to be power somewhere to remove that charge of desertion other than by legislation, because, suppose there are a hundred cases of that kind, you can not hope to pass a hundred special bills. I do not know that I can hope to pass this one.

You may say it opens the door to unworthy people, who might be relieved from the charge of desertion. I do not know how much danger there is of that, but it seems to me some general legislation might be enacted that would take care of such cases, where there was no actual desertion.

Mr. DAYTON. I call for the passage of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DAYTON, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will proceed with the call of committees.

The Clerk resumed and completed the call of committees.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHITE for one week, on account of important business.

And then, on motion of Mr. PAYNE (at 1 o'clock and 20 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Passaic River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha A. Payne, administratrix of Samuel H. Payne, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Nathan Tanner against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5066) to amend section 4290 of the Revised Statutes, relating to log entry of collisions, reported the same without amendment, accompanied by a report (No. 251); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred House bill 6883, reported in lieu thereof a bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, accompanied by a report (No. 249); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS, from the Committee on Pacific Railroads, to which was referred the bill of the House (H. R. 2864) to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States, reported the same with amendment, accompanied by a report (No. 252); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 985) providing that those who have heretofore commuted entries or who have not perfected title to tracts entered as homesteads may avail themselves of the provisions of the homestead laws, reported the same with amendment, accompanied by a report (No. 253); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1711) granting an increase of pension to Charles L. Green, reported the same without amendment, accompanied by a report (No. 227); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1712) granting a pension to Arminda D. Davis, reported the same without amendment, accompanied by a report (No. 228); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2219) granting an increase of pension to Mary F. Hopkins, reported the same without amendment, accompanied by a report (No. 229); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1329) granting a pension to Mary Jackman, reported the same without amendment, accompanied by a report (No. 230); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2367) granting a pension to Susan Stratton, reported the same without amendment, accompanied by a report (No. 231); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 539) granting a pension to Louisa S. Wilson, reported the same with amendment, accompanied by a report (No. 232); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 236) granting an increase of pension to Mary Ellen Lauriat, reported the same without amendment, accompanied by a report (No. 233); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 237) granting an increase of pension to Cutler D. Sanborn, reported the same without amendment, accompanied by a report (No. 234); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 526) granting increase of pension to Joseph M. Waddell, reported the same without amendment, accompanied by a report (No. 235); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 548) granting an increase of pension to John F. McMahon, reported the same without amendment, accompanied by a report (No. 236); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1295) granting a pension to Louisa Hale, reported the same without amendment, accompanied by a report (No. 237); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5503) granting an increase of pension to Samuel Hanson, reported the same with amendment, accompanied by a report (No. 238); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2223) granting an increase of pension to John M. Morse, reported the same without amendment, accompanied by a report (No. 239); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 1469) granting an increase of pension to Philip P. Getchell, reported the same without amendment, accompanied by a report (No. 240); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 541) granting a pension to Ellen Norwood, reported the same with amendment, accompanied by a report (No. 241); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1058) granting a pension to John Bailey, reported the same without amendment, accompanied by a report (No. 242); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 872) granting an increase of pension to William H. H. Nevitt, reported the same without amendment, accompanied by a report (No. 243); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1771) granting a pension to Ellie Kee, reported the same without amendment, accompanied by a report (No. 244); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 992) granting an increase of pension to Frederick Auer, reported the same without amendment, accompanied by a report (No. 245); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6284) for the relief of James Crawley, reported the same with amendment, accompanied by a report (No. 246); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3167) to grant increase of pension to Thomas H. Cook, Company I, Seventeenth Illinois Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 247); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5949) granting a pension to Frederick Weber, reported the same with amendment, accompanied by a report (No. 248); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. DINSMORE, from the Committee on Accounts, to which was referred the resolution (H. Res. 6) providing for the appointment of a person to prepare Senate and House bills for binding, reported the same adversely, accompanied by a report (No. 254); which said resolution and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6506) to place the name of Edith Lockwood Sturdy on the pension roll—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3985) for the relief of Julia McN. Henry, widow of the late Guy V. Henry, late major-general, United States Army—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PRINCE: A bill (H. R. 8246) to regulate the fishing of mussels in the fresh waters of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURTIS: A bill (H. R. 8247) to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved April 24, 1888—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: A bill (H. R. 8248) to authorize the Secretary of the Treasury to contract for the collection of money withheld by any corporation—to the Committee on the Judiciary.

By Mr. ESCH (by request): A bill (H. R. 8249) fixing the times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States, relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment—to the Committee on the Public Lands.

By Mr. TONGUE: A bill (H. R. 8292) for the relief of the Coos Bay, Umpqua, and Senslow Indians—to the Committee on Indian Affairs.

By Mr. MORRIS: A joint resolution (H. J. Res. 162) providing for preliminary examination and survey of Burlington Bay, Lake County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A joint resolution (H. J. Res. 163) to provide for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense—to the Committee on Military Affairs.

By Mr. JONES of Washington: A concurrent resolution (H. C. Res. 16) providing for the printing of 10,000 copies of "The Louisiana Purchase," by the honorable Commissioner of the General Land Office—to the Committee on Printing.

By Mr. MIERS of Indiana: A resolution (H. Res. 135) relative to considering bills on the Private Calendar on Saturdays—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROMWELL: A bill (H. R. 8250) to correct the military record of John J. Troxell—to the Committee on Military Affairs.

By Mr. BROWN: A bill (H. R. 8251) to remove the charge of desertion from the military record of Jesse P. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 8252) to remove the charge of desertion from the military record of Josiah Strickley—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 8253) for the correction of the military record of George W. Currier—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 8254) to increase the pension of Marie L. Apgar—to the Committee on Invalid Pensions.

By Mr. CLAYTON of Alabama: A bill (H. R. 8255) to correct the military record of Michael I. Pryor—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 8256) for the relief of William Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8257) for the relief of Lorenzo D. Hawley—to the Committee on Military Affairs.

Also, a bill (H. R. 8258) for the relief of Martin Fassnacht—to the Committee on War Claims.

Also, a bill (H. R. 8259) granting a pension to J. L. Herrick—to the Committee on Pensions.

Also, a bill (H. R. 8260) granting a pension to Elizabeth Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8261) granting a pension to Mary A. O'Brien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8262) for the relief of Henry C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8263) to pension Lula M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8264) for the relief of Christ Schrey—to the Committee on Claims.

Also, a bill (H. R. 8265) granting a pension to Mary E. McNiel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8266) for the relief of J. E. Walters—to the Committee on Military Affairs.

Also, a bill (H. R. 8267) for the relief of Eliza Jackson—to the Committee on Pensions.

By Mr. GREEN of Pennsylvania: A bill (H. R. 8268) for the relief of Levi L. Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 8269) for the relief of J. Effinger Levengood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8270) for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 8271) for the relief of Jacob Miltenberger—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 8272) for the relief of the heirs of W. L. Waddy—to the Committee on War Claims.

By Mr. GASTON: A bill (H. R. 8273) granting a pension to Sarah S. Hammond—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 8274) granting a pension to A. C. Ricketts, of Fairfield, Iowa—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 8275) granting a pension to Mary J. Secor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8276) granting a pension to Collins M. Sterling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8277) for the relief of Soloman Lusk—to the Committee on War Claims.

Also, a bill (H. R. 8278) for the relief of Hudson M. Harris—to the Committee on Military Affairs.

By Mr. JACK: A bill (H. R. 8279) granting a pension to Samuel Burket—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8280) granting a pension to Samuel Dorner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8281) to remove the charge of desertion standing against the name of Samuel Cochran—to the Committee on Military Affairs.

By Mr. LEVY (by request): A bill (H. R. 8282) for the relief of the Allaire Works, of New York—to the Committee on War Claims.

By Mr. LYBRAND: A bill (H. R. 8283) for the relief of Harry H. Thomas and others, members of the regimental band of the Fourth Ohio Volunteer Infantry—to the Committee on War Claims.

By Mr. OTEY: A bill (H. R. 8284) for relief of I. O. B. Palmer, of Roanoke, Va.—to the Committee on War Claims.

Also, a bill (H. R. 8285) for the relief of Z. B. Moorman, of Lynchburg, Va.—to the Committee on Claims.

By Mr. QUARLES: A bill (H. R. 8286) to increase the pension of Mrs. Elizabeth V. Harman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8287) for the relief of the legal representative of Paul McNeel, deceased, of Pocahontas County, W. Va.—to the Committee on War Claims.

Also, a bill (H. R. 8288) to reimburse the trustees of the Presbyterian Church at McDowell, State of Virginia—to the Committee on War Claims.

By Mr. SIMS (by request): A bill (H. R. 8289) authorizing the Commissioners of the District of Columbia to convey a certain parcel of land in the District of Columbia to Lewis Tillman, trustee—to the Committee on the District of Columbia.

Also, a bill (H. R. 8290) for the relief of T. L. Owens, administrator de bonis non, with the will annexed, of the estate of T. G. Owens, deceased—to the Committee on War Claims.

By Mr. TOMPKINS: A bill (H. R. 8291) granting increase of pension to Catharine R. Brown—to the Committee on Pensions.

By Mr. VANDIVER: A bill (H. R. 8293) for the relief of Addison Tennis—to the Committee on Military Affairs.

Also, a bill (H. R. 8294) for the relief of Montgomery Patton—to the Committee on War Claims.

Also, a bill (H. R. 8295) for the relief of D. K. Ponder, of Ripley County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 8296) to carry out the findings of the Court of Claims in the case of William A. Carr—to the Committee on War Claims.

By Mr. WILLIAM E. WILLIAMS: A bill (H. R. 8297) granting an increase of pension to Albert Buck—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 8298) to remove the charge of desertion from the record of Walter Allen, of the United States Navy—to the Committee on Military Affairs.

By Mr. RUSSELL: A resolution (H. Res. 136) to pay William Gardner for services as folder—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE of Maine: Petition of C. J. Lynch and other clerks of Bangor, Me., post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of Colonel George F. Smith Post, No. 130, Department of Pennsylvania, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DENNY (by request): Petition of William K. Tubman, asking for investigation and redress on a certain claim against the Eastern Railroad Association—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition of the faculty of the University of Minnesota, protesting against the passage of a bill known as the Gallinger vivisection bill—to the Committee on Agriculture.

By Mr. GARDNER of New Jersey: Petition of Ezra L. Bartlett and other citizens of Philadelphia, favoring legislation to pension the members of the Life-Saving Service who shall become enfeebled by age or disabled by accident while in discharge of their duties—to the Committee on the Merchant Marine and Fisheries.

By Mr. GASTON: Petition of J. E. Campbell and other citizens of the Twenty-sixth Congressional district of Pennsylvania, favoring the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of the Alonzo O. Bliss Company, of Washington, D. C., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of the National Board of Trade of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. HEDGE: Papers to accompany House bill granting a pension to A. C. Ricketts—to the Committee on Invalid Pensions.

By Mr. JOY: Petition of the Goodfellow Shoe Company and 19 other firms of St. Louis, Mo., favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. McALEER: Petitions of John Lucas & Co., John T. Bailey & Co., Robert D. Smith & Co., E. K. Tryon, jr., & Co., and of the National Board of Trade, Philadelphia, Pa., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Alonzo O. Bliss Company, of Washington, D. C., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolutions of the New England Shoe and Leather Association, of Boston, Mass., and Ziegler Brothers, Philadelphia, Pa., urging amendment of the treaty with France—to the Committee on Foreign Affairs.

Also, resolutions of the United Confederate Veterans of Charleston, S. C., favoring marking position of troops on the battlefields of Gettysburg, Chickamauga, Shiloh, and Vicksburg—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Statement to accompany House bill No. 4981, for the relief of Barton P. Spencer—to the Committee on Invalid Pensions.

By Mr. POWERS: Resolutions of the Chamber of Commerce of New York, favoring the appointment of a commission for extending trade with China and the East—to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of the State of New York, urging certain legislation for the improvement and development of Alaska—to the Committee on the Territories.

Also, petition of the Alonzo O. Bliss Company, of Washington, D. C., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of the National Board of Trade of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. RAY of New York: Petition of Cornelius Turk and other citizens of Caroline, Tompkins County, N. Y., favoring the bill relating to dairy products—to the Committee on Agriculture.

Also, petition of Burt B. Hyde and H. G. Carr, of Afton, N. Y., with reference to a change in the present revenue laws—to the Committee on Ways and Means.

Also, affidavit to accompany House bill No. 8044, to increase the pension of James W. Barrett—to the Committee on Invalid Pensions.

By Mr. ROBB: Petition of D. J. Doughty and others, of Farmington, Mo., asking that the names of soldiers who served in the Missouri State Militia be placed on the pension rolls—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Petitions of the publishers of the Shenandoah Herald and Freeland Press, of the State of Pennsylvania; Denison (Iowa) Bulletin, Valley Falls (Kans.) Vindicator, Tyler (Tex.) Democrat-Reporter, Patchogue (N. Y.) Advance, favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany House bill No. 725, to correct the military record of David Coates, of Cromwell, Ky.—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Elvin Newton & Co. and 64 other citizens of Portsmouth, N. H., praying for the establishment of a lobster hatchery at Little Harbor, N. H.—to the Committee on the Merchant Marine and Fisheries.

By Mr. WADSWORTH: Petition of G. L. Cone and farmers and dairymen of Wyoming County, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Pennsylvania: Petition of the New York Railroad Club, of New York, suggesting a convention of the International Railway Congress in 1904 in the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Board of Trade of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New England Shoe and Leather Association, of Boston, Mass., protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *February 9, 1900.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Lord God of hosts, as the nation to-day, through its representatives, consigns the form of one of our most gallant and heroic soldiers, earth to earth, ashes to ashes, dust to dust, to a worthy resting place, among the graves of scores and hundreds of our brave and devoted soldiers, we humbly pray that the spirit which inspired these men with love and service for the country may possess the hearts and souls of the citizens from one end of the land to the other. Make us worthy of this country, which Thou has granted us, with all its glorious memories, with all its glorious institutions.

We humbly and devoutly beseech Thee, O Lord God, of Thy tender mercy, be gracious unto the wife and the children who are bereaved and sit shrouded in unspeakable sorrow and grief to-day. Let Thy care be upon all sufferers, upon those who are bereaved. Keep us, guide us, and bring us at last to the home of Thy people in heaven. Through Jesus Christ our Saviour. Amen.

On motion of Mr. NELSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

CREDENTIALS.

Mr. ALLISON presented the credentials of JOHN H. GEAR, chosen by the legislature of Iowa a Senator from that State for the term beginning March 4, 1901; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 92) to amend section 864 of the Revised Statutes of the United States, in relation to making depositions de bene esse;

A bill (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888;

A bill (H. R. 2936) changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes;

A bill (H. R. 3718) for the preservation of the frigate *Constitution;*

A bill (H. R. 5066) to amend section 4290 of the Revised Statutes, relating to log entry of collisions; and

A bill (H. R. 5288) relating to lights on steam pilot vessels.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 734) relating to Cuban vessels; and

A bill (H. R. 284) granting permission and authority, without cost to the United States, to remove the existing line of levee in front of the marine-hospital property in New Orleans.

PETITIONS AND MEMORIALS.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying that an appropriation be made for the construction of more suitable and safer quarters for the United States district court at that city; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation providing for additional cable service to Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of sundry railway mail clerks of Bangor, Me., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a memorial of Parke Davis & Co., of Detroit, Mich., remonstrating against the free distribution by the Department of Agriculture of black-leg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the State Medical Society of Wyoming, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying for the enactment of legislation to increase the exhibits in the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a memorial of the Federation of Labor of Chicago, Ill., remonstrating against the cession of public lands; which was referred to the Committee on Public Lands.

Mr. CARTER presented a petition of sundry railway mail clerks of Helena, Mont., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAFFERY presented a memorial of the New Orleans Polyclynic Faculty, of New Orleans, La., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented a petition of the Sultana Survivors' Association, of Cleveland, Ohio, praying for the erection of a monument in memory of the soldiers who lost their lives by the destruction of the steamboat *Sultana;* which was referred to the Committee on the Library.

Mr. PENROSE presented a petition of the National Board of Trade, praying for the enactment of legislation to provide for the construction of a canal to connect the waters of the Atlantic and Pacific oceans; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying that an appropriation be made for the improvement of the rivers and harbors of the country; which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, praying that the United States Government cooperate with other nations insisting that the trade with the Chinese Empire shall be opened to all the nations of the world on equal terms; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Medical Society of Allegheny County, Pa., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VEST. I present a petition from business men of St. Louis, Mo., praying for the adoption of the pneumatic postal tube system in that city. It is a matter of the very greatest importance to that community; and I ask the Committee on Post-Offices and Post-Roads, to which committee I move that it be referred, to take early action, if possible, upon it.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 1066) granting a pension to Margaret E. Shipp, reported it with amendments, and submitted a report thereon.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 681) granting a pension to Julia D. Richardson, reported it with an amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1920) to establish the Fredericksburg and Adjacent National Battlefields Memorial Park in the State of Virginia, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 717) to provide for the purchase of a site and for the erection of a public building thereon at the city of Wheeling, State of West Virginia, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 126) to provide for the compulsory support of children by parents in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2638) authorizing the Commissioners of the District of Columbia to enter into a contract for the collection and disposal of garbage and dead animals in said District, reported it without amendment, and submitted a report thereon.

Mr. CHILTON, from the Committee on Interstate Commerce, to whom was referred the bill (S. 560) to amend section 4386 of the Revised Statutes of the United States, striking out "twenty-eight consecutive hours" and "twenty-eight hours" and inserting "forty consecutive hours" and "forty hours," reported it without amendment.

ASSISTANT CLERK TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE January 23, 1900, reported

it without amendment: and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized to employ temporarily an assistant clerk, to be paid from the contingent fund of the Senate at the rate of $100 per month.

STENOGRAPHER FOR COMMITTEE ON RELATIONS WITH CUBA.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT of Connecticut January 30, 1900, reported it without amendment: and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Relations with Cuba is hereby authorized to employ a stenographer from time to time to report hearings and proceedings before the committee, and that the expense of the same, together with that of hearings already had, be paid out of the contingent fund of the Senate.

STENOGRAPHER FOR INTERSTATE COMMERCE COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CULLOM January 31, 1900, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings held and to be held by the Committee on Interstate Commerce on the bill (S. 1439) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, be paid from the contingent fund of the Senate.

REPORT OF THE PHILIPPINE COMMISSION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the junior Senator from Massachusetts [Mr. LODGE] on the 8th instant, to report it with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment of the Committee on Printing was, in line 4, after the word "Commission," to add "and for the use of the Secretary of State 500 copies, to be sent to the State Department;" so as to make the resolution read:

Resolved, That there be printed for the use of the Senate, and sent to the Senate document room, 5,000 additional copies of volume 1 of the Report of the Philippine Commission, and for the use of the Secretary of State 500 copies, to be sent to the State Department.

The amendment was agreed to.

The resolution as amended was agreed to.

GOVERNMENT FOR PUERTO RICO.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. FORAKER on the 8th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 2,000 additional copies of Senate Document No. 147 and 2,000 additional copies of Senate Document No. 148.

BILLS INTRODUCED.

Mr. SIMON introduced a bill (S. 3099) granting an increase of pension to M. McCoy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3100) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a bill (S. 3101) to amend section 13 of the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899; which was read twice by its title, and referred to the Committee on Naval Affairs, with an accompanying letter from the Secretary of the Navy; which was ordered to be printed.

He also introduced a bill (S. 3102) granting a pension to Seleda Burnham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3103) to amend section 3878 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN introduced a bill (S. 3104) granting an increase of pension to Andrew Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3105) for the relief of the mother of William R. McAdam; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT of Connecticut introduced a bill (S. 3106) relating to the accounts of United States marshals and the clerks of the district courts for the Territory of Utah; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McBRIDE introduced a bill (S. 3107) granting a pension to Arthur I. Nicklin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KENNEY introduced a bill (S. 3108) to correct the military record of William H. Dennis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DEPEW introduced a bill (S. 3109) to promote and encourage the mining, mineral, and metallurgical sciences of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Mines and Mining.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3110) granting a pension to Amos F. Yeatts;

A bill (S. 3111) granting an increase of pension to Francis C. Flanegin:

A bill (S. 3112) granting an increase of pension to Francis A. Flanegin; and

A bill (S. 3113) granting an increase of pension to Joseph Zimmerman.

Mr. PENROSE introduced a bill (S. 3114) to correct the military record of Josiah H. Pearson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HALE introduced a joint resolution (S. R. 85) providing for the restoration to the Navy of graduates of the Naval Academy discharged in pursuance of the act of August 5, 1882; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO BILLS.

Mr. BAKER submitted an amendment proposing to appropriate $20,000 for ascertaining the depth of the bed rock at a place on Gila River near San Carlos, and for ascertaining the feasibility and estimating in detail cost of construction of a dam across the river for the purpose of irrigating the Sacaton Reservation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment directing that the money heretofore appropriated to purchase homes for the Absentee Wyandotte Indians in the Kiowa, Comanche, and Apache Reservation in Oklahoma shall be placed to the credit of the Kiowa and Comanche Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $750 for making necessary repairs of the Big Wind River Bridge on the Shoshone Agency, Wyo., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to increase the allowance for clerk hire at the consulate at Prague from $480 to $960, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to increase the salary of the consul at Ottawa from $3,000 to $4,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the allowance for clerk hire at the consulate at Naples from $480 to $1,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO THE FINANCIAL BILL.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes; which was referred to the Committee on Finance, and ordered to be printed, as follows:

Amend Senate amendment to said bill by adding at the end thereof the following section:

"SEC. —. That section 5138 of the Revised Statutes is hereby amended so as to read as follows:

"'SEC. 5138. No association shall be organized with a less capital than $100,000 except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 4,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000.'"

Mr. JONES of Arkansas submitted the following amendment intended to be proposed by him to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes; which was ordered to lie on the table and to be printed:

Strike out all after the enacting clause and insert:

"That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 412½ grains troy, of standard silver, nine-tenths fine, as provided by

the act of January 18, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold, and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued therefor in the manner now provided by law."

WITHDRAWAL OF PAPERS.

On motion of Mr. BURROWS, it was

Ordered, That leave be granted to Isabella Morrow to withdraw the papers on file in the Senate in the matter of her application for a pension (S. 1128, first session Fifty-fourth Congress), in accordance with the rule.

DEPARTMENT OF COMMERCE AND INDUSTRIES.

On motion of Mr. NELSON, it was

Ordered, That 1,000 additional copies of the bill (S. 738) to establish the department of commerce and industries, and of Report No. 320, accompanying the same, be printed for the use of the Senate.

HARBOR OF REFUGE AT SANDY BAY, MASSACHUSETTS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to send to the Senate, at the earliest practicable moment, the report of the engineers appointed by him under the provisions of the act of Congress approved March 3, 1899, to examine and report whether any modification should be made in the project of improving the harbor of refuge at Sandy Bay, Cape Ann, Massachusetts, and for which an appropriation was made by said act of Congress.

CHRISTIAN CRITZMAN.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay out of the miscellaneous items of the contingent fund of the Senate, to the Sergeant-at-Arms of the Senate, the sum of $49.32; and the said Sergeant-at-Arms is hereby directed to apply said amount to the payment of the funeral expenses and the expenses of the last sickness of Christian Critzman, deceased, late messenger to the Committee on Appropriations of the Senate, including the sum of $100 loaned to him by C. L. Reynolds to meet expenses of his last sickness, and also to provide a suitable headstone to mark his grave in the cemetery at Harrisburg, Pa., at a cost not to exceed $50; the sum herein provided to be in lieu of the usual allowance on the death of an employee of the Senate, and the voucher for payment of the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

AFFAIRS IN THE PHILIPPINE ISLANDS.

Mr. HOAR. I ask the unanimous consent of the Senate that a resolution of the Senate agreed to February 8, 1900, to print 5,000 extra copies of Senate Document No. 62 be rescinded. I made the motion at the request of some person who desired such copies and had a good many applications for it. The intent of the party was to have Senate Document No. 66 printed. Senate Document No. 62 is a document in three large numbers, and the 5,000 extra copies can not be printed within the statute. So I ask that the resolution may be rescinded, and instead thereof that there be printed for the use of the Senate 5,000 extra copies of Senate Document No. 66.

Mr. ALLISON. What is that document?

Mr. HOAR. It is a document entitled "Affairs in the Philippines."

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the resolution by which 5,000 copies of Document No. 62 were ordered to be printed be rescinded.

Mr. ALLISON. The document known as Document No. 62 is an important document also. I have had several requests for that document.

Mr. HOAR. It will cost more, I am told from the Committee on Printing, than the statute limit of $500 without a concurrent resolution, so that the order, I think, should be rescinded, and then there can be a new order sent to the committee if anyone desires.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered. The Senator from Massachusetts makes the further request that 5,000 extra copies of Senate Document No. 66 be printed.

Mr. HOAR. It is a little document of a few pages.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MONEYS DUE THE CHEROKEE NATION.

Mr. JONES of Arkansas. There was published a document in the third session of the Fifty-third Congress, Executive Document No. 182, which is a statement of the account between the United States and the Cherokee Indians. On inquiring for a copy of it this morning I find that I can not obtain a copy. This is a matter which will be presented to the Senate for its consideration perhaps at this session, and as there was a report made by the Attorney-General adverse to the claim, I ask that the document known as Senate Document No. 16 of the first session of the Fifty-fourth Congress and House Executive Document No. 182 of the third session of the Fifty-third Congress may be reprinted, and that both documents be printed together.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for a reprint of the two documents which he sends to the desk, and that they be printed in the same volume. Is there objection? The Chair hears none, and it is so ordered.

GOVERNMENT OWNERSHIP OF RAILROADS.

Mr. PETTIGREW. I ask unanimous consent to have 3,000 extra copies of Senate bill 1770 and the accompanying document, No. 53, printed for the use of the Senate. It will cost $140.50.

Mr. CULLOM. What is the bill about?

Mr. PETTIGREW. The bill provides for the nationalization of the railroads of the United States, and the document is on the same subject.

Mr. CULLOM. The bill provides for the purchase of all the railroads in the country?

Mr. PETTIGREW. Yes, sir.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota?

Mr. WOLCOTT. What is the request?

Mr. PLATT of Connecticut. To print a bill and document the supply of which has been exhausted. The document ought not to have been printed in the first, but it has been printed.

Mr. WOLCOTT. If it ought not to have been printed, the supply ought not to have been exhausted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

LIGHTS ON STEAM PILOT VESSELS.

The PRESIDENT pro tempore. The Senator from Maine, in the absence of the Senator from Ohio [Mr. HANNA] who reported the bill, desires to enter a motion to reconsider the vote by which the bill (S. 732) relating to lights on steam pilot vessels was passed on the 6th instant, and at the same time that the House be requested to return the said bill to the Senate. Is there objection? The Chair hears none, and it is so ordered.

THE FINANCIAL BILL.

The PRESIDENT pro tempore. If there be no further morning business, the Chair lays before the Senate House bill No. 1.

The SECRETARY. A bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. HOAR. Question. Will the Chair put the question?

The PRESIDENT pro tempore. What is the request of the Senator?

Mr. HOAR. I ask the Chair to put the question on the pending measure.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole and open to amendment. The pending question in Committee of the Whole is on the amendment reported by the Committee on Finance.

Mr. ALDRICH. I understood that the Senator from North Carolina [Mr. BUTLER] was going to speak this morning, or the Senator from Mississippi [Mr. MONEY]. Neither Senator seems to be in the Chamber at this moment, and perhaps we might go on with the Calendar until one of those Senators comes in.

Mr. JONES of Arkansas. The Senator from North Carolina was in his seat a few moments ago and went out. I do not suppose he had any idea that a proposition would be made to disregard the unanimous-consent agreement given some time ago and pass the bill in his absence.

Mr. HOAR. There was not any such proposition made. I had not heard any.

Mr. JONES of Arkansas. I understood the Senator from Massachusetts to make such a proposition.

Mr. HOAR. The question is not on the bill; it is on the amendment. There can be no difference on that point.

Mr. JONES of Arkansas. Of course there will be a number of amendments to be discussed, but I thought the Senator wanted the question put on the bill.

Mr. CHANDLER. If the junior Senator from Tennessee [Mr. TURLEY] were here I should call up the Pennsylvania case, and we would see if we could not make some progress in that. I have refrained from doing so because I was told by the chairman of the Committee on Finance that probably all the time would be occupied on the financial bill. Therefore I have not called it up; but I will notify the Senator from Tennessee, so that we may make progress in that case.

Mr. ALDRICH. Two or three Senators were expected to speak this morning. I do not know why they have not appeared.

Mr. JONES of Arkansas. I understood that the Senator from North Carolina was to speak. He did not tell me so himself, but I understood that he proposed to go on this morning. He was in his seat only a few moments ago, and went out of the Senate Chamber. I have sent to find him, but nobody seems to know where he is. I presume he will return to the Chamber in a very few minutes. I have no objection to going on with the Calendar in the meantime.

Mr. ALDRICH. I suggest that we go on with the Calendar in the absence of the Senator from North Carolina.

KATHARINE TAYLOR DODGE.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 2650) granting an increase of pension to Katherine Taylor Dodge.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 6, before the name "Taylor," to strike out "Katherine" and insert "Katharine;" in line 7, after the word "captain," to insert "and brevet major," and in line 9, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine Taylor Dodge, widow of Charles Dodge, late a captain and brevet major, Company C, Twenty-fourth United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she now receives.

The amendments were agreed to.

Mr. GALLINGER. Let the word "junior" be inserted after the name of the soldier, so as to read "Charles Dodge, jr."

The SECRETARY. Insert the word "junior" after the word "Dodge," in line 7.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Katharine Taylor Dodge."

PUBLIC BUILDING AT DEADWOOD, S. DAK.

Mr. RAWLINS. I ask leave out of order to make a favorable report from the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. RAWLINS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 16) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota, to report it without amendment.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill just reported. It has passed the Senate in its present form in every Congress since 1890.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of the bill just reported. It will be read to the Senate for its information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Deadwood, S. Dak., the cost of site and building, including vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $200,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOG ENTRY OF COLLISIONS.

The bill (H. R. 5066) to amend section 4290 of the Revised Statutes relating to log entry of collisions was read the first time by its title.

Mr. CLAY. A similar bill to the one just laid before the Senate was reported favorably from the Committee on Commerce, and was passed by the Senate yesterday. I ask that the House bill be taken up and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. The bill from the House will be read.

The bill was read the second time at length, as follows:

Be it enacted, etc., That section 4290 of the Revised Statutes be amended by adding the following:

"Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in section 4291, and failure to make such entry shall subject the offender to the penalties prescribed by section 4292."

SEC. 2. That this act shall take effect sixty days after its passage.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The vote by which the bill (S. 731) to amend section 4290 of the Revised Statutes, relating to log entry of collisions, was passed will be reconsidered, and the bill will be indefinitely postponed, without objection.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 92) to amend section 864 of the Revised Statutes of the United States, in relation to making depositions de bene esse; and

A bill (H. R. 2936) changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes.

The bill (H. R. 969) to amend section 5 of an act to relieve certain appointed and enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 3718) for the preservation of the frigate *Constitution* was read twice by its title.

Mr. LODGE. I ask that the bill lie on the table, because there is a bill already reported on that subject from the Committee on Naval Affairs.

The PRESIDENT pro tempore. Does the Senator ask that it go to the Calendar?

Mr. GALLINGER (to Mr. LODGE). Ask for its consideration.

Mr. LODGE. I should be glad to have it considered now, but I do not see on the floor the Senator who reported the Senate bill. Let it lie on the table for the present.

The PRESIDENT pro tempore. The bill will lie on the table for the present.

THE FINANCIAL BILL.

Mr. ALLISON. I desire to give notice that on Tuesday morning, immediately after the conclusion of the routine business, I will, as briefly as I can, speak on the pending financial bill. I have arranged with the Senator from Nevada [Mr. JONES], who has also given notice that he will speak later in the day on Tuesday.

Mr. PLATT of Connecticut. Has not the Senator from Colorado [Mr. WOLCOTT] given notice for that day?

Mr. ALLISON. He will speak on Monday.

CONSIDERATION OF THE CALENDAR.

Mr. WARREN. I ask to call up the bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home.

Mr. COCKRELL. Now, I shall insist that we go on with the Calendar, and that we go on with it regularly. That is the proper way, and we will soon reach that bill.

Mr. WARREN. If the Senator from Missouri will insist on that; but I have been unfortunate enough to be near the head of the Calendar with bills important to me and to have to consent to various bills being called up. I desire to say in this connection that if we are to be permitted to call up bills from time to time near the last end of the Calendar, some of us who are near the first end will be compelled to object hereafter. I have no objection to our going to the Calendar now.

Mr. COCKRELL. What is the Order of Business?

Mr. WARREN. One hundred and thirty-six.

Mr. COCKRELL. We will reach it in a few minutes if we can go on with the Calendar.

Mr. WARREN. If we can go to the Calendar, certainly.

Mr. COCKRELL. I insist on going to the Calendar now.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the Senate proceed to consider bills on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the first bill on the Calendar.

ESTATE OF JOHN KENNEDY, DECEASED.

The bill (S. 66) for the relief of the heirs of Margaret Kennedy was announced as first on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the heirs of Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, $10,476, less any sum heretofore paid her in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888. The amount herein provided to be paid is to be in full compensation for all claim or demand of Margaret Kennedy as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of John Kennedy, by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of John Kennedy, in the District of Columbia, being the farm on which Fort Sedgwick was located.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE H. WHITE.

The bill (S. 1717) for the relief of George H. White was considered as in Committee of the Whole. It directs the Secretary of War to revoke and set aside so much of General Orders, No. 14, Headquarters Department of the Ohio, Cincinnati, Ohio, March 1,

1863, as approved the finding and sentence of the general court-martial dismissing Capt. George H. White, Nineteenth Regiment Michigan Infantry Volunteers, and to issue to White a certificate of discharge as of date March 1, 1863. But no pay, bounty, compensation, or allowance shall accrue to George H. White by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLINTON F. PULSIFER.

The bill (S. 101) for the relief of Clinton F. Pulsifer was considered as in Committee of the Whole. It proposes to pay to Clinton F. Pulsifer, of the State of Washington, $276.52, for surveys and resurveys of public lands, section and township lines, in township No. 14 north, range No. 9 west, Willamette base and meridian, duly accepted by the United States, but not heretofore paid for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT ON SITE OF FORT PHIL KEARNY MASSACRE.

The bill (S. 194) providing for a monument to mark the site of the Fort Phil Kearny massacre was considered as in Committee of the Whole. It directs the Secretary of War to mark the site of the Fort Phil Kearny massacre, that occurred on the 21st of December, 1866, by erecting on the site a monument of rough masonry and an historical tablet. But the site of the proposed monument, of not less than one-fourth of an acre in area, situated upon the most sightly portion of Massacre Hill, shall be donated to the United States. Five hundred dollars is appropriated, to be expended under direction of the Secretary of War for this purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF GEORGE W. LAWRENCE.

The bill (S. 739) for the relief of the estate of George W. Lawrence was considered as in Committee of the Whole. It proposes to submit to the Court of Claims the claim of George W. Lawrence for further compensation for the construction of the U. S. monitor *Wassuc* under his contract with the Navy Department of June 2, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

The bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was announced as next in order.

Mr. COCKRELL. Is there any report with that bill?

Mr. WARREN. Mr. President, I do not find that the Committee on Public Lands have made a report. This is a bill which has passed at former sessions of the Senate, and was quite fully discussed on those occasions. I assume that it was for that reason the Senator from Minnesota [Mr. NELSON], whom I do not now see in his seat, in reporting the bill did not think it necessary to submit a written report. I think the bill indicates very plainly what it is and what is its object.

Mr. COCKRELL. It is an absolute grant of 50,000 acres of land, I understand, to be selected by the State wherever it may choose, and to be disposed of as it may please——

Mr. WARREN. Not at all.

Mr. COCKRELL. To be disposed of in lots of 40 acres or 160 acres, or the whole tract in one body to be sold to one person at 25 cents an acre, or at any other price.

Mr. WARREN. That is not a correct statement, and I know the Senator does not wish to be incorrect; but he is perhaps not aware that the constitution of Wyoming and the laws of Congress protect the matter fully. The land is not to be selected, as the Senator suggests, in one body, nor can it be disposed of in one body to one person. It has to be sold under regulations which I am sure the Senator from Missouri must approve of.

The object is to assist in the support of the State Soldiers and Sailors' Home, and the Senator will doubtless acknowledge, after a moment's reflection, that the old soldiers and sailors who have spent a score of years or more in the high altitudes and dry climate of that region ought not to be taken a long distance and to a different climate and different location. It is impossible to conduct a home for the soldiers who apply for admission to the home of the State of Wyoming with the money already afforded by the General Government and such as the State might reasonably be called upon to appropriate. Therefore it is deemed wise to assist this very worthy object by conveying to the State 50,000 acres of land, which is to be selected under the constitution and regulations of the State, all of which have received the sanction of Congress heretofore.

I will say in that connection that the State of Wyoming had very much less land accredited for its selection from the public domain than had some other States. It has had perhaps but a third to a half as much as has been granted to the States more recently admitted. It has had but a fraction of what the older States—and I presume Missouri was one of them—have received through the swamp-land act, as that act has never been applied to the State of Wyoming and never could be applied. I very much hope there will be no objection to the bill.

Mr. COCKRELL. The swamp-land act does not apply to Wyoming because there is no swamp land there.

Mr. WARREN. No.

Mr. COCKRELL. It would apply if there was any swamp land there.

Mr. WARREN. I do not presume that the Senator from Missouri will insist that all the land selected under the swamp-land act would bear the definition that Webster or any other dictionary maker would give to the word "swamp" as applied to the land selected.

Mr. COCKRELL. I can only say for my own State, in that respect, that land which in 1849 was swamp land, and covered with water a large portion of the time, by reason of cultivation and drainage since that time has become dry land and rarely has water upon it now; but in Missouri, where the land is rolling, it would not be fair to look at it now and say it is not swamp land, though it was swamp land in 1849.

All these State soldiers' homes receive the same gratuity from the General Government. We appropriate for all the State soldiers' homes. Now, here is a proposition to give to one State soldiers' home 50,000 acres of land. This is a gift from the General Government direct to the State, and there are no conditions imposed. The question comes up whether the conditions imposed by the State or the restrictions, or whatever they may be, that have been heretofore imposed by the State, will apply to this grant subsequently made, and made without any reference to those conditions.

I suggest that this bill remain at the head of the Calendar until the data referred to in the former report can be presented to the Senate, and then let the bill be taken up and passed. I ask that it be passed over for the present without losing its place at the head of the Calendar.

Mr. WARREN. If the Senator from Missouri will permit me, before he objects to the consideration of the bill, I desire to say that the constitution of the State of Wyoming provides that no land can be sold at less than $10 an acre. It is not within human probability that this land will ever be sold. It is not sought to acquire this land for the purposes of sale, but for the revenue that may come from it from the rental of farming and grazing land. There are spots here and there of irrigated land, where people can raise live stock, and they may desire to rent some adjoining grazing land. It is impossible to obtain it from the Government in the way of lease, and the State, after selecting these lands, may lease them for small sums, it is true. But it will help the settler, it will help the State, and, what is more to the point, it will help the Soldiers and Sailors' Home. Our laws and constitution are such that every acre that goes to the State from the United States at any time, now or hereafter, is to be subject to all the rules, one of which I have quoted.

Mr. COCKRELL. On a bill of this importance, when there are millions and millions of acres of such lands that are yet to be disposed of by Congress, is it not right, when we are beginning to make a disposition of them, that we should have the facts stated in a report from the appropriate committee and spread upon the record? That is all I ask.

The PRESIDENT pro tempore. Does the Senator object to the bill?

Mr. COCKRELL. I do not object to it so as to place the bill under Rule IX; but I ask that it retain its place on the Calendar. I submit to the Senate that a bill of this importance should be accompanied with a printed report.

Mr. WARREN. I have no quarrel with the Senator from Missouri upon the proposition of passing the bill over without prejudice. But of course it is not within that Senator's power nor mine to force a report upon a bill that comes from a committee of which neither one of us is a member.

The PRESIDENT pro tempore. The bill goes over without prejudice.

FORT HAYS MILITARY RESERVATION.

The bill (S. 68) granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report be read in that case.

Mr. HARRIS. May I ask the Senator from Missouri to withdraw his objection while I make a statement?

Mr. COCKRELL. I have not made any objection. I have simply asked that the report be read.

Mr. HARRIS. I beg pardon. I thought the Senator had objected.

Mr. COCKRELL. No.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. NELSON January 22, 1900:

The Committee on Public Lands, to whom was referred the bill (S. 68) granting to the State of Kansas the Fort Hays Military Reservation, in said State, for the purposes of establishing western branches of the Kansas Agricultural College and the Kansas State Normal School thereon, and for a public park, have carefully considered the bill and respectfully submit the following report, with the recommendation that the bill do pass.

A bill identical with this was introduced in the Fifty-fifth Congress, passed the Senate, but did not come up for action in the House. The following is the essential part of the report submitted at that time:

"On the 18th of February, 1895, the legislature of the State of Kansas passed a concurrent resolution requesting the Senators and Representatives in Congress from that State to secure the passage of an act of Congress donating said Fort Hays Military Reservation to the State of Kansas for the purposes hereinbefore mentioned, which resolution is as follows:

"[House concurrent resolution No. 20. By Mr. Schlyer.]

"Whereas the experience of the settlers upon the plains of western Kansas, covering a period of more than twenty years, has demonstrated conclusively that agriculture can not be pursued with profit under existing natural conditions, and that artificial means and methods must be substituted therefor; and

"Whereas the tests and experiments required to determine the fitness of new methods applicable to these higher altitudes and limited rainfall can not be made at the Agricultural College of the State; and

"Whereas the Fort Hays Military Reservation, at an altitude of 2,000 feet above sea level, contains a valuable body of native timber that should be preserved to posterity, and the land of said reservation is admirably adapted for such experiments in agriculture as are required in the premises; and

"Whereas the buildings upon said military reservation, formerly used as residences for officers and their families, barracks for troops, storehouses, etc., are large and commodious, but can not be moved without destruction of their value, but in their position are of great value and could be used with little additional repairs for the purpose of a branch of the State Normal School, and

"Whereas the location of a branch of the State Normal School at this place would be central and convenient for the whole of the north half of the State; and

"Whereas the said military reservation has long since been abandoned by the United States Government as a military post: Now, therefore, be it

"*Resolved by the house of representatives of the State of Kansas (the senate concurring therein)*, That our Senators and Representatives in Congress are hereby requested to secure the passage of an act of Congress donating the said Fort Hays Military Reservation to the State of Kansas for the following public purposes:

"First. For a western branch of the Kansas Agricultural College.

"Second. For a western branch of the Kansas State Normal Institute.

"Third. For a public park.

"*Resolved further*, That the secretary of state be, and he is hereby, instructed to transmit a copy of these resolutions to the President of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative in Congress from the State of Kansas.

"STATE OF KANSAS, *Office of the Secretary of State:*

"I, W. E. Edwards, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original instrument of writing filed in my office February 18, 1895.

"In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 19th day of February, 1895.

"[SEAL.] W. E. EDWARDS,
"Secretary of State.

"On Saturday, February 23, 1895, a copy of said concurrent resolution was laid before the Senate by the Vice-President and was duly referred to the Committee on Public Lands, to accompany S. 2799.

"The Fort Hays Military Reservation is situated in what is known as the arid belt of the State of Kansas.

"This post was established in the early history of Kansas for the purpose of furnishing a convenient basis of operations against the Indian tribes of the West and was maintained for many years for that purpose. Excellent buildings were erected thereon for officers' quarters and other army purposes, and are admirably adapted in many respects for the purposes contemplated by this bill. As the Indian tribes were gathered on the reservations in the Indian Territory this military reservation became useless, and several years ago was abandoned as a military station and turned over to the Interior Department, and from thence until the present time it has been of no service to the Government of the United States; upon the contrary, a continued expense and embarrassment.

"In view of the arid condition of the land, it would be difficult to sell it for any reasonable amount. A part of the reservation is covered by an unusual growth of timber for that section of the country, and it is important that this timber be preserved for public-park purposes.

"The State of Kansas has already established a State agricultural college at Manhattan, in Riley County, about 110 miles west of the eastern border of the State. It has also established a State normal institute at Emporia, Lyon County, about 125 miles west of the eastern border of the State.

"The entire length of the State is about 407 miles, and the result is that the people in nearly two-thirds of the State are practically deprived of the benefits and advantages of both of these institutions.

"In view of the arid character of this land and its situation in the western part of the State, about 175 miles west of the present location of the Agricultural College and the State Normal Institute, it would furnish an admirable location for the establishment of branches of these institutions for the benefit of the inhabitants of nearly two-thirds of the State.

"It is and always has been the policy of the Government to encourage and develop institutions of learning of this character, and the establishment of a western branch of the State Agricultural College at this point would be particularly beneficial and appropriate, for the reasons herein stated and more fully set forth in the foregoing concurrent resolution, as it would form a nucleus from which important developments might be expected in determining the agricultural character and value of the arid lands in the western part of Kansas and eastern Colorado; and for all these reasons the committee is of the opinion that the policy contemplated by this bill is a wise and prudent one and will result beneficially not only to the State of Kansas, but to the whole country, and we therefore recommend the passage of this bill."

Mr. ALDRICH. How many acres are there in this proposed grant?

Mr. HARRIS. Seven thousand.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE FINANCIAL BILL.

Mr. CHILTON. I desire to give notice that to-morrow morning, after the Senator from New Hampshire [Mr. CHANDLER] shall have concluded his speech, I shall address the Senate briefly on the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

SOLDIERS' HOME AT CHARLESTON, S. C.

Mr. TILLMAN. Yesterday evening while I was absent a bill in which I am interested, being the bill (S. 1018) to establish a branch home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of disabled officers and enlisted men of the Volunteer Army and Navy of the United States, was reached on the Calendar and passed over. I have conferred this morning with the Senator from Connecticut [Mr. HAWLEY] in regard to that bill, as it was upon his objection it was passed over. I now ask that the bill may be recommitted to the Committee on Military Affairs.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

THE WILLIAM CRAMP & SONS CO.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 795) for the relief of The William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa.; which was passed over yesterday, I think under a misapprehension. It will take but a moment.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

Mr. LODGE. Mr. President, before that bill is read, I should like to ask to be allowed to take up the other bills which were passed over yesterday, including Order of Business No. 111, being the bill (S. 1934) for the relief of the Globe Works, of Boston, Mass., and Order of Business No. 114, being the bill (S. 1744) for the relief of the Atlantic Works, of Boston, Mass. If we are going back, I think all the bills of this character ought to be dealt with together.

Mr. STEWART. I have no objection to the bills referred to by the Senator being called up after mine shall have been disposed of.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill named by the Senator from Nevada?

FUNERAL OF GENERAL LAWTON.

Mr. ALDRICH. Mr. President, to enable Senators who desire to do so to attend the funeral of General Lawton, which takes place early this afternoon, I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 10, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 9, 1900.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, Almighty God, from our heart of hearts, for that long line of illustrious patriots whose daring deeds and heroism made possible our nation and whose lives and characters have sustained it through every crisis. But not so much for the heroism which clusters about their names do we bless Thee, as for the deep and hidden principle within which made them heroes, and which, while it lives, insures the life and perpetuity of our nation.

To-day the hearts of 70,000,000 people look up to Thee in sadness, yet with gratitude, for the noble, the true, the generous, the brave Lawton, typical American soldier, whose life went out by a bullet from the hand of one whom he would have befriended, to whom he offered the same liberty and freedom which he himself enjoyed and loved.

Sleep, comrade, sleep and rest
On the field of the grounded arm,
Where foes no more molest,
Nor sentry's shot alarm.

Your tent of silent green
We'll strew with fragrant flowers;
Yours has the suffering been,
The mem'ry shall be ours.

Hear us, when we commend to Thy care and keeping the broken-hearted widow and the fatherless children. Comfort them by the blessed thought of immortality; in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. WEAVER, for one week, on account of urgent business.
To Mr. RIORDAN, for ten days, on account of important business.
To Mr. HENRY C. SMITH, for two weeks, on account of important business.
To Mr. MCCLEARY, for Monday and Tuesday next.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 55. Joint resolution authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900—to the Committee on Foreign Affairs.

S. 160. An act to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.—to the Committee on Interstate and Foreign Commerce.

S. 1174. An act for the erection of a public building at Selma, Ala.—to the Committee on Public Buildings and Grounds.

S. 2198. An act increasing the limit of the cost of the public building at Salt Lake City, Utah—to the Committee on Public Buildings and Grounds.

S. R. 24. Joint resolution recognizing the able and gallant services of Capt. Francis Tuttle, Revenue-Cutter Service, his officers and men of the *Bear;* also the heroic services of Lieuts. David H. Jarvis, Ellsworth P. Bertholf, and Samuel J. Call, composing the overland expedition to Point Barrow, Arctic Ocean, for the relief of imperiled whalers—to the Committee on Interstate and Foreign Commerce.

S. 561. An act extending the time for the commencement and completion of the railroad bridge across the Illinois River, near Grafton, Ill., by the St. Louis, Perry and Chicago Railroad—to the Committee on Interstate and Foreign Commerce.

S. 282. An act extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887—to the Committee on Interstate and Foreign Commerce.

S. 146. An act for the relief of Thomas Chambers—to the Committee on Claims.

S. 1543. An act for the relief of M. D. Crow—to the Committee on Claims.

S. 1284. An act for the relief of W. H. L. Pepperell—to the Committee on Claims.

S. 468. An act for the relief of the Catholic Church at Macon City, Mo.—to the Committee on War Claims.

S. 446. An act for the relief of St. Charles College—to the Committee on War Claims.

S. 1746. An act to provide for the inspection of the boilers of the *Alvena* and *Ailsa*—to the Committee on the Merchant Marine and Fisheries.

S. 442. An act for the relief of M. E. Saville—to the Committee on Claims.

S. 2281. An act for the relief of Charles Stierlin—to the Committee on Military Affairs.

S. 195. An act for the relief of Louis Miller—to the Committee on Military Affairs.

S. 1894. An act for the relief of the Union Iron Works, of San Francisco, Cal.—to the Committee on Claims.

S. 792. An act for the relief of William H. Hugo—to the Committee on Military Affairs.

S. 2114. An act to constitute Manchester, Conn., a port of delivery—to the Committee on Ways and Means.

S. 2177. An act to extend the privilege of section 4216 of the Revised Statutes to the yacht *Andria*—to the Committee on the Merchant Marine and Fisheries.

S. R. 67. Joint resolution providing for the mounting and distribution of United States maps—to the Committee on Printing.

Senate concurrent resolution 25:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,500 extra copies of the report of the Director of the Geological Survey submitted to the Secretary of the Interior relating to the Cape Nome district, in Alaska, with maps accompanying the same, 2,500 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 5,000 copies for distribution by the Geological Survey—

to the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2925. An act to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C.;

S. R. 76. Joint resolution withdrawing certain lands on the island of Oahu, Hawaii, from the public domain;

S. 2943. An act granting an increase of pension to James J. Holland;

S. 731. An act to amend section 4290 of the Revised Statutes, relating to log entry of collisions;

S. 1938. An act to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army;

S. 281. An act to restore Benjamin W. Loring to the Revenue-Cutter Service;

S. 1881. An act defining and regulating proof in certain pension cases;

S. 148. An act to remove the charge of desertion from the record of Elias B. Bell;

S. 147. An act for the relief of Eunice Tripler, widow of Charles S. Tripler;

S. 1387. An act to place Francis W. Seeley on the retired list of the Army;

S. 1394. An act for the relief of Bvt. Col. Thomas P. O'Reilly;

S. R. 43. Joint resolution granting life-saving medal of the first class to Lieut. Fidelio S. Carter, of the United States Navy;

S. 1386. An act for the relief of Sarah K. McLean;

S. 1243. An act for the relief of the owner or owners of the schooner *Bergen;*

S. 102. An act for the relief of John O'Keane, of the State of Washington;

S. 256. An act for the relief of Albert C. Brown;

S. 41. An act to authorize the President to place Andrew Geddes on the retired list with the rank of captain; and

S. 8. An act for the correction of muster of Adolph von Haake, late major, Sixty-eighth Regiment New York Veteran Volunteer Infantry.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4000) to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.

A bill (H. R. 5066) to amend section 4290 of the Revised Statutes, relating to log entry of collisions.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 734) relating to Cuban vessels.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 732) relating to lights of steam pilot vessels.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 284) granting permission and authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, La.; when the Speaker signed the same.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 734. An act relating to Cuban vessels.

ASSISTANT CLERK FOR THE COMMITTEE ON THE JUDICIARY.

Mr. JOY. Mr. Speaker, I have some reports from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri [Mr. JOY] presents a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the chairman of the Committee on the Judiciary be, and he is hereby, authorized to appoint an assistant clerk for said committee, his salary to be paid from the contingent fund of the House.

With the following amendment:

Amend the resolution so that it will read:

"*Resolved*, That the chairman of the Committee on the Judiciary be, and he is hereby, authorized to appoint an assistant clerk for said committee during the sessions of the Fifty-sixth Congress, his salary to be paid from the contingent fund of the House, at the rate of $6 per day."

The SPEAKER. The question is on agreeing to the resolution.

Mr. RICHARDSON. Mr. Speaker, I believe we ought to have some explanation of the necessity for this extra clerk. I thought that committee had their usual clerk.

Mr. JOY. They have one clerk; but the chairman has no personal clerk whatever, as no chairman has, unless provided for specially. Still, the Committee on the Judiciary and the chairman of that committee informs our committee and we learn that he requires the assistance of a law clerk. Assistance such as required in that committee can not be obtained for a hundred dollars a month. A man has to be employed who is familiar with the law and legal precedents and prepared to look up legal matters and submit them to the committee. The gentleman from New York [Mr. RAY] can give you, perhaps, a fuller explanation than I can.

Mr. RICHARDSON. I would like to ask the chairman of the committee if it is not unusual, if it has been customary, to give two clerks to the Committee on the Judiciary?

Mr. JOY. It has not; but it appears to us, unanimously, that it ought to be done at this time; that the work is of that peculiar nature that a high-priced service is required of the clerical force of that committee. It is the only case in which we have gone beyond what has been done for the committees heretofore. Some of them have been cut off, but it seemed to us that this committee has need of clerical service which it has not had heretofore.

Mr. RICHARDSON. Mr. Speaker, I only want to say, before the gentleman from New York addresses the House, that I do not want to stand in the way of whatever may be necessary for the proper dispatch of business and the transaction of the public business; but it seems to me we are getting along pretty fast, making so many clerks in the last few days, and so many extra offices, that we are now going further than we have ever gone; and now it is proposed to give two clerks to the Committee on the Judiciary. It seems to me that we ought to hold up. I am not inclined to object to the measure if the gentleman from New York can show us that it is necessary.

Mr. RAY of New York. The Speaker of this House——

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. JOY. I request the gentleman from New York to make a statement.

Mr. RAY of New York. Mr. Speaker, it is a well-known fact that during the last Congress the Committee on the Judiciary was not properly supplied with clerical assistance; and either the clerk of that Committee, who did the work for the present Speaker of the House, had to divide his salary with an assistant and live in a manner that will hardly comport with the dignity of anyone residing in this District, or else the Speaker had to pay it out of his own pocket, which I think he did. I know that the present chairman of the committee, in order to do the work of the committee and do it properly, is now paying out of his own pocket over $100 every month. We have a large number of bills, affecting every interest and nearly every court all over the United States.

I have letters every day, dozens of them, sometimes more than two dozen, from judges, marshals, and other officials of this Government, making inquiries. It keeps a stenographer busy all the time to answer those communications, and it takes the time of the clerk of the committee to attend to the wants of the members of the committee. Now, I can, as I have in the past, pay out of my own pocket this money for clerk hire, if necessary; but it seems to me that the Government of the United States is able to pay the necessary clerk hire to do the work of this House.

If it were a personal matter, I would not ask it; but we can not with one clerk do the work of that committee, and do it as we ought to do it, do it as gentlemen of the House expect it to be done, do it as the judges and officials of the Government want it done. The clerk is a session clerk only. It does not make a large additional charge; and I want to say to the gentleman that I do know that we need this extra session clerk more than committees asking and receiving similar assistance the other day. The Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Interstate Commerce were granted assistant clerks, and I know need additional help. I would not ask it for the Judiciary Committee if we did not need it in the public interest.

Mr. RICHARDSON. Mr. Speaker, I do not understand whether this clerk is to be a session clerk or to go on the rolls permanently.

Mr. JOY. A session clerk, for the sessions of this Congress.

Mr. RICHARDSON. Now, from what the gentleman from New York says, it may be necessary, under his administration of the Committee on the Judiciary, to have this extra clerk. The gentleman states that when the present able Speaker of the House was chairman of the committee, last Congress, he needed it; but we all know that he got along without this extra clerk, and I want to commend his example to the chairman of the Committee on the Judiciary and see if he can dispense with the services of this clerk, doing the work as efficiently and as satisfactorily and with the same result as the former chairman of the committee did, he certainly ought not to complain. Now, I do not want to object to the giving of this extra clerk if the gentlemen of the committee need it. But it is not stated that they have any more bills than they had in the last House, or that they have any more business than in the former Congress; and it seems to me that this is simply piling up expenses and making precedents from which we will not escape; because when you give this committee this extra clerk for this session it means for all time to come we have an extra clerk for the Committee on the Judiciary.

Mr. RAY of New York. I do not know about that.

Mr. RICHARDSON. I will ask the gentleman if he remembers any revolution of that kind going backward. It becomes a fixed precedent, which will remain with us forever.

Mr. RAY of New York. If it is absolutely necessary, on account of the great growth of this country of ours, and the growth of its business interests, the gentleman ought to be willing to give this additional help. I want to say to the gentleman from Tennessee that in the Fifty-fourth Congress the Committee on Invalid Pensions had two more clerks than the Fifty-fifth Congress had. To get along with that work in the Fifty-fifth Congress I paid money every month out of my pocket in order to have the necessary work properly done.

Now, I do not think that was right or fair, and I do not believe that any just-minded man in this House wants the chairman of any committee here to pay money out of his own pocket to do the public business. You want it done efficiently and done well.

Mr. RIDGELY. How many clerks has the committee on the roll now?

Mr. RAY of New York. We have one annual clerk.

Mr. RIDGELY. This is simply for a session clerk?

Mr. RAY of New York. It is simply for an assistant clerk for the session.

Mr. RIDGELY. I think it ought to be furnished.

Mr. CAPRON. That is right; the committee ought to have it.

Mr. BARTLETT. Mr. Speaker, I would like to say a word upon this matter, not with a view of opposing the resolution because I am upon the Committee on Accounts. That committee appointed a subcommittee to take this matter in hand, and they made a thorough investigation of it on yesterday. They had a hearing and various chairmen of committees were before it. I believe they had the gentleman from New York [Mr. RAY] before them, and it was after the report of the subcommittee, composed of two members of the majority and one member of the minority—I was not on the subcommittee—that the Committee on Accounts voted unanimously to make this report and to give the chairman of the Judiciary Committee an extra clerk at the rate fixed.

Now, one fact that influenced some of us, and I believe the most of us, on the Committee on Accounts in giving the additional clerk to these committees is that, by reason of the law as it now stands on the statute book, the chairmen of the various committees of the House having annual or session clerks have no one to do their individual or private work. In other words, the chairmen of the various committees of the House have no one to do their individual work except the clerks of the committee, and the clerks of the committee being engaged in many cases, especially in the case of large committees, such as the Judiciary and various other committees of the House, are so busy with the work of the committee that the chairmen either have to do their own work or pay out of their own pockets to have it done.

Mr. RAY of New York. That is true.

Mr. BARTLETT. That is one of the main reasons that influenced the committee, or at least influenced me, to vote for this resolution. I understand the gentleman from New York [Mr. RAY], the chairman of the Committee on the Judiciary, to say that it is absolutely necessary to have this additional clerk in order to do the work of the committee satisfactorily and to relieve the chairman of that committee of the necessity of paying out of his own pocket money for work to be done for the committee. I think the gentleman ought to have this relief. The resolution was unanimously reported from the committee.

Mr. RAY of New York. I thank the gentleman from Georgia. I think he has presented the matter in a stronger light than I could myself.

The amendment to the resolution was agreed to.

The resolution was agreed to.

On motion of Mr. JOY, a motion to reconsider the vote last passed was laid on the table.

PAY OF COMMITTEE CLERKS.

Mr. JOY, from the Committee on Accounts, offered the following resolution, which was read by the Clerk:

Resolved, That the resolution adopted February 7, 1900, which provides that the chairman of the Military Affairs Committee be authorized to appoint an assistant clerk for the Committee on Military Affairs, be amended to read as follows:

Resolved, That the appointment of an assistant clerk to the Committee on Military Affairs for the sessions of the Fifty-sixth Congress is hereby authorized, said clerk to be paid out of the contingent fund of the House at the rate of $6 per day.

Mr. RICHARDSON. Mr. Speaker, I would like to know what is the necessity for this amendment.

Mr. JOY. Through an oversight of the reading clerk the other day three resolutions were improperly read, so that the clerks can not be paid. The resolutions did not provide in the body of the resolution that clerks should be paid out of the contingent fund of the House. These resolutions are only to correct that error, so that payment can be made.

The resolution was agreed to.

Mr. JOY, from the Committee on Accounts, also offered the following resolution; which was read by the Clerk:

Resolved, That the resolution adopted February 7, 1900, providing for the appointment of an assistant clerk to the Committee on Interstate and Foreign Commerce, be amended so as to read as follows:

"*Resolved*, That the appointment of an assistant clerk to the Committee

on Interstate and Foreign Commerce for the sessions of the Fifty-sixth Congress is hereby authorized, said clerk to be paid out of the contingent fund of the House, at the rate of $6 per day."

The resolution was agreed to.

Mr. JOY, from the Committee on Accounts, also offered the following resolution; which was read by the Clerk:

Resolved, That the resolution adopted February 7, 1900, providing for the appointment of an assistant clerk to the Committee on Naval Affairs, be amended so as to read as follows:

"*Resolved*, That the appointment of an assistant clerk to the Committee on Naval Affairs for the sessions of the Fifty-sixth Congress is hereby authorized, said clerk to be paid out of the contingent fund of the House, at the rate of $6 per day."

The resolution was agreed to.

F. W. TURPIN, JR.

Mr. HENRY C. SMITH, from the Committee on Accounts, submitted a privileged report from that committee, reporting back House resolution No. 121 with the recommendation that it do pass.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay, out of the contingent fund of the House, to F. W. Turpin, jr., the sum of $73.22, being the amount due him as the clerk of Hon. Samuel T. Baird, late Representative-elect from the Fifth Congressional district of Louisiana, from April 1 to April 22, 1899.

The resolution was agreed to.

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Mr. HENRY C. SMITH also reported back favorably from the Committee on Accounts the following resolution:

Resolved, That the Doorkeeper of the House is hereby authorized to continue the employment of John Tate as page in the press gallery of the House during the sessions of the Fifty-sixth Congress, at the rate of $75 per month, to be paid out of the contingent fund of the House.

The resolution was agreed to.

Mr. HENRY C. SMITH. I move to reconsider the two votes last taken, and also move that the motion to reconsider be laid on the table.

The motion was agreed to.

ADJOURNMENT OVER, RECESS, ETC.

Mr. PAYNE. I move that when the House adjourn to-day it be to meet on Monday next.

The motion was agreed to.

Mr. PAYNE. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

Mr. SIMS. Is this motion debatable?

The SPEAKER. The Chair is inclined to think not.

Mr. SIMS. I would like, at any rate, to ask a question.

Mr. RICHARDSON. Mr. Speaker, this is private-bill day. We have not yet had a single day this session for the consideration of business on the Private Calendar.

Mr. PAYNE. I understand that this motion is not debatable.

The SPEAKER. The Chair is not quite clear upon the point.

Mr. RICHARDSON. Why should we now take a recess? If we are going to adjourn over, why not adjourn over? Last Friday we did not succeed in having the Private Calendar considered. Two weeks ago and three weeks ago the case was the same.

Mr. PAYNE. Does the Chair hold that this motion is debatable or not?

The SPEAKER. The Chair has not ruled on the subject. He was availing himself of the opportunity to hear the interchange of views between the gentleman from New York [Mr. PAYNE] and the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Why not go on now with the Private Calendar or adjourn over? I think we ought to have to-day for the Private Calendar. We have not had a Private Calendar day up to the present time this session.

Mr. SIMS. I will say very frankly to the gentleman from New York [Mr. PAYNE], if I may be permitted to do so——

The SPEAKER. Without having it understood as a precedent (for the Chair is not clear on the point), the Chair will be glad to hear what gentlemen may desire to say on the subject of taking a recess.

Mr. SIMS. Mr. Speaker, I am a member of the Committee on War Claims. That committee has been in session every week since the committee was organized. We have been engaged in considering bills before that committee, a number of which have been reported. It seems they are not to be considered by the House. If this kind of thing is to go on, I do not see the use of having such a committee or of its holding meetings. If the bills reported by that committee are such as ought not to be passed, let the House act on them and vote them down; on the other hand, if they ought to be passed, let them have the same consideration as the other bills.

Mr. Speaker, this is the third month of the present session, and we have not yet had a single private bill day under the rules. I certainly think we are entitled to have the business on the Private Calendar considered. Pension bills and bills to remove the charge of desertion and to correct military records have under the rules exclusive right of way at the Friday evening sessions. I should like to know, then, why we should take a recess, giving preference to that class of private bills and cutting out this other class. I think we ought to devote to-day to the Private Calendar or else not have a night session. I am in favor of both.

Mr. MERCER. Mr. Speaker, would it be in order at this time, for the purpose of saving discussion, to ask unanimous consent that we devote two hours and a half of to-day's session to pension business in lieu of having a night session?

Mr. SIMS. But what we desire is consideration of such private bills on the Calendar as are in order during to-day's session.

Mr. MERCER. Would the gentleman object to the proposition I have suggested?

Mr. SIMS. I want to have the Private Calendar taken up to-day and proceeded with in its regular order.

Mr. MERCER. In preference to pension legislation?

Mr. SIMS. We can give to-morrow to pension business. The fact of our adjourning over until Monday shows that we have a day to spare. If private bills, in order at the day sessions on Fridays, are not to be acted on by the House, what is the use of our going through the farce of having a committee consider and report them?

Mr. PAYNE. Mr. Speaker, I made this motion——

Mr. GIBSON. I ask the gentleman from New York whether we can not agree to adjourn now and let next Tuesday be devoted to the business of the Private Calendar, instead of to-day.

Mr. SIMS. Something of that kind would suit us.

Mr. PAYNE. I can not consent to the suggestion of the gentleman from Tennessee. I made my motion for two reasons. One was that the chairman of the Committee on War Claims is not here to-day; I understand he has been called out of town. The other reason was that a great many gentlemen have spoken to me, saying they would like to attend General Lawton's funeral this afternoon. I thought from these expressions that we should be without a quorum this afternoon, so I made this motion while gentlemen were still here, so that we might have an expression of the House upon it.

Mr. Speaker, if necessary I move the previous question.

Mr. PARKER of New Jersey. I should like to say a word on the point of order—nothing else.

The SPEAKER. The gentleman from New York [Mr. PAYNE] demands the previous question.

Mr. PARKER of New Jersey. I only want to speak on the point of order. I understood the point of order was made that the motion was not debatable.

The SPEAKER. We have passed that point. The question is on ordering the previous question on the motion of the gentleman from New York [Mr. PAYNE].

The question being taken, the Speaker announced that the noes appeared to have it.

On a division (demanded by Mr. PAYNE) there were—ayes 104, noes 69.

Accordingly the previous question was ordered.

Mr. LOUD. Now, Mr. Speaker, out of respect for the occasion, I move that the House do now adjourn.

The question being taken on the motion of Mr. LOUD, the Speaker announced that the ayes appeared to have it.

Mr. PAYNE demanded a division.

Pending the division,

Mr. HILL demanded the yeas and nays.

Mr. TERRY. Mr. Speaker, ought they not to take the other side before demanding the yeas and nays.

The SPEAKER. The demand for the yeas and nays is in order at any time pending a division.

The yeas and nays were ordered.

Mr. GIBSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The calling of the roll has been ordered.

Mr. VANDIVER. Mr. Speaker, a parliamentary inquiry.

Mr. GIBSON. I wish to know whether, if this motion is carried, it does away with the motion previously passed to take a recess until 8 o'clock.

Mr. PAYNE. That motion was not passed.

The SPEAKER. That motion was not passed. If this motion prevails, the House will adjourn until 12 o'clock noon on Monday next. The Clerk will call the roll.

The question was taken; and there were—yeas 84, nays 152, answered "present" 6, not voting 112; as follows:

YEAS—84.

Acheson,	Broussard,	Davis,	Grosvenor,
Adamson,	Brundidge,	De Armond,	Henry, Miss.
Allen, Ky.	Burleson,	De Graffenreid,	Henry, Tex.
Atwater,	Burnett,	Dinsmore,	Jones, Va.
Bailey, Tex.	Calderhead,	Elliott,	Kitchin,
Bankhead,	Carmack,	Epes,	Kleberg,
Bartlett,	Clark, Mo.	Fitzgerald, N. Y.	Kluttz,
Bellamy,	Cochran, Mo.	Gaines,	Lanham,
Benton,	Cooper, Tex.	Gilbert,	Latimer,
Berry,	Cowherd,	Gillett, Mass.	Lester,
Brantley,	Cusack,	Griffith,	Levy,
Breazeale,	Davey,	Griggs,	Lewis,

Little,	Rhea, Va.	Sheppard,	Thomas, N. C.
Lloyd,	Richardson,	Sims,	Turner,
Loud,	Rixey,	Spight,	Wanger,
McCulloch,	Robb,	Stephens, Tex.	Wheeler, Ky.
McJain,	Robbins,	Stokes,	Williams, W. E.
Maddox,	Robertson, La.	Sulzer,	Williams, Miss.
Norton, S. C.	Rucker,	Swanson,	Wilson, Idaho
Quarles,	Ryan, Pa.	Talbert,	Wilson, N. Y.
Ransdell,	Shackleford,	Terry,	Young, Va.

NAYS—152.

Adams,	Dovener,	Kerr,	Reeder,
Alexander,	Eddy,	Knox,	Ridgely,
Allen, Me.	Emerson,	Lacey,	Roberts,
Bailey, Kans.	Esch,	Landis,	Robinson, Ind.
Baker,	Finley,	Lane,	Salmon,
Barham,	Fitzgerald, Mass.	Lawrence,	Shafroth,
Bartholdt,	Fletcher,	Lentz,	Shattuc,
Bishop,	Fordney,	Linney,	Shelden,
Boreing,	Fowler,	Long,	Showalter,
Boutell, Ill.	Gamble,	Lorimer,	Sibley,
Bowersock,	Gardner, N. J.	Lovering,	Slayden,
Brenner,	Gaston,	Lybrand,	Smith, H. C.
Brick,	Gibson,	McCall,	Snodgrass,
Bromwell,	Glynn,	McDowell,	Southard,
Brosius,	Gordon,	Mann,	Spalding,
Brown,	Graff,	Marsh,	Sperry,
Brownlow,	Graham,	Meekison,	Sprague,
Burke, S. Dak.	Greene, Mass.	Miers, Ind.	Steele,
Burkett,	Grout,	Minor,	Stewart, Wis.
Burleigh,	Grow,	Mondell,	Sulloway,
Burton,	Hamilton,	Moody, Mass.	Sutherland,
Butler,	Hangen,	Moody, Oreg.	Tayler, Ohio
Caldwell,	Hawley,	Moon,	Thayer,
Capron,	Heatwole,	Mudd,	Thomas, Iowa
Clarke, N. H.	Hedge,	Naphen,	Thropp,
Cochrane, N. Y.	Hemenway,	Needham,	Tongue,
Connell,	Henry, Conn.	Neville,	Vandiver,
Carliss,	Hepburn,	Olmsted,	Van Voorhis,
Crawford,	Hill,	Otjen,	Vreeland,
Cromer,	Hitt,	Overstreet,	Wadsworth,
Crump,	Hoffecker,	Parker, N. J.	Warner,
Crumpacker,	Hopkins,	Payne,	Waters,
Curtis,	Howell,	Pearce, Mo.	Watson,
Cushman,	Jack,	Pearre,	Weaver,
Dalzell,	Jett,	Powers,	Weeks,
Davenport, S. A.	Johnston,	Prince,	Williams, J. R.
Davenport, S. W.	Jones, Wash.	Pugh,	Young, Pa.
Davidson,	Kahn,	Ray,	Zenor.

ANSWERED "PRESENT"—6.

Burke, Tex.	McClellan,	Polk,	Wilson, S. C.
Hay,	Otey,		

NOT VOTING—112.

Allen, Miss.	Denny,	Livingston,	Ruppert,
Babcock,	Dick,	Loudenslager,	Russell,
Ball,	Dolliver,	McAleer,	Ryan, N. Y.
Barber,	Dougherty,	McCleary,	Scudder,
Barney,	Driggs,	McPherson,	Sherman,
Bell,	Driscoll,	McRae,	Small,
Bingham,	Faris,	Mahon,	Smith, Ill.
Boutelle, Me.	Fitzpatrick,	May,	Smith, Ky.
Bradley,	Fleming,	Mercer,	Smith, Samuel W.
Brewer,	Foss,	Mesick,	Smith, Wm. Alden
Bull,	Foster,	Metcalf,	Sparkman,
Campbell,	Fox,	Meyer, La.	Stallings,
Cannon,	Freer,	Miller,	Stark,
Catchings,	Gardner, Mich.	Morgan,	Stevens, Minn.
Chanler,	Gayle,	Morris,	Stewart, N. J.
Chickering,	Gill,	Muller,	Stewart, N. Y.
Clayton, Ala.	Gillet, N. Y.	Newlands,	Tate,
Clayton, N. Y.	Green, Pa.	Noonan,	Tawney,
Cooney,	Hall,	Norton, Ohio	Taylor, Ala.
Cooper, Wis.	Harmer,	O'Grady,	Tompkins,
Cousins,	Howard,	Packer, Pa.	Underhill,
Cox,	Hull,	Pierce, Tenn.	Underwood,
Crowley,	Jenkins,	Phillips,	Wachter,
Cummings,	Joy,	Reeves,	Weymouth,
Dahle, Wis.	Ketcham,	Rhea, Ky.	Wheeler, Ala.
Daly, N. J.	Lamb,	Riordan,	White,
Dayton,	Littauer,	Robinson, Nebr.	Wright,
De Vries,	Littlefield,	Rodenberg,	Ziegler.

So the motion to adjourn was rejected.

Mr. MORRIS. Mr. Speaker, I was not in the House when the roll was called. I should like to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MORRIS. I was not.

The SPEAKER. Under the rule the Chair can not entertain the gentleman's request.

Mr. SUTHERLAND. My colleagues, Mr. STARK and Mr. ROBINSON of Nebraska, are absent attending the funeral of General Lawton. If they were present they would have voted on this roll call. I have been unable to pair them, and I wish to state this.

Mr. WHEELER of Kentucky. I am paired with the gentleman from California, Mr. METCALF, and desire to withdraw my vote.

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. McCLELLAN. Did the gentleman from Connecticut, Mr. RUSSELL, vote?

The SPEAKER. He did not.

Mr. McCLELLAN. I have a permanent pair with the gentleman from Connecticut, and therefore I desire to withdraw my vote and be recorded as present.

Mr. RICHARDSON. My colleague, Mr. PIERCE of Tennessee, is detained in his room by illness. I wish to make that announcement.

Mr. WILSON of South Carolina. I wish to know if the gentleman from Michigan, Mr. WM. ALDEN SMITH, is recorded?

The SPEAKER. He is not.

Mr. WILSON of South Carolina. Then I withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. HAY. I am paired with the gentleman from Iowa, Mr. HULL. I understand that he has not voted, and therefore withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. POLK. I desire to know if the gentleman from Pennsylvania, Mr. PACKER, is recorded.

The SPEAKER. He has not voted.

Mr. POLK. I withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

The Clerk announced the following pairs:

Until further notice:

Mr. PACKER of Pennsylvania with Mr. POLK.
Mr. RUSSELL with Mr. McCLELLAN.
Mr. WEYMOUTH with Mr. ZIEGLER.
Mr. BINGHAM with Mr. RUPPERT.
Mr. WRIGHT with Mr. HALL.
Mr. LANDIS with Mr. MIERS of Indiana.
Mr. REEVES with Mr. SPARKMAN.
Mr. SHERMAN with Mr. DRIGGS.
Mr. HULL with Mr. HAY.
Mr. BISHOP with Mr. CAMPBELL.
Mr. MAHON with Mr. OTEY.
Mr. GREENE of Massachusetts with Mr. CARMACK.
Mr. CHICKERING with Mr. GAYLE.
Mr. FOWLER with Mr. BARTLETT.
Mr. FARIS with Mr. MAY.
Mr. WM. ALDEN SMITH with Mr. WILSON of North Carolina.
Mr. BARNEY with Mr. ALLEN of Mississippi.
Mr. MESICK with Mr. BURKE of Texas.
Mr. HARMER with Mr. FITZPATRICK.

For this day:

Mr. COOPER of Wisconsin with Mr. COX.
Mr. CANNON with Mr. CLAYTON of New York.
Mr. BULL with Mr. BALL.
Mr. PHILLIPS with Mr. HOWARD.
Mr. CLARKE of New Hampshire with Mr. SCUDDER.
Mr. MERCER with Mr. LIVINGSTON.
Mr. KETCHAM with Mr. CLAYTON of Alabama.
Mr. TOMPKINS with Mr. TATE.
Mr. WACHTER with Mr. SMITH of Kentucky.
Mr. DICK with Mr. McALEER.
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. TAWNEY with Mr. UNDERWOOD.
Mr. JENKINS with Mr. MULLER.
Mr. GARDNER of Michigan with Mr. PIERCE of Tennessee.
Mr. STEWART of New York with Mr. BRADLEY.
Mr. COUSINS with Mr. McRAE.
Mr. GILL with Mr. CATCHINGS.
Mr. FREER with Mr. FLEMING.
Mr. SAMUEL W. SMITH with Mr. RYAN of New York.
Mr. RODENBERG with Mr. RHEA of Kentucky.
Mr. DOLLIVER with Mr. CUMMINGS.
Mr. LOUDENSLAGER with Mr. DENNY.
Mr. MORRIS with Mr. COONEY.
Mr. LITTAUER with Mr. FOX.
Mr. JOY with Mr. CHANLER.
Mr. MORGAN with Mr. CROWLEY.
Mr. BABCOCK with Mr. BARBER.
Mr. BOUTELLE of Maine with Mr. NORTON of Ohio.
Mr. GILLET of New York with Mr. GREEN of Pennsylvania.
Mr. FOSS with Mr. FOSTER.
Mr. DRISCOLL with Mr. NOONAN.
Mr. DAHLE of Wisconsin with Mr. DOUGHERTY.
Mr. LITTLEFIELD with Mr. DALY of New Jersey.
Mr. McPHERSON with Mr. SMALL.
Mr. MILLER with Mr. RIORDAN.
Mr. STEVENS of Minnesota with Mr. STALLINGS.

The result of the vote was announced as above recorded.

CONTESTED-ELECTION CASE—WISE AGAINST YOUNG.

Mr. BURKE of Texas. Mr. Speaker, I have been physically unable to prepare the views of the minority in the contested-election case of Wise against Young. I was confined to my bed two days this week; and I ask the House to give me until Tuesday next to

present my views, and I will ask no further extension of time. I am unable to do it at this time. If I were able, I would not make the request of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent to have the time extended in which to present the views of the minority in the contested-election case of Wise against Young until Tuesday next. Is there objection?

Mr. WEEKS. Mr. Speaker, I have just consented to an extension until Monday next. Does the gentleman now ask another day?

Mr. BURKE of Texas. I would ask that the time be extended until Tuesday next. I do not know whether I will be able to complete it by Monday.

Mr. WEEKS. I consent to that, Mr. Speaker.

The SPEAKER. The question recurs upon the motion of the gentleman from New York, upon which the previous question has been ordered, to take a recess until 8 o'clock this evening.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SIMS. Division, Mr. Speaker.

The House divided; and there were—ayes 107, noes 15.

Mr. SIMS. The yeas and nays, Mr. Speaker.

The SPEAKER (after counting). Eleven gentlemen in the affirmative—not a sufficient number, and the yeas and nays are refused; the ayes have it, and the House stands in recess until 8 o'clock this evening.

Accordingly (at 1 o'clock and 18 minutes p. m.) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m., by the Speaker.

The SPEAKER. The Clerk will report the special rule under which the House is proceeding this evening.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special rule just read.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TALBERT. Division.

The House divided; and there were—ayes 86, noes none.

Mr. TALBERT. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from South Carolina makes the point of order that no quorum has voted.

Mr. GROSVENOR. Present.

Mr. TALBERT. The point I made was that there is no quorum present.

The SPEAKER. The Chair has repeated the gentleman's point to the House.

Mr. SULLOWAY rose.

Mr. TALBERT. A point of order.

Mr. SULLOWAY. I demand the yeas and nays.

The SPEAKER. The gentleman will state his point of order.

Mr. TALBERT. It is that the Speaker misunderstood me. The point I made was that there is no quorum present, and I prefer it should be that way.

The SPEAKER. The gentleman from New Hampshire demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion that the House resolve itself into Committee of the Whole for the consideration of bills upon the Private Calendar.

Mr. TALBERT. I make the point of order that that is out of order without a quorum.

The SPEAKER. The yeas and nays can be ordered.

Mr. TALBERT. The only motion in order is to adjourn.

The SPEAKER. The Chair begs the gentleman's pardon. It is in order to demand the yeas and nays.

Mr. TALBERT. I grant it.

Mr. GROSVENOR. There is no question as to no quorum. It does not appear that there is no quorum. No quorum voted, but that is as far as we have gone, and the yeas and nays are demanded.

The SPEAKER. The yeas and nays are ordered.

Mr. GROSVENOR. It is perfectly in order.

The SPEAKER. The Chair will again state the motion. The motion is that the House resolve itself into Committee of the Whole for the consideration of bills upon the Private Calendar.

The question was taken; and there were—yeas 169, nays 0, answered "present" 17, not voting 168; as follows:

YEAS—169.

Alexander,	Davis,	Lacey,	Robb,
Allen, Ky.	Dayton,	Lamb,	Roberts,
Allen, Me.	De Armond,	Lane,	Robinson, Ind.
Atwater,	De Graffenreid,	Lanham,	Robinson, Nebr.
Bailey, Kans.	Dick,	Latimer,	Rodenberg,
Baker,	Dovener,	Lawrence,	Ryan, Pa.
Barham,	Eddy,	Lentz,	Shafroth,
Barney,	Esch,	Levy,	Shattuc,
Bartholdt,	Fitzgerald, N. Y.	Linney,	Shelden,
Bell,	Fletcher,	Little,	Sheppard,
Benton,	Fordney,	Littlefield,	Smith, Samuel W.
Bishop,	Foss,	Long,	Smith, Wm. Alden
Boutell, Ill.	Foster,	Loudenslager,	Snodgrass,
Bowersock,	Freer,	Lybrand,	Southard,
Brenner,	Gaines,	McLain,	Spalding,
Brick,	Gamble,	McPherson,	Sperry,
Brosius,	Gardner, N. J.	Mann,	Stark,
Brown,	Gaston,	Marsh,	Steele,
Brownlow,	Gibson,	Meekison,	Stephens, Tex.
Burke, S. Dak.	Gilbert,	Miers, Ind.	Stokes,
Burleigh,	Glynn,	Miller,	Sulloway,
Burnett,	Gordon,	Minor,	Sutherland,
Barton,	Graff,	Moody, Mass.	Talbert,
Butler,	Graham,	Moon,	Tate,
Caldwell,	Greene, Mass.	Morgan,	Tayler, Ohio
Capron,	Grosvenor,	Morris,	Terry,
Clarke, N. H.	Hamilton,	Mudd,	Thomas, Iowa
Clayton, N. Y.	Haugen,	Needham,	Thomas, N. C.
Cochran, Mo.	Heatwole,	Neville,	Vandiver,
Cochrane, N. Y.	Hedge,	Norton, Ohio	Van Voorhis,
Cooper, Wis.	Henry, Conn.	Norton, S. C.	Vreeland,
Cowherd,	Hepburn,	Overstreet,	Wanger,
Crawford,	Hill,	Packer, Pa.	Warner,
Cromer,	Hull,	Parker, N. J.	Waters,
Crump,	Jack,	Pearre,	Watson,
Crumpacker,	Jenkins,	Polk,	Weeks,
Curtis,	Jett,	Powers,	Williams, J. R.
Cusack,	Jones, Va.	Prince,	Wilson, N. Y.
Dahle, Wis.	Jones, Wash.	Pugh,	Young, Pa.
Daly, N. J.	Kahn,	Ray,	Zenor.
Davenport, S. A.	Kerr,	Reeder,	
Davenport, S. W.	Kleberg,	Rhea, Va.	
Davidson,	Kluttz,	Ridgely,	

NAYS—0.

ANSWERED "PRESENT"—17.

Adamson,	Driggs,	Lorimer,	Turner,
Brundidge,	Griggs,	Maddox,	Wadsworth.
Burke, Tex.	Grout,	Otjen,	
Carmack,	Henry, Miss.	Sims,	
Cooper, Tex.	Kitchin,	Sparkman,	

NOT VOTING—168.

Acheson,	De Vries,	Livingston,	Ryan, N. Y.
Adams,	Dinsmore,	Lloyd,	Salmon,
Allen, Miss.	Dolliver,	Loud,	Scudder,
Babcock,	Dougherty,	Lovering,	Shackleford,
Bailey, Tex.	Driscoll,	McAleer,	Sherman,
Ball,	Elliott,	McCall,	Showalter,
Bankhead,	Emerson,	McCleary,	Sibley,
Barber,	Epes,	McClellan,	Slayden,
Bartlett,	Faris,	McCulloch,	Small,
Bellamy,	Finley,	McDowell,	Smith, Ill.
Berry,	Fitzgerald, Mass.	McRae,	Smith, Ky.
Bingham,	Fitzpatrick,	Mahon,	Smith, H. C.
Boreing,	Fleming,	May,	Spight,
Boutelle, Me.	Fowler,	Mercer,	Sprague,
Bradley,	Fox,	Mesick,	Stallings,
Brantley,	Gardner, Mich.	Metcalf,	Stevens, Minn.
Breazeale,	Gayle,	Meyer, La.	Stewart, N. J.
Brewer,	Gill,	Mondell,	Stewart, N. Y.
Bromwell,	Gillet, N. Y.	Moody, Oreg.	Stewart, Wis.
Broussard,	Gillett, Mass.	Muller,	Sulzer,
Bull,	Green, Pa.	Naphen,	Swanson,
Burkett,	Griffith,	Newlands,	Tawney,
Burleson,	Grow,	Noonan,	Taylor, Ala.
Calderhead,	Hall,	O'Grady,	Thayer,
Campbell,	Harmer,	Olmsted,	Thropp,
Cannon,	Hawley,	Otey,	Tompkins,
Catchings,	Hay,	Payne,	Tongue,
Chanler,	Hemenway,	Pearce, Mo.	Underhill,
Chickering,	Henry, Tex.	Phillips,	Underwood,
Clark, Mo.	Hitt,	Pierce, Tenn.	Wachter,
Clayton, Ala.	Hoffecker,	Quarles,	Weaver,
Connell,	Hopkins,	Ransdell,	Weymouth,
Cooney,	Howard,	Reeves,	Wheeler, Ala.
Corliss,	Howell,	Rhea, Ky.	Wheeler, Ky.
Cousins,	Johnston,	Richardson,	White,
Cox,	Joy,	Riordan,	Williams, W. E.
Crowley,	Ketcham,	Rixey,	Williams, Miss.
Cummings,	Knox,	Robbins,	Wilson, Idaho
Cushman,	Landis,	Robertson, La.	Wilson, S. C.
Dalzell,	Lester,	Rucker,	Wright,
Davey,	Lewis,	Ruppert,	Young, Va.
Denny,	Littauer,	Russell,	Ziegler.

So the motion was agreed to.

The following additional pairs were announced for this day:

Mr. BROMWELL with Mr. MCDOWELL.

Mr. LORIMER with Mr. SWANSON.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. CROMER with Mr. BURNETT.

Mr. LOUD with Mr. DE VRIES.

Mr. WANGER with Mr. ADAMSON.

Mr. CANNON with Mr. SALMON.

Mr. CORLISS with Mr. BAILEY of Texas.
Mr. CUSHMAN with Mr. BALL.
Mr. HEMENWAY with Mr. BANKHEAD.
Mr. HITT with Mr. BELLAMY.
Mr. GAMBLE with Mr. BARTLETT.
Mr. LLOYD with Mr. EMERSON.
Mr. SHOWALTER with Mr. WILLIAM E. WILLIAMS.
Mr. OLMSTED with Mr. NAPHEN.
Mr. GROW with Mr. BURLESON.
Mr. HOFFECKER with Mr. SIBLEY.
Mr. HENRY C. SMITH with Mr. RICHARDSON.
Mr. LEWIS with Mr. TONGUE.
Mr. GILLETT of Massachusetts with Mr. THAYER.
Mr. PAYNE with Mr. SULZER.

Mr. SUTHERLAND. My colleagues, Mr. STARK and Mr. ROBINSON of Nebraska, were temporarily absent this afternoon attending the funeral of General Lawton. If they were present, they would vote "aye."

Mr. BURKE of Texas. Mr. Speaker, I voted inadvertently. I am paired with the gentleman from Michigan, Mr. MESICK, and I wish to withdraw my vote.

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. DAYTON. Mr. Speaker, I desire to inquire whether Mr. MEYER of Louisiana is recorded or not?

The SPEAKER. He is not.

Mr. DAYTON. I have a general pair with Mr. MEYER of Louisiana, and I desire to withdraw my vote and be marked "present."

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. TURNER. Mr. Speaker, I find my friend from Ohio, Mr. PHILLIPS, is not present, and I voted not remembering that I was paired with him. I wish to withdraw my vote and be marked "present."

The SPEAKER. The gentleman's vote will be withdrawn.

Mr. COCHRAN of Missouri. Mr. Speaker, I desire to ask leave of absence for Mr. PIERCE of Tennessee, who is confined to his house by illness.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The SPEAKER. The yeas are 169, the nays none, present 15. A quorum is present. The yeas have it, and the House votes to resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

Accordingly the House resolved itself into Committee of the Whole, with Mr. HEPBURN in the chair, for the consideration of bills on the Private Calendar.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar under clause 2 of Rule XXVI, and the Clerk will read the first bill.

JAMES M. KERCHEVAL.

The first business in order was the bill (H. R. 309) granting a pension to James M. Kercheval.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll of the United States of America the name of James M. Kercheval, late assistant surgeon, United States Army, and pay him a pension at the rate of $17 per month from the 4th day of May, 1895.

The amendments reported by the committee were read and agreed to, as follows:

Amend, in line 6, by adding the word "acting," so as to read "acting assistant surgeon;" and amend the rate of pension, in line 7, from $17 to $12 per month; and strike out, in lines 7 and 8, the words "from the 4th day of May, 1895."

The bill as amended was laid aside to be reported favorably to the House.

[At various points in the foregoing proceedings, after the reading of the amendments, Mr. TALBERT addressed the Chair, but was not recognized.]

WILLIAM W. WHARTON.

The next business on the Private Calendar was the bill (H. R. 3072) to increase the pension of William W. Wharton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Wharton, of Erie, Pa., late member of Company I, Eighty-third Regiment Pennsylvania Infantry, and pay him a pension of $24 per month in lieu of the pension of $17 he is now receiving.

[Mr. TALBERT, during the reading of the bill, addressed the Chair, but was not recognized.]

The amendments reported by the committee were read, as follows:

In line 8, after the word "pension," add the words, "at the rate." Also, amend the title of the bill so that it will read as follows: "Granting an increase of pension to William W. Wharton."

Mr. TALBERT. Mr. Chairman, I desire to make a few remarks upon this bill. I submit, Mr. Chairman, that I have a right to appear on this floor and to be heard. It is an unheard-of thing, when a member gets up to address the Chair, and when the Chair sees him, for the Chair to deliberately refuse to listen to him. I submit, Mr. Chairman, that I have rights, and I am here to demand them. I want to say——

The CHAIRMAN. The gentleman is out of order.

Mr. TALBERT. I want to speak to this bill. I want to say——

The CHAIRMAN. The gentleman from South Carolina is out of order, and will take his seat.

Mr. TALBERT. "The gentleman from South Carolina" is not out of order. The Chair is out of order—has acted in an arbitrary and tyrannical manner. I resent it; and I will stand by what I say. [Applause on the Democratic side.] I will take my seat when I get ready.

The CHAIRMAN (having put the question on agreeing to the amendments). In the opinion of the Chair the ayes have it, and the amendments are agreed to.

Mr. SIMS. I demand a division.

Mr. TALBERT. I desire to make a few remarks.

Mr. SIMS. I demanded a division; and I demanded it in time.

The Chair proceeded to count the committee by a rising vote.

Mr. TALBERT (during the division). Mr. Chairman, I desire to make some remarks on this bill.

The CHAIRMAN. The gentleman is out of order in speaking while the House is dividing. He will please take his seat.

The result of the vote being announced, there were—ayes 104, noes none.

So the amendments were agreed to.

Mr. TALBERT. Mr. Chairman, I desire now to address the committee on the bill now pending.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. TALBERT. Mr. Chairman, I have nothing abrupt to say about this bill or about yourself or about any gentleman on this side or the other side. I accept the presence of a quorum here tonight, Mr. Chairman, as a complete vindication of my action at the last Friday night session.

What I have done and all that I have said on this subject have been said and done without the slightest feeling on my part against the men who fought on the Northern side in the war between the North and the South. There is no feeling of hostility in my heart toward the living or dead soldier in that terrible conflict.

There is no political or sectional prejudice in my heart that will prevent my doing the Northern soldiers full and complete justice in voting pensions to those who are honorably entitled to the Government's consideration.

My opposition, Mr. Chairman, to the loose, reckless, unconstitutional method of passing pension bills at these Friday night sessions is based solely on this flagrantly objectionable method of legislation.

Why not give the Pension Committee a day session in each week, according to the distribution of time allotted to the District of Columbia and other special matters? We have a District of Columbia day, a suspension day, a private-bill day; then why not, Mr. Chairman, I suggest to the friends of the soldier, have a soldier day? That would be the orderly way of doing business. It is not an uncommon thing for the House to adjourn over Saturday. Why not give that day to the Pension Committee, with the distinct understanding that a quorum will be necessary as in other legislation?

I perfectly understand, Mr. Chairman, that my position in this matter may be misunderstood, and possibly may be used to influence some old soldier to keep on voting for the old flag and increased appropriations. I know, too, sir, that it is almost treason for a Southern Representative, especially one who fought on the Southern side in the late war in vindication of his constitutional right to local self-government. But, sir, I do not care one straw about such influences.

I would not see the Democratic party triumph at the cost of such an abuse to the honest, hard-working taxpayers of the country. I am not raising a false alarm, Mr. Chairman, in this matter. I ask the Clerk to read the extract from the Washington Post, February 7, which I send to the desk.

The Clerk read as follows:

DELUGE OF PENSION BILLS—IF ALL OF THEM WERE ENACTED THEY WOULD BANKRUPT THE GOVERNMENT.

Senator GALLINGER, chairman of the Senate Committee on Pensions, says that never before during his term of public service has there been such a deluge of general pension bills designed to take large sums of money out of the Treasury as now. He gives it as his opinion that if all the bills now before his committee should be enacted into law, they would absolutely bankrupt the finances of the Government.

The latest scheme that is being pressed upon the committee is to wipe out the pension rolls by paying all pensions in a lump sum, according to a table based upon the expectation of life, as estimated by the American life insurance companies. The advocates of this scheme have probably not taken the trouble to figure out the amount that would be called for, but it is safe to assume that it would run into the billions. Fortunately, there is no danger of a measure of that kind receiving serious consideration, but the mere suggestion of it shows the reckless views that some people hold in regard to pension matters.

Mr. TALBERT. Now, Mr. Chairman, we have from the distinguished chairman of the Senate Committee on Pensions the positive statement that the pension bills now pending in this Congress alone would bankrupt the Government. That is in addition to the regular budget of $150,000,000 a year.

And who can say with any certainty that it will not be $200,000,000 two years hence? It is the practice, Mr. Chairman, to call attention to the fact that our annual pension expenditures exceed by ninety millions the pension rolls of England, Germany, and France combined.

I do not care anything about such comparisons. If our expenditures were two hundred millions in excess, it would make no difference. That is not the question. The enormous pension expenditure in this country is a stupendous abuse, a gigantic steal, an appalling extravagance that disgraces the Government and threatens it with bankruptcy.

Now, Mr. Chairman, I want to say, in conclusion, that my record and my votes here show that I have always voted to go into Committee of the Whole for the consideration of pension bills. I so voted to-night. It has been asserted, I believe, by yourself, Mr. Chairman, and by others here that those who are in the majority in this House are responsible for legislation.

And if I mistake not the gentleman who now occupies the chair, and who does not want anybody to talk who does not talk the way he wants them to talk, has himself said he did not believe that any Democrat ought to be on the Committee on Rules. In fact, gentlemen on the other side have asserted that the Republican party is per se the party of this country. I submit, if such is the case, that they should bring a quorum here and pass legislation and be responsible for it.

Now, I want to say that I think the gentleman occupying the chair owes an apology to the House for trying to stifle discussion. I submit that gentlemen who rise here and seek to be recognized in the regular parliamentary way are entitled to recognition. I say that the present occupant of the chair, in the action which he took toward myself, has acted to-night in a way unbecoming the Chairman of a great legislative body. His action was revolutionary and subversive of right and justice. [Applause on the Democratic side.]

The question being taken, the bill was laid aside to be reported favorably to the House.

SARAH POTTER.

The next business on the Private Calendar was the bill (H. R. 5229) granting a pension to Sarah Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sarah Potter, permanently helpless daughter of Andrew Potter, deceased, late of Company K, Eighth Michigan Volunteer Cavalry, and pay her a pension of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

Line 8, after the word "pension," insert the words "at the rate."

Mr. SIMS. Mr. Chairman, I do not rise for the purpose of saying anything to wound the feelings of any member of this House, and what I say will apply to one side of the House as well as to the other. I would not say it if I did not think it was my duty to say it. I take it that the committees of this House, charged with legislation and their duties respecting it, are each as important in the eyes of the country as the other. One certainly has as many rights as the other, and the bills reported from the respective committees certainly ought to be treated alike.

Now, it does not bind members to vote for a bill because they vote for its consideration. I have never yet voted against going into Committee of the Whole to consider private pension bills. I never yet raised the point of no quorum. I never yet voted against one of these bills that I thought ought to be passed, and I never intend to. But justice is one thing and generosity is another, and as between justice and generosity, if we must lean either way, I would say lean in the direction of justice. It is certainly more proper, it is certainly right, to pay debts before you bestow favors.

Now, Mr. Chairman, I was placed on the Committee on War Claims. That committee does not have to deal alone with claims growing out of the war of the rebellion. Claims growing out of the recent war have come before that committee, and important general legislation comes before that committee. The first eighteen bills on this Private Calendar are from that committee. The nineteenth bill is a pension bill. Every bill on that Calendar is a private bill, and one stands just as high under the rules of this House as another.

Now, there has been no crowding for time at this session. It is not worth while to say that we have not had plenty of time to consider these bills, for we have had it. No longer ago than yesterday the committees were called. Every committee in this House was called, and many chairmen of those committees sat dumb when their committees were called, and that was the case with the chairman of the Committee on Invalid Pensions no longer ago than yesterday. When did the House adjourn yesterday? At 1 o'clock and 20 minutes p. m.

Every bill on this Calendar granting a pension could have been considered yesterday. Do not let it go forth to the country, to try to humbug and bamboozle the old soldier, that anybody is trying to keep him from having his bills considered. I lay the responsibility where it belongs. Every committee was called yesterday. It looks very much as if there is an effort to prevent a single bill being considered in this Congress which is reported from the Committee on War Claims.

Mr. RAY of New York. May I ask my friend a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. Certainly; I always yield, even without a request to do so.

Mr. RAY of New York. I believe I am correct in the statement, and if I am not the gentleman who is addressing the House or some other gentleman will correct me. Under the call of committees, as I understand it, it would not have been in order to have taken up a pension bill or a war-claim bill.

Mr. SIMS. Why was the committee called?

Mr. RAY of New York. Am I correct in my supposition?

Mr. GROSVENOR. That is correct.

Mr. RAY of New York. Therefore I do not think that the criticism of the gentleman from Tennessee is well founded.

Mr. SIMS. Why was the committee called? I will let the gentleman from New York [Mr. RAY] answer that.

Mr. RAY of New York. The committee was called for the purpose of allowing the consideration of bills on the House Calendar that did not carry any charge against the Government. If there were any such public bills reported from that committee, they could have been considered. Now, that being so, the criticism of the gentleman is unfounded.

Mr. SIMS. I do not want to make a criticism that is not properly founded; but on any day when this House has adjourned over, you could, by unanimous consent, have taken up these pension bills, and we have adjourned over several times for two days. What have we to do to-morrow? Nothing on earth.

Now, you can not humbug the old soldier as long as we can tell the facts about it. Every one of these bills could have been considered and passed. I do not ask you to take them up out of order, but here is what I do complain of. This is the third month of this session, and this is the second Friday evening session of this month, and we have not had a single private bill considered on the Private Calendar of this House.

Mr. RAY of New York. Oh, I beg the gentleman's pardon.

Mr. SIMS. On Friday?

Mr. RAY of New York. I think a week ago to-day there was a private bill. It was for a corporation, but I think it was a war-claim bill that was up for discussion, and I know I discussed it for some time, and I had the floor when the committee rose and will be entitled to it when we go into the consideration of that business again.

Mr. SIMS. Did the House go into Committee of the Whole on the Private Calendar?

Mr. RAY of New York. It was on one of these private claims.

Mr. SIMS. Taken up by unanimous consent, was it not?

Mr. RAY of New York. No; I remember distinctly now that we did go into the committee.

Mr. SIMS. It was by unanimous consent, for the consideration of that bill, and not on the Calendar generally, as you are here to-night.

Mr. CURTIS. The Calendar shows that there was unfinished business.

The CHAIRMAN. Does the gentleman from Tennessee yield to the interruption?

Mr. SIMS. Why, certainly, Mr. Chairman.

Mr. CURTIS. The Calendar shows that there is unfinished business upon it, for it states that the bill H. R. 6909 is "pending as unfinished business in the Committee of the Whole, Friday, January 26, 1900."

Mr. SIMS. Well, now, I am coming to a point that I know there can be no question about. I may be in error about the rules of the House, but to-day when you voted to take a recess, a few minutes after 1 o'clock, until to-night, what was the intention of the vote except to prevent the consideration of this Private Calendar? Now, will any gentleman answer, if he can? It was incidentally thrown out that it was to go to the Lawton funeral. My colleague on the committee, the gentleman from Tennessee [Mr. GIBSON], got up and asked that next Tuesday be set apart, then, in place of to-day, for the consideration of such bills as would have been in order to-day, and it was objected to on that side. When the facts are before the people of this country, they know whether they are being treated fairly or not.

Now, look at these pension bills. Why, we passed 600 private pension bills in the Fifty-fifth Congress, if I am not mistaken.

Every one of the 71 pension bills on the Calendar here to-night are new bills; but how is it with the bills reported by the Committee on War Claims? I will say that on this Calendar there are 37 war-claim bills, 15 bills from the Committee on Claims, 71 from the Committee on Invalid Pensions, and 1 from the Committee on Pensions.

Now, my friends—and I treat you as such; we grow hot in discussion, but it only goes to that extent—what are these 37 war-claim bills? Many of them have been before this House twenty or twenty-five years, have been reported favorably in every Congress, many of them having passed both Houses of Congress, and yet we can not get the poor favor of a consideration of those bills.

Mr. RAY of New York. Now may I ask you a question right there?

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. Certainly.

Mr. RAY of New York. In the Fifty-fifth Congress, while it is true that there passed this House and were enacted into law more than 650 private pension bills, those bills in all made a charge on the Treasury of only a little over $100,000 per annum, and during the Fifty-fifth Congress, to my personal knowledge, there were war claims passed this House that carried more than five times that amount of money.

A MEMBER. More than ten times that much.

Mr. RAY of New York. Yes; there was one bill that carried over $300,000.

Mr. GROSVENOR. A Tennessee bill, too.

Mr. RAY of New York. I spoke from my personal knowledge. Now, while I have every consideration and respect for my friend, I think he is making a mistake to-night when he charges this House with having adjourned to-day for the purpose of cutting off the consideration of war claims. Here was the funeral, in the capital city of this great nation, of one of the greatest generals of modern times, being held almost beneath the Dome of this Capitol. It was perfectly right and just and proper for the representatives of the people here—both political parties—to leave the work of this House for a few hours and attend the obsequies of that great hero. Will you complain of that? [Applause on the Republican side.]

Mr. SIMS. Now, let me answer that question. When, in the history of this country, did the House on the death of a great hero refuse to adjourn? [Applause on the Democratic side.] You refused to adjourn. We gave you an opportunity to adjourn, out of respect to the memory of General Lawton, and upon the yeas and nays you voted it down [renewed applause on the Democratic side], and you stuffed a recess down our throats and brought us here to-night for the purpose of passing private pension bills. Talk about honoring a hero! You may honor heroes when to do so does not get in the way of taking money out of the Treasury.

Mr. GRAHAM. Will the gentleman allow me to ask him a question?

Mr. SIMS. We wanted an adjournment, and we could not get it, and the yeas and nays show it.

Mr. GRAHAM. Will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. GRAHAM. The gentleman stated that these war claims were debts owed by the Government. Do I understand him to say that the Government owes no debt to the old soldiers?

Mr. SIMS. I will answer that question; there is no trouble about that. There is no debt owed by this Government to any old or any young soldier; but a feeling of gratitude and generosity says, "Provide for them," and we are willing to do it, and have done it. Over $2,400,000,000 have been paid to the old soldier, and the increase still goes on. We have got soldiers now to pension; and I think we can talk about it without being sectional—they are from the South, the North, the East, and the West, knocking at the door of Congress, and I say, do not close it, but give them an opportunity to be heard, and give them such relief as they are justly entitled to. And I want to say further to the gentleman from Pennsylvania——

Mr. NORTON of Ohio. Mr. Chairman, I rise to a point of order.

Mr. SIMS. I want to answer the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman will state his point of order.

Mr. NORTON of Ohio. This discussion is not germane to the question. We can get through these bills in the time that this speech has taken.

The CHAIRMAN. The Chair sustains the point of order. The gentleman's remarks are not germane. The question is on agreeing to the amendment proposed by the committee to this bill.

Mr. SIMS. Mr. Chairman, I was asked a question by the gentleman from Pennsylvania, and I want to answer that question. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman must continue his remarks in order.

Mr. SIMS. Has any question been asked in order?

Now, Mr. Chairman, I do not want to be out of order; but if this House does not want to hear the naked truth, make your points of order and stick to them; I have no favor to ask from this House.

A MEMBER. Your side makes the point of order.

Mr. SIMS. This side makes it, but not this side of the pension question. If there is any gentleman wilder on the subject of pensions than the gentleman from Ohio I have not made his acquaintance.

Mr. NORTON of Ohio. I accept that as a compliment.

Mr. SIMS. I do not say that to disparage the gentleman; for he takes pride in it.

Mr. NORTON of Ohio. I do.

Mr. SIMS. But there are general laws that grant pensions.

The CHAIRMAN. The Chair must insist that the gentleman confine himself to the question before the committee.

Mr. SIMS. Will the Chair kindly inform me what it is?

The CHAIRMAN. It is to amend the bill granting a pension to Sarah Potter, by inserting the words "subject to the provisions and limitations of the pension laws."

Mr. SIMS. Well, then, I would like to hear the report read, Mr. Chairman, in my time.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. SAMUEL W. SMITH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5229) granting a pension of $12 per month to Sarah Potter, having carefully considered the facts in the case, respectfully report that a bill for the relief of the beneficiary was favorably reported by the Committee on Invalid Pensions of the Fifty-third Congress and passed the House December 17, 1894; that it went to the Senate, but no action seems to have been taken by that body. It was again favorably reported by the Committee on Invalid Pensions in the second session of the Fifty-fourth Congress.

Your committee adopt the accompanying reports (House Reports Nos. 1207 and 2882 of the Fifty-third and Fifty-fourth Congresses) as their own, and recommend the passage of the bill.

[House Report No. 1207, Fifty-third Congress, second session.]

The Committee on Invalid Pensions have considered the bill (H. R. 3716) granting a pension to Sarah Potter, and submit the following report:

The petitioner is the daughter of Andrew Potter, who served in Company K, Eighth Michigan Cavalry, from February 26, 1863, to September 5, 1865; he was pensioned at $14 per month on account of disease of lungs, and died August 15, 1892, as shown by the records of the Pension Bureau.

Dr. L. E. Knapp, of Fenton, Mich., certifies that he has known Sarah Potter for fifteen years, and has rated her for chronic granular inflammation of the eyelids resulting in numerous ulcers, and that she has suffered from this trouble for twenty-five years, and it has rendered her sight very poor.

She suffers also from spinal trouble, which causes the tendons of the lower limbs to contract, obliging her to walk on her toes, rendering walking difficult. Her mind is also weak and childlike; she has no judgment, is easily excited, and then becomes hysterical, and is very hard to control.

Edwin M. Hovey, supervisor of the township of Fenton, Flint, Mich., states that the soldier was entirely dependent on his pension, and at his death the daughter became nearly a town charge, and that the writer, as supervisor, has supplied her with a living for the past year.

Dr. Edmund Bachman, town physician, Fulton, Mich., states that the soldier died leaving no property and that the daughter is incompetent, imbecile, and unable to support herself.

The War Department records show the soldier to have enlisted February 26, 1863; absent without leave from May 15 to August 25, 1863; discharged September 5, 1863, at Detroit, Mich., on surgeon's certificate of disability on account of broken-down constitution and old age, being then 56 years old.

Franklin Potter, of Trenton, Mich., testifies that the soldier died August 15, 1892, leaving no widow surviving him. Betsey Potter, the mother of the petitioner, died in the year 1862. The petitioner was born forty-nine years ago, exact date not known.

Mr. SIMS. From what I gather from that report this seems to be a very good bill, and I expect it ought to pass. All good bills ought to pass, and all good bills ought to have an opportunity for consideration by this House, from whatever committee they come. But inasmuch, Mr. Chairman, as I have been made to feel very sad by the remarks on the death of the great and distinguished soldier, General Lawton, I want now to move to adjourn out of respect to General Lawton.

The CHAIRMAN. The gentleman's motion is out of order. The committee can not adjourn. The question is on agreeing to the amendment recommended by the committee.

Mr. SIMS. A parliamentary inquiry.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SIMS. My request really was meant to be, not to adjourn, but that the committee rise, so that the House might adjourn, out of respect to the memory of General Lawton. Now, is that in order? If it is, I move that the committee rise for the purpose of adjourning, out of respect to the memory of General Lawton.

The question was taken on the motion that the committee rise, and it was rejected.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY GEESEN.

The next business on the Private Calendar was the bill (H. R. 4416) to increase the pension of Henry Geesen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Geesen, late a private in Company E, Second Pennsylvania Infantry, Mexican war volunteers, and

late private in Company A, Fourteenth Illinois Cavalry, in the late war of the rebellion, and pay him a pension at the rate of $24 per month in lieu of the pension he is now receiving.

Mr. TALBERT. Mr. Chairman, I would like to hear the report read.

The Clerk read the report (by Mr. MINOR), as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4416) to increase the pension of Henry Geesen, submit the following report:

Henry Geesen, the soldier named in the bill, and now 77 years of age, is shown by the records of the War Department to have served in the war with Mexico as a private in Company E, Second Pennsylvania Volunteers, from December 24, 1846, to July 14, 1848, when he was mustered out; to have again enlisted as a corporal in Company A, Fourteenth Illinois Cavalry, on September 11, 1862; to have been transferred to Company B, Seventeenth Veteran Reserve Corps, July 5, 1863, by reason of lame back, and to have been mustered out July 6, 1865.

The medical records of the War Department show that the soldier, while a member of Company A, Fourteenth Illinois Cavalry, was in the general hospital from April 9, 1863, to July 20, 1863, under treatment for chronic diarrhea and rheumatism.

The files of the Pension Bureau show that the soldier applied for a pension June 1, 1885, on account of malarial poisoning and rheumatism, alleged to have been contracted in March, 1863, while serving in Kentucky, and upon due proof that he contracted rheumatism in the service and line of duty and that such disability had continued to exist ever since his discharge from the service he was pensioned in April, 1886, for such disease at $2 per month, commencing from the date of the filing of his application, and the claim on account of malarial poisoning was rejected upon the ground that a pensionable disability from the same did not exist.

In February, 1887, this rating of $2 per month was increased to $4 per month from January 5, 1887, and in June, 1887, his name was dropped from the roll by reason of the allowance of his claim as a survivor of the Mexican war, at $8 per month, from January 29, 1887, and this last allowance was based upon his service of more than sixty days in the war with Mexico and being over 62 years of age.

On July 5, 1890, the pensioner applied for a pension under the act of June 27, 1890, and was pensioned under that law, in lieu of the pension which he formerly received under the Mexican war survivors' act, at the maximum rating, $12 per month, from July 5, 1890, on account of total inability to earn a support by manual labor, due to disability arising from rheumatism and senility, and he is now in receipt of said pension.

The last medical examination in the case, made February 24, 1892, showed that the pensioner had evidence of general chronic rheumatism, most all of the joints of the body being tender on pressure, and there being marked limited motion and crepitus on movement, the shoulder joints being much more affected than others, for which disability the board rated him at $4. The board also found disease of chest, for which they rated $8, and added that while the man was well nourished bodily (in 1892) he was an infirm and helpless old man.

The disease of the chest, according to the pensioner's statement, was incurred after the war of the rebellion. Evidence in the case further shows that the pensioner does not own any real or personal property, and depends upon the small pension and what garden stuff he can raise with the aid of his wife.

There has been filed with the committee the affidavit of Dr. W. T. Griffith, of Washington, Ill., to the effect that for the last four years the pensioner has been greatly troubled with constipation of the bowels and vertigo, the latter being so severe at times that he would fall on the sidewalk and would have to be helped to his home; that on May 15, 1899, he was stricken with hemiplegia of the right side and laid in a half-conscious condition for several days; that in about six weeks he recovered consciousness and the use of his right side sufficiently to sit up with assistance; that he is now (November 22, 1899) unable to dress himself, and most of the time has to be fed.

With assistance he can sit up and walk around the room and yard a little, but his age and present physical condition render his disabilities permanent, and will require a constant attendant for the remainder of his life.

The assessor of the township of Washington, Ill., also testified that no property, real or personal, had been assessed to the pensioner in 1898 and 1899; and two residents of that town also testified to the pensioner's destitution and dependence of himself and wife upon the sympathy and aid of friends for a place to protect them and to give them shelter from the summer's heat and the winter's cold.

In view of these services rendered by this soldier in two wars, and considering his present physical condition and utter destitution, the committee report the bill favorably, after amending the same, in line 4, by adding, after the word "roll," the words "subject to the provisions and limitations of the pension laws." Also, further amend the bill by striking out the words "thirty dollars," in line 8, and inserting in place thereof the words "twenty-four dollars," and when so amended recommend its passage.

The amendments proposed by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SUSAN GARRISON.

The next business on the Private Calendar was the bill (H. R. 2749) granting a pension to Susan Garrison.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Garrison, widow of Goldsbury Garrison, deceased, late of Company C, Eighth Regiment New York Volunteer Cavalry.

With the following amendment recommended by the Committee on Invalid Pensions:

After the word "Cavalry," in the eighth line thereof, add the words: "and pay her a pension at the rate of $12 per month;" and when so amended recommend its passage."

Mr. SIMS. Mr. Chairman, I do not want to persist in talking out of order, but the gentleman from New York [Mr. RAY] asked a question and I want to reply to it; not extensively. I do not want to annoy the House.

Mr. GAINES. Mr. Chairman, I ask that my colleague, the gentleman from Tennessee, be given five minutes to reply to the gentleman from New York.

The CHAIRMAN. The gentleman from Tennessee asks that his colleague be given five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. I do not think I am limited to five minutes; the only question is whether I am talking out of order. The gentleman from New York asked if the last House did not pass a great number of war-claim bills. The last House did pass what was called the omnibus bill, which carried a great number of war claims, which were the verdicts or findings of the Court of Claims—an accumulation of many years. Now, to make such a statement as was made by the gentleman from New York is misleading to the country, unless the facts are given. That omnibus bill combines all the findings of the Court of Claims up to that time, and in the Senate was amended by putting on a large amount of the French spoliation claims, which were not war claims in the sense that we now speak of them.

Mr. RAY of New York. You will admit that it passed many other private claims besides—the Methodist Book claim, for instance?

Mr. SIMS. I am coming to that. That disposes of the omnibus bill—that it is the findings of the court and judgments accumulated for many years. The gentleman from New York knows very well that no claims of this character had been passed for many years. Private pension bills are passed every session and do not go over and accumulate and pile up and have to pass put into an omnibus bill. When a war claim is paid, that is the end of it, while a pension continues during the life of the pensioner.

Now, as to the Methodist Publishing House claim, that was passed by the last Congress. There was behind that bill a large number of sympathizers with the church all over the United States. Why the bill never passed before I do not know, but it seems that it took the steam of a distinguished and expert lobbyist to get it through.

But that is neither here nor there. What is the use of having a committee to report these bills and bring them in here and never consider them? I do not ask you to vote for them if you do not think you ought to. If they are not just and right after they are considered, then vote them down. I never voted yet against the consideration of any bill. It is certainly a poor privilege to have a bill considered. It is well known that as a rule we can not get recognition to pass bills by unanimous consent—that the door is always barred to legislation of this kind.

If the bills are wrong, vote them down, but do not deprive us of the day set apart for their exclusive consideration. We only ask for fairness and justice; we ask you gentlemen on the other side that when the next private bill day comes to stand up like men and vote for us to have it, and then filibuster or do anything you want to on the passage of the bill. That is your right; but do not shut the door to consideration. I do not fight pension bills out of spite, but I think all private bills ought to stand on the same bottom.

I do not ask you to vote for any war claim that you think you ought not to, but do not put us off from Friday to Friday and from day to day and year to year. Now, there are not many of these bills. I do not think there will be many of them reported, but 18 of the first bills on the Calendar are of that character, and in all justice we are entitled to consideration of those bills upon this Calendar. I do not want to misrepresent anything or give any false impression about this matter. I simply want justice to one committee of this House as well as to another.

The amendments proposed by the committee were agreed to.

The bill was then laid aside to be reported to the House with a favorable recommendation.

EMMA M. KITT.

The next business on the Private Calendar was the bill (H. R. 438) granting a pension to Emma M. Kitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Emma M. Kitt, widow of John B. Kitt, of Cooley's Independent Battery, Illinois Volunteers, and pay her a pension at the rate of $8 a month.

The amendments reported by the committee were read and agreed to, as follows:

Insert in line 4, after the word "roll," the following: "subject to the provisions and limitations of the pensions laws."

In line 6 strike out the word "Volunteers" and insert in place thereof the words "Light Artillery."

And when so amended recommend the passage of the bill, believing that the beneficiary is entitled to such relief, as she was the wife of the soldier before, during, and since the war, and is now in a dependent condition.

The bill as amended was laid aside to be reported favorably to the House.

ELIZABETH R. HOLT.

The next business on the Private Calendar was the bill (H. R. 2391) granting a pension to Elizabeth R. Holt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth R. Holt, widow of Wesley E. Holt, late private of Company C, First New Hampshire Heavy Artillery Volunteers, and pay her a pension of $12 per month.

The amendment reported by the committee was read, and agreed to, as follows:

In line 8 strike out the words "of twelve" and insert in place thereof the words "at the rate of eight," and that when so amended the passage of the bill is recommended.

The bill as amended was laid aside to be reported favorably to the House.

DAVID C. DANE.

The next business on the Private Calendar was the bill (H. R. 5188) granting a pension to David C. Dane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Dane, dependent father of George W. Dane, late private in Company A, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

[Mr. DRIGGS addressed the committee. See Appendix.]

HARVEY GRANT.

The next business on the Private Calendar was the bill (H. R. 1885) to pension Harvey Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions of the pension laws, the name of Harvey Grant, late of Company B, First Regiment of East Tennessee National Guards.

The amendments reported by the committee were read, and agreed to, as follows:

In line 5, after the word "provisions," insert "and limitations;" also add to the bill, in line 7, after the word "Guards," the words "and pay him a pension at the rate of $12 a month."

Amend title so as to read: "Granting a pension to Harvey Grant," and when so amended recommend its passage.

The bill as amended was laid aside to be reported favorably to the House.

MELVINA BOTTLES.

The next business on the Private Calendar was the bill (H. R. 3067) granting a pension to Melvina Bottles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Melvina Bottles, widow of William J. Bottles, late of Company E, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of the pension which she now receives.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out in lines 4 and 5 the words "of the United States."

After the word "roll," in line 4, insert the words "subject to the provisions and limitations of the pension laws."

Amend the title so as to read: "A bill granting an increase of pension to Melvina Bottles."

The bill as amended was laid aside to be reported favorably to the House.

SUSAN M. BUTTON.

The next business on the Private Calendar was the bill (H. R. 3260) granting a pension to Mrs. S. M. Button.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. S. M. Button, widow of Joseph Milliken, late sergeant, Company C, One hundred and forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In the sixth line strike out "Mrs. S. M." and insert in place thereof "Susan M."

Also amend title so as to read: "A bill granting a pension to Susan M. Button."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAPT. JOHN F. NELSON.

The next business on the Private Calendar was the bill (H. R. 3071) to increase the pension of Capt. John F. Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. John F. Nelson, now an inmate of the Soldiers and Sailors' Home at Erie, Pa., late member of Company H, One hundred and fifty-fourth Regiment of New York Volunteers, and pay him a pension of $24 per month in lieu of the pension of $8 he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 9 strike out all after the word "pension" and insert in place thereof the words "at the rate of $30."

In line 10 strike out the word "eight" and insert in place thereof the word "ten."

Also amend the title of the bill so as to read: "A bill granting an increase of pension to John F. Nelson."

Mr. SIMS. Mr. Chairman, I want to refer briefly to what the gentleman from New York [Mr. DRIGGS] said. I infer from what he said that he thought something in my remarks had reflected on the Committee on Invalid Pensions or the members of that committee.

Mr. DRIGGS. I will say to the gentleman that I did not so consider.

Mr. SIMS. I wish to say that I think it is the duty of that committee to report all bills that they think ought to be passed and to insist on their passage in the House. I certainly admire that course, and I do not want anybody to reflect on the committee or any member of it for doing so.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES KAUFFUNG.

The next business on the Private Calendar was the bill (H. R. 2597) to increase the pension of Charles Kauffung.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Kauffung, late of Company G, First Wisconsin Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

In line 7 strike out the word "fifty" and insert in place thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Charles Kauffung."

Mr. TALBERT. Mr. Chairman, I submit that very few of us know anything about the circumstances and conditions of those bills. I think the reports ought to be read, or so much of them as will throw sufficient light so that we can vote intelligently. If not that, let the chairman of the committee make a short statement in regard to these bills. Now, here is a bill to increase a pension. No reasons are given in the bill, and unless the report is read we can not understand why this action is proposed.

Mr. SULLOWAY. Let the report be read.

Mr. MINOR. I can make a statement of the facts in this case which I think will satisfy the gentleman from South Carolina. This is a case of a man 65 years old, who served in a Wisconsin regiment, and who is now receiving a pension of $12 per month. He is totally blind, has not a dollar in the world, and scarcely a relative on earth. He is led through the town in which he resides by a little granddaughter 6 years of age.

Mr. TALBERT. That is a sufficient statement.

Mr. MINOR. The light is forever shut out from him——

Mr. TALBERT. That is a very sad case.

Mr. MINOR. The bill provided for $50 a month, and the committee recommended a reduction to $30 a month. That is all there is to it.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HORATIO H. WARREN.

The next business on the Private Calendar was the bill (H. R. 2321) granting an increase of pension to Horatio H. Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Horatio H. Warren, late of Company B, Thirteenth New Hampshire Infantry, at the rate of $50 per month, said pension to be in lieu of the one he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

After the word "roll," in line 4, insert the words "subject to the provisions and limitations of the pension laws."

Strike out all after the word "Hampshire," in line 6, and insert in place thereof the words "Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

SMITH JEWEAL.

The next business on the Private Calendar was the bill H. R. 5430) granting a pension to Smith Jeweal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Smith Jewell, late private in Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension of $72 per month in lieu of that he now receives.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out the word "Jewell," in line 6, and insert in place thereof the word "Jeweal."

In line 8 strike out the words "of seventy-two" and insert in place thereof the words "at the rate of forty."

Amend the title so as to read: "A bill granting an increase of pension to Smith Jeweal."

Mr. TALBERT. Mr. Chairman, I would like to have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

The report (by Mr. NORTON of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5440) granting an increase of pension to Smith Jeweal, submit the following report:

Smith Jeweal, now 66 years of age, is shown to have served as a private in Company H, Fifteenth Ohio Volunteers, from September 8, 1861, to April 26, 1862, when discharged on surgeon's certificate of disability on account of asthma, due to a cold contracted by him about January 1, 1862, while in line of duty. He is now pensioned at $30 per month on account of right inguinal hernia, complete and irreducible, of service origin, under a declaration filed in January, 1888. He filed his original declaration January 28, 1883, based upon chronic diarrhea and disease of lungs.

Claim on account of disease of lungs stands rejected upon the ground that there has been no pensionable disability from said cause.

Claim on account of chronic diarrhea stands rejected upon the ground that, with the aid of a special examination, the claimant has not been able to furnish reliable and satisfactory evidence showing the continuous existence of said disability since his discharge.

The records of the War Department show that the claimant was present with his command from enrollment to December 20, 1861, and that he entered the general hospital with typhoid fever December 31, 1861, and so remained until discharge.

The Pension Bureau has admitted the origin of diarrhea in the service, but objects to the proof of continuance of the same upon the ground that such proof is diverse in character, there being several favorable witnesses, but not reported reliable by the special examiner, while others testify as to what they think or believe rather than, apparently, as to what they know positively in relation to the matter, and this action of the Pension Bureau was affirmed by the honorable Assistant Secretary of the Interior under date of September 30, 1899.

The last medical examination in the case, made in 1894, showed a hernia 2½ inches in circumference and 10 inches in length, rectum inflamed and very tender, hemorrhoidal vessels enlarged, stomach bloated and tender, three internal and three external pile tumors, the internal ones bleeding, ulcerated, and discharging pus.

A similar bill was passed during the Fifty-fifth Congress in both Houses, but so late in the session that it was not reached for Executive approval, and a report of said Congress is hereunto annexed and accepted as a part of this report.

Your committee recommends that the bill be amended as follows:

Strike out the word "Jewell," in line 6, and insert in place thereof the word "Jeweal."

In line 8 strike out the words "of seventy-two" and insert in place thereof the words "at the rate of forty."

Amend the title so as to read: "A bill granting an increase of pension to Smith Jeweal;" and when so amended recommends its passage.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN M. LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 2666) for the relief of John M. Laughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Laughlin, late a private of Lieut. George Melick's detachment, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension of $30 per month.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 8 strike out after the word "pension" and insert in place thereof the words "at the rate of $8 per month."

Amend the title of the bill so as to read: "A bill granting a pension to John M. Laughlin."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MALINDA JONES.

The next business on the Private Calendar was the bill (H. R. 5569) to pension Malinda Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Malinda Jones, mother of Samuel Jones, of Company I, Eighth Tennessee, subject to the provisions and limitations of the pension laws, and pay her a pension at the rate of $12 per month.

The following amendments recommended by the Committee on Invalid Pensions were read:

Strike out after the word "roll," in line 4, and insert in place thereof the following:

"Subject to the provisions and limitations of the pension laws, the name of Malinda Jones, mother of Samuel Jones, late of Company I, Eighth Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read as follows: "A bill granting a pension to Malinda Jones."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES W. JEROME.

The next business on the Private Calendar was the bill (H. R. 5710) to increase the pension of Charles W. Jerome.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Charles W. Jerome, late first lieutenant and regimental quartermaster, One hundred and fifteenth Illinois Volunteer Infantry, war of the rebellion, to $50 per month, and to pay said Jerome back pay at that rate from 1st day of August, 1880.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after the word "to," in line 4, and add in place thereof the following:

"Place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Jerome, late first lieutenant and regimental quartermaster, One hundred and fifteenth Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Also to amend the title of the bill so as to read: "A bill granting an increase of pension to Charles W. Jerome."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with favorable recommendation.

NELSON B. LUTES.

The next business on the Private Calendar was the bill (H. R. 2169) granting a pension to Nelson B. Lutes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson B. Lutes, late a member of Company D, One hundred and eighty-eighth Pennsylvania Volunteer Infantry, and pay him a pension of $25 per month.

The following amendments recommended by the Committee on Invalid Pensions were read:

In line 8, strike out all after the word "pension," and insert in lieu thereof the words "at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Nelson B. Lutes," and when so amended your committee recommend its passage.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ANDREW J. DAVIS.

The next business on the Private Calendar was the bill (H. R. 524) granting an increase of pension to Andrew J. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Davis, late of Company I, Twenty-fifth Regiment Connecticut Volunteers, and pay him a pension at the rate of $50 per month in lieu of pension he is now receiving.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

In line 8 strike out the word "fifty" and insert "thirty."

The amendment recommended by the committee was agreed to.

Mr. TALBERT. Mr. Chairman, I should like to have the report read, unless the member in charge of the bill or the chairman of the committee will make a statement.

Mr. MIERS of Indiana. Will the gentleman permit me to make a statement?

Mr. TALBERT. Certainly.

Mr. MIERS of Indiana. This is a case of a soldier of the war of 1861–1865 drawing a pension of $12 a month. He came over to Indianapolis as colonel of a regiment. His horse fell back upon him, broke his leg, and he is now a cripple for life.

Mr. TALBERT. Was he in the service when his horse fell on him?

Mr. MIERS of Indiana. Yes.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE H. PENNINGTON.

The next business on the Private Calendar was the bill (H. R. 2477) granting an increase of pension to George H. Pennington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Pennington, late a musician in Company E, Fifty-third Regiment Indiana Infantry Volunteers, and later a private of Company K, Ninety-first Regiment of Indiana Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of the pension he now receives.

The following amendment, recommended by the Committee on Invalid Pensions, was read:

Strike out all after the word "of," in line 9, and insert in place thereof the words "$30 per month in lieu of that he is now receiving."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN C. FITNAM.

The next business on the Private Calendar was the bill (H. R. 4698) granting an increase of pension to John C. Fitnam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Fitnam, late corporal in Company K, One hundred and fifty-sixth Illinois Volunteers, and pay him a pension of $50 a month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "pension," in line 7, and insert in lieu thereof the words, "at the rate of $30 per month in lieu of that he is now receiving."

Mr. TALBERT. Mr. Chairman, I do not ask the reading of the report; it may be too lengthy; but possibly the gentleman in charge of the bill is here, and I would like to have a short statement.

Mr. SHAFROTH. Mr. Chairman, I will state to the gentleman from South Carolina that I am personally acquainted with the party in whose favor this bill is drawn. He is an old gentleman, was in the Army, received disabilities in the Army, and has become almost totally blind. It is a very extreme case, and I think ought to receive the favorable consideration of the committee.

Mr. TALBERT. I would like to ask the gentleman if he incurred his disabilities in line of duty, or did he go blind at home, and it is not traceable to his service in the Army?

Mr. SHAFROTH. It is a complicated case. He received some of his disabilities in the Army and traces them all to his Army service.

Mr. TALBERT. And they are so many of them he is entitled to it?

Mr. SHAFROTH. He is clearly entitled to it. He is a lawyer of our State and a very prominent writer.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT HAMMER.

The next business on the Private Calendar was the bill (H. R. 2637) granting a pension to Albert Hammer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at $50 per month, the name of Albert Hammer, late of Company E, One hundred and twenty-third Illinois Volunteers.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "laws," in line 5, and in place thereof insert the following: "the name of Albert Hammer, late of Company E, One hundred and twenty-third Illinois Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES ROSS.

The next business on the Private Calendar was the bill (H. R. 3538) granting an increase of pension to Charles Ross. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Ross, late private, Company B, Eleventh Missouri Volunteer Infantry, at the rate of $30 per month in lieu of the pension which he now receives.

The amendment recommended by the committee was read, as follows:

In line 8 strike out all after the word "of" and insert in lieu thereof the words, "that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES PERKINS.

The next business on the Private Calendar was the bill (H. R. 4652) granting a pension to Charles Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put upon the pension roll the name of Charles Perkins, of Manchester, Iowa, late of Company H, Sixteenth New York Heavy Artillery, at the rate of $25 per month, this sum to be in lieu of the pension that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 4, after the word "to," strike out all the remaining words and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Perkins, late of Company H, Sixteenth New York Volunteer Heavy Artillery, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. MATILDA G. HIGBEE.

The next business on the Private Calendar was the bill (H. R. 6575) for the relief of Mrs. Matilda G. Higbee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll the name of Mrs. Matilda G. Higbee, who officiated as nurse in various regimental hospitals for a period of nearly two years, being at the time wife of Capt. Alexander Hart, of Company I, Eighth Regiment Missouri Infantry, and to pay her a pension of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "roll," in line 4, and insert in place thereof the following: "subject to the provisions and limitations of the pension laws, the name of Matilda G. Higbee, formerly Matilda G. Hart, late a nurse with the Eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH M'CUNE.

The next business on the Private Calendar was the bill (H. R. 5299) increasing the pension of Joseph McCune.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McCune, late a private in Company A of the Sixth Regiment of Michigan Cavalry, and to grant him a pension at the rate of $50 per month, the same to be in lieu of any pension now drawn.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "to grant" and insert the word "pay."

In line 8 strike out all after the word "month" and insert in place thereof the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN J. M'CORMICK.

The next business on the Private Calendar was the bill (H. R. 854) to increase the pension of John J. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll the name of John J. McCormick, late first lieutenant of Companies C and F, Second Regiment Michigan Volunteer Cavalry, and pay him a pension of $30 per month in lieu of that which he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 7 strike out the word "thirty" and insert in lieu thereof the words "twenty-four;" and in the same line strike out the word "which."

Mr. WARNER. Mr. Chairman, I ask for a division of the amendments. I want a separate vote on each amendment. The second amendment I object to, and hope it will be voted down.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The Clerk read as follows:

In line 7 strike out the word "thirty" and insert in lieu thereof the words "twenty-four," and in the same line strike out the word "which."

Mr. WARNER. Mr. Chairman, I object to that amendment. The bill as originally drawn asked that this soldier be given $30 a month. The committee reports recommending that he be allowed only $24. Twenty-four dollars under the circumstances is a very small amount to be allowed to this old soldier. He served eight years in the Army; five years in the old Army before the war. He entered the volunteer service at the commencement of the civil war as a private soldier, rose by his merit to a first lieutenancy, and after three years' service was discharged on account of disability.

He has been allowed $12 a month under the act of 1890. His last medical examination, made in 1898, rates him at $30 a month. He is 71 years of age; he is totally blind in one eye and is fast losing his sight in the other. He is totally unable to earn a livelihood or do any manual labor whatever. He has no means of support; he has an old, dependent wife, who is now suffering from a painful and incurable disease; and $30 a month under the circumstances is a very small pension indeed. He is no thirty-days or ninety-days soldier; he is an eight-year soldier; and a man with a magnificent record in the War Department. I believe the chairman of the committee will not object to voting this amendment down.

Mr. SULLOWAY. Mr. Chairman, this is a very meritorious applicant, and he is in a very pitiable condition. The committee when it reported the bill was very conservative, as we have been all the time; but, so far as I am concerned, I will say that I have no objection to the amendment being voted down.

Mr. TALBERT. I would like to ask the chairman of the committee a question. I understood the gentleman to say that this applicant was totally blind, and before he got through that he was a night watchman somewhere. [Laughter.]

Mr. SULLOWAY. I said nothing of the kind.

Mr. SIMS. Does the gentleman from Illinois want the amendment voted down?

Mr. WARNER. I want the amendment voted down.

Mr. SULLOWAY. This man is totally blind, or at least blind in one eye and nearly blind in the other.

Mr. TALBERT. I want to know if he is a night watchman?

Mr. WARNER. No, he is not: he is not capable of doing any work at all. I am acquainted with him.

Mr. SIMS. Mr. Chairman, I think we ought not to increase the amount in the bills on the floor of the House. If you do it in this case, every one is open to it. Why not recommit the bill and let the committee bring it in?

Mr. WARNER. I do not want it to lose its place on the Calendar.

Mr. SIMS. Oh, that makes no difference.

Mr. WARNER. It makes considerable difference.

Mr. MIERS of Indiana. Mr. Chairman, since this report was made several bills have come over from the Senate at $30 not so meritorious as this bill is.

Mr. SIMS. If you start the precedent of increasing the amount which the committee reports, you will soon have to do it in every case. It is a bad precedent. I think the bill ought to be recommitted and let it be reported back.

Mr. TALBERT. I can not agree with my friend from Tennessee. I think we ought to stand by the report of the committee. If we recommit the bill the poor fellow may die before he gets his pension.

The amendment was not agreed to.

The Clerk read the next amendment, as follows:

In line 9 strike out the word "which."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SOPHRONIA BAILEY.

The next business on the Private Calendar was the bill (H. R. 1979) to pension Sophronia Bailey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, and pay her a pension as provided by the general pension laws and regulations, the name of Sophronia Bailey, dependent mother of Capt. George A. Bailey, late of Company B, Eleventh Regiment (First Artillery) Vermont Volunteers.

With the following committee amendments:

Strike out, in lines 4, 5, and 6, the words "and pay her a pension as provided by the general pension laws and regulations" and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws."

In line 8 add, after the word "Volunteers," the following: "and pay her a pension at the rate of $20 per month."

Amend the title so as to read: "A bill granting a pension to Sophronia Bailey."

Mr. LLOYD. Mr. Chairman, I desire to ask if this amount is not unusually large?

Mr. SULLOWAY. No; this is a matter of right. She would get it at the Bureau.

Mr. LLOYD. Her husband was an officer in the Army, then?

Mr. SULLOWAY. A captain.

The amendments recommended by the committee were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN VARS.

The next business on the Private Calendar was the bill (H. R. 232) granting a pension to John Vars, the totally blind son of Frank Vars, late master's mate on the U. S. S. *Reliance*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Vars, the totally blind son of Frank Vars, late master's mate on the U. S. S. *Reliance*, and grant him a pension at the rate of $25 per month.

With the following amendments recommended by the committee:

In line 7 strike out the word "grant" and insert in lieu thereof the word "pay."

Amend the title so as to read: "A bill granting a pension to John Vars."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

PHILIP YOE.

The next business on the Private Calendar was the bill (H. R. 2599) granting a pension to Philip Yoe, late of Company C, Third Maryland Volunteer Infantry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll of the United States the name of Philip Yoe, late of Company C, Third Maryland Volunteer Infantry, at the rate of $12 per month.

With the following committee amendments:

Strike out all after the word "roll," in line 4, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Philip Yoe, late of Company C, Potomac Home Brigade Maryland Volunteers, and pay him a pension at the rate of $12 per month."

Amend the title of the bill so as to read: "A bill granting a pension to Philip Yoe."

Mr. TALBERT. Mr. Chairman, I would like to ask that the report of the committee be read. It seems this is an original pension, and I would like to know why he never received one heretofore.

Mr. NORTON of Ohio. Mr. Chairman, I think I can explain this matter. This is a case of paralysis, nervous debility, and loss of eyesight. The soldier was in the service but seventy-five days. He did not have a ninety days' service. He has paralysis of one side, loss of eyesight, and is suffering from neurasthenia. He was rejected because he did not serve ninety days. The committee give him $12.

Mr. TALBERT. He applied for a pension, but could not get it?

Mr. NORTON of Ohio. Yes; because he had not served ninety days.

Mr. TALBERT. Does the gentleman think that he ought to have it?

Mr. NORTON of Ohio. Certainly; he is paralyzed on one side, is partially blind, and has constant neurasthenia.

Mr. TALBERT. Was he disabled, and was his disability traceable to service origin?

Mr. NORTON of Ohio. Yes.

Mr. TALBERT. But he only served seventy-five days.

Mr. NORTON of Ohio. He had typhoid fever when he was discharged from the service. It is a good, meritorious case.

Mr. DRIGGS. He was sick two weeks before that.

Mr. RAY of New York. Mr. Chairman, I think the gentleman from Ohio must be mistaken. It could not be that his claim was rejected at the Pension Bureau because he had not served ninety days if the disability was traceable to service origin. It must have been on a technical ground.

Mr. NORTON of Ohio. It was on a technical ground. He came home and laid for five weeks with typhoid fever, and it was on the technical ground that his typhoid fever was not of service origin; but he really had it when he was discharged.

The amendments recommended by the committee were agreed to.

The bill was then laid aside to be reported to the House with a favorable recommendation.

FANNIE H. RIGGIN.

The next business on the Private Calendar was the bill (H. R. 825) to increase the pension of F. H. Riggin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of F. H. Riggin, widow of Gen. John Riggin, Gen. U. S. Grant's staff, United States Volunteers, war of the rebellion, and that she be paid a pension of $30 per month.

The amendments reported by the committee were read, and agreed to, as follows:

Strike out all after the word "hereby," in line 3, and insert in lieu thereof the following: "authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie H. Riggin, widow of John Riggin, late colonel and aid-de-camp, United States Volunteers, on the staff of General Grant, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

Amend the title of the bill so as to read: "A bill granting an increase of pension to Fannie H. Riggin."

The bill as amended was laid aside to be reported favorably to the House.

MARGARET BOMKE.

The next business on the Private Calendar was the bill (H. R. 2526) granting a pension to Margaret Bomke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Bomke, widow of Edmund Bomke, late quartermaster-sergeant of Eleventh Regiment of New York Militia, and pay her a pension at the rate of $12 per month.

The amendments reported by the committee were read, and agreed to, as follows:

In line 6 strike out "Margaret" and insert in lieu thereof "Margarethe."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

After the word "month," in line 8, add the following: "and $2 per month additional for each of the two minor children of the soldier."

Amend the title so as to read: "A bill granting a pension to Margarethe Bomke."

The bill as amended was laid aside to be reported favorably to the House.

FRANCES C. KIRBY.

The next business on the Private Calendar was the bill (H. R. 5156) granting an increase of pension to Frances C. Kirby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Frances C. Kirby, widow of

Capt. George B. Kirby, late of Company I, Forty-seventh Regiment New York Volunteers Infantry, on the pension roll and pay her a pension at the rate of $30 per month in lieu of the pension which she is now receiving.

The amendments reported by the committee were read and agreed to, as follows:

In line 4, after the word "place," insert the following: "on the pension roll, subject to the provisions and limitations of the pension laws."

In line 6 strike out "Volunteers" and insert in place thereof the word "Volunteer."

Strike out, in lines 6 and 7, the words "on the pension roll."

In line 7 strike out the word "twenty" and insert in lieu thereof the word "fifteen."

In line 8 strike out the words "the pension which" and insert in place thereof the word "that."

The bill as amended was laid aside to be reported favorably to the House.

HENRY H. BROWN.

The next business on the Private Calendar was the bill (H. R. 4090) granting an increase of pension to Henry H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Henry H. Brown, late a member of Company I, Fifty-ninth Indiana Volunteers, and pay him a pension of $24 per month in lieu of any pension he may be drawing.

The amendments reported by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "Volunteers" and insert the words "Volunteer Infantry."

In the same line strike out all after the word "pension" and insert in place thereof the words "at the rate of $30 per month in lieu of that he is now receiving."

Mr. TALBERT. I should like to hear the report read.

Mr. MIERS of Indiana. Will not the gentleman from South Carolina, instead of having the report read, allow me to make a statement?

Mr. TALBERT. I would like to hear the report or a statement.

Mr. MIERS of Indiana. I will make a statement, with the gentleman's permission.

This man was in the service four years six months and a half—a magnificent service. He is drawing $12 under the act of June 9. At the Pension Office he was turned down because they said his disabilities were not chargeable to his service, when the records, the affidavits on file, show that while in the service he had the measles, which settled in his right eye; that his sight was never cleared up, so that he became absolutely blind in that eye, a disability for which he draws no pension.

I know this man; I know him well. His condition is not caused by any vicious habits. He has no property; he worked hard as long as he had any ability to work.

In view of his service of over four years, in view of the fact that he is drawing a pension of only $12, the committee were inclined to give him $30, but finally decided to cut it down to $20.

Mr. TALBERT. I understand the gentleman to say that this man's disabilities are not traceable to service origin.

Mr. MIERS of Indiana. The Department has so held, in spite of the fact that during his service he had measles, which settled in his right eye, the sight of which never cleared up, so that ten years afterwards he lost the sight of that eye entirely. As a member of the committee, I believe that his disability is traceable to service origin, and that he ought to have a pension of $50.

Mr. SIMS. What does the medical examining board show?

Mr. MIERS of Indiana. They held that the disability was not of service origin. But in point of fact it is shown by affidavits, etc., which are a part of the record, that this man contracted measles while in the service, and from this resulted loss of sight. But the examining board holds that the man's blindness can not be traced to service origin.

Mr. SIMS. My question is, What do the examining surgeons in the Pension Bureau hold? Do they hold that the disability is not of service origin?

Mr. MIERS of Indiana. Yes, sir; they so hold.

Mr. SIMS. Then does the gentleman from Indiana propose to say to this House that he knows better than the surgeons who have made their official report on this subject?

Mr. MIERS of Indiana. I believe that we ought to take the proof which is on file. There are among the papers the affidavits of three surgeons, physicians residing at the man's home, who declare that in their judgment the disability is of service origin. Relying upon such testimony, I will state to the gentleman that I think I have better judgment on this subject than H. Clay Evans.

Mr. SIMS. I did not refer to H. Clay Evans, but to the examining surgeons who made this report.

Mr. MIERS of Indiana. H. Clay Evans is represented by the examining surgeons, who, after setting out the facts, conclude that the disability is not of service origin. From that conclusion I dissent.

Mr. SIMS. I would like to ask the gentleman whether the examining surgeons in the Pension Bureau are making just such reports as H. Clay Evans dictates or desires?

Mr. MIERS of Indiana. I think so.

Mr. SIMS. That is your charge?

Mr. MIERS of Indiana. Yes, sir; and I believe it is well founded.

Mr. TALBERT. Mr. Chairman, I have no doubt that every word the gentleman from Indiana has said is true; but I submit that we ought to have something else besides statements of members in support of these bills. There ought to be affidavits presented to the committee.

Mr. MIERS of Indiana. There are three affidavits of this man's home physicians.

Mr. GAINES. I was about to ask whether there were reports from any other physicians than those of the Pension Bureau?

Mr. MIERS of Indiana. Yes; three. I assure the House there is not a more meritorious case on this Calendar than the one now pending.

Mr. RAY of New York. I would like to ask the gentleman from Indiana two or three questions. In the first place, how long did this soldier serve?

Mr. MIERS of Indiana. Four years three months and, I believe, thirteen days, to be exact.

Mr. RAY of New York. And he has a good record?

Mr. MIERS of Indiana. Yes, sir.

Mr. RAY of New York. What is his pecuniary condition to-day?

Mr. MIERS of Indiana. He is absolutely helpless and unable to labor; he has expended all the means he ever had.

Mr. RAY of New York. And there is no one on whom he can depend for support?

Mr. MIERS of Indiana. No one.

Mr. RAY of New York. Then we have presented here this case. There is a doubtful question at the Pension Bureau that they have decided against him, as to whether his disabilities are of service origin. The committee gave him the benefit of that doubt. Now, I submit that if it were found that his disabilities were not of service origin, here is the case of a soldier who served four years, who is now old and poverty stricken and must go to the poorhouse unless Congress does something for him.

Mr. MIERS of Indiana. Yes, sir.

Mr. RAY of New York. Now, you do not need to put it on the ground that you are overruling the Pension Bureau. Put it on the ground of justice to an old soldier; that you are keeping him out of the poorhouse.

Mr. MIERS of Indiana. Still, when the gentleman from South Carolina asks me what I believe, I am compelled to say that I believe it is of service origin.

Mr. GAINES. I understand that three of his home physicians so state.

Mr. MIERS of Indiana. Yes.

Mr. SIMS. But the Commissioner is an officer of the Government. Do you want a charge made here against him, with no chance to vindicate himself? I understood the gentleman from Indiana to state, in answer to my question, that the examining surgeons in the Bureau made just such a report as the Commissioner dictated.

Mr. MIERS of Indiana. The gentleman knows that whatever was said was said in the heat of debate——

Mr. SIMS. If it is true, the country ought to know it; and if it is not true, the gentleman from Indiana ought not to make the statement.

Mr. MIERS of Indiana. Oh, no; but there is a general feeling which prevails that it goes from the Commissioner down through the minor examiners and that a good many doubts are resolved against the old soldier.

Mr. SIMS. I simply want the record to show how the thing occurred.

The amendments recommended by the committee were agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. BOUTELL of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOUTELL of Illinois. When the bill H. R. 5166 was called a few moments ago I lost track of the proceedings.

The CHAIRMAN. The Clerk informs the Chair that there was an error in the printed Calendar. It will be made all right.

ZADOK C. PERKINS.

The next business on the Private Calendar was the bill (H. R. 5186) for the increase of pension of Zadok C. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Zadok C. Perkins, late of Company D, Second Iowa Volunteer Cavalry, and pay him at the rate of $50 per month in lieu of the pension now paid him, he being totally blind.

The following amendments, recommended by the Committee on Invalid Pensions, were read:

Strike out all after "to," in line 4, and insert: "Place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zadok C. Perkins, late of Company D, Second Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Zadok C. Perkins."

The amendments recommended by the committee were agreed to.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. CALDERHEAD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5188) granting an increase of pension to Zadok C. Perkins, submit the following report:

The beneficiary, now 56 years of age, served as a private in Company D, Second Iowa Cavalry, from August 27, 1861, to September 19, 1865. He first applied for a pension in August, 1877, on account of injury to right leg from the kick of a horse, and was pensioned from discharge for said disability at $2 per month.

In December, 1883, he applied on account of an additional disability—chronic diarrhea and piles and disease of lungs—and in 1892 he was pensioned at $4 from December 22, 1883, on account of the leg injury and chronic diarrhea, and the claim on account of piles and disease of lungs was rejected upon the ground of no disability from said causes. He is now a pensioner under the act of June 27, 1890, at $12 per month, by reason of injury to leg, chronic diarrhea, and disease of eyes.

During the prosecution of his claim under the act of June 27, 1890, the soldier stated that he first noticed an impairment of sight in July or August, 1897.

A medical examination of the beneficiary before an oculist, on March 20, 1899, revealed atrophy of the optic nerve of both eyes, causing for all practical purposes total blindness, the vision of the left eye being nothing better than light perception; right eye was found totally blind; and the oculist who examined him stated that the claimant came to him for advice in 1898 as to vision; that he advised no treatment, as he considered the prospects of a cure hopeless, and stated further that the blindness was not due to any specific disease.

There has been filed with your committee the affidavit of this same oculist, to the effect that he examined the claimant on January 21, 1900, and found total blindness of both eyes, requiring the regular aid of another person, and that while he did not know what caused the atrophy of the optic nerves, he found nothing to indicate that the trouble was due to vicious habits.

The wife of the pensioner, whose affidavit was also filed with your committee, states that he has no property except his pension and 80 acres of land in Adair County, Iowa, valued at $2,000 and mortgaged at $1,200, and that the income from the rent of the land would not more than pay the interest on mortgage, the taxes, and repairs.

In view of the sad affliction of the soldier, who rendered the Government four years of faithful service, the pensioner should, now that he is totally blind, receive such a pension as to keep him from the poorhouse and afford to him and to his wife the necessaries of life, and your committee recommends that the bill be amended as follows:

Strike out all after the the word "to," in line 4, and insert in place thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zadok C. Perkins, late of Company D, Second Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 in lieu of that he is now receiving."

Amend the title of the bill so as to read: "A bill granting an increase of pension to Zadok C. Perkins."

Mr. SIMS. Mr. Chairman, I want to make a parliamentary inquiry, or rather to make a motion, if it is in order. It is that the committee rise, and that we take a recess until to-morrow at 12 o'clock, when we can come back here and take up this Calendar right where it is, and finish these bills.

Mr. GROSVENOR. Mr. Chairman, that motion is not in order. The order of the House terminates this session at 10.30 o'clock, and the resolution of the House adjourns it, at the close of this session, until Monday morning.

Mr. SIMS. Can we not take a recess until to-morrow?

Mr. GROSVENOR. The standing rule of the House puts an end to this session at half past 10 o'clock to-night.

Mr. SIMS. Can it not be done by unanimous consent?

The CHAIRMAN. The Chair thinks not.

Mr. SIMS. Then I move that the committee rise, and that we get into the House, where we can do something.

The motion was rejected.

The bill H. R. 5186 as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise and report the various bills to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration the following bills and had directed him to report the same to the House with amendments and with the recommendation that as amended the bills do pass:

H. R. 309. A bill granting a pension to James M. Kercheval;
H. R. 3072. A bill to increase the pension of William W. Wharton;
H. R. 5229. A bill granting a pension to Sarah Potter;
H. R. 4416. A bill to increase the pension of Henry Geesen;
H. R. 2749. A bill granting a pension to Susan Garrison;
H. R. 438. A bill granting a pension to Emma M. Kitt;
H. R. 2391. A bill granting a pension to Elizabeth R. Holt;
H. R. 1885. A bill to pension Harvey Grant;
H. R. 3067. A bill granting an increase of pension to Melvina Bottles;
H. R. 3260. A bill granting a pension to Mrs. S. M. Button;
H. R. 3071. A bill to increase the pension of Capt. John F. Nelson;
H. R. 2597. A bill to increase the pension of Charles Kauffung;
H. R. 2321. A bill granting an increase of pension to Horatio H. Warren;
H. R. 5440. A bill granting a pension to Smith Jewell;
H. R. 2666. A bill for the relief of John M. Laughlin;
H. R. 5509. A bill to pension Melinda Jones;
H. R. 5710. A bill to increase the pension of Charles W. Jerome.
H. R. 2169. A bill granting a pension to Nelson B. Lutes;
H. R. 524. A bill granting an increase of pension to Andrew J. Davis;
H. R. 2477. A bill granting an increase of pension to George H. Pennington;
H. R. 4698. A bill granting an increase of pension to John C. Fitnam;
H. R. 2637. A bill granting a pension to Albert Hammer;
H. R. 3538. A bill granting an increase of pension to Charles Ross;
H. R. 4652. A bill granting a pension to Charles Perkins;
H. R. 6575. A bill for the relief of Mrs. Matilda Higbee;
H. R. 5299. A bill increasing the pension of Joseph McCune;
H. R. 854. A bill to increase the pension of John J. McCormick;
H. R. 1979. A bill to pension Sophronia Bailey;
H. R. 232. A bill granting a pension to John Vars, the totally blind son of Frank Vars, late master's mate on the U. S. S. *Reliance*;
H. R. 2599. A bill granting pension to Philip Yoe, late of Company C, Third Maryland Volunteer Infantry;
H. R. 895. A bill to increase the pension of F. H. Riggin;
H. R. 2526. A bill granting a pension to Margaret Bomke;
H. R. 5186. A bill for the increase of pension to Zadok C. Perkins;
H. R. 4090. A bill granting an increase of pension to Henry H. Brown; and
H. R. 5156. A bill granting an increase of pension to Frances C. Kirby.

Also, that the Committee of the Whole had had under consideration the bill (H. R. 5188) granting a pension to David C. Dane, and had directed him to report the same to the House without amendment and with the recommendation that the same do pass.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered upon these several bills and their amendments to their final passage.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry. If that is done, will that not put these bills as unfinished business, to come up for passage next Friday?

The SPEAKER. The Chair thinks that the bills, without ordering the previous question, will come up as unfinished business on Friday next; but with the previous question ordered the Chair thinks they would be the unfinished business for Monday next, and would be in order on Monday.

The gentleman from New Hampshire [Mr. SULLOWAY] asks unanimous consent that the previous question be considered as ordered on the several bills that have been reported and the amendments thereto to the final passage of each bill. Is there objection?

There was no objection.

The SPEAKER. It lacks two minutes of the hour of adjournment. A motion to adjourn in pursuance of the order made by the House this morning will be in order, to save a minute or two.

Mr. GAINES. Mr. Speaker, before we adjourn, I should like to ask the chairman of the Committee on Invalid Pensions a question for information. Is there any law allowing an ex-Confederate soldier who served in the recent war with Spain a pension?

Mr. SULLOWAY. I understand there is. I think they are being pensioned.

Mr. GAINES. When was it passed?

Mr. SULLOWAY. It is my impression that there is such a law.

Mr. GAINES. The reason why I ask the question is this: I have here a copy of a letter published in a paper which I received to-day, in which it is stated that the law reads as follows—and that is the law as far as I have been able to find out——

Mr. SULLOWAY. I think the gentleman is right, and that there are bills pending to correct that now.

Mr. GAINES. Section 4716 of the Revised Statutes of the United States reads as follows:

No money on account of pensions shall be paid to any person, or to the widow, or children, or kin of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

Mr. SULLOWAY. I think the gentleman is right, and that legislation is needed to correct that.

Mr. GROSVENOR. My own impression is that the law pensioning the Spanish war soldiers makes no distinction against ex-Confederate soldiers. If that be so, then by implication it repeals

the section which the gentleman has read; and I want to say if that is not repealed it is mighty bad for the law of this country, and it must not stand very long.

Mr. GAINES. Well, I join you in saying that, and I wish to say, if I may be allowed for a moment, that an ex-member of this Congress, Col. John H. Savage, who was a Mexican war veteran and an ex-Confederate, has called my attention to the matter through the press. I should like to insert this short letter by unanimous consent in the RECORD.

The SPEAKER. If there is no objection, the request of the gentleman will be granted.

There was no objection.

The letter is as follows:

To the editor of the American:

Section 4716, Revised Statutes of the United States, reads:

"No money on account of pensions shall be paid to any person or to the widow, children, or kin of any deceased person who in any manner voluntarily engaged in or aided and abetted the late rebellion against the authority of the United States."

The American will please let the people know whether or not any Senator or Congressman from Tennessee has made an effort to repeal this unjust statute; and if so, name the man and the work he has done.

This statute stopped the payment of all pensions in the Southern States allowed for wounds and disabilities incurred in the war with Mexico, it being assumed by the United States officials that all persons in the Southern States were either rebels or aided and abetted the rebellion.

After years of battle before the people and in Congress, in which Tennessee Senators and Congressmen were slow to act, the law was passed which gave to soldiers and officers in the war with Mexico a pension of $8 per month, and is the only pension law known to me which reduces the pay of the officer to a level with the private. This law made no provision for placing upon the pension rolls the soldiers who had pensions allowed them for disability in the war with Mexico.

A proper law then and now would be to direct the pension officer to audit the claims of these soldiers and officers that now live, to allow them disability pensions as their due under the existing law, deduct from the amount the sum received under the $8 act, and pay the balance.

There is another unjust discrimination against Mexican veterans. They killed Mexicans, added to the Republic a territory in extent and value transcending the conquests of Cæsar or Napoleon, and for this the Government in their helpless old age allows them $8 per month, while at the same time paying another crop of pensioners, who killed Americans, and by great armies overrun, conquered, and desolated twelve States, $12 per month to privates, and no reduction for officers.

Has President McKinley, while uttering many and eloquent words to compliment the patriotism and courage of Southern soldiers in the war with Spain and Philippines, recommended the repeal of this unjust and odious section 4716, and of paying the soldier who killed Mexicans as much and putting him upon a level with the soldiers who killed Americans? Is sectional hate and party policy still too strong to allow the President to recommend this act of equal and exact justice to all?

JOHN H. SAVAGE.

FEBRUARY 3, 1900.

The SPEAKER (at 10 o'clock and 30 minutes p. m.). In pursuance of the standing rule of the House, and of the order made this morning, the House stands adjourned until 12 o'clock noon on Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with original papers, a report of the Quartermaster-General relating to the claim of John H. W. Dette—to the Committee on Claims, and ordered to be printed (except the original papers).

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the secretary of the Light-House Board submitting an estimate of appropriations for building a light-ship for Pollock Rip Shoals, Massachusetts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the Congressional Library submitting a request for the credit of certain disallowances—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for certain schedules of the Eleventh Census, and of repairs of Casa Grande ruin in Arizona—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Trinity River, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Atchafalaya Bay—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1900, under act of August 30, 1890, relating to agricultural colleges, etc.—to the Committee on Education, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 2825) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia, reported the same with amendment, accompanied by a report (No. 268); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6243) to amend the charter of the Capital Traction Company of the District of Columbia, reported the same with amendment, accompanied by a report (No. 269); which said bill and report were referred to the House Calendar.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4604) to amend the charter of the East Washington Heights Traction Railroad Company, reported the same with amendment, accompanied by a report (No. 270); which said bill and report were referred to the House Calendar.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes, reported the same with amendment, accompanied by a report (No. 271); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3640) granting a pension to Mary Pollock, reported the same with amendment, accompanied by a report (No. 255); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6144) to increase pension of Mrs. Margaret A. Porter, reported the same with amendment, accompanied by a report (No. 256); which said bill and report were referred to the Private Calendar.

He also, from the same Committee, to which was referred the bill of the House (H. R. 205) to increase pension of George C. Snyder, reported the same with amendment, accompanied by a report (No. 257); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4655) granting pension to Mrs. Elizabeth C. Rice, reported the same with amendment, accompanied by a report (No. 258); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6031) granting additional pension to James W. Carmody, reported the same with amendment, accompanied by a report (No. 259); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7368) for the relief of Sherman D. Plues, reported the same with amendment, accompanied by a report (No. 260); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5180) to increase the pension of Thomas Adams, reported the same with amendment, accompanied by a report (No. 261); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6139) granting a pension to Lucinda Haggard, reported the same with amendment, accompanied by a report (No. 262); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1890) to increase the pension of John Houk, reported the same with amendment, accompanied by a report (No. 263); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7114) granting an increase of pension to John S. Parker, reported the

same with amendment, accompanied by a report (No. 264); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3694) granting an increase of pension to James Bottoms, reported the same with amendment, accompanied by a report (No. 265); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2382) granting a pension to Eli Overhultz, reported the same with amendment, accompanied by a report (No. 266); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla., reported the same without amendment, accompanied by a report (No. 267); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8267) for the relief of Eliza Jackson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUMMINGS (by request): A bill (H. R. 8299) to increase the efficiency of the United States Navy, for a specially designed cruiser to be built and constructed with Painton's electrical system of multiple screw propellers, and so forth—to the Committee on Naval Affairs.

By Mr. CARMACK: A bill (H. R. 8300) to remove obstructions from and improve the channel of Big Hatchie River, Tennessee—to the Committee on Rivers and Harbors.

By Mr. SMALL: A bill (H. R. 8301) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Elizabeth City, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. VANDIVER: A bill (H. R. 8302) to dredge the St. Francis River—to the Committee on Rivers and Harbors.

By Mr. BARHAM: A bill (H. R. 8303) to provide for telegraphic cables between the United States of America and Hawaii, Guam, and Philippine Islands, and other countries, and to promote commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD: A bill (H. R. 8304) to amend section 17, chapter 296 of the Statutes of the United States, relating to the compensation and mileage of Senators, Representatives, and Delegates in Congress—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 8305) creating a commission for the condemnation of insanitary buildings in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 8306) extending to the district of Alaska the laws of the United States relating to the sale of coal and stone lands, and for other purposes—to the Committee on the Public Lands.

By Mr. VANDIVER: A bill (H. R. 8307) to protect the town of Point Pleasant, in the State of Missouri—to the Committee on Rivers and Harbors.

By Mr. SWANSON: A bill (H. R. 8308) for the erection of a public building at Martinsville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD (by request): A joint resolution (H. J. Res. 164) enlarging the powers of the United States Postal Printing Telegraph Company—to the Committee on the District of Columbia.

By Mr. EPES: A joint resolution (H. J. Res. 165) providing for a resurvey and reestimate for deflecting the Appomattox River at Petersburg, Va.—to the Committee on Rivers and Harbors.

By Mr. ALEXANDER: A joint resolution (H. J. Res. 166) to provide for the presentation of medals of honor to troops who volunteered their services in the year 1863, before the battle of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. DALZELL: House concurrent resolution (H. C. Res. 17) providing for the printing of the Report of the Philippine Commission—to the Committee on Printing.

By Mr. SULZER: House resolution (H. Res. 140) relating to the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: House resolution (H. Res. 141) providing for the printing of 6,000 copies of the funeral oration on the death of General Washington delivered in the German Lutheran Church, Philadelphia, December 26, 1799—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COONEY: A bill (H. R. 8309) granting to Andrew J. Pitts a pension—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8310) granting a pension to David B. Cramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8311) granting an increase of pension to John Kehn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8312) granting a pension to Josiah A. Wright—to the Committee on Invalid Pensions.

By Mr. CARMACK: A bill (H. R. 8313) for the relief of the La Grange Synodical College of Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 8314) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich—to the Committee on War Claims.

Also, a bill (H. R. 8315) for the relief of the estate of David S. Greer, of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. CUMMINGS: A bill (H. R. 8316) granting a pension to Harry E. Fillmore—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 8317) for the relief of George Lewis Cousens—to the Committee on War Claims.

Also, a bill (H. R. 8318) for the benefit of the heirs of G. W. Rogers—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 8319) for the relief of the estate of David Pangle, deceased, late of Jefferson County, Tenn.—to the Committee on War Claims.

By Mr. HOFFECKER: A bill (H. R. 8320) granting an increase of pension to Eliza J. Duvall—to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 8321) directing the issue of a duplicate of lost check drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Breneman—to the Committee on Claims.

By Mr. JETT: A bill (H. R. 8322) to correct the military record of Frederick Rech, alias Frederick Ricks—to the Committee on Military Affairs.

Also, a bill (H. R. 8323) granting a pension to Jacquess Roelinger, alias Jacquess Cerman—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8324) granting an increase of pension to Russell S. Worthing—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD (by request): A bill (H. R. 8325) to increase the pension of Owen S. M. Cone, of the United States Signal Corps—to the Committee on Invalid Pensions.

By Mr. LITTLE (by request): A bill (H. R. 8326) to correct the military record of George W. Ethington—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8327) to remove charge of desertion from the military record of John M. Benson—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 8328) for the relief of Henry R. Walton, administrator of John Walton, deceased, late of Annapolis, Md.—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 8329) for the relief of A. C. Landis—to the Committee on Military Affairs.

Also, a bill (H. R. 8330) for the relief of Harry H. Sieg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8331) for the relief of Emma S. Rusling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8332) for the relief of William F. Doan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8333) for the relief of Mrs. Annie S. Hummel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8334) for the relief of Elizabeth Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8335) granting an increase of pension to Cyrus Dubbs—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 8336) to pay Darius E. Houghton, of West Enosburg, Vt., the sum of $25.37 for bounty on maple sugar and by mistake not included in the appropriation of March 2, 1895—to the Committee on Claims.

By Mr. RANSDELL: A bill (H. R. 8337) for the relief of Mrs. Mary L. Stephens, of East Carroll Parish, La.—to the Committee on War Claims.

By Mr. SUTHERLAND: A bill (H. R. 8338) granting an increase of pension to Alvin Gray—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 8339) granting an increase of pension to Charles H. Gates—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 8340) for the relief of Cintilda H. Caldwell, heir of Nancy Sutton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8341) to correct the naval record of John J. James—to the Committee on Naval Affairs.

Also, a bill (H. R. 8342) granting a pension to Mary E. Haile—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: A bill (H. R. 8343) granting a pension to Abby M. Holyoke—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: A bill (H. R. 8344) granting a pension to Charles Weitfle—to the Committee on Invalid Pensions.

By Mr. WILLIAM E. WILLIAMS: A bill (H. R. 8345) to pay Charles T. Bouidon certain arrearages of pension—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 8346) for the relief of Jackson D. Siner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Allegheny County (Pa.) Medical Society, protesting against the passage of Senate bill 34, relating to vivisection and all acts of a similar character—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of the St. Louis Furniture Board of Trade, favoring a competing submarine cable line between Cuba and the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Company B, Sixth Missouri Enrolled Militia, asking that the names of soldiers who served in the Missouri State Militia be placed on the pension rolls—to the Committee on Invalid Pensions.

Also, petition of the St. Louis Merchants' Exchange, in favor of an appropriation for pneumatic-tube postal service—to the Committee on the Post-Office and Post-Roads.

Also, petition of the St. Louis Merchants' Exchange, in favor of appropriation for the improvement of the Mississippi River and the Southwest Pass—to the Committee on Rivers and Harbors.

Also, resolutions of U. S. Grant Command, Department of Missouri, Union Veterans' Union, against the removal of disabilities of all deserters in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Resolutions of the Chamber of Commerce of Atlanta, Ga., indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of Atlanta, Ga., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. L. Davis and other postal clerks of Macon, Ga., in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of Texas (by request): Paper to accompany Senate bill No. 1806, providing for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON: Petition of R. Coulton and other citizens of Cleveland, Ohio, to accompany House bill No. 7852, to increase the pension of Maj. O. M. Brown—to the Committee on Invalid Pensions.

By Mr. CARMACK: Petitions of John Dearing and others, of the State of Tennessee, to accompany House bill in relation to the improvement of navigation of the Hatchie River—to the Committee on Rivers and Harbors.

By Mr. CAPRON: Petition of Cigar Makers' Union, No. 94, of Pawtucket, R. I., against the admission free of duty or the lowering of the duty on cigars imported from Puerto Rico—to the Committee on Ways and Means.

Also, resolutions of the Boston, Mass., Merchants' Exchange, favoring a competing submarine cable line between Cuba and the United States—to the Committee on Insular Affairs.

Also, petition of the Business Men's Association of Wickford, R. I., and others, for the deepening of Mill Cove, at the entrance of Wickford Harbor—to the Committee on Rivers and Harbors.

By Mr. CLARK of Missouri: Protest of W. W. Macfarlane, M. D., and E. S. Cone, M. D., of Mexico, Mo., against the passage of Senate bill No. 34, relating to vivisection—to the Committee on the District of Columbia.

By Mr. DALZELL: Resolutions of the Boston Merchants' Association, in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

Also, resolutions of the Allegheny County, Pa., Medical Society, relative to Senate bill No. 34, prohibiting vivisection—to the Committee on the Judiciary.

Also, petition of sundry citizens of Allegheny County, Pa., favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIOTT: Petition of Hon. W. D. Morgan, and other citizens of South Carolina, favoring the improvement of Lynchs River—to the Committee on Rivers and Harbors.

By Mr. GARDNER of New Jersey: Resolutions of the citizens of Atlantic City, N. J., expressing sympathy for the peoples of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Resolution of the New York Mercantile Exchange, indorsing House bill No. 7667, relative to the branding of cheese—to the Committee on Agriculture.

By Mr. GRIFFITH: Petition of Daniel H. George and 25 other members of Grange No. 975, Patrons of Husbandry, Jackson County, Ind., for the election of United States Senators by popular vote—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of D. H. George and other members of Grange No. 975, Patrons of Husbandry, of Jackson County, Ind., favoring the bill relating to food products—to the Committee on Agriculture.

Also, petition of Daniel H. George and 34 other members of Grange 975, Patrons of Husbandry, of Owen Township, Jackson County, Ind., (1) in favor of rural free delivery; (2) in opposition to national-bank control of currency; (3) in opposition to trusts; and (4) in opposition to financial bill pending in the Senate for establishment of gold standard—to the Committee on Banking and Currency.

By Mr. HEATWOLE: Resolutions of citizens of Minneapolis, Minn., expressing sympathy for the Boer Republic in its present war—to the Committee on Foreign Affairs.

By Mr. KNOX: Papers to accompany House bill No. 4958, granting a pension to Clarissa Caruth—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 4958, for the relief of Michael H. Farrell—to the Committee on Claims.

Also, papers to accompany House bill No. 2021, to remove the charge of desertion now standing against the record of Henry C. Bliss—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Paper to accompany House bill for the relief of Owen S. M. Cone—to the Committee on Invalid Pensions.

By Mr. McCLEARY: Petition of the president and faculty of the University of the State of Minnesota and letter of Dr. H. D. Jencks, of Jasper, Minn., against the passage of the Gallinger bill to prohibit vivisection—to the Committee on the Judiciary.

Also, petition of the Red Cliff Lumber Company, of Duluth, Minn., against the passage of House bill No. 5267, relative to forest-reserve scrip—to the Committee on the Public Lands.

By Mr. McDOWELL: Papers to accompany House bill for the relief of James M. Dennison—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolution of the Boston, Mass., Merchants' Association and the National Board of Trade, of Philadelphia, Pa., for cable facilities between the United States and Cuba, etc.—to the Committee on Insular Affairs.

By Mr. POWERS: Papers to accompany House bill No. 8187, to correct the military record of Francis H. Staples—to the Committee on Military Affairs.

Also, resolutions of the New York Mercantile Exchange, favoring the passage of House bill No. 7667, relating to the branding of cheese—to the Committee on Agriculture.

Also, resolution of the Boston, Mass., Merchants' Association, in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. RUCKER: Petition of S. J. Mikal and 50 citizens of the Second Congressional district of Missouri, favoring trial by jury in injunction contempt cases—to the Committee on the Judiciary.

By Mr. VANDIVER: Papers in support of House bill for the relief of Mary E. Haile—to the Committee on Invalid Pensions.

Also, petition of Cintilda H. Caldwell, of the State of Missouri, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. YOUNG of Pennsylvania: Resolution of the New York Mercantile Exchange, asking for the passage of House bill 7667, relating to the branding of cheese—to the Committee on Agriculture.

Also, memorial of the South St. Joseph Live Stock Exchange, in opposition to the Tawney bill, imposing a tax upon the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

Also, petition of the Alonzo O. Bliss Company, of Washington, D. C., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolutions of the National Board of Trade and Brown Bros. & Co., of Philadelphia, Pa., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 10, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. TILLMAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PROCEEDS OF SCHOOL LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1900, made in the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," approved August 30, 1890, as required by section 5 of the act; which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

PROCEEDINGS BY NAVAL COURTS-MARTIAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 5th instant, certain information as to whether the Navy Department has or has not refused or refrained to communicate to the Court of Claims information concerning proceedings by naval courts-martial, etc.

The resolution was submitted by the junior Senator from Alabama [Mr. PETTUS]. The communication will, without objection, be printed and referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of sundry employees of the Bureau of Animal Industry of the Department of Agriculture, stationed at Nebraska City, Nebr., praying that they be granted an annual leave of absence with pay; which was referred to the Committee on Agriculture and Forestry.

He also presented sundry papers in support of the bill (S. 2051) granting an increase of pension to Granville R. Turner; which were referred to the Committee on Pensions.

Mr. McMILLAN presented a petition of the International Association of Machinists, of Detroit, Mich., praying for the enactment of legislation to provide for leaves of absence to certain employees of the Government; which was referred to the Committee on Naval Affairs.

He also presented a petition of Carpenters and Joiners' Union, No. 100, United Brotherhood of Carpenters and Joiners of America, of Muskegon, Mich., praying for the enactment of legislation limiting the hours of daily service of laborers, mechanics, etc., and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. HALE presented the petition of John L. Thompson, of Eden, Me., praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a petition of sundry citizens of the Second Congressional district of Missouri, praying for the enactment of legislation relative to procedure in contempt cases before Federal courts; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the National Board of Trade, praying for the passage of the financial bill; which was ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation to protect the forests from needless destruction, and providing for the planting of new forests; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Philadelphia and Erie, in the State of Pennsylvania, praying that an appropriation be made for the construction of a new fireproof Patent-Office building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the National Board of Trade, praying for the establishment of additional courts in Alaska for the protection of life and property; which was referred to the Committee on Territories.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation providing for the extension of American trade; which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, praying that the war-revenue law be so amended as to eliminate the tax on cash transactions in grains and other farm produce; which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, praying that an appropriation be made to aid the World's Exposition to be held at St. Louis, Mo., in 1903, to commemorate the centennial celebration of the Louisiana purchase; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation for the protection of the sanitary conditions of our people by preventing the pollution of rivers and other waterways of the country; which was referred to the Committee on Public Health and National Quarantine.

Mr. FRYE presented a petition of the Progressive Union of New Orleans, La., praying for the enactment of legislation to promote commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and seamen for Government use when necessary; which was referred to the Committee on Commerce.

SHEATHING OF SHIPS OF THE NAVY.

Mr. HALE. I present some views of members of the board of construction relative to the question of sheathing and coppering ships of the Navy. It is an important matter. I move that the papers be printed as one document and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2583) for enlarging the public building at Dallas, Tex., reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1173) to authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2840) for enlarging the public building at Portland, Oreg., situated between Morrison, Yamhill, Fifth, and Sixth streets, in said city, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1395) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 1271) granting a pension to Charles Williamson, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3017) granting an increase of pension to Julia M. Edie, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3115) granting an increase of pension to Robert Moran; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 3116) appropriating $2,500 to pay for the destruction of a brick church, corner of Fifth avenue and East Second street, Rome, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 3117) for the relief of the estate of Jesse H. Darden, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3118) for the relief of Mrs. Virginia Grant; which was read twice by its title, and referred to the Committee on Claims.

Mr. LINDSAY introduced a bill (S. 3119) granting an increase of pension to Lewis Terry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3120) creating a commission for the condemnation of insanitary buildings in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3121) to provide for the opening of alleys in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a bill (S. 3122) granting an increase of pension to John L. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 3123) for the relief of Mrs. Mary L. Stephens; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3124) for the relief of

the legal representatives of Joseph C. Stark, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3125) granting a pension to Emily A. Larimer; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Emily A. Larimer, with the affidavits of five witnesses. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PENROSE introduced a bill (S. 3126) for the relief of Daniel H. Snyder; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 3127) granting an increase of pension to Major A. Northrup; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

EXPRESSION OF SYMPATHY WITH SOUTH AFRICAN REPUBLIC.

Mr. ALLEN. I beg leave to present a resolution, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Senate of the United States of America extends its sympathy to the people of the South African Republic in their heroic struggle for liberty and popular government, and believes it to be the duty of the Government of the United States of America to offer mediation, to the end that further bloodshed may be averted and an honorable peace may be concluded between the belligerent governments.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none. Will the Senate agree to the same? [Putting the question.] The resolution is agreed to.

Mr. PETTUS. Was the resolution offered by the Senator from Nebraska considered?

The PRESIDENT pro tempore. It was agreed to.

Mr. PETTUS. I did not understand it at all.

The PRESIDENT pro tempore. It will be open to objection, if the Senator from Alabama desires.

Mr. PETTUS. Yes, sir. I ask for a yea-and-nay vote on the passage of the resolution.

The PRESIDENT pro tempore. The Senator from Alabama objects to the resolution offered by the Senator from Nebraska. It will go over under the rule.

Mr. ALLEN. I thought the Chair had declared its adoption.

The PRESIDENT pro tempore. What does the Senator say?

Mr. ALLEN. I understood the Chair to declare the adoption of the resolution a moment ago.

The PRESIDENT pro tempore. The Chair did so, but it is the custom of the Chair, where a resolution or anything is declared agreed to without any vote, to leave it open.

Mr. ALLISON. No one heard it read, owing to the confusion in the Chamber.

Mr. ALLEN. I am perfectly willing that a vote should be taken, but I certainly must enter my protest against the action.

The PRESIDENT pro tempore. The Chair asks unanimous consent that it may be reconsidered. Is there objection?

Mr. ALLEN. I could not object to the Chair's request. If the Chair has asked unanimous consent that it may be reconsidered, I do not object.

The PRESIDENT pro tempore. The Chair is obliged to the Senator. The vote will be reconsidered, and the resolution will lie over, under the rule.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to establish a consulate at La Guayra, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT pro tempore. There being no further morning business, the Chair lays before the Senate the unfinished business, which is House bill No. 1.

Mr. HOAR. Before that is done, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Deboe,	McBride,	Shoup,
Allen,	Frye,	McComas,	Simon,
Allison,	Gallinger,	McEnery,	Stewart,
Baker,	Hale,	Martin,	Taliaferro,
Berry,	Harris,	Money,	Teller,
Burrows,	Heitfeld,	Nelson,	Tillman,
Butler,	Hoar,	Penrose,	Turley,
Chandler,	Jones, Ark.	Perkins,	Turner,
Clay,	Jones, Nev.	Pettus,	Wetmore.
Cockrell,	Kenney,	Quarles,	
Culberson,	Lindsay,	Rawlins,	
Cullom,	Lodge,	Ross.	

The PRESIDENT pro tempore. Forty-five Senators have answered to the roll call. There is a quorum present. The Senator from New Hampshire will proceed.

Mr. CHANDLER. The Secretary will kindly read the first ten lines of the Senate committee's amendment.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read the first section of the substitute reported by the Committee on Finance, as follows:

That the dollar consisting of 25.8 grains of gold nine-tenths fine shall, as established by section 3511 of the Revised Statutes of the United States, continue to be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard; and United States notes, and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold coin of such standard.

Mr. CHANDLER. Mr. President, in his work on the Law of Civilization and Decay, Mr. Brooks Adams makes the following impressive statement:

It appears to be a natural law that when social development has reached a certain stage, and capital has accumulated sufficiently, the class which has had the capacity to absorb it shall try to enhance the value of their property by legislation. This is done most easily by reducing the quantity of the currency which is a legal tender for the payment of debts.

Whether or not Mr. Adams's assertion is true historically, it correctly describes the present situation. Those who have absorbed the gold of the world are trying to make it more valuable by legislation. That is the natural meaning of the first ten lines of the Senate bill. There is no need of the law for any other object. Absolutely no other purpose is to be subserved by those lines. The passage of this bill without adequate recognition of the desire and the determination of the American people that silver shall be remonetized is a defiance of the Republican platform of 1896, and without such recognition in the bill I can not give to it my vote. It would be unqualified gold monometallism, and to advocate or submit to this is an abandonment of Republican principles.

THE PROGRESS OF THE DEMONETIZATION OF SILVER.

The progress of the demonetization of silver, about which so much has been written and spoken, can be described with reasonable brevity. For many centuries down to 1873, notably for one hundred and eighty-six years, gold and silver coins circulating at ratios of either 14, 15, or 16 to 1 had both been real money—that is to say, neither gold nor silver coins had it been necessary to redeem in any other money. In round numbers, the gold coin of the world was four billions (four thousand millions) of dollars. The silver money of the world was four billions (four thousand millions). Upon this basis of eight thousand millions of coin, and in addition the gold and silver bullion of the world, which was subject to coinage if required, was built up all the other money of the world—all the paper money of various kinds and all the credits of the world—and this system of paper money and credits built upon metallic money was, on the whole, safe and satisfactory and promotive of the best interests of mankind.

In 1873 the process of making gold more valuable by legislation was begun. The mints of the various countries one after another were closed against silver coinage. The effect of this closure was retarded by efforts to prevent it. Much gold bullion newly mined was yearly added to the coined money. Only the silver bullion, old and new, was excluded, and that not wholly, for much silver continued to be coined in the United States, and silver bullion was purchased by the Government, reaching in ounces 497,193,855.47 after 1873, and silver was also coined to some extent elsewhere. The four billions of silver coin still remained real money and not promises to pay gold money. The production of gold was stimulated and largely increased. The progress of demonetization was slow, and up to this time its injury to mankind has not been fully realized.

But any retardation of the movement to make gold more valuable does not suit the gold class. Further steps are therefore now demanded in the interest of that class, namely, that all the existing silver coin shall be put out from the condition of real money and placed in the condition of credit money; that is, money all which must be redeemed on demand in gold. If the progress of this new principle to govern the money of the world which is demanded by the gold class is to prevail in free America, this century is to end practically with no real money in the world except the gold of the world, of which not much over $4,000,000,000 is coined money, upon which is to be built up all the paper money and all the credits of the world, and in addition the four billions of silver coins which must on demand be redeemed in gold.

THE PRESENT SITUATION IN THE WORLD AT LARGE.

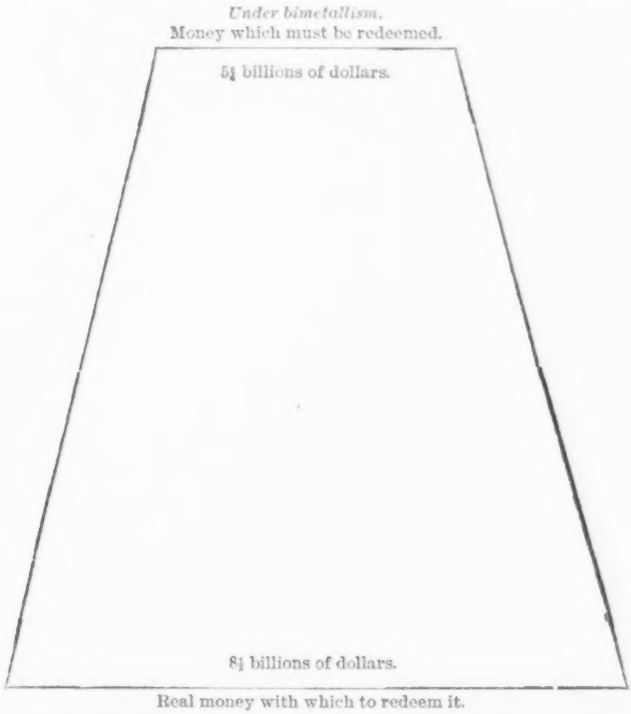
What, then, will be the situation? The real money will be four billions of gold (subject to be increased by such portions of the six or seven billions of existing gold bullion and of the annual gold product as it may be possible, by reason of the new conditions, to draw into the mints), and the credit money of the world, including the silver money, will be ten billions; and upon this gold and this credit money are to be built all the checks and other credits in trade throughout the world. How broad is the summit and how narrow is the base! This change in the world's financial system which the gold class intend to bring about can be seen at a glance.

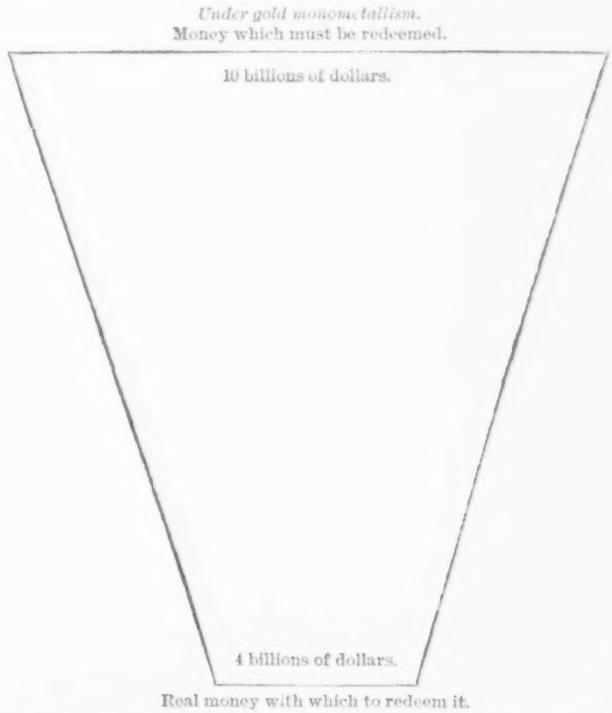
The total gold and silver money of the world is as follows:		
Gold		$4,135,100,000
Full silver	$3,640,600,000	
Subsidiary silver	853,400,000	
Total silver		4,494,000,000
Total metallic money		8,629,100,000
The paper currency of the world is about as follows:		
Bank notes	$4,062,000,000	
Government notes	1,702,900,000	
Total		5,764,900,000
So that the metallic money in gold and silver has been in excess of the paper money		2,864,200,000

But under the proposed gold monometallism the total metallic or real money is the gold money		$4,135,100,000
The total money which must be redeemed is—		
Silver	$4,494,000,000	
Paper	5,764,900,000	
		10,258,900,000
The money which must be redeemed is in excess of the real money by the amount of		6,123,800,000

(See Muhleman on the Monetary Systems of the World, page 177.)

The two situations may be well illustrated by diagrams as follows:





If an illustration is of any value, I ask Senators to consider which of those columns is the more likely to tip over in an emergency in the world's financial affairs.

THE PRESENT SITUATION IN THE UNITED STATES.

The situation in the United States will not be as unfortunate under the proposed gold monometallism as it will be in the world at large. But the change will be most unwise.

The gold in the United States, including bullion in the United States Treasury, was, on January 1, 1900	$1,016,009,857
The silver money in the United States was $476,201,341 and $79,643,721, making	555,845,062
The total metallic money was	1,571,854,919
The total money in circulation, less the gold and silver coins, was	1,215,348,972
Leaving a surplus of real money of	356,505,947

The situation under gold monometallism would be—

Gold in the United States, as above estimated	$1,016,009,857
Money in circulation, excluding the gold, but including the silver	1,362,420,340
Making a deficit of real money of	346,410,483

(See United States Treasury circulation statement, January 1, 1900.)

In determining whether to thus reduce the quantity of real money in the world from eight and one-half billions of dollars to four billions it is worth while to consider the effect upon a country so largely in debt as the United States.

In my remarks in the Senate on February 16, 1897, was summarized the indebtedness of individuals and corporations in the United States in 1890. Not reckoning $2,027,170,546 national, State, and local debts, the sum was sixteen thousand millions of dollars, as appears by the estimate of Mr. George K. Holmes, the head of the Bureau of Mortgages, in the Department of Labor Bulletin for November, 1895 (page 48), while the value of property in the United States, by the census of 1890, was sixty-five thousand millions of dollars. Mr. Matthew Marshall, in the New York Sun of December 27, 1899, restates the mass of debt in the United States, including national, State, and local debts, as follows:

National debt bearing interest (1899)	$1,046,000,000
National debt not bearing interest (1899)	389,000,000
State, county, etc., debt (1890)	1,125,000,000
Real estate mortgages (1890)	6,019,000,000
Railroad debts (1898)	5,900,000,000
Bank loans and discounts (1899)	5,751,000,000
Total	20,240,000,000

We have thus a total of $20,240,000,000 of debt upon $65,000,000,000 of assets, or a proportion of $1 owed to every $3 owned. It is true that the valuation of the wealth of the country, if it were made now, would probably be much more than $65,000,000,000, so that the proportion to it of the above total of debts of $20,240,000,000 would be less than 1 to 3. On the other hand, the debts enumerated in the table do not include those of private corporations other than railroad companies, nor the innumerable little debts owing to individuals for money lent on personal security. Making allowances on both sides of the account, it is, therefore, safe to assume, approximately, that the property of the citizens of this country is encumbered by debts to the amount of one-third of its value, and to that extent does not belong to its owners.

How marvelous it would be if, under these conditions, the United States should join Great Britain and Germany in the effort to make the four billions of gold the total real money of the whole world. What a preposterous proposition it is which the gold-standard nations make to the silver nations and the double-standard nations, when they demand the demonetization of the four billions of silver, in order to make the four billions of gold grow more and more valuable for the benefit of the few and the injury of the many.

It is true that it is claimed that as we now have what are called good times and prosperity in America, it is apparent that no harm has happened so far to this country from the demonetization of silver, and that all the apprehensions and the predictions of the bimetallists are to be ridiculed and disregarded. It is, however, easy to understand why we have not been suffering in the United States during the last two years from the effects of demonetization. It is simply because the balance of trade has been so heavily in our favor. The dearer the money of the world is, the better off, for the time being, are the money classes of the nation to which other countries owe large quantities of that money.

THE FAVORABLE BALANCE OF TRADE PROTECTS THE UNITED STATES—WILL IT CONTINUE?

The figures as to the balance of trade are as follows.

Our excess of exports of merchandise since 1889 has been as follows (eleven years and six months):

	Imports.	Exports.
1889, excess of imports	$2,730,277	
1890, excess of exports		$68,518,275
1891, excess of exports		39,564,614
1892, excess of exports		202,875,686
1893, excess of imports	18,735,728	
1894, excess of exports		237,145,950
1895, excess of exports		75,568,200
1896, excess of exports		102,882,264
1897, excess of exports		286,263,144
1898, excess of exports		615,432,676
1899, excess of exports		529,874,813
1900, excess of exports, 6 months to Jan. 1, 1900		272,400,308
Total	21,466,005	2,430,525,930
Deduct excess of imports from excess of exports		21,466,005
Balance in our favor of merchandise trade		2,409,059,925
Between 1889 and 1897 (8 years) we had—		
Excess of exports over imports of gold	323,628,544	
Excess of exports over imports of silver	162,828,930	
There should also be added for—		
1897, excess of exports over imports of silver	31,413,411	
1898, excess of exports over imports of silver	24,177,458	
1899, excess of exports over imports of silver	25,613,999	
1900, excess of exports over imports of silver, 6 months to Jan. 1, 1900	9,935,566	
		577,627,908
Making a total of		2,986,687,833
In 1897 we began to receive gold again, imports over exports	44,653,200	
1898, imports over exports	104,985,283	
1899, imports over exports	51,432,517	
1900, imports over exports, 6 months to Jan. 1, 1900	9,981,108	
Making a total for deduction of excess for 3 years and 6 months of gold imports over exports of		211,052,108
Total balance in our favor, merchandise and gold and silver, since 1889 (11 years and 6 months)		2,775,635,725

But is it not a startling fact that notwithstanding the world has owed us this $2,986,687,833, we have obtained only $211,052,108 in gold as the result; have, in fact, made a net loss in the eleven years and six months of one hundred and eleven millions of gold, because between 1889 and 1897 our exports over imports of gold were three hundred and twenty-three millions? Where should we have been if the balance of trade had been even or against us? Where could we have obtained the gold to send abroad? Would it have been wise for our citizens to have gone into the markets of Europe to there borrow the sum of $2,775,635,725?

WHAT BECOMES OF THE BALANCE IN OUR FAVOR?

This balance of trade in our favor not received in gold may be partly accounted for by our securities owned abroad and sent home for collection or sale in our money markets. There is no way of estimating the amounts thus sent home. Various estimates are, however, made of the other amounts we have to settle with Europe. Mr. Muhleman, on page 193, outside of statistical information as to our exports and imports, including gold and silver, estimates that the United States pay and receive annual amounts as follows:

We pay—		
Interest	$75,000,000 to	$100,000,000
Travelers' expenses	60,000,000 to	100,000,000
Freight moneys to foreign shipowners	35,000,000 to	75,000,000
Undervaluations in imports		5,000,000
Immigrants' remittances		25,000,000
Total against us		305,000,000
We receive—		
Immigrants' moneys		15,000,000
Travelers' moneys		10,000,000
Shipping expenses		15,000,000
Remittances to immigrants		10,000,000
Total for us		50,000,000
This makes an annual balance against us, not reckoning interest paid and allowing the above estimate as to our receipts, of		155,000,000
And if we pay the $100,000,000 interest money annually, we have to provide by new borrowing abroad, or by gold remittances, annually		250,000,000
Or in ten years		2,500,000,000

which fairly uses up the balance of trade in our favor in eleven years and six months of $2,775,635,725. I repeat the pertinent inquiry, What would have been our condition if the balance of trade had not been in our favor? Are we sure it will always be in our favor?

THE CASE FOR BIMETALLISM REMAINS STRONG.

In truth, in spite of the temporary present conditions—the apparently vast balance of trade in favor of the United States and the recent largely increased production of gold—the world-wide case in favor of bimetallism still remains unimpaired and is liable at any moment to become acute and dangerous.

That case is that down to 1873 the two metals together, the whole world's stock on hand, including from year to year the new products of the mines, being all the gold and silver in existence, coined or uncoined, contributed to furnish a mass of metallic money, gradually increasing in volume, sufficient (1) to supply the demands occasioned by the growth of the world's commerce; (2) to constitute a just and fair measure of the world's values, and sustain the prices of the commodities of mankind so that no injustice was done to producers or debtors; (3) to justify and support the issues of the paper money and the credits of the world; and, further (4), under this system was maintained a fixed par of exchange between the nations, and violent fluctuations in exchange prevented.

THE CASE AGAINST GOLD MONOMETALLISM REMAINS STRONG.

Necessarily, therefore, it follows that the countercase against gold monometallism is that the steady progress toward the exclusion of the silver coin of the world from the position of money and the rejection of the silver bullion of the world as a metal from which to coin money (1) tends to a reduction in the prices of commodities, represses business enterprises, and oppresses producers and debtors; (2) breaks the par of exchange with the nations whose money is silver, and will (3), when the intended result is fully reached, leave the metallic money of the world reduced to so small a volume in proportion to the proper demand for such money that money panics will come oftener, last longer, and be more disastrous than under a system where the world's money is derived from all the silver as well as all the gold.

THE PRESENT RISE IN PRICES AND INCREASE IN GOLD PRODUCTION MAY NOT CONTINUE.

Of course I am familiar with the answer which will now be made to this restatement of the case against gold monometallism, namely, that recently prices of commodities have ceased to go down; that the greatly increased production of gold has removed the danger of an insufficient supply of metallic money, and that therefore the silver question is now a dead issue.

It is true that the prices of commodities during the last two years have ceased to fall and have begun to rise. I reproduce Mr. Sauerbeck's table of index numbers, from which it appears that, although beginning with the period of eleven years between 1867 and 1877, having an index number of 100, the number went steadily down until in 1896 it reached the low figure of 61; yet it has now risen again until it reached 71 in November, 1899.

The result of the Royal Statistical Society's numbers, prepared by Mr. Sauerbeck, is as follows:

Year.	Index number.	Year.	Index number.
1875	96	1888	70
1876	95	1889	72
1877	94	1890	72
1878	87	1891	72
1879	83	1892	68
1880	88	1893	68
1881	85	1894	67
1882	84	1895	67
1883	82	1896	61
1884	76	1897	62
1885	72	1898	61
1886	69	1899, November	71
1887	68		

Mr. Sauerbeck's numbers are confirmed by those of Mr. Wharton Barker in the Philadelphia American of January 27, 1900. Since July 1, 1897, Mr. Barker's general index number of 100 articles has slowly risen from 76 up to 99 on October 1, 1899, and to 101 on January 1, 1900. Mr. Barker's tables, however, begun January 1, 1891, with an index number of 100, and on the same date Mr. Sauerbeck's index number was 72, as compared with his number 96 in 1875.

The increased production of gold in recent years is shown as follows:

Production of gold in the whole world in recent years.

Year.	Amount.	Year.	Amount.
1891	$130,650,000	1897	$238,812,000
1892	146,651,500	1898	287,428,600
1893	157,494,800	1899 (estimated)	312,000,000
1894	181,567,800		
1895	200,285,700	Total	1,857,142,000
1896	202,251,600		

Such arguments as can be based upon the foregoing facts bimetallists are confronted with. The answer I make is this:

First. As to the course of prices, there is no certainty that the rise in prices, which are still only about three-fourths of their former rate, will be increased or even maintained. There is an ebb and flow in every prolonged movement in human affairs.

Second. Neither is it certain that the increased production of gold will continue. At various times in the history of the production of gold and silver there has been alarm amounting almost to panic in connection with sudden discoveries of large bodies of one or the other of the precious metals. The instances are as follows:

During the years from 1781 to 1830, about fifty years, the proportion of the production of gold and silver (coining value) was as follows: 24 to 76, 24 to 76, 25 to 75, 33 to 67. Come on down, however, to 1851, and from 1851 to 1870 the conditions were exactly reversed, and the percentage of the production of gold to silver was 78 of gold to 22 of silver, 78 to 22, 73 to 27, 70 to 30; and yet during all those periods practical bimetallism prevailed and maintained the ratio of 15½ to 1, notwithstanding the variations in the quantities of the two metals produced. France, principally, ran the risk and bore the strain whenever the production of either metal took place in unusual quantities disproportionate to the production of the other metal. In 1848 and 1851 there were enormous discoveries of gold in California and Australia. The bimetallic link of 15½ to 1 was threatened. France, between 1853 and 1860, boldly took $616,000,000 worth of gold and parted to other nations with $293,000,000 worth of silver; and bimetallism was saved. Later, toward 1873, when silver began to be more abundantly produced than gold, France again tried to hold the ratio firm, and there can be little doubt that, even against nominal demonetization of silver by the United States in 1873 and the continued efforts of England to establish the single standard of gold, France would have continued to maintain the parity of silver with gold at the ratio of 15½ to 1 had it not been for the action of Germany on the 9th day of July, 1873, when, enriched by the French indemnity of one thousand millions in gold, that Government began to sell its silver thalers, and thus joined England in the movement to demonetize silver.

Therefore, not by reason of these fluctuations in production was the system of bimetallism temporarily broken down. The consensus of the nations maintained the value of the two metals in accordance with the ratio—14, 15, or 16 to 1—and if silver were now to be remonetized there is not the slightest reason to believe that the ratio of that consensus of the nations would be disturbed by the large quantities of gold coming from the mines of the world. On the contrary, this increased production of gold is exactly what is needed to offset the increased silver production complained of, which led to the steps which have been taken toward the demonetization of silver. Look at the comparative production of the two metals within the last five years and see if it can be said that there is to-day any danger that with silver completely remonetized the new silver money would so far exceed the new gold money that the system of metallic money, consisting of both gold and silver, which has existed from the foundation of the world, must be destroyed by the exclusion entirely of one of the metals from being treated as any part of that system of metallic money.

Production of gold and silver in the world since 1895.

Year.	Value of gold.	Coinage value of silver.
1895	$200,285,700	$218,738,700
1896	202,251,600	203,039,200
1897	238,812,000	212,134,800
1898	287,428,600	213,715,400
1899	*312,000,000	*212,000,000
	1,240,777,900	1,059,658,100

*Estimated.

Here is exhibited exactly a condition which justifies bimetallism. Gold has been increasing in proportion to silver, but that is no reason for demonetizing the latter. What has become of the fright about the overproduction of silver, which has helped the work of demonetizing that metal since 1873?

FLUCTUATIONS IN GOLD AND SILVER PRODUCTION DO NO HARM UNDER BIMETALLISM.

A change in the relative production of the two metals from time to time does no harm so long as both are real money. The great discoveries of silver in America did not demonetize it, neither was gold actually demonetized, notwithstanding the fright about its overproduction in 1848 and 1851 in California and Australia. Examine this table of the production of gold and silver in the world since 1492. See how nearly equal the coining values—gold, $10,000,000,000; silver, $11,000,000,000.

Production of gold and silver in the world since the discovery of America.

Period.	Value of gold.	Coining value of silver.	Percentage of production, by value.	
			Gold.	Silver.
1493-1520	$107,331,000	$54,753,000	66	34
1521-1544	114,265,000	89,586,000	56	44
1545-1560	80,492,000	207,240,000	30	70
1561-1580	90,917,000	248,900,000	27	73
1581-1600	98,195,000	348,254,000	22	78
1601-1620	173,248,000	551,570,000	24	76
1621-1640	140,524,000	527,221,000	25	75
1641-1660	116,571,000	504,525,000	28	72
1661-1680	123,084,000	286,166,000	30	70
1681-1700	143,088,000	284,240,000	34	67
1701-1720	170,003,000	295,629,000	37	63
1721-1740	253,611,000	358,480,000	41	59
1741-1760	327,116,000	443,232,000	42	58
1761-1780	275,271,000	542,658,000	34	66
1781-1800	286,464,000	750,810,000	24	76
1801-1810	118,152,000	371,677,000	24	76
1811-1820	76,065,000	224,786,000	25	75
1821-1830	94,479,000	191,444,000	33	67
1831-1840	134,841,000	247,980,000	35	65
1841-1850	383,928,000	324,900,000	53	47
1851-1855	662,566,000	184,169,000	78	22
1856-1860	670,415,000	188,082,000	78	22
1861-1865	614,944,000	228,861,000	73	27
1865-1870	648,071,000	278,513,000	70	30
1871-1875	577,863,000	400,322,000	59	41
1876-1880	572,951,000	509,256,000	53	47
1881-1885	495,562,000	594,773,000	46	54
1886	106,163,000	120,626,800	47	53
1887	105,774,800	124,281,000	46	54
1888	110,106,000	140,706,400	44	56
1889	128,489,200	163,427,700	44	56
1890	118,848,700	163,082,000	42	58
1891	130,650,000	177,552,300	42	58
1892	146,651,500	198,014,400	42	58
1893	157,491,800	213,944,900	42	58
1894	181,567,800	247,820,000	46	54
1895	200,285,700	218,738,700	48	52
1896	202,251,600	203,039,200	.....	.....
1897	238,812,000	212,134,800	.....	.....
1898	287,428,600	213,715,400	.....	.....
1899	*312,000,000	*212,000,000	.....	.....
Total	9,822,220,600	11,186,098,100	.....	.....

*Estimated.

[From 1493 to 1885 the above figures are from a table of averages for certain periods compiled by Dr. Adolph Soetbeer. For the years 1886 to 1896 the production is the annual estimate of the United States Bureau of the Mint. The table down to and including 1895 is contained in the report of the Director of the Mint for 1895, House Document No. 23, Fifty-fourth Congress, second session, page 346; and the estimates since 1895 are made by the Director of the Mint.]

Indeed, the outcry which is being made against bimetallism in connection with the increased production of gold and the beneficent effect of that increase upon money and business entitles the bimetallists to ask the gold monometallists with increased earnestness, What right have you to destroy the silver of the world as a money metal simply because there is just now a largely increased quantity of gold? You admit by your present claim the quantity theory of money, and that the more metallic money there is the better for mankind, the more active will be our industries, and the more prosperous will be our people.

Mr. George E. Roberts, Director of the Mint, in his report for 1899 (page 6), says:

> The world's stock of coin is now being increased more rapidly and by a higher annual percentage to the existing stock than during the period from 1850 to 1880, when the great output of gold from California and Australia startled the economists of all countries and gave the world a depreciating standard of value. The effect of this new flood of standard money upon the markets, the industries, the earnings of those who work for wages, and all the varied relations of the people in our present highly organized society will be a most interesting study. It must be a potent factor in affairs.

All this the bimetallists have constantly claimed; and they now merely say that because silver happened for a time to be produced in largely increased quantities, and that because now gold happens to be so produced, there follows no reason whatever for demonetizing either the one metal or the other. The true lesson to be learned from the increased gold product is that this is a most favorable moment for retracing the steps which have been taken toward the demonetization of silver, and that here and now, in connection with this largely increased gold supply, we should restore silver to its position of real money and secure a new consensus of the nations, which will not be likely to again be broken, but will last as long as the precious metals are made the medium of exchanges among mankind and constitute the measure of the values of the world.

SHALL WE REPEAL OUR TARIFF LAWS BECAUSE OF OUR INCREASED EXPORTATION OF MANUFACTURED GOODS?

This is not a question of a year or of a decade, but the question of a policy to be pursued through centuries. We do not change from well-settled principles of governmental policy by reason of

accidental happenings, which may be temporary. During the last year we have exported immense quantities of manufactured goods.

The facts are stated by Mr. O. P. Austin, Chief of the Bureau of Statistics of the Treasury Department, as follows:

No feature of the marvelous growth of our foreign commerce is more striking than that relating to exports of iron and steel. * * * The total exports of manufactures of iron and steel have for the first time crossed the $100,000,000 line. In the calendar year 1890 the total exports of iron and steel amounted to $27,000,000, and in 1899 they were $105,689,645. Meantime, the importations of manufactures of iron and steel have decreased with nearly equal rapidity, the importations of 1890 being $44,544,140 and those of 1899, $15,799,206. One especially striking feature of this rapid growth is our exportations of manufactures of iron and steel is the fact that European countries are taking largely from us in these lines. * * * For new and ingenious machinery the world seems now to be looking to the United States. * * *

The following table shows the exports of leading classes of manufactures of iron and steel in the calendar year 1899 compared with those of 1889:

Articles exported.	Calendar year 1889.	Calendar year 1899.
Machinery	$8,222,904	$37,064,168
Builders' hardware	4,052,136	8,943,530
Steel rails	279,485	6,122,382
Wire	679,969	5,526,930
Locomotive engines	1,586,746	4,767,850
Sewing machines	2,575,539	4,103,828
Pig iron	227,048	3,282,241
Plates and sheets	32,720	2,047,301
Wire nails and tacks	169,313	1,955,773
Castings	432,621	1,348,133
Steel bars	(*)	1,038,336
Printing presses	277,800	1,037,644
Firearms	909,229	892,620
Other engines	216,346	516,787
Scales and balances	335,456	487,113
Cut nails	382,458	482,382
Cutlery	105,245	252,156
All other articles	3,327,799	25,818,671
Total exports of iron and steel	23,712,814	105,689,645

*Not stated.

I am informed, although I have not the figures, that our exports of manufactures last year amounted to above $370,000,000. If I am wrong, the Senators of the Finance Committee can correct me. This certainly seems to show that the high tariff upon articles like the foregoing coming from foreign countries is unnecessarily high. Are protectionists, therefore, ready, and do we propose to immediately repeal or reduce the tariff on all such products?

I do not hear of any proposition made by the Committee on Finance to reduce the duties on manufactured goods simply because of these large exports during the past year. If we are not to do this, why does anyone propose, because of a temporary increased production of gold, to cease efforts to remonetize silver and go on to declare gold monometallism to be the true permanent system of money?

THE SLOW EFFECT OF ECONOMIC SHOCKS.

Those of my colleagues who did me the honor to listen to my remarks in the Senate on February 16, 1897, and June 1, 1898, will remember that a large part of those remarks was given to the effort to show the great length of time which must elapse in the world of commerce, business, and finance before the evil effect of the demonetization of silver will be fully felt. The theory of the slow propagation of economic shocks brought out by Francis A. Walker and other economists lies at the foundation of my deep convictions on the subject now under debate.

On February 16 I said:

One of the most felicitous and characteristic parts of General Walker's argument in his book on Bimetallism is where he answers those writers who speak of the readjustment of social forces to meet changed conditions as if it were always a speedy movement—

Like changing cars at a railway junction. As stated by me on June 1—

It was the principal part of my effort on February 16 to show that the progress of economic changes is slow. In reaching conclusions conditions existing during short periods and in exceptional circumstances prove but little. It is the long run of the money system which must be scrutinized.

Professor Cairnes, quoted by General Walker in Bimetallism (pages 243, 244, and 245), speaks of the progressive effect upon prices of great changes in the money of the world as likely to "extend over some thirty or forty years."

It has indeed already been a long period during which the effects of progressive demonetization have made themselves only partially felt. Mistakes in argument have been made on both sides, as special and temporary causes have intensified or delayed the effects of demonetization. When the prices of commodities go up, gold monometallists say the bimetallists are demolished. When wheat goes down, the bimetallists say the monometallists should be confounded. These are the ups and downs of what is, on the whole, the progress of demonetization, which if not arrested is in the end to make gold the only real money of the world and silver merely a metal for which there is to be some limited demand for token coinage and for use in the arts.

NOW IS A FAVORABLE TIME FOR REMONETIZATION.

Therefore, instead of taking advantage of the present favorable condition of business and finance in the United States by repudiating any idea that silver is to be remonetized and by declaring for gold monometallism, it seems to me, with all due deference to perhaps wiser, certainly more powerful men, now is the very time to renew and carry to a successful conclusion the movement toward the remonetization of silver to which we Republicans have so often pledged ourselves. On June 1, 1898, I showed that the answer of England to the proposals of the envoys from the United States was not made as a finality. The British Government then declined to give an agreement to reopen the India mints because the council for India believed that India could be brought to a gold standard by an experiment then in progress. But the British Government invited a continuance in the meantime of the negotiations with the view to ascertain whether or not other great commercial nations besides France and the United States would wish to join the movement for an international agreement. The attempt to establish the gold standard in India has been a signal failure. Infinite distress has been caused to the people of India by the attempt, but success has not been accomplished. The Government of India will give rupees for gold sovereigns, which have been made a legal tender, but will not give gold sovereigns for rupees.

Lord George Hamilton, secretary of state for India, in council, in a dispatch to the governor-general of India, in council, dated July 25, 1899 (see Bimetallist of August, 1889, page 115), states the kind of gold standard it is proposed to establish in India. He says that the Indian committee concluded that steps should be taken to—

* * * Proceed with measures for the effective establishment of a gold standard. With this view they rocommend that the British sovereign be made a legal tender and a current coin in India, and that the Indian mints be thrown open to the unrestricted coinage of gold. But, while making this recommendation, the committee think it undesirable that any limit should be imposed on the amount for which rupees should be a legal tender: nor do they consider that you should undertake any obligation to pay gold in exchange for rupees.

Such so-called gold monometallism is a farce. India is a silver country and can not be forced either to use gold as money or to accept gold as the measure of commercial values, notwithstanding there is no self-government and the people have apparently no effective means of protecting themselves from wrongs which the home Government in London may attempt to inflict upon their starving oriental subjects. The public sentiment of England would, I believe, welcome another movement for the remonetization of silver and the reopening of the India mints for that purpose. Opinions have been widely expressed that the action of the British Government which terminated the negotiations of our envoys was a mistake. England suddenly finds herself in connection with her war of conquest against the Transvaal Republic obliged to borrow money, and if that war continues may soon become willing to enlarge the metallic money of the world through renewed negotiations for an international agreement.

NOW IS THE TIME TO FULFILL REPUBLICAN PLEDGES.

Why not, then, now renew efforts in the name of the United States for bimetallism? Why undertake by the first ten lines of this bill to strike one more blow at remonetization and falsify all the pledges which the Republican party and its leaders have been making in all these past years? None of the promises do I intend to recite during these remarks. They are well known to every person in this Chamber. The Senator from Iowa, the Senator from Rhode Island, and all the Republican Senators remember them too well. If those ten lines, without adequate qualification, become the law of the land, Senators will be sufficiently reminded of their pledges before the next Presidential canvass closes. Is it possible that we were all mistaken when these pledges were made? Were we blunderers, so ignorant of the principles of financial science that we loudly shouted over and over again for the remonetization of silver when gold monometallism was the true financial system? Is it not quite possible that we were right then and that we are wrong now if it is proposed to forever discard any idea of the remonetization of silver and to complete the work of establishing gold monometallism as the final money system for the United States and the world?

The Senator from Rhode Island says that it is not intended by this bill to reject the idea of international bimetallism if it ever becomes attainable. Then why not say so in this bill in unequivocal language? There exists the declaration of 1893, placed upon the statute book when the silver-purchasing clause of the Sherman Act of 1890 was repealed. Why not insert it in this bill if the Senator from Rhode Island means what he says? Are all the pledges of the Republican party, piled mountain high during the last twenty-five years, to be now reduced by Congress to a grudging minimum at a time when the President of the United States does not even mention the subject of the remonetization of silver in his annual message to Congress?

It seems plain to me that the declaration for gold in this bill is unwise, both in a business and political sense. There is no need of its enactment, no public demand for it, no business or financial condition which is to be helped by it. In 1873 the mints of the United States were closed to the coinage of silver dollars and no power on earth can open them to further coinage except the President and the two Houses of Congress, or the two Houses of Congress by a two-thirds majority without the President. The first ten lines of the bill are a work of supererogation, gratifying only to the gold class, who are bent upon increasing the value of their gold by legislation. Senators contend that the bill does not change existing law, but only reiterates existing law. If that be so, I say there is no necessity for the reiteration. And if I am wrong and there is such a necessity and the Senator from Rhode Island is sincere in saying that he does not intend to pronounce against bimetallism by international agreement, why not insert in this bill the declaration of the act of 1893. Here it is:

Act of Congress of November 1, 1893 (28 Stats., 4)—the repeal of the section of the act of July 14, 1890, providing for the purchase of silver bullion, with this addition:

"And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts; and it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts."

For the passage of this act of 1893 through the Senate on October 30, 1893, the following Senators voted: Messrs. ALDRICH, CULLOM, DAVIS, FRYE, GALLINGER, HALE, HAWLEY, HOAR, LODGE, MCMILLAN, PLATT, and PROCTOR; and there were paired in its favor Senators ALLISON, CHANDLER, and HANSBROUGH.

That is as much existing law as what the Senator proposes to reenact. The one thing is to be reiterated. Let the other also be reiterated. Can any fair refusal be given to this request? Does any Republican venture to say that the remonetization of silver is not desirable, even if it is attainable, which is the sum and substance of the programme of the Indianapolis convention?

As a party movement the enactment of gold monometallism would surely be a blunder. To what extent injury might result to the Republican party no one can now safely predict. That party is overwhelmingly strong, saved and strengthened by the war against Spain and the accelerated movement of the nation caused by that war and its incidents, with which the nineteenth century is to close. But no one has any right after the declaration pledging the Republican party to the promotion of the remonetization of silver, made in the national convention of 1896, to now change that position of the party. Only the national convention to be held in June next has the right to commit the party to gold monometallism. There being no need of a gold declaration in this bill, its adoption ought certainly to be deferred until that convention has declared the attitude of the party toward this question, in which it is willing to enter the canvass to end in November next. If that convention chooses to repudiate the whole past record of the party and declare for gold monometallism, discarding the possibility and desirability of the remonetization of silver, let it do so, but let the Republicans of Congress refrain from forestalling its action.

Gold monometallism is not our existing platform. It is contrary to every platform. The Senator from Rhode Island has just as much right to introduce a constitutional amendment striking the word silver out of the Constitution of the United States and further providing that the Government shall never issue legal-tender notes either in war or peace, and claim that the Republican party is committed to its adoption, as to introduce this bill, refuse to allow a declaration for bimetallism, and press it to its passage, asking in its favor, on party grounds, the votes of Republican Senators.

MAKE A STRONGER DECLARATION FOR INTERNATIONAL BIMETALLISM.

Mr. President, since the remarks I am now making were written the Senate Committee on Finance has somewhat changed its apparent position of hostility to bimetallism in any form or under any circumstances. This bill passed the House of Representatives on December 18, 1899, and on the next day was referred to the Senate committee, which immediately, on the same day, reported it to the Senate with the House provisions stricken out and a new Senate bill substituted. After forty-six days the committee, on February 6, reported the following as a new section:

That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

This concession of the Senate committee is gratifying, so far as it goes, to international bimetallists, but a more adequate recognition ought to be given by Congress of the national intention to remonetize silver. This does not even contain the six saving words of the platform of 1896 as to bimetallism: "Which we pledge ourselves to promote." Negatively only it states that the bill is not intended to place obstacles in the way of international bimetallism. What it should affirmatively state in conformity to previous declarations, pledges, and laws is this: That the United States, from tradition and interest, desire the remonetization of silver, the free coinage of both metals for use as standard money of the nations of the world, and demand continued efforts for the accomplishment of bimetallism until the double standard is once more the rule of all the commercial nations. Such a strong declaration might be satisfactory even to ardent bimetallists; but it would be much better to strike out the first ten lines of the bill, and then there will be nothing to explain to the American people.

A MORAL WRONG TO HUMANITY.

Mr. President, on the 23d day of January, while the senior Senator from Colorado [Mr. TELLER] was speaking, I took occasion to declare that it seemed to me that the injury to be done to the world by gold monometallism might make the question of voting for or against this bill a moral one.

Professor Suess, of Vienna, in a paper in the appendixes (C. 93766, page 130) to the report of the late India commission, says:

Germany has loosened the old tie of gold and silver without anticipating the consequences. In the long run, the profits have without merit fallen to the bondholders and the losses without any fault to the debtors. The holders of foreign securities in England are in the first line responsible to the world for the continuation of this state of monetary affairs, so perilous also for themselves. I know well that personal interest is a very strong item; but national interest is a stronger item; and when national interest speaks, personal interest must rest silent. But the interest of humanity is a stronger item still; and even if national interest should eventually point the other way, which I contend is not the case for England, the common interest of humanity must prevail. A great nation, claiming to be a leading member of mankind, must feel this as a duty.

This most distinguished authority on the future of the precious metals I am willing to follow. If the words "a crime against humanity" do not please the gold class, I will here and now only say that gold monometallism is a moral wrong to humanity. Laying aside for the moment any consideration of the general injury to mankind from the continued progress toward the complete demonetization of silver, the injury done to the people of the silver nations of the world by the gold nations is utterly indefensible. To show this clearly I must again resort to a few figures.

The population of the world divided between gold-standard, silver-standard, and bimetallist countries is as follows:

Single gold standard countries	194,400,000
Single silver standard countries	975,900,000
Double-standard countries, including the United States	290,600,000
Total population	1,460,900,000

The population by continents is as follows:

	Single gold standard.	Double standard.	Silver standard.
Europe	158,100,000	109,100,000	97,100,000
Asia			843,800,000
Oceania	4,700,000	40,700,000	
Africa	9,800,000	57,900,000	8,200,000
North America	6,400,000	72,700,000	15,700,000
South America	15,400,000	10,200,000	11,100,000
	194,400,000	290,600,000	975,900,000
	290,600,000		
	975,900,000		
	1,460,900,000		

[Muhleman's Monetary Systems of the World, 177.]

The gold and silver money in the world is divided among the nations as follows:

[Amounts stated in millions.]

	Silver.	Gold.
Single gold countries (population, 194,000,000)	$572.5	$1,782
Double-standard countries	1,910.8	1,883.3
Single silver standard countries	2,040.7	469.6
(Population, 1,266,000,000.)	3,951.5	2,353
	4,494	4,135

Mr. Muhleman says (page 177):

It appears therefrom that less than one-seventh of the population of the world prefers the single gold standard, but this small proportion possesses three-sevenths of the monetary gold in the world. The chief representatives, moreover, of this class are Great Britain and Germany, the former the chief creditor nation of the world.

Here is a picture that shows the situation [exhibiting]. This is a little man 1 foot high representing 200,000,000 of the population owning eighteen hundred millions of the gold and six hundred millions of the silver of the world, and here is a large man 6

feet high and he represents 1,300,000,000 of people owning twenty-four hundred millions of the gold and four thousand millions of the silver. The cubes are made in accordance with the money value of the metal, not its bulk. To be accurate, the silver cubes should be sixteen times as large as the others. The little man says to the large man, "Let us settle what shall be our money." The large man says, "I supposed it was settled already, the gold and the silver in the world in the proportion of 15½ or 16 to 1." But the little man says, "I propose to unsettle it. Let us use gold alone as money. You have four-sevenths of it, and we only three-sevenths." "But," says the large man, "we have many people, 1,300,000,000. You have few, only 200,000,000. You will have $9 each; we will only have $2 each. If you must make a change and use only one metal, why not take the silver? You will have $3 each, and we will have $3 each." The little man says, "No; silver be condemned; we want gold." Then the large man says, "On the whole, we had better continue to use both gold and silver. You will have $12 each, and we will have $5 each." And I think at last the large man will have his way. He has not the cunning or activity of the little man, but he is patient and persistent and he will overcome the little man in the end.

For the reason that the pressure of the progress of the gold standard is helping to grind into poverty and starvation so many of the thirteen hundred millions of the world's people. China, with her 450,000,000 of inhabitants, has more than a thousand millions of silver. We do not know much about the interior of China, nor how much her people suffer from having one thousand millions of their silver reduced in value to four hundred millions.

ENGLAND'S CRUEL TREATMENT OF INDIA.

But we do know about India and her famine-oppressed myriads. Too much can not be said about the effect of continued progress toward the universal adoption of the gold standard upon the condition of her people. Three years ago there was a famine, and the sympathies of the benevolent men and women of the whole world were enlisted in behalf of the starving millions. Grain was donated largely in the United States to send to their relief, and there was preparation for chartering ships in which to transport the food. Shortly it appeared, however, that there was no scarcity of grain in the markets of India.

The misfortune of the people was that they had no money with which to buy it, their lack of money being largely caused by the fall in value not merely of the coined rupees, but of the millions invested by the people in silver ornaments and in silver bullion in other forms. So the wiser course was pursued as to many of the American contributions—that of selling the grain which was donated and remitting the money instead thereof to India. Manifestly, if there were $2,000,000,000 in coin and silver bullion and ornaments in India when her mints were closed in 1893, there was a shrinkage of the value of the money of India to the amount of a thousand millions of dollars. There is abundant evidence to show the distress caused by this depreciation in the value of the silver of India.

There seems to be some question about the amount of silver in India. The Director of the Mint estimates it at five hundred and sixty-eight million four hundred thousand. Mr. Muhleman, in the Monetary Systems of the World, page 172, as far back as 1893-94, estimated the full silver of India as $900,000,000. Interrupting the speech of the senior Senator from Colorado on January 23, 1900, I made the following statement as to the amount of silver in the form of ornaments possessed by the people of India:

In an article in the New York Tribune of February 8, 1897, signed "I. N. F.," Mr. Ford, describing the condition at that time of the Indian peasantry, says:

"Sir Lepel Griffin states, on the authority of Mr. Lesley Probyn, that the amount of silver in the possession of the Indian peasantry in the form of ornaments is 1,312,500,000 ounces."

Of course, at $1.29 an ounce, that would be more than $1,500,000,000 in ornaments.

The following statement, by Mr. Moreton Frewen, is taken from the Financial News of January 3, 1900, and was incorporated in speech of the senior Senator from Colorado [Mr. TELLER] on January 23, 1900:

A serious famine has again overtaken some millions of our fellow-subjects in India, and the public are appealed to for funds to assist the Government of India to fulfill its duties. What is wanted is not food, but money to buy food. * * * The closing of the mint involves the death, after cruel suffering, of our fellow subjects, and their real famine reserve fund, accumulated during centuries, is in their ornaments and their hoards of silver bullion. Let me once again quote the evidence of an eyewitness, Mr. Forbes Mitchell, a well-known Calcutta merchant.

Mr. Mitchell wrote to me during the last famine that he had seen a peasant from one of the worst famine districts arrive in Allahabad with bangles and other ornaments which, had the mints been open, would have coined into 1,980 rupees; but the mints were closed and accordingly this poor man had to part with his little hoard of uncoined silver for 600 rupees; so that the closing of the mints took from this one man 1,380 rupees, and reduced this famine fund in a village where people were dying of starvation by just that amount. * * * Well did Mr. David Yule, the president of the Bank of Calcutta, declare of this amazing trick: "Enforced scarcity of money is the only hope on which the famine-begetting gold standard depends. To become wealthy, the government of India is endeavoring to render itself and its trading community destitute. * * *

Mr. Frewen also, in the same article, shows the injury to the people of Russia in connection with the famine of the year 1897-98, made more severe by the attempt to adopt the gold standard:

Let me refer the Indian government, struggling to-day with famine, to an interesting analogy. At the session of the agricultural congress of the nine governments of central Russia, at Orel, in May of last year, M. Georges Boutmy, of Odessa, said of Russia's variation from her silver standard:

"During the five years which preceded the famine of the year 1897-98 Russia exported 563,000,000 poods more and obtained in exchange 84,000,000 roubles less than during the five years which preceded the famine of the year 1891-92. If we had kept our legitimate silver standard, these 563,000,000 poods of food and 84,000,000 roubles, lost to us through the gold standard, would have been saved to us and would have sufficed to spare Russia the frightful famine which devastated actually nineteen provinces, with a population of 30,000,000, cruelly decimated by the typhus and by the scurvy, those satellites of famine. The famine of 1891 claimed 656,000 human victims. These hundreds of thousands of men who were swept off by actual famine are the human sacrifices sacrificed to the golden calf by the fanaticism of its worshipers."

The London Bimetallist for August, 1899 (page 110), has the following statement of the case:

The present unhappy prospects in India should be a spur to our Government in the matter. We have alluded to the possible political dangers involved in the existing conditions. We need scarcely say that we refer to the uncoined silver savings of the natives of India. Though the report of the currency committee studiously avoided all reference to the subject, and though it was also, singular to say, ignored in the debate in Parliament on the Indian budget, it is impossible to deny that a grave hardship is inflicted upon the natives so long as the Indian mints are closed to the free coinage of silver. The great bulk of their savings is in silver ornaments, a large percentage of these being made of melted rupees, and whereas while the mints were open they were salable in times of stress at, approximately, weight for weight in rupees. During the last famine in many cases they were only realizable at about 50 per cent of their weight in rupees.

The amount involved is enormous, the government estimate being Rs. 300,000,000 (that is three hundred millions sterling at the old rate of exchange), while it was stated in evidence to the committee that native financiers of experience put the amount as high as Rs. 1,000,000,000. At a time when India is threatened with a famine, which may prove to be one of the worst of the century, we are sure that it will appeal to Lord George Hamilton and the government, as much on the ground of humanity as of high policy, that if they can, by an international agreement, while securing stability in the gold value of the rupee, reopen the mints to silver, and so restore the rupee value of the natives' savings which they lost by the recent legislation, it would not only be an "ideal settlement," but ideal statesmanship as well.

Mr. J. E. Abbott, in a letter dated New York, January 30, 1900, published in the New York Tribune of January 31, 1900, under the heading "A famine fund for India," makes the following statement:

Since the official declaration of famine in India by Lord Curzon three months ago, the distress has increased by strides and bounds. The famine area has increased so that, instead of 30,000,000, now 52,000,000 persons are involved. Three months ago 400,000 were on relief works, now 3,500,000. The emaciated and "living skeletons" were only occasionally seen then; they are now seen by the thousands. The number of such will soon rise to the hundred thousands. The terrible suffering of childhood has now become common. * * *

Mr. W. T. Stead, discussing "The perilous position of England" in the Review of Reviews for February, 1900, says:

FAMINE-STRICKEN INDIA.

While we are wasting the resources of our people in waging a wanton war in South Africa, the cry of famine-stricken India falls upon deaf ears. According to the latest information the scarcity of food extends over an area twice as large as France and affects a population of over 50,000,000. More than one-half of these are British subjects. At present 2,000,000 are kept from absolutely dying of starvation by the weekly dole of the Indian government; but the number is said to be increasing at the rate of 250,000 a week. The white man's burden becomes tangible and visible to us when we have to raise £350,000 a month to "fill full the mouth of famine." According to competent local authorities the famine is even greater than that which called forth the charity of England three years ago.

The cruel treatment thus inflicted by the British home Government to enrich the 30,000,000 people of the British Islands at the cost of the 300,000,000 British subjects in India should awaken the continued efforts of bimetallists the world over, and the United States should be no party to the terrible chastisements which are being imposed upon a people who have no self-government whatever, and therefore can not resist the cruelty with which the gold class is now treating them.

"I WANT THE DOUBLE STANDARD."

Mr. President, it is with sincere regret that I differ so radically from so many of my political associates in this body. But my convictions of duty will not allow me to do otherwise. I have not abandoned the faith of the fathers. I stand upon the ancient ways. "I want the double standard." So do thirteen hundred millions of the people of this world of ours, while only 200,000,000 want the single gold standard. We want the real money of the world to be $8,000,000,000 in coin. They want it to be only $4,000,000,000. The difference means injustice, injury, suffering, and distress to millions of God's poor people the world over, while the gold class is to wax fat at the cost of their helpless victims.

The Republican party ought not to do any such grievous wrong. I entreat its leaders not to burden us with gold monometallism, but to renew in unmistakable language our oft-repeated pledges to remonetize silver. Let us not justify the aspersion lately cast upon us by Mr. Bryan when he said he did not believe that the Republicans would hold out international bimetallism in their platform of 1900, and that he expected to see their platform declare unequivocally for the gold standard.

He further said:

Thousands of votes went to the Republican candidates in 1896 on their promise to do everything possible to bring about bimetallism by international agreement. The falsity of that pretense was demonstrated early in the present Administration. I do not think they will try the same trick again, but if they do they will not succeed in fooling very many people by it.

Let us repel this charge as unjust and untrue by reaffirming the oft-proclaimed principle of our party and the ever-present desire of our people, that both gold and silver shall be the standard money of the nation. If we are thus true to our traditions and to the wishes of our constituents, we shall reelect our gracious and patriotic President by popular and electoral majorities greater than any President has ever received. Can we afford, by the passage of the needless first ten lines of this bill, without sufficient qualification, to add to the chances of his defeat?

"GOLD AND GLORY."

The gifted Senator from New York [Mr. DEPEW] is said to have designed for the Republican party a new campaign motto for 1900: "Gold and Glory." The alliteration is pleasing. It will look finely on gilded banners, and will doubtless lead to victory. But if the word "gold" means gold monometallism, it will be necessary for the golden-tongued orators of the party to expatiate with marvelous eloquence over the glory to the flag coming from the war with Spain, in order to overcome the many evil effects at the polls in November of the deep damnation of the destruction by legislation of half the metallic money of the nations of the earth.

Mr. President, thou canst not say I did it!

Mr. STEWART. If there is no one else to speak immediately, I will proceed.

The PRESIDENT pro tempore. The Senator from Texas [Mr. CHILTON] has previously given notice of his intention to speak at this time.

Mr. CHILTON. Mr. President, the pending bill, which represents the financial policy of the present Administration, touches three great subjects in a way to do harm to the interests of the masses of the people. These subjects are, first, the outstanding legal-tender currency; second, national banks; and third, Government bonds. Whether you take the House bill or the Senate bill, the same harmful result will be accomplished, and it may be treated in advance as a certainty that the conference bill which will come out of whatever differences may exist in the bills passed by the House and the Senate will do well the purpose which seems to be the main object of both bills—that is, to refund our entire national debt in long-time gold bonds, give greater monopoly and surer perpetuity to national banks, and destroy all prospect of bimetallism so far as the power of the Republican party can accomplish that result.

THE ENDLESS CHAIN.

The only sound reason which any fair man can discover in the clamor which has been raised for amending our financial system arises out of the redemption of the outstanding greenback and Treasury notes.

It is familiar history how, during the Cleveland Administration, these notes were used to obtain gold for speculative purposes in New York. Whenever the big operators of that city found that there was more demand for gold in Europe than in the United States they collected together greenbacks and Treasury notes and called on our Treasury to furnish them gold coin. In this way the gold reserve in the United States Treasury was run down. The President then ordered bonds to be sold to obtain gold, and this gold was then drawn out again by these New York speculators. New bonds had to be sold to get it back, and four different times the Government of the United States went through the seemingly ridiculous but terribly serious operation of selling bonds to get gold. An increase of $262,000,000 in our bonded debt was loaded on the American people as a perpetual memorial of the folly of the financial policy which then existed, and now exists, in the United States of America.

This was the so-called "endless chain."

Its operation can be corrected, and I wonder that the Republican party in the heyday of its power does not now possess the boldness to take up this question for settlement in an effective method. It can be settled in several ways. If the Government of the United States would exercise its plain option to pay these greenbacks and Treasury notes in silver coin, the door would be closed on gold speculators who want to ship gold abroad or force the Government to buy it back again. Or if silver enough were coined to replace these greenback and Treasury notes, they could be removed from active circulation by the introduction of silver certificates, and thus the instrumentalities by which the gold speculators poached upon the taxpayers of the United States would be destroyed. Or, third, these greenbacks and notes could be retired by the issuance of United States bonds, and thus the danger of future drains upon our Treasury, such as happened during the Cleveland Administration, avoided and the terrors of contraction boldly embraced. This last expedient would, in my judgment, prove a deplorable method of relief, and I would not vote for it, but it is really what the great financial interests which put Mr. McKinley in the Presidency desire, and it is what the Republican party would do if it dared to be candid with the people.

But instead of going directly to the seat of this Treasury disorder, which has existed and may exist again, in some ready, good method, or even a bold, bad method, the Republican party seeks to reach the same result in a roundabout way. It fears to encounter the frowns of its patrons by recognizing silver and thus cutting the endless chain on the one hand, and it quails under the possible wrath of the people which would come from the outright retirement of the greenbacks on the other. So that party now seeks to satisfy the magnates who build up its campaign funds by giving them the substance of what they want and to delude the good people who constitute a large part of its voting strength by leaving them the shadow of their old currency system.

A currency bill such as is finally decided by the Republican leaders to be as near what the gold trust wants as the Republican voters will stand is sure to pass at this session of Congress. Whether it be the House bill or the Senate bill, it will fix upon the statute books the proposition that all the outstanding greenbacks, amounting to $346,000,000, issued at a time when they were hardly worth 50 cents on the dollar in gold or silver, and $93,518,280 in Treasury notes, which were issued to buy silver, shall hereafter be payable in gold alone.

THE NEXT STEP.

I look, too, for the next step to be a Treasury ruling that the existing silver dollars and silver certificates shall be redeemed in gold. I know that it is denied by the chairman of the Finance Committee that such a purpose exists, but the language of the bill is vague on this subject, and there seems to be no good reason for increasing the gold reserve to $150,000,000, unless an additional charge upon it is contemplated. It will be remembered that the Secretary of the Treasury, in his last annual report, suggested that it be made mandatory upon the Treasury Department to so pay and receive the two kinds of money—silver and gold—as to maintain their parity under all conditions.

MORE POWER FOR LARGE BANKS.

But not content with fixing a gold redemption for all the outstanding legal-tender currency, the framers of the pending bill have taken up the question of national banks and reported a measure which will greatly strengthen the hold of those institutions upon the financial destinies of the American people. While many other interests in this country may be injuriously affected by the proposed legislation, one thing is certain, the national banking interest will be specifically and directly benefited.

Under the existing law national banks are permitted to deposit United States bonds with the Treasurer of the United States and receive back 90 per cent in circulating notes. In this way a capitalist, who always seeks Government securities as affording the greatest amount of safety and the least amount of trouble in management, buys United States bonds, which bring him a current interest, leaves them in the vaults of the Treasury, which he would ordinarily be glad to do for safe-keeping, and on every $100 worth of bonds draws out $90 in national-bank notes, which he loans to his customers. Thus at the same time the national banker is drawing interest on the $100 invested in the bond and on $90 of the same $100, which he has loaned again.

This has for years been pointed out as a most extraordinary privilege conferred on a particular class of the community, and it has been defended on the ground that while it gave great gain to the banker it lost nothing to the Government, but indirectly resulted in collecting a tax on the bond by means of the law which puts a tax on the circulation of national banks. But the pending bill increases this extraordinary privilege by authorizing national banks to draw out currency to the face amount of their bonds. Thus we see that a 10 per cent bonus is immediately granted to every national banker depositing bonds with the United States Treasury.

Now, if the bill stopped here, it might be argued that an expansion of the currency would to some extent ensue by reason of the 10 per cent addition to the amount of outstanding national-bank notes; and that a tax on these bank notes would be collected to assist the Government in defraying the expenses of the national-banking system. But the bill goes on to provide that the tax upon all national-bank notes issued upon the new bonds provided for shall be reduced by one-half, and as all the outstanding bonds may be exchanged for these new bonds, we have here an opportunity afforded to cut down by one-half the taxation on all national-bank notes now outstanding in the United States.

Let us take some specific examples to show the operations of this bill.

The American Exchange National Bank of New York, according to the last published statement of the Comptroller of the Currency, had on deposit with the Treasury to secure circulation $4,450,000 in United States bonds. This would authorize a bank-note issue of $4,005,000.

When the pending bill goes into operation, this bank will have the privilege of issuing at one time—immediately—$445,000 more bank notes than now; and if it avails itself of the opportunity to exchange its bonds as the bill allows, its tax on circulation will be reduced by nearly $20,000 a year.

I have no prejudice against national banking associations. Under our system it is a legitimate form of business operation, and those who put their money into these corporations have a perfect right to do so. If there is any reform necessary in the national banking laws, it would seem to be to diminish the minimum fixed for capital stock, so that the people of small towns throughout the country can share in the commercial facilities afforded by these organizations. The House bill contains such a provision, but the Senate amendment has stricken it out.

I can not believe that any further encouragement is needed to stimulate the organization of large banks in great cities. The bonds upon which these national banks operate now have imperial privileges enough. First, they are exempt from all forms of taxation, State, county, and municipal. Second, they can be used as a basis for procuring incorporated banking facilities. In some States that is the only way a bank can be incorporated. Third, national banks alone can issue currency upon Government bonds. And now it is proposed to give a fourth privilege—first, by allowing them to issue 10 per cent more currency than they have heretofore been permitted to do, and, second, to reduce their taxation.

But while this is going on, strange to say, not the slightest check is put upon the existing power enjoyed by national banks to withdraw their currency whenever they desire to do so, and in this way their power to expand or contract the circulating medium, which should be under control of Government, is left in unchecked authority.

GOLD BONDS.

A third feature of the pending bill is that which makes all outstanding United States bonds payable specifically in gold, and the Senate amendment authorizing all existing United States bonds to be refunded in thirty-year bonds, specifically payable on their face, principal and interest, in gold coin of the present standard value.

I had occasion in a speech which I made January 28, 1898, on the Teller resolution to give a copy of each class of United States bonds then outstanding. I showed that each set of these bonds were payable on their face "in coin of the standard value of the United States on July 14, 1870," and that on July 14, 1870, the silver dollar of 412½ grains was the standard of value and a full legal tender in the United States. Since that time $198,000,000 bonds have been issued to carry on expenses of the Spanish war, but they are payable on their face in *coin*. So that like the other bonds they can be paid in good American money—either silver or gold.

The act of 1869 (section 3693, U. S. Revised Statutes), which fixed the right of bondholders to demand coin on their bonds, recognized gold and silver as the coin referred to in our bond issues, and it is absolutely clear in law and morals that the United States have the right to pay all their public obligations in either gold or silver coin. This bill takes away that option and makes every United States bond payable in gold.

In the same speech to which I have referred I said:

> For more than twenty years there has been a systematic, unrelenting purpose on the part of the capitalists of the world to make the bonds of the United States payable in gold only, in spite of the explicit terms contained in these bonds and the wishes and interests of the American people.

The time has now come for carrying out this long-deferred plan. The bonded debt of the United States is $1,046,010,920, and these bonds, which have heretofore been payable in one of two sorts of standard money, are hereafter to be paid in gold alone. Not one dime of recompense is given to the taxpayers of the United States for thus making harder and heavier their Government obligations.

While Mr. Cleveland was President, he issued $62,000,000 of 4 per cent bonds payable in coin at one time and made a contract with the purchasers that he might replace these bonds with 3 per cent bonds payable in gold.

On February 8, 1895, he sent a message to Congress asking for authority to make the substitution, and showed how the Government would be saved $16,174,770 by the exchange. Yet Congress refused to allow the bonds to be made payable in gold. Now these self-same bonds on which the people of the United States lost $16,000,000 in order to retain the privilege of paying them in either gold or silver are to be made payable in gold by this bill without a cent of charge to the bondholders.

Mr. ALDRICH. Not by the Senate bill.

Mr. CHILTON. Well, the House bill certainly does. I will say in this connection that the House bill is the bill which is universally expected to become the law on that subject. When we come to discuss the conference report, of course we will see the exact complexion of the bill agreed to and to be put upon its passage. Even under the Senate bill the same result is achieved—for if you give every outstanding bondholder the right to exchange existing bonds for bonds that on their face are payable in gold, it is as bad as if you said in so many words that the outstanding bonds should be so payable.

It is true, Mr. President, that these great financial changes are in progress of completion without arousing that degree of resentment among the people that the circumstances demand. It is one of the infirmities of operating a great government that its transactions extend over such long periods of time that the people do not feel enough of the burden at any particular moment to stimulate them to energetic action. Such a thing as a thirty-year bond is practically unknown in the private transactions of the common people. Perhaps not more than 25 per cent of the men who are voters in 1900 will be alive in 1930.

Again, the operations of the United States Government are so far distant from the activities of the common people that it is hard to fix their attention on bond issues and other problems of that sort in the settlement of which each individual voter has so small a share; but I have hopes, sir, that there will be a freshening and concentration of the public interest upon the policy of the Republican party as reflected in this bill.

NEW BONDS.

I have addressed myself to the effects of this bill upon the existing obligations of the United States Government; but under the power conferred by it upon the Secretary of the Treasury our existing obligations may be enormously increased in carrying out the perpetual task of keeping up the gold reserve. This gold reserve, which has heretofore been $100,000,000 by regulation of the Treasury, is now to be made $150,000,000 by law. Thus $50,000,000 more gold is to be withdrawn from circulation and piled up in the vaults of the Treasury.

Whenever this gold reserve is reduced as described in the bill the Secretary of the Treasury is authorized to issue bonds to rebuild it, and this process can be repeated indefinitely. I for one do not believe in vesting the discretion of issuing United States bonds in unlimited amount in any functionary whatever. In the first place, I believe that the policy which requires a gold reserve ought to be abandoned, and, in the second place, that there should be some limit upon the power to issue bonds—make it $100,000,000, $200,000,000, or even $500,000,000.

When we came to issue bonds to carry on the Spanish war, it was deemed wise to put a limitation on the right to issue bonds so that not more than $400,000,000 should be issued without further authorization on the part of Congress, and the same caution should be exercised in this case.

I regard it as a false policy of government to give any one man such absolute control of the burdens which may be imposed on the people. I think a responsibility so serious, so far-reaching, so liable to abuse, should be retained in the hands of the representatives of the people, and it is no answer to say that such vast liberty of action has been conferred in former years.

The operations of our Treasury Department are in my judgment unduly subordinated to the interests of the moneyed friends of the party in power, and legislation should be had to narrow rather than enlarge the discretion of the Secretary of the Treasury.

Of course I know, Mr. President, that the passage of this bill is foreordained. The Republican party, having control of the Senate and House of Representatives, does not propose to risk the fate of another election, when possibly the choice of a Democratic House or President may checkmate its plans.

And when this bill becomes a law the pathway to correcting its hardships will be long and difficult. Bimetallism may come through the ascendancy of the Democratic party, but even then we will have new perplexities thrust into our faces by the claim set up that the bonds and outstanding obligations of the Government have been made payable in gold alone.

Thirty years will be a long time in rolling round, and some of the evils which this bill will force on the people can not sooner be stricken from their limbs even if great political changes are wrought in the coming elections; but much can be done to produce a change of policies by a change of parties in this country, and the fight for real bimetallism will go on.

If it be necessary to provide security against future emergencies such as those which beset the Cleveland Administration, let the Republican party do that manfully. But why come now and give lower taxes to national bankers alone of all the classes? Why discredit our existing silver dollars by destroying their redemption power? Why give greater value to national bonds alone of all sorts of property in this country.

The Republican leaders are gleeful that a time has come when they can carry out their plans. They boast themselves that prosperity abounds in the days of their power; that the silver question is dead; that vast annexations and victorious wars are the triumphs of the McKinley Administration.

But let it not be forgotten that there are triumphs and final triumphs in the progress of civilization. Appearances can not change the inevitable tendencies of nature. Good prices which

have come to the cotton raiser and the wheat raiser by short crops and the gold discoveries of the last few years can not last when the mines have failed and good crops come again.

Such prosperity as we see has followed the course of nature, and has demonstrated the correctness of the Democratic theory that a greater money supply was needed to end hard times. It has not been scattered from the imperial chariot of the Republican party as the bounty of its progress.

Time and trial will test your policies and show their fatal weakness.

If American statesmen had not looked ahead, they might have thought while the abundance of the California gold discoveries were flushing on the country that a time had come to finally discard silver, but ten years was enough to show the waning impetus of these golden Pacific streams.

If American statesmen would look ahead now, they may see beyond this year or the next year good crops on our side of the ocean and the other, with gold fields which live only in memory and a people struggling with disaster which neither personal energy nor nature's plenty can lift off their shoulders in the face of a diminishing supply of money.

No man can tell what the cotton crop of the South will be this year, nor the wheat supply of the Old World. No man can tell how much the world's gold production will increase or diminish. I would not put my country helpless upon the sea of these chances. I would hold for the people sacredly all the opportunities of the situation.

I will not help by my vote to take $50,000,000 more of gold out of the channels of circulation and pile it up in the Treasury as a reserve, or to give national banks more power to control the volume of circulation than they now possess, or to saddle upon the taxpayers of the Union the promise to pay in gold coin more than a billion dollars of bonds which they can now pay in either silver or gold.

I will not be one of those to take the final step—possibly the step which can never be retraced—to force this nation into league with England and other monarchies of the Old World, which have long struggled to erect their single gold standard to measure the industrial opportunities of mankind.

Mr. MONEY. Mr. President, in the discussion of the amendment before the Senate I presume it is admissible to discuss the Senate bill and the House bill, with a view, perhaps, to a new bill which may come from the conference committee. As was said by the Senator from Texas [Mr. CHILTON] a moment ago, it seems to be the general wish of that part of the press that belongs to the monometallists that the House bill should be preferred above the Senate bill, and the House bill comes to us indorsed by the unanimous vote of the Republicans in that body.

The contributions to this discussion in the House have been very full, and, in my judgment, very able; and in this body this particular bill has by sections been so keenly analyzed by the distinguished Senator from Missouri [Mr. COCKRELL] and by other Senators, who carefully examined its provisions, and it has been so finely delineated by the brilliant speech of the Senator from New Hampshire [Mr. CHANDLER] this morning, that I feel it is almost a superfluous work in me to attempt to do anything in the way of an elucidation or investigation of the particular measure itself.

I desire to state also that I seize this opportunity because the floor was unoccupied, and without any special preparation for the task that I have undertaken. I think it better, then, Mr. President, in view of the arguments in detail which have been made on this special measure, that I should confine myself in the few remarks I shall make to the general underlying principles of the whole question of the money system.

It is sometimes necessary to repeat old, trite things. We have not yet lost the habit of reading, on the Fourth of July, the Declaration of Independence, although that great instrument it is fashionable now in some quarters to almost ignore and to decry. We make arrangements to have read from that desk Washington's Farewell Address to his countrymen, which I am sorry to say has fallen into disrepute and is considered now entirely out of date by some.

The Senator from New Hampshire said very well that the moral side of this question had not been debated. I desire to say now, corroborating that remark, that it never has yet been debated in this body or the other House or on the stump. Those gentlemen who have advocated monometallism have never yet attempted to debate the moral side of it. I find that in debating other questions quite as important as this, in other words, the question which in my mind leads to imperialism, to the substitution of force for consent in our frame of government, the attempt has been made to either ignore it or to make such argument as divest governments of all moral obligation whatever.

Mr. President, I may be pardoned if I to-day repeat what has so often been better said that may bring out the philosophy of monometallism. Let me reveal the reasons why it was ever undertaken at all by any government. It is hardly necessary to say that, as far as we are concerned, in the United States there was no resolution or plank in any party's platform, either in national, State, county, or district, or in a ward meeting, that requested the United States Congress to demonetize silver.

There was, as I recollect, no argument in any newspaper demanding it. No communication by letter or petition or memorial came to either House of Congress asking that one of these metals of the Constitution should be divested of its money power. But the whole secret of the business is in that quotation from Brooks Adams's great work on the Law of Civilization and Decay, which was read just now by the Senator from New Hampshire.

I may add to that a prediction made by the man whom I shall consider as the real father of the independence of this country, Samuel Adams, of Massachusetts, the only man who had the mind bold and original and daring enough to insist that these colonies should be a free and independent nation, when his great colleagues in the service of his country were sending humble petitions to the throne of the King of England declaring themselves his most loyal and obedient subjects and denying that they desired to shake off allegiance to him, but that they simply wanted representation with the taxation. Sam Adams, in a letter to Richard Henry Lee during the time when the Constitution was being discussed before ratification by the several States, made this remark:

> Our people have prepared a frame of government suitable to their wants. They are now poor and simple and they love liberty, but I fear the time will come when they will grow rich and when wealth will be preferred to freedom.

Mr. President, that time has come. In Rome it was the greatest crime known to the law to despair of the republic. But it seems to me the prediction of Sam Adams is being fulfilled to-day, in a measure, in the culmination probably of the series of measures that have been put in force by the Republican party since they have controlled national legislation.

Well, what was the underlying motive that led to the demonetization anywhere? The fact was not concealed in its genesis as it is to-day. There was no attempt whatever at disguise when the movement began. It began when the gold fields of Australia, of California, and of Siberia were opening up to the world undreamed masses of gold. When this was discovered such men as De Quincey, the prince of English classicists, declared that gold by its mere abundance was becoming a base metal; and he wrote that great essay called "California," in which he demonstrated that it was the duty of England to demonetize gold and make silver the sole standard of value.

Chevalier, in France, the profoundest and acutest thinker who has ever written upon this subject upon that side of the question, produced an irrefutable argument, in which no critic has yet been able to find a flaw, in which he argued that gold was becoming too abundant to be the standard and measure of value and that it should be demonetized and silver declared the sole standard of value. There were many great writers upon this subject, all using the same argument, during the abundance of gold, for its demonetization and the substitution of silver as the single standard. This will not be denied by anybody.

I have said that the arguments of these writers, of these publicists, and of these public men, were irrefutable, and they were, because the logic was perfect, if you admit the premise. But the premise was false. They laid down the foundation for a public policy that was oppressive to the great masses of the people, and it simply helped only the class who need no legislation in their behalf.

Well, what was the reason? Not only was it detailed in the writings with which the members of the Senate are familiar, but it was clearly and tersely stated by a commission appointed by the French Government for the purpose of inquiring into the subject. You will recollect the French commission of inquiry in 1868, I think that was the date. When they came to their conclusion, after a laborious session, they declared that the abundance of the precious metals, not naming either silver or gold, was depreciating the purchasing power of money (which is its value), for the word value in commercial and financial sense has no other meaning than the purchasing power of the thing spoken of.

This commission declared that on account of the abundance of the two metals the products, the services of men, were bringing a higher price; that the purchasing power of gold and silver had declined, which worked a great injustice to whom, Mr. President? To the bondholders, to the annuity holders, to the wealthy who enjoyed a fixed income; and no other class was mentioned. Nothing was said of the untold millions of human beings who created wealth; nothing of the service of those who had no independent fixed income; but only those who enjoyed a fixed income from the four sources which they mentioned.

They said that as it was the duty of the Government to fix the weight and value of metals, it was also their duty to protect this

class from the depreciation of the purchasing power of their income, and this argument met its acknowledgment. These gentlemen did not say they wanted gold demonetized; they did not say they wanted silver demonetized. As a matter of fact, they were absolutely indifferent whether gold or silver was demonetized. It must be, however, to meet their views—one or the other metals. There is not an honest monometallist in the world who understands what his faith is who would care to-day a solitary straw whether gold or silver was the standard and measure of value of the world.

I will venture this prediction, that if the gold production of the world increases for five years in the same ratio that it has in the past five years, the monometallists will begin to ask for the demonetization of gold and the remonetization of silver. Chevalier and his colaborers called for the demonetization of gold and making silver the sole standard and measure of value, and the response came from almost half the nations of Europe. Holland demonetized gold and made silver the standard. The three Scandinavian states did that. The little congeric of German states that now constitute the German Empire did that. Austria-Hungary did that.

Then why did the scheme fail? Simply because the United States of America and France insisted upon bimetallism, and Great Britain, that went, under Lord Liverpool's government, to the single gold standard in 1816, when she did not have any gold or any silver and never made specie payment for years after, did it at the behest and command of the bondholders of England, that increased in such strength on account of the indebtedness, that amounted to about $5,000,000,000, caused by the Napoleonic war, when Pitt was maintaining that magnificent coalition against Napoleon by subsidizing every nation in Europe and putting their armies in the field.

When it was found impossible to make all nations adopt the silver standard, and when silver began to be produced in great quantities to correspond with that of gold, and it exceeded in some years, then these gentlemen changed their tactics, and the same men and the same arguments were used for the demonetization of silver that had been before used for the demonetization of gold, and with perfect consistency, when you consider that the sole object was to reduce the volume of the money of the world and thereby increase its value or purchasing power, and of course by the same act reducing the value of the products of the world and the services of mankind.

That was the motive, the reason why. I want to make this observation, that I do not believe any country has ever yet demonetized a metal until the bondholders, the people who enjoyed fixed incomes, demanded it. The public certificates of indebtedness in the world amount to $32,000,000,000 according to the statisticians, England holding over $10,000,000,000 of them. Whenever they would get strong enough anywhere in any country to control legislation, immediately there has been a demonetization of one or the other metals with always the same end in view, that the money volume shall be contracted and that their income shall be increased in the purchasing power in order to give them an absolute mastery over the labor of mankind.

Now, this was the reason. We have had what our friends on the other side claim to be a wave of prosperity. It was a long time coming. It was like a child born out of due season. It did not come immediately upon the fixing of the gold standard by the late legislation. When did it come, Mr. President? It came when the untold riches of gold were exploited all over the world, with the Klondike and the Rand and the Ural Mountains and Colorado becoming a great gold State instead of a great silver State. It was when these great sums that amounted to $382,000,000 in the year 1898 had been brought from the mines of the world, producing a prodigious sum which has been mentioned—I forget the exact figure given by the Senator from New Hampshire a few moments ago—but amounting to over $1,200,000,000 of precious metals in five years. In other words, more gold was produced in those five years alone than had been produced of gold and silver in the five years preceding that period.

Of course this tremendous influx of precious metals has done what? It has raised the price of things a little, but it has done more than that. It has verified all the predictions made by bimetallists in every single campaign since silver was demonetized, every single one of them, because we have always insisted, not that there was any inherent power in the white metal to lift up the price of products, that there was any particular virtue in that which made it more valuable than gold, but that it was the quantity, the quantity and volume of money, the money of redemption, the basic money of the country—not of this alone, but of all the commercial countries of the world—that would determine the value of things.

We have had scarcity of money and the constant sinking of prices, resulting in great numbers of men out of employment; for in the contraction of all the fields of industry and energetic operation there was of course the elimination here and there of men who sought labor that they might put bread in the mouths of wives and children. We demanded more money, and the only way we thought of, taking the records of the mints and other sources of information concerning the production of gold annually, was to remonetize silver, the money of the Constitution, equal with gold, and that was denied to us.

The quantitative theory of money was asserted before the birth of Christ by Aristotle, and it has been repeated by every considerable writer on the subject of finance and the money question since—by Locke, by John Stuart Mill, by Sir James Graham, by Ricardo, by everybody, even by monometallists like Walter Stanley Jevons and Mr. Robert Giffen, the editor of the Economist. All of them held that the quantitative theory of money was true. While professing it in their platforms, the Republican orators always denied it upon the stump, and we heard for the first time of the qualitative theory. If anything has been established it is the quantitative theory of money.

But there are other things beside this output of precious metals. One is, they had a famine throughout the world. It happened but three years ago. There was in the United States an extraordinary crop of wheat. There was also a falling off in the production of wheat in that vast Empire of Russia to such an extent that an imperial ukase forbade its exportation, and an utter failure in India, which induced that famine of which the Senator from New Hampshire read such a pathetic account in his speech, which shows that by legislation favoring the gold standard people had been starved to death in India just as effectually as were the pacificos of Cuba under the reconcentration order of Captain-General Weyler. In other words, legislation had accomplished in one continent what arms had done in another. It had worked starvation and death among millions of human beings.

Then, Mr. President, there was a failure in Australia, and Australia began to import instead of exporting. There was a failure in the Argentine Republic which had reached an exportation prior to that time of 76,000,000 bushels annually. There was a failure in the great wheat-producing country of France of 130,000,000 bushels. There was a failure in the wheat product of Great Britain, the great importing nation of breadstuffs, of 80,000,000 bushels.

In other words, it seems that throughout the earth there was a famine in wheat, and the United States was full of wheat, and of course the price of wheat went up, because in every instance the value of a thing depends upon its supply and its demand. That brought into our country a tremendous quantity of money. Then we had this enormous balance in our favor which made its the year before last the greatest exporting nation of the world. In one year the balance in our favor reached $626,000,000.

All these things had their effect. There was a stimulus in prices, and the predictions of the silver men or bimetallists were verified by the facts that exist to-day in the knowledge of every man in this Chamber.

We said if you had more money the wheels of enterprise would move anew and with greater quickness; that there would be more enterprise; that new roads would be built, new mines would be opened, new canals would be constructed, new factories would go up, and that a new acreage would be cultivated in the great staples of the country like wheat, tobacco, sugar, and cotton. All this has been verified. The army of tramps has been cut down everywhere. Capital is now seeking labor, and not labor seeking employment from capital, as it was in the days of depression before this change came. The increased production of the precious metals and this concatenation of circumstances has driven the world here for its supply of breadstuffs, and hence this improvement.

The question is, Will this condition of prosperity be permanent? It will be permanent, Mr. President, in my opinion, if the gold production and silver production increase; but at the same time it teaches a lesson that no man can disregard, which is that, if the theory of the bimetallists had been put in practical operation by legislation, the era of depression to which I have referred—the era of falling prices, of labor without employment, of languishing industry, of the circumscription of the fields of activity and energy—would never have existed, and the country, instead of going through the valley of tears for years and years, would have been on the highway of prosperity.

What the productive energy of this country would have given to the world in this period from 1873 down to three years ago no man here can conceive. Such is the energy of this country, its industry, its resources, and the power of individual character, that there is no limit to its productiveness, and instead of seventy-five or eighty billions of dollars being the aggregate wealth of this country, there would have been a large excess beyond that point. During all that time the blood, the tears, the sweat, the agony of millions of human beings would have been prevented. But the party that teaches monometallism, that strives to strike down the

money of the people and reduce the wage earnings of the poor, is without conscience, and refuses to debate the moral side of this question.

Mr. President, this prosperity is here for a while, but have we any guaranty of its permanence? What moment may not our mines be shut up by some cause as those of the Transvaal are to-day by the Boer and British war? What moment may the leads not peter out? What can we say about the capacity of the gold-producing countries of the world? At any rate, if we judge the future by the past, as far as history can give us a lesson it will show us that whenever the amount of money of redemption is decreased, there will be a proportionate shrinkage in the values of things and a proportionate diminution of the wage-earning power of the man who works and creates the wealth of the world.

There is another point—that we are enjoying a degree of prosperity to-day caused, as I said a while ago, in large part by the enormous balance of trade being in our favor. Yet we must understand this principle in finance, that it is impossible to maintain anywhere within the commercial world a higher level of trade prices than will obtain in the whole.

Prices go up here, as they did for wheat; they may go up for one thing or another, according to the local circumstances or to general conditions that may affect the whole world; but you may put it down as a proposition that amounts to an axiom that no country can long enjoy a price for its products superior to that enjoyed by the products of other countries, for the simple reason that so soon as money loses a part of its purchasing power, which it always does when prices go up, that very moment money takes its flight to the other places across the seas or the Continent, where money resumes the purchasing power that it lost in the place of its exit and becomes settled there until the level of prices is again maintained.

It is as the sea maintains its level. There are bays like the Bay of Fundy, like the waters on the coast of the Isthmus across which we propose to dig a canal, where local circumstances make the water higher than it is elsewhere—the trade winds, for instance, off the Isthmus of Panama—but, nevertheless, these great oceans and seas and bays maintain their general tide level all over the world. Just so it is with the great sea of money—I mean now the basic or redemption money all over the commercial world—which maintains its level; and if it becomes lower in one place for a while than it is at another, it will simply flow as the water does, for money is as mobile as water, to the place where the purchasing power is greater; and the result will be an equalization of prices.

I say that, in my opinion, if the nations of the world should concede to the United States alone the power to coin every atom of gold, silver, and copper that may be produced for twenty years, the United States would be no richer for that gift, because the very moment there was an increase of prices in the United States on account of this abundance of money, it would go to England, Germany, Belgium, or any other country that creates wealth, that very moment the metal would go back to that country and take its proper place in maintaining the level of prices everywhere.

There has been brought in here an amendment which the Senator from New Hampshire [Mr. CHANDLER] has characterized as being rather late, being reported forty-six days after the bill was introduced, while the bill itself only received for consideration a few hours. I should be glad to know the beginning and origin of that amendment. That amendment holds out a shadow of hope of some kind to the American voter, for nobody else is expected to be influenced by it; certainly not an American thinker on this subject. The amendment substantially is that nothing contained in this bill shall be considered to exclude an effort toward international bimetallism.

If the Senator from Rhode Island were present I should like to ask him if he earnestly desires that silver shall be rehabilitated and be made with gold the standard measure of value, as he holds out the hope can be done by this amendment of his, or would he prefer the single gold standard with or without international concurrence and action? Mr. President, I do not believe in the sincerity of any man who votes for this bill or in his profession that he desires to have silver rehabilitated either by the independent or the concurrent action of this country with others.

We know the history of the last international commission on this subject. We sent a commission to England and France. We had a report by the very able chairman of that commission, the junior Senator from Colorado [Mr. WOLCOTT]. We know that whilst he went there authorized by statute and appointed by the President to negotiate for international bimetallism, at the very moment when he and his colleagues were interviewing Lord Salisbury and other members of the British ministry, the Secretary of the Treasury, the fiscal agent of this Government and its highest authority upon the financial question, was making speeches before bankers' associations and declaring everywhere that the object and purpose of the Administration was to institute the single gold standard. The President had submitted to us that wonderful production of the Indianapolis convention—the only real gold monometallists in the country, if I may term them so—and advised us that he would like us to give it our careful consideration.

I am not going to twit gentlemen on the other side with traversing their records or with any inconsistency, for I believe, as Lord Palmerston said, that "the vanity of consistency is the vice of statesmen;" and I am sure that Republican statesmen are not guilty of the vice of consistency on this subject.

Mr. President, I can imagine the scene when this commission that we sent to England and France, consisting of a distinguished Senator, an ex-Vice-President of the United States, and a distinguished banker, interviewed the members of the British ministry and told them that the object and subject of their visit was to restore bimetallism by a concurrent agreement with Great Britain, and Lord Salisbury had just read in the morning paper the deliverance from the Secretary of the Treasury and the message of the President of the United States, declaring their wish and purpose to have the single gold standard. So the whole thing was discredited abroad and ignored or repudiated at home; and the commissioners, in my opinion, ought to have packed their baggage and sailed for the United States as soon as those utterances were brought to their attention.

Mr. President, I said a while ago that I did not know where this amendment came from or upon whose suggestion it was offered. Is it possible that something has been heard from the people of the country; that the chairman of the committee has had his ear to the ground and has heard something of the rumbling of the people in the West; or did he receive an intimation from the Executive that it would be agreeable to the President, in view of the campaign coming on, to have some little thing put in here that would delude—I am not using the language now of the President, for whom I have the greatest respect, but I am only drawing a logical inference—that there must be something put in here to make somebody believe, who would not believe it from the bill submitted, that there was still a hope for bimetallism if the Republican party could be trusted with renewal of power?

But I recollect, Mr. President, that last year Lord Aldenham, when giving his testimony on this subject before the British commission, declared that the United States alone could maintain the parity of the two metals, and that if India would join with this Government in opening her mints to silver there was not the slightest doubt of it; but the doubt was expressed whether the United States under this Administration, at least, was willing to take any action in favor of bimetallism. The distinguished gentleman, who had himself been governor of the Bank of England, and had sought to restore silver to its ancient and honorable place as one of the redemption moneys of the world, put on file, and it is published in his evidence, a letter from our Secretary of State, Mr. Hay, in which he declared that the President and a majority of his Cabinet still adhered to the idea of bimetallism.

We do not see anything in that direction in the utterances of the President; we do not see anything of that in anything done by his Cabinet; we do not see anything of that in anything that has been done here on this floor by the Republican party or in the House by them, except perhaps in this late amendment.

It has been stated that a member of the other House, in the last Congress, declared that to the fact that the last platform of the Republican party held out the hope of bimetallism through international negotiation over a hundred gentlemen owed their seats upon that floor. I do not know whether that is true or not, Mr. President, but I believe that a vast number of people in the Middle Western States and in the far West voted for the Republican party because they did not want to sever their lifelong association with the party with which they had been affiliated, and they voted for that party in the hope that this policy would be carried out and that the Republican party would make good the pledge contained in that platform.

But, Mr. President, the Republican party has been faithless in all the history of the money question. Time after time it has put into its platform a statement that it was the party of bimetallism; that it was for the use of both gold and silver without discrimination against either; that it wanted both to have the same power as legal tender, the same freedom of the mint; and so distinguished a gentleman as the President of the United States has declared in unequivocal terms that he favored that proposition. No longer than nine years ago he denounced the then President of the United States as being a man who labored to deprive silver of its proper function and to establish the single gold standard.

Mr. PLATT of Connecticut. Who was that?

Mr. MONEY. Mr. McKinley.

Mr. PLATT of Connecticut. I mean who was it he was denouncing?

Mr. MONEY. Mr. McKinley was denouncing Mr. Cleveland, designating him as "Grover Cleveland," for his attempt to institute the single gold standard.

Mr. BATE. He did that at Toledo.

Mr. MONEY. Yes; and at Cleveland also.

As I have stated, the Republican party has proved faithless to its pledges on this question, and to prove that assertion I appeal simply to its own history. I do not intend here to exculpate the Administration of Mr. Cleveland, who went the same way and maintained the same idea. To show that I am impartial in that matter, I will ask the Secretary to read for me a paper, which simply contains the planks of both parties on that question for the last four or five conventions, premising now that the Populist party has been always unequivocally for both metals in all its platforms.

The Secretary read as follows:

Beginning with 1880 the following declarations were made on the subject of finance by the Republican conventions:

1880.

"It has raised the value of our paper currency from 38 per cent to the par of gold; it has restored upon a solid basis payment in coin of all national obligations, and has given us a currency absolutely good and equal in every part of our extended country; it has lifted the credit of the nation from the point of where 6 per cent bonds sold at 86 to that where 4 per cent bonds are eagerly sought at a premium."

1884.

"We have always recommended the best money known to the civilized world; and we urge that efforts should be made to unite all commercial nations in the establishment of an international standard which shall fix for all the relative value of gold and silver coinage."

1888.

"The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver."

1892.

"The American people from tradition and interest favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world."

1896.

"The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payments in 1879; since then every dollar has been as good as gold. We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are therefore opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained the existing gold standard must be preserved. All our silver and paper currency must be maintained at parity with gold, and we favor all measures designed to maintain inviolably the obligations of the United States, and all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth."

Beginning with 1880 the following declarations were made on the subject of finance by the Democratic conventions:

1880.

"Home rule; honest money, consisting of gold and silver, and paper convertible into coin on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only."

1884.

"We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss."

1888.

"The Democratic party of the United States, in national convention assembled, renews the pledge of its fidelity to Democratic faith and reaffirms the platform adopted by its representatives at the convention of 1884."

1892.

"We denounce the Republican legislation known as the Sherman Act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal. We hold to the use of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts, and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency."

1896.

"Recognizing that the money question is paramount to all others at this time, we invite attention to the fact that the Constitution names silver and gold together as the money metals of the United States, and that the first coinage law passed by Congress under the Constitution made the silver dollar the money unit of value and admitted gold to free coinage at a ratio based upon the silver-dollar unit.

"We demand the free and unlimited coinage of both silver and gold at the present legal ratio of 16 to 1 without waiting for the aid or consent of any other nation. We demand that the standard silver dollar shall be a full legal tender equally with gold for all debts, public and private, and we favor such legislation as will prevent for the future the demonetization of any kind of legal tender-money by private contract."

Mr. MONEY. I ask the Secretary to now read a short excerpt from the able and instructive speech of the Senator from Colorado [Mr. TELLER], giving the action of the different State Republican conventions on this subject.

The Secretary read as follows:

Michigan Republicans in 1890: We indorse the action of Congress upon the silver question and favor the unlimited use of gold and silver as the basis of legal-tender paper currency interchangeable with coin.

Nebraska, 1890 or 1891: The Republican party has given the people an elastic currency of gold, silver, and paper, and has raised the credit of the nation to one of the highest pitch of any country in the world, and its efforts to fully remonetize silver should be continued until it is on a perfect equality as a money metal with gold.

The New York Republican State convention in 1890-91 commended the Administration for "the prompt restoration of silver to its normal place in the commercial world."

Ohio, 1891: Approved of the action of Congress in fulfilling pledges of the party in legislation upon the coinage of silver, revision of the tariff, etc.

Oregon, April 16, 1891: We declare ourselves in favor of the free and unlimited coinage of silver and denounce any attempt to discriminate against silver as unwise and unjust.

Pennsylvania, June 25, 1891: Favored the use of both gold and silver.

Iowa Republicans in their platform of 1893: We are in favor of maintaining both gold and silver money as unlimited legal tender for the payment of debts; and in doing this Congress shall provide that every dollar, whether gold, silver, or paper, shall be kept of equal value.

Kansas, 1892: Favors such laws as will increase the coinage of silver. Approval of international bimetallism.

Missouri Republican convention, 1892: Favors international bimetallism.

Montana, 1892: Free and unlimited coinage of silver.

Nebraska, 1893: Adopts the national platform of 1892 as to the silver question.

Nevada: Free and unlimited coinage of silver.

Oregon: Indorses the Sherman bill.

Pennsylvania, 1893: Reaffirms the national platform on the money question and demands $40 per capita.

South Dakota, 1892: Reaffirms the national platform on silver.

Tennessee, 1892: Approves of the Sherman Act.

Wyoming, 1892: The money of the country should be founded on gold and silver, and this may be achieved by timely legislation—international conference.

California, 1892: We believe silver, equally with gold, to be the money of the people.

Colorado, 1892: Free and unlimited coinage of silver.

Mr. MONEY. Mr. President, that shows very fully the position of the Republican party as announced in their State and national platforms. That was the reflex, in my opinion, of the wishes of the voters of that party; but their leaders in Congress assembled, influenced, in my opinion, by the national banks, by the great corporate interests of this country, and by the bondholders, who were so vitally interested in maintaining the purchasing power of their interest, have uniformly falsified the pledges made in their conventions; and the steady tendency has been to this point, until almost the finishing stroke is to be given to silver, when silver is to be made no longer a money of redemption, when the greenbacks are to be impounded, when the Secretary of the Treasury in his discretion has the unlimited power to sell bonds, when the intention is manifested of fixing a permanent debt upon the country, payable, interest and principal, in gold, with no option of redemption on the part of the Government, and to invest the national banks with additional power to control the business of this country and the value of property by contraction or expansion of the currency, by the permission to increase their notes to the face value of their bonds, and by the reduction by one-half of the tax on their circulation.

A gentleman very high in the councils of this country, a Republican, said to me the other day, "Our party progresses." So it does, Mr. President, from bad to worse in this financial question. In other words, there is no hope to the bimetallists who have steadily voted the Republican ticket, according to the testimony of its platforms and the concurrent record made here in Congress, that any of these promises, not even this shadowy one that is now offered by the chairman of the Committee on Finance, will ever be made good.

But, Mr. President, they have all along put in as a sort of a buffer the phrase that "it is the policy of the Government to maintain the parity of the two metals." That is not an excuse; it is hardly a decent pretense. Mr. Carlisle, the eminent Secretary of the Treasury in the late Administration of Mr. Cleveland, in a circular of information dated August, 1896, where the different kinds of money in the public Treasury were described, defined the different characters of paper money and in what they were redeemable, and then said as to the standard gold coin and the standard silver dollars of the United States, "they are not redeemable," being themselves money of redemption.

At the very next session of Congress that distinguished gentleman came before a committee of the other House and declared that he would redeem the silver dollars, if they were brought to the Treasury in order to maintain their parity. So with his predecessor and so with his successor; and that distinguished gentleman and also the present Secretary of the Treasury declared that they never consented to any measure that depreciated the purchasing power of the dollar.

Those gentlemen understood very well that there was no stability in the purchasing power of the dollar; that it all depended upon supply and demand; that money, like any other product of human industry, was dependent upon the demand for it and the supply of it, and that that alone could determine its value. One of the ways to reduce the supply was to demonetize a portion of it, or when monetized by law, to discredit it in the operations

of the Treasury Department. In order to carry out this view, these gentlemen have always redeemed the bonds of this Government and the greenbacks when presented with one metal—gold—permitting the creditor in every case to say in which metal he would take his payment.

I want to say that such a disposition of a debt has never yet been adopted by any country on earth except this, and nowhere by any private debtor on this globe. How long would you maintain the parity of the two metals if every single private creditor in the United States had the liberty of going to his debtor and saying, "I do not care what the law says; I demand that you pay me in gold" or in silver, either one? Suppose they all had the power to do that, how long would the parity of the two metals be maintained?

Mr. President, if this Congress had solemnly passed a resolution declaring that the Secretary of the Treasury should establish and maintain the disparity of the two metals, the very course which has been pursued by these gentlemen would have been the one to effectuate the intent and will of this Congress. In other words, their constant treatment of this subject has been to depreciate the white metal and to effect a disparity instead of maintaining the parity. Why did they do it? Its logical tendency was that way. You can not reason it in any other way. It was not effected because the transactions of that Department in this regard are simply a bagatelle compared to the enormous business done by private parties in the United States.

What was the hundred or two hundred millions of redemption in gold of greenbacks presented to the Treasury by that endless chain, of which you have heard so much, compared with the seventy billions of private transactions and the twenty-six billions of debt in the United States, interest and principal of which were payable in silver or gold at the option of the debtor and not of the creditor? So that the people themselves, in their private transactions, by this choice of the debtor of the money payment, preserve the parity, despite the action of the Secretary. Did the Bank of France adopt this way to maintain the parity?

Yet, France with only 30,000,000 people, with an area of only 200,000 square miles, for seventy-five years maintained against all the world the parity of gold and silver at 15½ to 1, by simply making both free to the mints, both a full legal tender for any amount, and by paying to the owner of her debentures or certificates of indebtedness when presented to her either metal that she chose. No man can go to France and say, "I want this debt paid in gold," or "in silver," or anything else. They paid them just what they pleased and what the condition of the treasury permitted them to pay, whatever would maintain the parity of the two metals. Yet we have been pursuing the other course, the obviously proper course to establish and maintain a disparity of the two metals.

So there has never yet been an honest effort made by any Administration to maintain the parity of these two metals, although the phraseology is repeated with damnable iteration in every platform and in every law. There is nothing in it but delusion. There never was intended that anything should be in it, in my opinion. In other words, a game of confidence has been played upon the people of the United States, who have been robbed of their rights, whose labor has been depreciated in its price, whose products have been depreciated in their price, whose money has been cornered, and who have endured suffering and distress and the direst poverty for the last two or three decades because of this action on the part of the Treasury of the United States.

Mr. President, it is perfectly obvious that had there been an honest design on the part of any party in power to maintain the parity of the two metals, then the great fiscal officer of the United States would not have disparaged one of them by permitting the creditor to say which one of the metals he would take. It is plain to any man who can think. That act of itself has had the tendency, if it did not the effect, for the reason I have stated here, of widening the difference between the two metals. All along the people have not been honestly dealt with, in my opinion.

Wherever this amendment came from, it is a delusion intended to catch votes, and that is all. It was never intended that anything actually shall be done in the way of an international agreement. What is the use of commissioning distinguished gentlemen and taking them from their seats in the Senate and sending them abroad, and at the same time the Administration, through its head and great Secretary of the Treasury discrediting that commission by declaring to the Congress and the country that the single gold standard must be maintained, and by a recommendation here of a platform made by the bankers and brokers at Indianapolis for the single gold standard?

Mr. President, I want to say, with all respect to bankers, that if there is one single class of men in the United States who are absolutely disqualified to deal with this subject it is the bankers. In the first place, their interest is against the interest of the people at large. In the next place, their training is against their full understanding of the subject. They look at it from one point of view, and that is their own selfish interest. How can they make a good per cent for the money deposited in their banks and paid in there by the shareholders? And that is all the banker thinks about.

It is not his business to take care of the country; it is not his business to look after the poor; it is not his business to see that the producing energies of this country shall be always constantly and fully employed. His business is to enrich the banks, to pay a good interest to the depositor and induce more deposits, to build up the price of the shares in his particular bank, and he does not care for anything else, in my opinion. I have never yet seen one advance, in any argument, a single moral suggestion. I have never yet seen one evince a single gleam of sympathy for the people of the country who are laboring under the restrictions placed upon business by this attempt, and its partial success up to date, to fix upon them the single gold standard.

It is very obvious to me that there can be nothing in a republic that is worse than two things: one is offices without salaries and the other is a permanent public debt. A permanent public debt means that the country is to be controlled by the men who own that debt. There was some excuse for Mr. Gladstone, as a British statesman, when he declared that he would not enter into any scheme for the restoration of bimetallism because, he said, "We are a creditor country; we own ten billions of debts against other countries, and London is the countinghouse of the world, and upon our counter you must pay the gold coin which we recognize as the standard and measure of value. We will not throw away the increased value of money paid to us for the benefit of those who produce the things that we must buy, and enhance prices by accepting bimetallism." Therefore he declined the proposition to send delegates to a conference.

There was excuse for him, as a British statesman, taking care of a great creditor nation; but there is no excuse for the statesmen of America, a great producing nation, a nation with more possibilities in production, not only its output, but in possibilities, than any other nation on earth, to say that we should accept the position of a creditor nation when we owe the world and have the means of producing the articles to pay. In other words, that we shall enhance the price of that with which we pay our interest and reduce the price of the things we make and which we must sell in order to secure the money to pay that interest.

It is an anomaly in politics that a man can live and successfully hold office by the votes of the people who constantly legislates against their interest in this way. Mr. President, I do not mean to say all monometallists are dishonest. I do not think that one-tenth understand anything about the question—not a single thing. I mean those who simply vote; and I will go further and say that I do not believe that one-tenth of those who discuss the question know anything about it. Their debates show they do not understand it. But when an honest monometallist comes down, as Chevalier and De Quincy and Rogers and others, and says we want a single metal because it enhances the price of it, it gives us greater control over the labor of men, it gives us their products, whatever they may be, at a reduced price; in other words, our incomes have made us so powerful that we can disregard all the laws of ethics and morals and the rights of humanity, that man understands his business.

He is a monometallist. That is what he wants. But the men who sit in this Chamber and the other are not to protect a class of people already too powerful. They are not to protect the interest of those who least of all the people in the world need the protection of legislation. They are to protect the weak and helpless and to see that all men have an equal chance before the law, and, among other things, that the vital question of money is settled in their interest and not in the interest of the corporations and the bondholders of the world.

Mr. President, it is not alone the bondholders of the United States who are behind all these things—this movement to dishonor silver, this movement to curtail the volume of the money of the world in order to enhance its purchasing power and depreciate the labor and the products of the world. It is not simply the bondholder of America: it is the bondholder of the world; it is the brotherhood of wealth, the aristocracy of wealth; it is the money power, if I may use that single term to express my meaning. Those people do not operate from New York, but from London. From Berlin, from Paris, from Brussels, from every money center in Europe judgment is held upon the measures pending in both of these Houses, and their verdict decides it, and not your party platforms or speeches made here or anywhere.

No country has ever yet demonetized any metal until the bondholder got powerful enough and the debts got big enough to enable him to control legislation, and he has never yet failed to control it. This affects the people of the world, not only of America. If money goes up here, it will go up everywhere.

In my opinion this nation with its three and a half million square miles, with its 80,000,000 people, has the power to open its mints and produce at the very moment that the door is swung wide to the producer of silver bullion a parity not only of the

coins—they are a parity all over the world—but the two metals in bullion all over the world. There is not a man in South Africa, there is not a man in Asia, there is not a man in Europe or America who would sell a solitary ounce of his silver to any broker for less than it would bring him at the mint of the United States, less the cost of transportation and insurance, perhaps. He would be an idiot if he did, and the people who hold bullion are not idiots. They are men of business or they would not have it.

Mr. President, I am against this bill because it is one of a series of measures which have constantly inflicted upon this people such suffering and want as was not equaled by the four years of bloody fraternal strife and the six dismal years of reconstruction that followed it. There has been more hardship, there has been more suffering, there has been more distress, caused by the demonetization of silver in this country and abroad than by all the wars that ever were waged in any one decade in human history.

Mr. President, it is no pleasure, of course, to say that any party is responsible for this. I do not accuse Republicans alone of this. There are Democrats who are deeply implicated, too, and I do not say that anybody who has had a part in these laws intended to bring the distress upon the people which I believe they have brought. I do not attack any person or his motives, but I speak now of that movement which has for its foundation the interest of the owners of Government certificates of indebtedness as well as private mortgages, the people of money who have controlled the finances as well as the legislation of the world. They together have wrought this mischief that we are now about to consummate.

I do not expect that anything said in this debate will have any effect upon the passage of this bill. All we can do is to stand here and protest. It is the right of the minority, and it is the only right the minority now have in this Chamber. We can talk and protest: that is all. But I do wish the Republicans would deal honestly and every one of them vote against the amendment of the Senator from Rhode Island [Mr. ALDRICH], which pretends to hold out the hope of bimetallism, when every one of you know, in my opinion, that you do not intend to have any international bimetallism; that you believe honestly that the single gold standard is the best.

If the nations of Europe were to-morrow to combine and tender you free mints and unlimited legal tender to both metals alike, without discrimination in favor of or against either, you would not accept it. The Republican party can not pose as the poor man's friend in this business. You impound the greenbacks. You set on foot a permanent national debt, with principal and interest payable in gold. You allow this to be enlarged at the discretion of the Secretary. You impound the greenbacks, as I said; you retire other certificates, and you leave no option whatever with the debt-paying people, for they have demonstrated in the last thirty years that no country ever had such resources and such willingness to discharge their obligations as the people of the United States.

When this prosperity of to-day, this wave—you have named it well; it is a wave; it is not a tide; a wave that is evanescent—when this prosperity is over and this trouble comes back to the people of the United States, and prices fall—a certain distinguished Senator told me that wheat on his farm is worth 27 cents—you will hear from the people whose wages have been reduced.

I heard the late Secretary of the Treasury declare, and I have heard that the present Secretary had declared, that they never would favor a dollar that could lose any of its purchasing power. Then, whenever a dollar ceases to buy as many pounds of cotton as it does to-day, whenever it ceases to buy as many bushels of wheat; for instance, when wheat goes up from 27 to 54 cents, then the dollar has lost one-half of its purchasing power. When it buys anything, when it hires a day's labor for 50 cents and it requires afterwards a dollar, it has lost its purchasing power by one-half.

These distinguished gentlemen, the Secretaries of the Treasury, have put themselves upon record, and the Republican party is putting itself upon that record, that they do not want a dollar that will lose its purchasing power, and obviously and irresistibly that they do not want a dollar that will increase the price of wheat or cotton or the wages of labor or anything else that is produced by the masses of the country. You can not escape that conclusion. If a dollar is not to lose its value, then how is the value of the article it buys to be increased? I should like some gentleman in his time to explain that.

No; the prosperity of this country depends upon the industries of its citizens. The industries of its citizens depend upon the employment of its citizens. When hundreds and thousands and millions of people in these United States are out of employment and can not get it, then there is something wrong, and every one of you knows it and recognizes it. When there is plenty of money—an abundance to meet the business of the country—then every field of industry is exploited that can be opened, new fields are added to agriculture, new mines are dug, new canals are excavated, new railroads are built, new factories go up, and life and prosperity and contentment exist everywhere.

Mr. President, we have been rescued, in my opinion, by this temporary advance in prices, caused by things not affected by the election of anybody on earth or any party platform, but simply by the extraordinary production in the last five years of the precious metals, twice the amount the previous five years produced, and by the accidental fact of the failure of the wheat crop all over Europe, Africa, Asia, and Australia and its abundance in this country, and the immense balance of trade in our favor, amounting to $626,000,000.

To that is due not only the present content of the country, but to it we are indebted for the escape from greater evils than mere hard times and the deprivation of the people. We were standing on a slumbering volcano, and we did not seem to recognize the fact. We could not hear the mutterings and growlings of the great giant beneath us, ready to burst and engulf us in a moment. We did not recognize the people in distress, the cry of the unemployed everywhere, those living on insufficient wages, breeding socialism and anarchistic teachings—those pestilential concerns that are the product of another country, the effete monarchies of Europe, which should never find a foothold, much less flourish, in this country, where all avenues are open to wealth and fame.

Here they grew rank and noisome, and they threatened the very existence of this country. That terror, that incalculable horror that might have overtaken us has been checked by the recent rise in prices, caused by the action of no political party, not creditable to anybody's prevision, to anybody's sagacity, but to an act of Providence itself, that struck down nine-tenths of the world with bad crops, and by the balance of trade in our favor caused by the most extraordinary energy of the people.

We are the greatest producing country and the great owing country—the great debtor country of the world—and we are to limit ourselves in the capacity of production by circumscribing the field of industrial operations and depriving ourselves of the implement of commerce—the money that brings up the price of the products and stimulates industry. We can feed the world; we can clothe the world; we can equip the world. We are equal to all the world. The trade of the whole of Continental Europe combined is not equivalent to the interstate trade of this country, and yet we consent to tie one of our hands in this industrial contest with the balance of mankind.

In spite of it all, in spite of this deprivation, in spite of this lack of anything like political economy in our rulers and legislators, in spite of all, we have brought the balance of trade in our favor; and I will say to the gentlemen on the other side that we did it without owning a colony in the world, while our great competitor that owns colonies all over the world, in every sea and strait and gulf, continents and islands, has fallen behind us in the race for trade. She sees no way of regaining her ascendency, and the United States of America, whether wise or unwise, is destined to take the hegemony of the nations of the world.

Mr. President, how immeasurably greater would be our predominance, our capacity increased, if we were to give to our people the commonest implement of commerce—the money they need; and of course that is a contribution to the money of the world. It all goes in at last to settle the level of prices; and as all the things that are for sale are measured by all the money there is to buy them, the scarcity of money must cause a depreciation of every product of industry, and that means a depression of every man who labors. So labor lifts up its hardened hand and begs you not any further to restrict its capacity to perform.

Mr. President, we can work out our destiny, because there is inherent capacity. There is a capacity in the American people, derived from Anglo-Saxon blood and from that cosmopolitan character which we have admitted into it by welcoming the refugees from all the nations of Europe, which has given us a particular strain of blood that is capable of almost anything it undertakes, except one thing in which I fear failure—the capacity to govern itself. But that belongs to the future.

Mr. President, while these people are here—restless when unemployed; anarchistic, many of them, from their earliest teaching; communistic, many of them, from philosophy and teaching—we ought to preserve the country as it is to-day, to develop the individuality of the American citizen; and God forbid that the time shall ever come when type and not individuality shall prevail in the United States of America. When that day comes the capacity for self-government will have perished from the earth, so far as we are concerned, and "the flag of the Republic will come down on the Capitol when the flag of empire goes up at Manila."

Mr. President, I have no desire to extend these remarks. I have spoken now because I found a vacant time in the proceedings of the Senate; but I want to say in conclusion that I never had a more earnest conviction in my life upon any subject, and I have dealt honestly with myself in this matter. No greater calamity

can come upon the people of this country than the failure on the part of their rulers to provide in some safe way for a return to the money of the Constitution.

There is no preference as mere metal of one over the other. Money is the creature of law. Aristotle said that twenty-three hundred years ago. Since his time it has been repeated over and over again. It is not a thing of intrinsic value. That contradictory term has deluded many voters. There is no such thing as intrinsic value, and there can not be, because "intrinsic" means something within itself, with no relation to anything else; "value" is a relation of two things, and is therefore not intrinsic. So there is no truth in the phrase, although it is embedded in the statutes and in platforms. It simply misguides and deludes the masses of the people.

We have had two metals, and they served our purpose well. I want to call attention to this fact when you are about to put on your statute books a further measure to discredit silver: At the time when silver was demonetized it was not a base metal. When we demonetized silver it was worth 3 cents more than the gold dollar. We could not keep it here because it was a better dollar than the gold dollar, and Mr. Sherman, the most distinguished member of the Senate since my knowledge of it, stood in his place and answered the inquiry of Mr. Roscoe Conkling and Mr. Morrill and declared that the reason why he dropped the silver dollar from the American coins was because it was of such a value that it immediately went into the melting pot, and the man who got it found it worth more as bullion than as coin. That was true all over the world. It was not a 50-cent dollar, but a dollar-and-3-cents dollar that was demonetized, judged by the value of the gold dollar.

It is abundant money that the people want. The two are arrayed against one another, and there is no peace between them. The question is who is to be served, whether the money power of the world, the people who hold the thirty-two billions of public debt, the people who own the billions of private mortgages, shall succeed in controlling the destiny of the world and in putting down the price of everything created by human industry, or whether the great toiling masses are to receive a fair remuneration for their labor; and God help the right in this struggle.

Mr. ALLISON. Unless some other Senator desires to speak upon this question, I will move that the Senate adjourn.

Mr. HALE. There is a little matter which I wish to have taken up.

Mr. ALLISON. Very well.

PAY OF RETIRED MARINE CORPS OFFICERS.

Mr. HALE. There is on the Calendar a joint resolution (S. R. 39) to provide for the payment of salary to certain retired officers of the Marine Corps. I ask that it may be taken up. Then I shall ask that a House joint resolution of exactly the same purport may be acted upon, and the Senate joint resolution indefinitely postponed.

Mr. PLATT of Connecticut. What is the Calendar number?

Mr. HALE. No. 161. It simply provides for the pay of certain retired officers of the Marine Corps. I have the House joint resolution, which I will send to the desk.

The PRESIDING OFFICER (Mr. RAWLINS in the chair). The Senator from Maine asks unanimous consent for the present consideration of a joint resolution, which will be read.

The joint resolution (H. J. Res. 77) to provide for pay to certain retired officers of the Marine Corps was read, as follows:

Resolved, etc., That the aggregate of all sums appropriated in an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, under the head "Pay, Marine Corps," shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund; the provisions of this act to take effect from June 30, 1899.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Has the joint resolution come from the House in a formal way?

Mr. HALE. Yes, Mr. President; the Senate has on its Calendar a similar measure——

Mr. COCKRELL. I understand; I have the Calendar before me. But how can the House joint resolution get in to be considered now? Was it referred to the Committee on Naval Affairs and reported back?

Mr. HALE. The House joint resolution, which is precisely the same as the Senate one on the Calendar, was passed by the other House and came here.

Mr. ALLISON. It has not been referred?

Mr. HALE. It has not been referred, I understand.

Mr. COCKRELL. You propose to take the original House joint resolution from the table?

Mr. HALE. Yes, sir; from the table.

Mr. COCKRELL. That is all right.

Mr. HALE. And ask that it may be passed. Then I shall ask that the other joint resolution may be indefinitely postponed.

Mr. COCKRELL. Was it the House joint resolution that was read?

The PRESIDING OFFICER. The clerks inform the Chair that the original House joint resolution is now before the Committee on Naval Affairs and is not before the Senate.

Mr. COCKRELL (to Mr. HALE). You will have to report it back.

Mr. HALE. I will move that the committee be discharged from the further consideration of the joint resolution. I have been absent, and did not know it had been referred. I move that the Committee on Naval Affairs be discharged from the further consideration of House joint resolution 77.

The motion was agreed to.

Mr. HALE. Now I ask that the joint resolution be put upon its passage.

Mr. COCKRELL. All I wanted was to get the proper measure before the Senate.

Mr. HALE. That is all right. I am very glad the Senator called attention to it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine for the present consideration of House joint resolution No. 77?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. Now I move that the joint resolution (S. R. 39) to provide for the payment of salary to certain retired officers of the Marine Corps be indefinitely postponed.

The motion was agreed to.

THE FINANCIAL BILL.

The PRESIDING OFFICER. The Secretary will read the following notice.

The Secretary read as follows:

Mr. BUTLER gives notice that on Monday, February 12, following the remarks of Mr. WOLCOTT, he will address the Senate upon the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 17 minutes p. m.) the Senate adjourned until Monday, February 12, 1900, at 12 o'clock meridian.

SENATE.

MONDAY, *February 12, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

THE FRIGATE CONSTITUTION.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill on the table from the House of Representatives, which has been read twice by its title.

The SECRETARY. A bill (H. R. 3718) for the preservation of the frigate *Constitution*.

Mr. LODGE. If there is no objection, I should be very glad if that bill could be disposed of. One similar to it has been reported from the Committee on Naval Affairs.

The PRESIDENT pro tempore. Is it on the Calendar?

Mr. LODGE. It is on the Calendar.

Mr. TILLMAN. As the other bill was in my charge, I ask the Chair to wait just a few minutes that I may examine the House bill and compare it with the Senate bill.

The PRESIDENT pro tempore. Very well. The Chair will withdraw it for the moment.

Mr. TILLMAN subsequently said: I should like to have the bill (H. R. 3718) for the preservation of the frigate *Constitution* taken up and put on its passage.

The PRESIDENT pro tempore. The Senator from South Carolina asks for the present consideration of the bill. It will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to place the frigate *Constitution*, now lying at the Boston Navy-Yard, as near as may be consistent with her preservation, in the same condition as regards her hull and rigging as she was when in active service: *Provided*, That before beginning on such work a sufficient sum of money to complete such work shall be raised through the agency of the Massachusetts State Society United States Daughters of 1812 and placed at his disposal for the purpose.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TILLMAN. I move that the bill (S. 2034) providing for the repairing of and again placing in commission the U. S. frigate *Constitution*, which is now on the Calendar, be indefinitely postponed.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 4000) to authorize the Southeastern Railway Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.; and

A bill (H. R. 5036) to amend section 4290 of the Revised Statutes, relating to log entry of collisions.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Commercial Club of Concord, N. H., praying for the passage of the bill now before Congress authorizing the appointment of a commission to study and report upon the industrial and commercial conditions of the Chinese Empire; which was referred to the Committee on Commerce.

Mr. QUARLES presented a memorial of the Live Stock Exchange of South St. Paul, Minn., remonstrating against the enactment of legislation to provide for a tax on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN presented a petition of sundry stock raisers of western Nebraska, praying that an appropriation be made to enable the Department of Agriculture to continue to investigate the subject of blackleg among cattle; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Norfolk, Nebr., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. CLAY presented a petition of the Chamber of Commerce of Atlanta, Ga., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Atlanta, Ga., praying that an appropriation be made to continue the work of deepening the outer bar at Brunswick, in that State; which was referred to the Committee on Commerce.

Mr. MCMILLAN presented a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the adoption of a pneumatic tube service for the rapid transmission of mail in that city; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Michigan, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which was referred to the Committee on Public Buildings and Grounds.

Mr. ELKINS. I present the petition of Rachel Wilson, of Clarksburg, W. Va., together with an accompanying affidavit, relative to the claim of the heirs of the late Benjamin Wilson. I move that the petition and paper be printed as a document and referred to the Committee on Revolutionary Claims.

The motion was agreed to.

Mr. ELKINS presented a petition of Federal Union, No. 7588, American Federation of Labor, of Keyser, W. Va., praying for continued Federal control of the public domain; which was referred to the Committee on Public Lands.

Mr. KYLE presented the petition of M. L. McIntyre and sundry other railway mail clerks of Watertown, S. Dak., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented sundry papers in support of the bill (S. 1339) to place James W. Long, late a captain in the United States Army, upon the retired list of the Army; which were referred to the Committee on Military Affairs.

Mr. COCKRELL. I present some petitions addressed to Congress. They were sent to me in an envelope mailed here in the city of Washington, and they are all printed, all in the same stereotyped form, and signed by one or more firms, generally by one firm, in Missouri, asking for the erection of a public building for the Patent Office. I move that they be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. COCKRELL presented a memorial of the Kansas City Live Stock Exchange, of Missouri, remonstrating against the enactment of legislation imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the establishment in the Indian Territory of a system of free public schools; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the enactment of legislation to provide for the completion of the allotments proposed by the act of June 28, 1898, and the various agreements entered into with the Five Civilized Tribes; which was referred to the Committee on Indian Affairs.

Mr. PENROSE presented a petition of Local Union No. 332, United Brotherhood of Carpenters and Joiners, of New Kensington, Pa., praying for the preservation of the public lands of the United States for the use of actual settlers and home builders; which was referred to the Committee on Public Lands.

He also presented a petition of the Medical Society of Susquehanna County, Pa., praying that an appropriation be made to defray the expenses of a thorough scientific investigation and classification of our native drug plants; which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Arkansas presented the petition of William J. Murray, of Hot Springs, Ark., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Woodbury, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of alcoholic liquors in the Hawaiian Islands; which was referred to the Committee on Education and Labor.

He also presented resolutions adopted at a meeting of sundry citizens of Atlantic City, N. J., expressing sympathy for the people of the Transvaal and Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted at a mass meeting of sundry citizens of Paterson, N. J., expressing sympathy for the people of the South African Republic; which was referred to the Committee on Foreign Relations.

Mr. VEST presented a memorial of the Live Stock Exchange of Kansas City, Mo., remonstrating against the enactment of legislation imposing a tax upon oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for a more equitable system of allotting lands to certain Indians; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the enactment of legislation to provide a system of free public schools in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

Mr. HOAR presented the petition of E. Dallas Morse, of New York, praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of United States citizens on account of sex; which was referred to the Committee on the Judiciary.

NATIONAL GALLERY OF HISTORY AND ART.

Mr. HOAR. I present the petition of Franklin W. Smith, of Boston, Mass., praying for an appropriation of land for a site for a national gallery of history and art and for aid in the establishment thereof.

I ask unanimous consent to make a statement in regard to this petition. The petitioner is a business man of great distinction and success, who for many years has devoted his life to the promotion of a national gallery of art which shall represent and reproduce the architecture, both public or ornamental and domestic, of the ancient nations, especially Greece and Rome, but also the oriental cities. He has devoted his whole time to a study of that subject and has become an eminent authority. He has made a large collection of books and prints, and has on New York avenue in this city built and adorned and embellished some halls showing great beauty and in full size Roman and Grecian architecture.

What the petitioner desires is to have the site of the old Observatory appropriated by the United States, and some land in the neighborhood, where he will place his own collection and devote himself entirely, if he may be permitted, to advancing that work. It will become, at a very moderate cost, a great ornament to the capital of the nation, and it will have an educational power, he thinks, more potent than many lectureships or professorships. He hopes very much that the members of the two Houses will, before acting upon his petition, visit, as some gentlemen I am told have already visited, his beautiful collection and buildings here.

I ask unanimous consent that this petition, which is very brief, comprising a page or two, and the design and prospectus which accompanies it, may be printed as a document, for the use of the Senate. I understand that there are some plates, but he has all the plates prepared, so that that will be no cost to the Government.

The PRESIDENT pro tempore. The petition will be referred to the Committee on the Library.

Mr. HOAR. I rather think it would be better on the whole that the petition should go to the Committee on the District of Columbia, as it asks for the occupation of certain lands within the District.

The PRESIDENT pro tempore. It will be so referred. The Senator from Massachusetts asks that the paper which he presents may be printed as a document.

Mr. HOAR. The petition and papers.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

THE PACIFIC CABLE.

Mr. HALE. I present a brief statement submitted on behalf of certain American cable manufacturers, urging the retention of the American manufacture clause in any bill to be passed by Congress authorizing the construction of a trans-Atlantic cable. I move that the statement be printed as a document for the use of the Senate, and referred to the Committee on Naval Affairs.

The motion was agreed to.

THE NICARAGUA CANAL.

Mr. MORGAN. I present resolutions adopted by the National Board of Trade at its annual meeting held in the city of Washington, January 23-25, 1900, touching the necessity of the early construction of the Nicaragua interoceanic canal. The resolutions were transmitted to me through the Department of State, and I move that they be referred, with the accompanying paper, to the Committee on Interoceanic Canals.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT of Connecticut, from the Committee on Indian Affairs, to whom was referred the bill (S. 3055) to ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians, reported it without amendment.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. 3018) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory, reported it without amendment.

Mr. HEITFELD, from the Committee on Public Lands, to whom was referred the bill (S. 179) authorizing the sale of all public lands belonging to the United States situated in the county of Baca and State of Colorado, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McENERY, from the Committee on Public Lands, to whom was referred the bill (S. 1175) to grant lands to the State of Alabama, for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College, at Florence, Ala., reported it with an amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 1737) for the relief of William A. Grogan, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 639) for the relief of applicants to purchase public lands under the timber and stone act, reported it with an amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (S. 2493) authorizing and directing the Secretary of the Interior to issue patents for lands in certain cases, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 2956) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1931) to provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River, reported it with amendments.

WASHINGTON'S VALEDICTORY ADDRESS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to have printed and bound, at the Government Printing Office, for the personal use of Senators, 100 copies of "Washington's Valedictory Address to the People of the United States," using for this purpose the form of the same printed in pursuance of a resolution of the House of Representatives adopted on the 25th day of February, 1857, a copy of which is in possession of the Congressional Library.

COURT OF PRIVATE LAND CLAIMS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2356) extending the powers and functions of the Court of Private Land Claims to June 30, 1902, to report it without amendment. This is a bill simply to extend the life of the Private Land Claims Commission until next June a year. If I may be pardoned to make a statement before the bill is read, there are a good many cases pending in the Supreme Court of the United States, and if a new trial should be ordered in any of them, it would, of course, be necessary that the tribunal should be continued. The bill comes from the Attorney-General's Office. It has the unanimous report of the Judiciary Committee, and I ask that it now be put on its passage.

Mr. COCKRELL. Let us hear it read.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the powers and functions of the Court of Private Land Claims, created by act of March 3, 1891, shall cease and determine on June 30, 1902, instead of June 30, 1900.

SEC. 2. That all laws and parts of laws inconsistent herewith are hereby repealed; but the appropriation of $12,000 by act of February 24, 1899, to pay assistants to the attorney for the court, shall continue available before and after June 30, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CLERICAL ASSISTANCE.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CHANDLER on the 6th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections be authorized to employ additional clerical assistance in connection with the investigations which said committee is authorized to make, at a cost not exceeding $500, the same to be paid from the contingent fund of the Senate on vouchers approved by the chairman of said committee.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3128) granting a pension to Josephine V. Van Voorhees; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3129) granting an increase of pension to Henry McMillen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 3130) granting a pension to Sidia Sutherland; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3131) to amend section 4438 of the Revised Statutes of the United States, relating to the officers of steam vessels; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 3132) for the establishment of a lighthouse and fog signal at a point north of the bell buoy near the broken part of the Pollock Rip Shoals, on the coast of Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KYLE introduced a bill (S. 3133) to correct the military record of George W. Samson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 3134) granting a pension to Martha Agnew; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3135) to place Henry Zell on the retired list of the Army; which was read twice by its title, and, with the accompanying papers referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 3136) granting an increase of pension to Sarah E. Allen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3137) granting an increase of pension to Lunsford Ellis; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of the claimant, who is 82 years old, together with the affidavits of Phillip Cohen, Frank Schulte, George Shultz, and John Umflect. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PERKINS introduced a bill (S. 3138) to provide for necessary repairs to the steamer *Thetis*, for service as a revenue cutter;

which was read twice by its title, and referred to the Committee on Commerce.

Mr. FOSTER introduced a bill (S. 3139) granting a pension to J. B. Wetherbee; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3140) authorizing the construction and operation by the United States of the telegraphic cables between the United States of America and the Philippine and Hawaiian Islands, Japan, Siberia, and China, to promote commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PENROSE introduced a bill (S. 3141) granting an increase of pension to Clara A. Penrose; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3142) granting a pension to W. H. Gregg; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3143) to correct the military record of James E. Freeman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3144) for the relief of E. A. Chamberlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH introduced a bill (S. 3145) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FRYE introduced a bill (S. 3146) granting an increase of pension to Henry F. Rice; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

FOREIGN WEIGHTS, MEASURES, ETC.

Mr. MONEY. I introduce a joint resolution which I ask may be read. It is very short.

The joint resolution (S. R. 86) for the printing of English interpretation of foreign terms as to weights, measures, and so forth, occurring in Government publications; which was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That whenever any book, document, or paper published at the public expense by any branch of the Government any term is used in a foreign language to express weight, measure, dimension, or value, that there shall be inserted at the same place the equivalent term in the English language as spoken in America.

Mr. COCKRELL. That is right.

Mr. MONEY. Mr. President, will it be in order to ask for the present consideration of the joint resolution?

The PRESIDENT pro tempore. The Senator might ask for unanimous consent.

Mr. MONEY. I ask unanimous consent for the present consideration of the joint resolution.

Mr. HOAR. Let it be read once more.

Mr. ALDRICH. It is a printing resolution and must be referred.

The PRESIDENT pro tempore. The joint resolution will be again read.

The Secretary again read the joint resolution.

Mr. ALDRICH. That is a question which goes to the Committee on Printing, I suggest.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the present consideration of the joint resolution.

Mr. ALDRICH. I ask that it may be referred to the Committee on Printing.

The PRESIDENT pro tempore. It will be referred to the Committee on Printing in the absence of objection.

Mr. MONEY. One moment, Mr. President. That is not a proper reference. The Senator will excuse me. It is not a question about whether anything will be printed or not, but it is a question, I think, that ought to be determined by the Senate without a reference. However, if it goes to any committee it should go to the Committee on Foreign Relations.

Mr. ALDRICH. It is a question relating to printing, I suggest.

Mr. MONEY. No; it does not relate to any order for printing at all. It is phraseology to be used by the several departments in printing. It does not relate to an order to print anything, and therefore it should not be referred to the Committee on Printing.

The PRESIDENT pro tempore. Is there any objection to the reference to the Committee on Foreign Relations?

Mr. ALDRICH. I do not know that I care to what committee it shall be referred.

The PRESIDENT pro tempore. The Chair hears no objection, and the joint resolution will be referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted an amendment proposing to appropriate $10,000 for increasing the size of the Indian school building at Haskell Institute, Lawrence, Kans., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. KYLE submitted an amendment proposing to appropriate $5,000 for the construction and equipment of a telephone line from Chamberlain, S. Dak., to Crow Creek Indian Agency, Lower Brule Indian Agency, and Grace Mission, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $18,000 for additional buildings for use of the Indian industrial school at Chamberlain, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHOUP submitted an amendment proposing to appropriate $10,000 for the construction of a new schoolhouse, with girls' dormitory, at the Lemhi Agency, Idaho, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. KENNEY submitted an amendment proposing to increase the allowance for salary of consul at Barbados from $2,000 to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to increase the allowance for salary of consul at Dawson City, British North America, from $3,000 to $3,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

RESOLUTIONS PASSED OVER.

The PRESIDENT pro tempore. Is there further morning business? If not, the Chair lays before the Senate House bill No. 1.

Mr. ALLEN. Mr. President, I rise to make a parliamentary inquiry. Some time ago I had the honor to introduce a resolution for the investigation of the relations existing between the National City Bank of New York and the Hanover National Bank of that city and the United States Treasury Department. That resolution was passed over by unanimous consent from day to day without losing its place, and it has never been acted upon. I should like to know what its parliamentary status now is and when it is to be considered.

The PRESIDENT pro tempore. There were two or three of those resolutions, and by unanimous consent they were allowed to retain their place without prejudice. Therefore, after the unanimous consent agreement touching the financial bill is exhausted, they will come up in the regular order immediately after the morning business. The resolution presented by the Senator on Saturday is not in that category.

Mr. ALLEN. That resolution I should like to have laid before the Senate, unless some Senator is ready to proceed with the discussion of the financial bill. In that event I will be very willing to have it passed over without prejudice.

The PRESIDENT pro tempore. It would have to be laid before the Senate by unanimous consent, because there is another unanimous-consent agreement prevailing, which calls for the consideration of the financial bill.

Mr. ALDRICH. I understand that the Senator from West Virginia [Mr. ELKINS] is ready to go on.

Mr. ALLEN. Very well. Then I ask unanimous consent that both these resolutions be passed over without losing their right of way, to be considered at the proper time.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the resolution offered by him may retain its place without prejudice.

Mr. LODGE. What resolution is that?

The PRESIDENT pro tempore. The Boer resolution, which passed the Senate last Saturday and was reconsidered. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 10th instant approved and signed the act (S. 734) relating to Cuban vessels.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ELKINS. Mr. President, I listened with interest to the able speech of the Senator from New Hampshire [Mr. CHANDLER], delivered on Saturday in this Chamber from the standpoint of

the free coinage of silver, and I noticed the emphasis he put upon his objection to the first eight lines of the Senate committee's substitute. I wish to say that those are lines of the bill that I particularly approve of, and that my objections will be confined to the funding scheme as set forth in the bill. The speech made by the Senator from New Hampshire will be circulated, I take it, in the approaching campaign by the hundreds of thousands, but not by his old associates in the Republican party and not by the Republican national committee.

Mr. President, the bill reported by the Finance Committee as a substitute for the House bill is the most important financial measure that has been presented to Congress since the civil war. The chief feature and strength of the bill is its emphatic and unequivocal declaration in favor of the gold standard and the committal of the United States to the payment of its indebtedness of all kinds, interest bearing and noninterest bearing, in gold, thereby rendering it impossible that there should be any doubt in the future on the subject, or that there should be any hope of paying the same in a depreciated currency. If the bill becomes a law, it will strengthen the public credit at home and abroad, making it the highest and safest in the world.

The increase in the gold reserve provided for in the bill will help materially to carry out its general provisions and to keep our finances on a firm basis.

The bill is the outcome of constant discussion and education of the people, through the press, in Congress, and on the platform, for the last thirty years. It is only through the education of the people on the important and difficult subject of finance that such a satisfactory and correct result could have been reached. This is the only time during the last quarter of a century that the question of the standard of value could be placed beyond the possibility of doubt and discussion, as so wisely done in the Senate bill.

The bill will not operate to delay or impair the cause of international bimetallism. It leaves that question open, and bimetallists can consistently support the bill, especially if the amendment offered by the Finance Committee should be adopted. The amendment is as follows:

SEC. —. That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

I am not without hope that there will yet be an international arrangement by which silver can be more largely used with gold than now as money of the world. We are using more silver than gold as money. There are now in the Treasury 406,612,406 standard silver dollars, besides silver bullion of 1890 to the amount of $80,440,918. Against this silver there are outstanding $105,363,504 of silver certificates, which is the best form in which to use silver money. The United States is using to-day nearly $500,000,000 of silver, and will increase the amount when it can be done with safety.

The general provisions of the bill have my approval, and it is my purpose to vote for it, but I venture with some hesitation to express in opposition to the mature judgment of the members of the Finance Committee, and more particularly the judgment of its able chairman, who is an acknowledged authority on the subject of finance and political economy not only in this country, but abroad, some doubts and some apprehensions that have come into my mind, as to the wisdom of attempting in this bill to provide for the refunding of the larger part of the public debt on a basis of 2 per cent interest. My criticism of the bill will be confined to the sixth section, or the scheme of funding the public debt as set forth in said section.

The refunding of the public debt is not necessarily a part of the bill. The bill is for another and different purpose. Why mix the object of establishing and defining the monetary standard and strengthening the public credit with what must, at best, under the provisions of the bill, be an experiment, and which, if it should fail, prove hurtful to the general purposes and policy of the measure and the public interest? The refunding of the public debt is purely a practical or administrative question. It should have no place in our politics, nor be connected in any wise with political questions. It should not be a part of this bill, because the question of a monetary standard, or standard of value, has been for years largely political, dividing the great parties more sharply than almost any other public question. The refunding of the public debt should be made the subject of a separate bill, to be considered and passed when our bonds mature and monetary conditions may be entirely different.

The bill undertakes too much; it not only defines and establishes the monetary standard, but sets out a scheme to fund the public debt four years before any of our bonds mature; and in order to make this scheme a success, it provides that the national banks shall be the most important factors in its execution.

In my judgment, the public debt should be funded without any reference whatever to the national banks. Let the scheme of funding stand on its own merits and by itself. Let the Government go forward when the time comes and borrow money for funding purposes at as low rate of interest as it can, making such a rate as will insure the bonds being maintained at par, without depending on national banks or any outside agency and without giving grounds for the impression that a public debt is to be encouraged and fostered in order to provide a safe currency. Only about one-ninth of the money in circulation on January 1 was national-bank note circulation. It is possible to have a sound currency without a public debt. Our constant aim should be to extinguish the public debt.

But there are other reasons why it appears to me unwise at this time to legislate definitely on the subject of refunding the public debt. There is no pressing need for doing so, and it seems to me we should not reach conclusions and legislate from the standpoint of vision or of the highest wave of prosperity the country has ever had. The conditions which surround us in the financial and commercial world are extraordinary, and are calculated to make us optimistic. It is this most favorable condition of affairs, I think, which has induced the committee and its distinguished chairman—usually so conservative and whose judgment is so clear on questions of finance—to take the hopeful views expressed in his speech on the bill. Present favorable conditions will not always exist; they will be followed naturally by a reaction that will bring new experiences which will enable us, with our present experience, to judge better than now what may be done in the matter of funding the public debt when our bonds mature. By the time our first bonds mature monetary conditions may be entirely different. The question of refunding can be delayed without hurt and possibly with benefit to the public interest.

Mr. President, I admit that it may be possible under present conditions, with the inducements offered in the bill, to fund perhaps the larger portion of the $849,000,000 of our 3 per cent, 4 per cent, and 5 per cent bonds maturing in 1904, 1907, and 1908. But it is not the question of the ability of the Government, now or hereafter, to fund all or a larger part of these bonds on a 2 per cent basis. The underlying question and the important one that must be carefully considered is, Can the United States maintain the 2 per cent bonds at par during the life of the bonds? Of course, when money is needed, as now, for active business, a great many national banks will buy these 2 per cent bonds and increase their note circulation. But when times become hard, business stagnant, and there is no demand for money, to my mind it seems the banks would largely surrender their bond holdings by selling them on the market. This would not only cause them to fall below par, but would bring about a contraction of the currency which should at all times be avoided if possible.

The chairman of the committee, by way of argument in favor of funding on a 2 per cent basis, shows that on $849,332,520 of bonds that will mature in 1904, 1907, and 1908 there would be an annual saving of $15,973,882.60; in other words, that interest would be reduced from $33,000,000 (in round numbers) to about $16,000,000. Of course any scheme or plan which saves interest on the public debt is both attractive and desirable; but the fact that we may now fund a large portion or all of our bonds at par is not conclusive that we can maintain them at par. The question is, Can the United States not only fund its debt at 2 per cent, but can it maintain its 2 per cent bonds at par during their existence?

But apart from this feature of the case the chairman of the committee argues that the funding scheme must be a success, because the inducements offered national banks in the bill are so great that it will be to their interest to take the 2 per cent bonds at par and take out circulation on the same. Would it not be better and in the public interest to make the rate of interest higher and offer no premiums to exchange bonds and no inducements to the national banks? It may turn out that the advantages offered the banks may cost the Government more than the saving in interest that will result from funding the debt at 2 per cent.

A good showing in the saving of the annual interest could be made by funding the public debt on a basis of even 2½ or 3 per cent interest. If there is a well-founded opinion that the debt can be funded at 2 per cent and maintained at par, it would be reasonable to suppose that placing the rate at 2½ per cent would make the funding and keeping the bonds at par certain. On the basis of 2½ per cent, the annual saving in interest would be $11,635,009, the difference between funding on a basis of 2 per cent and 2½ per cent being about $4,000,000 per annum.

It seems to me a safer course would be to allow a margin of discretion to the Secretary of the Treasury in the matter of refunding the public debt when the time comes; for instance, give him authority to refund at a rate not exceeding, say, 3 per cent per annum. Why should a lower rate of interest than was ever attempted by any government be definitely written down in our law? Would it not be safer to name a higher rate of interest with a margin of discretion when there is a well-grounded apprehension that 2 per cent is too low? Two per cent is a lower rate of interest than is paid to-day, or ever was paid, by any of the great

nations. Take the figures cited in the very able speech of the chairman of the Finance Committee.

He says that only four times in the century from 1789 to 1889 did British 3 per cent consols reach par, and even now her securities yield only 2½ per cent interest; while the 4 per cent gold bonds of Austria are selling 3 per cent below par; the Netherlands', bearing 2½ per cent, are selling between 18 and 20 per cent below par; the debt of France, bearing 3 per cent, is oftener 2 per cent below par than at par; the German imperial loan is selling from 10 to 12 per cent below par.

Having in mind the failure of all these Governments to maintain at par for a long time even a 3 per cent bond, how was it possible for the committee to reach the conclusion that the United States could at one bound go forward and accomplish more than any other Government has ever been able to do? In my judgment, the refunding scheme as presented in the sixth section is too optimistic. To adopt this section would be running a great risk. We can not hope to do in the matter of our finances what all other nations, especially Great Britain, the richest in the world, have failed to do. She has never reached a standard as low as 2 per cent for her national borrowings. It seems to me that we should be sure of the rate of interest on which the public debt can be funded and maintained at par, and make no mistake in this regard; the consequences of failure would be disastrous. It would be almost a calamity for this Government to refund its bonds at 2 per cent, and later on, finding it impracticable, be forced to refund at a higher rate of interest. Such a failure would be not only humiliating, but almost a national disgrace. It would destroy confidence and impair the national credit at home and abroad. It would hurt the bill, should it become a law, in its other provisions, and give to the opponents of sound finance and stable currency an argument against the gold standard.

The chief argument of the distinguished chairman in support of the refunding feature of the bill is based largely upon the supposition that national banks will aid materially in the funding of the public debt at 2 per cent; because the provisions of the bill allowing national banks to issue circulation up to the face value of bonds and the reduction of the tax on circulation will be of such advantage to the banks that they will at once buy the 2 per cent bonds and take out circulation on them.

The circulation of national banks is not so profitable nor the source of untold wealth some suppose. The capitalization of national banks on the 1st of December last was about $620,516,245, to which may be added $341,099,383 surplus and undivided profits which could be converted into capital if it would pay to do so, making an aggregate of $961,615,628, while the amount of national-bank notes in circulation secured by bonds was only $207,000,000. It is evident if circulation was as profitable as claimed and believed by many, the banks would take out an amount equal to the full amount of their surplus and capital instead of less than one-fourth of the same. Speaking from some experience gained by being interested in a small way in national banks, I do not think national banks find note circulation on the whole so profitable that they would make any great effort to prevent its being taken from them. I surely would make no opposition to surrendering, especially if the banks could be assured that as sound and safe a currency could be provided to take the place of note circulation.

The great advantage national banks enjoy over private or State banks is not the profit realized from circulation, but the safety that comes from Government scrutiny through periodical examinations. The fact that the Government at all times, through its agents and officers, has authority to examine the books, accounts, securities, and cash of national banks, and decide whether or not they are in a sound condition, induces confidence in them and is worth more than the profits from note circulation.

Reducing the tax on circulation one-half per cent and permitting the issue of bank notes up to the face value of 2 per cent bonds may not be a sufficient inducement to national banks to largely increase circulation, even if all the circulation could be kept outstanding. A bank with $100,000 circulation would get $2,000 income from its bonds; from this amount would be deducted tax, $500, and expense of redemption, $125; total, $625; leaving an annual profit of $1,375. Two conditions are necessary to this result; one is that the circulation must be all outstanding, and the other is that under no circumstances shall the bonds fall below par. We can not guarantee these conditions by legislation. We can not insure by legislation that bonds taken by national banks as a basis of circulation will not fall below par, and in the event of the bonds going below par confusion and disaster would follow.

In case the bonds should decline 2 per cent, what would be the result? Under the law the Secretary of the Treasury would have to call for additional bonds to secure circulation. This might happen at a time when the banks could not raise money. But, suppose after the Secretary of the Treasury had called for additional bonds to secure circulation, and they were furnished, the bonds should suffer another decline of 2 per cent. He would have to make still another call. In case of a protracted war our bonds might fall even 20 or 30 per cent, and this might happen at a time when national banks could not deposit more bonds to secure note circulation. The bill makes no provision, and I do not know that any could be made, to meet such emergencies.

Then, again, securing by legislation a low rate of interest through profitable inducements to national banks may not in the end be the best thing for the country. A low rate of interest will, in the long run, tend to make low prices for commodities. If the use of money can be bought cheaply it may have the effect to make everything else cheap. I am afraid a very low rate of interest might tend to reduce wages. I do not say that it will have this effect. I only have a fear. One of the glories of the Republic is that American labor is the best paid in the world, and this should be maintained if possible. The Government, at least, should not do anything that would have a tendency to reduce wages. We should continue, so far as we consistently can, to do everything to keep up the price of labor and resist everything that even looks toward a reduction in wages. Good wages make good, happy, and contented citizens. Wages, and high wages, is the best method found yet for the distribution of wealth. Ninety per cent of the cost of nearly every product is labor; therefore, the better wages are, the more money is paid out and distributed; and general business is better. We are paying in wages about seven thousand five hundred million dollars per annum, or twenty millions daily. If a low rate of interest, such as proposed in the bill, should operate to reduce wages even one-half of 1 per cent, which would be about one-half cent on a dollar, then the loss to the wage-earners and the country would be much greater than the gain in saving interest by funding the public debt at 2 per cent.

Inasmuch as the sound conclusions reached in the general provisions of the bill have been the result of education for a quarter of a century, why not let the work of education go on in the matter of refunding the public debt until the time is at hand when our bonds mature and we must take such action? Waiting until then will not work any injury. We will be advised by the light of events, and better able to judge than now. The Government owes it to its citizens to provide them at all times with a safe currency; in other words, to see to it that the currency is sound and stable and the volume equal to the needs of business.

There is an unjust prejudice and opposition to national banks throughout the country. Some of the opponents of national banks are clamorous to abolish them outright; others favor taking from them note circulation; but while agreed in opposition they are not united among themselves as to just what kind of currency or money should take the place of national-bank note circulation. These opponents of national banks believe that the prerogative of coining, making, or issuing money belongs to sovereignty and should be exercised exclusively by the Government and never be given to the banks. The senior Senator from Colorado [Mr. TELLER] says—open the mints to the free coinage of silver; that this is the remedy and would supply all the needed currency. The senior Senator from Nevada [Mr. JONES] says, in effect, let the Government issue fiat money; while some Populists, I believe, wish money issued against deposits of wheat and other farm products.

If the national banks should be abolished or required to give up note circulation and the Government should issue and control the circulating medium, then it seems to me that the best and safest form of currency which the country enjoys, and the one against which there is no prejudice or opposition, is the gold and silver certificates issued against gold and silver deposits in the Treasury. There is now, in round numbers, in the Treasury about $105,000,000 of gold, and $414,000,000 in silver dollars and $80,000,000 of silver bullion, making $494,000,000 of silver. The gold in the Treasury is par all over the world, and, counting silver worth 60 cents in gold, would make the $494,000,000 of silver worth $296,400,000 in gold. Here is already in the Treasury gold and silver of the actual value of about $700,000,000. Against this there were outstanding on July 31 last in gold certificates $208,213,819, and in silver certificates $405,363,504, making $613,577,323, which, under present conditions and the pledge of the Government, is the best and safest money in the world.

The production of gold is increasing so rapidly throughout the world that we are authorized to believe that the amount in the Treasury will increase more rapidly than heretofore. If so, and without much further legislation, what is to hinder the increase of gold certificates against the increasing gold in the Treasury? There can be no question but these certificates would pass current as money all over the world. In this way the solution of the money question could be reached on a basis that should be satisfactory to all and take it forever out of politics. Within a year gold has increased in the Treasury $120,000,000. At this rate in ten years there will be added to the gold now in the Treasury $1,200,000,000. If certificates of deposit should be issued against this gold, these certificates, together with the outstanding silver and

gold certificates and subsidiary coin, would give the country a circulating medium about equal to the present volume of currency, not including United States notes or greenbacks, with every promise of increasing as the production of gold increases.

Under present conditions, and even the more favorable ones promised in the bill before the Senate, note circulation of national banks may disappear, partly because it is not profitable now to the banks and may not be even under the provisions of this bill, and partly because of the prejudice and opposition on the part of a large portion of the people to national banks issuing currency; but largely, and more than all this, for the reason there will be no need of bank-note circulation in case the increase of certificates against gold deposits in the Treasury should continue. To my mind gold certificates with a reasonable amount of silver certificates issued under proper restrictions will be the money of the future. If the law is not already clear, make it clear that any person in the United States, in our new possessions, or elsewhere, having gold dollars or gold bullion can deposit the same in the Treasury of the United States and get a certificate redeemable in gold. Such a certificate would pass current as money throughout the world. This would leave to the Government the sole power of issuing money. Therefore, I conclude that it is not needful to fund the public debt before our bonds mature by offering inducements to national banks to take a 2 per cent bond that can not be redeemed under thirty years, and the payment of nearly $90,000,000 in premiums to holders of bonds to exchange the same for the proposed 2 per cent bond.

Mr. TELLER. I desire to ask the Senator from West Virginia a question, but I did not wish to interrupt him during the course of the speech.

Mr. ELKINS. I shall be glad to hear the Senator's question.

Mr. TELLER. The Senator has stated that the gold certificates would be good all over the world. I want to ask the Senator if the greenback is not just as good as the gold certificate?

Mr. ELKINS. Yes; because it is redeemable in gold, and you can get gold for it. That is the reason why it is as good as gold.

Mr. TELLER. And I suppose the only reason why the gold certificates are as good as gold is because you can get gold for them.

Mr. ELKINS. That is so. I am not objecting to the greenbacks, for it was with them the war was fought and the Union saved, and I have great respect for them. As long as the present arrangement exists, which makes the greenback under the pledge of the Government as good as gold, I do not oppose them; but I think the time will come when they will be redeemed by gold and disappear from our currency. They are as good as gold. I have no difference with my friend from Colorado on that point.

CONSIDERATION OF THE CALENDAR.

Mr. ALDRICH. Mr. President, the Senator from Colorado [Mr. WOLCOTT] has given notice of his intention to speak at 2 o'clock to-day, but he is not now in the Chamber. If there is no other Senator ready to speak upon the financial bill, I suggest that we go on with the Calendar until 2 o'clock. I ask unanimous consent that that may be done.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the Senate proceed to the consideration of bills on the Calendar under Rule VIII until 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

POLICY REGARDING NEW POSSESSIONS.

Mr. McENERY. I wish to give notice that on Friday, February 16, with the permission of the Senate, I shall submit some remarks on the joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

The PRESIDENT pro tempore. The first bill on the Calendar will be stated.

The bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was announced as first in order.

Mr. COCKRELL. I suggest that the bill be passed over, as the Senator who reported it is not now present.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

NATIONAL CEMETERY AT DOVER, TENN.

Mr. BATE. The bill (S. 79) to construct a road to the national cemetery at Dover, Tenn., was passed over when it was last reached on the Calendar. The bill has passed the Senate four different times, and there is no contest about it. I ask unanimous consent that it may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 79) to construct a road to the national cemetery at Dover, Tenn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENTS TO GENERALS NASH AND DAVIDSON.

The joint resolution (S. R. 36) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina, was considered as in Committee of the Whole. It appropriates $5,000 for the erection of a monument in honor of the memory of Brig. Gen. Francis Nash, of North Carolina, according to the resolution of Congress passed on the 4th day of November, 1777, and a like sum of $5,000 for the erection of a monument in honor of the memory of Brig. Gen. William Lee Davidson, of North Carolina, in accordance with the resolution of Congress passed on the 20th day of September, 1781.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO RIVER AND HARBOR ACT.

The bill (H. R. 7739) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, was considered as in Committee of the Whole.

Mr. SPOONER. Is that bill reported from the Committee on Commerce?

The PRESIDENT pro tempore. It is.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN L. FIELD.

The bill (S. 1356) for the relief of Edwin L. Field was considered as in Committee of the Whole. It proposes to pay to Edwin L. Field, of Gray, Me., $3,700, being the amount of a judgment against him recovered by James R. Atkins for personal injuries sustained by the parting of a guy to a derrick owned by the United States while being used by the War Department in the construction of the two-gun battery at Portland Head, in the town of Cape Elizabeth, Me., provided he produces evidence satisfactory to the Secretary that he has paid said judgment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLISTMENTS IN THE NAVY.

The bill (S. 1631) to encourage enlistment in the United States Navy was considered as in Committee of the Whole. It authorizes the Secretary of the Navy, in order to encourage enlistment in the United States Navy, to furnish as a bounty to each man upon his original enlistment an outfit of clothing not to exceed in value the sum of $45.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXAMINATIONS AND PROMOTIONS IN THE NAVY.

The bill (S. 1535) to provide for the examination of certain officers of the Navy and to regulate promotion therein was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMINISTRATION OF OATHS BY NAVAL AND MARINE OFFICERS.

The bill (S. 1632) to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER STEWART WEBB.

The bill (S. 2447) to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Alexander Stewart Webb, late a brigadier-general of volunteers and lieutenant-colonel and brevet major-general, United States Army, a lieutenant-colonel, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and suspending all laws and parts of laws in conflict herewith for this purpose only; but from and after the passage of this act no pension shall be paid to Alexander S. Webb.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM PENNSYLVANIA.

The Senate resolution No. 107, declaring that the Hon. Matthew S. Quay is not entitled to take his seat in the Senate as a Senator from the State of Pennsylvania, was announced as the next business on the Calendar.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT pro tempore. The resolution will be passed over.

JERONEMUS S. UNDERHILL.

The bill (S. 2259) for the relief of Jeronemus S. Underhill was considered as in Committee of the Whole.

Mr. ALLISON. I should like to hear the report in this case.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. WARREN from the Committee on Claims January 23, 1900.

Mr. ALLISON. I think the bill had better go over. It seems to be one of the old cases. Other cases of a similar character were objected to the other day.

The PRESIDENT pro tempore. The bill will be passed over.

ALICE WALSH.

The bill (S. 726) for the relief of Alice Walsh was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Alice Walsh $240, which was due the deceased Patrick F. Duggan for services rendered in the Freedman's Bureau during the months of August, September, and October, 1867, upon satisfactory proof that she is his only surviving heir and legal representative.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUST BOLTEN AND GUSTAVE RICHELIEU.

The joint resolution (S. R. 41) for the relief of August Bolten, of New York City, and Gustave Richelieu, of Boston, Mass., American seamen, was announced as the next business in order on the Calendar.

Mr. COCKRELL. I object to this bill and ask that it may go on the other Calendar. I should like to give notice that I desire to be present if there is any attempt made to pass the bill.

Mr. SPOONER. What does the bill propose to do?

Mr. COCKRELL. It proposes to pay some claims against Spain, arising during the war, and to pay the full amount of the claims as presented to the State Department, without ever having any further investigation; and I shall be prepared to offer a few feeble remarks when it comes up.

Mr. SPOONER. I doubt if the Senator from Missouri will be prepared to offer any feeble remarks.

The PRESIDENT pro tempore. The bill will go over under Rule IX.

ARTHUR S. HARDY.

The bill (S. 2334) to authorize Hon. Arthur S. Hardy, at present envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia, to accept the decoration tendered to him by the Shah of Persia while he was minister of the United States to that country, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DECORATIONS TO CERTAIN NAVAL OFFICERS.

The bill (S. 2022) to authorize Rear-Admiral William T. Sampson, United States Navy; Capt. Henry C. Taylor, United States Navy; Capt. Francis A. Cook, United States Navy; Capt. Charles D. Sigsbee, United States Navy; Capt. French E. Chadwick, United States Navy; Capt. Caspar F. Goodrich, United States Navy; Commander William W. Mead, United States Navy; Commander James H. Dayton, United States Navy; Commander Frederick M. Symonds, United States Navy, and Commander Chapman C. Todd, United States Navy, to accept orders and decorations tendered to them by the Government of Venezuela was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HARRIET D. NEWSON.

The bill (S. 630) for the relief of Mrs. Harriet D. Newson was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with amendments. The first amendment was, in section 1, line 4, after the word "Newson," to insert "or her lawful heirs;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Mrs. Harriet D. Newson, or her lawful heirs, widow of Thomas M. Newson, late United States consul at Malaga, a sum of money equal to one year's salary of said consul, together with the sum of $197, which was collected from the estate of the said Thomas Newson by the Government of the United States after his death.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the money so appropriated shall be paid in the same manner as in other cases where the surviving widows of foreign representatives of the United States who have died while so representing the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF GEN. FRANCIS E. SPINNER.

The joint resolution (S. R. 60) granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

AIDS TO NAVIGATION ON THE ALASKAN COAST.

The bill (S. 2681) for the establishment of joint light-houses and fog-signal stations on the coast of Alaska was considered as in Committee of the Whole. It appropriates $300,000, or so much thereof as may be necessary, to establish, under the direction and supervision of the Light-House Board, joint light-houses and fog-signal stations at or near the following points in Alaskan waters: Eldred Rock, Ralston Island, Point Retreat, Point Gardner, Cape Ommaney, Point Stanhope, Fairway Island, Guard Island, Mary Island, Cape Fox, Cape Fanshaw, and the entrance to Unimak Pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL LIGHT-SHIP FOR PACIFIC COAST AND ALASKA.

The bill (S. 1289) to provide for the construction of an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment in line 3, before the word "thousand," to strike out "seventy-five" and insert "eighty;" so as to make the bill read:

Be it enacted, etc., That the sum of $80,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, equipping, and outfitting, complete for service, under the direction of the Secretary of the Treasury, an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. C. KENT AND JOSEPH JENKINS.

The bill (S. 983) for the relief of Lindley C. Kent and Joseph Jenkins, as the sureties of Frank A. Webb, was considered as in Committee of the Whole.

Mr. ALDRICH. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. NELSON January 25, 1900, as follows:

The Committee on Commerce, to whom has been referred the bill (S. 983) for the relief of the sureties of Frank A. Webb, respectfully report as follows:

Lindley C. Kent and Joseph A. Jenkins, of Wilmington, Del., seek to have repaid to them the penalty exacted from them as sureties of Frank A. Webb upon his bond and contract with the Secretary of War for the construction, erection, and delivery of buildings for the new Port Penn Light Station, on the Delaware River, in the Fourth light-house district. Webb, by his contract, approved by the Secretary of War, June 29, 1895, undertook to complete the above work in five calendar months thereafter. Before the time expired for his thus completing the work Webb absconded, and Kent & Jenkins, as his sureties, took up the work and carried it to completion, and actually completed it by the delivery of the buildings to the representatives of the Light-House Board and the Government's acceptance thereof on the 11th day of February, 1896, or seventy-seven days after the date of completion and delivery specified in the contract. For this delay Kent & Jenkins, as the sureties of Webb, were charged by the Light-House Board a penalty of $20 a day, making a total of $1,540. Through this delay the Government was subjected to an expense, for pay of inspectors and traveling expenses of inspectors and assistant engineers, of $419.83.

The object of this bill is to authorize the repayment to Kent & Jenkins of so much of this penalty as was in excess of the actual extra expense thereby caused to the United States.

It appears from the evidence submitted to the committee that the default, under this contract, in the first instance, was that of Webb alone, the principal, and that his sureties, Kent & Jenkins, immediately upon ascertaining that Webb had abandoned the work, took it up themselves and carried it to completion. It further appears from the evidence that, independent of the work done by Webb, under the contract—

Kent & Jenkins expended in material and labor thereon the sum of		$5,179.53
The contract price of the building was	$4,400.00	
Penalty for delayed completion, 77 days, at $20	1,540.00	
Leaving a balance received from the Government by Kent & Jenkins of		2,900.00
Thereby making a net loss to the sureties of		2,279.53

The Government inspector is of the opinion that the work could not be duplicated for less than $5,000.

It further appears that no loss of any other character was sustained by the Government by such delay in the completion of the work for the reason that the light-house in question is situated on the Delaware River, at a point already well lighted, and where there was no danger of shipwreck or other loss of shipping for want of such construction, nor did any such wreck or loss occur during the period of default.

For a further elucidation of this subject the letter of the Acting Secretary of the Treasury and the letters of Mr. Bixby, the engineer in charge of the

district in which the light-house is situated, are hereto appended and made a part of this report.

Your committee recommend the adoption and passage of a substitute substantially in the form of Senate bill No. 3348, second session Fifty-fourth Congress, referred to in the letter of the Acting Secretary of the Treasury, in lieu of the said Senate bill No. 767.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO SURVIVORS OF INDIAN WARS.

The bill (S. 340) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war, was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over.

Mr. COCKRELL. I ask that the bill may retain its place on the Calendar. I have an amendment, but I am not prepared just at this time to offer it. I am not sure I will desire to offer it, but I do not want the bill to lose its place on the Calendar.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. McBRIDE. I understand the delay will not be more than a day or so?

Mr. COCKRELL. No. I shall be able to-morrow to determine what I will do about the amendment.

RANK OF MILITARY ATTACHÉS.

The bill (S. 7) to fix the rank of military attachés was announced as the next business in order on the Calendar.

Mr. ALDRICH. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

ROBERT J. SPOTTSWOOD ET AL.

The bill (S. 165) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 7, before the word "thousand," to strike out "twenty-eight" and insert "fifteen;" in the same line, before the word "hundred," to strike out "two" and insert "seven;" and in line 8, before the word "dollars," to strike out "sixty" and insert "thirty-one;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert J. Spottswood and the heirs of William C. McClellan, deceased, of Colorado, $15,731, as additional compensation for transporting the United States mail from Morrison to Fairplay, and from Fairplay to Leadville, in the State of Colorado, by the said Spottswood and McClellan, from the 1st day of September, 1878, to the 10th day of September, 1879.

The amendment was agreed to.

Mr. ALDRICH. I ask that the report be read.

The Secretary read the report, submitted by Mr. CARTER (for Mr. GEAR) January 8, 1900, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 165) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, respectfully report:

A precisely similar bill was favorably reported and passed in the Fifty-fifth Congress upon the following report, which is adopted by your committee as their report upon the bill under consideration:

"This is a claim for the transmission of mails in Colorado. The said McClellan and Spottswood, in 1878 and 1879, were the contractors for carrying the mails over route No. 38122, from Morrison to Fairplay, in the State of Colorado; that at the time the said contract was taken the daily weight of mail matter handled by said contractors did not exceed an average weight of 150 pounds. On or about the 1st day of September, 1878, the weight of mail matter began to increase, and in a very short time they were handling a daily average weight of about 2,000 ponnds, said increase being wholly without warning or expectation. At the time of said increase the Denver and South Park Railroad was completed on said route from Morrison to Fairplay to a point known as Deer Valley, and their duties as carriers of said mail was to that extent lessened and destroyed. The said firm carried the mails from Deer Valley to Fairplay for about a year, at an average increase of expense and loss to them of a large amount of money. Said increase was occasioned by the sudden and marked growth of the town of Leadville, the mail matter of said city passing over this said route. The said city of Leadville grew from a small mining camp to a city of 15,000 people in a very few months, and said enormous increase could not have been foretold by the said contractors or by the Department.

"This claim is verified by the sworn statements of said Spottswood and McClellan, and also verified by the sworn statements of many people, among others A. B. Crook, of Denver, who was postmaster at Fairplay; William Griffith, who was local agent of said Spottswood and McClellan; William N. Byers, postmaster in the city of Denver; A. A. Smith, postmaster in the city of Leadville, and Gen. Charles A. Adams, who was State agent of the Post-Office Department at Denver during the time the said contractors had this route, all of whom testify to the fact that the mail increased from 150 pounds per day to over 2,000 pounds per day, as claimed by the said contractors; also that the said Spottswood and McClellan made application to the Post-Office Department for increased pay to meet the increased expense, but they were informed that there was no way in which the weight of the mails carried over said route could be ascertained, as no records were kept."

When this measure was formerly reported by this committee, the sum recommended, after careful consideration of all the facts, as a proper appropriation for the relief of Spottswood and McClellan was upward of $28,000. Since that time, however, the original documents which substantiated and proved by evidence procured many years ago the justice of this claim have been unaccountably lost or mislaid, and, owing to the death of the persons supporting the claim, can not now be replaced. Your committee, therefore, omitted all these items and have included only the amount clearly shown by existing documents to be justly due.

After a careful examination of these, the committee are of the opinion that the sum of $15,731 is a just and proper amount to be allowed, and, as so amended, recommend that the bill do pass.

The bill was reported to the Senate as amended.

Mr. SPOONER. What is the amount of the appropriation?

Mr. ALDRICH. Fifteen thousand dollars.

The PRESIDENT pro tempore. Fifteen thousand seven hundred and thirty-one dollars.

Mr. SPOONER. What is the amendment?

The PRESIDENT pro tempore. That was the amendment. The original amount was $28,000. The question is on concurring in the amendment made in Committee of the Whole.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAUNCH FOR CUSTOMS SERVICE AT ASTORIA, OREG.

The bill (S. 945) for the purchase and construction of a launch for the customs service at and in the vicinity of Astoria, Oreg., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to purchase or have constructed for the customs service a suitable launch, of such motive power as may be determined by the Secretary of the Treasury, for use at and in the vicinity of Astoria, Oreg., and appropriates $5,000 to purchase or build such vessel.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF PEARL HARBOR, HAWAII.

The bill (S. 2708) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899, was considered as in Committee of the Whole. It proposes to amend section 1 of the act by adding at the end of the paragraph making an appropriation for the improvement of Pearl Harbor, Hawaii, the following language:

To be expended under the direction of the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS ROSBRUGH.

The bill (S. 557) for the relief of Thomas Rosbrugh was considered as in Committee of the Whole. It authorizes the Commissioner of the General Land Office to permit Thomas Rosbrugh, of St. Clair County, Mo., to enter 160 acres of public land, subject to entry under the homestead or settlement laws, not mineral nor in the actual occupation of any settler, in lieu of the southeast quarter of section 24, in township 38, of range 27 west, in St. Clair County, Mo.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE UNIVERSITY OF KANSAS.

The bill (S. 76) for the relief of the University of Kansas was considered as in Committee of the Whole.

The preamble recites that on or about the 20th day of May, 1856, Deputy United States Marshal and Sheriff Jones, with a posse, acting directly on the findings of the United States grand jury, called by Judge Lecompte of the United States court, sitting at Lecompton, entered the town of Lawrence and destroyed the Free State Hotel, owned by the New England Emigrant Aid Company; and some time thereafter the company presented a claim for damages in the amount of $20,000 to the United States Government; and the company, before its dissolution, transferred that claim to the University of Kansas.

The bill directs the Secretary of the Treasury to pay to the University of Kansas $20,000, in full settlement of the claim.

Mr. SPOONER. If the Senator who reported the bill is in his seat, I should like to have an explanation of the measure.

Mr. HARRIS. The Senator from Nebraska [Mr. ALLEN] made the report which accompanies the bill.

Mr. ALLEN. The Senator from Kansas can explain the bill better than I. I also reported the bill at the last session of Congress, and it was passed.

Mr. HARRIS. The bill passed at the last session of Congress. The report is short, if the Senator from Wisconsin desires to have it read.

Mr. SPOONER. Let the report be read.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Secretary will read the report.

The Secretary read the following report, submitted by Mr. ALLEN January 29, 1900:

The Committee on Claims, to whom was referred the bill (S. 76) for the relief of the University of Kansas, of Lawrence, Kans., have had the same under consideration and respectfully report:

Your committee are of opinion that the facts set forth in Senate Report No. 763, Fifty-fifth Congress, second session, and passed by the Senate are correctly stated, and adopt the same as a part of this report, and recommend the passage of the bill.

[Senate Report No. 763, Fifty-fifth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 2677) for the relief of the University of Kansas, having carefully examined the evidence in the case and considered all the facts, beg leave to report as follows:

The present beneficiary of this bill, the University of Kansas, a Kansas corporation, is the assignee or transferee of the original claim for damages against the United States sustained by the New England Emigrant Aid Company, a Massachusetts corporation, in 1856.

This claim grew out of the early troubles in Kansas, preceding the late civil war, the material facts and circumstances in relation to it being substantially as follows: On the 21st day of May, 1856, the New England Emigrant Aid Company was the owner in fee of two lots on Massachusetts street, in the city of Lawrence, Kans., on which it had erected a large and well-constructed hotel, thoroughly furnished and equipped, and certain outbuildings. This hotel was three stories high, with a basement, and was known as the "Free State Hotel" or "Eldridge House." It was said at the time to have been the finest hotel west of St. Louis, and, together with its furniture and the other buildings, was worth about $25,000.

On the 5th day of May, 1856, the grand jury of Douglas County, Kans., made a presentment against this structure, in which it was set forth that the same was a nuisance and had "been constructed with a view to military occupation and defense, thereby endangering the public safety and encouraging rebellion and sedition in the country," and they thereby recommended that the nuisance be abated.

Thereupon, on the 21st day of May, 1856, a deputy United States marshal, claiming to act under the authority of the United States district court for the Territory, assembled a large posse and razed the structure to the ground, making it a total loss.

It seems to be clearly demonstrated that this action of the grand jury, on which the deputy United States marshal assumed to act, was unjustifiable, and the destruction of the property by positive and direct orders of the officers of the United States was therefore clearly unwarrantable.

The New England Emigrant Aid Company memorialized Congress several times on the subject and sought to have a reimbursement of the loss it had sustained, but not succeeding in its own right, and despairing of ever being able to secure anything for itself out of this claim, recently assigned the same to the present beneficiary of this bill.

In the light of all the facts, which are more elaborately set forth in a memorial of the University of Kansas and its exhibit, which is attached to this report as Exhibit A and made a part of it, and for the reason that the assignor was a nonresident of the Territory and could not have been guilty as charged of the offenses against the Government, and since the amount of this claim is but $20,000, which is $5,000 less than the value of the property destroyed, your committee are of opinion that the claim is a proper and just one for allowance by the United States, and therefore recommend that the bill as offered in the Senate do pass.

EXHIBIT A.

A MEMORIAL OF THE UNIVERSITY OF KANSAS IN SUPPORT OF SENATE BILL NO. 2677.

A memorial of the University of Kansas, assignee of the New England Emigrant Aid Company, praying indemnification for the destruction of the Free State Hotel at Lawrence, Kans., on the 21st day of May, 1856, by officers of the United States.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialist respectfully represents the following material facts in support of its claim against the United States of America for the indemnity herein specified:

(1) The University of Kansas is a corporation duly organized and existing under and by virtue of the laws of the State of Kansas (see Exhibit A), created for the purpose of providing the inhabitants of the State with the means of acquiring a thorough knowledge of the various branches of literature, science, and the arts, and is the assignee of the New England Emigrant Aid Company.

(2) The New England Emigrant Aid Company is a corporation duly organized and existing by virtue of an act of the legislature of the Commonwealth of Massachusetts approved February 24, 1855. (See Exhibit B.)

(3) The said New England Aid Company, of which, at the time of the events recited in this memorial, John C. Brown, of Providence, R. I., was president, and Thomas H. Webb, of Boston, was secretary, was on the 21st day of May, 1856, the owner in fee simple of lots Nos. 21 and 23, on Massachusetts street, in the city of Lawrence, State of Kansas (then Territory), as shown by the deed from the Lawrence Town Company to the said New England Emigrant Aid Company. (See Exhibit C.)

(4) On the said lots Nos. 21 and 23 on Massachusetts street, in the city of Lawrence, was located on the said 21st day of May, 1856, a hotel commonly known as the "Free State Hotel" or "Eldridge House," which was the property of the said New England Emigrant Aid Company.

(5) The value of said hotel on said day was $25,000, apart from the value of the land and the equipment of the hotel, as shown by the books of the said corporation on file with the Historical Society of the State of Kansas, and also by affidavits of the secretary, Thomas H. Webb, and the commercial agent, Samuel C. Pomeroy, of said company, hereto appended. (See Exhibit D.)

(6) The said Free State Hotel was destroyed by bombardment and fire by Deputy United States Marshal Samuel J. Jones, aided by a large posse, claiming to act as deputy United States marshal, and under the authority of the first district court of the United States for Kansas Territory, sitting at Lecompton, Kans. T., Samuel D. LeCompte, judge, on the said 21st day of May, 1856. (See Exhibit E.)

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JOSHUA T. ROBERTS.

The bill (S. 1749) for the payment to Joshua T. Roberts of balance due for surveying public lands, was considered as in Committee of the Whole. It appropriates $884.82 for the payment to Joshua T. Roberts of the balance due him from the United States for making survey No. 425, in the State of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALDRICH. The time has expired in which the Calendar was to be before the Senate for consideration.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Colorado [Mr. WOLCOTT] is entitled to the floor.

Mr. WOLCOTT. Mr. President, the provisions of the bill under consideration have no direct relation to the question of bimetallism, and in no respect affect its present aspect or the possibilities of its future attainment. Nevertheless, in the public mind all currency measures, because of recent party issues, assume a political hue and are popularly supposed to have some bearing upon what is known as the "silver question." For this reason it seems to me an opportune time, in addition to a few words respecting the scheme and purpose of the pending bill, to express briefly some views upon the general principles of bimetallism, especially as affected by recent European action, and the attitude of the two political parties in this country upon this important and far-reaching question.

The bill as it came to us is radically changed and modified, and a substitute bill reported. For the purposes of this debate, and until the bill, if it passes, shall return from conference, argument is alone applicable to the Senate bill, for when the measure leaves this Chamber it will undoubtedly bear upon it the stamp and impress which the Finance Committee of the Senate have placed upon it, and that bill alone is under practical consideration here.

The Senator from Rhode Island [Mr. ALDRICH], chairman of the Finance Committee, in opening the debate gave us in a speech of remarkable lucidity the plan and scope of the bill. With much that he said nearly every Senator on this side of the Chamber was in sympathy. Other conclusions some of us can not share. For instance, the first section of the bill is, as every Senator must know, surplusage and wholly needless. I refer to the provision reciting the contents of the gold dollar and declaring that it shall continue to be the standard unit of value. Of course it will, and it would so continue if this section were eliminated from the bill. We might as well gravely pass a law providing that a yard shall continue to be 3 feet in length, or that in the future, as in the past, an acre of land should contain 160 square rods. Its reenactment changes in no single respect existing law, and its presence in the bill can only be accounted for by assuming that the committee think men are like children and need to be frequently reassured that everything is all right, as the idea formerly prevailed in primitive communities that the people slept better if they were aroused at midnight by the town crier ringing his bell and informing them that it was 12 o'clock and that all was well. The section has been the law since 1873, and is hardly worth discussing now.

The following section of the bill increasing the gold reserve and effectually preventing for the future the ability of banks and individuals to draw out at will the gold in the Treasury through the endless chain of the greenbacks, now reissued as soon as received, is, in my opinion, an excellent provision and one of value in precluding the future depletion of the gold in the Treasury in those times of depression and panic which periodically overtake the country; and it should assist in avoiding the necessity of issuing additional bonds to protect the reserve.

The silver and silver certificates, as provided for in the bill, rest upon a footing entirely separate and apart from the other metallic money in the Treasury. Their legal-tender quality is left to them. There is a discrimination concerning them, not necessarily discrimination against them. The terms of redemption upon which they were issued are not changed; but to make them more in demand it is provided that hereafter no bills under $10 shall be issued by any of the national banks or by the Government, and the burden of all the small bills of the country shall fall upon these certificates. There is no objection to that provision. It does not injure or affect in the slightest degree the negotiability, the legal-tender qualities, or the value, or the standing of the silver certificates.

There is, however, one limitation respecting them that the committee within the next few months or year will, in my opinion, have to legislate respecting. There are now outstanding some $394,000,000 of silver certificates. There are now outstanding in small bills of all characters by the Government, including the silver certificates now out below that denomination, some $391,000,000, as I compute it. If the increase comes to the national-bank circulation that must come under the provisions of this bill, there will have to be some legislation within the next few months providing either for some addition to the silver fund out of which further silver certificates shall be issued or some provision compelling the issue of small bills applicable to some other notes of issue or some other fund now in the Treasury.

The provision requiring the payment of the principal and interest of the new bonds in gold represents, I think, a mistaken view as to our national credit. From the point of view of bimetallism

the provision is serious only in that it is an apparent discrimination in favor of the one metal and against the lawful money of the country. Upon the reestablishment of a bimetallic basis it will make no difference as to the terms employed or the metal named in the bond, for the two metals will be interchangeable. It is true that the Government is but following a fashion which has prevailed in this country for nearly a score of years. Four-fifths of our railroad bonds, aggregating a far greater sum than the amount contemplated by this bill, the bonds of almost every industrial and manufacturing company, municipal and county loans all over the land, and countless mortgages made by individuals are, by their terms, specifically payable in gold. The framers of the bill assert that by the insertion of this clause the bonds can be floated at a lower rate of interest than would otherwise be required. It may be so. My home is somewhat west of the money-lending belt, but I can not but express my regret that the committee felt that the exigencies of the money market required a departure from the terms heretofore used in Government obligations.

It must, however, be a great source of pride to every citizen in this land, to whatever party he may belong, to realize the fact that these United States can go into the markets of the world and place their securities at par at a lower rate of interest than can any other Government on either continent. No other country approaches ours in this regard. England comes nearest, and her consols, now selling nearly at par, pay 2¼ per cent. And it must not be forgotten that these bonds are issued at a time when money is in greater demand all over the world than ever before. In Germany, where there is to-day wonderful prosperity, so great is the demand for money that her Prussian bonds, drawing 3 per cent, an unquestioned security, sell in the markets at 95 or less, and the new Saxony bonds, also drawing 3 per cent, and an equally good bond, were marketed at 85. It must be admitted that in the ability to place the new 2 per cent bonds at par we are greatly aided by the provisions of the bill making them attractive to the national banks of the country; but that we can accomplish it under any circumstances is a gratifying indication of popular confidence in our institutions and our financial integrity.

The other important feature of the bill is the one providing for the exchange of the bonds for those now outstanding and permitting more favorable terms for their use by the national banks of the country as a basis for national-bank circulation.

The national banks had their rise when this Government needed support in carrying out the resumption of specie payments. By means of them we succeeded where we might otherwise have failed. Succeeding years have only more firmly implanted them as an integral part of our financial system, not to be uprooted without a more radical change of policy than any party or administration would care to attempt. The whole argument is too ancient and threadbare for me to enter into here. If this Government were new and were to outline its financial policy, most of us, I take it, would favor some plan akin to that followed by the leading countries of Europe, or the issue of all its money direct by the Government; but the national-bank system has become so intricately interwoven into our financial fabric that there seems no way but to accept them and to utilize them. We provide that hereafter circulation may issue to the par of all bonds deposited for that purpose, thus at once giving us some $20,000,000 of additional circulation. We favor the exchange of old into new bonds by levying but half the tax on them that is imposed where the older bonds are deposited, and by this means it is believed the exchange will be greatly facilitated and hastened. Under these favorable terms it is estimated that within the next few months at least two hundred millions of additional national-bank circulation will follow the passage of the bill. There is no department of human industry to-day in the United States, and in the rest of the world as well, that is not suffering because of an insufficient volume of money and which would not be benefited by a legitimate enlargement of the currency. Under our existing gold standard there seems to be no other available method of giving us this greatly needed increase than the one favored by this bill.

There is, however, a serious objection to all national-bank circulation, both present and prospective—an objection which the passage of this bill will sooner or later accentuate and make more apparent. The money of the world in use by the commercial nations dealing outside their borders, and having the same standard, must necessarily be fairly distributed among them. Later I hope to dwell more at length upon this undoubted fact. We can not keep more than our distributive proportion of money, and any enlargement of our paper circulation must necessarily lead to the loss of some of our gold. The paper will, of course, remain here, but when the kiting times which will follow a large increase in our paper shall have ended, as they must, then, perhaps spasmodically, but surely, a proportionate share of the gold in the country must go abroad. Two hundred millions of increase in national-bank paper means perhaps the loss, on that account, of one hundred millions of gold. We need more money, but the increase should be in the metals and not in paper.

I have thus summarized briefly, Mr. President, the important features of the bill under discussion. It is not ideal legislation.

Looking to the currency problems of the whole world, all legislation of the character contemplated by this bill is to those who believe in the principles of bimetallism unwise, because under the beneficent working of the bimetallic system it would be unnecessary. It is but one more step to be eventually retraced. This country has less to answer for than any other of the great commercial countries of the world, for we were the last to abandon silver, and it may be that by legislation which protects us and our national credit, in the general scramble for gold and the repudiation of silver, we are really, though unconsciously, fighting the battle of international bimetallism, but our course can only be justified upon the theory that we are acting in self-defense. Upon that theory, and because alone we seem at this time powerless to restore silver to its parity with gold at the old ratio, and judging the wisdom of the proposed legislation upon the basis that our mints are now open to gold and closed to silver, there are to my mind advantages apparent in the provisions of the bill over existing law.

But, Mr. President, the enactment of this measure into law without at the same time accompanying it with a reaffirmance of the position of the Republican party respecting international bimetallism would be an apparent abandonment of the principles and policy of the party, and no language of the supporters of the bill could change or obliterate this inevitable conclusion; and the amendment reported by the Finance Committee conveys a positive assurance to the world that this country, able to hold its own among the nations of the earth, with gold as its standard, is still ready to meet and treat with the other leading commercial countries looking to an international agreement to open the mints of the world to silver as well as gold.

I realize, Mr. President, that these seem unpropitious days for those of us who cherish a belief in bimetallism and faith in its final triumph. These are prosperous times. The enormous increase in the gold output has revived industry and stimulated manufactures and business and raised prices all over the world, and especially in this country, where we have had the added stimulus of an excellent protective tariff and a wise and conservative administration of public affairs. The prosperity is real, is universal, and I trust may be long continued. But the experience of generations have taught us that cycles of depression and stagnation follow periods of prosperity as inevitably as the night follows the day. We observe the injunction of that wisest of men who bade us, "In the day of prosperity be joyful, but in the day of adversity consider." The reaction is sure to come; when it does, public interest will be again aroused to consider the wisdom of a policy which would do more than any other to ameliorate and lessen the hard times which seem the invariable attendant of our commercial life, and it is important that we be ready for its consideration.

The principles of bimetallism are firmly implanted in the very foundation of the Republican party. For nearly a quarter of a century, with every recurring national convention, we have renewed our declaration of faith in the doctrine. The amendment, together with the law of 1897 creating a commission for negotiation with foreign governments, still in force, is in accord and in line with its former declarations, and furnishes to the people of the United States their only hope for an honest effort toward a restoration of a parity between gold and silver. It is true there are doubt and hostility in certain quarters, but the great mass of the voters of the country are bimetallists, provided always it can be secured without impairment of the national credit. "Truth is the daughter of Time," and sooner or later, when other experiments have failed, the principle will secure adoption by the intelligent nations of the world.

In this country bimetallism has received its greatest injury and suffered its severest blow at the hands of the Bryan Democracy. In close alliance with the Populist party, which still demands an irredeemable and inflated paper currency, clamoring for free silver at 16 to 1 by the United States alone to the exclusion of any other settlement of the question, advocating openly depreciated money, ridiculing all idea of international agreement, associating their demands with a snarling protest against every policy which seeks the enforcement of law and order and the maintenance of the honor of our country and the fulfillment of our obligations to mankind, it is not surprising that they have so clouded the minds of men that many of them, seeing no difference between the free silver of Bryan and real bimetallism, are inclined to seek an end of the whole matter and hesitate to deal with the subject in any form.

But, Mr. President, we can be honest and win.

The failure of the Republican party to stand up for the principles it has always advocated will bring it no additional votes. The Chicago platform offers no hope for bimetallism. There are some

gold monometallists in the country of both political parties. They will not vote for Bryan or Bryanism under any circumstances. Accentuating the contrast in the financial demands of the two parties by excluding all reference to international bimetallism would only serve to throw into the shadow the negations and Populistic notions and heterogeneous patchwork of the Democracy now in the saddle, which they call a platform. Our St. Louis declaration of faith and of principles elected Mr. McKinley once, and it will triumphantly reelect him, and I must be pardoned for urging that it is bad politics as well as bad morals for us to change the line of battle in the face of a once-defeated enemy.

When I entered the Senate eleven years ago, and afterwards, I believed and asserted my belief that the United States alone, unaided by any other nation, could establish and maintain for the whole world the parity between gold and silver if it opened its mints to the free coinage of both metals at the old ratio of 16 to 1; and under the conditions then existing, and which seemed certain to follow our action, I still believe it might then have been accomplished. What was true a few years ago is no longer true. The commercial value of silver was then far greater than now; India had but just closed her mints, we believed temporarily; Russia had not declared her ratio of 24 to 1; Japan was still upon the silver standard, and the annual product of gold was normal, showing a slight but steady increase year after year, and the world's supply of the metal money was grossly inadequate. To-day we face a vastly different condition of affairs, and for one I should shrink from entering upon the experiment alone and at the old ratio. Not only the hostility of the vast majority of the taxpayers of our own country, but the attitude of the civilized governments of the world, the existence in India of a thousand million ounces and more of silver, uncoined, sold from day to day in the bazaars, the uncertainty as to the future of the Orient, all these vexed and unsettled problems might well make us pause.

It is not necessary now to discuss further that question, but it is my judgment that if Mr. Bryan were to-day President of the United States, and if a majority of Congress were of his way of thinking, they would never dare seek to impose upon this country the responsibility of entering alone and unaided upon the duty of maintaining a parity at the old ratio.

Those of us who hold pronounced views on bimetallism and who belong to and intend to remain in the ranks of the Republican party, and who, with the adoption of the amendment, intend voting for this bill, do not ask you to face that possibility or to embark upon any uncertain sea. We only ask you to declare to the other leading countries of the world your willingness to consider with them the question of the restoration of bimetallism at some fair ratio. The initiative will probably, and should, come from them and not from us, but it is our duty to leave the door open for them if they seek an entrance, and not to close it against advances which, in my opinion, are certain to be made.

Long usage and experience have taught us that the precious metals are the true basis for money. And experience has also taught us that the two metals circulating concurrently tend the one to equalize the other, to prevent the disturbances naturally caused by an abnormal over or under production of either, and to preserve a stable par of exchange between them.

It has also been abundantly demonstrated that whenever there is a contraction or a lessening in the volume of money, or whenever its supply fails to keep pace with the increased needs for it, growing out of new industries, a widening commerce, the development of new countries and the growth of population, there must follow a lowering of prices, depression in trade, poverty and suffering.

The wonderful discoveries and enormously increased product of gold which the last three years have witnessed furnish the latest proof of the truth of this statement, so often verified as to have become axiomatic. And, Mr. President, if this great output of gold shall continue and increase, as it bids fair to do, it will go a long way toward making permanent that general rise in values which is now bringing the world prosperity.

But even so, Mr. President; if the Transvaal, when days of peace shall return in that region now devastated by war, should quadruple its output; if the Klondike and Cape Nome shall rival the Rand in wealth; and the wonderful gold production in Cripple Creek and throughout our mining regions continues and increases, as there is every reason to believe it will, it is still true that every civilized gold-using country which relies upon agriculture or which may compete with the silver-using countries in the labor employed in its mills and manufactories will still suffer great and destructive disadvantage until at some fair ratio the two metals again march side by side.

It is impossible for us who live in a country whose people are intelligent, alert, educated, and interested in all questions which affect the habitable globe, closely connected with each other by railways, and enlightened by thousands of printed newspapers, to comprehend the existence of the hundreds of millions of human beings who people India and Asia. If their life and habits of thought and rules of conduct are an enigma to us, ours are a far greater mystery to them. For more than one hundred and fifty years England has dominated India and has made hardly an impression upon its life and people.

The great Empire of China is to the whole world practically unknown. They know nothing and care less for our civilization. Theirs is to them grander and nobler and more complete. Honeycombed with ancient traditions and customs, from father to son they know no change. The coin that suffices to remunerate their labor to-day has been the measure of their pay for generations. Our commerce, our laws, our economic systems have hardly touched the surface of their lives. Our commercial intercourse with them leaves no more impress upon the calm waters of their national existence than do our argosies upon the trackless seas that wash their shores, and long after we shall be buried in oblivion those great masses of humanity will continue in their ancient traditions and usages, untouched and unaffected by our modern civilization.

Their grain with which this country actively competes, the fruit of their constantly increasing looms and manufactories which are sold side by side with ours in the markets of Europe, in small volume now, but each year in steadily increasing quantities, for gold and exchanged for silver at nearly two dollars for one, will still be produced at a cost measured by silver, not as it is valued to-day, but having nearly the same purchasing power it had thirty years ago.

The question assumes even greater importance since our acquisition of the Philippines. Here are 5,000,000 of people knowing only silver, living in the region of silver-using countries, with whom we are to deal, for whom we must furnish a means of exchange recognized by the merchants of the whole world and secured as well by the faith and credit of the United States, and we can never impose upon them a gold standard and a gold currency without destroying their ability to compete with the other countries of the Orient.

It used to be said, when silver was so largely overproduced in proportion to gold, that there was not enough gold in the world to make it certain that silver would not become the cheaper metal, as monometallists term it, and drive out the gold from circulation. Every dollar of gold added to the world's supply lessens this danger, which was apparent and not real, and the greater the supply and increase in the gold product of the world, the more essential it is that the possibility of its fluctuation should be guarded and regulated by the circulation as money of its sister metal. It is said that in the Rand alone there are upwards of two thousand million dollars of gold already in sight. Distant as the prospect may seem, you may yet find it essential to establish a parity between the two metals so that gold shall not fall in value below the ratio.

It seems to me idle to say that the question is national and not one equally affecting the other commercial nations of the world and inviting their active cooperation and approval. As long as a country is without foreign commerce the character of her money is a matter of national concern alone. Whenever a nation deals with the other countries of the world and has debts to pay and credits to receive, the character and volume of the money of the countries with which she trades become of immediate importance in arriving at a medium of exchange. The vast gold product of the Rand is coined in foreign mints, but an unappreciable amount of it reaches ours, and yet the increase in metallic money, because of the added available gold product, is largely accountable for our prosperity and for the recent increase in the price of both goods and wages. Our distributive share comes to us and is dependent not alone on population, but as well upon the character and extent of our industrial and commercial transactions and upon the habits of our people respecting the amount of actual money we use.

Year after year our relations with other countries are becoming more closely interwoven; we are intimately concerned in their welfare; the markets to-day reflect the advance or the checks of the British armies in South Africa; a panic in Paris or Berlin or London seriously disturbs values here, and every question affecting our financial policy is more and more an international one. We are rapidly forging to the front, not only as the greatest commercial nation in the world, but as its financial center. If heaven blesses us with one or two years more of bountiful crops, we shall become for all time a creditor and no longer a debtor nation, and able to influence the world's financial policy as never before in our history.

Our foreign commerce is marching with giant strides. It needs no prophet's vision to foretell a future which shall witness our sails on every sea, our manufactures competing successfully in every land, our inventions still more generally adopted, our labor, the most intelligent and productive in the world, finding remunerative employment in the manufactured articles sold abroad; our vast agricultural areas developed to their fullest capacity, furnishing food to millions of people beyond our borders, carried on American ships manned by American seamen. Who shall say

that we are not interested in the financial resources and policy of every country in the world and that it is not of vital importance that we shall aid in securing some universal international system which shall be free from sudden change and fluctuation, or that great questions of financial policy, upon which depend the prosperity and therefore the happiness of our people, are not international questions?

There have been three international conferences upon the subject of bimetallism, and failure has been written opposite each.

The conference of 1878 was held too soon after the change which Germany had made in her financial policy. That Empire refused to participate, France held aloof, and England attended only through courtesy.

The conference of 1881, called at the invitation of France and the United States, following close upon the heels of the former one, added much to the world's knowledge of the subject, but continental politics still played an important part, and no conclusion was reached.

The conference of 1892, summoned at our invitation, at the head of which the President designated the able and distinguished Senator from Iowa [Mr. ALLISON], was doomed from the first, although at the outset it seemed full of promise. The Conservative party in England, in general sympathy with the movement, went out of power between the time when the law was enacted authorizing the representation of Great Britain and the time when the delegates were named. Mr. Gladstone, prime minister, was hostile, and both the English delegation and the instructions which accompanied them were unfavorable. France, content with her system, lent an unwilling ear and a tardy approval of the conference. Germany allied herself with England in the announcement that she would make no change in her standard. Nothwithstanding the ability of the delegation from this country, no result could be attained, and the conference adjourned, nominally to meet again, but never resumed its sessions.

Meanwhile, in 1895, the three great countries of England, Germany, and France, either unanimously or by an overwhelming majority in their parliaments, declared their desire to cooperate with the other powers in an international conference for the purpose of removing or mitigating the constant fluctuations and growing divergence in the relative value of gold and silver. It was because of those resolutions by these three great powers, as well as in the fulfillment of the pledge of the St. Louis platform and the principles or the Republican party, that in 1897 one more attempt was made to settle this question.

Mr. President, I do not intend to go into the facts concerning the commission abroad or the preliminary trip which preceded it. I took the time of the Senate nearly two years ago with a very full description of what took place. But the lapse of time, perhaps, permits me to mention one or two facts which may be of interest in the Senate. The position of France has been quoted by one or two speakers during the course of this debate. The position of France was that she was bimetallic, and that under no conceivable circumstances would France make a change in her financial system unless important concessions could first be obtained from England; and without concessions from England, including the opening of the India mint, France would not proceed further.

There was another fact which lapse of time permits me to state without embarrassment to anybody, and that is the undoubted fact that when our envoys—for there was no conference called—had their interviews with the English ministry in the late summer of 1897, before the proposals which we had made were forwarded to India, the English ministry were of the unanimous opinion that the India authorities would quickly avail themselves of our offers, and that the result of our proposals would be the acceptance of them. That fact is as undoubted as any fact in existence. When people talk here of the futile efforts of the envoys, they little realize how near to the achievement of success we came.

There is one further fact of greater importance in view of what I am going to say, and that is that I sincerely believe that if we had then been in a position, either in the summer before our proposals went to India, or afterwards, upon their return, to negotiate with the English Government upon the basis of a change of ratio, not great, not enormous, but something of a change to meet the altered conditions, we might still then have come back with an agreement executed and not with failure. But we were not at liberty so to do. The hostility that prevailed here would have prevented.

Mr. President, it is undoubtedly true that our final success was perhaps neither furthered nor hindered by the attitudes and actions of parties and individuals on this side of the water. But there was nothing left undone by the extremists on both sides to injure and destroy our usefulness and the possibility of our success.

I do not care again to refer to the action of Administration subordinates. Above them all was the President of the United States, and it is beyond any question that he, as well as the ambassadors abroad, cordially and zealously cooperated with the commission, gave us a free hand and the fullest power.

There are, however, some facts concerning the attitude of the followers of Mr. Bryan toward an attempt to secure an international agreement, not only while we were abroad but since, of which it is pertinent to speak at this time and which clearly indicate the policy of his party respecting this question.

There were notable exceptions. I spoke of some of them when I came back, the Senator from Arkansas [Mr. JONES] and others, who cordially seconded our efforts; but even on the preliminary journey, before we went away, the then Senator from Utah, Mr. Cannon, felt pretty bad to think we had gone, and talked of it as the "dilettante dalliance with the question," and spoke of our "genuflections before the throne of foreign finance."

The Senator from Virginia [Mr. DANIEL], always earnest in this question, always able in its presentation, still felt that our country was losing some of its republican characteristics if we should be willing to speak with people who lived under a monarchy; and he said:

> The picture of the great republican people of America roaring "as gently as any sucking dove," through the haunts of Lombard street, and seeking interviews with the magnates of foreign finance with the piteous wail that the American people may take this matter in their own hands unless some dole of concession be given them, is an impressive picture which should be put into the Rotunda of the Capitol.

The Senator from Nevada [Mr. STEWART] felt very badly about it, and he said:

> I want the time to come when the sending of ambassadors to Europe to supplicate the crowned heads to allow us to legislate for own country shall stop.

And he thought—

> it is so unpatriotic, so un American, to go to Europe to get legislation for this country that I can not look upon it with any favor. I can not look upon it but as a calamity.

The Senator from South Dakota [Mr. PETTIGREW], of course, was against us. And he said, among other things:

> I do not believe we should longer be suppliants at the feet of European nations.

And then he delivered himself of that doctrine which has been again and again reiterated by the adherents of Mr. Bryan. He said, "Suppose we could not maintain the parity. What harm would it do us?" He said we would then go into the ranks of the most prosperous people of the world, and he defied mankind to show us a prosperous country on the gold standard, and said our only hope for prosperity was to go as a silver-using country unable to maintain the parity between gold and silver.

Mr. President, I do not care to go into the utterances of that time. The newspapers of the party were filled with every conceivable attack not only on the policy sought to be carried out, but on our good faith in making the endeavor. It has been so from that day to this. Almost every orator, almost every speaker, and almost every newspaper have sought to bring ridicule and contempt upon us and upon our efforts to secure bimetallism by international agreement.

Colorado—I do not mean to speak at length of occurrences in my own State; I only speak of instances there because they are evidence of the position of the Bryan party everywhere. My friend the Senator from Montana and my friend the Senator from Idaho had the same experiences in their States. Mr. President, the fact that I went as an envoy and tried to bring about an international agreement that would bring silver back to coinage was used as an argument to prove that I was a traitor, disloyal to silver, unworthy of my State. I was placarded all over the State, where I have lived since the year I became of age, as a traitor, disloyal to the State I represented, all because I tried to represent her and secure if I could some recognition for silver; and from that time until only the other day, when the Senator from Nebraska [Mr. ALLEN], who seems to be now the chief mouthpiece of the Bryan Democracy, denounced our attempt as foolish and ridiculous, there has never been a public utterance by the Bryan party except in hostility to our efforts.

Mr. President, I do not mean to refer at length to Colorado, where there is naturally deep feeling on this question. At some future time I may. But I rejoice to say that there is a radical change taking place not only in Colorado, but in all the far Northwestern States. Our people are tired of hearing only a gospel of hate and sectionalism. We do not pay as much attention as we formerly did to the prophets of despair and doom, who are eternally warning us against the wrath to come, that somehow does not come. We are getting a glimmering shadow of an idea that if we want friendships, and prosperous communities, and capital for our marvelous resources, we are as apt to get them by maintaining cordial relations with the rest of the country, even if they do not fully agree with us on the silver question, as we are by bitter words and savage hate toward everybody who happens to differ with us; and that perhaps the cause of bimetallism is not really furthered by an alliance with people who want to tear up railroads

and tear down the Supreme Court, and whose principal mission seems to be to persuade mankind that they are on their way to the poorhouse.

Life is not all cheerfulness and content; but some of it is, and we are going to take ours without waiting for Mr. Bryan, for he may not arrive. The black specter of the "crime of '73" no longer walks abroad in Colorado and keeps us awake nights. It has gone over the range, and we are coming out from the caves of gloom into the open sunshine of hope.

Our Commonwealth is the richest in natural resources in the whole Union, but its chiefest value is in the fact that it lies in the heart of this great free Republic, one of an eternal brotherhood of States, linked together in one common and immortal destiny.

In these attacks upon bimetallism the head of the party has especially distinguished himself. All through the last campaign in Nebraska again and again he denounced as foolish and futile all attempts to secure international bimetallism. And in a speech last summer at Louisville he disclosed fully and fairly his policy. And in his organ, the National Watchman or the national something the speech is reported. It is short, and I must read it. In it he declares and outlines the policy of his followers in respect to bimetallism. Mr. Bryan said:

I believe that independent action will force international bimetallism, and that it is the only way that you will ever bring the nations of the Old World to an international agreement. When our commissioner goes over there, it will not be to petition; it will be to announce the purpose of the American people. He will tell them that 70,000,000 of people have as much right to protect their property from depreciation as a handful of financiers have to legislate more value into the notes and bonds and mortgages they hold. He will tell them that, by the free and unlimited coinage of gold and silver at 16 to 1, we can maintain the parity between gold and silver; but he will say, if you people doubt it, just remember that you have a good deal of money loaned in the United States that is payable in coin, and that coin means either gold or silver; and remember that if we fail to maintain the parity, it will be because you men conspire to make one of the metals cheap, and if you conspire to decry the value of silver—if you conspire to make gold dearer merely because you want to increase the value of your dollar—we will punish you by paying you in the metal you make cheap.

This is the gentleman whom a great party is to choose as its standard bearer; a gentleman who openly announces that if he were President of the United States, charged with the protection of the nation's honor, he would announce to the governments of Europe that the United States intended opening its mints to silver; that in his opinion the parity would be maintained, but would threaten them if they did not join us, and the experiment failed, we would pay our obligations to them in depreciated money. This is a new doctrine, Mr. President—that of bimetallism by blackmail! It is not surprising in the light of this statement that investors insist on a gold bond, and one can readily understand why Mr. Bryan occupies the most unique and remarkable position of any man in our whole political history. It is but a few months before the national Democratic convention, and his nomination is eagerly desired by both the great political parties. The Democracy wants him, the Republican party wants the Democracy to have him, and he wants himself! [Laughter.]

The only exception among those on the other side of the Chamber who insist that we are humiliated by a bimetallic agreement was in the address of the able Senator from Virginia [Mr. DANIEL] a day or two ago. I have a copy of that portion of his speech here, in which he seems to favor international agreement, not for bimetallism, but to raise silver to par, in which he says:

Keep all our metal money at par.

* * * * * * * *

Our present stock of silver can easily be kept at par with gold, as it has been since 1893, now nearly seven years. By the simple process of preserving its legal tender quality we will preserve its par value.

The Senator then proposes, inasmuch as the people seem to want an international agreement, that we make an international agreement with Mexico and Central and South America. I shall be very brief on this point. I can not believe that the Senator from Virginia carefully looked over the figures of Central and South America to see what he would do. In most of those countries you could not find a piece of gold in the country if you went over it with a hoe. There is none there. In most of them silver is at a premium, ranging from 50 per cent to 500 per cent, or from 500 per cent down, and in many of them the standard is silver, and there is not any of that.

In Central America to-day, with a population of 3,400,000, there is at present 30 cents per capita of gold, and in South America there is $1.91 per capita. In 1897 they coined the enormous sum in all South America of $49. That was the total gold coinage of South America, where, with a population of 38,000,000 people, they have got $1,159,000,000 of uncovered paper money. They have got thirty dollars and a half of uncovered paper money to every human being there, and that includes white people, who are few in number and very intelligent, Indians, negroes, zamboes, and all the crossbreeds. For the white people it will average something over $200 per capita of uncovered depreciated paper money.

How in the world any man who desires, as the Senator from Virginia, I know, does, to maintain the parity of the two metals and the credit and good name of the United States can believe that the silver cause can be helped by going into a silver bimetallic agreement with the countries of Central and South America I can not see. The mints of South America are open to gold to-day. You pay 4.61 per cent, I think it is, to coin silver and only 1.41 per cent to coin gold. They will coin you a dollar of gold, which is legal tender; they will coin you a silver dollar, which is legal tender, and you can take the dollar of gold and go into the same treasury and get 2.1 silver dollars. How in the world the Senator from Virginia would seek to bring about a bimetallic agreement with those countries that would do us any good I can not see, but I do not care to go any further into it now.

Mr. President, I do believe that whoever says international bimetallism is dead has not fully familiarized himself with the question. It is true that for the present all negotiations are in check and stopped. England, at an enormous cost to India and enormous cost to herself, is now trying upon that unhappy people an experiment which almost every economic thinker, including most of the bankers and merchants of the city of London, believes must be fraught with disastrous failure. The agricultural interests of England and the population in Lancashire are still adherents of the bimetallic doctrine. In view of the almost certain failure of the India experiment, it is not only my opinion but that of most of the economic thinkers of Europe that there is every probability that within a short period the Empire of England will be very glad to consider the question again.

The Empire of Germany has one great party, the agricultural party, overwhelmingly and practically unanimously bimetallic. Curiously enough the hostility to bimetallism in Germany comes solely and principally from the labor people, the Socialist party. Those who represent labor inscribe in their platforms and upon their banners hostility to bimetallism in any form; but that country has not recently been officially approached. Its writers, thinkers, representatives express the opinion, especially in view of the great prosperity that is attending that country to-day and the great needs for a larger volume of money, which are everywhere evident, and which have reduced the price of her good securities—her bonds—to so low a rate that she also would be glad to consider the question.

With France there would be greater difficulty. That great Republic is becoming more and more indifferent to open mints, because she has a decreasing population and an enormous circulation per capita. The new gold discoveries are adding, if you will notice, month after month, to the preponderance of the gold reserve over the silver reserve in the Bank of France, making her present great stock of silver safer for her to carry; and there is more reluctance and less initiative to-day in the Republic of France than anywhere. But all those countries are ready for international bimetallism if some change of ratio can be made, not large, but in some measure meeting the great difference between the two metals. You must remember that there have been four or five changes of ratio in the history of silver, and that every change has been a moderate increase in the ratio. I believe that soon all those countries will be ready for negotiation; I believe also with beneficent results.

It is my sincere conviction that in our day, and soon, a genuine and united effort will be sought by the leading commercial nations to restore the bimetallic system. The amendment before the Senate informs the world that we stand ready to cooperate. If it is accomplished it can only be through the aid in this country of the party which has ever stood for the maintenance of the national honor and the national credit, and when it comes it will come to bless mankind. [Applause in the galleries.]

Mr. BUTLER. Mr. President, I ask that the amendment which I have offered to the pending bill, in the nature of a substitute, be laid before the Senate. It is to be entitled "An act to establish a unit of account and to provide for the coinage of money, and for other purposes."

The amendment submitted by Mr. BUTLER January 15, 1900, is as follows:

That the unit of account shall be dollar, and the fractional parts thereof shall be cent and mill; the cent shall be the one-hundredth part of a dollar, or unit, and the mill shall be the one-thousandth part of a dollar, or unit; and that all the accounts of the Government and of the public offices thereof and all the proceedings in the courts of the United States shall be kept and stated in such unit and fractional parts thereof, namely, dollars, cents, and mills.

SEC. 2. That the money of the United States shall be manufactured or coined out of gold, silver, paper, and copper. The gold coins shall be manufactured out of an alloy of which nine parts by weight shall be pure gold, and one part by weight shall be copper or copper and silver, and shall be known as standard gold. The silver coins shall be manufactured or coined out of an alloy of which nine parts by weight shall be pure silver and one part by weight shall be copper, and shall be known as standard silver. The copper or minor coins shall be manufactured or coined out of an alloy of which three parts by weight shall be copper and one part by weight shall be nickel. The paper money or units shall be manufactured or coined out of paper, the character and quality of which shall be determined by the Secretary of the Treasury.

SEC. 3. That no piece of money coined or manufactured out of gold, silver, or paper shall be greater than twenty dollars or units, and each piece of money manufactured by the United States out of gold, silver, or paper shall be a legal tender for all debts, public and private, at their nominal or face value. The minor coins shall be a legal tender at their nominal or face value for all debts, public and private, in amounts not to exceed one dollar or unit in any single payment.

SEC. 4. That there shall be manufactured or coined out of standard gold the following coins or pieces of money, namely: Twenty dollar or unit pieces, each to be twenty dollars or units, and to contain 516 grains, troy; ten dollar or unit pieces, each to be ten dollars or units, and to contain 258 grains, troy; five dollar or unit pieces, each to be five dollars or units, and to contain 129 grains, troy.

SEC. 5. That there shall be manufactured or coined out of standard silver the following coins or pieces of money, namely: Dollar or unit pieces, each to be one dollar or unit, and to contain 412½ grains, troy; one-half dollar or unit pieces, each to be one-half of a dollar or unit, and to contain 206¼ grains, troy; quarter dollar or unit pieces, each to be one-quarter of a dollar or unit, and to contain 103⅛ grains, troy; dimes, each to be one-tenth of a dollar or unit, and to contain 41¼ grains, troy.

SEC. 6. That the minor coins of the United States shall be a 5-cent piece and a 1-cent piece. The 5-cent piece shall be the one-twentieth part of a dollar or unit, and shall contain 80 grains, troy; the 1-cent piece shall be the the one-hundredth part of a dollar or unit, and shall contain 40 grains, troy.

SEC. 7. That any person may bring to the mints of the United States gold or silver bullion to be coined into money, and the same shall be coined into money for him free of charge immediately upon receipt of the same at the mint, and into pieces of such denominations as he may designate, and if he fail to inform the Director of the Mint at the time his bullion is received at the mint what denominations he desires his bullion to be coined into, the same shall be coined into such pieces as the Director of the Mint may direct. All gold and silver bullion which is now owned by, or which may hereafter come into the possession of, the United States, shall be immediately coined into money.

SEC. 8. That the minor coins shall be coined out of material purchased by the Director of the Mint with funds appropriated for that purpose, and the same shall be delivered to any person or persons who may purchase the same of the Government at their nominal or face value.

SEC. 9. That no coins other than those provided for in this act shall hereafter be manufactured at the mint to be used for money in the United States.

SEC. 10. That upon the coins that shall be coined hereafter at the mint the following devices and legends, and none other, shall be stamped or printed, namely: Upon the obverse side an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the coinage, and upon the reverse side the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and the designation of the number of dollars or units or parts of a dollar or unit of the coin, as, for example, twenty dollars or units, dollar or unit, or half dollar or unit, as the case may be; but the figure of the eagle shall be omitted from the 10-cent piece. The minor coins shall bear the same inscriptions as the other coins, except the eagle shall be omitted, and each piece shall be designated as 5 cents or 1 cent, as the case may be.

SEC. 11. That there shall be manufactured or coined out of paper, at the Bureau of Engraving and Printing of the United States, the following kinds or pieces of money, and none other, namely: Twenty dollar or unit pieces, each to be twenty dollars or units; ten-dollar or unit pieces, each to be ten dollars or units; five dollar or unit pieces, each to be five dollars or units; two dollar or unit pieces, each to be two dollars or units; one dollar or unit pieces, each to be one dollar or unit.

SEC. 12. That upon the obverse side of each piece of paper money that shall be coined under this act the following devices or legends shall be printed or stamped, namely: The denomination, expressed in numerals; the serial number (and each denomination shall be numbered separately), commencing with the number one; the respective signatures of the Secretary and Registrar of the Treasury; the year of the coinage; the words "United States of America" and "E Pluribus Unum" and an impression of the Goddess of Liberty, with the word "Liberty" beneath it. Upon the obverse and reverse sides of each piece shall be printed or stamped the words "A legal tender for all debts, public and private," and across both sides the denomination thereof expressed in words, as, for example, "Twenty dollars or units" or "Dollar or unit," as the case may be. Upon the obverse side of each twenty dollar or unit piece shall be stamped a vignette of George Washington, beneath which shall be printed or stamped the words "George Washington, first President of the United States." Upon the obverse side of each ten dollar or unit piece shall be stamped a vignette of Andrew Jackson, beneath which shall be printed or stamped the words "Andrew Jackson, seventh President of the United States." Upon the obverse of each five dollar or unit piece shall be stamped a vignette of Abraham Lincoln, beneath which shall be printed or stamped the words "Abraham Lincoln, sixteenth President of the United States." Upon the obverse side of each two dollar or unit piece shall be printed or stamped a vignette of Thomas Jefferson, beneath which shall be printed or stamped the words "Thomas Jefferson, third President of the United States." Upon the obverse side of each one dollar or unit piece shall be printed or stamped a vignette of Benjamin Franklin, beneath which shall be printed or stamped the words "Benjamin Franklin, one of the first advocates of paper money." Such other devices and printing may be placed upon each piece of paper money coined under this act for the purpose of designating it from other pieces, and which may be pertinent for that purpose, as may be determined by the Secretary of the Treasury.

SEC. 13. That plates shall be engraved under the direction of the Secretary of the Treasury for the purpose of printing or coining the various denominations of money out of paper as herein provided for. The engraving and the printing shall be of the highest art, and the paper shall be of the best character and quality that can be obtained for that purpose. The pieces of paper money coined under this act shall be uniform in size, and the engraving on the plates on which they shall be printed or coined shall be 6 inches and seven-eighths of an inch in length and 3 inches in width.

SEC. 14. That there shall be coined out of paper an amount of money of the various denominations herein provided for sufficient to cover the total amount of the following obligations of the United States, namely: Bonds, principal and interest, United States notes, old demand notes, fractional currency, gold certificates, silver certificates, certificates of deposit, Treasury notes of 1890, and the national-bank notes. Whenever any of said obligations, except the bonds of the United States, come into possession of the United States, the same shall be retained, canceled, and destroyed, and in place thereof shall be substituted an equal amount of coined paper money, dollar for dollar, and the same shall thereafter be paid out upon the various obligations of the United States as they mature.

SEC. 15. That whenever any of the bonds of the United States shall be presented for payment at the Treasury thereof before the same shall become due, the Treasurer of the United States shall pay to the owner thereof the nominal or face value of the bonds presented, and interest thereon to the date of presentation, in coined paper money, dollar for dollar; but if when presented for payment as aforesaid, gold or silver coin be demanded, the Treasurer may pay the same either in gold or silver coin, or both, as he may elect. All bonds paid by the United States as herein provided for shall be immediately canceled and destroyed.

SEC. 16. That each national bank organized under the laws of the United States shall, within ninety days from and after the passage of this act, forward to the Treasurer of the United States an amount of money equal to the amount of notes issued and put into circulation by it; on receipt of which the bonds held by the United States as security for its circulation shall be delivered to it.

SEC. 17. That if any person, after the passage of this act, shall bring gold or silver bullion to the mints of the United States to be coined into money, there shall be delivered to him, at his option, the coins coined out of his bullion, or an equal amount of coined paper money, dollar for dollar; and there shall be coined and kept on hand a sufficient amount of coined paper money to meet any demand that may be made upon the Treasurer for coined paper money in exchange for gold or silver bullion.

SEC. 18. That whenever gold or silver bullion shall be exchanged for coined paper money the bullion so exchanged shall be and become the property of the United States and shall be immediately coined into money and used in the payment of the debts and obligations of the United States as they mature.

SEC. 19. That the Treasurer of the United States shall under no circumstances exchange one kind of money for another kind with any person, persons, or corporation.

SEC. 20. That in coining money out of paper, as provided for in this act, the following rule shall be observed, namely: For every twenty dollar or unit piece there shall be coined 2 ten dollar or unit pieces, 4 five dollar or unit pieces, 10 two dollar or unit pieces, and 20 one dollar or unit pieces; for every ten dollar or unit piece there shall be coined 2 five dollar or unit pieces, 5 two dollar or unit pieces, and 10 one dollar or unit pieces; for every five dollar or unit piece there shall be coined 5 one dollar or unit pieces.

SEC. 21. That any of the money that may be coined out of paper under this act that shall become mutilated or injured so as to become unfit for use shall, when presented to the Treasurer of the United States by the owner thereof, or when the same shall come into the Treasury of the United States, be taken up and destroyed, and in lieu thereof shall be issued new money coined out of paper.

SEC. 22. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 23. That the title of the act shall be amended to read as follows: "An act to establish a unit of account and to provide for the coinage of money, and for other purposes."

Mr. BUTLER. Mr. President, to properly explain this amendment, which is a substitute bill in toto for the pending bill, and to clear away the false and absurd notions that prevail concerning money would require a volume and therefore much more time than I can devote to it now, although the importance of the subject requires that I should do so.

In many features the amendment follows the bill that was passed April 2, 1792. It provides that the money of the United States shall hereafter be coined out of gold, silver, and paper, and all money except the minor coins shall be a legal tender for all debts, public and private. It also provides for the free and unlimited coinage of both gold and silver at the rate established by the act of 1837.

The coinage of money out of paper, while to a certain extent a new feature, yet is demanded by the necessities of modern civilization.

Everything that is used as a medium of exchange is money, of whatever material it may be made. There can be but two kinds of money—one that is manufactured in pursuance of law and the other that is used by common consent. All money that is used by common consent has no power whatever to pay debts, public or private, and can only discharge debts by consent of parties. Money is entirely domestic in its character and is made for the sole use of the people of the country which makes it. Under the Constitution the Congress alone has power to manufacture money, and it is left to Congress to determine what it shall be manufactured out of. There is no limitation upon that power. It can manufacture it out of gold alone or silver alone or out of both metals; it can manufacture it out of paper alone or out of the precious metals and paper; out of one or either, or out of all. The power of Congress is unlimited. Of this there can be no question whatever.

The money that is manufactured by the United States is manufactured ostensibly, at least, for the people of the United States and for nobody else, and none of it can perform the functions of money outside of the United States except by common consent or agreement of parties.

There is no such thing as "the money of the world." Nobody knows this better than those who are so frequently using that term in the interest of contraction. Every nation has its own money, just as it has its own laws. Money is the result of law. There can be no money without law. The law of each country says what the money of that country shall be, and the money made by such law is as domestic in its character as the law itself. There is the money of the United States, but it is only money in the United States. The same is true of the money of Great Britain, the money of France, and the money of every other nation. It can only perform the functions of money within the dominion of that nation. The only way that people of another nation can use the money of this country is by trading with us, for of course we receive our own money from a foreigner as we receive it from each other in exchange for products; but when we, as a nation, pay our balances in trade to other countries we pay them in products and not in money. We pay them in cotton, tobacco, wheat, or manufactured products. If, however, they wanted

gold or silver, do we pay them so many gold dollars or so many silver dollars? No; we place the gold or silver in scales and weigh it, just as we weigh cotton or tobacco. The gold and silver that we pay them in is to them a commodity, even if the money stamp is on it. We can pay them in gold bullion or silver bullion without any stamp on it, and they receive it by weight just the same as if the money stamp was on it. So when we pay them in gold and silver we are not paying them in money; we are simply paying them in commodity by weight. When we travel abroad we do not use our money, but we exchange our money for the money of the country in which we travel. We could just as easily change a bale of cotton, if we owned it, into the money of that country. So when I own a bale of cotton there is just as much sense in calling that bale of cotton the cotton of the world as when I own a gold dollar of the United States to call that gold dollar a gold dollar of the world.

Mr. President, the discussion of this amendment involves the whole consideration of the money question, and it ought not to be lightly passed over. The question is not out of what material money shall be manufactured, but the quantity that is to be manufactured and put into circulation. One man may call him a gold man, another may call himself a silver man, another may call himself a greenbacker. No matter what they call themselves, you can divide all men on the financial question into two classes. One side wants money scarcer and dearer; the other wants it more plentiful and wants its volume to increase in proportion to the increase of population and business so as to maintain the stability of prices and the equation between the man and the dollar. Every man occupies one of those two sides on the money question except the distinguished Senator from Colorado [Mr. WOLCOTT] who has just spoken, and I do not think he himself knows which side he is on.

Mr. President, there is but one vital point in the whole money question, and that is how much is needed. There is unlimited power in Congress to make money. There is unlimited power to make it out of anything—to make it out of diamonds, if you please. We have the power to make it out of diamonds or out of platinum. The only question is how much. The gold man says he wants it of gold. That is because he wants it scarce. There is not an intelligent gold man in America to-day who would not be against gold if the amount of it got plentiful enough to furnish sufficient money. If silver was scarcer than gold, the gold man would at once become a silver man, because he would want the scarcer money. Indeed, it has occurred more than once when the output of gold was very large that the gold men have begun to favor the demonetization of gold.

The only question, Mr. President, is how much, and that is a question which Congress should decide, just as we decide how much taxes shall be collected, and for the same reason. The gold man says, "I am for gold," and yet when I ask him where the gold is coming from, he says, "I do not know; they are getting it now from so and so." "But will it come next year in as large a quantity?" "I do not know." The most ardent gold man in America or in the world must stand up in any audience and confess that the supply is not only limited but precarious. Is it wise to have our money made solely out of a metal that is not only scarce, but the supply of which may be double next year what it is this, or may be half next year what it is this? Population is not liable to the same fluctuations, but, on the other hand, population steadily increases. Then should not the volume of money steadily increase in proportion? Suppose the output of gold should suddenly become very abundant. I would say there would be precisely the same objection to it, because it might suddenly make too much money.

My objection to the gold standard is not only on account of the scarcity of gold, but on account of the precariousness of the output, and therefore the want of stability in prices under the gold standard. My contention is for an amount of money that will meet the needs of the country, regulated by Congress and not depending upon chance; and when that is done, I do not care whether it is made out of gold, silver, paper, copper, or diamonds. It makes but little difference to the country; the country will prosper if Congress will increase the volume each year with the increase of population and business, no matter what it is made out of.

Mr. President, that money is an absolute necessity in civilized communities no one will dispute, and there would never be any discussion of the question if it were not for the fact that there are a small number of people who favor restricting the amount of money in order that the minority of mankind may profit by the millions of wealth producers. The only question to be discussed is how much, how many dollars.

Money is a manufactured article, manufactured by the Government alone, and it is manufactured for certain specific purposes, chief among which are to pay debts, public and private, to facilitate exchanges, and to buy the obligations of others. If money has not the function to pay debts, public and private, it is as valueless as money as any other commodity. Take from money, of whatever material made, the power to pay debts, public and private, and its chief money function is destroyed, and the material simply becomes a commodity, to be bought and sold in the market the same as other commodities.

Each nation at the present time fixes the rate at which gold can be coined into money free of charge. In the United States 25.8 grains of standard gold are required to be put into every dollar coined out of that metal. The price of gold bullion, therefore, in the United States is fixed by law, the same as it is in every other country where it can be coined free into money. Can it be doubted that if all the nations should close their mints to the free coinage of gold, the price of gold bullion would fall in the market? Can there be any doubt that the price would fall more than 50 per cent? Everybody knows now what the price of gold bullion is, because it is fixed by law and by nothing else. However much gold may be produced, the price of it in the United States under the present law will be the same as it is now, viz, 25.8 grains will be worth a dollar.

At the present time silver bullion is selling for about 57 cents an ounce. This is so because silver bullion is priced in the same way that corn and wheat and other commodities are priced.

If the mints of the United States should be opened to the free coinage of silver at the rate established by the law of 1837, can anyone doubt for a moment that silver bullion would be worth $1.29 an ounce? Is there a man in this Chamber who, if he were the owner of silver bullion, would sell it for less than the mint price? Is there any person anywhere on the globe who would sell silver bullion for less than the mint price established by the law in the United States, less exchange, insurance, and transportation? I do not think any such person could be found. The mint price, therefore, would be the market price of the silver bullion in the United States, and that would fix the price of bullion throughout the world.

Any person who has given the matter a moment's thought would say that the price of silver bullion could not be less than that fixed by law. If gold were treated by the nations in the same way that silver is now treated, it would not be worth as much in the market as silver is to-day, and if neither could be used for money, they would be practically valueless. A man who is the owner of a ton of gold bullion in the United States can determine very readily its value, and that is done by dividing the total mass of metal by the amount of metal that is required to be put into each unit and the quotient will be the price of it expressed in dollars. The same would be true of silver under free coinage of that metal. To say that it would not be true is to contradict the facts in the case and the universal judgment of men. The price, however, of either gold or silver has nothing to do with the purchasing power of the money made out of those metals. As soon as money is coined and put into circulation it takes upon itself a new relation; the question then is, What is its value or purchasing power? The value or purchasing power of every unit of money that is in circulation must depend, other things remaining the same, upon the number of units that are in the market to be sold—that are in circulation.

The real contention in the money question never was and never can be over the material out of which money shall be made, but over the quantity of it that shall be made and put into circulation. Those who contend that gold alone should be used for money are contending for a smaller volume of money than those who contend for the free coinage of money out of both metals.

But no one will claim that with both gold and silver used fully for money the mines will each year produce enough of those metals to increase the volume of money each year with the increasing population. The volume of money would still depend upon chance. There should be no chance about it. The volume of money should be increased scientifically and with mathematical certainty. When the Government has so much money to raise we figure to a nicety just how much taxes to levy to raise the money required. In the same way we should figure to a nicety just how much new money should be manufactured each year and put into circulation. When the people increase, just so should money increase. The people can not "make bricks without straw." This is why I have provided for the coinage of paper money, every dollar of which will pay all debts, public and private, as well as a gold dollar.

The bill that is before the Senate for consideration is one designed for the express purpose of decreasing the number of units in circulation that have the power to pay debts, public and private.

Mr. President, as long as you give to corporations or private individuals the power to control the money volume, just so long the business and industries of the country will have to respond to their demands, and it is for the purpose of breaking up this combination, the most dangerous and powerful combination that any country or people could be subject to, and to take out of their

hands the power to control the volume of money is the purpose of this substitute, and it would do it.

The first thing Congress should do is to establish a unit of account, and this was practically done in the act of 1792. My bill has the same provision. The next duty of Congress is to manufacture units, and under the Constitution, as already stated, units may be made out of any material that the Congress may determine upon. That this is so will be doubted by no one who has examined the matter or knows anything about it.

Much is said about a unit of value, and the statute as it now stands provides that the unit of value shall be dollar and the same shall be made out of gold, each dollar to contain 25.8 grains of standard gold. To say that a dollar is a standard of value is to state a proposition that is senseless, for there can in the very nature of things be no standard of value. Why? Because value has neither length, breadth, nor thickness, and is not ponderable. Then what is value? Value is simply the judgment or estimation of individuals in respect to a certain thing. The value of a dollar or of any other piece of money, like anything else that is offered for sale, is determined by the parties to each transaction in which a dollar or money is involved. Value, therefore, is estimation judgment, and in economics can have relation to nothing except money. Other things are priced in terms of money.

Money is a commodity manufactured by law to be used for certain purposes, and the value of it must of necessity, like everything else, depend upon the demand of and supply for it. The law of supply and demand is as applicable to money as to any other thing, and to say that it is not is to state a thing that is absolutely false, as every sane person must know. If the supply of money be increased and the demand for it remains the same, its value or purchasing power must decrease; so if the demand for money remain the same and the quantity of it be decreased, the value or purchasing power of it must go up. The rise and fall in the value or purchasing power of money is evidenced by the rise and fall in the prices of things that are in the market for sale. Prices generally can not go up and the value or purchasing power of money remain the same. Neither can the prices of things go down in general and the purchasing power of money remain the same.

The relation that money sustains to things, to prices, is a mathematical one, pure and simple. Every person who is familiar with the rules in common or vulgar fractions can very readily ascertain how the value or purchasing power of money is affected.

If the population of a country should double and the money volume remain the same, of necessity the purchasing power of every unit of money in circulation would be doubled. If, on the other hand, the population of a country should be decreased one-half, the money volume remaining the same, the purchasing power of each unit in circulation would fall 50 per cent, other things remaining the same.

Money is only valuable as such because of the functions which it performs.

The gold that is in a piece of money in ordinary transactions is not bought or sold because of the metal, but simply and solely because of the functions which the Government, by law, had conferred upon it. Take from a twenty-dollar gold piece the stamp that is placed thereon, obliterate all evidence of its coinage, and it becomes valueless as money, and can only be bought and sold like other commodities, except that the price of it is determined by the mint rate. This would be true also of silver dollars under free coinage of that metal.

If you melt a twenty-dollar gold piece into a nugget the money functions of that piece would be destroyed. The price of the gold bullion that is in the nugget would not be affected, and why? Because you could send that nugget to the mint and have it coined into a twenty-dollar gold piece, and when so coined it is clothed again with all the functions of money. With the nugget no person could pay any debt whatever any more than he could pay a debt with wheat, corn, or any other commodity. In other words, as soon as the piece is destroyed as money it becomes a commodity, the price of which is fixed by law. The law gives the right to every person to take gold to the mint to be coined into money free of charge.

How is it in the case of 20 silver dollars? In the market 20 silver dollars will buy as much property, pay for as much services, discharge as much debt, in the United States as a twenty-dollar gold piece. Of this there can be no doubt whatever, because every silver dollar, under the laws as they now exist, has the power to pay all debts, public and private. If 20 silver dollars were melted into a nugget the money functions of those dollars would be destroyed absolutely, and the nugget could no more pay a debt, either public or private, than the nugget of gold made out of a twenty-dollar gold piece. As soon as the silver dollars are destroyed as money the silver becomes a commodity, and is bought and sold in the market the same as other things.

If every person had the right to take silver to the mint and have it coined into dollars or units, free of charge, would not the nugget made out of 20 silver dollars be worth $20 in the United States? Can there be any doubt about this proposition? If the person who owned the silver nugget could take it to the mint and have it coined into 20 silver dollars, free of charge, would not the market price of that nugget be 20 silver dollars? Who says that this would not be true? Would not the mint rate be the market rate, and would not the market rate be the mint rate? There can be no question about it. It is a self-evident proposition.

But it is said that if we should open our mints to the free coinage of silver it would have no effect upon the price of silver outside of the borders of the United States. Is there any person who believes such a proposition as that who has any knowledge of the subject at all? I doubt it very much. If this law should be passed, in the United States, at least, silver would be worth $1.29 an ounce. Of this there can be no question, because no person in the United States could be found, whether miner, banker, broker, or Senator, who is the owner of silver bullion, who would sell it for less than the mint rate, any more than a person would now sell gold bullion for less than the mint rate. How would it be with the person who lived in England, for example? Suppose a man living in London had a ton of silver bullion. Would he dispose of his bullion after the passage of this law for less than the price that he could get for it in the American market? I doubt if any man on earth could be found who would be willing to dispose of his silver bullion for a less sum than the market price of it in the United States. What would be its market price here? Manifestly the mint rate. Would it sell for any less? Surely no man would dispose of his bullion for less money than he could have it coined into.

Does any man sell gold bullion for less than the amount he can receive for it at the mint?

Under free coinage of gold or silver the price of bullion is fixed by law, and there is no instance where any person has ever sold any quantity of either gold or silver in any country for a less amount than he could have his metal coined into, free of charge, at the mints of such country.

It is said, Mr. President, and it is true, that silver is worth in the market now less than it was previous to 1873. Why is it less in price? Because nowhere on earth, except possibly in Mexico, can it be coined free into money at any rate whatever. It therefore is treated as a commodity, and the price of it everywhere is determined by the inexorable law of supply and demand.

In the case of gold the supply is limited, the demand for money made out of it is unlimited, and the rate at which it can be coined into money is fixed by law. Hence it is that the mint price and the market price of gold bullion everywhere are the same. This would be true of silver if that metal could be coined free into money.

It is contended that if we should admit silver at the mints to be coined free into money the money so coined would not circulate in other countries. If it did not, it would be a great blessing to the American people.

It is assumed by many that American gold coins do circulate throughout the world and perform the functions of money. This is not true, as everybody must know who has ever traveled abroad.

A twenty-dollar gold piece has no more power to pay a debt, public or private, in any other country than the United States than the gold coins of any other country have the power to pay debts, public or private, within the United States. No person in England, for example, to whom American gold coin is tendered in payment of debt is under any obligation whatever to take it. If he should take it, it would be an act of accommodation merely to the party tendering it. The party who receives it would at once estimate its value in what? In English money, and give him credit on his account for the amount of money that his gold coin would coin into in Great Britain, just as if he tendered so much gold bullion or so many pig-iron bars or so many bales of cotton, and that had been estimated in English money and entered on the books to his credit. Simply that, and nothing more. That is what you call international money. You might as well speak of international cotton.

The rate at which gold can be coined into money in different nations depends upon the law of each nation, and in determining the price of gold bullion in any country, whether coined or uncoined, it must be ascertained how much money the bullion would coin into in the country where it is sold. That is the calculation, and nothing else.

Nobody will pretend to say that in the United States English gold coins circulate and perform the functions of money. In determining the price of English coins in the United States, reference is had to the coinage rate here and not in England.

It is not true that gold coins of the United States circulate and perform the functions of money without the borders of the United States, and if silver could be coined free into money here silver dollars would not circulate and perform the functions of money outside of the United States. This is so because money is purely and absolutely domestic in its character. It is for use in the

country in which it is made. It never was intended to circulate outside of that country, and it is a curse to the country when it does so even as bullion, as long as it is used as a money metal.

It is said that if silver should be coined into money here the country would be flooded. That is another great objection. One was that it would not circulate in foreign countries, and the other is that we would be inundated with a flood of silver money. To admit that is to admit the whole contention of those who favor an increase in the money volume. If there is anybody in this Chamber or out of it, in the United States, who would fear such a flood let him speak.

The man who brings foreign silver to our mints to have it coined free into money will stay here with it if he can not take it away to other countries where it is equally as valuable. If he stays here with it he must use it. He will put it into industrial enterprises and employ labor and add to the material wealth of the nation. Would that be a curse? Is that the kind of a flood that our gold-standard friends are afraid of? But, Mr. President, there is no use in discussing this or any other trumped-up scare. There is no sense or reason in it. Besides, it is the duty of Congress to regulate the volume of money. Let Congress do that duty and then there is an end of the whole matter. Let Congress determine just how much money we need and then make it. If Congress can not be trusted to do this, who can? Is it better to leave it to chance? Is it better to put it into the hands of a few bankers? How foolish and absurd. Of course, Mr. President, there can be too much money, as well as too little, as I have already stated, but whenever and wherever there has been too much money there have been a thousand times and places where there was too little money.

Both are evils; but to-day we are threatened with the evil of contraction; we are not threatened with the evil of inflation. The trouble with this country to-day is that it is short on money. The Republicans in this Congress and the officials of the Government have admitted that in the bill we have now before us. This Senate bill providing for the gold standard and providing that the banks shall have unlimited power to circulate their notes is a confession that this country is short on money. Every banker in the United States says we are short on money, and the very bill that is now here under consideration emphasizes that more strongly than anything else.

Mr. President, we are short on money, and we are so short that we could absorb all the surplus money in the world to-day and not have enough to meet the demands of our population and our business. Who would be injured if some of the surplus silver that can be found in the world to-day was to come here and be coined into money? It is certain that the great mass of the people, those who produce and distribute the wealth of the nation, would be greatly benefited by an increase. Then who would be injured? The usurers, the exploiters of wealth, the idle rich, and those whose salaries are fixed by law think they would be injured, but they would not be. It is true that their profits would not be so large, but they, too, would prosper, because the property they have would increase in price and their opportunities, if they desired to avail themselves of them, would increase also. So the very men who are claiming that they would be injured, though small in number, if they understood the situation, would find that in the long run they would prosper with the remainder of the people.

Mr. President, it is said also that the credit of the nation will be injured if this gold-standard bank-monopoly bill is not passed. What is the matter with the nation's credit now? The majority claim that they want this bill to strengthen the credit of the nation. Strengthen it! I stand up to defend this nation, and to say that it does not need any strengthening of its credit, and that if it does, it does not need to be put in debt to strengthen that credit. I can not strengthen my credit by putting bonds and mortgages on myself to pay future interest, and you can not convince me or any 10-year old boy in America that you can strengthen the credit of this nation in that manner. There are some people who seem to think that the affairs of a nation have to be conducted entirely different from the affairs of a prudent and successful business man.

Can anybody tell me why a nation that has the sole and absolute power to manufacture money to be used in its own borders as a medium of exchange should ever go into the market to borrow of others money to pay its expenses? Is there an individual in this body, or in this country who would borrow a single dollar of any person if he had the power and ability to manufacture his own money? If an individual would not do such a thing, can anybody give me a good reason why a nation should do so? Why can not a government use common sense, like any sane individual?

Does the miller's wife go without bread and borrow it of her neighbors while her husband has plenty of flour in his mill, or wheat to be converted into flour and the power and facilities for grinding it? If she should go about borrowing loaves of bread and agreeing to pay usury upon it, would not every person in the community where she lives regard her as a fit subject for the asylum? What difference is there between the miller's wife and a government in the case cited? There is no difference.

It is more absurd and foolish for a government—a great, rich, strong government like this—to go about borrowing money and creating a perpetual national debt than it would be for a miller's wife to go about borrowing loaves of bread and paying usury upon them while her larder was full of meal. Instead of creating a larger national debt we ought to pay off as soon as possible the debt we now have, and then stop borrowing. We are amply able to pay every dollar the Government owes, yet this Senate bill provides that the debt shall be increased and made perpetual—pay interest forever. Indeed, this bill makes it necessary to increase the debt each year in order to get any increase in the money of the country—a cunningly devised scheme for the bankers and bondholders.

Mr. President, the next contention of the Goldites is that if silver or paper should be coined into money it would drive gold out of the country. Suppose it would. What has that got to do with the situation? Gold never will stay with us except when it could rob us; it never stays except in times of peace; it always deserts in times of war. It does not even ask permission to go when war breaks out or trouble comes. It simply stays so long as it pleases it, and it profits by it.

Mr. President, I think we could survive and prosper as a nation if all the gold left; we could survive and prosper if all the silver left us, for it is as great a coward and traitor in times of war as gold, provided our silver friends would not be as cranky as our gold friends and insist, whenever we got short on silver, that we must starve to death because there is not enough silver to make money. Suppose both gold and silver should desert us in times of great need. What would we do? Do just as we have done in the past when both deserted us, coin greenbacks, or coin money out of diamonds or platinum, if our silver friends should get so fastidious about the substance as the gold men are about gold. The Government has unlimited power to make its money out of any substance—make a scientific money and manufacture each year just enough new money to meet the demands of increasing population and business without any accident or chance. When gold and silver desert us, this is just what we do and must do. Then why not make that kind of money for all the time? This kind of money which serves us in times of war will certainly serve us in times of peace. Then our money would always be with us.

Is it not true that this country did business for more than thirteen years without a gold or a silver dollar in it, so far as anyone could see? That period included one of the greatest wars that this world has ever seen. Was there any trouble in the business affairs of the country from 1862 to 1875 in consequence of there being no metal money? There was none whatever. The trouble that arose during the latter part of that period was the result of the destruction of the notes that the Government had issued and put into circulation, and which were performing the functions of money, and not because there was a lack of gold and silver money.

Let the gold go abroad if it will. All money that is made of metal will go to the country where the owner of it can get the most for it, and if a man can sell gold to better advantage in England than he can in this country he will take it there. The same is true of silver. It is a matter of little importance what material is used by a government to manufacture money out of, and therefore it is of no importance whether gold remains in circulation or does not. Gold will not go abroad because it is the dearer metal, but because the need for gold for monetary purposes is greater elsewhere than here, and that need would be evidenced by lower prices in the country to which it was taken. As long as money is made out of gold or silver or gold alone or silver alone each nation can only get its distributive share of the total amount. If one nation has at any period more than its distributive share, the surplus will be forced to other countries which have not their distributive share. If silver could be coined free here, undoubtedly prices would go up, and as a result gold, to some extent at least, would be taken out of the country to restore the monetary equilibrium. That would be beneficial to the country to which it was sent, for it would increase the quantity of money there, and that would have a tendency to increase general prices.

Since money is domestic in its character it should be made out of a material that can not be exported or imported on account of the material, and as long as the present monetary conditions exist there will be constant disturbances in the business world.

It is said that the value of money depends upon the material of which it is made. But that that is not true must be apparent to anybody who knows anything about the money question. Except for export and import, money is never bought or sold because of the material. Gold coins are never bought or sold on the market for the metal that is in the coins, except for the purpose of exporting them abroad, where they will be sold by weight, like cotton or other commodities.

What use is the metal in a twenty-dollar gold piece as money? Does the merchant when he sells goods for such a piece buy it because he wants the metal? No. He never thinks of the metal;

he has no use for the metal. It is not the metal that he desires. What is it that he buys? He simply buys the functions which the law has clothed the coin with. It could have been placed upon anything else just as well. Take the functions of money from the piece of metal and it is valueless to him as money.

What is the metal used for? Simply and solely for the purpose of bearing the stamp of the Government, which certifies that it has the power to perform certain functions and that it was made in pursuance of law. The metal is fit for nothing except to inform the holder that it is made in pursuance of law and that the law has said that it shall perform certain functions.

No person who buys a twenty-dollar gold piece ever thinks of the metal that is in it. All he has in mind is the fact that he can use it to purchase other things with or to pay his debts. What is true with respect to money made out of gold is true with respect to money made out of any material. The stamp of Government may be placed upon a piece of paper and clothe that piece of paper with the same functions that it can clothe metal money with. If not, why not?

Mr. President, the making of money out of gold and silver is a relic of barbarism. Surely the time will come in our civilization when we will discard that one last relic. If the gold mines were to shut down and the silver mines should stop giving out any metal at all, would that break the hallucination; would it open and put to work the minds of the fossils; would it put everybody to using common sense about money as they do about everything else? If we could get rid of all such barbaric doubts and heresies it would be a blessing to mankind.

It is claimed that if silver could be coined free the silver-mine owners would be benefited. That was one of the great slogans of the last campaign. I do not deny that charge; I frankly admit it: and in reply to it I say, why not benefit the silver-mine owner? Is not a silver-mine owner as much entitled to protection and consideration as the gold-mine owner? Do we not benefit the gold-mine owner by having the mints open to gold? Yes. Then as long as the gold-mine owner is thus protected I am in favor of giving exactly the same benefit to the silver-mine owner. Are not the silver-mine owners of as much importance as the gold-mine owners? Are they not just as good citizens? At the present you furnish every gold miner in the world a market for his metal and you say to him bring it here and we will coin it into units of money for you, free of charge. He knows when he mines his gold just what he can get for it. He does not have to consult the market reports. He knows that the law says that his bullion in the United States is worth a certain sum per ounce.

Why should the gold-mine owner be protected and furnished a market for his metal at a fixed price, a market that is always open, where the demand is constant, a market where he never is at a loss to know what he shall do with his metal or what it will bring? Is this Government to grant to a certain class of individuals, who produce a certain commodity, a market that is constant, where the price of his commodity is fixed by law, to the exclusion of every other person in the country from that privilege? Our forefathers declared against monopolies, but a gold monopoly is the most gigantic trust that Congress could create. Oh, but it will be said that silver has been discarded by the nations as money, and the price of it has gone down, and therefore it is not as valuable as gold. Such statements emanate from the bondholders, the money scavengers, and their agents, and from no person who has an understanding of the money question. It is they who dictate that money shall be made out of gold alone and not out of the two metals or anything else.

If money shall be made out of the two metals, they know that the quantity would be increased; and that is what they object to; they know that prices in general would rise, and that is what they object to; they know the purchasing power of the gold dollar, which has already been doubled in purchasing power by legislation, would fall to its normal and honest price, and that is what they object to. What they desire is to have the purchasing power of money, no matter what it is made out of, increased and kept increasing, except when they desire to make fluctuations by calling in or putting out bank notes. They know, if the money volume should be increased, that prices would rise, that the price of labor would be increased, the products of the people would be greater in number, and there would be general prosperity for every man who toils or who creates wealth or who is engaged in an honest productive enterprise. They have no interest whatever in the wealth producers of the country except so far as they may be able, through their usury and exactions, to filch from them their earnings.

If money shall be made out of metal, then make it out of the two metals and coin each free, and place the gold miner and silver miner upon the same basis with respect to the law.

But many people are afraid that if such a thing should be done our country would be flooded with money.

Why is it that these good, gold-standard friends of ours never suggest the possibility of a scarcity of money? Does it not seem that it would occur to them that if there could be such a thing as a flood of money it is equally possible, under certain conditions, that there might be a scarcity of money? Yet I have never heard a single advocate of the gold standard suggest that there might possibly, under some circumstances, be a scarcity of full, legal-tender money.

Mr. President, in the name of all the people, in the name of humanity, in the name of the struggling millions in this country, I invite this increase of money that would come from opening the mints to silver. I am certain that I myself and that all the people would be carried away with ecstasies if they could be drowned in a flood of money. It is the flood that the bondholder, the gambler, and the usurer fear; for when that comes and general prosperity reigns among the wealth producers, his business will cease to be so lavishly prosperous, and the many will have something of an opportunity to get on in the world without first calling at the usurer's office to give him that which he never earned.

But it is said that other nations have discarded silver. What difference does that make to us? Shall we not be permitted to manufacture our own money and in such quantities as we desire because other nations, controlled as they are by the money sharks, have dictated a different policy as to a domestic matter? Do we ask Great Britain, for example, what laws we shall pass here with respect to crimes, the descent and distribution of the estate, the incorporation of companies, the management of our cities and our various institutions? We totally disregard Great Britain in respect to those matters, as we do every other nation. Why shall we not with respect to money? Are not the interests of our people of vastly more importance to us than the interests of the people of other nations? It seems to me so. There are many who seem to think that when the question of money is under consideration we must get on our knees and consult other nations to find out what they will permit us to do.

The functions of money can be stamped by our Government upon any material the Congress may determine. What is the best material? That paper is the best material on which to stamp money functions nobody of intelligence will dispute. Why? Because it is more difficult to be counterfeited, it wears just as long, it is more convenient to handle, and is easier to transport; it costs less to produce and less to manufacture.

There is another important consideration, and that is, it costs less for the Government to buy the paper on which to stamp the function than it does to buy gold or silver. Why should the Government spend a dollar on silver and lose the interest on its value to have it go about to declare the functions of $1, when a piece of paper is more durable, more convenient, more desirable to the people, and better in every way than the piece of silver? It is a waste of raw material. I would rather have the silver in spoons and the gold in my teeth and have my money in paper; then I would have both.

Mr. President, these are my views on the question, and I may say they are the views of every man who has studied the question scientifically. While I claim no credit for originality, I have studied carefully the works and the expressions of those who have mastered the subject, and I am satisfied that they are right. Yet my amendment does not propose to make all of the money out of paper. My amendment provides for the free coinage of gold, the free coinage of silver, and then for the free coinage of greenbacks up to how much? What quantity? Supplement the gold and silver with the free coinage of greenbacks each year just enough to keep pace with the increase of population and business. Is not that right?

Can not you trust Congress to do it? You trust the Congress to lay taxes and collect them. If Congress has enough sense to say how much taxes shall be put upon the people, has it not sense enough and honesty to say how much money shall be added to the money each year; and if it has not sense enough, in heaven's name, do you think a selfish banker, who is looking after his self-interest and not anybody else's, has? My bill provides for the coinage of gold, silver, and paper. I put in the gold and silver because under the present conditions it seemed to me better to do it. It seems to me easier in that way to reach relief and a just monetary system, because then we have less prejudice to combat, and because we accomplish the same thing, except that we waste the raw material in the dollar, which is unnecessary; but we can stand that loss if we can get a sufficient volume of money.

If any people or any nation should find that there is one kind of money that does very well in times of peace but that will not do in times of war, while there is another kind of money that is always reliable in times of war, which one of these two kinds of money would it be wise for that people or nation to adopt in arranging a sound, safe, and reliable financial system? The kind that will answer well both in peace and in war or the kind that leaves us when war and trouble come? Following the old and true

adage, In times of peace prepare for war, would not everyone with a thimbleful of brains at once reply, Let us by all means adopt the money that will stand by us and do service in times of peril? I challenge any Senator on this floor to deny or to question the correctness of this statement. Now, if this is true, what does it teach us about the kind of money we should now adopt in times of peace in order to be ready for war as well as for peace? What kind of money did the Government use from 1861, the beginning of the civil war, until long after the war closed?

What kind of money did Abraham Lincoln call to his assistance, not only to run the ordinary expenses of the Government but to supply the enormous and expensive munitions of war? Was it gold? No. Why was it not gold? Because gold, the thieving coward that it is, was the nation's first deserter. It did not wait even for the first gun to be fired, but with the first serious rumor of war it took itself in hiding. In times of peace gold smilingly turns up and asks for the permission of being our money standard, because it desires the privilege of making every dollar in the nation pay tribute to itself as long as there is peace and no danger. When war or trouble comes, it asks to be excused and deserts us to our fate. Yes; gold deserted Lincoln, so did silver. What kind of money stayed with us and fought the battles of the nation? What kind of money was used throughout that powerful conflict until the last gun was fired at Appomattox? It was the good old reliable greenback, that the money shark would strike down to-day. The greenback was a patriot and has been the friend of the people. Gold has been a coward, and a traitor and a robber. The substitute which I have offered is to make the patriotic and faithful greenback the mainstay of the country in peace as it must be and will be in war. Is there any question about which one of these two moneys the people would choose?

If the nation can support itself with greenbacks in time of war, who dare tell me that we are not strong enough to do it in time of peace and plenty and prosperity? If our credit is good in time of war and good enough to support greenbacks then, is it not a thousand times stronger in times of peace? Therefore let us take the money that is good both in peace and war.

The different pieces of money provided in my amendment are designated dollars or units, or dollar or unit, as the case may be. This is the only proper thing, and the statutes that have been enacted heretofore have disregarded accurate and scientific terms with respect to money. The only thing that we can do is to establish a unit of account and then determine what units shall be made of and then proceed to manufacture dollars or units. The dollar is the name of the unit of account, and all accounts are required to be kept in dollars and fractional parts thereof, the same as now. No denomination shall be greater than twenty dollars or units. The reason for this is that money is made for the plain people of the country and not for the banking interests. Money is made to be used and not to be hoarded, and it is more convenient that all the pieces should be small rather than large. The gold coins are at present no larger than $20, therefore it is that $20 seems to be the proper number of dollars that should be put into one piece.

Under this amendment, if it should be enacted into law, the present debt of the United States would be paid and discharged within at least five years from the date of its passage.

It will be observed that as fast as each note of the United States or of the banks shall come into the hands of the Government it shall be taken up and destroyed and in its place substituted coined paper money. Within a very short time the great mass of the notes now outstanding would disappear from circulation and the new money would appear in its place. This of itself would cause no disturbance, and the debt of the United States would be decreased to that extent. It will be asked, "How is it possible to coin money out of paper?" To coin means to fashion, to manufacture, to stamp. It is true that the verb itself is commonly understood to mean to stamp metal or to fashion metal into money.

As a matter of fact the Congress manufactures money; it manufactures it out of gold and out of silver. Why can it not manufacture it out of any other material? It certainly can. The Government alone owns the factories in which money is manufactured, and it certainly can own a factory in which money can be manufactured out of paper. The paper money that is in circulation now in the United States is composed entirely of the promissory notes of the Government. These notes ultimately must be paid, and whenever they come into the hands of the Government they can surely be destroyed and the obligation canceled. In order to prevent any financial distress money coined out of paper can be substituted therefor and the people benefited to the extent of the discharge of a portion, at least, of their debts. The policy seems to be, however, of those who manage and control the finances of the country, to prevent the payment of the debts of the Government, and no person yet has suggested, so far as I know, any remedy by which the notes of the Government shall be paid and the debt evidenced by them discharged.

But the advocates of this bill say, We propose to give you bank currency if we do not give you greenbacks. Mr. President, if the gold standard is right, why do we need anything besides gold for money? The only way to prove that the gold standard is honest is to show that we have enough gold to make a sufficient number of legal-tender dollars. If there is not enough gold to be gotten to make sufficient money for the people, then it is a crime to make gold the standard of value and require all debts to be paid in gold, and that is what this Senate bill does.

If there were enough gold in sight now, who could guarantee that there would be a year from now or five years from now? It is an uncertain quantity; it is controlled by accidents and chances; but the fact is there is not enough gold now in sight, and there has not been and there is no probability that there will be, and this bill admits it. Why? Because it provides for the bankers flooding the country with their promissory notes and allowing them to draw interest on them. You admit that it is necessary to supplement gold. If this is true and we must issue such bogus money that must be redeemed in some other money, tell me how it makes it better to have a bank to issue it than to have the Government to issue it? Is one man in the country greater than seventy millions?

Does it make the dollar better for the banker to handle it and lend it out on interest? It makes the dollar no better, it makes the people no better, but poorer, and it makes the banker richer; and that is all there is in it. Is one bank stronger and more reliable and more honest than all the rest of the country? Are the 4,000 banks to which you give this privilege stronger and more reliable than all the rest of the country—than the Government itself? Is their credit better than the Government's credit? If so, then there is some reason and justice in this bill. Oh, what miserable hypocrisy! If we must have token money to be redeemed in some other money, then, in the name of high heaven, if we want the best token money that can be made, why not let the Government make it all?

Mr. President, the only explanation and the only excuse is that then the big profits that the bankers make would be saved to the people and the bankers would not make it, but the people would keep it in their pockets. That is the only difference between the plan proposed in this bill and the plan I propose. Yes, there is one other difference, and that is if the Government issued its money, then the bankers would not be able to contract and expand its volume when they wanted to speculate and make prices go up and down as it suited their greed or gambling desires and schemes. Inasmuch as everybody admits that the most important thing about money is its volume, is it not the most foolish, not to say criminal, thing that a government ever did to allow a part of their number—a minority of their number; 1 man out of 70,000,000 or 100 men out of 70,000,000—to say how much money you shall have and how much money you shall not have? Would not any seventy millions of people be fools and arrant fools to put a rope around their necks and give the other end of the rope to a few hundred men who wanted to make the others pay tribute to them? Yet that is what this bill does. It allows a few to say to 70,000,000 how large a volume of money they shall have and how little without consulting Congress.

I am not consulted, you, Mr. President, will not be consulted, when your bill is passed. You will not stand in your seat responsible to your constituents and say how much money there shall be next year or the year thereafter. But the whole thing will be decided and controlled off in the countingrooms without consulting us. We are a side show. The headquarters will be in Wall street. It does something else even worse than that. When this bill is once enacted into law, it makes it impossible as long as this law stands for the amount of money to be increased even by the banks except by an increase of the national debt. You propose to put me in the position that hereafter, when I object to increasing the national debt, you can say to me, "Then you object to increasing the amount of money."

Once this bill is passed into law, and neither I nor any other representative of the people on this floor or in the other House could protest against a further increase of the national debt without having it thrown in his teeth by the Goldites that when we protested against that we protested against the only means possible by which the bankers could, if they saw fit, increase the circulating medium and give the people more money when they needed it. Monstrous proposition! Shocking scheme! And yet that is what this bill does. But, Mr. President, under my amendment, instead of increasing the national debt and making it necessary to increase it before you can increase the circulating medium, my amendment provides that the national debt shall be discharged, and very rapidly. The money to be coined under it will be no more of a debt than the money coined out of gold or silver, and as long as the Government endures just so long will that money be as valuable as money made out of gold or silver. It will be said at once that this bill will disturb the parity between the dollars manufactured under it. Whoever knew that the parity

between two dollars, each of which had the same power to pay debts as the other, could possibly be disturbed as long as they remain money? Parity is a fraud, and people only talk about it who do not understand the money question in the slightest; or if they do, they talk of it for the purpose of misleading the unwary and the ignorant.

Can there be any difference in the purchasing power of a dollar made out of paper and one made out of gold when each under the law has the same power to discharge a debt, public and private, that the other has? Nobody has ever heard of such an instance.

I challenge any Goldite on this floor or in this country to point to an instance in the world where one dollar has ever failed to be at a parity with any other dollar if they both stood on the same footing before the law, clothed with the same legal-tender functions and neither one discriminated against, no matter what substance they are made of. There has been a great deal of experiment in money in this world, but in all the experiments history does not furnish the illustration to disprove the truth of my statement.

Mr. President, can there be any difference in the purchasing power of a dollar made out of paper, or silver, or gold, if they both under the law have precisely the same functions and power? Congress has unlimited power to put those functions on anything it sees fit.

It has been stated on this floor and elsewhere over and over again that what we want in this country is money every dollar of which is equal in purchasing power to every other dollar. That is all I contend for; that is all the people of this country want; and the only way to do that is to clothe each dollar with the absolute power to discharge any and all public and private debts. In other words, each dollar shall be a legal tender for all debts, public and private.

A dollar that must be redeemed in some other dollar is not a dollar, no matter what substance the Government uses in stamping the dollar upon. Every dollar must be a dollar by itself—a full legal tender by itself—and not be dependent upon any other dollar. In short, every tub must stand on its own bottom. That is the kind of honest money that a government should give to its people.

If a man can pay as much debt with a dollar coined out of paper at the taxing office as he can with a gold or silver dollar, then that paper dollar is as valuable as either of the others and the parity between the three or any two of them would be maintained.

Outside of what is called the Treasury notes, and possibly coin certificates, not a single solitary note issued by the Government on its own account or through the banks has any power whatever to pay debts, public or private. And yet by common consent of the people, for they practically have no other kind of money, these notes are received and passed from hand to hand and perform the functions of money. No lawyer, however, would ever think of advising his client, when required to make a legal tender for a debt, to tender national-bank notes or any of the other notes issued by the Government except such as is made by specific statute a legal tender for debts, public and private.

Nobody need be disturbed about the parity business; that is too senseless to be talked about, and when I hear Senators and others talk about disturbing the parity of our money or maintaining the parity of it I know that they are either interested in banks or are under obligation to banks or sustain such relation to them as to practically be their attorneys. In other words, I suspect that for one consideration or another they are doing the work of the money scavenger.

All money that is made in a country should remain in the country to perform the work designed for it to perform. If it goes out for any reason to remain out, it is valueless as money in the country where it is made as soon as it leaves its borders, and it ceases to be money. Money made out of paper will not be exported as such, but will remain in the country where it is made. That money is good money and no other is good money, except so long as it remains to do the work for which it was created.

Under my amendment all the silver that is in the vaults of the Government will not only be coined into money, but that that is coined will be paid out as required and the certificates that are outstanding against it will be discharged and paid, and the bullion and coin will be released. This will be true also of gold. If a person should bring either gold or silver to the mints to be coined into money and should prefer money coined out of paper to the metal, whose business is it but his? And surely as long as people take in exchange for their bullion money coined out of paper the parity between the paper and metal money will be maintained.

That we are short in this country on money nobody will doubt. As stated before, the bill under consideration here reported to this Senate is conclusive proof of that fact. If there were plenty of gold and silver money in circulation in the United States, in the name of reason why is it that the banks should be permitted to issue notes, indorsed by the Government, to be used as a circulating medium? Why extend to the banking interests of this country such a privilege as this? Are the banks any better than individuals? Should they have any greater rights before the law than individuals? If we extend to a bank the right to issue notes made by the Government to be used as money, why not give the same right to individuals? We should not; and every man who has the interest of the people at heart should not only protest against this bill but vote against it and all other bills of similar import.

It is said that this bill under consideration is gotten up for the express purpose of furnishing an elastic currency and placing the country upon an absolute gold basis. An elastic currency! In the name of all the gods, is not our currency elastic enough now? It is so elastic that outside of the banks and the officeholders few are able to see it, much less to be owners of it. This Government has no right whatever to create corporations and give them the power to control the currency of the country, expand it when they see fit, and contract it when they see fit—elasticity to the banker only, with the power to pull the elastic. The duty of this Government is to manufacture money for the people and place it in their hands and let them do with it what they see fit, and when it fails to do this, then the Government absolutely fails to perform one of the greatest functions of government, one of the greatest reasons for organizing government.

Mr. President, it is not a question of elasticity, it is a question of quantity. If the quantity be increased, as it will be under my amendment, not only the debts of the Government will be discharged, but the people would have an opportunity to pay what they owe during their natural lives.

Since 1873 the debts of the people of the country, municipal, State, corporate, and individual have increased annually, so that to-day the people in the aggregate owe more than forty thousand millions of dollars. When will this enormous debt be paid? Time never will be, under present financial conditions, when this debt will be paid. Individual debts will be outlawed to be sure, as well as many corporate debts, but others will take their places, so that instead of the debt decreasing it will increase.

The national banks alone in this country, on September 20, 1898, owed more than four thousand millions of dollars with an equal amount of resources. Of the resources, about three hundred millions of dollars was money. In the case of the banks alone there is a total debt of more than eight thousand millions of dollars, all of which is based upon less than three hundred millions of dollars, of which a little over one hundred and ten millions was composed of legal-tender notes which are themselves debts. What a business this is. Call this business? I call this worse than any bunco-steering game that was ever invented. Under the authority of law the people who own these banks have been able to build up a credit business of more than eight thousand millions of dollars upon less than two hundred millions of actual money.

The amount of interest that the 3,585 national banks that were then in existence extracted from its victims is not stated by the Comptroller of the Currency, and it seems to me for very obvious reasons. He reports that that year there were 9,485 banks of all kinds in the United States, with total resources of something over eight thousand six hundred millions of dollars, with an equal amount of liabilities; that the total amount of money in all those banks on the 14th day of July, 1898, was $687,796,173. Of that amount $84,598,284 is listed as cash. The probabilities are that that was made up largely of clearing-house receipts and stuff of that sort.

Here, then, is a total debt on the part of those banks, independent of their money, of about sixteen thousand millions of dollars. What a commentary on the financial policy of a government like this that permits a few thousand people to organize banks, put in a little money, and increase the indebtedness of the country in this great amount. Was there ever a greater fraud perpetrated under the sanction of law? If there be, I have yet to learn it. Why, think of it, there was not money enough in all the banks of the United States to pay 10 cents on a dollar on what they owed on demand even, saying nothing about the debts owing to them. And you call this business? I call this deliberate robbery, under the sanction of law.

The national banks alone on that date owed to their depositors $2,031,454,540.29. They owed also more than $760,000,000 to the United States and to other banks and to the officers of the United States. This is the kind of business that our Government tolerates and encourages as a business enterprise. This is the kind of business enterprise that is in the future to control our finances. Those who control these banks, those who manage this business in this way, are the men who are behind the Senate bill. They are the men who demanded that it should come here for consideration—no; to be voted on and passed, not for consideration.

Why should we increase their facilities for building up additional credits and thereby still further extract from the industries of this country an increased amount of usury? When and where

is this thing to end; when are the people to be financially free; when shall their rights be protected; when shall they be taken out of hock and their own restored to them? It will not be until the members of this Senate appreciate fully their responsibilities to the people, and until they have the courage to defy the combined money interests of this country and stand by the toiling millions who pay all the debts and all the usury and support us all, including themselves. My amendment affords you an opportunity to furnish adequate financial relief to the people; the Senate bill will not. Under my amendment the national banks, at least, will have to go out of existence, and the debts they owe would have to be paid as well as the debts owing to them. They could not be injured for the very reason that their facilities for raising money would increase, the prices of their property would rise, and it would only be a few months, not to exceed five years, when this great and monstrous debt would be substantially discharged and the people to that extent liberated.

If my amendment should be enacted into law and all of the obligations of the Government now outstanding, exclusive of the bonds, were paid, there would only be in the United States the same amount of money that the Secretary reports was in the country on February 1, 1900, viz, $2,261,957,698. A large portion of this sum would soon find its way out of the Treasury, where it never ought to be and where, under the law, it has no right to be. This sum is not as great a sum as was in the country on October 1, 1865, by several hundred millions of dollars. On that date there were $2,625,053,240.16 in the United States, the greater portion of which was in circulation. At that time we only had a population of how much? About half what we have now, 35,000,000, and now we have a population estimated to be 77,116,000.

If all the bonds should be taken up and coined paper money exchanged therefor, the circulation would only be increased something over a thousand millions of dollars. This would not give to the people 50 per cent as much money as they are entitled to have and as they ought to have.

Why should not the amount of money in circulation be something near what it was in 1865; that is, $100 per head? But my amount would make it only about half that amount—only about from $50 to $60 per head.

The supporters of this Senate bill claim that one of its purposes is to increase and strengthen the credit of the Government. What is the matter with the nation's credit now? Is its credit not good enough to-day to issue its greenbacks and make its own money? Is a nation's credit better in war than in peace? Our credit thirty years ago in war was good enough to make our own money without asking the consent of any other nation or the permission of any gold syndicate. But when the friends and supporters of the Senate bill say they want to strengthen the credit of the nation they simply mean that they want to increase the number of bonds that the Government will issue and give the bondholders a larger investment.

They mean that they want to tax the people more to pay more interest on more bonds. I submit that this is the way to impair if not to destroy the nation's credit. An individual can get into debt deep enough and pile up his interest charges high enough until his credit will be impaired if not destroyed. Just so with a nation. But let me ask if a nation's credit is not good enough when every money lender is the world is anxious to get its bonds, at even a low rate of interest. Can not a nation that can issue bonds and have the unpatriotic money gamblers scrambling to secure them issue its own greenbacks and depend upon its own patriotic people to accept them? What is the difference between the greenback and the bond? The bond draws interest and the bondholder gets it. The faith of the Government is all that is behind it. How is it with the greenback? The faith of the Government is behind it, bottomed on taxes, as Jefferson said, but nobody gets any interest, and therefore it is a horrible wildcat scheme in the bondholder's eyes.

Now, who is that better for? It is simply better for the bondholders, because they get the interest. Who is it not better for? It is not better for the taxpayers, because they have to pay it. Then does the privilege that this bill gives to the taxpayers of paying interest to the bondholders strengthen the individual or strengthen the nation? Would we not be stronger if we did not pay the interest charges, as an individual would be richer if he did not pay interest charges every year? Then if we stopped issuing bonds and instead issued greenbacks, we would save the interest and be richer. Then would not the greenbacks be better than the bonds in the amount of interest that we would save? Would not the Government's credit be enhanced by just that much, to say nothing of the wonderful increase of prosperity to the people who would not only not be taxed to pay interest, but who would have sufficient money to enable their labor and toil to produce prosperity for themselves and for the nation? Yes; because we are richer by the difference in the interest, and therefore our credit behind the greenback is stronger than our credit behind the bond.

Mr. President, every bond that is issued by the United States is an evidence of the bondage of the people of the United States. Bond means bondage, and bondage means slavery, and there is no bondage on earth that is so infamous, so exacting, so far-reaching, and so paralyzing as the bondage the people are under to the usurer, unless it be the bondage of sin, and it is doubted if the bondage of sin is as great as the bondage of usury.

Every bond of this Government that is outstanding is an evidence of the shortage of money in the United States. Every note issued by a national bank is an evidence of the shortage of money in the United States. The fact that banks can exist and do business is an evidence of the fact—in fact, it is conclusive proof of the fact—that the people to that extent are short on money.

The bill that is before this Senate for consideration is an admission that the people are short on money. Why should we then refuse to manufacture money for our people? When I say we, I mean Congress—Congress that has unlimited power, and whose duty it is, under the Constitution, to exercise that power. Why should we by legislation drive them into the hands of the three-ball shops of this country and compel them to hypothecate their goods, their lands, their labors, and their lives to those persons who ruin them?

Who and what is a banker? As an individual I have the greatest respect for him, but I speak of his business. When I say business I mean that of issuing and controlling the volume of the currency. But I do not blame him; I blame Congress. The banker is no other than one who lives without creating wealth and upon the wealth that is created by others. We need banks as business institutions, but not banks of issue or banks to control the circulating medium of the country.

The banker is a parasite upon the community, upon the body politic, and it is the duty of the Congress to destroy such parasites, and this can only be done by the passage of such a law as I have introduced here.

People talk about credit! Who lives on credit? The people of this country, collectively and individually, are bankrupt. The nation itself is bankrupt and the debts that we owe will, under the present system, never be paid except by the law of limitation, by repudiation, or by revolution. Every revolution that has ever been has been the result of the indebtedness of the people. The cause of every revolution is bankruptcy, the hopeless insolvency of the people in rebellion. Revolution is but another name for repudiation.

Mr. President, every time I borrow money I admit that I am short on money and every dollar of interest that I pay is an evidence of the fact that I am short on money. Thus it is that the man who is short on money is forced to submit to a condition that makes him still shorter on money, for he must pay interest for the use of it. When shall the people ever be long on money? When they have enough. That will not be, Mr. President, until Congress shall come to the relief of the people and perform its constitutional duty, until Congress shall afford them an opportunity to pay as they go by furnishing a sufficient amount of full legal-tender money, until Congress shall put every industrious, frugal, and honest man in a position where the opportunities before him, when seized and used, will give him a competence for his wife and children and enable him to pay the honest debts which he has already incurred.

Increase the volume of money in this country so that there will be no less than, say, $50 per capita in circulation this year, next year, and every year, and you will remove the causes that disturb the stability of prices by destroying the power of the banking ring to contract and expand the volume of money at will; you will destroy the fabric of credit, and you will release the people from financial bondage and make them free. Let every dollar be a full legal tender, and let every dollar of such full legal-tender money, whether manufactured of gold, silver, or paper, be increased each year in proportion to the increase of population and business, and then you will have an honest parity—a parity between the man and the dollar.

Then, and not till then, will there be no involuntary poor and no idle rich growing richer from the labor of others. All tramps but the professional tramps will disappear. The workhouses, asylums, jails, and penitentiaries of the country will be less crowded with the unfortunate. Then, and not till then, will those who labor enjoy the fruit of their labors, and no one who is able to work will suffer or starve except those who refuse to work. Then, and not till then, will we be a nation of freemen, with the door of opportunity and the road of prosperity open to every willing heart and hand.

That is all that my amendment asks for. It is within the power of Congress to do it; it is the constitutional duty of Congress to do it. No honest citizen asks for more than this. To do less is to deny justice to a brave, industrious, and patriotic people.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 13, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1900.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Second Lieut. John Morrison, jr., Third Cavalry, to be first lieutenant, December 13, 1899, vice Sewell, First Cavalry, appointed assistant quartermaster, who resigns his line commission only.

Second Lieut. Harry O. Williard, Tenth Cavalry, to be first lieutenant, January 10, 1900, vice Michie, Second Cavalry, promoted.

Second Lieut. Lucius R. Holbrook, Fourth Cavalry, to be first lieutenant, January 23, 1900, vice Byram, First Cavalry, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Thirty-fourth Infantry.

Hosp. Steward Frank A. Jernigan, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, February 7, 1900, vice Duncan, promoted.

To be assistant surgeon with the rank of first lieutenant.

Raphael A. Edmonston, of the District of Columbia, acting assistant surgeon, United States Army, February 8, 1900, vice Bell, Thirty-fourth Infantry, United States Volunteers, resigned.

PROMOTIONS IN THE NAVY.

Lieut. Horace M. Witzel, to be a lieutenant-commander in the Navy from the 31st day of December, 1899, vice Lieut. Commander Uriah R. Harris, promoted.

Lieut. Reynold T. Hall, to be a lieutenant-commander in the Navy from the 11th day of January, 1900, vice Lieut. Commander Francis E. Greene, deceased.

Lieut. Albert G. Winterhalter, to be a lieutenant-commander in the Navy from the 18th day of January, 1900, vice Lieut. Commander Joseph P. Mickley, retired.

Passed Asst. Surg. Rand P. Crandall, to be a surgeon in the Navy from the 24th day of September, 1899, vice Surg. Manly H. Simons, promoted.

Passed Asst. Paymaster Richard Hatton, to be a paymaster in the Navy from the 20th day of January, 1900, vice Paymaster Josiah R. Stanton, promoted.

COMMISSIONERS TO INTERNATIONAL EXPOSITION.

Bertha Honoré Palmer, of Illinois, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Brutus J. Clay, of Kentucky, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Charles A. Collier, of Georgia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Michael H. De Young, of California, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

William L. Elkins, of Pennsylvania, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Ogden H. Fethers, of Wisconsin, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Peter Jansen, of Nebraska, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Calvin Manning, of Iowa, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Franklin Murphy, of New Jersey, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Henry A. Parr, of Maryland, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Henry M. Putney, of New Hampshire, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Alvin H. Sanders, of Illinois, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Louis Stern, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

William G. Thompson, of Michigan, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

William M. Thornton, of Virginia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Arthur E. Valois, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

Thomas F. Walsh, of Colorado, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

POSTMASTERS.

Ella G. Nix, to be postmaster at Fort Payne, in the county of Dekalb and State of Alabama, in the place of J. J. Nix, deceased.

James R. Gibson, to be postmaster at Hope, in the county of Hempstead and State of Arkansas, in the place of Floyd Thompson, resigned.

James O. Coleman, to be postmaster at Sacramento, in the county of Sacramento and State of California, in the place of Thomas Fox, whose commission expires March 13, 1900.

Frank L. Glass, to be postmaster at Martinez, in the county of Contra Costa and State of California, in the place of J. P. Briare, whose commission expired February 1, 1900.

Preston Holbrook, to be postmaster at Blackhawk, in the county of Gilpin and State of Colorado, in the place of Mary E. Bostwick, removed.

Matilda McCartney, to be postmaster at Silverton, in the county of San Juan and State of Colorado, in the place of R. J. McCartney, resigned.

Alfred E. Goddard, to be postmaster at Essex, in the county of Middlesex and State of Connecticut, in the place of Charles Harrington, whose commission expires March 3, 1900.

George P. Johnson, to be postmaster at Fayette, in the county of Canyon and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Napoleon B. La Paugh, to be postmaster at Chester, in the county of Randolph and State of Illinois, in the place of E. S. Clemens, whose commission expired January 23, 1900.

Charles Laramore, to be postmaster at Knox, in the county of Starke and State of Indiana, in the place of J. J. Cannon, whose commission expired February 11, 1900.

William A. Grummon, to be postmaster at Rockwell, in the county of Cerro Gordo and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Charles G. Robinson, to be postmaster at Earlington, in the county of Hopkins and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Frederick H. Fowler, to be postmaster at Walpole, in the county of Norfolk and State of Massachusetts, in the place of Frederick H. Fowler, whose commission expires February 18, 1900. (Reappointed.)

John F. Mitchell, to be postmaster at North Grafton, in the county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Lyman D. Thurston, to be postmaster at Leicester, in the county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Zebedee G. Culver, to be postmaster at Reading, in the county of Hillsdale and State of Michigan, in the place of G. R. Fitzsimmons, whose commission expires March 10, 1900.

William Cordiner, to be postmaster at Princeton, in the county of Millelacs and State of Minnesota, in the place of William Cordiner, whose commission expired December 19, 1899. (Reappointed.)

Richard A. Hudlin, to be postmaster at Clayton, in the county of St. Louis and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1899.

Fred T. Jackson, to be postmaster at Caruthersville, in the county of Pemiscot and State of Missouri, in the place of R. B. West, resigned.

Charles F. Hopkins, to be postmaster at Boonton, in the county of Morris and State of New Jersey, in the place of E. P. Looker, whose commission expired January 9, 1900.

W. G. Greenleaf, to be postmaster at Las Vegas Hot Springs, in the county of San Miguel and Territory of New Mexico, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1899.

Edward Quinn, to be postmaster at Gallup, in the county of Bernalillo and Territory of New Mexico, in the place of A. F. Ries, whose commission expired December 19, 1899.

Hiram B. Odell, to be postmaster at Newburgh, in the county of Orange and State of New York, in the place of L. W. Y. McCroskery, whose commission expired January 30, 1900.

Eugene P. Strong, to be postmaster at Bay Shore, in the county of Suffolk and State of New York, in place of L. W. Young, whose commission expires March 3, 1900.

J. J. Perkins, to be postmaster at Greenville, in the county of Pitt and State of North Carolina, in the place of G. B. King, whose commission expired February 1, 1900.

Edmund K. Cavileer, to be postmaster at Pembina, in the county of Pembina and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Arthur H. Johnson, to be postmaster at Drayton, in the county of Pembina and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Susan C. Cheatham, to be postmaster at Springfield, in the county of Robertson and State of Tennessee, in the place of M. M. Connell, whose commission expired January 15, 1900.

Frederick A. Hollman, to be postmaster at Green Bay, in the county of Brown and State of Wisconsin, in the place of E. H. Ellis, whose commission expired January 30, 1900.

Iram Z. Merriam, to be postmaster at Whitewater, in the county of Walworth and State of Wisconsin, in the place of J. H. Fryer, whose commission expires March 11, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1900.

COMMISSIONER TO PARIS EXPOSITION.

Bertha Honoré Palmer, of Illinois, to be commissioner of the United States to the international exposition to be held at Paris in 1900.

APPOINTMENT IN REVENUE-CUTTER SERVICE.

Joseph H. Crozier, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE ARMY.

Quartermaster's Department.

First Lieut. Charles D. Palmer, Sixth Artillery, to be assistant quartermaster with the rank of captain, January 31, 1900.

PROMOTIONS IN THE ARMY.

Medical Department.

Maj. James P. Kimball, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, February 1, 1900.

Capt. William O. Owen, assistant surgeon, to be surgeon with the rank of major, February 1, 1900.

Captain Peter R. Egan, assistant surgeon, to be surgeon with the rank of major, February 2, 1900.

POSTMASTERS.

Hugh M. Pierce, to be postmaster at Moultrie, in the county of Colquitt and State of Georgia.

William L. H. Henderson, to be postmaster at Oxford, in the county of Newton and State of Georgia.

Mattie H. Hanson, to be postmaster at Forsyth, in the county of Monroe and State of Georgia.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 12, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Friday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for two days, on account of important business.

To Mr. LANE, for one week, on account of important business.

To Mr. FINLEY (on request of Mr. TALBERT), for four days, on account of sickness.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order upon the bill.

Mr. HEMENWAY. Mr. Speaker, I desire to give notice that after the reading of the Journal to-morrow I shall ask for the consideration of this bill.

The SPEAKER. The gentleman from Indiana gives notice that after the reading of the Journal to-morrow he will call up this bill. This brings the House to the unfinished business, certain bills upon which the previous question was ordered.

HOUSE BILLS PASSED WITH AMENDMENTS.

On the following House bills, reported from the Committee of the Whole with amendments, the amendments were severally agreed to, and the bills as amended were ordered to be engrossed for a third reading; and being engrossed, they were read the third time, and passed:

A bill (H. R. 309) granting a pension to James M. Kercheval;

A bill (H. R. 3072) to increase the pension of William W. Wharton;

A bill (H. R. 5229) granting a pension to Sarah Potter;

A bill (H. R. 4416) to increase the pension of Henry Geesen;

A bill (H. R. 2749) granting a pension to Susan Garrison;

A bill (H. R. 438) granting a pension to Emma M. Kitt;

A bill (H. R. 2391) granting a pension to Elizabeth R. Holt;

A bill (H. R. 1885) to pension Harvey Grant (title amended);

A bill (H. R. 3067) granting an increase of pension to Melvina Bottles (title amended);

A bill (H. R. 3260) granting a pension to Mrs. S. M. Button (title amended);

A bill (H. R. 3071) to increase the pension of Capt. John F. Nelson (title amended);

A bill (H. R. 2597) to increase the pension of Charles Kauffung (title amended);

A bill (H. R. 2321) granting an increase of pension to Horatio H. Warren;

A bill (H. R. 5440) granting a pension to Smith Jewell (title amended);

A bill (H. R. 2666) for the relief of John M. Laughlin (title amended);

A bill (H. R. 5509) to pension Melinda Jones (title amended);

A bill (H. R. 5710) to increase the pension of Charles W. Jerome (title amended);

A bill (H. R. 2169) granting a pension to Nelson B. Lutes (title amended);

A bill (H. R. 524) granting an increase of pension to Andrew J. Davis;

A bill (H. R. 2477) granting an increase of pension to George H. Pennington;

A bill (H. R. 4698) granting an increase of pension to John C. Fitnam;

A bill (H. R. 2637) granting a pension to Albert Hammer (title amended);

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 4652) granting a pension to Charles Perkins (title amended);

A bill (H. R. 6575) for the relief of Mrs. Matilda G. Higbee (title amended);

A bill (H. R. 5299) increasing the pension of Joseph McCune (title amended);

A bill (H. R. 854) to increase the pension of John J. McCormick (title amended);

A bill (H. R. 1979) to pension Sophronia Bailey (title amended);

A bill (H. R. 232) granting a pension to John Vars, the totally blind son of Frank Vars, late master's mate on the U. S. S. *Reliance* (title amended);

A bill (H. R. 2599) granting pension to Philip Yoe, late of Company C, Third Maryland Volunteer Infantry (title amended);

A bill (H. R. 825) to increase the pension of F. H. Riggin (title amended);

A bill (H. R. 2526) granting a pension to Margaret Bomke (title amended);

A bill (H. R. 5186) for the increase of pension to Zadok C. Perkins (title amended);

A bill (H. R. 4090) granting an increase of pension to Henry H. Brown; and

A bill (H. R. 5156) granting an increase of pension to Frances C. Kirby.

DAVID C. DANE.

A bill (H. R. 5188) granting a pension to David C. Dane, reported from the Committee of the Whole, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the above bills were passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House was requested:

S. 2650. An act granting an increase of pension to Katherine Taylor Dodge;

S. 16. An act to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota;

S. 66. An act for the relief of the heirs of Margaret Kennedy;

S. 1717. An act for the relief of George H. White;

S. 101. An act for the relief of Clinton F. Pulsifer;

S. 194. An act providing for a monument to mark the site of the Fort Phil Kearny massacre;

S. 739. An act for the relief of the estate of George W. Lawrence; and

S. 68. An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following title:

H. R. 3718. An act for the preservation of the frigate *Constitution*.

H. J. Res. 77. Joint resolution to provide for pay to certain retired officers of the Marine Corps.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2925. An act to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C.—to the Committee on Interstate and Foreign Commerce.

S. R. 76. Joint resolution withdrawing certain lands on the island of Oahu, Hawaii, from the public domain—to the Committee on the Territories.

S. 2943. An act granting an increase of pension to James J. Holland—to the Committee on Invalid Pensions.

S. 1938. An act to place Henry Biederbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army—to the Committee on Military Affairs.

S. 281. An act to restore Benjamin W. Loring to the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 1881. An act defining and regulating proof in certain pension cases—to the Committee on Invalid Pensions.

S. 148. An act to remove the charge of desertion from the record of Elias B. Bell—to the Committee on Militaay Affairs.

S. 147. An act for the relief of Eunice Tripler, widow of Charles S. Tripler—to the Committee on Claims.

S. 1587. An act to place Francis W. Seeley on the retired list of the Army—to the Committee on Military Affairs.

S. 1394. An act for the relief of Bvt. Col. Thomas P. O'Reilly—to the Committee on Military Affairs.

S. R. 43. Joint resolution granting a life-saving medal of the first class to Lieut Fidelio S. Carter, of the United States Navy—to the Committee on Interstate and Foreign Commerce.

S. 1386. An act for the relief of Sarah K. McLean—to the Committee on Claims.

S. 1243. An act for the relief of the owner or owners of the schooner *Bergen*—to the Committee on Claims.

S. 102. An act for the relief of John O'Keane, of the State of Washington—to the Committee on Claims.

S. 256. An act for the relief of Albert C. Brown—to the Committee on Claims.

S. 8. An act for the correction of muster of Adolph von Haake, late major, Sixty-eighth Regiment New York Veteran Volunteer Infantry—to the Committee on Military Affairs.

S. 16. An act to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

S. 66. An act for the relief of the heirs of Margaret Kennedy—to the Committee on War Claims.

S. 1717. An act for the relief of George H. White—to the Committee on Military Affairs.

S. 101. An act for the relief of Clinton F. Pulsifer—to the Committee on Claims.

S. 194. An act providing for a monument to mark the site of the Fort Phil Kearny massacre—to the Committee on the Library.

S. 739. An act for the relief of the estate of George W. Lawrence—to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4000. An act to authorize the Southeastern Railway Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.; and

H. R. 5066. An act to amend section 4290 of the Revised Statutes, relating to log entry of collisions.

PRINTING REPORT OF THE PHILIPPINE COMMISSION.

Mr. HEATWOLE. Mr. Speaker, I present the resolution which I send to the Clerk's desk for present consideration.

The SPEAKER. The gentleman from Minnesota presents concurrent resolution No. 17, which the Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives, etc., That there be printed of the Report of the Philippine Commission 15,000 copies, 10,000 for the use of the House and 5,000 for the use of the Senate.

With the following amendment:

After the word "printed," in line 2, insert the words "and bound."

Mr. HITT. Can the gentleman from Minnesota inform the House whether the amendment will not cause a long delay?

Mr. HEATWOLE. I think not; I am told that they can get them out immediately.

Mr. HITT. It has been the experience heretofore that binding means delay—sometimes a month.

Mr. HOPKINS. Not in the present publishing house down here—no delay whatever.

The amendment was agreed to.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

COMMITTEE ON THE POST-OFFICE AND POST-ROADS.

Mr. LOUD. Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to ask that such committee be permitted to sit during the sessions of the House.

The SPEAKER. The gentleman from California, chairman of the Committee on the Post-Office and Post-Roads, asks unanimous consent that that committee be permitted to work during the sessions of the House. Is there objection? [After a pause.] The Chair hears none.

SAFETY OF LONG BRIDGE.

Mr. BABCOCK. Mr. Speaker, I submit House resolution No. 115, from the Committee on the District of Columbia, and ask for its present consideration.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to transmit to the House of Representatives copies of all letters between the War Department and individuals and corporations relating to the safety of the bridge across the Potomac River known as Long Bridge.

With the following amendment:

In line 2, after the word "hereby," strike out the word "requested" and insert "directed."

The amendment was agreed to.

The resolution as amended was agreed to.

EXTENSION OF CAPITAL TRACTION COMPANY ON PENNSYLVANIA AVENUE SE.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of House bill 6243, to amend the charter of the Capital Traction Company of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Capital Traction Company be, and the same is hereby, authorized and required, within six months from the passage of this act, to lay down an underground electric railway, with the necessary switches and turn-outs in the city of Washington, in the District of Columbia, through and along the following streets and avenues, namely: Beginning at the main tracks at the intersection of Pennsylvania avenue and Eighth street SE., and thence easterly along said Pennsylvania avenue with double tracks to the circle at the western approach of the Pennsylvania Avenue bridge: *Provided*, That the location of the tracks near the Pennsylvania Avenue bridge shall be subject to the control of the Commissioners of the District of Columbia.

SEC. 2. That the said Capital Traction Company of the District of Columbia shall have, over and respecting the route hereinbefore provided for, the same rights, powers, and privileges as it now has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and law.

With the following amendments recommended by the committee:

Lines 11, 12, 13, 14, and 15, strike out all after the word "tracks," in line 11, and insert in lieu thereof the following: "to Fifteenth street east; thence by single track south on Fifteenth street to K street south; east on K street to the circle; north on the circle to Pennsylvania avenue; and westerly on Pennsylvania avenue to Fifteenth street east; all work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia."

Also as—

"SEC. 3. That Congress reserves the right to alter, amend, or repeal this act."

Mr. BABCOCK. Mr. Speaker, this bill the House passed in the Fifty-fifth Congress, and it simply requires the Capital Traction Company to extend its line from Eighth street SE., where it branches off to the navy-yard, along Pennsylvania avenue to the bridge, and thence around the circle near the bridge, making a loop. I ask for a vote.

The amendments were agreed to.

Mr. STEELE. Mr. Speaker, I desire to ask the gentleman a question in this connection. Is there any possibility that this great railroad will ever accommodate the public by having a line that will come to this Capitol from Fourteenth street so that you do not have to get out to change cars in all kinds of weather? People coming to the Library or to the Capitol must change at the Treasury or at the Peace Monument, and stand around cooling their heels waiting for one or the other car to come along. I am not in favor of granting any more privileges to these companies until they show a disposition to favor the public.

Mr. BABCOCK. I will say in answer to the gentleman from Indiana that there is now a bill before our committee, to be considered, for the extension of the Pennsylvania avenue line from its terminus on C street, making the loop farther up the hill, but that it is being delayed by the location of the Baltimore and Ohio depot. When that is permanently located, that loop will be made and bring the line nearer the Capitol. I will say that the company does not accept this legislation as a favor; they do not want to construct this line on Pennsylvania avenue, but the bill is reported at the suggestion and earnest request and petitions of the citizens of that part of the city, who also came before the committee in large numbers asking for it.

Mr. STEELE. Then I am in favor of the bill.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman from Wisconsin if it is not true that this company builds on the lines it prefers to build on, and refuses to build on other lines when they have been required to do so by an act of Congress? I want to remind the gentleman of an instance. A charter was given to this company to construct a line on the road along Florida avenue from Seventh street to North Capitol street through a densely populated portion of the city. Now, for eight years that company has refused to build that line, and I want to know if there is anything in the mind of the gentleman that will probably eventuate in legislation that will force them to construct the line?

Mr. BABCOCK. I will say that that is a matter which will be taken up later by the District Committee at this session in connection with other improvements.

Mr. MUDD. I would like to say to the gentleman from Iowa that he will observe by the reading of the bill and the reading of the report that this extension is to be built within the next six months. We not only authorize the building, but provide that it shall be built within six months. As the chairman of the committee has said, it is in response to the request of the citizens in that locality.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman if there is any limitation in this bill as to the time in which the Capital Traction Company shall build the road?

Mr. BABCOCK. Yes; six months.

Mr. BERRY. I would like to ask if there is any limitation as to the rate of fare?

Mr. BABCOCK. The same rule applies to this piece of construction as to the other roads in the city.

Mr. BERRY. Would it not be well to consider the question whether, if there is to be a reduction of fare, it should not be provided for in this bill?

Mr. BABCOCK. I want to make one thing clear to the House. If this was a matter desired by the Capital Traction Company, an amendment such as the gentleman suggests might well go on the bill, but it is not; they do not desire to construct this piece of road. I doubt whether the bill becomes a law, but at the same time this House and the committee will have done its duty to these citizens who live in that part of the District when it passes this bill. I do not think it would be wise to offer an amendment to either of these bills I will call up this morning.

Mr. BERRY. I do not know about that. I am satisfied that there is a combination going on whereby the strong roads are to be used to build up the weaker roads, and make those roads where the receipts are large build up and pay for the suburban roads, which is not for the good of the city of Washington. There are some roads in Washington paying 9 or 10 per cent, and the receipts ought to be reduced, because the street franchises belong to the public.

Mr. STEELE. I would like to know what the gentleman means when he says that he does not think this bill will become a law, but that the House should do its duty toward the people by passing a bill which looks to this relief. Is the Senate going to refuse to pass a just bill or the President going to veto it? Where is the trouble?

Mr. BABCOCK. We passed a bill in this form once before. It did not become a law. I hope this bill will become a law for the benefit of the good people living along the route. But I know that the measure will meet with serious opposition before it does pass. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RETURN OF A BILL.

The SPEAKER laid before the House the following resolution, passed by the Senate on the 9th instant:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate bill 732, relating to lights on steam pilot vessels.

The SPEAKER. In the absence of objection, the request of the Senate will be granted.

There was no objection.

THE CAPITAL TRACTION COMPANY.

Mr. BABCOCK. I ask for the present consideration of the bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District of Columbia.

The Clerk, was proceeding to read the bill, when

Mr. BABCOCK said: Mr. Speaker, the committee reported a substitute for this bill. I ask that the substitute be read in lieu of the original bill.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Capital Traction Company, of the District of Columbia, be, and it is hereby, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system, and to operate the same over and along the following route, namely: Beginning at the intersection of Pennsylvania avenue and Seventeenth street northwest; south on Seventeenth street by double tracks to G street northwest; west on G street by single track to Twenty-fifth street; north on Twenty-fifth street by single track to Pennsylvania avenue. Also, beginning with the tracks at the corner of Seventeenth and G streets northwest; south on Seventeenth street by single track to F street northwest; west on F street by single track to Twenty-sixth street northwest; north on Twenty-sixth street by single track to Pennsylvania avenue: *Provided*, That for the purpose of furnishing a loop for use when necessary, a single track may be extended along G street northwest from Twenty-fifth to Twenty-sixth streets, connecting with the single track in Twenty-fifth and Twenty-sixth streets northwest.

"SEC. 2. That the extensions herein authorized shall be completed and cars operated over the same within one year from the date of the passage of this act.

"SEC. 3. That the extensions herein authorized shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia, and approved by them.

"SEC. 4. That the said Capital Traction Company shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges it now has over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and law.

"SEC. 5. That Congress reserves the right to alter, amend, or repeal this act."

Mr. BABCOCK. Mr. Speaker, this is also a bill which was passed by the House in the Fifty-fifth Congress. It provides for an extension of the lines of the Traction Company beyond the War and Navy Department building. That is a portion of the city where the people have had no street-car facilities. The matter of extending railroad lines into that section has been a bone of contention between the different railroad lines, the question being which should occupy that territory. The Traction Company has protested against any other company building a line through this section, and still it did not want to make the extension itself for the reason that the people living there can, by walking five or six squares, get to this company's main line.

This bill provides for a single track down G and back by way of F street. This extension will accommodate the citizens of the oldest part of Washington. It is a measure which, like the bill just passed, looks to the accommodation of the people and will give them the rapid-transit facilities which they have been asking for during some years. I ask for a vote.

Mr. BERRY. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin [Mr. BABCOCK] yield to the gentleman from Kentucky [Mr. BERRY]?

Mr. BABCOCK. Yes, sir.

Mr. BERRY. It seems to me, sir, that while some very important questions connected with the subject of reduction of

fares are before the District of Columbia Committee, it is well not to extend too many of these corporate privileges, which are very valuable indeed. Two systems of railroad are now in combination in this city endeavoring to control the entire travel of the city. I do not know why it is, but some of these companies have gone out of the District to obtain corporate privileges.

I see, for instance, that the Metropolitan Company, which controls the Ninth street line, has gone to the State of Virginia to obtain corporate privileges; and now they come back to the city of Washington and undertake to control seven or eight lines of railway. The Capital Traction Company, which was the oldest and most profitable road in the city, is here all the time seeking new legislation. There are now two principal car lines of this city, and it looks to me as if they had entered into a combination to control railway passenger transit and railroad fares, too, in the city of Washington.

I think, sir, before these extensions go too far there ought to be something settled in regard to the question what the rate of fare is to be; what is a fair rate as between citizens and the companies. I apprehend that in the better class of cities all over this country we are going to have at a very early day a 3-cent fare. The 5-cent fare was originally fixed when 5 cents was the lowest convenient denomination of currency. But, sir, to the poor man it makes a great deal of difference in the course of the year whether he pays a 3-cent fare or a 5-cent fare. These companies have succeeded in suppressing all the popular and cheaper modes of transit for the poorer classes of people. The old herdic coaches are now charging a full 5-cent fare, with exchange tickets.

I think, sir, if there is any city in the world where a 3-cent fare could be adopted with propriety and success, it is the city of Washington. It has been adopted in Detroit; and the discussion there has proved very clearly that the 3-cent fare can be made sufficiently profitable to the railroad companies. These corporations grow very rapidly. In the city of Washington they are developing every day, and with the thousands of strangers who come here and furnish patronage to these roads, there is no doubt in my mind that a 3-cent fare can ultimately be adopted, not only with satisfaction to the people, but with such a profit to the companies as will furnish a reasonable return on the cost of constructing the road, and that is all they ought to expect—a reasonable interest on the amount invested in the enterprise.

I hope, therefore, the gentleman from Wisconsin will not press too many of these bills until that question of a reduction of fares now pending in his committee has been fully considered.

Mr. BABCOCK. One word in answer to my friend from Kentucky. I wish to say to him that neither the chairman of the committee nor the committee itself will press any railroad bills at present except those which, like the present and the previous bill, are demanded by the people. The company does not ask for the passage of this bill—does not want to build this line. The gentleman from Kentucky I know would not for one moment delay legislation of this kind, which has in view simply the interests of the people who live in the section of the city through which these roads pass.

Mr. BERRY. It is growing to be the rule in many of our cities that when a corporate franchise is to be granted it shall be offered to public competition, it being ascertained in this way who will offer most for the privilege of constructing and operating the road.

Now, that, I think, is a proper way. These franchises ought not to be given to a selected few. This city heretofore has had seven or eight or ten roads. I understand that since last July seven of these roads have been purchased, have gone into a combination, a company being organized down in Norfolk, in the State of Virginia, and not in the District of Columbia, and that company has come here with a view of consolidating these roads and put them into one. Litigation has been instituted by Mrs. Leiter, who has been drawing 9 or 10 per cent dividends on her stock in the Ninth street line, because that company have been devoting the earnings of that line to the construction and maintenance of roads outside of the city that are not productive.

Now, I think when a road running on a given line in Washington or anywhere else becomes so profitable that it pays 9 or 10 per cent, it is time that the fares on that road ought to be reduced instead of taking the proceeds of that line and paying them out for the purpose of developing property in the country for the benefit of other men. Most of these roads running out into the suburbs have been built with a view of developing real estate and increasing its value, and the builders of those lines have long since realized their profit in the increased value of the real estate. Then they come in, and, having gotten back the cost of the road in that way, they turn the road back into one of these combinations in the city of Washington and take a large block of stock, and thus the people are compelled, by paying a higher rate than they ought, to pay for the development of these new lines and this suburban property.

Now, I ask the chairman of the committee [Mr. BABCOCK] if you are going to extend a road in this city, why is it not fair that the privilege of constructing and operating that road should be open to the highest bidder, letting everybody have a chance to bid upon it, instead of giving the privilege to the company that is now seeking it?

Mr. BABCOCK. I have tried to make myself clear on that point before. There is no company that wants to build a road in this section of the city, and the only way to get the road there for the accommodation of the people is by this kind of legislation, which requires its construction. The Capital Traction Company will never build a line there at their own suggestion, because they are getting the travel from that neighborhood now; only the people have to walk from three to six or seven blocks to get to the car, and the argument made by the company is, "We will not get any greater return after building this line than we are already getting. We have the business already, and it is no object for us to godown in there and extend our line, for that reason." Now, that is the situation.

Mr. BERRY. The point to which I wish to direct the attention of the chairman of the committee is this: This is a public franchise. Now, in the city of Detroit the people have endeavored to purchase the lines there, estimated by fair and competent judges to be worth $9,000,000; and when they wanted to buy them, for the purpose of getting a 3-cent fare throughout the city, the company wanted $8,000,000 for the bare franchise, the right which is being ceded by this act this morning, the right to lay tracks and run cars through certain streets in the city. Now, instead of authorizing this particular company to do this, and giving that privilege to this company which is already in existence, would it not be better to have a public advertisement, and let everybody come in and have a chance to bid for the privilege of building this line. If you or I or anybody has the money to build the line, let him come in and make a bid, stating the terms upon which he will construct this road. That seems to be much the fairer way than to give the privilege to some particular company that is already in existence, as this legislation proposes to do.

Mr. BABCOCK. No one would build a line there.

Mr. BERRY. How do you know they would not until you try it?

Mr. BABCOCK. Simply because it is a question of dollars and cents. No one could afford to build a line there.

Mr. BERRY. There is no class of property as much sought after in this country as street railroad property. They are going all over the country seeking these privileges, and they have gone now to the Hawaiian Islands. Mr. Johnson, the great leader of the steel-rail trust on this floor in former Congresses, has now built roads in Honolulu; and it will not be long until they will want to build them in the Philippine Islands, the Sulus, and everywhere else. Let the franchises be put up and bid on by anybody who desires to do so. There will be no relief to poor people anywhere unless some such course is adopted.

Mr. BABCOCK. If we were to take that course, it would mean that there would be no road built in this particular section of the city.

Mr. CANNON. Now, if the gentleman will allow me just a moment, I think we are in pretty good condition in Washington about our street railways. I have seen the companies under compulsory legislation abandon the horse cars. I have seen them under legislation construct additional lines, which are the best lines to be found anywhere on earth, and to-day, as never before until within the last three months, you can ride pretty much all over this city on one fare.

Now, much can be said about letting everybody build a railroad and operate a railroad. When you do that, if that is to be the permanent policy, you will have to pay three or four fares to get where you now get on one fare. And I want to say in that connection that a street railway is a monopoly, pure and simple. They have the franchise to take the public streets. They are amenable to legislation, and they ought to be amenable to legislation, and it is much better to have them so amenable and to have universal transfers than it would be to have a dozen companies or two dozen companies with poor service. I think the best way is to just recognize the fact that it is a monopoly, and I hope that either by legislation or their own action in the near future universal transfers may be given everywhere throughout the District of Columbia.

I wish the Capital Traction Company and the Metropolitan Company were one company, because therein you would have the advantage of the citizens for one-half the price now paid, and the one company would be amenable to legislation by Congress.

I know it is fashionable to talk about monopolies, and all this, that, and the other. I have no patience with monopolies, except where the people are interested in the monopoly. Now, in the case of street railways, if they are monopolies, the people are interested in having one monopoly instead of a dozen, and then

regulating the one, and riding universally throughout the whole system on one fare, instead of on two or three fares.

Mr. BERRY. I think the gentleman from Illinois is absolutely consistent with the principles of his party in encouraging a trust in street railroads in the city of Washington. I do not say for a moment that he is inconsistent, but I say that he is consistent with the great idea of the Republican party upon that subject. But I wish to call the attention of gentlemen to the fact that when we are passing legislation which relates to the District of Columbia we are sitting here simply as the trustees of the city of Washington; and if you will examine every act relating to these different street railroad companies, you will find that every one provides at the conclusion of it that the power to alter, amend, or repeal at the will of Congress is expressly reserved.

Now, I wish there were a law to-day that wherever the lines of the Metropolitan Company and the lines of the Capital Traction Company, the two great corporations of this city, touch each other, they should give transfers, and you have the power, under all the legislation you have heretofore passed, to make a regulation of that kind. I do not believe in having it all in the hands of one company. I think it would be better if it were divided up.

Here is the first road which was built in the city of Washington, built in 1862, from the navy-yard to Georgetown, and that line to-day, if it were not supporting other lines extending out into the country, I think would pay 10, 12, or 15 per cent upon the capital invested.

But why should there not be a reduction in the rates of fare which are paid by the people? The streets belong to the people. Gentlemen say they belong to the Government, but they belong to the people at last, and they are the ones who ought to be protected here, and this is the only place in which they can get protection.

Now, if you are going to build a railroad, let the right to construct it be advertised, and let everyone have a chance to bid upon it. I believe the Ninth street line has reported to the Speaker of this House, in a report dated, I think, on the 1st of February, that it earned between 9 and 10 per cent upon its capital last year. Why should not the rate of fare upon that road be reduced until the people who have capital invested in the road will get not more than 4 or 5 per cent, the reasonable rate of interest upon money at this time?

The gentleman from Illinois [Mr. CANNON] says you can ride all over this town on one fare. Yes, if a man simply wants to go out riding, he can ride a long distance on one fare; but how many people use the street cars for that purpose? They get on and get off every three or four squares; and if I come down to the Capitol, stopping at the various Departments, I am compelled to pay two or three fares in the course of my journey.

I do not see the object in presenting this legislation at this time. If there is a necessity for it, let it be subject to public bidding and competition, and whoever will bid the most for the privilege of carrying the people over that particular line, let the privilege be given to that company.

Mr. CANNON. I should like to have a moment.

Mr. BABCOCK. How much time does the gentleman desire?

Mr. CANNON. Not to exceed five minutes further, and probably not three minutes.

Mr. BABCOCK. I will yield to the gentleman from Illinois five minutes.

Mr. CANNON. I supposed, Mr. Chairman, that we were in good faith discussing this legislation. I venture the prediction that the gentleman from Kentucky is talking to the galleries and does not care much. I express myself modestly about the street railway system in Washington.

Now, then, I was discussing the street railway system in Washington. I am somewhat familiar with it. I had the honor to preside over the committee that enacted a clause that these street railway systems should forsake the horse and go to electricity or the cable; and we provided it should be done in a certain time under penalty of forfeiture of the charter. The Traction line—the Washington and Georgetown line—adopted the cable. The Metropolitan line, with one or two exceptions, adopted electricity; and that was so much better than the cable that the Pennsylvania avenue line threw away the cable—it was losing its business—and put in the electric motor.

Now, then, the gentleman said he would like many companies. We had many companies for many years while the gentleman and I were here and their service was rickety horse cars, that went a mile and a half in half an hour, and we had to stand up most of the time. The gentleman recollects it and so do I. We go in one-half the time now that we formerly did and we go four or five times farther than we formerly did for the same fare. The gentleman says it is a great monopoly. Take the Metropolitan line; they are building out to the suburbs and constructing new roads. Yes, they are; and they are constructing a better line of road than exists anywhere else on earth, and you are carried over every mile or half mile additional road constructed for the same fare.

The gentleman says this is a monopoly, and "the gentleman from Illinois" is in favor of it, because it is in harmony with his party, that believes in monopolies. I thank God that I survey the universe through a window: I do not look through a gimlet hole. [Laughter.] I say again, and say it with great respect, without espousing the cause of monopolies, I stand ready to vote for such legislation as will guard the city as it has been done in the past; legislate as best we can in the interest of the people and in the interest of the greatest good to the greatest number.

But I say again, and the gentleman's denunciation shall not keep me from saying it, that street railways are monopolies. In the first place it is a franchise to use the public streets, and when you give the franchise, and they construct the railroad, it is necessarily a monopoly; and the way to regulate it is to require it to build lines that may not be to its interest to build, but, fairly, where it will accommodate the people. That is this bill. The line that it is now sought to be built by this bill is to serve that portion of the city that is accommodated now by a rickety old herdic line, that goes down one street toward the old Naval Observatory and comes back on another. The gentleman in charge of the bill says that the company do not want to build this road. This bill says, "You will build it whether you want to built it or not; you have got a monopoly, and we are exercising the power we have to compel you to give suitable accommodation to the people."

Mr. BERRY. Just one word in reply.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. BABCOCK. I would like to go on with the bills that we have here for consideration. How much time does the gentleman want?

Mr. BERRY. Three or four minutes.

Mr. BABCOCK. I yield five minutes to the gentleman from Kentucky.

Mr. BERRY. I am glad that the gentleman from Illinois, whom I have known so many years, for I have been acquainted with him for nearly a half a century, when he was a law student, says he does not see the universe through a gimlet hole. I thought his horizon was much greater, for when he charges me with taking the time of the House in this matter he is a gentleman who makes more speeches than any other man, and he can consume enough time on appropriations, but when he gets ready he takes me to task about a matter in the District of Columbia, upon which committee neither he nor I are members.

I am ready to respond to him with reference to these matters concerning street railroads and with reference to the fares. I have a bill asking this company, and everybody recognizes that it is a proper measure, to protect the motormen against storms. The gentleman knows its importance as well as I do, because he and I and the gentleman from Tennessee [Mr. COX] were afraid to venture out of the Capitol in the storm, and yet these motormen were taken off the cars half dead with the cold, and these companies are opposed to giving them the necessary protection.

It will cost a man who travels around the town all day, especially if he obliges a friend now and then, 25 to 50 cents a day for car fare. I say that this company ought to give us a night car before we extend any further franchises to them. Give us a car that shall run around the town all night, so that whenever a man wants to go home, whether it is 1 or 2 o'clock in the morning, he can do so, and not make it necessary for a gentleman with a low-cut vest on, when he wants to get home at 2 o'clock in the morning, to pay out $2 for a cab, but give him a chance to get a street car, as he can even in my little town. I can step out any fifteen minutes and find a car that will take me to any place in the city of Cincinnati at any hour of the night. These gentlemen are all making a strenuous fight before the committee because they do not want to adopt these improvements.

Mr. BROMWELL. I would like to inquire of the gentleman——

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. BERRY. Certainly.

Mr. BROMWELL. I would like to inquire of the gentleman whether there is more than one system of street railroads in the city of Newport, in which the gentleman lives?

Mr. BERRY. No.

Mr. BROMWELL. Did the gentleman ever lift up his voice against the monopoly of street railways?

Mr. BERRY. Yes; when the street-car fares were 10 cents, and at one time they were 12.

Mr. BROMWELL. Why did he not advocate letting the construction of street railways out to the highest bidder?

Mr. BERRY. I would like to know where the gentleman from Ohio gets into this fight [laughter]; he must get in the same way the gentleman from Illinois does.

Mr. BROMWELL. This is a free fight for all. [Laughter.]

Mr. BERRY. It is a most remarkable fact that the gentleman should come here in the defense of street railroads who do not need any defense. They go down to Norfolk and organize a company and come up here and attempt to buy up the whole street system of Washington.

Mr. WHEELER of Kentucky. I desire to say one thing in answer to the gentleman from Ohio [Mr. BROMWELL]. I desire to say that under the law of Kentucky you have to let out all franchises to the highest bidder.

Mr. BERRY. That is a fact. We never construct a piece of street railway without letting it out to the highest bidder. The gentleman from Ohio knows that in his city they got a franchise from the legislature to run a street railroad for fifty years without modification. But I do not want to bring those things up here.

Mr. BROMWELL. That is so. I would like to know if the gentleman knows of any system, considering the facilities for transportation, the rate of fares, that is better than the street-car system of Cincinnati?

Mr. BERRY. That street-car system is very good. They have a central point where more cars pass the square than any other that I know of. Some of the things about it are not the best in the world. That is all I want to say about this matter. I want the House to understand that the railroad is fighting all efforts against extension, fighting all efforts for protecting the motormen or accommodating the passengers in the night.

Mr. GAINES. Mr. Speaker, I understand that the stock of the street-car company is worth four to one, and yet they are kicking about putting up protection for the motormen. As the gentleman from Kentucky says, some of the motormen are often taken off from the front of the cars nearly dead. We see the cars down on G or H street which have protection in front of them, and I do not see why we do not have them on all cars, and especially on those that have a longer line and colder routes.

Mr. BABCOCK. I will say to the gentleman that the committee has a bill of that kind under consideration and has given it two hearings already and is to have a further hearing.

Mr. GAINES. What are the prospects for getting that protection?

Mr. BROMWELL. Oh, he can not answer that question.

Mr. BABCOCK. I do not see how I can predicate what the action of seventeen members of the committee will be.

Mr. GAINES. Is the gentleman in favor of protection of that sort?

Mr. SIMS. Mr. Speaker, I want to make a statement on this question.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Tennessee?

Mr. BABCOCK. I will yield three minutes.

Mr. SIMS. I do not want the members of the House to misunderstand this legislation. This is almost a Populistic bill. This is a bill to make a railroad do something for the benefit of the people that it would not do itself. This bill is to make this company build a road where there is none now in order to serve the people, without any reference to whether it is a benefit to the railroad company or not. Three-cent fares, if they come—and I would be in favor of 1-cent fares when the receipts of the railroad company would warrant it—will apply to the new branches just the same as to the main line. The object of the bill is not to grant any favor to the railroad company, but to compel an unwilling railroad corporation to do that which the people in this section of the city demand, and I do not think it is subject to the criticism that it is in favor of the corporation.

Mr. BERRY. Would the gentleman have any objection to my offering an amendment? I hope at least he will allow it to be read.

Mr. BABCOCK. I have no objection to the reading of the amendment; but I shall object to the offering of any amendment.

Mr. BERRY. Let the amendment be read for information.

The SPEAKER. Does the gentleman from Wisconsin yield to allow this amendment to be offered?

Mr. BABCOCK. Only that it may be read for the information of the House.

The Clerk read the proposed amendment of Mr. BERRY, as follows:

Amend by requiring that all cars operated in city of Washington shall be vestibuled for protection of motormen and that the companies shall run their cars every fifteen minutes from 1.30 a. m to 5.45 a. m.

Mr. MUDD. I rise to a point of order on that amendment.

The SPEAKER. The amendment is not pending; it was only read for information.

The question being taken on the amendment reported by the committee in the form of a substitute, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EXTENSION OF RHODE ISLAND AVENUE.

Mr. BABCOCK. I ask the consideration of the joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

The resolution was read, as follows:

Be it enacted, etc., That the act entitled "An act to extend Rhode Island avenue," approved February 10, 1899, be, and the same is hereby, amended by adding to the sixth section thereof, at the end thereof, the following proviso, namely: "*Provided*, That no appeal by any interested party from any decision of the supreme court of the District of Columbia confirming said assessment or assessments shall delay or prevent the payment of said awards in respect to the property condemned."

Mr. JENKINS. I ask for a vote.

The question being taken, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

POTOMAC INSURANCE COMPANY.

Mr. BABCOCK. I ask the consideration of the bill (H. R. 7737) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to incorporate a fire insurance company in Georgetown, in the District of Columbia," approved the 2d of March, 1831, and the act entitled "An act to amend the charter of the Potomac Fire Insurance Company of Georgetown," approved the 3d of March, 1837, and the act entitled "An act to renew and continue in force the charter of the Potomac Insurance Company of Georgetown," approved the 27th of January, 1851, and the act entitled "An act to renew and continue in force the charter of the Potomac Insurance Company of Georgetown, D. C.," approved the 25th of March, 1870, be, and the same are hereby, amended so that the name and style of said company shall hereafter be "The Potomac Insurance Company of the District of Columbia."

SEC. 2. That the act of March 2, 1831, above referred to, be amended by inserting the words "a board of not less than," immediately before the words "twelve directors" where they occur in section 6 of said act; and to further amend said act by striking out all the words of section 7 thereof and substituting in lieu thereof the following words: "Each stockholder shall be entitled to vote in person or by agent or proxy appointed under his hand and seal, attested by one witness, at all stockholders' meetings, and shall have one vote for each share recorded in his name on the books of the company;" and to further amend said act by striking out of section 8 the words "not exceeding $10,000 in any one policy" and the words "in Georgetown" where they occur in said section; and to further amend said act by striking out section 9 in full, and by striking from section 10 the words "not oftener than once in six months."

SEC. 3. That the act of March 3, 1837, above mentioned, be amended by adding at the end of section 2 the words "and the board of directors created under this charter shall have the power to increase the capital stock at any time to any amount not in excess of $1,000,000."

Mr. JENKINS. I ask for a vote.

The question being taken, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

Mr. BABCOCK. I ask the consideration of the bill (H. R. 4604) to amend the charter of the Washington Heights Traction Railroad Company.

The Clerk was proceeding to read the bill, when,

Mr. MUDD said: The committee have reported a substitute, and I ask that the substitute be read in lieu of the original bill.

There being no objection, the substitute was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the charter of the East Washington Heights Traction Railroad Company, of the District of Columbia, be, and the same is hereby, amended so as to authorize and permit the said company to lay down its tracks and operate its cars from its present authorized terminus at the western approach to the Pennsylvania Avenue bridge, as provided in section 1 of the act of incorporation; thence north on Seventeenth street east to East Capitol street; thence west on East Capitol street to Fifteenth street east, connecting with the Metropolitan Railway; also from the intersection of Minnesota avenue and Harrison street; thence westerly on Harrison street to Pierce street; thence southerly on Pierce street to Jackson street; thence westerly along Jackson street to Monroe street; also northward along the Anacostia road to connect with the Columbia Railway at Benning, over a route and at a point acceptable to and approved by the Commissioners of the District of Columbia: *Provided*, That said railway shall be removed from Anacostia road and placed in Minnesota avenue within one year after said avenue is opened up as a public thoroughfare.

"SEC. 2. That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railroad be, and the same is hereby, extended for the term of two years from the 18th day of June, 1900.

"SEC. 3. That Congress reserves the right to alter, amend, or repeal this act."

Mr. MUDD. This bill, with the exception of a short additional line authorized from the western approach of the Pennsylvania Avenue bridge to Fifteenth street and East Capitol street, provides for an exclusively suburban road. The bill grants an extension of two years' time within which the company may complete this road.

The reason for asking this extension of time is that when this

franchise was originally granted it brought this road, which, as I have already said, is a suburban road, only up to the western approach of the Pennsylvania Avenue bridge, leaving no means of completing the line so as to bring passengers into the central portion of the city. At the same time we did this we passed a bill, already alluded to by the chairman of the committee this morning, pending the consideration of a bill for a similar purpose, authorizing and requiring the Capital Traction Company to build its road on Pennsylvania avenue from Eighth street SE. down to the point at which this road is allowed to enter the city after crossing the river. The bill chartering the suburban railroad was passed by both branches of Congress and signed by the President. The bill giving a similar privilege to the Capital Traction Company was, as the chairman has already stated, passed by the House, but failed in the Senate, having been tied up, I believe, with several other propositions to which the House did not see fit to give its approval.

The only additional time provided by this bill for the East Washington Heights Traction Railroad Company is asked for the very satisfactory reason that the company has not completed its road because under existing conditions of law passengers have no means of getting to the central portion of the city, or any farther into the city than the west side of the Anacostia River, and in this condition of things capital could not readily be induced to interest itself in the enterprise.

The only changes made in the route of this line are in the nature of some slight alterations of streets, or perhaps I should say country roads, across the Anacostia River. These changes in my judgment provide better service and give greater facilities to the people, with less inconvenience, than would be the case under the provisions of the original act. I apprehend there will be no controversy or objection in regard to this proposition. It is approved by the Commissioners, unanimously reported by the committee, and is in response to the wishes and the interests of the community through which the road is to be constructed.

Mr. BOUTELL of Illinois. Is there anything either in the general law or in the charter of these companies inflicting a penalty or forfeiture for failure to complete their road within the time limited?

Mr. BABCOCK. Under the general law I believe the charters are forfeited if the companies fail to comply with the requirements of Congress. There are no specific penalties.

Mr. BOUTELL of Illinois. That is provided in the original charter.

Mr. MUDD. Yes; in the original charter, as I understand, of this company.

The question being taken, the substitute reported by the committee was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote last taken was laid on the table.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from New York [Mr. RAY] to present a resolution.

LEAVE TO COMMITTEE ON JUDICIARY TO SIT DURING SESSIONS OF THE HOUSE.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary be, and is hereby, authorized to sit during the sessions of the House of the Fifty-sixth Congress.

The resolution was agreed to.

EXTENSION OF COLUMBIA ROAD.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes, for which a substitute has been reported. I ask that the reading of the bill be omitted and that the substitute be read. I also ask, in the same connection, that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. CANNON). The gentleman asks that the reading of the bill may be dispensed with and that the substitute may be read. Without objection, it will be so ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill may be considered in the House as in Committee of the Whole under the five-minute rule. Is there objection?

There was no objection.

The Clerk read as follows:

That within twenty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road east of Thirteenth street, through block 23 of Columbia Heights, with a width of 60 feet, so that the western terminus of Steuben street will be connected in a direct manner with the eastern terminus of Columbia road as now located west of Thirteenth street.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road as herein provided, one-half thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said Columbia road as extended through block 23 of Columbia Heights, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

SEC. 4. That after the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess not less than one-half of the amount of such damages as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same.

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set the same aside when satisfied that it is unjust or unreasonable, and in such event the proceedings shall be begun anew under the method provided in this act, and all former proceedings as to the particular land in controversy shall be null and of no effect: *Provided*, That said objections shall be filed within thirty days after the verdict or award of said jury.

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

SEC. 8. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of 4 per cent per annum until paid.

SEC. 9. That each juror shall receive as compensation the sum of $5 per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

SEC. 10. That the sum of $300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

SEC. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be condemned, nor the opening of said street: *Provided, however*, That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

Mr. PEARRE. Mr. Speaker, I ask for a vote on the substitute.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PEARRE, a motion to reconsider the last vote was laid on the table.

JOSEPH BACIGALUPPI.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 5139) for the relief of Joseph Bacigaluppi, and I ask that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman asks that the Committee of the Whole House be discharged from the further consideration of the bill and that it be considered in the House as

in Committee of the Whole under the five-minute rule. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Joseph Bacigaluppi be, and the same is hereby, relieved and exempted from the operations of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887; and that all forfeitures incurred by force of said act in respect to such real estate be, and the same are hereby, remitted; and that the title to such real estate be, and the same is hereby, vested in said Joseph Bacigaluppi as fully in every respect as though he had been a citizen of the United States at the time the same was purchased by and conveyed to him.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

JOHN H. GAUSE AND OTHERS.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others, and I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that the same be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant and convey by quitclaim deed to the said John H. Gause and Charles E. Gause, of the city of Washington, as tenants in common, their heirs and assigns, all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington, in the District of Columbia, known upon the plat or plan of said city as lot No. 10, in square No. 1041. This act shall have the effect only of a quitclaim of all the right, title, and interest of the United States therein, but shall not effect an adverse title to said land, if any, nor create any liability on the part of the United States, nor operate to discharge any taxes or assessments levied thereon by the District of Columbia; but the deed shall not be delivered until satisfactory proof has been made that all taxes and assessments, both general and special, levied on said lot by the District of Columbia, have been paid.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

Mr. BABCOCK. Mr. Speaker, that is all the business, I believe, to be presented to day by the Committee on the District of Columbia.

TRANSPORTATION OF GOODS IN BOND.

Mr. PAYNE. Mr. Speaker, I desire to call up the bill H. R. 3334, and I ask unanimous consent to consider it in the House as in Committee of the Whole. Perhaps the bill had better be read first

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3334) to amend section 3005 of the Revised Statutes of the United States.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the Committee of the Whole be discharged from the further consideration of this bill and that the same be considered in the House as in Committee of the Whole. Is there objection?

Mr. MAHON. Mr. Speaker, we should like to have the bill read for information.

The SPEAKER pro tempore. Does the gentleman desire to have it read before the question is put?

Mr. MAHON. Yes; for information.

The bill was read, as follows:

Be it enacted, etc., That section 3005 of the Revised Statutes o the United States be amended to read as follows:

"SEC. 3005. All merchandise arriving at any port of the United States destined for any foreign country may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as to examination and transportation as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury be, and is hereby, authorized and directed to suspend the operation of this act in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the Free Zone of Mexico, so long as the Mexican Free Zone law exists: *Provided*, That nothing herein contained shall be construed so as to prevent the transportation of merchandise in bond to be delivered at points in the territory of Mexico beyond the limits of said Free Zone.

Mr. STEPHENS of Texas. Mr. Chairman, I have no objection to the bill as it has been read, but I have objection to an amendment which I understand is to be offered to it.

The SPEAKER pro tempore. The Chair will state the question. The gentleman from New York [Mr. PAYNE] asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. STEPHENS of Texas. I will object unless the gentleman will agree not to introduce that amendment. The gentleman knows the amendment to which I refer.

Mr. PAYNE. I can not agree to that, of course. I am directed by the committee to offer the amendment.

The SPEAKER pro tempore. Objection is made.

Mr. PAYNE. Does the gentleman object?

Mr. STEPHENS of Texas. Unless you will make that agreement.

Mr. PAYNE. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering that bill.

The SPEAKER pro tempore. The gentleman from New York [Mr. PAYNE] moves that the House resolve itself into the Committee of the Whole House for the purpose of considering revenue bills.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering revenue bills, with Mr. HEPBURN in the chair.

Mr. PAYNE. Mr. Chairman, I call up the bill H. R. 3334.

The bill was read.

Mr. STEPHENS of Texas. Mr. Chairman, I call for the reading of the report.

Mr. PAYNE. Mr. Chairman——

The CHAIRMAN. The gentleman from New York.

Mr. PAYNE. Section 3005 of the Revised Statutes, which this bill seeks to amend, reads as follows:

All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Brownsville, in Texas, or any other port specifically designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house and conveyed in transit through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

It will be seen by the House that the present law authorizes goods from a foreign country to be taken in transit through the United States only when destined to the British provinces on the north or to Mexico on the south, and does not make any provision for the new trade which has sprung up within the last few years with reference to goods transported from European ports to Japan and to other countries of the Orient. It is necessary that such goods pay the duty in going across the United States, or else that they be transported through Canada by the Canadian roads, where they may be taken in bond. The object of this bill is to make it universal, so that any goods exported from any foreign country may pass through the United States to the port of another foreign country in bond, in order to facilitate the transportation of such goods through the United States, so that our transportation companies may be allowed to share in the trade, which is becoming larger every year. The only object, so far as this bill is concerned, is to extend that privilege and make it universal. The bill as unanimously reported from the Committee on Ways and Means contained a clause retaining the present status of the United States in reference to the Mexican Free Zone.

Members of the House know that the Mexican Free Zone is a strip of land along the Mexican border into which, by a treaty between Mexico and the United States, goods may be exported in bond from either country and remain there in bond. When exported beyond the limits of this zone into the foreign country, they are required to pay duty.

This Mexican Free Zone has been fruitful in evasions of the revenue laws. There has been a great deal of smuggling along the border. In 1895 Congress sought, by legislation, to get rid of this Free Zone, and passed a bill for that purpose, withdrawing the privileges that might accrue to the United States from the existence of this Free Zone; and that has been the law since 1895, in the hope that Mexico, by treaty, might also join with us and abolish this anomaly in our revenue laws.

But the purpose of that bill has failed. Mexico refuses to join with us in abolishing this Free Zone, and I am told at the Treasury Department that it has not stopped smuggling in the least degree. The bill is reported as it came to the committee. I see the gentleman is referring to the report. From later information we have received on the subject, the amendment is to be offered.

Mr. STEPHENS of Texas. I have no objection to the bill you have introduced, because the last provision there covers exactly the question we want.

Mr. PAYNE. That is the point.

Mr. STEPHENS of Texas. But I do object to the amendment that is to be proposed.

Mr. PAYNE. I introduced this bill at the suggestion of the

Treasury Department. When introduced it contained this proviso:

Provided, That the Secretary of the Treasury be, and is hereby, authorized and directed to suspend the operation of this act in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the Free Zone of Mexico, so long as the Mexican Free Zone law exists: *Provided*, That nothing herein contained shall be construed so as to prevent the transportation of merchandise in bond to be delivered at points in the territory of Mexico beyond the limits of said Free Zone.

That was put in because otherwise we thought it would repeal the action of Congress in 1895 in passing the law to which I have just alluded, and in that way the bill was reported by the Committee on Ways and Means.

Afterwards the gentleman from Texas, I think Mr. COOPER, introduced a joint resolution providing for the repeal of the law or joint resolution which was passed in 1895, in reference to this Mexican Free Zone. That was considered in the Committee on Ways and Means, and the committee then reported in favor of the joint resolution introduced by the gentleman from Texas [Mr. COOPER]. It was then suggested, I think, by myself, that when this bill came up in the House it would be a proper time, if so desired, to offer an amendment to this bill striking out this proviso and that appropriate legislation repealing the action of Congress in 1895 be inserted; and the committee authorized the gentleman from Ohio [Mr. GROSVENOR] to report not only the resolution offered by Mr. COOPER, but also to offer it as an amendment to this bill, and I yield to the gentleman for that purpose.

Mr. GROSVENOR. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, I want to raise the point of order against the amendment.

Mr. GROSVENOR. I move to strike out of the pending bill all after the word "prescribe," in the tenth line, and to insert in lieu thereof the following amendment.

Mr. STEPHENS of Texas. I desire to be recognized to raise the point of order against the amendment offered by the gentleman.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out all after the word "prescribe," in line 10 of the bill, and insert the following as an additional section:

"SEC. 2. That the joint resolution entitled 'Joint resolution in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States,' approved March 1, 1895, be, and the same is hereby, repealed, and the full operation of section 3005 of the Revised Statutes as existing prior to the adoption of such joint resolution is hereby revived."

The CHAIRMAN. The gentleman will state his point of order.

Mr. STEPHENS of Texas. My point of order is this: The joint resolution offered as an amendment to the bill has never been reported by the Committee on Ways and Means, and the bill before the House has been reported unanimously, according to the report which I will read:

The two provisos in the bill are copied word for word from the act of Congress approved March 1, 1895. It is necessary to incorporate these provisos in the amendment, both to preserve the act of Congress of 1895, above referred to, and also to guard against the fraudulent importation of goods in bond to this Free Zone, the existence of which has facilitated the smuggling of goods into the United States.

Now, these provisos in the bill, as read, are to be repealed by this resolution (H. J. Res. 58) known as the Cooper resolution. It has not been reported to this House. I have been unable to find any report made anywhere by any committee, and the Cooper resolution is certainly contradictory of and not germane to the bill under consideration, and I think should be stricken out on the point of order.

Mr. GROSVENOR. Mr. Chairman, I can not understand that this amendment is obnoxious to the point of order. No matter where the section comes from, I am offering an additional section to this bill under consideration. The fact that it has existed in the form of a joint resolution does not bar me from taking the same language and offering it as an amendment to the bill, adding another section to the bill, germane to the original purpose of the bill itself.

The CHAIRMAN. The Chair does not think that the first point made by the gentleman has force in it—that it is necessary that it should be reported by a committee. It is offered as an amendment by a member of the House, and, if germane, would certainly be in order. The Chair thinks that the amendment is germane to the general purpose of the bill; and therefore overrules the point of order.

Mr. STEPHENS of Texas. If no member of the committee wishes to be heard——

Mr. GROSVENOR. Mr. Chairman, am I recognized in support of this amendment?

The CHAIRMAN. The gentleman will be recognized.

Mr. GROSVENOR. Then I yield such time as he may desire to the gentleman from Texas [Mr. COOPER] who introduced the resolution.

Mr. COOPER of Texas. Mr. Chairman, I introduced the original resolution that is proposed as an amendment to this bill, and I desire to make a brief explanation, giving a few facts and history, which I think will present the argument in behalf of the measure.

The facts are these: About 1858 the Free Zone was established under the authority of the Mexican Government. At that time it extended from the Gulf on the west bank of the Rio Grande River and the west borders of Texas to the north boundary of Texas. This Free Zone is a territory about 12 or 15 miles in width, into which goods are permitted to enter from Mexico and from the United States with practically no tax, no impost duties, laid upon them.

It has some of the effects of a bonded warehouse, without the powers and privileges of a bonded warehouse. The reason why this Free Zone was established I need not state, but I will say that it was established, first, because taxes were higher in Mexico, impost duties were higher in Mexico, than in Texas, and therefore Texas was getting the trade of that country to the injury of the people of Mexico.

In consequence of the Free Zone there was smuggling from Texas over into Mexico when goods were cheaper in Texas than in Mexico, and from Mexico into Texas when they were cheaper in Mexico than in Texas. It was believed that this Government was losing some taxes in consequence of such condition. Smuggling was possibly larger from that Free Zone territory than in some other sections of the country, because it was a sparsely settled country, and the revenue agents and taxgatherers could not watch it as carefully as on some other portions of the borders.

On the Canadian boundary the same condition exists. It was believed by the Government of the United States that if they prohibited the transportation of goods into that country it would compel Mexico to repeal the law authorizing the Free Zone. Acting under that belief, in 1895 a joint resolution was passed by Congress authorizing and directing the Secretary of the Treasury to thereafter prohibit the transportation of goods to the Free Zone. That law has been in operation for some time. The Secretary of the Treasury by several letters reports that it has not prohibited or restrained any smuggling, and further recommends the passage of this resolution, that the former resolution prohibiting the transportation of goods into that country be repealed. I have his letters here.

Now, the only result of the passage of the resolution of March 5 has been to prevent the transportation through this country of goods from the seaboard and ports of this country into the Free Zone. As a consequence Tampico and Vera Cruz, Mexico, receive all the goods intended for the Free Zone. The Mexican railroads haul them. The goods go to the Free Zone just as they went heretofore before the law of March 5, 1895, but they are not hauled by American transportation companies, nor are they landed at American ports by which American laborers may get the benefit of it. The object of this bill is to repeal that inhibition and let the goods go in bond—let them be landed at American ports and be hauled by Ameican transportation companies to the Free Zone.

Now, when these goods reach the Free Zone and are reshipped to the United States they have to pay the impost duties imposed by the United States. If they go into the Mexican States south or west of this zone, they have to pay the duties levied by those States. Therefore it acts simply as a bonded warehouse. Goods going into the Free Zone do not go absolutely free, but practically free. The tax or impost duties have been from 2 to 18½ per cent.

Now, I am advised by the Treasury Department that the statute has not prevented smuggling, but has had a tendency to encourage it, for this reason: When the goods are landed at Mexican ports and transported by Mexican railroads to this Free Zone, the goods are unknown, undesignated, not identified by the officers of the United States. But if they were landed at American ports and transported by American transportation companies, the Secretary of the Treasury would have some knowledge of the goods carried, their value, their character, and, therefore, would be able to identify them to prevent smuggling.

We all agree that smuggling across the borders ought to be prohibited. The American people would like to have some law prohibiting it, but it is increasing instead of decreasing. It was expected when the resolution of 1895 was passed that it would compel Mexico to repeal the law creating the Free Zone; but it has failed of its purpose, and the only object obtained is that it prohibits American people and transportation companies from handling the goods, wares, and merchandise that go to the Free Zone, and therefore has taken away from them that much money that would have gone into the pockets of the American people.

These were the reasons that prompted me to introduce the resolution. There are three Representatives from Texas who represent territory on the Mexican border (the Free Zone). It is understood that two of my colleagues favor this resolution, this amendment, and the other, who is as sincere as the rest of us, is opposed to it for reasons which he will give to the House.

When the resolution of 1895 was originally passed, it was then bitterly opposed by the Representative from Texas in Congress, Mr. Crain, who represented, I think, the largest territory bordering on the Free Zone, and he succeeded, in this branch of Congress,

in eliminating that part of the territory which he represented, from the provisions of this bill.

It went to the Senate and there was amended for the reason, urged by the Senate, that if you make a part of territory open to goods transported into the Free Zone, and prohibit their transportation into another part, you discriminate in favor of particular railroads to the disadvantage of other roads and to the people of this country. Therefore, they said, if the resolution will accomplish the end you are after, it should extend along and cover the entire border.

As I have said, I have a letter from the Secretary of the Treasury stating that the act of March 5, 1895, has not accomplished the purpose intended. I have no interest in this measure except to have the goods, wares, and merchandise that are transported into the Free Zone landed at the ports of Texas and transported by American railroads and handled by American laborers.

I think the amendment ought to be adopted.

Mr. GROSVENOR. Mr. Chairman, I want to state a single matter which I think ought to be controlling upon the action of the House with reference to this bill. The difficulty under which the United States labors in the matter of smuggling, as described to me by the Secretary of the Treasury, grows out of the fact that we have no record of these goods. If these goods carried into the Free Zone came over our own transportation lines and crossed the Mexican border through our own custom-houses we would have a record by which we could afterwards trace goods that are smuggled back into our country. But when they come through the Mexican lines of transportation we have no knowledge of those goods and no way whatever to trace them.

I made the former report on this bill—a bill which was passed by the House and Senate, but which was too late I believe for the signature of the Speaker. I think this bill is in the interest of good government, and I do not see how it can possibly have any undesirable effect on anybody's constituents, unless in the way described by a certain member of the House from the State of Texas who once said that the only persons he knew who could oppose the destruction of this limitation must be some persons who were carrying on to some extent the business of smuggling across that line. He went a little farther than I will go—indeed a good deal farther; for I do not know anything about the circumstances down there. But if we leave the law as it now is, it certainly is a very bad condition for us to leave our Treasury in, especially when every Secretary of the Treasury as far back as Secretary Fairchild has tried to get rid of this trouble.

Now, Mr. Chairman, I will yield to the gentleman from Texas [Mr. STEPHENS] whatever time he wants.

Mr. STEPHENS of Texas. I want to be recognized in my own time.

Mr. GROSVENOR. Then I will reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to explain to the members of the House what this Free Zone is and how it originated. It is a strip of Mexican territory, 13 miles wide, extending from the Gulf of Mexico to the Gulf of California, the boundary between the United States and Mexico, forming the north line of the Free Zone. It touches the south boundary line of Arizona, New Mexico, and Texas. The largest town along that boundary is the city of El Paso, in my district. In fact the revenue collected there exceeds the revenue of every other port along that boundary by more than $100,000 each year.

Therefore the interest of El Paso in this matter is greater than that of all the other towns on that border. We have five railroad lines at El Paso, which give our merchants cheap transportation to that point. We have in this respect a decided advantage over the Mexican merchants in the Mexican town of Juarez, just across the Rio Grande. The Mexican merchants have only one line of railroad extending from the Mexican seaports to Juarez. Juarez is the Mexican town directly opposite El Paso, there being nothing but a small river between them. Smuggling is very easily carried on along this boundary for the greater portion of the year, because the Rio Grande River is very often dry.

When goods are carried in bond as they are now carried from the towns of Vera Cruz and Tampico, Mexico, and landed in Juarez, on the Free Zone, they can not be sold by the Mexican merchants living in that zone of Mexico much lower than they can be sold on this side of the river. The difference in the freight rates compensates us for the difference between the tariff of the United States and the Free Zone tariff. The repeal of the present law will give the Juarez merchant an advantage over the American merchant—an advantage which endangers the interests of the merchants on the American side of the river. It also produces smuggling, and in producing smuggling it injures the merchants on the American side.

Mr. COOPER of Texas. Will my colleague allow a question?

Mr. STEPHENS of Texas. Certainly.

Mr. COOPER of Texas. My colleague states, as I understand, that those goods are landed and delivered to the merchants of Juarez cheaper than to merchants of El Paso.

Mr. STEPHENS of Texas. Yes; cheaper because of the difference in the tariff.

Mr. COOPER of Texas. Now, do not the merchants get the same goods over the Mexican railroad that they would over the American roads?

Mr. STEPHENS of Texas. They do, but not with so cheap freight rates. That makes a difference, and a very great difference. In Mexico they have railroad monopolies as they do in the United States. Where there is but one line of railroad and merchants are compelled to carry their freight over that single line they can not compete with those who have the privilege of carrying their goods over several lines. We have what is known as a common freight point at El Paso, and goods can be brought there by rail much cheaper than they can in Juarez, Mexico, across the Rio Grande.

I will give the House a history of this Free Zone and the manner in which it originated. Immediately after the war of 1847 between the United States and Mexico the Mexicans passed a very high tariff law. The merchants on the Mexican side of the river had to pay this high rate of duty in order to get foreign goods to place in their stores. The United States during that period had a very low tariff, so that the Mexican merchants could not compete with those on the American side.

The high tariff was upon the Mexican side and the low tariff upon the American side. Mexico, in order to protect its own merchants, enacted a law making a strip of territory 13 miles wide along their north boundary line and below the American boundary a Free Zone, into which goods could be carried without the payment of tariff. That was done in order to enable the merchants of Mexico to compete with the merchants on the American side, our tariffs then being comparatively nothing.

Since the civil war conditions have been reversed. Mexico has a very low tariff in the Free Zone. Since the civil war, and up to the present time, our tariff has been very high, and it still remains high. Indeed, it is higher than ever before, under the Dingley bill. The American merchants before the passage of the Cockrell resolution in 1895, could not compete with the Free-Zone merchant across the Rio Grande River.

Our statesmen many years ago took up this question of the Free Zone and studied it and endeavored to get Mexico to repeal it. They argued with Mexico, without effect, however, and endeavored to show Mexico that it was unfair to use the advantage against the American merchants that the Free Zone merchants of Mexico had, because the goods upon the American side cost a great deal more than they did upon the Mexican side. General Grant first tried to get Mexico to repeal her Free Zone law, and afterwards Mr. Blaine, Senator Patterson, and Judge Reagan, of Texas, advocated the same policy. In 1895 the legislature of the State of Texas took up the question and passed a resolution unanimously requesting the passage of the Cockrell resolution, which the amendment offered by the gentleman from Ohio [Mr. GROSVENOR] repeals.

That resolution (known as the Cockrell resolution) was to the effect that goods should no longer be carried in bond across any portion of the United States and landed in the Free Zone of Mexico without the payment of duty. Congress, in 1895, at the request of the legislature of the State of Texas, after a full investigation, knowing that Mr. Blaine, General Grant, Senators Patterson and Reagan, and numerous other American statesmen had favored the Cockrell resolution, passed it. It has been in effect from that time until this time. Our merchants have succeeded under the law as it is now much better than they did before. Smuggling has to a great extent ceased at that boundary.

I object now to the repeal of the act of 1895. If we repeal it the Mexican merchants can easily undersell our American merchants, and, further, its repeal will offer a premium upon smuggling goods across that river from Mexico's Free Zone into the United States. The argument is made that we have injured the railroad companies of the United States by taking from them the additional freight money they would get by carrying goods from the port of entry in the United States to the Free Zone of Mexico.

According to this argument, it is a question whether or not the railroads shall carry this freight in bond across our country and get the small pittance that they will get for bringing the goods into the Free Zone and into competition with our own American merchants, and thus greatly injuring our home merchants.

Every American town on the border has a corresponding Mexican town. There are many tailors in these Mexican towns and our American people can cross over the river and buy foreign Free Zone goods, and have them made up into clothing by a Mexican tailor on the Mexican side of the Rio Grande, they can then put the clothes on and wear them across the line and bring back their old clothes in a valise. Not only that, but whisky can be taken over in Mexico in bond, landed on the Mexican side of the river,

placed in bottles, and the Mexican smugglers will slip it back at night, and bring it in competition with the American manufacture of whisky. The same is true of tobacco, and goods of every kind which are manufactured by Americans.

This bill will not only injure American merchants, but also our American manufacturers. If we are to build up our home trade and home manufactures, we should not give the Englishman, the Frenchman, or the foreigner of any land the right to bring goods across our own territory in bond, and land them in this Mexican Free Zone to compete with our American merchants and manufacturers in the way I have described. I will send up and have read the report of the committee on the bill (H. R. 3334) which is now under consideration. This report sustains my contention.

The Clerk read as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 3334) to amend section 3005 of the Revised Statutes of the United States, submit the following report:

On the 8th of December last the Treasury Department furnished the following memorandum explaining this bill:

Section 3005 of the Revised Statutes is as follows:

"All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Brownsville in Texas, or any other port specifically designated by the Secretary of the Treasury, and destined for places in the Republic of Mexico, may be entered at the custom-house and conveyed in transit through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe."

Under the authority of this statute merchandise may be transported in bond in transit through the United States from designated ports in the United States to Canada and Mexico, but there is no authority for such transportation through the United States from Canada and Mexico, or from one foreign country to another.

The changing conditions of commerce and the establishment of new transportation routes demand the enlargement of the privileges given by this statute to all foreign merchandise arriving for transit through the United States, whether to or from Canada, Mexico, or any other foreign country. The proposed change will tend to facilitate the carriage of foreign merchandise in bond through the United States by our own transportation companies, and will not in any way endanger the revenue, and is earnestly recommended.

This section, as it now stands, provides only for the carrying and transit of merchandise from foreign countries destined to either some place in Canada or in Mexico. At the time the section was passed (July 28, 1866) this answered all the requirements of commerce. Since that time a large trade has grown up with oriental countries, much of which seeks transportation through the United States.

We are losing much of the benefit of this transportation because we can not pass these goods through the country in bond. This amendment is offered in order to give a fair share of this trade to our transportation companies. It will be noted that the Secretary of the Treasury says, in the memorandum, that the passage of this bill will not endanger the revenue in any way.

The two provisos in the bill are copied word for word from the act of Congress approved March 1, 1895. It is necessary to incorporate these provisos in the amendment, both to preserve the act of Congress of 1895, above referred to, and also to guard against the fraudulent importation of goods in bond to this Free Zone, the existence of which has facilitated the smuggling of goods into the United States.

Your committee recommend the bill be passed without amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to call the attention of the House to the fact that this bill has been recommended by the Secretary of the Treasury. He states that the passage of the bill will not endanger the revenue in any way.

This bill H. R. 3334, without amendment, is exactly what we want. I make no objection to the bill, but I do object to the amendment offered by the gentleman from Ohio [Mr. GROSVENOR], which destroys the effect of the bill with reference to the Free Zone. I will read that portion of the bill which he proposes to strike out:

Provided, That the Secretary of the Treasury be, and is hereby, authorized and directed to suspend the operation of this act in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the Free Zone of Mexico, so long as the Mexican Free-Zone law exists: *Provided*, That nothing herein contained shall be construed so as to prevent the transportation of merchandise in bond to be delivered at points in the territory of Mexico beyond the limits of said Free Zone.

This bill is right, and its provisions are right. As long as that Free Zone exists it is a menace to the manufacturing interests of this country and also to the merchants upon this side of the boundary line. I have no objection to the last clause in the bill. It is as follows:

Provided, That nothing herein contained shall be construed so as to prevent the transportation of merchandise in bond to be delivered at points in the territory of Mexico beyond the limits of said Free Zone.

That limit is 13 miles beyond the Rio Grande and consequently 13 miles beyond the boundary of the United States; and if they pass over there with their bonded goods they have to pay the full Mexican duty, but if they stop just over our line they are in the Free Zone, and consequently they can undersell our merchants and injure them to a great extent.

The question is this, whether or not we will benefit a few railroad companies by the freight they can get for taking these goods from any port in the United States into the Free Zone in bond, and thereby injure the merchants and manufacturers upon our own side of the boundary line.

I desire to send to the Clerk's desk and have read a statement made by a prominent citizen of El Paso in regard to this matter, which will show exactly the condition of affairs there.

The Clerk read as follows:

IN AID OF FREE ZONE—CONGRESS WILL REPEAL THE EL PASO RESOLUTION—HOW TO WORK IT—REPORT MADE BY MR. HART TO THE CUSTOMS TEXTILE AND SILK ASSOCIATION OF AMERICA—IT INJURED AMERICAN BORDER TOWNS—ENCOURAGED SMUGGLING—AT PRESENT THE FREE ZONE CAN DO EL PASO NO HARM—THINKS IT INCREASES EXPORTS FROM THE UNITED STATES.

The following Associated Press bulletin was received yesterday:

"WASHINGTON, *January 21, 1899.*

"The Ways and Means Committee of the House directed this morning a favorable report on the bill of Representative COOPER of Texas, repealing the law of 1895 in reference to the Free Zone of Mexico."

In explanation of the resolution which the committee's bill is intended to repeal, the report made by Juan S. Hart, of the Times, to the Customs Textile and Silk Association of America, and published in the American Silk Association's Journal, will be found interesting reading.

This report was written by Mr. Hart at the Holland House, New York, on December 2, 1895, was addressed to officers of the American Association, and read as follows:

"GENTLEMEN: In answer to your request to give my views in regard to the effect of the Free Zone of northern Mexico upon American industries and to state my connection with recent legislation by the United States Congress on the subject, as well as to outline the present condition and suggest a course to be pursued, I respectfully submit the following brief statement:

"The 'Free Zone' of Mexico, as established in 1883, is a strip of land on its northern frontier 20 kilometers wide from the Gulf of Mexico to the Pacific Ocean, where the goods and merchandise of all countries of the world were admitted by the Mexican Government free of duty. Later, instead of being admitted entirely free of duty, the goods paid 3 per cent of the duties to cover expenses of inspection. The charge was afterwards increased to 5 per cent of duties, and for the last five years and at present Mexico collects 10 per cent of duties in the Free Zone. The duties are paid in Mexican silver.

"Before this Free Zone was established none but American goods were sold in the Zone.

"After its establishment European and Asiatic goods were carried there through the United States in bond.

"The quantity of the foreign goods and merchandise carried there is an enormity compared with the population and the consumption of such goods in the Free Zone. No part of Mexico is as sparsely populated as its northern frontier. There are but five cities along the thousands of miles between the Gulf of Mexico and the Pacific Ocean. American railroads pass into Mexico only at three points in the Free Zone. The few towns that exist are little agricultural settlements of very poor people, whose wants are few and who can afford no luxuries.

"The class of goods imported into the Free Zone largely consists of silks, satins, manufactured woolens, gloves, dry goods of every description, including the most expensive embroidered goods and laces. Also large invoices of opium, crockery, and glassware are carried there; in fact every article upon which the United States charges high duties is imported there in great quantities.

"If the United States Army was stationed along the frontier of Mexico to guard against smuggling these Free Zone goods in this country, it could not be entirely prevented. The Rio Grande from the Mexican Gulf to El Paso is the boundary line, and with its meanders it gives a length of over 1,000 miles, and that river is dry yearly for eight months from El Paso to the mouth of the Pecos River, over 300 miles, and from El Paso west to the Pacific Ocean there is not even a dry river to mark the boundary for 1,200 miles.

"The attention of the United States Congress was first called to this matter in 1884 by a petition signed by all the merchants and business men of El Paso, Tex., and presented in the Senate by Senators Coke and Reagan, of Texas. This petition, which is on file in Washington, showed the facilities for smuggling afforded by the Mexican Free Zone and predicted smuggling would increase daily as long as the Free Zone existed.

"The petition was referred to the State Department for information, and a pamphlet of 126 pages is on file there containing a complete discussion of the question by the Mexican minister at Washington, who is likewise strongly opposed to the existence of a Free Zone in Mexico. I will therefore not repeat any facts stated in said pamphlet, which is easy of access.

"The matter then rested until Mr. Crowley, of the special agent's department of the Treasury, called attention to it in his annual report of that year.

"This recognition and the experience of nearly eleven years encouraged the business men of El Paso to make an effort to kill the Free Zone. Up to that time the only way of getting foreign goods into the Free Zone was through the United States in bond. I went to Washington for the business men of El Paso, and succeeded in getting a resolution passed by Congress which practically closed our ports for goods intended for the Free Zone. This left the Free-Zone people helpless until May, 1895, when President Diaz, of Mexico, by proclamation opened the ports of Vera Cruz, Tampico, and Guaymas for the transportation of goods in bond to the Free Zone through Mexican territory. This had the effect of reestablishing the Free Zone in full vigor again for the dumping of foreign goods to be smuggled into the United States and into the interior of Mexico.

"During the Administration of President Cleveland the Treasury Department, for the first time, placed a special agent on duty on the frontier in El Paso. Among the duties wisely assigned by Supervisor Crowley of this official, who is stationed at El Paso, Tex., is the study of the Free Zone and its detrimental effects upon the revenue of this country. The Treasury Department is therefore in possession of facts more accurately than I can state. It suffices for me to say that daily, at El Paso, smugglers are caught, and the United States courts and Federal courts are kept busy with cases that are detected, and that these cases are but a small fraction of the violations of law that go unpunished by the small force of customs officials whose duty it is to guard such a vast and wild frontier.

"The present condition, then, arising from the Free Zone, which is now again in full vigor and effect, are that most American products sold there longer are displaced by foreign goods; that the United States is losing revenue by reason of the "smugglers paradise" which it created; that our merchants are losing trade wherever these contraband goods are sold after being successfully smuggled into this country, and that the law-abiding merchants on the frontier can not compete against those untaxed goods. The Mexican Free Zone therefore involves to this country three things.

"First. Loss of trade and its consequences;

"Second. Loss of customs revenue and even of internal revenue by furnishing a depositary with no restrictions; and

"Third. Decadence of the American frontier towns and consequent growth of the Mexican frontier towns opposite them.

"It is urged with reason that Mexico has the right to establish free trade wholly or partially within the territory, and that the United States can not interfere in those rights. But Mexico needs revenue and the majority of her people oppose the Free Zone, and the press of Mexico denounces the Free Zone as unconstitutional legislation in favor of a few and against the many. The fact is, the Free Zone law is opposed even by the producers and landowners within the Free Zone.

"The reason that they oppose it is because one clause in the law makes them pay duties on any of their own products which they sell to the interior of Mexico. So that wheat, corn, flour, fruit, wines, liquors, or anything else produced in the Free Zone, on Mexican lands by Mexican labor, must pay full Mexican duties before such products can pass into Mexico beyond the Free Zone. In other words, the products of the Free Zone are treated by Mexico as foreign products.

"The reason this clause in the law was made necessary was because before it was inserted the Free Zone merchants were resacking flour and grain and relabeling wines and liquors and selling them to the interior of Mexico as 'home products.' To avoid this abuse the said clause was inserted. And now the producers and landowners in the Free Zone are opposed to the law.

"There is no legislative remedy now for the evils described, which are growing worse daily and gaining strength, except to expend millions annually in guarding closely the 2,500 miles of frontier which we have with Mexico. The Mexican Government has a large force of customs guards, called the "Gendarmeria," but the smuggling in that direction is very small compared with what is done into the United States. The reason less contraband goods enter Mexico is because their money is depreciated at least one-half and these foreign goods must be paid for in gold or its equivalent, and Mexican buyers are therefore restricting themselves to their home products, in which they get more value for their money.

"There is a remedy for the Free Zone evils in a diplomatic way. Our State Department can cure the curse by proper negotiations with Mexico. I am one of those who believe that President Diaz, like his minister at Washington, Mr. Romero, is opposed to the Free Zone, and while he recently opened three ports for bonded traffic to that Zone which the United States had blocked, it was done at a time when the press of the country was renominating him for another Presidential term and he saw a double opportunity to please the frontier people and the railroads who had been asking that privilege, and at the same time his action was applauded by all Mexicans who believe in resisting any foreign interference in Mexican affairs. I am grounded in this belief from the fact that a gradual abolition of the Free Zone was intended by Mexico when 3 per cent duties were levied, and when that proportion was first increased to 5 per cent and then to 10 per cent.

"Of course the diplomatic proceedings must be kept entirely secret from the public, and in my opinion the manner of proceeding would be to have an understanding with Mexico that the question of the constitutionality of the law should be passed upon by the supreme court of that Republic just as the income tax law was treated by our courts. This is a sure remedy, and many Mexicans would aid to bring about this result. This would conceal any American interference and might prove satisfactory to all concerned.

"The Free Zone as it has resulted will be used by Mexico as a lever in diplomatic concessions from this Government. Its growth will make the lever all the more powerful, and serious complications may arise from its existence.

"If the facts I have placed before you merit your attention and consideration, I shall be pleased to serve you further.

"Yours, respectfully, JUAN S. HART."

Mr. STEPHENS of Texas. Mr. Chairman, this document shows clearly the condition that existed at the time that this act of 1895 was made the law, and shows the reasons for its passage. Since that time we have had no trouble at El Paso, comparatively speaking, in regard to smuggling goods from Mexico to our side of the river, and, as was predicted, great benefit has accrued to our merchants, because it stopped the shipment of goods in bond from New Orleans and Galveston, and from the Pacific coast to the Free Zone, and our merchants have been able to sustain themselves upon the American side. I now read a dispatch from El Paso, Tex., January 24, 1900:

MR. COOPER'S BILL IS NOT SATISFACTORY TO MERCHANTS OF EL PASO.

EL PASO, TEX., *January 24, 1900.*

The bill of Congressman COOPER of Texas in regard to the Mexican Free Zone, favorably reported by the Ways and Means Committee in the House to-day, is regarded by residents of this city as a blow aimed at the commercial interests of every town along the Mexican border.

The bill abolishing the law permitting the entry of European goods in bond through the United States into the Free Zone of Mexico was presented in Congress at the request of business men of El Paso, who were unable to compete with the merchants of Juarez, Mexico, who, by the aid of the United States, were able to procure goods from Europe free of duty and sell them at less than they cost American merchants.

El Paso business men are stirred up over the prospect of the Cooper bill being adopted.

At present goods for the Free Zone go into Mexico via Tampico and Vera Cruz and the high freight rates are a disadvantage.

This dispatch correctly states the objections to the repeal of the law of 1895.

Now, the question is, Will we give the American railroads the right to take these goods in bond and place them in the Free Zone to compete with our merchants upon this side, or will we pass the bill as reported originally from the Committee on Ways and Means? The committee's report on the bill states that the bill is unanimously reported. Why should we strike out part of this bill that has been thus favorably reported and substitute the Cooper resolution, which destroys the most vital part of the bill? Why this glaring inconsistency on the part of the committee?

It will be noted that the Secretary of the Treasury says in the memorandum that the passage of this bill will not endanger the revenue in any way.

This bill is exactly what we want. The amendment offered by the gentleman from Ohio [Mr. GROSVENOR] strikes out a part of this bill, the last clause in reference to the Free Zone, and substitutes the Cooper resolution, which repeals the law of 1895 and restores smuggling on the Mexican border.

The legislature of the State of Texas by a unanimous vote requested the passage of the law of 1895. Many of the members and two of the senators, Senator Dean, of El Paso, and Senator Atlee, of Laredo, were both members of that legislature and favored the passage of that law. These men are certainly familiar with the conditions in their own towns. We should not repeal the law of 1895; and I therefore hope that the amendment offered by the gentleman from Ohio [Mr. GROSVENOR] will be voted down.

Mr. PAYNE. Mr. Chairman, I should like to come to some arrangement about closing general debate.

Mr. STEPHENS of Texas. What time do you want?

Mr. PAYNE. What time do you wish?

Mr. STEPHENS of Texas. I desire no further time.

Mr. PAYNE. I ask to close general debate now.

Mr. COOPER of Texas. I desire to be heard for five minutes.

Mr. PAYNE. I would suggest to the gentleman that there would be time under the five-minute rule. I ask unanimous consent that general debate be now closed.

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate be now closed. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Now, I suppose the amendment is considered pending.

Mr. COOPER of Texas. Mr. Chairman, it is not my intention to occupy the attention of the committee much longer, but in view of what has been said by my colleague I deem it necessary to refer to some public documents myself.

The Secretary of the Treasury, Secretary Gage, in his letter of January 26, 1898, when this matter was up for consideration before the Fifty-fifth Congress, when asked for the views of the Treasury Department respecting the same, said:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 26, 1898.

SIR: I have the honor to acknowledge the receipt of a letter dated the 21st instant, from the clerk of your committee, with which was transmitted, for an expression of my views thereon, House joint resolution 27, providing for the repeal of the joint resolution in reference to the Free Zone.

On the 24 of February last, in reply to a letter from you, inclosing, for an expression of the views of this Department thereon, House joint resolution 222, which is substantially the same as that under consideration, you were advised that there is abundant opportunity for the perpetration of frauds on the revenue by reason of the Free Zone of Mexico, and until the privileges pertaining to said Zone are abolished by the Mexican Government the danger to the revenue will continue to exist.

The opinion was also expressed that the only practical result of the legislation which it is intended to repeal has been loss of business to American railway companies by reason of the diversion of the traffic to points in the Free Zone by way of Mexican seaports. The views then expressed are reiterated, and I see no objection to the passage of House resolution No. 27.

Respectfully, yours,

L. J. GAGE, *Secretary.*

HON. NELSON DINGLEY,
Chairman Committee on Ways and Means, House of Representatives.

That was with reference to the joint resolution providing for the repeal of the joint resolution in reference to the Free Zone passed in 1895. In a later letter he uses this language:

On March 1, 1895, a joint resolution authorizing the Secretary of the Treasury to suspend the operation of section 3005, Revised Statutes, in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the Free Zone of Mexico so long as said Zone exists, was approved, but the only apparent result of such resolution has been loss of business to American railway companies, by reason of the diversion of the traffic to places in the Free Zone by way of Mexican seaports.

In March, 1898, an investigation was made with the view to ascertaining the value of merchandise which passed through the United States to Mexico during the preceding year. As a result of the inquiries it was found that the total value of foreign merchandise passing in transit was $497,651, and in addition to that amount merchandise of the value of $191,774 was withdrawn from warehouse and exported to Mexico, making a total of $689,425, of which $211,589 was dutiable.

Then he enumerates features of the case there, and ends the letter by saying:

I am, however, of opinion that the joint resolution approved March 1, 1895, should be repealed.

Now, Mr. Chairman, I simply want to cite Texas border city against Texas border city. My colleague, the gentleman from the Panhandle district, has had read resolutions passed by the merchants of El Paso. I now would like to have read, for the benefit of the House, resolutions passed by the Board of Trade of Eagle Pass, Tex., and with that I conclude my statement.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question before he takes his seat.

Mr. COOPER of Texas. Certainly.

Mr. STEPHENS of Texas. I would like to ask the gentleman how far he lives from any part of the boundary of Mexico?

Mr. COOPER of Texas. About 700 or 800 miles.

Mr. STEPHENS of Texas. Then you can not possibly have any interest in this question.

Mr. COOPER of Texas. I have no personal interest in it at all, but I want the ports of Sabine Pass and Galveston and other ports to get the benefit of handling this traffic shipped to the Free Zone, and I want the railroads that run through America to get the benefit of hauling it.

Mr. STEPHENS of Texas. Then, I would ask the gentleman if he has ever been in the town of El Paso and knows anything of the conditions there personally?

Mr. COOPER of Texas. I do not.

Mr. STEPHENS of Texas. I would ask the gentleman if it is not a fact that the committee recommended the passage of this bill unanimously?

Mr. COOPER of Texas. They did, and unanimously directed the gentleman from Ohio [Mr. GROSVENOR] to favorably report this resolution and offer it as an amendment to the pending bill formerly reported by the committee, to which my colleague has referred.

Mr. STEPHENS of Texas. Why did they act so contradictorily, after having already reported a bill favorably, to authorize the gentleman to offer an amendment repealing the important part of the bill?

Mr. COOPER of Texas. The contradiction is only an opinion of my colleague.

Mr. STEPHENS of Texas. I have already read in my time from the report of the committee where it says that they recommend that the bill be passed without amendment—that is, the bill 3334.

Mr. COOPER of Texas. They took subsequent action upon the resolution which I had introduced.

Mr. STEPHENS of Texas. It was not done at the same time?

Mr. COOPER of Texas. It was done at a subsequent meeting.

Mr. STEPHENS of Texas. Is it true, as stated, that the Secretary of the Treasury recommended the passage of the bill 3334?

Mr. COOPER of Texas. It is true also that the Secretary of the Treasury, in his letter of March 11, 1898, in recommending the resolution, said:

> I am, however, of the opinion that the joint resolution approved March 1, 1895, should be repealed.

This amendment proposes to repeal the joint resolution of March 1, 1895.

Mr. STEPHENS of Texas. Can you explain the dilemma he has placed himself in by recommending this bill, which stands for the act of 1895, and, as you say, is in favor of this amendment?

Mr. COOPER of Texas. No inquiry was made at that time of the Secretary of the Treasury as to the Free Zone. He was asked about another bill—a bill to allow the ports of this country opened, so that goods could be entered and passed through all ports.

Now, Mr. Speaker, I will ask the Clerk to read the newspaper paragraph I send to the Clerk's desk. These are resolutions passed by the Board of Trade of Eagle Pass.

The Clerk read as follows:

THE FREE ZONE—COOPER BILL INDORSED BY THE EAGLE PASS BOARD OF TRADE.

EAGLE PASS, TEX., *January 30, 1900.*

EDITOR EXPRESS: The undersigned committee, appointed by the board of trade of this city, begs leave to correct some mistakes made by some parties interviewed by the reporter of your paper in last Saturday's edition with reference to the pending Cooper bill, relating to the Free Zone in Mexico.

First. We beg to state that the so-called Free Zone extends from the Pacific in Lower California clear through to Brownsville and is 12 miles in width, not one-half mile, as your informer had it.

Second. The cost of transportation of goods from Tampico to Nuevo Laredo, C. Porfirio Diaz, and Juarez, opposite El Paso, is just as cheap by way of Tampico as by way of New Orleans and therefore does not increase the expense to such an amount as would make it equal to the customs tariff, as stated in your paper.

Third. It seems that there is a wrong idea existing regarding the transit of merchandise through the United States in bond to the Zona Libre, and in order to enlighten the public we beg leave to make the following statement:

Previous to the year 1895 all goods for the Free Zone in Mexico passed through the United States in bond and were a source of revenue not only to the American railroads and steamship companies but to many other interests, such as our labor, custom-house brokers, etc.

In said year some property holders and others in El Paso concluded that it would be beneficial to them and to their city if the Zona Libre were abolished, and instructed their representatives in the Texas legislature to pass a bill in said body requesting Congress to find ways and means for the abolishment of transporting goods in bond to the Free Zone. This end was accomplished, as Congress passed a law to that effect, but the same has never accomplished the purpose for which it was created, inasmuch as goods are passing to-day to the Zona Libre the same as formerly, but in another manner.

The Mexican merchants on the border soon found out that they could import goods from Europe for deposit in the American bonded warehouses on this border and then withdraw same for exportation to Mexico, which is done at present and since 1895. The only inconvenience in this last-mentioned manner is that the merchants making these importations have to give two bonds, one for importation and another for exportation, which is causing a few days' delay and a very small extra expense, but it will clearly be seen from this that the so-called law passed in 1895 has never answered the purpose it was created for, and only has taken away from the American railroads part of their transportation, as the Mexican Government in order to retaliate this enactment of Congress, has made it possible for Mexican merchants living in the Free Zone to import their goods by way of Tampico, which was not possible before said event took place.

The present Cooper bill before Congress now has for its purpose the repeal of this act of 1895, which will reopen the route of transportation in bond through this country to the Free Zone without entering goods in bonded warehouses and reexporting them; and the board of trade of this city, at a meeting held Saturday, January 27, has passed a resolution indorsing the Cooper bill in Congress, and has instructed its representatives at Washington to use their influence for the passage of said enactment.

Our experience has been that the Mexican Government is not ready at present to abolish the Zona Libre, and we see no reason why the United States should have any law on the statute books which had the result of deviating freight from our railroads to the Mexican lines. The abolishment of this law will not change the price or cost of any goods in the Free Zone, as has been intimated by your informant, as there is no increase of freight rates at present, nor will there be any decrease hereafter, should the Cooper bill pass, as goods pass through here now all the same, and the only effect it would have would be an increase of freight on our roads and the abolishment of entering goods on our frontier warehouses for exportation to Mexico, thereby doing away with a delay of a few days and a few dollars' expense.

Very respectfully,

M. L. OPPENHEIMER,
Chairman Committee Board of Trade, Eagle Pass, Tex.

Mr. GROSVENOR. Mr. Chairman, I understand the pending question is on the amendment I have offered.

The CHAIRMAN. The Clerk will report the first section of the bill.

The Clerk read the bill and the amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I call for a separate vote on the amendment.

The CHAIRMAN. There will have to be a separate vote on the amendment, of course. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. STEPHENS of Texas) there were—ayes 56, noes 12.

So the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I move that the committee rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3334) to amend section 3005 of the Revised Statutes of the United States, and had agreed to an amendment of the same, and as amended recommended that the bill do pass.

The SPEAKER. The gentleman from Iowa, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration House bill 3334, and reports the same back with an amendment.

Mr. PAYNE. Mr. Speaker, I move the previous question on the bill and amendment.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CUSHMAN, for two days, on account of important business.

To Mr. KNOX, for one week, on account of important business.

Mr. BARTLETT. Mr. Speaker, I desire to know whether a report has been made from Committee on Elections No. 1 to-day. I have been out of the Chamber.

The SPEAKER. No report has been made to-day.

And then, on motion of Mr. PAYNE (at 3 o'clock and 15 minutes p. m.), the House adjourned until 12 o'clock noon to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Public Printer submitting an estimate of appropriation for deficiencies in public printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ellie Wade against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Calgy, executor of estate of Mary Calgy, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue in regard to per diem of certain revenue agents—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue relating to the detail and payment of certain deputy collectors—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue in regard to the detail and payment of certain officers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the late quartermaster and disbursing officer of the Military Academy at West Point relating to final payment for work on the cable coal railway—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for buildings at naval training station, Rhode Island—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Menominee River, Michigan and Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate for additional employees in the office of assistant treasurer at St. Louis—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5067) concerning the boarding of vessels, reported the same with amendment, accompanied by a report (No. 301); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the Senate (S. R. 51) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson;* of his officers and men: also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila, reported the same without amendment, accompanied by a report (No. 302); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak., reported the same without amendment, accompanied by a report (No. 303); which said bill and report were referred to the House Calendar.

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 96) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation, reported the same with amendment, accompanied by a report (No. 304); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 2972) to provide a government for the Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 305); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2802) granting an increase of pension to John W. Brisbois, reported the same with amendment, accompanied by a report (No. 275); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7896) to increase the pension of Samuel Lybarger, reported the same with amendment, accompanied by a report (No. 276); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6911) granting an increase of pension to James R. Sawtell, reported the same without amendment, accompanied by a report (No. 277); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 266) granting an increase of pension to William Hamley, reported the same without amendment, accompanied by a report (No. 278); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4441) for the relief of Samuel C. Krickbaum, of Benton, Pa., reported the same with amendment, accompanied by a report (No. 279); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 35) granting a pension to Louise Donath, reported the same without amendment, accompanied by a report (No. 280); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1059) granting a pension to Silas B. Hensley, reported the same without amendment, accompanied by a report (No. 281); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 240) granting a pension to Nancy Ellen Bessom, reported the same without amendment, accompanied by a report (No. 282); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2389) granting an increase of pension to Edward Boyle, reported the same with amendment, accompanied by a report (No. 283); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2809) granting a pension to Moses F. Woods, reported the same with amendment, accompanied by a report (No. 284); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7264) granting pension to Hannah C. Smith, reported the same with amendment, accompanied by a report (No. 285); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2158) granting a pension to Joseph B. Presdee, reported the same without amendment, accompanied by a report (No. 286); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1093) granting a pension to Julia M. Johnson, reported the same without amendment, accompanied by a report (No. 287); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 899) granting an increase of pension to Mary A. Dennis, reported the same without amendment, accompanied by a report (No. 288); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4047) granting an increase of pension to James S. Jordan, reported the same with amendment, accompanied by a report (No. 290); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4298) granting an increase of pension to John M. McCord, reported the same with amendment, accompanied by a report (No. 291); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5541) granting a pension to Lona A. Morgan, dependent son of Alfer V. Morgan, deceased, reported the same with amendment, accompanied by a report (No. 292); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6727) granting a pension to George Myers, reported the same with amendment, accompanied by a report (No. 293); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2792) for the relief of Peter Cummings, reported the same with amendment, accompanied by a report (No. 294); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6028) for the relief of John H. Meeker, late first-class pilot, United States Navy, reported the same with amendment, accompanied by a report (No. 295); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1944) granting increase of pension to Eli C. Walton, reported the same with amendment, accompanied by a report (No. 296); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1507) for the relief of William H. La Count, reported the same with amendment, accompanied by a report (No. 297); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2303) to increase the pension of Mrs. L. M. Payne, reported the same with amendment, accompanied by a report (No. 298); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5546) granting a pension to George White, reported the same with amendment, accompanied by a report (No. 299); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3541) for the relief of George Humphrey—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 7998) for the relief of John Henry Miller, of Okawville, Ill.—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JONES of Washington: A bill (H. R. 8348) for necessary repairs to the steamer *Thetis*, for service as a revenue cutter—to the Committee on Appropriations.

By Mr. HAMILTON: A bill (H. R. 8349) granting jurisdiction and authority to the Court of Claims in the claim of the Pottawatomie tribe of Indians in and to unceded lands in Illinois and elsewhere, and also to hunting, camping, and fishing privileges reserved to said Indians under treaty stipulations—to the Committee on Indian Affairs.

By Mr. WILSON of Arizona: A bill (H. R. 8350) for the relief of the occupants of the lands included within the boundaries of what is known as the Algodones grant, in Yuma County, Territory of Arizona—to the Committee on the Public Lands.

By Mr. BURKE of Texas (by request): A bill (H. R. 8351) to increase the salary of the marshal for the northern district of Texas—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 8352) to increase salary of the United States attorney for the northern district of Texas—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 8353) to fix the compensation of certain officers of the customs of the port of New York—to the Committee on Ways and Means.

By Mr. ACHESON: A bill (H. R. 8354) to provide for the erection of a public building at Uniontown, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Arizona: A bill (H. R. 8355) to amend an act entitled "An act to amend an act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness," and so forth—to the Committee on the Territories.

By Mr. LITTLEFIELD: A bill (H. R. 8356) to provide for the retirement of certain Army officers, and for other purposes—to the Committee on Military Affairs.

Also, a bill (H. R. 8357) in regard to brevets in the Army—to the Committee on Military Affairs.

By Mr. VANDIVER: A bill (H. R. 8358) to protect the right of suffrage and prohibit corporations from contributing to campaign funds—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. HENRY C. SMITH: A bill (H. R. 8359) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. NOONAN: A bill (H. R. 8360) to protect free labor from convict competition by confining goods to State where made—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: A bill (H. R. 8361) to purchase an oil portrait of Henry Clay—to the Committee on the Library.

By Mr. GRIFFITH: A bill (H. R. 8362) to create a pension court of appeals, define its jurisdiction and procedure—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 8363) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 8364) to create a commission to make settlement and adjustment with the Central Branch Union Pacific Railway Company of its indebtedness to the Government of the United States—to the Committee on Pacific Railroads.

By Mr. LIVINGSTON: A bill (H. R. 8365) for the erection of a public building at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. McDOWELL: A bill (H. R. 8366) to amend section 953 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. LORIMER: A bill (H. R. 8367) for the erection of a monument to the memory of Abraham Lincoln in the city of Washington, D. C.—to the Committee on the Library.

By Mr. KERR: A bill (H. R. 8368) to provide for fixing term of patents—to the Committee on Patents.

By Mr. SLAYDEN: A bill (H. R. 8369) to transfer the county of Concho from the western district of Texas to the northern district of Texas, and for other purposes—to the Committee on the Judiciary.

By Mr. CAPRON: A joint resolution (H. J. Res. 167) authorizing the Secretary of War to cause a preliminary examination to be made of Mill Cove, Wickford Harbor, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. BURTON: A joint resolution (H. J. Res. 168) for change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan—to the Committee on Interstate and Foreign Commerce.

Also, a joint resolution (H. J. Res. 169) for change in location of light-ship on Grays Reef, in Lake Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. DE VRIES: A joint resolution (H. J. Res. 170) providing for the acquisition of certain lands in the State of California—to the Committee on the Public Lands.

By Mr. WADSWORTH: A joint resolution (H. J. Res. 171) authorizing a special edition of the Yearbook of Department of Agriculture, 1898—to the Committee on Printing.

By Mr. STEPHENS of Texas: A joint resolution (H. J. Res. 172) to prevent the lease of certain Indian lands in Oklahoma Territory for a longer period than one year—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 8370) to correct the military record of Harvey H. Young, of Beallsville, Washington County, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 8371) to correct the military record of William H. Signet, of McKeesport, Allegheny County, Pa.—to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 8372) to remove the charge of desertion from the naval record of William H. Bapst—to the Committee on Naval Affairs.

Also, a bill (H. R. 8373) to remove the record of dishonorable discharge from the military record of Silas J. Marlette—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 8374) for the relief of Matilda A. Runions—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8375) for the relief of A. F. and N. C. St. John—to the Committee on War Claims.

By Mr. BELL: A bill (H. R. 8376) for the relief of James Broiles, of Montevista, Colo.—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 8377) for the relief of Samuel A. Wade, heir of William H. Wade, deceased—to the Committee on War Claims.

By Mr. BERRY: A bill (H. R. 8378) for the relief of Mary Steffens, widow of Henry Steffens, deceased, Company F, Ninth Ohio Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8379) for the relief of Weaden T. Dailey, and so forth—to the Committee on Military Affairs.

By Mr. BOWERSOCK: A bill (H. R. 8380) granting increase of pension to R. G. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8381) granting a pension to Anderson B. Myers—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 8382) for the relief of James McPeters, administrator of Henry D. Allen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8383) granting a pension to James L. Massingale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8384) for the relief of Richard J. Bailey, heir of Richard E. Bailey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8385) for the relief of Andrew J. Stewart, heir of Ann Carr, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8386) for the relief of Thomas Goode, heir of William Goode, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8387) for the relief of Mary E. Haygood, heir of John M. Lawson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8388) for the relief of Lewis Hyde—to the Committee on War Claims.

By Mr. BAILEY of Kansas: A bill (H. R. 8389) granting an increase of pension to Martin D. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8390) granting an increase of pension to Joshua Mitchell—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 8391) granting Charles H. McCord $5,000—to the Committee on Claims.

Also, a bill (H. R. 8392) for removal of charges of desertion from Charles E. Bentley—to the Committee on Military Affairs.

Also, a bill (H. R. 8393) for removal of the charge of desertion from record of Jacob Curry—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 8394) to authorize L. R. Carter to acquire the title to the north half of southeast quarter, southeast quarter of northeast quarter of section 4, northwest quarter of southwest quarter of section 3, all in township 16 south, range 8 west, in Walker County, Ala.—to the Committee on the Public Lands.

By Mr. CANNON: A bill (H. R. 8395) to increase the pension of Henry Johns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8396) to correct the military record of William H. Bigelow—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 8397) for the relief of John White—to the Committee on Invalid Pensions.

By Mr. DE VRIES: A bill (H. R. 8398) to remove the charge of desertion standing against James M. Wiley—to the Committee on Military Affairs.

Also, a bill (H. R. 8399) for the relief of the widow of John W. Pulsifer—to the Committee on Claims.

By Mr. DRIGGS: A bill (H. R. 8400) to correct the military record of Charles H. Durning—to the Committee on Military Affairs.

By Mr. S. A. DAVENPORT: A bill (H. R. 8401) for the relief of the estate of Thomas Forster—to the Committee on Claims.

Also, a bill (H. R. 8402) for the relief of John M. Devereaux—to the Committee on Military Affairs.

By Mr. DALZELL: A bill (H. R. 8403) to refer the claims of Armstrong and others to the Court of Claims—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 8404) to increase pension of Timothy A. Lewis, late member of Company F, Twenty-fifth Regiment Wisconsin Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8405) granting a pension to Sophronia Seely—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 8406) for the relief of A. W. Abbott—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: A bill (H. R. 8407) for the relief of the owners of certain property in Brookland, D. C.—to the Committee on the District of Columbia.

By Mr. GIBSON: A bill (H. R. 8408) granting a pension to Dempsey W. Siler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8409) granting a pension to Sarah Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8410) granting a pension to John W. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8411) granting a pension to Shadrack I. Corbett—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 8412) for the relief of Salem Baptist Church, of Clarke County, Va.—to the Committee on War Claims.

By Mr. HARMER: A bill (H. R. 8413) granting an increase of pension to Mary Wolcott Kilburn—to the Committee on Pensions.

Also, a bill (H. R. 8414) granting an increase of pension to Adam Walter—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 8415) granting an increase of pension to Jesse F. Gates—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 8416) for the relief of Daniel P. Andrus—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 8417) granting a pension to Lucretia Reed Wood—to the Committee on Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 8418) for additional pension to William H. Gibbs, of Hinds County, Miss.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8419) for the relief of the estate of Jesse H. Darden, Jefferson County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8420) for the relief of Elizabeth Galbreath, of Jefferson County, Miss.—to the Committee on War Claims.

By Mr. JETT: A bill (H. R. 8421) to reimburse John F. Eden for money stolen while he was postmaster at Sullivan, Ill.—to the Committee on Claims.

By Mr. JONES of Washington: A bill (H. R. 8422) granting a pension to J. B. Wetherbee—to the Committee on Pensions.

By Mr. KERR: A bill (H. R. 8423) granting a pension to George W. Brown—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 8424) correcting the record of Michael Hayes, Company H, Sixty-ninth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 8425) granting a pension to Catharine Gaskill—to the Committee on Invalid Pensions.

By Mr. LYBRAND: A bill (H. R. 8426) granting an increase of pension to Richard L. Titsworth, Company C, Fifteenth United States Infantry—to the Committee on Invalid Pensions.

By Mr. MANN (by request): A bill (H. R. 8427) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill.—to the Committee on War Claims.

Also (by request), a bill (H. R. 8428) for the relief of Sarah Friedman—to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 8429) granting an increase of pension to Mark King—to the Committee on Invalid Pensions.

By Mr. McDOWELL: A bill (H. R. 8430) to remove the charge of desertion against Richard Severn—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 8431) for the relief of Edmond Z. Brodowski, United States consul at Solingen, Germany—to the Committee on Claims.

Also, a bill (H. R. 8432) to correct the military record of Thomas W. Ferree—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 8433) to quitclaim all interest of the United States of America in and to original lot 4, square 1113, in the city of Washington, D. C., to William H. Dix—to the Committee on the District of Columbia.

Also, a bill (H. R. 8434) for the relief of George Brewer, of Montgomery County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 8435) for the relief of Adam Ault, of Washington County, Md.—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 8436) for the relief of Henry Ridenbaugh, Pinckneyville, Ill.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8437) to remove the charge of desertion from the military record of William W. Harmon—to the Committee on Military Affairs.

Also, a bill (H. R. 8438) for the relief of Andrew Turner, of East St. Louis, Ill.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8439) for the relief of John Jeremiah, of Duquoin, Ill.—to the Committee on Invalid Pensions.

By Mr. RIDGELY: A bill (H. R. 8440) granting a pension to Vincent Maxwell—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 8441) for the relief of the estate of George W. Noland, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. RAY of New York: A bill (H. R. 8442) granting a pension to Rachel Engle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8443) granting an increase of pension to John Spurr—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 8444) granting a pension to Mary O'Neil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8445) granting a pension to Mary Jernigan—to the Committee on Pensions.

By Mr. SHAFROTH: A bill (H. R. 8446) granting an increase of pension to George W. Neely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8447) granting an increase of pension to Lyman W. Chandler—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 8448) asking for removal of charge of desertion against William Best and asking for honorable discharge—to the Committee on Military Affairs.

By Mr. TERRY: A bill (H. R. 8449) to carry out the findings of the Court of Claims in the case of Edward S. McCombs, administrator of John McCombs, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8450) for the relief of the estate of N. D. Shinn, of Russellville, Ark.—to the Committee on War Claims.

By Mr. UNDERWOOD: A bill (H. R. 8451) authorizing Eli R. Jones to perfect his homestead entry to the southeast quarter of section 32, in township 18 south, of range 2 west, in Jefferson County, Ala.—to the Committee on the Public Lands.

By Mr. VANDIVER: A bill (H. R. 8452) granting a pension to W. A. Lefever—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8453) granting a pension to Conrad Stehr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8454) for the relief of Abel T. Diehl—to the Committee on Military Affairs.

Also, a bill (H. R. 8455) for the relief of William M. Scott—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 8456) to remove the charge of desertion from the record of John Balkwell, Company H, Tenth Kansas Infantry—to the Committee on Military Affairs.

By Mr. WATERS: A bill (H. R. 8457) granting an increase of pension to Albert W. Birkbeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8458) granting an increase of pension to Emmer Bowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8459) granting an increase of pension to Henry C. Small—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8460) granting an increase of pension to William W. Herron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8461) granting a pension to Samuel M. Doolittle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the legislative committee of the American Federation of Labor, suggesting certain amendments to House bill No. 5067 and protesting against the passage of said bill unless so amended—to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAMS: Resolution of the National Board of Trade of Philadelphia, Pa., for the better government of the Territory of Alaska—to the Committee on the Territories.

By Mr. ALEXANDER: Petition of Hannah G. Estes, of North Collins, N. Y., for equality of rights for the women of Hawaii, Puerto Rico, Cuba, and the Philippines—to the Committee on Insular Affairs.

Also, petition of Hannah G. Estes, of North Collins, N. Y., favoring a sixteenth amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

By Mr. ALLEN of Maine: Petition of the mayor and city government, 6 national banks, 2 savings banks, 2 trust companies, 1 insurance company, 106 lawyers, and 323 business houses and business men of Portland, Me., for a public building for court-house and offices in the city of Portland, Me.—to the Committee on Public Buildings and Grounds.

By Mr. BARNEY: Petition of the Central Labor Union of Sheboygan, Wis., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

Also, petition of Fred W. Graff and others, of Sheboygan, Wis., favoring the passage of House bill No. 4351, providing for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Protests of the Kansas City Live Stock Exchange and the St. Joseph Live Stock Exchange, State of Missouri, and the St. Paul (Minn.) Live Stock Exchange, against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petition of Greenwood County (Kans.) Live Stock Association, for continued distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. BROWNLOW: Petition of the heirs of Eliza Wood, deceased, late of Sullivan County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURNETT: Papers relating to the claim of Ann Carr, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, petition of Richard J. Bailey, heir of Richard E. Bailey, deceased, for reference of war claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Samuel A. Wade, heir of William H. Wade, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Mary E. Haygood, heir of John M. Lawson, deceased, to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Thomas Good, of Florence, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Lewis Hyde, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Ann Carr, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of James McPeters, administrator of Henry D. Allen, deceased, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURTON: Resolution of the Cincinnati Chamber of Commerce, indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: Resolution of the Board of Trade of Chicago, Ill., urging legislation for the improvement of rivers and harbors, for the common commercial welfare—to the Committee on Rivers and Harbors.

By Mr. CANNON: Paper in support of House bill to remove the charge of desertion from the military record of William H. Bigelow—to the Committee on Military Affairs.

Also, papers to accompany House bill to increase the pension of Henry Johns—to the Committee on Invalid Pensions.

By Mr. CHANLER: Papers to accompany House bill to increase the pension of the widow of Maj. Gen. Guy V. Henry—to the Committee on Invalid Pensions.

By Mr. CLARKE of New Hampshire: Petition of W. A. Crosby and others, relative to military instruction in public schools—to the Committee on the Militia.

By Mr. DALZELL: Resolutions of the Kansas City (Mo.) Live Stock Exchange, in opposition to the Tawney bill, imposing a tax upon the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

By Mr. S. A. DAVENPORT: Petition of Edwin S. Forster, one of the heirs of the estate of Thomas Forster, to refer claim to the Court of Claims—to the Committee on Claims.

By Mr. DRIGGS: Petition of Val. Korn, W. H. Fogarty, and other post-office clerks of Brooklyn, N. Y., for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill to correct the military record of C. H. Durning—to the Committee on Military Affairs.

By Mr. EMERSON: Petition of E. B. Chase and others, of Cambridge, N. Y., for a law subjecting dairy and food products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Petition of E. A. Steely and F. B. Weller, druggists, of Anna, Ohio, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Kansas City Live Stock Exchange, Kansas City, Mo., protesting against the passage of laws inimical to the live-stock industry, and against increase of tax on oleomargarine—to the Committee on Ways and Means.

By Mr. GRIFFITH: Testimony and papers to accompany House bill for the relief of A. W. Abbott—to the Committee on War Claims.

By Mr. HARMER: Paper to accompany House bill for the relief of Gen. C. L. Kilburn, giving a record of his services during the Mexican and civil wars—to the Committee on Pensions.

By Mr. HITT: Petition of Joseph Emmert and other druggists of Freeport, Ill., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, papers to accompany House bill to increase the pension of Jesse F. Gates—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of John G. Lear and 3 others, of the Greensburg (Pa.) post-office, for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. JETT: Petition of John C. Williams and others, of Pocahontas, Ill., to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of George Hine and others, of Brewster, and E. L. Clark and others, of Millerton, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOX: Petition of James Lane and 38 other members of Post No. 39, Department of Massachusetts, Grand Army of the Republic, urging the passage of Senate bill No. 1716 and House bill No. 4742, to amend section 1225 of the Revised Statutes, to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools—to the Committee on the Militia.

By Mr. LATIMER: Resolutions of the city council of Georgetown, S. C., asking for an appropriation for the improvement of Winyah Bay and tributary rivers—to the Committee on Rivers and Harbors.

Also, resolution of the city council of Georgetown, S. C., asking for an appropriation for the purchase of a site and the erection of a public building in Georgetown—to the Committee on Public Buildings and Grounds.

By Mr. McDOWELL: Papers to accompany House bill for the relief of Peter R. Eddy—to the Committee on Military Affairs.

By Mr. MANN: Resolution of the Board of Trade of Chicago, Ill., favoring liberal legislation for the improvement of rivers and harbors as will contribute to the common commercial welfare—to the Committee on Rivers and Harbors.

Also, resolution of the National Building Trades Council of

America, St. Louis, Mo., in opposition to the passage of a bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, petition of the League of American Sportsmen, urging the passage of House bill 6634, for the better protection of song and insectivorous birds, the game birds, and game animals—to the Committee on Interstate and Foreign Commerce.

By Mr. NORTON of South Carolina: Petitions of citizens of Georgetown, Williamsburg, and Florence counties, and city council of Georgetown, S. C., favoring the improvement of Lynchs River—to the Committee on Rivers and Harbors.

By Mr. RAY of New York: Petitions of W. A. Webb, M. E. Tripp, and other farmers and dairymen of the counties of Chenango and Tompkins, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY (by request): Paper to accompany House bill for the relief of George W. Noland, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. SHATTUC: Resolution of the Chamber of Commerce of Cincinnati, Ohio, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: Petition of Edward S. McCombs, administrator of the estate of John McCombs, deceased, of Logan County, Ark., for reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. THROPP: Paper to accompany House bill relating to damages to the church of the United Brethren in Christ, of Tyrone, Pa.—to the Committe on War Claims.

By Mr. TONGUE: Resolution of a public meeting at Portland, Oreg., in reference to the Transvaal war—to the Committee on Foreign Affairs.

By Mr. VANDIVER: Paper to accompany House bill to correct the military record of Abel T. Diehl—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of William M. Scott—to the Committee on Military Affairs.

Also, paper to accompany House bill for the relief of W. A. Lefever—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Conrad Stehr—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: Petition of Harry M. Howe and other clerks of South Framingham, Mass., post-office, in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Mississippi: Petition of Choctaw Indians in the State of Mississippi, relating to their citizenship—to the Committee on Indian Affairs.

SENATE.

TUESDAY, *February 13, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. STEWART, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

THE NAVY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 15th ultimo, a tabulated statement showing the number of vessels now under construction of all types and classes, the number of officers of each grade and rank required to officer vessels now in commission or that could be put in commission in thirty days, the number of vessels now under construction and which will be completed and ready for commission, and the number of officers and men on each of the vessels of the Navy of the United States, etc.; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate in compliance with its request the bill (S. 732) relating to lights on steam pilot vessels.

The message also announced that the House had passed the joint resolution (S. R. 83) increasing the limit of cost of the new building for the Government Printing Office to meet the increased prices of building materials and to permit of making the south end of the power-house extension of the same height as the main building.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 232) granting a pension to John Vars;

A bill (H. R. 309) granting a pension to James M. Kercheval;

A bill (H. R. 438) granting a pension to Emma M. Kitt;

A bill (H. R. 521) granting an increase of pension to Andrew J. Davis;

A bill (H. R. 825) granting an increase of pension to Fannie H. Riggin;

A bill (H. R. 854) granting an increase of pension to John H. McCormick;

A bill (H. R. 1885) granting a pension to Harvey Grant;

A bill (H. R. 1979) granting a pension to Sophronia Bailey;

A bill (H. R. 2169) granting an increase of pension to Nelson B. Lutes;

A bill (H. R. 2321) granting an increase of pension to Horatio H. Warren;

A bill (H. R. 2391) granting a pension to Elizabeth E. Holt;

A bill (H. R. 2477) granting an increase of pension to George H. Pennington;

A bill (H. R. 2526) granting a pension to Margarethe Bomke;

A bill (H. R. 2597) granting an increase of pension to Charles Kauffung;

A bill (H. R. 2599) granting a pension to Philip Yee;

A bill (H. R. 2637) granting an increase of pension to Albert Hammer;

A bill (H. R. 2666) granting a pension to John M. Laughlin;

A bill (H. R. 2749) granting a pension to Susan Garrison;

A bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District;

A bill (H. R. 3067) granting an increase of pension to Melvina Bottles;

A bill (H. R. 3071) granting an increase of pension to John F. Nelson;

A bill (H. R. 3072) to increase the pension of William W. Wharton;

A bill (H. R. 3260) granting a pension to Susan M. Button;

A bill (H. R. 3334) to amend section 3500 of the Revised Statutes of the United States;

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 4020) granting an increase of pension to Henry H. Brown;

A bill (H. R. 4116) to increase the pension of Henry Geesen;

A bill (H. R. 4501) to amend the charter of the East Washington Heights Traction Railroad Company;

A bill (H. R. 4652) granting an increase of pension to Charles Perkins;

A bill (H. R. 4698) granting an increase of pension to John C. Fitnam;

A bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Ganse and others;

A bill (H. R. 5139) for the relief of Joseph Bacigaluppi;

A bill (H. R. 5156) granting an increase of pension to Frances C. Kirby;

A bill (H. R. 5186) granting an increase of pension to Zadok C. Perkins;

A bill (H. R. 5188) granting a pension to David C. Dane;

A bill (H. R. 5229) granting a pension to Sarah Potter;

A bill (H. R. 5299) granting an increase of pension to Joseph McCune;

A bill (H. R. 5440) granting an increase of pension to Smith Jeweal;

A bill (H. R. 5509) granting a pension to Malinda Jones;

A bill (H. R. 5719) granting an increase of pension to Charles W. Jerome;

A bill (H. R. 6243) to amend the charter of the Capital Traction Company of the District of Columbia;

A bill (H. R. 6575) granting a pension to Matilda G. Higbee;

A bill (H. R. 7737) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes;

A bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes; and

A joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

The message also announced that the House had passed a concurrent resolution to print and bind 15,000 copies of the Report of the Philippine Commission; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 77) to provide for pay to certain officers of the Marine Corps; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Chamber of Commerce of New York, praying for the extension of the commerce of the United States with China; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of New York, praying for the enactment of certain legislation relative to the interests of the Territory of Alaska; which was referred to the Committee on Territories.

He also presented a petition of the New York State Pharmaceutical Association of Syracuse, N. Y., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of New York, praying for the enactment of legislation to provide for the establishment of an uptown post-office in New York City; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry railway mail clerks of Brooklyn, N. Y., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 493, United Brotherhood of Carpenters and Joiners of America, of Mount Vernon; of Local Union No. 203, United Brotherhood of Carpenters and Joiners of America, of Poughkeepsie; of the Trade and Labor Council of Peekskill; of Local Union No. 289, United Brotherhood of Carpenters and Joiners of America, of Lockport; of the central committee of the International Wood-Carvers' Association, of Brooklyn, and of the Lock City Central Labor Union, of Lockport, all in the State of New York, praying that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of the title to any of these lands shall ever hereafter be made to any but actual settlers and home builders; which were referred to the Committee on Public Lands.

Mr. NELSON presented a memorial of sundry citizens of Elizabeth, Minn., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Minneapolis, Minn., praying for the establishment of a national park in northern Minnesota; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying that the President of the United States act as a mediator to stop the war between the Boers and the British; which was referred to the Committee on Foreign Relations.

Mr. HANNA presented the petition of A. E. Rice, president, and J. W. Pero, cashier, of the Croghan Bank, of Fremont, Ohio, praying for the adoption of certain amendments to the national banking law; which was referred to the Committee on Finance.

He also presented a petition of the Citizens' League of Zanesville, Ohio, praying for the construction of a Nicaragua canal; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Meigs County, Ohio, praying that an increased appropriation be made for the extension of the rural free mail delivery system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry employees of the Weather Bureau, United States Department of Agriculture, of Cleveland, Ohio, praying for the enactment of legislation to reorganize and improve the United States Weather Bureau; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Muskingum County Medical Society, of Zanesville, Ohio, and a memorial of the Academy of Medicine, of Stark County, Ohio, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of William H. Lyttle Post, No. 47, Department of Ohio, Grand Army of the Republic, of Cincinnati, Ohio, praying for the enactment of legislation to provide a reform in the civil service granting old soldiers preference in Government employ; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Farmers' Institute of Smithfield, Ohio, remonstrating against the ratification of the reciprocity treaty with the Argentine Republic; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Union Veteran Legion, of Cincinnati, Ohio, praying for the passage of a per diem pension bill; which was referred to the Committee on Pensions.

He also presented the petition of J. M. Elliott and sundry other citizens of Dellroy, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented the petition of Harriet Brown Stanton, president, and Hattie A. Sacts, secretary, on behalf of the Woman Suffrage Association of Ohio, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex, and also praying that equal political rights be secured to the women of Cuba, Puerto Rico, Hawaii, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

He also presented sundry petitions of railway mail clerks of Tiffin, Newark, Portsmouth, Edon, Mount Vernon, Steubenville, Lima, and Ashtabula, all in the State of Ohio, praying for the enactment of legislation to provide for the classification of clerks in the first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Peruna Drug Manufacturing Company, of Columbus, the Evans Chemical Company, and of John Morrow & Co., of Springfield, all in the State of Ohio, praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which were referred to the Committee on Finance.

He also presented petitions of the Brewers' Exchange of Cincinnati, the Ohio Brewers' Association of Cincinnati, and the Toledo Brewing and Malting Company of Toledo, all in the State of Ohio, praying for the enactment of legislation providing for the discontinuance of the issuance of revenue stamps for beer packages of less size than fourth barrels; which were referred to the Committee on Finance.

Mr. ALLEN presented a paper in support of the bill (S. 2651) granting an increase of pension to Granville R. Turner; which was referred to the Committee on Pensions.

He also presented the petition of C. A. Calhoun and sundry other citizens of Oklahoma Territory, praying that the title to a half section of the Council Grove Timber Reservation, 9 miles west of Oklahoma City, be granted to Calvin A. Calhoun, and that they be allowed to locate homesteads and settle upon them in advance of any formal opening that may hereafter be made, etc.; which was referred to the Committee on Public Lands.

Mr. PENROSE presented petitions of the Chamber of Commerce of Phœnixville, the Board of Trade of Lancaster, the Farmers' Institute of Gap, and the Farmers' Institute of Concordville, all in the State of Pennsylvania, praying for the enactment of legislation to increase American shipping; which were referred to the Committee on Commerce.

Mr. QUARLES presented petitions of the J. I. Case Plow Works, of Racine; the Janesville Machine Company, of Janesville; the Silberzahm Manufacturing Company, of West Bend; the Racine Wagon and Carriage Company, of Racine, and the B. F. & H. L. Sweet Company, of Fond du Lac, all in the State of Wisconsin, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. LINDSAY presented a petition of sundry druggists of Louisville, Ky., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Elkton, Ky., praying that M. E. Trout, Frank Wimes, and Candace Browder be granted pensions; which was referred to the Committee on Pensions.

He also presented a petition of the National American Woman Suffrage Association, praying for the enactment of legislation to protect white and black women equally with black men in the exercise of the right of citizens of the United States to vote for members of Congress and Presidential electors in the several States of the Union, etc.; which was referred to the Committee on Education and Labor.

Mr. PLATT of Connecticut presented a petition of the Dunham Hosiery Company, of Naugatuck, Conn., and a petition of the National Machine Company, of Hartford, Conn., praying that an appropriation be made for the erection of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented a petition of the Illinois Humane Society, of Chicago, Ill., praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Gaffney, S. C., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented a memorial of the New York State Association, opposed to the extension of the suffrage to women, remonstrating against the adoption of the proposed amendment to

the Constitution urged by the woman suffragists; which was referred to the Select Committee on Woman Suffrage.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3129) granting an increase of pension to Henry McMillen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2497) granting an increase of pension to Sarah W. Rowell; and

A bill (S. 3102) granting a pension to Seleda Burnham.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2652) to increase the pension of Louisa E. Baylor; and

A bill (S. 995) granting an increase of pension to Nelly Young Egbert, widow of Harry Clay Egbert, late colonel, United States Army.

Mr. HANNA, from the Committee on Naval Affairs, to whom was referred the bill (S. 403) for the relief of Theodore J. Arms, assistant paymaster in the United States Navy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1739) to authorize the President to retire the chief instructor of swordsmanship at the Naval Academy, at the age of 62 years, on the pay of a lieutenant of the junior class, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 712) granting a pension to Nellie L. Groshon, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 169) granting a pension to George E. Tuttle, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 163) granting an increase of pension to Dwight D. Wilber;

A bill (S. 173) granting a pension to John H. Morrison;

A bill (S. 1553) granting an increase of pension to Samantha Barnes;

A bill (S. 1441) granting a pension to James G. Hartzell;

A bill (S. 1460) granting a pension to Charles A. Hutchings; and

A bill (S. 1552) granting an increase of pension to Helen L. Dent.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2977) granting an increase of pension to Jacob P. Fletcher;

A bill (S. 1549) increasing the pension of Isaiah Mitchell; and

A bill (S. 1551) granting a pension to John G. B. Masters.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 271) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 61) granting a pension to George Bunce;

A bill (S. 1029) granting a pension to Henry B. Lambe;

A bill (S. 1833) granting a pension to Mary B. Christopher; and

A bill (S. 1803) granting an increase of pension to Richard L. Titsworth.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2983) granting an increase of pension to Isaac H. Lynn; and

A bill (S. 1030) granting a pension to Catharine Harris.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1831) granting a pension to Henry H. Lewis;

A bill (S. 847) granting a pension to James B. Logan, formerly captain of Company K, Tenth Missouri Infantry; and

A bill (S. 843) granting a pension to Albert Hammer.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 2777) granting a pension to Benjamin F. Trapp, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 657) granting a pension to Matthew Redmond;

A bill (S. 649) granting an increase of pension to Martha Maddocks; and

A bill (S. 2020) granting a pension to Sarah E. Fortier.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 652) granting a pension to Louis W. Bucklen, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (S. 409) to correct the naval record of Joseph Pitt, alias Joseph Marr, of the U. S. steamers *Princeton* and *Sassacus*, and to erase the name of Joseph Marr and substitute the name of Joseph Pitt on the records of the Navy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 979) to correct the military record of John J. Phelan, of Chicago, Ill., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2612) to remove the charge of desertion against Frederick Schulte or Schuldt, reported it with an amendment, and submitted a report thereon.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1536) to enable naval courts-martial and courts of inquiry to secure the attendance and testimony of civilian witnesses, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1636) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McENERY, from the Committee on Naval Affairs, to whom was referred the bill (S. 2392) for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I., reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 950) granting a pension to Sarah Ann Fletcher, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom were referred the following bill and joint resolution, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1359) to amend sections 1529 and 1530 of the Revised Statutes of the United States, relating to the classification of naval vessels; and

A joint resolution (S. R. 72) authorizing the President of the United States to appoint David Bagley as an additional cadet at the Naval Academy, Annapolis, Md.

Mr. PERKINS, from the Committee on Naval Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 402) to provide for the appointment of warrant pay clerks in the United States Navy; and

A bill (S. 199) for the promotion on the retired list of Commander George T. Davis, United States Navy.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 3147) for the relief of James R. D. Morrison; which was read twice by its title, and referred to the Committee on Claims.

Mr. ROSS introduced a bill (S. 3148) to correct the military record of William Lapoint; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 3149) for the erection of a public building at Atlanta, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3150) for the relief of Michael Kries; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 3151) granting a pension to Lelia T. Phelan; which was read twice by its title, and with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3152) granting an increase of pension to Chill W. Hazzard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3153) for the relief of John L. O'Mara; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 3154) granting an increase of pension to Kate Cadwell; which was read twice by its title, and,

with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 3155) for the relief of the estate of Jesse Maboy, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. KEAN (for Mr. FORAKER) submitted an amendment proposing to increase the allowance for salary of consul at Asuncion, Paraguay, from $1,500 to $2,000 per annum, intended to be proposed to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also (for Mr. FORAKER) submitted an amendment providing for a consul at Rosario, Argentine Republic, at a salary of $1,500 per annum, intended to be proposed to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also (for Mr. FORAKER) submitted an amendment proposing to increase the allowance for salary of consul at London, Canada, from $1,500 to $2,000, intended to be proposed to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to increase the allowance for salary of envoy extraordinary and minister plenipotentiary at Bolivia from $5,000 to $7,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

THE NICARAGUA CANAL.

On motion of Mr. MORGAN, it was

Ordered, That Senate bill No. 1783, to provide for the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific oceans, and the report, No. 114, accompanying the same be reprinted for the use of the Senate.

REPORT OF PHILIPPINE COMMISSION.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the United States Commission to the Philippine Islands 1,500 copies of volume I of their report recently submitted to the Senate by the President.

CHANNEL IMPROVEMENT NEAR MOUTH OF MOBILE BAY.

Mr. PETTUS submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made, and submit a report and an estimate for deepening and properly improving the channel through the outer bar in the Gulf of Mexico near the mouth of Mobile Bay.

POLICY REGARDING THE PHILIPPINE ISLANDS.

Mr. STEWART. I desire to give notice that on Friday morning immediately after the routine business I shall call up joint resolution No. 45, introduced by the Senator from Georgia [Mr. BACON], declaring the purpose of the United States with reference to the Philippine Islands, in order to submit some remarks upon that subject.

Mr. PLATT of Connecticut. The Senator from Louisiana [Mr. MCENERY] has given notice for Friday.

The PRESIDENT pro tempore. The Senator from Louisiana [Mr. MCENERY] has given notice for that time.

Mr. STEWART. Well, after he concludes I should like to address the Senate.

PUBLIC BUILDING AT PORTLAND, OREG.

Mr. SIMON. I ask unanimous consent to call up for present consideration the bill (S. 2840) for enlarging the public building at Portland, Oreg., situated between Morrison, Yamhill, Fifth, and Sixth streets in said city.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

Mr. COCKRELL. Has it just been reported this morning?

The PRESIDENT pro tempore. No; it is on the Calendar—Order of Business 355.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause the public building at Portland, Oreg., now occupied as a post-office and other Government offices, to be enlarged, so as to make the building suitable for the further accommodation of the post-office and the United States courts. The plans, specifications, and full estimates for the addition, enlargement, and improvement of the building shall be previously made and approved according to law, and shall not cost to exceed $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH COMMISSION STATION AT BEAUFORT, N. C.

Mr. BUTLER. I ask unanimous consent for the present consideration of the bill (S. 2366) to authorize the establishment, at some point on Beaufort Harbor, North Carolina, of a station for the investigation of problems connected with marine fishery interests of the middle and south Atlantic coast.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Fisheries with amendments.

The first amendment was, in section 1, line 7, after the word "point," to strike out "on Beaufort Harbor" and insert "in;" so as to make the section read:

That the Commissioner of Fish and Fisheries be, and he is hereby, authorized, empowered, and directed to establish a station for the investigation of problems connected with the marine fishery interests of the Middle and South Atlantic States at some point in North Carolina.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 10, before the word "dollars," to strike out "twenty-five thousand" and insert "twelve thousand five hundred;" so as to make the section read:

That for necessary surveys, erection of buildings and other structures, and for the proper equipment of said station, the sum of $12,500, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. COCKRELL. I ask for the reading of the report.

Mr. ALDRICH. If there is to be any discussion of the bill, I must call for the regular order.

Mr. COCKRELL. There will be no discussion, but I think a part of the report ought to be spread on the RECORD.

Mr. ALDRICH. The report is a very long one, and I must call for the regular order.

Mr. COCKRELL. It does not require that all of the report shall be read, but simply the report proper and the letter from the Commissioner.

The Secretary proceeded to read the report submitted by Mr. PERKINS, from the Committee on Fisheries, on the 8th instant.

Mr. COCKRELL. I ask that the remainder of the report and letter of the Commissioner of Fish and Fisheries be printed in the RECORD, in order to show the justification of our action.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report referred to is as follows:

The Committee on Fisheries, to whom was referred the bill (S. 2366) for the establishment at Beaufort Harbor, North Carolina, of a station for the investigation of problems connected with the marine fishery interests of the Middle and Atlantic Coast States, have examined the same and submit the following report:

(1) The object of this station is the investigation of problems connected with the marine fishery interests of the Atlantic coast from Long Island to Florida, just as the stations already established on the New England coast (at Woods Hole), on the Pacific coast, and on the Great Lakes investigate similar problems for these regions.

(2) The annual value of the fishery interests of the States bordering the middle and south Atlantic coast (excluding New York on the north and Florida on the south) is about $16,000,000 for general fishery interests, and over $9,000,000 for the oyster interests alone. Certainly this industry is one deserving a fair amount of attention and investigation at the hands of the Government, and it is believed that such a careful investigation continued through a period of years may result in considerable increase in the extent of the industry.

(3) Among the problems it is proposed to have investigated at this station are: (*a*) Breeding times, places, and conditions, and the habits, food, and feeding grounds of the more important food-fishes of the middle and south Atlantic shore; and the enemies of these fishes, both during the earlier and later stages of their growth. (*b*) A thorough investigation as to the food, feeding and breeding habits, under different and varying conditions, of the oyster, clam, shrimp, and the edible crabs, and other marine forms which have an economic value either as food for man or as food for or enemies of other edible species. (*c*) A careful and thorough study of the general biological conditions which appear to be the most favorable for the growth and development of these and other useful and interesting marine forms. Mr. Alexander Agassiz, perhaps the ablest and most experienced naturalist in the country in connection with these matters, has well said that all such observations should be carried on year after year in connection with the regular work of a Government Fish Commission station, for the reason that they are not only germane to its investigations, but are essential to its full success.

(4) The special advantages offered by the North Carolina coast region for the location of such a station grow out of the fact that it is midway between where the more northern forms extending southward and the southern forms from Florida extending northward overlap in their distribution. And about these extensive North Carolina sounds there is an intermingling of fishes and other marine forms from all this middle and south Atlantic coast. Cape Hatteras, which was once supposed to form a dividing line between the northern and southern faunas, does not constitute such a division in any important sense in connection with the fishery interests, as these forms pass easily around the cape and enter the sounds freely at the several inlets both to the north and to the south of the cape. About Beaufort Harbor, where it is proposed to locate this station, the fauna of the open sea, that of the partially inclosed sounds (where both salt and brackish waters are found), and that of the neighboring fresh-water streams are brought into close proximity, and consequently we find there animal life in greater variety and in greater abundance than at any other point on the Atlantic. This fauna includes and furnishes food for a large variety of food fishes and other abundant economic forms, such as the oyster, clam, shrimp, crab, etc.

(5) The policy of maintaining a few Fish Commission stations at which ample opportunity is offered for such investigations has been fully justified by the history of the station on the New England coast at Woods Hole. The results of the purely voluntary (unpaid for) researches of the naturalists who have annually visited this station are of the highest value. In no way

can the Fish Commission accumulate useful information concerning fishery interests and the general animal and plant life of a coast region so rapidly and at so little expense as by maintaining a well-equipped laboratory open to all who come to study the natural history of that region.

On the entire Atlantic coast south of New England there is no such laboratory at which the fauna may be investigated. This will doubtless continue to be the condition unless the Government cooperates in this work, since research laboratories open to the public are not established by private individuals or corporations. We can hardly expect any State to establish such a laboratory, for the reason that the larger problems to be solved relate to fishes which are migratory along the shores of a dozen or more States.

Our knowledge of the life history of the food-fishes and their food supplies and of the fauna of the middle and southern Atlantic coast is extremely meager, and yet it is sufficiently great for us to have learned its high economic value and its deep interest in connection with the great fishery problems of the country.

We submit herewith a letter from the Commissioner of Fish and Fisheries recommending the passage of the bill, with certain amendments:

UNITED STATES COMMISSION OF FISH AND FISHERIES,
Washington, D. C., January 19, 1900.

DEAR SIR: Respectfully referring to the bill (S. 2366) introduced by Senator BUTLER providing for the establishment of a station in North Carolina for the investigation of marine biological problems, I desire to state that this bill is heartily approved by the commission, and is also indorsed by the leading educational institutions in the country, including Johns Hopkins University, and practically all the universities in the Southern States.

In the title of the bill, the commission recommends that the words "on Beaufort Harbor" be stricken out and the word "in" inserted, and that the same change be made in the last line of the first section of the bill. It will facilitate the acquisition of a site and prove beneficial in various other ways if the commission is not expressly restricted to one particular place, although the locality mentioned in the bill undoubtedly affords the best facilities and would undoubtedly be selected.

Although $25,000 would not be too large a sum for Congress to appropriate for a station of this character, yet, in view of the comparatively cheap rates at which materials and labor can be had and the small outlay probably required for the necessary land, the commission believes that a plain, substantial, and satisfactory station may be established for a smaller sum than is carried by the bill, and recommends that $12,500 be appropriated.

In the event of the passage of this bill, it would not be the intention of the commission to ask Congress to provide a large permanent personnel for this station, as it is the established policy to have the work at such stations done by a corps of volunteer assistants from the various institutions of learning. All that would be required would be one or two laborers.

Very respectfully,

GEO. M. BOWERS, *Commissioner.*

Hon. GEORGE C. PERKINS,
Chairman Committee on Fisheries, United States Senate.

The PRESIDENT pro tempore. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. PLATT of Connecticut. I did not hear the bill read. I should like to inquire whether this bureau, or whatever it may be called, when established, is to be independent of the Fish Commission or is to act under it?

Mr. COCKRELL. It is to be a part and parcel of the Fish Commission, like Woods Hole.

Mr. BUTLER. It is to be a part of the Commission, like Woods Hole, in Massachusetts.

Mr. PLATT of Connecticut. Is that provided for in the bill?

Mr. COCKRELL. Oh, yes.

Mr. BUTLER. It is.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment at some point in North Carolina of a station for the investigation of problems connected with marine fishery interests of the middle and south Atlantic coast."

LIGHTS ON STEAM PILOT VESSELS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, and calls the attention of the Senator from Ohio [Mr. HANNA] to it.

The bill (H. R. 5288) relating to lights on steam pilot vessels was read the first time by its title.

Mr. HANNA. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of this House bill, the Senate having, within a day or two, passed one identical with it. The bill will be read at length for information.

The bill was read the second time at length, as follows:

Be it enacted, etc., That a steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of 8 feet below her white masthead light a red light, visible all around the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles, and also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry, in addition to the lights required for all pilot boats, the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels.

SEC. 2. That this act shall be construed as supplementary to article 8 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," and to article 8 of an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

SEC. 3. That this act shall take effect on June 30, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 732, relating to lights on steam pilot vessels, which has been returned from the House at the request of the Senate, will be indefinitely postponed.

REPORT OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the Report of the Philippine Commission 15,000 copies, 10,000 for the use of the House and 5,000 for the use of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 232) granting a pension to John Vars;

A bill (H. R. 309) granting a pension to James M. Kercheval;

A bill (H. R. 438) granting a pension to Emma M. Kitt;

A bill (H. R. 524) granting an increase of pension to Andrew J. Davis;

A bill (H. R. 825) granting an increase of pension to Fannie H. Riggin;

A bill (H. R. 854) granting an increase of pension to John H. McCormick;

A bill (H. R. 1885) granting a pension to Harvey Grant;

A bill (H. R. 1979) granting a pension to Sophronia Bailey;

A bill (H. R. 2169) granting an increase of pension to Nelson B. Lutes;

A bill (H. R. 2321) granting an increase of pension to Horatio H. Warren;

A bill (H. R. 2391) granting a pension to Elizabeth R. Holt;

A bill (H. R. 2477) granting an increase of pension to George H. Pennington;

A bill (H. R. 2526) granting a pension to Margarethe Bomke;

A bill (H. R. 2597) granting an increase of pension to Charles Kauffung;

A bill (H. R. 2599) granting a pension to Philip Yoe;

A bill (H. R. 2637) granting an increase of pension to Albert Hammer;

A bill (H. R. 2666) granting a pension to John M. Laughlin;

A bill (H. R. 2749) granting a pension to Susan Garrison;

A bill (H. R. 3067) granting an increase of pension to Melvina Bettles;

A bill (H. R. 3071) granting an increase of pension to John F. Nelson;

A bill (H. R. 3072) to increase the pension of William W. Wharton;

A bill (H. R. 3260) granting a pension to Susan M. Button;

A bill (H. R. 3538) granting an increase of pension to Charles Ross;

A bill (H. R. 4090) granting an increase of pension to Henry H. Brown;

A bill (H. R. 4416) to increase the pension of Henry Geesen;

A bill (H. R. 4652) granting an increase of pension to Charles Perkins;

A bill (H. R. 4698) granting an increase of pension to John C. Fitnam;

A bill (H. R. 5156) granting an increase of pension to Frances C. Kirby;

A bill (H. R. 5186) granting an increase of pension to Zadok C. Perkins;

A bill (H. R. 5188) granting a pension to David C. Dane;

A bill (H. R. 5229) granting a pension to Sarah Potter;

A bill (H. R. 5299) granting an increase of pension to Joseph McCune;

A bill (H. R. 5440) granting an increase of pension to Smith Jeweal;

A bill (H. R. 5503) granting a pension to Malinda Jones;

A bill (H. R. 5710) granting an increase of pension to Charles W. Jerome; and

A bill (H. R. 6575) granting a pension to Matilda G. Higbee.

The following bills and joint resolutions were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company of the District;

A bill (H. R. 4604) to amend the charter of the East Washington Heights Traction Railroad Company;

A bill (H. R. 5137) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John F. Ganso and others;

A bill (H. R. 5139) for the relief of Joseph Bacigaluppi;

A bill (H. R. 6243) to amend the charter of the Capital Traction Company of the District of Columbia;

A bill (H. R. 7337) to change the name of the Potomac Insurance Company of Georgetown, and for other purposes;

A bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes; and

A joint resolution (H. J. Res. 119) to amend an act entitled "An act to extend Rhode Island avenue," approved February 10, 1899.

The bill (H. R. 3334) to amend section 3500 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Finance.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

Mr. ALLISON. Mr. President, I desire to discuss as closely as I can the provisions of the bill reported from the Committee on Finance. I do not know that this is necessary, at this stage of the debate, after the clear statement made by the chairman of the committee [Mr. ALDRICH] and after the admirable statement of the Senator from Colorado [Mr. WOLCOTT] yesterday. In this discussion I do not intend, if I can avoid it, entering into the various phases of the financial question that have been the subject of debate in this Chamber for twenty-five years and also the topic of debate throughout the country.

The question of the currency of our country and what it shall permanently be has been more or less discussed for the last three or four years in public platforms and in the two Houses of Congress. Many reports have been made in the other House from committees having charge of the subject, but, so far as I know, during all those discussions and after all those reports no vote has been taken for three or four years in the House of Representatives upon the various subjects relating to the currency.

In 1897, immediately after the inauguration of President McKinley, and perhaps during the winter prior to that inauguration, it was proposed in the other House to take up the whole subject of our currency and deal with it by and large, and different measures were proposed for a radical modification of our present system of currency. These measures were not pressed for full consideration and to a vote in the House for reasons which were obvious, namely, that any provision or any bill on this subject meeting the views of a majority there when presented here it would straightway be subjected to an amendment providing "for the free and unlimited coinage of silver at the ratio of 16 to 1 without the aid or consent of any other nation." If I have quoted that phraseology correctly, this was the position of a majority of the Senate during the last Congress and since 1894.

It was well understood by all those who favor sound money and a stable or a reasonably stable measure of value and a stable currency that there were modifications necessary in our existing laws to maintain both. So the two Houses have at this session undertaken to consider this general question without entering into the large and complicated questions that were considered prior to the present Congress in the various committees of the House of Representatives. So this bill comes here from the House of Representatives, professedly, at least, taking care only of our present currency and our present standard of money.

There is no proposition, so far as I know, maintained in the debates upon this question to change our existing currency, consisting, as it does now, of gold and silver and gold certificates and silver certificates, based upon deposits, and what are known as greenbacks and Treasury notes and national-bank notes. Therefore the comprehensive system that has been at various times proposed does not find, so far as I can judge, a lodgment in the bill that comes to us from the House of Representatives, and it certainly is not provided for in the Senate amendment.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. ALLISON. Certainly.

Mr. TELLER. The Senator has twice or three times referred to a comprehensive system of currency. Will he tell us what he means by that?

Mr. ALLISON. I should be very glad to do that if time would permit; but it is rather too long and complicated a task for me to answer fully in the brief time I have. I will say, however, to the Senator that there are those who favor the free and unlimited coinage of silver. That is one of them. There are those who believe that that would be disastrous to the country, and that we should not only have the gold standard, but that we should also retire Government notes, consisting of our greenback currency and our Treasury notes, and that we should also in some comprehensive way deal with the silver money of our country. That, in brief, I understand to be the project that has been developed and discussed in Congress and in various portions of the country. Now, I do not care to go into those questions in detail.

Mr. TELLER. If I understand the Senator, he does not mean to touch those questions at all. I understood the Senator to say the other day that the House bill dealt with that matter. Does not the Senator mean to touch the House bill?

Mr. ALLISON. I mean to touch the whole question so far as I can, if my good friend will have patience, as I know he always has.

This bill comes to us from the House making certain provisions for the greenback currency, the Treasury notes, and the silver dollars. Those provisions have not been assented to by the Senate Committee on Finance, and they do not recommend their adoption.

The first section of the House bill is substantially the first section of the Senate bill, except that the Senate amendment in its first section provides for certain things that are undertaken to be provided for or at least dealt with in other sections of the House bill. We believe, at least the committee believe, so far as I know, that it is wiser and better for us to deal with the details of this question as proposed by the Senate amendment, rather than adopt the provisions of the second, third, and fourth sections of the House bill. The House bill, in its second section, provides for the payment of all obligations of the Government, public and private, in accordance with the standard provided for by the first section, providing specifically for the interest-bearing and noninterest-bearing debt, making them payable in gold coin. I shall not enter into an analysis of the second, third, and fourth sections of the House bill, at least not until the sense of the Senate shall have been taken upon the Senate amendment.

The first section of the Senate bill is divided practically into three parts. I wish to read it. The first portion of the section provides:

> That the dollar consisting of 25.8 grains of gold nine-tenths fine shall, as established by section 3511 of the Revised Statutes of the United States, continue to be the standard unit of value.

The next proposition is:

> And all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard.

Then follows this provision:

> And United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption shall be redeemed in gold coin of such standard.

The first question to be considered—and this question applies equally to the House bill as to the Senate bill—is whether or not this is a correct recital of the law as it has stood upon our statute books since 1873. I did not suppose until this debate began that there could be any doubt upon what our money standard is; but it has been argued on this floor by Senators on the other side of the Chamber that we have not been, or at least that we are not now, upon the gold standard of money. So it does become necessary for us to inquire into that question briefly.

The standard of metallic money is that which is described as of a certain weight and a certain fineness, and which has the opportunity of being coined at the mints of the United States at the request of private holders.

Section 3511 of the Revised Statutes—which I shall not stop to read—is taken from the statute of 1873, which declared in specific terms that the unit of value should be a dollar, and that it should consist of 25.8 grains of standard gold—standard gold being nine-tenths fine—and should contain 23.22 grains of pure gold.

Mr. TELLER. I dislike to interrupt the Senator, but I want to ask him if he assumes that because in 1873 the gold dollar was made the unit of value, that that put us upon the gold standard?

Mr. ALLISON. The dollar was made the unit of value, as it always had been prior to that time, and the dollar was required by this statute to consist of 23.22 grains of pure gold, or 25.8 grains of standard gold.

Mr. TELLER. Then I ask the Senator another question, because I want to get at his position on this question. I ask him were we on the silver standard from 1792 to 1873?

Mr. ALLISON. We were not.

Mr. TELLER. Then I will ask the Senator before he gets through to show the difference between the unit of 1792 and the unit of 1873.

Mr. ALLISON. I will answer that. The unit was the same, the dollar.

Mr. TELLER. I mean the words making the difference in effect.

Mr. ALLISON. The standard of value of 1792 is not proclaimed in the statute of 1792. There were two kinds of dollars to be coined under that statute, one of silver and one of gold, and by the eleventh section of the statute of 1792—if I do not mistake the section—it was provided that these two coins, one of silver and one of gold, should hold the relation to each other of 15 ounces troy of silver to 1 ounce troy of gold. Therefore, we had what

was then known and what I will denominate for convenience—Senators will perfectly understand it—the double or alternative standard of silver and gold under the act of 1792, under the equivalence of 15 to 1 in weight of the metals respectively.

Mr. TELLER. I must correct the Senator, if he will allow me. There was no gold dollar provided for by the act of 1792.

Mr. ALLISON. Certainly not. The Senator does not wish to stick in the bark?

Mr. TELLER. Oh, no; I do not.

Mr. ALLISON. The dollar was made the unit; 10 units made an eagle and 5 units made a half eagle, and therefore the unit was a dollar; but the value of the two coins was designated by the statute, saying that one should contain so many grains of gold and that the other should contain so many grains of silver.

Those who recommended these coins and reported their recommendation to the two Houses for their adoption knew this perfectly well, and intended that we should have these two coins in circulation, traveling side by side. In order to accomplish this, they spent months and years in ascertaining what was the true commercial value in the markets of the world of these two metals separately, and then they embedded them in the statutes according to their commercial value; and so we had these two moneys in our statutes in 1792, not having either the silver or the gold standard exclusively, but both on the ratio fixed.

Mr. President, when we come to the act of 1873 we find, as I have quoted, that this dollar, this unit of value, should be composed of what? Of 25.8 grains of gold, nine-tenths fine; and that the silver dollar, which was found in the act of 1792, was no longer found in the act of 1873, but was dropped from coinage, and no longer open to coinage at the mints of the United States. There was substituted for it in the coinage another dollar, of 420 grains of standard silver, which was made a limited legal tender to the amount of $5, although there was no limit to its coinage.

So, Mr. President, I take it that there can be no question that the act of 1873 provided for the single standard of gold; and if there were any question about it, I think I could bring at least 10,000 pages of the RECORD containing arguments made on various sides in this Chamber to prove that that was the effect of the statute.

Mr. TELLER. If the Senator will allow me, I have not disputed that proposition.

Mr. ALLISON. I understand.

Mr. TELLER. I disputed the proposition that making the unit of gold put us on the gold standard. We went to the gold standard in 1873 because you denied to silver the right to be coined at the mints, and not because of the unit.

Mr. ALLISON. Certainly not because of the unit. I certainly know better than to suppose that fixing the unit of value would put us upon any standard. The unit of value is the dollar. The measure of value is the thing to be contained and constituting the dollar, and we provided in 1873 that it should be 25.8 grains gold.

Mr. TELLER. I want to answer the Senator that it is not the measure of value. You had two dollars provided for; you had a gold dollar and a silver dollar, and you denied to the silver dollar the power you gave to the gold dollar. That is what put us on the gold standard.

Mr. ALLISON. Very well. It was impossible after 1873 for the owner of silver bullion to carry it to the mints and have it coined into dollars of 412½ grains, as the law provided before that time. Therefore the law of 1792, which was modified afterwards, was the only law under which the owner of silver bullion could carry it to the mints; but bullion is not carried to the mints in either silver or gold without the authority of statute. Prior to 1873 the mints of the United States were open to the free coinage of silver, but the statute of 1873 provided that they should be no longer open, and that placed us, as some of my friends here would say, ex proprio vigore upon the gold standard.

Then we were put upon the gold standard in 1873; but the Senators on the other side of the Chamber have argued here that, because of subsequent legislation, this provision has been in some way modified or changed, and the senior Senator from Virginia [Mr. DANIEL], whom I am sorry not to see in his seat, has discovered that because in 1890 we dropped the gold dollar from our coinage, therefore we abandoned the gold standard, and that gold is no longer standard money. That is the most ingenious suggestion I have heard from the other side of the Chamber on that subject; but the Senator seems to have forgotten that it is not necessary that we should fabricate coins of the unit of the standard. No country does that; at least I do not know of any country that does it.

Mr. TELLER. Oh, yes; a good many do it.

Mr. ALLISON. Perhaps so, but the pound sterling is the unit of value in Great Britain, and they do not coin the pound sterling there.

Mr. TELLER. They coin the sovereign.

Mr. ALLISON. They coin the sovereign. The single franc piece is the unit of value in France, and yet there has never been a gold franc coined in France. The mark, of 24 cents in value, is the unit of value in Germany, the standard of accounts, and yet no gold mark has ever been coined in Germany. So the fact that we do not coin the unit of value does not affect the measure or value or the standard of money or in any way affect the standard.

Mr. President, I do not wish to go over the statutes—we have had three or four of them on this subject—which have been quoted here as indicating that we have since 1873 changed our standard; notably, that was claimed for the statute of 1878. I have that statute here, and I want to call attention to it for a moment.

What does the statute of 1878 provide as to silver coinage? These words were carefully chosen in that statute to effectuate the purpose intended. Let me read them:

> That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver.

That did not mean a standard of value; that meant a standard of fineness, as is shown by the phraseology of the statute, that the silver dollar should be 412½ grains of silver of the standard of fineness, which was nine-tenths. Otherwise, if that language had not been in the statute, 412½ grains of silver might have been coined with eight-tenths of pure silver and two-tenths of alloy, or any other quantity of alloy which might be chosen. Therefore, when these standard silver dollars were coined in 1878 they were standard dollars of the fineness of nine-tenths, and nothing else. But the very idea of making silver a standard money at that time is excluded in every line and every sentence of that statute. It provides that the Government of the United States shall buy silver, and that it shall coin it into silver dollars nine-tenths fine, and put the seigniorage into the Treasury of the United States.

It provides also in another section that there shall be a commission appointed to deal with other nations as to the establishment of a fixity of value between gold and silver as money. So that there is nothing in this statute which can be construed as making the dollar of silver a standard of value. Each of the other statutes following—the statute of 1890 and the statute of 1893—is in accord with that statute as affecting the standard of value. Even the statute of 1875, which was the first statute passed after our new standard of money was created, eliminated the idea practically of having silver as a part of our standard money, because it provided for the purchase of a certain quantity of silver which should be fabricated into fractional coin. So there is no statute which in any way changes the statute of 1873.

If any further proof of this were needed, I might say that until within a very few months I have never heard it contended that the statute of 1873 did not place us upon the gold standard of money. Certainly all the debates which have occurred in this Chamber have assumed that to be true during all these twenty-one years, and if they did not assume it to be true, it would be a fact nevertheless, because since 1879, on the 1st day of January, there has not been bought a bale of cotton, a bushel of wheat, a coat, a necktie, or a breakfast, that has not been paid for on the standard of 25.8 grains of gold as constituting the dollar measuring values.

There has not been one dollar during all that period of twenty-one years that has not at this standard passed current everywhere, in every part of the United States, without discount; and although sometimes in panic periods they may be at a premium, every dollar that has ever been in circulation since January 1, 1879, in the United States, whether of silver or of gold or of paper based upon either gold or silver, or of national-bank notes, has been on an absolute parity with gold coin of the standard fineness described in the act of 1873.

So, Mr. President, when we adopt practically the phraseology of the act of 1873 we are reiterating, I agree, the existing law. It is but a reaffirmation of what has been the law since 1873. But I will pass from that phase of this first section.

The next clause on which I wish to comment, and which I have already read, provides:

> And all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard.

That is, in effect, new legislation, although it is what would be the result if that provision was not found in the statute. We resumed specie payments on the 1st of January, 1879, in gold. The money that was gathered to enable us to resume specie payments was gold money. The Secretary of the Treasury sold a large amount of bonds—we are all familiar with the transaction—for that purpose, and placed the proceeds, in gold, in the Treasury, intended to be reserved for the redemption of the greenbacks in gold. In 1878, when the silver dollar was impressed into circulation by that statute, we provided that these dollars should be coined in limited quantities and on Government account.

What was that for? Senators know the contest we had here in 1878. There was a contest between the adherents of free silver, who favored the free and unlimited coinage of silver in 1878, when silver was 9 per cent below par. I was one of those who believed then that if we could not keep our silver when it was 1 and 2 per

cent above par, or when it was 2 or 3 per cent above par, and the dearer metal, we could not keep our gold here when silver was the depreciated metal to the extent of 8 or 9 per cent, and it was unwise for us to open our mints to the free and unlimited coinage of silver, with the disparagement of 9 per cent against silver because of this depreciation, and that to have done so would have placed us inevitably upon the silver standard, although the variation or dislocation as compared with more recent times was only about 9 per cent against 50 per cent now.

That was debated here; and therefore the very provisions of the act of 1878 impliedly required that we should keep our money, whatever it might be, whether of paper or of silver, at a parity with our standard money. And that was not only provided for in this way in that statute, but before the repeal of that act of 1878 there was coined $378,000,000, and $78,000,000 were covered into the Treasury as seigniorage or profit.

Therefore it would be a want of faith and a failure to maintain the credit of the United States if we had not kept and do not keep those dollars at a parity with our standard. If I were to give my note or issue an obligation for any sum of money and use the proceeds, and then should go to the holder of that note ten days or ten years after, having the ability to pay it in full, having the ability to maintain my credit and my honor, and say, "I will give you 80 per cent only or 50 per cent of that money," I would be justly branded as dishonest; and certainly a government can afford to act in as good faith with its creditors and with the holders of money coined by it as a private debtor can afford to act with his creditor.

So it is, Mr. President, that if there was no provision whatever here that we should maintain all forms of money at a parity, we should be bound in honor to do it as a nation. But we have twice, at least, in our statutes provided that this shall be done. It is true we have not so provided in the form in which we propose to enact this provision. In the act of 1890—which was, of course, a great mistake, as shown by subsequent experience; I agree to that now and I thought so then—there was a provision—

> That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

That was a declaration of policy, of course, and was not in the form of a statute; but it was a public declaration of a public policy in a statute that should bind the conscience of the Government and the conscience of the Secretary of the Treasury, whose duty it is in the administration of these laws to maintain this declared policy.

So the act of 1893, which has been quoted here by Senators, reads:

> And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts.

So that twice in our statutes we have reaffirmed the policy of maintaining the parity of these coins. Now we propose to transform that declared public policy into an actual statute, binding upon those whose duty it is to administer the law.

The next provision is one which requires the redemption of the United States notes and the Treasury notes in gold. That may be stated to be a strengthening and invigoration of the existing law, although, so far as I know, there has never been a greenback or a Treasury note redeemed otherwise than in gold. There has never been, so far as I know, a single dollar borrowed for the purpose of redeeming the greenbacks that has not been paid into the Treasury in gold. Therefore there is a moral obligation to pay these notes in gold. I do not even know whether the question can be raised that the notes are payable in coin. I do not think there is any provision for it.

Mr. TELLER. Yes; the act of 1875. Will the Senator allow me to read it to him?

Mr. ALLISON. I have it here.

Mr. TELLER. Then the Senator takes back what he said?

Mr. ALLISON. I will not take back what I said as respects the moral obligation to redeem them in gold.

Mr. TELLER. The greenbacks were made specifically redeemable in coin by the act of 1875.

Mr. ALLISON. Very well; and by the act of 1869 they were impliedly redeemable in gold and silver.

Mr. TELLER. Not at all.

Mr. ALLISON. In the act of 1869, strengthening the public credit, long before the act of 1875 was thought of, when silver was a standard of value, it was provided that those bonds should not be paid until the greenbacks themselves should be redeemed in gold and silver coin. I am perfectly familiar with those statutes.

Mr. TELLER. The Senator ought to be.

Mr. ALLISON. I wish to say to my friend that if these notes are redeemable in coin, this bill changes the law so as to make them redeemable in gold. They have been redeemable in gold in practice. It is essential, if they are to continue in circulation, that all the people may know that we intend to redeem them in gold, according to the standard of 1873 because at least this substitute does not provide for the elimination of the greenbacks from our currency, but directs that they shall continue as a part of our currency.

If they are to continue as a part of our currency, there ought to be a reserve for their redemption, and that reserve should be, as it always has been since 1879, in gold and ample to secure the redemption in gold. So there is not a provision in the first section of the Senate substitute which is not now a part of the law or which has not been the practice of the Government since 1879 and that has not been declared by statute as the policy of the Government.

Mr. President, having said this much respecting the first section, I wish to say, regarding the second section, that it is intended to provide means whereby this gold reserve, which is set apart also by the second section, shall be constantly replenished after the greenbacks are redeemed. It may seem at first that this gold-redemption fund of a hundred and fifty million dollars is too large. It is larger than is necessary at this moment, I agree.

I looked over the redemptions of greenbacks yesterday and found that there were $30,000 redeemed on that day and $2,000 of Treasury notes. If the greenbacks—and I use that word in its ordinary, common sense—if the United States notes are to continue in circulation, they become a part of the basis of the credit of our country, and they should be absolutely redeemable hereafter, as they have been heretofore, in gold coin, and if they are so redeemed the reserve which is here provided for them and for the Treasury notes will be so complete that there will be no danger of any run or panic as respects their convertibility at any time into gold coin.

Mr. President, we have had a little experience on this question in the past. We had an experience in regard to it in 1893. I dislike to go into that discussion or even into an extended allusion to the situation of 1893 and the years that followed to 1896. It is sufficient for us to know that during that time the gold reserve was depleted from $100,000,000 to $41,000,000 at one time, speaking in round numbers, or perhaps $42,000,000, and at another time to $60,000,000, and it was feared by those who held greenbacks that the Government of the United States would not be able to redeem them in gold, and that when that ceased we would practically be upon the silver standard of money.

Whether we should or not I shall not now discuss, but there was a period of alarm that ran through nearly two years of time. That period of alarm came first in 1893, from the belief in many minds that we were likely to have, first, silver legislation, and, second, unfavorable tariff legislation. Of course the fear of silver legislation was soon abandoned, because it became patent very early that the President of the United States would not consent to the silver legislation proposed by his party or a portion of it.

But the disturbance, the unrest, the long debate of 1893 respecting the repeal of the purchasing clause of the Sherman law made the country uneasy. The people did not know whether that act was to be repealed or not. The vote in this Chamber was pivotal for more than four months, although this body was then Democratic, as was the other House, and the President had been elected by the Democratic party. There was, as I say, doubt and unrest as regards the money situation during the year 1893, or at least up to nearly the end of that year.

This was not without justification, because if the purchasing clause of the Sherman law was in force to-day, instead of having, as we have now, about $500,000,000 in silver, we would have practically more than twelve hundred millions, and we should be upon the silver standard. But I do not care to go into that phase of the question. However, that occasioned disturbance in the country and a feeling of unrest during the whole of 1893.

When it was discovered in 1894 that the great body of the Democratic party intended to abandon their President and intended to stand upon the proposition of the free and unlimited coinage of silver at a ratio of 16 to 1, the country became alarmed, believing that there was danger at least that that policy would be approved in this country at the coming elections.

Hence it was that the President of the United States was obliged to borrow money from time to time in order to maintain this reserve. In my judgment he would not have been obliged to do this had it not been also for the fact that during this whole time our revenues were insufficient to meet our expenditures, and a large portion of the money actually borrowed was used to pay the current expenses of the Government. It was because those then in power, in the readjustment of taxation, so readjusted our tax system, internal and external, that the revenues fell far short of meeting the current expenditures, and money which was poured into the Treasury and ostensibly went into the gold reserve was

immediately taken out for the purpose of paying the current expenditures of the Government.

Mr. TILLMAN. I should like to ask the Senator from Iowa if that was not contrary to law? Had the President the authority to issue bonds from which to obtain money on which to run the Government and pay its current expenses?

Mr. ALLISON. I do not care to go into that question.

Mr. TILLMAN. I should like to have the Senator's opinion on that point if he is willing to give it.

Mr. ALLISON. I understood the Senator to ask it, but I said I did not care to go into that question. I have no doubt the President had power to borrow money to maintain the——

Mr. TILLMAN. The parity.

Mr. ALLISON. To maintain the resumption of specie payments.

Mr. TILLMAN. I say to maintain the parity.

Mr. ALLISON. I do not say to maintain the parity. I say to maintain the reserve for the redemption of greenbacks. He had power to do that, because the law of 1875 gave it to him, although it was disputed somewhat at the time, but I believe no one disputes it now.

The Secretary of the Treasury having this money in the Treasury and in the reserve, redeeming the greenbacks with the reserve, he of course replenished the general fund in the Treasury, and held that, having money in the Treasury, if a warrant came there he was bound to pay it rather than to let it go to protest.

Mr. TILLMAN. In other words——

Mr. ALLISON. I leave that question to the Senator from South Carolina to decide for himself. I hope it will never occur again, and it never can occur if these provisions which we now propose to embody into our statutes become law. We will stop all that opportunity which the Senator apparently, although he has asked me for information, condemns.

Mr. TILLMAN. Will the Senator again allow me to ask him a question, and that is, whether he did not sustain the then President of the United States, a so-called Democrat, in that policy?

Mr. ALLISON. I do not know precisely what the Senator means by sustaining the President. I certainly did not in any way criticise the borrowing of money.

Mr. TILLMAN. Did he not have the hearty approval of the Senator from Iowa in selling bonds to get money with which to maintain the gold reserve and turn around and use that money to run the Government, contrary to law?

Mr. ALLISON. The Senator from South Carolina had better segregate his questions a little. He asks too many in a single sentence. I did sustain the President of the United States in borrowing money to maintain the reserve. I probably did criticise him and his party and the majority in this Chamber which refused to provide other means whereby the current expenditures of the Government could be paid, and thus forced the Secretary of the Treasury either to allow the Government obligations to go to protest or to use those funds.

The Senator from South Carolina was not perhaps in this Chamber when on an appropriation bill in 1893, less than six weeks before President Cleveland was inaugurated, we put on an appropriation bill, with the unanimous approval of the Committee on Appropriations, of which I was then chairman, a provision which came into this Chamber and which passed here without the yeas and the nays being called, and practically without debate, authorizing the Secretary of the Treasury to issue $50,000,000 of Treasury certificates of indebtedness, payable in two years, drawing 3 per cent interest, to meet any deficiencies in the public expenditures. We saw that those deficiencies were coming.

You forget now that when Mr. Cleveland was elected in 1892 there at once fell upon this country a pall and gloom, because it was believed that he would carry out his determined purpose of overturning the industrial system of our country and revolutionizing it into a system of free trade; and it did not require a man of large experience to see that if that was to eventuate, there would be a large deficit in the Treasury consequent upon the change of policy. Therefore we prepared for it, or sought to prepare for it; and when the measure went to the House of Representatives, that body refused, and made it a condition with us either of allowing the sundry civil bill to fail or to eliminate that provision for $50,000,000 of certificates of indebtedness.

Mr. TILLMAN. If the Senator will permit me, I merely interject these remarks into his speech in order to get him, if he will, to absolve the Democratic party from any responsibility for Grover Cleveland or his errors. He never was a Democrat, and we deny it.

Mr. ALLISON. I will absolve the Democratic party from any responsibility for him during the last years of his Administration, and I will absolve him from any responsibility for the Democratic party as well. [Laughter.] Certainly he does not want any responsibility of that character.

Mr. TILLMAN. I tried to get the Senator from Iowa to acknowledge that he indorsed and approved the action of the President at that time, but the Senator would not do it.

Mr. ALLISON. Yes, I knew what the Senator from South Carolina was trying to do. There was no question about what he wanted. I did not intend to discuss this question; but when the tariff bill, so called, came in—because it came in with the deficit staring us in the face—the deficit of the first full year of his Administration was $70,000,000. It came in and it passed the other House and it passed this body.

Mr. TILLMAN. If the Senator will permit me, will he not also enlighten us whether President Harrison in the closing months of his Administration did not have bonds prepared, looking to this very thing?

Mr. ALLISON. I do not know that, but I know that it would have been a prudent thing for any Administration to look into the face of the fact which we here in the Senate looked into, that the advent of the Democratic party in 1893 was the signal for deficiencies and disasters and distress and revolution as respect our industrial system. Therefore, if President Harrison did not see it he must have been asleep. [Laughter.]

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. TELLER. What was the surplus of the last year of the Republican Administration?

Mr. ALLISON. The surplus?

Mr. TELLER. Yes; the surplus.

Mr. ALLISON. The surplus——

Mr. TILLMAN. Under your own tariff; under the McKinley tariff act.

Mr. ALLISON. Very well. I see that the Senator and I are at a divergence at once. Under the McKinley tariff, the moment it was proclaimed that President Cleveland was elected that moment the receipts under that tariff began to fall, and therefore it was that when the 4th of March came, there being an interval of three months between election and inauguration, there was a falling off in revenue; and when President Cleveland came into office in 1893 the surplus in the Treasury was $124,000,000.

Mr. TELLER. When?

Mr. ALLISON. On the 1st day of March, as shown by the public statement. It was a hundred and twenty-four million dollars. I have the statement here.

Mr. TELLER. The 1st of March of what year?

Mr. ALLISON. Eighteen hundred and ninety-three.

Mr. TELLER. Oh.

Mr. ALLISON. Eighteen hundred and ninety-three. I did not know but that somebody might think that an important question, so I have the information here. It covers the period to the 1st day of March. This is the usual statement which comes monthly.

Mr. TELLER. That is not the revenue.

Mr. ALLISON. I am not speaking of revenue.

Mr. TELLER. That is not the revenue. I am not asking the Senator anything about the money in the Treasury.

Mr. ALLISON. The Senator asked me——

Mr. TELLER. The Senator has not answered my question. I asked him, and I want to repeat it, what was the surplus revenue for the year ending June 30 before the election of Mr. Cleveland? Now, let the Senator answer that.

Mr. TILLMAN. The receipts above the expenditures; not the money in the Treasury.

Mr. ALLISON. When was that?

Mr. TELLER. When was Mr. Cleveland elected?

Mr. ALLISON. What time—the 31st of July or the 1st of July?

Mr. TELLER. The 30th of June, the close of the fiscal year, before Mr. Cleveland was elected, when nobody knew whether he would be elected or not, and when the Senator was shouting with myself and others that we were going to defeat him.

Mr. ALLISON. Certainly. I have that before me also.

Mr. TELLER. What was it?

Mr. ALLISON. The deficiency was $27,000,000.

Mr. BERRY. Deficiency?

Mr. ALLISON. Deficiency.

Mr. TILLMAN. That was under the McKinley Act?

Mr. ALLISON. Under the McKinley Act.

Mr. TILLMAN. Therefore the Wilson-Gorman Act did not bring on all this.

The PRESIDING OFFICER (Mr. McCOMAS in the chair). Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I do not in the manner in which he presents himself. If he asks me to yield or asks me a question, I shall be happy to yield.

Mr. TILLMAN. I am sorry I have intruded upon the Senator. I certainly intended no discourtesy.

Mr. ALLISON. Certainly not. I know the Senator did not.

Mr. TILLMAN. But the Senator spoke about my manner, as though it had been offensive.

Mr. ALLISON. It has been the very reverse.

The PRESIDING OFFICER. The Senator from South Carolina did not address the Chair and ask permission to interrupt the Senator from Iowa.

Mr. TELLER. I think the Senator from Iowa has the wrong figures. I think there was a slight surplus.

Mr. PLATT of Connecticut. A surplus of two millions.

Mr. ALLISON. Did I say a deficiency?

Mr. TELLER. Yes. There was a slight surplus that year, amounting to a trifle; but if the appropriations had been expended that we had already made there would have been a deficiency.

Mr. ALLISON. There was surplus revenue——

Mr. TELLER. That was before Mr. Cleveland was elected. I am not defending Mr. Cleveland.

Mr. ALLISON. I know that.

Mr. TELLER. I have as poor an opinion of him as the Senator has a good one.

Mr. ALLISON. There was not a surplus on the 1st of July, 1892. Did the Senator ask me about the 30th of June before the election?

Mr. TELLER. Eighteen hundred and ninety-two?

Mr. ALLISON. That would be 1892. There was an excess of revenue over expenditures on the 1st of July, 1892, of $9,000,000.

Mr. TELLER. That is it.

Mr. ALLISON. I inadvertently quoted the wrong figures a moment ago. It was $9,914,000.

Mr. TILLMAN. Will the Senator from Iowa permit me?

Mr. ALLISON. Certainly.

Mr. TILLMAN. I should like to call his attention to the fact that that was under the McKinley tariff and under a Republican Administration, and therefore his contention that the Wilson-Gorman tariff and the Democratic mismanagement were responsible for the lack of ability on the part of the United States to meet its current expenses is not tenable.

Mr. ALLISON. I am not making any statement with respect to the Wilson-Gorman tariff bill except the one statement that the revenues failed to meet the expenditures. It may not have been the fault of those who created the revenues. It may have been the fault of those who made the expenditures and those who made the appropriations.

Mr. TILLMAN. The Republican party made the expenditures.

Mr. ALLISON. The Senator does not seem to reach the point I am trying to get at, which is that the bonds which were sold in 1894, 1895, and 1896 were sold in the face of a deficit of revenue, and therefore their proceeds, after getting into the Treasury, were used in the payment of current expenses.

Mr. TILLMAN. The Senator is too fair a man not to acknowledge that the facts have proved that that deficit in the Treasury did not come from Democratic policies, even though he may charge Grover Cleveland and the Wilson-Gorman tariff to the Democratic party, but it was a condition of the country.

Mr. ALLISON. Certainly I am not at this time criticising parties, but I am trying to show that money borrowed was used to pay expenses as well as to maintain the reserve.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I yield to those observations which the Senator has just made. They would be pertinent if true. [Laughter.] But the Senator from South Carolina does not seem to gather the scope of this situation. The first thing that appeared was the distress and the hard times, and the next thing that appeared was the Democratic tariff, and the next thing that appeared was the fear that we were going to the silver standard; and all these things did surprise timid people, people who had small earnings, and caused them to go where those earnings were deposited and seek to get them in the form of money.

Mr. TELLER. Will the Senator allow me to ask him one other question? He has the figures before him, so that it will not disturb him, and he is familiar with these matters. Will the Senator now tell us what was the condition of the surplus or the deficiency on the last day of June, 1893, for that fiscal year?

Mr. ALLISON. I will.

Mr. TELLER. When the Democratic Administration had been in power three months.

Mr. ALLISON. It had been in power from the 4th of March to the 1st of July. The excess of revenue was $2,341,000.

Mr. TELLER. That is for the fiscal year?

Mr. ALLISON. Yes; for the fiscal year. It is the excess of revenue over expenditures.

Mr. TELLER. Yes.

Mr. ALLISON. On the 1st of July, 1893, it was $2,341,000. Of course the old tariff was still in effect.

Mr. LODGE. We were still under the McKinley tariff.

Mr. ALLISON. Mr. Cleveland had been elected——

Mr. SPOONER. In November, pledged to its repeal.

Mr. ALLISON. Mr. Cleveland had been elected in November, and of course the law was in operation and the revenues up to that time were still large.

Mr. TILLMAN. Will the Senator give us the deficiency in 1894? Let us have the whole thing together.

Mr. ALLISON. I will give it for 1894.

Mr. TILLMAN. That was after the Wilson Act went into effect.

Mr. ALLISON. The deficiency was $70,000,000.

I wish to state that the raid, if I may use that word—and it is familiar to Senators—on the Treasury for the redemption of greenbacks resulted from the distrust which came in turn from the divisions in the Democratic party. The great body of them were on one side and Mr. Cleveland and a few of his followers were on the other, and that division disclosed the fact that in the elections that were to come the shibboleth of the campaign on that side would be the free and unlimited coinage of silver at the ratio of 16 to 1.

So up to the year 1896 and during the years 1895 and 1896 there was want of confidence, an essential element in the establishment and maintenance of credit. There was want of confidence in the credit of our country and the desire of its people to maintain that credit. I am not making charges against one side or the other, but I assert that the political questions that were thrust into prominence in connection with our currency system in 1893 and 1895 and 1896 were largely responsible for the deficit in our Treasury and for the uncertainty as respects our money, and therefore there were constant redemptions of greenbacks at the Treasury.

Mr. TILLMAN. Will the Senator care to express an opinion as to whether that deficit was owing more to the distrust in regard to the currency and the free coinage of silver and the policy of the Democratic party than to the tariff?

Mr. ALLISON. Well, Mr. President, I shall not try to split hairs and divide with the Senator.

Mr. TILLMAN. It certainly must have been one or the other.

Mr. ALLISON. It was both of them. My friend wholly misapprehends me if he thinks that I hold the change of the tariff harmless.

Mr. TILLMAN. I understood the Senator to give it as his opinion that it was owing more largely to the distrust in regard to the financial condition than it was to the tariff; that the tariff cut very little figure.

Mr. ALLISON. On that point I will allow the Senator to make the proper division between those two great causes for the distrust.

Mr. President, there is a singular thing that ought to be stated in this connection, and perhaps it ought to be said somewhat in defense of the other side of the Chamber. When they left the Administration, or went out of power in 1897, they left a pretty large surplus, it being chiefly the remaining surplus over the amount of money borrowed and the amount paid out to meet deficiencies in the revenue. They did not take any of it; they held it all in the Treasury. Therefore, whatever money they borrowed that was not paid out for expenses was still in the Treasury when President Cleveland left office and President McKinley came in.

I have stated, and I repeat, that I think it is wise for us to have a large reserve in order that timid people, people who are easily frightened as respects money matters, may constantly have before them the presence of an ample reserve for the redemption of the paper money issued directly by the United States. That reserve would not need to be so large if we were a bank of discount as well as a bank of issue, because then we could manipulate our money perhaps much better than a treasury can. Therefore the Treasury must hold a larger reserve in order that it may meet extraordinary occasions and situations which may arise and still leave no room for a panic or distrust or the fear of panic because of failure to redeem its greenback circulation on demand. So the amount is fixed at $150,000,000.

Now, there are four methods for replenishing this reserve. The first is by exchanging the greenbacks. They are redeemed as they are found in the reserve. The Secretary of the Treasury can take any gold he has in the Treasury and transfer it to the reserve and put the greenbacks into circulation. If not, any bank or individual that desires greenbacks rather than to hold gold can go and exchange gold for greenbacks.

I may say here that there is a prejudice among the American people against having in their pockets or about their persons or their homes in any way either gold or silver. We prefer paper; our country prefers paper; and therefore it is that the people are satisfied with holding the paper, provided they are always certain that it will be equal to the standard money of the country.

Now, to illustrate what I mean, I will refer to the very elaborate statement made by Mr. Carlisle before the Senator from Missouri who is nearest me [Mr. VEST]. He made an investigation, and Mr. Carlisle stated that he was able to exchange $100,000,000 of greenbacks for gold during the period of this financial

disturbance, and in addition to that he thought he was required to sell these bonds.

The first is an easy method, and probably neither the second, third, or fourth method will ever be employed. The second method is that people who have gold may voluntarily come in and deposit it and take greenbacks in exchange.

Then the third provision is that the Secretary of the Treasury may procure gold coin by the method provided in section 3700 of the Revised Statutes.

The object of that is to give the Secretary of the Treasury a little latitude in times of distress or panic, so that, if need be, if he find gold in Chicago or in San Francisco, and not gold precisely where he needs it, he can exchange these greenbacks by paying the express charges of the greenbacks to San Francisco or to Chicago and the express charges of the gold in return, which, you will see, is a small premium. It is a small premium, but no Secretary of the Treasury will abuse this power. However, it is an important power that he shall hold in his hands, in order that he may be able in critical times to pay the necessary expenses in the nature of a small premium rather than to use the power given to him to sell bonds.

The next method of replenishing the Treasury is to authorize him to sell bonds when the reserve shall fall below $100,000,000. That is no new authority. I have heard that declaimed against here. That authority is now held by the Secretary of the Treasury in the most ample way; but the difficulty is that when he goes to the market and sells bonds under the statute of 1875, he is bound to sell them at 4 or 4½ or 5 per cent interest, and those bonds are payable in either ten or fifteen or thirty years, depending upon the rate of interest. So it is now that the last $100,000,000 Secretary Carlisle sold are 4 per cent bonds which are not payable until 1925.

Therefore this power is only a limitation and not an extension of the power which he now has. It is a power which requires him under these provisions, first, to exhaust other means and methods before he resorts to the extraordinary method of selling bonds for the purpose of maintaining the redemption of these notes. So who is there on either side of this Chamber who can criticise this limited power compared to the power now on our statute books? I do not see how anyone can criticise this power adversely in view of the existing law, which gives the Secretary unlimited power for a like purpose.

Now, I will state my own judgment——

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. ALLISON. Yes, sir.

Mr. LINDSAY. I ask the Senator whether under the provisions of this bill, in case there should by any misadventure be a deficit of revenues, the moneys for which the gold bought under the bill should be exchanged could be used in paying the ordinary expenses of the Government?

Mr. ALLISON. I thank the Senator for asking the question. I would have probably alluded to that before I closed, and I will speak of it in a moment.

These bonds are to be sold under this provision only when the reserve falls below $100,000,000. Therefore, I express my own judgment and belief that there never will be a time when one dollar of these bonds will be sold or needed for the redemption of the greenbacks or United States notes. And yet it is a power that must lie behind this great duty of ours to maintain redemption and the standard of money which we have promised in every way to maintain, and which is essential to be maintained in order that the credit of our Government may remain as it is and in order that our people may not be cheated out of their earnings by piecemeal through adverse statutory provisions.

Therefore, we say that if the situation shall arise the Secretary of the Treasury shall exhaust this power as well as the other power. In other words, I may say here, that it is the intent and purpose of this bill, through the Senate amendment, that the standard of money which we now have, which settles all our business relations, carries on all our exchanges, is the basis of our credits, the basis of all our debts, shall not in any degree be disturbed, but that it shall stand as one of the essential aids to the prosperity, integrity, and credit of our country and its people.

Mr. ALDRICH. There is a full reserve for that purpose.

Mr. ALLISON. There is a full reserve for that purpose, and wholly for that purpose. Of course these greenbacks or Treasury notes, when taken out of the reserve fund, after it has fallen below $100,000,000, must be taken out from the proceeds of the sale of $50,000,000 of bonds, because if they can be taken out otherwise no bonds can be sold.

Now, when the greenbacks are taken out they are placed in the general Treasury of the United States. But there is another statute which we do not mention, because for myself I did not believe it was necessary in this bill to mention all the statutes on our statute books on every phase of the financial question. We only put in here such provisions as we regarded as essential to execute the purpose in view.

There is a statute now, passed in 1898, which, if it had been passed in 1893, would, in my judgment, have saved us much of the distress and the disaster that came from the selling of bonds in 1894 and the years that followed. That statute provides that the Secretary of the Treasury, when the expenditures are greater than the revenues, may issue to the extent of $100,000,000 certificates of indebtedness bearing not exceeding 3 per cent interest, payable in a single year. So, if in the early portion of Mr. Cleveland's Administration of the Government Mr. Carlisle had had the power to issue these certificates, it is not probable that this gold reserve at least would have been raided as it was later for the redemption of greenbacks.

The Senator from Kentucky will say to me that is not enough. Perhaps it is not, but there is still another reserve provision here. It is enough provided our expenditures are not greater than our income, because then the greenbacks will remain in the Treasury. But if our expenses are greater than our income, then the Secretary is bound under the statute of 1898 to recuperate his revenues by the means of the sale of these certificates.

These 3 per cent bonds are payable in one year after their date, and therefore it is that they become constantly redeemable and exchangeable after one year. So there is no danger and there can be no possible issue of long-time bonds such as are provided for in the act of 1875.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. ALLISON. Certainly.

Mr. LINDSAY. If the Senator will permit me to make myself perfectly clear, my recollection of the President's message is that he recommended that when greenbacks had once been redeemed in gold they should be retained in the Treasury unless exchanged for gold. Now, I do not see any provision in this bill which conforms to that recommendation.

Mr. ALLISON. If the Senator will allow me, I think I can show him that we have literally performed it.

Mr. LINDSAY. That is what I want to get at.

Mr. ALLISON. We have provided first for $150,000,000 reserve of gold. We have provided that the greenbacks thus redeemed shall remain there until the gold is placed in the reserve, and then, of course, they are taken out. Therefore we have literally carried out the President's proposition, because when a greenback is redeemed it never can get out of that redemption fund until a gold dollar goes in in place of it. So I say to my friend, who is at least in sympathy with sound money—I do not know how he feels about this bill—there is no provision here whereby the endless chain in the form so often indicated and so little understood is likely to appear again.

Mr. LINDSAY rose.

Mr. ALLISON. I am occupying more time than I intended.

Mr. LINDSAY. With the permission of the Senator, I will ask him whether or not the effect of this bill upon his interpretation of it will not be to ultimately retire the greenbacks and convert them into mere certificates of deposit of gold hereafter?

Mr. ALLISON. Mr. President, the Senator from Kentucky really helps me. I do not criticise his asking the question. Under our Senate amendment the greenbacks can not be taken from the reserve without gold taking their place. In my judgment, when the time comes that we are to retire and cancel our greenbacks and Treasury notes and other forms of direct issue of money by the United States, it should not be done without the most careful consideration and scrutiny as respects the time when and the means whereby it shall be done.

It is not wise legislation, to say the least of it, for us to provide here by statute that $346,000,000 of Government money can be retired from circulation unless we at the same time place hand in hand with such a proposition a provision that will substitute other $346,000,000 of currency to take its place, not theoretically, not problematically, but by competent statute, so that timid people will not again be frightened by the specter of a contraction of current money. Therefore, Mr. President, this bill, if it means anything, does mean that the greenbacks shall continue in circulation. Indeed, we have provided in one of these sections that they shall be reissued.

Mr. LINDSAY. To get at the exact point, the greenback is redeemed and goes into the Treasury. It can not get out of it except in exchange for gold. Whether that gold be purchased——

Mr. ALLISON. It goes into the reserve fund.

Mr. LINDSAY. It goes into the reserve fund, and it can not get out except in exchange for gold, whether that gold be purchased by the sale of bonds or whether it be procured by voluntary deposit. Now, then, the greenback being released, would not the gold certificate answer all the purposes of the greenback, and is not the greenback which gets into circulation again under those circumstances virtually a gold certificate?

Mr. ALLISON. A greenback is a gold certificate now. The Treasury redeems it in gold, and to the holder, under this bill and under existing law, it is actually exchangeable for gold. We intend that it shall be as good as a gold certificate. Why, Mr. President, what is one of the provisions of this bill? It is that the Secretary of the Treasury—not at his discretion, but that it shall be his duty—shall receive gold on deposit and issue gold certificates for it.

I may say in passing that the honorable Secretary of the Treasury, Mr. Carlisle, under a statute of 1882 which required him to issue gold certificates, decided that there being a provision there that gold certificates should not be issued when the gold reserve fell below $100,000,000, construed it that he had no power to resume the issue of gold certificates, though afterwards the reserve might be again increased to $100,000,000, and he held that view.

So the gold certificates that were in existence in 1893 and 1894, when the reserve fell below $100,000,000, were no longer issued, though the reserve was afterwards restored. It is a curious fact, Mr. President, that although those gold certificates, amounting to $80,000,000, were in the Treasury at the time Mr. Carlisle suspended the issue of certificates, on the 1st day of September last $34,000,000 of them were still in circulation, although not one dollar had been issued since 1894, showing the value that is placed upon these gold certificates.

On the first of September or the last of August Secretary Gage construed that law (I can not see how it could have any other construction) so that he could reissue gold certificates. I have here a statement of this date, laid upon every Senator's table. On the 12th day of February, 1900, the Secretary of the Treasury has outstanding $211,488,000 of gold certificates, an increase since September last from $33,000,000 to $211,000,000.

Therefore it is that these gold certificates are an adjunct and an auxiliary to the plan and claim which we have made here for the preservation of the gold standard and for the easy, economical, and effective method of maintaining it. So now, if you turn to your statement of this day, you will find there are $404,000,000 of gold in the Treasury of the United States, $211,000,000 of it represented by gold deposited there for gold certificates.

I will fall back for a moment and call attention to a thing which I forgot to mention. Therefore it is that this endless chain is a remote possibility and a remote contingency because the gold certificates come to supplement the greenbacks, and are just as good and no better under our provision than are the United States notes.

If a man desires gold bodily or physically, for the purpose of transporting it to other countries or for any special purpose in our own country—and gold is rarely required for actual transfer in our own country except for exportation—if a man desires gold for that purpose or for any purpose, he will not be required to rake the country over for the purpose of getting greenbacks. He will find $211,000,000 of gold certificates in circulation side by side with greenbacks, which, together with the greenbacks, sum up the gold, paper, redemption currency of our country always available for export.

Mr. President, we have not provided here for the exchange of silver notes for gold. We have not made that provision, because the committee think it wholly unnecessary, and unwise as well.

We have had the silver dollars and silver certificates in circulation in a greater or less degree since 1878 in a constantly accelerating and increasing quantity. We have pledged, as I said a while ago, absolutely the faith and the credit and the honor of this nation that the silver certificates shall be kept at a parity and constantly kept at a parity with gold.

They have been so kept, and they never have been exchangeable for gold, so far as I know, although for convenience to either those who have gold or those who have silver these exchanges may have been made. But it is one thing to use them in this way and another thing to compel their redemption by law.

There has never been a moment of time when the silver certificates were exchangeable by law; but we have made a provision here which is intended to strengthen and invigorate the silver certificates, not to destroy them and minimize them and degrade them, as the Senator from South Carolina [Mr. TILLMAN] and others may think we intend to do, judging from their observations.

What have we done? We have made a provision as to the silver certificates, which are the money of the Government, the money of the United States. They are here, first, by our authority and our statutes. They are here, second, because we hold in the vaults of the Treasury $125,000,000, which we have taken from the holders of these dollars and put into our Treasury; and if we are honest as a Government—and a government ought to be as honest as individuals—we will never disgrace and discredit ourselves by putting those silver certificates at a discount.

Mr. TILLMAN. Will the Senator allow me to ask him a question right there?

Mr. ALLISON. Certainly.

Mr. TILLMAN. The Senator from Iowa says that it is not the purpose to degrade the silver certificate. At the present time, I believe, when a silver certificate is presented at the Treasury the holder can receive only silver dollars for it.

Mr. ALLISON. Certainly.

Mr. TILLMAN. Now, if those silver dollars are not considered good, and the man wants them turned into gold dollars, how does he get them?

Mr. ALLISON. Does not the Senator consider them good? They always have been good.

Mr. TILLMAN. But what I am after is to have the Senator acknowledge, if he will, that he wants the Government to redeem the silver dollars with gold dollars, if a man demands it. Is the silver dollar a dollar, or is it simply a promise to pay a gold dollar?

Mr. ALLISON. It is a dollar. The Senator from South Carolina and myself certainly do not disagree about that. It is not a promise to pay; it is a dollar of the United States. It is made a dollar by our credit and our authority, and it is a dollar which, unless we discredit and disgrace ourselves, will be kept at par with gold.

Mr. TILLMAN. How can you keep it at a par with gold unless you redeem it in gold, if somebody will be fool enough to think it is not?

Mr. ALLISON. I will answer the Senator by referring to his own experience and observation as to the history of twenty-one or twenty-two years, and ask him has he ever been able to buy a silver dollar at a discount? Every silver dollar he has had, every silver certificate he has had, has been worth in every mart and every market place as much as a gold dollar.

Mr. TILLMAN. If the Senator will permit me, that is merely dodging the question.

Mr. ALLISON. I have no doubt the Senator thinks so. I give him credit for being honest in his judgment; and he certainly would not accuse me of dodging the question if he does not think so.

Mr. TILLMAN. Certainly not.

Mr. ALLISON. I attribute to the Senator——

Mr. TILLMAN. But will the Senator——

Mr. ALLISON. One moment. I attribute to the Senator the same honesty that I want him to attribute to me.

Mr. TILLMAN. Will the Senator permit me to call his attention again to the question? The question is, How will you keep a silver dollar on a par with a gold dollar unless you redeem it in gold?

Mr. ALLISON. We know that the sun will shine to-morrow because it has shone the day before, although we may not be familiar with the mechanism that produces it. We will keep the silver dollar at a par with gold because we have kept it at a par for twenty-two years; and notwithstanding all the shaking up and the digging up and depreciating observations made by people in various ways, the silver dollar has remained as firm as the Washington Monument, and has never diverged a hair's breadth from the standard.

But the Senator asks me what we are going to do now, and I will tell him.

Mr. TILLMAN. Very well.

Mr. ALLISON. We are going to strengthen and invigorate the silver dollar. How? We are going to do it by providing how people who do not want silver dollars, but who want silver certificates and small money, may obtain them.

How does Great Britain keep her silver in circulation, and how does France keep her silver money in circulation? There are one hundred and twenty-five millions of silver in circulation in Great Britain, or about one-fourth of the entire gold circulation of Great Britain. How is the silver there kept at par?

Mr. TILLMAN. Because the silver is redeemable at the treasury in sovereigns.

Mr. ALLISON. It is not redeemable. That is where the Senator is mistaken.

Mr. TILLMAN. In certain amounts.

Mr. ALLISON. Not at all. We are the only country in the world that redeems fractional notes, and no country ever redeems fractional silver except our own. France does not do it; Germany does not do it. Look at the 14 marks per capita of silver circulating in Germany, and in addition one hundred millions of full legal-tender silver. Not one dollar of it is exchangeable under the statutes of the German Empire into gold dollars. Great Britain does not do it. She uses as much silver to her gold coin as she thinks is wise and can be kept in circulation, but she never redeems a dollar of it.

France has never exchanged her gold for silver, although she has largely more silver in circulation than we have in the United

States. She redeems her paper in silver and in gold, and maintains the parity of both by a careful limit of the quantity, and the silver is current in every market place. Here silver is a full legal tender. It is by law receivable for all public dues and taxes; its circulation is limited in quantity, which has shown that it is not excessive by actual experience. But we have added in this bill a provision which will strengthen its use as a currency.

Mr. TILLMAN. I was going to ask the Senator if he did not know that France will pay her paper obligations in either gold or silver? We have refused to do that, although the obligations read that they are redeemable in coin; we have discriminated in favor of gold or in favor of the persons who wanted gold, and France never has done that.

Mr. ALLISON. Why, Mr. President, the Senator must be familiar, as I am sure he is, with our method, with the French method, and with the methods of all great banks and governments. The French Government has no paper money, as we have. The Bank of France issues all the money for the French Republic, and she redeems all the money of the French Republic. Her issues are based upon both silver and gold, and whilst she may at times refuse gold to people who want to export it, France has an ample reserve of gold and a sufficient reserve of silver to constantly maintain the parity of her money, and she does that without redeeming her silver in gold or her gold in silver.

Mr. President, we have inserted in this bill a provision which requires that hereafter the silver certificates shall be in denominations of $10 and under. Why have we done that? We have done it because the habits of our people are such that they prefer paper to either silver or gold, and therefore the small circulation can not well be on the gold basis; it could be, but it is not convenient to issue small gold coin. So we have provided that silver certificates representing silver dollars shall be of denominations of $10 and under.

Who finds fault with that? Is it the man who insists that the national banks shall have the privilege—because it is a privilege—of issuing small bills, for they are not redeemed as often and as rapidly as the larger bills? Is it not a power which the Government should take in its hands and use discreetly and wisely for the benefit of its own issues of currency rather than surrender it to banks of issue?

Mr. TILLMAN. If the Senator will pardon me—I dislike to intrude on his argument.

Mr. ALLISON. Not at all; it is no intrusion.

The PRESIDENT pro tempore. Does the Senator from Iowa yield?

Mr. ALLISON. I do.

Mr. TILLMAN. The Senator spoke a few moments ago of the method in France of redeeming and maintaining money at par. We have no such institution here as the Bank of France, and the Treasury of the United States is the only analogous place. Now, if we issue silver certificates and those certificates are not redeemed for persons who want gold, they can not be redeemed in gold, as I understand, but they are redeemable in silver. The man having silver certificates goes to the Treasury and he gets silver dollars for them. He still wants gold, and has got his silver dollars. How is he going to get the gold?

Mr. ALLISON. If the Senator wants gold in exchange I will give it to him, although I have only one piece in my pocket; or he can go to any neighbor or any bank and get gold.

Mr. TILLMAN. Mr. President——

Mr. ALLISON. The Senator will pardon me a moment.

There is no difficulty whatever, and there never has been any difficulty, in maintaining the parity of silver with gold, because that is all that is required. I want to ask the Senator—and I asked him before—does he know of an instance where silver has been depreciated? Now, what we want to do——

Mr. TILLMAN. Mr. President——

Mr. ALLISON. I want to finish my sentence.

What we want to do by this section is to give whatever advantage there may be to our Government as against other forms of money to the silver certificate, and thus decorate it as the money that goes into general circulation and is known as the money of the people.

Mr. TILLMAN. With all due deference to the Senator, I must insist that he has not answered my question, and I am afraid he will not answer it.

Mr. ALLISON. And I am afraid I will not either, if I have not done so already.

Mr. TILLMAN. It amounts to this: There are upward of three hundred millions—I think three hundred and ninety-two millions, or something along there—of silver certificates out. It may be $400,000,000.

Mr. ALLISON. Three hundred and ninety-two million dollars.

Mr. TILLMAN. If those silver certificates lose the confidence of the banks and of the people and people want "sound money," they want gold, and the silver certificate is now redeemable in silver and silver only. The silver certificate can not be turned into gold, and the silver itself is not gold. If a man wants gold, how will he get it? How will you maintain the parity unless they are redeemed in gold?

Mr. ALLISON. The Senator's question amounts to——

Mr. TILLMAN. If the Senator will explain it, it amounts to this, that three hundred and ninety-two millions of currency are floating here which are based on silver and redeemable in silver only. If that is to be maintained at a parity with gold, it must be redeemed in gold at the Treasury, and you can not escape from it.

Mr. ALLISON. That is only the opinion of the Senator. For twenty-two years all the facts have been against him.

Mr. President, I do not understand the Senator from South Carolina to regard silver money as a promise to pay. I do not understand him to argue or to say that he means that a silver dollar is a promise to pay.

Mr. TILLMAN. I mean under your scheme of finance that is what you are making it.

Mr. ALLISON. Then I do understand the Senator. He must study more deeply and more thoroughly the committee's plan and then he will see how easily and how absolutely we have avoided what he fears.

Mr. President, we have provided in our bill that the silver certificates shall be in denominations of $10 and under; that the national-bank notes shall be in denominations of $10 and over, and that greenbacks shall be in denominations of $10 and over.

Mr. SPOONER. How about the gold certificates?

Mr. ALLISON. The gold certificates are in denominations of $20 and over, and at least one-fourth of them shall be less than $50. We have made these provisions in addition to the provisions of law already in existence, which have proven so absolutely satisfactory; and notwithstanding all the shakings and rumblings and tumblings in our financial history the silver dollar has been uniformly good.

Mr. TILLMAN. Let me ask the Senator one other question, and I shall not intrude any further upon him.

Suppose next fall that a Democratic President should be elected——

Mr. ELKINS. That is supposing too much.

Mr. TILLMAN. That is, of course, in your view an impossibility; but miracles have happened even in the United States. Suppose a Democratic President should be elected next fall, and suppose he should take it into his head to pay these silver certificates in gold.

Mr. ALLISON. How would he do it?

Mr. TILLMAN. He could not do it, because there would not be gold enough there. But suppose he should undertake to discriminate against this silver currency, which has no base under your bill, as you say, unless it is redeemable in gold; how would that silver be maintained at a parity unless it be redeemable in gold?

Mr. ALLISON. Well, Mr. President, you have got to catch your hare before you cook it. That is certain.

Mr. TILLMAN. This whole scheme, then, rests upon the condition that the party now in power shall maintain its supremacy?

Mr. ALLISON. No, sir. I speak of the silver certificates and not of the probability of the election of a Democratic President. That is such a remote probability that I do not care to discuss it. [Laughter.]

I have said enough about these small notes. Now I desire to say that we have inserted in the bill a provision for refunding the public debt, which is criticised in friendly and unfriendly quarters. There are some people who think that it is an unwise thing for the Government of the United States to borrow money at 2 per cent.

Mr. ALDRICH. Not many.

Mr. ALLISON. Not many; but there are a few. Wherever there has been criticism of this feature of the bill it is a criticism in the nature of a statement that we are trying to refund our debt into bonds bearing a lower rate of interest for the benefit of the banks of the United States. If it is for the benefit of the banks of the United States to have bonds bearing 2 per cent rather than 3 or 4 per cent interest, they will understand that undoubtedly. It may be better for them, and I have no doubt it is better for them, under the provisions of this bill than for them to issue notes upon the present value of the bonds at 90 per cent of par.

People here and elsewhere seem to denounce the national banks as though they were criminals, plundering the community. The other day I heard my good friend from Nebraska [Mr. ALLEN] denouncing the banks of New York for placing the finances of the country and the city of New York in such a condition that the interest rate was 184 per cent. That was true for a few hours of a single day.

Was that, however, because of bank circulation? The associated

banks of New York have less than $16,000,000 of all the circulation of national-bank notes. Did that gambling rate of interest or that situation in New York affect the country? From investigation I know personally that the very day that the bank rate in New York for two or three hours was 184 per cent the bank rate in all the other cities of the country was normal and neither went up nor down a farthing or a cent.

In the State of the Senator, as well as in my own, the bank rate this winter has been uniformly about 5 and 6 per cent—never higher than 6 per cent. The country is not affected, as a general thing, by what is done in Wall street for the moment when the "bulls and bears" are struggling in the arena—for that is all it amounts to. It is a fight between those people for supremacy respecting their holdings. The "bears" being triumphant for a time, the "bulls" had to put up their securities, and they found it difficult for a while to borrow money approaching the hour for settlement; but the entire country never was in a more prosperous condition, not only respecting the rate of interest, but respecting business generally.

The Senator from Nebraska the other day deplored the fact that the agricultural products of his State and mine were greatly reduced in price, whilst iron and steel, which our people consume, had largely advanced in price. Why, Mr. President, there never was a time when the principal agricultural products of the Senator's State and mine were higher on an average than they are now.

Mr. ALLEN. If the Senator will allow me, wheat never was as low in the history of Iowa and Nebraska as it is to-day.

Mr. ALLISON. I spoke of the principal products. I did not speak of wheat.

Mr. ALLEN. If the Senator will permit me, corn is no higher than it was eight years ago.

Mr. ALLISON. That may be, but corn and cattle and hogs are 30 or 40 per cent at least higher than they were in 1896.

Mr. ALLEN. If the Senator will further permit me in this connection—and I shall not interrupt him any further—two of the complaints against this bill which I make is that it turns over the whole power to issue currency and to control that currency to an organization of national banks——

Mr. ALLISON. I knew that was the Senator's objection.

Mr. ALLEN. And second, the bill perpetuates and increases the national debt.

Mr. ALLISON. Mr. President, I wish to say but a few words more in respect to the circulation of the national banks and the power of which the Senator speaks. We have two hundred and forty-two millions of national-bank notes now in circulation, and we have more than a thousand millions of other paper money, and every dollar now in circulation must and under this bill will remain in circulation. Therefore, it is a case of the tail wagging the dog, according to the Senator's theory. Two hundred and forty-two millions can not control a thousand millions.

Mr. ALLEN. Will the Senator again permit me?

The PRESIDENT pro tempore. Does the Senator from Iowa yield?

Mr. ALLISON. I do.

Mr. ALLEN. One of my principal objections to the bill is—and it is a true construction—that every dollar of paper money, greenbacks, Treasury notes, and silver dollars, becomes impounded and redeemable in gold; that all these forms of money will pass out in the course of a short time, and that the channel now occupied by them will be occupied by national-bank notes.

Mr. ALLISON. The Senator, of course, has his opinion about that; but I feel sure, from his intelligence and discriminating capacity, when he studies the bill carefully, the fears now agonizing him will disappear like the mists of the morning, as the amendments I am discussing can not have that result.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I will yield for a question. I am now trespassing upon the time of my friend from Nevada [Mr. JONES], who is ready to proceed.

Mr. TILLMAN. I simply rise to set myself right, and maybe the Senator will give me the light I seek. I find, in putting my question in regard to the possibility of the election of a Democratic President, I used the word "gold" instead of "silver." I meant to ask the Senator, Suppose a Democratic President should take it into his head, under the contention of the Senator, that a silver dollar is a dollar and to redeem a gold certificate with a silver dollar?

Mr. ALLISON. Does the Senator want an answer to that?

Mr. TILLMAN. The law would prohibit it.

Mr. ALLISON. The law would prohibit it. If the Senator is looking to the election of a President who would violate the law and good conscience as well, then, of course, he might pay silver for gold.

Mr. TILLMAN. The point I tried to get and did not get any light on from the Senator was how the silver dollar and the silver certificates are to be kept as good as gold unless they are redeemable in gold?

Mr. ALLISON. If what I have already said has not convinced the Senator from South Carolina, then it is impossible for me to convince him.

Mr. TILLMAN. If the silver dollars are dollars, they certainly ought to be received by any Department and paid out by the Treasury in payment of any of its paper obligations.

Mr. ALLISON. They will be so received. They are receivable now in the payment of public and private dues. If the Senator goes out to the Secretary's office and asks for $100, I venture to say that he would be paid entirely in silver certificates, and he is bound to take them.

Mr. TILLMAN. It will not do for the Senator to undertake to get around this question by referring to his or my personal transactions or other small transactions in this Chamber. It is a question of how these three hundred and ninety-two millions of paper based on silver are to be maintained under the gold standard unless they are redeemable in gold.

Mr. ALLISON. I have answered that as far as I can.

In response to the Senator from Nebraska [Mr. ALLEN], I said that the staple products of his State and mine are higher now by 30 or 40 per cent than they were in 1896. So staple farm products have advanced in price, though not perhaps pari passu. They have advanced very largely in price since 1896, as have manufactured articles; but the price of manufactured articles depends largely upon the supply and demand of those articles from time to time.

Mr. President, I shall not occupy much time on this question. We have provided in the substitute reported by the Committee on Finance for the refunding of the interest-bearing obligations of the Government due in 1904, 1907, and 1908. It is not a compulsory refunding, but it is a refunding at the will of the holder of the bonds, taking them at the offer made by the Government.

It seemed to us that it was wise to bring in this plan for refunding, because, in the first place, it is a favorable time to do it. The rate of interest which we propose in the amendment is the rate which the holders of bonds have received for the last few months on the market value of their bonds; and it is the normal rate, or likely to be the normal rate in the near and distant future, for bonds of the United States in our own country.

There is no disguising the fact that our Government bonds, because of their fewness in number and of the uses to which they can be applied, are more valuable than the government bonds of countries where they are not so used and who have much larger issues than have we.

This Congress or the next Congress must adopt a refunding bill, and it is wiser and better that the refunding should take place gradually, in order that there may be no disturbance of the locality of the bonds and of their status respecting the money market, if you please to call it such. In other words, if there is an easy transition and exchange, the bonds will gradually be converted into the new bonds provided for without the slightest friction in any local or central market.

So it is wise that we should take hold of this question in reasonable time in order that the conversions may be gradual. This is no new thing. We refunded our entire public debt by a statute passed in 1870, and yet it was not effective as to all the bonds until 1879.

That statute of 1870 was eight or nine years in performing its function, and yet that exchange from 6 per cent to 5 per cent and 4 per cent bonds was made during a time when there were favorable markets, so that there was no friction in the money market respecting the enormous changes of bonds and placing them among one set of people when they had been in the hands of another. So we thought it was wise to do it by this easy method, and we pursued an economical method.

I have no doubt that there are a great many people who would rather see us go right up to that verge of the maturity of the $559,000,000 of 4 percents in order that they might be able to say "We will take the entire loan at so much per cent," and possibly at an unfavorable period. On the other hand, we say it is wiser and better to do this gradually without friction and without the intervention of the middlemen or bankers, who are always ready and always willing to discharge such functions for the Government——

Mr. TELLER. For a consideration.

Mr. ALLISON. For a consideration, as the Senator suggests, though a small consideration, of course, because they have a way of doing things which enables them to aid themselves a little, even after the refunding takes place.

Mr. TELLER. Will it interrupt the Senator if I should thrust

in here at present the remark that the national banks, in consideration for their services, hold nearly $168,000,000 of Government money without paying any interest upon it?

Mr. ALLISON. I think that is understood.

Mr. TELLER. I was afraid the Senator had forgotten that.

Mr. ALLISON. No; I have not forgotten it. I understand that perfectly well. We do not change that.

Mr. TELLER. Oh, no.

Mr. ALLISON. We do not change that in this bill, because that is one of the things not germane to the question we are dealing with in this bill. There were a great many things which we did not deal with; we did not deal with the tariff; we did not deal with the shipping bill, and some other things. We tried to confine ourselves to the things we wanted to do, adapting those things to the present conditions and the present state of the law.

Mr. President, the national banks are not obliged, I repeat, to exchange their bonds unless they wish to do so. If they do, we shall save $15,000,000 per annum in interest; and that, in an economical sort of government and in a government that has not money to throw away or money to burn, amounts to something in the course of a year. It will help a long way toward the payment of some bills and laws which have been pressed upon Congress with a vigor and an earnestness that I have not seen in a good many years.

So, Mr. President, when we are fussing about trying to find ways to save money, when we have an opportunity of saving from the beginning, and if all are funded, fifteen millions annually, why say wait, wait until these bonds mature, when perhaps an unfavorable monetary situation will arise, and then, instead of being able to fund them at the low rate of 2 per cent, we will be asked to pay 3 or 4 per cent, as we were compelled to do in 1893?

We need not be gibbeted on the crossroads of public opinion for undertaking to favor the national banks by requiring them to use a 2 per cent bond instead of a 3 or 4 per cent bond, when at the same time we are saving to the people of the United States $15,000,000 per annum.

Every private corporation, every private business, is doing this. Why should we not do it? Take the great railroad systems of our country. They have been and are producing incalculable benefit to the people of the United States by being able to refund their bonds into 3½ percents instead of sixes and sevens. The same is true of private debtors.

The Senator from Nebraska [Mr. ALLEN] and I can congratulate each other that the farmers of Iowa and Nebraska, who have been compelled for all these years to pay 7 per cent interest as the lowest rate, and commissions besides, have for the last two or three years been able to borrow money at 5 per cent upon long time without the payment of commissions.

Is it no boon to a man who, either for the purposes of enlarging his business or buying an additional farm or by some misfortune, has been compelled to go into debt to have a Government that so adjusts and arranges its finances and so establishes and uses its credit that he can borrow money at 2 or 3 per cent per annum less than he paid before?

When I hear these criticisms against this plan to reduce the rate of interest upon our Government bonds, I feel as though there must be a cat in some part of the meal somewhere—certainly not among those who discuss or criticise adversely the bill.

Mr. President, I have gone over the bill as best I could, endeavoring to explain its provisions in detail. I may have omitted some things which I ought to have discussed, but I have undertaken to show that this bill, by and large, has no concealments or prevarications or innuendoes. There is nothing here but what is plainly written upon the face of the proposed statute.

There is nothing lying behind it. We stand here upon it as an open declaration of our aims and our purposes, without concealment, leaving little discretionary power either in the Secretary of the Treasury or in the President of the United States.

We say that these provisions will maintain, in adverse as well as in good fortune, in hard as well as in good times, the standard of value which has been the standard of all our transactions since 1879; and the man who now, for merely sentimental reasons or because he wants free silver or because he wants to destroy greenbacks, fails to come to the rescue, by his vote, of the plans and purposes of this bill will fail, in my judgment, in discharging the public duty he owes to the people he represents and to the country.

[Mr. JONES of Nevada addressed the Senate. See Appendix.]

Mr. TELLER. I should like to have read the arrangement we have made as to the debate to-morrow.

The PRESIDENT pro tempore. The Secretary will read to the Senate the unanimous consent given on some former day.

The Secretary read as follows:

AGREEMENT TO VOTE ON H. R. 1.

February 15, 1900.—Agreement, by unanimous consent, that the vote upon the passage of H. R. 1 and pending amendments be taken some time during Thursday, the 15th of February, and that two days, including the 15th, shall be given to the discussion of amendments under the ten-minute rule.

Mr. TELLER. I desire to inquire of the Chair whether that limits all speaking to-morrow to the ten-minute rule?

Mr. CHANDLER. Before that question is determined, I should like to ask the Presiding Officer what he would consider as "pending amendments?" Many amendments have been handed in at the desk and printed, but of course there can be but one amendment pending at a time.

Mr. ALDRICH. I think the word "pending" is not in the agreement.

Mr. CHANDLER. I heard the word "pending" read, I believe.

Mr. ALDRICH. It does not say pending.

Mr. CHANDLER. Will the Presiding Officer have the agreement read again?

Mr. ALDRICH. The word "pending" is not there.

The PRESIDENT pro tempore. The Secretary will read that portion of the agreement again.

The Secretary read as follows:

And that two days, including the 15th, shall be given to the discussion of amendments under the ten-minute rule.

Mr. CHANDLER. Will the Chair allow any number of amendments in the first degree to be offered to-morrow?

Mr. JONES of Arkansas. That was certainly the understanding.

Mr. ALDRICH. The understanding, I will say to the Senator from New Hampshire, was that the substitute reported by the Senate committee should be treated as the original bill and open to amendment to the second degree.

Mr. CHANDLER. So that an amendment may be offered and an amendment to the amendment?

Mr. ALDRICH. Yes; all amendments.

Mr. CHANDLER. Now, the other question, if the Senator from Colorado will allow me, is whether we are to discuss the particular amendments one by one and vote upon them or discuss them all first and vote upon them all at once?

Mr. ALDRICH. It is immaterial to me.

Mr. CHANDLER. I now return the floor to the Senator from Colorado.

Mr. TELLER. I wish to have a few moments to answer some suggestions made this afternoon by the Senator from Iowa [Mr. ALLISON], which I could not do to-day without interfering with the Senator from Nevada [Mr. JONES]. I do not feel that I ought to go on at this time of the evening.

Mr. ALDRICH. I presume there will be no trouble in accommodating the Senator from Colorado to-morrow. I do not think any Senator will object.

Mr. TELLER. If there are enough Senators who wish to speak to-morrow, so that the whole time will be occupied, I shall not speak beyond my ten minutes; if not, I should like a little more time.

Mr. CHANDLER. Why not meet at 11 o'clock to-morrow?

Mr. COCKRELL. I was about to make that suggestion. It would give us an hour more.

Mr. ALDRICH. There has been a Republican caucus called for to-morrow.

Mr. COCKRELL. Oh!

Mr. JONES of Arkansas. My own impression is that the unanimous-consent agreement applies strictly to the time beginning after 2 o'clock.

Mr. ALDRICH. I think the Senator from Arkansas is right about that, because at the time the agreement was made we were on the 2 o'clock arrangement. I think the Senator from Arkansas is right.

Mr. JONES of Arkansas. The time between the close of the routine business in the morning and 2 o'clock may be devoted to debate, and the Senator from Colorado can take what time he chooses.

Mr. TELLER. I will take the chances of getting in some remarks to-morrow. If I interfere with anybody I will submit myself to the ten-minute rule.

Mr. ALDRICH. I do not think there will be any objection.

Mr. TELLER. I will do that the first thing in the morning.

DEATH OF REPRESENTATIVE CHICKERING.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of CHARLES A. CHICKERING, late a member of the House from the State of New York, and transmitted the resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. SHERMAN, Mr. BABCOCK, Mr. CUMMINGS, Mr. LITTAUER, Mr. DE GRAFFENREID, Mr. DAVIDSON, Mr. GILLET of New York, Mr. ALEXANDER, and Mr. OTEY as a committee on the part of the House to take charge of the funeral arrangements.

Mr. PLATT of New York. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from New York offers resolutions which will be read.

The resolutions were read, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. CHARLES A. CHICKERING, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the presiding officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from New York.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed, under the second resolution, as the committee on the part of the Senate, Mr. PLATT of New York, Mr. MASON, Mr. SCOTT, Mr. TURNER, and Mr. SULLIVAN.

Mr. PLATT of New York. As a further measure of respect, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 14, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 13, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Once more, Almighty God, in Thy providence Thou hast brought us face to face with that which awaits us all. The Angel of Death has visited us and taken from this body one of its true, its noble, its pure members. We pray Thee that we may be impressed with the uncertainty of life and make ourselves ready, so that when the call comes we shall be prepared to go on to that larger life, doing Thy bidding and fulfilling our mission, now and then and always. In the name of Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

GOVERNMENT PRINTING OFFICE.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table Senate joint resolution 83, increasing the limit of cost of the new building for the Government Printing Office, to meet the increased prices of building materials, and to permit of making the south end of the power-house extension of the same height as the main building. I ask for its present consideration.

The SPEAKER. The gentleman calls up Senate joint resolution 83, in regard to the Government Printing Office, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the limit of cost of the new building for the Government Printing Office, authorized by the sundry civil act approved March 3, 1899, be, and hereby is, increased by $429,000, or so much thereof as may be necessary, to meet the increased prices of building materials, and to permit of making the south end of the power-house extension, for a depth of about 45 feet from G street NW., of the same height as the main building.

Mr. RICHARDSON. Mr. Speaker, I should like to have the gentleman make a brief statement as to the necessity for the passage of this resolution. I have investigated the matter somewhat myself, but still I know the members of the House will be glad to hear a statement as to the necessity.

Mr. HEATWOLE. This is asked for on account of the increased price of material. At the time the estimates were made for the building it was thought that $2,000,000 would be sufficient, but since that time the cost of material has increased to such an extent that it will require about 25 per cent more to complete this building and extend the power house to five stories, as now contemplated. If this matter is any longer delayed, it will undoubtedly increase the cost of the building.

General Wilson, the Chief of Engineers, and the Public Printer are both very desirous that immediate action be taken, so that the contracts can be let and expense be saved to the Government.

Mr. McRAE. I should like to ask the gentleman in charge of this resolution if it has been favorably reported by any committee of the House.

Mr. HEATWOLE. It is a Senate resolution, and it has been taken from the Speaker's table.

Mr. McRAE. Has it or a similar resolution been approved by the House Committee on Public Buildings and Grounds?

Mr. HEATWOLE. Not by that committee.

Mr. RICHARDSON. I understand it meets with the favor of the members who compose the House Committee on Printing.

Mr. HEATWOLE. While there was no formal meeting to consider the resolution, it has their approval.

Mr. McRAE. Would it not properly go to the Committee on Public Buildings and Grounds?

Mr. HEATWOLE. I think not. I think it would go to the Committee on Printing.

Mr. McRAE. I do not want to object to any enlargement of this building, or any necessary legislation to complete the Government Printing Office as soon as possible, but I think it is rather a dangerous precedent to take up any proposition to appropriate money without the judgment of the committee that properly has jurisdiction of the subject. If this proposition has the approval of the members of the committee, I will not object.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

MISSISSIPPI CHOCTAWS.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent to have printed as a document a petition of the Mississippi Choctaws, which was introduced in the House by me on yesterday and referred to the Committee on Indian Affairs. In making this request, I do not ask to have printed a couple of exhibits which are reports of committees of the House and which are already printed and can be obtained. I ask for the printing of the usual number.

The SPEAKER. The gentleman asks unanimous consent for the printing, as a document, of the usual number of a petition of the Mississippi Choctaws, with the exception of two printed documents. Is there objection?

Mr. HEATWOLE. I will ask the gentleman from Mississippi whether there are any plates or maps accompanying the document?

Mr. WILLIAMS of Mississippi. There are none.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DRAFT ANIMALS FOR THE ARMY.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5267) to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to amend an act entitled 'An act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes,'" approved March 3, 1899, is hereby amended so as to read as follows:

"That the operation of the following provisions of law be, and is hereby, continued suspended for such further time as, in the discretion of the Secretary of War, may be found necessary, or until otherwise provided by Congress, not longer, however, than June 30, 1901:

"First. The provision of the first section of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes,' in the following words:

"'*Provided*, That hereafter no part of this appropriation shall be expended in the purchase for the Army of draft animals until the number on hand shall be reduced to 5,000, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to 5,000.'

"Second. The provisions of the first section of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1899, and for other purposes,' in the following words:

"'*Provided*, That hereafter no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract, after due notice and competition, except in such cases as the emergency will not admit of the giving notice for competition: *Provided further*, That after advertisement, all the supplies for the use of the various departments and posts of the Army and of the branches of the Army service shall hereafter be purchased where the same can be purchased the cheapest in the markets of the United States, quality and cost of transportation and the interest of the Government considered, except that purchases may be made in open market, in the manner common among business men, when the aggregate amount required does not exceed $200, but every such purchase shall be immediately reported to the Secretary of War.'

"And the words:

"'*Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department and an inspection by such Department, all under the direction and authority of the Secretary of War.'

"And the words:

"'*Provided*, That not more than $1,000,000 of the sums appropriated by this act shall be paid out for the services of civilian employees in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage; that no employee paid therefrom shall receive a salary more than $150 per month, unless the same be specially fixed by law.'

"Third. So much of the act approved March 15, 1898, entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1899,' under the heading, 'Ordnance Department,' as provides that not more than $65,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department."

SEC. 2. That during the time the operation of the foregoing provisions of law shall remain so suspended pursuant to this act materials required by the War Department may, in the discretion of the Secretary of War, be purchased abroad and shall be admitted free of duty.

SEC. 3. That during the same time the Bureau of Ordnance of the War Department is authorized to purchase, without advertisement, such ordnance and ordnance stores as are needed for immediate use; and when such ordnance and ordnance stores are to be manufactured, then to make contracts without advertisement for such stores, to be delivered as rapidly as manufactured.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. Mr. Speaker, we should be very glad to have some explanation of the bill. It is almost impossible to follow the reading of anything like that. I should also like to have the gentleman state if it has the unanimous report of his committee.

Mr. HULL. It was unanimously reported by the Committee on Military Affairs.

Mr. RICHARDSON. Will the gentleman also state the emergency or the necessity for passing this now, instead of letting it take its regular course?

Mr. HULL. Mr. Speaker, in 1898, when it was determined to increase the Army, the Congress, after a full discussion, passed a bill of this character, suspending the operation of these provisions of law for one year. In 1899 they again passed the same bill, suspending the provisions of the law until the 1st of March, 1900. The Army is still occupying these islands, and is increased away beyond the 25,000 limit which existed at the time these restrictions were imposed, and the War Department report that it is impossible for them to administer affairs unless there is another suspension. The suspension this time goes simply for the next fiscal year and expires at the time when the Congress of the United States must take action, one way or the other, as to the size and character of the Army.

This provision is temporary in its character. My own judgment would be that it would be just as well to repeal these restrictions absolutely now, but that would be a change that the War Department does not ask. Every man here knows that it is impossible for the Army to get along with 5,000 draft animals. When we had 25,000 troops only, and all those at home, they could do it. There is no man here who would be willing to restrict the Army now in the number of horses to the number of men in the cavalry and the mounted scouts, because in Luzon we are at this time mounting infantry to send through the island, and the importance of the measure is urged upon the committee by the War Department and by every bureau chief. The committee, both Democrats and Republicans, were unanimous that the legislation should be had at once.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CAPRON, a motion to reconsider the last vote was laid on the table.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. J. Res. 77) to provide for pay to certain officers of the Marine Corps.

DEATH OF HON. CHARLES A. CHICKERING.

Mr. PAYNE. Mr. Speaker, it is my painful duty to announce to the House the death of Hon. CHARLES A. CHICKERING, late a Representative from the State of New York. At some future time I shall ask the House to set aside a day on which to pay fitting tribute to the high character and distinguished services of the deceased.

Mr. Speaker, I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The Clerk read as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. CHARLES A. CHICKERING, late a Representative from the State of New York.

Resolved, That a committee of nine members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were adopted.

The SPEAKER announced the following as the committee appointed on the part of the House, in pursuance of the second resolution just adopted:

JAMES S. SHERMAN, JOSEPH W. BABCOCK, AMOS J. CUMMINGS, LUCIUS N. LITTAUER, R. C. DE GRAFFENREID, JAMES H. DAVIDSON, CHARLES W. GILLET, D. S. ALEXANDER, and PETER J. OTEY.

Mr. PAYNE. Mr. Speaker, as a further mark of respect to the memory of the deceased, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for pay of stenographers and typewriters employed by Indian inspectors and agents—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from Maj. H. M. Adams, Corps of Engineers, with inclosures, respecting the disallowance of certain items in his accounts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting communications from certain officials of the Treasury relating to claims of employees for work done overtime during the war with Spain—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for deficiencies in printing and binding for the Department of Justice—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4369) to grant a pension to the East Tennessee bridge burners, reported the same with amendment, accompanied by a report (No. 306); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 4910) to establish a lobster hatchery in the State of Maine, reported the same without amendment, accompanied by a report (No. 311); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7094) to establish a solders' home at or near Johnson City, Washington County, Tenn., reported the same with amendment, accompanied by a report (No. 312); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 636) for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, N. C., reported the same with amendment, accompanied by a report (No. 307); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8188) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, reported the same without amendment, accompanied by a report (No. 308); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 681) authorizing and directing the repayment to Josiah B. Orbison, of Donegal Township, Butler County, Pa., the sum of $300, with interest, that he paid to avoid the draft in 1863, reported the same with amendment, accompanied by a report (No. 309); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5157) for the relief of the Propeller Tow Boat Company, of Savannah, reported the same without amendment, accompanied by a report (No. 310); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STOKES: A bill (H. R. 8462) to extend free delivery of mail along star routes—to the Committee on the Post-Office and Post-Roads.

By Mr. FLYNN: A bill (H. R. 8463) ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students—to the Committee on the Territories.

By Mr. GILBERT: A bill (H. R. 8464) to establish a national military park at Perryville—to the Committee on Military Affairs.

By Mr. JACK: A bill (H. R. 8465) to make an appropriation for the improvement of the Allegheny River, in the State of Pennsylvania, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: A bill (H. R. 8466) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. WATERS: A bill (H. R. 8467) to increase the salary of the United States marshal for the southern district of California—to the Committee on the Judiciary.

By Mr. LEVY: A bill (H. R. 8468) to provide for the construction of an interoceanic canal, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BALL: House resolution (H. Res. 142) providing for the appointment of a special committee of nine members, to whom shall be referred all bills relating to trusts or monopolies—to the Committee on Rules.

By Mr. COOPER of Texas: A concurrent resolution of senate of the State of Texas, favoring an appropriation to construct an inland waterway as reported by Engineer C. S. Riche—to the Committee on Rivers and Harbors.

By Mr. HAWLEY: A concurrent resolution of the senate of the State of Texas, favoring an appropriation to construct an inland waterway as reported by Engineer C. S. Riche—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER: A bill (H. R. 8469) for relief of Edwin M. Jillson, late first lieutenant Company G, Twenty-seventh Massachusetts Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 8470) to remove charge of desertion from record of John B. Henry, late Company C, Second Kentucky Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. BARHAM: A bill (H. R. 8471) removing the charge of desertion from the record of A. M. Butler—to the Committee on Military Affairs.

Also, a bill (H. R. 8472) removing the charge of desertion from the record of William Green—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 8473) to remove the charge of desertion against James E. Gray—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 8474) to remove the charge of desertion from the military record of Gustavus Adolphus Thompson—to the Committee on Military Affairs.

By Mr. CHANLER: A bill (H. R. 8475) granting an increase of pension to Alice de Vecchj—to the Committee on Invalid Pensions.

By Mr. McALEER: A bill (H. R. 8476) for the relief of Christopher Costello—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 8477) to remove the charge of desertion standing against Julian T. Hill—to the Committee on Military Affairs.

By Mr. NEVILLE: A bill (H. R. 8478) granting an increase of pension to Celia A. Jeffers, of Bassett, in the State of Nebraska—to the Committee on Invalid Pensions.

By Mr. NEWLANDS: A bill (H. R. 8479) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada—to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 8480) granting an increase of pension to Alexander Cameron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8481) granting an increase of pension to John Algoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8482) granting an increase of pension to William Shick—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 8483) for the relief of the estate of John C. McNeill, Cumberland County, N. C.—to the Committee on War Claims.

By Mr. CALDWELL (by request): A bill (H. R. 8484) for the relief of Benjamin F. Fox—to the Committee on War Claims.

By Mr. DAYTON: A bill (H. R. 8485) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander—to the Committee on Naval Affairs.

By Mr. BRADLEY: A bill (H. R. 8486) to remove the charge of desertion standing against John Sheehan—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKETT: Petition of the St. Paul (Minn.) Live Stock Exchange, against increasing the tax on oleomargarine—to the Committee on Ways and Means.

By Mr. BURLEIGH: Paper to accompany House bill to correct the military record of James E. Gray—to the Committee on Military Affairs.

By Mr. DALZELL: Memorial of Lewis S. Wells, in behalf of claimants in the Pittsburg defense claims, in explanation of House bill No. 8403, to confer jurisdiction upon the Court of Claims to adjudicate the claims upon their merits—to the Committee on War Claims.

By Mr. DENNY: Memorial of the Board of Trade of Baltimore, in favor of the increase of coast artillery—to the Committee on Military Affairs.

By Mr. GRIFFITH: Papers to accompany House bill No. 8406, for the relief of A. W. Abbott—to the Committee on War Claims.

Also, petition of county officers and others, of Dearborn County, Ind., to accompany House bill No. 8150, for the relief of Thomas Godfrey—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Michael J. Barry and other post-office clerks at Cambridge Station, Boston, Mass., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of George M. Preston and other citizens of Medford, Mass., respecting the appointment of additional Army chaplains—to the Committee on Military Affairs.

Also, petition of David M. Howard and other druggists of Medford, Mass., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany bill No. 4073, for the relief of Josiah Standley—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Johnson White—to the Committee on Invalid Pensions.

By Mr. RYAN of New York: Petition of Stoddart Brothers and other druggists of Buffalo, N. Y., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. SHATTUC: Petition of William H. Taft and others, indorsing favorable consideration of House bill No. 7842, to increase the salary of the United States marshal for the southern district of Ohio—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of the faculty of the State University of Minnesota, against the passage of the anti-vivisection bill—to the Committee on the District of Columbia.

Also, petition of the South St. Paul Live Stock Exchange, against the passage of the Tawney oleomargarine bill—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Petition of H. R. Horne and other druggists of Fayetteville, N. C., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: Papers relating to the claim of Frederick Calhoun, of Madison County, Ala.—to the Committee on War Claims.

Also, papers relating to the claim of James Adkins, of Jackson County, Ala.—to the Committee on War Claims.

Also, papers relating to the claim of Sandy Calhoun, of Madison County, Ala.—to the Committee on War Claims.

SENATE.

WEDNESDAY, *February 14, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

COLLECTION OF REVENUES IN DEPENDENCIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the proclamations and orders issued or made respecting the collection of customs, internal, and other revenues in the islands of Cuba, Puerto Rico, and the Philippine Archipelago since the seizure thereof by the Government of the United States, the rate of such customs, internal, and other revenues, the total amount thereof, etc.; which was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 6237) to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes;" in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 3718) for the preservation of the frigate *Constitution;* and

A joint resolution (S. R. 83) increasing the limit of cost of the new building for the Government Printing Office to meet the increased prices of building materials and to permit of making the south end of the power-house extension of the same height as the main building.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Local Union No. 78, United Brotherhood of Carpenters and Joiners of America, of Troy, N. Y., and a petition of Local Union No. 7185, Fiber Workers' Union, of Lockport, N. Y., praying that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grants to the title of any of these lands shall ever hereafter be made except to actual settlers and home builders; which were referred to the Committee on Public Lands.

He also presented a memorial of Cigar Makers' Union No. 429, of Niagara Falls, N. Y., remonstrating against the enactment of legislation admitting, free of duty, all the products of Puerto Rico; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of sundry citizens of Carthage, N. Y., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry druggists of Syracuse, N. Y., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the local board of the Fifth district of Brooklyn, N. Y., praying for the enactment of legislation to provide for the reconstruction of the post at Fort Hamilton and the Shore road; which was referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 212, United Brotherhood of Carpenters and Joiners of America, of Mt. Vernon; of Local Union No. 203, United Brotherhood of Carpenters and Joiners of America, of Poughkeepsie, and of Local Union No. 453, United Brotherhood of Carpenters and Joiners of America, of Auburn, all in the State of New York, praying for the enactment of legislation limiting the hours of daily services of laborers, etc., upon public works or work done for the United States or any Territory or the District of Columbia; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Atlantic Coast Seamen's Union of the port of New York, remonstrating against the passage of House bill No. 5067, concerning the boarding of vessels; which was referred to the Committee on Commerce.

Mr. CULBERSON presented a petition of sundry citizens of Texas, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a paper in support of the bill (S. 2051) granting an increase of pension to Granville R. Turner; which was referred to the Committee on Pensions.

He also presented the petition of George W. Allen, of East Bridgewater, Mass., praying for the enactment of legislation to provide an adequate and sufficient currency for the payment of the national debt, etc., and remonstrating against the passage of the pending financial bill; which was referred to the Committee on Finance.

Mr. THURSTON presented a petition of sundry citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry employees of the Bureau of Animal Industry, Department of Agriculture, employed at Nebraska City, Nebr., praying that they be granted an annual leave of absence with pay; which was referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

He also presented a memorial of the Farmers' Institute of Nebraska, remonstrating against any modification of existing tariff laws whereby the products of Puerto Rico, etc., may be admitted to the United States under any lower duties than those now imposed; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of the California State Board of Trade, praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of sundry railway mail clerks of San Francisco, Cal., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry employees of the United States Navy-Yard at Mare Island, Cal., remonstrating against the enactment of legislation to provide for the creation of a military clerical corps for the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry Christian Chinese members of the Baptist Mission of Oakland, Cal., praying for the adoption of an amendment to the Chinese restriction law, allowing Christian converts to bring their families into the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Pasadena, Cal., praying that the residue of the public lands be held for the use and benefit of actual settlers, etc.; which was referred to the Committee on Public Lands.

Mr. LODGE presented a petition of the National Business Men's League, praying for a division of the responsibility of maintaining the gold reserve between the national banks and the Government; which was referred to the Committee on Finance.

Mr. MCBRIDE presented resolutions adopted at a meeting of sundry citizens of Portland, Oreg., expressing sympathy for the people of the South African Republic; which was referred to the Committee on Foreign Relations.

Mr. MCMILLAN presented a memorial of the Columbia Heights Citizens' Association of Washington, D. C., remonstrating against the use of public parks and reservations for railroad and other private purposes; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association of Washington, D. C., praying for the municipal ownership of telephone and electric-light ducts; which was referred to the Committee on the District of Columbia.

Mr. HANSBROUGH. I present a memorial addressed to Congress in behalf of the settlement proposed to be had between the several States of the Union relative to the proceeds of the sale and other distribution of the public lands and the allowances of the 5 per cent of the net proceeds thereof, as contained in Senate bill No. 2895. I move that the memorial be printed as a document and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. COCKRELL presented a petition of sundry citizens of Carroll County, Mo., praying for the enactment of legislation placing the enrolled militia of the State of Missouri during the late war between the States upon an equal footing under the law with the volunteer soldiers of the United States in the war of 1861 to 1865; which was referred to the Committee on Pensions.

Mr. GALLINGER presented petitions of Mount Prospect Grange, No. 242, Patrons of Husbandry, of Lancaster; of Claremont Grange, No. 9, Patrons of Husbandry, of Claremont; of Progressive Grange, No. 271, Patrons of Husbandry, of Deerfield; of L. B. Huntley, of Marlow; James Drew, of Newington, and of Baxter Gay, of New London, all in the State of New Hampshire, praying for the establishment of a free rural mail system; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by him on the 6th instant, directing the Secretary of the Treasury to pay $998.96 to Capt. B. Tellefsen for expenses incurred by him in consequence of a violation

of an article of a treaty of commerce and navigation between the United States and the Kingdom of Sweden and Norway by an officer of the city of Boston, Mass., intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the amendment submitted by him January 16, 1900, proposing an appropriation of $10,000 for envoy extraordinary and plenipotentiary to the Netherlands, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. LODGE (for Mr. DAVIS) on the 8th instant, proposing to appropriate $1,200 for clerk hire at Rotterdam, Netherlands, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. LODGE (for Mr. DAVIS) on the 8th instant, proposing to appropriate $3,000 for consul at Rotterdam, Netherlands, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. KENNEY on the 12th instant, proposing to increase the allowance for salary of consul at Barbados from $2,000 to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FRYE on the 12th instant, proposing to increase the allowance for salary of consul at Dawson City, British North America, from $3,000 to $3,500, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CULLOM, from the Committee on Forgein Relations, to whom was referred the amendment submitted by him on the 8th instant, proposing to appropriate $2,000 to pay the salary of the consul at Mazatlan, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by him on the 8th instant, relative to the establishment of a consulate at Zurich, Switzerland, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2869) authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River, at Nome City, in the Territory of Alaska, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-Mile Bayou, near Shreveport, La., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899, reported it without amendment.

Mr. MONEY, from the Committee on Foreign Relations, to whom was referred the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. DEBOE on the 8th instant proposing to appropriate $2,000 for a consul at Breslau, Germany, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. DEBOE on the 8th instant proposing to appropriate $1,800 for secretary of legation to Guatemala and Honduras, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FORAKER, from the Committee on Foreign Relations, to whom was referred the bill (S. 1580) to provide for the punishment of violations of treaty rights of aliens, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. KEAN (for Mr. FORAKER) on the 13th instant proposing to increase the allowance for salary of consul at Asuncion, Paraguay, from $1,500 to $2,000 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. KEAN (for Mr. FORAKER) on the 13th instant, providing for a consul at Rosario, Argentine Republic, at a salary of $1,500 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. KEAN (for Mr. FORAKER) on the 13th instant, proposing to increase the allowance for salary of consul at London, Canada, from $1,500 to $2,000, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. KEAN (for Mr. FORAKER) on the 13th instant, proposing to increase the allowance for salary of envoy extraordinary and minister plenipotentiary at Bolivia from $5,000 to $7,500, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the bill (S. 69) providing for the adjustment and payment of the accounts of laborers and mechanics arising under the eight-hour law, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes, to report it with amendments, and I submit a report thereon.

I give notice that at as early a day as possible I shall call up the bill for consideration.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

RESERVOIR SITES IN WYOMING AND COLORADO.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 10) providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado, to report it without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to print 3,000 copies of House Document No. 141, Fifty-fifth Congress, second session, being "Preliminary examination of reservoir sites in Wyoming and Colorado," 1,500 copies for the use of the Senate and 1,500 copies for the use of the House of Representatives.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREATY WITH SPAIN.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. DAVIS January 23, 1900, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 20,000 copies of the message of the President transmitting the treaty of peace with Spain, and the accompanying documents, in one volume, of which 13,000 copies shall be for the use of the House of Representatives and 7,000 copies for the use of the Senate.

BILLS INTRODUCED.

Mr. PRITCHARD (by request) introduced a bill (S. 3156) for the relief of Sidney T. Dupuy and George R. Dupuy, the only surviving heirs of George R. Dupuy, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCMILLAN introduced a bill (S. 3157) to amend an act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River

in said District, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3158) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia:" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MONEY introduced a bill (S. 3159) to grant lands to the State of Mississippi for the use of the Industrial Institute and College; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HARRIS introduced a bill (S. 3160) to provide for the purchase of a site and the erection of a building thereon at Pittsburg, State of Kansas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAFFERY introduced a bill (S. 3161) for the relief of the estate of Marcus Walker, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3162) for the relief of the estate of John Schwartzenburger, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEAR introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3163) granting a pension to Henry O'Connor;

A bill (S. 3164) granting a pension to Henry J. Alvis; and

A bill (S. 3165) granting a pension to James C. Henry.

Mr. McENERY introduced a bill (S. 3166) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN introduced a bill (S. 3167) for the relief of Mrs. Susan Murphy Nelson; which was read twice by its title, and referred to the Committee on Claims.

Mr. THURSTON introduced a bill (S. 3168) appropriating money to pay the claim of the Western Paving and Supply Company for paving streets adjacent to the post-office and court-house of the United States at Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 3169) to regulate electrical wiring in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 3170) to remove the charge of desertion against H. C. Haynes, Company D, Second Regiment Tennessee Mounted Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3171) for the relief of Peter F. Kendall; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL (by request) introduced a bill (S. 3172) granting a pension to John A. Witcher; which was read twice by its title.

Mr. COCKRELL. I present the petition of John A. Witcher, Company A, Cass County (Mo.) Home Guards, praying that he be granted a pension, together with two affidavits, etc., a statement of his military record, and a letter from the Pension Office. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CARTER introduced a bill (S. 3173) to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3174) for the relief of William Gallick; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3175) for the relief of Mrs. I. M. Howell, Mrs. Elizabeth Meagher, and Mrs. A. H. Stevens, assignees of William McGarrahan; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a joint resolution (S. R. 87) concerning designated depositories for Government publications; which was read twice by its title, and referred to the Committee on Printing.

Mr. CHILTON introduced a joint resolution (S. R. 88) to prevent the lease of certain Indian lands in Oklahoma Territory for a longer period than one year; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. HARRIS. I submit an amendment intended to be proposed by me to the Indian appropriation bill, with certain documents, which I ask to have printed and referred to the Committee on Indian Affairs.

Mr. PLATT of Connecticut. Let the proposed amendment be read.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The Secretary read as follows:

Amendment intended to be proposed to the Indian appropriation bill, providing for the ratification of an agreement with the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory.

Mr. PLATT of Connecticut. May I inquire what the papers are that it is desired to have printed?

Mr. HARRIS. They are simply affidavits and evidence with regard to the lands and the desirability for opening them up to settlement. I will state that they are simply intended to supply the committee with necessary information concerning the character of the lands and the propriety of opening them up to settlement.

Mr. PLATT of Connecticut. It is apparently a very large bundle of papers.

Mr. HARRIS. They are in manuscript, loosely folded. There is not so much matter to be printed.

The PRESIDENT pro tempore. Is there objection to printing the papers? The Chair hears none. The amendment and accompanying papers will be printed and referred to the Committee on Indian Affairs.

Mr. THURSTON submitted an amendment authorizing the Secretary of the Treasury to pay the Osage tribe of Indians, in Oklahoma Territory, a sum equal to $700 per capita, the same to be deducted from the fund now held in trust by the United States for said tribe, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN ANDERSON.

Mr. HANSBROUGH. I ask for a re-reference of the bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children, which was referred to the Committee on Public Lands. I desire to have it referred to the Committee on Indian Affairs. I think it belongs to that committee.

The PRESIDENT pro tempore. Without objection, the request of the Senator from North Dakota will be complied with.

REPORT ON THE ISLAND OF LUZON.

Mr. GEAR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to furnish for the use of the Senate 1,000 copies of the report of Paymaster Willis B. Wilcox, United States Navy, on the island of Luzon.

INDIAN LANDS IN UTAH.

Mr. RAWLINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Be it resolved by the Senate, That the Secretary of the Interior is hereby directed to report to the Senate what, if any, sums of money are due from the United States to the Indians in Utah known as the Uncompahgre, White River, and Uintah Utes, on account of any agreements for the sale of lands or otherwise.

SOUTH SIDE OF PENNSYLVANIA AVENUE.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate the approximate value of the squares on the south side of Pennsylvania avenue from Fifteenth street to the Botanical Gardens, together with the rental values of the same.

ADDITIONAL CLERK TO COMMITTEE.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations have authority to employ an assistant clerk, to be appointed by the chairman, and to be paid at the rate of $1,200 per annum out of the contingent fund of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 6237) to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes," was read twice by its title, and referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read to the Senate the agreement under which this bill must now be proceeded with.

The Secretary read as follows:

February 15, 1900.—Agreement, by unanimous consent, that the vote upon the passage of H. R. 1 and pending amendments be taken some time during Thursday, the 15th of February, and that two days, including the 15th, shall be given to the discussion of amendments under the ten-minute rule.

The PRESIDENT pro tempore. The Chair will hold that it will be entirely in order to propose amendments up to the time of the final vote on the bill to-morrow.

Mr. ALDRICH. I hope later in the day to have an hour fixed at which the final vote shall be taken to-morrow. I do not press that request now, but later in the day, before adjournment, I will ask the Senate to fix an hour at which the final vote shall be taken upon the bill and amendments.

Mr. JONES of Arkansas. My impression was, without paying special attention at the time the request was made, that the amendments were to be disposed of as they were discussed during to-day and to-morrow.

Mr. ALDRICH. That was my understanding, and I hope that course will be followed. That is what I propose, so far as I am concerned.

Mr. JONES of Arkansas. I think it very much better to dispose of the amendments as they are taken up, one by one.

Mr. ALDRICH. The Senator from Colorado [Mr. TELLER], under the suggestion made yesterday, expects to go on until, perhaps, 2 o'clock, or he will take such time as he sees fit after 2 o'clock. I hope the Senate will proceed to dispose of the amendments as rapidly as possible.

The PRESIDENT pro tempore. They would be disposed of, under the rule, as they were offered, unless there was unanimous consent otherwise.

Mr. CHANDLER. Now, the only other point is whether other amendments can be offered up to the last moment.

Mr. SPOONER. The Chair so held.

Mr. PLATT of Connecticut. The Chair said they could.

Mr. JONES of Arkansas. I think so; beyond question.

Mr. CHANDLER. There have been one or two misunderstandings in the Senate as to whether amendments that had not been previously submitted and printed could be offered.

The PRESIDENT pro tempore. The Chair will hold that amendments may be offered up to the time of the final vote on the bill.

Mr. ALDRICH. I hope no amendments will be offered except those which are submitted to-day or in time so that they can be thoroughly understood and discussed. I think it better all around that that should be done, although I suppose there can be no rule of that kind established.

Mr. JONES of Arkansas. There ought not to be any effort made to cut off amendments. If anybody chooses to offer an amendment at any time before the final vote, it is his right to offer it.

Mr. ALDRICH. No; there is no disposition on this side to do that.

The PRESIDENT pro tempore. The pending amendment is the substitute reported by the Committee on Finance, on which the Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. TELLER. Mr. President, I stated last night I would not venture to take the floor to speak on the pending bill at that time, and I will not do so now, if any Senator desires to speak. I have consulted several Senators and find no one who is desirous of speaking at this time. Therefore I feel at liberty, unless some Senator rises to speak, to go on.

We have had three speeches from members of the committee on this bill; but all three of them have absolutely ignored the House bill. One member of the committee, I think, asserted that the House bill was not before the Senate. Technically, the House bill is the bill we are considering. It is the bill that comes here for our attention. It would be a gross breach of privilege, Mr. President, for the Senate to decline to consider it. We are considering it. We are considering it upon the theory that that measure has had the the approval of one branch of the legislative department of the Government. Nobody can say here that if the Senate amendment passes by the unanimous vote of the Senate it is likely to become a law and meet the approval of the other branch of Congress.

Mr. President, as I said before, this necessitates, it seems to me, the discussion of both bills, the House bill and the amendment proposed by the Senate committee. Yet we have had no discussion on the part of those who favor this radical departure in the money system of the country, and if that bill should become a law by action of the conference committee we shall either be compelled to discuss it on the conference committee report or to avoid any discussion of it, unless we discuss it now.

Some days ago I submitted to the committee some suggestions upon which some of us who are opposed to the bill would like enlightenment. I do not suppose that it will be out of place if I shall say that I have privately submitted some queries to the members of the committee, and yet with the completion of the discussion on the part of the members of the committee there has not been a reference made to the House bill, except in a way to leave the inference that it was not worthy of discussion. I will not say that Senators said it was not worthy of discussion, but at all events it has been left undiscussed.

LEGAL-TENDER QUALITY OF SILVER DOLLARS.

I do not desire to go over the entire range covered by the bill, but there is one provision in it that I want, before I go any further, to ask some member of the committee to explain, because I am under the impression that the House bill is quite as likely to be enacted into law as the Senate amendment, or at least features of it are likely to become a part of the law.

I find this, which I supposed some member of the committee would speak of, because their attention has certainly been called to it. I am only going to advert to it, and I shall leave it; and if no member of the committee under the ten-minute rule sees fit to tell us what it means we will have to conjecture its meaning for ourselves.

In the second section of the House bill there is the following provision:

> Nothing herein contained shall be construed or held to affect the present legal-tender quality of the silver dollar, or of the subsidiary or minor coins, or of the paper currency of the United States, or the laws making national-bank notes receivable and payable for certain public debts and dues and obligations between national banks.

Mr. President, it has been held by courts that words that were not necessary for construction inserted in a statute must be inserted there for a purpose.

Mr. PLATT of Connecticut. Does the Senator want a reply now?

Mr. TELLER. I will hear the Senator now. I have not heard him on this bill yet.

Mr. PLATT of Connecticut. I will say that as a member of the committee I was utterly unable to understand what that did mean, taken in connection with the provision that all contracts, public and private, should be payable in gold.

Mr. TELLER. Mr. President, I have had some trouble with it myself. If I had not, I should not have suggested that the committee should enlighten us. But those words are put in there ex industria. They are not there by accident, I may say, because I have the strong support of the Senator who sits before me [Mr. ALLISON], who said that the act of 1873 had been doctored. I am justified in suspecting that words that are not plain to me have a hidden and intended meaning, and that there is some construction to be put upon these words when you come to administer the law, if this bill shall become a law. As I see it, there is but one thing that the expression can mean, and if it does not mean that, it is in there only because of the ignorance of the drafter of the bill. That it is there on account of ignorance can not be imagined, as the bill was drafted by a commission composed of some of the most eminent gold-standard people in the United States and some of the most acute and technical lawyers on the continent.

There are two classes of bills that the American people use that are reissued after being returned to the Treasury Department. A silver certificate, when it goes to the Treasury Department in payment of dues and debts, goes out again as money, either the same identical bill or a new one in its place, greenbacks when they are retired.

Mr. ALDRICH. Treasury notes also.

Mr. TELLER. Treasury notes also. When greenbacks go to the Treasury either for redemption in gold or when they go there to pay a debt that the citizen owes to the Government they are reissued.

Now, "the present legal-tender quality" is not to be disturbed. When they are reissued, the technical lawyers who drafted this bill will go before the Supreme Court if necessary and assert that these words were put in there ex industria, that no reissue should have legal-tender quality, and the Supreme Court will be compelled to say that this word "present" has no meaning whatever, or else that it means what I say it means. If any member of the committee wants to tell me now what it means, I shall be very glad to listen, or if any member of the committee will tell me later, and if the members of the committee have not any opinion on the subject, I should like to know that also.

Mr. ALDRICH. I said to the Senator from Colorado in the course of his discussion of the bill some days ago that I would very frankly admit that I did not understand what those words meant or why they were put there. If the Senator's assumption should be correct and the conference committee should come back here and recommend the Senate to adopt those words, if we recommend any such action as that, we will be ready to explain what they mean at that time.

Mr. TELLER. Mr. President, I wish to call the attention of the committee which is dealing with this question and which will deal with it in conference to this very important provision that comes to us from the House. But blind as it is, it is absolutely consistent with the legislation on the financial question for the last twenty-odd years. There has not been frank and fair legislation. In 1890 we passed an act that I voted for with great reluctance, and I have always been glad that, standing at this seat, I declared that it was indefensible as a money measure and unscientific and that I only accepted it because it was the best that we could

get and because it released sixty-odd million dollars in the Treasury and made a possibility of raising the price of silver. We put in that act a declaration that it was the policy of the Government of the United States to maintain the parity between the two metals, to keep the great money metals as near together as possible. That has been construed as a declaration that the silver certificates that were issued were redeemable in gold. So I am afraid whenever any of these provisions come up that are not plain and open they will be construed later into some injury to the interests of the American people.

I want the committee to understand that if this provision comes back here as a part of the conference report, it can come with no other intent or purpose, and that that, in my judgment, is the intent and purpose of the House bill, to surreptitiously—and I will say that, even though it may be a breach of privilege—to surreptitiously deny to the reissued greenbacks, Treasury notes, and silver certificates legal-tender functions. I am justified in that conclusion because the commission responsible for the bill, of which, perhaps, I may speak later and more in detail, in almost every line of its report inveighed against the legal-tender quality of greenbacks, Treasury notes, and silver certificates.

The PRESIDENT pro tempore. The Senator's ten minutes have expired.

Mr. TELLER. I understand that I am not speaking under the ten-minute rule; that that does not begin until 2 o'clock.

Mr. ALDRICH. I ask that that construction may be put upon the unanimous-consent agreement. At the time the consent was given we were then proceeding under that arrangement.

Mr. BATE. I understood that the Senator from Colorado had until 2 o'clock.

Mr. ALDRICH. At the time the consent was given we were proceeding then to consider the bill at 2 o'clock. I would suggest that the agreement is susceptible to that construction, and I hope no objection will be made to the Senator proceeding.

The PRESIDENT pro tempore. Is there any objection to such a construction, that the rule applies at 2 o'clock to-day, and not before?

Mr. ALDRICH. That is right.

The PRESIDENT pro tempore. The Chair hears none. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, I will leave that question, because it is a little dangerous. It is dangerous in this particular, that if the only plausible construction which seems possible is put upon it it almost it not quite brings a charge of unfairness against another branch ot the legislative department.

Mr. ALLISON rose.

Mr. TELLER. My excuse for this statement is that it passed the House without attention being called to the exact meaning of it. Now I will hear what the Senator from Iowa has to say.

Mr. ALLISON. Will the Senator allow me to say a single word on that point?

Mr. TELLER. Certainly.

Mr. ALLISON. I desire to suggest to the Senator that the second section in terms can not apply to silver dollars or silver certificates, for the reason that section 2, if the Senator will allow me a moment——

Mr. TELLER. Certainly.

Mr. ALLISON. Section 2 of the House bill provides—

That all interest-bearing obligations of the United States for the payment of money, now existing or hereafter to be entered into, and all United States notes and Treasury notes issued under the law of July 14, 1890, shall be deemed and held to be payable in the gold coin of the United States as defined in section 1 of this act, etc.

That is the specific provision which the Senator, I understand, is discussing in connection with the words "present legal-tender quality of the silver dollar."

Mr. TELLER. Yes; that is right.

Mr. ALLISON. Just why the words "the present legal-tender quality of the silver dollar" were inserted I certainly do not know, because the prior clause has no relation to the silver dollar. I can see how a construction might be put upon the two clauses taken together as respects the greenbacks and the Treasury notes, the first clause providing that these notes "shall be deemed and held to be payable in the gold coin of the United States as defined in section 1," etc. Now, if it should be held hereafter that when an interest-bearing obligation is paid, or when a noninterest-bearing obligation is paid, then it could not be reissued without specific authority of Congress, which I do not find in the House bill, but the present legal-tender quality is preserved, so that until these notes are paid they are still a legal tender——

Mr. TELLER. How after they are reissued?

Mr. ALLISON. There is no specific provision in the House bill for the reissue. The Senate amendment provides for their reissue. Therefore the courts might be called upon, under that first clause, to decide whether, when a greenback was paid, it could be reissued without specific authority. But if that construction should be put upon it, the present legal-tender quality of greenbacks would not be disturbed.

Mr. TELLER. It was contended by the friends of the bill—I mean the House bill—that there was nothing in the bill which would prevent the reissue.

Mr. ALLISON. I do not know who actually made that contention.

Mr. ALDRICH. It was no one in the Senate.

Mr. TELLER. I am not talking about the Senate.

Mr. ALLISON. Oh.

Mr. TELLER. I thought I would leave that point, but let me read the second section:

Nothing herein contained—

That is, in the whole bill. I think the courts would construe it so, although, of course, it is enough for them to apply it to the section.

Nothing herein contained shall be construed or held to affect the present legal-tender quality of the silver dollar or of the subsidiary or minor coins or of the paper currency of the United States.

That clause takes in the silver certificate. That is a part of the paper currency of the United States as much as greenbacks.

Mr. ALLISON. But the silver certificate is not a legal tender.

Mr. ALDRICH. It is not a legal tender.

Mr. ALLISON. It is not a legal tender now.

Mr. TELLER. It is a legal tender for all Government dues. It is a qualified legal tender, Mr. President.

Mr. ALLISON. I agree.

Mr. TELLER. And that is one of the things that have held it at a parity with gold. Every man who owes the Government a debt, whether it be on account of import duties or on any other account, can walk up to the Treasury Department and put down the silver certificate and discharge that debt, and every man who takes the silver certificate takes it with the knowledge that it will perform that important function of money; and thus it enters into the value of every single silver certificate that is created. Later, if I have time, I am going to talk about what has maintained the parity between the silver dollar and the gold dollar; but I will leave that for the present.

I want to repeat that I approach this discussion, as I said before, with suspicion, for I heard the distinguished Senator from Iowa yesterday say that the credit-strengthening act of 1869, which provided for the payment of gold bonds in coin and nothing else, had practically made the greenback redeemable in gold.

Mr. ALLISON. Now, Mr. President——

Mr. TELLER. Did I not understand the Senator to say that yesterday?

Mr. ALLISON. If I did say it, it was a lapsus. I certainly had no intention to say that, because that would not be true. What I did say, if the Senator will allow me a moment——

Mr. TELLER. Certainly.

Mr. ALLISON. What I did say was that the credit-strengthening act of 1869 provided that the bonds should be payable in coin, but they should not be so paid until the United States notes were also redeemable in gold and silver. Therefore, all United States notes by the strengthening act of 1869 would be payable in either metal. I did not mean to be so understood; and I certainly did not say that.

Mr. TELLER. I shall not hold the Senator to the strict statement that he made, because I realize that when a Senator makes a speech, as he made his yesterday and as I am making mine to-day, sometimes he is a little careless of his words. He certainly gave me to understand that; and I looked into the RECORD this morning to find his speech, but unfortunately I did not find it there.

Mr. ALLISON. If the Senator will allow me, I will state that, what is an unusual thing for me, I asked an opportunity to look over the notes, but they did not come to me until a pretty late hour in the evening and I have not yet looked at them. So that whatever statement I made appears.

Mr. TELLER. I shall refer perhaps to some other things the Senator said, and if I misunderstood him or misrepresent him I hope he will feel free to correct me.

Mr. ALLISON. I thank the Senator.

Mr, TELLER. I will be glad to have his correction.

STANDARD OF VALUE.

Now I want to touch a few minutes on the Senator's position on the question of standard. I listened yesterday to the very remarkable speech of the Senator from Nevada [Mr. JONES], in which he dealt very interestingly and very scientifically with the question of standard. I understand the unit of value is nothing in the world but simply a start to account from, and that the unit of value might not be represented, as the Senator said yesterday, by any coin whatever, and that for several hundred years Great Britain had a unit, but no coin that represented it. I think it is within the last thirty or forty years that she has not had a coin, the sovereign, to represent her standard. There are half a dozen countries which have a unit, but have no coin to represent it.

The establishment of a unit out of silver or gold does not make

a gold standard or a silver standard. If a nation should declare that there should be two units of value and one should be made out of gold and the other out of silver, that would not be bimetallism unless, in addition to that declaration, the nation making it should open its mints to the coinage of the two metals alike. That is what determines it, not the unit. We were not on a silver standard because the unit of 1792 was made out of silver of the value of the Spanish milled dollar. We would not have been on a gold standard because the unit of value of 1873 was made out of 25.8 grains of standard gold. If the mints had been left open to the coinage of the silver dollar and the gold dollar alike, not necessarily the gold dollar or the silver dollar would have been the standard, but coins that had an established relation between one another by law.

Mr. President, we are not legally on the gold standard to-day, and we have not been legally on the gold standard. As the result of the action of the Treasury Department we are practically on the gold standard, but, as I said, not legally so. There is no justification whatever for this legislation unless it is upon the theory that we are not upon the gold standard and that the legislative mind is that we should go to the gold standard. That is what the bill means, and that is all it does mean, Mr. President. We are on what is sometimes called the limping silver standard and sometimes the limping gold standard, for it is neither a silver nor a gold standard, and it is not true bimetallism.

In the conference at Brussels the Senator from Iowa was a prominent member. I should like to say something rather complimentary to him, but I am afraid in doing so I might be tempted to say something uncomplimentary to some member of the commission whose course did not meet my approval; therefore for the present I shall have to pass that, and simply say I have no complaint to make as to the course of the Senator at the Brussels conference.

Mr. FORAKER. Will not the Senator give us the names?

Mr. TELLER. It would be invidious to give names. In that conference one gentleman making a speech said the United States was on the gold standard. The president of that conference, who was a man of great repute in England and throughout Europe, when he got the floor very promptly said that the United States was not on the gold standard, but on the limping standard. Mr. Tirard, of France, repeatedly said in debate that France was not on the gold standard nor on the silver standard, but on the limping standard. If he had been talking in Greek he would have called it the scalene standard; that is, where one leg is shorter than the other. Nobody outside of the United States has considered us as being on the gold standard.

I do not think that is very important; but, as I said before, practically we have been forced to the gold standard by Executive usurpations, by a refusal to obey the law, by the voluntary surrender, through President Cleveland, for nothing, to the bondholder of a great right which the American people have, and which they declared was worth, on a small issue of bonds, $16,000,000. How much, I would like to inquire, is it worth on this great reissue? It was by usurpation, by transgression of the law, that we were put upon this standard; and what you are afraid of, and the reason why you are here with this bill, is that you fear the American people will send somebody here and put somebody in the White House and put somebody in the other House of Congress who will have the courage to stand for the interests of the whole people and enforce the law. So you go around the country, or your agents do, saying, We mean to fix the conditions so that the gold standard can not be disturbed. If the gold standard had been established by law, it could not be disturbed unless by legislation. You can not deny this to the American people, much as you may desire so to do.

EFFECT OF TARIFF.

The Senator from Iowa took occasion to speak of the condition of the country in 1893, when a majority of his associates in this Chamber—and a majority of the Republicans—joined a Democratic Administration and gave more votes than were received on the Democratic side for the President's scheme to repeal the purchasing clause of the act of July 14, 1890, which he himself had been active and efficient and vigorous in imposing upon the American people, and imposing it on them, as was said, so that there might be avoided the responsibility of having a Republican President compelled to veto a free-coinage bill.

The Senator has said that when the Democrats came into power under Mr. Cleveland our revenues fell, that it was not the fault of Republican legislation, but it was the fault of the American people who exercised an undoubted right in electing a President of the United States. I think they made a horrible blunder, Mr. President, when they did that. I thought so then, and I think so yet. We escaped with less evil than I feared we would when Mr. Cleveland went into the White House, but we should have escaped with infinitely less evil if the Republicans had not supported him better than he was supported by his own party.

The act known as the McKinley tariff act was before the Senate a long time, and thoroughly discussed. There were Senators in this body who declared again and again that while some of the rates provided for were outrageously high, while the bill put duties upon some articles which, according to Republican principles, were not necessary, it would not afford sufficient revenue to defray the expenses of the Government.

Mr. President, I do not care who might have been elected President, for if Mr. Harrison had been elected there would have been likewise a deficiency, and I will admit that the deficiency was the primary cause of our difficulties. I mean, of course, with reference to maintaining the redemption fund, as you insist, at $100,000,000, and being prepared at all times with abundant money to redeem paper as it came to us.

I borrowed of the Senator yesterday a paper from which he read, and I wish to read something from it. I want to call attention to the fact that the deficiencies which arose arose because of an improper tariff. Of course I do not know that I ought to say that, because on this side of the Chamber the majority of those who discuss these questions have always insisted that the law did not have anything to do with it; that it was a question of commerce; but you made a statute concerning the import duties, and this was the result: In 1890 you had a surplus of $85,000,000. You had more than that amount in the year preceding and still more in the year before that. The very purpose of the McKinley bill, as it was alleged, was to decrease the revenue and get rid of the surplus, which it was then said was a bad thing to have.

I remember hearing young General Grant say, when he was running for an office over in New York, that it could be demonstrated that a surplus was a great deal better than a deficiency. I thought that was a manifestation of some of his father's horse sense; and I think Senators here will find it is a great deal easier to deal with a surplus than it is with a deficiency. But for the purpose not of paying the public debt, which had been up to about that time a Republican policy, we changed the tariff. True, we changed it in regard to some articles on the tariff list as to which the men who were manufacturing were clamoring for increased tariff duties, which they got. You had $26,000,000 that year. The next year you had less than $10,000,000—$9,914,000, for I am not giving the odd numbers—and the next year you had $2,000,000.

Mr. President, no portion of that decrease of the revenues can be charged to the Democratic Administration, nor can it be charged to the expectation of the election of such an Administration. I will venture to say that the great majority of men dealing with public affairs in the great centers of trade believed to the last minute that the Republican and not the Democratic candidate would be elected.

The next year, that is the year 1894, there was a deficiency of $70,000,000.

Mr. ALDRICH. Would it interrupt the Senator if I should make a brief statement?

Mr. TELLER. Not at all.

Mr. ALDRICH. The Senator must be aware that the large increase of duties which was effected by the McKinley act, so called, had produced very large importations prior to the time that act took effect, and had reduced very greatly the consequent importations subsequent to the passage of the statute. So the revenue for months after that act went into effect fell below the normal amount.

Mr. TELLER. I will admit that. The impression went out that the McKinley bill was to increase tariff duties on very many articles; and it undoubtedly did increase them, as the Senator says. A great many merchants would naturally provide themselves with an extra supply of goods, but I deny that they would provide themselves with a supply sufficient to carry them through all this time, showing a deficiency. I repeat, it can not be denied that there would have been a deficiency under the McKinley bill if Mr. Cleveland had not been elected.

Mr. President, the Senator from Iowa was asked yesterday what was the deficiency in 1894—and I recall with what unction he announced that it was $70,000,000. Then I remember that there ran around this side of the Senate a smile, as if that was a knock-down argument. I want to say to the Senator that every dollar that was collected that year was collected under the McKinley law, and the Wilson law did not go into effect until long after the close of that fiscal year. I suppose the Senator would come back and say that while, of course, they knew that there was to be a bill to relieve some of those tariff exactions, therefore they ceased to buy. To some extent those statements are true; but they are not true to the extent that it is claimed. A merchant who does business must keep his stock up fresh and new, and no great wholesale dealer in any of the great cities, dependent upon the Western and Central trade, could afford to let his stock run down. The stock is brought up and kept up. There were other things which brought about that condition. One was the hard times then existing in this country.

REDEMPTION OF THE GREENBACK.

Another thing which the Senator dilated upon at great length was as to the fear that the greenback was not to be redeemed in gold. Mr. President, I want to say that I have been a careful observer and there never has been an hour in the United States since January 1, 1879, when the public had any doubt that the greenback would be redeemed in gold. There never has been a commercial transaction that took place in the United States that will justify any man in saying that the people were afraid that the greenback would not be redeemed in gold. There have been great raids made upon the Treasury. The other day a Senator who did not make a speech, in reply to something I had said, stated in substance that the demand for greenbacks created the necessity for a bond issue. Mr. President, I am going to show from indisputable evidence that the demand for bonds was what created the demand for gold and greenbacks. Everybody ought to know that. There was no difficulty whatever until the revenues ran down, until the amount in the Treasury could not be kept there because there were not sufficient revenues. When it became known that Mr. Cleveland intended to reenforce the $100,000,000 of gold reserve by a bond issue, then the demand for gold came, as will be shown by the records. The demand for gold grew, I repeat, out of bond issues, and not because the people of the United States were afraid of the greenbacks.

In 1893 there was a financial panic such as has been seen in this country but once or twice within my recollection. The Senator from Nevada [Mr. JONES] yesterday said it was a bond and bank panic. Mr. President, it was a bank panic, assisted by the then President of the United States, who publicly declared it was necessary that the people should have "an object lesson" before they would consent to the repeal of the purchasing clause of the Sherman act of 1890. I will not go into that now. In a speech I made here some years ago I presented the evidence that that was a preconcerted bank panic. It got so very violent, so fierce, and so alarming, as I said the other day, that the great banks of the great cities of this country suspended, not specie payments alone, but all payment for a period of more than ninety days, and when anyone went to the banks with his checks the banks gave him clearing-house certificates, which were not money. In all that panic the greenback never failed. It was as good as gold.

The Senator says the people were afraid the greenback would be paid in silver. During the most of that period the silver dollar sold over the brokers' counters in the city of New York for from 3 to 5 per cent more than gold. The same thing was done in other cities, not because the people had more interest in silver than in gold, but because silver was the most convenient money to be used; and, Mr. President, I repeat here from my place that there has never been an hour and there is no commercial act that can be cited to show that the American people doubted that we would redeem the greenback in gold. There was no party in this country after 1879 which was objecting to redeeming it in gold, and there was ample power in the Secretary of the Treasury to maintain it by the issue of bonds. Everybody knew that no man had ever been in the Treasury Department, nor was any man ever likely to be there, who would not see that the law was executed, especially as it was in the interest not only of the Government that the greenback should be so redeemed, but in the interest of the commercial public as well. It would have been a disaster, I think, to have had the Government repudiate its obligations. The Government never has done so, and it is not likely to do so; and I am sorry the Senator did not look a little more carefully into this matter and discover that fact.

Mr. President, I said that I was going to show something about the cause which drew gold out of the Treasury, this endless chain which we hear about, which is being provided for in this bill and is to be a feature of our financial policy hereafter.

TROUBLE OF MAINTAINING THE GOLD STANDARD.

I said the other day—and do not wish to repeat it now for fear of extending my remarks for too great a length, but I am going to advert to it in another way—that no country in the world has gone to a gold standard which did not suffer ills which were very much greater than the benefits derived from such action. One of those ills is the trouble of maintaining the standard after you have adopted it. For fear I may not have an opportunity hereafter, I will say that Italy went to the gold standard by law as many as sixteen or eighteen years ago. She never had the gold standard a minute. She borrowed $80,000,000 in gold and put it into her treasury, but she has never dared to let it all go into circulation to this hour, because if she had done so the demand is so great, she being a debtor nation, that she would have lost it out of her circulation.

Russia attempted to go to the gold standard. Austria-Hungary went to the gold standard in 1872, and has never been able to make it good. Half a dozen other countries are in the same condition. The South American republics undertook to go to the gold standard, and every one of them found itself in a little while without gold. I have the authority of a man which can not be questioned—I think I will put that in now for fear I may not have time to put it in hereafter—Dr. Robert Giffen, of Great Britain, probably the most influential gold monometallist in the world, has written learnedly on this subject. I think I have read everything Dr. Giffen has written. While he is almost a fanatic on the subject of monometallism, and insists that monometallism is to be the rule, yet he says if you can not have gold, you ought to have silver as the single standard, and not bimetallism. I think, after all, he is the fairest minded scientist in Europe on his side. He walks up to the result of his system and admits it. He never has denied the appreciation of gold. He has insisted that it existed. He is living in a community which buys a great deal more than it sells, and he appeals to their cupidity and says "you want cheap products, and the cheaper they are the better for you." Then he figures to show how much they have made by adhering to the gold standard with its low prices.

I want to read an article written by Dr. Giffen in June, 1898, a protest against the establishment of the gold standard in India. Then I will take up the other proposition, which I have left for a moment, as to the withdrawal of gold from our Treasury here.

Dr. Giffen starts out by saying in a letter written to the editor of the London Times:

It is a hard saying to some that a gold standard is impossible for India. The subject has been discussed as if the choice of a money standard were within the unlimited discretion of a government, and as if the only question were the method of acquiring the standard selected. This is not a scientific view. Governments would certainly act wisely at all times in having regard to the economic conditions of their subjects, and their tastes and habits in the matter of currency.

I shall not read it all——

This is the general rationale of the statement so often made in the city that some countries are too poor to have a gold standard. It is not poverty merely that makes the difficulty, but poverty combined with heavy indebtedness. The gold money in such a case steadily tends to go away. The remaining currency, whether of paper or other coin, is then with difficulty convertible into gold, and so the standard is lost.

In this view, it is a great convenience to a debtor country like India, and, in fact, almost a necessity, to have a money different from that of its creditor countries.

I believe the Senator from Nevada said something of that kind yesterday, which I have no doubt everybody who is for this bill will regard as a great heresy.

When the money is different the depression of exchange in the debtor country, which is the result of the competition for bills on the creditor country, lowers the valuation of the money compared with the creditor's money, and thereby the value of all goods in the debtor country compared with the creditor's money. Hence there is a stimulus to the export of those goods which are suitable for the creditor country, and the money of the debtor country is not acted upon at all, although it is one of the first things to be acted on, as we have seen, when the debtor country has the same money as its creditor.

I only read this as bearing upon what I said about the difficulty of establishing the gold standard. I think myself there is a little bit of heresy in a part of that quotation, but I hesitate to say so against such high gold authority.

Hence the debtor country, with a different money from that of the creditor country, is able to retain that money in spite of its poverty and the adverse exchange; and the mischief of a contracted money market due to normal exchange operations is spared it.

There are many cases in point of countries in an economic position resembling that of India, but perhaps not so poor, which have attempted a gold standard, but have failed. A conspicuous case in my own recollection is that of Italy, which issued a gold loan about fifteen years ago and obtained £16,000,000 in order to introduce a gold standard, but failed of success. The gold standard was never really effective, or was so for so short a period as hardly to be noticeable, and the standard is long since gone.

Within the last week I saw in a financial paper a statement that they had never dared to put out a large amount of that money because they knew the minute they put it out it would be exported, and the Government would be distressed.

The Argentine Republic, again, has twice failed; Brazil and Chile have failed; Spain has failed: Austria and Russia failed to keep a metallic standard of silver for similar reasons. Some of the countries named are once more renewing the attempt at a gold standard, and Japan is a new beginner in the same line; but, unless one or more of them prove to be unexpectedly rich—and Japan, for instance, is rich for the moment—the attempt is no more than an experiment, and we are justified in saying it is far from certain to succeed.

As I write Japan is said to be proposing a new loan of £15,000,000 to relieve the depression. There is nothing, then, to weaken the force of the lesson which all these failures teach us. A gold standard is not an easy thing for a poor and indebted country with its creditors also possessing that standard. The chances are that even very costly attempts will not succeed.

Since Dr. Giffen wrote that article Chile has gone back to the silver standard or attempted to do so; she has been on a paper standard of irredeemable paper, to which nearly all the South American countries have brought themselves by their foolish attempt to imitate the great, rich country of Great Britain and have a gold standard.

Mr. PLATT of Connecticut. I do not wish to interrupt the Senator without his permission.

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I think the Senator will admit

that we are not a poor country; but does he say we are a debtor country?

Mr. TELLER. That we are a debtor country can not be denied. There is no country in the world that owes as much as we owe. We owe largely to ourselves. I ought to except France. The French Government owes, but the people do not owe to each other as we do.

The Senator from New Hampshire [Mr. CHANDLER] the other day made a statement showing how much our net exports had been in eleven years and how little gold had come back. I wish to say to the Senator from Connecticut that there is no evidence that our securities have been coming back any faster than they have been going. Just before the close of Mr. Harrison's Administration it was semiofficially announced at least that in one single month a hundred millions of our securities had gone to Europe. We know it to be a fact that one of the great bankers of New York City, about the close of that Administration, went to Europe with gilt-edged securities to sell in order to get money to keep the business of the country from being unusually and unpleasantly depressed.

REDEMPTION AGAIN.

Mr. President, I wish to get back to the question of greenback redemptions. I read from the report of the present Secretary of the Treasury for 1899. This is one of the cases where I think you can rely upon the report of the Secretary, because he is not allowed to draw on his imagination, but he has to deal with the stubborn record facts. The Senator from Iowa was dealing with the Administration of President Cleveland and the question of the fright of the American people about greenbacks. I do not wonder that the Senator, not having perhaps looked at this, repeated that statement, because all the great public press of this country during that panic asserted again and again that the whole thing was occasioned by fright and the fear that we would go to a silver basis, and therefore people hoarded not only gold but greenbacks and silver certificates and silver dollars. If they had been afraid that we were going to the silver basis, there would have been nothing but gold that they would have hoarded.

I will give the redemptions from March, 1893, to June, 1893, both inclusive. That was during Mr. Cleveland's Administration. The redemptions were $40,850,410. From July to the following January, inclusive, the redemptions were $5,810,502. That is the time that the panic was rife. That is the time when the Senator said the difficulty was created because the people were afraid of greenbacks. In a less length of time before the panic became rife they had taken $40,000,000 out of the Treasury, and then they took five or practically six millions afterwards.

In February, 1894, and down to June, 1894, both inclusive, there was drawn out of the Treasury $79,000,000; and if the Senator from Wisconsin [Mr. SPOONER], who I think rather indicated one day that he thought the Treasury was depleted because the people wanted gold for other purposes than bond buying, will look, he will find that on the 17th day of January of that year the President of the United States gave notice that he was about to sell a lot of bonds which would be paid for in gold. Thereupon the people went to the Treasury with their greenbacks to get gold with which to buy bonds, and in January there was $356,356, and from July down to that time there had not been a month that had more than $2,348,000. I stated that the whole of it was less than $6,000,000. But in that month, February, there was $19,193,354 drawn out of the Treasury. What was that drawn for? It was drawn for the purpose of buying these bonds which the people had been notified were to be put upon the market.

Mr. PLATT of Connecticut. Were not those the months in which we had the greatest exportations of gold?

The PRESIDING OFFICER. The Senator from Connecticut will please observe the rule and address the Chair when he desires to interrupt a Senator.

Mr. PLATT of Connecticut. Mr. President, I will ask the Chair for permission to interrupt the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. Certainly; I always yield.

Mr. PLATT of Connecticut. The question I wish to ask is this: Were not those the very months in which our greatest exportations of gold occurred?

Mr. TELLER. I expected that question, because I have become pretty well accustomed to our friends questioning all our statements and thus trying to find a hole to get out through. Right here from the same authority I will give our exports of gold for that month. Our imports were $2,140,982 and our exports were $3,209,000, or about a million dollars net exports. I think the Senator from Connecticut is answered, but I will answer him as I go along with the other months. He will see that there is no foundation for the statement that the gold was withdrawn for export, although that is the usual demand upon the Treasury for gold. It is for exportation, I will admit. It always has been before and it always will be when an exportation of gold is to be made.

When was the next bond issue?

Mr. ALLISON. November.

Mr. TELLER. November, 1894. The notice was given that the bonds would be issued and paid for some time afterwards. There were in the month of May $26,541,082 of redemptions, and there were in June $22,169,893 of redemptions. There is nearly $50,000,000 in two months. However, I will be able to show the Senator heavier redemptions than that.

Now I will answer the Senator, and perhaps this will satisfy him. There was an import of gold of $4,282,743, but against that there was an export of gold of $27,400,000. It is fair to say that at that time that probably was largely for export, and the next month was probably largely for export also. I think these depletions of gold from the banks necessarily would have had a tendency to cause some of the banks to go to the Treasury. A part of it may have been taken from that. A part of the exports probably went from our new gold, because the new gold generally goes abroad in bars rather than in coin.

Mr. SPOONER. What were the exports in July?

Mr. TELLER. This brings us down to July, 1895. The exports were, as I said, twenty-seven million and twenty-three million, respectively. That was the time of this great redemption—May and June.

On November 14, 1894, a proclamation was made for another issue of bonds—mind you, this was in 1894. Did the Senator from Wisconsin ask for July? I will give it to the Senator. July following there was nearly fourteen millions of redemptions.

Mr. ALLISON. July, 1894?

Mr. TELLER. July, 1894. Then the next month there was less than five millions; the next less than a million; next month three millions, in round numbers; and the next nearly eight millions. December, after this call was made, it was $31,907,221. Against that there was a net export of about nine and a half millions of gold.

Mr. SPOONER. Is that January?

Mr. TELLER. That is in December, 1894. In January the redemptions were $45,117,838 and the imports were a million and a quarter, in round numbers, and the exports were pretty nearly twenty-six millions of gold.

Mr. ALLISON. January, 1895?

Mr. TELLER. January, 1895; and the imports were about a million and a quarter and the exports nearly twenty-six millions. Then the redemptions fell practically to comparatively nothing for the balance of the year, the next month, February, being five millions.

Mr. ALLISON. What about exports?

Mr. TELLER. The exports fell off, too. I will read them to the Senator to illustrate it. In February there was $5,560,902, and our imports of gold were $5,632,197, and the net exports were about a million and a half. The next month the redemptions were, in round numbers, about a million, and the imports of gold ran up to $7,246,000. I do not give exact figures. It is not worth while.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. Half of the loan which the Senator is speaking of, made about that time, or before that time, was placed abroad in gold.

Mr. TELLER. Yes; it was supposed to be. It is said—I do not know whether it is true—that the people shipped the gold over there and paid it over there. That was a current rumor. It may be that it was a slander. Possibly this seven millions was what they got. The exports that month were about $3,126,000, and then each month from that down the imports were considerably larger than the exports and the redemptions were about a million a month.

We had another bond issue. On January 6, 1896, another circular was issued for a hundred millions of bonds, and in that fiscal year the redemptions were $158,659,956, but $82,503,440 was in the last half of that year. That is, after January, 1896, speaking of the fiscal year and not the calendar year. On January 6, 1896, the circular was issued. During that month the redemptions were $16,448,508. The next month, February, $21,736,876, and in March $6,856,546. For January, 1896, we had a net export of gold of only about $200,000. I am not trying to be exact. For the next month we had a net import of gold of somewhere in the neighborhood of $9,000,000. In March the imports of gold exceeded by about $300,000 the exports.

Mr. President, I believe there can be no question but that those redemptions were largely the work of the people who wanted to buy bonds, and that will be the way, and it will always be easy to secure bonds whenever they want them, by simply making a raid

upon the Treasury and then getting up a fright and then having the bonds issued. I know it was said yesterday by the Senator from Iowa that he did not believe there would be any issue of bonds. I speak with some hesitation upon that point because I have not before me the RECORD containing his speech; but that is a matter of opinion, and, of course, is not worth very much. I think you will find a decided intention to make raids upon the Treasury from time to time when the great moneyed interests of the country, who want to put their holdings into bonds, wish that class of security. It is the best security in the world. If a man had bought bonds in 1873 and held them he would have made more money than he could have made by any investment which it was possible for the human mind to conceive of. He would have a property which has not depreciated. Anything else he might have bought has depreciated.

UNREALIZED PROPHECIES.

There has been a good deal said about the failure of our prophecies. I shall not speak at length upon it. We did prophesy some evils from the gold standard that have not come true; but we did not prophesy as many about the gold standard that did not come true as our friends have about silver which have failed of realization.

Mr. ALLISON. Before the Senator leaves the question of redemptions, I should be glad to call his attention to the fact that since the 1st of January, 1879, a period of about twenty-two years, there have been redeemed only $545,000,000 of greenbacks, or about one and three-fifths times the amount outstanding.

Mr. TELLER. What significance does the Senator attach to that?

Mr. ALLISON. I attach very great significance to that fact.

Mr. TELLER. I will hear the Senator on that point.

Mr. ALLISON. I attach this significance to it, that in times of content as respects the condition of our finances and the condition of the country there is practically no redemption of greenbacks, and it is only in times such as he has described, when there are enormous and abnormal exportations of gold, and, if you please to add, the sale of bonds, that these redemptions take place.

Mr. TELLER. I agree with that statement. The difficulty in maintaining the gold standard wherever it has been attempted is not because of trouble at home, not because there is a premium on gold—and I am going to touch on that point before I get through, but not now—because of the demand for gold for export; whenever gold is required for export the demand is made on the Treasury by presenting greenbacks for redemption. It is the struggle the world is making to get gold.

I wish to say a word about these prophecies. I recall very well when the measure known as the Bland-Allison bill was before the Senate, largely engineered and supported and put through by the aid and under the advice of the Senator from Iowa [Mr. ALLISON], against the absolute conviction of a good many of us that it was not a wise method of settling the question, when there was a divergence between gold and silver of only 8 per cent—I think that is right——

Mr. ALLISON. Eight or nine.

Mr. TELLER. Eight or nine. I am firmly of the opinion myself that if we had gone to free coinage then there would have been no trouble whatever to secure the cooperation of France, and if France had not cooperated with us we, with our great wealth, could have maintained the parity between the two metals absolutely. We would have established it in an hour. But the Senator from Vermont, who is not with us now, who was then chairman of the Committee on Finance, standing in this Chamber, I remember, said that if we adopted the Bland-Allison bill the Government of the United States would never sell another bond, or if it did sell more bonds it would be at an extravagant rate of interest. I recall that the President of the United States vetoed that bill with a declaration that it was unwise and that it would bring us into trouble. I recall that the Secretary of the Treasury stated before a House committee and in his annual report of that year that not more than $50,000,000 could be coined before there would be a depreciated silver dollar.

What was the result? Not a prediction that was made in the great public press against it (and all the great press of the country was against it), not a prediction made in this Chamber (and there were a great many against it), not a prediction made from the White House or the Treasury Department, ever came true. We entered upon a period of prosperity that we have not had since. When it ceased, as it did some years ago, we have never been able to return to it, and with all your boasted prosperity you have not got where you were a year after we passed the Bland-Allison bill. They said we would not coin any gold. We heard that in this Chamber. In the next five years we coined within a trifle as much gold as we had coined in the ten preceding years, and gold, which had been a stranger to the great majority of the people, to men who had grown up and had never seen a gold coin, was seen by them in abundance in circulation with the silver dollar, and the two at an absolute parity.

PARITY OF GOLD AND SILVER.

I stated the other day that there never was an hour from the time the first silver dollar came from the mint till I was speaking when there had been any divergence in value between the silver dollar and the gold dollar; that the Treasury paid out the silver dollar as they paid out gold, and that the $167,000,000 of it, either as dollars or as silver certificates, had gone out in circulation for an equal amount of gold carried to the Treasury and put in there for the purpose of getting that which they preferred to gold, and that was silver. So not a single suggestion ever came true, and no man living can stand up and show that any evil influence whatever followed that act. On the contrary, everything grew better. We had been sending gold abroad and losing it for sixteen straight years and the tide turned with the passage of that act, and that year we got a small net import of gold and we continued it to a degree that no nation has ever had before. The imports were so great our exports increased. There was prosperity everywhere, and it continued to a very large degree until there was the bank panic of which I have spoken.

In 1893 we made some predictions of what would happen. We were making our fight against the destruction of silver as money upon the theory enunciated by the Senator from Nevada [Mr. JONES] yesterday with such great force, a theory that the scientific men of the world never doubted nor questioned until prejudice and passion compelled them to belie history and science and declare that the quantitative theory was not a correct one. We were saying, You are destroying a part of the money, and if you destroy it there is not gold enough to take its place.

We were justified, Mr. President. Gold had been decreasing year by year for many years. Nobody knew that the great gold fields of Africa would produce what they are producing. Nobody knew that Cripple Creek, an extent of territory not much bigger than the District of Columbia, would produce $20,000,000 in a year, with a fair prospect of doubling it the next year. Nobody knew that Klondike would send us down twenty-five or thirty million dollars of gold and with a prospect of sending us three or four times that amount. Nobody believed that the gold product of the world would go to $300,000,000? You who contended for the destruction of silver money declared over and over again that there was gold enough and you did not want any more.

COCIRCULATION OF GOLD AND SILVER.

Mr. President, I pass that. I want to just touch for a few minutes on the proposition so often made, and made with so much ex cathedra authority. This is it: You can not circulate gold and silver together. I have heard it asserted here and I have heard it elsewhere, there is not a gold-standard advocate in this country who does not repeat it, that you can not circulate gold and silver together. It is an old saying that what has been done can be done. As Dr. Johnson said, the test of truth is experience. The experience of the world will justify me in saying that for hundreds of years—nay, Mr. President, for thousands of years—the two metals have traveled side by side, doing money duty, as they were fixed by law, not subject to the whims and caprice of men, not subject to the ever-changing affairs of commercial life, but fixed there by law, fixed there as early as fifteen hundred years before the Christian era in India, fixed from time to time ever since, sometimes at one ratio and sometimes at another, but always tied together by law. England circulated for many years gold and silver together; France circulated them together; all Europe that was bimetallic circulated them, and we circulated them.

Mr. President, I have heard again and again that our relation of gold and silver at 15 to 1 had a tendency to drive out the gold. We had as much gold in circulation in this country from 1792 to 1835 as we had silver. We had the world's gold. We had a law that took in the coin of all mankind, both gold and silver, and they continued to circulate here, not alternately, not one time gold and another silver, but together, and we made no export of gold to amount to anything until 1820. That is a fact established by the report of the Director of the Mint in 1835. There was not much attention paid to keeping a list of exports, etc.

I have stated that the gold circulated in France. I want to make this statement, and if any Senator will ever call on me at any time I will prove to him by the documents which I have not time to read, that there never was an hour in France when there was not all the gold that the commercial interests of France required and all the silver that the commercial interests required; and that there never was in the purchasing power, in the domestic relations of France, the slightest variation between silver and gold. And yet during all that time, from the very commencement of this century up to 1842, there was a premium on gold in France, a premium on gold in England, and a premium on gold in the United States. But it was a premium for export. It was because there was a demand for gold to go abroad and not an extra demand for gold for domestic purposes, and no premium in either country on gold in circulation; but the broker who collected the gold for export got a premium when he sold it.

We had a premium on gold here, and yet I defy any man to find

a scintilla of evidence to justify him in saying that at any time a gold dollar would buy any more than a silver dollar. A part of the time while gold fell the silver dollar was so valuable that it traveled abroad, where it was better appreciated.

In August, 1877, the French minister of finance made an investigation into the circulation of silver coins in France, and it appeared that out of 824,987 5-franc pieces 517,700 had been coined before 1851. This is 62 per cent of the coins examined, and if this holds good as to the entire stock of 5-franc pieces, there is in circulation in France 300,000,000 French dollars, or about 30 per cent of all the 5-franc pieces coined since 1795.

Now, the repeated statements that gold would not circulate with silver are contradicted by unquestioned facts of history. Many writers assumed that because there was a premium on gold there was a divergence between the gold money of France and the silver money, and so without looking into the matter they fell into that error.

In 1833 the Director of the United States Mint, Samuel Moore, making his report in speaking of the resumption of specie payments in England in 1820 and the mint regulations in England as to silver coinage, said:

> The above principles of coinage were adopted in England in 1816, and on the resumption of specie payments, in 1820, were carried into full effect and became thereafter the controlling principle of their metallic currency. From that period the gold coins of the United States have been in demand for exportation at a premium variable in amount, but always sufficient to withdraw them from circulation.
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> The average relative value of gold and silver in England was found, during a period of twelve years, from 1821 to 1832, inclusive, to be 15.77 to 1. The average relative value of gold and silver in France during seven years ending with 1832 was 15.68 to 1. The average relative value of gold and silver in the United States from 1821 to 1832 was 15.63 to 1.
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> It appears, therefore, that the proposed ratio of 15.625 to 1 is exceedingly near to the actual relative value of gold and silver in the United States, arising from whatever cause, during the whole interval since 1821, inclusive, when first a premium for gold above its legal value in our coins began to attract observation. The error of this ratio, moreover, if there be an error, is on the side of safety, to be corrected by a further advance, if the result should be found to justify it.
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> No purpose is presumed to be entertained of changing in any degree the standard measure of value residing in our silver coins—the acknowledged basis of contracts. * * *
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> Whatever may be the decision of political economists as to the expediency of making both gold and silver a legal tender for all amounts, or the further question, Which of the two metals is the preferable standard of value?—since it is generally conceded that, in effect, there can be but one—these principles have been long settled in the United States. Both gold and silver have during the existence of the Government been a general legal tender, while silver alone has been the standard of value familiar in our conception of price. Any modification of the gold coinage will be safe which shall leave this standard of value undisturbed, and none could be contemplated without concern which would impair it.
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> The design entertained, therefore, in the change of ratio now proposed is that silver shall remain the basis of our currency and the controlling standard of value; that gold shall be, as at present, a legal tender for all amounts, but estimated in such a proportion to silver that the former will be exported by a slight preference when occasional circumstances shall induce the export of a portion of the national coins.

In December, 1830, the House of Representatives appointed a committee to consider various financial questions, among which was one to make silver the only legal-tender money between individuals, but to make gold legal tender to the Government, but not otherwise.

Mr. C. P. White was chairman, and on the 30th of June, 1832, he made a partial report. Among other things, the committee said:

> Silver is the ancient currency of the United States, the metal in which the money unit is exhibited, the money generally used in foreign commerce, and that description of the precious metal in the distribution of which we exercise an extensive agency. The committee upon due consideration of all the attendant circumstances are of the opinion that the standard of value ought to be legally and exclusively, as it is practically, regulated by silver.

In the report of the committee made March 17, 1832, they declared—

> That no gold of consequence was exported from the United States from 1792 to 1821.

Also—

> That there were certainly no indications that gold was rated too low in our standard of 1 to 15 earlier than 1821, when the English demand commenced.

Mr. President, I do not want to extend my remarks beyond the time allotted, although I might be tempted to do so if no one else wanted to speak. I wish to call the attention of the Senate to the financial condition of the world from the Mint Report of 1832.

Director of the Mint Samuel Moore, in his report to the Speaker of the House of Representatives according to law, January 11, 1832, reports:

> In obedience to the resolutions of the House of Representatives of December 14 requiring the Director of the Mint to report to the House, as far as in his power, the present relative value of gold and silver bullion in the principal countries of Europe and the United States, that is to say, If 371.25 grains of pure silver are worth $1, what is the worth of the same weight of pure gold?

Among other things, speaking of the legal ratio established in 1792, he said:

> No deficiency, however, in the mint ratio of gold to silver in the United States became early apparent. Gold and silver remained at par with each other throughout that period.

Meaning from 1792 to 1821.

> Both were the object of a premium measured in the actual currency during the suspension of specie payments, but both of the same premium. The first notice of a premium on gold measured in silver in the United States appears late in 1821.
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> The effective return to specie payments in the United States occurred between 1817 and 1819 and in England about the year 1820. To these considerations are especially to be added the new mint regulations of the latter, adopted in 1816, but only carried into full effect about the year 1821, which appeared to have exerted a very sensible control over the relative values of gold and silver in the bullion market.
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> From the peculiarity in the coinage of Great Britain, which, though authorized by law in 1816, was not in such effective operation as to test its ultimate influence until 1821, probably resulted more directly than from any other cause the advance in gold in the United States, which began to be observed in that year. In order to fulfill the requisition of a resolution of Parliament of 1819 for the restoration of the currency, as appears from the published reports, an amount of gold equal to about $95,000,000 was required to be imported within the succeeding four years. This operation, which was accomplished, could not fail to be sensibly felt in the United States, intimately connected as they are by commercial intercourse with England, and setting a value on gold in proportion to silver lower than other nations from which this supply was to be drawn.
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> It was accordingly felt in a premium on gold paid first in 1821. The expanded currency of England and the continued demand for gold resulting from her exclusive regulations in regard to silver, together with her extensive intercourse with the United States, may be regarded as exercising a constant influence to maintain the premium on gold, which from that period to the present time has not ceased in this country, though subject to many fluctuations in its amounts.
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> It would appear from his report that while there is a premium on gold in the United States there was also a premium on gold in both England and France, for he says:
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> "On the whole it may be assumed that the relative value of gold and silver bullion in Europe may, as far as regards the United States, be sought for in England and France; that in the former the relative value at the present time may be estimated at about 15.85 to 1, being equivalent to a premium on our ratio of 5¼ per cent: that in France the relative value may be estimated at about 15.73 to 1, which is equivalent to a premium on our ratio of 4¼ per cent."
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> In the United States the relative value of gold and silver at the present time may be estimated at about 15.65 to 1, corresponding to a premium of 4 per cent on our present mint ratio.

The Mint report for 1898 says that our stock of gold has increased from July 1, 1897, to November, 1898, $228,800,000.

France had increased her gold from January 1, 1897, to January 1, 1898, $38,000,000.

Russia had increased her stock of gold from January 1, 1897, to January 1, 1898, $169,700,000.

The Austro-Hungarian Empire increased its stock of gold from January 1, 1897, to January 1, 1898, $49,200,000.

Germany, during the calendar year 1897, increased her stock of gold $140,000,000.

The South American nations increased their stock of gold during 1897 $12,500,000.

Making a total gain in all these countries of $638,200,000.

The increase of $228,800,000 for the period given from July, 1897, to November, 1898, is one year and two months, but the rest of the countries are for one year.

The production of gold in all the world for 1897 was $237,000,000—for 1898, $287,000,000.

Take the production for 1897 at	$237,000,000
For four months of 1898 at	95,750,000
And you have	332,750,000

or about one-half of the accumulation of the countries above named.

The Director of our Mint says Russia has in ten years accumulated $500,000,000 of gold "in pursuance of her purpose to establish her monetary system on a gold basis."

Now, Mr. President, everything everywhere indicates that there is not enough gold, even with this great output, to meet demands.

From 1800 to 1850 the production of the world's gold was 38,093,570 ounces, and the production of silver was one thousand and fifty-two million ounces, in round numbers. Now, this is the ratio of 27.61 ounces of silver to 1 ounce of gold. From 1820 to 1850 the production of gold was 125,581,280 ounces and of silver 68,187,910 ounces. This is the ratio of 5.41, and yet during that time there was no material difference, and it has not made any difference through time whether silver was produced, as it was sometimes, almost 100 per cent more than at others, and then gold produced. No disturbance between the ratio established by law ever took place until that law was destroyed.

SILVER MONEY IN ENGLAND.

Mr. President, I am not going to go into that except to say, as I said the other day, that silver had been the money of the world, and it was the money of Great Britain, even with her gold standard. While Great Britain was carrying on her wars from 1805 to 1810, the paymaster-general of Great Britain purchased and sent abroad £5,826,106, of which £5,541,562 was silver, £284,604 gold, and £504 copper.

I take this from the bullion committee's report that I have here, which I intended to read from if I had had the time. I hope Senators will just follow these figures. That amount was to pay

the army and to support their allies; and of that amount, as before pointed out, £5,541,562 sterling was silver and £284,604 of gold—that is in the five years from 1805 to 1810. This he purchased in open market.

Mr. ALDRICH. That was before the gold standard was established.

Mr. TELLER. Yes; but practically the gold standard was established in 1793. They attempted it because they limited the use of silver. They used it by weight for transactions above a certain amount, because of the abraded condition of the silver coin.

He also received otherwise than by purchase and sent abroad £5,329,607, of which amount £121,756 was gold, leaving a balance of silver of £5,807,851. Or, taking the total sent abroad, it was £11,755,713 of silver and only £406,360 of gold, or, in a total of $58,778,565, only $2,031,800 was gold. That went to every part of the world. I use that to show that when they needed anything of that kind to pay out as they paid it to the army, gold was not any better than silver, and silver was as good as gold.

Mr. President, notwithstanding they went to the gold standard in 1816, or attempted to do so, the authority is that during all of that time their banks handled more silver than any other banks in the world. They sent to Europe—I mean to the Continent—they sent to India, and they sent to us and to everybody else more or less silver that they received in the course of their trade.

Mr. President, if I had time I should like to take up some other points, but I do not think I will talk longer.

Mr. ALDRICH. The Senator can go on for ten minutes.

The PRESIDENT pro tempore. The Senator from Colorado has until ten minutes past 2 o'clock.

Mr. ALDRICH. The Senator has until ten minutes past 2.

Mr. TELLER. Very well; I will go on until that time.

DEBATE USELESS.

I am going to quit without saying a good many things that ought to be said in this debate. I know how useless this debate is; I know that it falls on deaf and hardened ears; that the party in power has determined that this shall be done, not, as I said the other day, because of the public demand, for none has been made, but because the great agencies that control to-day the political affairs of this country have decreed that this should happen.

Mr. President, I dislike to bring any railing accusation against this great political organization, yet I feel that I should be untrue to myself if I did not say here, as I have stated elsewhere, that, in my judgment, the Republican party has abandoned its great fundamental principle of "the greatest good to the greatest number." It is not the party to-day that it was in its youth. It is not so old that it ought to die of decay; but, Mr. President, it has fallen into evil hands and under evil influences, and, in my judgment, there is no hope for a distressed and afflicted country from it. I do not believe that the agencies which control it will allow it to stand for righteousness and justice, as it once stood. Its policies will be dictated not from the heart and from the conscience of its membership, but from the great commercial center, overborne and weighed down with greed.

Mr. President, I can not forget that this party has stood for justice and righteousness; I can not forget that it was organized and that it came into existence as a protest against slavery of white men and black men alike; I can not forget that it stood for years for all that was good in government, recognizing its obligation to the people and not to the wealth of the country.

I regret that I am compelled to say now that I believe it has abandoned its great mission and no longer intends to stand for the common man, for what Mr. Lincoln used to call the plain people, the people who are the hope of the Republic, if there is hope for it, as I believe there is, but it is with them and not with the rich, not with the great, but with the men who toil and who suffer much.

Mr. President, I am tempted to read before I quit the declaration of a great Frenchman that speaks so rightly my sentiments. It was read in the Senate by a former distinguished Senator from New York, Mr. Evarts. I have read it again and again in the reports of the conference of 1881. An old man, 84 years old, who had been a leading scientist of the world, who had been on a monetary commission more than fifty years before that time and had rendered great service to monetary science by his report, in his full vigor, standing before that convention, as Senator Evarts declared he did, uttered these words. I commend them to you. If they were right in France they are right here. Its sentiments ought to actuate all men in a republic. Let me read them, Mr. President. At the close of a great speech before the conference, he said:

To recapitulate: There are in all countries hills and plains. As to the hills I have no concern about them; they demand gold, let us give them the satisfaction of handling handsful of it if they will or can; they will always find their interests satisfied. What touch and interest me are the plains—extensive, covered with an abundant population—a population which labors, lives on little, can be poor, can be frugal, and has need of money suited to it. It is for its sake that I demand the maintenance of that silver money—legal tender within, international without—which I consider not only as the money of the middle class in its daily needs, but of the artisan, of the laborer, of the part of the nation the most interesting, the most considerable, and the most worthy of interest.

For its sake, I repeat, I dread to see silver disappear, to see it lose its paying power, pass to a degraded state in public opinion, because everything in that direction will be suffering for it, without being an enjoyment for the elevated part of the population so often spoken of as representing civilization, culture, wealth, power. No; the wealth of a country, its importance, its power, are not on the summits. They have their home below also in that population that labors, that produces, that saves, and for which gold is so often a chimera and silver the daily bread and the safeguard for the morrow.

Mr. President, it is for those people that we plead. It is for them that I am concerned. The rich will take care of themselves. They need none of our aid.

I alluded a moment ago to this great Republican organization with which I attached myself in my youth. I went into it when it carried a lone banner. I went into it when there were few men in it. I went into it because its banner carried that eternal principle of liberty, equality under the law.

The Senator from New York may put upon the Republican banner, and his party may float it in the sky, the words "Gold and Glory." The people will not forget that these words have never been the rallying cry of freemen, but have ever been the rallying cry of the despot. Oh, you may put "Gold and Glory" on your banner and you may glory over it. But you will bring to it none of that enthusiasm, none of that real, true glory that covered you as with a mantle when you put upon your flag Equality, Liberty, Justice, Homes for the Free, Free Speech and Free Men.

Mr. President, the people will take down that banner with its "Gold and Glory," and they will put on it "Righteousness, Justice, and Attention to the wants of the people," and with it will come a demand for such legislation as shall give to all the suffering men of the country equality before the law—and even-handed justice; that shall say it is not the mission of this great people to legislate for a few but to legislate for all, and that you can not close the door of opportunities to some and open it to others without abandoning the great mission of the Republic; and when that time comes the Republican party, Mr. President, will go down to merited defeat and disgrace.

Mr. CHANDLER. What is the question before the Senate, Mr. President?

The PRESIDENT pro tempore. The financial bill.

Mr. CHANDLER. I mean what is the pending question on the bill?

The PRESIDENT pro tempore. The question is on the substitute offered by the Committee on Finance, but for purposes of amendment the bill and the substitute are open as two questions, and a motion to amend the portion to be stricken out will take precedence.

Mr. CHANDLER. I move to add to the amendment reported in the form of a new section by the Committee on Finance the words which I send to the desk.

Mr. ALDRICH. I hope the Senator from New Hampshire will permit the amendment reported by the Committee on Finance to be first disposed of.

Mr. CHANDLER. I want to amend it.

Mr. ALDRICH. It can be amended at any time after it is put into the bill.

Mr. CHANDLER. I am in favor of it, but I should like to amend it first by putting in the words which I propose, if the Senator has no objection.

Mr. ALDRICH. I sought to obtain the floor for the purpose of asking that the amendment to which the Senator refers, which was reported by me from the Committee on Finance on the 6th instant, might, by unanimous consent, be considered as section 9 of the substitute reported from the committee as an amendment to the House bill. Then it will be open to such amendment or alteration as any Senator may see fit to propose.

Mr. CHANDLER. I have no objection to that.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the amendment submitted by the Committee on Finance on the 6th instant be made section 9 of the original substitute, and may be treated with that for amendment as the original text. Is there objection?

Mr. JONES of Arkansas. I do not understand the effect of that. Is the request of the Senator from Rhode Island [Mr. ALDRICH] that this proposed committee amendment shall become a part of the bill by unanimous consent?

Mr. ALDRICH. No; part of the substitute. It will then be open to amendment under our agreement.

Mr. TELLER. We want it treated as an amendment, so that we can amend it.

Mr. ALDRICH. Undoubtedly.

Mr. CHANDLER (to Mr. TELLER). You can move to strike it out again, I understand.

Mr. JONES of Arkansas. Would not this be the addition of a section to the substitute?

Mr. CHANDLER. That is what the Senator from Rhode Island asks.

Mr. ALDRICH. Yes.

The PRESIDENT pro tempore. To be treated as the original text for purposes of amendment. That is to obviate the objection to an amendment in the second degree.

Mr. ALDRICH. That is all.

Mr. CHANDLER. A motion to strike out could immediately be made under that agreement?

The PRESIDENT pro tempore. Undoubtedly.

Mr. ALDRICH. It is giving the amendment all of the advantages which the original substitute has.

Mr. PETTUS. I ask that the amendment may be read.

The PRESIDENT pro tempore. The amendment reported by the Committee on Finance will be stated.

The SECRETARY. It is proposed to add the following as an additional section:

SEC. 9. That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

Mr. JONES of Arkansas. I think, that being a proposition to add to the pending bill, it had better go as a proposed amendment, and let it be taken up as any other amendment which may be offered to the substitute.

Mr. ALDRICH. I will suggest to the Senator from Arkansas if that course is adopted it will only be open to amendment in the first degree.

Mr. TELLER. We do not want to amend it at all.

Mr. JONES of Arkansas. I do not suppose there will be any trouble about amending it.

Mr. ALDRICH. I have no objection.

Mr. JONES of Arkansas. I have an idea that some Senators would like to express their sentiments about the adding of the words which have been read to the pending substitute.

Mr. ALDRICH. But the course I have suggested would not cut off any Senator from discussing it as he pleases.

Mr. JONES of Arkansas. I think it would be better to have it go into the substitute, if it goes in at all, by a vote of the Senate.

Mr. CHANDLER. Then I move to amend the amendment by adding what I send to the desk.

Mr. ALDRICH. The amendment which I reported from the committee is considered as before the Senate?

Mr. CHANDLER. It must be before the Senate. The Senator has moved it, and I move to add to that amendment what I have sent to the desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from New Hampshire [Mr. CHANDLER] to the amendment proposed by the committee will be stated.

The SECRETARY. At the end of the amendment reported by the committee it is proposed to add:

And that the provisions of the act of March 3, 1897, authorizing the President to appoint commissioners to any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, be, and the same are hereby, reenacted and continued in force.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from New Hampshire [Mr. CHANDLER] to the amendment of the committee.

Mr. TELLER. Are we to vote on that now?

The PRESIDENT pro tempore. It is before the Senate.

Mr. ALDRICH. We hope to dispose of all these amendments to-day.

Mr. TELLER. Dispose of all of the amendments?

Mr. ALDRICH. The question now pending, I will suggest to the Senator from Colorado, is on the amendment offered by the Senator from New Hampshire to the amendment reported by the Committee on Finance.

Mr. TELLER. We do not know what that is.

Mr. ALDRICH. It has just been read at the desk.

Mr. STEWART. Before any vote is taken on that, I shall want to hear it discussed.

Mr. JONES of Arkansas. It is open to discussion.

Mr. ALDRICH. It is open to discussion; there is no doubt about that.

Mr. TELLER. I should like to hear the amendment of the Senator from New Hampshire read.

The PRESIDENT pro tempore. The Secretary will again read the amendment submitted by the Senator from New Hampshire to the amendment reported by the committee.

The Secretary again read the amendment to the amendment.

Mr. ALDRICH. Mr. President, the act which the Senator recites in the amendment is now in force beyond any question; it has not been repealed, but I assume we do not intend to reenact all the laws which are now upon the statute book.

Mr. CHANDLER. Mr. President, the first ten lines of this bill Senators contend are nothing but a reenactment of existing law. That is the argument. It is said that it is necessary to reiterate this for some purpose, and now the committee bring in an amendment declaring that they will place no obstacles in the way of international bimetallism. Then, I simply move to add that the provisions of that law are reenacted and continued in force.

Mr. ALDRICH. We propose——

Mr. CHANDLER. Wait a moment.

If one declaration, a declaration for the gold standard, which is the existing law, is to be reiterated, and the declaration is to be made that no obstacle is to be placed in the way of international bimetallism, then there should be added a reenactment or a continuance, as an expression of Congress, of the law providing for an international monetary conference.

Mr. WOLCOTT. Mr. President, before the Senator from New Hampshire sits down, I desire to make a suggestion to him. I think there is not in his breast, or in the mind of any Senator here, the slightest doubt that the law which is included in the amendment offered by the Senator from New Hampshire, which is a law conferring authority upon the President to attempt an international settlement of this question, is still in force, being the existing law. I want to suggest to the Senator from New Hampshire that if in the course of the voting upon these amendments—which sometimes assume a political bearing and sometimes do not—the amendment of which of course I am in favor, and which, it is not disputed, is still upon our statute books, should be voted down, I want to ask him if he does not feel that he is imperiling a very wise and beneficent and possibly a very useful law which is now upon our statute books?

Of course I shall vote to reenact it as often as it comes up, but I should see it brought up with regret on an occasion like this, when we are voting on amendments to this currency measure, when party alignments are taking place and all matters reported by the committee are apt to be naturally viewed with favor by certain members upon one side of the Chamber and with disfavor by others; but I should regret extremely to see the possibility of the presence of that statute upon the statute books and the possibility of its continuance imperiled by any vote upon it which might receive a negative answer from any Senator in this Chamber. If there was any doubt as to the existence of the law, it would be different; but I understand nobody questions its existence.

Mr. CHANDLER. Mr. President, the true way of avoiding any such inference as the Senator from Colorado suggests would be drawn from voting down this declaration of existing law, would be to put it into the bill. Are there to be no amendments made to this bill except such as the committee prepare? Is the text of this bill to be considered as a sacred subject in the hands of the Finance Committee, so that the idea of the committee can not be made more perfect and more complete by amendments proposed upon the floor of the Senate? If this is existing law, there can be no harm in reenacting it. I base my amendment upon the ground that the declaration of the committee is that the first ten lines of this bill are nothing but existing law. Not a Senator has pretended that what is contained within these lines is new law.

Mr. ALDRICH. The Senator from New Hampshire himself denied it.

Mr. WOLCOTT. I should like to ask the Senator from New Hampshire a further question. Suppose it to be a fact—I hope it is not—but suppose it to be a fact that Senators who voted to put this law upon the statute book believe that now, if the attempt is made, it is not at this time opportune to enact again a law or reaffirm a law out of which they may believe for the present the usefulness has departed. Is not the Senator imperiling the whole existence and throwing a cloud upon the title of the existing statute by offering the amendment which he has proposed? If it should have the misfortune to be voted down, all of us who believe that out of it some good may come will be injured in the house of our friends. I do hope the Senator will not press his amendment.

Mr. CHANDLER. Mr. President, I am very sorry to decline to comply with the request of the Senator from Colorado; but I am unable to discover any reason why I should. If the amendment of the Senate Committee on Finance has been proposed in good faith, then they will in equal good faith consent to the continuance of the law providing for an international monetary commission.

I am not aware that I have denied that the first section of this bill is existing law. The Senator from Rhode Island says I have denied it. It is a reiteration of the gold standard, Senators say, and I agree to that; but I say that whenever there is a reiteration of a statutory declaration in favor of the gold standard, there ought to go along with it an unequivocal declaration in favor of the remonetization of silver by international agreement or by such safeguards of legislation as will preserve the parity between the coins of the two metals.

Mr. President, my idea is a clear one and a perfectly consistent one. The proposition of the Senator from Colorado is, however, that the Republicans in the Senate must take just so much of that idea as the Finance Committee choose to report in the form of an amendment, and must not vote to make the idea complete by an amendment of the character I have offered.

Mr. TILLMAN. Mr. President, will the Senator from Colorado tell me when it has got to be a fact or a legal proposition that can be sustained that the refusal of this body to pass an amendment repeals an existing law?

Mr. WOLCOTT. I never said that.

Mr. TILLMAN. You are contending, or at least I understand your proposition to be, that if this amendment, which is now the existing law, is not adopted, it will imperil the law or act as a repeal of it?

Mr. WOLCOTT. Oh, no; that is not what I said.

Mr. TILLMAN. That was the logical deduction from your contention.

Mr. WOLCOTT. It may have been the logic of the Senator from South Carolina, but I did not intend it so.

I will say to the Senator with great frankness that this was a law passed in 1897, providing that whenever the President, in his opinion, believed the ends of bimetallism would be furthered thereby, he should invite an international conference with other countries, looking to an international agreement for the restoration of the parity between gold and silver. It also authorized him, if in his opinion the object might be attained, to send abroad three commissioners, who should negotiate with the representatives of the different countries of Europe upon a basis looking to the reaching of the same result. That law is upon our statute books; it has never been repealed, and is still in force. A portion of it has been to an extent exercised; that is to say, the President of the United States, immediately upon the enactment of the law, did send abroad three commissioners, who endeavored, without result, to accomplish in Europe by private negotiation a basis for the restoration by international agreement of open mints upon a parity.

Now, this law, which is unquestionably still in force to the extent at least that a law can remain unfulfilled, comes up upon the motion of the Senator from New Hampshire, not upon a report from any committee that it shall be added as an amendment to proposed legislation, not for the purpose of saving it, not for the purpose of protecting it, not for the purpose of making it more a law, but simply to emphasize the views which some of us hold upon the question of bimetallism.

I say if it should be true—I hope it is not—but if it should be true that a majority in this Senate should vote down the amendment of the Senator from New Hampshire—few of the Senators here being as much interested in it as are he and I and the Senator from South Carolina [Mr. TILLMAN]—then I say that it would, when a future attempt to exercise it took place, at least throw a moral cloud upon the title of that law, and people who oppose the President's appointing a different commission or oppose the President's calling a new conference would point to the fact that a majority in this Senate had voted against reenacting the law. I say, therefore, that it is an unnecessary cloud on the title of the law. I hope I have made that clear to the Senator.

Mr. TILLMAN. I thought the other House had some rights in this matter and that the Senate alone could not repeal any existing statute; and yet the Senator contends that the action of the Senate in refusing to reenact this statute would repeal it.

Mr. WOLCOTT. Oh, no. I hope the Senator will not reassert that, for it is not what I said at all.

Mr. TILLMAN. I am only asserting my poor, lame conclusion as to your contention. I may be wrong, but I believe I can understand what a man says when he speaks. [Laughter.]

Mr. WOLCOTT. The Senator does understand it in the lamest sort of fashion if he so understands it. [Laughter.]

Mr. CHANDLER. I desire only to say that the law of which the Senator from Colorado has been speaking, and which it is proposed by my amendment to reenact, passed both Houses of Congress on a yea-and-nay vote, with only 4 negative votes in the House of Representatives and 4 in the Senate.

Mr. President, it seems to me—although I desire to act with deference toward wiser men—that the best and most appropriate thing that this Senate can do here and now is to put this reenacting provision upon the proposed amendment which the committee has reported to the bill.

Mr. JONES of Arkansas. Mr. President, what is the purpose of the committee in offering the amendment which the Senator from Rhode Island has reported? It says:

> That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Now, the proposition of the Senator from New Hampshire is to show how what is implied in this proposed amendment is intended to be carried out. I for one do not believe that there is any intention whatever on the part of the majority here to carry out what is provided for, or what is intimated in this proposed amendment. If they intend to carry it out, and if they ever expect to undertake to bring about another international conference, or ever intend to send abroad a commission for the purpose of negotiating with other countries, I can see no reason why the proposition of the Senator from New Hampshire should not prevail; but, on the contrary, if the intention is not to carry it out, if it is intended to be a simple declaration made here for campaign purposes and not to have the effect of law, or to affect the action of the Government, then, of course, there would be a reason why the proposed amendment of the Senator from New Hampshire should not be attached.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. JONES of Arkansas. Certainly.

Mr. SPOONER. Is the Senator of the opinion that anything in this bill affects the act of 1897, providing for the appointment of monetary commissioners?

Mr. JONES of Arkansas. No; I am not.

Mr. SPOONER. Notwithstanding the passage of this bill you would still regard that act in force?

Mr. JONES of Arkansas. I would, and I do.

Mr. SPOONER. The Senator is clearly right about it.

Mr. VEST. Mr. President, I shall vote against the amendment to the amendment, and then against the amendment proposed by the Finance Committee. I shall do so simply because I consider this whole business, so far as these amendments are concerned, as a mere pretext in the nature of a fraud, if not actually one.

We have had this sort of thing here before. In 1893, when a majority in Congress passed the act repealing the purchasing clause of the Sherman law, an amendment was proposed and carried in the Senate to the effect that we favored bimetallism and the free coinage of silver, and every Senator who voted for the repeal of that purchasing clause knew that he was striking almost a fatal blow at the coinage of silver and against the idea that silver bullion could be turned into standard money.

We had a more conspicuous example of this kind of legislation when the Paris treaty was ratified, when, in order to secure votes to carry that treaty through the Senate, the McEnery resolution was coupled with it—a mere shallow ford to enable some Senators to pass over from one side of that question to the other, which they did. That amendment was thrown into the waste-basket, as those of us who were opposed to the treaty then said would be the result, and it has never been heard of since.

Now it is solemnly proposed, in the greatest and most dignified deliberative assembly in the world, to assassinate silver, to murder it as effectually as prussic acid or the dagger could do it, and then hypocritically pretend that we want silver coinage and bimetallism!

Why, Mr. President, suppose these amendments are adopted and we send commissioners to Europe to ask the great powers to join us in an attempt to establish bimetallism throughout the world, will we not be met with this bill, which declares in the first ten lines that gold is to be the unit of value, then goes on turning everything into gold, and takes the bonded debt of the Government and solemnly declares that the bonds can be paid in coin and makes them gold bonds? Are foreigners such idiots and such asses as not to know what that means? Will they not say, "You have just gone on the gold standard; here is the act you have passed; all the friends of silver in the United States opposing it and all the gold-standard men advocating it, and now you come to us with your hands reeking with the blood of the white metal and ask us solemnly to go into an arrangement to revivify it and make it standard money?"

Mr. President, we have put the United States now into the great scramble for gold; we have joined England, and every intelligent man in this country knows it. We are now preparing to make any sort of sacrifice, and will be obliged to do it, if we pass this bill, to obtain gold. We are just as much for gold as was the message which Queen Victoria sent the other day to Parliament, between the lines of which could be read, "more men, more arms, more gold." England to-day, as all the world knows, is fighting for the gold mines in southern Africa; yet the pretense is made that she is fighting for human rights; and now we are to strike down silver. I have no patience with any man who tells me that that is not the object of this bill. Then we are invited to go into a farce, an absolutely roaring farce, by carrying this bill abroad, and saying, "Well, we have turned everything into gold, made our bonds payable in gold, made gold emperor; we have bowed down like a lot of slaves before the golden calf; and we come here now and ask you to help us to undo our work and to give us bimetallism."

Mr. President, I am not prepared to be a party to any such

transaction. We have come, as every intelligent man in this country knew we would come, to the naked, square, face-to-face issue between the single gold standard and bimetallism. Pass this bill and the last chance for bimetallism has been destroyed. This country is the only hope for the coinage of silver as standard money. If we with our great resources, producing more and exporting more than any people in the world, can not sustain the white metal, can not say to all the world, "Here we stand, the greatest producing country in the world and of the largest resources, prepared to champion bimetallism against all the world, if necessary; if you can do without us, we can do without you"—if we abandon that position, it is ridiculous to talk about our ever doing anything for the great cause of bimetallism, the cause of humanity, the cause of the people for whom the Senator from Colorado [Mr. TELLER] spoke to-day, the toiling masses of mankind, who under legislative processes are now made to labor for those who toil not and do not spin.

Mr. ALDRICH. Mr. President, the Senator from New Hampshire [Mr. CHANDLER] does not fail to understand and appreciate the wide difference between the two cases to which he has referred. The proposition that this bill simply reaffirms the gold standard was met with a general denial by Senators on the other side of the Chamber. I understood the Senator from New Hampshire himself (and if his speech had any other purpose or effect I can not conceive what it was) to deny that we were on a gold standard, and to point out the evils which would arise to the people of this country, and to the people of India incidentally, if a gold standard was adopted by the United States. This suggestion that we are on a gold standard is not one which meets with general acquiescence. If it were this bill would not be here to-day.

As to the other suggestion made by him, it is that we should reenact a law now in existence, for no man on either side of this Chamber doubts that the act of 1897 is now in full force and effect. We understand the tactics of the Senator from New Hampshire. He deceives no one by his amendment. He may follow this by one to reaffirm the legislation by which we sent a commission to Paris in 1878 or in 1881, or the legislation which resulted in a convention at Brussels, or perhaps by the reenactment of the whole Revised Statutes, if he can by that process defeat this bill. I hope his amendment will be voted down; but its defeat will not, I assure the Senator from Colorado, change the opinion of a single Senator as to the vital force and effect of the act of 1897.

Mr. STEWART. Mr. President, I concur in the sentiments expressed by the Senator from Missouri [Mr. VEST]. I do not want to be regarded as voting for a scheme to deceive the people. The suggestion that this bill is not intended to interfere with an international agreement that may be hereafter made seems to me entirely outside of the fact. The bill itself adopts the gold standard for this purpose. What stronger argument could there be against an international agreement for bimetallism than for this country to abandon it altogether? This bill changes the present law.

It has been well said that under existing law we were bimetallists in the use of the coin, although not in the coinage. Under existing law the silver that is coined has the same function that the gold that is coined. We are bimetallists in the use of silver, and so is France, and so are many other countries, although we have ceased to coin it. We have not adopted the gold standard. It was adopted, it is true, by the act of 1873, but that law was changed and repealed by the act of 1878, which reestablished the silver dollar and provided for its coinage.

The Bland-Allison Act, which restored the silver dollar, has never been repealed. The purchasing clause has been modified and repealed and worked over considerably, but the body of the act reestablishing the standard silver dollar has never been repealed. Every obligation of the Government to-day is payable in silver equally with gold, and we have over 400,000,000 silver dollars which do the same duty as gold dollars. This bill deprives them of that function. The first section of the substitute provides:

> United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption, shall be redeemed in gold coin of such standard.

Then it provides for a reserve of gold. "Gold coin" goes all the way through. Every time the word "coin" is used it is qualified by the use of the word "gold," a new departure never before adopted in this country.

While we had 400,000,000 silver dollars doing duty as money we could appeal to European countries with some propriety and ask that we have international bimetallism. There was some plausibility in that, because all our obligations were then payable equally in silver and gold. If commissioners go over there now, the European countries will say, "All your obligations are payable in gold. You have taken away the legal-tender power of the silver dollar to pay the bonded debt. You have your reserve in gold. You are dealing on a gold basis, and you have declared that the gold standard is the existing standard." It was never so declared by law. The only declaration to that effect was made in the St. Louis platform. That was the first time it was called the existing gold standard. While the use of gold and silver were the same, while each performed the same functions, nobody ever dreamed that there was any existing gold standard. We complained that no more silver could be coined.

It was the exemption from the gold standard which saved this country from utter ruin. The four or five hundred million dollars of silver coin which was issued under the Bland-Allison Act and the Sherman Act created prosperity in this country; and as quickly as it was cut off universal paralysis followed and would have continued to this day if it had not been for the accidental and abnormal production of gold and the war with Spain, which created activity.

Now is a poor time to adopt the gold standard—when you make all our obligations payable in gold—if we ever intend to call upon foreign countries to join us in reestablishing bimetallism. To say that such a step is not intended to embarrass our negotiations is to stultify ourselves. I will not vote for the amendment of the Senator from New Hampshire. I will not vote for the amendment of the committee. I stand with the Senator from Missouri, opposed to the entire subterfuge.

Mr. LINDSAY. Mr. President, if there is any virtue at all in this bill it is that it settles the vexed question of coinage. If the question is to be kept open and we are at the gold standard now, it is difficult for me to conceive why we should legislate on the subject of coinage at all.

If the amendment proposed by the Senator from New Hampshire is unnecessary because the statute which he seeks to reenact remains in force, then the amendment offered by the Committee on Finance is equally unnecessary. Why leave a statute in force that provides for a commission to seek an international agreement and at the same time declare that the act we are about to pass is not to be construed to interfere with an international agreement? It occurs to me that it is wholly unnecessary to adopt either amendment if the committee be right that the act proposed to be reenacted by the amendment offered by the Senator from New Hampshire is to remain in full force and effect. Why encumber this bill with anything about international agreements if we leave unrepealed, unmodified, an act which provides for international agreement?

The truth is, it does seem to me, that the Senator from Missouri is right in his assumption that this amendment is intended to affect votes and not to affect the law. Therefore I am opposed to it. I believe that we have reached the point when this country intends to declare in favor of the gold standard, and the declaration ought to be unequivocal, and it ought not to be accompanied by a pretense that under some other conditions we are going back to silver coinage, when no man believes there is any possibility within the next ten years of any international agreement reestablishing silver coinage.

Mr. President, I maintain, too, that the amendment offered by the Finance Committee is not consistent with all the provisions of this bill. The first section provides that—

> United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption shall be redeemed in gold coin of such standard.

The act provides that, in order to keep good the guarantee fund in the Treasury, from time to time bonds may be sold and the gold realized by the sale of those bonds shall be used to keep that fund good—up to a hundred and fifty million dollars. Those bonds are made payable at the Treasury of the United States after one year from the date of their issue and to be payable, principal and interest, in gold coin of the present standard.

Now, we have an international agreement; we agree on free coinage, upon a ratio which it is expected will keep the two metals at par with each other. Are the Treasury notes to be paid in the new coinage? Are these bonds to be paid in the new coinage? Or are we to establish a coinage under international agreement, which is to pay all debts except the greenbacks and Treasury notes and bonds issued in virtue of this act?

Mr. ALDRICH. That would depend entirely upon the nature of the agreement and what was done under it.

Mr. LINDSAY. Can we make an agreement with England and France and Germany to establish a new ratio between silver and gold and go to free coinage and provide through that contract that we will pay our creditors in the money coined under that agreement when we have agreed to pay them in standard gold of the present value?

Mr. ALDRICH. I assume that we would never make a contract with other nations to violate a contract of our own.

Mr. LINDSAY. The Senator from Rhode Island assumes that which is true—that we would never make a contract with a foreign nation to regulate our coinage at all—and therefore the amendment offered by the Committee on Finance, like the amendment offered by the Senator from New Hampshire, is either wholly unnecessary or else is not intended to accomplish the object it purports to intend to accomplish.

Mr. CAFFERY. Mr. President, it is immaterial to me, in the view I take of the proposed amendment, whether the advocates of this bill are in good faith or not in offering it. I believe we have been on a gold standard ever since 1873; I believe we are on a gold standard now, and I believe the purpose of this bill is to perpetuate that gold standard. It is useless to inquire into the good faith of those who offer this amendment providing for an international agreement to fix a parity of value between gold and silver. I can see no use for any such agreement. All agreements of that character have heretofore failed. The efforts made by the commission of which the Senator from Colorado [Mr. WOLCOTT] was so distinguished a member show that all endeavors in that direction will meet, in my opinion, with like failure.

Mr. President, I do not believe that an international agreement between the nations of the world can affect the value of the commodities gold and silver any more than it can affect the value of any other commodity. I hold that governmental action has no control whatever over any kind of value, money value included, and I believe that an international agreement would be as impotent to hold the two metals together at a parity as action taken by the United States alone. I believe that if governments can affect values at all the contention of the Bryanites is good, that the United States can control the value of those two metals by legislative action.

Mr. President, I believe that the battle of the standards was fought and lost by the Silverites in 1896. There may be a recurrence of that fight, but it will be only a skirmish. I believe that the forces of silver were then completely annihilated and routed, and I believe the course of this debate shows that all efforts upon the part of the Silverites to secure financial legislation to uphold the value of a depreciated metal will meet with failure.

Now, sir, why insert this amendment? Is there any hope of its fruition? If there is not, and the past shows us there is no hope, is not the good faith of the proponents of this measure to be questioned? Is it not a small tub thrown to a large whale? Is it not a sop to Cerberus? Is it not a piece of politics interjected into a financial bill? That will be the natural inquiry of the public, and that inquiry will be answered in the affirmative.

Mr. President, while I will not vote for this amendment, I will vote for the whole bill, whether the amendment is in it or not. There are a good many things in this bill that I do not like. There are a good many things which I think can be improved. I do not like the bond feature of the bill. I think that is very faulty. However that may be, I hope that future legislation will remedy the evils of that feature of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. CHANDLER].

Mr. VEST. On that question I ask for the yeas and nays.

Mr. MONEY. Mr. President, I think the amendment offered by the Senator from New Hampshire is very pertinent, even though it be a reiteration of a statute, and I do not believe that a negative vote will have any effect whatever in diminishing the authority of the President to appoint a commission if he sees fit to do it. I doubt the utility of his amendment, however, as in any degree tending to the effect which he desires. I do not believe there is any intention on the other side of the Chamber or in the Administration of having bimetallism under any condition whatever, either independently or by international concurrence and cooperation; but as the distinguished Senator from Rhode Island has put into his bill something about bimetallism, that it is to be hoped for, I do not see why the amendment of the Senator from New Hampshire should not also be adopted.

Now, the Senator from Rhode Island who has charge of this bill, in the very able address which he delivered here in proposing the substitute for the House bill took occasion to say that if there was any hope of bimetallism at all it was through his party. And he also took advantage of that occasion to say that those on this side or on the other side who pretended to be in favor of bimetallism were in fact monometallists, and that those who pretended to want the coinage of both metals, free at the mint, both legal tender, were in fact not what they claimed to be, bimetallists, but were silver monometallists. I thought then, when the distinguished Senator was expressing himself in that fashion, that it required an amazing hardihood for him or anybody else, in face of all the facts, in face of the votes in both Houses, in face of the platforms and professions of both parties, to make that statement.

Nothing has happened to impeach the sincerity and honesty of those who profess to be bimetallists. There is nothing in their course here or in the other House, there is nothing whatever in any of the stump speeches made by the advocates of bimetallism that has yet proved their insincerity, but I will say that there has been on the other hand, on the part of the party to which the Senator from Rhode Island belongs, which has continued to profess bimetallism up to a very recent date, an absolute discrepancy with the professions of its platform, made, in my opinion, to catch votes, and with the arguments submitted here and on the stump.

Therefore I do not see, if the Senator who has charge of the bill has concluded to hold out to anybody, voters or others, the hope that through this bill or through his party anything can be done to favor concurrent international bimetallism, why the amendment of the Senator from New Hampshire is out of place. There has been enough reaffirmed and reiterated in this bill which gentlemen who have advocated the measure on the other side have declared to be already the existing law. Then why should the objection apply to the amendment of the Senator from New Hampshire?

I should like to see this amendment voted upon. I should like to test to-day again the sincerity of the other side of the Chamber. As I said at the beginning, I can see no particularly good results to come either from the law as it stands or as it may be reiterated or reaffirmed, because we know that there is little to hope for in that direction after failure by the commission headed by the honorable Senator from Colorado [Mr. WOLCOTT], which presented the matter to an administration that may be considered more than one-half friendly to the cause of bimetallism, with Mr. Balfour decidedly a bimetallist, with the secretary of agriculture decidedly a bimetallist—and, by the way, he submitted the ablest argument for bimetallism ever submitted—with the premier himself in favor or bimetallism, with a very large and growing class of intelligent financiers and publicists becoming more and more every day in favor of bimetallism, and with Mr. Balfour complaining of the dense ignorance of the English people on the financial question that prevented them all from coming to bimetallism.

I do not see how anything is to be reached of any benefit or importance to this country so long as we have a party in power that professes one thing and practices another; so long as you have a President who sends a commission abroad to do a certain thing and discredits that commission by sending a message here approving an instrument prepared by an unofficial body of men engaged in a particular interest, absolutely contrary and adverse to it, and when the principal officer of the Treasury of the United States, the honorable Secretary, engages himself, while the commission was busy in its negotiations, with declaring to the whole world that his party intends to firmly establish the single standard. I say this proves something of the inutility, but so long as we have the profession in the bill itself that there is a hope of bimetallism, why should you fail, for fear the President may reach a wrong conclusion, to reiterate again that he should make a further effort to secure the concurrence of other nations in establishing bimetallism, if not upon the ratio of 16 to 1, upon a ratio that may be agreeable.

Lord Aldenham, who has been governor of the Bank of England and is supposed to be acquainted with these matters, in his testimony said he had not the slightest doubt that the United States itself could support the double standard, but with the concurrence of the mints of India there could be no doubt about it. He favored it, and other gentlemen of influence there favored it, and yet there was a bucket of cold water thrown upon it when they were warming to the efforts of the American commission. Lord Salisbury must have been amazed when he read in the papers the action taken by the President of the United States or the Secretary of the Treasury when the commission, headed by the honorable Senator from Colorado, was engaged in negotiations. But however that may be, I can not see how the proposition of the Senator from New Hampshire is at all out of place, and I for one shall be very glad to support it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER], on which the Senator from Missouri [Mr. VEST] demands the yeas and nays.

Mr. PETTUS. I object to a vote being taken to-day on any of these amendments. It is contrary, sir, to the unanimous-consent agreement of the Senate.

The PRESIDENT pro tempore. The Chair will have to overrule the objection of the Senator from Alabama.

Mr. PETTUS. Will the Chair oblige me by having the unanimous-consent agreement read?

Mr. ALDRICH. There was a distinct understanding that amendments should be voted upon.

The PRESIDENT pro tempore. Every motion is entitled to a vote when it is under consideration, unless there is a unanimous-consent agreement that it shall be postponed.

Mr. PETTUS. Will the Chair allow the unanimous-consent agreement to be read?

Mr. CHANDLER. Let it be read.

Mr. PETTUS. It says all the votes shall be taken on the amendments and the bill to-morrow.

The PRESIDENT pro tempore. The Secretary will read the agreement.

The Secretary read as follows:

AGREEMENT TO VOTE ON H. R. 1.

February 15, 1900.—Agreement, by unanimous consent, that the vote upon the passage of H. R. 1 and pending amendments be taken some time during Thursday, the 15th of February, and that two days, including the 15th, shall be given to the discussion of amendments under the ten-minute rule.

Mr. ALDRICH. Mr. President, that matter was discussed this morning in the hearing of the Senate, and an agreement was reached that we should take the votes on amendments to-day.

Mr. PETTUS. I never heard of any other unanimous-consent agreement.

Mr. ALDRICH. It was done this morning. I am not sure whether the Senator from Alabama was here or not, but that was clearly the purpose of the original agreement, the understanding being that the vote should be taken on the bill and pending amendments. Of course that means the amendments which are pending at the time the final vote is taken, not amendments that are offered and pending to-day.

Mr. PETTUS. Mr. President, I should like to hear this new agreement read, if there was any new agreement. I never heard of it. I have been here most of the morning. I should have objected to it if I had heard it.

Mr. ALDRICH. It was not a new agreement. It was an interpretation of the old agreement.

Mr. PETTUS. I have never heard of any interpretation of the old agreement.

Mr. President, this vote ought not to be taken to-day. The agreement was that it should be taken to-morrow, and it ought not to be taken to-day, because the whole theory of the general consent was that we would go on discussing this measure and all the amendments to it, or any amendment that might be proposed to it, and that after we had done that we would not discuss anything, but vote on the amendments to the bill and on the bill itself. That agreement ought to be carried out; and unless there is a positive agreement to the contrary, I insist on its being carried out.

Mr. ALDRICH. If the Senator from Alabama or any other Senator wants to speak upon this amendment, certainly there is no objection to that. There can not be any objection to it.

Mr. MASON. Mr. President, I only desire to say that it has been the impression of Senators in this immediate neighborhood that we were going to vote on the bill and amendments to-morrow. I understood that the order is to vote to-morrow upon the amendments that are pending. That does not debar us from amendments we are ready to vote on to-day; but the Senator from North Carolina who sits next to me [Mr. PRITCHARD] has gone out, and he expressed the opinion that no vote was to be taken to-day.

Mr. ALDRICH. The Senator from North Carolina came to me and said he was paired with the Senator from South Carolina [Mr. MCLAURIN]. He made an arrangement, he said, with the Senator from South Carolina to observe a pair on these amendments.

Mr. MCLAURIN. He understood that there was to be a vote, because he made arrangement with me for a pair.

Mr. MASON. Then that was after his conversation with me. I simply wanted him to be set right and understood. He must have seen the chairman of the committee after the conversation with me.

Mr. TELLER. Mr. President, I was under the impression——

Mr. PETTUS. If the Senator from Colorado will allow me an inquiry, I want to know if there is any evidence, and what that evidence is, of the agreement made this morning?

Mr. ALDRICH. There was a conversation which took place, joined in by Senators on both sides of the Chamber, as to what should be the course of business to-day. The statement was made by me, as I recollect it, that we would vote upon these propositions as the discussion upon them ceased, and that suggestion met, so far as I am aware, with no objection from any source, and it seemed to meet with general acquiescence.

Mr. JONES of Arkansas. I understood the unanimous consent asked for by the Senator from Rhode Island to be that to-morrow, at no fixed hour, but on to-morrow, this bill and all amendments that should be pending at the time should be voted on. After he had submitted his proposition, I suggested that two days—to-day and to-morrow—should be devoted to the consideration of amendments under the ten-minute rule, and that was agreed to, my understanding being that each amendment would be offered and discussed under the ten-minute rule and that the amendments would be acted on one after another until the time came to-morrow when the vote on the bill would be taken. It seems to me it would be productive of endless confusion for us to lay aside all the amendments that are here and have a running discussion on the proposed amendments and have them taken up by the dozen and voted on to-morrow. It appears to me that we can vote on them more intelligently, more directly to the purpose, and that our reasons in casting our votes will be better understood, by voting on them when the discussion has ceased on every amendment.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. The Senator from Colorado was recognized.

Mr. TELLER. I do not want to take the floor if the Senator from Connecticut wishes to be heard.

Mr. PLATT of Connecticut. I desire to make an inquiry. If the amendment now pending is not to be voted upon until some time to-morrow, how can any other amendment be offered to day and discussed? Has this amendment got to be kept before the Senate until the time of the final vote, or how can it be laid aside except by being laid upon the table, and then can it be recalled? It seems to me that the necessities of the situation require that as an amendment is proposed and discussed and the discussion upon it has ended we must proceed to a vote upon it.

Mr. TELLER. Mr. President, I did not rise to discuss the question that has been discussed, but I should like to discuss the amendment for a few minutes if I can start now.

The PRESIDENT pro tempore. The Senator from Colorado will proceed.

Mr. TELLER. I regard it as of very little consequence whether the amendment of the Senator from New Hampshire should be attached to the amendment of the committee or whether the amendment of the committee should pass without it. I do not believe that it is of any consequence whatever. It is pretty difficult for me to express my opinion about it without appearing to be offensive, which I do not desire to do.

Mr. President, the provision which was put in the platform at St. Louis was not put there for the purpose of being executed. Everybody who was there knew that. The plain people of the country did not know it. People who were not acquainted with the devious methods of politics—the methods of catching votes—thought it meant something. We who had some experience in such matters knew that it meant nothing.

Soon after the election was over one of the great New York dailies, a Republican paper, used the following language:

> Considerable has been said about the incidental reference in the Republican national platform to another international conference. No sensible person was deceived by that portion of the platform. Everybody understood its purely Pickwickian character. It was intended chiefly to ease the way for Republican candidates in the silver-mining States. People who take such planks seriously make themselves laughingstocks. It is just as well to be frank about this matter.

Mr. President, I notice that the Republican press of the country, the large Republican press, are very much disgusted with the amendment of the committee, and they are speaking of it in terms of condemnation. So far I have not seen any suggestion from any Republican paper friendly to it, but I have here an article from the Baltimore American, which is a Republican gold-standard paper, in which they complain quite bitterly of this amendment and say it ought not to be offered, etc.

> This is a mischievous addition to the measure. The purpose of the financial bill is to settle the currency question, but the amendment is in the other direction. There can be no such thing as bimetallism in this sense, no matter if all the nations of the earth agree to it.

Mr. President, that is the statement of the great mass of the leading Republicans of to-day. I find, taken from the Times-Herald a few days ago, a statement of the same character. The Times-Herald is authority in Republican circles. The proprietor of it claims to have been the author of the gold-standard platform at St. Louis. I believe there has been some controversy between him and some other members of his party as to who is entitled to it, and that question I do not feel competent entirely to settle. He is a recognized authority in the Republican party. I have the Washington Post's statement on it, and I am going to read what it says. The Times-Herald was speaking of this international clause:

> It was adopted with the expectation that overtures to foreign countries would be rejected, and so prevalent was this belief that the campaign of 1896 was fought on a straight issue between gold and silver. The Democrats said that the Republicans were for the single gold standard and the Republicans acknowledged the truth of the assertion. When the election returns came in on that memorable day in November, 1896, the people had made the appointment of a commission unnecessary, and absolved the winning party from its bimetallic professions.

Mr. President, I do not agree with that. I know that the Republicans in my section of the country, and in sections of the country that I campaigned in—that was in the West—were contending that this bimetallic provision was the valuable one in it. The Times-Herald continues:

> Thus the question has been determined twice—once by a popular vote, again by a useless embassy, and why resurrect the deep-buried corpse at this late day? The amendment coming after such facts as we have noted is less sincere than the dubious platform utterances, less useful than the wandering commission.
>
> Senator JONES affects to interpret it as a sign that the Republicans are scared, but they know that they are stronger without it than with it, and that is proof of the irrational timidity or excessive conscientiousness of Senator ALDRICH.

Mr. President, I never heard him charged with either, more particularly the latter.

> Though it was adopted by the Finance Committee of the Senate, it is to be hoped that the Senate will prepare it for the last sad rites at the earliest opportunity.
>
> If the Senate wishes to fulfill public expectation, it will drop the refunding and bimetallic clauses of its currency bill and go back to the House bill.

I think that is undoubtedly the Republican sentiment of the country; I mean of the managers; because I am compelled in treating of this matter to treat the subject as the Republican

party appears to treat it—not with reference to what the masses want or what the masses think, but what the bosses want and what the bosses think. It is absolutely ridiculous to put the provision in the bill.

That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism: *Provided*, The same be received by the concurrent action of the leading commercial nations of the world, and at a ratio which shall insure permanence of relative value between gold and silver.

Why, Mr. President, it absolutely means nothing. It will have no force or effect. It will be of no binding character upon the conscience of the most conscientious of Republicans, and certainly it will have no effect upon the conscience of the average politician. It is simply trifling with a great subject. It is rather humiliating to me that the committee should believe that they can get votes in the next campaign by talking to the people to the effect that this bill is no obstacle to international bimetallism. You are going into this legislation, you declare, to establish permanently the gold standard, and as the Senator from Kentucky [Mr. LINDSAY] said, there is probably some advantage in having an established standard.

We do not intend that it shall be permanent standard—that is to say, if we can persuade the people to intrust others than the Republican party with power, we intend to repeal it; but until that is done it must be a permanent standard; it must be the rule of conduct of all branches of the Government; and it must have such an effect upon the world as must result when a great nation like ours goes to the gold standard. It is not possible not to place an obstacle there, no matter what its intention may be. The best of possible intentions may exist in the mind of every man here that it shall not place any obstacle, but it does place it.

Mr. President, in my judgment it is intended to place an obstacle in the way of bimetallism. It is inconsistent with the suggestion that the gold standard is the desirable standard. In a condition that nobody has practically complained of we are establishing the gold standard for the purpose so often expressed, as I said before when I spoke to-day, to place it beyond the possibility of Executive interference unless both branches of Congress and the Executive should be in accord.

Now, Mr. President, I want to say to the Senator from Rhode Island, the mouthpiece of the committee, that I think it is a good deal of a letting down from a great committee to come in here with a statement so childish and so foolish as that it is not intended to place an obstacle in the way of bimetallism. What is intended by law must be determined when the law comes to be executed.

The PRESIDENT pro tempore. The Senator's ten minutes have expired. The Senator from Alabama [Mr. PETTUS] demands the yeas and nays on agreeing to the amendment. Is there a second?

Mr. PETTUS. Mr. President, does the Chair rule that a vote can be taken to-day without unanimous consent?

The PRESIDENT pro tempore. The Chair will put the question to a vote unless the Senate determines otherwise.

Mr. PETTUS. I object.

Mr. ALDRICH. Mr. President——

Mr. STEWART. I should like to be allowed to make a suggestion to the Senator from Alabama.

Mr. TELLER. I understand that these two amendments are practically here. I suppose the Senator might take ten minutes on the other amendment if he wants to speak.

Mr. STEWART. I should like to make a suggestion. I think that the agreement to vote covered the entire time that was to be devoted to ten minutes' debate, because, as stated by the Senator from Arkansas, after the agreement had been made to confine the debate to ten minutes on Thursday and act upon the bill then, that time was enlarged so as to include to-day, upon the suggestion of the Senator from Arkansas. I understand that the same agreement that was applicable to Thursday to act upon amendments as we went along was extended back another day, and that he simply asked for an enlargement of that arrangement so as to extend over the day preceding the final vote. I so understood it. I thought we would act upon these amendments as we came to them. It would lead to great confusion if we were to debate the whole question of all the amendments and then vote upon them. The orderly way of doing business, it seems to me, is exactly in accordance with the agreement, as I understood it at the time, simply enlarging the time so as to include to-day. That is what I understood.

Mr. BATE. Mr. President, I was present when the agreement was entered into. It was very clear in my mind at the time. It was understood that we should have a vote as we went along with the debate on the various amendments. But the RECORD governs these things, sir. Whatever difference of opinion we may have, there is one common arbiter, and that is the RECORD. It has been read, and I was surprised to see what was in it. Notwithstanding, it fixes this question, and we can not violate the agreement unless it is done by unanimous consent. We can not, under that agreement, vote on amendments to-day. We can not go back to interpret the RECORD, for the language of the agreement is plain and distinct.

Mr. ALDRICH. I should like to ask the Senator from Alabama what his contention is in regard to voting on amendments. Is it that we can not vote until the final vote is taken upon the bill?

Mr. PETTUS. No, sir.

Mr. ALDRICH. When can we vote on the amendments?

Mr. PETTUS. I go exactly by the agreement that you made yourself, and that is, not that there shall be no vote, but the language is that we shall vote on the amendments and on the bill upon Thursday.

Mr. ALDRICH. On pending amendments.

Mr. PETTUS. And on the bill. Yes; on pending amendments; and what do the words "pending amendments" mean? Unless it is a mere subterfuge, it can only mean the amendments that are pending to-morrow when we are to vote.

Mr. ALDRICH. Does the Senator contend that this amendment and no other amendment can be voted upon until when? When are we going to vote upon amendments?

Mr. PETTUS. My contention is that there can not be a vote on the amendments to this bill or on the bill itself until to-morrow.

Mr. ALDRICH. What time to-morrow will the amendments be in order?

Mr. PETTUS. The Senator is asking me a question that he can not answer himself.

Mr. ALDRICH. My contention is that amendments are now in order, because this general arrangement covered two days. If we can not vote to-day, we can not vote to-morrow on those amendments, under the Senator's contention, it seems to me, until a final vote is taken on the bill, and that involves an absurdity. I do not see how we are to vote to-morrow any better than to-day, the same rule applying to both days. If any Senator objects, I do not intend to press any vote at all, but it seems to me that it leads us into a rather ridiculous position.

Mr. JONES of Arkansas. If we are going to construe the agreement literally, we can not vote on amendments until after the bill is voted on, because the language attributed to the Senator from Rhode Island, and it appears in the RECORD, is this:

Then the understanding, as I understand it, is that we shall vote upon this bill and pending amendments on Thursday.

So, if we are to follow the literal meaning of the words, we must first vote on the bill and then vote on the amendments.

Now, I respectfully submit that it was the distinct understanding, when the Senator from Rhode Island submitted his proposition, that we should have a vote on the bill and amendments on Thursday, nobody understanding that it meant we were to vote first on the bill and then on amendments, but that we would discuss the amendments and dispose of the bill as the practice of the Senate had always been, one by one, until the bill was reached, and then that it should be voted on. Then I suggested that it would probably be better to have two days devoted to debate on amendments under the ten-minute rule than to have one, and the suggestion that we should have two days was agreed to. I think there can be no question that everybody understood that the debate on the first day of the two would be under exactly the same circumstances and conditions that the debate on the second day should be.

Mr. PETTUS. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. JONES of Arkansas. Certainly.

Mr. PETTUS. I merely desire to ask him a question.

Mr. JONES of Arkansas. Certainly.

Mr. PETTUS. Do you contend that because the bill is named first that means necessarily that it must be voted on first?

Mr. JONES of Arkansas. I do not, but I was simply citing that to show what I regarded as the unreasonableness of the construction the Senator from Alabama was putting on this agreement. I think everybody in the Senate understood the agreement at the time it was entered into.

Mr. FORAKER. Will the Senator give us the page of the RECORD he is reading from?

Mr. JONES of Arkansas. It is page 947. Then the Senator from Iowa [Mr. ALLISON] said:

Including the 15th.

Mr. ALDRICH. That two days, including the 15th, shall be given to the discussion of amendments under the ten minute rule, with the further understanding that pending that time, or during the time between now and the 15th of February, this bill shall remain the unfinished business after 2 o'clock.

I do not think there can be any doubt that the understanding of the Senate was that the amendments were to be disposed of as they were discussed. I never heard the question raised in the Senate before. I never heard of an instance of taking up an amendment here and debating it without voting upon it after the debate was concluded. That having been the practice of the Senate from

time immemorial, the unanimous consent asked for by the Senator from Rhode Island referred, of course, to what was the unvarying practice of the Senate, and that was to dispose of the amendments as they were debated.

Mr. ALDRICH. Mr. President, I appeal to the Senator from Alabama, as long as all the other members of the Senate except himself apparently understood the order in one way, to allow the rule to be modified, if it is necessary, by unanimous consent, that we may go on and consider the amendments and dispose of them in the manner suggested by the Senator from Arkansas.

Mr. PETTUS. Mr. President, I have my reasons for not agreeing to the plan which the Senator from Rhode Island was kind enough to suggest to me. The Senate, of course, if it chooses to set aside its own agreement, can do so, but there are a number of persons who have said—in fact, everybody that I have heard speaking of it has said—that we would vote on Thursday, as we had agreed to do; and, so far as I am individually concerned, we will vote on Thursday or according to the will of the Senate.

Mr. WOLCOTT. May I make a suggestion to the Senator from Alabama which, I think, will meet the views of the Senator from Rhode Island; which is that the unanimous-consent agreement be so modified that we vote upon amendments to-day as they come up, and then, if any Senator to-morrow shall desire a reconsideration and another vote, there shall be unanimous consent that it may be had. So that to-day we can vote upon some of the amendments as they come. I know some very good reason actuates the Senator from Alabama, as it always does when he takes a position; but if for some reason he shall desire to vote again on any particular amendment, we shall, by unanimous consent, have a reconsideration of the vote upon any such amendment which is voted upon to-day. Is that satisfactory to the Senator from Rhode Island?

Mr. ALDRICH. Perfectly.

Mr. WOLCOTT. Would that be satisfactory to the Senator from Alabama?

Mr. PETTUS. I have stated what my position is on this matter, and I propose to stand by it.

Mr. PERKINS. I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. PERKINS. As I understand it, the bill is now in Committee of the Whole and open to amendment. If the amendments are adopted to-day, when the bill is reported to-morrow to the Senate, it will be in order for my friend from Alabama, or for any other Senator, to offer the amendments again, when the Senate will again vote upon them, will it not?

The PRESIDENT pro tempore. Undoubtedly.

Mr. PERKINS. Therefore, I think my friend from Alabama and all of us will be satisfied if we can vote to-day as in Committee of the Whole upon these amendments and vote upon them again to-morrow when the bill is reported to the Senate. Then my friend from Alabama may offer his amendment, and the Senator from Colorado, the Senator from New Hampshire, and others may offer their amendments, and we will again vote upon them to-morrow, and so we shall all have the privilege of going upon record to-day, Wednesday, and again on Thursday, if we desire to do so.

The PRESIDENT pro tempore. Is the Senate ready for the question?

Mr. JONES of Arkansas. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. JONES of Arkansas. The question, as I understand it, is now on the amendment of the Senator from New Hampshire [Mr. CHANDLER] to amend the amendment reported by the Senator from Rhode Island [Mr. ALDRICH]—that is to say, a yea vote will put the amendment as proposed by the Senator from New Hampshire as a part of the amendment reported by the Senator from Rhode Island.

The PRESIDENT pro tempore. The Senator correctly states the question.

Mr. JONES of Arkansas. I shall vote for that, and then vote against the amendment afterwards.

Mr. VEST. I call for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON's name was called). My colleague [Mr. BACON] is unavoidably detained from the Senate. I understand he is paired with the junior Senator from Rhode Island [Mr. WETMORE]. If my colleague were present, he would vote "yea."

Mr. HANSBROUGH (when his name was called). I have a pair with the senior Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "nay."

Mr. McLAURIN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. If present, he would vote "nay" and I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR]. I transfer that pair to the Senator from Florida [Mr. MALLORY]. I wish to say that I feel at liberty to vote under that arrangement upon all features of this bill. I vote "yea."

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. Unless some other arrangement is made, I am not allowed to vote.

Mr. HANSBROUGH. I suggest to the Senator from Alabama that we transfer our pairs, the Senator from Alabama being paired with the Senator from Massachusetts [Mr. HOAR] and I with the Senator from Virginia [Mr. DANIEL]. That will permit the Senator from Alabama and myself to vote, if it be agreeable. I make that suggestion to him.

Mr. PETTUS. I do not know how the Senator from Virginia would vote.

Mr. HANSBROUGH. I assume the Senator from Virginia, if present, would vote "yea."

Mr. PETTUS. I should vote "yea" on this question if I were allowed to vote at all, but I am opposed to the amendment as a whole.

Mr. SULLIVAN (when his name was called). I have a general pair with the Senator from Illinois [Mr. MASON], who has voted, but on this particular matter I am paired with the Senator from West Virginia [Mr. ELKINS]. I inquire if that Senator has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from West Virginia has voted.

Mr. SULLIVAN. Then I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], who is absent; but I will transfer that pair to the Senator from Kansas [Mr. BAKER], who is also absent, and vote. I vote "nay."

The roll call was concluded.

Mr. PROCTOR. I have a general pair with the senior Senator from Florida [Mr. MALLORY]. I will transfer that pair to the junior Senator from Iowa [Mr. GEAR] if he is not otherwise paired, and vote. I vote "nay."

Mr. LODGE. My colleague [Mr. HOAR] is detained from the Chamber by illness. If he were present, he would vote "nay." I understand he stands paired with the Senator from Virginia [Mr. DANIEL].

Mr. HANSBROUGH. I understand the Senator from Alabama [Mr. PETTUS] is recorded as voting, and I vote "nay."

Mr. ALLISON. I understand that my colleague [Mr. GEAR] is now paired with the Senator from Florida [Mr. MALLORY]. My colleague, if here, would vote "nay."

Mr. SCOTT (after having voted in the negative). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I am informed that he is absent from the Chamber, and therefore I withdraw my vote.

Mr. BUTLER. I have a general pair with the Senator from Maryland [Mr. WELLINGTON]. I should like to inquire if the Senator from Massachusetts [Mr. HOAR] is not paired with the Senator from Virginia [Mr. DANIEL]. If so, I shall transfer my pair to the Senator from South Dakota [Mr. PETTIGREW], who is absent, and I understand is not paired. I shall then be at liberty to vote, and I vote "yea."

Mr. BEVERIDGE (after having voted in the negative). I voted, having forgotten at the time that I have a general pair with the Senator from Montana [Mr. CLARK], who is not present. I assume, if present, he would vote "yea," and therefore perhaps I ought not to be recorded as voting on this or the other amendment. So I withdraw my vote.

The result was announced—yeas 25, nays 45, as follows:

YEAS—25.

Allen,	Cockrell,	McEnery,	Teller,
Bate,	Culberson,	Martin,	Tillman,
Berry,	Harris,	Money,	Turley,
Butler,	Heitfeld,	Morgan,	Turner.
Chandler,	Jones, Ark.	Pettus,	
Chilton,	Jones, Nev.	Rawlins,	
Clay,	Kenney,	Sullivan,	

NAYS—45.

Aldrich,	Foraker,	McComas,	Sewell,
Allison,	Foster,	McCumber,	Shoup,
Burrows,	Frye,	McMillan,	Simon,
Caffery,	Gallinger,	Mason,	Spooner,
Carter,	Hale,	Nelson,	Thurston,
Clark, Wyo.	Hanna,	Penrose,	Vest,
Cullom,	Hansbrough,	Perkins,	Warren,
Davis,	Hawley,	Platt, Conn.	Wetmore,
Deboe,	Kean,	Platt, N. Y.	Wolcott.
Depew,	Lindsay,	Proctor,	
Elkins,	Lodge,	Quarles,	
Fairbanks,	McBride,	Ross,	

NOT VOTING—16.

Bacon,	Daniel,	McLaurin,	Scott,
Baker,	Gear,	Mallory,	Stewart,
Beveridge,	Hoar,	Pettigrew,	Taliaferro,
Clark, Mont.	Kyle,	Pritchard,	Wellington.

So the amendment of Mr. CHANDLER to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment reported by the Committee on Finance.

Mr. CHANDLER. Mr. President, I understood the Senator from Rhode Island [Mr. ALDRICH] to deny my statement that the first ten lines of this bill were only a reiteration of existing law. I never have taken the position that they were anything but a reiteration of existing law; not that the gold standard has been distinctly declared by the language of any statute. Gold has become the standard by the closing of the mints to silver, and there can be no more coinage of silver in this country, except for minor coinage, until Congress, with the concurrence of the President, or by a two-thirds vote, shall open the mints. So we are upon the gold standard to-day substantially by reason of the closing of the mints.

I understood that to be the effect of the first ten lines of this bill, a declaration of what is called the existing gold standard in America; and my contention has been from the first that if that gold standard was to be reiterated by legislation at this session it should be accompanied by the qualification as to the desire of the American people for bimetallism, which has been so often voted for in this Chamber and in political conventions.

Now I will read exactly what I said in the first opening lines of my remarks the other day. I said:

> The passage of this bill without adequate recognition of the desire and the determination of the American people that silver shall be remonetized is a defiance of the Republican platform of 1896, and without such recognition in the bill I can not give to it my vote.

Mr. President, it is proper that I should define what I would consider to be "adequate recognition of the desire and the determination of the American people" for bimetallism to be placed in this bill, which would make me willing to vote for it. It would be the adoption at the close of it of the declaration of the amendment which has just been rejected and the placing in front of the committee's amendment the declaration that "the United States from tradition and interest favor bimetallism."

I ask the Senator from Rhode Island, the chairman of the committee, to accept those lines which were in the platform of the Republican party in 1892, to admit them as a preliminary to the amendment which has been reported by the committee:

> The United States from tradition and interest favor bimetallism.

Will the Senator from Rhode Island allow that declaration? Then, perhaps, in committee of conference conclude to add—as I think the committee of conference will conclude that it is wise to add—the words which have just been voted down by the Senate, though my vote is of no importance. I shall be very willing to vote for the bill, although I deprecate very much the adoption, under any conditions, of the first ten lines of the bill, because they are entirely unnecessary.

Mr. ALDRICH. So far as I am concerned, I object equally to the reenactment of the Revised Statutes or to the incorporation of the platform of a political party into this bill.

Mr. President, in the remarks which I submitted upon the presentation of this bill to the Senate I stated that the United States through various legislative enactments had been committed to the policy of promoting international bimetallism and that the Republican party, through the declarations of its various political platforms, had declared in favor of international bimetallism. At the same time I stated that there was nothing in this bill, not a line, or a word, or a syllable, which placed any obstacle whatever in the way of the accomplishment of international bimetallism in the future.

The Senator from Kentucky [Mr. LINDSAY] and the Senator from Louisiana [Mr. CAFFERY] say that they do not believe in international bimetallism or in the possibility of its accomplishment. I will say to those Senators that there are many men in both political parties, as honest and as desirous of maintaining the public interests and the public honor as are those Senators, who do believe that international bimetallism is possible, and who have consistently advocated it in all the years since 1878.

I ask Senators, Does this bill in any one of its provisions place any obstacle in the way of international bimetallism? Does the fact that we are on a gold standard, admittedly so by the provisions of this bill, prevent the United States from taking any action looking to international bimetallism?

Mr. ALLEN. Will the Senator allow me?

Mr. ALDRICH. I beg the Senator's pardon. I do not want to be interrupted at this point.

I have frequently heard the Senator from Colorado [Mr. TELLER] and other Senators who believe in bimetallism call the attention of the Senate to the fact that there is a great bimetallist party in England and one scarcely less important in Germany. Does the fact that those people live in gold-standard countries necessarily make their efforts in behalf of international bimetallism futile? Does the fact that certain governments, whose consent is necessary for the success of the plan, are now upon the gold standard prevent consideration of the question and place any insuperable obstacles in the way of its accomplishment?

I ask Senators, if there are any such, who believe there is something in this bill which does place an obstacle in the way of the accomplishment of this purpose—and whether it is a wise purpose or not is a question not involved in the amendment—to point out of the language the phrase, the word, that produces this result. This can not be done. We would not have felt obliged to have offered this amendment if it had not been for the repeated declarations of Senators upon the other side that by the adoption of this bill we would close the door to any attempt even to secure an international agreement. If it is honorable to state exactly what you mean in legislation, then this amendment has a thoroughly honest purpose.

Mr. ALLEN. I wanted to ask the Senator a question while he was on his feet, but I care nothing about it now.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. ALLEN. I wanted to ask him what there was in this bill that would permit the negotiation of international bimetallism?

Mr. ALDRICH. It is not the purpose of this particular bill to promote international bimetallism or to affect that result in anyway, directly or indirectly.

Mr. ALLEN. Mr. President, it is quite the custom in the Senate to talk one way and vote another. It has been during my experience here the custom of some Senators to talk in favor of a measure and then to vote against it. This bill is a gold bill from top to bottom, through and through, from cuticle to core and from core to cuticle. There is not a thing in it which would deceive any person into the belief that it favors international bimetallism or domestic bimetallism.

The Senator from Rhode Island [Mr. ALDRICH] says that there is nothing in this bill to prohibit international bimetallism. Mr. President, there is. Before international bimetallism can become an accomplished fact, before it can be negotiated, you will have to repeal this bill. This bill commits the United States to the single gold standard; it eliminates silver from our coinage, excepting as a subsidiary coin. The whole financial policy of the United States as declared by this bill is the policy of the single gold standard. Why undertake to deceive the people, or why does the Senator undertake to deceive himself, into the belief that there is anything in the Republican party, or in its history, or in the vote taken here within the last five or ten minutes which would indicate to the world that it is a bimetallic party?

Mr. TILLMAN. Mr. President, I should like to ask the Senator from Rhode Island what would be the effect in morals and in law, if the refunding scheme embraced in this bill takes place and this Government issues gold bonds, for us to then negotiate with foreign countries for the rehabilitation of silver and a return to the bimetallic standard, our obligations outstanding being payable in gold? What would be the status? If there is nothing in this bill to prohibit or prevent our return to the bimetallic standard, how would you get around that position? How would you explain it? How would you litigate it? In other words, if the matter came before the Supreme Court, what would then be done to determine as to what the bonds would be payable in? Could we pay them in silver, even though we had restored silver?

Mr. ALDRICH. The Senator asks a question which is equivalent to this: If a man makes a contract payable in gold, would he be precluded from making another contract payable in silver in relation to another matter and at another time?

Mr. TILLMAN. That is in the bill, if I understand it. If the Senator will permit me, the provision in the bill is that you are to issue gold bonds. Suppose people propose to swap coin bonds for those gold bonds, I ask the Senator is there anything in the bill which would prevent it?

Mr. ALDRICH. The bill provides for the issue of a certain amount of bonds payable in gold, thereby constituting a contract between the United States and the parties who may hold those bonds; and I assume the United States would continue to pay those bonds in gold, whatever agreements it might make with other countries as to other matters, as I am sure we shall not repudiate any of our contracts.

Mr. RAWLINS. Mr. President, the position of the Senator from Rhode Island [Mr. ALDRICH] that this bill, speaking with reference to the House bill or to the proposed substitute offered by the committee, interposes no obstacle to the accomplishment of bimetallism seems to me very astonishing. If I read the provisions of this bill aright, it interposes moral obstacles and legal obstacles, if not constitutional obstacles, to the accomplishment of that purpose.

One of the potent arguments against independent bimetallism to-day is the divergence between the commercial value of gold and silver. The making of any part of the obligations, public or private, payable in gold alone which are not now so payable tends to that extent to depreciate the value of silver and to widen that divergence, and to that extent increases the obstacles to the accomplishment of bimetallism.

Secondly, as pointed out by the Senator from Nebraska [Mr. ALLEN], if this bill passes, making the public obligations of this

nation payable specifically in gold, and such bonds are issued, it interposes a legal, if not a constitutional, obstacle to the bringing about of bimetallism. Before that can be done, and gold and silver stand precisely upon the same footing in the power of each to perform the duties of money, to constitute a legal tender in the payment of all debts, that discrimination and obstacle must be removed by the repealing of this legislation, by changing the obligation of that contract. Whether that can constitutionally be done is a doubtful question. While there is nothing in the Federal Constitution prohibiting the Federal Government or Congress from violating the obligation of contracts, there is such an inhibition as against the States; and the Supreme Court of the United States in the Sinking Fund cases held that by implication the Federal Congress was equally powerless to accomplish that inequitable result. Therefore, pass this law, and you have taken one other fatal step.

Mr. President, in view of these considerations, to place upon the face of this proposed statute a provision that it is not intended to accomplish those things which it does accomplish is a confession of the injustice of the measure itself. It is a declaration to the people that those who propose this measure have no confidence in it or that they can successfully appeal to their conscience and judgment for a vindication of the process by which this shall become a law.

Mr. President, bimetallism by international agreement, in my humble opinion, is not only morally impossible, but, taking into consideration the structure and constitutions of the different governments that are supposed to cooperate to bring it about, it is impossible in every sense. The delegates may agree, but they are not clothed with the power to enact into law and make potent as a law in the several governments they represent the agreement which they accomplish. After they have agreed all they can do is for the respective delegates to go back to the countries which they represent, and those countries will take up the matter in their proper legislative departments for action. They can not act concurrently. They can not act at the same instant. One will act first, if action is taken at all, and to that extent it is acting independently, and it has no assurance that any other government will follow its example in concurring in that action. Thus, in the end, whatever agreement may be come to, one nation must take the first step, and, by the potency of its example to concur, bring about the cooperation.

The contention of bimetallists in this country is that there can be no bimetallism except by the independent action of the governments. What government is more able, what more potent, what more interested than this great Government of the United States to take the first and initial step to bring about this achievement which all recognize as being desirable?

Mr. President, the proposed amendment of the Senator from Rhode Island to the pending bill is a virtual declaration against any form of bimetallism which is rationally possible under any circumstances. It proposes only possibly, contingently, upon condition, bimetallism by international agreement, which is an absurdity upon its face.

Mr. PLATT of Connecticut and Mr. ALLISON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. PLATT of Connecticut. Mr. President, I am one of those who believe that we can not take any step which is more likely to advance the cause of international bimetallism than to let it be understood in the world that, until we can secure the concurrence of other nations, we are going to maintain the gold standard. If I am not mistaken—and I will appeal to the Senator from Iowa to say whether I am or not—our delegates to the last international bimetallic conference were confronted by the delegates of the gold-standard countries with the claim that we were approaching free-silver coinage in the United States; that the conditions here were such that we should be driven to it, and that we should be called upon then to carry the burden of free coinage alone, and therefore there was no inducement for gold-using countries to come into any international agreement.

I wish to say one other word, and that is all. There is nothing whatever to the contention that because we are declaring that a gold standard already exists and making our future bonds payable in gold we can not therefore properly, legally, and morally enter into any international agreement after that time. Whatever international agreement may be entered into will have to be with the concurrence of England and Germany, both of which are gold-standard countries. Whatever agreement may be entered into will operate in the future and not in the past to change the nature of contracts made by those Governments in the issuing of their obligations. Nobody would expect it to be retroactive. Everyone would expect that it would have operation only in the future. I do not wish to take the time of the Senate, but I should like to hear from the Senator from Iowa.

Mr. ALLISON. Mr. President, when the Senator from Connecticut sought the floor I also sought it with a view of saying a word upon this question.

The difficulty with our friends on the other side is that none of them are for bimetallism. They are for the single standard of silver, although nominally in favor of the opening of our mints both to silver and gold. They are silver monometallists and they do not comprehend, or, if they do, they do not admit, the force of the contention on our side, if I may use that word now, that there is no way to secure the concurrent and equal circulation of gold and silver side by side in a nation or among the nations except by fixing a ratio of equivalence between them that will enable a silver dollar to go into any country and be exchanged in any country for a gold dollar and will enable a gold dollar to go into any country and be exchanged for a silver dollar. I believe, and I speak for myself alone in this observation, that it is impossible to circulate side by side in any one country silver and gold unless you fix the ratio of equivalence between them which shall be equal to the commercial value of both metals in the markets of the world.

The Senator from Utah [Mr. RAWLINS] this moment expressed very clearly the distinction between these two contentions. He contends that it is impossible to secure an international agreement (therefore this amendment will do him no harm), and that the only way is for each nation for itself to open its mints concurrently to both gold and silver. But that is not bimetallism. The Republic of Mexico has had for years and years nominal circulation and open mints upon an absolute equality to both silver and gold. In other words, statutory provisions by a single nation can not in the nature of things secure bimetallism unless that nation is strong enough to absorb all the silver that shall come to its mints and at the same time absorb the gold that comes there, and keep them upon an equality. I do not believe, and I say it frankly here, because I am not speaking now as a partisan, that with the disparity which there is between silver and gold at this time in the markets and in their commercial value as respects any of the old ratios, that any ratio established by us in this country, if it should be the absolute commercial ratio, would last a very long period of time, because the commercial value of the two metals would so vary, as they have varied, as to make it impossible for us to establish in and of ourselves a relation between the metals such as would enable both metals to circulate at a parity.

Mr. VEST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. ALLISON. Certainly.

Mr. VEST. I simply wish to ask the Senator from Iowa how it is, if his proposition be correct, that to-day the American silver dollar is at par in Europe?

Mr. ALLISON. I will answer the Senator's question with great pleasure. Why is it that our greenback is at par with gold in Europe? It is because we have a limited quantity of silver dollars. We have them in our own country exchangeable, as I have said, as respects all taxes and dues. We have a pledge three times over that we will maintain them at par in our country. I do not know how the fact may be, but I suppose it is true that in London our greenbacks and our silver dollars stand upon substantial equivalence with their gold money, because the only discount possible there would be such discount as would enable the holder of a silver dollar or a greenback to pay the cost of exchange—the transportation to our own country.

Mr. VEST. I will ask the Senator one question further, and then I will not disturb him again. Is it not the fact that the American silver dollar is at par in Europe because it has full legal-tender quality, and that this country, exporting a billion three hundred and fifty million dollars of domestic merchandise, is assurance to the whole world that they can buy all that we have to sell as well with the silver dollar as with gold? Is it not axiomatic that the legal-tender money of every country in the world is equal to the value of its salable commodities?

Mr. ALLISON. The question suggested by the Senator from Missouri is only a reenforcement of the argument I am making. It is the fact that our mints are not open to the unlimited and free coinage of silver and that we have statutory pledges and moral pledges that those dollars shall be maintained upon an equality in our own country, the legal tender, of course, having some influence. It is not very great, but it has some influence. The legal-tender quality has no relation to the fact that we coin silver now in limited quantities on Government account, with a pledge made over and over again, and repeated in this law, that we will maintain those dollars upon an equality with gold.

Mr. President, it may be true, as the Senator from Utah says, that it is an impossibility to secure an international agreement. If it is true, then we will not have it, and if we are dealing or conferring with foreign nations as respects a relation of equivalence between silver and gold at a commercial ratio, which we believe is the only way whereby that can be accomplished, we will be dealing with nations every one of which has the gold

standard as we have and every one of which has a silver circulation in its country as we have. France has four or five hundred millions; Germany has a hundred millions of full legal-tender silver—the German thaler; and other countries are similary situated.

The Senator from Connecticut [Mr. PLATT] appealed to me as respects the conference in 1892. I will state what was said to me over and over again, as I have no doubt it was said to others, not in public speeches and utterances, but it was said there by men of eminence and of knowledge, not only in respect of the political policies of Europe, but regarding the trend of political opinion in our own country. Some of them said: "We have been pinched with respect to gold and we are being pinched, but we believe that the trend of public opinion in the United States is such that your mints will be opened to the free and unlimited coinage of silver; and when your mints are so opened, the effect will be that all the gold which now circulates in the United States will be transferred to Europe, and thus will fill up our vaults and our treasuries and add largely to our gold supply, and thereby we will be relieved from the tension we have sometimes felt respecting a scarcity of gold."

I believe that one of the impediments in the pathway of bimetallism in the past was a belief on the part of many European statisticians and statesmen and financiers that we would go to a silver standard and thus relieve the gold in our country from its use here and give them an opportunity to replenish their gold supply in Europe. So, Mr. President, whatever may be the fate of the amendment now suggested, we can not take a single step unless it is with the concurrence of the commercial nations of Europe which we are to deal with, and they are not only gold-using but gold-standard nations.

I wish to emphasize what was said by the Senator from Rhode Island as respects my own belief. There is not a line or a syllable or a sentence in the amendment which the Senator now proposes or in the bill as it came to us from the House that puts in the pathway one single obstacle to the reopening of negotiations for international bimetallism at any time by our country or in any degree diminishes our duty or opportunity to meet a suggestion of international negotiation for that purpose from any other country. For myself I will say I think, under our present situation, it is not wise for us now to make that proposition to Europe. They ought to come to us and say, "At last we are ready to again deal with the question of the ratio of equivalence between the two metals that circulate in one way and another around the globe."

I have heard in this debate, over and over again, that we are seeking by this legislation to destroy the use of silver in the world. It is a notorious fact, drawn from all statistics, not only those of our own country, but the statistics of the world, that there has been more full legal-tender silver coined, which is now used in the world's supply, between 1873 and 1900 than was coined by all the countries of the world during a similar period prior to 1873. Therefore it is not a question whether the silver of the world shall be destroyed or abandoned, but it is a question for us to decide whether we now are willing, of our own volition, to transfer the standard of money, which has been a standard for twenty-five or thirty years, into a silver standard, which in the very nature and essence of the situation must displace the money and the contracts which have been made during the intervening period between 1879 and now.

Mr. JONES of Arkansas. Mr. President, the Senator from Iowa [Mr. ALLISON] began his statement with the assertion that we are not bimetallists, and he proved it by the statement that his opinion is that no one nation can maintain bimetallism unaided by other nations. The opinion of the Senator from Iowa perhaps is entitled to very great respect; but I for one believe there are men living who know more about financial questions than does even the Senator from Iowa, with his great learning and wide and extensive information.

Mr. ALLISON. I agree with the Senator from Arkansas.

Mr. JONES of Arkansas. There was before a committee of one of the Houses of Parliament in England only a few months ago a man who has been president of the Bank of England, who is a director of the Bank of England now, if I am not mistaken, and has been for thirty years, who is a member of one of the largest business establishments in London doing an immense exchange business, who has all his life been connected with large business affairs, and whose firm has business connections in all parts of the world, who understands finance as a science, and he stated in answer to a direct question put to him that the United States alone could, in his opinion, maintain a ratio between gold and silver. Some of us believe that Lord Aldenham's opinions on these questions are entitled to as much respect and weight as the opinion of the Senator from Iowa, and we believe with him that this country can maintain the parity between gold and silver, notwithstanding the assertions of the Senator from Iowa.

It is rather remarkable, Mr. President, that this proposition of the Senator from Rhode Island, which is so earnestly supported by the Senator from Iowa, should have come to the Senate as an afterthought; that it should have found its way here long after the bill was reported. If you were so earnestly anxious about establishing international bimetallism, why was it that after you had this bill in the committee for the length of time you had it there you brought it in here without one suggestion of that sort in it?

Mr. ALDRICH. Does the Senator from Arkansas want an answer now?

Mr. JONES of Arkansas. Certainly.

Mr. ALDRICH. We could not conceive it possible for anybody to rise in the Senate and state that any other result could possibly happen.

Mr. STEWART. Why did you not read your own bill?

Mr. JONES of Arkansas. What changed your minds?

Mr. ALDRICH. The statements made by Senators on the other side that we had disowned bimetallism, international or national; that we were opposed to silver. That is what changed our minds.

Mr. JONES of Arkansas. It is a notorious fact that there was a committee selected by a Republican caucus months and months ago charged with the responsibility of framing a finance bill which should express the intentions of that party in regard to this great question. They framed a bill and it was reported to a Republican caucus, and it went through that caucus by a unanimous vote—went through without one solitary dissent. Every man agreed to it and pledged himself to it. That bill went into another branch of Congress. Everybody knows what happened there. Everybody understands the discussions that were had there, the open declarations of many men that they had had their very last turn with silver; that that was the end of the whole business. And not one single Republican was heard to the contrary.

I believe, Mr. President, that I understand the reason why this amendment was brought in. In the platform adopted by the Republican party in St. Louis you declared yourselves in favor of bimetallism, which leading members of the Republican party laugh at as never having been meant in earnest. It is well known that you were not then and are not now in favor of bimetallism in any way. After you came into power you asked for an appropriation to appoint a commission to go abroad. This was to make a show of an effort to carry out your pledge. That commission went abroad and might have been successful. I hoped it would be. I was anxious to see bimetallism accomplished by any means. I hoped it would succeed and I believed it might have succeeded but for the fact that it was constantly undermined and discredited on the other side by the Republican Administration.

Mr. President, when this bill passed the House it provided for the absolute single gold standard and for the payment of United States bonds in gold, and there were other provisions, which I regard as iniquitous. That bill when it became public made an impression, and the people were heard condemning it, and when Republican leaders found what the Senator from Iowa spoke of just now as "the trend of public opinion," which brought this amendment here, the danger of a revolt against the Republican party was felt. It was conceived, then, to be necessary that the same old fraudulent straddle that was in the platform of 1896 should be put forth again for the purpose of undertaking to hold the votes of some men who would clearly not stay with the Republican party in an open avowal that they intended to stand by the single gold standard.

Mr. ALDRICH. The Senator from Arkansas does not agree with the Senator from Colorado, that this conflicts with Republican sentiment throughout the country?

Mr. TELLER. I did not say it was against the sentiment of every Republican. It is not. It is against the leaders' sentiments.

Mr. ALDRICH. I understood the Senator to say it was against the idea of the great Republican masses.

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to two Senators?

Mr. JONES of Arkansas. Certainly.

Mr. TELLER. I will take my own time hereafter.

Mr. JONES of Arkansas. I have a newspaper clipping which I took out of a Boston newspaper, an interview attributed to the present Presiding Officer of this body (Mr. FRYE in the chair). It was directly after the Senator from Colorado had brought up the Stanley Matthews resolution and reoffered it in the Senate when we had a vote. I have an idea that the Senator from Maine illustrated in this interview the feelings that moved the Finance Committee when it authorized the Senator from Rhode Island to offer this amendment. I will read the interview:

> If the amendment of Senator NELSON to the Teller resolution had not been voted down, the effect of the adoption of the resolution would have been nothing. The effect of the resolution will be to square the silver men for their fight in 1900. That is what it is for. They were spurred on to their present activity by the attitude of Gage in urging the acceptance of the single gold standard.
>
> If Gage had been a politician as well as a banker, he probably would not have insisted on a declaration in favor of a single gold standard. It was all right for him to submit his scheme of finance, but hardly politic to be so specific about the single gold standard.

The trouble, Mr. President, is that the House had been entirely too "specific" about the single gold standard—to use the language of the Senator from Maine—and it was necessary to dilute it somewhat. The bill as brought from the Finance Committee in my opinion carries out almost every iniquity that is in the House bill. But it is very much more adroitly worded. It is fixed up so that almost anything in it can be denied. While it will have the same result as the House bill, it can easily be said that it does not mean what it will be construed to mean and is intended to mean.

Mr. TILLMAN. Will the Senator from Arkansas allow me?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. TILLMAN. For the purpose of quoting those words, so that he can put them right there to the spot.

Mr. JONES of Arkansas. In just one minute. I wish first to finish this interview with the Senator from Maine.

McKinley, in his New York speech, voiced the views of his party fully, but he was more guarded than Mr. Gage.

I think the Finance Committee thought the House committee were not sufficiently "guarded," and they propose to put this in afterwards to hoodwink the public again into casting votes for a party that intends to establish permanently the gold standard while pretending to favor bimetallism. Now I will hear the Senator from South Carolina.

Mr. TILLMAN. On page 4 of the House bill, which has been struck out by the Senate amendment, appear these words:

The Secretary of the Treasury is authorized and required to use said reserve fund in maintaining at all times the parity and equal value of every dollar issued or coined by the Government; and if at any time the Secretary of the Treasury deems it necessary, in order to maintain the parity and equal value of all the money of the United States, he may, at his discretion, exchange gold coin for any other money issued or coined by the United States.

That is the House provision, which is open, bold, manly. Here is the Senate subterfuge or dodge in which they have veiled the purpose. They bring it down to about three lines:

And all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard.

You do not say how, but you leave it to your Secretary of the Treasury to redeem silver dollars in gold dollars, as I tried to get the Senator from Iowa to acknowledge yesterday; but he would not do it. Now, will the Senator from Rhode Island deny that that is the purpose and object of this bill?

Mr. ALDRICH. Not in the time of the Senator from Arkansas.

Mr. TILLMAN. Will the Senator do it afterwards?

Mr. ALDRICH. I will consider that.

Mr. JONES of Arkansas. My time is about exhausted, but I want to call attention, in connection with what has just been read by the Senator from South Carolina, to the adroit language of the first paragraph of this bill, which is practically the same as the House bill, in declaring that gold shall be the "standard unit of value." You assert that that is a continuation of the present law. That is not true. It is the continuation of the present practice, which is a lawless usurpation on the part of the executive department of the Government and it is not a continuation of the law.

The act of 1873 declared that the gold dollar should be the unit of value, and the word "standard" is not used in the act. The word "standard" means the particular dollar by which all other dollars are to be measured, and when you make the gold dollar the standard dollar, all others must be measured by it.

Now, when the act of 1873 was passed, declaring that the gold dollar should be the unit of value, greenbacks were a legal tender, and from then on until 1879 greenbacks, which were below par as measured in gold, were the standard of value and the only standard of value. All calculations were in greenbacks. Purchases and sales were made in greenbacks, and gold was at a premium. It was bought and sold as any other commodity was bought and sold. It was not current money and the legal tenders were the standard of value.

The implied assertion in this bill that gold has been the standard of value from 1873 until now is not true in point of fact. In 1878 we provided for the coinage of silver dollars and made them a legal tender to a limited amount. Now, any legal-tender money is a standard of value. This is true in the very nature of things and needs no proof. Any legal-tender money is a standard of value. But you undertake here to declare that the only standard, the sole standard, is the one legal tender which is coined in gold and gold alone. You do this by this bill when you, by law, provide that it alone shall be the standard, for you practically effect this by making other legal tenders only representatives of money and not money.

Mr. ALDRICH. Are United States notes the standard of value?

Mr. JONES of Arkansas. Of course they are a standard of value, one standard of value, as I have just undertaken to show, and which the Senator from Rhode Island must know to be the truth. From 1873, while the law that you pretend to copy here, and which you do not copy because you add the word "standard," was in full force, up to 1878, silver was demonetized and not current and greenbacks were actually the standard of value.

Mr. STEWART. Mr. President, I rise to protest against the assumption that the United States has no right to legislate upon financial questions, but that we must depend upon Europe for that purpose. When did Europe ever pass a money law for us? Did we consult Europe in 1792 when the first coinage act was passed? Did we consult her in 1836 when the second act was passed? Did we consult her in 1873 when we struck down silver by an act? Did we consult her in 1878 when we restored silver? Have we ever consulted her as to that? Have we not passed these laws ourselves? Are we consulting Europe in regard to passing this proposed act, which is a radical departure from anything we have passed before, which takes away the legal-tender power of the silver dollar to pay public debts? When this is done there will be no legal-tender money in the country but gold. It takes away the legal-tender power of the silver dollar to pay public debts, and consequently there will be no full legal-tender money in the country but gold alone. Are we consulting Europe about that?

The idea that our financial legislation depends upon Europe and that we must go there for it is ridiculous. The idea seems to be to fix a platform on which to go before the people and say, We did the best we could, but we have not the consent of Europe, and consequently we will give you bimetallism whenever Europe tells us to do so. That is the position they propose to take in going before the country, and it is most absurd.

The Senator from Iowa also argued with an utter misapprehension of what money is, to keep some things equal to other things, and all that kind of thing. All there is of money is its legal-tender power, and this discussion that we should maintain the parity between two kinds of money is most ridiculous. Tell me when and where a full legal-tender dollar of the United States was not equal to every other legal-tender dollar? Such a case can not be cited. What keeps silver at par? The legal-tender power that it has. Take that away and it will fall at once. Take it from gold and it will fall at once. It is the legal-tender power, that stamp, and nothing else that keeps it at par.

The character of this amendment is so well described in an article in the New York Times and meets my views so exactly, I will take the liberty of having the Secretary read it at the desk. It is full and complete and states the whole thing.

The Secretary read as follows:

A WEAK AND NEEDLESS CONCESSION.

[From the New York Times.]

We should like to know to what element in our population Senator ALDRICH thought he was pandering when he reported from his committee this amendment to the currency bill:

"That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver."

The currency bill contains a specific declaration establishing the single gold standard. It is not simply inconsistent to graft upon the same bill a recognition of bimetallism; it is stupid, it is fatuous, it is a desecration of the graveyard, and an impudent interference with dissolution and the benignant course of nature.

Mr. COCKRELL. Mr. President, I protest against the right of the senior Senator from Iowa [Mr. ALLISON] to misrepresent the character of bimetallism represented on this side of the Chamber. He may speak his own sentiments on bimetallism, but he can not fairly represent ours. Bimetallism is that financial system which gives to gold and silver free and unlimited coinage into full legal-tender money at the ratio prescribed by law.

Mr. Muhleman, deputy assistant treasurer of the United States, in New York, in his Monetary Systems of the World, says:

By bimetallism, simply defined, is meant the free and unlimited coinage of both gold and silver into coins of full debt-paying power. Not the mere use of the double standard, but the actually opened mints on the terms above given.

The royal gold and silver commission of England in 1888 gave their definition of bimetallism. They said:

A bimetallic system of currency, to be completely effective, must, in the view of those who advocate it, include two essential features: (a) An open mint ready to coin any quantity of either gold or silver which may be brought to it; (b) the right on the part of a debtor to discharge his liabilities at his option in either of the two metals at a ratio fixed by law.

The Senator from Iowa says that we are not bimetallists. Why? Because in his opinion to open the mints to gold and silver at the ratio of 16 to 1 in the United States by this great Government, independent of all the world, would not maintain the commercial value of silver bullion equal to its coining value. I have heard that before. I want to put a question now to the distinguished Senator from Rhode Island [Mr. ALDRICH], and ask him to answer it as an honest man and "good Indian." We have to-day upon the statute books of the United States a law duly enacted and signed giving to both silver and gold free and unlimited coinage into full legal-tender money at the ratio of 16 to 1, independent of every nation on earth, and the Senator from Rhode Island has

10,000 ounces of silver bullion over in London and wants to sell it. What is his price for it? What is your price for it?

Mr. ALDRICH. It depends upon what I could get for it.

Mr. COCKRELL. What would you ask for it? What would you take for it?

Mr. ALDRICH. I would take the most that I could get.

Mr. COCKRELL. How much would that be?

Mr. ALDRICH. If it was sent over here and coined into silver dollars, I would get at the rate of $1.29 an ounce, nominally; but what that coin would be worth at some future time is a question which neither the Senator from Missouri nor myself can answer.

Mr. COCKRELL. That is not the question. I put it a direct question. The Senator knows that if he were in London when that law was enacted and had 10,000 ounces of silver bullion and wanted to sell it, he would ask the coining value in the United States, less interest and the charges of transportation and the delay in having it coined.

Mr. ALDRICH. Mr. President, if there were only 10,000 ounces of silver outside of the United States to come here to be coined into silver dollars the condition which the Senator from Missouri alludes to would undoubtedly remain true; but if the silver of the world as well as the silver of the United States should be brought to the American mints to be coined, instead of being worth $1.29 an ounce at its coinage value it would be worth 59 cents or 60 cents an ounce, the commercial value of bullion; exactly what has taken place, as has been alluded to by the Senator from Iowa, in our neighboring country of Mexico. Mexico has her mints open to the free coinage of both gold and silver. A Mexican silver dollar is worth just as much as Mexican bullion, the silver that it contains.

Mr. COCKRELL. I hope this interruption will not be taken out of my time.

The PRESIDENT pro tempore. No; it will not be taken out of the time of the Senator from Missouri.

Mr. COCKRELL. That argument I have heard time and again. Now, I want to bring up as a witness in defense of the position I occupy to-day no less a person than the distinguished senior Senator from Iowa [Mr. ALLISON], and I will read from what the distinguished Senator said in 1878 in regard to the precious metals. I say that whenever the United States, a great commercial nation that we are, with our unlimited and inexhaustible resources and commodities for sale, opens its mints to the free and unlimited coinage of silver equally with gold at the old ratio of 16 to 1, that very moment there is a fixed price for all the silver bullion of this world wherever it may be, and that is the coining price in the United States, and wherever that silver bullion is the holders of it will not accept less than its coining value in the United States, the expenses of transportation and coinage, insurance and delay, deducted.

Now, it is law and only law that fixes the commercial value of bullion. I want the Senator's attention. I will keep the eye of the Senator from Iowa, but I want the attention of the Senator from Rhode Island. I say it is the law and only the law that fixes the commercial value of gold and silver bullion. Gold bullion to-day is equal to its coining value, because England has an open mint to the gold of the world at a fixed price, and nobody will take less for it, and the United States has the same thing.

Mr. ALDRICH. Will the Senator allow me to ask him a question? Is not gold and silver equal by law in Mexico at a ratio less than ours?

Mr. COCKRELL. That is not the United States. Mexico is not a great commercial nation. It has not the products for sale that we have. It is law that gives value to the metals.

Mr. ALDRICH. But if it is law and not the size of the nation or any other circumstance that makes it, why not in Mexico?

Mr. COCKRELL. I will get to that point. I want to quote now from my friend from Iowa. Money exists not by measure, but by law, and without law there is no money on this earth. I challenge anyone of you to deny it. Without law there can be no legal tender. You know that; every one of you.

Mr. ALDRICH. The very term——

Mr. COCKRELL. The distinguished Senator from New York [Mr. DEPEW], who is now sitting behind the Senator from Rhode Island, knows that without law there is no legal tender on earth. It is law and only law that creates money; nothing else, nothing less, and nothing more; and without it it does not exist.

Now, then, it is law that gives to gold and silver their commercial value. I read from the speech of the Senator from Iowa, delivered on the 15th day of February, 1878, in which he says:

> What is it that fixes or establishes the commercial value of money? Gold and silver are commodities and, like other commodities, their value is regulated by supply and demand.
>
> The annual supply of the precious metals exerts very little influence over their value, because the annual supply is very small compared with the total quantity actually in use. It can not be truthfully said that the insignificant increase in the production of the mines of the Comstock lode exerts any material effect upon the value of silver. The annual production of silver or gold, or both, amounts to little or nothing compared with the great sum of gold and silver already in existence.
>
> Therefore the annual supply of the precious metals has little or nothing to do with their value. What is it, then, that affects their value chiefly? It is the demand. The commercial value is controlled by the demand. What constitutes the demand?
>
> "What constitutes the demand?" I see the Senator from Wisconsin [Mr. SPOONER] is about to be led into a blunder, but the Senator from Iowa shakes his finger and leads him away from it. [Laughter.]
>
> What constitutes the demand? Why is it that we have silver quoted every day in the London market? Is it sold to be worked up into plate by the silversmith? Not at all. Its present demand in the London market is for shipment to India or China.
>
> What is it that constitutes the demand for gold? Is it for use in the arts? Very little of it can be so used. Therefore it is its use as money by so many civilized states that creates a demand for it and gives it its value. If all the European states and our country were to-day simultaneously to demonetize gold and remonetize silver, would not these two metals immediately change places, and would not gold depreciate vastly—
>
> "Vastly!"—
>
> below the fall of silver in 1873? Silver is used by six or seven hundred millions of people living in oriental countries, while gold is not used by them at all, or scarcely at all. Therefore, if gold were demonetized, if the laws of legal tender—
>
> "If the laws of legal tender!"—
>
> were taken away from it, it would be the metal to depreciate instead of silver. Now, if that be true, what is it that creates—
>
> "Creates!"—
>
> the commercial value of the precious metals? It is legislation. Legislation gives value to the precious metals, and the commercial value simply records the condition of legislation with reference to the precious metals.

Mr. TILLMAN. I hope the Senator from Missouri does not expect the Senator from Iowa to deny that he thought that when he was a bimetallist. But since he has got to be a Goldbug, he has changed his opinion.

The PRESIDENT pro tempore. The time of the Senator from Missouri has expired.

Mr. ALLISON. Mr. President, I am obliged to the Senator from Missouri for reading a brief extract from the somewhat extended speech I made in 1878. If the Senator would put the whole of it in the RECORD I should be very glad, because then I maintained, as I maintain now, that legislation gives additional value to the precious metals; but I argued then, as I argue now, that in order that this value and that ratio of equivalence should be maintained between them, there should be universal law—not the law of the city of Washington or the law of a small community—but that it should, as it had been for seventy-three years before, almost the universal law of the nations which kept the equivalence of these metals up to that time.

Mr. JONES of Arkansas. But it had not been.

Mr. ALLISON. What had not been?

Mr. JONES of Arkansas. The ratio of 15½ to 1 had not been the universal law.

Mr. ALLISON. I am not speaking of universal law——

Mr. JONES of Arkansas. You stated a while ago it was because there had been.

Mr. ALLISON. I am speaking of that concurrence of the legislation of nations which maintained that or nearly that equivalence for a long time. The difficulty is now that the great nations of the world that then used silver no longer use it, and that it is not possible for one nation or one community by establishing a monetary ratio between these two metals to keep that ratio of equivalence. The Senator from Missouri need not read the speech which I made there; everybody knows that the principal use of precious metals is as money, and they are used now as money; but the ratio of equivalence has so changed as that it is impossible to maintain them at the old ratio, and yet my friend from Missouri has as much faith as is not to be found in all Israel, that although the situations have changed in every respect throughout the nations, we can stand now as we stood back in 1873, or before 1873, when all Germany and all Europe was practically using silver, except Great Britain.

So the Senator's quotation from me is simply a statement of the conditions at that time, whereby the laws of so many nations could unite and give value to silver, which is given by the demand for silver and not for its use in the arts, either for silver or for gold.

So, Mr. President, I have not changed my opinions.

Mr. TELLER. Mr. President, I am not going to vote for this amendment, but my refusal is not because I am opposed to international bimetallism. I have been an international bimetallist ever since I have had anything to do with the question. There is no man who has made more efforts for it than I, unless it may be the Senator from Iowa, who has moved several times in that direction.

I have watched with interest every bimetallic conference that has ever been held, and I must say I have watched every one of them with more or less hope. We have been disappointed. I am not one of those who declare yet that it is not possible to have international bimetallism, and if the committee had proposed to put in the bill a live, aggressive proposition that they are in favor of international bimetallism I would be willing to vote for it.

But, Mr. President, let us see what this remarkable provision is:

That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Mr. President, there is nothing in that to commit the Republican party to bimetallism, as I said before; nothing that can touch the most acute conscience of the party politician who may come after us. It is absolutely worthless and is intended to be so. I think I can say that; and I think I am justified when the Senator rises here and charges that every one of us who votes against this bill is for silver monometallism. I am as much in favor of bimetallism now as I have ever been. I never wanted to see this country put upon a monometallic basis either of silver or of gold; but I am of the opinion to-day, even with the great output of gold, that we would be infinitely better off on a silver basis than we should be on a solitary gold basis.

What will be the result of this act depends upon conditions we can not foresee. If there should be a great output of gold for the next twenty years, as there is now, we may not feel the strangulation, the trouble which every nation on the face of the earth to this hour has felt when she tried to go to the gold standard. But if we went to the silver standard, we should have a money that would enable us to trade with thirteen hundred million people, instead of with two hundred and fifty or three hundred million.

Mr. President, we have heard a great deal in the Senate about the extension of trade and commerce. You have got to look for your commerce to the Asiatic world; you have got to look for it amongst the thirteen hundred million men who are not yet so far advanced in civilization as our competitors across the Atlantic.

The Europeans are manufacturing most of their own goods. If we now send them a little iron and other manufactured articles, the time is not far distant when, in defense of their own conditions and to save their own laborers from want and destitution, they will put up a barrier against our trade. Everybody can see that who has studied the history of the world. You can see it in every movement that has been made. Germany is competing now with England, and England is alarmed at the competition. Do you suppose that any theory of free trade will stand in the way of Great Britain saying to us, "If you send goods here under certain conditions, there is a chance of destroying the laborers of this country?" If we do, of course they will endeavor to prevent it. Self-defense, humanity, and decency require them to do so, and they are going to do so.

If we would trade with the world, we can trade with silver better than with gold. As a great commercial nation, we will get gold enough if we have enough of other money, if we have enough of silver.

The dislocation of the parity is the most frightful thing which has occurred in financial affairs. That will not be settled when you go to a gold standard; that will not be settled if three hundred and fifty or five hundred millions of gold is put out in the world every year. You can not make thirteen hundred millions of people use gold; the financial and commercial conditions are such that they can not do it. The people who work for two annas a day, or for less than 5 cents, or who receive at the utmost not to exceed 15 cents a day, can not handle gold. They have never handled it. Those people have been using silver from time immemorial. They have not been using gold except as merchandise—not using it as money; and in the whole history of their race they have never used it except for the purposes of adornment or of barter. Everywhere through the Asiatic countries, as I said to-day, from more than fifteen hundred years before the Christian era, the people were using silver as money, and those people have been using it ever since. While gold was used in some parts of Asia, silver was the real money in that country during all that time.

I agree with the Senator from Missouri that the relation between gold and silver is one to be created by law. I say now that the Roman law, made in the days of Augustus, or before that time, maintained the relation of gold and silver practically uniform throughout a great portion of Europe for one thousand two hundred years; it did not vary.

When France, which has been on a bimetallic standard ever since anybody has known anything about it, raised the ratio from 14.78, or something in that neighborhood, to 15½, the whole civilized world that traded with her accepted that ratio.

It is not true that you must have the same ratio in every nation. I can show you that for years Great Britain had an established ratio 3 or 4 per cent different from that of France; Portugal had a different ratio; Spain had a different ratio; Russia and Germany had a different ratio; and yet they maintained a concurrent circulation where the circulation was bimetallic; and where it was not bimetallic they kept the purchasing power of their silver just as it had been and as it was everywhere else.

Mr. President, there have been more falsehoods and misstatements about the history of money in this country in the last twenty years than ever before. There has been a great deal of misrepresentation with reference to those of us who stand for the ancient methods, who stand for a system which has back of it the experience of the world. I repeat what I said the other day, that Dr. Johnson said the test of truth is experience. We have had the experience of the world; and when the Senator comes here and says, "You want bimetallism, and because you advocate it you are for monometallism," I resent it.

The best scientists of the world to-day are for bimetallism; and the Senator sat in conference with some of the brightest men of Europe who advocated bimetallism—Mr. Tirard, Mr. Molesworth, and various others I might mention if I were not afraid of my time running out. Lord Aldenham, when he was a private man, plain Mr. Gibbs, said years and years ago what he has said lately. When asked if England could maintain the relation of silver to gold at a parity, he said, "Any great nation in the world can do it"—not a little nation, but any great nation with great commercial transactions can do it.

Then the Senator called our attention to Mexico, as if there was a parallel between Mexico and this country. Mexico with a limited commerce, Mexico with a population unlike ours, Mexico with a population which has never known progress—to compare Mexico to the United States is a most remarkable thing in the Senate of the United States.

But I see the Presiding Officer has his gavel raised, and I shall have to close.

Mr. COCKRELL. Mr. President, the great principle which governs in the coinage of metals into money is this: Any nation—and I challenge any Senator upon the other side to dispute the proposition—any nation can give to any two metals free, unlimited, and unrestricted coinage into full legal-tender money at the ratio prescribed by that nation, provided those two metals can not be brought to the mints of that nation in greater quantities than its people can use for monetary purposes. If anyone can dispute that proposition, I should like to hear him.

Mr. ALDRICH. Mr. President, I think there is no one on this side of the Chamber who would not dispute it as a general proposition.

Mr. COCKRELL. In other words, that a nation can not give to two metals free and unlimited coinage into full legal-tender money at the ratio fixed by the nation if those two metals can not be brought to its mints in greater quantities than its people can use for monetary purposes?

Mr. ALDRICH. I did not understand the condition.

Mr. COCKRELL. Well, that is it. There is the principle; you all admit it, and you must admit it. It resolves itself into this simple proposition: Open the mints of the United States to the free and unlimited coinage of silver, equal with gold on the old ratio, independently of any other nation on earth; then can silver and gold be brought to the United States in greater quantities than the people of the United States can use for monetary purposes?

Mr. ALDRICH. Unquestionably.

Mr. COCKRELL. I say no. I say, further, the question of the value of the metals to be coined into money is immaterial. It is not a question of the commercial value of the metal, not a question of the cost of the metal. The metal itself may be of no utility for any other purpose than for money.

Mr. ALDRICH. Does the Senator from Missouri pretend to say that the people of the world, who have five or six thousand millions of silver, would stop to inquire what was the purpose of the United States or how much currency they required when they could get twice the price for their silver in the United States that they could get anywhere else?

Mr. COCKRELL. Does anyone suppose they could get twice the price by Mr. Carlisle's method of taking $100,000,000 of gold and going and buying $200,000,000 of silver, then bringing it back to the mints and having it coined, just as if the people of the world were so infernally ignorant that when free coinage was given to silver and its commercial value was equal to its coinage value they would sell it at 50 cents on the dollar? That is a ridiculous proposition.

I say whenever the United States opens its mints to the free and unlimited coinage of silver equally with gold at the ratio of 16 to 1 there would be an unlimited demand for the silver of the world; and wherever that silver may be, the demand here at the ratio of 16 to 1 fixes its commercial value. There is no power on this earth that could prevent it, because every man, woman, and child knows that that silver bullion can be brought to our mints and can be coined into standard silver dollars at the ratio of 16 to 1, and that it would then buy all that we produce by the million, the hundreds of millions, and by the tens of billions of dollars every year just at the same prices they could be bought for with gold.

Mr. ALDRICH. Will the Senator from Missouri admit that if we could, under the conditions he has named, maintain gold and silver at a parity of 16 to 1, the price of silver in the United States would be greater than it would be anywhere else?

Mr. COCKRELL. It would be the same the world over, with only the difference of transportation; that is all.

Mr. ALDRICH. Why would it be?

Mr. COCKRELL. Why has gold in India always been worth so much? It is because they can ship it to England and get the products of England at the fixed ratio.

Mr. ALDRICH. But the mints of all the commercial nations of the world are open to gold, and not one of them is open to silver.

Mr. COCKRELL. I can not stop to argue that proposition. I will argue that before we get through. I will show you, and I can show you, that every nation on earth to-day is using silver. There is not a nation on earth to-day that uses only gold. Every gold-standard nation on earth must have silver; the money of the nations is in silver; the money the people want, though it is a limited legal tender; and that is the kind of bimetallism the Republican party now favors; that is the kind of bimetallism which the remarks of the distinguished Senator from Iowa [Mr. ALLISON] lead to—a minor, subsidiary, redeemable coin, and then to keep it on an equality with gold by redeeming it in gold. That is not bimetallism. That is gold monometallism.

The object of the Republican party is to make silver a limited legal tender, with restricted coinage, so that it can not be used in large transactions; and yet you say that is maintaining it, and that that is bimetallism. That is not the kind of bimetallism I favor. The kind of bimetallism I favor is the free and unlimited coinage of silver, equally with gold, at the ratio of 16 to 1, independently of every nation, kindred, and tongue on earth.

I do not want any international agreement. I do not believe in entangling alliances with any other nation. I believe in peace, commerce, and honest friendship with all nations, but entangling alliances with none. I would not bind the United States in any agreement of a financial character in any shape, manner, or form.

We established our system in 1792 independently of every other nation when we had but 4,000,000 of population, and now, with 75,000,000 of population and resources and products for sale beyond the power of figures to enumerate, you talk about our not being able enough and strong enough to establish our own financial system. We can establish it; we can maintain it; we can bring every nation on this earth in subjection to it, either to adopt it or to assist in maintaining it. There is no danger. There will never be a deluge of silver in this world—never, never. It will never come; it can not come to this country.

The silver of the world is in money to-day, nearly all of it in full legal-tender money, and yet the Senator from Rhode Island asked me if the four and one-half billions of dollars of silver money in the world, worth only 50 cents on the dollar, would not all come here to our mints. He knows that all of that except six hundred millions is full legal tender and equal to gold in the countries where it is to-day. You know that. The records show it; your gold-standard records show it. I have it here directly from the mint, and you can not dispute it.

It is so in Germany, with a ratio of 15½ to 1, with 3 cents less silver in it than we have in our coin, and it is equal to gold and full legal-tender money. The silver in London, in England, is a limited legal tender for £10—40 shillings. It is the equal of gold there. So it is the world over. It is so in France, with a ratio of 15½ to 1. And yet the Senator talks to us as if we were idiots, and says the silver of Germany and of France, full legal-tender money equal to gold, would be sold at 50 cents on the dollar in order to be brought to our mints and coined here if we had free coinage—in other words, those people would sell it for 50 cents on the dollar when it is the equal of gold and is full legal tender with gold.

Ought not the Senator from Rhode Island to feel a little ashamed of himself for putting such a proposition as that in this intelligent Senate? I submit that is not the way to meet great questions. Let us meet them upon facts, upon principles, and upon the truth as it is recorded in the annals of all the nations.

Mr. President, this country, with the people inhabiting it, can make any laws on the financial question it desires, and it can maintain them. It is a disgrace to our people and our race to say we can not maintain a financial system at the ratio of 16 to 1 or 15½ to 1.

I do not want any alliance with any other nation. I do not want any assistance from any other nation. I believe we are great enough and powerful enough, with resources inexhaustible, with manufactures increasing year by year, and with the doors open to the transportation of these products to oriental countries, we can absorb all the silver that will ever come to our mints and then not have enough, and yet have sufficient gold in our country to meet every obligation and at no premium.

France and the Latin Union, unaided, maintained bimetallism from 1785 down to 1873, for our ratio of 16 to 1 was no aid to them. They maintained it, and their resources combined are not one-half, not one-fourth of the resources and power of the United States to-day. We can maintain it. France did it. We can maintain it without any aid from any other nation. Other nations can not do without silver.

What has become of the silver that has been produced since 1873? You can not find 20,000,000 ounces of it on earth, except in coin money and ornaments. I challenge any man to deny this. You can not do it. It has all been absorbed; it has all been consumed, because every nation has to use it as money and will have to do it for all time to come. You can not use gold as small money, as dollars, half dollars, quarter dollars, dimes, nickels, and pennies, but you have to use silver.

Every nation is using it, and you can not take it away from them. Even their own governments can not do that. Germany can not take the thalers away from the German people. They are maintained there to-day. So it is with England; England can not take her silver away from her people, because 95 per cent of all the transactions of the people of London to-day are carried on in silver. There is no danger. Lay aside your fears. They are only nightmare dreams. There is no real danger. You will have no flood of silver; you will have no great inflation.

When we shall have passed a free-coinage law independent of any other nation on earth, then we shall see the commercial value of silver bullion in every nation that has intelligence enough to know of the existence of that law—we shall see the commercial value of silver bullion there equal to its coinage value less the cost of transportation. Then, please tell me who is hurt? What damage has been done? Who has been injured? When the commercial value of silver bullion is brought by our mints to an equality with its coinage value, who is harmed? Who has been robbed? Who has been despoiled? Who has been deprived of any rights or of any property or of anything that belongs to the true American citizen?

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. TELLER. Mr. President, when my time expired and I sat down I was speaking about Mexico. I now desire to call further attention very briefly to that, so as to see whether there is any analogy between Mexico and the United States.

According to the mint report, which I have before me, Mexico has $3.71 of gold, silver, and paper money—less than $4 per capita. I have some doubt whether that is a correct statement, but it is near enough to show that Mexico is not a great commercial nation; that its commerce is very limited. There is just as much difference between that country and the United States as there is between one of our small States and the whole of the United States. We have States with one-fourth or one-fifth of the population of Mexico which have infinitely more commerce than has Mexico.

A Mexican gentleman of high character said to me that six-tenths of the people of Mexico had never slept in a bed and did not know what a bed was. There is as much intelligence in the higher circles in Mexico as there is here, but the remnant of the Indians and the intermixture of the races there have left a population which is unlike ours. Those people have neither the wants nor the aspirations that we have.

Mr. President, I wish to say a word about this fearo fa surplus of silver in this country if you open your mints. The silver of the world, it has been repeatedly stated (there was some examination made as to that by the commission in Europe), is practically all in money, and I recall hearing the distinguished Senator from New York, Mr. Evarts, say that there can be no question about the silver money; the only question is, Can we absorb the new money? And the reply was that if those people were using money they had to continue to use it. Every year now, although many of the mints are closed to silver, they are compelled to add to their stock of silver.

Mr. CHANDLER. May I interrupt the Senator? Does he say that the greater portion of the silver of the world is in the form of four or four and a half billions of coin silver?

Mr. TELLER. Of course I do not include in that silverware and articles of that kind which are held at such prices that they never would come in.

Mr. CHANDLER. My own belief is that there are eleven or twelve billions of silver in the world, coined and uncoined.

Mr. TELLER. Outside of India there is not any uncoined silver to speak of. What is five or ten millions?

Mr. CHANDLER. This city is full of silver plate.

Mr. TELLER. The silver plate will never come unless silver goes to $2 or $2.50.

Mr. CHANDLER. It may not come into coinage, but it is in existence.

Mr. TELLER. I am talking about the silver that is in danger. I do not like to be interrupted, because ten minutes is not very long.

Mr. CHANDLER. This does not come out of the Senator's time.

Mr. TELLER. Oh, yes, it does. At least it did before.

Mr. CHANDLER. I beg pardon; but when the Senator says

there is but four thousand millions, substantially, of silver in the world, he wants me to correct him.

Mr. TELLER. I do not want to be corrected, because I think I stated it properly. That is the silver money of the world, and that is what these gentlemen are afraid of. I was diverted by what the Senator from New Hampshire said. I went to New York once, and I went through the great establishments that furnish silver, and there is not a kind of goods in what they call plain goods or flat goods that can come to the mint unless silver gets above 1.25. It would not come here except as it was worn out, and the older silver gets in the present day the more desirable it is for the people who have it to keep it and transmit it to their heirs.

We are dealing and we ought to deal only with the silver money. Seven hundred millions of it and more is limited tender. That is a low grade. England circulates one hundred and eleven millions at 14.28. She can not send it here. Germany's limited legal-tender money is all about the same. The best of them are at 15½, and none of them above it. You can not ship it here from one country in Europe and not lose from 4 to 5 cents.

Three cents and a fraction is the difference between our ratio here and theirs, and when you consider that much of the silver is worn, when you consider that they must lose interest and the cost of transportation, I say there is a difference of 5 per cent between theirs and ours. Why send it? Every dollar of it is doing money duty. France, with her great stock of silver, issues upon it paper and makes it do money duty; and I challenge any man to show me that the paper money of France, based upon silver and payable in silver or gold at the option of the bank, is worth any less than paper based on gold.

It has been shown before every commission that France has maintained absolutely the relation between her silver and gold at 15½ to 1. That is a bugbear which is put up to frighten somebody, and it either indicates a lack of sincerity and fairness or great ignorance on the part of those who contend for it here. I have tried to be rather temperate in debate, but I think when I am challenged and am told that my efforts here are to get this country on a silver basis, I have a right to speak as Senators speak their honest convictions, I have no doubt, as to myself.

Mr. President, take those countries. There is not one of them which can spare this money. You can not take $50,000,000 of silver out of Europe without creating a panic. We could absorb it in a night, for we have sent thirty millions of gold in a month and forty-five millions of gold in a month to Europe, and we have got back from Europe sometimes half of it in a month or pretty nearly that—twenty-five or thirty million dollars a month. You can not take any money out of Europe to-day without creating a panic. All Europe is in distress for fear we are going to call for gold to settle the balances of trade between us and them.

I know how useless it is to present these facts. I have been here twenty years and more, and I have heard the same old things repeated over and over again. When I followed the Senator from Iowa [Mr. ALLISON] in 1878, when he made the speech which I remember and which was read here by the Senator from Missouri, I recall that on this floor there were the same croakings, the same claim: "You can not circulate the two metals together, and you do not want to. You are after cheap money. That is what you are after."

Mr. President, I am for an honest money, and that is the money the contract calls for, whether it be gold or whether it be silver; and if the option is that the debtor may pay either, that is an honest money that he pays in. I deny that in the interest of so-called honesty the Government of the United States has a right to get rid of that great valuable privilege and give it to the bondholders, even if they are disposed to give now ninety-odd millions to them as a premium to refund their bonds not yet due.

Mr. President, I have heard a great many foolish things. I have heard a great many prophecies. I have seen this country absorbing and using ten times as much silver as the Secretary of the Treasury declared it was possible to circulate, and I have seen it circulating it without any pledge on the part of the Government that it would maintain the parity. No such pledge existed until 1893, and that had not the slightest influence upon the value of the silver dollar or the silver certificate.

The silver money of the country circulates at par because there is a necessity for it, because it is wanted, because it is needed, and any country, as was stated yesterday, that has a commerce and will keep her money within her commercial demands, may just as well circulate iron or copper or paper as to circulate gold. It is only a question whether she will have the courage and the wisdom to stop at the right point.

Every indication is that we have not yet reached a point where there could be any danger with silver; and if you open your mints, every dollar of it would be worth its face value as bullion, pounded up. It would stand the test in a fire, because it could be reconverted into money, and there is not a bit of bullion in the world that would not be, as the Senator from Missouri says, worth its face value at our mints, less what it would cost to get it here. It would not come. It would be needed there; but when they wanted it for mintage in India or England or anywhere else, the holder would say, "I know a place where I can put it into money, where I can buy everything that a human being wants—luxuries and necessaries of life and everything else. I know where it will discharge as much money duty as gold; and if you do not give me the price that I want for it, I will take it there." The man who holds any kind of commodity, with a known and a reachable market, makes the price of it. When a man knows the price in London for flour, he never sells it at New York at the bidder's wish. He sells it at the London price less the money that it requires him to get it there.

This metal is moved from one end of the world to the other absolutely on the same commercial basis as gold. I mean it costs no more to send a million dollars of silver from London to New York than it does to send a million of gold. That, I suppose, has been the rule for ages. It goes by value and not by weight; and this being the case, there is no reason for any man to stand here and say we will be flooded by silver unless he has concluded that the business of the world can be conducted better without the silver of the world than with it.

Will some one show me where there is a plethora of silver—where there is a superabundance of it—where the people are willing to get rid of it? Germany went to the gold basis in 1871, and she has got more than a hundred millions of full legal-tender silver that she can not get rid of. A few days since the Parliament of Germany determined to issue a large amount of subsidiary silver money because of the demands the agriculturists were making upon them to so do, and the statement was made there that the country was suffering for a lack of silver money.

Mr. COCKRELL. She has now one hundred and nineteen millions of limited legal-tender silver coin.

Mr. TELLER. Besides?

Mr. COCKRELL. Besides her eighty-eight millions of full legal tender.

Mr. TELLER. That makes somewhere over two hundred millions. As I said, Mr. President, England has one hundred and eleven millions circulating, so that if she were to send it here she would lose practically 10 per cent on it. Does anybody then think she is going to get rid of it? Will anybody take this table which the Director of the Mint has put here and show me a dollar that any nation wants to get rid of? You can not do it.

Mr. PETTUS. I move that the Senate adjourn.

Mr. ALDRICH. Before the question is put, I should like to give notice that I shall try to secure a vote upon the passage of the bill at as early an hour to-morrow as possible.

Mr. COCKRELL. Take it up after the morning business.

Mr. ALDRICH. I will ask to have it taken up after the morning business, and I will try to get a vote as soon as possible.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 15, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 14, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELECTION CONTEST—WISE VS. YOUNG.

Mr. BURKE of Texas. Mr. Speaker, I desire to present the views of the minority in the contested-election case of Wise *vs.* Young. In doing this, I wish to state that the extension of time so kindly granted to me last week expired yesterday; but the House yesterday adjourned unexpectedly early, and this report was handed to the Clerk at 3 o'clock yesterday afternoon.

The SPEAKER. The views of the minority of the committee as just presented will be referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering appropriation bills.

Mr. MANN. Will not the gentleman withhold that motion for a moment in order that I may submit a privileged report?

Mr. HEMENWAY. I yield to the gentleman from Illinois for that purpose.

ELECTION CONTEST—ALDRICH VS. ROBBINS.

Mr. MANN. I present from the Committee on Elections No. 1 a report in the contested-election case of Aldrich *vs.* Robbins, which I ask may be printed and referred to the Calendar. The

gentleman from Georgia [Mr. BARTLETT] wishes to present the views of a minority of the committee.

Mr. BARTLETT. I did not distinctly hear what the gentleman from Illinois said; but, as I understand, he presents the report of a majority of the committee in the contested-election case of Aldrich vs. Robbins from the Fourth Congressional district of Alabama, a copy of which he has furnished to me.

Mr. MANN. The gentleman is correct.

The SPEAKER. Does the gentleman from Georgia desire to submit now the views of the minority?

Mr. BARTLETT. I desire to submit now the views of the minority and to ask that they be printed with the report of the committee. In submitting these views, I beg to state that one of my colleagues on the committee, the gentleman from Mississippi [Mr. FOX], was present at the time the case was heard and determined, but is now absent by reason of the serious illness of his wife. He has authorized me in writing to sign his name to the views of the minority, which I have done.

The SPEAKER. The report of the committee, together with the views of the minority, will be referred to the House Calendar, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HEMENWAY. Mr. Speaker, before the vote is taken on the motion which I now renew, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills, I trust we may reach some understanding as to the time at which general debate shall terminate.

Mr. LIVINGSTON. I suggest that the general debate run for two days.

Mr. HEMENWAY. I can not agree to that. In view of the fact that we shall have a week's discussion on the Puerto Rican bill, giving members ample opportunity to be heard, I think that the time for general debate on the legislative appropriation bill ought to be limited to, say, 4 o'clock to-day. I ask unanimous consent, Mr. Speaker, that all general debate on the bill just named be closed at 4 o'clock to-day and that then the bill be taken up under the five-minute rule.

The SPEAKER. Pending the motion of the gentleman from Indiana, that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills, he asks unanimous consent that general debate on the legislative appropriation bill be limited to 4 o'clock this afternoon.

Mr. LIVINGSTON. I can not consent to that.

The SPEAKER. Objection is made by the gentleman from Georgia. The question is, Will the House resolve itself into Committee of the Whole on the state of the Union for the purpose stated?

Mr. HEMENWAY. Will not the gentleman from Georgia consent that the general debate close at 5 o'clock this afternoon?

Mr. LIVINGSTON. I am willing that the general debate run until half past 3 o'clock to-morrow afternoon, and that then we take up the bill under the five-minute rule.

Mr. HEMENWAY. I can not consent to that.

Mr. CANNON. May I be allowed just a moment? We are all aware that on Friday the bill from the Ways and Means Committee is to be called up, on which general discussion will be allowed for a week or longer. Now, it is very desirable that this bill should pass before the expiration of the week. If we can close general debate to-day, we can pass the bill under the five-minute rule to-morrow.

Mr. McRAE. Mr. Speaker, will the gentleman from Illinois allow me to interpolate a remark or ask a question right there? I suppose that the committee in considering the revenue bill expects to have a debate of a week or more. Now, if we can get a statement that we would have, say, ten days of debate on that subject, I have no doubt that the gentleman from Georgia would agree to the proposition which the gentleman from Indiana now makes.

The SPEAKER. The gentleman from Arkansas will suspend a moment. The Chair must again invite the House to come to order and to cease conversation. We are here to transact public business intelligently, and it can not be done unless the House is in order. All gentlemen will please cease conversation.

Mr. McRAE. You will appreciate the importance of this question when you understand that we have only six days in the week, and we get out of that but fourteen hours. There are fourteen members of the committee, and those who are not members of the committee will have no opportunity to discuss that measure. For that reason there is a desire to discuss it upon this bill. It would be more pertinent upon the other bill, and if we can get an arrangement which would allow discussion on the Philippine and Puerto Rico questions, it should be upon the other bill rather than this.

Mr. PAYNE. I want to suggest to the gentleman from Arkansas that his arithmetic is a little off. Six days a week would give us thirty hours.

Mr. McRAE. Fourteen to a side. The gentleman from Tennessee informs me that there would be only fourteen; he meant fourteen on a side.

Mr. PAYNE. There are seventeen members of the committee. If they all desired to speak, why they would use half of that time.

Mr. McRAE. If we could get an understanding that there would be plenty of time for general debate on that measure, I have no doubt that the gentleman from Georgia would agree to the request that is now made by the gentleman from Indiana.

Mr. RICHARDSON. Why not have an agreement made now on the Puerto Rican bill, that we have after the completion of this bill and all the following week until Monday, and that the bill be then considered under the five-minute rule on the following Monday. I do not suppose it would take long to dispose of it under the five-minute rule.

Mr. PAYNE. Well, so far as I am concerned——

Mr. RICHARDSON. That would give us two more days for general debate.

Mr. PAYNE. So far as I am concerned, I am willing that a vote be taken on the Puerto Rican bill a week from Monday next.

Mr. RICHARDSON. And it then be discussed under the five-minute rule?

Mr. PAYNE. But the final disposition of it be made on that day. I desire to have that done, because one of the members of the committee on this side expects to be away the following day on some peremptory business; and if we can have an agreement, we can have that arrangement made.

Mr. RICHARDSON. Will the gentleman agree that after the reading of the Journal on that day it be taken up for discussion under the five-minute rule? I presume it will not take more than an hour and a half, and there will probably be no amendments offered.

Mr. PAYNE. Certainly; if the vote be taken on that day.

Mr. RICHARDSON. That will do.

Mr. LIVINGSTON. With that understanding, I am willing.

Mr. CANNON. Let me submit to the gentleman——

The SPEAKER. Will the gentleman from Indiana again state his request?

Mr. HEMENWAY. The gentleman from Illinois wants to make a suggestion.

Mr. CANNON. To the gentleman from Georgia as well as the gentleman from Indiana. It seems to me we would get more debate about a thing not about this bill if we would pass this bill through in an orderly way, so that we can take the bill up at once and confine ourselves to this bill, and pass it, with the agreement that whatever is left of to-day or to-morrow should be devoted to general debate. It seems to me that would give more time for general debate.

Mr. RICHARDSON. How much does this bill carry?

Mr. CANNON. About $25,000,000.

Mr. RICHARDSON. It ought to be discussed a day itself.

Mr. LIVINGSTON. I will agree that general debate run to-day and that we take the bill up for consideration under the five-minute rule to-morrow.

Mr. HEMENWAY. I ask unanimous consent——

Mr. PAYNE. If this bill should consume Friday, we do not want to take up the revenue bill on Saturday, but want to take it up on Monday of the following week.

Mr. RICHARDSON. We are willing to make that agreement with you.

Mr. PAYNE. I am perfectly willing to make an agreement to take up the revenue bill next week, with the understanding that the final vote be taken on that day week; that the committee rise and report the bill to the House on Monday week at 4 o'clock.

Mr. RICHARDSON. That would not give us sufficient time. If you will make it Wednesday of next week——

Mr. CANNON. The white-buttoned mandarins of the largest committee of the House had better let us pass our little appropriation bills and take such time as they see proper on important universal questions.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that general debate be closed on this bill to-day and that to-morrow, after the reading of the Journal, it be taken up under the five-minute rule.

Mr. RICHARDSON. With the understanding, Mr. Speaker——

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate on the legislative appropriation bill be closed with to-day's session and that after the approval of the Journal on to-morrow it be taken up under the five-minute rule.

Mr. LIVINGSTON. That is agreed to with the understanding that the revenue bill is to be taken up on Saturday and voted on a week from the Monday following.

Mr. RICHARDSON. Mr. Speaker, I think we had better agree now that the revenue bill be taken up next Monday, and then we will agree to close it in some way at that time.

Mr. MAHON. I shall have to object to that.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. MAHON. I think we had better take up the administrative bill and pass that, and then consider the other when it comes up. Let us dispose of one at a time.

Mr. HEMENWAY. I do not understand that the gentleman from Pennsylvania objects to my request?

Mr. MAHON. Not at all.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. RICHARDSON. Yes; we object to that unless we make the other arrangement. I mean the agreement as to debate on the Puerto Rico bill.

The SPEAKER. Objection is made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SMITH of Illinois, indefinitely, on account of important business.

To Mr. GRIFFITH, indefinitely, on account of sickness in his family.

To Mr. BAILEY of Kansas, indefinitely, on account of important business.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair, for the consideration of appropriation bills.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of an appropriation bill the title to which the Clerk will read.

The Clerk read as follows:

H. R. 8317, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

Mr. HEMENWAY. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The motion was agreed to.

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker pro tempore, Mr. DALZELL, having resumed the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2356. An act extending the powers and functions of the Court of Private Land Claims to June 30, 1902;

S. 79. An act to construct a road to the national cemetery at Dover, Tenn.;

S. R. 36. Joint resolution to carry into effect two resolutions of the Continental Congress, directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina;

S. 1356. An act for the relief of Edwin L. Field;

S. 1631. An act to encourage enlistment in the United States Navy;

S. 1535. An act to provide for the examination of certain officers of the Navy and to regulate promotion therein;

S. 1632. An act to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895;

S. 2447. An act to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army;

S. 726. An act for the relief of Alice Walsh;

S. 2334. An act to authorize Hon. Arthur S. Hardy, at present envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia, to accept the decoration tendered to him by the Shah of Persia while he was minister of the United States to that country;

S. 2022. An act to authorize Rear-Admiral William T. Sampson, United States Navy; Capt. Henry C. Taylor, United States Navy; Capt. Francis A. Cook, United States Navy; Capt. Charles D. Sigsbee, United States Navy; Capt. French E. Chadwick, United States Navy; Capt. Caspar F. Goodrich, United States Navy; Commander William W. Mead, United States Navy; Commander James H. Dayton, United States Navy; Commander Frederick M. Symonds, United States Navy, and Commander Chapman C. Todd, United States Navy, to accept orders and decorations tendered to them by the Government of Venezuela;

S. 630. An act for the relief of Mrs. Harriet D. Newson;

S. R. 60. Joint resolution granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States;

S. 2681. An act for the establishment of a joint light-house and fog-signal station on the coast of Alaska;

S. 1289. An act to provide for the construction of an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine;

S. 983. An act for the relief of Lindley C. Kent and Joseph Jenkins, as the sureties of Frank A. Webb;

S. 165. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased;

S. 945. An act for the purchase and construction of a launch for the customs service at and in the vicinity of Astoria, Oreg.;

S. 2708. An act to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899;

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made, and submit a report and an estimate for deepening and properly improving the channel through the outer bar in the Gulf of Mexico near the mouth of Mobile Bay.

S. 2840. An act for enlarging the public building at Portland, Oreg., situated between Morrison, Yamhill, Fifth, and Sixth streets, in said city;

S. 2366. An act to authorize the establishment at some point on Beaufort Harbor, North Carolina, of a station for the investigation of problems connected with marine-fishery interests of the middle and south Atlantic coast;

S. 557. An act for the relief of Thomas Rosbrugh;

S. 76. An act for the relief of the University of Kansas; and

S. 1749. An act for the payment to Joshua T. Roberts of balance due for surveying public lands.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7739. An act to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 5288. An act relating to lights on steam pilot vessels.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. CHARLES A. CHICKERING, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the presiding officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

And that in compliance with the foregoing the presiding officer had appointed as said committee Mr. PLATT of New York, Mr. MASON, Mr. SCOTT, Mr. TURNER, and Mr. SULLIVAN.

CUSTOMS AND INTERNAL REVENUE IN THE ISLAND OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I desire to give notice, in view of the action which has been taken, that I shall call up the Puerto Rico bill on Monday next immediately after the reading of the Journal.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its sitting.

Mr. HEMENWAY. Mr. Chairman, I desire to make a short explanation of this bill. I call the attention of members of the committee to House Report No. 289. They will notice by this report that the estimates amount to $25,000,000, and that the amount recommended by the committee is $23,874,000, or $1,147,000 less than the estimate.

Mr. Chairman, by a close examination of the report members can ascertain the number of new places created by this bill, and the number of salaries increased. They will see under the heads of the different departments—Library of Congress, Executive Office, Treasury Department, and so on—the number of salaries increased in each particular department. We create 168 new places. Of these places 77 are created in the Congressional Library. The committee find, on a careful examination of the conditions there, that it is absolutely necessary, if the Library is to be utilized and be a benefit to the members and the public in general, that there must be increased appropriations, so that a proper index can be made of the books and the proper work accomplished that shall make the Library a benefit. In that number are included 15 places in the copyright department. The business of the copyright department has increased very rapidly. It is self-sustaining; it pays a revenue to the Government above the expenses of maintaining it, and we feel it absolutely necessary to give the copyright department the force that it desires.

I desire now to call attention of the members to the fact that in all of our Departments a number of clerks are now being carried on the rolls who are incompetent. And but for this fact the legislative appropriation bill would not provide, in my opinion, for a single new place. The Committee on Appropriations, by a section in this bill and one carried in the bill for the current year, 1900, have sought to avoid this difficulty and inserted this

provision: "That the appropriation herein made for the officers, clerks, and persons employed in the public service shall not be available for the payment of any person permanently incapacitated." This provision was in the bill for the fiscal year 1900, but, notwithstanding that fact, we ascertain that in different Departments a great many clerks are carried who are wholly incompetent to perform their duties.

We find in the Auditor's Office of the War Department—and I want to say that the Auditor for the War Department is one of the most efficient officers that we have—we have 32 incompetent people, according to his statement; incompetent to perform a sufficient amount of services to warrant their being continued on the rolls. And yet they state that it is impossible to secure the dismissal of these persons; that the minute they propose to dismiss a clerk members of the House or Senators immediately come and insist that this particular clerk shall not be removed. We find there are 23 clerks in one office, where there are only 336 clerks employed, who are over 65 years of age; we find 9 clerks between 70 and 80 years of age, and we find 2 above 80 years of age; and we find all through the Departments of the Government that to-day they are carrying upon the rolls incompetent clerks, notwithstanding the provision of the bill last year, and this year they are continued to be carried on the rolls as clerks.

I simply call the attention of the House to that fact, for I believe there ought to be a remedy; and unless there is a remedy applied, the number of incompetent clerks will increase year by year until we shall have what will in fact be a great civil pension roll in the Departments of the Government.

We have continued for another year the temporary clerks provided for in previous sessions of Congress. It was recommended that a number of these clerks be taken up and placed on the permanent list; but the Committee on Appropriations, after giving this matter careful consideration, do not believe that at this time any number of these temporary clerks should be placed on the permanent list. The condition of work now in the Departments is such that we do not believe they can determine at this time as to the number of clerks that ought to be made permanent, so we have provided that the temporary force be carried for another year.

We find after careful investigation that it is absolutely necessary that this force be continued. Mr. Scofield, the chief clerk of the War Department, in reply to a question whether or not the whole temporary force would be needed, said that it was absolutely necessary that this force should be continued. The Auditor of the War Department makes a similar statement, and numerous other gentlemen state on this point that it is absolutely necessary that this temporary force be continued another year.

Mr. STEELE. I would like to ask my colleague a question, with his consent.

Mr. HEMENWAY. Certainly.

Mr. STEELE. I should like to know whether the heads of these Departments make any recommendations with respect to the "dead wood," which the gentleman has spoken of as now being there?

Mr. HEMENWAY. I have no desire to involve this House in a discussion of the civil-service laws, but I will say that there are some recommendations from these officers of the Departments. Among others is one from the Auditor for the War Department, who gives his opinion in the following letter:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, February 7, 1900.

GENTLEMEN: Replying to your personal request that I furnish you with the ages and efficiency of the clerks in this department, I report as follows: I have 336 clerks and laborers on the roll. Of these, 15 are between 45 and 50; 33 between 50 and 55; 66 between 55 and 60; 40 between 60 and 65; 23 between 65 and 70; 9 between 70 and 80; 2 above 80; total, 188 over 45 years of age; 74 above 60 years of age. Of these, 32 are so low in their proficiency that they ought to be dropped from the service at once, but careful inquiry would lead me to believe that the opposition from Congressional and other important influence would be so great that there is not a single one that could be discharged upon the charge of inefficiency.

Also, replying to your inquiry as to my opinion regarding civil service as now applied to the Departments, the above figures would seem to me to indicate all that one could argue against the present rules, which will continue clerks of such ages indefinitely. The usual reply that is made to this—that it is upon the executive head to dismiss for cause—will not answer. The best evidence of this is the condition that exists. It is almost impossible to prefer such charges against elderly people as will make a cause for dismissal, in view of the fact that usually their experience makes them correct, even though the amount of work they turn off is not more than one-half or one-third the quantity that should be disposed of by a clerk drawing the compensation they do. The rules for promotion from one salary to another are such that a high-school scholar will stand better examinations for promotion than clerks with years of experience and who have proved themselves highly competent in the work they are doing, so that the question of efficiency in the work performed bears very little upon the right to increase of pay, and the theory advanced by civil service—that merit in the service is recognized by promotion—does not follow.

There are in the service to-day hundreds of clerks who make it a professional business of posting up on rudimental education, so as to be able to pass a high average on the examinations provided for, and who are not worth anything at all to the public service, as they are indolent, careless in their work, and a hindrance to others in their work, and the conditions cited are not exceptions. I believe that some amendments must be made to the civil-service laws to correct these evils, as well as to reduce the average age of employees in the service. You look at my roll and charge me with having 336 clerks, but I lack very much of having that many efficient clerks, as I believe you will readily admit.

Respectfully,
F. H. MORRIS,
Auditor.

The COMMITTEE ON APPROPRIATIONS,
House of Representatives, Washington, D. C.

I believe it was stated by the Commissioner of Pensions that in the case of one incompetent clerk 14 Senators and a number of Representatives came there to insist that the incompetent ought not to be discharged.

So the only remedy I can see is to provide by law a tenure of office—to provide that clerks shall remain in office only a certain length of time; that if they remain longer they must be reappointed. Thus there would be placed upon the head of the Department, if he should undertake to reappoint an incompetent man, the responsibility of such action.

Mr. BROWN. Will not the gentleman put into the RECORD the letter from which I understand he has just read a sentence?

Mr. HEMENWAY. I did not read anything from the letter; I simply gave my conclusions.

Mr. BROWN. I ask the gentleman whether he will not put into the RECORD the letters which I think he holds in his hand?

Mr. HEMENWAY. I shall be glad to do so, with the consent of the House. I believe if we could so regulate this matter as to get out of these Departments the incompetent clerks, then in place of increasing salaries by 168 new places, the salaries could be decreased to the extent of 1,000 or 1,500.

I desire especially to call attention to every new place created and every salary increased. The members of this House no doubt understand that some of the provisions in the bill may be subject to points of order. While we believe that in every instance where the bill increases a salary or creates a new office the action of the committee was right with reference to the efficiency of the service and in view of the additional work which these employees have to perform—while we believe that these provisions ought to stay in the bill, I desire to call the attention of the House to the fact that some of these provisions may be taken out on a point of order.

The committee, in reporting this bill, have undertaken, in the report furnished, to put every member in possession of the changes that are proposed to be made, so that he may clearly understand what the committee have done. We have undertaken to furnish to the House complete information, so that by going over the report, which is brief, covering only some 21 pages, members may ascertain all the changes proposed to be made in this bill of some two hundred-odd pages.

We have placed upon the bill some limitations to which I wish to call attention.

Mr. STEELE. I wish to correct a wrong inference which might be drawn from a remark which I made a while ago. When I put my question to the gentleman I was under the impression that he was talking about the Navy Department instead of the War Department. In my judgment we have now in the War Department the most competent Auditor that we have had there in the last thirty years.

Mr. HEMENWAY. I agree with the gentleman. I believe that all members who have had dealings with the Auditor of the War Department will certify that he is one of the most competent men who have ever occupied that position.

Now, as to the limitations upon the bill, beginning on page 5, it will be observed that in connection with the Capitol police force it is provided that the captain and lieutenant shall be selected jointly by the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives; that with reference to the privates and watchmen, one-half of those men be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; and that the officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

Heretofore this force has been selected by a board composed of the Architect of the Capitol, the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the House. The committee believes that this force ought to be equally divided between the House and the Senate, and for that reason we put on that provision.

You will notice that we provide for inventories of books, etc., at the Executive Mansion. I think there is no question but what that provision ought to go on.

We provide further—

That the Commissioner of Internal Revenue is authorized to detail deputy collectors of internal revenue in one district for special duty in other districts, and the deputy collectors so detailed shall be paid by the collector of internal revenue and disbursing agent for the district for which they are appointed and for which the allowance for their salary and expenses is made, the same as if all their services had been performed and expenses incurred in that district.

In connection with the appropriation for the salaries and expenses of agents and the fees and expenses of gaugers, storekeepers, and storekeeper-gaugers in the Internal Revenue Service, the following:

Provided, That the Commissioner of Internal Revenue is authorized to detail gaugers, storekeeper-gaugers, and storekeepers appointed in one district for special or regular duty in other districts, and the accounts of gaugers, storekeeper-gaugers, and storekeepers so detailed shall be adjusted and paid in the district where they are appointed, without regard to the number of districts in which they may have been employed in any one

month, the same as if all their services had been performed and expenses incurred in the district in which appointed.

That provision is necessary because, under a ruling of the Comptroller of the Treasury, a deputy who is appointed in one district and who goes to follow up a case and work in another district would have to be paid pro rata out of the different districts. This provision provides for his payment from the district where he is appointed and where he starts to pursue his work, and has been the custom in the past, until a recent decision of the Comptroller of the Treasury.

Another provision in connection with the appropriation for public buildings and grounds in the city of Washington is as follows:

Of the foregoing amounts appropriated under public buildings and grounds, the sum of $27,130 shall be paid out of the revenues of the District of Columbia.

That is for taking care of these little parks around the city, and the committee were of the opinion that one-half of the expense ought to be borne by the District of Columbia.

Mr. MUDD. What is the amount?

Mr. HEMENWAY. Twenty-seven thousand one hundred and thirty dollars. This provision passed the House at the last session of Congress, but was stricken out in the Senate.

Mr. MUDD. Where is that provision to which you have referred?

Mr. HEMENWAY. It is on page 6 of the report. It is the opinion of Colonel Bingham, in charge of the public grounds of this city, that this provision is just and ought to be carried on the bill.

We undertook at this time to take up and place on the permanent list the employees under the Secretary of the Navy who are paid from appropriations for increase of the Navy and other appropriations, but we found it almost impossible at this time, with so many new ships being constructed, to take up all the employees and place them on the legislative bill and provide for them specifically. So in order that Congress be informed as to the number employed by the Secretary of the Navy and the salaries paid we put this provision on the bill:

It shall be the duty of the Secretary of the Navy to submit in the Book of Estimates for the fiscal year 1902, and annually thereafter, under the respective bureaus and offices of the Navy Department, a statement in detail showing the number of persons employed during the previous fiscal year and the rate of compensation of each under appropriations for "Increase of the Navy" or other general appropriations.

This will give to the members of Congress a statement showing the number employed and the salaries paid.

We also put on a provision in connection with the appropriation for draftsmen, engineers, and others in the Hydrographic Office in the Navy Department, as follows:

And no other fund appropriated shall be used in payment for such or similar services in the Hydrographic Office.

And also the following:

No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office during the fiscal year 1901 except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding.

Heretofore in the Hydrographic Office they have been paying for personal service out of general appropriations. We undertook to appropriate in this bill a sufficient sum to pay for all the services in that office, and then to say that they shall not employ and pay anyone out of their general appropriation.

Members of Congress will at once recognize the necessity for this provision. If the Hydrographic Office can take general appropriations and employ indiscriminately such number of people as they desire, then we have no way of ascertaining the number of people who are being employed in the Government service and the amount paid to each; and it is evidently the desire of Congress to understand at all times who are being employed and how much they are being paid. And to avoid as far as possible the payment for personal service out of general appropriations, this provision has been put on the bill.

I should like now to yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. CRUMPACKER. Mr. Chairman, before the gentleman takes his seat, I should like to ask him a question.

The CHAIRMAN. Does the gentleman yield to his colleague for a question?

Mr. HEMENWAY. I do.

Mr. CRUMPACKER. I should like to have a little more information about the condition of the public service in the various Departments. I would ask the gentleman if he knows or can approximate the number of incompetent employees in any one of the Departments?

Mr. HEMENWAY. I should say that in the Office of the Auditor for the War Department the statement shows that 10 per cent of the employees are—well, you might say, incompetent.

Mr. CRUMPACKER. Ten per cent?

Mr. HEMENWAY. Their efficiency is very low.

Mr. CRUMPACKER. Is there a like percentage of incompetency in all the other Departments?

Mr. HEMENWAY. In the General Land Office the Commissioner, Mr. Hermann, estimates that 40 out of 400 are incompetent.

Mr. CRUMPACKER. That is 10 per cent.

Mr. HEMENWAY. That is 10 per cent. Here are two very competent officials whom I have selected from the list—the Auditor for the War Department and the Commissioner of the General Land Office. Their estimates show 10 per cent of incompetent employees.

Mr. CRUMPACKER. And the chiefs of these various Departments make that admission in letters addressed to your committee, do they?

Mr. HEMENWAY. Well, either in hearings before our committee or in letters.

Mr. CRUMPACKER. And do they confess their inability to correct that evil?

Mr. HEMENWAY. They confess their inability to correct the evil.

Mr. CRUMPACKER. Under the operation of the civil-service law are they not required to discharge incompetent men from the public service?

Mr. HEMENWAY. They are, but like all of us they are human, and while I have no desire to criticise Members of the House or Senators of the United States, when a number of Senators and Members of Congress come to these gentlemen and insist that an employee shall not be discharged, the gentleman can readily understand how difficult it is.

Mr. CRUMPACKER. The bill reported by the gentleman carries an appropriation for the payment of these incompetent employees, I presume?

Mr. HEMENWAY. It certainly does, because the committee has no way of ascertaining who these persons are.

Mr. CRUMPACKER. And no power to discharge them, of course?

Mr. HEMENWAY. No power to discharge, and we are simply bringing this fact before the House that they may understand the conditions. The Committee on Appropriations, by inserting the provisions found in section 4, on page 124 of the bill, has undertaken, by repeating what is now the law, to call attention to this condition and to bring about the discharge of these incompetent employees.

Mr. SHATTUC. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio.

Mr. HEMENWAY. In just a moment. I will read section 4 of the bill:

That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

Mr. CLARK of Missouri. Where is that provision to be found?

Mr. HEMENWAY. That is on page 124 of the bill. The committee seeks by this provision to call attention to what is now the law, and thereby to prevent the payment, out of sums appropriated by this bill, for the services of incompetent employees; but gentlemen may stand here and talk about this during this session of Congress and the coming session of Congress, and the incompetent employees will stay in the Department. If the head of a Department goes to a chief clerk and down the line to try to ascertain who are incompetent, I will say to you that he has a very hard job, because they do not try to aid him in picking out the incompetent employees. And why?

Mr. SHATTUC. Will the gentleman allow me to ask him a question?

Mr. HEMENWAY (continuing). Because they are there together, they have been there together for years; friendships there are just as they are here; and they are not going to try to get the old incompetent fellow out that has been there for many years. We have got to have some legislation upon this question that will remedy this evil; and if we do not, it is going to keep on growing and growing until we are going to have a great civil pension list.

Mr. SHATTUC. Is it not your opinion, if the heads of the Departments should dismiss these men and put in the men that Congressmen and Senators recommend, that the Senators and Congressmen would not ask them to keep these incompetent people?

Mr. HEMENWAY. I have no doubt that is correct, because when you give them the right to employ another man they would recommend competent men.

Mr. SHATTUC. Would it not be better for spoilsmen to recommend men who would be competent rather than to keep the incompetent men in the way they are now being kept?

Mr. HEMENWAY. In reply to the gentleman's question, I can only say, with reference to this temporary force that has been employed, it is admitted by those who favor civil service and are at the heads of the different Departments that this temporary

force, placed there within the last two or three years, is a very competent force; that they are more competent than the force secured through the civil service. They are younger men, men better qualified for the particular service to which they are assigned, and all along the line more efficient than the force secured through the civil service.

Mr. PEARRE. I would like to ask the gentleman this question: Does he think it likely that the heads of the Departments and bureaus will appoint more competent men to the positions than those recommended by members of Congress and Senators; in other words——

Mr. HEMENWAY. In reply to that, I will say that when they ask for the appointment of any particular class, they designate the kind of a man they want. If they want an accountant, they say to the gentleman, "Will you furnish me an accountant?" and if they want an accountant you would not send them a laborer. It is the experience that Members of Congress and Senators, if given the opportunity to furnish a particular kind of man, furnish that kind.

Mr. PEARRE. Would it not give the heads of the Departments power to exercise their discretion solely, without any consultation of Members of Congress and Senators? These come from the people, and knowing what the people want, we would be more familiar with them than the heads of the Departments.

Mr. HEMENWAY. The head of a bureau would certainly get himself into trouble by doing that. There is no doubt but that Members of Congress and Senators would make his life a burden in a very short time.

Mr. CUMMINGS. I would like to ask the gentleman if these men were incompetent when they entered the service?

Mr. HEMENWAY. I think not. I have no information except such as I get from the bureaus.

Mr. CUMMINGS. Then how did they become incompetent after entering the service?

Mr. HEMENWAY. By old age and disease and the other ordinary ways by which men become incompetent to perform duties that they were previously competent to discharge.

Mr. CUMMINGS. I am glad the gentleman has recommended action in regard to the estimates of the Navy Department. There has been a disposition there, even in the estimates this year, to lump such matters instead of specifying them.

Mr. PEARRE. What guaranty will there be that the heads of the bureaus or the Departments will not simply exercise their discretion in reference to their own incompetents rather than the incompetents of a member of Congress?

Mr. HEMENWAY. None whatever. I want the gentleman to understand that I am not suggesting a remedy. I am simply calling the attention of the House to the subject, so that they may study the matter out and suggest a remedy.

Mr. MANN. Is the gentleman from Indiana prepared to state about how many incompetent clerks are now employed in the Government service in Washington?

Mr. HEMENWAY. I can give no more definite statement than I have made, which came from two most efficient officers, and they estimated that about 10 per cent of the clerks under them are virtually incompetent; very low in efficiency.

Mr. MANN. Does the gentleman believe that this provision in the bill will result in the discharge of that 10 per cent?

Mr. HEMENWAY. The same provision was in the bill for the fiscal year 1900, and it did not result in securing the discharge of the incompetent clerks.

Mr. MANN. Does not the gentleman believe that one of the reasons for reporting so many incompetent clerks is the desire to have the proposition now pending for a civil pension bill go through the House?

Mr. HEMENWAY. Certainly not. I do not think the gentlemen had that in view at all. They are both very honorable and competent men. It was not volunteered information, but information asked for by the committee.

Mr. MANN. The information is ascertained from sources below the gentlemen who make the report?

Mr. HEMENWAY. I should like to say that for the last four years the Subcommittee on Appropriations having in charge the legislative appropriation bill have been trying to ascertain the number of inefficient clerks in the Departments. The gentleman from Massachusetts [Mr. MOODY] required at one time the different Departments to give the ages of the clerks, their efficiency record, and their employment, by which the committee could ascertain the number of inefficient clerks.

It was brought about by the Secretary of the Treasury saying, about two or three years ago, that he had a roll of honor. We undertook to investigate that roll of honor, and we then ascertained that all through these Departments were a great many inefficient clerks, and that they could not get them out. We have been undertaking since then to get them out, and in the bill for 1900 we put in the provision referred to, thinking by that to get them out. We have constantly urged upon the Department officials that came before us that these incompetent clerks must be got rid of, and yet they do not go out; and they say that they can not get them out. I have no doubt that if this provision passed, that they will not go out, but will be continued there. I am only calling attention to the condition of affairs and the statements made by men in a position to know. They think the civil service is to a great extent responsible for the condition, and that there ought to be some amendment.

Mr. MANN. Has the gentleman any report from the Weather Bureau as to the number of incompetents in that Bureau? [Laughter.]

Mr. HEMENWAY. We have not; we do not deal with the Weather Bureau; that is under the control of the Agricultural Department, and goes to the Committee on Agriculture.

Mr. SHATTUC and Mr. GILLETT of Massachusetts rose.

The CHAIRMAN. To which gentleman does the gentleman from Indiana yield—the gentleman from Ohio or the gentleman from Massachusetts?

Mr. HEMENWAY. I will yield to the gentleman from Ohio.

Mr. SHATTUC. The gentleman from Indiana is looking in the wrong direction. The gentleman from Ohio is over here. [Laughter.] When the gentleman from Ohio is mentioned, it is not necessary to always look over on that side of the Chamber—there are others. [Laughter.] The gentleman from Indiana says that 10 per cent of the employees in Washington are regarded as incompetents?

Mr. HEMENWAY. I did not say that. We have the statement of two of the officials, who say that of the clerks under them 10 per cent are inefficient.

Mr. SHATTUC. Well, probably that will hold good as to all of them. How many employees are there in the city of Washington under the Government?

Mr. HEMENWAY. About 10,000 are provided for in this bill.

Mr. SHATTUC. All together, I understand, there are 20,000; so that, according to the gentleman's figures, there are 2,000 men who are simply living off the Government's charity.

Mr. HEMENWAY. Well, I said about fifteen hundred.

Mr. SHATTUC. And yet, when we spoilsmen who recommend some old soldier who fought to maintain the Government and the flag—a good man—to take one of these incompetents' places, it is said that we ought not to have that privilege.

Mr. GILLETT of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Massachusetts?

Mr. HEMENWAY. I do.

Mr. GILLETT of Massachusetts. I would like to ask if the committee have made any attempt to learn from the Department the names of these incompetent clerks?

Mr. HEMENWAY. We did at one time.

Mr. GILLETT of Massachusetts. Did you succeed in getting them?

Mr. HEMENWAY. We succeeded in getting a limited number.

Mr. GILLETT of Massachusetts. I would like to ask if it would not be well to provide in the bill that the appropriation should not be applied to those specific incompetent persons?

Mr. HEMENWAY. The gentleman from Massachusetts can see that reaching through all the Departments that would be almost impossible. Congress could not undertake to name all the people that should be employed or discharged in the Departments.

Mr. GILLETT of Massachusetts. I do not see how it would be impossible. It might be disagreeable.

Mr. HEMENWAY. I think it would be impossible.

Mr. MOODY of Massachusetts. Will the gentleman from Indiana yield to me a moment?

Mr. HEMENWAY. Certainly.

Mr. MOODY of Massachusetts. As my colleague knows, I am not this year upon the subcommittee that has this bill in charge, although I have heretofore been. He has mentioned the fact that I have some interest in this question, and I believe I drew the provision in the bill for this current year. Now, I understand that those in charge of the employees throughout the Departments told us last year that they had a large number of incompetents, or a considerable number of incompetents. We enacted into law a measure making it compulsory upon the various Departments to discharge these men. What excuse have they given your subcommittee this year for not complying with the law?

Mr. HEMENWAY. The pressure brought to bear by the members of Congress, as I believe I have already stated, and the statement, which I think the gentleman from Massachusetts heard, of the Commissioner of Pensions when he gave one instance where 14 Senators and many Members of Congress came and insisted that an incompetent employee should not be discharged. And the excuse given right along is that when they undertake to discharge one of these incompetent clerks, such pressure is brought to bear that it is almost impossible to get the employee out.

Mr. CLARK of Missouri. Will the gentleman from Indiana

[Mr. HEMENWAY] allow me to ask the gentleman from Massachusetts a question?

Mr. MOODY of Massachusetts. I should be glad to answer.

Mr. HEMENWAY. I yield for that purpose.

Mr. CLARK of Missouri. I will ask the gentleman from Massachusetts what reason did those people at the Departments give his subcommittee for not putting out those incompetents?

Mr. MOODY of Massachusetts. If I may be permitted to answer, I will say that the subcommittee of which I was a member made inquiry, and we found that the question of superannuation was growing to be so serious a one in the Departments that the Secretary of the Treasury, in order to preserve the efficiency of the force in his Department, was undertaking to establish what, in effect, was a pension roll. We drew a provision, which was enacted by Congress, against the establishment of any such roll; we made it mandatory upon the various heads of Departments to discharge their superannuated employees. They have not done so; they have defied the authority of Congress.

Mr. CLARK of Missouri. Does not the gentleman think that this provision will compel them to do so?

Mr. MOODY of Massachusetts. This provision was in the bill of last year.

Mr. CLARK of Missouri. Not this provision, that incompetent employees shall not be paid?

Mr. HEMENWAY. Yes; that was in the last bill.

Mr. MOODY of Massachusetts. Yes, sir. They are simply defying the authority of Congress as a body, upon the individual representations of members of Congress. Permit me to give an illustration right in my own committee. The Commissioner of Pensions told us the year before last that he would be better off if he could discharge 100 clerks; that the remaining 1,700 would do the work better if he were allowed to select those to be discharged himself.

Mr. CLARK of Missouri. Why did he not do it?

Mr. MOODY of Massachusetts. We suggested to him, "Why do you not do it?" He had said, "Let me select the clerks, and I will better the service in my office with a reduced force and save money to the Government." We told him that he must do it anyway. He undertook to do it, and the very first man who came to him to intercede in behalf of one of the number selected for discharge was a member of our subcommittee. I am not going to say anything more about that, except that I was not the member.

Mr. HEMENWAY. And I was not.

Mr. CLARK of Missouri. That being the case, does not the gentleman think there ought to be established an age limit, on attaining which employees should be retired, just as there is an age limit in the Army and Navy?

Mr. MOODY of Massachusetts. I do. Although I believe in the present civil-service system, yet I will say that if we do not do something to meet this question of superannuation the service will break down.

Mr. WACHTER. I should like to know if the gentleman from Indiana [Mr. HEMENWAY] can inform us what percentage of these incompetent employees are females?

Mr. HEMENWAY. We have no information on that subject.

Mr. GROSVENOR. Will the gentleman from Indiana allow me to ask the gentleman from Massachusetts [Mr. MOODY] a question?

Mr. MOODY of Massachusetts. I supposed that I was through with the gentleman from Ohio on this question.

Mr. HEMENWAY. I yield to the gentleman from Ohio.

Mr. GROSVENOR. The gentleman from Massachusetts has stated that the Commissioner of Pensions has said that if he could only discharge 100 clerks and fill the remaining places with persons of his own selection he could thereby greatly benefit the service. Now, does not the gentleman admit that the Commissioner of Pensions can not do this under the beautiful, far-reaching administration of the civil-service law; that where the removal of incompetent employees is desired there must be a trial before a sort of court, with a prescribed set of rules, to act upon each one of these individual cases?

Mr. MOODY of Massachusetts. In answer to the gentleman from Ohio, I will say that I believe the provision to which he refers, but which I do not understand to go to the extent he describes, was an unwise provision. But I do not understand that there is any difficulty in the way of the head of a Department discharging any of his subordinates if he will certify that they are incompetent.

Mr. GROSVENOR. Is there not an Executive order forbidding that identical thing being done?

Mr. MOODY of Massachusetts. I do not so understand.

Mr. GROSVENOR. Was not such a provision inserted within a year upon the demand of the civil-service organization?

Mr. MOODY of Massachusetts. I do not so understand. I do understand that a man can not be discharged except for cause stated, and after an opportunity to be heard.

Mr. GROSVENOR. Very good; that is just what I said.

Mr. MOODY of Massachusetts. But I venture to say that if the head of a Department, who is responsible for his work, undertakes to assert that the man is incompetent, that would be a sufficient reason for discharge. If that is not so, it is time Congress should go to work and make it so.

Mr. GROSVENOR. We know they should; but they will not do it. The idea of the gentleman from Massachusetts seems to be that if the head of a Department will only assert himself he may repeal the order of the Executive forbidding him to do what he undertakes to do.

Mr. MOODY of Massachusetts. I do not so understand the matter at all.

Mr. HEMENWAY. I now yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. I believe that there is no limitation upon the time; that each member obtaining the floor may occupy the time allowed under the rule. I give way to the gentleman from Colorado [Mr. BELL].

The CHAIRMAN. Does the gentleman from Indiana reserve the remainder of his time?

Mr. HEMENWAY. I do.

The CHAIRMAN. The gentleman from Colorado [Mr. BELL] is recognized in his own right.

Mr. BELL. I yield to the gentleman from Alabama [Mr. TAYLOR].

Mr. TAYLOR of Alabama. I propose to yield any time to which I may be entitled to my colleague [Mr. UNDERWOOD], and will ask the Chair to recognize him at some later period in the day when he may claim the floor.

The CHAIRMAN. The gentleman from Alabama [Mr. TAYLOR] announces that he desires to be recognized and to yield his time to his colleague [Mr. UNDERWOOD], who will claim it and be recognized some time later in the day.

Mr. BELL. Mr. Chairman, I agree with the bill under consideration in all particulars, and this morning I wish to consider a question which, in my judgment, it is our duty to the American people to consider, relative to saving a leakage in the revenues of the Government.

A few days ago the gentleman from Connecticut [Mr. HILL] and myself got into a controversy here over the question of deposits in the national banks. I made the assertion that we had a hundred million dollars of deposits of Government funds in the national banks, and that these deposits had as complete and as well recognized a value on the market in every part of this country as have cotton, corn, wheat, or any other commodity.

The gentleman from Connecticut [Mr. HILL], ever the defender of banks, whether right or wrong, insisted that these deposits were not profitable to the banks, and said that the fact that only 69 out of 3,600 had qualified for this money was evidence that they were not profitable.

Believing that my contention was right, and insisting that only the powerful banks got the benefit of this gift of the Government, I wrote to the State treasurers in the different States of this Union and asked what they did with the funds belonging to the State.

I have had replies enough to show beyond question or any chance of controversy that the public deposits of this Government have as well defined a market value as corn, wheat, or cotton, and that that value on daily balances is as well fixed in New York, in Boston, in Florida, in Minnesota, and every other part of this country as any other commodity.

I insisted then—and these letters have but confirmed my opinion—that the policy of this Government, of giving the deposits to the national banks, offers a premium to the banks to precipitate a tightness in the money market or to precipitate a panic to get more free money.

Now, sir, I want to read to this House, and I want to appeal to every individual member of this House, not as a Republican or as a Democrat, but as the agent of the public to criticise these reports from the different State treasurers and see what the States make out of the money of the people deposited in the national banks at the different State capitals.

I will begin with the great State of New York, where, if there is a plethora of money anywhere, you can put your finger on it there. I will now read from the reply of the State treasurer of New York. In reply to my letter, the treasurer of the State of New York says "that the State receives on deposit, subject to check at any moment, 1½ per cent per annum."

Bear that in mind. In the State of New York, on the daily balances of the State fund, subject to check at any moment, they receive 1½ per cent per annum.

The State treasurer of the State of Kansas writes that they keep a fund of $20,000 in a national bank in New York, subject to daily checks, upon which that bank pays them 2 per cent on the daily balances.

The State treasurer of the State of Maine says that that State obtains 2 per cent on their balances kept in banks in other States, and very probably in New York.

Now, let us see what they take on more permanent deposits. I read further now from the treasurer of the State of New York:

Banks holding canal fund moneys pay 3 per cent, as their deposits are more stable.

Now, my friends, that is what the State treasurer of New York obtains upon the funds of the State of New York.

The next answer is from the State of Pennsylvania. The treasurer sends me simply section 6, of the State statutes, which says that the State treasurer of Pennsylvania shall keep certain funds in certain banks, and those banks shall make all collections for the State without charge, and in addition to these services they shall pay the State of Pennsylvania 1½ per cent per annum on the daily balances.

I next come to the State of Michigan. The treasurer of that State wrote me on January 27, that—

The interest rate has been usually 3 per cent, but that owing to a plethora of money in 1897 and 1898, the rates were reduced to 2½ on the inactive and 2 per cent on the active accounts.

The treasurer of the State of Vermont wrote me on January 26—

That 2 per cent is the rate of interest received on the principal accounts kept by that State.

On January 23 the treasurer of Massachusetts wrote me this, which I want you to hear:

The amount deposited in the several banks at the close of business hours January 22, was $6,978,898.49. Four million three hundred and thirty-three thousand dollars of this drew 2½ per cent interest, and on the sum of $2,170,000 interest at 2 per cent is paid. Four hundred and seventy-five thousand eight hundred and ninety-eight dollars and forty-nine cents of active or working bank deposits, interest at 1½ per cent is paid, on which we draw every day.

That is in Massachusetts. Taking this as the average of the year, makes $157,853.73 profit per annum on the public deposits of the State of Massachusetts alone, and on only a little over $6,000,000; while we had, or now have, in the different banks to-day probably one hundred and fifteen million to one hundred and twenty million dollars.

I am sorry that our friend from Connecticut [Mr. HILL], who believes that these deposits are valueless, is not in his seat when I make the statement that is given to me by the State treasurer of the State of Connecticut, who says that "deposits are made at the rate of 2½ per cent, and that in the year 1899 the State received $34,566.53 interest on the State deposits." That is what the State of Connecticut receives on the little deposit of that State.

January 24 the treasurer of the State of Florida wrote:

On those deposits, which are always subject to check, the State receives 2½ per cent interest per annum, payable quarterly.

On January 24 the treasurer of the State of Georgia wrote:

We deposit with our State depositories and receive interest on the same at the rate of 2 per cent per annum.

On January 22 the treasurer of Maryland wrote:

Upon such deposits 2 per cent is allowed by the banks on daily balances.

On January 25 the treasurer of Kansas said that about $20,000 of the funds of that State are kept in the National Bank of the Republic, of New York, as fiscal agent, and that the bank pays to the State 2 per cent interest.

The secretary of state of Colorado on January 24 says:

I have been informed that 2½ per cent on open accounts and 4 per cent on time deposits are the rates we get in this State.

On January 24 the treasurer of Minnesota wrote:

The State is now getting on most of its deposits 3 per cent, making about thirty or forty thousand dollars per year.

The treasurer of Wisconsin on January 26 wrote:

The State receives interest of very nearly $25,000 per annum.

Not giving me the rate per cent. The statutes of Nebraska make 2 per cent the minimum charge for State deposits, but Mr. STARK informs me they get from 3 per cent to 4 per cent per annum on State and county funds. Missouri receives from 1½ to 1.69 per cent per annum, according to the report sent me.

Mr. CLARK of Missouri. Will it disturb the gentleman to supplement his statement about Missouri? We have a law out there, in addition to that, which requires that the county court let out the county deposits to the highest bidder among the banks.

Mr. BELL. Yes.

Mr. CLARK of Missouri. In my county the revenues run something over $100,000, and a year or two ago one of those banks bid 6 per cent for the average daily balance.

Mr. BELL. I am very much obliged to the gentleman for his statement.

Mr. CLARK of Missouri. And gave good bond for it.

Mr. BELL. North Dakota. The treasurer of North Dakota informed me that they received 3 per cent on their deposits.

The Secretary of the Treasury in his annual report says $76,283,655.30 of public money was in the banks on June 30, 1899, or at the end of the fiscal year. And on December 17 a proposition generally stated was that the Secretary of the Treasury announced that he would increase these deposits from $30,000,000 to $40,000,000 immediately, and on December 18 the Secretary of the Treasury ordered the collection of internal revenues of $1,000,000 daily left in the banks, now making probably considerably more than $100,000,000 of Government funds in the banks, without charge or limiting the amount of interest that they shall charge the people for the use of their own money.

If we say there is $100,000,000 of the public funds in the banks—and I have figured up the average per cent paid throughout the United States to the States is a little over 2.7 on daily deposits; on time deposits, anything of a permanent nature, it is 3 per cent. Taking it, then, at 2.7 per cent per annum, and taking $50,000,000 at this price, would give us a profit of $1,035,000 interest per annum; and the other $50,000,000 at 3 per cent per annum would give us $1,500,000 per annum, or a total interest per annum on $100,000,000 deposited in the banks of $2,535,000, or a value of $6,945 every day.

Now, it seems to me, after it has been shown beyond chance of controversy that these deposits have a fixed market value and that the money belongs to the Government of the United States, and it having been shown that it is worth at the lowest market value $6,945 every day, that we are criminal if we refuse to protect the people in securing these great values that belong to them. I want to submit to the consideration of this House and to the country the query: Is it any more a moral wrong for the Government to allow these banks to ram their arms into the Treasury daily and purloin $6,945 than it is to give them the free use of $100,000,000 daily which has a market value of $6,945, which market value is as well fixed as the value of wheat, corn, or cotton?

It is as great an injury to the people of the United States and as flagrant a neglect of duty of this Government to give away the use of that $100,000,000 worth, in an eager market, the value of which is $6,945 per day, as it would be to give those banks daily, without charge, $6,945 worth of postage or revenue stamps. The Secretary of the Treasury might as well make them a gift of $6,945 out of the Treasury, as equivalent things are equal to each other.

President McKinley said on the floor of the House on February 28, 1888:

Nearly $59,000,000 is out among the banks. While for them they give to the Government bonds as security for the deposit—

Just as is done to-day—

and they are getting it without interest, and they draw the accrued interest on the Government bonds.

Just what they are doing to-day with these deposits. He properly and severely criticised President Cleveland for allowing them to have $59,000,000 without cost, and at the same time he is allowing them to have practically twice as much in exactly the same way. He was right then; he is certainly wrong now. This Administration and the last one have, in my judgment, permitted the mammoth bondholding and banking institutions flagrantly to filch from the people more than a hundred million dollars in value. In the so-called popular loan of $200,000,000, given them at par, when they were worth on the market from 106 to 109, there was an absolute gift of from $12,000,000 to $18,000,000. There is no controversy about it; the banks know it and everybody else knows it.

When I speak of banks fleecing the people, I do not include the little banks scattered out through the country—this pilfering impoverishes them as well as their patrons—but the great syndicated banks, the 69 of which our friend from Connecticut [Mr. HILL] speaks here, the association that is controlling the destiny of this nation. The financial bill now before Congress will be the most nutritious food they have had since they manipulated the bonds of the rebellion. They have put the interest lower than the bonds of any other country on the globe—lower than Great Britain—and they will be bought. Why? Because the banker can take the 2 per cent bond; he can walk over to the Treasury and he can deposit it, take out of the Treasury dollar for dollar in the people's money, gold, silver, or paper, take it home with him, get the use of that money for nothing, and draw 2 per cent interest on his bond. Who would not buy them? They could afford to buy them under those conditions if they did not draw a single cent in interest, as security merely.

The same banks a few weeks ago brought a Black Friday on New York, and not only made untold millions out of that Black Friday, but they walked up and made this Government give them more deposits for nothing. The Government had to buy its peace, or was rather glad to buy it.

In 1837 a great panic occurred in this country on May 10. The banks in New York all suspended, and there was a general wreckage, and yet Prof. W. G. Sumner, of Yale, states in his history of American currency that nearly all of these banks made big money out of the suspension and paid big dividends during

the year. I am sure there has been no panic since that time that the large banks—the mammoth institutions in the East—have not generally made infinitely more money than they do in normal times, and they cleaned up the small banks, they destroyed the little banks, and in ghoulish glee they said among themselves, "It is a benefit; it is simply cleaning out the unstable financial institutions."

If we adjourn this Congress without passing a law forcing the Treasury to let these deposits out at their market value, in the same way that the States do, we should be condemned to stay at home by our defrauded constituents. Where could this Congress do more for the people than by passing a bill that would force its negligent servants to collect $6,945 per day of its dues in revenue belonging to the Government, and which is being awarded to the favorites of the Treasury Department, if not to political favorites? The ordinary banks of the country do not get the benefit of it. In the first place, they do not have the United States bonds to deposit, and if they did have them they would not have the influence to get the deposits.

If the one hundred millions were equally divided among 3,600 banks, they would only get $27,777 each, while it has recently been shown by the press that the National City Bank of New York at times had a daily balance of from twenty to twenty-nine millions. At this rate you could only distribute to three banks the $100,000,000. If the National City Bank of New York were given thirty millions, only five banks could be reached. If it got five millions, only twenty banks could be reached. The whole system tends to make the rich more powerful and the ordinary banks weaker.

December 23, 1899, Mr. Walker Hill, president of the American Bankers' Association, in an interview is reported to have said: "The banks derive a profit of one-half of 1 per cent per month, or 6 per cent per annum, on these free deposits." That was said when he was opposing the published intention of this Government to give the National City Bank of New York forty millions of the deposit. He said it was really worth this to the banks, although they only pay 1½ to 3 per cent—6 per cent per annum. "The last statement," said he, "shows that the National City Bank of New York had $13,000,000 of those deposits," worth $780,000 per annum.

Those are the words of the president of the Banking Association of the United States in their row over the division of these free spoils; that the deposits of that bank before this renewed deposit was worth to the bank $780,000 per annum, or a profit of $2,126 per day, quite a handsome gift to the richest and most powerful and relentless financial organization in the United States. The $100,000,000 divided among the banks are worth to them $6,000,000 per annum. Take the $76,283,625.30 in the banks at the end of the last fiscal year as the amount of money in the banks at that time, thirteen millions let to the National City Bank of New York out of this, and treating the other banks as liberally, 6 banks would consume the entire deposit, and the 3,594 other national banks would get nothing.

As to the State banks, it is an absolute injury to and a discrimination against those banks. It has a tendency to destroy and drive out of existence your State institutions. It appears that, from the statement of the gentleman from Connecticut [Mr. HILL], only 69 out of 3,600 of these institutions call for these deposits.

Sir, it seems to me that if these flagrant evils go on much longer many of our constituents, who charge that instead of their representatives regarding a public office as a public trust they regard it more in the nature of a private opportunity to serve some great interest that boosts this or the other political party, will certainly be supported in their position by the proof.

Do not these flagrant wrongs justify the criticisms that are being thrown far and near from every quarter upon this body and the body at the other end of this Capitol? A few days ago the chancellor of the New York University Law School, while deploring our weakness and our failure to represent the people, said that the interest of our country in the great rivalry between corporations and the Government is coming; and where but from among the masses will spring the advocates of the people's rights? He was showing that the membership of this House was composed principally of the representatives of the great sordid interests and not of the American people.

A few days ago I noticed in a leading text-book in general use in one of the colleges of this city a statement that this is a time in the history of the American Government without statesmanship. This is the doctrine that is being taught to our children right under our noses and in the great capital city of the nation where we deliberate. And in Chicago, the day before yesterday, the mayor of the second largest city in the United States, welcoming the members of a great assemblage in that city, said that one House of the American Congress had become a gathering of the owners and representatives of trusts and that a few years more will see the House reduced to the same condition.

Mr. GAINES. Is it not a fact, or at least is it not stated and undisputed, that one of the present members of the United States Senate has recently been employed and is now the counsel for the Standard Oil Company?

Mr. BELL. I do not believe that the rules of the House give us liberty to discuss the conduct of members of either body by name.

Mr. GAINES. I have not given any name; is not that a fact as stated in the press?

Mr. BELL. I would say to the gentleman outside——

Mr. GAINES. I say it here; it is so.

Mr. BELL. I never knowingly transgress the rules of this House.

Now, does it not behoove us to lay down all partisanship and to investigate impartially some of these business questions in behalf of the American people? Would it not be well for us to take up the charges against our conduct made by no inconsiderable portion of the people and coming from most elevated sources and from all parties, and analyze for a while our conduct—see what we are doing, and "see ourselves," if possible, "as others see us?" May there not be some truth in the old adage that where there is so much smoke there must be at least a little fire? Should we not take up this great bank trust and see why we should give them our $100,000,000 deposit when our people at home are drawing large revenues from their deposits of public funds? If Massachusetts had those $100,000,000 in her State treasury, she would collect between two and three million dollars per annum out of that deposit.

Now, sir, I say that there are no two sides to this proposition; that there is in this House a favoritism toward these great institutions—a favoritism which permits them to plunder the public Treasury; and every part of the history of this Government establishes it beyond question.

You may go to the Treasury Department of the United States, and let it have a dealing with an individual, an ordinary citizen or laborer, and it will figure for untold hours to disallow every cent that does not come within the red tape of that organization. Yet it gives to the banks the free use of a hundred million dollars—worth nearly $7,000 per day—a value established as completely as the value of the other commodities that are on exchange.

It offers a premium to these banks to wreck the market. And when the great banker of New York brought on that memorable "Black Friday" he got a great premium for it. He got his coffers filled with public money in order that he might let the people breathe. We had such a proceeding in the days of Jackson. We had the old Bank of the United States standing here and insisting that unless its charter was renewed it never would loan money to the people; it would not pay out the $40,000,000 of Government funds; it would not pay out the money necessary to meet the pensions; it would throttle the Government unless Congress legislated to suit it. Jackson said, "Before this institution gets bigger than the Government, let us throttle it." And Congress did throttle it. We have now a banking power which is bigger than the Government; it dominates the Government; there is no doubt about it; and I am sorry to say that in my judgment five-sixths of the men who represent the people are interested in some kind of banking. I do not say that they can not be interested and be impartial, as but few of the banks get these special favors. But the men in the country and the smaller towns are injured by these great favors given to the great central banks.

As for me, I feel that we are plundering the people of this vast sum of $6,945. Giving the banks the benefit of every doubt, and taking the lowest estimate from every part of the country and striking an average, the above sum is obtained. I do not doubt but that they could get from eight to ten million dollars if they saw fit, but the Government and the Treasury Department, which has been run so long by the banks, allow the banks these privileges without money and without price.

For one I never expect to stop talking of these great favors and of the flagrant neglect of duty of our Representatives until they treat these great institutions just as they treat the individual citizens of the United States.

I now yield the balance of my time to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I take the present opportunity to submit a few remarks on the question of pensions and the bad effects which our overgenerous pension legislation is having upon the country, or at least some parts of it.

From the report of the Secretary of the Interior it appears that there have been paid out on account of pensions and expenses incident to the execution of pension laws, from 1866 to 1899, the enormous sum of $2,469,751,366, a sum so vast as to tax the powers of the mind to comprehend its magnitude.

The number of pensioners on the rolls in 1866 was 126,722. The number on the rolls in 1899 was 991,519. The amount paid on account of pensions for 1866 was $15,450,549.88. The amount paid on account of pensions for the year 1899 was $138,355,052.05,

and the estimate for the fiscal year 1901 is $144,000,000. Thirty-three years after the close of the war between the States we have, in round numbers, eight times as many pensioners on the rolls as we had then, and are paying, in round numbers, ten times as much money on account of pensions as we did thirty-three years ago, and it is estimated that it will take at least $6,000,000 more to pay pensions for the year 1900 than for 1899 on account of the Spanish war. I here read and make a part of my remarks a clipping from the Washington Post for February 7, 1900:

DELUGE OF PENSION BILLS—IF ALL OF THEM WERE ENACTED, THEY WOULD BANKRUPT THE GOVERNMENT.

Senator GALLINGER, chairman of the Senate Committee on Pensions, says that never before during his term of public service has there been such a deluge of general pension bills designed to take large sums of money out of the Treasury as now. He gives it as his opinion that if all the bills now before his committee should be enacted into law, they would absolutely bankrupt the finances of the Government.

The latest scheme that is being pressed upon the committee is to wipe out the pension rolls by paying all pensions in a lump sum, according to a table based upon the expectation of life as estimated by the American life-insurance companies. The advocates of this scheme have probably not taken the trouble to figure out the amount that would be called for, but it is safe to assume that it would run into the billions. Fortunately, there is no danger of a measure of that kind receiving serious consideration, but the mere suggestion of it shows the reckless views that some people hold in regard to pension matters.

What was intended as and in fact was a roll of honor is fast becoming a roll of shame. Those who seek to plunder the Treasury through one means or another are making use of the generosity of a grateful people and the popularity of pensions in order to accomplish their nefarious purposes, and a grateful people are getting tired of such abuse of their gratitude.

This matter of the rapid and reckless granting of pensions and the passage of ill-advised and ill-considered pension legislation is debauching the manhood of the country and deadening the national moral sense.

To prove this it is only necessary to investigate the applications for pensions made on account of the Spanish war and analyze the same.

Mr. Chairman, I here insert a list of 23 regiments of the Regular Army and 2 batteries that took part in the Santiago battle, with list of casualties and number of claims filed for pensions on account of service, as follows:

War with Spain.

Regiments of Regular Army.	List of casualties in Santiago battles.				Number of claims filed on account of service.			
	Killed.	Wounded.	Missing.	Total.	Invalids.	Widows.	Dependents.	Total.
First United States Infantry	....	.....	....	.....	74	5	4	83
Second United States Infantry	6	52	....	58	219	8	30	257
Third United States Infantry	3	15	....	18	134	6	15	155
Fourth United States Infantry	8	33	1	42	94	9	11	114
Sixth United States Infantry	17	106	17	140	133	11	18	162
Seventh United States Infantry	33	93	....	126	193	10	46	249
Eighth United States Infantry	6	45	....	51	76	10	19	105
Ninth United States Infantry	4	27	1	32	96	8	21	125
Tenth United States Infantry	6	40	3	49	63	5	10	78
Twelfth United States Infantry	8	31	....	39	94	5	14	113
Thirteenth United States Infantry	18	90	....	108	64	7	16	87
Sixteenth United States Infantry	13	107	17	137	118	8	17	143
Seventeenth United States Infantry	6	27	....	33	109	9	18	136
Twentieth United States Infantry	1	13	....	14	145	4	17	166
Twenty-first United States Infantry	6	33	....	39	81	10	19	110
Twenty-second United States Infantry	5	33	....	38	109	....	19	128
Twenty-fourth United States Infantry	12	75	6	93	104	6	13	123
Twenty-fifth United States Infantry	8	27	....	35	60	6	7	73
First United States Cavalry	13	47	1	61	108	10	20	136
Third United States Cavalry	3	51	3	57	90	2	3	95
Sixth United States Cavalry	4	55	....	59	92	13	23	128
Ninth United States Cavalry	3	19	1	23	76	6	9	91
Tenth United States Cavalry	6	69	5	80	50	14	5	69
K, First United States Artillery	1	.....	....	1	5	2	....	7
A and F, Second United States Artillery	2	9	....	11	21	2	6	29
Total	192	1,097	55	1,344	2,406	176	380	2,962

It will be seen that there were killed, wounded, and missing in said 23 regiments and 2 batteries of the Regular Army that took part in the battles of Santiago 1,344 men, and that there are applications for pensions for the whole number of said 23 regiments and 2 batteries 2,962, or 2¼ applications to each soldier killed and wounded in these regiments of the Regular Army. I now read, and insert as a part of my remarks, a list of 8 regiments of volunteers who took part in the Santiago battles, with the list of casualties and number of applications for pensions.

Regiments of volunteers.	List of casualties in Santiago battles.				Number of claims filed on account of service.			
	Killed.	Wounded.	Missing.	Total.	Invalids.	Widows.	Dependents.	Total.
Second Massachusetts Infantry	5	40	....	45	424	15	28	467
First United States Volunteer Cavalry	15	76	2	93	200	16	16	241
Seventy-first New York Infantry	13	60	43	116	255	11	50	316
First District of Columbia Infantry	....	.....	....	.....	469	....	50	519
Ninth Massachusetts Infantry	....	.....	....	.....	532	15	78	625
Thirty-third Michigan Infantry	....	.....	....	.....	413	9	57	479
Thirty-fourth Michigan Infantry	....	.....	....	.....	468	9	69	555
Eighth Ohio Infantry	....	.....	....	.....	447	5	35	487
Total	33	176	45	254	3,175	80	383	3,588

It will be seen by reference to these tables that the 8 volunteer regiments had a total of 209 killed and wounded, and that the applications for pensions filed by these 8 regiments are 3,588, or 17 applications for pensions filed for each soldier killed or wounded, or, in round numbers, eight times as many applications for pensions by the soldiers of these 8 volunteer regiments as in the 23 Regular Army regiments calculated on a basis of casualties.

It will be seen that the above 8 volunteer regiments are from Massachusetts, New York, District of Columbia, Michigan, and Ohio—all from the North, where it is popular to favor liberal pensions.

I now read and make a part of my remarks a list of casualties and applications for pensions for 8 other volunteer regiments, as follows.

Volunteer regiments in the war with Spain.

Regiments.	Strength.	Casualties.				Number of applications filed for pension.
		Killed in action.	Wounded.	Died.	Total.	
First Alabama Infantry	1,651	.....	.....	16	16	71
First Georgia Infantry	1,331	.....	.....	11	11	65
First Kentucky Infantry	1,334	.....	.....	28	28	122
First Mississippi Infantry	1,141	.....	.....	30	30	66
First South Carolina Infantrys	1,359	.....	.....	18	18	110
First Tennessee Infantry	2,055	1	.....	25	26	174
Second Tennessee Infantry	1,419	.....	.....	15	15	93
First Texas Infantry	1,397	.....	.....	15	15	60
Total	.....	1	.....	158	159	761

It will be seen that the total number of deaths, killed, and wounded in these 8 regiments are 159; that the total number of pension applications by soldiers of these 8 regiments are 761, or, in round numbers, 4 applications for each death in these 8 regiments.

These last 8 regiments are from the States of Alabama, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and Texas, where the pension evil has not reached the horrid proportions it has in the Northern States, and where the people are still willing to make a living by honest toil and are not knocking at the doors of Congress day and night for the passage of legislation enabling them to appropriate the hard earnings of other people to their own use.

Mr. Chairman, let us analyze the status of these 16 regiments of volunteers a little further.

In the 8 Northern regiments there were 35 deaths and 3,588 applications for pensions, or, in round numbers, 100 applications for pensions to each death reported. In the 8 Southern regiments there were 159 deaths and 761 applications for pensions, or, in round numbers, 5 applications for pensions in these 8 Southern regiments to each death.

In the Northern regiments there are 100 applications for pensions for each death, while in the 8 Southern regiments there are only 5 applications for pensions to each death, or twenty times as many applications per death in the Northern as in the Southern regiments.

It must be further remembered that all these applications are based upon alleged injuries received while in line of duty—are all for causes alleged to be of service origin.

Will any member on this floor arise from his seat and say that he believes that each of these applications for pensions in these 8 Northern regiments are honest and made in good faith?

I beg to call the attention of the House to what appears to be a

most remarkable fact in connection with these 8 Northern regiments, and that is that the fewer casualties the greater the number of applications for pensions.

In the Second Massachusetts Infantry the killed are 5 and wounded 40; total, 45; applications for pensions, 468.

First United States Volunteer Cavalry, killed, 15; wounded, 76; total, 91; applications for pensions, 241.

In Seventy-first New York Infantry, killed, 13; wounded, 43; total, 56; applications for pensions, 305.

In First District of Columbia Infantry, killed, none; wounded, none; applications for pensions, 419.

In Ninth Massachusetts Infantry, killed, none; wounded, none; deaths, none; missing, none; applications for pensions, 645.

In Thirty-third Michigan Infantry, killed, none; wounded, none; missing, none; applications for pensions, 459.

In Thirty-fourth Michigan Infantry, killed, none; wounded, none; missing, none; applications for pensions, 535.

In Eighth Ohio Infantry, killed, none; wounded, none; missing, none; applications for pensions, 487.

So you see, Mr. Chairman, that the fewer the casualties in these Northern regiments the greater the number of pension applications, all based upon causes of alleged service origin.

These figures and tables are all official, all coming from the Bureau of Pensions.

These eight Northern regiments had the following number of men enlisted and mustered out.

The regiments referred to are as follows:

Regiment.	Number of officers and men accounted for on muster-out roll.	Strength at muster out.
Second Massachusetts Infantry	943	841
First United States Volunteer Cavalry	1,237	1,137
Seventy-first New York Infantry	1,325	1,164
First District of Columbia Infantry	990	859
Ninth Massachusetts Infantry	1,334	1,197
Thirty-third Michigan Infantry	1,310	1,206
Thirty-fourth Michigan Infantry	1,334	1,198
Eighth Ohio Infantry	1,346	1,230

From the above table it will be seen that the First District of Columbia Infantry had officers and men all told at highest point only 990, and 859 at muster out. The applications for pensions in this regiment that never had a man killed or wounded is the modest number of 419, or a number nearly equal to one-half the full strength of the regiment.

Now let us look at the Ninth Massachusetts Infantry. Full strength of regiment, 1,334; at muster out, 1,197, with not a man killed or wounded or reported as having died; yet the applications for pensions are the insignificant number of 645, lacking only 116 applications of being equal to all the applications filed by the entire 8 Southern regiments.

Mr. GAINES. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. GAINES. On what ground do these men, where there have been none killed or wounded, base these applications for pensions?

Mr. SIMS. That is a question which I want the House to answer. This regiment had about six months' service and now makes applications for pensions based on alleged causes of service origin, in number exceeding one-half of its full strength at date of muster out and lacking only 27 applications of being equal to half of the full strength of the regiment at any time. If this regiment had remained in the service another six months and had not been in a single battle or skirmish, the whole regiment would have been disabled and applicants for pensions, reasoning from the record they have made for the six months they did serve.

Mr. Chairman, if the Ninth Massachusetts Infantry is any criterion by which we may weigh the value of the services of volunteers from that State, it will be better not to ask for volunteers from that State in any future wars we may have. It must be certain that if these applications for pensions are honest and based upon honest causes of service origin, this volunteer regiment will cost this Government more money for its six months' service than any regiment of the Regular Army will cost the Government, including full term of service, retirement pay, and pensions. Those who advocate a larger standing Regular Army can certainly find much to strengthen their position from the records of these 8 Northern regiments.

Mr. Chairman, I now turn from this regiment of hardy New Englanders to the Thirty-fourth Michigan Infantry Volunteers. The record of that regiment is none killed, none wounded, none missing, and no deaths, with applications for pensions, 535. The full strength of this regiment was 1,334, and at muster out 1,198, showing applications for pensions, less 64, equal to one-half the strength of the regiment at muster out. I do not know the length of service of this regiment, but suppose it was about like that of the other volunteer regiments that did not go to the Philippines, about six months.

In case of the 23 regiments of the Regular Army, set out in the first table above exhibited, it must be remembered that they have been in the service ever since April, 1898, and are still in active service, and that the applications for pensions from these regiments of the Regular Army cover the whole period of their service since April, 1898, while the whole period of service of these 8 volunteer regiments from the North was only a few months, and that they have been out of the service for a long time and, notwithstanding this, that the applications for pensions filed by these 8 Northern regiments exceed the applications filed by the 23 Regular Army regiments and 2 batteries by 626.

Mr. Chairman, I now invite the attention of the House to a comparison of the 8 volunteer regiments from the South embraced in one of the above tables; and it must be remembered that the First Kentucky served in Puerto Rico and that the First Tennessee served in the Philippines from October 30, 1898, to November 11, 1899—more than one year.

The First Alabama, full strength, 1,651; deaths, 16; applications for pensions, 71; or 1 application of every 23 men, or 4½ applications to each death in the regiment.

The First Georgia, full strength, 1,331; deaths, 11; applications for pensions, 65, being 1 application to every 20½ men, or 6 applications to each death.

The First Kentucky, full strength, 1,334; deaths, 28; applications for pensions, 122, being 1 application to each 10 men, in round numbers, or 4½ applications to each death.

The First Mississippi, full strength, 1,141; deaths, 30; applications, 66, being above 1 application for each 20 men and only 2½ applications to each death.

The First South Carolina, full strength, 1,359; deaths, 18; applications, 110, being about 1 application for each 12½ men, or 6⅛ applications for each death.

The First Tennessee, full strength, 2,026; deaths, 26; applications, 174, being 1 application to about every 12 men, or about 6⅔ applications to each death; and it must not be overlooked that the First Tennessee served nearly eighteen months, and more than one year of this service was in the Tropics.

The Second Tennessee, full strength, 1,419; deaths, 15; applications, 93, being 1 application to every 15¼ men, or about that, and 6⅕ applications to each death.

The First Texas, full strength, 1,397; deaths, 15; applications, 60; being 1 application to 23 men, or 4 applications to each death.

I invite the careful attention of the members of this House to these comparisons; and tell me what are the lessons to be drawn from them. Would any member of this House consider it an honor to be on a pension roll made up from such applications as those from the 8 Northern regiments?

Mr. Chairman, I have not selected these 16 regiments with the view of proving my contention. I am fully satisfied that if the records of all the volunteer regiments that served in the war with Spain were examined and compared the same results will be found to be true; that there are from five to ten times as many applications for pensions in proportion to length of service, strength of regiments, and casualties in the Northern regiments as will be found in the Southern regiments.

There is but one general cause that can be assigned for this great and astounding difference in the number of pension applications from the North and from the South. It must be due to a wide and generally prevailing depraved, debauched, and corrupted public sentiment that exists throughout the North and does not exist throughout the South, due to education and environment.

In the North the people have been taught that it is right to assist private enterprise by so adjusting taxation as to favor some at the expense of others, called, to hide its deformity and ugliness, protection.

In the North the people have been taught that it is right to create great banking monopolies by means of friendly legislation to the national and unfriendly legislation to State banks.

In the North the people have been taught that it is right to strike down one-half the redemption money of the people in order to increase the values of the fixed incomes of the wealthy at the expense of the poor and the wage-earner.

In the North the people have been taught that it is right to tax the productions of the Southern cotton grower out of existence in order to enhance the value of the products of the Northern dairymen.

In the North the people have been taught that it is right to grant subsidies to millionaire shipowners by taking taxes wrung from the people and giving to them, simply because they have the power to do so.

In the North the people have been taught that the objects and purposes of government are not the greatest good to the greatest number of the whole people, but the greatest number of special favors and exclusive privileges to the favored classes at the expense of the masses.

In the North the people have been taught that it is right to secure legislation having for its sole object the benefit of certain

lines of business, certain classes of people, and certain sections of our common country.

Is it any surprise, then, that the brave young men from the North who lately volunteered to go and fight Spain, to liberate her oppressed and tax-burdened subjects, are not restrained by the same noble sentiments when it comes to thrusting their hands into the pockets of American taxpayers and robbing them of their hard earnings by means of fraudulent and unjust pensions.

Mr. Chairman, I hope and pray that such a state of things may never prevail in my own beloved sunny South. But like causes produce like effects, and I suppose the people of the South can be debauched by subjecting them to the same causes that have debauched the people of the North.

It is far better that no pensions be paid than that our national standard of morality should be reduced, than that our national character should be degraded. As far as the South is concerned, I say to you of the North, keep your money, but let us of the South keep our good name. We can afford to be poor, but we can not afford to be corrupt.

Mr. Chairman, it is high time that a serious consideration of this pension evil be undertaken. We must throttle it, or it will throttle us. If the South were to-day in the same condition in which the North finds herself, no man can conjecture what would be the result.

Gentlemen on this floor are afraid to give expression to their honest sentiments for fear they may be misunderstood, for fear they may lose a few votes at home or cause their party to lose votes somewhere.

Mr. Chairman, securing votes by voting money out of the Treasury into the pockets of certain individuals or certain classes is securing votes by bribery, nothing more nor less. The same amount of money paid to the same individuals by candidates or party campaign committees would secure the same votes and would be nothing less than bribery.

Whenever the voters of this country cast their ballots with an eye single to the amount of money they are to secure, either from individuals, corporations, campaign committees, or from favorable legislation, then has our country reached that stage of debauchery and corruption which is the sure forerunner and presager of revolution and destruction.

I make the assertion that there is not in this broad land of ours a single volunteer soldier who served in the war with Spain who has not received numerous letters from sundry and divers pension attorneys, inviting and suggesting the filing of applications for pensions and making suggestions as to what was necessary to be done in order to secure a pension, and insinuating and suggesting the thought of procuring a pension, right or wrong, and inclosing blanks for applications. Such work as this bears an abundant crop of evil fruit, resulting in the debauching and corrupting of these otherwise worthy and honored fellow-citizens of ours.

Why are the applications for pensions from the Regular Army so few in comparison with those of the volunteer regiments? The regiments of the Regular Army are engaged in a much more arduous and perilous service than the volunteers, and yet applications for pensions from this source are not one-third what they are from these volunteer regiments of the North. The reasons are plain. In the first place, they are not subjected to the corrupting and debauching influences of the pension attorneys and are subject to the examination of competent Army surgeons.

The organized pension grabbers have a great weight in politics, and they never fail to use it. Just let an executive officer try to execute the laws and hold down the pension frauds and a howl goes up from that class, many of whom are members of that Treasury-fed, Treasury-fattened organization called the Grand Army of the Republic. No sooner do the Grand Army posts have a meeting than these same pension attorneys set up a howl against the offending officer and go to work to have him removed. Such has been the case with the present Commissioner of Pensions. So permeating and far-reaching is this baneful influence that Democrats in the North, in many instances, are as bad or worse than Republicans. It seems that in that section of the country where the pension crop exceeds almost any other source of money supply Republicans, Democrats, and Populists fall over each other in their efforts to execute the will and wish of this army of pensioners.

Mr. Chairman, it has almost reached that stage on this floor that in considering private pension bills the fact that the beneficiary of the private bill has been rejected at the Bureau is deemed sufficient excuse for the passage of the bill. No longer than last Friday night a bill was passed where the examining surgeons of the Pension Bureau had certified that there was no evidence that the injury complained of was of service origin. It is true that the one-sided ex parte statements of some physicians and friends and neighbors of the soldier stated that they believed the injury to be of service origin, and a distinguished member from Indiana, for whom I have the highest regard, charged that the surgeons of the Pension Bureau were under the influence and control of the Commissioner of Pensions, and were bringing in such reports as he dictated. The people lose all protection in the granting of pensions when the honor and integrity of the sworn officers of the law are impugned on this floor because they determine that the applicant has not made out his title to pension under the very laws these officers are sworn to observe and enforce.

No longer than last Friday night we saw a distinguished member of this House, as chairman of the Committee of the Whole, when pension bills were up for consideration, refuse absolutely and repeatedly to recognize the gentleman from South Carolina [Mr. TALBERT] who desired to address the House. The gentleman, from South Carolina had as much right to recognition as any member of the House, and was arbitrarily and wrongfully deprived of his rights while two bills granting private pensions, including amendments, were passed, and this arbitrary and unwarranted action of the Chair was loudly applauded by the Republicans.

To such an extent has this pension frenzy gone that in order to rush these private bills through in indecent haste the constitutional rights of members of this House on this side are ignored and trampled upon, while the majority on the other side applaud the outrage.

Mr. Chairman, when in the history of this House was ever a member refused recognition in Committee of the Whole to discuss a private bill of any other character? I have no knowledge of such an instance. Look over the record of last Friday night's session, when between thirty and forty private pension bills were passed, and show me where a single report was read or statement made in explanation of the bill except where the same was demanded by a Southern Democrat.

From whence is the money to come with which to pay this ever-increasing pension burden? It now comes out of the pockets of the consumers of this country, which means, in the main, the poorer classes, because under our system of taxation the poorer classes consume more of the taxed articles than the rich and idle.

Why not join with us in securing an income tax, in order that this pension burden may be borne by those who are most able to bear it and who are more largely interested in having the protection of our soldiers?

I am willing that an income tax be levied just sufficient for the payment of pensions, to be increased or decreased just as the demand for payment of pensions increases or decreases. While I believe an income tax is a just and proper tax for any and all Government purposes, yet, situated as we are, I am willing to compromise and take no more revenue from this source than will be sufficient to pay pensions. This would certainly be a great relief to the people. But our Republican friends are in a bad fix. If they favor an income tax, they lose the chief contributors to their campaign funds; if they do not do just what the pensioners want, they will lose their votes; and so they meet the demands of both by giving liberal pensions to the soldiers and collecting the taxes with which to pay those pensions from the poor consumers of the country.

Mr. Chairman, all these evils are the legitimate outgrowth and logical results of using the taxing power of this Government for other than strictly Government purposes.

Just so long as the powers of government are prostituted to private ends, to serve the demands of greed and gain, just so long will we be cursed with these and similar evils.

At this very moment bills are pending in this House to pension civilian employees of the Government after they have served a certain period of time or reached a certain age.

No sooner is such a measure introduced than a great newspaper champions its cause. I read from a recent issue of the New York Times:

> Among the bills earliest introduced at this session of Congress was one by Mr. BROSIUS, formerly chairman of the Civil Service Committee, for the retirement with pension of employees in the service of the Federal Government. It is being urgently pressed, and it has strong claims on the favorable attention of Congress; but there is a good deal of opposition to it, most of which is unreasonable.
>
> In substance the bill provides for the retirement of three classes of persons: 1. Those who have been twenty years in the service. These may be retired on their own request or compulsorily. 2. Those who have been thirty years in the service and have attained the age of 60. These may be retired only at their own request. 3. Those who have been thirty-five years in the service and have attained the age of 70, who must be retired compulsorily.
>
> All these classes must have been in what is known as the classified service—that is, the service subject to the civil-service rules, though service in the unclassified positions may be counted in the term served. Each person so retired is to receive 75 per cent of the highest pay he or she has received while in the service. * * * It is not easy to see what logical or reasonable objection can be made to the principle of this bill.

We who have had an opportunity to observe know that thousands of people are anxious and clamorous to secure these Government positions in the civil list; that no one is appointed on the civil list who does not seek it and is not anxious to get it. The pay is good, far better than the average employment of a business character. Then pray tell me why should these Government employees be pensioned at 75 per cent of the highest amount of compensation paid them at any period of their service after they have served a certain length of time or reached a certain age? With

salaries ranging all the way from fifty to two hundred and fifty dollars per month, why is it that these employees are supposed to save nothing in a lifetime of such remunerative service and are finally to become a public charge upon their fellow-employees?

Who is to take care of the wage-earner or the farm laborer when he is old and unable to work? Who will say that it is right, that it is just, to tax the poor old worn-out laborer or farmer to provide a fund with which to keep up these high-salaried Government employees after they are too old to longer discharge the duties of their respective positions?

Mr. Chairman, I think there is grave danger of this very bad bill becoming a law. It is introduced by a very able member of this House, who comes from a section of this country that has never yet knocked at the door of the Treasury in vain. It is not more unjust than many other species of legislative favoritism that have already received recognition. It will no doubt bring to its support the hundreds of thousands of pensioners we already have.

I am afraid that it will give some gentlemen in this House the nightmare to vote against any kind of a bill proposing to grant pensions to anybody for any cause whatsoever.

The very word "pension" is both a charmer and a terrorizer of many gentlemen on this floor.

Mr. Chairman, if the Southern members of this House, who are not entirely dependent on the pensioners' vote for a seat in this House, do not take hold of this evil and by determined and long-continued effort root it out, no mortal can predict to what ruinous lengths it will go. Speaking for myself, I most solemnly declare that as long as I am honored with a seat in this body I shall never cease to make the best efforts of which, in my weakness, I am capable to root out and utterly destroy this monster of evil, and I call on all my colleagues of the South who have the courage of their convictions to stand by me in this fight. [Applause.]

Mr. PUGH. Mr. Chairman, reserving the balance of my time, I desire to yield thirty minutes to the gentleman from Missouri [Mr. BARTHOLDT].

[Mr. BARTHOLDT addressed the committee. See Appendix.]

When Mr. BARTHOLDT's time had expired, but before he had concluded his remarks, the following proceedings took place:

Mr. HEMENWAY. I ask unanimous consent that the gentleman's time be extended ten minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] can yield to the gentleman from Missouri a part of his own time if he desires.

Mr. HEMENWAY. I have only about ten minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Missouri be extended ten minutes. Is there objection?

Mr. BENTON. Will that come out of the general time?

The CHAIRMAN. It must come out of the general time.

Mr. CANNON. If I can be recognized, I will yield to the gentleman from Missouri.

The CHAIRMAN. The gentleman from Illinois is recognized, and yields to the gentleman from Missouri.

Mr. BARTHOLDT resumed and concluded his remarks.

Mr. HEMENWAY. I move that the committee do now rise.

Mr. BENTON. Mr. Chairman, I hope that motion will not be agreed to at this time.

Mr. HEMENWAY. I will say to the gentleman from Missouri that we have agreed upon a time limit for general debate as between the gentleman from Georgia [Mr. LIVINGSTON] and myself, and we want to submit a proposition for unanimous consent.

Mr. CLARK of Missouri. Are you going back into Committee of the Whole?

Mr. HEMENWAY. Then we will go back into Committee of the Whole.

Mr. BENTON. I do not want to make any trouble or interference.

Mr. LIVINGSTON. I will say to the gentleman from Missouri that we shall go right back into Committee of the Whole.

The motion of Mr. HEMENWAY was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, and had come to no resolution thereon.

Mr. LIVINGSTON. I ask unanimous consent that general debate on the legislative bill be closed to-morrow afternoon at 3 o'clock and that the bill be then taken up under the five-minute rule. That arrangement has been agreed to by the gentleman from Indiana [Mr. HEMENWAY] who is in charge of the bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent that general debate on the legislative appropriation bill be closed to-morrow at 3 o'clock. Is there objection?

There was no objection.

Mr. HEMENWAY. The time to be controlled by the gentleman from Georgia and myself.

The SPEAKER. Unanimous consent is also asked that the time be equally divided between the gentleman from Georgia [Mr. LIVINGSTON] and the gentleman from Indiana [Mr. HEMENWAY].

Mr. PIERCE of Tennessee. I object.

The SPEAKER. Objection is made.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole, for the further consideration of the legislative appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. SHERMAN in the chair.

Mr. BENTON was recognized.

Mr. BENTON. Mr. Chairman, before I proceed, I desire to yield three minutes' time to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I am amazed at the unjustifiable attack which the gentleman from Missouri who has just taken his seat has made upon the Irish people of this country. I listened with a great deal of interest to his praise of the German character and what the people of that race had done toward the development of this nation. I join with him in everything he has said in praise of these people who have done so much in all periods of the development of the country for the common good. I can not, however, understand his reflections upon the Irish people, and I hurl the charge back in his teeth when he says that "while the Germans are always found supporting the Government, the Irish are always against it." The statement which he has given utterance to seems to have been premeditated and can not be excused on the ground of thoughtlessness or any other cause, because the speech which he has just made was read from manuscript.

The members of this House know full well the absurdity of the statement which the gentleman has made, and were it not for the fact that it would be criminal to let a charge like this go unchallenged while there was a single individual in the House with a drop of Irish blood in his veins I would not dignify his statements by answering.

I would inform the gentleman from Missouri that from the inception of the Government until the present time in every hour of trial or peril the Government has found the man of Irish birth and Irish extraction always in the vanguard in the defense of the honor and glory of the Government. Does the gentleman say they are always found against the Government?

Why, Mr. Chairman, of the fifty-six signers of the Declaration of Independence nine were of the Irish race. All through the eight eventful years of the Revolution you will find a very large proportion of Celtic names on the military and naval rolls of the thirteen States. From Pennsylvania alone five Irish colonels headed as many regiments, made up mostly of men of the same nationality, and fought on the side of the colonists. Barry and O'Brien were the first two naval heroes of the Revolution, and Andrew Jackson—"Old Hickory"—the hero of the war of 1812, was of Irish extraction and some writers say of Irish birth. No braver hero of the Mexican war wore the uniform of the American soldier than General Shields, and every American loves to honor the memory of that fearless and intrepid fighter of the war of the rebellion, Gen. Phil Sheridan.

I have heard my friend from Kentucky [Mr. BERRY] tell many times of the fear that was imparted into the hearts of the rebels when the news was sent along the line that the Irish Brigade was in front. "With coats thrown aside and their sleeves rolled up," he says, "they were the very incarnation of fighting men," and he has told me repeatedly in this House that the best fighters of that whole war, in his judgment, were the men who formed the Irish Brigade.

I would ask my friend from Missouri if the men of the Irish race and Irish extraction were against the Government in the recent war with Spain? If he thinks so, let him consult the records of the War Department. I know, speaking for my own State, which sent a larger percentage of men to the front, both in the Army and in the Navy, than any State in the Union, that the Irish boy, so called, was very much in evidence. In fact, Mr. Chairman, it would not surprise me, if the records could be obtained, to learn that a majority of those who enlisted from that State were either of Irish birth or Irish extraction.

In the struggle that is now going on in the Philippines I think that a large proportion of the men in the Regular Army are of Irish birth or Irish extraction. This was very forcibly brought to my mind one evening last week when looking over the columns of one of the local papers on the list of deaths reported by General Otis. Every one of the names reported that evening indicated that the soldier was either of Irish birth or Irish extraction. I think it is only fair to mention these matters and to emphatically

deny the charge of the gentleman from Missouri, who has made this unjust charge against the Irish people. There is no question in my mind that although a great majority of the Irish people in this country to-day feel that the war in the Philippines is an unjust one, yet they are with the Government in every effort to maintain the supremacy of our Army and the success of our flag in that distant region.

I think that a great majority of the people of Irish extraction believe as I believe, and as I expressed myself very strongly three or four weeks ago in a speech in Boston, that the right or the wrong of the war in the Philippines is not to be discussed now that the American soldier is at the front, and that it is the duty of every citizen to strengthen his arm in the fight against the enemy. The Government of the United States has indicated no policy toward the Filipinos, and will not until after hostilities cease and peace is restored in those islands. When that time arrives the Irish people of this country will be glad, as far as their influence can be exerted upon the Government, to give the people who inhabit those islands that measure of self-government which they show themselves capable of maintaining.

Thus, Mr. Chairman, in conclusion, I emphasize the fact that in all periods of the Government's history the people of the Irish race have stood for the Government. Their sons in the city and the State and the nation have always stood for law and order and good government. In the hour of peril they have fought for the flag and given of their blood freely in order that liberty and freedom might remain the symbol of a great people. [Applause.]

Mr. BARTHOLDT. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. BENTON] has the floor.

Mr. BARTHOLDT. Will the gentleman from Missouri permit me to use two minutes of my own time?

Mr. BENTON. Yes.

Mr. BARTHOLDT. I commend my friend for his defense of the race which he represents. I should have had less respect for him if he had not said what he did. My remarks were certainly not intended to be offensive or insulting, and I do not believe anybody on the floor took them in any but a Pickwickian sense. When I used the expression that the Irish are "agin the Government," I had in mind the old story which is frequently told of an Irishman who was shipwrecked upon a God forsaken island somewhere. When he met a native of the island, he asked him, "Is there a g'uvernmint here?" And the native said, "Yes, there is;" to which the Irishman replied, "Well, I am forninst it." [Laughter.]

Mr. FITZGERALD of Massachusetts. I think the gentleman is adding insult to injury when he repeats that story.

The CHAIRMAN. The gentleman from Missouri [Mr. BENTON] is recognized.

Mr. BENTON. Mr. Chairman, the people of Missouri of all political parties have been so long at peace among themselves that the idea of one Representative from that sovereign State feeling it necessary to attack the laws of his State, and bringing the necessity to another member of this House from that State to defend them, will be strange to the people and is something that has not occurred in the halls of Congress since the Democratic party took possession of the State government of Missouri in 1873. Out in the great State of Missouri nobody has ever complained of our election laws in a serious way, and when they did and made their complaint heard, and showed that those complaints had foundation, the legislature has been promptly responsive to the request. After these thirty years of peace within the borders of Missouri, there comes a gentleman's voice on this floor—one of her Representatives—attacking the laws of that great State. I have lived longer in Missouri than the gentleman who represents the Tenth Congressional district, and I think my memory of the various laws of that State dates further back and is clearer than his.

In the beginning of what I am about to say, Mr. Chairman, I want to recur to the gentleman's constant use of the term German-American. Out on the prairies of that great State, along the running streams and on the mountain sides, we do not hear any such terms as German-American, Irish-American, Norse, or English, or French American. Such terms are, and ought to be, offensive. When a German comes to my part of Missouri and gets his citizenship papers, he becomes not a German-American, but he becomes an American and a Missourian. That may be a familiar term to gentlemen in the city of St. Louis; but we out in the State, regardless of our politics, are of opinion that when a man comes to the United States and petitions our Government to become a citizen and renounces his allegiance to every foreign emperor, king, or potentate, he ought to be an American and ought never to be a German, Irish, Norse, English, or French American, for when he becomes an American citizen he can not have a grander title, and he ought not to have a prefix to it. [Applause.]

For the 150,000 Germans, Irish, English, and French that live in Missouri, I resent the prefixing of anything to the title of American citizen. The man is either a German or an American citizen. If a German comes here and does not take out naturalization papers, he is still a German; and if he does take out his papers and becomes a citizen of the United States, he is not a German-American, but an American citizen; and all of them that I have ever seen are loyal and true to our Government from whatever government they come.

The gentleman from the St. Louis district [Mr. BARTHOLDT] has seen fit to attack the election laws of our State, and in doing so has attacked our people. My colleague from Missouri [Mr. CLARK] the other day made a bold announcement without the record before him, that the record bears out—that there is not in the American Union a single State whose election laws are fairer or more honest than the election laws of Missouri. That was not always so. I have no disposition, gentlemen of the House of Representatives, to drag away the ashes from the embers of an almost forgotten period, but the gentleman from St. Louis almost immediately after beginning his remarks says: "I shall pull aside the curtain and scrutinize the election laws of Missouri." Let me say to him that we had an election law when I first became a resident of that State, and for several years afterwards, built on a plan to suit him.

In the first place, there was a constitution adopted in a fraudulent way in the spring of 1865. By the terms of that constitution every man who had borne arms against the Government or given aid or comfort to those who had, was not permitted to be registered or become a voter or serve as a juror. If he had been in the Confederate army or was in sympathy with those who were, he was not permitted to practice the profession of a lawyer or a doctor; he could not even preach the unsearchable riches of the Master. That was the sort of constitution we had for several years, beginning with the spring of 1865, in Missouri. We had in addition an election law which put the election machinery into the hands of three unequivocal radical Republicans appointed in each county.

Sixty days before each election it was the duty of a man who desired to become a registered voter in the State to go before this registration board in his county and prove, not only by his own oath, but by competent witnesses besides, that he had not been in sympathy with the Confederate cause and that he had been loyal to the Government of the United States. His name was then, when the proof was made satisfactory to this board of registers, put upon the registration book. Twenty days after the registration closed this board of registers went into executive session, and by its own action, where no one could say no—court or anybody else—deliberately erased such names from that list of registration in each county as seemed good to them. After the citizen had proved his right to vote under the Constitution and law, he was at the mercy of the registration board.

My young friend from Massachusetts [Mr. FITZGERALD] has referred to Gen. James Shields. I want to call your attention to how that brave old man was treated in Missouri. He was the hero of two wars and a Senator from three States. He was the candidate of the opposition party, called the Conservative party, afterwards the Democratic party—because all the elements of opposition were called Conservatives then—he was candidate for Congress in 1868, and there were registered in the counties representing the district from which he ran something like 9,000 of the 22,000 votes. The registration officers cut off several hundred of those voters' names, and still the gallant old American, James Shields, was elected to Congress. The ballots were taken to the secretary of state's office in Jefferson City and destroyed, and a certificate given to his Republican opponent, who was seated. That was the kind of election laws you had in those days in Missourri.

In 1870 the Republicans fell out among themselves, and a large number of them through the State, believing that the election law under the constitution of 1865 was incorrect and not fair, insisted that the time had come, if it ever was to come, when men in the Southern army, and those represented by their friends and kindred, should be given the franchise. The disruption occurred, and I am glad to say, for I was on the scene, that the men whom my friend calls German-Americans, but who call themselves Missourians and Americans, were in the front of the great fight that helped to turn the ex-Confederates loose and helped to make them citizens and voters again. [Applause.]

Mr. BARTHOLDT. Will the gentleman yield to me for a moment?

Mr. BENTON. Yes.

Mr. BARTHOLDT. In using the expression "German-Americans," I simply followed my friend Mr. CHAMP CLARK, who used it first, and whose statements about the attitude of the Germans in my district I was endeavoring to answer.

Mr. CLARK of Missouri. I never used such an expression in my life. [Laughter.]

Mr. BARTHOLDT. The RECORD has been read in the House, and I believe the gentleman said "Germans."

Mr. CLARK of Missouri. You bet I did. [Laughter.]

Mr. BENTON. I am exceedingly glad that the gentleman from

Missouri [Mr. BARTHOLDT] has begun to apologize for his un-American remark quoted two or three times. Very likely he will not use it any more on this floor. [Laughter.]

Mr. Chairman, the Liberal Republican element got control of the State of Missouri in 1870; that is, of the State government. The legislature was not in their control, but by the amendment to the constitution of 1865 everybody in the State who was of age was permitted to vote. The Democratic party came into full possession of the State government in January, 1873—all branches of it.

Mr. PEARCE of Missouri. Will the gentleman allow me a suggestion?

Mr. BENTON. Certainly.

Mr. PEARCE of Missouri. I understand the gentleman to admit that it was the Republican party that removed the disqualifications under the constitution of 1865?

Mr. BENTON. No; but I have great pleasure in saying that a portion of the Republican party in Missouri, something like 50,000, did vote for enfranchisement, and, with the Democratic vote, it made about 40,000 majority in the State. Yes, a large number of Republicans in the State voted for enfranchisement, something like 10,000 in the gentleman's own city. I do not mean to take away the meed of praise from any man who ever does get right, even if he has once been wrong. And I say that a large number of Republicans, as many as 400 out of the 1,200 in my own county, voted for enfranchisement, and so all over the State, and I honor them for it.

The Democratic party got into possession of the State government in January, 1873, and in the election of 1874 the question was submitted for a constitutional convention and was carried. The constitutional convention convened in May, 1875. A very serious question at issue then, Mr. Chairman, was the enormous State debt which had been piled upon the people of Missouri and the way to manage it without robbing the people in the shape of taxes. The constitution of Missouri was made and ratified by a large majority, and we have now lived from 1875 under that constitution. Some men say it is a little narrow. While in some points it is a little narrow, yet that is the best possible thing that could happen to the taxpayer of Missouri. It gives the people control of the corporate interests of the State; it keeps men in excitement from doing things locally that they ought not to do; and while the constitution may in some points be a little narrow, it is the best constitution the people of Missouri have ever lived under.

Now, after the adoption of the constitution in 1875 we had this sort of election law. All parties and all persons could make any sort of ballots they chose—that is to say, anybody could print ballots for himself. He could, if he wanted to, leave off the name of the nominee of the party, and leave it blank and have his own or another's name written in. That law, when complained of by men of all parties, was repealed, and it was made unlawful to scratch off any man's name from the ticket except by the voter and give him an opportunity to insert the name he wanted to vote for instead. Our Republican friends in 1889 and 1890 made this complaint of the Democrats. They said, "Your election law is of this character. Every political party prints its own ballot; there is nothing to prevent a man going to the polls leading another voter by the arm and voting him, sometimes against his will." The complaint was made that "You Democrats have got the wealth, the power in the State; you have the large farmers, you have the bankers, you have the great majority of merchants, you employ the most men, and as long as you can walk up to the ballot box holding the voter's arm and handing him a ticket at the ballot box, you unfairly control elections because of your superiority in numbers, influence, and wealth in the State."

A large number of Democrats were of opinion that this complaint of our Republican friends was well grounded, and the law of 1891 was the consequence. That law we know as the Australian ballot law, under which the clerk of the county court is required to print all the ballots. At first they were printed all on one sheet, but afterwards a change was made so that each party had its own ballot. Those ballots are held by the county court clerk until a day or two before the election—never more than two days—and are then sent out to one of the sworn judges by a sheriff or his deputy and handed to the judges in the various precincts of each county. No man is permitted to come within 100 feet of the booth where the ballot is prepared. The voter on coming to the voting place finds two judges. What sort of judges? One a Democratic judge and the other a Republican judge (which is the requirement of the law), who sit there with tickets.

The voter is given one of each ticket. He then goes into the booth alone, fixes up his ticket as he wishes, folds it, and then goes to the ballot box, where sit two other judges. One of the receiving judges is a Democrat and the other a Republican. And mark you, one Democratic and one Republican clerk sit there to take his name down and put the same number on the book opposite his name as the judge does on the ballot before it is deposited. When the ballot is deposited, the remaining ballots are put into a waste box. That is the election law of Missouri to-day; and here is exactly how it is executed. In Democratic counties, controlled by Democratic county courts, the Democrats always have three of the judges. If there is a considerable number of third-party men, they have one judge, and the Republicans have two. In a Republican county—and there are some thirty-two or thirty-three counties in the State that are usually reliably Republican—the Republicans have three judges sure, the Democrats two, and if there is a third party, that party one. There has never been any serious complaint of that law.

But that is not all. Under the election laws of Missouri as they have existed for two decades, the Republican and the Democrat and the Populist and the Prohibitionist and the Socialist-Labor men are entitled to have a challenger inside the election place to sit by the box where the ballots are deposited, who has authority to object to any voter, giving his reasons therefor; and he has the right to stay there until the ballots are counted and strung and put back into the box and sealed up. The Republicans have exactly the same rights as the Democrats. If a man comes to the polls and offers his vote, if he is a Republican a Democrat may challenge his vote, or vice versa; but his vote must be accepted if four of the six judges declare that he is entitled to vote.

Mr. PEARCE of Missouri. As I understand, the gentleman is discussing the election laws of Missouri.

Mr. BENTON. The election law as applying to counties. I will come later to the law as to cities.

Mr. PEARCE of Missouri. I would like to ask my colleague whether he is familiar with the Nesbit election law?

Mr. BENTON. I think so, as to its general terms. I have been following it through and pencil marking it for two days.

Mr. PEARCE of Missouri. The speech my friend is making does not seem to agree with that law.

Mr. BENTON. Wait. As I was saying, no man offering to vote at any precinct can be deprived of his vote if four of the judges concur in deciding that he is entitled to vote. These men who watch the voting are appointed by the several political parties. They are entitled to remain until the whole matter is through. Such is the election law of the State of Missouri.

Now, complaint is made by the gentleman from St. Louis of what is known as the Nesbit election law which applies to cities of 300,000 inhabitants and over. I am going to read from that law, and I stand ready to be challenged about any section of it. I am going to read freely from its provisions. The reading may be a little tiresome. But since the election laws of my State have been attacked by a Missouri Representative it is right that this House should know what those laws are.

Mr. THROPP. Will the gentleman allow me to ask him a question for information?

Mr. BENTON. Certainly.

Mr. THROPP. Before the gentleman proceeds to discuss the law with reference to cities I wish to ask him, Are your voters registered?

Mr. BENTON. There is no registration in the country. In towns of 5,000 inhabitants and over there is for city elections, but in smaller places there is not.

Mr. THROPP. There is registration in the cities?

Mr. BENTON. Yes, in large cities, for all elections.

Mr. THROPP. Can the members of either party appoint any of those judges, or are they appointed by the court?

Mr. BENTON. By the courts of the counties out in the State; but the law requires that the courts give to the opposite party half the judges and half the clerks.

Mr. THROPP. As I understand, then, a Democratic court is required to appoint men who represent the Democratic party and the Republican party?

Mr. BENTON. Oh, yes; and in the same way a Republican court is required to appoint Republican and Democratic judges.

Mr. PEARCE of Missouri. Mr. Chairman, it may be well for my friend to understand one thing. The city of St. Louis is a city under a separate charter.

Mr. BENTON. I do not want my time taken up.

The CHAIRMAN. Does the gentleman decline to yield?

Mr. BENTON. I can not yield.

Mr. THROPP. I wished only to ask a question for information.

Mr. BENTON. Yes.

Mr. THROPP. When the voter presents himself there, if he is a voter who can not well understand how to mark his ticket, who is allowed to help him mark it?

Mr. BENTON. I ought to have explained that. I am very thankful to the gentleman for that suggestion. If a voter comes in and asks for a ballot and says, "I am unable to fix my ballot," for any reason—he may be partially blind, or he may be so illiterate that he can not read or write, or he may be crippled; under those circumstances the law requires that the judge whom he selects—that is, one of these distributing judges from whom the voters get the tickets—shall mark the ballot the way he wants it.

When we had the blanket ballot, if he wanted to vote the Republican ticket, his Republican judge scratched out the Democratic name by drawing a line through it, the People's Party, the Prohibition ticket, and so on, and left the Republican column unmarked. Then I if he said, "I want to vote for John Smith for constable," whose name was on the Democratic ticket, the judge scratched out the name of the Republican candidate and wrote in the name of the candidate for whom he wished to vote. Now, the judges are required under oath to keep the secret of how that man voted.

Mr. THROPP. Mr. Chairman, I thank the gentleman for the information.

Mr. BENTON. Mr. Chairman, I have had something to do with elections since I myself was enfranchised in 1870, and I have never seen a legislative enactment on the subject of elections that is clearer and fairer than the election law of Missouri.

In framing the Australian-ballot law we took advantage of the Australian-ballot law in several other States—one of the New England States and one of the middle Western States—and based our election law upon it.

I speak certainly for the country districts of Missouri when I say there has never been any idea in that State that there was anything like general fraud. Now and then we hear of a fellow being bribed to put some particular name on his ballot; but as to wholesale fraud and corruption, it has been absolutely unknown for nearly thirty years in Missouri. I do not pretend to say that every man who votes at any particular ballot box in Missouri is absolutely an honest voter; but the judges and clerks of election believe he is, and the men who watch the ballot box and who watch the counting of the ballots believe he is. I say, of course, in a small way there is wrong occasionally; but as far as the working of the election law in Missouri is concerned, the perfection of that working is due to the efforts of honest legislators. We passed the Australian ballot law, so that nobody could prevent a man voting just as he likes one time and no more.

Now, Mr. Chairman——

Mr. BARTHOLDT. Will the gentleman allow a question there?

Mr. BENTON. Yes.

Mr. BARTHOLDT. Is it not a fact that the election law which the gentleman speaks about now was passed by a Republican house in Missouri?

Mr. BENTON. No, sir-ee, bob.

Mr. BARTHOLDT. I know it is a fact.

Mr. BENTON. Well, I know it is not a fact. I know when it was passed. It was passed by that legislature that reelected GEORGE G. VEST for a third term to the United States Senate, and gave him 36 majority in the house and 14 in the senate. That is the legislature which passed it, and it was in 1891.

Mr. BARTHOLDT. I say the last election law——

The CHAIRMAN. Does the gentleman yield?

Mr. BENTON. Certainly.

Mr. BARTHOLDT. I say the last election law, which was repealed as far as the city of St. Louis was concerned, and for which the so-called Nesbit bill was substituted. That law was enacted by a legislature of which the house was Republican. The Republican house had passed it, but the legislature adjourned without having taken action upon it. Thereupon, by force of public opinion, the governor had to recall that legislature, and then that law was passed by both houses and signed by the governor. That was the history of it.

Mr. BENTON. The gentleman is so anxious to get to wading in the mud of St. Louis politics that he will not wait until I get to the St. Louis election law in the course of my remarks. I was finishing up about the State election law, at the instance of my friend on my left [Mr. THROPP], and making some explanations that I had failed to make in the beginning.

I challenge now the attention of this House to what these gentlemen call the Nesbit election law. The gentleman from St. Louis [Mr. BARTHOLDT] said the other day that if that law was permitted to stand there would not be any more Republican members of Congress from the city of St. Louis. God grant that his statement is true. [Laughter and applause on the Democratic side.] I say that with all due respect to the gentlemen who now occupy seats on this floor from that city.

Now, I want to say something to you about the election law for St. Louis, and why the Nesbit election law was passed. The gentleman is mistaken when he says that the governor, by force of public opinion, was forced to call the legislature in special session to pass this election law. Nothing on earth is farther from the truth.

The disposition of the people of the State was to pass a most stringent railroad law and a fellow-servant law. The legislature at its main session was composed of a Democratic senate and, remarkable to relate, for the first time since enfranchisement in 1870, of a Republican house. That was the time that the Democrats cut off their noses to spite their faces, and 60,000 of them would not vote at all, and 11 Republican Representatives from that State were rolled into this Hall, and the lower house of the legislature was Republican. The governor felt that the desire of the people should be followed out, and he did what I thought and said to him was a mistake. I was in sympathy with its purpose, but did not believe it could be accomplished. The object and purpose in his mind was to get legislation favorable to the laboring element of the State on the subject of railroads.

When they got there the only thing they accomplished was to pass a compromise, unsatisfactory election law. Well, somebody says, what complaint have you to make of the election law of 1895? It is this: It took the election machinery out of the hands of the people and their immediate representatives and the executive branch of the Government and put the finality into the hands of the circuit judges, whose business it is to try lawsuits, not to decide who should be judges and clerks of election. That was my own individual objection to it.

But I want to tell you, gentlemen, why the election law of 1899 was passed. I want to call your attention now to some figures on the subject of elections. I want to be just about as dispassionate as a reasonable man can be; but it is enough to make a man who knows the history of Missouri a little hot under the collar when a newcomer jumps on the great State of Missouri and says he wants "the curtains pulled aside and the whole thing shown up." We may say things we ought not to say. I will try to be parliamentary, but I will tell you why we passed the election law of 1899. We did it in the interest of having every man who was entitled to vote in the city of St. Louis vote in the particular precinct where he lives, where his neighbors were acquainted with him, and for the purpose of permitting him to vote once and not more than once.

The people of the State of Missouri became alarmed at the election performances that took place in St. Louis. The growth of the Republican vote in the State was large, but so was the growth of the Democratic vote in the State large. It was a splendidly healthy vote. But the growth of the Republican vote in St. Louis was so abnormal, beginning with 1895, and especially in 1896 and 1898, that the people of the State rose and demanded of their representatives in both branches of the legislature that such an election law should be passed as that the gentleman's friends, who control the city of St. Louis, could not bring men from New Orleans and Vicksburg and Memphis and Cairo and all up and down the Mississippi River and register them from five to eight times in the city and vote them in the election following. [Applause on the Democratic side.]

Mr. BARTHOLDT. That was never done.

Mr. BENTON. Why, of course, I rarely ever knew a man in my life who received stolen goods to confess it in open court. [Laughter.]

Mr. BARTLETT. Is not that the same kind of people who had ropes threatened for them by the people the other day in St. Louis?

Mr. BENTON. Yes, sir. Let me show how the State of Missouri has grown in voting power. It will throw much light on the situation. In 1880 the Democratic vote was 208,000 in round numbers, the Republican vote 153,000, and the vote of the third party, with Mr. Weaver at the head of it, 33,000. That year the vote of the city of St. Louis was, Democratic, 24,000; Republican, 23,000; Greenback, 900.

In 1882 the Democratic vote in the State was 199,000, and it was an off year, and the Republican vote was 128,000, the Greenback, 33,000. In the city of St. Louis the Democratic vote was 16,900, the Republican vote 11,300, and the Greenback vote 2,200. In 1884 the Democratic vote was 236,000, only a rise in the whole State from 208,000, whereas the Republican vote was 203,000, rising from 153,000 in 1880; and I will explain how that was done. Much has been said by Republicans about the decay and infernality of Populism. In 1884, strange to relate, our Republican, gold-standard, gold-bond friends, who have so much to say about taking care of the Government and protecting its credit, made a bargain with our Greenback friends in the State, had a joint convention and gave to our Greenback folks half the electoral ticket, and voted a solid vote against the Democratic party and swelled their vote abnormally over that of the Democratic vote; yet they were 30,000 behind, but they joined hands with those they claim are anarchists.

That same year the city of St. Louis gave for Cleveland 22,000, for Blaine 21,000, including the third party copartnership. I want to show you now that in all these years the Democratic party controlled the great city of St. Louis by a small majority, as well as the State. In 1886 the Democratic vote in the State was 230,000 and the Republican 178,000 and the third party vote 13,000. They had separated again, and the Republican vote fell wonderfully behind that of 1884. In the city of St. Louis the Democratic vote was 18,000, in round numbers, and the Republican vote 15,000. Still a majority of 3,000 for the Democrats. In 1888, a Presidential year, the whole vote of the State was, Democratic, 262,000; Republican, 235,000; the third party, 18,000; the fourth party, 4,000. In the city of St. Louis the Democratic

vote was 27,000 and the Republican vote 32,000, showing the Republicans had changed the vote to a majority for their party. But we can readily get at the cause.

The Democratic party was made obnoxious by a lot of vetoes of pension bills, and for a while it looked as if the whole of the Union soldier vote was going to leave the Democratic party, and it affected the St. Louis vote. In 1890 the vote in the State for the Democratic party was 260,000, the Republican vote 188,000, a decrease. In that year the Democratic vote in the city was 25,000, the Republican vote 21,000. Our party had righted itself, and the city went with a nominal majority of from 2,000 to 4,000 Democratic. In 1892 there was not a tremendous increase of votes in the State above that of 1888. The vote in the whole State was 270,000 Democratic, 227,000 Republicans, and 41,000 third party, the latter vote a protest against our nominee for President.

In the city of St. Louis the vote was, Democrats 34,000, and Republicans 35,000. The Republicans carried the city and elected two members of Congress; and I want to call attention to that. I do not pretend to defend everything the Democratic legislature did in 1891. It was just like legislatures always do. If it had been a Republican legislature it would have done the same thing, only in a different way. There was a districting bill passed, which my Republican friends call a gerrymander, by which one powerful Republican district was formed of two counties of the State and part of the city of St. Louis and turned over to our Republican friends, to the common enemy; and when I tell you that since that time the unfortunate people of that part of Missouri have been compelled to stand the gentleman who spoke to-day as a representative you will know what a misfortune occurred to them. [Laughter.]

In 1894, as I said, a large number of Democrats did not vote at all, and we were beaten more. In 1896—now mark you—the Democratic vote of the State had risen to 365,000 and the Republican vote to 304,000. In the city of St. Louis the Democratic vote had risen to 50,000 and the Republican vote to 66,000. In other words, the splendid gain of the Democratic vote from thirty-five to fifty thousand in four years was 15,000, and the increase of the Republican vote in that same time was more than 30,000. The people of the State became satisfied that there was no such great disparity in the number of Republicans and Democrats that had come into the State; the money question could not account for it, because our vote increased 15,000. They did not believe, in the natural way of making voters, that the Republicans had been any more industrious than the Democrats. They were of the opinion that something was wrong, and the people of the State, as they had a right to, demanded that an election law be made strong enough to go to the bottom of things, so that a political party sixty-odd thousand in the minority in the State should not double its vote up from thirty-five to sixty-six thousand in four short years in St. Louis, and thus attempt to nullify the will of the people of the State.

But, you say, did the Republicans follow it up? Yes; in 1898, an off year, the Democratic vote maintained itself at 40,000, coming within 10,000 of its great vote in 1896, a Presidential year; the Republican vote held itself at over 50,000. And therefore to probe to the bottom this unprecedented Republican vote our election law of 1899 was passed. What are the provisions of that law? If there is any gentleman here who wants to call my attention to any particular provision of it, I will give him time. I shall go over the provisions of the law. By virtue of the provisions of the law of 1899, known as the Nesbit election law, for cities of 300,000 and over, the governor is required to appoint three commissioners, to be men of probity, and one of whom must be a member of the leading political party next to the dominant party in the State. We also had three commissioners under the law of 1895.

Mr. PEARCE of Missouri. Will the gentleman allow me an interruption?

Mr. BENTON. Certainly.

Mr. PEARCE of Missouri. I want to ask the gentleman if it is not rather a serious trust to place in the hands of a Democratic governor to appoint a Republican election commissioner?

Mr. BENTON. Certainly not, when he is dealing with the kind of radicals you have in St. Louis. [Laughter.] Men that will pile up their votes in four years thirty-odd thousand ought not to be permitted to cover that work, especially when you give St. Louis such a city administration as the present. But I want to say seriously in reply to that, that there has never been a Democratic governor in Missouri who has ever made an appointment of a serious character that has been successfully attacked.

The Republican commissioner appointed by our governor under the Nesbit law is a man of high character. Of course the minority would like to have its central committee name the member of the commission. They would like to have the central committee name the judges and clerks of election, but that is not permitted by the laws of Missouri. County courts do it in the country and election commissioners in the city. These commissioners are required to select four judges of election. But, in the first place, they are required to divide the great city of St. Louis into election precincts, which must be of contiguous territory, and they must be as nearly in blocks as possible, and must have, as near as may be, 400 voters in a precinct. What was the reason of that? So that the inhabitants of that block might know their neighbors, where they came from, where they lived, how long they had lived there, and whether they were honest voters.

Does any honest man kick on that proposition? If there is a Republican on that side of the House—and there are plenty of you honest over there, just as good as we are—is there one that says that is not a good law, to make an election precinct as small as possible, even if it costs a little more money for judges and clerks, so that every voter can know that in the one, two, three, four, or five blocks who the voters are in his precinct and how many there are? That is one of the serious things that hurts the Republican machine in St. Louis in this election law—the fact that we are going to divide the great city into precincts where there are not over 400 people in one precinct to vote and where voters are known.

What is the next thing? Election commissioners, after having given a $10,000 bond, are required to appoint a deputy commissioner, who is to act as their secretary, and it is made their duty to appoint four judges. Now, I do not think my friend from St. Louis [Mr. BARTHOLDT] has been in the American Congress long enough to get brazen, but he made a serious mistake in his declarations the other day in reply to the gentleman from Missouri [Mr. CLARK]. He said no Republican had any chance to be a judge of election.

Mr. BARTHOLDT. Will the gentleman permit me an interruption right there?

Mr. BENTON. Yes.

Mr. BARTHOLDT. The law provides that two Republicans and two Democrats shall be appointed judges in each precinct. Is it not a fact that the three election commissioners will appoint such Republicans as suit them? Is it not possible that they will appoint four Democrats and call two of them Republicans, as was done under the old law, which the gentleman praises so much?

Mr. BENTON. No; I deny it. Now, let me read the law as it is:

> Such board of commissioners shall choose four electors as judges of election and two clerks for each precinct in such city. * * * Two of said judges and one of said clerks shall belong to and be members of the party of opposite politics to the other two judges and clerk.

Now, of course, the gentleman from Missouri [Mr. BARTHOLDT] is not a lawyer, but he knows as a matter of history and tradition that there are such things as courts in Missouri, and that if the Democrats should violate the plain mandates of the law, the courts would be open to him. Does he not know that the election would be vitiated if they violated this section of the law, that it would invalidate the election in that ward or precinct?

Mr. BARTHOLDT. How can you tell? Suppose they appoint a Democrat and call him a Republican; and suppose when the man is called to account he says, "Yes; for the purposes of this election I am a Republican. I have changed my political faith since last night."

Mr. BENTON. Now, as the gentleman must see, that is all a matter of guesswork. My colleague constructs for himself a straw man in order that he may knock him down. He has been so used to the infernal politics of his party in the city of St. Louis for the last four years that he does not think anybody is honest. Why, gentlemen, here is the fact about it: They are compelled to appoint these four judges sixty days at least before the election.

Mr. THROPP. Are they obliged to announce them?

Mr. BENTON. Yes; their names must be published; they must be voters in the precinct where they are judges; must be capable men and not candidates. But that is not all. These commissioners elect two clerks, and it is the business of the clerks to go around from house to house to make up and verify their lists of men already registered, and the law requires that no one of the clerks shall go except in company with the other, and that the clerks must be of opposite politics.

Mr. THROPP. Suppose that one or two of those commissioners are objectionable to the party, or to members of the party, which they are chosen to represent. Is there any way by which the regular organization of that party can have others substituted?

Mr. BENTON. Not unless they can show that the commissioners are not members of that party, or can show that they are personally dishonest, or that they are criminals or ex-criminals, or for other lawful reasons are disqualified. The whole of the criminal laws of the State are spread over this election law. No one has a right to come in and say, "We do not want John Smith for judge." We sometimes allow them to come in, but it is not the rule. The rule is for the Republican courts in Republican counties to name the judges and in Democratic counties for the Democratic court to name the judges. As we have seventy-odd counties to their thirty-odd, of course we have more judges in the State than they have.

Mr. THROPP. Why not amend your law so as to allow the regular organization of each party to choose its election officers in the county?

Mr. BENTON. It never has been the law in the State of Missouri to do that. The power has always been lodged in the county court in outside counties. We have never had political parties (except as they controlled the courts) meddling with the business assigned to the court.

Mr. THROPP. Do you not think the plan I have suggested would bring the officers closer to the people and that the system would be more in conformity with the representative idea?

Mr. BENTON. No; I do not. I would rather trust a Republican county judge than a Republican committeeman, because the county judges elected by the Republicans are usually as straight men as the Democratic judges are.

Mr. PEARCE of Missouri. Does not my friend know that in regard to the appointment of judges and clerks under the law he is now discussing the courts have no jurisdiction to make inquiry into the matter?

Mr. BENTON. Of course they have not the right which they had under the law of 1895, but it is idle and incorrect for the gentleman to say that courts have no power when the law is violated.

Mr. PEARCE of Missouri. That is just what is the matter with the law.

Mr. BENTON. The courts have not the right to nullify what the commissioners have done by ordinary petition under the law of 1899. Under the law of 1895, if anybody kicked, or if nobody kicked, the circuit judges took under advisement the list of judges and purged them on any complaint that satisfied them. We said, "The criminal laws of the whole State should apply to St. Louis as well as to the other portions of the State; the nisi prius courts should not control at all, except when the provisions of the law were openly violated, and if the commissioners authorized by law to appoint judges and clerks violate the law, either in St. Louis or throughout the State, there should be an appeal to the law in St. Louis as well as in Springfield or elsewhere."

The trouble with the gentlemen from St. Louis is this: The majority of the judges of the circuit courts are of their making; most of them were elected in 1896 and in 1898. They, the Republicans, evidently think—I do not think so, for I believe that the judiciary of St. Louis is composed of fair men—they evidently believe that the judiciary of St. Louis can be manipulated in the interests of a particular party organization. That is the only trouble with you about this election law. It is simply that the Republicans are worried to death because the machinery is put in the hands of honest men—some Republicans and some Democrats. I say to my colleagues that if it can be proved that a man who has been appointed as a Republican judge is in fact a Democrat in disguise there is a right of appeal to the courts of the country under the extraordinary writs which all lawyers know exist in every State of the Union, and especially in Missouri.

The commissioners are compelled to comply with that statute. Now what do they do? These clerks go from house to house to verify these lists. When they come to a two-story house with a cellar and 10 rooms and find that 50 men have been registered as residing in that house, or even 30 or 20——

[Here the hammer fell.]

Mr. BENTON. I thought I was to have an hour.

The CHAIRMAN. The gentleman has occupied an hour.

Mr. BENTON. The gentleman from Tennessee [Mr. PIERCE] promised me some time.

The CHAIRMAN. One hour having been occupied on the Democratic side of the House, the Chair must now recognize some gentleman on the Republican side.

Mr. PIERCE of Tennessee. I ask unanimous consent that the gentleman from Missouri be permitted to continue and conclude his speech, the time which he may occupy coming out of my hour.

The CHAIRMAN. The gentleman from Tennessee [Mr. PIERCE] asks unanimous consent that the gentleman from Missouri be permitted to continue and conclude his speech, the time thus occupied to be taken from the time which the gentleman from Tennessee would hereafter have. Is there objection? The Chair hears none. The gentleman from Missouri will proceed.

Mr. GAINES. Before the gentleman from Missouri resumes, will he allow me to remind him that the game which he was just now describing has been practiced very successfully in the city of Philadelphia, where, according to the exposures of the North American newspaper, 150 men have been found registered at a single dwelling where perhaps not more than 10 or 20 would really reside?

Mr. BENTON. Yes. When these two clerks appointed by the commissioners—one a Republican and the other a Democrat—go around in these election precincts and find that 50 or 60 men have been registered as residents at a house where there are only 18 or 20 living, it is the duty of the clerks to verify the list, and if they find only 18 men living at a house where 50 are registered, it is their sworn duty to give that information to the election registry board and must notify the persons registered; and the board of registration, Republican and Democratic, the Republican clerk and the Democratic clerk, shall purge that list by notifying each one of the men registered at that particular house to come forward and prove his right to vote, failing to do which he loses that right.

There is another thing which seems to hurt worse than anything else. It has been charged—I do not live in St. Louis; I have not lived there since I was a schoolboy—it has been charged frequently by Populists and Prohibitionists and Democrats that boat loads of negroes were hauled up from New Orleans, Vicksburg, Memphis, Helena, Cairo, Ill., and Columbus, Ky., and dumped out at St. Louis where they were registered as belonging to the Fourth Ward or the Fifth Ward or some other ward of that city, and it was the aim of the people of Missouri to ascertain whether that charge was true or not. I do not know that such charges were true. It was charged by men there——

Mr. PEARCE of Missouri rose.

Mr. BENTON. Wait a minute till I get through with my sentence and I will give you a show. Of course, I do not want to be ungenerous to my colleague. I always yield.

Mr. PEARCE of Missouri. Does the gentleman assume any responsibility himself for that statement?

Mr. BENTON. Do I?

Mr. PEARCE of Missouri. Yes.

Mr. BENTON. I absolutely assume responsibility for the statement I made.

Mr. PEARCE of Missouri. Do you assume responsibility for that imputation that we imported voters from New Orleans to St. Louis?

Mr. BENTON. Did you hear me say anything of that sort?

Mr. PEARCE of Missouri. I heard you make the insinuation.

Mr. BENTON. No; you did not.

Mr. PEARCE of Missouri. I so understood the gentleman.

Mr. BENTON. You misunderstood; you are just out of humor. You heard me say that it was charged by the people of St. Louis, Prohibitionists, Populists, and Democrats, that such was the fact, and that I distinctly said, not having lived there for thirty years, I did not know the truth of it.

Mr. PEARCE of Missouri. Did you mean to create that impression here in this House?

Mr. BENTON. I meant to create the impression that that has been stated, and that that story went to Jefferson City to the legislature, and that the legislature, believing the statements were true, determined to make an election law that would prevent it. That is what I mean.

Mr. PEARCE of Missouri. Are you willing to tell us who made any such statement?

Mr. BENTON. Any particular person?

Mr. PEARCE of Missouri. Yes.

Mr. BENTON. Why, I do not pretend to say. I say very frankly that I believe that the records which I have read show that your vote has grown abnormally, and that, in my opinion, is dishonesty, and that the legislature believed it proved dishonesty and determined to make a law that would permit persons to vote who were entitled and no others.

Mr. PEARCE of Missouri. Does the gentleman not know that while the State of Missouri, outside of the city of St. Louis, was a silver State, the city of St. Louis is a sound-money city?

Mr. BENTON. Well, how does it come, then——

Mr. PEARCE of Missouri. That is how it comes.

Mr. BENTON. How does it come, then, that we increased our vote 15,000 over the vote of 1892, which was a big increase, and yet your increase was more than double ours, with a less vote cast previous to that time?

Mr. PEARCE of Missouri. I say that accounts for the large Republican vote there.

Mr. BENTON. Do you pretend to say that the fight as between Valliant and Marshall on one side and the Republican candidates on the other was a contest as between the gold and silver standards?

Mr. PEARCE of Missouri. But you are speaking of 1896. That was the vote that you read here.

Mr. BENTON. Well, I read the vote of 1898 too. It seems that the gentleman's ears are only open for one statement at a time. I am covering both elections.

Mr. PEARCE of Missouri. You have been reading from the statistics of 1896.

Mr. BENTON. I read from 1898 too.

Mr. PEARCE of Missouri. And I say the vote of 1896 and 1898 in the city of St. Louis was owing to the fact, which is well known through this country, that the city of St. Louis is a sound-money city.

Mr. BENTON. Well, great guns, Mr. Chairman, we increased our vote normally. We increased our vote almost 50 per cent.

Mr. PEARCE of Missouri. And by reason of the fact that the free-silver heresy prevailed outside of the city of St. Louis in the rest of the State of Missouri.

Mr. BENTON. But that does not account for our great increase in St. Louis.

I beg the gentleman's pardon for anything personal, but I was talking of the city vote, where you say sound money caused your big vote. I desire to say, Mr. Chairman, that I am willing to confess that some two thousand Democrats in the Twelfth Congressional district, more than came to us from the Republican side, went to the Republican column in 1896, and that that is the cause of the Twelfth district being represented by the gentleman [Mr. PEARCE of Missouri] on this floor, as far as I know. That is the reason I assign for the gentleman's election twice from a Democratic district, but that does not account for your increase of nearly 100 per cent in four years, while the Democrats had a fully normal increase of 30 per cent.

I was not undertaking to say what I knew about the city of St. Louis, but I said to you what the charges were that were made by people in St. Louis. Now, the gentleman knows they came to the legislature in streams. He wants me to individualize. I was not there. I read in the public prints what the charges were, made by Democrats, Populists, and Prohibitionists. I have just read from the election returns of the State and of the city, for twenty years back, to show that the growth of the Republican vote and the Democratic vote had been normal up to 1896; that the growth of the Democratic vote in 1896 was still normal, and even a little in advance of it, and yet the Republican vote had increased from 35,000 to 66,000 in two years, and that, in my opinion, I said, was an abnormal growth, and that in my opinion, following, it was not an honest growth.

Now, it will not do to say that the tremendous Republican vote came from the Democratic party and swelled that vote from 34,800 to 66,000 when at the same time the Democratic vote was increased 15,000 in the same four years. That does not meet the question. I say that is the reason why the Democratic legislators from the mountains, the prairies, and the valleys of Missouri determined to go in and make an election law that would be absolutely pure and straight and clean, and that a man under that new law should live in the State of Missouri twelve months, and should live in the city of St. Louis sixty days, and in the ward or precinct where he desired to vote twenty days. And this very law would help him, because if he wants to move after he has been registered he can go and have his registration changed. If he is not 21 years old at the time of registration, but will be 21 years old on election day, they must register him in the precinct where he lives.

I never was on an election committee from the legislature that went to St. Louis. I never was an attorney in an election case. I do not know. I have read and heard the charges only, but I do say and I challenge the radicals from Missouri to read to this Republican House this Nesbit election law. Read it all. And then if you can honestly damn it, you damn your own performances in the great city of St. Louis. No honest Republican can object to this law, not a word of it. After the election, when the votes have been polled (and every party has a challenger at the polls in St. Louis as well as outside), it is made the duty of one of these judges of election to string these ballots when they are called, they being called by one and strung by another, in the presence of those who watch for us, and when it is over the ballots are put in the box and it is sealed up and the names of the judges of election are written upon it and the boxes are not permitted to be tampered with. If a box is tampered with, it can be seen. Then it is locked up and kept there and not reopened unless on a contest before the courts of the State.

I say, Mr. Chairman, that when any man attacks the present election law of our great State of Missouri or of the city of St. Louis he does it in the face of the fact that he has the right, if he does not believe that law is constitutional, to go before the courts of the State, and there is not a Republican on this floor who would have the hardihood to challenge the supreme court of the State of Missouri as being dishonest. If he does, and the story gets back to Missouri, he would have to prove it or himself be pilloried as a dishonest man.

Mr. PEARCE of Missouri. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. BENTON. Yes.

Mr. PEARCE of Missouri. May I ask the gentleman if he does not know that there is a case now pending in the supreme court of the State of Missouri to test the constitutionality of the Nesbit law?

Mr. BENTON. Exactly. And it was the duty of your colleague [Mr. BARTHOLDT] to have sat still and let the great State of Missouri pass upon it, through the supreme court of the State, and not make the Nesbit law an excuse to attack our laws and our people.

If the Nesbit law is unconstitutional, if there is one line of it unconstitutional, you can rest assured that the old Democratic supreme court, one member of whom has been on the bench for nearly thirty years, will give you the benefit of your constitutional rights.

Mr. PEARCE of Missouri. I hope so.

Mr. BENTON. That is an insinuation that is unjust, coming from a gentleman who knows that the supreme court of Missouri has never been attacked for unjust or unconstitutional decisions. I need not defend the supreme court of Missouri. Men may crawl around the feet of our judges as vermin and attack them as they please, but the splendid records of men who have set upon our supreme court bench for thirty years are a part of the history of this great Government, and no small-bore, two-by-four, radical politicians can hurt that great court. [Applause.] The decisions of the supreme court of Missouri are read and cited in the great States of Pennsylvania and Massachusetts, with approval, as well as in Georgia, Texas, and Virginia; and the supreme court of Missouri stands as high in rank for legal ability and personal character as any court in America. With that grand old Missourian, Sherwood, at its head, that court is above attack. Our judges are not politicians. The judges of the supreme court are not now to be nominated in a political convention. This is given over to the legal fraternity, and the high character of our supreme court can not be successfully criticised by the gentleman from St. Louis [Mr. PEARCE] by any insinuations he may make. [Applause on the Democratic side.]

Mr. PEARCE of Missouri rose.

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. BENTON. I have no objection to yielding, if I had all day to talk.

The CHAIRMAN. The gentleman declines to yield.

Mr. BENTON. Mr. Chairman, I hope I will never have again, while I am a member of this Congress, to defend my State. I hope no man from Missouri will ever have to do it. We were invited by the Representative from the Tenth Missouri district [Mr. BARTHOLDT], to use his own language, "to raise the curtain" and look at Missouri. I can say to him that a man of more ability and greater brilliancy than he, as the Republican nominee for governor in 1892, presumed to raise the curtain of Missouri since 1865 and invite scrutiny. He had one round of it at Sedalia, and it satisfied him for all time. [Laughter and applause on the Democratic side.] I have been driven into this debate. My Republican colleague has the curtain up, and we must see more of it.

Shortly after the war, when 75,000 people of Missouri who had been the owners of the soil—I had nigh said the aristocracy of the State, but that would have been wrong, because in Missouri we have no aristocracy of the blood; we know of no other aristocracy than that of individual merit and personal accomplishment [applause]—when the best element in the State under the Draconian constitution were not permitted to vote, county courts were organized, not with the votes of the people, but were given whole and complete authority to put their slimy hands into the pockets of the people and burden the resources of our bleeding State, and they fastened a railroad bonded debt on about 35 different counties, many of which never saw a foot of railroad, and yet had bonds of from two hundred thousand to twelve hundred thousand dollars fastened on them.

When the people of the State got control and elected their own county officers, they found bonds piled up on them, made by these midnight caucuses of Republican county officers. They had been sold to innocent parties for a valuable consideration without notice—that usual plea set up by a scoundrel who wants to collect a dishonestly contracted debt. They came to our people and said: "We have got $400,000 of bonds against your county." They asked that they be paid, and the county officers replied, "Where is the railroad?" "Oh," they said, "we do not know anything about that. You issued the bonds for it." Our people replied, "We can not pay for these bonds; the people did not know that these bonds were being issued; no authority was given for the creation of these bonds; we had not the usual notice of the bonds being issued." There were fifteen or twenty million dollars of these bonds issued.

The bondholders appealed to the Federal courts, and they took the county judges and put them in the jails of Kansas City, Springfield, and St. Jo when they refused to make a levy to pay these fraudulent bonds. There they lay with felons and criminals of every class. They forced the counties to compromise these debts in all but three counties in the State, and in these the judges of the county courts have been for years fugitives, although the unanimous choice of their counties for the judgeships they hold. And in this way the Republican party, in city, township, and county indebtedness, put $32,000,000 upon the people of the State, when a large number could not vote. The great State of Missouri had just prior to 1860 loaned its credit to five great railroad corporations for $31,000,000 to help develop the State. When the war was over, not having been able to pay the accumulated interest on these bonds, they rose to $36,000,000, with interest.

The State was not able to pay them, but we had a first-mortgage lien on every line of railroad in the State, and the appraisers appointed by a Republican governor of the State reported the cash value of the roads on which we had a mortgage at $37,000,000,

and probably $15,000,000. Here another dark chapter begins. The Republican party, by its legislature and its governor, then in complete control of the State, by virtue of disfranchisement, sold the liens on these railroads, amounting to $31,500,000, and on railroads worth not less than $37,000,000, and probably $15,000,000, for the pitiful sum of $6,131,000, when there was no sort of necessity for it.

They collected a large amount of money from other sources. The Government paid them a great deal of money; altogether they collected $19,582,000, and only $6,131,000 was from the State's mortgage on the railroad; and with that $19,000,000 they paid $14,000,000 of the State debt in four years. Mark you, the first-mortgage lien on these railroads belonged to the sovereign State. We had a right to foreclose our mortgage and get our bonds paid out first, but the Republican party, through its administration of State affairs, sold the lien of the State worth forty millions for the paltry sum of six millions and a fraction, still leaving more than thirty millions of debt; and then by collections from the Federal Government and by enormous taxation that ran as high as 90 cents on the hundred dollars, besides occupation tax and poll tax, they only paid $14,000,000 in that time.

And when we came into power in 1873 we found fastened on us the enormous debt of $21,000,000. And what for? Because of the fact that the Republican administration, and legislature behind it, had sold our mortgage liens, which would have paid the debt and had millions left, had sold it for six millions and a fraction, and the people of Missouri had to assume the balance. We were then paying 50 cents on $100 taxation, and our legislature, under the constitution made in 1875, brought down the tax levy of the State to 20 cents for general purposes and 10 cents for interest, and made it obligatory that when the great State should reach an assessed value of $900,000,000 the assessment should be 5 cents less. And so it is that while we have reduced the taxation one-half in that time, while we have added to the great school fund of the State $3,640,000, making the grand total of $4,393,000, the actual money for which the State issued certificates, I say, after having cut the taxes in half, we have reduced that indebtedness from twenty-one million until, on the 1st of January, 1900, there is the paltry sum of $2,800,000 of that awful debt left upon us by the Republicans when we came into power.

One more term of Democratic government in Missouri will wipe out the whole State debt. The gentleman [Mr. BARTHOLDT] refers to the time when the Republicans, good and true men of the State, will come again to their own and be in possession of the State government of Missouri. In view of the fact, my fellow-countrymen, that in the township, city, county, and State debts which these people piled up on us, amounting to $70,000,000 in the five years in which they controlled the State, his hope will be long deferred. As long as these men live who were not permitted the right of suffrage, who were not permitted to practice law, were not permitted to practice medicine, were not permitted to preach the gospel of Christ, were not permitted to teach school in their neighborhood; as long as the men who have come to America, and their sons after them, the men who have come from the North and who have learned the story from the public prints and from their friends of what the Republicans did when in control, so long will it be impossible for the dream of the gentleman from the Tenth district of Missouri to be realized; so long as we keep our memory there will not be a Republican administration in the great State of Missouri. [Applause on the Democratic side.]

The State of Missouri's record for financial integrity is as high as any State in this American Union. Nature has been wonderfully good to us; she has blessed us beyond belief. We were a border State when the war came up. Unfortunately, our people did not think alike on the subject, and 89,000 of them joined hands with their brothers in the South, and 109,000 were loyal to the flag of the Union. It made a bitter and disagreeable state of affairs in that great State. It was a battle ground, a fight between the militia and the guerrillas, to say nothing of the great armies of the contending forces passing across her borders. At last peace came, and at last the people made up their minds that the way to have lasting peace was for every man to be permitted, white or black, Republican or Democrat, whatever his politics might be, to vote at every election, and vote once and only once, and the people of Missouri have with great cheerfulness accepted the results of every election held in the great State of Missouri.

It is wonderful what this great State has done since the people got in possession of their own property and their own elections. She had a fraction over 1,000,000 people thirty years ago. I think I can promise you that the census of 1900 will give us three and a half million people. Thirty years ago, or twenty-seven years ago, when we took control of the State, the assessed valuation of that State was something like $400,000,000. It has mounted at the rate of one hundred millions every quadrennial period, and to-day, with an assessed valuation at the rate of about 62 cents on the dollar of its real value, we have an assessed valuation of twelve hundred million dollars. We are also superlatively blessed by nature. The State of Missouri can, perhaps, come nearer making a Chinese wall around herself than any other sovereignty in the Government and live within herself. She has all the great things within the borders of the earth, except gold and silver, that you can get out of the earth.

It has a splendid climate, a magnificent people—with here and there an exception in the shape of a croaker as a member of Congress from St. Louis. [Laughter.] And let me say to you that that great State under Democratic control has prospered in spite of national laws that bore down upon her people and tied the hands of her great industries. The bulk of our industry in the State of Missouri is farming and stock raising; and there has been no legislation in favor of the man who follows the plow and wields the hoe. Yet in spite of that, in spite of adverse legislation, in spite of legislation which has been hurtful to the people of that sovereign State, her growth has been marvelous. We are filling up with people. We have got there the adventurous Yankee from New England, the German, the Englishman, the Irishman, the Frenchman. These people from other localities have settled within our borders, become good citizens, have bought and cultivated our lands; and when Germans have settled themselves there, they have not called themselves "German-Americans." [Laughter.] When they have become naturalized, they regard themselves as American citizens and Missourians.

Mr. Chairman, I hope I may never have to say another word in defense of the State of Missouri. I hope these old, bad memories will be allowed to rest and that men of all parties may live at peace in Missouri. I think her history will speak for her. But while I am not to that State "native and to the manner born," I claim to be as good a Missourian as he who was born there, because after I had attained my majority I chose that State from among all the States of the Union for my permanent home. I have made my home there. I brought there the wife of my bosom. I have buried my dead there. My children were born there; and the time will never come when I shall undertake to foul the nest that for thirty-odd years has given me a home. The State of Missouri will take care of herself; and the attacks of gentlemen here will make no difference. If the Nesbit election law is as vile as gentlemen here say it is, the Supreme Court, if it find one improper line, will cause its repeal.

Mr. PEARCE of Missouri. I hope so.

Mr. BENTON. If that election law is permitted to stand, as I hope it will be, you will have a fair and honest election in St. Louis; and then, in my opinion, the gentleman's prophecy made in the caucus of his party, that no other Republican will darken the doors of this House from Missouri, will be fulfilled. [Laughter and applause.]

Mr. BARTHOLDT addressed the Chair.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] has four minutes remaining.

Mr. BARTHOLDT. Mr. Chairman, the gentleman is guilty of the charge which he hurled at me. He said that I was putting up a straw man to knock him down. No word, no syllable has been uttered by me or by my colleague to-day assailing the honor or the integrity of the State of Missouri or her people. No word nor syllable has been spoken here by us to assail the honor or integrity of the supreme court of the State of Missouri—not one word. When it comes to a question of loyalty to the State of Missouri, I say, although my friend characterizes me as a newcomer, having lived in the State but twenty-seven years, I am his peer and certainly second to no Democrat from that State.

But, Mr. Chairman, I am afraid some of the statements which the gentleman has made are misleading. I believe you gentlemen on the Democratic side of the House to be fair, well-meaning men. You are desirous of knowing the facts in relation to the election laws of Missouri. My friend has assuredly mixed up and confounded the law as applied to the State and the law as applied to the city of St. Louis. It is true that the law now in force in rural Missouri is a good law, and that is the very reason why we want its operation continued in the city of St. Louis. If it is a good law, why, then, was it changed and the change to exclusively apply to the city of St. Louis?

If the growth of Republicanism alarms the gentleman, I merely point him to the fact that under the old election laws, which provided for a Democratic register of voters and for none but Democratic or so-called Republican judges and clerks of elections, the Republicans of my city had to cast 20,000 Republican majority before they were credited with 1,000 when the result of the election was announced. After that a fair election law was enacted by a Republican house and a Democratic senate and signed by a Democratic governor, and under that law, for the first time in the history of the city of St. Louis, we received our dues. The votes cast were honestly counted, and the result revealed a tremendous Republican majority. That is just what is nettling our Democratic friends. They put their heads together and said that "that condition must be changed; we will have to make St. Louis Democratic; honestly, if we can, by an unfair election law, if we must."

So they put this law upon the statute books, and, Mr. Chairman, I stand by every word I uttered in denunciation of that infamous piece of legislation. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. PUGH. I yield ten minutes to the gentleman from Missouri [Mr. PEARCE].

Mr. PEARCE of Missouri. It has been my habit since I have had the honor of being a member of this House to treat all of my associate members, whether they agree with me in politics or whether they do not, with perfect personal courtesy.

The gentleman from Missouri [Mr. BENTON] has gone a long way out of his track to make some personal attacks upon me, for what reason I do not know and care less. A man who resorts to that sort of procedure in the course of debate is certainly weak, if he is not cowardly, and that is all I have to say on that subject.

The gentleman has given us here some history as to the condition of things in the State of Missouri, and he has told us about the constitution of 1865. It is true. I notice that whenever a Republican criticises or debates the correctness of things in the South our Democratic friends immediately say that we are flaunting the bloody shirt, and I also notice that if there is any mistake or unfortunate condition of things chargeable to the Republican party, at any time in the history of the land, a Democrat never fails to bring it to light at the first opportunity, especially if it grew out of the civil war.

In 1865, gentlemen, we were right after the close of the war. Blood was hot, men were savage, but the constitution of Missouri of 1865 provided one condition only, and that was that a man in order to enjoy the immunities of that State must have been a loyal man. No man was ever subjected to the penalties of that constitution unless he was chargeable with disloyalty.

Mr. CLARK of Missouri. Will my friend allow me to ask him one question?

Mr. PEARCE of Missouri. Certainly.

Mr. CLARK of Missouri. Is it not true that Gen. Frank Blair, after fighting for four years in the Union Army and commanding a corps, was refused the privilege of voting under that Drake constitution?

Mr. PEARCE of Missouri. The cause——

Mr. CLARK of Missouri. Wait a minute. Was he not refused the right to vote and did he not sue the judges and bring that case to the Supreme Court of the United States and "bust" the Drake constitution?

Mr. PEARCE of Missouri. Yes; because that constitution provided a test oath, which General Blair refused to take, for the purpose of testing the constitutionality of that provision.

Mr. CLARK of Missouri. Let me ask another question. I will have the gentleman's time extended. Did not General Blair state, when they wanted him to take that test oath, that he fought four years to put down the rebellion; that he would be willing to fight four years more, but that he could not take that test oath without swearing to a lie, because he did sympathize with his blood relations and his friends who were in the Confederacy, and he would not take it on that ground? Is not that the truth about it, and did not that oath require a man to swear that he not only did not abet the rebellion, but that he did not sympathize with any soul that was in the rebellion?

Mr. PEARCE of Missouri. Well, my good friend is not correct; but I am not defending that constitutional provision. I am simply giving to this House the historical condition of the thing; that is all. I went to the city of St. Louis in 1866, and from that hour to this I have been campaigning upon the skirmish lines of the Republican party. In Democratic territory I have been rotten egged; I have had stones thrown at me; I have been fired at; I have been driven off the stump in Democratic counties in that State, time and time again from 1866 to 1874, by Democratic thugs and Democratic heelers. That was the condition of things that prevailed there; and yet in 1872, despite those facts, I am one of the men who voted to repeal that constitutional inhibition, and to entitle all the voters of our great State to the right of suffrage.

It seems to me that it was foreign to this discussion to lug in the constitution of the State of Missouri of 1865. What in the name of conscience has that to do with the Nesbit election law?

It happens that the city of St. Louis is a city which is living at this time, and has been for twenty years, under a separate charter; and the election law which applies to the counties of the State, and even to the city of Kansas City, does not apply to the city of St. Louis.

Mr. ROBB. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PEARCE of Missouri. Certainly.

Mr. ROBB. The gentleman asked what certain matters had to do with the Nesbit election law. I should like to ask the gentleman if he does not think the State of Missouri is fully capable of taking care of its own election law?

Mr. PEARCE of Missouri. I suppose so. It has the right, I believe, to take care of its own election laws. I do not see the point of the gentleman's question.

Mr. ROBB. Then, as the gentleman does not see the point, I should like to ask him what point is there in this discussion if the State of Missouri is capable of taking care of her own election laws, as we all believe she is?

Mr. PEARCE of Missouri. Possibly before I get through the gentleman may be able to discover the point. I am speaking here in my own time and not by virtue of the sufferance of the gentleman, I believe.

Mr. COWHERD. Will the gentleman allow me to ask him a question?

Mr. PEARCE of Missouri. Certainly.

Mr. COWHERD. The gentleman refers to the Kansas City election law, which I understand the gentleman to heartily indorse. I wish to ask him if his colleague [Mr. BARTHOLDT] did not condemn that law in the same terms in which he condemned the St. Louis law?

Mr. PEARCE of Missouri. I am not responsible for the utterances of my friends.

Mr. COWHERD. I will ask the gentleman if the Republican party did not condemn it when it was passed?

Mr. PEARCE of Missouri. I am responsible only for what I say; and I say, with a full knowledge of the responsibility which I have in saying it, after a careful study of the Nesbit election law, that it is the most disgraceful piece of election legislation that was ever written upon a statute book—worse in its administrative features than the law enacted in Kentucky and known as the Goebel law. Here is an election law that provides that the governor of the State of Missouri shall appoint an election board. It then vests in that election board the absolute power—without the power of review by the courts of our State—the absolute power to institute and control all the machinery of politics in the city of St. Louis, and that law was passed and made applicable to St. Louis, not in specific terms, but made applicable to cities of 300,000 population. And as there is but one such city in the State of Missouri, it was therefore designed and enacted for the purpose of stealing the city of St. Louis from the Republican party by whatsoever means were appropriable to that nefarious undertaking, and the courts have no power of review. The gentleman talks about the growth of parties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I think the gentleman ought to have five minutes more. I took up some of his time.

Mr. CANNON. If I can be recognized in my own time, I should be glad to yield some time to the gentleman.

The CHAIRMAN. The Chair has recognized more gentlemen than will occupy all the time that has been assigned, provided each gentleman demands the balance of his hour. The Chair will of course recognize the chairman of the Committee on Appropriations.

Mr. CANNON. I ask unanimous consent that the gentleman——

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. CANNON], but the Chair desired to make that statement so that there might be no misunderstanding to-morrow when gentlemen who have been recognized can not obtain a full hour's time.

Mr. MOODY of Massachusetts. Mr. Chairman, did the Chair include my name among those recognized for to-morrow?

The CHAIRMAN. Certainly not. The gentleman has not yet been recognized. The Chair now recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I will yield fifteen minutes to the gentleman from Missouri [Mr. PEARCE].

Mr. PEARCE of Missouri. My colleague from Missouri [Mr. BENTON], from what motive I do not know, undertook to put into my mouth an innuendo against the supreme court of my State.

He knows that he had no justification for that statement. I made no attack, I made no intimation of any kind that would reflect upon the supreme court of Missouri, which court I respect and honor, and before which I have practiced for nearly thirty years.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question there?

Mr. PEARCE of Missouri. Certainly.

Mr. WILLIAMS of Mississippi. Is it not a fact that while his colleague was talking, and was saying that the supreme court of Missouri would certainly give justice in considering this law, that the gentleman said with what seemed to me to be an ironical tone of voice, "I hope so?"

Mr. PEARCE of Missouri. I did not use the word "justice."

Mr. WILLIAMS of Mississippi. When the gentleman from Missouri [Mr. BENTON] was saying that the supreme court would consider that law and do justice, did not you say in a sotto voce tone of voice, "I hope so?" And was not that the occasion of the gentleman going off and saying that you had made an insinuation?

Mr. PEARCE of Missouri. Not at all.

Mr. WILLIAMS of Mississippi. Some gentlemen here thought you did.

Mr. PEARCE of Missouri. That was on the suggestion of the

gentleman from Missouri. I said there was a case in the supreme court of Missouri between the parties contesting the constitutionality of the law, and he expressed the opinion, as I got the idea, that you can get justice. I supposed his reference was that we would get the case, and I said I hoped so. I supposed that was what he meant, and that is what I meant.

The State of Missouri is one of the imperial States of this Union. I have lived in it longer than the gentleman himself has, because I went there in 1866; and in my humble way I have tried to build up her glory and her prosperities. I have tried early and late, year in and year out, to build up those prosperities upon the only line upon which, in my judgment, they could have been built up, and that is on the line of the Republican party. [Applause on the Republican side.] It is that party that has given that State her prosperities in the development of her mines of zinc and lead, in her great forests of timber, in constructural stone, and in everything, indeed, of importance.

The prosperity in her cereals, too, has been developed, in my humble opinion, by the policy of the Republican party, and therefore I have advocated it. He cites you to the growth of the Republican party in Missouri. Yes; it has grown from small beginnings in 1866 to an imperial vote of 305,000; and if the percentage of growth of the Republican party, as compared with the Democratic party, holds for the next five years as it has for the last ten, then the prediction of my colleague from St. Louis will be verified and a Republican governor and a Republican legislature will control the destinies of that State. My friend speaks of the vote in 1866.

Mr. ROBB. Will the gentleman yield to me for a question?

Mr. PEARCE of Missouri. Certainly.

Mr. ROBB. Suppose you had a Republican governor in the State of Missouri, do you think that you and your colleague would be so hostile to this Nesbit election law that you now condemn and criticise so severely?

Mr. PEARCE of Missouri. The first thing a Republican legislature would do would be to repeal the infamous statute and give the Democrats a full chance at the polls. [Applause on the Republican side.] That is the policy of the Republican party. It is insinuated by the gentleman in his accusation that New Orleans negroes were imported into Missouri. I challenge the statement made by him or any other man, and I denounce it as absolutely false. I know as much about the elections of the city of St. Louis as any other man in this House; and I tell you that never in the history of that State, whether under Democratic or Republican régimes, has there ever been any such importation as the accusation intimates.

The reason for the large growth of the Republican party vote in 1896 and in 1898 was because of the fact that the city of St. Louis, with a normal Republican majority of 15,000, increased her vote largely because it was known to be and is in fact a sound-money center. The great mass of her people believe in a sound-money policy. When I was nominated for Congress in 1896 I told my Congressional committee that if I ran for Congress in 1896, I did not propose to split any hairs upon the money question. I fought that campaign, gentlemen, upon the gold standard, in workshops, among the rich men, among the poor, and I carried that Democratic district, which had been Democratic ever since 1890, by nearly 4,000 majority, and would have carried it by over 5,500 majority if I had not been swindled out of 1,500 by the Democratic management. [Applause on the Republican side.]

I never found any difficulty in arguing Republican principles in the city of St. Louis, and I never found any difficulty about arguing them in the State of Missouri, except as I have had to face Democratic rotten eggs, Democratic brickbats, and Democratic bullets.

Mr. ROBB. Will the gentleman yield a moment?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. PEARCE of Missouri. Yes.

Mr. ROBB. I want to suggest that I think the gentleman ought to have had the other fifteen hundred for being an exception to the rule—the fact that he was honest and came out in favor of the gold standard.

Mr. PEARCE of Missouri. I have no pretenses to make. If I do not represent properly the sentiment of the majority of the people who live in my Congressional district, I do not want to be in the House of Representatives—I have no business here—and if I thought at this hour that I did not correctly represent their sentiment on this floor, I would resign my place to-morrow morning. There is something else in the membership of this House besides the mere dignity of being here, the benefits of being here. We are here holding in our hands a sacred trust, and no man of honor would sit here an hour unless he thought he was a representative of the majority sentiment of the district in which he lived.

And so in 1898 in the State of Missouri, as is known to a great many people at least, the silver sentiment, so called, prevailed throughout the whole State. Even such counties as Jasper and Greene, counties which were heretofore Republican, went hell bent for the silver heresy; and these facts account for the large increase in the Democratic vote in the State of Missouri and of the Republican vote of the city of St. Louis.

Now, as my colleague has said, if the election laws of the State as applied to Kansas City, St. Joseph, and other communities in the State—if those are such rightful, proper election laws, I ask this House why, in the name of God, was it necessary to pass a special election law and vest this whole election machinery, the registration, the polls, and the returns, in a Democratic board of commissioners from whose decision there is no appeal under the law?

Now, we are not frightened. I do not agree with my colleague from the city of St. Louis about the results of this law. I have had to face Democratic legislation before that I did not like. I have never hesitated to fight it. I will fight this law on the hustings, in the courts, at the polls, everywhere and at all times, because it is an unrighteous, impolitic, unfair, un-American device to prostitute the sacred privilege of the ballot box to the nefarious ends of a political party, the results of which you have seen in the occurrences of a sister State only a fortnight ago. Shall we have more of it? Has the time come when our ambitions for party success are so great that we must needs be unfair and dishonest in our relations to our fellow-men? If that be so, gentlemen, then I give you warning that you will live to see the day when you will bitterly regret it. It does not scare anybody. The city of St. Louis is a Republican city by 15,000 majority, and she will remain so despite all your election machinery, backed up by 400 new Democratic policemen put into office for the purpose of giving force and effect to a nefarious election law.

Mr. COWHERD. Before the gentleman takes his seat, I want to ask him a question. Is not the Republican election commissioner in St. Louis, appointed by the governor, one of the most reputable citizens of that city and a lifelong Republican?

Mr. PEARCE of Missouri. I do not know; I was not there when the appointment was made.

Mr. COWHERD. Well, the gentleman knows by the press.

Mr. PEARCE of Missouri. No; I do not. Who is he?

Mr. COWHERD. He is one of the best known manufacturers there, Mr. Cobush.

Mr. PEARCE of Missouri. I am not acquainted with him. I have been absent from St. Louis for some time. I simply say this, if my colleague will permit me, that an appointment of an opposite party official is not, in my judgment at least, a safe trust to vest in the hands of another party man. Heretofore under the old election law the governor appointed two of the election commissioners, and the mayor of the city of St. Louis appointed the third. Why was it changed? They had the majority then. It was changed simply for the purpose of enabling the governor of the State to put into that board somebody who would answer his purpose rather than somebody who would not. I do not mean that remark to apply to this appointee. I do not know the gentleman who has been appointed, as I have been absent from St. Louis a long time, but I am speaking of the possibilities of the law. The thing is wrong on its face and a fraud in its intent.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore, Mr. PAYNE, having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, and had come to no resolution thereon.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2356. An act extending the powers and functions of the Court of Private Land Claims to June 30, 1902—to the Committee on Private Land Claims.

S. 79. An act to construct a road to the national cemetery at Dover, Tenn.—to the Committee on Military Affairs.

S. R. 36. Joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina—to the Committee on the Library.

S. 1356. An act for the relief of Edwin L. Field—to the Committee on Claims.

S. 2366. An act to authorize the establishment at some point in North Carolina of a station for the investigation of problems connected with marine fishery interests of the middle and south Atlantic coast—to the Committee on the Merchant Marine and Fisheries.

S. 1535. An act to provide for the examination of certain officers of the Navy and to regulate promotion therein—to the Committee on Naval Affairs.

S. 1632. An act to amend "An act authorizing certain officers of

the Navy and Marine Corps to administer oaths," approved January 25, 1895—to the Committee on Naval Affairs.

S. 2147. An act to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army—to the Committee on Military Affairs.

S. 726. An act for the relief of Alice Walsh—to the Committee on Claims.

S. 2324. An act to authorize Hon. Arthur S. Hardy, at present envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia, to accept the decoration tendered to him by the Shah of Persia while he was minister of the United States to that country—to the Committee on Foreign Affairs.

S. 2022. An act to authorize Rear-Admiral William T. Sampson, United States Navy; Capt. Henry C. Taylor, United States Navy; Capt. Francis A. Cook, United States Navy; Capt. Charles D. Sigsbee, United States Navy; Capt. French E. Chadwick, United States Navy; Capt. Caspar F. Goodrich, United States Navy; Commander William W. Mead, United States Navy; Commander James H. Dayton, United States Navy; Commander Frederick M. Symonds, United States Navy, and Commander Chapman C. Todd, United States Navy, to accept orders and decorations tendered to them by the Government of Venezuela—to the Committee on Foreign Affairs.

S. 630. An act for the relief of Mrs. Harriet D. Newson—to the Committee on Claims.

S. R. 60. Joint resolution granting permission for the erection of a bronze statue in Washington, D. C., in honor of Gen. Francis E. Spinner, late Treasurer of the United States—to the Committee on the Library.

S. 2681. An act for the establishment of joint light-houses and fog-signal station on the coast of Alaska—to the Committee on Interstate and Foreign Commerce.

S. 1289. An act to provide for the construction of an additional light-ship for use on the coast of California, Oregon, Washington, or Alaska, as exigencies may determine—to the Committee on Interstate and Foreign Commerce.

S. 983. An act for the relief of Lindley C. Kent and Joseph Jenkins as the sureties of Frank A. Webb—to the Committee on Claims.

S. 165. An act for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased—to the Committee on Claims.

S. 945. An act for the purchase and construction of a launch for the customs service at and in the vicinity of Astoria, Oreg.—to the Committee on Interstate and Foreign Commerce.

S. 557. An act for the relief of Thomas Rosbrugh—to the Committee on Private Land Claims.

S. 76. An act for the relief of the University of Kansas—to the Committee on Claims.

S. 1749. An act for the payment to Joshua T. Roberts of balance due for surveying public lands—to the Committee on Claims.

S. 188. An act for the relief of the estate of Charles M. Roberts, deceased—to the Committee on Claims.

S. 2840. An act for enlarging the public building at Portland, Oreg., situated between Morrison, Yamhill, Fifth, and Sixth streets, in said city—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 26:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made, and submit a report and an estimate for deepening and properly improving the channel through the outer bar in the Gulf of Mexico near the mouth of Mobile Bay—

to the Committee on Rivers and Harbors.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 3718. An act for the preservation of the frigate *Constitution*.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 83. Joint resolution increasing the limit of cost of the new building for the Government Printing Office, to meet the increased prices of building materials, and to permit of making the south end of the power-house extension of the same height as the main building.

ARMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported a bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901; which was read a first and second time.

Mr. UNDERWOOD. I desire to reserve all points of order on this bill.

The SPEAKER pro tempore. The gentleman from Alabama reserves all points of order. The bill, with the accompanying report, will be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

And then, on motion of Mr. HEMENWAY (at 4 o'clock and 50 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue relating to readjustment of salaries of collectors of internal revenue throughout the country—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, recommending an additional appropriation for clerks in the office of the Auditor for the Interior Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the California Débris Commission—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for military roads and bridges in Alaska—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate for the Signal Service of the Army—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5056) to authorize the Carolina Northern Railroad Company to construct and maintain a bridge across the Lumber River in or near the town of Lumberton, Robeson County, N. C., reported the same without amendment, accompanied by a report (No. 328); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7945) to amend an act entitled "An act permitting the building of a dam across Rainy Lake River," reported the same without amendment, accompanied by a report (No. 329); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River, reported the same with amendment, accompanied by a report (No. 330); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7946) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, N. C., reported the same without amendment, accompanied by a report (No. 331); which said bill and report were referred to the House Calendar.

Mr. TATE, from the Committee on Printing, to which was referred the resolution of the House (H. Res. 65) relative to printing of contested-election cases hearings in long primer type, reported the same with amendment, accompanied by a report (No. 332); which said resolution and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 5030) to create an executive department of mines and mining, reported the same without amendment, accompanied by a report (No. 334); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred House bill 3043, reported in lieu thereof a bill (H. R.

8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry, accompanied by a report (No. 313); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred House bill 7801, for the relief of John D. Youell, reported in lieu thereof a resolution (H. Res. 144), accompanied by a report (No. 316); which said resolution and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3470) granting an increase of pension to Capt. George W. Weeden, of Olneyville, R. I., reported the same with amendment, accompanied by a report (No. 317); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1795) granting an increase of pension to Rebecca P. Quint, reported the same without amendment, accompanied by a report (No. 318); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 470) granting a pension to Jane Dykes, reported the same with amendment, accompanied by a report (No. 319); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5346) granting a pension to Elizabeth B. Norris, reported the same with amendment, accompanied by a report (No. 320); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 206) to pension Isaac D. Smith, Company A, Fifteenth Regiment United States Infantry, reported the same with amendment, accompanied by a report (No. 321); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4961) granting an increase of pension to Margaret Gangloff, reported the same with amendment, accompanied by a report (No. 322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3966) granting an increase of pension to David Talmon, of Wymore, county of Gage, Nebr., reported the same with amendment, accompanied by a report (No. 323); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4648) granting a pension to William G. McLain, reported the same with amendment, accompanied by a report (No. 324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7622) granting a pension to Peter M. Heaton, reported the same with amendment, accompanied by a report (No. 325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 917) granting an increase of pension to Sarah E. Campbell, reported the same without amendment, accompanied by a report (No. 326); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4177) to correct the military record of William Elkert, reported the same without amendment, accompanied by a report (No. 333); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SPALDING, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4324) for the relief of George W. Croft and others, reported the same adversely, accompanied by a report (No. 314); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 4323) for the relief of Eugenia A. Stone, reported the same adversely, accompanied by a report (No. 315); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GIBSON, from the Committee on War Claims: A bill (H. R. 8487) for the relief of Col. Charles B. Dougherty and other members of the Ninth Regiment of Pennsylvania Infantry—to the Private Calendar.

By Mr. WEEKS (by request): A bill (H. R. 8488) to regulate wages for labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MIERS of Indiana: A bill (H. R. 8489) to provide for the purchase of a site and the erection of a public building thereon at Vincennes, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. LEVY: A bill (H. R. 8490) to reduce revenue, and for other purposes—to the Committee on Ways and Means.

By Mr. CURTIS: A bill (H. R. 8491) to amend section 2148 of the Revised Statutes of the United States—to the Committee on Indian Affairs.

Also, a bill (H. R. 8492) to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the Indian Territory—to the Committee on Indian Affairs.

By Mr. FLYNN: A bill (H. R. 8493) for the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory—to the Committee on the Judiciary.

By Mr. CURTIS: A bill (H. R. 8494) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. BOUTELL of Illinois: A bill (H. R. 8495) for the relief of the acting (volunteer) officers of the United States Navy in the civil war—to the Committee on Naval Affairs.

By Mr. KAHN: A bill (H. R. 8496) to provide for the erection of a public building at San Francisco, in the State of California—to the Committee on Public Buildings and Grounds.

By Mr. LITTLEFIELD: A bill (H. R. 8497) to protect State anti-gambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898—to the Committee on the District of Columbia.

By Mr. GAINES: A bill (H. R. 8499) to equalize the pension laws—to the Committee on Pensions.

By Mr. ADAMS: A bill (H. R. 8500) providing for the execution of new bonds and release of sureties—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: A bill (H. R. 8501) making an appropriation for maintenance of the improvements of Trent River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8502) making an appropriation for works of improvement and maintenance of improvement of New River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8503) making an appropriation for the maintenance of improvement of Northeast (Cape Fear) River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8504) making an appropriation for maintenance of improvement of Black River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8505) making an appropriation for works of improvement and maintenance of improvement of the Cape Fear River above Wilmington, N. C.—to the Committee on Rivers and Harbor.

Also, a bill (H. R. 8506) making an appropriation for works of improvement and maintenance of improvement of Neuse River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. CURTIS: A bill (H. R. 8507) to segregate the funds of the Iowa and Sac and Fox of Missouri Indians located in Kansas and Nebraska, and for other purposes—to the Committee on Indian Affairs.

By Mr. SCUDDER: A bill (H. R. 8565) making an appropriation for the construction of a breakwater in Sag Harbor, Suffolk County, N. Y.—to the Committee on Rivers and Harbors.

By Mr. LITTLE: A bill (H. R. 8566) authorizing certain suits in the Court of Claims, and for other purposes—to the Committee on Indian Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 8567) to constitute South Manchester, Conn., a port of delivery—to the Committee on Ways and Means.

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 8582) making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901—to the Union Calendar.

By Mr. ESCH: A joint resolution (H. J. Res. 173) directing the Secretary of War to submit estimates of amount of damages, if any, to steamboat interests on Upper Mississippi River, if branch of said river known as West Channel, opposite city of La Crosse,

Wis., be declared unnavigable—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: A joint resolution (H. J. Res. 174) proposing an amendment to the Constitution providing for the repeal of the fifteenth amendment—to the Committee on the Judiciary.

By Mr. CUMMINGS: A resolution (H. Res. 148) to appoint a messenger in the press gallery of the House of Representatives—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER: A bill (H. R. 8508) to remove charge of desertion from record of Benjamin T. Buford, Company H, Third Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BROWN: A bill (H. R. 8509) to amend the military record of Lieut. Alonzo Miller—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 8510) granting a pension to Thomas R. Trent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8511) granting a pension to Madison Grimsby—to the Committee on Pensions.

Also, a bill (H. R. 8512) granting an increase of pension to Capt. John C. Nelson—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 8513) to remove the charge of desertion from the military record of Charles Ransom Piper—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 8514) for the relief of Joseph A. Jennings—to the Committee on Claims.

By Mr. CRUMPACKER: A bill (H. R. 8515) granting an increase of pension to Henry Stansel—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 8516) granting an increase of pension to Isaac Sweetland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8517) granting an increase of pension to Harry Planter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8518) granting an increase of pension to T. E. De Pui—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8519) for the relief of John H. Davison—to the Committee on Military Affairs.

Also, a bill (H. R. 8520) granting a pension to Mary Ann Brenner—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 8521) amending the military record of Albert E. Pringle—to the Committee on Military Affairs.

Also, a bill (H. R. 8522) for the relief of Albert F. Wakefield—to the Committee on Pensions.

Also, a bill (H. R. 8523) for the relief of Esther Pringle, dependent mother of Albert E. Pringle—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 8524) to remove the charge of desertion from the record of Charles C. Eddy—to the Committee on Military Affairs.

By Mr. DOLLIVER: A bill (H. R. 8525) to increase the pension of Maurice Fitzgerald—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 8526) granting back pension to Isaac Lantz—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8527) granting a pension to Simeon Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8528) granting a pension to Elizabeth Brown—to the Committee on Pensions.

Also, a bill (H. R. 8529) granting a pension to Elias Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8530) granting a pension to Thomas Baker—to the Committee on Invalid Pensions.

By Mr. GAMBLE: A bill (H. R. 8531) to correct the military record of Joseph G. Best, alias Albert E. Anderson—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 8532) to quitclaim all interest of the United States of America in and to lot 4, square 1113, in the city of Washington, D. C., to William H. Dix—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 8533) granting a pension to Thomas O'Toole—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 8534) granting a pension to John R. Latson—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8536) granting an increase of pension to Robert Anderson, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8537) granting a pension to Mary Ann Merrow—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 8538) to remove the charge of desertion from the military record of William Cameron, alias Samuel C. Cole—to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 8539) for the relief of John Patterson, of Pottawattamie County, Iowa—to the Committee on War Claims.

Also, a bill (H. R. 8540) granting a pension to Lydia J. Da Silva—to the Committee on Invalid Pensions.

By Mr. MUDD (by request): A bill (H. R. 8541) for the relief of the heirs of C. C. Spaulding, deceased, late of St. Mary County, Md.—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 8542) granting a pension to James W. Reynolds—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 8543) for the relief of Mary Lock, of Ashland, Ky.—to the Committee on Military Affairs.

By Mr. RANSDELL: A bill (H. R. 8544) for the relief of the estate of Henrietta Bauers, deceased, late of Madison Parish, La.—to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 8545) for the relief of T. A. Woodress, of Grundy County, Mo.—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 8546) for the relief of Mrs. S. A. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8547) granting increase of pension to John Johnson—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 8548) granting an increase of pension to Horatio P. Smith—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 8549) to pension Clarissa L. Mills—to the Committee on Pensions.

Also, a bill (H. R. 8550) to pension Frances P. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8551) to increase the pension of Frances J. Haughton—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 8552) to remove the charge of desertion against Conrad Schindler, late of Company B, Fifty-fourth Regiment New York Volunteer Infantry, and authorize his honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 8553) to remove the charge of desertion against Rudolph C. Blancke, late of Company G, Twelfth Regiment New York Volunteers, and authorize his honorable discharge—to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 8554) for the relief of Morgan C. Gordon, of Camden County, N. C.—to the Committee on War Claims.

Also, a bill (H. R. 8555) for the relief of Sylvester Dibble, of Beaufort County, N. C.—to the Committee on War Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 8556) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.—to the Committee on Claims.

Also, a bill (H. R. 8557) for the relief of the Medical College of Alabama—to the Committee on Claims.

By Mr. THOMAS of North Carolina (by request): A bill (H. R. 8558) for the relief of P. H. Boisseau, administrator of Thomas B. Doe, of Virginia—to the Committee on War Claims.

By Mr. THOMAS of Iowa: A bill (H. R. 8559) granting an increase of pension to Mrs. Margaret R. Clune—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 8560) granting an increase of pension to Mary Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8561) granting an increase of pension to Jenetta Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8562) granting an increase of pension to Sarah J. Appleton—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 8563) granting an increase of pension to Joseph Kiichli—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 8564) for the relief of Oren M. Fletcher, late of Company F, Eleventh Regiment Pennsylvania Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 8568) granting a pension to Charles H. Lipp—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8569) for the relief of the heirs of William Dufour—to the Committee on War Claims.

By Mr. ROBINSON of Nebraska: A bill (H. R. 8570) granting an increase of pension to Joseph Westbrook, of St. Edward, in the State of Nebraska—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 8571) to remove the charge of desertion against the military record of George Maurer, alias Albert Fulton, Company G, Fourth Wisconsin Volunteer Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 8572) to correct the military record of David K. Selzer, a member of Company D, of the Ninety-third Pennsylvania Infantry Volunteers, of Wellsville, N. Y.—to the Committee on Military Affairs.

Also, a bill (H. R. 8573) to remove the charge of desertion from the military record of Charles Armstrong—to the Committee on Military Affairs.

Also, a bill (H. R. 8574) granting a pension to Mildred McCorkle—to the Committee on Pensions.

Also, a bill (H. R. 8575) granting a pension to Samuel A. Lowsbery—to the Committee on Pensions.

Also, a bill (H. R. 8576) granting an increase of pension to Hiram M. Squires—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8577) granting a pension to Levi C. Hare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8578) granting a pension to Samuel J. Woodward, late a member of Company K, Forty-ninth New York Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8579) granting a pension to George C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8580) granting a pension to William Y. Clinton, a member of Company E, Eighty-ninth Regiment New York Volunteers—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 8581) for the relief of David Bolling—to the Committee on Claims.

By Mr. DRISCOLL: A bill (H. R. 8583) to remove the charge of desertion from the record of Frank Van Valkenberg, alias Charles Duane—to the Committee on Military Affairs.

By Mr. O'GRADY: A bill (H. R. 8584) granting pensions to Adeline Benjamin and Jane C. Benjamin, the aged and helpless sisters of Col. William Henry Benjamin, deceased—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Fireman's Association of the State of Pennsylvania, in opposition to the passage of Senate bill No. 1743, establishing a division for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Papers to accompany House bill No. 6623, to grant a pension to Sarah E. Wall—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: Resolutions of the mayors and councils of Eastman, Cochran, and Fitzgerald, Ga., indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

By Mr. BURKE of Texas: Petition of the Texas Viavi Company, of Dallas, Tex., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BURNETT: Papers to accompany House bill for the relief of Joseph A. Jennings—to the Committee on Claims.

By Mr. CALDWELL: Petition of Auburn Rolling Milling Company, of Auburn, Ill., and others, in favor of certain amendments to the interstate commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Papers to accompany House bill No. 6865, for the relief of Jacob A. Henry—to the Committee on Claims.

By Mr. ELLIOTT: Resolutions of the South Carolina Railroad Commission, of Columbia, S. C., favoring amendments to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the city council of Georgetown, S. C., asking for an appropriation for the improvement of Winyah Bay and tributary rivers—to the Committee on Rivers and Harbors.

Also, resolution of the city council of Georgetown, S. C., asking for an appropriation for the purchase of a site and the erection of a public building in Georgetown—to the Committee on Public Buildings and Grounds.

By Mr. FARIS: Petition of William J. Shepherd and other clerks of Terre Haute (Ind.) post-office, praying for the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD of Massachusetts: Petitions of James W. Brady, W. H. Leonard, S. A. Kelly, and other post-office clerks of Boston, Mass., in favor of the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. FLETCHER: Resolution of the Commercial Club of Minneapolis, Minn., urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petition of Coopers' Union No. 62, of Minneapolis, Minn., against the passage of House bill amending the revenue law making a quarter barrel of beer the smallest package of beer that can be stamped—to the Committee on Ways and Means.

By Mr. GAMBLE: Petition of the South St. Paul (Minn.) Live Stock Exchange, against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petition of Garret Fenenga and 130 other citizens of Douglas and Charles Mix counties, S. Dak., expressing sympathy for the Boer Republic in its present war—to the Committee on Foreign Affairs.

By Mr. GORDON: Petition of Charles M. Dorsey and other clerks of Sidney, Ohio, post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolution of the Firemen's Association of the State of Pennsylvania, in opposition to Senate bill No. 1743, for the establishment of a division in the Treasury Department for the regulation of insurance among the several States, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of the Braid Manufacturers' Association of New York, H. N. Schloss, president, protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, petition of D. W. Hazelton and other citizens of Springfield, Vt., urging the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McALEER: Resolution of the Firemen's Association of the State of Pennsylvania, opposing the passage of Senate bill No. 1743, establishing a division for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts: Petition of Post 49, Grand Army of the Republic, of Newburyport, Mass., in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. NAPHEN: Petition of Royal E. Blake and other railway postal clerks in the State of Massachusetts, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTON of Ohio: Petition of John Rowland and other clerks of Tiffin (Ohio) post-office, in favor of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Fruit Ridge Horticultural Society, of Clyde, Ohio, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of the Chamber of Commerce of Cincinnati, Ohio, and petition of the National Machinery Company, of Tiffin, Ohio, favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, protest of Cigar Makers' Union No. 79, of Sandusky, Ohio, against the passage of bill admitting products of Puerto Rico free of duty—to the Committee on Ways and Means.

By Mr. O'GRADY: Petition of Adeline Benjamin and others, to accompany House bill granting a pension to the sisters of the late Brig. Gen. William Henry Benjamin—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Resolutions of the Harrisburg (Pa.) Board of Trade, modifying the existing internal-revenue law—to the Committee on Ways and Means.

Also, petition of A. H. Gottschall, druggist, of Harrisburg, Pa., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. OVERSTREET: Resolutions of the Carpenters' Union of Elwood, Ind., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

Also, petition of the South St. Paul Live Stock Exchange, against the passage of the Tawney oleomargarine bill—to the Committee on Ways and Means.

By Mr. PHILLIPS: Paper to accompany House bill to correct the military record of Lucius O. Brown, of Medina County, Ohio—to the Committee on Military Affairs.

By Mr. PUGH: Petition of sundry citizens of Kentucky, asking for relief for those who served in the State militia during the late civil war—to the Committee on Invalid Pensions.

By Mr. REEDER: Paper to accompany House bill for the relief of John Johnson—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Commercial Club of St. Paul, Minn., urging the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of N. Gruber and others, of St. Paul, Minn., protesting against the passage of the bill eliminating one-eighth barrels of beer from being stamped by Internal-Revenue Department—to the Committee on Ways and Means.

By Mr. STEWART of Wisconsin: Petitions of numerous citizens of the State of Wisconsin, against excessive taxation on butterine—to the Committee on Ways and Means.

Also, resolutions of the Cigar Makers' Union of Marinette, Wis., against the ceding of public lands to States and Territories—to the Committee on the Public Lands.

Also, petition of the Retail Clerks' National Protective Association of Ashland, Wis., in favor of the reclamation of the arid lands of the United States—to the Committee on the Public Lands.

Also, petition of the Seamen's Union of the Great Lakes, in opposition to bill No. 5067, pertaining to the boarding of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. THROPP: Papers to accompany House bill No. 4887, to correct the military record of David R. Ellis—to the Committee on Military Affairs.

By Mr. VREELAND: Petitions of numerous citizens of the counties of Cattaraugus, Chautauqua, and Allegany, N. Y., for a

law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Resolutions of Board of Trade, common council, and the Lumberman's Association, all of North Tonawanda, N. Y., protesting against the passage of House bill No. 2994, authorizing the construction of a dam at the head of the Niagara River—to the Committee on Rivers and Harbors.

By Mr. WEEKS: Petition of Joseph Schauber and other druggists, of Mount Clemens, Mich., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, papers to accompany House bill relating to the regulation of wages for labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILLIAMS of Mississippi: Papers to accompany House bill relating to the citizenship of Choctaw Indians in the State of Mississippi—to the Committee on Indian Affairs.

By Mr. WRIGHT: Resolutions of Susquehanna County, Pa., Medical Society, favoring legislation to enable the Secretary of Agriculture to scientifically investigate and classify native drug plants—to the Committee on Agriculture.

By Mr. YOUNG of Pennsylvania: Petition and papers of the Armour Packing Company, in relation to the tax on oleomargarine and butterine—to the Committee on Ways and Means.

Also, letter of the secretary of the New York Board of Trade and Transportation, in relation to the consular service—to the Committee on Foreign Affairs.

Also, resolutions of the Kansas City, Mo., Live Stock Exchange, against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petition of H. K. Mulford Company and the Allison Manufacturing Company, of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of Joseph J. Meany & Co., of Philadelphia, Pa., protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, resolutions of the Boston Merchants' Association, Boston, Mass., for competing cable facilities between the United States and Cuba, etc.—to the Committee on Insular Affairs.

Also, letter of M. B. Mahnrin, of Indianapolis, Ind., in relation to monetary and banking systems, rates of interest, and taxes—to the Committee on Banking and Currency.

SENATE.

THURSDAY, *February 15, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SOUTH CAROLINA STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 7th instant, a report of the Auditor for the War Department relative to the account between the United States and the State of South Carolina growing out of the claim for moneys expended by that State for military purposes in the Florida war of 1836 and 1837; which, on motion of Mr. TILLMAN, was, with the accompanying papers, ordered to lie on the table and to be printed.

GETTYSBURG NATIONAL PARK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d ultimo, a report of the Gettysburg National Park Commission relative to the acquisition of lands in the vicinity of Gettysburg not exceeding in area the parcels of land shown on the map prepared by Maj. Gen. Daniel E. Sickles, now on file in the office of the Secretary of War, which were occupied by the infantry, cavalry, and artillery on the 1st, 2d, and 3d days of July, 1863, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Commercial Club, of St. Paul, Minn., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Minnesota State Veterinary Medical Association, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. PLATT of New York presented memorials of Local Union No. 74, Cigar Makers' International Union, of Poughkeepsie, of Local Union No. 311, Cigar Makers' International Union, of Auburn, and of Local Union No. 81, Cigar Makers' International Union, of Peekskill, all in the State of New York, remonstrating against the admission of cigars free of duty from the Philippines, Puerto Rico, Cuba, or any other territory; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 74, Cigar Makers' International Union, of Poughkeepsie, N. Y., and a petition of Local Union No. 57, Metal Polishers, Buffers, and Brass Workers, of Elmira, N. Y., praying for the enactment of legislation to limit the hours of daily service of laborers, etc., upon public works or works done for the United States, etc.; which were referred to the Committee on Education and Labor.

He also presented petitions of D. M. Osborne & Co., of Auburn; Wadsworth's Sons, of Auburn; the Wegman Piano Company, of Auburn; H. A. Mayer, of Syracuse; the Frontenac Manufacturing Company, of Syracuse; Meyer & Co., of Throopsville; the Merritt Manufacturing Company, of Lockport; Miller & Van Winkle, of Brooklyn; the National Lead Company, of New York City; Richardson & Boynton, of New York City; the Vose & Cliff Manufacturing Company, of New York City; Masury & Son, of New York City; the Roessler & Hasslacher Chemical Company, of New York City; C. H. Childs & Co., of Utica; F. Linke & Co., of New York City; the Standard Harrow Company, of Utica, and the Savage Arms Company, of Utica, all in the State of New York, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS presented a petition of sundry railway mail clerks of Terre Haute, Ind., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Thomas H. Boyd & Co., and sundry other druggists of Laporte, Ind., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Dodge Manufacturing Company, of Mishawaka, Ind., and a petition of M. Rumely & Co., of Laporte, Ind., praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. SIMON. I present a petition of the Columbia River Fishermen's Protective Union, of Astoria, Oreg., praying that all the remaining public lands of the United States be held for the benefit of the whole people and that no grants of the title to any of these lands be made to any but actual settlers and home builders on the land. I ask that the petition be printed in the RECORD, and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

ASTORIA, OREG., *February 7, 1900.*

To the Congress of the United States:

Whereas one-third of the entire area of the United States, exclusive of Alaska, is comprised within the domain and still belongs to the people; and

Whereas the reclamation and settlement of this vast territory would give employment and a chance to get a home on the land to a multitude of American workers: Now, therefore, be it

Resolved by the Columbia River Fishermen's Protective Union, First, that all the remaining public lands of the United States should be sacredly held for the benefit of the whole people, and that no grants of the title to any of these lands should ever hereafter be made to any but actual settlers and home builders on the land;

Second, that the public grazing lands should be leased in limited areas to settlers on adjacent lands, title to remain in the Federal Government until actual settlement, and the revenues from rentals to go to the States to be used for the reclamation of the irrigable arid lands;

Third, that the Federal Government should build storage reservoirs to save the flood waters that now are wasted, and should wherever necessary build the irrigation works required for the reclamation and settlement of the arid public lands; and

Whereas the foregoing policy is advocated by the National Irrigation Association, as embodied in its constitution, and the object of said association is to bring about its adoption by the Federal Government: Now, therefore, be it

Further resolved, That we believe it would be enormously beneficial to the interests of labor that said policy should be adopted, and that all labor organizations should cooperate with the National Irrigation Association to accomplish this result.

Mr. COCKRELL presented a petition of the directors of the Latin-American Club and Foreign Trade Association, of St. Louis, Mo., praying for the enactment of legislation to enable competing cable companies to lay and operate submarine cables from the United States to Cuba; which was referred to the Committee on Relations with Cuba.

He also presented a petition of sundry members of the Missouri State Militia, praying that they be granted pensions the same as

the regulars and volunteers of the United States Army; which was referred to the Committee on Pensions.

Mr. PERKINS. I present a joint resolution of the legislature of California, relative to the survey of public lands in that State. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

[Assembly joint resolution No. 5. Introduced by Mr. Knowland, February 8, 1900. Referred to the committee on Federal relations.]

Assembly joint resolution No. 5. Relative to the survey of public lands in California.

Whereas from the report of the Commissioner of the General Land Office it appears that during the year ended June 30, 1899, there were added to the surveyed area of public lands in this State no more than 8,387 acres, while the amount so added to such areas in other States was vastly more, and nearly 2,000,000 acres in one State; and

Whereas it is important for the welfare and development of California that the public surveys here should be pushed as rapidly toward completion as they are in other States, in order that our settlers on new lands can obtain their titles with the same facility as elsewhere; and

Whereas it is unjust that settlers in California should be less favored than in other States:

Resolved by the senate of the State of California and the assembly jointly, That our Senators in Congress be instructed and our Representatives be requested to urge the completion of the public surveys in this State and prompt filing of plats in the local land offices, to the end that the public lands be made available for settlement and improvement.

Mr. PERKINS. I present a joint resolution of the legislature of California, relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

[Assembly joint resolution No. 3. Introduced by Mr. Dale February 8, 1900. Amended in assembly February 9, 1900.]

Assembly joint resolution No. 3. Relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

Whereas many thousands of acres of lands bearing petroleum, asphaltum, and other valuable minerals in paying quantities, situate in Kern, Fresno, and other counties of the State of California, have been returned by the United States surveyor-general as agricultural lands; and

Whereas said lands are now being developed for the minerals they contain, and are producing, and will continue to produce, millions of dollars of wealth in such minerals, and thus building up an industry of immeasurable worth to the State of California; and

Whereas certain persons are now attempting to acquire title to said lands as agricultural State lands under an act authorizing the State of California to take Government lands in exchange for State school lands under an act passed in February, 1891, and "relating to lieu lands to be selected by State or Territory," and also in exchange for forest-reservation lands under an act of June 4, 1897; and

Whereas the sole purpose of such persons in acquiring said lands for speculation, because of their value for oil and other minerals and not for development purposes, thus retarding the growth of one of the most important industries in California, thwarting the will of the people and the intent of our National Congress in granting certain rights to the locator of mining claims, and depriving thousands of miners of their holdings, the title to which has hitherto been held by the United States Government to be valid: Therefore, be it

Resolved by the assembly (the senate concurring), That our Senators be instructed and our Representatives be requested to use all honorable means to prevent the frauds which seem to be practiced upon the miners in this State by securing the passage of such laws by the National Congress as will preclude the use of what is known as forest reservation land scrip to acquire title to these well-known mineral lands. Be it

Further resolved, That the chief clerk of the assembly be instructed to forthwith transmit by mail a copy hereof to our Senators and Representatives in Congress from the State of California.

Mr. PERKINS. I present a joint resolution of the legislature of California relative to the report of the California Débris Commission. I ask that the joint resolution be printed in the RECORD, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint resolution was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

[Assembly joint resolution No. 4. Introduced by Mr. Caminetti, February 8, 1900. Made special order February 9, 1900.]

Assembly joint resolution No. 4, relating to the report of the California Débris Commission.

Whereas the California Débris Commission has, in the report concerning débris dams and restraining works recently submitted to the Secretary of War, recommended a system which is claimed to be safe, practicable, and economical; and

Whereas, in order to secure the inauguration and construction thereof, the appropriations recommended by said commission should be made without delay: Therefore, be it

Resolved by the assembly (the senate concurring), That our Senators be instructed and our Representatives in Congress be requested to urge the approval of said report and the publication thereof, and to use all honorable means to secure the appropriations required to put into execution the plans recommended therein. Be it

Further resolved, That a copy of this resolution, duly attested, be transmitted to each Senator and Representative in Congress from the State of California.

Mr. PERKINS presented a petition of the Labor Council of San Francisco, Cal., praying that all the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of the title of these lands shall ever hereafter be made to any but actual settlers and home builders on the land; which was referred to the Committee on Public Lands.

He also presented a memorial of the Labor Council of San Francisco, Cal., remonstrating against the passage of House bill No. 5067, concerning the boarding of vessels; which was referred to the Committee on Commerce.

Mr. McBRIDE presented a petition of sundry railway mail clerks of Portland, Oreg., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of Local Union No. 154, Cigar Makers' International Union of America, of Lincoln, Ill., remonstrating against the cession of public lands to the several States; which was referred to the Committee on Public Lands.

Mr. LINDSAY presented a petition of sundry citizens of Kentucky, praying for the establishment of an army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. FORAKER presented a memorial of the medical societies of Miami and Shelby counties, Ohio, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DANIEL presented a petition of the Business Men's Association of Hampton, Va., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a memorial of the Iowa Association Opposed to the Extension of Suffrage to Women, remonstrating against the adoption of an amendment to the Constitution permitting the women of the United States to vote; which was referred to the Select Committee on Woman Suffrage.

THE PACIFIC CABLE.

Mr. HALE. I present a number of communications from representatives of certain cable companies in the United States, relating to the construction of a Pacific cable. I move that all the communications be printed as one document and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3176) to provide for the erection of dwellings for the keepers of the Grosse Isle, Mich., light-houses; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 152) to provide for the erection of a house for the keeper of the Grosse Isle, Mich., light-house, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 153) to establish wind-signal display stations at South Manitou Island, Lake Michigan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1928) to authorize the construction, operation, and maintenance of telegraphic cables between the United States of America and Hawaii, Guam, and the Philippine Islands, and other countries, and to promote commerce, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 2788) for the relief of Wells C. McCool, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2199) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 28) to remove the charge of desertion from the military record of James H. Waters, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 99) to establish a military post at or near Des Moines, Iowa, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 430) for the relief of Charles Wagemann, submitted an adverse report thereon; and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 2883) to change the characteristic of Cape Cod light, Massachusetts, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (S. 257) for the relief of Gilman Sawtelle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1382) for the relief of Francis S. Davidson, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana, reported it with an amendment.

REPORT ON COPPER RIVER EXPLORATION EXPEDITION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. ELKINS, January 22, 1900, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska, transmitted by the Secretary of War, of which 1,500 shall be for the use of the Senate, 2,500 for the use of the House of Representatives, and 1,000 for distribution by the War Department.

COMPILATION RELATIVE TO THE PHILIPPINES.

Mr. LODGE. In accordance with Senate resolution No. 44, passed January 9, I report from the Committee on the Philippines a brief compilation of the latest information and statistics obtainable on the numbers, areas, population, races and tribes, agriculture, exports and imports, forests, and harbors of the Philippine Islands. I move that the usual number of the report be printed for the use of the Senate.

The motion was agreed to.

QUARTERMASTERS' SUPPLIES FOR THE ARMY, ETC.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 6267) to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes," to report it without amendment. I will state that these are provisions of law restrictive in their nature under which no war could be carried on. In advertising for the purchase of so many horses, mules, etc, the Department find it is an absolute necessity that the privilege shall be extended, which expires at the end of this fiscal year. It is proposed to extend it for one year, so as to continue during the next fiscal year. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read in full for information.

The Secretary read the bill.

Mr. HALE. This is a very important bill and there are very important provisions in it. I should like to have an opportunity of examining it as it deals with the Army and its future. I do not want to object, although I shall have to do so, if necessary. I ask the Senator to let it stand over until to-morrow.

Mr. SEWELL. I will say that it is the provision of law now. The provisions of the old law were suspended. The old law provided for an army of 20,000, and in advertising in relation to the number of horses and things of that kind, we could not carry on a war without suspending those provisions. The Secretary of War asks that the time be extended for another year.

Mr. HALE. I will examine it.

Mr. SEWELL. We could not go on after the first of the month if those provisions were not extended.

Mr. HALE. I will examine it between now and to-morrow morning. I should like to have an opportunity to examine it. We ought to be very careful about legislation respecting the Army.

Mr. HAWLEY. If the Senator will pardon me, I will state that this is nothing but a renewal of the act which we passed a year ago, which was very carefully studied in all its details. It is merely to facilitate the transaction of business in some bureaus of the War Department.

Mr. HALE. I understand that, but it is not asking very much that the bill shall go over for a day in order that Senators may examine it.

Mr. SEWELL. Is the Senator aware that it is a House bill also and that the measure went through the House?

Mr. HALE. I have a copy of it here before me. But it does not follow that it should be passed when reported because the House has passed the bill. A great many bills we put through by unanimous consent when they are reported; bills that are not of special importance; but it is not in the line of good legislation that important bills should be put through in this way. When the bulk of bills which are of a private nature have been considered by a committee, we take the say so of the committee, and we sometimes pass them when reported; but important bills, bills affecting large interests, and especially affecting the Army and the Navy, ought not to be passed without giving Senators an opportunity to examine them; and it ought not to be considered intrusive in this body because a Senator asks that a bill may go over for a day in order that he may examine it.

Mr. SEWELL. I would not object to the extension of time for the consideration of the bill except that it is absolutely necessary that this bill shall be passed within a day or two. For instance, there is one provision of law that prohibits the Quartermaster's Department from paying more than $150 a month for anybody's services. We never contemplated then that we would have a lot of transports and probably would have to pay $250 or $350 a month for first-class officers.

Mr. ALDRICH. I feel constrained to object to the further consideration of the bill at this time.

The PRESIDENT pro tempore. The bill goes to the Calendar.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3177) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1891; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3178) for the relief of Sarah Friedman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3179) for the relief of Benjamin F. Fox; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3180) granting an increase of pension to Horace H. Redford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3181) to amend the act relating to the public printing and binding and the distribution of public documents, and for other purposes; which was read twice by its title, and referred to the Committee on Printing.

Mr. HANSBROUGH introduced a bill (S. 3182) to incorporate the Wesley Heights Railway Company, of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHOUP introduced a bill (S. 3183) granting a pension to George W. Newell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3184) granting a pension to James R. Alfrey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3185) to remove the charge of desertion from the military record of Frederick Heer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KENNEY introduced a bill (S. 3186) granting a pension to Margaretha Lippert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 3187) for the relief of the estate of Jesse Mabry, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 3188) granting an increase of pension to Henry W. Walker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3189) for the relief of Leonard I. Brownson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3190) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SEWELL introduced a bill (S. 3191) for the relief of the estate of James Young; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3192) to provide for the erection of a public building at Jersey City, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS introduced a bill (S. 3193) granting a pension to Charles H. Force; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 3194) granting an increase of pension to William Kepler; which was read twice by its title, aad referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 3195) for the relief of the estate of Sarah G. Smith, deceased; which was read twice by its title, and referred to the Committee on Claims

He also introduced a bill (S. 3196) for the relief of the heirs at

law of Maj. Tarleton Woodson, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3197) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. KENNEY introduced a bill (S. 3198) granting an increase of pension to Fisher Ames; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3199) to correct the military record of William J. McNatt; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a joint resolution (S. R. 89) providing for the purchase of historical manuscripts relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILL.

Mr. KYLE submitted an amendment proposing to increase the allowance for salary of consul at Beirut from $2,000 to $2,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the allowance for salary of minister resident and consul-general to Siam from $5,000 to $7,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

LIEUT. COMMANDER R. M. G. BROWN.

Mr. TILLMAN. I move to reconsider the vote by which the bill (S. 1636) authorizing the President of the United States to nominate Lieut. Commander R. M. G. Brown, now on the retired list, to be a commander on the retired list, was indefinitely postponed, and that the bill be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

POLICY REGARDING THE PHILIPPINE ISLANDS.

Mr. KENNEY. Mr. President, I desire to give notice that on Tuesday next, after the routine morning business, I shall call up the joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands, with a view of submitting some remarks thereon.

SEIZURES IN AND NEAR DELAGOA BAY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to the resolution of the Senate of January 17, 1900, I transmit herewith a report from the Secretary of State, with accompanying papers, showing the steps that have been taken by the Department of State to obtain the restitution of property of American citizens seized and detained by the military authorities of Great Britain in and near Delagoa Bay, South Africa.

WILLIAM McKINLEY.

EXECUTIVE MANSION.
Washington, February 15, 1900.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

THE FINANCIAL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment reported by the committee.

Mr. HOAR. Is the pending question on the amendment in regard to international bimetallism?

The PRESIDENT pro tempore. It is.

Mr. HOAR. Mr. President, I wish not to make a speech or argument, but merely to make one very simple statement before this amendment shall be voted upon. It is almost too commonplace a thing to say in the hearing of gentlemen who have been, like the members of this body, meditating upon and discussing this important question for so many years, and yet it is a thing which seems to me to be entirely forgotten in political discussions and the discussions of the press.

Whenever there is added any action in favor of the gold standard or any recognition of the gold standard as something forced upon the people by the necessities of the case, there comes up a cry from the press of both parties, and that portion of the press which likes to style itself independent, that there is an attempt to straddle, to get silver votes, or please silver communities by making some vague, worthless, shadowy promise of doing something for silver in the remote future.

When the Republican convention at St. Louis, which nominated President McKinley, stated their conviction that it was desirable that the consent of commercial nations should be obtained to rehabilitate silver, and pledged itself to do what could be done, and of course pledging the Republican party to promote that end, the cry went up, a half sneer and a half laugh, even in Republican papers that were strong advocates of the gold standard, that that was a sort of sop to Cerberus.

Now, the people of the country, it seems to me, ought to be reminded of what had been the uniform belief of everybody in this country down to the time when our finances got into confusion during the civil war. Alexander Hamilton and Jefferson, each in his own way, when the Constitution was inaugurated—Hamilton at the request of Congress, and Jefferson at the desire and with the full concurrence of Washington—investigated this question of currency down to its fundamental principles; and the result was the greatest report on finance made by the greatest financial genius in the history of the world who ever had any public administrative responsibility, Alexander Hamilton, a report concurred in by Jefferson and accepted for nearly a hundred years by the whole American people, by Washington and his associates, by Webster, by Benton, by Jackson, and the leaders of both parties and of both sections.

That belief established three fundamental principles: First, that the best standard of value was the double standard, gold and silver; next, that that could only be maintained by concert or cooperation or common action of the great commercial nations of the world; and third, that if it could not be maintained, gold, which is the most valuable metal, is the one to which it would be necessary to resort.

The two parties differed as to whether redeemable paper currency issued by the Government, or issued by banks with the authority of the Government, should be added to this bimetallic currency; but those three truths, as they were deemed, were accepted by the entire American people without any considerable question. They not only were accepted by the American people, but the double standard of gold and silver was recognized in the Constitution itself, prohibiting the States to make anything but gold and silver legal tender, and of course implying and taking for granted in that prohibition that Congress would not do this thing which no State should be permitted to do.

Now, then, the principal nations of the world had a substantial bimetallism. Though one metal would get a little ahead at one time, a few per cent, and another a little ahead of the other, still gold and silver circulated everywhere as legal standards of value, and the civilized world got along.

Now, when the destruction of specie payments and the disturbance of the war came on, we got our finances into confusion, and the fiat-money schemes, and the schemes of one sort and another for paying debts, Government debts and private debts, with a depreciated or cheap currency came up. Soon after the principal nations of the world, following England, which had started earlier, departed from the old, safe, accepted bimetallic path, and the condition of things which Alexander Hamilton thought possible and intimates in this report came about—that you could not get the concert of nations any longer to a double standard. We have been compelled, as a majority of us think, to follow other nations in the path in which they have led, of a single standard, and we are doing just what Hamilton and just what Jefferson thought we must do if that condition of things happened, namely, to take the most valuable metal and the metal which other civilized nations adopt as our standard.

But in doing that, when we say that the American people has not changed its mind, but that we still believe the double standard the best, we are only saying that we reaffirm the universal opinion of the American people for a hundred years. Whether it gain votes or lose votes, whether it satisfy discontented communities or do not satisfy them, it remains the simple truth, which every man in the Senate old enough to remember the time before the war, whether he was a special student of finance or only an ordinary intelligent American citizen, believes, to wit, that you must have the two metals if you can get the concert of other nations in doing it; that if you can not, if you are driven from that policy, you must accept the most valuable metal, and that you must get back to the double standard again whenever an opportunity comes, the double standard and not the single standard being the best for mankind and the best for us.

Now, that is all there is of it; and if it gain votes or please discontented communities or help the party in power, it is only gaining votes and pleasing discontented communities and helping the party in power by a reaffirmation of the simple truth and a reaffirmation of the accepted belief of the American people of all parties and of all sections for a hundred years. It is nothing new. There is no disguise in it; there is no pretense in it; there

is no hypocrisy in it: but it is the simple fact that every American citizen who formed his opinion since Hamilton made his report down to the year 1863 believed these three truths; and that is all there is of it.

Mr. MORGAN. Mr. President, the amendment now before the Senate is one of those miserable makeshifts that force themselves into financial bills to cover the wounds of those who support them against the lacerations of conscience. When this amendment is voted on the committee's substitute for the House bill, I will offer what I will now read as a substitute for that amendment:

First. That it is the fixed policy of the United States to pay and clear off the national debt as rapidly as just and equal taxation and the accumulation of other revenues of the Government will permit, with constant regard to the capacity of the people to respond to this national duty.

Second. That the specie basis, consisting of gold or silver coin, or both, is the only true, just, and constitutional basis of the issue of bank bills to circulate as money.

Third. That it is an unjust and unconstitutional burden on the taxpayers of the United States that Congress should agree to change the terms of the national obligations, with the consent of the bondholders, so as to deprive the people of the right and privilege of paying said obligations in coins of gold or silver according to their necessities or the requirements of the general welfare.

Fourth. That it is contrary to the policy of the United States that the national debt shall be made perpetual, or that it should be maintained or increased for the benefit of the national banks, or to regulate the commercial value of gold or silver bullion.

If this substitute for the amendment of the Senate committee should be adopted, I would then move to strike out the word "enacted" in the enacting clause and substitute in place of it the word "resolved," so that it would be a joint resolution.

The ground that has been covered in the general discussion of this measure is the same that has been surveyed and resurveyed in the Senate for more than twenty years. The facts, with slight additions, and the arguments, almost without change, are the same that have been presented at every session of ten successive Congresses.

All the old battles have been fought over and all the now healing wounds have been torn open to bleed afresh.

It would be an intolerable cruelty to a people who are pushing their enterprises with renewed vigor and great prosperity in the dawn of a new era, in which the strength and splendor of the Republic is developing in concert with the noblest virtues and best aspirations of benevolence and justice, if this bitter discussion was forced upon our country for purposes of party advantage in the coming elections.

This motive has something to do with this agitation, so unwelcome to the people.

The compelling power of party organizations is the chief reliance of the projectors of this measure for its passage, and the fretful protests of some distinguished leaders of the majority against its provisions and the artful introduction of provisions that are misleading and deceptive, for the purpose of quieting others, show that the bill has impressed many of its supporters with a feeling of alarm and abhorrence.

But it moves on its course with the steadiness and ease of a cloud driven by unseen winds in a summer sky. It is well directed in its course and is resistless in its progress.

It is not dealing with ratios between the money metals or questions that relate to their equality in the mints, nor does it pause to consider the sanctity of contracts or the questions of constitutional laws and rights that obstruct its progress.

The mission of the bill is to decree a higher law than the Constitution, that shall emancipate concentrated capital from all taxation, to make capital the beneficiary of the powers of taxation which were given to Congress alone for the purpose of conducting the Government, to make the bond debt of the Government perpetual, and to increase it as occasion may offer, so that the national banks, based upon it, shall rule the financial destiny of the people forever, and to give them the power to create money that the Government is bound to redeem in gold gathered by taxation, and to regulate its volume of supply to the people.

This power to increase or diminish the volume of currency at will is the inquiry of absolutism in the hands of the money power, the most potent and relentless of all despots.

This ruling and irresponsible agency of the power of money, given into the hands of 3,500 national banks, is more dangerous to the people than if 3,500 regiments were concentrated under the command of an ambitious, selfish, and cruel despot who has no regard for any rights or interests that are not his own.

No national bank has interests that are in competition with any other national bank, and they are all so subject to the power of the Secretary of the Treasury that his will as to their operations is irresistible, and therefore his power to command them is supreme.

I am not stating the facts to support these statements. I have no need to state them. They are known to the people of the whole country. They are and have been on every page of every bank book of accounts for more than fifty years, and they are written in the experiences of everybody who ever had an account in one of them. While it is a leading purpose of this bill to keep this enormous concentration power under the control of capital and credit engaged in manufacturing bills to circulate as money on the basis of the credit of the Government, and while this is a danger to the people that threatens all the sources of their prosperity and all their liberties, there is a still deeper purpose, not in the least concealed, to divide our people into two classes—one the bearer of national burdens and the other the untaxed holders of permanent mortgages on the labor, earnings, productions, and property of all the industrial classes.

The feudalism of Europe, that our Constitution was expressly designed to prohibit in our country, has been transferred largely in the British Isles from lands into consols, which represent the interest-bearing national debt. It is the purpose and necessary effect of this measure to establish this system of feudalism in the United States. Its success is assured, and I fear it is irrevocable, when this bill or the House bill is enacted into law.

To aid this plan in the Kingdom of Great Britain and Ireland by increasing the purchasing power of the interest paid on the bonds, gold was made their sole legal-tender money, and thus enhanced in value, its scarcity was safely relied upon to lower the price of the labor and property out of which the bondholders were to derive their interest.

This bill adopts gold as the sole money to be received for all taxes and to pay the bonds and the interest upon them, and returns us to the same dominion that we thought we were escaping from in 1776 as to the feudal system. We are now on a worse footing than our brethren, the British subjects, because in the United Kingdom all paper money is issued and redeemed by a private corporation upon a basis of specie on which the people are not taxed, while we redeem all our national-bank issues in gold taxed out of the people, and at the same time we pay the banks that issue the bills interest on the bonds upon faith of which they are issued. In England the basis of banking is specie, on which the people pay no interest, while in this country the basis of banking is the public credit, which rests alone on taxation to sustain it. We pay the national banks the interest in gold upon their capital. We allow them to convert that capital into money and use it at rates that seldom fall below 12 per cent per annum. We redeem their bills in gold raised by taxation, and exclude all landowners from borrowing money on pledges of their real estate.

The industrial classes are thus made servile, while those who create money under corporate charters escape taxation and become lords paramount in all but the name.

This bill makes this condition inevitable and perpetual.

In this debate I have pointed out already the manner in which these results are fastened upon the country, and I will only call attention now to the only creed known to the people of the United States that is opposed to this new revolution, which returns us to the dominion of the British system of finance.

That creed is the broad and historical ground upon which all Democrats have always stood. It is the payment of the national debt, not its perpetuity; that whatever banking is authorized by law shall be conducted on the specie basis; that the specie basis of all contracts, public and private, consists of gold and silver legal-tender coin. The national banks are based on the credit of the United States in the form of bonds. If that basis is removed by the payment of the bonds, they must provide for the redemption of their bills in specie or go out of business.

So that a resort to the old Democratic creed is the only plan by which the people can be saved from the destruction of their industries, the taxation that will never end, the loss of their real liberties, and their degradation as feudatories of the money power.

In doing this, by paying off the national debt, we shall also necessarily restore silver to its former equal rights with gold, and its full coinage will be then demanded by the national banks as the only means of securing a full specie basis for the redemption of their notes, and the Government will go out of the banking business.

We have but one way to enforce the will of the people in favor of silver money, so often expressed and so often baffled and disappointed by the friends of monopoly, of the national banks, and the other money corporations, associations, and combinations in Congress. It is to make it to the interest of the national banks to demand the full and free coinage of silver. This can only be done by the payment of the national debt.

That will take the foundation from beneath their banks and force them to the specie basis for the redemption of their bank notes, or they will have to go out of business. This they will never consent to, and they will at once become clamorous for the full and free coinage of silver to put into the foundations of their credit.

The object of this bill, so far as they are concerned, is to prevent this result, which is the necessary result of the payment of our national interest-bearing obligations.

The PRESIDENT pro tempore. The Chair regrets to inform the Senator that his time has expired.

Mr. MORGAN. I ask the consent of the Senate to proceed for three or four minutes to finish my statement, as I do not expect to again take the floor.

Mr. STEWART. I ask unanimous consent that the Senator from Alabama may be permitted to finish his remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. I am much obliged to the Senate for its indulgence.

Mr. President, this bill makes the issue between the Democratic and Republican parties so deep and so broad that one or the other will fall under its decision, never to rise, if the people sustain this measure.

If they sustain this measure and vote the national debt shall be perpetual, they will thereby hand over to the national banks the whole control of their financial affairs, and will give them the power and the legal right, in cooperation with the other bondholding classes, to saddle a perpetual mortgage upon all who engage in the productive industries of the United States.

It is to save our country from this artful, quiet, cold, and almost silent revolution that I make this appeal to the old Democratic creed of Jefferson and Jackson, and implore the Democracy to take their stand upon the specie basis for the redemption of all contracts, public or private, whether made by corporations or by individuals.

If we will now adopt this true and ancient creed of the Democracy, that our national debt must be paid, and its converse proposition that the national debt shall not be made a perpetual burden on the people, and that the specie basis of gold and silver coin shall stand to redeem all money obligations, the Democrats of all the country and of all opinions as to what is sound money and what is the proper ratio between silver and gold, and as to the equal rights of gold and silver at the mints, and the necessity for gold as the money of foreign commerce, will forbear their doctrinal contentions and will gather under the old standard of Jefferson and Jackson without a man missing from the ranks.

This is our opportunity, and if we use it we can save the country from a social, moral, industrial, and political revolution that will preserve the Republic against that worst of despotisms—an incorporated monopoly of the money power, backed by the taxing power of the Government, for the benefit of the wealthy classes, at the cost of the toiling masses of the people.

Let the people denounce this measure at once, before it has had time to fasten upon them its fatal purposes and the destruction that otherwise is inevitable, and they will redeem themselves from a fate of which the class distinctions and poverty-ridden people of Europe will be only a mild example. Once we vote ourselves into slavery to the money power, the shackles will never fall from our limbs.

Mr. COCKRELL. Mr. President, I rise simply to enter my protest against the remarks of the distinguished Senator from Massachusetts [Mr. HOAR]. The general impression which was doubtless left upon the minds of the Senate by his remarks was that in the adoption of the bimetallic or the double standard in 1792 our authorities conferred with the leading commercial nations of the earth. I deny that our governmental authorities up to 1873 had at any time, in planning its financial system or in enacting its financial legislation, anything to do with foreign nations or foreign systems.

Mr. HOAR. Mr President, I do not know whether I ought to ask the Senator to yield to me for a moment, but I should like a short time.

Mr. COCKRELL. Certainly.

Mr. HOAR. What the Senator says is entirely true, that there was no agreement with foreign nations; but what happened was this: Hamilton in his report, in determining what should be the ratio between gold and silver, goes over each nation by itself and shows substantially that the ratio ranged from 15 to 1 to 16 to 1, but was a little over 15 to 1 at that time. He treats all through the consensus, the average, adopted by foreign nations as the ratio which we should establish. Then, in addition to that, he treats that as the ratio which we were to establish. Then he recognizes and adopts foreign coins and the legislation of his time as the coinage system to be used by the United States for an indefinite period. He then proceeds to fix by law not only the ratio of our own coins, but the value of Spanish dollars and other foreign coins. So he completely affirms the doctrine which I imputed to him as the whole basis and postulate of his argument. Then he goes on to say—if I may be permitted to read one sentence more, and that is all—as follows:

> The Secretary is, upon the whole, strongly inclined to the opinion that a preference ought to be given to neither of the metals for the money unit.

A strong declaration of bimetallism. Then he goes on to say that—

> Perhaps if either were to be preferred—

He uses in his cautious way the word "perhaps"—

> Perhaps if either were to be preferred, it ought to be gold rather than silver.
>
> The reasons are these:
>
> The inducement to such a preference is to render the unit as little variable as possible—

The Senator will see how in this statement Alexander Hamilton sums up the whole argument and position of the majority of this Senate established by this bill and by the recent Republican national convention. If you had put what they said into the best words you could have got you would have taken the words of Alexander Hamilton which I have just read. Let me finish that sentence:

> The inducement to such a preference is to render the unit as little variable as possible, because on this depends the steady value of all contracts and, in a certain sense, of all other property; and it is truly observed that if the unit belong indiscriminately to both the metals, it is subject to all the fluctuations that happen in the relative value which they bear to each other. But the same reason would lead to annexing it to that particular one—

Observe, he is only speaking where there is a necessity to take one metal—

> which is itself the least liable to variation, if there be in this respect any discernible difference between the two.
>
> Gold may, perhaps, in certain senses, be said to have greater stability than silver; as, being of superior value, less liberties have been taken with it in the regulations of different countries. Its standard has remained more uniform and it has in other respects undergone fewer changes, as, being not so much an article of merchandise, owing to the use made of silver in the trade with the East Indies and China, it is less liable to be influenced by circumstances of commercial demand; and if, reasoning by analogy, it could be affirmed that there is a physical probability of greater proportional increase in the quantity of silver than in that of gold, it would afford an additional reason for calculating on greater steadiness in the value of the latter.

In Mr. Jefferson's paper on the same subject, in his own way, he reaffirms that. It is put into the Constitution; and it is the doctrine of Daniel Webster. Mr. Webster himself always thought—in which his contemporaries and countrymen do not agree with him—that his greatest single service to mankind was his service upon questions of finance and that that was the subject he understood best—better even than constitutional law. Webster and Benton and Jackson and everybody in both parties of any sort of weight were agreed in those doctrines.

Mr. COCKRELL. Mr. President, if the distinguished Senator had made his last speech first, there would have been no occasion for me making any reply. When you take his first remarks, they were that all the way along we had been guided by reference to the commercial nations of the world, and that we had agreed upon certain financial plans because they were in accord with those of the commercial nations of the world, and that finally we had drifted down to the present Republican bill as a legitimate result of all that had been done before. I controvert that statement. I say that there never has been a financial law enacted in the United States prior to 1873 where this Government, directly or indirectly, consulted any foreign nation; and in 1792, when we did not have a dollar of coin of the United States—not one—and had no mint, and had no power to coin, we adopted our monetary system after our own investigation into what were the legal—not commercial, but legal—ratios existing in foreign nations.

The only guide we had was to take those foreign coins, melt them, and ascertain the quantity of metal in them. After a thorough examination, without any consultation with France or with England or with Germany or any other nation, kingdom, or power on God's green earth, we established our American bimetallic constitutional system of the free and unlimited coinage of gold and silver at the ratio prescribed by Congress, and we maintained that up to 1873. During that whole time, whenever the Democratic party or the old Whig party was in power, so far as that was concerned, there was a determination to have no entangling alliances with any foreign nation; and the immortal Jefferson, in his first inaugural address, proclaimed the true doctrine, which has been adhered to from that day to this by the party to which I have the honor of belonging—"Peace, commerce, and honest friendship with all nations; entangling alliances with none." That greatest of all great men of the world, George Washington, in his Farewell Address to the people, left them a legacy, an inheritance which should be honored and appreciated and loved so long as we love to be Americans. I will read from that Farewell Address as follows:

> Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other.

Pregnant truths, which should be taken to the hearts of the gold monometallists of to-day, who are bowing their knee to the golden calf worshiped by Great Britain and adopting a foreign system, transplanted from that power which would have held us in bondage and slavery to this day if she had had the physical power to do so.

The Farewell Address continues:

Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

Now, we are called upon to adopt this gold standard because it is in comity with the standard of Great Britain, because it is in comity with the standard of Germany, and to ally ourselves to a foreign system and be dependent upon all the changes and fluctuations and adverse circumstances which may surround that standard in foreign countries, bringing home to our own doors all the ills and ail the disadvantages which may result from that system in all the foreign nations of the world.

Why not adopt an American system—one of our own? Why cry before the world our insignificance, our incapacity, with 75,000,000 people, to do what we did in 1792 with 4,000,000 people? Then we established our system; we maintained it. To-day we can establish any system we desire; and I want nothing to do with any foreign financial system. I want our own financial system, separate and distinct from any other—an American system, which we are abundantly able to maintain, whatever it may be.

Mr. PLATT of Connecticut. Mr. President——

Mr. ALDRICH. Mr. President, I was simply going to ask that we take a vote, but I yield to the Senator from Connecticut if he desires to speak.

Mr. PLATT of Connecticut. Mr. President, it seems to be the fashion in this discussion for each Senator, as he rises, to protest against something. I wish to protest against the assumption of the Senators on the other side of the Chamber who oppose this bill—the assumption that they represent the people of the United States. I do not know where they get the right to claim that they are the representatives of the people on this question.

This question went before the people of the United States in 1896, and went before them upon the platform of the Republican party, which announced—I do not suppose I am able to quote exactly the language, but the substance of it was that the United States would maintain the existing gold standard until bimetallism should be secured by the concurrence of the leading nations of the world, which the party pledged itself to promote.

That question went before the people, and notwithstanding the suppression of some half million votes, more or less, in this country, that policy and that declaration and that pledge received a majority of the votes of more than half a million of the people. Now, I stand here——

Mr. RAWLINS. Will the Senator from Connecticut permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. PLATT of Connecticut. Yes, sir.

Mr. RAWLINS. If I understood the Senator's statement of the platform, it was that it pledged the Republican party to maintain the existing gold standard.

Mr. PLATT of Connecticut. Exactly.

Mr. RAWLINS. With the limitation and qualification——

Mr. PLATT of Connecticut. If I did not use the word "existing," it was an oversight. I intended to use it.

Mr. RAWLINS. This is the question: Do you propose by this measure to change the system which existed at the time that platform was made?

Mr. PLATT of Connecticut. I do not understand that this bill changes in any respect the gold standard as it exists before the passage of the bill.

Mr. HOAR. It does not change it; it maintains it, as the platform says.

Mr. RAWLINS. Then what is the object of the bill?

Mr. PLATT of Connecticut. Mr. President, those "representatives" of the people who continually insist that they alone represent the people have been trying to delude the people during all the years since the enunciation of that platform by saying that we were not on the gold standard, and they have been shouting with the same breath that the United States was not on the gold standard, and denouncing everybody who did not agree with them as parties to the crime of 1873. What was the crime of 1873 if it did not place the United States on the gold standard? The existing gold standard was what we promised to maintain until we could get international bimetallism, and this bill is for the purpose of making it sure that we do maintain the existing gold standard and taking away from the representatives of free silver the opportunity to say that the Government is not on the gold standard to-day. If it had not been for the continual misrepresentations of those who advocate free silver coinage, there would be no occasion for the passage of this bill.

But, Mr. President, I protest that they do not represent the people. With all the suppression of the vote in the last Presidential election there was a majority of more than a half million of the people of the United States for the maintenance of the existing gold standard until we could secure international bimetallism by the concurrence of the leading commercial nations of the world; and if they wish to go to the people again on the doctrine of the free coinage of silver at 16 to 1, which I believe means silver monometallism, they will find to their cost and sorrow that that majority will be largely increased in the next Presidential election.

I am obliged to the Senator from Missouri for removing all disguise from the issue in the next Presidential campaign. I am obliged to him for proclaiming the leading doctrine of the Democratic party and its representatives in the last Presidential canvass and its representative in the next Presidential canvass. Whatever may be said about anti-imperialism and about trusts and about the money power and about corporations and about the toiling masses and the classes, it will be the same issue over again, and that is whether the United States shall attempt to change the existing gold standard in this country into a silver standard.

Mr. President, we heard when the Senator from Nevada made his speech here something about the alchemist and alchemy. There never was any such alchemy as is now proposed by the Senator from Missouri. Of all men who have sought the philosopher's stone which should transmute base metals into gold, the Senator from Missouri is entitled to a patent for the discovery. Only it does not happen to be a stone. It is a law which is to transmute silver into gold. Of all the conjurers and magicians and wizards who have existed in times past and in times present and who sought to delude the people, no one has reached the sublime height of saying that by the passage of the law and the signing of the President's name to it you could increase the value of a commodity the world over 100 per cent. Neither Cagliostro nor Hermann nor Kellar nor Frank Daniels would ever aspire to any such distinction. It remained for the wizard of Missouri to wave his magic wand or magic pen and thus raise the price of all the silver in the world 100 per cent. How much? One-half certainly, and more than one-half of the silver coin of the world, although made a full tender, passes for only 50 per cent as much as the gold of the same denomination.

Mr. COCKRELL. What did I understand the Senator to say? Will the Senator permit a question?

Mr. TELLER. Make that statement again.

Mr. COCKRELL. Do I understand that the $119,000,000 in Germany, containing 3 cents less silver than ours, only pass for 50 cents?

Mr. PLATT of Connecticut. I have not said any such thing.

Mr. COCKRELL. You came very near it, I think.

Mr. PLATT of Connecticut. I did state that one-half of the silver money of the world to-day, in round numbers, passed in the countries of coinage and in all countries for not more than 50 cents on the dollar of gold of the same denomination.

Mr. COCKRELL. Will the Senator permit me to ask him one question?

Mr. PLATT of Connecticut. Yes.

Mr. COCKRELL. I ask him to name any great commercial nation——

Mr. PLATT of Connecticut. Oh, I am not talking about great commercial nations. I am talking on an entirely different subject now. I am talking about what the Senator from Missouri proposes to do with his magic pen, when it shall have written a law; and I say that of the four thousand millions, more or less, of silver money in the world at least two thousand millions of it passes at 50 per cent or thereabouts as compared with the value of gold money of the same denomination. He proposes to make that entire stock of money, depreciated money, as in Mexico,

India, and China, and wherever it is to be found all over the world, as good as gold. A thousand million dollars of value created by one touch of the pen! And not only that, but all the silver of the world, in bullion, in ornaments, or in whatever shape it may exist, is thereupon immediately to become worth a dollar and twenty-nine cents an ounce instead of less than half of that.

Mr. President, if it were anywhere else than in the Senate of the United States, I should simply say that this proposition is too ridiculous for anybody to believe. I see that my time has expired.

Mr. ALDRICH. Question.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the committee.

Mr. ALDRICH. I understand that the Senator from Alabama offered an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from what State?

Mr. ALDRICH. The Senator from Alabama [Mr. MORGAN]. I understood that he offered an amendment to the amendment.

The PRESIDENT pro tempore. No amendment was sent to the desk.

Mr. ALDRICH. He read it in his place, and I understood he offered it. If it is not pending, it is all right.

Mr. TELLER. Mr. President, I may have misunderstood the Senator from Connecticut [Mr. PLATT]. Before I go ahead I should like to know what he did say. I have the misfortune to sit behind him, and I could not hear. I understood him to say that the silver money of the world was circulating now at 50 cents on the dollar, nominally, with the gold in the country where it is circulating. What was it the Senator said?

Mr. PLATT of Connecticut. I said, speaking in round numbers, that one-half of the coined silver money of the world is passing at only 50 per cent or thereabouts of gold money of the same denomination.

Mr. ALDRICH. In the same countries?

Mr. PLATT of Connecticut. In the same countries.

Mr. TELLER. I want to say to the Senator that he is misinformed. There is no foundation for that statement. The silver money of the world, where gold is circulating with it concurrently, is circulating at the same ratio.

Mr. PLATT of Connecticut. Would not a gold dollar, if there were one in Mexico, buy two silver dollars; and would not a gold dollar, if there were one in India, buy two silver dollars?

Mr. TELLER. In the first place, there is not any gold in circulation in Mexico.

Mr. PLATT of Connecticut. Because silver, having depreciated to 50 cents on the dollar of gold, has driven it all out.

Mr. TELLER. The Senator there again shows his unacquaintance with the facts. There never was a gold circulation in Mexico at any time. Never at any time while the mints have been open has there been a gold circulation. The Treasury Department give them in a report which they make here more gold than silver, but that is evidently an error, because everybody knows that is not true. Take the coin of Great Britain—a hundred and eleven millions of it circulating at a limited tender. It does the same money duty, when you have 20 shillings of it, that a sovereign does. It buys as much of anything that the Englishman wants as a sovereign buys. Ten marks of silver in Germany buys as much as a ten-mark gold piece buys.

Mr. President, this is not the place for misrepresentations of that character. This is the place where facts and not falsehoods ought to be presented to the American people. There is not a country anywhere that maintains the standard of gold and silver where the silver does not do the same money duty, at the rate established by law, that it did previous to 1873.

Mr. PLATT of Connecticut. Did I deny that silver circulated on a parity with gold in Germany or the United States or England?

Mr. TELLER. If he has denied anything at all, that is what he did deny by that statement. It was intended to go out to the American people that where they have the two moneys in circulation, one half is doing money duty at 50 cents on the dollar and the other is doing it at a dollar—a hundred cents.

Mr. HOAR. May I ask the Senator from Colorado a question?

Mr. TELLER. I will yield to a question. I will not hear any speech from the Senator.

Mr. HOAR. You will not hear any speech from me?

Mr. TELLER. No; I can not afford it.

Mr. HOAR. Is there any country in the world having an unlimited coinage of silver where the silver dollar is worth more than 50 per cent of the gold dollar?

Mr. TELLER. I will answer you now. You can not answer it for me. I will take Mexico. I speak with knowledge, for I made a trip to Mexico for the express purpose of considering its financial condition. I stayed there six weeks, with as good an opportunity as any man who did not hold a commission from the Government could have. I interviewed merchants, I interviewed bankers, I interviewed everybody from the head of the Government down. I say to you to-day that when I was there, in 1893—there has been a little rise in things in Mexico since, not because of the money, but because of the prosperity there—a Mexican dollar would buy as much of all the products of Mexico as it would buy twenty years ago or thirty years ago. It did not buy quite as much of foreign imports, but I can go to Mexico to-day with silver money and buy many articles that are sold in the United States upon a gold basis with less silver money than you can buy with gold.

Mr. HOAR. The Senator does not answer my question. Let me put it in another form.

Mr. TELLER. You can put it in any form you choose.

Mr. HOAR. If you put an English gold sovereign in your pocket and go to a banker or a money changer in the City of Mexico, will he not give you for it nearly or quite double its nominal value in Mexican silver dollars?

Mr. TELLER. Nobody denies that.

Mr. HOAR. Very, well: that is what I want to get at.

Mr. ALDRICH. Will the Senator permit me?

Mr. TELLER. No; Mexico has no gold coin.

Mr. HOAR. I understand.

Mr. TELLER. When the gold of the world gets there it is merchandise. When you take your gold there in the shape of a sovereign they know that they can send it back——

Mr. ALDRICH. Will the Senator let me ask him one question?

Mr. TELLER. No. I want to get through with one at a time. You will have plenty of time.

Mexico is a country of limited circulation. How do we maintain here at a parity five hundred millions in silver, and more than that? It is because we are a great commercial nation and there is a demand for it. Mexico has never had a gold standard, I repeat. She has never had any gold in circulation. You can buy it at the brokers, you can buy it at the banks, but you buy it as merchandise. It is not in use and there is no analogy between that condition and this.

What the Senator from Connecticut was proclaiming was with respect to the circulation of the world. France maintains eight hundred or a thousand million dollars of silver, although I know that it is twice what the Treasury Department gives her, on an absolute parity with her gold, and the circulation in the common shops of France is not gold, but silver. The one hundred and eleven millions of silver money in the Kingdom of Great Britain does more money duty in the purchase of articles—except in great transactions—than the five hundred millions of gold. What I have said of England is absolutely true of Germany, Holland, Belgium, and of every other country where they pretend to have a gold circulation.

Mr. President, the Senator from Connecticut says that in 1896 this question was settled. In New England I know this party had a face of gold, but out in the West it had a face one side of which was gold and one side silver. It was a bimetallic party in all the country west of the Alleghenies. I said the other day that I made speeches in ten States. I challenge any man to show me that the Republican orators in those States stood up and said, "We are a gold-standard party." You pointed always to the bimetallic provision. You said existing conditions must be preserved. You did not say to the public, "We are going to change these conditions materially:" and the people did not vote on that subject. You got a great vote in Kansas, in Nebraska, in Minnesota, in Iowa, and in other sections from people who were not gold-standard people. They may eventually be brought into the gold-standard fold by the pressure of party prejudice and party sympathy and party pride, but they have not been there yet. The highest authority from the President's State, in one of the great places where men have influence, declared that that bimetallic provision put a hundred men in the last House of Representatives who would not have been there if it had not been in the platform. I do not know whether that is true or not, but I know you did not make a campaign upon the gold standard.

The American people have not declared for the gold standard. You may make them. It will take more money than you spent in 1896, if you do make them, to carry it, and in 1896 the party of which you boast, the party to which you belong, spent more than it ever spent from the hour it came into existence up to that time. You spent two dollars where the aggregate expenses had been one from the very foundation of the party in 1856 to the hour you nominated McKinley. You may do it again. You may close the factories or threaten to and frighten the people into voting for the gold standard. You may do what you did in all the great cities of the East. You may say to the employees, "If you vote for Mr. Bryan and he is elected, this factory closes." You did it in Chicago; you did it in all the great cities, I repeat, and in all the great manufacturing centers. You may do it again. You may get an expression of the people, but you did not get it then. The people were walked up, under the threat of starvation and discharge

from their employment, and they voted for the ticket under coercion; and they did not believe then that you were a gold-standard party, and you did not dare to say you were in two-thirds of the area of the United States.

The Senator from Connecticut is nothing if he is not a prophet. I remember once here when he prophesied—and he particularly prophesied as to myself—that a position I had taken would not be sustained by the people of my State. Mr. President, they sustained me by more than 85 per cent of the vote, and so it is not worth while for the Senator to tell us what is going to happen next time. We do not know what is going to happen. We are willing to make this campaign and take the chances. If the American people say they are for the gold standard, that is the end of it. The Senator complains that we say we are the representatives of the people. I do not think anybody will accuse the Senator from Connecticut of being a representative of the people especially. I do not know that he has misrepresented the people of his State. I do not know what their sentiments are. I presume they are for the gold standard. I have no doubt the people of Connecticut are, and probably he properly represents them in that way, but Connecticut is not all of the United States by any means. There is some section of it besides which has something to say about these questions and will continue to have, notwithstanding the Senator may enter his very earnest protest.

I mean to assert, in spite of the Senator, that I stand for the American people, if I know what their sentiments are. When I shall find that their sentiments differ with mine, I shall find that I am of no further use in this Chamber—I mean on this great question. I will be ready to quit when that occurs. I do not believe that the American people are a gold-standard people. I believe the Senator from Massachusetts told the truth when he said a couple of years ago, or three years ago, that 90 per cent of the people were bimetallists. I believe they are now. I believe they want bimetallism. You are afraid they want it, and therefore you put in this childish and foolish statement in the bill that this bill is not intended as an obstacle or hindrance to bimetallism.

Mr. PLATT of Connecticut. Mr. President, we are all the while getting something new in the Senate of the United States. We are getting new definitions, and we have now what seems to me to be a new definition of bimetallism. Bimetallism as proclaimed to-day is the opening of our mints to the free coinage of silver at a certain ratio. The opening of our mints to the free coinage of silver in olden times, in the times of the Constitution, when our friends are wont to boast that gold and silver were made the money of the Constitution, meant to the coinage of gold and silver at a ratio that then represented as nearly as it was possible an equivalence in value between the two metals. Now there is no bimetallism except for the opening of the mints of the United States alone at a ratio which represents a divergence of one-half in the equivalence of the two metals.

I will say this: If I believed that we could open our mints to the free coinage of silver at the ratio of 16 to 1, and thereby bring to a parity throughout the world the value of the two metals and maintain it there, my objection to free coinage as preached by the new financiers of the United States would be largely diminished, if not entirely eliminated. But there comes the exact difference between us. We do not believe it. We do not see how it is possible for anybody, taking into consideration the history of the past, taking into consideration all the laws which govern currency and finances, to believe that silver money can be maintained in the United States at a parity with gold upon the ratio of 16 to 1.

The fathers did not believe it. Nobody believed it up to a recent period. The greatest care was taken in opening our mints to see that the quantity of silver which was coined into a dollar should equal, as nearly as possible, in all markets the value of gold that was coined into a dollar. We had that law; we had a ratio, and up to 1873, if I am not mistaken, the mints had been open to the free coinage of both, and in that year there came for the first time a divergence between the two metals as to the value of the gold or silver represented in a dollar. In 1873 there was a divergence of about 8 or 9 per cent.

Mr. ALLISON. Not 1873; in 1878.

Mr. PLATT of Connecticut. In 1878.

Mr. STEWART. Oh, no; in 1873 silver was at a premium.

Mr. TELLER. Silver was at a premium in 1873.

Mr. PLATT of Connecticut. I was incorrect. I intended to say that the divergence came in 1878, or shortly before that. From that day the gulf between gold and silver value has been widening. It has not been the result of law. If law has had any influence upon it, it is not entirely responsible for the widening of the gulf. Silver went steadily down from 1878 as compared with the gold in commercial value until 1890. In the meantime, between 1878 and 1890, we were coining more silver than we had ever coined annually at any previous time in our history, and yet the divergence grew.

Then in 1890 we were told that if we would only purchase 4,500,000 ounces of silver per month and coin it into silver coin it would raise the price of silver to its old price and the ratio price of $1.29 an ounce. We did it, Mr. President. We believed that. We were told over and over again that all we had to do to raise the price of silver from what it was then to $1.29 an ounce the world over was to buy and coin 4,500,000 ounces per month, and we carried that on for three years. I do not remember now how much it was annually that we coined.

Mr. CLARK of Wyoming. Fifty-four million ounces.

Mr. PLATT of Connecticut. We coined 54,000,000 ounces annually, but the number of dollars was much greater, and still the price of silver went steadily down; the divergence grew wider and wider. Then we repealed the purchasing clause of the Sherman Act, and still the price of silver has gone down as compared with the price of gold, but not so rapidly as it did from the years 1890 to 1893, when we were purchasing the four and a half million ounces per month, which we were told was going to elevate silver to the price of gold.

And now we have come to this, that there is no bimetallism except free coinage at 16 to 1; that no one believes in bimetallism who does not believe that we can take silver, now worth 47 cents on the dollar as compared with gold commercially, and raise it to the parity of gold by just opening our mints at that ratio.

If a man believes in another ratio he is not a bimetallist. If he believes in the ratio which represents the real parity of value between gold and silver that man is not a bimetallist at all. He must believe what is beyond belief, what it is incomprehensible to suppose that any man believes, that we can take these two metals with all this divergence, one being worth half as much in the market as the other, at the ratio of 16 to 1, and make them equal in the market the world over.

Mr. TELLER. Will the Senator from Connecticut allow me to interrupt him for a moment?

Mr. PLATT of Connecticut. Certainly.

Mr. TELLER. Mr. President, I protest against the assertion, so far as I am concerned, that I insist that every bimetallist must believe that we are capable of coining silver at 16 to 1 ourselves and sustain it. I myself know men whom I regard as as good bimetallists as anybody in the world who do not believe that, and I have never accused them of inconsistency or anything else. One of the best bimetallic men that I ever knew, and one of the most intelligent, was General Walker, who never believed that we could do it alone. He was a bimetallist, he was an intelligent man, a man for whom I had great respect and great affection.

Mr. PLATT of Connecticut. Well, Mr. President, we have parties and parties in this country, and we have representatives and representatives of parties. I am rather pleased to see that the Senator from Colorado, who represents one party, does not quite agree with the Senator from Missouri [Mr. COCKRELL], who represents another party. This is what the Senator from Missouri said:

> Mr. President, this country, with the people inhabiting it, can make any laws on the financial question it desires, and it can maintain them. It is a disgrace to our people and our race to say we can not maintain a financial system at the ratio of 16 to 1 or 15½ to 1.

That is the bimetallism of the Senator from Missouri, at any rate.

Mr. SPOONER. He went further and stated that he did not want international bimetallism.

Mr. PLATT of Connecticut. He said that he does not want any international bimetallism; that he does not want any change in the ratio. He wants that old thing which has been inscribed on the banners of the Democratic party of this country for the last ten years to delude the people of the country—16 to 1 or nothing.

Mr. COCKRELL. Mr. President, I was delighted with the beautiful imagery that the distinguished senior Senator from Connecticut [Mr. PLATT] cast over me when he spoke about my attempting to wave the wand and by the pen give value to a commodity. Prior to 1873 throughout the world the commercial value of gold and silver was their coining value at the ratio of 15½ to 1. Why was the commercial value then equal to the coining value? Because law gave to that silver bullion free and unlimited coinage into full legal-tender money at that ratio, and that law fixed that commercial value and nothing else.

Mr. ALDRICH. What law?

Mr. COCKRELL. The law giving to silver free and unlimited coinage into full legal tender.

Mr. ALDRICH. Whose law?

Mr. COCKRELL. In France, in the United States, in Germany, that was upon the silver standard alone after 1857 to 1871, and in other countries.

Mr. ALDRICH. You mean international bimetallism, in other words?

Mr. COCKRELL. Not international bimetallism at all; each nation independent of every other, and no nation belittling and degrading and dishonoring itself and its people by asking a foreign nation to come and help it establish its monetary system.

Mr. ALDRICH. But all substantially on the same basis.

Mr. COCKRELL. Now, Mr. President, the Senator from Connecticut says that I am trying by the magic of the pen, the wave of the wand, to make the commercial value of silver bullion equal to its coining value and equal to gold. The Senator says that the depreciation began in 1878. In that the Senator is mistaken. There was no divergence between silver and gold prior to 1873. On the contrary, the standard silver dollar of 412½ grains weight, nine parts fine, as a commodity was worth 3 cents more than gold.

Mr. ALDRICH. How could that be, in the face of the law the Senator spoke of?

Mr. PLATT of Connecticut. I corrected myself. It was a slip of the tongue, Mr. President. I corrected myself. I was talking about 1873 when I meant 1878.

Mr. COCKRELL. Now, when did the depreciation of silver commence? It commenced in 1873. What caused it? Now, I appeal to the Senator to lay aside his inveterate prejudices against silver and look at the facts of history. What caused the divergence in the commercial value of silver relatively to gold and in its divergence from its coinage value? It was law. Law. The mysterious wand of law was drawn and the legal-tender power and free coinage were taken away from silver. What was the effect of it? It began to depreciate. It was law that caused the depreciation of silver. No intelligent man can deny it. If it had not been for law, there would have been no depreciation of silver, and every sane man knows it. It was the law of Germany, passing from a single silver standard to a single gold standard; it was the law of the United States demonetizing silver; it was the law of the Latin Union closing the mints to the free and unlimited coinage of silver.

Every man who has ever pretended to have any knowledge of the facts of history admits that it was legislation which caused the divergence between silver and gold; and the distinguished Senator from Iowa [Mr. ALLISON] who sits before me time and again has said that if that legislation had been directed against gold and in favor of silver, that gold would have depreciated as silver has done. The Senator from Rhode Island can not deny that proposition, that if the legislation enacted against silver in 1873 and subsequently, and in favor of gold, had been in favor of silver and against gold, gold would have depreciated commercially, as silver has done.

Mr. ALDRICH. I understand——

Mr. COCKRELL. Now, I put the question. I have only ten minutes. Say yes or no. Was it legislation that caused the depreciation or not? I dare you to say yes or no. [Laughter.]

Mr. ALDRICH. I will answer your question in my own way.

Mr. COCKRELL. Answer the question. It needs no explanation. I assert that it was legislation which caused the depreciation of silver relatively to gold.

Mr. ALDRICH. What legislation?

Mr. COCKRELL. And I will say that if——

Mr. ALDRICH. Whose legislation?

Mr. COCKRELL. If that legislation had been directed against gold and in favor of silver, gold would have depreciated just as silver did, and I challenge the Senator to deny it.

Mr. ALDRICH. Whose legislation was it that depreciated gold?

Mr. COCKRELL. It does not make a bit of difference whose legislation it was. Do not dodge it.

Mr. ALDRICH. I am not dodging it.

Mr. COCKRELL. Come square up and toe the mark. Say yes or no. I dare you to do it. [Laughter.]

Mr. ALDRICH. I say that the same legislation which demonetized silver can rehabilitate it.

Mr. COCKRELL. Then you say that if the same legislation had been directed against gold and in favor of silver it would have caused the depreciation of gold?

Mr. ALDRICH. Unquestionably.

Mr. COCKRELL. Unquestionably. Then why did you not answer it at the beginning? [Laughter.] Mr. President, it is only then a question of power. They admit that legislation can bring it up, and the arguments of my distinguished friend from Connecticut have been swept away. It is legislation that caused the depreciation, and legislation can restore and cause the appreciation. It is only a question of how much legislation is necessary.

Mr. ALDRICH. Not how much, but whose legislation?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. COCKRELL. I have heard him answer a question once flatfooted, and I will yield to him almost any time now.

Mr. ALDRICH. I always answer questions.

Mr. COCKRELL. It is so refreshing. Now, Mr. President, legislation caused the depreciation of silver. Had it been directed against gold and in favor of silver, gold would have depreciated and silver would have appreciated. Now, what we propose is by legislation to restore silver to its former status.

Mr. ALDRICH. Oh, no.

Mr. COCKRELL. Now wait.

Mr. ALDRICH. But you take one single country.

Mr. COCKRELL. Wait. It is only a question of power. The Senator admits that by cooperation with other nations we can do it. Then it takes a certain quantum of power; and now the question is, Has the United States that power?

Mr. ALDRICH. Certainly not.

Mr. COCKRELL. Now wait. What power is necessary? We will get down now to the logic of it. How much power is necessary to maintain the commercial value of silver bullion equal to its coining value? A power sufficient to accept and utilize as money all the silver that can be offered at the mints of that nation. That is all; no more, no less—that is all. Whenever you can show a nation or two nations or three nations or four nations that by opening their mints to the free and unlimited coinage of silver at a fixed ratio relatively with gold, can take and coin and utilize as money all the silver that is offered, then you have the commercial value of silver bullion equal to its coining value.

Mr. ALDRICH rose.

Mr. COCKRELL. Wait a moment, now. I have got him cornered. [Laughter.] It is a question of power; a question of power pure and simple; a question of capacity to take and utilize all the silver that is offered. Now, that is the only question.

Now, the Senator says we can not do it alone—that that will drive us to silver monometallism—but that we can do it by combination with other nations. I say that we can do it alone. I say that this great nation, the greatest in the world, with resources far beyond the capacity that the whole of Europe had when Europe maintained the equality of gold and silver at the ratio of 15½ to 1, when we have infinitely greater power of consumption and assumption and assimilation——

Mr. ALDRICH. Assumption, yes.

Mr. COCKRELL. And of products to exchange for silver the world over, we can by our open mints take and utilize every ounce of silver that will ever come to our mints, and we will still cry for more. It is only a question of power, a question of capacity to coin and utilize all the silver that will be offered; nothing more and nothing less and nothing else.

Mr. ALDRICH. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. COCKRELL. I should like to get him to make a speech just by himself so we could get at him.

Mr. ALDRICH. I am trying to——

Mr. COCKRELL. The Senator interrogates me.

The PRESIDING OFFICER. The Senator from Rhode Island must be recognized by the Chair before he can proceed.

Mr. COCKRELL. I will yield to the Senator.

The PRESIDING OFFICER. The Senator from Missouri yields to the Senator from Rhode Island.

Mr. ALDRICH. I should like to ask the Senator from Missouri whether he thinks that if France and the other States of the Latin Union had continued to coin silver, had kept their mints open to the free coinage of silver at a ratio of 15½ to 1, and if the other nations of the world that were then using silver had maintained its use, the act of 1873 by itself would have depreciated silver?

Mr. COCKRELL. The act of 1873?

Mr. ALDRICH. Yes. Would the act of 1873 have depreciated silver, the mints of France and the States of the Latin Union and all the other countries of the world having gone to a coinage of both gold and silver at the ratio——

Mr. COCKRELL. Would it have depreciated silver?

Mr. ALDRICH. Yes. Would the act of 1873 have depreciated it?

Mr. COCKRELL. Not of itself, it would not.

Mr. ALDRICH. That is the whole of it; that is the whole question.

Mr. COCKRELL. Because the other nations——

Mr. ALDRICH. Then, how can we by an act restore it?

Mr. COCKRELL. The other nations had the power to consume all that was offered.

Mr. ALDRICH. The Senator's answer was sufficient for me.

Mr. COCKRELL. How easily satisfied the Senator is! He will just take almost anything.

Mr. ALDRICH. If an act of this country could not have depreciated silver, how can an act of this country appreciate it?

Mr. COCKRELL. We were not on a coin basis then; we were not using gold and silver; and that had all on earth to do with it. We never could resume specie payments until 1879.

Mr. ALDRICH. The Senator from Missouri and all of the people who agree with him have always contended that the fact that we were not upon a coin basis had nothing to do with what they call the crime of 1873.

Mr. COCKRELL. The crime of 1873——

Mr. ALDRICH. There was no crime about it.

Mr. COCKRELL. It was a crime against God and humanity and civilization and Christianity.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEWART. Mr. President——

Mr. PLATT of Connecticut. Will the Senator from Nevada yield to me for a moment to put some figures in the RECORD which I intended to do when I was up before?

Mr. STEWART. Very well; but I do not want it to come out of my time, because I have some remarks to make.

The PRESIDING OFFICER. Then the Chair will recognize the Senator from Connecticut.

Mr. PLATT of Connecticut. There was a great increase in the production of silver in the years from 1866 to 1895 and continuing until the present time. I think that that increase had something to do with the depreciation of silver, and I want to put in the figures.

From 1866 to 1870, a five-year period, the production of the world in fine ounces was 215,257,914;

For the next five-year period, 1871 to 1875, it was 316,585,069;

For the next five-year period, 1876 to 1880, it was 393,878,009;

For the next five-year period, 1881 to 1885, it was 460,019,722;

For the next five-year period, 1886 to 1890, it was 544,557,155; and

For the next five-year period, 1891 to 1895, it was 787,906,656 of fine ounces of silver, as compared with the period of five years from 1866 to 1870 of only 215,257,914 ounces: and the production has been going on substantially in that ratio ever since.

Mr. STEWART. Mr. President, the assertion is often made that this bill is for the purpose of maintaining the existing gold standard. Inasmuch as that is the pledge in the platform of the Republican party, which no doubt will be observed by the Republicans everywhere with great fidelity, I propose to suggest a modification of the bill that will prevent a palpable, plain, unmistakable, bold violation of that pledge.

I give notice that at the proper time I will offer an amendment striking out from the substitute bill of the Senate committee the word "gold" wherever it appears in that bill. In every case where it appears it appears as a qualification of coin. In all the legislation previous to this time that word was omitted. The term "coin" was used in the act of July 14, 1870, when the public debt which now exists was provided for, and as to all of it issued under that act, it provides for the payment of that debt in gold and silver coin of the then standard value.

The resumption act of 1875 provided for the resumption in coin, not in gold coin. In purchasing bonds to get coin for redemption the act provided for the purchase of the same kind of bonds defined in the act of July 14, 1870. It has been admitted all the time, in every debate for the last twenty years, that all our obligations were payable in coin.

It is true the Secretary of the Treasury has been giving them gold when they wanted gold, because his friends were on that side, but not because it was the law. No man ever claimed that the obligations of the United States were payable in gold coin as against silver coin. All the Secretaries admitted that that was the law, but they had a higher policy than the law. There was never anybody who denied that that was the law.

Now, this bill strikes from the statute books coin of gold or silver and substitutes gold coin alone. That is not the gold standard which has existed. The gold standard which existed at the time of the meeting of the St. Louis convention and that now exists is the gold standard of usurpation of the Treasury Department, not the gold standard of the law. I do not wish to have the usurpations of the Treasury Department incorporated into law, particularly under a false assertion that that has been the law all the time.

Now, if you strike out the word "gold" and leave the standard as it was, you will have some consistency; but you propose to change the coin which you said you would maintain, the standard which you said you would maintain, which was in the law.

I deny that we have ever had the gold standard in this country, for every dollar of silver coined had the same purchasing power as every dollar of gold. Nor have they had the gold standard in France. Silver is there doing duty as money, and it is not depreciated one hair's breadth. It is as good as it ever was. They have about $100,000,000 or thereabouts in Germany, which is a full legal tender, as good as gold, because it has not been debased or degraded.

Now, here it is proposed in this bill to degrade the silver coin that we have and say that it shall not be received in the payment of public dues; that the public debts shall be paid in gold; that the reserve shall be gold. It is changing the standard. It is going back on the pledge. It is a plain violation of the pledge when you claim that it is the same standard. It ought not to be put forth to the country. It ought not to deceive anybody. It is false that the same standard is provided in this bill that has been in existence in this country from the beginning. It is false to make such a statement. I hope those who maintain the truth of that statement will prove that I am wrong and show me any statute where an existing obligation is made payable in gold. It is true that gold certificates and silver certificates have been deposited to take it out; but where is there a debt to be paid, where is there full legal tender, where is there coin to be paid, that silver coin will not pay where gold coin will, by statute?

Before you say that you are maintaining the existing gold standard, tell me why it is that you deny to silver the function that it has enjoyed by statute all the time since the foundation of this Government. Tell me why you do that, and then I can understand you: but I can not understand a law which says we are maintaining the present gold standard. If you are acting in good faith with regard to this matter, you will strike out the word "gold" and leave it "coin," as it has stood from the beginning. Let it stand as it has stood. Do not change it. Be consistent with yourselves. Let the Treasury Department make the standard by usurpation, but do not legalize that usurpation nor enact into law a declaration which is false. I hope that those who think they are maintaining the same standard by this bill will hurry to strike out the word "gold" and leave the statutes for the payment of all obligations as they now are, in either gold or silver coin, at the option of the debtor.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the Committee on Finance.

Mr. TELLER. I offer a substitute for the committee's amendment:

The PRESIDENT pro tempore. The Secretary will read the substitute offered by the Senator from Colorado.

The SECRETARY. Strike out the amendment proposed by the committee, and insert:

The people of the United States are in favor of bimetallism and desirous of an international agreement with the great commercial nations of the world that will admit of the use of both gold and silver at such an established ratio as will maintain the parity between gold and silver coin, and the efforts of the Government are hereby pledged to endeavor to secure such international agreement as speedily as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

Mr. TELLER. I do not see the chairman of the committee in his seat; but after his effusive declaration for bimetallism I presume the chairman will accept the amendment I have offered. If he does, it will simplify matters very materially.

Mr. ALDRICH. I see no reason why the chairman of the committee should accept that amendment. All these amendments are simply offered to embarrass the committee and to embarrass this side of the Chamber who intend to support the bill. There is no amendment which could be put on it that would secure the vote of the Senator from Colorado. That is very well understood. They are all antagonistic amendments to this bill.

Mr. TELLER. I agree to that last statement. I do not believe that you could amend it in this Senate so that I could vote for it.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Colorado to the amendment reported by the committee.

Mr. TELLER. Mr. President, I have not offered that amendment as an embarrassment to the bill, though I should not vote for it if it was put on, I will admit. But if the proposed amendment of the committee means anything at all, if it is to have any influence itself, I certainly think my amendment is an improvement on it, because this is a virile and live provision. The other is negative; this is affirmative.

Mr. ALDRICH. I have no doubt my friend from Colorado thinks he could improve every section and every line of the bill.

Mr. STEWART. He could.

Mr. ALDRICH. I presume he could, as the Senator from Nevada says, but the committee prefer their own language.

Mr. TELLER. I wish the Senator would tell me what objection there is to the phraseology I propose.

Mr. ALDRICH. I have tried to state it as frankly as I could. I should not care to reenact the Ten Commandments on this bill, however much I might be in favor of them.

Mr. TELLER. I do not wish to enter upon any discussion of the amendment. I will call for the yeas and nays upon agreeing to it.

Mr. WOLCOTT. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado as a substitute for the amendment of the committee will be read.

Mr. VEST. Read both.

The PRESIDING OFFICER. The amendment proposed by the committee will be first read.

The SECRETARY. It is proposed to add the following as a new section:

SEC. 9. That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

The PRESIDING OFFICER. The amendment proposed as a

substitute by the Senator from Colorado [Mr. TELLER] will now be read.

The Secretary read as follows:

The people of the United States are in favor of bimetallism and desirous of an international agreement with the great commercial nations of the world that will admit of the use of both gold and silver at such an established ratio as will maintain the parity between gold and silver coins; and the efforts of the Government are hereby pledged to endeavor to secure such an international agreement as speedily as possible.

Mr. WOLCOTT. Mr. President, if I could frame the language of this side of the Chamber respecting an amendment which reiterates and reaffirms the principles and policy of the Republican party as to the restoration of bimetallism, I should make it strong and vigorous and unqualified and earnest. I should probably add many phrases to the declaration as it appears in the amendment reported by the committee. But, Mr. President, I can not make the language for the Committee on Finance; I can not frame the language for this side of the Chamber. In good faith I accept the declarations of honorable Senators belonging to a party whose record is one of honor and not of dishonor; and when, to a man, they state on the floor of this Senate that they are believers in the principles of international bimetallism, that they stand ready to assist in bringing about the accomplishment of that beneficent result, as an honest man I accept that statement and am grateful for that admission and that appendage to this bill respecting the currency.

I accept it, Mr. President, because I know it is made in good faith. It may be, in the opinion of the Senator from Nebraska [Mr. ALLEN], puny and futile; it may be, in the opinion of the Senator from Missouri [Mr. COCKRELL], humiliating and disgraceful; but it is enough for me and it is enough for any man who wants to be a Republican and is a bimetallist and wants to believe that the Republican party will not agree to the reopening of the American mints at 16 to 1 without considering the wishes of any other country, but do stand ready to assist in bringing about, with the consent of the leading nations of the world, the restoration of the bimetallic system at some fair ratio. And because I believe that I accept it, and I am not going to be driven from my earnest desire as a Republican to stand with the committee and stand with the party by changes of phraseology, however specious or however attractive they may be.

It may be true—I hope it is, Mr. President—that the people of the United States are in favor of bimetallism and desirous of an international agreement; but I do not conceive it to be my duty as a Senator of the United States to enact upon the statute books of our country a statement as to the beliefs of the people of the United States.

Mr. ELKINS. Mr. President, I hardly know how to interpret the situation on the Democratic side of the Chamber and the attitude of the Democratic party toward international bimetallism. I am a firm believer in international bimetallism; but I find that the Senator from Missouri [Mr. COCKRELL] is violently opposed to it. In order that I may do him no injustice, I wish to read from the RECORD what he said yesterday in the debate on the financial bill. He used this language:

I do not want any international agreement.

How does that sound to the Senator from Colorado [Mr. TELLER], a great light and leader also in the Democratic party, who has just introduced and is pressing earnestly an amendment favoring international bimetallism? The Senator from Missouri says further:

I would not bind the United States in any agreement of a financial character in any shape, manner, or form.

It seems to me the Senator from Missouri is bound to vote against the amendment offered by the Senator from Colorado. Again, the Senator from Missouri said, in speaking of an international agreement:

I do not want any alliance with any other nation. I do not want any assistance from any other nation.

Mr. President, I take it that the Senator from Missouri speaks by authority for his party, as he is its acknowledged leader on the floor of the Senate and stands next to Mr. Bryan in prominence in his party.

Mr. JONES of Arkansas. Will the Senator from West Virginia allow a question there?

Mr. ELKINS. Yes, sir.

Mr. JONES of Arkansas. Does not the Senator from West Virginia know that immediately after the Senator from Missouri [Mr. VEST] so expressed himself he was the only Senator who voted with the Republicans in favor of the then pending proposition?

Mr. ELKINS. Who did?

Mr. JONES of Arkansas. The Senator from Missouri who made that statement is the only Senator on this side of the Chamber who voted with the Senator from West Virginia.

Mr. VEST. The Senator from Arkansas is mistaken.

Mr. ELKINS. I do not understand the politics of the other side of the Chamber. [Laughter.] No one else can from the differences and confusion that exists to-day on that side on the question of finance.

Mr. VEST. I did not use the language which the Senator from West Virginia has read, but I did vote with the Republicans yesterday, and gave my reasons for the vote I cast.

Mr. ELKINS. And I congratulate the Senator upon his vote, but not upon his reasons. [Laughter.]

Mr. VEST. It was my colleague [Mr. COCKRELL] who made the statement which has been read.

Mr. JONES of Arkansas. I beg pardon. I find I was misinformed. I thought it was the junior Senator from Missouri [Mr. VEST].

Mr. ELKINS. No, Mr. President; I distinctly stated that I read from the speech of the senior Senator from Missouri [Mr. COCKRELL], and in doing so I took occasion to say I wished to use his own language, as he stood the acknowledged leader of his party on this floor. I do not want to misrepresent the other side in the approaching campaign, and I was very glad to have the explicit statement of the Senator from Missouri, who speaks for the Democratic party in this Chamber, that he was opposed to international bimetallism. No one denies this.

Mr. TILLMAN. May I ask the Senator a question?

Mr. ELKINS. Yes, with pleasure.

Mr. TILLMAN. Are you in favor of any alliance with any European nation?

Mr. ELKINS. I am in favor of an arrangement with European nations to increase the use of silver as money throughout the world, because I do not think we can do it by ourselves.

Mr. TILLMAN. Would you limit your agreement or your alliance or your arrangement to money only; and if so, why?

Mr. ELKINS. We have the money question up now. That is one thing, and let us deal with one thing at a time. I would first get an arrangement about money and then decide about other things when and as they come up; I cross one bridge at a time and not until I get to it; but I am not opposed to any alliance with other countries that will be helpful to the development of our trade and commerce and in the interest of our people.

Mr. President, this world is fast becoming a vast neighborhood. The nations of the world are more closely connected than were counties in States sixty or seventy years ago. Every morning we know what goes on in every part of the world; we know the changes in the markets and the movements in business and commerce, and the idea that we can set up for ourselves, that we can be a part of the great world of finance and business, leading the world in both and declare at the same time that we will use only our kind of money, no matter what it is, and not agree with other nations on a uniform standard, is a great mistake.

Every Senator must admit that the best thing that could happen in the financial world in the interest of trade and commerce would be an agreement among the nations of the world as to the standard of value and the use of the same kind of money, so that we could have one common standard of value for the entire commercial world. Everybody must admit that this would be a wise arrangement, because nations are so closely linked together in financial and trade transactions. We can not stand alone, we can not have bimetallism alone, any more than we could expect one State or one county to have one measure of value with a different measure in another State or in another county.

Mr. President, it seems to me if we are to take the Senator from Missouri as the proper authority, as the leader on this floor of the Democracy in the approaching campaign, that his party are the real enemies of silver, as I have always claimed. Notwithstanding all the charges of the Republican party being an enemy to silver, there is no greater enemy to silver, it seems to me, than the Senator from Missouri and those who stand with him. They want no assistance; they want no aid; they want no international arrangement as to the use of silver, although such an arrangement might lead to the use of all the silver that could be produced as money. I had supposed that all parties were agreed that an international arrangement would be the best thing for this country and for the world; but to-day the Democratic party declares its opposition to any arrangement that will permit the use of all the silver in the world as money while Republicans heartily favor such an arrangement.

I wish to say that, in my judgment, if there is a little patience about the money question it will settle itself. You can not legislate values; you can not legislate what value Europe will put upon our money any more than you can by legislation fix the prices in Europe of products on this side of the Atlantic Ocean, and compel Europe to accept our valuation. Therefore we should agree on a common standard of value.

Mr. STEWART. I should like to ask the Senator a question.

Mr. ELKINS. Very well.

Mr. STEWART. I ask if the question will settle itself, why pass this bill?

Mr. ELKINS. It will settle itself, and sooner than the Senator thinks.

Mr. STEWART. I do not think so, and so I am opposed to the bill.

Mr. ELKINS. The Senator knows that the world is producing gold so rapidly and we are getting so much gold for our exports, that in a few years we shall have enough gold to make all the money we may need; and if so, this will settle not only the silver, but the currency question. That is what Senators on the other side are afraid of in the approaching campaign. The Democratic party do not want the money question settled, even if it will give the people and country all the gold needed to carry on business, and the use of all the silver that can be safely used.

Mr. STEWART. The Senator is mistaken about that.

Mr. ELKINS. Mr. President, our currency amounts now to about two thousand millions of dollars. We all know that every dollar of it is good, and the volume of good money is increasing rapidly. We are all satisfied, and the world is satisfied; we are doing very well; we are carrying on trade and commerce in volume that simply startles the imagination. Who is making this complaint about money?

The only fear the Democratic party has, I will say to the Senator from Colorado, is that in the next ten years we shall have enough gold to do the business of the world. Silver will continue to be used as money as much as may be needed for all purposes in the business world, but the money of the future will be some form of paper or certificate of deposit, which will be represented by gold or which will be redeemable in gold. We will also have silver certificates maintained equal in value to gold so far as they can be used with safety.

It seems to me the rapid increase of gold will settle the currency question without any legislation of the kind proposed and advocated by Senators on the other side of the Chamber. The time is at hand, owing to the rapid increase in the production of gold, when we can confidently believe that anyone having gold dollars or gold bullion can deposit the same and get certificates for the same redeemable in gold, making the best money in the world.

This will be far better than establishing a national bank, buying bonds, and taking out note circulation. Under this arrangement there will be no need of a public debt or bonds as a basis to insure a safe and sound currency. Going directly to the Treasury with gold will be the shortest and best way to get certificates of deposit. These certificates will take the place of national-bank notes without injury.

Of the two thousand millions of currency we have only two hundred and seven millions of national-bank notes, or about one-tenth. If the banks do not find note circulation profitable, as they do not, then instead of putting out a bond that can not be redeemed in thirty years as a basis for national-bank notes, why not let gold certificates take their place? This would allow us to go on paying off our national debt instead of perpetuating it in order to furnish a basis for national-bank note circulation when it may not be needed, because gold certificates or paper redeemable in gold issued directly against gold deposited in the Treasury will be far better.

I am very glad to hear from so great an authority as the Senator from Missouri the emphatic declaration that the Democratic party do not want any international arrangement; do not want any aid or assistance; and I want to make this statement so strong that it will not be denied in the next campaign.

Mr. VEST. Mr. President, it is unjust to my colleague [Mr. COCKRELL] and myself for the mistake to be made that I made his declaration upon yesterday and that he voted with the Republicans, as stated by the Senator from Arkansas [Mr. JONES]. I voted with the Republicans, and gave my reasons for doing so.

When the proposition was made here some years ago to send a commission abroad in order to bring about an international conference as to bimetallism, I did not vote for it. I was absent from the Senate upon a sick bed at the time, and I did not pair upon that question. If I had been here, I should have voted against it then, because I believed then, as I believe now, that such a project is utterly impracticable.

I supposed when the Democratic party announced in their platforms, national, State, and county, that they were for the free coinage of silver at 16 to 1, without regard to what might be done by foreign nations, that we meant it, and that we were prepared to do what must be done in order to save bimetallism and take our position behind silver and defend it, as France did for nearly seventy years.

Why, Mr. President, it would seem from what is said now upon this floor that there is a unanimity with foreign nations in regard to this question of gold and silver. I had occasion in 1893 to read from the reports of the Herschel commission, showing that there were all sorts of differences in the systems of the nations of the world as to the question of gold, silver, and paper. I will ask the Secretary now to read the conclusion arrived at by the Herschel commission in regard to the monetary systems throughout all the nations.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

(*a*) With little or no gold coin, as in Scandinavia, Holland, and Canada;

(*b*) Without a mint or gold coinage, as in Canada and the Dutch East Indies;

(*c*) With a circulation consisting partly of gold, partly of overvalued and inconvertible silver, which is legal tender to an unlimited amount, as in France and other countries of the Latin Union, in the United States, and also in Germany, though there the proportion of overvalued silver is more limited, the mints in all these countries being freely open to gold, but not to silver, and in some of them the silver coinage having ceased;

(*d*) With a system under which the banks part with gold freely for export, as in Holland, or refuse it for export, as in France;

(*e*) With mints closed against private coinage of both silver and gold, and with a currency of inconvertible paper, as has been temporarily the case in Austria;

(*f*) With a circulation based on gold, but consisting of token silver, which, however, is legal tender to an unlimited extent, as in the West Indies. The case of Holland and Java is very remarkable, since in that case the gold standard has been maintained without difficulty in both countries, although there is no mint in the Dutch East Indies, no stock of gold there, and a moderate stock of gold in Holland; whilst the currency consists of silver and paper legally and practically inconvertible into gold, except for purposes of export. The case of Canada, which maintains a gold standard without a gold coinage, is also very remarkable.

The case of Austria-Hungary is also interesting, and presents a remarkable contrast to that of India.

It will be seen that a country with a silver standard, and a currency consisting partly of overvalued silver, but chiefly of inconvertible paper, has been able, by closing its mints against private coinage for a series of years, and whilst still continuing to coin silver on Government account, to maintain a fairly steady rate of exchange with gold-using countries for a considerable period preparatory to adopting a gold standard.

Mr. VEST. Those were the conclusions of the Herschel commission, appointed by the British Parliament to investigate the question of closing the mints of India. It will be seen that there is no systematic and uniform arrangement of this money question throughout the world. The exports of every country determine the value of its legal-tender money. That is an axiomatic rule from which there can be no variation.

We have heard a great deal here about the silver of Mexico being depreciated. Mexico exports a few hides, some coffee, and a considerable amount of silver. In 1899—and I have the official report before me—Mexico exported in round numbers 70,000,000 pesos or Mexican dollars' worth of domestic merchandise. The valuation of a peso in 1899 in American money was 46 cents on the dollar, and in American money the amount of exports of that country was about $34,000,000.

As the result of this, when the Mexican dollar is outside of the territorial limits of Mexico it sinks to the value of silver bullion commercially. But how is it with the silver dollar of the United States? It is as good in Europe as the gold dollar. I had occasion in the debate of 1893 to state that when I happened to be at Carlsbad, in Austria, a banker there had offered to give me gold or Austrian money for any amount of the silver of the United States, either silver certificates or silver dollars, because, as he expressed it, the silver dollars of the United States, being full legal tender, could equally with gold purchase any of our salable products. After all, then, it is a question of exports as to the value of the legal-tender money of any country.

The Mexican dollar has nearly 6¼ grains more of standard silver in it than the dollar of the United States; and yet our dollar is worth all over the world 100 cents, because we exported at the end of the fiscal year 1899 one billion two hundred and sixty-odd million dollars of domestic merchandise, excluding gold and silver. That is the reason why our legal-tender money, no matter whether it be greenbacks or silver, is equal to gold anywhere.

Mr. President, if the time ever comes, as predicted by the Senator from West Virginia [Mr. ELKINS] who has just spoken, that by reason of gold discoveries this country will be flooded with gold, we shall have exactly the same condition of things that we had in 1850 and 1851, after the discovery of gold in California. I remember distinctly when the bankers of the United States in 1850 called for the demonetization of gold. They were under the impression that this country would be flooded and inundated with gold; and they then declared for silver and against gold distinctly and emphatically. The only motive they have or ever will have is to have the money of the United States in that coin which will purchase more than any other, and which will increase the income of the wealthy classes.

The whole struggle now, as it has been from the time when money was first invented, is between the money changers and capitalists, who want to make money dearer and higher, with a larger purchasing capacity, and the people without money, who are dependent upon their labor in order to obtain even the necessaries of life. To-day we see the United States in the same struggle which has occurred in all the nations of the world. In the Old World, where there are privileged classes, where there are men living from year to year upon fixed incomes, as in England and in some nations of the Continent, the struggle is to establish the gold standard, because they believe that gold is scarcer than silver.

We, being the largest producing and exporting country in the world, can sustain silver as France sustained it. If we abandon it, it is as certain as anything can be in the future that the last struggle for bimetallism has been made, and that the capitalists and money changers have triumphed.

Mr. SHOUP. Mr. President, I believe it due to my colleagues and to myself that I should make a few observations on the pending bill.

Mr. President, the position that I have heretofore taken on kindred measures, is well known to every Senator in this Chamber. When I addressed the Senate in 1893 on the bill to repeal the purchasing clause of the Sherman Act, I conscientiously believed that the United States alone could establish and maintain the parity between gold and silver by opening its mints to the free and unlimited coinage of silver at the ratio of 16 to 1. With the changed conditions which soon thereafter followed, I became apprehensive that this was too great an undertaking for a single nation. I have, however, steadily adhered to bimetallism.

Mr. President, admitting that we have heretofore been unsuccessful in making an agreement with other countries, I am in favor of again negotiating with foreign nations with a view of agreeing upon a parity between gold and silver, and in my judgment the day is not far distant when the principal nations of the Old World will invite the United States to join them in a conference for the purpose of establishing an international ratio of bimetallism. The bill reported by the Committee on Finance, and upon which we will to-day record our votes, provides for such a conference for the purpose of establishing a ratio.

The platform of the national Republican party adopted in convention at St. Louis in 1896 contained a similar provision. The delegates in that convention not in harmony with that provision vacated their seats and retired from the convention. Believing then, as I do now, that the St. Louis platform provided all that this nation could hope to accomplish for silver and bimetallism in the absence of an international agreement, I remained with the convention. Supplementary to this view, I wish to add that in my judgment there are other principles advocated and incorporated in Republican platforms which are of great moment and importance.

In order that my position at the time of the last Presidential campaign may be better understood, I beg to quote from an address I issued to the Republicans of Idaho shortly after the St. Louis convention:

> Realizing that the integrity of the Republican party in this State is endangered by a conflict of views upon the subject of bimetallism, a principle long cherished and advocated by a majority of the Republican party, but respecting the best method of accomplishing which there has always been a diversity of opinion, it is deemed wise and patriotic at this time to set forth a few facts, which may serve to direct the conduct of unwavering Republicans and inspire in the hearts of the faltering a renewed loyalty to the grandest political organization known to the history of this Government.
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> No political party has ever yet succeeded in formulating a creed which in all particulars met the unqualified approval of every member of the organization; and no party is likely to arise within the lifetime of this generation that can hope to attain to that degree of perfection. Therefore each individual citizen, sensible of the imperfection of all human contrivances, should associate himself with that political party which in its aims, professions, and achievements reflects most nearly his own views of correct and successful government.
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> The question which confronts the Republicans of Idaho to-day is this: Ought we to sever our connection with the national organization because it is not in strict accord with many of us as to the best method of establishing bimetallism? This is the sole subject of difference between the national party and the Republicans of Idaho. Is this difference sufficient cause for alienation? I believe not; and, moreover, I am firmly convinced that within the Republican party rests the best promise for the cause of bimetallism. On the other hand, what assurance have we that abandonment of the Republican party will contribute anything toward the desired result? * * *
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> It is my profound conviction that when the intelligent Republicans of Idaho have carefully and calmly considered the situation in this State they will conclude that they can not afford to make the sacrifice required; can not afford to incur the risks which abandonment of the Republican party at such a time as this involves, but will continue in their unfaltering allegiance to the party which has given the country all the sound and beneficent legislation it has enjoyed during the past thirty years. In this connection I am impelled to the declaration that an independent financial system must be coupled with the enactment of a law protecting all our industrial and commercial interests, which can only be accomplished through the Republican party. * * *
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> Forty years ago the Republican party first raised its standard. Under its folds were arranged all that was purest in American citizenship and best in American statesmanship. To its triumphs on many fields not only our country but the civilized world owes a debt of gratitude for its achievements in the cause of progress and humanity. That standard has not yet been lowered, and will not be until the beneficent mission of the Republican party, identical with the Republic itself, has been accomplished.

By the declaration in favor of international bimetallism as provided for in the pending bill the position of the United States is reiterated to the world and in a manner to admit of no question as to our sincerity.

Mr. President, the people of the State of Idaho in 1896 saw fit to cast the electoral vote of the State for the Democratic candidate. They were told that the election of Mr. McKinley would result in prolonging hard times, low prices, and want of confidence.

On the contrary, the dominance of the Republican party has brought to our State, in common with the rest of the United States, a period of unexampled prosperity and satisfaction with existing conditions.

The Dingley tariff law has been a source of great benefit to our people. Under it the most important industries of our State have been encouraged and developed. Business is better than it has ever been before, land values are higher, mortgages have been greatly diminished, and our people are happy and contented.

The Northwest, which so short a time ago was faltering in its support of the Republican party, is to-day in harmony with the President of the United States in his policy, both foreign and domestic.

Believing this measure does not in any way endanger the cause of bimetallism, but rather aids its ultimate accomplishment, and that when the recognition of silver comes it will be through the efforts of the Republican party, I shall vote for the committee amendment and the bill.

Mr. SPOONER. Mr. President, I shall vote against the amendment offered by the Senator from Colorado [Mr. TELLER], and I shall vote against it mindful of the pledge which was made by the Republican party in St. Louis to promote the cause of bimetallism. I think the amendment offered by the Senator is not legislation.

Mr. TELLER. May I ask the Senator from Wisconsin if he thinks the amendment offered by the committee is legislation?

Mr. SPOONER. I think the amendment offered by the committee is entirely proper to be placed in a bill which is legislation. I think the distinction between the amendment offered by the committee and the amendment proposed by the Senator from Colorado is a very plain one. The amendment offered by the committee is an amendment declaring the intention of the body which passes the bill as to its construction. The amendment offered by the Senator from Colorado is an attempt to declare by Congress what the wish of the American people is upon a particular subject.

Mr. President, the pledge which was made by the Republican party in St. Louis was speedily redeemed and crystallized into law; and if any doubt has been cast or could be cast upon the attitude of the party or the attitude of the Government as to the subject covered by the amendment proposed by the Senator from Colorado, it is such an amendment as he has offered.

I wish to call the attention of the Senate and to place upon record the act of 1897, passed only three years ago, the first section of which reads as follows:

> That whenever—
>
> "Whenever," at any time—
>
> after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country—

Authorizing him to call it, contemplating the fact that other countries might call it; a continuing statute, in every sense as vital to-day as it was the day the President affixed his signature to it, and speaking in unmistakable terms the attitude of the United States upon this subject—

> with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

It did not refer to any particular conference. It did not refer to any conference called by any particular government, but it authorized the President, whenever any conference is called upon this subject either by the United States or by any other government, to send commissioners, and it appropriates the sum of $100,000 for the payment of the expenses, and $75,000 of that appropriation, under this continuing act, lies in the Treasury of the United States and can be used for that purpose.

Mr. WOLCOTT. Eighty-five thousand dollars.

Mr. SPOONER. Eighty-five thousand dollars. Section 2 was a special provision:

> That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon. And he is further authorized, if in his judgment the purpose specified in the first section hereof can thus be better attained, to appoint one or more special commissioners or envoys to such of the nations of Europe as he may designate to seek by diplomatic negotiations an international agreement for the purpose specified in the first section hereof. And in case of such appointment so much of the appropriation herein made as shall be necessary shall be available for the proper expenses and compensation of such commissioners or envoys.

The President saw fit to exercise not the general and continuing power conferred by the first section, but to appoint special commissioners and envoys under the second section, and he appointed a commission. It may be that the special power given by the second section is spent. He appointed a commission, admirable in every way, headed by the Senator from Colorado [Mr. WOLCOTT], known all over this country to be a firm and sturdy friend of international bimetallism, able in every way, if there is

any man in this country to accomplish it, to present by argument the cause of bimetallism, and I think no one in the country will dispute that every proper resource which could be employed by men was employed by him and his associates to bring about that result. No greater glory in this world could have come to him than to have brought back from Europe an international agreement.

The President never acted under the first section. He appointed the special envoys under the second section. Very likely he could still act under the second section. The only possible argument, and that would be purely technical, which could be made as to his power to act under the second section is that he has once exercised the power.

Mr. TELLER. He could act again.

Mr. SPOONER. I rather agree with the Senator from Colorado, that he could still act under the second section, but I take it that no lawyer can deny, and no one has here denied, that he can act under the first section, and that there is a law then upon the statute book authorizing him to call a conference and authorizing him at any time when any government calls a conference to appoint commissioners to attend it.

Mr. President, there would be no necessity whatever for the amendment offered by the committee, I am frank to say that there would be no particular appropriateness in it, although it is a legitimate method of legislation, but for the fact that it has been said over and over again, I think here and I know elsewhere, that this bill is intended, if enacted into law, to put an end, so far as the United States is concerned, to any effort for international bimetallism—in other words, to change the statutory status of the United States upon that subject. Therefore we reported from the committee, what is often done, a declaration that it is not the intention of the Congress which passes the bill to lay by its provisions any obstacle in the way of international bimetallism.

Mr. TELLER. Mr. President, we have charged more than that. We have charged that the bill itself would do it without any reference to its intention. The committees deal with the intention only, I notice. I am free to say that I think the act which the Senator from Wisconsin has read is in force and the President can appoint a commission under it if he sees fit, so far as that is concerned.

The Senator says that this is not good legislation which I have suggested. I wish to call the attention of the Senator to the act of 1893, and it is about all I do want to say on the subject.

> And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of the dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts.

The majority of the Republican members of this body voted for that law. I did not vote for it; not because I was opposed to the declaration that was made, but because in voting for it I would have had to vote for the repeal of the purchasing clause of the Sherman law, which I did not choose to do.

Mr. President, I know Senators are anxious to get a vote; I have no desire to discuss the matter, and I will refrain from saying anything further on this amendment. I am willing to have a vote.

The PRESIDENT pro tempore. The question is on agreeing to the substitute for the committee's amendment, offered by the Senator from Colorado [Mr. TELLER].

Mr. TELLER. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. TALIAFERRO (when Mr. MALLORY'S name was called). My colleague is ill and necessarily absent. He is paired on this question.

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR]. I transfer that pair to the Senator from Florida [Mr. MALLORY], and will vote. I vote "yea."

Mr. PETTUS (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. HOAR].

Mr. PROCTOR (when his name was called). I have a general pair with the senior Senator from Florida [Mr. MALLORY]. If he were here, I should vote "nay."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER], who is detained from the Senate on account of illness. I therefore withhold my vote.

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], who is absent. I transfer my pair to the Senator from Kansas [Mr. BAKER], and will vote. I vote "nay."

The roll call was concluded.

Mr. MONEY. I wish to announce that my colleague [Mr. SULLIVAN] is paired on this question with the Senator from Illinois [Mr. MASON]. If my colleague were present, he would vote "yea."

Mr. BATE. I wish to state that the senior Senator from Georgia [Mr. BACON] is ill and can not be here. He is paired as announced by the Senator from Rhode Island [Mr. WETMORE].

Mr. TELLER. I wish to state that the Senator from South Dakota [Mr. PETTIGREW] is sick and is paired with the senior Senator from Maryland [Mr. WELLINGTON]. If the Senator from South Dakota were present, he would vote "yea."

Mr. McCUMBER. I am paired with the Senator from Nebraska [Mr. ALLEN]. I transfer my pair to the Senator from New Hampshire [Mr. GALLINGER], and will vote. I vote "nay."

Mr. ALDRICH. I beg to say that the Senator from Maryland [Mr. WELLINGTON] is absent on account of illness and if present, would vote "nay."

Mr. BUTLER. In accordance with the announcement just made by the Senator from Colorado [Mr. TELLER], while I have a general pair with the Senator from Maryland [Mr. WELLINGTON], he is paired on this bill with the Senator from South Dakota [Mr. PETTIGREW]. That leaves me free to vote on all questions connected with the pending bill without any further announcement. Before I vote, however, I wish to state that the Senator from Nebraska [Mr. ALLEN] is absent from the Chamber, and on all votes on this bill he is paired with the Senator from New Hampshire [Mr. GALLINGER]. I vote "yea."

Mr. KENNEY. I desire to state that the senior Senator from Washington [Mr. TURNER] is detained from the Chamber by sickness. He has a general pair with the Senator from Wyoming [Mr. WARREN]. Were he here, he would vote "yea."

Mr. MASON (after having voted in the negative). I have a general pair with the junior Senator from Mississippi [Mr. SULLIVAN]. He is absent, and I therefore withdraw my vote.

Mr. PROCTOR. I transfer my pair with the senior Senator from Florida [Mr. MALLORY] to the senior Senator from Massachusetts [Mr. HOAR], and will vote. I vote "nay."

Mr. PETTUS. Under that arrangement I am at liberty to vote. I vote "yea."

The result was announced—yeas 27, nays 45; as follows:

YEAS—27.

Bate,	Culberson,	McEnery,	Stewart,
Berry,	Daniel,	McLaurin,	Taliaferro,
Butler,	Harris,	Martin,	Teller,
Chandler,	Heitfeld,	Money,	Tillman,
Chilton,	Jones, Ark.	Morgan,	Turley,
Clark, Mont.	Jones, Nev.	Pettus,	Vest.
Clay,	Kenney,	Rawlins,	

NAYS—45.

Aldrich,	Fairbanks,	McBride,	Ross,
Allison,	Foraker,	McComas,	Scott,
Beveridge,	Foster,	McCumber,	Sewell,
Burrows,	Frye,	McMillan,	Shoup,
Caffery,	Gear,	Nelson,	Simon,
Carter,	Hale,	Penrose,	Spooner,
Clark, Wyo.	Hanna,	Perkins,	Thurston,
Cullom,	Hansbrough,	Platt, Conn.	Wetmore,
Davis,	Hawley,	Platt, N. Y.	Wolcott.
Deboe,	Kean,	Pritchard,	
Depew,	Lindsay,	Proctor,	
Elkins,	Lodge,	Quarles,	

NOT VOTING—14.

Allen,	Gallinger,	Mason,	Warren,
Bacon,	Hoar,	Pettigrew,	Wellington.
Baker,	Kyle,	Sullivan,	
Cockrell,	Mallory,	Turner,	

So Mr. TELLER'S substitute for the amendment of the Committee on Finance was rejected.

Mr. TELLER. Mr. President, I have no desire to delay a vote, as I know everybody wants to have a vote and dispose of the bill. There are some propositions I should like to make, but as on the votes which have been taken the entire Republican membership of this body with one exception have voted against the amendments, I think I will submit to the chairman of the committee, who seems to have the power of excluding all our amendments, the question whether he will accept certain amendments if I offer them. If not, I do not propose to ask the Senate to take a vote on them.

I should like to know whether he should allow this to go in. I want to tell the Senate, before I offer it, what it is, because it is very evident that the Senate has forgotten. It is an extract from the platform of the Republican party of 1892. I am sure it will not be recognized by at least some of our friends on this side of the Chamber if I do not make that statement:

> The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

I should like to know whether the Senator will accept that or whether, if I call for a vote, he will insist upon voting it down?

Mr. ALDRICH. Read what is proposed in all, and I shall be very glad to answer, or do you want an answer to this?

Mr. TELLER. I want an answer to this. There is one other to which I will call the attention of the Senator.

Mr. ALDRICH. I will say to the Senator from Colorado very frankly that I shall resist, and I shall ask the friends of the bill to resist any declaratory recital of the nature he has suggested, without any regard to my personal opinion or the opinions of Senators upon this side of the Chamber as to the declarations themselves. It is no part of the purpose of Senators in supporting this bill to incorporate into it the various Republican platforms which have been adopted since the party first had existence.

Mr. TELLER. This is a proper amendment which I propose to offer to the pending amendment. I do not desire to take the time of the Senate unnecessarily. The Senator has been frank in saying he is opposed to it. Will the Senator be embarrassed if I ask him——

Mr. ALDRICH. I am in favor of the platform. It was the platform of the Republican party, and I voted for the candidate of that party upon it, but I think it would be manifestly improper to incorporate that platform into this bill.

Mr. TELLER. The Senator has got a sort of platform in this measure, and I think this would be a great improvement on it. I want to ask the Senator—if it will embarrass him he need not answer it—whether he thinks the Republican majority in this Chamber, with the exception of one Senator who voted for my proposition, will all vote against this?

Mr. ALDRICH. Yes; under these circumstances.

Mr. TELLER. Then I will not offer it, because it is as good as offered. But there is another one to which I wish to call the attention of Senators. I have a declaration of political faith that came to the people in the spring of 1896 with a great deal of satisfaction, I think, the declaration made in the State of Ohio, the State which was about to present, as everybody knew, a candidate who was reasonably sure to be successful at least in securing the nomination, whatever doubt there might have been about his election. I will read it and ask the Senator whether he objects to it as an amendment to the pending amendment:

> We contend for honest money, for a currency of gold, silver, and paper, with which to measure our exchanges, that shall be as sound as the Government and as untarnished as its honor, and to that end we favor bimetallism and demand the use of both gold and silver as standard money, either in accordance with a ratio to be fixed by an international agreement, if that can be obtained, or under such restrictions and such provisions to be determined by legislation as will secure the maintenance of the parities of value of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

Mr. ALDRICH. We have crystallized that platform into a bill and propose to legislate on that subject. I have been perfectly frank in answering the Senator from Colorado the question he asked me, and now I should like to ask him a question.

Mr. TELLER. You can do so.

Mr. ALDRICH. Will he and the Senators who vote with him on this subject agree, now or hereafter, to support this Republican platform that he is reading? Is that their purpose? Is it their purpose, too, to express confidence in and to approve of the platform that he is reading it in this presence?

Mr. SPOONER. Would he vote for the bill if it were put on?

Mr. ALDRICH. Will the Senator vote for the bill if this platform is put on?

Mr. TELLER. No. I will not. The Senator need——

Mr. ALDRICH. Will any of the Senators who are acting with him vote for it?

Mr. TELLER. I hope not.

Mr. President, I supported, to the best of my ability, the candidate under the first proposition that I read. I could support a candidate on that proposition if it was made in good faith. I shall never have an opportunity again to support a Republican candidate on a bimetallic platform that means anything. They may put in the next platform some foolish and useless provision for the purpose of deceiving the public, as they did in 1896, which did not deceive me; but if they would make either one of these the basis of an honest declaration there are thousands of men who did not support Mr. McKinley who might then support the Republican candidate, but there is no probability of their doing it. The Senator says that this has not any place there. It has as much place in the bill as the declaration that he has got there.

Mr. President, I knew if we got a vote we could not vote this in. I knew that when the party dictated by its caucus action every man, no matter what his personal and private opinions might be on this subject, had to stand up to the dictates of the Indiana junta, and that there was not any practical use of moving any further amendments. Therefore, Mr. President, I shall move no further amendment.

Mr. CHANDLER. Of course all legislation is ultimately put in shape by the conference committee. I do not rise to move an amendment, but to make a suggestion to the Committee on Finance, of which the Senator from Rhode Island is chairman, and he will be the chairman of the committee of conference. It is that when this amendment is considered in conference he oblige some of us by putting six more words into it, so that it will read:

> That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, which we pledge ourselves to promote, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

To hold out a little inducement to the Senator, I will say that if he will get that in in the conference, I will vote to concur in the conference report.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee.

Mr. TELLER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON's name was called). I will state that on this bill and all the amendments my colleague [Mr. BACON] is paired with the junior Senator from Rhode Island [Mr. WETMORE]. My colleague is unable to be in the Senate during the votes to-day.

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). As I stated before, I am paired with the senior Senator from Washington [Mr. TURNER]. I neglected to state when I was on my feet before what would be his vote and what would be mine. I understood from him before leaving the Chamber yesterday that his vote would be against all amendments offered by the committee and against the Senate bill, and would be for such amendments as were offered upon his side. That would be exactly the opposite of my position; and I declare now, so that I may not repeat it, that I should vote, were I at liberty, "yea" upon this amendment, and that I would vote for such amendments as are offered by the Committee on Finance and vote in the affirmative upon the bill itself. Having made that explanation, I will not refer to it again, but simply announce the pair.

Mr. WETMORE (when his name was called). I am paired with the senior Senator from Georgia [Mr. BACON]. In his absence I transfer that pair to the Senator from Kansas [Mr. BAKER], who is also absent, and vote. I vote "yea."

The roll call was concluded.

Mr. TELLER. I wish again to announce that the Senator from South Dakota [Mr. PETTIGREW] is sick, and would vote "nay" if present. He is paired with the Senator from Maryland [Mr. WELLINGTON].

The result was announced—yeas 45; nays 30.

YEAS—45.

Aldrich,	Fairbanks,	McBride,	Ross,
Allison,	Foraker,	McComas,	Scott,
Beveridge,	Foster,	McCumber,	Sewell,
Burrows,	Frye,	McMillan,	Shoup,
Carter,	Gear,	Mason,	Simon,
Chandler,	Hale,	Nelson,	Spooner,
Clark, Wyo.	Hanna,	Penrose,	Thurston,
Cullom,	Hansbrough,	Perkins,	Wetmore,
Davis,	Hawley,	Platt, Conn.	Wolcott.
Deboe,	Hoar,	Platt, N. Y.	
Depew,	Kean,	Pritchard,	
Elkins,	Lodge,	Quarles,	

NAYS—30.

Bate,	Culberson,	McEnery,	Sullivan,
Berry,	Daniel,	McLaurin,	Taliaferro,
Butler,	Harris,	Martin,	Teller,
Caffery,	Heitfeld,	Money,	Tillman,
Chilton,	Jones, Ark.	Morgan,	Turley,
Clark, Mont.	Jones, Nev.	Pettus,	Vest.
Clay,	Kenney,	Rawlins,	
Cockrell,	Lindsay,	Stewart,	

NOT VOTING—11.

Allen,	Gallinger,	Pettigrew,	Warren,
Bacon,	Kyle,	Proctor,	Wellington.
Baker,	Mallory,	Turner,	

So the amendment of the Committee on Finance to the substitute reported by the committee was agreed to.

Mr. MORGAN. I offer an amendment as a substitute for the amendment just adopted.

The PRESIDENT pro tempore. To what does the Senator offer an amendment?

Mr. MORGAN. I offer it as a substitute for the amendment of the committee as amended.

The PRESIDENT pro tempore. That can not be done now. That amendment has just been adopted.

Mr. MORGAN. The amendment of the committee as amended.

The PRESIDENT pro tempore. As a substitute for the entire committee amendment?

Mr. MORGAN. As a substitute for the amendment of the committee as amended.

Mr. ALDRICH. I suggest that it is not in order at the present moment until the amendment is perfected.

The PRESIDENT pro tempore. It is in order if no other amendments are to be offered.

Mr. ALDRICH. I think the Senator from Arkansas has an amendment to offer.

Mr. MORGAN. I offered this amendment on the 31st day of January.

Mr. BERRY. I should like to ask if it is not in order to offer this as a substitute for the committee's amendment?

Mr. ALDRICH. No; not at this time.

The PRESIDENT pro tempore. It will be in order in time; but if Senators desire to propose any amendments to the amendment reported from the committee, they would take precedence of the amendment offered by the Senator from Alabama, because the amendment offered by the committee is entitled to be perfected, but any amendment proposing to strike it out entirely is in order.

Mr. MORGAN. That is very clear.

Mr. HOAR. I desire to inquire if the bill has been reported to the Senate?

The PRESIDENT pro tempore. It has not.

Mr. HOAR. Very well; then the Senator's amendment will be in order when the bill gets in the Senate.

The PRESIDENT pro tempore. Undoubtedly.

Mr. HOAR. Because then the question will be on concurring in the amendment.

Mr. JONES of Arkansas. I move to strike out all after the enacting clause and insert the following——

Mr. CULLOM. That is not in order.

The PRESIDENT pro tempore. The amendment of the Senator from Arkansas is open to the same objection now.

Mr. STEWART. I have an amendment to offer to the substitute.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment which will be read.

The SECRETARY. Amend by striking out the word "gold" wherever it occurs in the committee's substitute.

Mr. STEWART. That will leave——

Mr. WOLCOTT. I should like to ask the Senator from Nevada a question. In several instances in the bill gold certificates are mentioned. How would the Senator designate them in his amendment?

Mr. STEWART. I will say "except as to gold certificates."

Mr. WOLCOTT. Then I suggest that he change his amendment so that it shall not exclude all mention of gold certificates.

Mr. STEWART. No; I propose to strike out "gold" except where gold certificates are referred to.

Mr. WOLCOTT. I should like to have it so that we could understand just where we are, Mr. President.

Mr. STEWART. I propose simply to continue the law as it now stands, and to say "coin" where "gold coin" is used in the bill. "Coin" was formerly used and my amendment substitutes coin again for gold.

Mr. PLATT of Connecticut. I call attention to the first two lines of the substitute to show how it would read if this amendment should be adopted:

That the dollar consisting of 25.8 grains of gold nine-tenths fine shall, as established by section, etc., continue to be the standard unit of value.

Strike out "gold" it would read this way:

That the dollar consisting of 25.8 grains of nine-tenths fine shall, etc.

[Laughter.]

Mr. STEWART. That declaration is false any how. That would suit me exactly. I want to bring up the question of restoring silver. Any little phraseology can be arranged if you put back silver where it was. If you are going to maintain the gold standard as it was, you will strike out "gold" wherever it occurs in this bill, except where reference is made to certificates or something of that character.

In the first place, gold resumption is in this bill. It is not in the gold-standard law as it now exists. In the second place, gold bonds are in the bill. It is not in the law. In the law all the bonds now outstanding are payable in gold and silver coin, at the ratio that existed July 14, 1870; and so on, wherever it relates to obligations. If there is anything as to the phraseology of certificates, that can be ascertained afterwards.

The question is whether the Republican party are willing to maintain the gold standard as it existed in the spring of 1896, which they pledged themselves to do until they could get an international agreement. The question is whether they intend to do that, or whether they are dissatisfied with it and are going to change it and destroy the full legal-tender power of the silver dollar as a reserve, as resumption money, as bond-paying money, as interest-paying money. The question is whether they are going to take that power away from the silver dollar, and if it is the intention to change the gold standard. They call it the gold standard. I call it the double standard, so far as the use of money is concerned, up to this time. It is now the double standard,

The only gold standard we have ever had in this country was the usurpation standard of the Treasury Department, which has been denounced again and again for twenty years here and never defended except on the ground of expediency, that the bondholders ought to have gold, and the Treasury had to pay it to them. Nobody ever contended that it was the law. That never was contended. Now it is proposed to change the law, and I want it understood that it is changed by deliberate vote, so that people may not be deceived by the declaration that they are maintaining the gold standard as it existed in 1896, when they are changing it and substituting a legal gold standard for an usurped gold standard. If you are going to make that change, I want it done by a deliberate vote, and I want the yeas and nays on this amendment. Perhaps the phraseology can be changed as to the gold certificate, if that be the opinion of the committee, and I will modify it so it will not apply to the first clause in the first section.

Mr. ALLISON. I suggest to the Senator that if he wants a test vote on the general question——

Mr. STEWART. The general question is whether obligations can be made payable in gold alone which are now payable in silver, and I want a vote on that question.

The PRESIDENT pro tempore. Will the Senator from Nevada please modify his amendment as he desires to have it presented to the Senate?

Mr. ALDRICH. I suggest that a viva voce vote be taken on this question.

Mr. STEWART. I want the yeas and nays on it.

Mr. ALDRICH. Very well; we might as well dispose of it at one time as at another.

The PRESIDENT pro tempore. The Senator from Nevada desires to modify his proposed amendment.

Mr. TELLER. I suggest to the Senator that if he will except from that general sweeping provision in the first section of the committee's amendment——

Mr. STEWART. The last part of the first section relates to the redemption in gold. I can not do that.

Mr. TELLER. Well, the provision as to the unit.

Mr. ALDRICH. I presume the Senator's purpose would be accomplished as well by moving to substitute silver in place of gold wherever it appears in the bill.

Mr. STEWART. Not at all. Coin means both gold and silver. I will modify the amendment so as to strike out "gold" wherever it occurs, except in the first clause of the first section, where it relates to the unit, and in any other sections where it relates to gold certificates. In all other cases I ask that the word "gold" be stricken out.

Mr. PLATT of Connecticut. That is intelligible.

Mr. JONES of Arkansas. I do not understand what effect this will have on the bill, and I for one will have to insist on having the bill read as it would be if the amendment were adopted before I am ready to vote on a proposition of this kind. I am perfectly willing to vote for what the Senator declares as his purpose to declare that the bonds of the Government of the United States shall not be payable in gold. If he will make the amendment so as to apply to them, I shall vote for it with pleasure; but I want to see what sort of effect a sweeping proposition of this sort will have on the entire bill.

Mr. HOAR. I suggest that the simplest way, and the only way which is in order—as the Senator can not, if anybody object, make a motion to strike out a certain word wherever it occurs in the bill—is to move it as a separate and independent amendment in each case. If he does that, it will take a very short time, and the Senator from Arkansas will then see without reading the bill what the proposed change means.

Mr. JONES of Arkansas. I quite agree with what the Senator from Massachusetts says.

Mr. ALLISON. The Senator from Nevada wishes a test vote on the question of gold.

Mr. STEWART. In order to bring it out I will make my motion specific. I move to strike out the word "gold" in line 22 on page 10 of the bill.

Mr. ALLISON. That will not do. That is not what the Senator wants.

Mr. STEWART. That is one of the places where I should like to have the word "gold" stricken out.

Mr. WOLCOTT. I suggest, in view of the utterances of the Senator from Arkansas, that some Democrats should be added to the subcommittee of which Senator STEWART is chairman. [Laughter.]

Mr. STEWART. I will offer my own amendment now. I want it to apply to the redemption of greenbacks and Treasury notes. Wherever the law is changed I want to have my amendment apply. On page 10, line 22, I move to strike out "gold." In line 2, page 11, after the word "in," I move to strike out "gold;" on the same page, line 8, after the word "any," strike out "gold;" on the same page, line 15, after the word "the," I move to strike out "gold," leaving it "coin" in each instance; on page 12, line

3, after the word "in," I move to strike out "gold" and leave it "coin;" on page 12, line 6, after the word "the," I move to strike out "gold," leaving "coin" to stand, and on the same page, line 13, after the word "the," I move to strike out "gold."

Mr. ALDRICH. That is enough. That will make a test vote.

Mr. STEWART. That covers all the cases I care about. That will make a test vote.

Mr. ALLISON. That, I think, is enough.

Mr. STEWART. I will state in explanation that that leaves the law where it is so far as the redemption of greenbacks and Treasury notes and the payment of the public debt and the reserve in the Treasury are concerned. It leaves the law just where it now stands—"coin."

Mr. CHANDLER. I ask the Chair to state what the question is.

The PRESIDENT pro tempore. The proposed amendment will be read to the Senate.

The SECRETARY. In line 22, page 10, it is proposed, before the word "coin," to strike out the word "gold."

Mr. PLATT of Connecticut. How will it read then?

The SECRETARY. The closing paragraph would read:

> And United States notes and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption shall be redeemed in coin of such standard.

Mr. JONES of Arkansas. I call the attention of the Senator from Nevada to the fact that that proposed amendment is absolutely inconsistent with everything else in the section. It has no bearing on the section; it does not change a solitary thing in it. It is to pay the same standard coin that is provided for above in the section, which is the gold standard of 25.8 grains to the dollar.

Mr. STEWART. Well, we can modify that further and say "in coin of the standard value of July 14, 1870." That is what they are payable in now.

Mr. TELLER. I should like to suggest to the Senator that if he wants to get a vote as to whether we shall make the obligations of the Government not now payable in gold hereafter payable in gold, he can get it by inserting his amendment on page 15, where it provides that the bonds shall be paid, principal and interest, in gold.

Mr. STEWART. Very well.

Mr. TELLER. If the Senator from Nevada will take one place, it will do just as well as taking half a dozen places in the bill.

Mr. STEWART. I will adopt the Senator's suggestion.

The PRESIDENT pro tempore. The Senator from Nevada withdraws his proposed amendment and offers another, as the Chair understands.

Mr. TELLER. I make this suggestion to the Senator. In section 6, on page 15, beginning in line 3, the bill reads:

> Such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value.

If the Senator moves to strike out the words "in gold coin of the present standard value," he will be able to accomplish what he desires.

Mr. STEWART. I propose to do that; and to insert "gold or silver coin of the standard value of July 14, 1870."

Mr. TELLER. It seems to me the Senator can get a vote on that without any further trouble.

Mr. CHANDLER. Mr. President, I only want to say that if there were a proposition in this bill to make the existing bonds of the United States now outstanding payable in gold coin alone, I should vote against it; but this is a proposition to issue new 2 per cent bonds, into which the whole public debt is to be voluntarily funded; and, as I have said before, I am willing to vote for that if we can fund our national debt now existing into new 2 per cent gold bonds. I call the attention of the Senator from Nevada to the fact that these bonds could not be negotiated if they were not gold bonds. Therefore the Senator can accomplish what he wants in a much easier way by joining me in voting against the whole bill. That is the easiest way to do it.

Mr. ALLISON. I am afraid the Senator from Nevada has not heard the suggestion of the Senator from New Hampshire, that he join the Senator from New Hampshire in voting against the bill. [Laughter.]

Mr. ALDRICH. I think the Senator from Nevada had better withdraw his amendment.

Mr. STEWART. No.

Mr. ALDRICH. Perhaps it would simplify matters if I moved to lay the amendment, whatever it is, on the table.

Mr. STEWART. Let the amendment be first read.

Mr. ALDRICH. I move to lay the amendment on the table.

Mr. STEWART. Wait until it is read, will you, please?

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Nevada [Mr. STEWART].

The SECRETARY. In section 6, on page 15, line 5, after the word "interest," it is proposed to strike out "in gold coin of the present standard value" and insert "in coin of standard value of the act of July 14, 1870."

The PRESIDENT pro tempore. The Senator from Rhode Island moves to lay the amendment on the table.

Mr. ALDRICH. I do.

Mr. STEWART. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I again announce my pair with the senior Senator from New York [Mr. PLATT].

Mr. PROCTOR (when his name was called). I again announce my pair with the Senator from Florida [Mr. MALLORY]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER].

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], but I transfer that pair to the Senator from Kansas [Mr. BAKER], who is absent, and I understand is not paired. I vote "yea."

The roll call was concluded.

Mr. COCKRELL. I want to announce that my colleague [Mr. VEST], who was unavoidably called from the Senate Chamber a few moments ago, is paired with the senior Senator from Minnesota [Mr. NELSON]. My colleague, if present, would vote "nay."

Mr. NELSON (after having voted in the affirmative). When I voted I supposed the Senator from Missouri [Mr. VEST] was present. I withdraw my vote.

Mr. TELLER. I want again to announce the absence of the Senator from South Dakota [Mr. PETTIGREW] on account of sickness and to say that if present, he would vote "nay" on this motion. I will also announce that he is against this bill and, if present, would vote against the bill and all amendments coming from the committee.

The result was announced—yeas 44, nays 26; as follows:

YEAS—44.

Aldrich,	Depew,	Kean,	Pritchard,
Allison,	Elkins,	Lindsay,	Quarles,
Beveridge,	Fairbanks,	Lodge,	Ross,
Burrows,	Foraker,	McBride,	Scott,
Caffery,	Foster,	McComas,	Sewell,
Carter,	Frye,	McCumber,	Shoup,
Chandler,	Gear,	McMillan,	Simon,
Clark, Wyo.	Hanna,	Mason,	Spooner,
Cullom,	Hansbrough,	Penrose,	Thurston,
Davis,	Hawley,	Perkins,	Wetmore,
Deboe,	Hoar,	Platt, Conn.	Wolcott.

NAYS—26.

Bate,	Culberson,	McLaurin,	Sullivan,
Berry,	Daniel,	Martin,	Taliaferro,
Butler,	Harris,	Money,	Teller,
Chilton,	Jones, Ark.	Morgan,	Tillman,
Clark, Mont.	Jones, Nev.	Pettus,	Turley.
Clay,	Kenney,	Rawlins,	
Cockrell,	McEnery,	Stewart,	

NOT VOTING—16.

Allen,	Hale,	Nelson,	Turner,
Bacon,	Heitfeld,	Pettigrew,	Vest,
Baker,	Kyle,	Platt, N. Y.	Warren,
Gallinger,	Mallory,	Proctor,	Wellington.

So Mr. STEWART'S amendment was laid on the table.

Mr. PETTUS. I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee by inserting at the end of section 1 the following:

> Gold coins and silver dollars coined by the United States shall be a legal tender in all payments at their nominal value when not below the weight and limit of tolerance provided by law for the single coin, and when reduced in weight below such standard and tolerance shall be a legal tender at valuation in proportion to their actual weight.

Mr. ALDRICH. I move to lay that amendment upon the table.

Mr. PETTUS. Why not have a direct vote upon the amendment?

Mr. ALDRICH. I have no objection to a direct vote upon the amendment, if the Senator prefers that course.

Mr. PETTUS. I do; and I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I have a general pair with the senior Senator from New York [Mr. PLATT].

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY], and therefore withhold my vote.

Mr. WETMORE (when his name was called). I again announce my pair with the senior Senator from Georgia [Mr. BACON], and transfer that pair to the Senator from Kansas [Mr. BAKER], who is absent. I vote "nay."

The roll call was concluded.

Mr. WARREN. I again announce my pair with the senior Senator from Washington [Mr. TURNER].

The result was announced—yeas 27, nays 44; as follows:

YEAS—27.

Bate,	Culberson,	McLaurin,	Sullivan,
Berry,	Daniel,	Martin,	Taliaferro,
Butler,	Harris,	Money,	Teller,
Chilton,	Jones, Ark.	Morgan,	Tillman,
Clark, Mont.	Jones, Nev.	Pettus,	Turley,
Clay,	Kenney,	Rawlins,	Vest.
Cockrell,	McEnery,	Stewart,	

NAYS—44.

Aldrich,	Depew,	Lindsay,	Pritchard,
Allison,	Elkins,	Lodge,	Quarles,
Beveridge,	Fairbanks,	McBride,	Ross,
Burrows,	Foraker,	McComas,	Scott,
Caffery,	Foster,	McCumber,	Sewell,
Carter,	Gear,	McMillan,	Shoup,
Chandler,	Hanna,	Mason,	Simon,
Clark, Wyo.	Hansbrough,	Nelson,	Spooner,
Cullom,	Hawley,	Penrose,	Thurston,
Davis,	Hoar,	Perkins,	Wetmore,
Deboe,	Kean,	Platt, Conn.	Wolcott.

NOT VOTING—15.

Allen,	Gallinger,	Mallory,	Turner,
Bacon,	Hale,	Pettigrew,	Warren,
Baker,	Heitfeld,	Platt, N. Y.	Wellington.
Frye,	Kyle,	Proctor,	

So Mr. PETTUS's amendment was rejected.

Mr. PETTUS. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill as a separate section the following:

SEC. —. That nothing contained in this act shall be held or construed to affect the present legal-tender quality of silver dollars coined by the United States.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. PETTUS], which has just been read. [Putting the question.] The "nays" appear to prevail.

Mr. PETTUS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I again announce my pair with the senior Senator from New York [Mr. PLATT].

Mr. PROCTOR (when his name was called). I again announce my pair with the Senator from Florida [Mr. MALLORY].

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER].

Mr. WETMORE (when his name was called). I again announce my pair with the senior Senator from Georgia [Mr. BACON], and that that pair has been transferred to the Senator from Kansas [Mr. BAKER], who is absent. I vote "nay."

The roll call was concluded.

Mr. JONES of Arkansas (after having voted in the affirmative). I inquire whether the Senator from Maine [Mr. HALE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. JONES of Arkansas. I have a general pair with that Senator, and so I withdraw my vote.

The result was announced—yeas 26, nays 44; as follows:

YEAS—26.

Bate,	Culberson,	Martin,	Taliaferro,
Berry,	Daniel,	Money,	Teller,
Butler,	Harris,	Morgan,	Tillman,
Chilton,	Jones, Nev.	Pettus,	Turley,
Clark, Mont.	Kenney,	Rawlins,	Vest.
Clay,	McEnery,	Stewart,	
Cockrell,	McLaurin,	Sullivan,	

NAYS—44.

Aldrich,	Depew,	Kean,	Platt, Conn.
Allison,	Elkins,	Lindsay,	Quarles,
Beveridge,	Fairbanks,	Lodge,	Ross,
Burrows,	Foraker,	McBride,	Scott,
Caffery,	Foster,	McComas,	Sewell,
Carter,	Frye,	McCumber,	Shoup,
Chandler,	Gear,	McMillan,	Simon,
Clark, Wyo.	Hanna,	Mason,	Spooner,
Cullom,	Hansbrough,	Nelson,	Thurston,
Davis,	Hawley,	Penrose,	Wetmore,
Deboe,	Hoar,	Perkins,	Wolcott.

NOT VOTING—16.

Allen,	Hale,	Mallory,	Proctor,
Bacon,	Heitfeld,	Pettigrew,	Turner,
Baker,	Jones, Ark.	Platt, N. Y.	Warren,
Gallinger,	Kyle,	Pritchard,	Wellington.

So the amendment was rejected.

Mr. VEST. I offer an amendment, and ask the Secretary to read it from the copy which I send to the desk, as by some clerical error two or three words were omitted in the print.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to add at the end of section 7 the following:

Provided further, That the Secretary of the Treasury shall cause to be prepared Treasury notes to the amount of $200,000,000, said notes to be in such form and denomination as the Secretary may determine, and to be full legal tender for all debts, public and private. The Secretary shall cause to be engraved upon each of said notes the words "bond note" and the statement that said note is a full legal tender, as aforesaid; and he shall loan, under such rules and regulations as he may prescribe, said notes to any person, persons, or corporation in sums not less than $100 on their depositing in the United States Treasury United States bonds at par value and in sums equal to the amount of bond Treasury notes issued to such applicant or applicants; said bond Treasury notes so issued shall bear the same rate of interest as the bonds upon which they are issued, and said bonds so deposited with the Treasury shall only be redeemed by the original depositors of the same or their assigns by surrendering to the Treasury bond Treasury notes or other legal-tender money of the United States of equal amount with the par value of said bonds and accrued interest.

Mr. VEST. Mr. President, if the Senate will indulge me for a very few moments, I should like to say something about this amendment, though I frankly state that I am not very sanguine as to its adoption.

The obvious meaning of this amendment is to place all the citizens of the United States upon the same footing as the national banks as to drawing currency out of the Treasury upon the deposit of bonds. There are some good features in the national banking system, amongst which are the double-liability clause as to stockholders and the examination of the banks periodically; but I have always objected to that feature which gave to those institutions the right to contract or expand the currency of the country at pleasure.

It has seemed to me always that that was a dangerous power, and I think that our experience in the past justifies my apprehension. It is now an open secret that three or four of the great banks in the city of New York control the stock market and the prices of all securities. They can expand or they can contract the currency at their pleasure. They can go to the Treasury and put in their bonds, upon which they are drawing interest, take out money, and loan it to the people of the country at 6 per cent or more. If, upon the other hand, they want to contract the currency, they simply retire their notes and take out bonds, the interest still continuing to run in their favor.

Now, what is this, I ask in all sincerity and candor, except a moneyed monopoly of the most dangerous character? I have no personal antipathy to banks or capital; I have no desire to pull down the wealthy classes in the country, if legitimately wealthy. But human nature is the same everywhere and under all circumstances. When you put the power in the hands of any lot of directors, I care not how high their standing or charming their personality, to contract or expand the currency of a great country, it is a dangerous gift; and I am compelled to say it will always be excused. When I say excused, I mean to say they will always have the influence to make it appear to the people that what they are doing in regard to contraction or expansion is entirely legitimate and proper.

Mr. President, I intend to make some statements, in none of which I have the slightest personal feeling and in none of which shall I indulge in any criticism that is not entirely proper as to a public official in regard to his official acts. Two years after I entered the Senate of the United States—in 1881—we had an object lesson in regard to national banks which will never be forgotten. It was proposed in Congress to fund the bonded debt of the country at 3 per cent and to make the new bonds the only basis for bank circulation. It aroused the deepest resentment on the part of the banks. It cut down the interest upon their bonds and compelled them to take, at a smaller interest and as a basis for circulation, the 3 percents. Those of us who were here then will remember that these corridors swarmed with bank officers.

They came from my own State and said to me personally, "If Congress dares to pass this bill," which they denominated as robbery, "it will cause a panic in this country which will shake the entire monetary system to the center." The great bankers of New York, as they always do, led the attack upon Congress. Millions and hundreds of millions of dollars were represented around this Capitol. They said, "The idea of cutting down the interest on our bonds and forcing us to make these the basis of circulation is a felony. You dare to do it, and we will create a panic in Wall street, the effects of which will not be recovered from in years."

I am glad to say that Congress for once stood firm against these assaults, and we passed the bill. Hayes was then President and ex-Senator Sherman Secretary of the Treasury, and in one hour after that bill was passed stocks fell 40 per cent in Wall street and some of them went down to even a lower price. They made good their threat. Then the President of the United States, with the full concurrence, of course, of the Secretary, vetoed the bill, and we were unable to pass it over his veto. I have here, but I will not detain the Senate by reading it, the veto message of President Hayes in which he declared that the national banking system was the most perfect ever created by the genius of mortal man and that to pass this bill—the bill then pending—was to destroy the system, and he therefore felt it his solemn duty to interpose the Executive veto.

The bill failed, but under the Administration of President Harrison Secretary of the Treasury Windom funded the debt at three

and a half per cent, one-half per cent more than we had put in the bill which was vetoed by Hayes, and there was not the slightest trouble throughout the country. My colleague calls my attention to something I have not mentioned, that on the day after the bill passed the banks retired eighteen millions of circulation in order to assist the panic which was then going on, and which affected the credit of the entire country and ruined hundreds and thousands of innocent people.

Mr. President, I came to the conclusion then that in a republican government, looking to the welfare of the entire people, no such tremendous power as this should be given to any men or any corporations. I have had additional reasons since for entertaining that opinion.

Now, I am not talking about these banks in any spirit of hypercriticism, for I have mentioned the fact that there are some good features in their organization. I take it for granted that no Senator here will for an instant pretend that any individual or any corporation in this country should be permitted to violate the law. That ought to be axiomatic. Under the national banking law a national bank, declared by the Supreme Court to be a fiscal agent of the Government, should have its doors closed the minute it refuses to pay out to a depositor his money in its vaults. If a country bank, with a capital of fifty thousand or a hundred thousand dollars, should refuse to pay my check for $5 and I had that much money in its vaults, it would be closed by telegraph from the city of Washington and put into the hands of a receiver. All the world knows it. In 1890, when the Baring Brothers failed, and in 1893, in that awful panic which shook the country all over, the great banks of New York City, with millions of dollars of deposits belonging to individuals, continued to do business, and yet refused to pay out one dollar in money to their depositors except as a matter of the highest personal favor, ex gratia.

I had friends in the city of New York who told me that they had thousands of dollars in those banks and when they would apply for money to defray their ordinary family expenses they were cooly told, "You can have clearing-house certificates, but not one dollar in currency or in gold or silver." That state of things continued for three weeks openly, notoriously, and flagrantly, in violation of the law, well known to the officers of the Government, the Comptroller of the Currency, and the Secretary of the Treasury. No bank was closed. They stood there, monumental violators of the statute, with perfect impunity, and sneered at the idea that they could be closed because they refused to obey the national-banking law. Will any Senator here deny that. Can a system be right in any country, but especially in a popular Government like ours, which permits this sort of thing openly and notoriously and almost in sight of the Capitol?

But, Mr. President, I come now to a third phase of this question, which I speak of with great reluctance. I have come to that age of life and of public life when I know how easy it is to criticise a public man. It is hardly necessary for me to say that I have suffered from that sort of thing myself. If one-tenth of what has been said of me in my public life is true I ought to be in a felon's cell, and there is hardly a Senator in this body who is not in the same condition. I am no boy to be using loose words in regard to the character of men, publicly or privately. But we are all justly and legitimately subject to the criticism that must affect everybody in public life. I have the kindest feeling personally for Mr. Gage, but I have read with very great attention and reread his answer to the resolutions passed by the House of Representatives and the Senate in regard to the recent transactions with national banks and national depositaries. I am compelled to say, Mr. President, that that answer of the Secretary of the Treasury is unsatisfactory. I have been unable to understand why the Secretary of the Treasury should choose the City National Bank of New York as the distributing agency of the public money.

Mr. Gage says that he desired, in putting the money into the public depositaries from time to time, to prevent congestion in the Treasury of the United States and injury to the business of the country. With that I have no quarrel. But why does he take one national bank, even if it did have more bonds than any other on deposit in the Treasury, for the purpose of distributing to other banks the tax money of the people? Mr. Gage disposes of that question by saying that it was impracticable to use the subtreasury in the city of New York as a distributing agency. Why? Were not the vaults of that institution secure? Did it not have sufficient clerical force? Was it inaccessible to the public? Did it have no facilities for sending money to national banks? It was due to the people of the United States and the representatives of the people that Mr. Gage should say specifically and in detail what created these difficulties as to choosing the subtreasury in New York for the distribution of this large amount of money. When Mr. Gage received $58,000,000 from the close of the Pacific Railroad transaction he said it was inexpedient to put this large amount of money in the Treasury. Therefore he looked around for some distributing agency, when he had his own subtreasury in New York with every facility, as it must have had, for the distribution of this money.

Mr. President, it was not so much the money that was put into the bank that constituted this favoritism. It was the unparalleled fact that a national bank was selected to represent the Treasury of the United States. What must have been the advantage to that institution when Mr. Gage, representing the whole Government, said to all the world, "Here is a national bank that I prefer to the Treasury itself to distribute this money to other banks." Mr. Gage says no national bank charges for its services. What greater pay could it have than this? There it stands to-day, the elected agent of the greatest Government on earth, indorsed as to credit and reliability in such fashion as has never happened before.

When we were called upon under the treaty of Paris to pay $20,000,000 to Spain this bank appeared and said, as the correspondence shows, "We should like very much to handle this transaction for the Government. We have great facilities at Hongkong, and we should like to transmit this money;" because the bank knew that the fact that it was intrusted with the transmission of this enormous amount of money would be an advertisement in Europe and in this country which could not be bought with money. They did transmit the $20,000,000. Is it possible that a draft on the City National Bank of New York was worth more in Spain or anywhere else than a draft on the Treasury of the United States? The mere statement of the proposition furnishes an answer.

But, Mr. President, the Secretary of the Treasury does not answer the inquiry of Congress satisfactorily, to me at least, in regard to the sale and leasing of the old custom-house in the city of New York. Under the terms of the law by which that sale was made the old site was to be put up to the highest and best bidder, and the City National Bank, Mr. Gage said, and I have no doubt it was the fact, was the highest and best bidder. All the purchase money could be paid down or $750,000 paid and the balance at certain times thereafter within a certain limit, as suited the purchaser. Three million two hundred and fifteen thousand dollars were left due, and that amount of money was left without any interest in the hands of the bank to be loaned to the people of the United States at interest. Mr. Gage says in his answer to the inquiry of Congress that no money was paid by the Government to the bank under the provision of the law which required the purchaser of the old custom-house to lease the building to the Government at a reasonable rent until a new custom-house could be erected. Mr. Gage states that no money was paid because Congress had made no appropriation to pay that rent.

Mr. President, the question that ought to have been answered by the Secretary of the Treasury is, What were the terms of that lease? Was there interest to be paid? Under what conditions did that lease go into effect? All the world knows that when the United States Government made that lease there must have been some terms not stated in the reply of Mr. Gage to the resolution of Congress. What sort of transaction was this in which the purchase money was left in the hands of the purchaser without interest, no deed put upon record, which exempted the property as United States property from the State and city tax in the State and city of New York? Why is it we are told coolly and deliberately that no money was paid by the Government, because no appropriation was made by Congress? The bank had the money in their vaults, and why should they require the cash to be paid down by the Government when they already had control of it?

Mr. President, not only this, but when Mr. Gage speaks of the bonds that the bank deposited to qualify, to use his expression, as a national depository, the correspondence shows that those bonds came from the Standard Oil Company, whose officers and stockholders are also stockholders of the City National Bank of New York. We find in this correspondence letter after letter from the City National Bank to the Secretary of the Treasury saying please transmit to the Standard Oil Company a million five hundred thousand dollars in bonds, or $2,000,000 in bonds, showing that as the bank needed bonds in order to get money out of the Treasury of the United States they applied to the Standard Oil Company and received bonds, which as a matter of course were afterwards returned when they had no further use for them.

Mr. President, a letter was written which has been alluded to here, and which will be alluded to very frequently in the coming campaign of course, from Mr. Hepburn, the vice-president of the bank, in which he said to the Secretary of the Treasury, "We desire to be continued as a national depository. If you will look at the list of our directors you will see how efficient was their aid in the last canvass." What was this statement except a naked, barefaced demand for official favors because favors in the recent campaign had been conferred upon the Administration by this great bank? Is that a proper condition of things? I submit to every man in this Chamber and outside of it, who wishes fairly and deliberately to consider this question, was that letter short of an insult to the highest fiscal officer of this Government when it says in words hardly veiled, "We helped you; now you must help us?"

Mr. President, this amendment simply puts it within the power

of any individual citizen of the United States to take his bonds, carry them to the Treasury, deposit them, and draw out an equal amount of these Treasury notes, no interest to run upon the bonds while they are so deposited, when under the existing law and under this bill the national banks have the privilege of depositing their bonds, interest still running, and taking out the currency which they loan to their customers at 6 per cent or more.

The PRESIDENT pro tempore. The Chair very reluctantly calls the attention of the Senator from Missouri to the fact that his time has expired.

Mr. VEST. I will not trespass any longer upon the time of the Senate.

Mr. JONES of Arkansas. I venture to suggest to my friend, the Senator from Missouri, that the amendment as printed is not correct.

Mr. VEST. I corrected that. It is a misprint.

Mr. JONES of Arkansas. There are two or three other objections which I see to this.

Mr. President, there is not a civilized country in the world engaged in large commercial transactions where there is not some sort of provision somewhere to meet an emergency in the case of a panic, except in the United States. And there is nothing here. The idea presented by the Senator from Missouri is worthy of consideration, in my opinion. It ought to be carefully considered by the Senate. We all understand conditions in this country, that when a crisis begins there is a tendency to hold money everywhere; and if there should be a deliberate conspiracy to corner money, to bring on a panic, the people are practically helpless and have no means of preventing or checking it. We heard only a few weeks ago when there was danger of a panic in New York that it was prevented by the Treasury sending a considerable amount of money and by certain individuals advancing money that went into the market and checked the panic.

Now, this proposition of the Senator from Missouri, as I understand it, is intended to be about this: That persons who own bonds may deposit them in the Treasury and be allowed to take out an equivalent amount of money in cases where they need it; that the money taken or borrowed from the Government on the bonds shall pay a rate of interest equal to the interest which the Government pays on the bonds while the money is in the hands of the persons borrowing the money on the bonds. It simply provides a means by which a holder of United States bonds may be able to get money on those bonds when there is an emergency and he can not get it at the banks, a condition that has existed a number of times here.

It is useless to go into a discussion of the conditions that prevail in England or France or Germany to provide for funds in an emergency. If this proposition of the Senator from Missouri is not in proper form, and I confess there are some points as to which I object, it can be corrected. For instance, I do not think there is a necessity for having $200,000,000 put in this fund. I think $50,000,000 would be quite enough. But I do believe it would be a wise provision to put $50,000,000 of money in the Treasury, which could be taken out of the Treasury by the holders of United States bonds, on depositing ample security for the Government, and kept for a reasonable time.

I had myself proposed an amendment, which has been printed and which I thought would reach the case better, and that proposed that 6 per cent should be paid on this money by the borrowers and that they should be required to return it to the Treasury within twelve months of the time it was borrowed, so as to tide over an emergency. I can see no reason why it should not be done. I am sure the Senator from Missouri did not mean to say, as the amendment does, on page 2, after providing for the bonds at par value—

> In sums equal to the amount of bond Treasury notes issued to such applicant or applicants; said bond Treasury notes so issued shall bear the same rate of interest as the bonds upon which they are issued.

Now, this is evidently a misprint or a mistake in the structure, as the Senator from Missouri did not intend to have the Government pay interest on the bonds and at the same time pay interest on the money borrowed on the bonds. What he meant was that the interest on the bonds should stop while the money was in the hands of the men who took it out of the Treasury Department, but he intended to express it by saying the borrower of the money should pay the same rate of interest on the money that he gets on the bonds, which is the same thing. It was clearly, I take it, not the intention to make the Government pay double interest—interest on the bonds and interest on the Treasury notes.

Mr. VEST. I did not mean that.

Mr. ALDRICH. Mr. President, I hope we will now have a vote on this amendment.

Mr. LINDSAY. Mr. President, this amendment provides that notes issued by the Secretary of the Treasury up to $200,000,000, and loaned on the bonds, shall be a full legal tender for all debts, public and private, yet, so far as I observe, there is no provision made for the redemption of this money at all in coin of any kind. The provision is that these notes "shall only be redeemed by the original depositors of the same, or their assigns, by surrendering to the Treasury bond Treasury notes or other legal-tender money of the United States of equal amount with the par value of said bonds and accrued interest."

The point I make is whether it is not a departure from any legislation we have ever had that we shall issue demand notes not redeemable at all in any kind of coin and make those notes legal tender for all debts, public and private. If the Government shall make them a legal tender in payment of public dues and debts, it is all very well; but to make these irredeemable notes, so far as coin is concerned, legal tender in payment of private debts is, I think, a step further than has ever been gone by any legislation.

Mr. VEST. Will the Senator permit me? My idea was that these Treasury notes should be redeemable exactly as the Treasury notes that we have already issued. But the Senator can obviate any question about it, if he makes any objection to it, by saying redeemable in coin, like the Treasury notes. I certainly meant that they were to be so redeemed.

Mr. LINDSAY. There is no description of these notes that would warrant the inference that they are to be redeemed at the Treasury in either gold or silver:

> That the Secretary of the Treasury shall cause to be prepared Treasury notes to the amount of $200,000,000, said notes to be in such form and denomination as the Secretary may determine, and to be full legal tender for all debts, public and private. The Secretary shall cause to be engraved upon each of said notes the words "bond note" and the statement that said note is a full legal tender, as aforesaid; and he shall loan, under such rules and regulations as he may prescribe, said notes to any person, etc.

I am impressed with the conviction that some legislation in this direction is not only proper but probably necessary, but I do not think, with due deference to the Senator from Missouri, that this amendment ought to be made a part of the bill, which evidently will become a law before the end of the present session.

Mr. CAFFERY. It may be, Mr. President, that the Senator from Missouri intended that the obligation of the Government set out in the bill to maintain all its issues of money at a parity would cover the redemption of these notes that he proposed to issue upon the deposit of bonds. But it occurs to me that this adds to the evil that already cries for remedy. We have too much paper money issued by the Government now, and to add to that paper money by $200,000,000 would produce too much additional strain upon the $150,000,000 of reserve provided for in the bill.

I could wish, Mr. President, that this bill had provided at least for the beginning of a system of banking which would divorce the United States from any connection whatever with its own bonds as the redemption fund of bank notes. I believe that a healthy system of banking ought to be commenced now in this bill, and that that system of banking should contain, as the redemption fund of the notes, whatever coin money the United States issued.

One of the evils of the present banking system, as the Senator from Iowa well knows, is the tendency to congest all money in the city of New York. Ordinarily the country banks deposit their reserves and deposits in the reserve cities, which in turn deposit them in New York. In times of stringency they would draw that deposit, and the very moment when the country needs currency in a financial or industrial panic, that is the time when no currency can be had. At all other periods money is abundant in New York. A very large portion of the money of the United States is there seeking investment and loan. When the country is prosperous New York has an abundance of money to loan, and when there is a panic it has none.

So, therefore, I think that a system of banking ought to be inaugurated whereby the wealth of each community would afford a basis for such an issue of notes in every financial panic as would tide over the difficulty. There will never be any elasticity in the currency, in my opinion, until the banking system is entirely reformed and gold and silver are made the redemption fund of all issues of banks; in other words, until we go back to the ancient method, the true method, the sound method that prevailed in sound banks before the war.

As a matter of course, as at present, to have uniform Federal supervision of the banks is necessary. I do not know but that State banks chartered by the States themselves, with power to issue money, with this provision of uniformity and regulation by the Government retained, without Federal supervision, would be preferable to the present system now in vogue. I believe it would; but so far as this particular amendment is concerned I am utterly opposed to adding anything more to the burden that the United States is now compelled to bear in the way of redeeming its issues of money and providing an enormous reserve for that purpose.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

The amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments to the text of the bill?

Mr. MCLAURIN. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of the bill add as a new section the following:

SEC. 9. That sections 3412 and 3413 and all other acts and parts of acts which impose any tax upon the circulation of State banks or State banking associations be, and the same are hereby, repealed.

Mr. MCLAURIN. I call for the yeas and nays on that amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY].

Mr. SULLIVAN (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. MASON], and I therefore withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Washington [Mr. TURNER].

Mr. WETMORE (when his name was called). I again announce the transfer of my pair with the Senator from Georgia [Mr. BACON] to the Senator from Kansas [Mr. BAKER], and I vote "nay."

The roll call was concluded.

Mr. BATE (after having voted in the affirmative). I wish to ask whether the Senator from Kentucky [Mr. DEBOE] has voted?

The PRESIDENT pro tempore. The Senator from Kentucky has not voted.

Mr. BATE. I promised to take care of him on this vote on this particular occasion, and I will withdraw my vote. I do not know how he would vote. I should vote "yea" if he were present.

The result was announced—yeas 20, nays 47; as follows:

YEAS—20.

Berry,	Daniel,	McLaurin,	Rawlins,
Chilton,	Heitfeld,	Martin,	Taliaferro,
Clark, Mont.	Jones, Ark.	Money,	Tillman,
Clay,	Lindsay,	Morgan,	Turley,
Culberson,	McEnery,	Pettus,	Vest.

NAYS—47.

Aldrich,	Fairbanks,	Kean,	Ross,
Allison,	Foraker,	Lodge,	Scott,
Beveridge,	Foster,	McBride,	Sewell,
Burrows,	Frye,	McComas,	Shoup,
Caffery,	Gear,	McCumber,	Simon,
Carter,	Hale,	McMillan,	Spooner,
Chandler,	Hanna,	Nelson,	Stewart,
Clark, Wyo.	Hansbrough,	Perkins,	Teller,
Cullom,	Harris,	Platt, Conn.	Thurston,
Davis,	Hawley,	Platt, N. Y.	Wetmore,
Depew,	Hoar,	Pritchard,	Wolcott.
Elkins,	Jones, Nev.	Quarles,	

NOT VOTING—19.

Allen,	Cockrell,	Mallory,	Sullivan,
Bacon,	Deboe,	Mason,	Turner,
Baker,	Gallinger,	Penrose,	Warren,
Bate,	Kenney,	Pettigrew,	Wellington.
Butler,	Kyle,	Proctor,	

So the amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments to the text of the committee amendment? If not, the amendment of the Senator from Alabama [Mr. MORGAN] is in order, which is proposed as a substitute for the entire amendment. It will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

First. That it is the fixed policy of the United States to pay and clear off the national debt as rapidly as just and equal taxation and the accumulation of other revenues of the Government will permit, with constant regard to the capacity of the people to respond to this national duty.

Second. That the specie basis, consisting of gold and silver coin, is the only true, just, and constitutional basis of the issue of bank bills to circulate as money.

Third. That it is an unjust and unconstitutional burden on the taxpayers of the United States that Congress should agree to change the terms of the national obligations, even with the consent of the bondholders, so as to deprive the people of the right and privilege of paying said obligations in coins of gold or silver according to their necessities or the requirements of the general welfare.

Fourth. That it is contrary to the policy of the United States that the national debt shall be made perpetual, or that it should be maintained or increased for the benefit of the national banks, or to regulate the commercial value of gold or silver bullion.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PROCTOR (when his name was called). I transfer my pair with the Senator from Florida [Mr. MALLORY] to the junior Senator from Illinois [Mr. MASON], and vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER].

Mr. WETMORE (when his name was called). I transfer my pair with the Senator from Georgia [Mr. BACON] to the Senator from Kansas [Mr. BAKER], and vote "nay."

The roll call having been concluded, the result was announced—yeas 27, nays 47; as follows:

YEAS—27.

Bate,	Daniel,	McLaurin,	Sullivan,
Berry,	Harris,	Martin,	Taliaferro,
Chilton,	Heitfeld,	Money,	Teller,
Clark, Mont.	Jones, Ark.	Morgan,	Tillman,
Clay,	Jones, Nev.	Pettus,	Turley,
Cockrell,	Kenney,	Rawlins,	Vest.
Culberson,	McEnery,	Stewart,	

NAYS—47.

Aldrich,	Elkins,	Lindsay,	Proctor,
Allison,	Fairbanks,	Lodge,	Quarles,
Beveridge,	Foraker,	McBride,	Ross,
Burrows,	Foster,	McComas,	Scott,
Caffery,	Frye,	McCumber,	Sewell,
Carter,	Gear,	McMillan,	Shoup,
Chandler,	Hale,	Nelson,	Simon,
Clark, Wyo.	Hanna,	Penrose,	Spooner,
Cullom,	Hansbrough,	Perkins,	Thurston,
Davis,	Hawley,	Platt, Conn.	Wetmore,
Deboe,	Hoar,	Platt, N. Y.	Wolcott.
Depew,	Kean,	Pritchard,	

NOT VOTING—12.

Allen,	Butler,	Mallory,	Turner,
Bacon,	Gallinger,	Mason,	Warren,
Baker,	Kyle,	Pettigrew,	Wellington.

So the amendment was rejected.

Mr. JONES of Arkansas. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Arkansas offers an amendment, which will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 412½ grains troy, of standard silver, nine-tenths fine, as provided by the act of January 18, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold; and whenever the said coins herein provided for shall be received into the Treasury certificates may be issued therefor in the manner now provided by law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. ALDRICH and Mr. BERRY called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY].

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER].

Mr. WETMORE (when his name was called). I again announce my pair with the senior Senator from Georgia [Mr. BACON] and the transfer of that pair to the Senator from Kansas [Mr. BAKER]. I vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 47; as follows:

YEAS—28.

Bate,	Culberson,	McEnery,	Stewart,
Berry,	Daniel,	McLaurin,	Sullivan,
Butler,	Harris,	Martin,	Taliaferro,
Chilton,	Heitfeld,	Money,	Teller,
Clark, Mont.	Jones, Ark.	Morgan,	Tillman,
Clay,	Jones, Nev.	Pettus,	Turley,
Cockrell,	Kenney,	Rawlins,	Vest.

NAYS—47.

Aldrich,	Elkins,	Lindsay,	Pritchard,
Allison,	Fairbanks,	Lodge,	Quarles,
Beveridge,	Foraker,	McBride,	Ross,
Burrows,	Foster,	McComas,	Scott,
Caffery,	Frye,	McCumber,	Sewell,
Carter,	Gear,	McMillan,	Shoup,
Chandler,	Hale,	Mason,	Simon,
Clark, Wyo.	Hanna,	Nelson,	Spooner,
Cullom,	Hansbrough,	Penrose,	Thurston,
Davis,	Hawley,	Perkins,	Wetmore,
Deboe,	Hoar,	Platt, Conn.	Wolcott.
Depew,	Kean,	Platt, N. Y.	

NOT VOTING—11.

Allen,	Gallinger,	Pettigrew,	Warren,
Bacon,	Kyle,	Proctor,	Wellington.
Baker,	Mallory,	Turner,	

So the amendment was rejected.

Mr. BUTLER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Carolina will be stated.

Mr. ALDRICH. The amendment proposed by the Senator from North Carolina is a very elaborate bill, proposing a new system of finance in the United States. I suggest that it be printed in the RECORD and acted upon without being read.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the amendment proposed by the Senator from North Carolina [Mr. BUTLER] be printed in the RECORD without reading. Is there objection?

Mr. BUTLER. That is satisfactory to me.

The PRESIDENT pro tempore. The Chair hears no objection, and that order will be made.

The amendment proposed by Mr. BUTLER was to strike out all after the enacting clause of the bill and to insert:

That the unit of account shall be dollar, and the fractional parts thereof shall be cent and mill; the cent shall be the one-hundredth part of a dollar, or unit, and the mill shall be the one-thousandth part of a dollar, or unit; and that all the accounts of the Government and of the public offices thereof and all the proceedings in the courts of the United States shall be kept and stated in such unit and fractional parts thereof, namely, dollars, cents, and mills.

SEC. 2. That the money of the United States shall be manufactured or coined out of gold, silver, paper, or copper. The gold coins shall be manufactured out of an alloy of which nine parts by weight shall be pure gold and one part by weight shall be copper or copper and silver, and shall be known as standard gold. The silver coins shall be manufactured or coined out of an alloy of which nine parts by weight shall be pure silver and one part by weight shall be copper, and shall be known as standard silver. The copper or minor coins shall be manufactured or coined out of an alloy of which three parts by weight shall be copper and one part by weight shall be nickel. The paper money or units shall be manufactured or coined out of paper, the character and quality of which shall be determined by the Secretary of the Treasury.

SEC. 3. That no piece of money coined or manufactured out of gold, silver, or paper shall be greater than twenty dollars or units, and each piece of money manufactured by the United States out of gold, silver, or paper shall be a legal tender for all debts, public and private, at their nominal or face value. The minor coins shall be a legal tender at their nominal or face value for all debts, public and private, in amounts not to exceed one dollar or unit in any single payment.

SEC. 4. That there shall be manufactured or coined out of standard gold the following coins or pieces of money, namely: Twenty dollar or unit pieces, each to be twenty dollars or units, and to contain 516 grains, troy; ten dollar or unit pieces, each to be ten dollars or units, and to contain 258 grains, troy; five dollar or unit pieces, each to be five dollars or units, and to contain 129 grains, troy.

SEC. 5. That there shall be manufactured or coined out of standard silver the following coins or pieces of money, namely: Dollar or unit pieces, each to be one dollar or unit, and to contain 412½ grains, troy; one-half dollar or unit pieces, each to be one-half of a dollar or unit, and to contain 206¼ grains, troy; quarter dollar or unit pieces, each to be one-quarter of a dollar or unit, and to contain 103⅛ grains, troy; dimes, each to be one-tenth of a dollar or unit, and to contain 41¼ grains, troy.

SEC. 6. That the minor coins of the United States shall be a 5-cent piece and a 1-cent piece. The 5-cent piece shall be the one-twentieth part of a dollar or unit, and shall contain 80 grains, troy; the 1-cent piece shall be the one-hundredth part of a dollar or unit, and shall contain 40 grains, troy.

SEC. 7. That any person may bring to the mints of the United States gold or silver bullion to be coined into money, and the same shall be coined into money for him free of charge immediately upon receipt of the same at the mint, and into pieces of such denominations as he may designate, and if he fail to inform the Director of the Mint at the time his bullion is received at the mint what denominations he desires his bullion to be coined into, the same shall be coined into such pieces as the Director of the Mint may direct. All gold and silver bullion which is now owned by, or which may hereafter come into the possession of, the United States, shall be immediately coined into money.

SEC. 8. That the minor coins shall be coined out of material purchased by the Director of the Mint with funds appropriated for that purpose, and the same shall be delivered to any person or persons who may purchase the same of the Government at their nominal or face value.

SEC. 9. That no coins other than those provided for in this act shall hereafter be manufactured at the mint to be used for money in the United States.

SEC. 10. That upon the coins that shall be coined hereafter at the mint the following devices and legends, and none other, shall be stamped or printed, namely: Upon the obverse side an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the coinage, and upon the reverse side the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and the designation of the number of dollars or units or parts of a dollar or unit of the coin; as, for example, $20 or units, dollar or unit, or half dollar or unit, as the case may be; but the figure of the eagle shall be omitted from the 10-cent piece. The minor coins shall bear the same inscriptions as the other coins, except the eagle shall be omitted, and each piece shall be designated as 5 cents or 1 cent, as the case may be.

SEC. 11. That there shall be manufactured or coined out of paper, at the Bureau of Engraving and Printing of the United States, the following kinds or pieces of money, and none other, namely, twenty-dollar or unit pieces, each to be twenty dollars or units; ten-dollar or unit pieces, each to be ten dollars or units; five-dollar or unit pieces, each to be five dollars or units; two-dollar or unit pieces, each to be two dollars or units; one-dollar or unit pieces, each to be one dollar or unit.

SEC. 12. That upon the obverse side of each piece of paper money that shall be coined under this act the following devices or legends shall be printed or stamped, namely, the denomination expressed in numerals, the serial number (and each denomination shall be numbered separately) commencing with the number 1; the respective signatures of the Secretary and Registrar of the Treasury; the year of the coinage; the words "United States of America" and "E Pluribus Unum" and an impression of the Goddess of Liberty, with the word "Liberty" beneath it. Upon the obverse and reverse sides of each piece shall be printed or stamped the words "A legal tender for all debts, public and private," and across both sides the denomination thereof expressed in words, as, for example, "Twenty dollars or units" or "Dollar or unit," as the case may be. Upon the obverse side of each twenty-dollar or unit piece shall be stamped a vignette of George Washington, beneath which shall be printed or stamped the words "George Washington, first President of the United States." Upon the obverse side of each ten-dollar or unit piece shall be stamped a vignette of Andrew Jackson, beneath which shall be printed or stamped the words "Andrew Jackson, seventh President of the United States." Upon the obverse side of each five-dollar or unit piece shall be stamped a vignette of Abraham Lincoln, beneath which shall be printed or stamped the words "Abraham Lincoln, sixteenth President of the United States." Upon the obverse side of each two-dollar or unit piece shall be printed or stamped a vignette of Thomas Jefferson, beneath which shall be printed or stamped the words "Thomas Jefferson, third President of the United States." Upon the obverse side of each one-dollar or unit piece shall be printed or stamped a vignette of Benjamin Franklin, beneath which shall be printed or stamped the words "Benjamin Franklin, one of the first advocates of paper money." Such other devices and printing may be placed upon each piece of paper money coined under this act for the purpose of designating it from other pieces, and which may be pertinent for that purpose, as may be determined by the Secretary of the Treasury.

SEC. 13. That plates shall be engraved under the direction of the Secretary of the Treasury for the purpose of printing or coining the various denominations of money out of paper as herein provided for. The engraving and the printing shall be of the highest art, and the paper shall be of the best character and quality that can be obtained for that purpose. The pieces of paper money coined under this act shall be uniform in size, and the engraving on the plates on which they shall be printed or coined shall be 6 inches and seven-eighths of an inch in length and 3 inches in width.

SEC. 14. That there shall be coined out of paper an amount of money of the various denominations herein provided for sufficient to cover the total amount of the following obligations of the United States, namely, bonds, principal and interest, United States notes, old demand notes, fractional currency, gold certificates, silver certificates, certificates of deposit, Treasury notes of 1890, and the national-bank notes. Whenever any of said obligations, except the bonds of the United States, come into possession of the United States, the same shall be retained, canceled, and destroyed, and in place thereof shall be substituted an equal amount of coined paper money, dollar for dollar, and the same shall thereafter be paid out upon the various obligations of the United States as they mature.

SEC. 15. That whenever any of the bonds of the United States shall be presented for payment at the Treasury thereof before the same shall become due, the Treasurer of the United States shall pay to the owner thereof the nominal or face value of the bonds presented, and interest thereon to the date of presentation, in coined paper money, dollar for dollar; but if when presented for payment as aforesaid, gold or silver coin be demanded, the Treasurer may pay the same either in gold or silver coin, or both, as he may elect. All bonds paid by the United States as herein provided for shall be immediately canceled and destroyed.

SEC. 16. That each national bank organized under the laws of the United States shall, within ninety days from and after the passage of this act, forward to the Treasurer of the United States an amount of money equal to the amount of notes issued and put into circulation by it; on receipt of which the bonds held by the United States as security for its circulation shall be delivered to it.

SEC. 17. That if any person, after the passage of this act, shall bring gold or silver bullion to the mints of the United States to be coined into money, there shall be delivered to him, at his option, the coins coined out of his bullion, or an equal amount of coined paper money, dollar for dollar; and there shall be coined and kept on hand a sufficient amount of coined paper money to meet any demand that may be made upon the Treasurer for coined paper money in exchange for gold or silver bullion.

SEC. 18. That whenever gold or silver bullion shall be exchanged for coined paper money the bullion so exchanged shall be and become the property of the United States and shall be immediately coined into money and used in the payment of the debts and obligations of the United States as they mature.

SEC. 19. That the Treasurer of the United States shall under no circumstances exchange one kind of money for another kind with any person, persons, or corporation.

SEC. 20. That in coining money out of paper, as provided for in this act, the following rule shall be observed, namely: For every twenty-dollar or unit piece there shall be coined 2 ten-dollar or unit pieces, 4 five-dollar or unit pieces, 10 two-dollar or unit pieces, and 20 one-dollar or unit pieces; for every ten-dollar or unit piece there shall be coined 2 five-dollar or unit pieces, 5 two-dollar or unit pieces, and 10 one-dollar or unit pieces; for every five-dollar or unit piece there shall be coined 5 one-dollar or unit pieces.

SEC. 21. That any of the money that may be coined out of paper under this act that shall become mutilated or injured so as to become unfit for use shall, when presented to the Treasurer of the United States by the owner thereof, or when the same shall come into the Treasury of the United States, be taken up and destroyed, and in lieu thereof shall be issued new money coined out of paper.

SEC. 22. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 23. That the title of the act shall be amended to read as follows: "An act to establish a unit of account and to provide for the coinage of money, and for other purposes."

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from North Carolina [Mr. BUTLER].

The amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment in the nature of a substitute reported by the Committee on Finance as it has been amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. NELSON. I desire to offer an amendment as an additional section, to come in as section 10.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to add to the bill as a new section the following:

SEC. 10. That section 5138 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 5138. No association shall be organized with a less capital than $100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 4,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000."

Mr. NELSON. Mr. President, I have no desire to submit any remarks upon the amendment, except simply to state the proposed change in the existing law. The only change is that under the amendment national banks with $25,000 capital will be permitted to be organized in places having a population of 4,000 or less. It is to meet an urgent want in the West that the amendment has been offered.

Mr. ALDRICH. I shall not object to that amendment.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Minnesota.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. JONES of Arkansas and Mr. TELLER called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when Mr. ALLEN's name was called). I wish to announce again, on the final passage of the bill, that on this bill and all amendments which have heretofore been voted upon, the Senator from Nebraska [Mr. ALLEN] is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the Senator from Nebraska were present, he would vote "nay" on this question and the Senator from New Hampshire would vote "yea."

Mr. CLAY (when Mr. BACON's name was called). If my colleague [Mr. BACON] were present, he would vote "nay."

Mr. BUTLER (when his name was called). While I have had a general pair with the Senator from Maryland [Mr. WELLINGTON] on this bill and on all votes which have been taken heretofore, that pair has been transferred to the Senator from South Dakota [Mr. PETTIGREW], who, if present, would vote "nay." I vote "nay."

Mr. PROCTOR (when his name was called). I again announce my pair with the Senator from Florida [Mr. MALLORY]. If he were present, I should vote "yea."

Mr. KENNEY (when Mr. TURNER'S name was called). The Senator from Washington [Mr. TURNER] is detained from the Senate by reason of sickness. If he were present, he would vote "nay." He has a general pair with the Senator from Wyoming [Mr. WARREN].

Mr. WARREN (when his name was called). As announced by the Senator from Delaware [Mr. KENNEY], I am paired with the Senator from Washington [Mr. TURNER]. If that Senator were present, he would vote "nay," and I should vote "yea."

Mr. WETMORE (when his name was called). I again announce that I have a general pair with the senior Senator from Georgia [Mr. BACON]; but I transfer that pair to the Senator from Kansas [Mr. BAKER], and vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 46, nays 29; as follows:

YEAS—46.

Aldrich,	Fairbanks,	Lodge,	Quarles,
Allison,	Foraker,	McBride,	Ross,
Beveridge,	Foster,	McComas,	Scott,
Burrows,	Frye,	McCumber,	Sewell,
Caffery,	Gear,	McMillan,	Shoup,
Carter,	Hale,	Mason,	Simon,
Clark, Wyo.	Hanna,	Nelson,	Spooner,
Cullom,	Hansbrough,	Penrose,	Thurston,
Davis,	Hawley,	Perkins,	Wetmore,
Deboe,	Hoar,	Platt, Conn.	Wolcott.
Depew,	Kean,	Platt, N. Y.	
Elkins,	Lindsay,	Pritchard,	

NAYS—29.

Bate,	Culberson,	McLaurin,	Taliaferro,
Berry,	Daniel,	Martin,	Teller,
Butler,	Harris,	Money,	Tillman,
Chandler,	Heitfeld,	Morgan,	Turley,
Chilton,	Jones, Ark.	Pettus,	Vest.
Clark, Mont.	Jones, Nev.	Rawlins,	
Clay,	Kenney,	Stewart,	
Cockrell,	McEnery,	Sullivan,	

NOT VOTING—11.

Allen,	Gallinger,	Pettigrew,	Warren,
Bacon,	Kyle,	Proctor,	Wellington.
Baker,	Mallory,	Turner,	

So the bill was passed.

The title was amended so as to read: "A bill to affirm the existing standard of value, to maintain the parity in value of all forms of money, to refund the public debt, and for other purposes."

Mr. ALDRICH. I ask that the bill may be printed in the RECORD as it has been amended.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

Mr. COCKRELL. I wish to inquire of the Senator from Rhode Island whether the bill is not also to be printed in separate form as it passed?

Mr. ALDRICH. Yes; I ask also that the bill may be printed separately.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

The bill as passed by the Senate as a substitute for House bill No. 1 is as follows:

That the dollar consisting of 25.8 grains of gold nine-tenths fine shall, as established by section 3511 of the Revised Statutes of the United States, continue to be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard; and United States notes, and Treasury notes issued under the act of July 14, 1890, when presented to the Treasury for redemption shall be redeemed in gold coin of such standard.

SEC. 2. That it shall be the duty of the Secretary of the Treasury, in order to secure the prompt and certain redemption of United States notes and Treasury notes as hereinbefore provided, to set apart in the Treasury a reserve fund of $150,000,000 in gold coin, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section 3700 of the Revised Statutes of the United States.

If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin in said fund shall at any time fall below $100,000,000, then it shall be his duty to restore the same to the maximum sum of $150,000,000 by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of not exceeding 3 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority, and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the United States notes exchanged in accordance with the provisions of this section shall, when covered into the Treasury, be reissued as now provided for by law, and the gold coin in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of $150,000,000.

SEC. 3. That it shall be the duty of the Secretary of the Treasury as fast as standard silver dollars are coined under the provisions of the acts of July 14, 1890, and June 13, 1898, from bullion purchased under the act of July 14, 1890, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $20, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $20 or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order. And section 5193 of the Revised Statutes of the United States is hereby repealed.

SEC. 5. That from and after the passage of this act no United States notes or Treasury notes shall be issued or reissued of denominations less than $10, and all such outstanding notes of a lower denomination shall, whenever received at the Treasury or redeemed, be canceled and notes of denominations of $10 or upward shall be substituted therefor. No silver certificates shall be hereafter issued of a higher denomination than $10, and all such outstanding certificates of a higher denomination shall, whenever received at the Treasury or redeemed, be retired and canceled and notes of denominations of $10 or less shall be substituted therefor.

SEC. 6. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at 5 per cent per annum, payable February 1, 1904, and any bonds of the United States bearing interest at 4 per cent per annum, payable July 1, 1907, and any bonds of the United States, bearing interest at 3 per cent per annum, payable August 1, 1908, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of 2 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of 2½ per cent per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section 3694 of the Revised Statutes: *And provided further*, That the 2 per cent bonds to be issued under the provisions of this act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call.

SEC. 7. That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now

having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of existing law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of sections 5167 and 5171 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this act, be entitled to receive or to issue or reissue or place in circulation any circulating notes of a less denomination than $10: *And provided further*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time of its capital stock actually paid in. And all acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

SEC. 8. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of 2 per cent per annum to secure its circulating notes, shall pay to the Treasurer of the United States in the months of January and July a tax of one-fourth of 1 per cent each half year upon the average amount of such of its circulating notes as are based upon the deposit of said 2 per cent bonds, and such taxes shall be in lieu of existing taxes on its circulating notes imposed by section 5214 of the Revised Statutes.

SEC. 9. That the provisions of this act are not intended to place any obstacles in the way of the accomplishment of international bimetallism, provided the same be secured by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

SEC. 10. That section 5138 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 5138. No association shall be organized with a less capital than $100,000, except that banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants, and except that banks with a capital of not less than $25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed 4,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than $200,000."

TERRITORY OF HAWAII.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CHANDLER. I move that the Senate do now adjourn.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

Several SENATORS. Oh, no.

Mr. WOLCOTT. I withdraw the motion for the present.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. My motion is pending.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CHANDLER. Pending which motion, I move that the Senate proceed to the consideration of executive business.

Mr. THURSTON. Will the Senator yield to me for morning business?

Mr. CULLOM. I hope the Senator from New Hampshire will withdraw his motion until the Hawaiian bill can be placed before the Senate.

Mr. CHANDLER. Mr. President, it seems to me it is not worth while at this late hour, after a somewhat tedious day, to undertake to determine now what business the Senate will proceed to take up to-morrow.

Mr. CULLOM. There is a full Senate present.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire, that the Senate proceed to the consideration of executive business.

The motion was rejected.

Mr. CULLOM. I ask that the vote may now be taken on the question of proceeding to the consideration of the Hawaiian bill, the title of which has been read.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois, that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

EXECUTIVE SESSION.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of executive business.

Mr. PETTUS. If it be in order, I move that the Senate adjourn.

Mr. WOLCOTT. I should like, if I may be permitted, to say to the Senator from Alabama that there are a large number of post-office nominations, as to which requests have been made by many Senators that they be reported to-day.

Mr. PETTUS. I withdraw my motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Colorado [Mr. WOLCOTT].

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 16, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 15, 1900.

COMMISSIONER TO INTERNATIONAL EXPOSITION.

James Allison, of Kansas, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Maj. William S. Stanton, Corps of Engineers, to be lieutenant-colonel, February 7, 1900, vice Benyaurd, deceased.

Capt. George W. Goethals, Corps of Engineers, to be major, February 7, 1900, vice Stanton, promoted.

First Lieut. Charles Keller, Corps of Engineers, to be captain, February 7, 1900, vice Goethals, promoted.

Second Lieut. Frank C. Boggs, jr., Corps of Engineers, to be first lieutenant, February 7, 1900, vice Keller, promoted.

Subsistence Department.

Capt. David L. Brainard, commissary of subsistence, to be commissary of subsistence with the rank of major, February 12, 1900, vice Smith, retired from active service.

APPOINTMENTS IN THE VOLUNTEER ARMY.

THIRTY-SIXTH INFANTRY.

To be second lieutenants.

Battalion Sergt. Maj. John M. Craig, Thirty-sixth Infantry, United States Volunteers, February 12, 1900, vice Toncray, promoted.

First Sergt. Israel F. Costello, Company K, Thirty-sixth Infantry, United States Volunteers, February 12, 1900, vice Davis, killed in action.

Sergt. John A. Huntsman, Company E, Thirty-sixth Infantry, United States Volunteers, February 12, 1900, vice Bowman, promoted.

Q. M. Sergt. George F. Young, Thirty-sixth Infantry, United States Volunteers, February 12, 1900, vice Wing, deceased.

Sergt. Maj. George J. Oden, Thirty-sixth Infantry, United States Volunteers, February 12, 1900, vice McGowan, promoted.

PROMOTIONS IN THE VOLUNTEER ARMY.

TWENTY-SEVENTH INFANTRY.

Lieut. Col. Albert S. Cummins, Twenty-seventh Infantry, to be colonel, February 4, 1900, vice Bell, appointed brigadier-general, United States Volunteers.

Maj. George L. Byram, Twenty-seventh Infantry, to be lieutenant-colonel, February 4, 1900, vice Cummins, promoted.

Capt. Louis C. Scherer, Twenty-seventh Infantry, to be major, February 4, 1900, vice Byram, promoted.

First Lieut. Zan F. Collett, Twenty-seventh Infantry, to be captain, February 4, 1900, vice Scherer, promoted.

Second Lieut. Richard H. Brewer, Twenty-seventh Infantry, to be first lieutenant, February 4, 1900, vice Collett, promoted.

THIRTY-SIXTH INFANTRY.

Second Lieut. Edward McGowan, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, February 7, 1900, vice Toncray, deceased.

CONFIRMATION.

Executive nomination confirmed by the Senate February 15, 1900.

SURVEYOR OF CUSTOMS.

John M. Lenihan, of Iowa, to be surveyor of customs for the port of Dubuque, in the State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 15, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7739. An act to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899.

H. R. 5288. An act relating to lights on steam pilot vessels.

LEAVE OF ABSENCE.

Mr. SMALL, by unanimous consent, obtained leave of absence for ten days, on account of important business.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. DALZELL. I ask unanimous consent for the present consideration of House bill No. 4006.

The bill (H. R. 4006) authorizing the Union Railroad Company to construct and maintain a bridge across the Monongahela River was read, with the amendments reported by the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McRAE. I would like to know whether the bill has the approval of the War Department.

Mr. DALZELL. The bill is in the ordinary form of such bills; it has been approved by the Secretary of War and unanimously reported by the Committee on Interstate and Foreign Commerce.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

ANNUAL CLERK TO THE COMMITTEE ON PENSIONS.

Mr. BULL. I am directed by the Committee on Accounts to present a privileged report. I report back favorably the resolution which I send to the desk.

The following resolution (introduced by Mr. LOUDENSLAGER on the 5th instant) was read:

Resolved, That a clerk to the Committee on Pensions is hereby authorized, at an annual salary of $2,000, to be paid out of the contingent fund of the House until such salary is provided for in the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1901.

The resolution was agreed to.

On motion of Mr. BULL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ADDITIONAL ASSISTANT CLERKS TO COMMITTEES.

Mr. BULL. I am also directed to present another privileged report. I ask that the report be read.

The SPEAKER. The Chair is advised that there are several resolutions, for which the committee report a substitute. Does the gentleman wish to have the substitute read?

Mr. BULL. The report covers the whole ground. It is very brief. I ask that it be read.

The Clerk read the report, as follows:

The Committee on Accounts, to whom was referred House resolutions numbered 60, 63, 93, and 119, for the appointment of assistant clerks to the Committees on Public Lands, Claims, District of Columbia, and Rivers and Harbors, have considered the same, and beg leave to report as follows:

Your committee appointed a subcommittee to consider these and other propositions calling for additional clerical assistance to certain committees. They investigated carefully the work of the various committees, aided by oral and written evidence, and recommended to the full committee the allowance of assistant clerks to the committees above named, and an assistant clerk to the Committee on Merchant Marine and Fisheries, at a salary of $100 per month each, during the sessions of the present Congress, in which recommendation your committee concurred.

The Committee on Claims was granted an assistant clerk in the last and many previous Congresses. That committee has jurisdiction of all civil and miscellaneous claims, and its work, which is voluminous, justifies the granting of the additional clerical help requested. The Committees on Public Lands, District of Columbia, Rivers and Harbors, and Merchant Marine and Fisheries have never had assistant clerks, but we think the work of those committees warrants the allowance at this time, and we therefore recommend the adoption of the following resolution in lieu of resolutions numbered 60, 63, 93, and 119, namely:

Resolved, That an assistant clerk is hereby allowed to each of the following-named committees during the sessions of the Fifty-sixth Congress, to be paid out of the contingent fund of the House at the rate of $100 per month, to wit: Public Lands, Claims, District of Columbia, Rivers and Harbors, and Merchant Marine and Fisheries.

The SPEAKER. The Chair will ask whether the original resolutions have been returned?

Mr. BULL. Yes, sir.

Mr. RICHARDSON. If I caught correctly the reading of the report, this is a privileged resolution. I understand that the salaries of these clerks are to be paid out of the contingent fund of the House. Is that correct?

Mr. BULL. Yes, sir.

Mr. RICHARDSON. I believe, Mr. Speaker, that that fact makes the resolution privileged, and therefore I can not object to its consideration. But I do protest against the adoption of this resolution. As I understand, it provides for the appointment of five additional assistant clerks to committees of this House—five different committees. Now, I do not understand that these committees, at least some of them, have heretofore had these clerks.

Mr. BABCOCK. Will the gentleman permit an interruption at that point?

Mr. RICHARDSON. Yes.

Mr. BABCOCK. During the last Congress the Committee on the District of Columbia was honored by the gentleman from Tennessee [Mr. RICHARDSON] as a member of that committee.

Mr. RICHARDSON. It is always an honor to be associated with my friend.

Mr. BABCOCK. And we had an assistant clerk during the entire session of the Fifty-fifth Congress, and the chairman of that committee had to pay the clerk $100 a month out of his own pocket during the entire session of that Congress.

Mr. RICHARDSON. Now, Mr. Speaker, after what the gentleman from Wisconsin has said, I will say I did not know that the gentleman had made that contribution to the public service during the last Congress.

I know that his committee considers quite a number of bills and does a great deal of work; but, Mr. Speaker, take the Committee on Claims. This resolution gives that committee an assistant clerk. Now, that committee may have and doubtless has a number of bills referred to it. But I want to say, Mr. Speaker, that nearly three months of this Congress have expired and that committee has not even asked consideration of a single, solitary bill on a Private Calendar day.

That committee and the Committee on War Claims are given Friday of each week. They have not even asked this House to consider bills from that committee. Of course, it is in the power of the majority of this House to multiply clerks. It seems they are doing it. I see the able chairman of the Committee on Appropriations there, and he is not raising his voice against this increase in the clerical force.

Mr. GRAFF rose.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. RICHARDSON. Yes.

Mr. GRAFF. I desire to state, in reply to the gentleman from Tennessee, that the Committee on Claims are ready at any time that they are permitted to do so to call up for consideration the claims which are on the Calendar.

In addition to that, I will say that that committee have been holding two meetings a week, commencing at 9 o'clock in the morning, and have been devoting themselves energetically to the performance of their duty, and they have attempted to give these claims actual consideration, and we desire to have them considered in the House.

Mr. RICHARDSON. Now, Mr. Speaker, I have made no criticism of the committee, as to what they are doing.

Mr. GRAFF. And I desire to say further to the gentleman from Tennessee, that I have been compelled to employ an additional clerk, who has been actually engaged in docketing some 700 bills which are before that committee. Every day I receive communications from the members of the House, desiring to have the different bills assigned.

In addition to the assignment of these bills to the different subcommittees and the docketing of them, proofs of the bills which are to be considered have to be supplied, and that requires a gentleman who is competent to perform the task with some intelligence. This committee has always been granted an additional clerk, at least since the Fifty-fourth Congress, since my coming to the House.

Mr. RICHARDSON. Now, Mr. Speaker, I do not want to take issue with the gentleman further than to say that this is the first time that I have heard the chairman of that committee raise his voice in this House in behalf of claims of any kind.

The gentleman knows that, under the rules, every Friday is set apart for the consideration of bills from his committee, together with the Committee on War Claims. Friday after Friday has passed during this Congress, until nearly three months have gone, one-half of the session, and I have not heard that committee undertake to claim the Friday that is given them under the rules for the consideration of their measures.

Mr. OLMSTED rose.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. RICHARDSON. I am about through. I am not here to

take care of the majority, if they are determined to increase the clerical force of the House.

Mr. OLMSTED. Will the gentleman yield to me for a question?

Mr. RICHARDSON. If they are willing to add these extra officers, they have the power to do so. I simply want to say, with reference to these committees that have not had assistant clerks, that we do not think they ought to be given. Committees that have had them, committees that actually need them, ought to have them, and there will be no objection to it. Now, I do not care to take any further time.

Mr. OLMSTED. I will ask the gentleman if he does not know that, instead of providing an increase, this resolution, so far as the Committee on Claims is concerned, cuts down the salary which has usually been paid to the assistant clerk of that committee from $6 a day to $100 a month?

Mr. RICHARDSON. That may be true as to that committee; but then the gentleman must notice that the resolution gives additional clerks to other committees that have never had assistant clerks before.

Mr. OLMSTED. And in every instance the chairman of that committee has come before the Committee on Accounts and stated that owing to the increased business of his committee, he was obliged to pay for additional assistance out of his own pocket.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. Does the gentleman from Rhode Island [Mr. BULL] yield to the gentleman from Georgia?

Mr. BULL. Yes.

Mr. BARTLETT. Mr. Speaker, representing the minority upon the Committee on Accounts, I desire to say that I would not have agreed to the favorable report of this resolution if I did not believe it was a proper one.

Mr. Speaker, a great many propositions have been submitted to and considered by the Committee on Accounts, and we have carefully investigated them. The Committee on Accounts are simply desirous to give to the various committees of the House having charge of the business of the House, and to the chairmen of those committees, that assistance and aid in the way of clerical help that they absolutely need. We must remember, Mr. Speaker, that all of us have private secretaries to do our own work as members, except those who are chairmen of committees having annual or session clerks.

So it happens that all of the committees for which assistant clerks are provided in this resolution, and in the resolutions passed by the House on the other day, are committees that have a great deal of work to do, and the chairmen under the law not having any secretaries to do their work as individual members, have been compelled to pay out of their own pockets for the services of the secretaries, stenographers, or clerks to do their private work.

Now, much as I am in favor of economy in the expenditures of the public money, much as I believe that we should not extravagantly expend the public money, I for one stand here to say that the members of this House in the discharge of their public duty, whether they be Republicans or Democrats, whether the House is Republican or Democratic, are entitled to receive and shall receive at my hands so long as I am upon that committee just consideration and necessary assistance where it is required for the transaction of the public business.

And, Mr. Speaker and gentlemen, I am not in favor of having a condition of affairs where the chairmen of important committees are to be mulct out of their private pockets by the payment of money to secretaries to do their work as individual members, simply because they are prominent enough and distinguished enough to be chairmen of these great committees.

We have investigated this matter very carefully. We appointed a subcommittee to investigate the question. The gentleman from Wisconsin [Mr. BABCOCK], chairman of the Committee on the District of Columbia, stated to us that all last year and even now he has been paying money out of his own pocket to a secretary to assist him in his business as an individual Representative. Other gentlemen, chairmen of committees, have done the same thing, and this resolution gives to these chairmen additional committee clerks only when we believe it is necessary. It simply gives to the chairmen of the committees named a clerk each at a hundred dollars a month, the same as every other member of the House gets for clerk hire during the session of Congress.

So, Mr. Speaker, the Committee on Accounts are unanimous in their decision that this resolution is right, and that it does not call for an unnecessary expenditure of the public money. They believe it is an expenditure in the interest of the public business, in the effective discharge of the duty of a Representative to the House and to his constituents, and it is an effort on the part of the Committee on Accounts to put those gentlemen who are chairmen of important committees upon an equality with other members.

Mr. SIMS. I agree with what the gentleman from Georgia says, but I want to ask him this question: Is there any use in providing facilities for a committee to report bills, if those bills are never to be considered in the House?

Mr. BARTLETT. I will answer the question of my friend. Now, Mr. Speaker, because there happens to be one committee upon this list that has not been able to secure a day for the consideration of its business in the House, I do not think it just that the chairman of that committee and other committees should be denied the clerical aid to which he is entitled. Speaking simply from information which I have obtained from the chairman of the committee, the gentleman from Illinois [Mr. GRAFF], I believe that the assistant clerk which is provided for in this resolution should be allowed. It is true that committee have not been able to secure a day in this House, because a majority of the members of the House have voted to adjourn on Friday, or have voted to take up other business, but that is no reason why an injustice should be done to the chairman of that committee.

The committee have gone on with this work; they have undertaken the discharge of the duty; they are doing it; and the chairman appeared before the committee and said that he had paid out of his own pocket money in order to discharge his duty as chairman of that committee, and therefore asked that he be given this additional clerk.

Mr. SIMS. If the work is worth nothing to the country, why do it? Why have a committee at all, if you are not going to insist upon the rights of the committee before this House?

Mr. BARTLETT. Why, Mr. Speaker, if we are to measure the work of a committee by what we think it is worth to the country, we will in many instances not allow them any clerks. I believe in a great many instances a great many bills are reported to this House which are injurious to the country. Some of the largest committees report bills which I think will do harm to the country; but for that reason I can not deny to the committee, as a member of the Committee on Accounts, the money to do the necessary clerical work of that committee or to furnish them the necessary clerical hire, especially when they have stated to us and demonstrated to us it is absolutely necessary to enable them, with fairness and with equality and with justice to themselves and with justice to this House, to discharge their duties. As a member I am ready to vote for this resolution.

The SPEAKER. The question is on agreeing to the substitute offered by the committee.

Mr. LOUD. Mr. Speaker——

The SPEAKER. To whom does the gentleman from Rhode Island yield?

Mr. BULL. I yield to the gentleman from California.

The SPEAKER. How much time?

Mr. BARTLETT. Will the gentleman permit me to yield five minutes to the gentleman from Virginia [Mr. OTEY]?

Mr. BULL. Yes, sir; I will.

Mr. OTEY. Mr. Speaker, I rise to speak for one committee of which I have the honor to be a member, and that is the Committee on Claims. As all of you may perhaps know, that is a committee that has a great deal of work to do. We have over 700 bills now before that committee. We have been meeting at 9 o'clock in the morning on Tuesday and 9 o'clock on Thursday and a subcommittee meeting on Monday at 9 o'clock, of which I am a member, and we need all the work and assistance that a clerk can give us. We are endeavoring to bring the claims to a conclusion and get them out of the way, either by having them adversely reported or favorably reported and disposed of, and without an assistant clerk to that committee it can not be done.

Mr. SIMS. Do you know why the chairman of the committee does not demand his rights here every Friday?

Mr. OTEY. I suppose the chairman has demanded his rights. I do not know of any reason why he should not do so. He desires to get rid of these bills as well for the House as the patrons of the bills, and we are doing all we can to accomplish it; and the little question of whether we shall have assistance to carry on this work is a mere bagatelle. We had better have two assistants and have the work done. From one session to another these bills are favorably reported or not reported, and they go on for twenty or twenty-five years. Some of these bills have been before the House for twenty-five years; and it is the duty of Congress to get rid of them, and not let them stand on the calendars ad infinitum.

Mr. LOUD. Mr. Speaker, as a member of the committee, I desire briefly to define my own position in regard to the resolution before the House. It has become the custom of gentlemen when they address the House to say that such and such a report is the unanimous report of the committee. In many instances, I suppose, that is of the members who were present. Gentlemen must know that I never favored a resolution of this character. I was not present when it was adopted, and I do not desire to betray any of the confidences of the committee; but I would like the attention of the House for a moment in order that they may understand what the committee has had to contend with. This question has been before the Committee on Accounts for something like six or eight weeks.

Mr. SNODGRASS. Mr. Speaker, I rise to a point of order. We can not hear what the gentleman is saying.

The SPEAKER. All gentlemen will be seated.

Mr. LOUD. This question, as I was saying, has been before the Committee on Accounts for six or eight weeks; in fact, ever since Congress has met. We have adopted resolution after resolution. I think I betray no confidence of the committee in stating that, because it is a fact, some time ago the committee adopted a resolution to give all committees that had an annual clerk an additional clerk at $100 a month.

Now, I stated at that time, and I may as well do the same here, that, so far as the Committee on the Post-Office and Post-Roads is concerned, which is one of those committees, I do not need and do not ask for any clerk. I would even be willing and would urge that every committee of this House having an annual clerk have a clerk to the chairman of the committee. The committee hardly thought that was fair, and they included them all. The resolution came back and was reconsidered, and reconsidered, and reconsidered. We have since then been acting on this matter piecemeal. There are chairmen of committees in this House who are too modest to come here and ask for assistance, and the result is favoritism.

Mr. SHERMAN. Will the gentleman yield to a question?

Mr. LOUD. I will.

Mr. SHERMAN. Why can not the whole difficulty be remedied by bringing in here a resolution providing that the same clerk hire shall be allowed to all gentlemen who are members of committees during the session of Congress that is now allowed to them who are not chairmen?

Mr. LOUD. The difficulty about that is this: The committee determined on that course at one time, and we reconsidered that action and then came back and took the matter up by piecemeal and gave the Military Committee, the Naval Committee, the Committee on Interstate and Foreign Commerce, the Judiciary Committee, and, I think, perhaps some others who were particularly urgent, clerks at $6 a day. They have taken so many out of the list for important committees of this House and given them clerks at $6 a day that it has complicated the matter, and unless you repeal the action you have taken the time has gone by for any reconsideration——

Mr. SHERMAN. Could you not except those instances?

Mr. LOUD. It is not an act of justice, permit me to say. From my experience in this House, extending over a few years, and association on several committees, I do not believe there is a committee in this House having a competent man as its clerk but what can get along with one clerk. The trouble is, Mr. Speaker, that incompetent men are appointed as clerks of committees. Now, there is a proposition contained in this resolution for a stenographer for the Committee on Invalid Pensions, because they have not got a stenographer. In the year 1900, a committee in the House of Representatives having two or three clerks and have not got a stenographer! Why, stenographers are the cheapest article in the market to-day. You can get stenographers at $50 and $60 a month. Let it be known that you want one and you will have 500 here in an hour.

Now, because the chairmen of committees propose to appoint John Smith or Thomas Jones as clerks of committee, incompetent to perform the work, they come to Congress and seek relief. Here is the Committee on Claims, and let us see what injustice is being done. While I believe this is doing well enough for the Committee on Claims, let me say that after having served on that committee four years, there is not a committee in this House, excepting none, that has the same work to do that this Committee on Claims has, and yet you give to the other committees assistant clerks at $6 a day and break through the custom which has existed here for years. And you say to the chairman of the Committee on Claims, "You can have a clerk at $100 a month," and because some one else is more persistent he shall have a clerk at $6 a day. As a rule the clerk of chairman receiving $100 a month during the recess is turned over to a six-dollar-a-day clerkship during the session of the House. This question is going to aggravate you until you settle it. We have got to the point now where you have given clerks to all standing committees having annual clerks, except three, four, or five, and you may just as well take this matter up now and dispose of it as to come in here by piecemeal and give clerks at $6 a day.

Mr. BULL. I now yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, we all know the reputation of my distinguished friend from California [Mr. LOUD] for economy, but it seems to me that, in the language of a popular minstrel song of the day, "he hasn't got his habits on" this morning. He opposes this resolution which proposes a session clerk for the 5 committees named at $100 a month, and he opposes it because we do not give clerks to the chairmen of 21 committees instead of 5. Indeed, my distinguished friend advocated giving to the chairman of each committee having annual or session clerks $100 per month for his own clerk hire during the sessions of the House. Now, there are 21 committees having annual clerks by law, and 17 committees having session clerks by law, so that my friend favored appointing 38 additional clerks at one fell swoop, and now opposes the granting of 5.

Mr. LOUD. The gentleman is neither truthful nor fair.

Mr. OLMSTED. I appreciate the extreme politeness of the gentleman's remark, coming from an old and distinguished member of the House. I would not have referred to what occurred in the committee if the gentleman had not already done so. I say upon my word that he did vote in favor of a resolution giving the chairman of each committee which had an annual or session clerk additional clerk hire at $100 per month during the session, making 38 in all——

Mr. LOUD. That is not true.

Mr. OLMSTED. When upon my motion that resolution had been reconsidered and defeated, the gentleman from California made the motion——

Mr. LOUD. I made a motion that the committees having annual clerks should have assistant clerks, but that applied only to 21 committees.

Mr. BARTLETT. I make the point of order, Mr. Speaker——

The SPEAKER. This discussion is out of order. Gentlemen will proceed without disclosing the work of the committee.

Mr. OLMSTED. Let us see how unfair this would be. The Committee on Elections No. 1 has a $2,000 annual clerk. It would give that chairman an additional clerk at $100 a month during the session. How would that work as between Elections Committee No. 1 and the Committees 2 and 3, which have no annual clerk at all? The Committee on Elections No. 1 would have practically $3,200 a year for clerk hire, while the Committees Nos. 2 and 3 would have nothing. We thought—and I am proud that I was largely responsible for the defeat of the other measure—we thought it wise to take up each committee and judge of it upon its merits; so we have recommended that these 5 committees—not the whole 21 committees—be allowed each an additional clerk, at the rate not of $6 a day, but of $100 a month.

Now, the chairman of each of these committees has, under the law, while Congress is not in session, an allowance of $100 per month for clerk hire. They receive this allowance while Congress is not in session the same as members who are not chairmen of committees; so that if this resolution be adopted, each of these chairmen of these 5 committees will have, during the session of Congress, his regular allowance of $100 a month for clerk hire besides the assistance of a $2,000 clerk allowed to the committee. We thought that the $2,000 clerk now allowed by law ought to be able to do the work of the committee and that the chairman as a member of the House could get along with his allowance of $1,200 a year the same as other members. So, in the interest of economy—in the interest of the taxpayers—we recommended the adoption of the resolution reported in place of a more sweeping one granting a larger number of clerks.

The question being taken, the resolution reported by the committee was agreed to.

On motion of Mr. BULL, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, the original resolutions for which the resolution just adopted was reported as a substitute will lie on the table.

There was no objection.

STENOGRAPHER FOR COMMITTEE ON INVALID PENSIONS.

Mr. BULL. I have one more report to make. I have been directed to report back favorably the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Invalid Pensions be authorized to appoint a stenographer for said committee, whose salary shall be paid out of the contingent fund of the House and shall not exceed $100 per month.

Mr. SULLOWAY. I have an amendment which I desire to offer.

The SPEAKER. Does the gentleman from Rhode Island yield to allow the amendment to be offered?

Mr. BULL. Yes, sir.

The amendment sent to the desk by Mr. SULLOWAY was read, as follows:

Amend by striking out the words "$100 a month" and inserting in lieu thereof the words "at $6 per day."

The SPEAKER. The question is on agreeing to this amendment.

Mr. RICHARDSON. I desire to say——

The SPEAKER. Does the gentleman from Rhode Island yield to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. I desire only a minute.

Mr. BULL. I desire first to yield to the gentleman from New Hampshire, if he desires to be heard in support of his amendment.

Mr. SULLOWAY. I desire to say in behalf of this amendment that the resolution now pending was introduced, I think, nearly five weeks ago. At that time the committee were hopeful that

they could secure a competent stenographer for $100 a month; but, developing under the Darwinian process, we have found, during these four or five weeks, that it will be absolutely impossible to secure for this amount of money a man competent for this business—familiar with the medical dictionary. In asking for a stenographer at $6 a day we are not asking any expenditure in behalf of this committee beyond what has heretofore been allowed. In the Fifty-second Congress there were two assistant clerks at $6 per day; we have but one. In the Fifty-third Congress there were two assistant clerks at $6 per day; we have but one. In the Fifty-fourth Congress there were three assistant clerks at $6 a day; we have but one. If $6 a day be allowed us to enable us to obtain a competent stenographer, we shall have a clerk and what might be termed two assistant clerks; and if you gentlemen who have bills pending in our committee, where there are 3,000 to-day, a thousand of which it has been impossible for the clerk, up to this time, to docket—if you want your bills considered and reported, then we must have this stenographer. That is all I have to say.

Mr. RICHARDSON. Mr. Speaker, I did not intend to rise in opposition to any of these recommendations of the Committee on Accounts. But I now rise for the purpose of emphasizing the fact that this committee is now asking something that no other committee has ever asked for or had.

Mr. SULLOWAY. The gentleman will allow me to correct him. We have had stenographers, and we have had additional assistant clerks.

Mr. RICHARDSON. I understand you have now a clerk and an assistant clerk.

Mr. SULLOWAY. Yes, sir.

Mr. RICHARDSON. And you have a special man deputized from the Pension Office——

Mr. SULLOWAY. Which this committee has always had.

Mr. RICHARDSON. Thus there are now three clerks for that committee. Now, I say that when the Committee on Invalid Pensions come to this House and ask in addition a stenographer they are asking what the House has never authorized before.

Mr. SULLOWAY. The gentleman is mistaken.

Mr. RICHARDSON. I would not undertake to put my recollection against that of the gentleman on a matter of this kind; but I have no recollection that the Committee on Invalid Pensions has ever had a stenographer.

There is only one other point to which I wish to call attention. Gentlemen on the other side have the right to make these increases if they want to do so; they have the power. I am opposed to giving this committee a stenographer, because they already have three clerks, and I also oppose increasing the pay, as recommended by the committee, from $100 a month to $6 a day. I believe that $100 a month will secure an efficient stenographer for that committee, if it is necessary to have one. Therefore I shall vote against both propositions, and most earnestly against the amendment increasing the amount of the proposed salary to $6 a day.

Mr. SULLOWAY. Does the gentleman know of a competent stenographer familiar with medical phrases who can be employed for less that $1,600?

Mr. RICHARDSON. I take it that the member of the committee who may be dictating to the stenographer will furnish to him such information about medical terms as he may require. Of course the member must himself have the necessary acquaintance with such terms; he can not expect to depend upon his stenographer for information of that kind.

Mr. DINSMORE. Mr. Chairman, I should like to ask the gentleman from New Hampshire [Mr. SULLOWAY], the chairman of the Committee on Invalid Pensions, a question.

The SPEAKER. Does the gentleman from New Hampshire [Mr. SULLOWAY] yield to the gentleman from Arkansas [Mr. DINSMORE] for a question?

Mr. SULLOWAY. Certainly.

Mr. DINSMORE. Is the clerk of the Committee on Invalid Pensions a stenographer?

Mr. SULLOWAY. No, sir; he is not.

Mr. DINSMORE. Is the assistant clerk a stenographer?

Mr. SULLOWAY. No, sir.

Mr. DINSMORE. Neither one nor the other?

Mr. SULLOWAY. Neither of them.

Mr. DINSMORE. Could not all this be obviated by having one or the other of those clerks a practical stenographer?

Mr. SULLOWAY. No, sir; it is a physical impossibility for any two men, no matter who selects them or where they come from, to do the work in that committee, and have these bills examined, docketed, and cross-docketed.

In the first place, you can not docket a bill that comes from the Senate in less than fifteen minutes. Here are 3,000 bills, and we had no clerk up to the 1st of January. When he got here there were 2,000 bills piled up in the room for him to assort, separate, docket, and get ready so that when any gentleman in the House came down there and looked for his bill he could find it and tell him where it was. The work never was done by two men and never can be.

Mr. DINSMORE. I should like to ask the gentleman if it does not add to the efficiency of any clerk or any assistant clerk of any committee to be a stenographer?

Mr. SULLOWAY. I dare say it might.

Mr. DINSMORE. Then, may I ask, in the interest of the business of the House, not with any purpose to interfere with the affairs of the committee of which the gentleman is the able chairman, if it would not be in the interest of the business of the House to have stenographers appointed as clerk and assistant clerk instead of the people who are there.

Mr. SULLOWAY. It would not be a disadvantage, but in this particular case I do not see that it would be an advantage. The work of the clerk is different from the work of the stenographer employed in that committee room. There is a special examiner that goes through all of this evidence which is filed in these different cases and makes a condensed statement of the facts——

Mr. DINSMORE. And I believe a man is detailed from the Department to do that.

Mr. SULLOWAY. This special examiner has to go through this evidence and dictate a brief statement of it to this stenographer, and that forms a great portion of the work which a stenographer has to do.

Mr. SIMS. I desire to ask the chairman of the Committee on Invalid Pensions a question for information only.

The SPEAKER. Does the gentleman from New Hampshire yield to the gentleman from Tennessee?

Mr. SULLOWAY. Yes.

Mr. SIMS. I want to ask the chairman of the Committee on Invalid Pensions if the business before that committee is increasing?

Mr. SULLOWAY. I think it is as large or will be as large as in any previous Congress. There is every reason in the world why it should be.

Mr. SIMS. There is no decrease?

Mr. SULLOWAY. As long as there are old soldiers to-day who are shivering with cold and gaunt with hunger and not on the pension rolls there is no reason why they should not come to our committee.

Mr. SIMS. There is no decrease as I understand it?

Mr. SULLOWAY. I hope not. [Applause on the Republican side.]

The SPEAKER. The question is on the amendment offered by the gentleman from New Hampshire.

Mr. RICHARDSON. This is to increase the compensation to $6 a day, as I understand it.

The SPEAKER. This is on the amendment offered by the gentleman from New Hampshire to the report of the Committee on Accounts.

The question being taken, the Speaker announced that in the opinion of the Chair the ayes have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 112, noes 44.

Accordingly the amendment was agreed to.

The question being taken on agreeing to the resolution as amended, the Speaker announced that the noes appeared to have it.

Mr. BULL. Division, Mr. Speaker.

Mr. BARTLETT. I desire to make a parliamentary inquiry. As I understand the situation, the resolution, if passed now as amended, provides for $6 a day instead of the recommendation of the Committee on Accounts, for $100 a month.

The SPEAKER. The gentleman is correct in his understanding of it.

Mr. BARTLETT. I want gentlemen to understand it.

The question being taken on agreeing to the resolution as amended, on a division there were—ayes 113, noes 45.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER. The point is made by the gentleman from South Carolina that there is no quorum.

Mr. SHERMAN. I desire to call the attention of the Chair to the fact that the gentleman did not make the point that there is no quorum present.

Mr. TALBERT. I meant that by implication, and I now make the point that there is no quorum present, if that will satisfy the gentleman any better.

The SPEAKER, having counted the House, announced 197 members, a quorum, present.

Accordingly, the resolution was agreed to.

On motion of Mr. BULL, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 7572) extending in the district of Alaska the placer-mining laws to lands reserved from sale in sections 1

and 10 of an act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes."

The SPEAKER. The gentleman from Iowa asks unanimous consent for a reprint of the bill H. R. 7572. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 7, 1900:

H. R. 6272. An act fixing the salary of the postmaster at Washington City, D. C.; and

H. R. 947. An act to create a new division in the eastern judicial district in the State of Tennessee.

On February 8, 1900:

H. R. 5042. An act to provide for improvements in the tax departments of the District of Columbia.

On February 9, 1900:

H. R. 6237. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes;

H. R. 5491. An act to amend section 4843 of the Revised Statutes; and

H. J. Res. 6. Joint resolution authorizing the Secretary of War to use $60,000 of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1900, for the construction of a modern military hospital at Fort Leavenworth, Kans.

On February 10, 1900:

H. R. 6073. An act to amend section 4 of the act of Congress approved June 16, 1880, granting to the city of Hot Springs, Ark., certain lands as a city park, and for other purposes;

H. R. 5076. An act to amend the first section of an act to change the time and places for the district and circuit courts of the northern district of Texas, approved June 11, 1896; and

H. J. Res. 136. Joint resolution providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

On February 13, 1900:

H. R. 284. An act granting permission and authority to the Orleans Levee Board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, La.

On February 14, 1900:

H. R. 5066. An act to amend section 4290 of the Revised Statutes, relating to log entry of collisions; and

H. R. 3718. An act for the preservation of the frigate *Constitution*.

On February 15, 1900:

H. R. 4000. An act to authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, N. C.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 10. Joint resolution providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado; and

Senate concurrent resolution 19:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 20,000 copies of the message of the President transmitting the treaty of peace with Spain and the accompanying documents, in one volume, of which 13,000 copies shall be for the use of the House of Representatives and 7,000 copies for the use of the Senate.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 10. Joint resolution providing for the printing of 3,000 copies of House Document No. 141, relating to the preliminary examination of reservoir sites in Wyoming and Colorado—to the Committee on Printing.

Senate concurrent resolution 19:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 20,000 copies of the message of the President transmitting the treaty of peace with Spain and the accompanying documents, in one volume, of which 13,000 copies shall be for the use of the House of Representatives and 7,000 copies for the use of the Senate—

to the Committee on Printing.

S. 68. An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal School thereon, and for a public park—to the Committee on the Public Lands.

S. 41. An act to authorize the President to place Andrew Geddes on the retired list with the rank of captain—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURKE of South Dakota, for four days, on account of important business.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

And then, on motion of Mr. HEMENWAY, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8317) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, with Mr. SHERMAN in the chair.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MOODY] is recognized.

Mr. MOODY of Massachusetts. Mr. Chairman, I yield forty-five minutes to the gentleman from Illinois [Mr. BOUTELL].

Mr. BARTLETT. Mr. Speaker, before the gentleman from Massachusetts sits down, will he, as a member of the committee, answer me a question?

Mr. MOODY of Massachusetts. Mr. Chairman, I will say to the gentleman from Georgia that I am not on the subcommittee which has in charge this particular bill.

Mr. BARTLETT. I merely want to ask the gentleman if in this bill provision is made for the payment of salaries due to members who have died during this Congress?

Mr. MOODY of Massachusetts. Mr. Chairman, I am informed by the gentleman from Indiana [Mr. HEMENWAY] who is in charge of this bill that that subject properly belongs to the deficiency bill and is not, therefore, upon this bill.

The CHAIRMAN. The Chair desires to call the attention of the committee to the fact that an equal distribution of the time between the two sides would leave seventy-eight minutes to the Republican side and thirty-two minutes to the Democratic side, considering the time that was used on yesterday.

The gentleman from Massachusetts [Mr. MOODY] yields to the gentleman from Illinois [Mr. BOUTELL] forty-five minutes.

[Mr. BOUTELL of Illinois addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, just a moment, if the gentleman from Alabama please. How much time would my colleague like—thirty minutes?

The CHAIRMAN. The gentleman from Illinois has but three minutes remaining.

Mr. BOUTELL of Illinois. There are others who want to speak, and I will not take further time. [Loud applause on the Republican side.]

Mr. LIVINGSTON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirty-two minutes.

Mr. LIVINGSTON. I thought I had thirty-eight minutes.

The CHAIRMAN. Does the gentleman from Georgia desire the gentleman from Alabama to occupy that entire time?

Mr. LIVINGSTON. I yield to him such time as he wants.

Mr. UNDERWOOD. Mr. Chairman, some time ago I introduced a resolution in favor of the repeal of the fifteenth amendment to the Constitution of the United States. I do not know what fate that resolution may meet with in the committee to which it is referred; nor do I know that there ever will be an opportunity in this Congress to discuss that resolution directly on the floor of this House. I therefore take advantage of this opportunity to give some reasons why I believe the time has come when it is not only right, but expedient that the people of the United States should seriously, without partisan prejudice or political strife, consider this great question of limitations or the rights of limitations of the franchise in the United States.

In his Farewell Address to the people of the United States George Washington, in speaking of our Government, said: "Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty."

In a republic the keystone in the arch of government, above all other questions, must be a love of liberty by the citizens of the Republic, and the mental capacity and desire to discriminate between "true liberty" and personal license; for if the latter is allowed to go uncontrolled it must result in the subversion of the rights and liberties of others.

To the people of the United States belong the sovereign power to make and control the fundamental principles of government, and first among these must always stand the power to regulate and control the suffrage.

We therefore must face the problem as to how we can best grant the privilege of the ballot to those who will understand and uphold liberty in its truest and highest sense, together with the other great principles of government, and at the same time allow to the citizen the fullest share of civil liberty and freedom of action that can be given without danger to the Republic.

The only true guide that we can use in determining how to solve this vexed and difficult question is that which is the best for the greatest number of people, and we must not be misled by our sympathies and prejudices for individual or particular classes. We must never forget that the duty of preserving civil liberty in this country is intrusted to the people as a sacred heritage from our Revolutionary forefathers, and the ballot is the weapon by which it must be preserved if properly exercised, for if subverted it will become the tool of base, ignorant, or unscrupulous men, by which the liberties of the people will be finally overthrown.

It has been said "that the right of suffrage is at the foundation of our Government; that it is the moving power and first principle that puts it in motion, and sustains, operates, and gives it direction in all its parts."

It is evident that when the power of the ballot is given to unfit or unscrupulous men it will in the end corrupt both the voters and the officeholders, and produce bad laws, dishonest legislation, a corrupt judiciary, and tyrannical executive officers. It will corrupt the people because it gives greater opportunity for bad men to succeed by dishonest methods, and a greater temptation and opportunity to resort to them; and it will produce corruption because honest men will abhor the means necessary to attain success and leave those men who do not scruple as to the methods to be employed in sole possession of the political field.

On the other hand, if the privilege of the ballot is only granted to those who act from patriotic motives, with honesty and intelligence, it elevates the right of the franchise, it makes it a privilege that every good citizen will guard with care, political power will emanate from a pure and uncorruptible source, dishonest men will not dare to enter into the contest for office, and the principles of liberty and good government will become perpetuated in our political institution.

Whenever an effort is made to elevate the right of franchise or to disqualify unfit persons from the right of the ballot, the demagogue and time server is sure to at once assail you with the often misapplied and misquoted maxim "that all men are born free and equal." So they are in some respects. All men are entitled to equal freedom of action and thought; all men are entitled to stand on an equality before the law, and all men are entitled to equal protection from the Government. But it can not be contended that one who is being consumed by a hereditary disease is the physical equal of the robust young man who has never known sickness, nor can one who has been ushered into this life an idiot be said to stand the intellectual equal of the great, liberal, and just statesman who wrote the Declaration of Independence. If Jefferson had believed that all men were his mental, moral, and intellectual equals, he would have returned home and freed his slaves, and insisted that the privilege and duties of government be put in their hands; but he did not do so.

As a matter of fact, nowhere are men endowed with equal political rights to-day. Some men are exempt from jury duty, working the public roads, and serving their country as soldiers. An educational qualification is required for one to practice medicine; only those learned in the law are allowed to hold judicial positions; men are excluded from the exercise of the elective franchise on account of moral qualifications, and in most of the States women, no matter what may be their intellectual qualifications, are denied the right to vote on account of their sex; and throughout all the Union men are denied the right of the ballot until they are 21 years of age, in order to secure, to a certain extent, a constituency of matured intelligence.

When the question is raised as to who should be entitled to exercise the right of suffrage, the public safety should be the governing test. It should not be sufficient to say that a man may in time, or his descendants may ultimately, acquire sufficient intelligence and moral character to authorize them to take part in the government of the State; but the question is, Do they possess now those qualifications that justly entitle them to exercise the power of government, and can they safely be intrusted with the high privilege of governing themselves and their neighbors?

I contend that no greater crime can be committed against the people—yes, against the Government itself—than to prematurely thrust the powers of government upon a people who are morally and intellectually disqualified to exercise this high privilege. It is incompatible with the public good and has a tendency to weaken and destroy the Constitution.

I do not believe that any gentleman on this floor will controvert the proposition that the public good must determine what qualifications must be placed on the right of suffrage, and that any limitation that is placed on this right for the benefit of good government is not an abridgment of the liberties of the citizen.

With these principles to guide us, let us take up the question of suffrage as it is affected by the fifteenth amendment to the Constitution of the United States. It reads as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

In Ex parte Yarborough (110 U. S., page 665) the Supreme Court says:

> This new constitutional right was mainly designed for citizens of African descent.

As construed by this and other decisions of the Supreme Court, the negro race is given a privilege under the Constitution that is not accorded to citizens of other nationalities. You can exclude the Mongolian, the Indian, or the white man on account of his race, but you can not exclude the black man. The Indian and the Chinese are to-day excluded from the right of suffrage in some of the States, regardless of the personal qualifications of the individual citizen. This being the case, is it just to the great body of American voters to insist that the fundamental law of the land shall grant this protection to one class of our citizens when it is not granted to other races better qualified to exercise the right of the ballot.

On the 13th day of March, 1870, when the fifteenth amendment was adopted, the country had just emerged from a bloody civil war; the South was crushed by defeat and devastated by war; the North was triumphant and flushed with the success of victory; the Southern States were about to take their place once more in the councils of the nation; and it is probable that the politicians of the North feared that if political power was placed in the hands of their late foe the contentions of war might be revived and renewed, and for this reason they desired to confer the right of suffrage on a class of people whom they believed they could control and direct.

The unwisdom of their actions, viewed in the light of the past, must be apparent to all fair-thinking men, when we know that the people of the South under no terms and conditions would return to or countenance slavery in this country or any of its dependencies; when we have seen the soldier of the South fighting in the same battle line with the soldier of the North for the honor of our common country and the glory of the flag of the nation.

You have tried the experiment for thirty years, and it has failed. Instead of its becoming a source of strength to the Republican party, it has proved to be a badge of weakness. You can not by your laws contravene the laws of God. The Almighty, in His divine wisdom, has made some frail and others strong, some races weak and others great and powerful.

Ever since the day when the Aryan (or white) race came down from the Caucasian Mountains and overran Europe, though they were barbarians, no other race of people have been able to stand against them. They acquired the civilization of those they conquered, but retained the power to rule. They embraced the Christian religion and carried the banner of the cross to Palestine at the point of their swords. They have dared the dangers of an unknown ocean and cleared the path of civilization through the trackless forests of America. They are the only race who have ever known the art of self-government and who have been able to maintain the liberty of the individual citizen. In this country, whether their ancestors landed with the Pilgrim fathers at Plymouth Rock or with the Cavaliers at Jamestown, the same blood flows through their veins. They have never bowed to the domination of an inferior race and never will; and the man who seeks to make them subservient to an inferior race is not only a traitor to his own blood, but is foreordained to failure by a law of nature that the legislation of man is powerless to change.

Nothing but reckless brutality will array the weaker race against the stronger, for in the end the weaker must give away. Instead of the helping hand he should receive from the stronger toward his intellectual and moral development, it forces a strife that can only result in the further degradation of the weaker race.

In many of the Southern States immediately after the war the negro was in absolute political control. What was the result? Government became a farce; bribery stalked in the legislative halls; justice was purchased at a price, and corruption held the reins of power; the rights of property became insecure; life was endangered every hour, and anarchy reigned, clothed in the robes of ignorance.

In my State in four years a debt of twenty millions was created; negro legislators were bought and sold at the price of a suit of clothes; and the women dared not walk the streets in broad daylight without armed protection. Men of the North, would you submit to such a condition, would you have abandoned your homes and your property, or would you have snatched the brand from the burning, the government of your State from dishonor, at whatever the cost? As long as this condition remains do you expect to see anything but the solid South? Can you expect any political question to become more dominant than the right of self-preservation?

After thirty years the great bulk of the negro population of the South is no further advanced than it was when the fifteenth amendment was passed, and yet it is not because they have not had the opportunity. In the State of Alabama they do not pay 5 per cent of the taxes, and yet they have their own schools, their own teachers, and receive an equal share of the school money in proportion to population. There is not a State in the Union where the negro has a better or fairer opportunity to work at any trade or employment he may desire under the protection of the law than in Alabama.

As a race he has not advanced morally or intellectually because he has been forced prematurely into political contests with the superior white race. I do not believe the negro race can ever become the equal of the white race, because the Creator of the universe did not so intend it, but he can develop under the protection and guidance of his white neighbor to a point where he will reach a proper understanding of the rules of government and good morals, when he will respect good government and know that liberty does not mean license.

But this can only come by removing the continued political contests that now exist and by making the right of suffrage a high privilege to be attained by him, rather than a useless right that is not valued or understood.

Some may say you can accomplish this fully by an educational qualification, but I say that you can not accomplish the result in this way in the South. I have known many young negroes in the South who could read and write as a parrot can talk who had no conception of the rights of others or the necessity of good government and probably never will have. On the other hand, I have known honest, law-abiding, property-holding white men, who have not had the benefits of an education and could not read and write, who understood the theory of our Government as well as you or I, whose votes are absolutely above any price, and who are far more capable of exercising the right of suffrage than many men who have had an education.

There can be no doubt that the fifteenth amendment to the Constitution is a mistake. It has failed in its object, and it can not advance the material and moral development of the negro race. On the contrary, it has a tendency to array one race against the other, and, as I have already stated, a conflict must inevitably result in injury to both races.

Let us then face the question fairly and honestly; let us repeal the fifteenth amendment and allow the States the untrammeled privilege of regulating the suffrage without conflict with the Federal Government. The tendency in all free governments is always toward an enlargement of the franchise, and it can be depended upon that the sovereign power of the States, vested in the people, will never deprive any man of this high privilege in whose hands it can be intrusted without endangering the Government and the true principles of liberty.

The CHAIRMAN (Mr. CANNON). As no one addresses the Chair——

Mr. LIVINGSTON. Mr, Chairman, I want to ask unanimous consent to extend the debate until 4 o'clock, thirty minutes to be used on this side and thirty minutes on the other side.

Mr. HEMENWAY. I do not know of anyone who wants to use any time on this side.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend general debate until 4 o'clock.

Mr. LIVINGSTON. One-half of the time to be given to this side and one-half to the other side.

The CHAIRMAN. The Chair thinks the better way is to let the committee rise, because the House has made an order that debate shall close at 3 o'clock.

Mr. HEMENWAY. Then, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. HEPBURN, the Speaker pro tempore, resumed the chair.

The SPEAKER pro tempore. The House will be in order.

Mr. LIVINGSTON. Mr. Speaker, I now ask unanimous consent that general debate be continued until 4 o'clock, one half to be under the control of the gentleman from Indiana and the other half to be controlled by this side.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the general debate be extended until 4 o'clock, one-half to be controlled by the gentleman from Indiana and the other half by the gentleman from Georgia. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the further consideration of the appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

Mr. LIVINGSTON. Now, Mr. Chairman, I yield twenty-five minutes to the gentleman from Indiana [Mr. MIERS].

Mr. MIERS of Indiana. Mr. Chairman, the question of our new possessions is higher than a party question. It ought not to be a party question. In matters of fundamental policy, where the true doctrines of Americanism have been called up in our hearts, we have always forgotten that we had ever been partisans, and remembered only that we were patriots. Mr. Chairman, I am proud that I was a member of this House when, with magnificent unanimity, we voted for a declaration of American principles and to perpetuate those principles among the suffering people of the island of Cuba without fear of the result or hope of reward. Mr. Chairman, that was a glorious day in American history. I want to read again that resolution:

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into active service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise authority, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

What a magnificent spectacle, a strong nation stretching forth its arm to protect and not to subjugate the weak. It was a magnanimous people who in the name of liberty proclaimed to the world that their brothers should be free at whatever cost and without benefits of any kind to accrue in return. Our hearts were afire with a patriotic glow, and as we returned to our homes the streets were bedecked with flags and we listened to the plaudits of the multitudes. The press, without regard to politics, applauded our act. We were Americans. We had inherited from our sires the spirit of '76. We remembered the deeds of our fathers in far-off New England and in the sunny South. The words of the Declaration of Independence were to our minds as though they had been written but the day before. All men were equal under the law; all men were, and of right ought to be, free.

We poured out our treasure of blood and gold, and the Stars and Stripes carried freedom with them wherever they floated. The cause of freedom met with not a single reverse. The boys in blue performed deeds of valor and heroism which gained for the American Army the admiration of the entire civilized world. That was true Americanism. There was no Republicanism in it, there was no Populism in it, there was no Democracy in it. It was a question which shook to the very foundation the American Republic, and I do not believe that there was then a single traitor at heart to be found in all America.

The war was fought, and at its conclusion we found ourselves bound to carry out the purposes of this resolution and provide for Cuba an independent government. We found that we had also freed, in freeing the Cubans, the other colonists of Spain. The colonies of Puerto Rico and the Philippine Islands were ceded to us to do as we pleased with. Americanism had commanded of us, with respect to Cuba, that we spend millions of money and thousands of valuable lives in order to give them an independent govment. The war was successful beyond our dreams. In addition to being able to confer this boon of independence upon the island of Cuba, we were able also to confer it upon Puerto Rico and the Philippines. We had not only carried the flag of freedom across the narrow channel which divides Florida from the Pearl of the Antilles, but we had carried it 7,000 miles across the Pacific and claimed for liberty a part of the Orient where liberty had never before been known.

Mr. Chairman, this war was not fought as a business investment in order that we might make money. This war was not fought in order that we might subjugate other lands. This war was fought and America expended blood and gold in order to make other people independent and free, as we are independent and free. But, Mr. Chairman, instead of the flag we must not raise the standard of the dollar, and hold the dollar so close to the eyes that it hides the flag from view.

Have we heard upon the floor of this House any discussion as to what would better the conditions of the people of Puerto Rico or serve to enable them to establish their independence? Has anyone intimated that this bill will enable the Filipinos to form a stable and independent government? Not one word, Mr. Chairman. It is all reduced to a cold, mathematical calculation. We bought the islands of the Philippine Archipelago and paid $20,000,000 for the privilege of establishing an independent government. We paid two dollars and a half a head for men who, under our Declaration of Independence and our American system, are as much entitled to independence as we are. Shall we shoot down and kill all of the men who object to being sold to the United States for two dollars and a half?

Mr. Chairman, we hear the wails of the people from Puerto Rico. They tell us what they need in order to make them self-supporting and happy. They tell us from what financial disease they are suffering. Shall we arise to the emergency of the occasion and give them the remedy? It is a question with the House, What is the humane thing to do? It is what is best for Puerto Rico, and not what will bring the most money into the Treasury of the United States.

We hear the opinion plainly expressed that Cuba, Puerto Rico, and the Philippines will be parceled out for the benefit of individual Americans. This must not be so. As a result of the grand war for humanity, I protest against even the expression of such an opinion. If subsequent events prove the assertion to be true, it will cause the blush of shame to mantle the cheek of every true American. I make no charges, because I still hope that patriotism, which I know is not dead in any man upon this floor, will triumph. We are still Americans, but different interests incline and warp the judgment of some. The islands are wealthy, and this fact has aroused greed and avarice. Greed and avarice should never be allowed to have a place in the dictation of national legislation.

The principle upon which the American Government is founded is stated in the Declaration of Independence in the following language:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

The Declaration proceeds to enumerate the grievances against the Crown of Great Britain. The principal ones of these are that King George kept an army in the United Colonies in times of peace and that the colonies were taxed without representation. Has there ever been a consent by the people of Puerto Rico or the people of the Philippines to a government by the United States? Are we not maintaining military authority in Puerto Rico in time of peace? Is not this very provision a taxation for the benefit of the United States of the people of Puerto Rico without in any way granting them a representation? Not a word in the entire Declaration of Independence must apply to us in our treatment of the people of Puerto Pico, Cuba, or the Philippines.

The colonies had ample cause for rebellion. Every American is proud of the fact that his forefathers did rebel and that liberty was established upon the Western Hemisphere. That spirit of the equality of men and the rights of the governed to their own self-government, the spirit of liberty, breathed through every word of the declaration of war with Spain. The war of the Revolution and the war with Spain were fought upon the fundamental American principles. And now it is advocated upon the floor of this House that we abandon the American principle in our treatment of these peoples and adopt the principle Great Britain applied to us when we were her colonists. [Applause.]

Mr. Chairman, I hope that the gentlemen in this House will pause and deliberate before they so act. There is not one of us who, if he can cast aside all consideration of money and look at this question not from a partisan but from an American standpoint, will deny these people their liberty and will vote to give these people either admission upon terms of equality or independence in the matter of their own government.

I want to read to this House a paragraph from the Farewell Address of President George Washington:

> The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

It is a national maxim: "United we stand; divided we fall."

Mr. Chairman, President McKinley is reported to have said in a speech at Pittsburg that Puerto Rico and the Philippines were as much ours as Louisiana or Texas. Granting this to be true as against Spain, the United States could not under the Constitution sell either Louisiana or Texas by a treaty. They could not sell Puerto Rico or the Philippines. The nations of Europe deal in islands; they buy them, they sell them, and they trade them. Under the peculiar form of government we have in the United States this Government can not go into business as a real-estate speculator with a view to profit and loss. This Government is a chain of States, and it is only as strong as is the weakest link. For us to have a republican government on the continent, a despotic sultanship in the island of Sulu, a military government in Puerto Rico, a protectorate in Cuba, an aristocracy in Alaska, and possibly a monarchy in Hawaii is to entirely destroy the foundation of the Union, and it will be impossible for us to hold these discordant elements together.

I do not wish to be severe in my criticism of those who do not agree with me, but I warn them that this new policy will disrupt the Union and make the words of Lincoln in his first inaugural address apply nearly as strongly to-day as they did when spoken:

> We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

We have been termed by the press expansionists and anti-expansionists. The terms are misnomers. No one would call it expansion to add these little bits of islands scattered thousands of miles apart, the aggregate of which would not result in as much expansion as did the decision of the United States Supreme Court in the controversy concerning what is known as "No Man's Land." That decision expanded this country more than these conquests did. There was never anything said or thought about this decision. There was more expansion in No Man's Land because there was more room for expansion. It is impossible for the United States to expand in Puerto Rico, because the island is over populated now, as are the islands of the Philippine Archipelago, and in both instances there is no room for expansion, but only room for contraction.

There are no anti-expansionists in the United States. The United States have expanded in territory, wealth, and population more rapidly than any other country in the world. The settled policy of the United States has been to add contiguous territory as rapidly as such territory can be assimilated into the Union. No one is trying to overturn this wise policy. The State of Texas alone has enough unoccupied land to supply our needs for many years to come. When all of the States of our Union have become so developed that new lands are necessary the opportunity will arise, as opportunities have arisen in the past, for us to still further extend our boundaries. We want the Stars and Stripes to float over none but freemen. We want America for Americans. We don't want Americans that can not be Americanized. We want to exert our great strength in bestowing the blessings of freedom upon the people of other lands and to encourage the cause of liberty throughout the world. We have been a world-power for good ever since the Declaration of Independence was signed, and we want to continue to be a world-power for good until the end of time. [Applause.]

Mr. Chairman, I hope that we will deliberate upon this bill as Americans, and not as partisans. I hope we will carry out the spirit of the Declaration of Independence and of the resolutions declaring war with Spain. Let us not lessen the dignity which we now have in the eyes of the world on account of our noble war for the sake of humanity by a party squabble as to how to make the most of the spoils of the conquest. I want to deal with this question under the broad principles expounded by the Declaration of Independence and perpetuated by the stars and stripes of the American flag. I do not want to wave the dollars. I want to wave the principles. I do not care whether the Philippines were worth $20,000,000 or nothing at all. If, with the expenditure of $20,000,000 or any other sum, we can carry out the principles of our just and glorious war and enable struggling people to be free, I will consider it money well spent; but to try to make a profit out of the liberties of our brethren in any part of the world is beneath the character of the American people. [Applause.]

We have no internal dissensions. The flag is revered by all. The South and North stand together, guarding the sacred charge of national peace and unity. This wonderful Republic of ours, unparalleled in its onward and upward career, has expanded from 13 States, with a population of 3,000,000, to a gigantic power of 45 States, with a population of 80,000,000. Let the blood of the heroes of the Revolution, of the war of 1812, of 1861, and of the Spanish war incite in all Americans the true spirit of the founders. Let us read anew the Constitution and the famous Declaration of Independence, and not forget the patriotic devotion which led these men to the field of mortal conflict, and emulate the spirit of self-sacrifice which animated these heroes to the strife for perpetuity of the Republic. We should always bear in mind the terse and significant saying of Jefferson: "Eternal vigilance is the price of liberty." It is a price which must be paid or liberty must be lost, substantially at first and formally at last. Liberty flourishes not like the weeds in the field, without labor or attention, but like the useful grain, which requires painstaking culture to maintain its life and perishes by neglect.

The new problems now upon us call for a wise and speedy solution. Casting away the bonds of mere partisan feeling and prejudice, let us apply ourselves to the task of working them out for the highest interests of our country. The nation's heroes died for it. Let us accept their legacy of honor and live for it. Let us not neglect our means of salvation. We have these at our command; the destiny of the nation is in our hands. The world is waiting the issue of their final decision.

We have a weapon firmer set
And better than the bayonet;
A weapon that comes down as still
As snowflakes fall upon the sod;
But executes a freeman's will,
As lightning does the will of God.

If we employ it against the powers of evil, we can make our nation the joy of all the earth; and in every latitude and clime, whether at home or in distant lands, it will be the highest boast of every man, "I am an American citizen." [Applause.]

Mr. HEMENWAY. Mr. Chairman, I now yield fifteen minutes to the gentleman from Pennsylvania [Mr. SHOWALTER].

Mr. SHOWALTER. Mr. Chairman, I am heartily in favor of this appropriation, and, believing that there is no doubt of its passage, I will, under the rule prevailing in the House, devote my time to the consideration of another subject.

Mr. Chairman, in the summer of 1898 I was invited to make an address at a presentation of the flag, by the young ladies of my town, to the public school. I said in part: "I congratulate the young ladies upon the result of their labors. They have wrought a beautiful work. I congratulate them because of the patriotic spirit that prompted them to this service. It is the same spirit as exhibited by their mothers in earlier days, a spirit of devotion and love of country, and why not? For who has sacrificed more for the dear old flag than the mothers, wives, and sisters of our land? For it they poured out their heart's richest treasures: for it in silence and alone they endured untold anguish for loved ones battling that it might float in freedom's air. For it they have suffered, for it they have trained their sons to die if necessary in its defense. All honor to the noble women of America for their devotion to the flag of their country. That flag represents the hopes and aspirations of millions of our race. It is the emblem of freedom. It represents more to-day than ever before in its history. Under its beneficent folds has recently been fought to a successful issue the most holy war ever waged—a war for humanity. Under its shining stars the immortal Dewey and his brave sailors won the greatest naval battle ever fought and placed the flag of their country and the American eagle in the far distant Orient—there, let us trust, to remain forever.

"I for one am in favor of keeping what we have conquered, and never returning to the blighting, damning rule of Spain one foot of land wrested from her by the courage, the valor, and the blood of American heroes. When we declared war we deliberately declared to the world that we did not desire any new territory, and we meant it. But a power higher, greater, than the American Congress ordained otherwise. Without intent upon our part, we have been irresistibly swept, as by an avalanche, into a position from which we can not in honor recede. We have become a world power. The God of nations has a work for us to do. Boys and girls, prepare yourselves for the great work. No greater or more golden opportunities were ever offered to the educated, intelligent young men and women than will be offered to you upon your graduation.

"With rich opportunities at home for advancement, the acquisition of Hawaii, Puerto Rico, and the Philippines waiting with outstretched arms for your coming to colonize, educate, Christianize, and govern, will give you advantages and opportunities undreamed of in times gone by. May you be ready and prepared for the high duties that await you; may you ever maintain as your fathers have the dignity, honor, and glory of the flag!"

I quote this part of my address upon that occasion that you may know that I am no recent convert to the doctrine of expansion. At that early day, long before the signing of the treaty with Spain, when few public men had expressed their views, when nine-tenths of the Republican press were opposed to the permanent retention of the Philippines, I was a firm believer that the God of nations had a duty for us to perform and that duty could only be performed by permanently retaining Puerto Rico and the Philippines.

What else could we do with these islands? We could not turn them back to Spain; we could not leave them, unarmed for defense and untried in statecraft, to the horrors of domestic strife or to partition among European powers. We had assumed the responsibilities of victory, and wherever our flag has gone, there the liberty, humanity, and civilization which that flag embodies and represents must remain and abide forever. The civilized nations of the world and wise and patriotic men of all parties in our own land now see that there is but one course for us to pursue, and that course is being pursued by our able and wise Chief Magistrate.

Once and for all time let it be known that we are in lawful possession of the Philippines, with a double title, that of conquest and that of treaty—a title as indisputable as that of California or Alaska. Let it be known that that generation is yet unborn that will ever see them abandoned to another power. America acquires territory; she never surrenders it. And how shall we govern the Philippines? Govern them as Jefferson governed Louisiana—under the Constitution, which grants the power to acquire territory or other property anywhere, and govern it as we please, the inhabitants having the constitutional guaranty of civil rights and such political rights as Congress may confer under that provision of the Constitution which says, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory belonging to the United States." This constitutional power is not longer seriously doubted by anyone save the "constitutional lawyer."

The preponderance of constitutional authorities, headed by Gouverneur Morris, Daniel Webster, and Thomas Benton, and an unbroken tendency of decisions by the courts of the United States for the last fifty years, from Chief Justice Waite and Mr. Justice Miller down to the most recent utterance on the subject, that of Justice Morrow, of the circuit court of appeals, sustains this power. We are in the Philippines as we are in the West Indies, because duty called us and we responded to the call. Shall we now prove recreant to the opportunities that are showered upon us? Never in all history has such opportunities been thrust upon any nation. Are we equal to the occasion? The two richest archipelagoes in the world are in our possession.

The largest ocean on the globe is in our hands—the ocean that is to bear the commerce of the twentieth century. The Philippines are the gateway or foothold for our trade with China. They command China, India, the Orient, the whole Pacific for the purposes of offense, defense, and trade. China's foreign commerce in 1897 was $286,000,000, in round numbers, of which we had less than 9 per cent. In ten years we will have 50 per cent. China only has 350 miles of railroad for her 400,000,000 people—less than a mile to the million of population. In ten years she will likely have 10,000 miles. Her trade is the most powerful commercial factor in our future.

The 400,000,000 American citizens of the twentieth century demand that we retain the Philippines and the command of this great trade for them. Shall we prove recreant to the duty that posterity imposes? Shall we yield to the demand of the unpatriotic so-called anti-imperialists and surrender this rich possession with its command of this vast trade? Shall the historian record that at this unexampled crisis in our history we were timid and short-sighted and were unequal to the duty of the hour? Shall we prefer, with the the teeming population that the century will bring us, to be a "hibernating nation, living off its own fat," a "hermit nation?" Not to do our duty now means the perpetual isolation of this continent. We will do our duty now, as we ever have in the past. Every pledge made by the Republican party has been redeemed.

Many stirring events have transpired since the 4th of March, 1897. Our party, led by its matchless chieftain, William McKinley, has gained new victories and won fresh laurels. It has proven itself, as it ever has from the day of its birth down to the present hour, able, patriotic, prompt, and fearless in the discharge of every duty. When it came into power the country was straggling for existence, handicapped, burdened, and oppressed by the operations of the obnoxious tariff law of the last Administration. Under the malign influence of that law, our mills and factories and forges were closed, 2,000,000 American workingmen were thrown out of employment and idle; every industry languishing, business of all kinds paralyzed, with the national debt increased in a time of absolute peace to the extent of $262,000,000.

The Republican party came into power and was equal to the occasion. It promptly redeemed its pledge and gave to the people a new tariff law, every line of which is American, and under the benign influence of which every industry except that of the "soup house" has revived. Work for the workingman, business for the business man, good prices for the products of the farm, with more than a sufficient revenue to run the Government on a peace basis, and prosperity for all has been the result of this wise enactment. The party redeemed its pledge on the money question and maintained the national honor. The passage through the United States Senate by the Demo-Populists of the TELLER resolution, providing for the payment of our bonds in silver, was overwhelmingly defeated in the House of Representatives by a united Republican phalanx, thus maintaining and preserving our national honor. That day, January 31, 1898, was a momentous one in the history of our country.

To the minds of many the situation that confronted the American Congress on that day was of greater moment, freighted with more evil consequences and peril, than the situation that confronted the country in the dark days of the early sixties. Then it was a question whether the Government handed down to us by

our forefathers should be maintained as a single republic or whether we should have two republics in these United States. It was a question of union or disunion. On the 31st of January, 1898, it was a question of honesty or dishonesty, whether we should be honest with our own people and the people of other lands, or whether we should be dishonest with our own people or the people of other lands. It was a question of honor or dishonor. The United States Senate had passed the resolution declaring in favor of paying our just and honest obligations in 44-cent dollars. It had declared virtually for repudiation of 56 cents on every dollar of our debt. The Republicans of the House of Representatives deserve the thanks of the American people for preventing this great nation from being plunged into the vortex of national repudiation, dishonor, and disgrace.

May that policy never prevail which will sully our fair fame and make us a reproach among the nations of the earth. The Republican party established our finances on a sound and solid basis, and it intends to keep them there. The country can rest assured that as long as the Republican party is in power the national credit will be maintained, and not only will our national bonds be paid in 100-cent dollars, but also will our workingmen in factory, forge, and field and everybody else receive their pay in 100-cent dollars. The wild theories of our misguided free-silver friends find no place in our midst, and I firmly believe that when the American people again get an opportunity they will bury them under an avalanche of ballots so deep that they never again will be resurrected.

The Republicans of the House of Representatives deserve the thanks of the nation for their patriotic stand on the Cuban resolutions. From the day that our noble battle ship with her 266 brave sailors went down to death in the dark, sullen, and mysterious waters of Habana Harbor, victims of cruel, treacherous Spanish hatred, I knew, everyone who felt the public pulse knew, that nothing but armed intervention in the affairs of Cuba, to the end that the struggling patriots fighting for liberty and independence should be free, would appease the just and awful wrath of an aroused, awakened American conscience, but it was important that no false or unsound position should be taken. We were making history, we were writing legislation for the emulation of the nations of the world. To take a false or uncertain position was to create dissensions at home and annoyance and interference abroad.

How wisely the Republicans of the House of Representatives acted during the strain and excitement of many long and wearisome hours of continued session let history and a grateful people tell. We entered upon a war for humanity, the most holy war ever waged, the result of which no one ever doubted—the freedom and independence of Cuba. We entered upon this struggle to rescue and succor starving childhood and outraged womanhood, over 300,000 of whose starved and outraged bodies had enriched the soil of Cuba in the past five years. That we did right every patriotic citizen believes. We expected no recompense except the approval of our own consciences and the smiles of an approving God. That we are to be recompensed by the acquisition of valuable territory is now certain.

The proper government of these territories for the time being devolves upon the Republican party; upon its wise and patriotic leader, the President of the United States, whom to know is to honor and to love. The American people, the civilized world, are looking to us, expecting, demanding, that we restore peace and order in the Philippines, and they shall not be disappointed. Peace and order shall prevail there even though it takes our last dollar and last gun. The insurrection must be effectually crushed, so that peace, tranquillity, and freedom shall be established and maintained. Under the flag of the Republic and the honest administration of wise laws these beautiful islands are destined to become the abode of a contented, prosperous, happy people, loving and revering the Stars and Stripes, enjoying a liberty and freedom undreamed of by their wildest enthusiasts.

I deplore the attacks upon the Administration on account of its Philippine policy, because of the encouragement it gives to the Filipino insurgents, great encouragement; and hope and a determination to continue fighting has been the result of these attacks. These are well-substantiated facts, as witness the statements of the lamented, courageous Lawton, of General Wheeler, and many others in the Philippines. Every such attack coming from the Senate or House rings the death knell to an American soldier. Let us as patriots forget that we are partisan and rise above such detractions; let us support, instead of censure, until every armed insurgent lays down his arms and acknowledges the sovereignty of the United States. [Loud applause.]

Mr. HEMENWAY. Mr. Chairman, I yield seventeen minutes and a half to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I did not think twenty-four hours ago that I would ever again address the House of Representatives on the subject of the civil-service law and its administration. I have stood in my place on this floor, a good deal of the time almost alone, at other times with eloquent and able support, and have pointed out to the House of Representatives, and indirectly to the country, some of the fallacies and errors of civil-service literature and arguments. But we had a committee appointed at each Congress since 1883, nominally called "The Committee on Reform in the Civil Service," and had in the two branches of Congress introduced and referred to that committee and its kindred committee in the Senate bills running up in number to the thousands, bills for the repeal of the law absolutely, bills for every form of modification that genius and statesmanship could devise, and yet up to to-day there has never been in this House a report on a single one of those bills.

That which has suggested itself to my mind during all this period of time has been that that committee has always been so constituted that it hovered with patriarchal anxiety over this bantling of mistaken education, and was afraid to trust the representatives of the people with any measure upon which it might ingraft an amendment that would have expressed the views of the House of Representatives. And so we have had the door locked and the pigeonhole stuffed full of measures and no reports. The facts which have changed my own views about again speaking to the House happened here on yesterday, when the distinguished gentleman from Indiana, in charge of the pending bill [Mr. HEMENWAY], representing, as I assume he does, the views of at least a majority of that great Committee on Appropriations, had courage enough to tell the country something of what is going on under this beautiful administration of the civil service of a great country. [Applause.]

For once there has been some light thrown in, and the people of the country have an opportunity now to see the open door behind which there is a vast amount of information not yet brought to the knowledge of the country.

Now, in the very brief time I shall occupy I shall attempt to go back to the civil service of the country at the time of the adoption of this measure in 1883, and I shall put into my address extracts from the speeches of Governor Morton and the speech of Senator Ingalls, and from the declarations of the Secretary of the Treasury at that date, all of which I will put in, with the names and quotations properly given, in support of my proposition that at the date of the passage of this law in 1883 the civil service of this Government was a model in the estimation of every honest man and in the estimation of the people not only of this country but of the world.

I will show you that by the framers of this measure, the utterances in favor of the efficacy of the then civil service, it was so admitted on the record of both Houses of Congress. No man lifted up his voice to say that so far as benefiting the civil service of the Government there was the slightest necessity for this bill. I challenge any man on this floor to put his finger on an utterance of the character to which I have referred. Not only that, but the great leaders in the debate in both Houses, of both parties, the Secretary of the Treasury and the heads of the Departments, came forward with one voice and said that so far as their Departments were concerned they were run in the most efficient and valuable manner. What, then, was the demand? It came confessedly for a single purpose. We had had a long line of Republican administration, beginning in 1861.

Mr. LIVINGSTON. Will the gentleman allow me one suggestion? He will find that in the hearings before the Appropriations Committee the declarations from the War Department and other Departments were that those temporary clerks were doing just as efficient service as those on the permanent roll.

Mr. GROSVENOR. I thank the distinguished gentleman. I should have come to that. But I am very much obliged, nevertheless.

What, then, was the object? We had had, as I was proceeding to say, a long line of Republican administration, and partisanship had assumed control, in effect, of all the Departments. We had gone from 1861 to 1883 without any Democratic administration; and Mr. Pendleton, the author of this bill, frankly said that his whole object was to bring about a division of offices between the Democrats and the Republicans. Nobody thought of any other proposition.

These gentlemen who to-day are exercising a power in this Government dangerous to the very principles of the Government never had a dream at that time that there was a necessity for anything else than a division of the offices. Mr. Pendleton so declared; and further than that, he was so uncertain in his own mind as to the efficacy of his bill that he put a limit upon the number of offices that it should cover, saying that not over 10,000 at the outside in the whole United States would be covered by it; and in urging the measure he advocated it as a tentative measure, saying that he hoped it might work well, but did not know whether it would or would not.

Mr. RICHARDSON. One suggestion, if the gentleman will allow it. The gentleman from Ohio was about as much responsible for the St. Louis platform as any other man in the country.

I should like to know why he consented to put in that platform a declaration in favor of the extension of the civil-service system?

Mr. GROSVENOR. Mr. Chairman, why has the gentleman from Tennessee acted the fool a great many times in the matter of platform making? [Laughter.]

Mr. RICHARDSON. I confess I can not answer an argument like that.

Mr. GROSVENOR. Nor can I answer your question in any better way than that.

I have very often said on this floor that the details of these convention platforms make no impression upon anybody. There were two things at St. Louis that we were looking after; and when we had got those into the platform we cared but little about the declarations which might be made by the little fellows who went about "declaring"——

Mr. RICHARDSON. The gentleman's remark, as I understand, implies that he is wiser now than then.

Mr. GROSVENOR. I was as wise then as I am now.

Mr. RICHARDSON. If the gentleman is wiser now than then, he must admit that the platform upon which Mr. Bryan made his campaign four years ago was founded in wisdom, because that platform did not advocate the extension of the civil-service system. So the gentleman can now be welcomed to a position on the Bryan platform.

Mr. GROSVENOR. God only knows whether that will be of any avail when the next campaign comes. [Laughter.]

But I do not want to consume my time on any extrinsic matter, as I have only seven minutes and a half left.

Mr. RICHARDSON. The gentleman will remember that the President in his letter of acceptance and in his inaugural address approved this civil-service system.

Mr. GROSVENOR. That straw has been thrashed out here so many times that my friend will allow me to say it is unworthy of him to bring it up again when there is so much new straw that could be thrashed out just as well.

Now, I have pointed out that it was never claimed by the friends of the original civil-service bill, first, that it was needed because of the condition of the public service, or, second, that it was anything but a tentative measure for the purpose I have indicated. Now what is the condition? We have gone from 1883 down to the present time, and here comes this great committee of the House, and, speaking through the gentleman in charge of this bill, lays before the country a very faint and modest description of what we have come to. I heard a high officer of this Government, holding a position nearly up to a Cabinet position, say not very long ago that he would take a contract, and give bond to carry it out, to pay all the expenses of running these Departments in the city of Washington for 50 cents on the dollar of what they are costing to-day, and would grow to a millionaire's position every year that he could have the contract.

I quote the following from the debate of yesterday on this bill:

Mr. CRUMPACKER. I should like to have a little more information about the condition of the public service in the various Departments. I would ask the gentleman if he knows or can approximate the number of incompetent employees in any one of the Departments?

Mr. HEMENWAY. I should say that in the office of the Auditor for the War Department the statement shows that 10 per cent of the employees are—well, you might say, incompetent.

Mr. CRUMPACKER. Ten per cent?

Mr. HEMENWAY. Their efficiency is very low.

Mr. CRUMPACKER. Is there a like percentage of incompetency in all the other Departments?

Mr. HEMENWAY. In the General Land Office the Commissioner, Mr. Hermann, estimates that 40 out of 400 are incompetent.

Mr. CRUMPACKER. That is 10 per cent.

Mr. HEMENWAY. That is 10 per cent. Here are two very competent officials whom I have selected from the list—the Auditor for the War Department and the Commissioner of the General Land Office. Their estimates show 10 per cent of incompetent employees.

Mr. CRUMPACKER. And the chiefs of these various Departments make that admission in letters addressed to your committee, do they?

Mr. HEMENWAY. Well, either in hearings before our committee or in letters.

Mr. CRUMPACKER. And do they confess their inability to correct that evil?

Mr. HEMENWAY. They confess their inability to correct the evil.

Mr. CRUMPACKER. Under the operation of the civil-service laws are they not required to discharge incompetent men from the public service?

Mr. HEMENWAY. They are, but like all of us they are human, and while I have no desire to criticise Members of the House or Senators of the United States, when a number of Senators and Members of Congress come to these gentlemen and insist that an employee shall not be discharged, the gentleman can readily understand how difficult it is.

Mr. CRUMPACKER. The bill reported by the gentleman carries an appropriation for the payment of these incompetent employees, I presume.

Mr. HEMENWAY. It certainly does, because the committee has no way of ascertaining who these persons are.

Mr. CRUMPACKER. And no power to discharge them, of course.

Mr. HEMENWAY. No power to discharge, and we are simply bringing this fact before the House that they may understand the conditions. The Committee on Appropriations, by inserting the provisions found in section 4, on page 124 of the bill, has undertaken, by repeating what is now the law, to call attention to this condition and to bring about the discharge of these incompetent employees.

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Mr. SHATTUC. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. HEMENWAY. In just a moment. I will read section 4 of the bill.

"That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service."

Mr. CLARK of Missouri. Where is that provision to be found?

Mr. HEMENWAY. That is on page 124 of the bill. The committee seeks by this provision to call attention to what is now the law, and thereby to prevent the payment, out of sums appropriated by this bill, for the services of incompetent employees; but gentlemen may stand here and talk about this during this session of Congress and the coming session of Congress, and the incompetent employees will stay in the Department. If the head of a Department goes to a chief clerk and down the line to try to ascertain who are incompetent, I will say to you that he has a very hard job, because they do not try to aid him in picking out the incompetent employees. And why?

Mr. SHATTUC. Will the gentleman allow me to ask him a question?

Mr. HEMENWAY (continuing). Because they are there together, they have been there together for years; friendships there are just as they are here; and they are not going to try to get the old incompetent fellow out that has been there for many years. We have got to have some legislation upon this question that will remedy this evil; and if we do not, it is going to keep on growing and growing until we are going to have a great civil pension list.

Mr. SHATTUC. Is it not your opinion, if the heads of the Departments should dismiss these men and put in the men that Congressmen and Senators recommend, that the Senators and Congressmen would not ask them to keep these incompetent people?

Mr. HEMENWAY. I have no doubt that is correct, because when you give them the right to employ another man they would recommend competent men.

Mr. SHATTUC. Would it not be better for spoilsmen to recommend men who would be competent rather than to keep the incompetent men in the way they are now being kept?

Mr. HEMENWAY. In reply to the gentleman's question, I can only say, with reference to this temporary force that has been employed, it is admitted by those who favor civil service and are at the heads of the different Departments that this temporary force, placed there within the last two or three years, is a very competent force; that they are more competent than the force secured through the civil service. They are younger men, men better qualified for the particular service to which they are assigned, and all along the line more efficient than the force secured through the civil service.

Mr. PEARRE. I would like to ask the gentleman this question: Does he think it likely that the heads of the Departments and bureaus will appoint more competent men to the positions than those recommended by Members of Congress and Senators; in other words——

Mr. HEMENWAY. In reply to that, I will say that when they ask for the appointment of any particular class, they designate the kind of a man they want. If they want an accountant, they say to the gentleman, "Will you furnish me an accountant?" and if they want an accountant you would not send them a laborer. It is the experience that Members of Congress and Senators, if given the opportunity to furnish a particular kind of man, furnish that kind.

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Mr. CLARK of Missouri. That being the case, does not the gentleman think there ought to be established an age limit, on attaining which employees should be retired, just as there is an age limit in the Army and Navy?

Mr. MOODY of Massachusetts. I do. Although I believe in the present civil-service system, yet I will say that if we do not do something to meet this question of superannuation the service will break down.

Mr. WACHTER. I should like to know if the gentleman from Indiana [Mr. HEMENWAY] can inform us what percentage of these incompetent employees are females?

Mr. HEMENWAY. We have no information on that subject.

Mr. GROSVENOR. Will the gentleman from Indiana allow me to ask the gentleman from Massachusetts [Mr. MOODY] a question?

Mr. MOODY of Massachusetts. I supposed that I was through with the gentleman from Ohio on this question.

Mr. HEMENWAY. I yield to the gentleman from Ohio.

Mr. GROSVENOR. The gentleman from Massachusetts has stated that the Commissioner of Pensions has said that if he could only discharge 100 clerks and fill the remaining places with persons of his own selection he could thereby greatly benefit the service. Now, does not the gentleman admit that the Commissioner of Pensions can not do this under the beautiful, far-reaching administration of the civil-service law; that where the removal of incompetent employees is desired there must be a trial before a sort of court, with a prescribed set of rules, to act upon each one of these individual cases?

Mr. MOODY of Massachusetts. In answer to the gentleman from Ohio I will say that I believe the provision to which he refers, but which I do not understand to go to the extent he describes, was an unwise provision. But I do not understand that there is any difficulty in the way of the head of a Department discharging any of his subordinates if he will certify that they are incompetent.

Mr. GROSVENOR. Is there not an Executive order forbidding that identical thing being done?

Mr. MOODY of Massachusetts. I do not so understand.

Mr. GROSVENOR. Was not such a provision inserted within a year upon the demand of the civil-service organization?

Mr. MOODY of Massachusetts. I do not so understand. I do understand that a man can not be discharged except for cause stated, and after an opportunity to be heard.

Mr. GROSVENOR. Very good; that is just what I said.

Mr. MOODY of Massachusetts. But I venture to say that if the head of a Department, who is responsible for his work, undertakes to assert that the man is incompetent, that would be a sufficient reason for discharge. If that is not so, it is time Congress should go to work and make it so.

Mr. GROSVENOR. We know they should; but they will not do it. The idea of the gentleman from Massachusetts seems to be that if the head of a Department will only assert himself he may repeal the order of the Executive forbidding him to do what he undertakes to do.

Mr. MOODY of Massachusetts. I do not so understand the matter at all.

And nobody doubts that any business concern in the country could take this entire concern under its administration and for 50 cents on the dollar do all that is done now and do it in a much more satisfactory manner.

Let us see. Ten per cent in the War Department; 100 worthless clerks in the Pension Office; 10 per cent on an average throughout the entire Departments. And now comes the Committee on Appropriations. Would any of these gentlemen go upon the witness stand and testify that 10 per cent of worthless clerks is the limit? Far from it. And yet when we come to cross-examine the gentleman from Massachusetts and the gentleman from Indiana we find, first, that the Departments refuse to report the names of these inefficient clerks; second, they refuse to obey the

law which requires them to discharge such clerks; and third, that there is no system by which they can be discharged without a proceeding that is mortifying to the helpless clerk and disgusting to the chiefs of Departments.

The order of the Executive that compels written charges and a hearing is equivalent to a trial in every case, and he who turns off a clerk on any ground other than that violates the statute of his country. That is all there is about it, and that order was made upon the demand of the civil-service organization of the United States. I have their address, in which Mr. Carl Schurz and others declared that without that order the civil-service law was inoperative, because the heads of Departments might discharge without giving the reasons for it. And so at last that, as one of the improvements of the organization, stands across the pathway of any removal except for cause, that cause to be stated in writing and the party to have a hearing upon that question of cause.

Now, what is the answer to all this? Why do they not discharge them? For a very good reason, gentlemen. No chief of a bureau would consent, with his eyes wide open, to-day, to discharge even an inefficient clerk who had some knowledge of the routine of the office and trust to an academic competitive examination to fill the place. That is the whole of it. That is where the whole evil comes. It comes of the fact that these Departments are unwilling to hazard the result of an application to this Bureau that has the patronage of the Government by the throat and is administering it in a way that ought to be condemned by every honest man in this country. [Applause.]

That is the reason why the Departments suffer the evils that they have "rather than fly to others that they know not of." That is the whole of it, and we must come forward as the representatives of the people and abate this nuisance or we will never have it abated. What is the answer to it all? I stand upon the platform of the Evans bill of the last Congress, a measure that covered all the clerical service of this Government here, covered all the clerical force in the Railway Mail Service of the United States, covered all the great post-offices and custom-houses of the country, and simply provided for a tenure of office such as you have, a tenure of office such as the President has, a tenure of office such as the Senate has, and then provided at the end of the four or six years the young fellow might go out and go home, unless the chief of his bureau or his Department desired his retention, and provided for a bureau to examine as to his fitness.

It is true, as the gentleman from Georgia has said, that there never was a more efficient set of clerks ever put into the Departments in Washington than the temporary clerks under the Army bill. There is no more efficient service in all this country than these men have made here. Why does not the Civil Service Bureau, that has made war upon these clerks in every possible way, and tried to drive them out, tried to prevent their promotion, done everything to humiliate them that they possibly could—why do they not come forward and point out to the people of the country some failure in that service, which came upon the recommendation of Congressmen and went into the Departments to rescue the Government from the hands of the inefficiency that had cursed the Departments for lo, these many years? Why did they not point out where some of these men have failed?

I tell you, my countrymen, I shall not agitate this question very much longer. I do not care very much about it. I care nothing about it from a personal standpoint. But when I see 25 per cent, 30 per cent, 40 per cent, 50 per cent of this enormous expenditure of my country's money paid out to uphold a mere theory that has no foundation in practical justice or practical effect, I am disgusted with the whole subject of the administration of the Civil Service Bureau, and the people of this country will inquire into it some of these days, and they will inquire into it in a way much more effective than the passage of the Evans bill would have been, and the time will come when the advocates of this measure that has thus ruined the administration of these Departments will wish that they had accepted the Evans bill as a just compromise, rather than to have made war and carried on this devastation against the best interests of the country. [Applause.]

Under the permission to extend my remarks, I reproduce in support of my argument here portions of a speech which I had the honor to make upon this subject in the House of Representatives of the Fifty-fifth Congress on the 19th day of July, 1897:

THE ORIGINAL CIVIL-SERVICE LEGISLATION—THE PRESENT PRACTICE A WIDE AND UNJUSTIFIED DEPARTURE.

Mr. Chairman, I come now to discuss, in connection with the aggressions and growth of this bureaucracy the original idea of the promoters of this legislation. Had there been a suggestion to Congress in 1883 that this law would have been construed as it has been and the power of the Civil Service Commission have grown until it denounced the President and Cabinet officers and Congress, it would not have received 10 votes in either branch of the legislative body, and I make this statement in the light of the proof before us.

The original effort, following the law of 1853, was the effort of Mr. Jenckes, who played to the public galleries in 1866-67. He struggled on and on, and encountered defeat in the Thirty-ninth Congress by a vote of 72 to 66 in the House, 52 members refusing to vote. This chimerical system, which has since grown into an enactment, was spit upon by the distinguished members of Congress of that day, and it is pleasant now to consider that among the great statesmen of the hour who voted to table the whole business we find the names of Mr. Blaine, Mr. Kasson, Senator Wilson, Secretary Windom, Senator ALLISON, and Mr. Boutwell, while Conkling and Garfield refused to vote.

At that time Mr. Jenckes was challenged over and over again to bring forward any reason why such a law was to be passed. He was never able to do it, and finally, after his defeat, as above stated, he abandoned the field, so far as Washington and the Departments were concerned, and undertook to try and reach inefficiency, as he called it, in the customs and internal-revenue service. After the defeat and death of Mr. Jenckes, Mr. Schurz, who has never refused an office from any party, no matter what its principles were, brought the same bill into the Senate, but it was sidetracked by a production of Senator Trumbull, entitled "An act to prevent importunity and to maintain the independence of the Departments." "Senators wanted one thing," as has been well said by another, "but the civil-service 'reformers' wanted another, and finally they both joined hands, but for different objects, to reach the same result."

Mr. Ham, a most able and lucid writer upon this subject, has recently published a small pamphlet in which he reviews, with historic accuracy, the rise and promotion of this heresy. The Albany (N. Y.) Evening Journal quotes Mr. Ham with the following indorsement:

Mr. Ham treats the subject of civil-service reform, modeled after the English experiment, intelligently and candidly.

This candid writer says:

DENUNCIATION OF SPOILSMEN.

At this juncture the most alarming statements were made in the public press and on the stump concerning the condition of the civil service. It was alleged to be corrupt, inefficient, and wholly under the control of Congress, and the country was flooded with untrue, unjust, and most malicious allegations and insinuations. The people were told that the country had come under the yoke of an office-holding oligarchy (Grant) and that its power was poisoning the vitals of the Republic. Every man who failed to fall down and worship at the British "competitive" shrine set up in the market places by Dorman B. Eaton was denounced as a "spoilsman," and the very air was pregnant with the clamor of the demagogue and the applause of those who innocently followed in the wake of ambitious politicians cloaked in the garb of civil-service "reformers," while bells were tolled to warn the people against danger from the "officeholders" under General Grant.

Let us glance at the situation and conditions which existed about this time.

The nation had just emerged from a death struggle to maintain its own existence. To raise the needed revenue, obtain supplies, and distribute them promptly to vast armies called into the field a large number of officeholders not needed in time of peace. Contractors were a necessary evil, and coming in contact with the peace contingent in office, abuses outside the Departments may have come to infest the public service. The impetus of the war force was so great, and the peril so imminent, that the final result found the Government generously tardy in coping with evils which had crept in and attached themselves like barnacles to places invested with more or less power; millions of war and other claims remained to be adjusted, and the new system of internal-revenue taxation had become necessary.

Heavy amounts of revenue were and would long require to be raised, not only to repair losses, but to reward patriotism and to pay our indebtedness. A large force must be kept employed, and, for the reasons stated, it was not entirely clean. This abnormal situation brought to the surface a lot of theorists, ambitious demagogues—reformers, some of whom were jealous of the civil and military personnel in power—who, in Congress and at the front, had carried the nation successfully through a great war. The conditions became ripe and the moment favorable to commence an agitation for anything that promised "reform."

Only a month or two after General Lee's surrender a select committee on "retrenchment" was raised in the House to investigate matters, and there was a suggestion in the resolve that the inquiry extend to the subject of appointments to office, to the examination of persons for place, and to the policy of continuing them in office for a fixed term. That was the original idea, and, aside from Mr. Jenckes's effort, that was the starting point of the present civil-service law.

A train of abuses is the inevitable result of a civil war; they would have been gradually removed without "competitive" examinations, because the trouble was not so much in the Departments as outside of them, but "civil-service reform" was sprung upon the people who were bearing heavy burdens, and they were made to believe—by diligent efforts—that the remedy lay in this pretended reform. Petitions were circulated, editorials written, and speeches made which finally resulted in an educated clamor for the civil-service scheme that was eventually foisted upon the people. Public men who had labored hard during the war in Congress and had grown weary began to gradually favor something—anything—which would relieve them from the "importunity" of those who desired places. These men were not brought to take this elixir because they either deemed the "competitive idea" necessary or that it contained the elevating, eradicating, and purifying qualities claimed for it by the civil-service reformers. It simply furnished the machinery to relieve men from importunity."

For five years—from 1866 to 1871—the House of Representatives persistently refused to accept the civil-service idea, but the people had been plied with all sorts of statements relating to the public service, and they finally took alarm. Not one in ten thousand, however, comprehended what the "reform" meant. Some interpreted it to signify a decrease in taxation and the purifying of the public service and as much more as an active and imaginary mind could be wrought to conceive. But Congress refused to move, until finally the "competitive" idea was hitched on as a "rider" to a sundry civil appropriation bill during the last hours of the session of 1870.

To attach this scheme to an appropriation bill smacked of unfair method. The motion to lay it on the table escaped defeat in the Senate by barely 1 vote, and it was accepted by the House under protest from General Logan and by a minority vote. It is known as section 1753 of the Revised Statutes,

and remains in force. It thrust upon the President a responsibility which he did not desire and in a form which he did not suggest. The President had felt the pressure of "importunity" and wished to get relief therefrom, but above all he regarded the real evil to be the careless recommendations of persons for place by Senators and Representatives almost inevitable during the war.

In December, 1870, President Grant said that in mercantile pursuits "the business man who gives a letter of recommendation to a friend to enable him to obtain credit of a stranger is regarded as morally responsible for the integrity of his friend and his ability to meet his obligations. A reformatory law which would enforce that principle against all indorsers of persons for public place would insure great caution in making recommendations."

There was assuredly no "competitive" idea conveyed in that suggestion—no indorsement in it to prevent "importunity" even; no intimation that it was necessary.

TACTICS OF THE REFORMERS.

But the scheme had obtained a footing, and the reformers became supposedly intrenched behind a law which left its success or failure to rest upon the President. They at once determined to hold him, rather than themselves, responsible for any failure of the experiment; and the work of denouncing every man who declined to accept their civil-service elixir or "competitive" compound was begun with renewed vigor, at Government expense, in reports to the President. The word "reform" had been used to thrust upon the country something which the people did not want nor understand.

JACKSON AS AN EXAMPLE.

Even the idea of using the word "reform" in the manner stated was not original. That word was just as effectually employed during the Administrations of Adams and Jackson by politicians to secure Jackson's election, and to excuse his removals from office, as the modern civil-service reformers used it to bring the "competitive" idea to the statute book.

Some modern "reformers" there were who hoped the cry would capture Republicans, tear them away from their party, build up the "Liberal" movement, perhaps make Carl Schurz President. They were simply handling the word "reform" as it had been used in the days of Benton, Clay, and Calhoun; just as Mr. Benton raised a "select committee on executive patronage" in 1826 under cover of a desire to reform the civil service. He and his friends then pretended to believe that the ship of state was about to go to pieces on the rock of "patronage," and danger signals were hoisted on every hilltop and kept brightly burning. The people were told that unless something was done the nation would surely go to the demnition bowwows without confession or prayer. The cry went up that the President had too much power; the civil-service reformer of more modern times tells us that the average Senator and Representative had too much influence.

The Jackson adherents wanted their man and their principles and policy to prevail, and they raised the civil-service "reform" war cry. Jackson came to power in 1829, and six years later, in 1835-36, Clay and Calhoun combined and raised a select committee on civil-service reform. Calhoun had fallen out of line because of his stand on nullification; and, if ambitious, he also desired to punish Jackson.

The wording of the Calhoun-Clay resolve was so similar with that known as the Jenckes resolution in 1866-67 that it seems easy to divine whence the latter came. Cursory examination will convince the most skeptical that the civil-service reformers of 1866-1883 drew all their inspiration as to pretended need and necessity for civil-service reform in this country from the reports made by Benton in 1826-27, and Clay and Calhoun in 1835-36.

The Calhoun-Clay report in 1835-36 alleged that honest and capable men were dismissed to make room for the base and corrupt; that the offices were made the spoils of victory, the reward of partisan service, and the means of substituting man worship for patriotism. To these allegations the reformers of 1866-1883 added but two ideas: That the civil service was inefficient and the importunity of constituents exasperating. Benton met the attack of 1835 by saying that it proceeded from political animosities and was unfounded; that the charges emanated from barnacles who had been removed by Jackson.

Mr. Calhoun pointed out to Benton that his position was quite inconsistent with the language of his (Benton's) report in 1826, when the latter and his friends were assailing Adams, and the point made by the South Carolina Senator was well taken. Silas Wright was on the floor of the Senate and made sport of the fears expressed in the Clay-Calhoun report leveled at Jackson. He said:

"How are most of these officeholders appointed? Upon the recommendations and petitions of the people themselves, upon certificates of character, respectability, and moral worth, made by those who are neighbors and friends of the candidate, who know him personally and intimately, and most usually on the recommendation of the Representatives here of the person appointed. Are we, then, to assume that offices are bestowed as rewards for partisan service, without respect to merit?"

William L. Marcy's familiar remark, which the advocates of civil-service reform so delight to recall from its slumbers, viz, that "to the victors belong the spoils," contained a very essential appendage, which is always suppressed. Mr. Wright added, "but I do not mean to say that the victors should plunder their own camp." A very important qualification, indeed; one that carries a complete refutation of the construction generally placed on his original remark by the civil-service people.

In other words, while the political party which succeeds has a right to the offices—in order to enforce its policy and its principles upon the country, if it can—the argument was, and is, that its appointees have generally been men of character, honesty, and merit, not only that they might best serve the public interests, but to accomplish the purpose indicated; and in the very nature of things the best, the strongest, and most positive men were, as a rule, appointed. No political party will "plunder its own camp," and thus endanger its power by selecting dishonest, corrupt, or inefficient persons to hold office in time of peace.

COLLAPSE OF THE ORIGINAL IDEA.

The original law of 1871 provided that the President might "prescribe such regulations for the admission of persons into the civil service of the United States as may best promote efficiency," etc. Following the passage of that act came the zealous efforts of the reformers to prepare rules and regulations to make the scheme work out their theories. They failed, and the competitive idea finally collapsed in 1875-76. The President, General Grant, said distinctly in his message of December, 1875, that—

> If Congress adjourns without *positive legislation* on the subject of civil-service reform, I will regard such action as a disapproval of the system and will abandon it. Competitive examinations will be abandoned.

Congress, wisely and deliberately, and with its eyes wide open, did adjourn without any "positive legislation." Now, in this connection it is important to see whether or not the allegations of corruption and inefficiency alleged against the Republican Administration of that day were true or false. This child of despotism was born of those declarations; whatever there is of it now had its birth and origin because of the declarations made that in 1875-76 there was a condition in the Departments at Washington that required an enactment of this character.

There was not one officer of the General Government, nor bureau, that did not denounce as an outrage the slanders upon which these proceedings were based, and it was not strange to the men of those days that slanders should emanate from certain of the sources promoting this alleged reform. The Third Auditor of the Treasury said that the clerks appointed by competitive examination were not superior to those appointed in the old way. The Supervising Architect said that the civil-service law had led to demoralization, rivalries, and intrigues, and that no examination was of any value compared with practical tests, and he advised the repeal of so much of the law as had at that time been passed into enactment, to wit, section 1753 of the Revised Statutes.

The New York naval officer said that the examinations resorted to under the old system were the means of introducing into the service appointees equally as efficient as any appointed under the civil-service law.

The First Comptroller of the Treasury said "the evils from it exceeded the benefits."

The Third Assistant Postmaster-General said that the law "fell short of properly or satisfactorily filling its mission;" but, as this writer has well said, this fusillade was kept up, and the words "spoilsman," "henchmen," "patronage," and "reform" were sung and echoed throughout the halls of Congress and throughout the air which surrounded politicians out of jobs, who had traded on their influence in the campaign preceding 1877.

Then came a determined effort, which unfortunately failed, to get rid of this whole business and go back to the simpler and more effective terms of the law of 1853, as amended. In 1872 Senator Carpenter, of Wisconsin, one of the great leaders of the Republican party, moved an amendment to an appropriation bill to repeal that law. It failed by a slender majority of 8. But in 1874 the House of Representatives did attach an amendment to repeal the civil-service law of 1871. The Senate refused to concur, but moved to amend by striking it out and to give $15,000 to enforce the law, and in conference the action of both branches failed and civil-service reform substantially came to a dead stop. The effect was, is, and remains that the competitive system was abandoned and denounced all along its pathway up to this date.

THE REAL OBJECT OF THE LAW.

The real object of the law, it was claimed at the time, was to make men in public stations accountable for their recommendations, and Senator Morrill said that he desired to prevent intoxication among employees; and yet, as Mr. Ham has well said:

> The average civil-service reformer of to-day will say that the one great purpose of the act of 1871 was to bring greater efficiency to the service; to destroy the patronage power of the politician. With this contrariety of ideas it is little wonder that the competitive idea of 1871 came to an untimely end. Senators did not concede that there was corruption or inefficiency in the grades which the law would reach.

No greater scandal or outrage was ever perpetrated upon the fair name of the American people than at the beginning of the civil-service law. There was no necessity for greater efficiency or purer morals in the Departments at Washington or in the great bureaus in other cities.

The Senators of 1871 made swift progress to denounce the whole business, and addressing himself to the Trumbull bill in that year Senator Morton, of Indiana, one of the great leaders of the Republican party, said:

> It is said that there are a large number of incompetent and worthless clerks employed. Is that true? I believe the clerks here are as competent and as well qualified, and men of as good character, as can be found in any country. I believe our civil service is now conducted as well if not better than at any former period of our history. We have gone on improving and reforming, and the civil service is getting better from year to year.

Senator Cameron, the great champion of the party in Pennsylvania, said:

> Take them all together, I do not believe there is a more efficient, a more honest, a more useful, and a worse paid body of people than these clerks.

The Secretary of the Treasury, Mr. Richardson, who was appealed to and who was in that year a man of courage, who was in that year a man who was not afraid of the babble and bluster of the noisy element in the country, said:

> The business in the Treasury, upon the whole, is not only done in a satisfactory manner, but it will compare in accuracy and efficiency with the business of the country generally which is carried on by corporations and individuals.

He also affirmed "that the removals were no greater than was needed to insure vigor and infuse new life in the Department."

At that time the high priest, who, I believe, had not yet deserted his political party, although he was, perhaps, making ready and looking out for later engagements, said:

> Whether the Departments at Washington are well or badly managed was an insignificant question.

Baffled and completely routed in his assaults upon the Government and upon the departmental service in Washington, he said that it was a matter of insignificance whether they were well or badly run. They were to be reformed whether there was any reform needed or not. In this connection it is well to quote what Representative Baker, of New Hampshire, said recently in a speech in this House:

Why, gentlemen, years ago I had the honor of serving in one of these Departments. I know what its personnel was from 1865 to 1874 by actual contact with it, and, by business and other relations with that Department, I have known it ever since, and I tell you that there has never been, in the history of the Treasury Department, a time when it was so well managed, when it had clerks of such ability who so honestly and faithfully discharged their duties as during that so-called "spoils" time from 1865 to 1875.

Then came a little tinkering of the law in a legislative appropriation bill of August 15, 1876, and then came the great struggle to create public sentiment, and Mr. Ham has so well stated the unjust and libelous efforts that were made in that direction that I reproduce his remarks:

This only seemed to whet the keen appetite of the reformers, who commenced a systematic siege, and for several years in public print, in conventions, meetings, and on the stump, it was sought to create a sentiment which would justify a second appeal to Congress, of sufficient proportions to terrify and bulldoze the legislative branch into passing an elaborate act. Accordingly in 1877 Mr. Hayes was prevailed upon to allow Mr. Eaton to show how "competitive" examinations had worked in England and here. That gentleman labored on a brochure of 366 printed pages about two years and four months, at a good salary, going back to the Norman invasion and tracing the rise, progress, and causes of abuses in the British Empire, desiring, of course, to have the country assume that what had proceeded from the rule of English tyrants and feudalism existed here also or was likely to be precipitated upon this country, unless the "competitive" panacea was applied at once. It was a report calculated and intended to excite and alarm, but it had no application whatever to the existing conditions of our civil service. And the suggestion which it conveyed, to wit, that the abuses in England had been eradicated by civil-service "competitive" examinations was the weakest feature of his historical effort. Mr. Eaton's report showed that Parliament was under the sway, practically, of 160,000 voters. In some districts 10, 13, or 35 persons controlled an election. The rotten borough system there was in full blast. Ninety members went up to Parliament on a total vote of but 4,500. Three lords controlled 31 members of the Commons. Of over 50 persons foisted on the Government between 1837 and 1855, several were found absolutely incompetent because of old age; titled barnacles, spoken of by Mr. Dickens.

Many others of the 50 were found entirely unqualified for divers other reasons, such as bad character, ill health, and some could neither read nor write. Of 280 persons examined under the old system in 1855 in England, 285 were rejected because of ignorance in spelling and arithmetic. There was assuredly need of education in England—even if it had to come under the guise of "competitive" examinations. But the scholastic effort to draw a parallel between the situation there and here was devoid of truth in its suggestion and lacking in true American pride. It was an insinuating libel upon the United States, printed at Government expense.

But this did not succeed, and no civil-service law grew out of it. A well-known and distinguished civil-service reformer assailed Mr. Dawes, a Senator from Massachusetts, to know why the law had not been passed, and Mr. Dawes said, "How can you expect a law to be passed by Congress when the constituents of Congress do not want it?" And one of the theorists of that day said: "Of course I know that it is true that no law which is very much in advance of the prevailing tone of public morality is ever effectually executed. It will not execute itself."

Mr. Dawes said, in that connection, "We can not get the legislation and make it permanent unless our constituents behind us will support us in it. We never rise higher than the fountain;" and thereupon a cheap-John stereotype system of printed headings and the old, old style of petitions, signed promiscuously in country stores and post-offices and everywhere, poured in upon Congress as an evidence of a growing public sentiment.

Now came the partial sanction of the civil-service-reform movement. It did not originate in the House of Representatives; it never came from any immediate representatives of the people, but it had its origin in the Senate of the United States. Its progenitor ostensibly was Mr. Pendleton. It has been well said, and is true, that the bill containing the competitive scheme was handed to Mr. Pendleton, and was reported favorably, devoid of sections 8, 9, 10, 11, 12, 13, and 14, which really contain all of reform there is in the civil-service law.

The Senate amended the bill as reported by adding the above sections; 11, 12, 13, and 15 coming from Senator HAWLEY, who now has views on this great question, and section 14 from the late Senator Beck. Mr. Pendleton never drafted a line of the experiment. As Senator Miller said:

The bill is the joint work of a number of educated gentlemen who are organized for the purpose of promoting a reform in the civil service.

Senator Ingalls said:

This bill is not devised by either political party in the Senate; it was sent here by a self-constituted commission of exceedingly holy and wise men outside the Senate. It does not represent the sentiment of either of the political parties in this body. I know who drew up this bill; I know who sent it here, and I know the motives and the incentives that are being used to pass it.

And he added:

This bill appears to be supported by each party for the purpose of cheating the other. It is sustained by one party upon grounds that are absolutely adverse to those on which it is supported by the other, and it will end by defrauding both.

And who will say that to-day the intelligent, far-seeing, and shrewd men of all political parties do not recognize that they have and their constituents have and the country has been cheated by this bill?

Senator Logan said:

I do not protest against certain Senators constantly discussing this question, based upon the corruption of the clerical force of this country, because it has no foundation in fact.

But Mr. Pendleton then and there waved a flag of compromise which alone saved the bill, by declaring:

It has been said that the abandonment of the spoils system will retain in office the appointments of the Republican party. I do not think so. There is no proposition to extend the term of office nor anywise to limit the power of removal.

But to-day the Civil Service Commissioners demand that the power of removal shall be limited by an Executive order which the Executive has no constitutional power to issue, and in a recent article in the Forum the chairman of the executive committee of the National Civil Service Association says that the weak spots in the law as it stands to-day are, first, that there is no power of removal and, in fact and by inference, that no Presidential order can limit the power of the appointing heads of the Departments from making removals with or without cause, excepting in so far as the President can coerce the judgment and action of his Cabinet; and second, that there is no provision for the disabled; that is, there is no civil-pension list. As I have already said, that will be the next step needed. The step has already been taken by the honorable chairman of the Civil Service Committee of this House.

I shall here incorporate some of the pertinent discussions when this bill was pending. These choice excerpts are collated from speeches of HAWLEY, Pendleton, and Sherman, and has been well expressed by Senator MORGAN in the following:

Is not "importunity" the great evil against which we have to contend?

So it appears that—

The object of Senators on both occasions was relief against the importunities of those who desired places. The competitive scheme would throw all the minor office hunters upon the Civil Service Commission. It was not that competitive examinations were necessary. That idea would simply furnish the machinery which would attain the other desired result. And the consequence was that, independently of the competitive scheme, its machinery would defend men from "importunity."

That is to say, distinguished Senators who had risen upon the wave of results achieved by the working men of their party at home wanted to put a legal barrier between the importunities for reward of their constituents who had made them great. This was the declared position; but General HAWLEY, the gallant old soldier, hero, and statesman of Connecticut, has said, as stated by Mr. Ham, and I quote a considerable amount of the collation of that indefatigable writer:

Nine-tenths of those who do the headwork in the great political campaigns at home, in town and county and State committees, and who are at the polls distributing ballots, serving as counters, running out to bring in voters, and attending to correspondence are men who serve with no care for, no thought nor expectation of ever holding a political office. Nine-tenths of the men who subscribe money for the honorable uses of a campaign are of the same description. There has been a deal of unlimited and nonsensical abuse on that subject.

Why should Senators and Representatives erect a barrier between themselves and these men and the public service, seek the labor and financial assistance even of party friends, and then be able to turn about and say, in answer to a request for a position, "Oh, I can't help you; all the places are under the civil service." They ought to add—even if it is in a whisper—"which I helped to enact and now vote to continue." Ex-Senator Vilas gave the snap away when he said on the floor of the Senate April 7, 1896: "The relief which has been enjoyed by Senators and Representatives, not to speak of those intrusted with the offices of the Government, is in itself a second item of great consequence."

It may be of great consequence for a Senator to be able to turn a constituent down with the leverage of a law of his own creation, but the Senator who gloried in it has himself been retired, and the people are ready to retire more who may think as he does.

But in what way are Senators and Representatives advantaged by this law, so far as it may tend to relieve them from "importunity?" Without a civil-service law they would be asked to secure "appointments." Under the law they are importuned to keep persons in and also to secure reinstatements. We think the law increases the volume of importunity.

It is by and through political parties that this Government has worked out its greatest achievements and advances—and all before civil-service reform had an existence! By and through parties come purification, exposures of wrong, and economies. Destroy one of the incentives which a small percentage of party workers have—reward for fidelity and zeal—and a republican form of government will gradually lapse into a state of coma. Political parties are the vitalizing forces of our system. They consist in part of workers and organizers not one in a thousand of whom seek Federal positions!

The strife between the comparatively few who do develops the unobjectionable and qualified person. The assumption is that unless competitive examination is resorted to we get incompetents. The whole country is full of qualified persons! Would Mr. Gage or any other bank president wanting a teller, cashier, note clerk, or other officer go to some "competitive" school for such an officer? And why not, as well as for a clerk in the Treasury?

So now it becomes pertinent to ascertain what was the real incentive of the Senators to pass the Pendleton bill. Was the civil service inefficient? I have already more than once commented; I shall continue to comment.

President Arthur said in 1881:

I declare my dissent from the severe and almost indiscriminate censure with which the present civil servants of the Government have been recently assailed. That they are, as a class, indolent, inefficient, and corrupt is a statement which has been often made and widely credited; but when the extent, variety, delicacy, and importance of their duties are considered, the

great majority of the employees of the Government are, in my judgment, deserving of high commendation.

"I protest vigorously against the extreme denunciation of the existing system of this country," said Mr. HAWLEY. "It has become a fashion very largely, among a class of men who have or claim for themselves a superior culture to the average, to speak of the whole public service of this country as corrupt. They have no right to such language. * * * I have an unutterable contempt for the man who justifies his neglect of his public duties by talking about the dirty waters of politics."

So the law was passed in fraud. It was conceived in sin and brought forth in iniquity, for it is always iniquitous to intend to pass a law for one purpose when covertly and secretly you intend it shall operate for another purpose. It went through the House in fraud of the rights of the members of the House and the people whom they represent. It was never intended to cover anything but the Departments in Washington, and that alone in its application to the clerical force. Had any man in those days said that that law would be tortured to affect the appointment by the President himself of an assistant messenger in the White House, there would have been no vote in favor of it on the floor of the Senate. It was an experiment to be tried upon the clerks in the Departments. The whole line of debate shows it. Mr. Pendleton himself says:

I said that this was a tentative effort; that it was intended to be an experiment; and it is because it is tentative, because it is intended as an experiment, that the committee thought it advisable to limit it.

Limit it to what? Why, to the very subjects that we say to-day it is limited to. Pendleton, its author, understood it so; Pendleton, its putative father, knew what it meant.

In 1888 Mr. Cox said that when the Pendleton bill came over from the Senate the House was about to take up an important shipping bill, and he at once proposed to Mr. Kasson, of Iowa, that a vote be taken on the Pendleton bill without debate, and it was passed in that way, or, as Mr. Cox expressed it, "on the tidal wave of an emotion," and that emotion has emotioned out of office every Administration that has touched it with a single item, and its baneful effects are just being felt in this country; and here I quote from Mr. Ham what this experiment has cost the people of the United States:

As an "experiment" it has been used and abused as has no other law on the statute books. Specific details or cases to sustain this assertion will doubtless be forthcoming in due time; it is sufficient to now say that this has been done through the general rules, the special rules applicable to each Department, and the regulations, for be it known that the civil-service "trust," commission, or board of control of the Federal patronage, the three "bosses," over 87,000 places, and their predecessors, have erected a "machine" under those rules that would startle Tweed himself. Its original entrance or appointment rules, special rules for each Department, rules for transfer and promotions, and its regulations, and that delectable semipolitical "machine" in the Treasury for special or noncompetitive examinations, cover 53 pages of small type! Is it any wonder that Senators and Representatives "throw up their hands" when they attempt to discover what it all means?

The Departments were "blanketed" under civil-service reformer Cleveland to such an extent in the reach for jurisdiction that farmers and blacksmiths on Indian reservations and employees in sawmills, and cooks, even, are said to come within the rules. In fact, a doubt has arisen whether there are enough places "excepted" to satisfy even the very few remaining applicants from the State of Ohio!

Mr. LIVINGSTON. How much time have I left?

The CHAIRMAN. The gentleman has thirteen minutes.

Mr. LIVINGSTON. I yield it to the gentleman from New York [Mr. DRIGGS].

The CHAIRMAN. The gentleman from New York [Mr. DRIGGS] is recognized for thirteen minutes.

Mr. DRIGGS. Mr. Chairman, I have been a member of the Committee on Invalid Pensions for three years, and I desire to say during that time I have not seen in that committee one particle of partisanship. Every bill brought in there, whether introduced by a Democrat or Republican, has been fairly, honorably, and squarely treated and considered. The Democrats have received as much consideration as have the Republicans. I believe the time has come when the country should understand what we do in the House at the Friday night sessions. The newspapers of the country say: "The pension mill in the House is again at work grinding out bills."

Mr. BELL. May I ask the gentleman a question?

Mr. DRIGGS. Yes, sir.

Mr. BELL. I should like to know how that committee works——

Mr. DRIGGS. I will come to that.

Mr. BELL. I should like to know how it is that some of us who have introduced a number of bills and who have made the proof in the very beginning of this session have not yet got a bill on this Calendar. I made my proof before the committee in the case of 75 bills; yet I have not been able to get one bill on the Calendar. I should like to know how that occurs.

Mr. DRIGGS. It is a pleasure for me to answer the gentleman. At the commencement of this session the chairman of the Committee on Invalid Pensions sent a notice to every member of this House that if he had any special preferences for any special bills, those bills would be given consideration in accordance with the request of the member.

Mr. BELL. Now, may I ask the gentleman again——

Mr. DRIGGS. I would rather not yield just now.

Mr. BELL. In the very beginning——

Mr. DRIGGS. I decline to yield now. I am coming to the gentleman's question.

There are in this committee members assigned to examine bills from the different States; and if any Representative on this side of the Chamber does not get his bills reported he will understand the reason. The committee meets on Monday and Friday of each week; and we go through the bills without any regard as to whether the member interested is a Democrat or a Republican. There are fifteen members of that committee when they are all present; and when the State of Colorado, for instance, is reached, the Representative having charge of bills from that State takes up those bills and gives them consideration after their examination by the pension expert sent us by the Pension Department and bases his report upon this expert evidence. I will ask the gentleman from Colorado [Mr. BELL] whether I have answered his question.

Mr. BELL. I think you did.

Mr. DRIGGS. Mr. Chairman, the bills are then reported to the committee as a whole, acted upon, rejected or accepted, and placed upon the Calendar for the future consideration of the House. Each bill, sir, passes over five steps before going to the Senate, viz: Pension expert, subcommittee, whole committee, Committee of Whole House, and then the House. No bills considered in Congress pass through so devious and fair a course as those from our committee.

Mr. Chairman, I desire to send to the Clerk's desk and have read this editorial from the New York Times of February 12.

The Clerk read as follows:

THE PENSION ATTORNEYS' WORK.

It is well to remember that the enormous amount of pension legislation now being pressed in Congress is not the work of the soldiers as a class, nor even of a very great proportion of the soldiers. In very large part, the persons receiving or seeking pensions now are not soldiers, but the relatives of soldiers, and these have none of the sense of pride that generally is felt by those who have been in the military service.

Another considerable number of the present applicants for pension are men who deserted from the Army or in other ways forfeited their rights, or those who were mere camp followers and never exposed themselves to any danger. Back of this army of hungry and unscrupulous persons, or persons never really connected with the service, are the pension attorneys, more greedy and unprincipled than the clients they hunt up from all corners of the land. It is this class that are hounding Congress for the passage of the flood of private pension bills, almost every one of which enacts a claim that has been carefully and honestly examined in the Pension Bureau and rejected for good cause.

The whole theory of the special legislation on this subject is wrong. There are only a very few cases in which a pension should be paid except in accordance with general laws and on grounds fixed by these laws and capable of definite proof in compliance with the tests imposed by the Bureau. There is almost no claim that can be passed on by a committee of Congress so honestly, fairly, and wisely as by the trained and responsible officers of the Bureau. We do not know that there is any way of enforcing on Congress the application of this perfectly sound principle. It is not practicable to restrict the powers of Congress by statute, and if the committees and the two Houses choose to abuse their powers, as they continually do, they can not be prevented.

But it ought to be well understood by the country that their motives are not good, and that in the great body of cases they are not acting from reckless generosity, but selfishly. The pension attorneys are the organizers and managers of the so-called "soldier vote," and they menace with it every Congressman who stands in their way. Probably nine-tenths of the undeserved pensions voted in Congress are the product of this sort of blackmail, in which the pension sharks are experts. The only check on them is wholesome public opinion, mainly that of the real soldiers, and this is not sufficiently direct and well informed at present to have a decided influence. There has never been a time when Congress was so reckless and shameless in this direction.

Mr. DRIGGS. Mr. Chairman, this editorial of this great metropolitan daily is one of the most outrageous attacks upon Congress, upon the representatives of the people in Congress, and upon the members of the Committee on Invalid Pensions that I have ever read or heard of under the head of pension legislation. It is written with the purpose to deceive and mislead the American people on the subject of pension legislation. And I do not propose, either at this late hour of this day's session or in this late year in the history of our country, to talk on the subject as to whether pension legislation is advisable or unadvisable. But I do say this: That as a Democrat I believe in the volunteer soldiery of this country, and I believe the only way that we are going to be able to maintain and keep up the volunteer force of this country in any future wars that may occur is by standing by the pension principles laid down by the fathers when they established the first act providing for pensions, some five or six weeks (August 26, 1776) after the signing of the Declaration of Independence.

Now, Mr. Chairman, the first part of this editorial states that it is well to remember that the pension legislation which is now before us is not the act of the old soldiers, but largely that of their relatives and people who have no real right to pensions under the law. I say that during the three years I have served on this Committee on Invalid Pensions every single case that we have considered has been that of an old soldier, his widow, or some one directly dependent upon that soldier—aged father or mother or helpless children. Desertion bills are not considered by us. It continues by stating that the pension attorneys appear before our

committee, and that we members of Congress are pushed forward to bring about this legislation in their behalf and not of the soldier—sort of a system of blackmail.

I say now that there has never been one single, solitary pension attorney before that committee to talk to or consult with us or to ask anything about any special pension legislation; and I say now that I, for one, if a pension attorney were to ask permission to appear before that committee on any special bill, would be one of the first to vote in the committee against giving him the privilege to appear there, because the old soldiers themselves take up the time of that committee. Our fellow-Representatives of this House come before us on behalf of this soldier and that soldier; it is their duty and their right to come; it is our pleasure to listen to them as they stand up to defend old soldiers who ask nothing but simple justice and fair treatment.

Mr. SIMS. May I ask the gentleman a question?

Mr. DRIGGS. Certainly. I am always willing to yield to so courteous a member as my friend from Tennessee.

Mr. SIMS. As a member of Congress, is it not your experience that the applications coming to you to file bills for private pensions are usually accompanied by a letter of some pension attorney, who has told the man that he can not get a pension under the law and that he must go to Congress?

Mr. DRIGGS. Most emphatically, no, sir; that is not my experience.

Mr. SIMS. That is my experience, and I have the letters which will show it.

Mr. DRIGGS. I have never received a letter like that, and I have received letters from a great many old soldiers. I do not know the experiences of other members of this House, but speaking for myself, I do not recall that I have ever received a letter from a pension attorney in reference to one of these private pension bills.

Mr. SIMS. I do not mean a letter to the member, but a letter to the applicant, which he files with his letter.

Mr. DRIGGS. That may be, but they never come to me.

Now I will go on. They say this is a system of blackmail, that the old-soldier vote is held over the head of every Representative on the floor of this House if he does not vote for liberal pensions.

I desire, Mr. Chairman, to go away back to one of the early Congresses and read to you the resolution which organized and authorized the establishment of the Committee on Invalid Pensions. It was found away back in 1830 that Congress had not the time to consider all pension claims which came before it; therefore in this Congress—that is, the Twenty-first Congress—in the second session, it decided to do away with one committee on pensions and erect two, and thus a resolution was passed under which this Committee on Invalid Pensions was organized. In that Congress Mr. Trezevant, a member, moved the following resolution on the 5th day of January, 1831:

> That a committee shall be added to the standing committees, to be appointed at the commencement of each session, which shall be called the Committee on Invalid Pensions, and whose duty it shall be to take into consideration all such matters respecting invalid pensions as shall be referred to them by the House.

That resolution, then adopted, has continued in force from that on to this, very nearly seventy years, and during all that time it has been the duty of the Committee on Invalid Pensions to consider—what? To consider claims where an applicant for pension, not able, through some peculiar technicality in the law or some very singular decision of the medical referee, or the impossibility of producing sufficient evidence to prove his case, was to have the right to come to Congress as a court of last resort and ask our relief for their disability thus placed upon them in the Pension Bureau; and as such a committee—committee of last resort—the Committee on Invalid Pensions has done their duty to this House, to their constituencies, to their country, and its Treasury. Were we to report a bill favorably to this House at any one of these pension sessions which we had not investigated and considered thoroughly, and considered earnestly, and considered justly, we would not be entitled to the fair consideration of this House or the nation, because we would not have been performing our duty either capably or honestly.

I know, Mr. Chairman, that the members of this House find it almost impossible from the reading of the reports as they are read from the desk, to understand all the different salient features of each one of these measures. I know, and I repeat, in our committee no bill can possibly pass through unless it has first passed the eyes of the expert examiner from the Pension Bureau, and after passing his eyes it then goes to the subcommittee, and the subcommittee carefully considers the brief which the pension expert has drawn, and then we decide in accordance with the resolution which established the Committee on Invalid Pensions as to whether the applicant is entitled to relief or not.

In every case reported to this House in the Fifty-fifth Congress the committee unanimously reported, and the reports were accepted and adopted by the House of Representatives without the changing or amending of a single report, and when they went over to the other end of this Capitol there were but 26 or 27 bills that went to a conference, showing that the two committees had done their work and that the Senate and the House had agreed to pension measures almost absolutely and unanimously. No blackmail or threats here, sir, for many members have no bills before us.

I would say, in addition, Mr. Chairman, we realize that these applications to Congress for relief are increasing, that in each year there are more and more of them. I desire to show, Mr. Chairman, why it is that these applications that have been coming into Congress are increasing.

I would say first, however, in reply to the conclusion of the above-quoted editorial, that not one private pension bill has up to the present time been enacted into law during this session, although a few have passed the Senate and House independently, but have not been acted upon jointly.

The CHAIRMAN. The time of the gentleman has expired. The hour of 4 o'clock having arrived, the Clerk will read the bill by sections.

Mr. DRIGGS. I desire to ask unanimous consent that I be permitted to proceed with my remarks.

The CHAIRMAN. The gentleman asks unanimous consent that he be permitted to extend his remarks in the RECORD.

Mr. DRIGGS. No; I have that consent, given last Friday night. I would like to ask for five minutes more time.

The CHAIRMAN. It can not be done in the committee, the order of the House being that general debate should close at 4 o'clock.

Mr. BOUTELL of Illinois. I ask unanimous consent that I may be permitted to extend my remarks in the RECORD.

Mr. LIVINGSTON. Mr. Chairman, I ask that that leave be extended to all who have participated in the debate, for ten days.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all gentlemen who have participated in the debate on this bill may have leave to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1901, for the objects hereinafter expressed, namely.

Mr. DRIGGS. To resume, Mr. Chairman, I find, according to a most carefully prepared report of the ex-chairman of the Committee on Invalid Pensions, Hon. GEORGE W. RAY, that in the Fifty-second Congress there were 217 special acts passed; in the Fifty-third Congress there were 119 special acts passed; in the last Congress there were 693 special acts passed.

Now, then, what is the reason for this great increase? It is not difficult of explanation. Shortly after (October 15, 1890) the enactment of the act of June 27, 1890, the following order, known as No. 164, was issued by Commissioner Raum:

ORDER NO. 164.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., October 15, 1890.

In regard to fixing rates of pensions under the act of June 27, 1890:

That all claimants under the act of June 27, 1890, showing a mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, and which incapacitate them from the performance of manual labor, rendering them unable to earn a support in such a degree as would be rated under former laws at or above $6 and less than $12, shall be rated the same as like disabilities of service origin, and that all cases showing a pensionable disability which, if of service origin, would be rated at or above $12 per month shall be rated at $12 per month.

GREEN B. RAUM, *Commissioner.*

Approved.

CYRUS BUSSEY, *Assistant Secretary.*

This order created, as events and time proved, an extremely liberal and generous construction of the act of June 27, 1890. It is well to remember that at the date of issuance of Order No. 164 no person in or out of public life knew anything as to the probable increase of expenditures for pensions under the law of June 27, 1890. So great, however, became the increase in the pension rolls that on June 9, 1893, Order No. 225, which follows, was issued:

ORDER NO. 225.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 9, 1893.

As to adjudicating and fixing rates of pensions under the act of June 27, 1890:

1. A claim for pension under the second section of the act of June 27, 1890, can only be allowed upon proof of mental or physical disability of a permanent character, not the result of the claimant's own vicious habits, incapacitating him for the performance of manual labor in such a degree as to render him unable to earn a support.

2. No specific injury or disability can, as such, have a pensionable rating under that act, nor be considered otherwise than as it affects the capacity of the claimant to perform ordinary manual labor.

3. Proof that the disability is not the result of the claimant's own vicious habits is requisite; and therefore the causes and circumstances of the origin of the disability should be shown by the evidence furnished in support of the claim for pension, so far as can be done, and by persons other than the claimant.

4. To give the claimant a pensionable status under this act the disability must be such as to incapacitate him for the performance of manual labor in

such a degree as to render him unable to earn a support; yet the act recognizes differences in the degree of such pensionable disability, giving $12 per month in case of the greatest and $6 per month in case of the lowest degree of such pensionable disability rendering the claimant unable to earn a support by manual labor. It also provides for intermediate ratings proportioned to the intermediate degrees of such pensionable disability. The proper ratings under this act will, therefore, be made in accordance with such rules for rating as the medical referee shall prescribe, subject to the approval of the Commissioner.

WM. LOCHREN, *Commissioner.*

Approved.

HOKE SMITH, *Secretary.*

This order continues in force to the present day. While Order No. 164 was too liberal, Order No. 225 was and is too severe, for it practically leaves all cases considered under its provisions to the judgment and almost absolute authority of the medical referee. It makes him almost in reality the absolute dictator of the Pension Bureau as far as the act of 1890 is concerned. Mr. Chairman, I do not desire to attack the medical referee, but solely the great power given him, or, more properly speaking, his office under Order 225.

It is this order alone that has created the necessity for almost all the special bills introduced in Congress, and so long as it continues in force Congress will be flooded with special pension bills. It is un-American, because it is unjust and unfair to those of our people seeking relief at the Pension Bureau. It is a thorn in the side of every member of Congress, for it keeps us busy calling up cases that would otherwise have been speedily adjudicated at the Pension Bureau. Born in a Democratic, continued in a Republican Administration, it has been tried and found wanting. It should be modified, amended, or repealed, and some order, a fair, equitable, and just medium between it and No. 164, issued.

I respectfully submit in emphasis to the above the following decision of Assistant Secretary Davis, of the Interior Department, in the case of Charles Norbury (Senate Document No. 1, Fifty-sixth Congress, first session, page 36):

Order 164 was an extremely liberal construction of the law as to rating under the act of June 27, 1890; indeed, it could not be consistently maintained when the terms of the act were compared with former laws. On the other hand, Order No. 225, as put into effect and as formerly construed, went to the other extreme, and in many cases resulted in great injustice to claimants. This was remedied in a large measure by a more liberal construction of said order, which on its face is not regarded as objectionable, properly construed, but much depends upon how it is construed. * * *

It will be observed that in the last clause of order 225 the question of rating is left largely at the discretion of the medical referee, subject to the approval of the Commissioner of Pensions.

As already indicated, much depends upon the construction given to the law and the order (225) now in force.

It should be borne in mind that the average age of the surviving soldiers who were in the war of the rebellion is 63 or upward. It is not an unreasonable presumption that nearly all are in some degree mentally or physically disabled. The spirit of the law and the circumstances attending its enactment certainly warrant the conclusion that a liberal interpretation should be given and relief granted, at least at the minimum rate, if an appreciable disability which impairs ability for self-support by manual labor is shown to exist.

The repeal of order No. 225 needs no additional or stronger argument.

Mr. Chairman, another reason for increase of special pension bills is that the laws as they now exist can be construed in any manner desired, and I quote from Commissioner Evans's personal statement when being examined by Senator GALLINGER (Senate Document No. 1, Fifty-sixth Congress, first session, page 9):

Commissioner EVANS. In my annual report for 1898 I said:

"Since the passage of the general law of July 14, 1862, there have been numerous laws amendatory, special and general, with the many rulings and decisions interpreting the laws, until the whole system is a most complex and wonderful network or labyrinth of laws and legal opinions, to the end that a precedent may be cited for any action of this Bureau.

"The importance of the work is such and the demands upon the revenues of the Government so great, with a prospect of much greater in the future, that I am of the opinion that in order to secure reliable, intelligent, and uniform practice in the future a commission should be appointed on the revision of the laws, rules, and regulations governing the issuance of pensions."

That was the statement on that subject in my annual report of 1898. In my report of 1899 I add this:

"This should be done, especially to meet future conditions. With our present laws and established practice there can be no uniformity in pensioning. The beneficiaries are dissatisfied and there is general criticism."

Revision of all the pension laws has become essential, the sooner the better. Revision unquestionably will be a tremendous and expensive task; but is it not better to commence the twentieth century with a feeling of general satisfaction in the justice and fairness of the pension laws and their administration instead of a feeling of general dissatisfaction?

Mr. GILLETT of Massachusetts. Mr. Chairman, am I recognized?

The CHAIRMAN. The gentleman will be recognized in opposition to the amendment.

Mr. GILLETT of Massachusetts. Mr. Chairman, the question of civil service was so thoroughly thrashed out in the last Congress, one year ago, that I did not suppose it was necessary to touch on it in this Congress, but the words which have been spoken by the gentleman from Ohio [Mr. GROSVENOR] in regard to the new information given here yesterday requires a moment's answer. The gentleman from Ohio stated that, as reported from the Committee on Appropriations, there were 10 per cent of inefficient employees, and he gave as the reason that the Departments did not get rid of those employees was that they did not dare to trust an application to the Civil Service Commission for new clerks, because they would get such poor ones, and they preferred to keep the old ones.

Now, if the gentleman had listened to the statement made by the Appropriations Committee yesterday, he would have heard them say that the reason these useless employees were retained was not for the reason he suggests, but was because Members of Congress and Senators went to the heads of Departments and insisted that these men, friends of theirs, should not be discharged. In other words, the system of patronage, the old system, which the gentleman says created such a model service up to 1883, that same system of patronage, of keeping friends in office, is responsible for the very retention of these useless employees to-day. And we are asked, when studying how to get rid of useless employees, to resort to the very system which retains them. If members of Congress would not exercise patronage, these men would be discharged. My colleague made the suggestion yesterday of one case where the Pension Commissioner said he would be glad to get rid of 100 men, but the members of Congress would not allow them to be discharged. In other words, it is in this case, as I think it is almost always where the civil-service system is attacked, it is attacked, not for its inherent faults, but for imperfections which the relics of the other system cause.

If in this case of decrepit employees the patronage system was done away with, we would have no trouble in getting rid of the old clerks and getting in good ones. There is one comparison we easily make right before us. It is claimed that 10 per cent of the clerks now employed are inefficient. I remember very well in the last Congress when one of the most influential members of this House, one who knows as much about the subject as anyone, said that of the employees in this House, where there is no civil service, but all are under the service which the gentleman so eulogizes, 33 per cent were unnecessary and useless, but they were employed because of the necessity of having patronage. We have here no limitations of civil service, and so just because we want the offices we create useless offices, and there are 33 per cent useless employees in this House against 10 per cent under the civil service.

Now, I want to call the attention of the gentleman to another point, which he referred to yesterday and which he repeated to-day, and where I think he is obviously mistaken. He says there is not the free right of removal, but there must be a trial and hearing, and that is one of the troubles of the service. I would like to read the rule formulated by President McKinley:

No removal shall be made from the competitive classified service except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing.

Does that put any limitation upon the officer in regard to removal? All it requires is that the charge shall be made against the man, that he shall be removed for cause, and that he shall have an opportunity to put in his answer. But after he has put in his answer, the head of the Department may remove or not at his pleasure. It is not required that the man have any hearing. The officer is under no compulsion; he has absolute and free discretion, if he wants to discharge him. Of course the reason for that rule is obvious: it is to prevent any superior clerk, on account of petty spleen or any miserable little personalities, making false complaints and causing a removal when, if the clerk complained of had a chance to answer and the truth were known, he would keep his place, and also to prevent political removals.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That is the pending amendment.

Mr. GROSVENOR. Then I move to strike out the last two words.

It appears now, Mr. Chairman, that we have come to this: That we have put a farce on the records of this country—have said that no man shall be removed unless charges are preferred against him, and until he shall have a copy of those charges, and until he shall have opportunity to disprove them; but he may be removed whether those charges are true or false.

Mr. GILLETT of Massachusetts. Exactly.

Mr. GROSVENOR. Now, is not that the most monstrous position that ever was taken? Why do you require the making of charges? Why do you require a trial? The gentleman says there is no trial about it. In other words, a poor fellow may be charged with some delinquency; he comes forward and answers that the charge is not true, that he is ready to disprove it, and he does disprove it; but this does not operate in the least as a protection from the power of removal. Notwithstanding all that he may do in the way of proving his innocence of the charges, he may be turned out regardless of whether they are true or false.

Mr. GILLETT of Massachusetts. Does not the gentleman find

that limitation in the law? Does he not agree to the fact of its existence?

Mr. GROSVENOR. The plain construction of the law is that if the charges are not true the persons shall not be removed. That construction is put upon it in every Department of the Government.

Mr. GILLETT of Massachusetts. Does the gentleman give that as his construction as a lawyer?

Mr. GROSVENOR. I do most clearly. Suppose I am indicted; I have a right to see a copy of the indictment, to know what I am charged with; and if I prove myself not guilty, I have a right to go acquitted.

But let us see what else was said yesterday.

Mr. PEARRE. I would like to ask the gentleman this question: Does he think it likely that the heads of the Departments and bureaus will appoint more competent men to the positions than those recommended by Members of Congress and Senators; in other words——

Mr. HEMENWAY. In reply to that, I will say that when they ask for the appointment of any particular class, they designate the kind of a man they want. If they want an accountant, they say to the gentleman, "Will you furnish me with an accountant?" and if they want an accountant you would not send them a laborer. It is the experience that Members of Congress and Senators, if given the opportunity to furnish a particular kind of man, furnish that kind.

In another place the gentleman from Indiana [Mr. HEMENWAY] says:

In reply to the gentleman's question, I can only say, with reference to this temporary force that has been employed, it is admitted by those who favor civil service and are at the heads of the different Departments that this temporary force, placed there within the last two or three years, is a very competent force; that they are more competent than the force secured through the civil service. They are younger men, men better qualified for the particular service to which they are assigned, and all along the line more efficient than the force secured through the civil service.

There is a testimony that every chief of division in this great city who knows about it will make, I think, whenever the gentleman from Massachusetts wants to get the information—that that great body of clerks who did the great business of this Government, who handled the great service of the Government during the extraordinary demands of the Spanish and the Philippine war; that the service of that force has been more efficient than anything ever obtained under civil-service procedure in this country.

Mr. FITZGERALD of Massachusetts. Do I understand that the statement just made by the gentleman from Ohio is signed by every head of a Department?

Mr. GROSVENOR. I say that it will be verified by every bureau chief.

Mr. FITZGERALD of Massachusetts. The statement just read—by whom is that statement made?

Mr. GROSVENOR. By the gentleman from Indiana [Mr. HEMENWAY] in charge of this bill.

Mr. FITZGERALD of Massachusetts. Then it is not the statement of any chief of a bureau.

Mr. GROSVENOR. I said that it would be confirmed by every bureau chief in the city who had these men in his division.

Mr. FITZGERALD of Massachusetts. How do you know that?

Mr. GROSVENOR. I know it from constant, everyday contact with those gentlemen.

Mr. FITZGERALD of Massachusetts. Does not the gentleman know that the efficiency of the Railway Mail Service has increased tremendously within the last ten years since that service was protected by civil-service regulations?

Mr. GROSVENOR. I have no doubt about that.

Mr. FITZGERALD of Massachusetts. That service is better now than it ever was.

Mr. GROSVENOR. It is better now than it ever was; and have I not always voted to retain this system in that branch of the service?

Mr. FITZGERALD of Massachusetts. I do not know anything about that.

Mr. GROSVENOR. Then you are talking about something else not now under discussion.

Mr. FITZGERALD of Massachusetts. Will the gentleman pardon me a moment?

Mr. GROSVENOR. The gentleman is occupying my time.

Mr. FITZGERALD of Massachusetts. But the gentleman was arguing that the service of clerks appointed without reference to civil-service requirements was better than the service of clerks appointed under civil-service regulations. I do not agree with the gentleman.

Mr. GROSVENOR. I am stating what the record shows; and the testimony of every bureau chief in this city will back me up.

Mr. FITZGERALD of Massachusetts. That testimony is not here.

Mr. GROSVENOR. This testimony is here, coming from a member of this House who has this bill in charge and who says it is the testimony of these men who know.

Mr. FITZGERALD of Massachusetts. Was it given before any committee?

Mr. GROSVENOR. Does the gentleman know any better testimony than this?

Mr. FITZGERALD of Massachusetts. I want straighter testimony than the best which the gentleman seems to be able to give.

Mr. GROSVENOR. I read the statement of the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Will the gentleman allow me a word? We had before us Capt. C. H. Davis, of the Naval Observatory, who called attention to the fact that he had recently sent to the Civil Service Commission for an engineer, and they sent him a Methodist parson and a negro at that. [Laughter.]

Mr. GROSVENOR. Exactly. A happy illustration of this whole thing, and I thank the gentleman for the information.

[Here the hammer fell.]

Mr. DRIGGS. Mr. Chairman——

The CHAIRMAN. The gentleman from New York [Mr. DRIGGS] is recognized in opposition to the pro forma amendment.

Mr. DRIGGS. Mr. Chairman, another reason for the increase of special pension bills is the ever-increasing misunderstanding between the medical referee and the local boards of medical examiners.

I would like to add right here that in the report of Senator GALLINGER in response to a question asked the Commissioner of Pensions by the Senator, twice repeated, so that there could be no misunderstanding, as to the desirability of omitting from future appropriation bills the provision that the ratings made by the medical board shall be considered by the Bureau in reaching conclusions, he replied that he was emphatically in favor of omitting these ratings. Mr. Chairman, these medical boards come from all of our districts. Many of them are made up of the best physicians that can be found in our localities.

Mr. SIMS. You mean the local boards?

Mr. DRIGGS. I mean the local boards, for I judge Commissioner Evans so meant. I say the local boards have the very best physicians throughout the district. The soldier appears before them, and yet the medical referee in this year's report of the Commissioner of Pensions, says that there are but very few of these boards who are able to draw an adequate pen picture as to the disabilities of the soldiers who have appeared before them. I contend that the local medical boards are far more able and competent to judge of the disabilities of the soldiers and sailors, of men entitled to a pension, than some man in the Pension Bureau who acts as a sort of referee on that case. They are the most peculiar kind of referees I ever saw or heard of. They know nothing whatever about the applicant except from the evidence which is put before them, never having seen the soldier at all, and surely the physicians who personally examined the applicant for pension are far more capable of judging the disabilities than a physician not having had an actual eye study of the case.

I contend that the local boards are as careful in their examinations as are the examiners in the division of the medical referee. Why, sir, in hundreds of cases considered by our committee during the past three years we have found local board upon local board agreeing upon various disabilities and their reports afterwards rejected by the division of the medical referee. In nine cases out of ten we would overrule the referee and allow the claim, accepting the testimony of the local board as conclusive on the questions raised.

I do not believe such language as the following, taken from page 94 of the Report of the Commissioner of Pensions for 1899, is justifiable, viz:

It is the experience of the medical examiners and reviewers of the division that too many boards have very little appreciation of their duties and very little regard for the interest of either the claimant or the Government. It is too much a question with them of the number of examinations they make and the amount of fees that may be coming to them at the end of a quarter. The whole system of employment of the members of the boards of examining surgeons is faulty in this, that it fails to guarantee the best talent for these places. And so long as influence shall alone determine who shall be appointed, the Bureau will fail to secure the best results.

This is part of report of medical referee.

I do not believe local boards are infallible, but I do believe their errors are no more numerous than those of the division of the medical referee. I desire to cite one case, and others could be shown had I the time. The case referred to is from Senate Document No. 1, Fifty-sixth Congress, first session, page 37, to wit, the witness before the committee a Mr. Patrick:

But the second case was that of Born, to which I have referred. The medical examination in that case showed that this applicant was disabled to the extent of 50 per cent in the use of his right shoulder from crepitus, and the disability was rated by the examiner at nine-eighteenths. He was also reported as suffering from hemorrhoids and similar troubles, for which the medical board had rated him at six-eighteenths disability. For some other infirmities that I do not recall he was rated as having been disabled to the extent of six-thirtieths. This claim had been rejected, and it seemed to our unprofessional view that it should have been allowed had the disabilities been properly combined.

At our request the medical referee was sent for, and he came in and we discussed at considerable length the first disability which he thought did not establish a pensionable status. But when we passed to the second he very promptly stated that when combining the effects of the first and second disabilities, and taking into consideration perhaps also the third, the application ought to have been allowed. He also stated that two months prior to that time he had placed a competent and careful member of his staff in charge of

such cases to overlook them after they had been passed upon by the medical examiners in his office, so as to see that no injustice had been or might be done, and that every case in which the disabilities ought to have been combined should be so rated, because these small cases did not come personally before the medical referee. He stated that this particular case had been adjudicated during the temporary absence of the official whom he had placed in charge; and I think that he expressed the opinion that but for such absence that claim would doubtless have been allowed.

Mr. Chairman, I believe in fair play, and also in the theory that there are two sides to every question. I therefore quote each of the above. I contend that in the Pension Bureau at the small salaries paid it is an absolute impossibility to obtain the best medical talent for the examination or review of cases or for the pen pictures or portrayal of the cases, and the best examinations are those made by the local boards and not by the Pension Bureau. And so long as influence shall alone determine who shall be appointed in the division of medical referee in Washington in the Pension Bureau the Bureau will fail to secure the best results.

Mr. SIMS. I understand the gentleman to say that the best medical talent is found on the local boards.

Mr. DRIGGS. Yes, I do say so.

Mr. SIMS. Now, in your city of New York can the best medical talent be obtained to work for $10 a day?

Mr. DRIGGS. By no means.

Mr. SIMS. That is all they can get on a local board.

Mr. DRIGGS. I am aware of that.

Mr. SIMS. But they can not get more than $10 a day, because if they examine more than five cases they do not get paid for it.

Mr. DRIGGS. That is the case. But they have their own private practice; they are largely not political appointees; they are all good physicians and surgeons; certainly 90 per cent of them are. I believe that a very decided reform or even a revolution of the methods of examination now in vogue in the divisions of medical examination (referee and local board alike) would be productive of very beneficial results to the pensioner, to the country, and to the Treasury of the United States.

From all the above argument taken collectively I have endeavored to show how and why a committee of Congress can pass upon a pension claim as fairly, honestly, and wisely as the trained experts of the Pension Bureau.

The pension question has ever attracted the attention of our Republic. Many debates have occurred in Congress upon the subject, and thousands of columns have been printed in the Annals, Globe, and RECORD recording for all time these debates. Why, sir, in 1820 the agitation was so great that Congress passed the famous "alarm act," which provided that "every pensioner shall exhibit a schedule of his whole estate and income, clothing and bedding excepted."

In 1830-1835 more discussion; 1850-1855 more agitation; so it has continued to the present day. How much have we paid out for pensions?

It is impossible for me to deal with more than our four great wars while considering amount of pensions paid.

I. REVOLUTIONARY WAR.

In all 278,000 soldiers served during the struggle for freedom. Of this number 37,918 received pensions amounting to $49,000,000, and to this day we see from the following table that some of their descendants are on the list. (Pension Commissioner's Report 1899, page 61.)

Names of surviving widows and daughters of Revolutionary soldiers on the pension rolls June 30, 1899, with their ages and places of residence.

Name.	Age.	Name of soldier.	Service.	Town and State.
Barrett, Hannah Newell.*	99	Harrod, Noah	Massachusetts	Boston, Mass.
Chadwick, Susannah.*	84	Chadwick, Elihu	New Jersey	Emporium, Pa.
Damon, Esther S	85	Damon, Noah	Massachusetts	Plymouth Union, Vt.
Hurlburt, Sarah C.*	81	Weeks, Elijah	do	Little Marsh, Pa.
Jones, Nancy	85	Darling, James	N. Carolina	Jonesboro, Tenn.
Mayo, Rebecca	86	Mayo, Stephen	Virginia	Newbern, Va.
Sandford, Eliza*		Sandford, Wm	United States.	Bloomfield, N. J.
Slaughter, Ann M.*	89	Slaughter, Philip	Virginia	Mitchell Station, Va.
Snead, Mary	83	Snead, Bowdoin	do	Parksley, Va.
Thompson, Rhoda Augusta.*	78	Thompson, Thad.	New York	Woodbury, Conn.
Tuller, Augusta*		Way, Isaac	Connecticut	Bridgeport, Conn.

*Daughter; pensioned by special act.

Hiram Cronk, who served with the troops from New York, is the only surviving pensioned soldier of the war of 1812. He is 99 years of age, and resides in northwestern New York.

Daniel F. Bakeman, the last survivor of the war of the Revolution, was born in Schoharie County, N. Y., September 28, 1759; died in Freedom, Cattaraugus County, N. Y., April 5, 1869, aged 109 years 6 months and 8 days.

To the widows of the Revolution were paid about $20,000,000, making a total of $69,000,000.

II. WAR OF 1812.

Total enlistments were 527,654. Of this number 296,916 served sixty days or more, and 31,000 of them have been pensioned, and 35,000 widows have been pensioned.

III. MEXICAN WAR.

Total enlistments were 73,260. Of this number 7,560 were pensioned as invalids prior to the act of January 29, 1887. Since the passage of that act I have been unable to find any statistics showing greatest number of pensioners on account of Mexican war, but as the number of surviving pensioners is 17,379, the percentage of pensioners to enlistments must have been very great. Taking the total number of pensioners in the Mexican war, viz, 32,000, the percentage would be over 43 per cent of the enlistments. The expenditure in money, or total disbursements, is shown in the following table (page 52, Report Pension Commissioner, 1899):

WAR OF 1812.

Fiscal year.	Survivors.	Widows.	Total disbursements.
1871 (from Feb. 14, 1871)	$2,755.05	$511.00	$3,056.05
1872	1,977,415.84	335,993.63	2,313,409.47
1873	2,078,606.98	689,303.59	2,767,910.57
1874	1,588,832.95	616,016.40	2,204,849.35
1875	1,355,509.86	533,080.21	1,888,590.07
1876	1,089,057.18	445,772.95	1,534,830.13
1877	934,657.82	361,548.91	1,296,206.73
1878 (from Mar. 9, 1878)	768,918.47	294,572.05	1,063,490.52
1879	1,014,525.66	2,192,699.54	3,207,225.20
1880	790,710.39	2,658,058.14	3,448,768.53
1881	621,612.80	2,381,800.95	3,003,413.75
1882	478,274.85	2,024,207.63	2,502,482.48
1883	357,334.81	1,882,542.41	2,239,877.22
1884	278,888.85	1,686,332.69	1,965,100.04
1885	207,782.80	1,518,202.39	1,725,985.19
1886	144,389.59	1,458,896.44	1,603,286.03
1887	105,837.01	1,765,582.36	1,871,419.37
1888	75,659.48	1,596,604.96	1,670,264.44
1889	52,800.27	1,397,487.09	1,450,287.36
1890	38,847.09	1,263,220.37	1,302,086.46
1891	27,564.64	1,040,284.41	1,067,789.05
1892	11,908.93	827,080.53	838,989.46
1893	10,494.27	721,060.32	731,554.59
1894	5,312.20	645,297.46	650,609.66
1895	3,583.27	541,923.48	545,506.75
1896	1,972.27	456,847.61	458,819.88
1897	1,440.60	388,291.95	389,731.95
1898	791.06	317,070.15	317,861.21
1899	193.33	293,097.48	293,290.81
Total	14,018,487.72	30,363,295.50	44,381,783.22

WAR WITH MEXICO.

1887	$53,148.68	$2,458.08	$55,606.76
1888	1,861,756.07	583,656.28	2,444,812.35
1889	1,796,899.39	693,572.45	2,490,471.75
1890	1,728,027.54	695,654.90	2,423,682.44
1891	1,622,114.75	695,314.52	2,317,429.27
1892	1,425,258.18	686,733.57	2,111,991.75
1893	1,396,392.38	736,173.41	2,132,565.79
1894	1,388,707.07	803,345.91	2,192,052.98
1895	1,431,636.86	802,032.96	2,233,723.82
1896	1,368,685.95	814,096.14	2,182,782.09
1897	1,279,188.31	818,563.78	2,097,752.09
1898	1,213,508.63	846,560.26	2,060,068.89
1899	1,107,594.63	818,067.58	1,925,662.21
Total	17,674,972.35	8,995,029.84	26,670,002.19

IV. CIVIL WAR.

Total enlistments, 2,778,304; died in battle or of wounds, 349,944. On account of the tremendous magnitude of the civil war the pension disbursements resulting from that war have been enormous, amounting to over $2,300,000,000 since 1865, while the number of pensioners on the roll to-day is 991,519 (there were only 13,000 on the roll in 1850). Collectively there have been 2,271,705 claims filed, 1,616,391 allowed, leaving 655,314 rejected. Deducting 991,519 from 1,616,391, we find over 625,000 of those pensioned have passed over the dark river.

The following table shows number and class of pensions pending June 30, 1899:

Number of claims pending under the acts of July 14, 1862, and March 3, 1873.

Original invalid	26,468	
Reissue invalid	53,610	
Increase invalid	102,904	
		182,982
Original widows	28,113	
Reissue widows	11,471	
Increase widows	642	
		40,226
		223,208

Number of claims pending under the act of June 27, 1890.

Original invalid	50,739	
Additional invalid	20,534	
Increase invalid	84,903	
		173,176
Original widows	38,740	
		211,916

War with Spain:		
Original invalid	14,905	
Increase invalid	14	
Original widows	2,416	
		17,335
Army nurses		268
Service prior to March 4, 1861		2,453
Accrued		22,059
Total		477,239

While this seems a great number, the decreases have exceeded the increases, as shown by the following table:

NET DECREASES.

War 1812, survivors	2
War 1812, widows	409
Mexican war, survivors	808
Indian war, survivors	363
Indian war, widows	168
General law:	
Army invalids	10,246
Army widows	1,949
Army nurses	2
Navy invalids	112
Navy widows	7
Total	14,066

NET INCREASES.

Act June 27, 1890:	
Army invalids	6,621
Army widows	4,342
Navy invalids	382
Navy widows	195
War with Mexico:	
Widows	32
War with Spain:	
Army invalids	117
Army widows	165
Navy invalids	6
Navy widows	11
Total	11,871

While the decrease is only 2,195, it is nevertheless a decrease, and I believe we have, notwithstanding our Spanish and Philippine war claims, passed hight-water mark and are now on the ebb tide. I believe, too, from figures and from the average life of man, that in 1915 the pension roll, as it now is formed and exists, will amount to less than $80,000,000 per annum.

Many people think the nation's pension roll is heavy with fraud. Strange, indeed, would it be were there not some fraud; but, all in all, I believe that that roll is honest and almost without reproach. Take, if you please, and consider this report of criminal cases in the various Departments of the Government—possibly you have not noticed the last annual report of the Attorney-General. If not, get one, and look at the subhead "Criminal prosecutions," which shows convictions, acquittals, etc., on account of violation of different laws, as follows:

	Convictions.	Acquittals.	Nol. pros., etc.
Internal-revenue laws	4,021	825	1,698
Post-office laws	770	92	344
Customs laws	136	21	59
Pension laws	109	17	88

Of the prosecutions still pending July 1, 1899, 4,889 were for violation of internal-revenue laws, 755 post-office laws, 112 customs laws, and 196 pension laws.

It occurs to me that there is food for thought in the foregoing, in view of the fact that in the papers in Washington, surely, and, so far as I have observed, in the metropolitan press everywhere, there has been but little notice of the frauds, indictments, and prosecutions generally going on throughout the country except those relating to pensions. These have been regularly ground out from day to day and week to week, as you have doubtless all noticed.

I freely confess that before my election as Representative to Congress I believed in the "pension-fraud" cry. Since my admittance to this House my views have entirely changed, for such reports as those of the Attorney-General are bound to appeal to any fair-minded person. I believe the pension roll is in many, many ways a roll of honor, and one to be respected and not universally condemned. The cases of suffering relieved are many; the cases of fraud few.

Mr. Chairman, in conclusion, I realize that pension payments have been almost inconceivably stupendous, but the service performed has been equally great. Had it not been for the soldiers of the Revolution, we would have had no Republic; had it not been for the soldiers and sailors of 1812, we would not be to-day free upon the high seas; had it not been for the soldiers of the Mexican war, we would not have remained the great North American power; had it not been for the boys in blue of 1861–1865, we would have been a disunited Union, while the soldiers and sailors of 1898 established us firmly as a world power.

The pension roll has increased during the past seven years more largely from the fact that the soldiers of the 1861–1865 struggle, through advancing age, are less able to earn their daily sustenance by manual labor. In their days of strong young and middle manhood, when each succeeding day dawned upon continued ambition for old-age competency, their thoughts dwelt not upon pensions, but upon work. Old age has now overtaken many of them; the struggled for competency has not been poured into their coffers by Dame Fortune, and at last their thoughts have turned to Uncle Sam to make their declining years easier and a trifle happier.

Pensions are not a question of dollars alone. To carry out the letter and spirit of the pension laws should be one of the objects in their administration. Fairness, based on justice, ought to actuate the Interior Department in their execution. No worthy case should be passed over as unworthy; neither under any circumstances should an unworthy applicant be given consideration. There should be no petty quibbling and hairsplitting over minor details of no material importance, causing delay, annoyance, and bitterness.

If the case is just, grant it; if unjust, reject it. Through lapse of years, the death of comrades, or a weakened mental or physical condition the applicant for pension frequently finds it impossible to furnish all the proof required by the Department and his claim is rejected. Construe the laws fairly for the benefit of the soldier and the United States alike and no one complains; construe them differently and press, people, and soldier shout aloud their denunciation of the pension laws. [Loud applause.]

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SENATE.

For compensation of Senators, $450,000.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FITZGERALD] is recognized for five minutes on the pro forma amendment.

Mr. FITZGERALD of Massachusetts. I wish to say a word regarding the statement which was made here a moment ago, coming from the gentleman in charge of the bill before the House [Mr. HEMENWAY], regarding the certification of persons for different positions in the United States Government.

I have never heard of any such experience as the gentleman has related, and I do not think any such thing has occurred in our section of the country. He stated that a head of Department asked for an engineer, and a Methodist minister—and a negro, at that—was certified. I can not understand how any gentleman who may be a Methodist preacher could pass an examination as an engineer if the examination for engineer in the particular section of country that this gentleman came from is of the same sort as is required in the New England States. I am a firm believer in the civil-service law as far as this law applies to positions above the grade of mechanics and laborers.

As I stated a few moments ago, Mr. Chairman, in answer to the statements made by the gentleman from Ohio [Mr. GROSVENOR], I have seen it repeatedly stated in the public press and in the reports of the Post-Office Department that the efficiency of the Railway Mail Service has increased greatly since this department came under the civil-service law; a very small fraction of 1 per cent of mistakes are made by the clerks employed in that service compared to the large percentage of mistakes that were made before the operation of a civil-service law. I wish at this time to indicate to the members of this House how the civil-service law is carried on for positions in the United States Government departments in the city of Boston.

In the post-office department there every man who takes an examination for a position in the post-office, whether it is for the position of letter carrier or clerk or for any other position, is given his appointment in the order of the percentage that he receives.

Beginning with the administration of General Corse, under Mr. Cleveland when he served his first term, the man who passed the best examination for letter carrier and clerk was appointed.

There is a list exposed in the post-office, and if five men, for instance, have been appointed within the last few months, it will be found that the names of those five men are the names of those who are first on the list. It is the same way in the matter of the appointment of clerks. The same practice was followed by the gentleman who succeeded General Corse, Hon. Thomas M. Hart, who is now the mayor of Boston.

His course was followed by the Democratic postmaster who succeeded him, and he in turn by the Republican postmaster, so that in the appointments in the Boston post-office service—and I think the same thing obtains in the Boston custom-house—the poor boy has as much chance as the boy with political influence, if he shows

from his examination his capacity and his ability to meet the requirements of the position.

I think this condition of affairs reflects the sentiments of the people of our section of the country on this question, as the different postmasters in taking this action felt undoubtedly that the people of Boston demanded that the civil-service law should be enforced in letter as well as in spirit.

Mr. Chairman, I say that I believe in that practice. In these days, when trusts are getting control of private businesses and thousands of men are thrown out of employment, it is a gratifying, and, I say, a wise arrangement, and a necessary and proper precaution, that the Government takes in giving out and apportioning the places within its gift to exact a civil-service examination for the place.

It is proper to exact an educational test and then appoint the men in the order of their merit and fitness for the position as shown in their examination.

In this way the boy and girl who, through the advantage they obtain in the great public-school systems of our country, become proficient in education and learning and fit themselves for positions of trust and responsibility in the Government service are enabled to secure positions on fitness and merit rather than through favoritism or political consideration.

The Clerk read as follows:

CONGRESSIONAL DIRECTORY.

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the Joint Committee on Printing, $1,200.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 10, line 20, after the word "the," insert the word "present."

The amendment was agreed to.

The Clerk read as follows:

Under Architect of the Capitol: For chief engineer, $1,700; 2 assistant engineers, at $1,200 each; 4 conductors of elevators, at $1,100 each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, $820; 5 firemen, at $900 each; electrician, $1,200; laborer, $1,000; laborer to clean Statuary Hall and watch statuary therein, $660; in all, $16,680.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent to return to page 12 and offer the following amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 12. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. I offer the following amendment.

The Clerk read as follows:

On page 12, after the word "each," in line 6, insert: "Document and bill clerk under resolution of February 2, 1900, $1,600;" and in line 18 strike out "eighty-six thousand seven" and insert "eighty-eight thousand three."

The amendment was agreed to.

The Clerk read as follows:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, $3,000; assistant clerk, $1,600; messenger, $1,200; janitor, $720; clerk to the Committee on Appropriations, $3,000; assistant clerk and stenographer, $2,000; messenger and assistant clerk, $1,200; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, and clerk to continue Digest of Claims under resolution of March 7, 1888, at $2,000 each; and for assistant clerk to the Committee on War Claims, $1,200; in all, $53,920.

Mr. HEMENWAY. I offer the following amendment, Mr. Chairman.

The Clerk read as follows:

On page 13, at the end of line 19, insert "pensions;" and in line 24 strike out "fifty-three" and insert "fifty-five."

The amendment was agreed to.

The Clerk read as follows:

For 18 clerks to committees at $6 each per day during the session, $13,068.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 13, line 25, strike out "eighteen" and insert in lieu thereof "seventeen;" and on page 14, in line 1, strike out "$13,068" and insert "$13,342."

The amendment was agreed to.

The Clerk read as follows:

For furniture, including partitions, screens, and shelving, $30,000.

Mr. HEMENWAY. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8347 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GAMBLE, for three days, on account of important business.

To Mr. WHITE, for Friday and Saturday, on account of important business.

CHANGE OF REFERENCE.

The Committee on War Claims was discharged from the consideration of Executive Document No. 432, being letter from the Acting Secretary of the Treasury, transmitting communications from certain officials of the Treasury relating to claims of employees for work done overtime during the war with Spain, and the same was referred to the Committee on Appropriations.

CONTESTED-ELECTION CASE—PEARSON AGAINST CRAWFORD.

Mr. MIERS of Indiana. Mr. Speaker, in accordance with the resolution that was adopted at the time of filing the majority report in the matter of the contested-election case of Pearson against Crawford, giving the minority of the committee ten days within which to file their views, I desire to file the views of the minority, and ask that they be printed.

The SPEAKER. The gentleman from Indiana submits the following privileged report, pursuant to order of the House, which the Clerk will read.

The Clerk read as follows:

Case of Pearson against Crawford.

The SPEAKER. The views of the minority will be ordered printed and referred to the House Calendar.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Paymaster-General and draft of a bill relating to relief of Paymaster F. S. Dodge—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation relating to the estates of American citizens dying abroad—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHELDEN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7740) to amend section 8 of the act of Congress entitled "An act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 337); which said bill and report were referred to the House Calendar.

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 2931) to provide for submitting to the Court of Claims for determination the rights of the Delaware Indians in the Cherokee Nation, the Mississippi Choctaws in the Choctaw Nation, the Chickasaw freedmen in the Chickasaw Nation, and intermarried persons in the Choctaw, Chickasaw, and Cherokee nations, and for other purposes, reported the same with amendment, accompanied by a report (No. 340); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred House bills 5024 and 905, reported in lieu thereof a bill (H. R. 8590) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservations for settlement, accompanied by a report (No. 342); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOLLIVER, from the Committee on Ways and Means, to which was referred House bill 4727, reported in lieu thereof a bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors, accompanied by a report (No. 343); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7322) granting an increase of pension to Frederick E. Vance, of Clay Center, Kans., late of Company A, First Minnesota Cavalry, reported the same with amendment, accompanied by a report (No. 341); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WATERS: A bill (H. R. 8585) to amend chapter 313 of the United States Statutes at Large, entitled "An act to prevent forest fires on the public domain"—to the Committee on the Public Lands.

By Mr. GILBERT: A bill (H. R. 8586) for the erection of a public building at Lawrenceburg, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. LATIMER (by request): A bill (H. R. 8587) to abolish the office of register of wills, and for other purposes—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine: A bill (H. R. 8588) for the extension of Eighth street NE. (West Railroad avenue, Brookland, D. C.)—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 8589) giving the Secretary of the Interior discretionary power to extend the time for making final proof in desert-land entries—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas, from the Committee on Indian Affairs: A bill (H. R. 8590) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement—to the Union Calendar.

By Mr. DOLLIVER, from the Committee on Ways and Means: A bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors—to the Union Calendar.

By Mr. DE VRIES: A joint resolution (H. J. Res. 175) providing for the authorization of the Secretary of War to purchase lands necessary for and to proceed with the works recommended by the California Débris Commission—to the Committee on Rivers and Harbors.

By Mr. KLUTTZ: A joint resolution (H. J. Res. 176) to amend the Constitution of the United States relating to direct taxes—to the Committee on the Judiciary.

By Mr. JONES of Washington: A concurrent resolution (H. C. Res. 18) providing for a preliminary survey for a canal from Puget Sound to Grays Harbor—to the Committee on Rivers and Harbors.

By Mr. WHEELER of Kentucky: A resolution (H. Res. 149) calling on the Secretary of State for certain information—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: A resolution (H. Res. 150) relating to accounts in the War Department—to the Committee on Rules.

Also, a resolution (H. Res. 151) relating to accounts in the Treasury Department—to the Committee on Rules.

By Mr. LESTER: A resolution (H. Res. 153) for examination of Savannah Harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 8591) for the relief of the estate of Raphael Segura, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

By Mr. BERRY: A bill (H. R. 8592) granting a pension to Elizabeth J. Fields—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 8593) for the relief of the heirs of C. C. Spaulding, deceased—to the Committee on War Claims.

By Mr. BULL: A bill (H. R. 8594) granting a pension to Matilda Rapp—to the Committee on Invalid Pensions.

By Mr. BROSIUS: A bill (H. R. 8595) for the relief of the legal owners of the Columbia Bridge, at Columbia, Pa.—to the Committee on War Claims.

By Mr. BELLAMY: A bill (H. R. 8596) to appropriate $10,000 to inclose and beautify the grounds and repair the monument on the Moores Creek battlefield, North Carolina—to the Committee on the Library.

By Mr. CARMACK: A bill (H. R. 8597) for the relief of Patrick G. Meath—to the Committee on Claims.

By Mr. CATCHINGS: A bill (H. R. 8598) for the relief of Eugenia M. Allen, née Rossman—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 8599) granting a pension to Ellen J. Williams—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 8600) granting a pension to Edward S. Dickinson—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 8601) for the relief of the trustees of the Methodist Protestant Church of Middleway, Jefferson County, W. Va.—to the Committee on War Claims.

By Mr. ELLIOTT (by request): A bill (H. R. 8602) for the relief of Theophilus Fisk Mills—to the Committee on the Library.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 8603) authorizing the Secretary of War to place upon the retired list of the Army Sergt. Patrick S. Cleary—to the Committee on Military Affairs.

By Mr. FLEMING: A bill (H. R. 8604) for the relief of Eli Frasuer, of Wilkinson County, Ga.—to the Committee on War Claims.

By Mr. HEDGE: A bill (H. R. 8605) granting a pension to Joseph Champlin Stone—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 8606) for the relief of the estate of Jesse Mabry, deceased, late of Rankin County, Miss.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 8607) granting an increase of pension to Chancy J. Poore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8608) for the relief of David A. Cornell—to the Committee on Military Affairs.

Also, a bill (H. R. 8609) granting bounty to William H. Southwell—to the Committee on Claims.

By Mr. JONES of Washington: A bill (H. R. 8610) granting a pension of $50 per month to Abner S. Crawford—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 8611) for the relief of Joseph S. Gillon—to the Committee on War Claims.

By Mr. LESTER: A bill (H. R. 8612) for the relief of Mary A. Bell, of Emanuel County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 8613) for the relief of the Chatham Artillery—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 8614) to muster Franklin V. Ayres—to the Committee on Military Affairs.

Also, a bill (H. R. 8615) granting a pension to Ettie E. House—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 8616) to place on the pension roll the name of Mrs. L. L. Johnson—to the Committee on Pensions.

By Mr. SHOWALTER: A bill (H. R. 8617) granting a pension to James W. Wick—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 8618) granting a pension to Clarence E. Haney—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8619) granting a pension to James B. Mahan—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 8621) granting an increase of pension to Beckwith A. McNemar—to the Committee on Invalid Pensions.

By Mr. PEREA (by request): A bill (H. R. 8622) for the payment to Bart. A. Nymeyer of the balance due him for surveying public lands—to the Committee on Claims.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 8623) granting a pension to Florence Tate—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8624) for the relief of Frank Gammon—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Letter of the secretary of the New York Board of Trade and Transportation, in relation to the consular service—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Petition of George D. Case and other druggists, of Milledgeville, Ga., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, resolution of the National Building Trades Council of America, against the passage of the bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: Resolution of the National Live Stock Association, held at Fort Worth, Tex., in favor of the passage of House bill No. 3988, to reorganize the Weather Bureau—to the Committee on Agriculture.

Also, Boulder Branch, No. 642, Letter Carriers' National Association, favoring the passage of House bill No. 4911, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BELLAMY: Petition of J. B. Mercer, D. L. Gove, and

other citizens of Brunswick and New Hanover counties, N. C., including the Chamber of Commerce and Produce Exchange of Wilmington, N. C., for an appropriation for the improvement of Lockwoods Folly River, North Carolina, to accompany joint resolution No. 12—to the Committee on Rivers and Harbors.

By Mr. BOWERSOCK: Petition of R. P. Kelley, of Eureka, Kans., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Remonstrance of John P. Tenold and other citizens of Flandreau, S. Dak., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CATCHINGS: Papers to accompany House bill relating to the claim of Eugenia M. Allen—to the Committee on War Claims.

By Mr. CUMMINGS: Papers to accompany House bill No. 8316, granting a pension to Harry E. Fillmore—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Resolution of McPherson Post, No. 33, Department of Iowa, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DOVENER: Papers to accompany House bill No. 1782, for the relief of D. B. Clark—to the Committee on Invalid Pensions.

Also, affidavits of Dr. J. W. Ramsey and others, to accompany House bill to increase the pension of Beckwith A. McNemar—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of Racine (Wis.) Trades and Labor Council, protesting against the passage of House bill No. 5067, concerning the boarding of vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. GAMBLE: Petition of John P. Tenold and other citizens of Flandreau, S. Dak., protesting against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Paper to accompany House bill relating to the claim of Joseph S. Gillow—to the Committee on War Claims.

By Mr. LACEY: Resolution of General Hancock Post, No. 22, Department of Iowa, Grand Army of the Republic, urging the passage of House bill No. 2583, giving veterans preference in employment—to the Committee on Reform in the Civil Service.

By Mr. LATIMER: Resolution of the Young Men's Business League of Charleston, S. C., in favor of an amendment to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. MEEKISON: Papers to accompany House bill No. 7704, granting a pension to Maggie M. Myers—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolution of the Farmers' Institute of Nebraska, protesting against any change in the present tariff law with regard to products of Puerto Rico and other tropical islands—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Paper to accompany House bill No. 4673, for the relief of Josiah Standley—to the Committee on Invalid Pensions.

Also, paper to accompany House bill No. 7170, granting a pension to Samuel Setzer—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Papers to accompany House bill No. 4827, granting a pension to Emily M. Gillespie—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: Papers to accompany House bill No. 7794, in the matter of granting a pension to John Conter, of Tiffin, Ohio—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of the United Brotherhood of Carpenters and Joiners of Elwood, Ind., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

By Mr. SHOWALTER: Papers to accompany House bill No. 5938, granting a pension to James W. Wick—to the Committee on Invalid Pensions.

By Mr. SPALDING: Petition of the Congregational Church of Oriska, N. Dak., for the passage of a bill limiting absolute divorce in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Hans L. Ugland and 184 other citizens of the State of North Dakota, in favor of the Pettigrew amendment to the homestead law—to the Committee on the Public Lands.

By Mr. SPERRY: Resolutions of the State prison directors of Connecticut, against the bills restricting or forbidding the interstate transportation of prison-made products—to the Committee on Labor.

By Mr. TERRY: Papers to accompany House bill granting a pension to James B. Mahan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Clarence E. Haney—to the Committee on Invalid Pensions.

By Mr. UNDERHILL: Petition of Louis F. Haffen and other citizens of New York, to authorize the Secretary of War to contract with Charles Stoughton for the construction of the Harlem Kills Canal, etc.—to the Committee on Rivers and Harbors.

By Mr. YOUNG of Pennsylvania: Petition of the Link-Belt Engineering Company, of Philadelphia, Pa., in favor of Senate bill No. 1159, for improved facilities in the Patent Office—to the Committee on Patents.

Also, petition of Schandein & Lind, Philadelphia, Pa., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, petition of John Rhoads Company, in relation to the revenue tax on warehouse receipts—to the Committee on Ways and Means.

Also, petition of the Dorsey Printing Company, of Dallas, Tex., for the improvement of Trinity River from the Gulf of Mexico to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, resolution of the Firemen's Association of the State of Pennsylvania, opposing the passage of Senate bill No. 1743, establishing a division for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *February 16, 1900.*

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

PUBLIC RECEIPTS AND EXPENDITURES IN CUBA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th ultimo, a statement showing the receipts from customs, postal service, internal revenue, and miscellaneous sources from the date of the occupation of Cuba by the military forces of the Government; January 1, 1899, to December 31, 1899, etc.; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. NELSON. I hope that motion will not be adopted. We have so many important matters that we ought to be in session to-morrow.

The PRESIDENT pro tempore. It is not open to debate. The question is on the motion of the Senator from Maine.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 5288) relating to lights on steam pilot vessels; and

A bill (H. R. 7739) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899.

THE PHILIPPINE ISLANDS.

Mr. LODGE. Mr. President, I desire to give notice that on Wednesday next, immediately after the routine morning business, I shall ask the leave of the Senate to submit some remarks upon the various bills and resolutions relating to the Philippine Islands.

PETITIONS AND MEMORIALS.

Mr. FOSTER presented a petition of the Sunday school of the First Christian Church, of Olympia, Wash., praying for the enactment of legislation to prohibit the manufacture and sale of alcoholic liquor in the Hawaiian Islands; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented the petition of Mrs. Homer Hill, president, and Miss M. E. Pike, secretary, on behalf of the Woman Suffrage Association of Washington, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex, and remonstrating against the insertion of the word "male" in the

suffrage clause of the constitution to be framed for the government of Cuba, Puerto Rico, Hawaii, and the Philippines; which was referred to the Select Committee on Woman Suffrage.

Mr. QUARLES presented the petition of Henry Halverson and 40 other citizens of Dodgeville, Wis., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. THURSTON presented a petition of sundry citizens of Nebraska, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. McBRIDE. I present a petition of the Chamber of Commerce of Seattle, Oreg., praying for the enactment of legislation to grant pensions to veterans of certain Indian wars. I ask that the petition be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the petition was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

To the honorable the Congress of the United States:

The Chamber of Commerce of the city of Seattle respectfully presents to Congress the propriety of giving pensions to the men engaged in the early Indian wars of the nation. These men were pioneers of the country. They blazed the way for those who came later. They cleared the first land; they built the first houses, opened the first schools, inaugurated the first business ventures, and were first to make the country habitable for men and valuable for the Government. Here, in what was then Oregon, when the United States all but spurned and rejected them, they formed a little Republic of their own, made their own laws, their own money, their own postal affairs, and, in determined opposition to a great and aggressive foreign power, held the country for the American nation and people. It was a wonderful thing for such a handful of people to do. The worth of what they did was beyond calculation or estimation. The lesson of patriotism they taught was priceless, indeed.

The nation can not be too grateful nor say nor do too much in return. These people had the experience of all American pioneers. The Indian race and the white race clashed. There was war between them. In that war, or those wars, the settlements of the white men were destroyed. Their houses were burned, their domestic animals driven off and slaughtered, their own lives taken whenever and wherever possible in the merciless effort to exterminate them. The men rose in a body, and fought the savages bravely and determinedly. As elsewhere from the Atlantic to the Pacific, the fittest survived, and, as the result of the exertions of these pioneers, the country is now one of the best portions of our fair land without division or question. No men did more for their country than these first men of Oregon and Washington. That their efforts should so long have gone unrewarded—nay, been received ungratefully—is beyond comprehension and far from creditable to the Government and the people who were the real beneficiaries.

Most of them were financially ruined in the wars, and few of them ever received compensation for their losses. Even for the property taken by the Government they were generally inadequately paid, while for their services in the field they got less than half what was paid Californians similarly engaged about the same time. They fought for their country as truly as the men who fought in the civil war and in the war with Spain. The few who survive are now old men and women, from 60 to 90 years of age, most of them needy, some of them living upon the charity of the public, and all deserving of the best the nation has to give to its most honorable sons and daughters.

The Seattle chamber prays for the passage of Senate bill No. 340, to grant pensions to the survivors of the Indian wars from 1817 to 1856.

The memorial foregoing was presented to the chamber of commerce at its regular meeting February 7, 1900, and adopted by vote of all members present.

[SEAL.] THOS. W. PROSCH, *Secretary.*

Mr. FRYE presented a petition of the National Live Stock Exchange, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the National Live Stock Exchange, remonstrating against the passage of the so-called oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Christian Endeavor Society of Batavia, N. Y., praying for the enactment of legislation to prohibit the sale of beer and intoxicating liquors in buildings and grounds owned by the Government, and also to suppress gambling in the District of Columbia and the Territories; which was referred to the Committee on Education and Labor.

HENRY W. LEE.

Mr. THURSTON. I have here certain papers transmitted by the Secretary of the Interior to the Indian Affairs Committee, pertaining to the case of Henry W. Lee, together with a letter from the Secretary of the Interior, in which he states that they are additional papers submitted in answer to a resolution of the Senate of January 9. A portion of the papers were transmitted and ordered printed, and were printed, and I present these papers and move that they also may be printed to accompany those formerly printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the joint resolution (S. R. 66) authorizing and directing the Secretary of the Treasury to pay certain claims of the State of Indiana, reported it without amendment, and submitted a report thereon.

Mr. HOAR. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 3131) to amend section 4438 of the Revised Statutes of the United States, relating to the officers of steam vessels, to ask that that committee be discharged from its further consideration, and that it be referred to the Committee on Commerce. The bill came from the Attorney-General's Office, where I suppose it was drawn; at any rate, it came to us from there, and was referred to the Committee on the Judiciary inadvertently.

The PRESIDENT pro tempore. In the absence of objection, the Committee on the Judiciary will be discharged from the further consideration of the bill, and it will be referred to the Committee on Commerce.

Mr. SHOUP (for Mr. BAKER), from the Committee on Pensions, to whom was referred the bill (S. 2961) granting an increase of pension to Michael Lochard, reported it without amendment, and submitted a report thereon.

He also (for Mr. BAKER), from the same committee, to whom was referred the bill (S. 2962) granting an increase of pension to William Blades, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. KENNEY introduced a bill (S. 3200) granting a pension to John P. Hinsley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3201) to correct the military record of James S. Coyle; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3202) to correct the military record of John Green; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of New York introduced a bill (S. 3203) for the relief of the widow of Chaplain John R. Mathews, deceased, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 3204) for the relief of L. A. Davis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads

Mr. McMILLAN introduced a bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 3206) granting an increase of pension to Moses King, jr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 3207) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. THURSTON. In connection with the bill I present a letter from the Secretary of the Interior transmitting it to the Indian Affairs Committee, which I ask may be printed with the bill.

The PRESIDENT pro tempore. The letter will be printed and referred to the Committee on Indian Affairs.

Mr. QUARLES introduced a bill (S. 3208) for the erection of a public building at Green Bay, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PENROSE introduced a bill (S. 3209) providing for the execution of new bonds and release of sureties; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3210) authorizing the appointment and retirement of David McMurtrie Gregg as a captain in the United States Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 3211) to authorize the construction of an addition to the public building at Hartford, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CARTER introduced a bill (S. 3212) to grant certain lands to the city of Miles City; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 3213) granting an increase of pension to Charles W. Jerome; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3214) for the relief of the Central College; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. FORAKER submitted an amendment proposing to increase the salaries of the Second and Third Assistant Secretaries of State from $4,000 to $4,500, intended to be proposed by him to the leg-

islative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. THURSTON presented an amendment intended to be proposed by him to the bill (S. 1639) making appropriation to pay the judgment of the Court of Claims in favor of the New York Indians, and providing for distribution of same; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SEIZURES OF COTTON.

Mr. JONES of Arkansas. I ask that Senate Executive Document No. 23, Forty-third Congress, second session, being a report of the Acting Secretary of the Treasury in answer to a Senate resolution of December 18, 1873, in relation to the number of bales of cotton seized under orders from that Department after the close of the civil war, be reprinted. I will state that this document is frequently asked for, and I understand the copy I have in my hand is the only one in the Capitol. There should be a reprint of it.

The PRESIDENT pro tempore. The Senator from Arkansas asks for a reprint of the document named by him. Without objection, the order to reprint will be made.

CENTENNIAL CELEBRATION IN CITY OF WASHINGTON.

On motion of Mr. HALE, and by unanimous consent, it was

Ordered, That the vacancy on the part of the Senate upon the Joint Committee on the Centennial of the Establishment of the Seat of Government in Washington be filled by the President pro tempore; and

The PRESIDENT pro tempore appointed Mr. MCMILLAN.

THE JOURNAL.

Mr. HOAR. I ask leave to introduce a resolution for reference to the Committee on Rules. Perhaps I may be allowed to read it instead of having it read at the desk. It is merely a resolution for reference.

If I may be permitted to make one statement, the Senate has formed a habit for its own convenience of dispensing altogether with the reading the Journal. Heretofore, that has only been done under great pressure of business near the close of a session. Now, at nearly every session sometimes important errors or omissions are discovered in the Journal at its morning reading and corrected by the Senate, but there is no opportunity for that if this practice continues. It seems to me either that it would be the duty of some Senator to object always to these requests or to have some understanding that where the Journal is not read there shall be a subsequent opportunity to call attention to any error in it. I desire to move this resolution:

Resolved, That when on any day the reading of the Journal or of any part thereof shall be dispensed with, it shall be in order for any Senator, when the Journal shall be read on any subsequent day, to call attention to any error therein, and to propose any correction thereto.

The PRESIDENT pro tempore. As the resolution has been read by the Senator, it will be referred without further reading to the Committee on Rules.

ASSISTANT CLERK TO COMMITTEE.

Mr. MCBRIDE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Coast Defenses be, and it hereby is, authorized to employ an assistant clerk to be paid from the "miscellaneous items" of the contingent fund of the Senate, at the rate of $1,440 per annum.

SOUTH CAROLINA STATE CLAIMS.

Mr. TILLMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to reexamine the account between the United States and the State of South Carolina, growing out of the claim for moneys expended by said State for military purposes in the Florida war of 1836 and 1837, and to report to the Senate of the United States, as follows:

First. What amount was paid said State by the United States on said claim, stating date of payments and under what acts of Congress said payments were made.

Second. What amount of interest would have been due said State on the amounts paid June 8, 1854, and September 30, 1855, by the United States at dates of payment, and what amount of interest would be due on said amounts June 30, 1901.

HOUSE BILL REFERRED.

The bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River was read twice by its title, and referred to the Committee on Commerce.

RESOLUTIONS PASSED OVER.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution, coming over by agreement from a former day.

The SECRETARY. A resolution, by Mr. ALLEN, providing for a special committee to make thorough and complete investigation of all dealings and transactions between the Secretary of the Treasury or the Treasury Department and the National City Bank and the Hanover National Bank, of New York, etc.

Mr. SPOONER. That resolution, of course, will be debated, and the Senator who introduced it is not present this morning. I do not think it should be taken up in his absence, and I suggest that it go over without prejudice.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered. The Chair also lays before the Senate the following resolution, which will be stated.

The SECRETARY. A resolution, by Mr. PETTIGREW, expressing sympathy for the South African Republic and our best hopes for the full success of their determined contest for liberty.

Mr. LODGE. The Senator from South Dakota is not here. I ask that that resolution take the same order as the other, that it go over without prejudice.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Chair also lays before the Senate the following resolution, which will be stated.

The SECRETARY. A resolution, by Mr. ALLEN, extending the sympathy of the United States to the people of the South African Republic in their heroic struggle for liberty and popular government.

Mr. LODGE. I make the same request, for the same reason, in regard to that resolution.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LIEUT. HORACE P. M'INTOSH.

Mr. MCENERY. Mr. President——

Mr. FAIRBANKS. If the Senator from Louisiana will permit me, I should like to ask unanimous consent for the consideration of the bill (S. 854) for the relief of Lieut. Horace P. McIntosh. It is a brief bill which passed at the last session of Congress.

Mr. MCENERY. Very well; I yield to the Senator from Indiana for that purpose.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the consideration of the bill indicated by him. It will be read to the Senate for its information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place Lieut. Horace P. McIntosh, of the United States Navy, on the retired list of the Navy, at a salary equal to 75 per cent of the sea pay of his grade at the time of his retirement, to take effect January 1, 1899.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARTERMASTERS' SUPPLIES FOR THE ARMY, ETC.

Mr. SEWELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from New Jersey?

Mr. MCENERY. Yes, sir.

Mr. SEWELL. Yesterday I reported from the Committee on Military Affairs a bill from the War Department which the Senator from Maine [Mr. HALE] wished to investigate. He has now satisfied himself that it is perfectly correct, and I ask that the bill be put upon its passage.

The PRESIDENT pro tempore. The Senator from New Jersey asks for the present consideration of the bill (H. R. 6267) to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes." The bill was read yesterday and objected to by the Senator from Maine. The Senator from New Jersey informs the Chair that the Senator from Maine withdraws the objection he made to the consideration of the bill yesterday.

Mr. HALE. Yes, Mr. President, I have examined the bill, and I find that it is only a continuation of the suspensions of last year.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT FOR LOST COUPONS.

Mr. PLATT of Connecticut. Will the Senator from Louisiana yield to me for a moment?

Mr. MCENERY. Certainly.

Mr. PLATT of Connecticut. I ask leave to call up the bill (S. 392) to pay the General Marine Insurance Company of Dresden the sum of $1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886. It is a bill that will excite no debate whatever.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

Mr. PLATT of Connecticut. There is a single amendment to it.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. I should like to ask one question. Is that an American company or a foreign company?

Mr. PLATT of Connecticut. A foreign company.

Mr. COCKRELL. Then ought not the securities to be residents of the United States?

Mr. PLATT of Connecticut. They are subject to the approval of the Secretary of the Treasury, and there is an amendment which makes the security twice the face value of the coupons.

The PRESIDENT pro tempore. The amendment will be stated.

The amendment of the Committee on Finance was, on page 3, line 3, after the word "indemnity," to insert "in double the amount of the face value of such coupons;" so as to make the proviso read:

Provided, That before the redemption of said coupons the said General Marine Insurance Company of Dresden shall execute, or cause to be executed and deposit with the Secretary of the Treasury a bond of indemnity, in double the amount of the face value of such coupons, with good and sufficient security, subject to the approval of said Secretary, to secure the United States against loss or damage in consequence of the redemption of said coupons.

The amendment was agreed to.

Mr. COCKRELL. It seems to me the securities ought to be residents of the United States.

Mr. PLATT of Connecticut. The Secretary of course would insist on that.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POLICY REGARDING THE PHILIPPINE ISLANDS.

Mr. McENERY. I now ask that the joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays the joint resolution before the Senate. It will be read.

The joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands, introduced by Mr. BACON December 18, 1899, was read, as follows:

Resolved, etc., That the Government and people of the United States have not waged the recent war with Spain for conquest and for the acquisition of foreign territory, but solely for the purposes set forth in the resolution of Congress making the declaration of war, the acquisition of such small tracts of land or harbors as may be necessary for governmental purposes being not deemed inconsistent with the same.

SEC. 2. That in demanding and in receiving the cession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain permanent dominion over the same as a part of the territory of the United States, or to permanently incorporate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government; and the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands.

SEC. 3. That the United States having accepted the cession of the Philippine Islands from Spain, and having by force of arms overthrown all organized authority and opposition to the authority of the United States therein, the duty and obligation rest upon the United States to restore peace and maintain order throughout the same; to protect in said islands the enjoyment of life and property and the pursuit of lawful avocations; and to continue such protection until the power and duty to maintain said protection shall have been transferred and intrusted by the United States to a government of the people of said islands deemed capable and worthy to exercise said power and discharge said duty.

SEC. 4. That when armed resistance to the authority of the United States shall have ceased within said islands, and peace and order shall have been restored therein, it is the purpose and intention of the United States, so soon thereafter as the same can be practically and safely accomplished, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be thereafter independently exercised and controlled by themselves, it being the design of the United States to accord to the people of said islands the same measure of liberty and independence which have been pledged by the Congress of the United States to the people of Cuba.

SEC. 5. That when a stable government shall, by the method aforesaid, have been duly formed and erected in said islands, competent and worthy, in the judgment of the United States, to exercise the powers of an independent government and to preserve peace and maintain order within its jurisdiction, it is the purpose and intention of the United States, reserving to themselves only such harbors and tracts of land as may be needed for coaling stations or other governmental purposes, to transfer to said government, upon terms which shall be reasonable and just, all rights and territory secured in said islands under the treaty with Spain, and to thereupon leave the dominion and control of the islands to their people.

SEC. 6. That when said government has been thus formed and set up in the Philippine Islands and approved by the United States, it is the design and intention of the United States, through such means and measures as may be deemed most efficient and appropriate, to secure the guaranty of the continued independence of the same.

Mr. McENERY. Mr. President, I do not propose to detain the Senate with a lengthy discourse on the Philippine problem. It is a difficult one which time alone can solve. Everything in those islands is chaotic. We know but little about the geography of the country, its inhabitants, their social, political, and moral conditions, and we are not prepared to say whether they are in all respects equal to the inhabitants of the republics south of us when they declared independence. All of these people who have tried self-government have no conception of liberty regulated by law, but their appreciation of it is in disorder and revolution.

The Spaniards, when they quit the Philippines, knew as little about them as we know. Our military commanders can give no idea of their social and political condition in peace, as they have been confronted with a state of war since our precarious possession of the islands. Order is established and a government organized one day, to be succeeded the next by anarchy and revolution. Men there accept offices and make a solemn declaration of patriotism and allegiance to the Government, to be broken at the first opportunity which they think is favorable for a defiance of the authority of our Government.

We know just about what is contained in some newspaper almanac; that the Philippine group numbers some 2,000 islands; that the land area is about 140,000 square miles; that the island of Luzon is about the size of the State of New York; that Mindanao is nearly as large; that the population is from 7,600,000 to 10,000,000, and that racially the population is Malay; that of this population probably 2,000,000 are civilized, or, it would be more accurate to say, semicivilized, and the rest of the population is as ignorant and savage as the aboriginal Indian. Very little is known of the resources of the archipelago. They produce cotton, hemp, rice, sugar, tobacco, and fruits, all of which will, if the islands are annexed, come here and destroy our industries in these agricultural products. Of cotton, although not now produced, it is said enough was at one time raised for domestic consumption. The islands, so it is said, are as well adapted to cotton culture as are the fields of Georgia and Mississippi. If annexed and tariff broken down, it will be brought here because of the cheaper production, and cotton mills will be established there and cotton raised and manufactured near the demand for the manufactured articles, thus interfering with the establishment of cotton mills in the South and damaging those in the New England and Middle States.

The all-absorbing question is, What are we to do with these islands, and what policy shall the United States pursue toward them? I think it unfortunate that the results of the war with Spain have thrown them upon our hands. I do not believe that they were ripe fruit and through providential aid were dropped into our lap. They are to us Dead Sea fruit. It would have been well if Admiral Dewey had been ordered to leave Manila after his victory and Spain and the Filipinos left to fight it out. All the papers in the country, all the people of the United States, were silent as to Dewey's future course and the policy of the Administration after the announcement of the great achievement of Admiral Dewey. His departure immediately after the destruction of the Spanish fleet would have been declared an abandonment of the fruits of his victory. All remember with what enthusiasm the people received the announcement of every utterance of the great Admiral when he remained there guarding the approaches to Manila and warning away all whom he considered intermeddlers. It was said he was as great in diplomacy as in battle. On February 4, 1899, Aguinaldo attacked the American defenses at Manila. From that time until now there has been war with the Filipinos. If they had, as asserted, a government, it has been swept out of existence. Their army as an organized force has been destroyed and a guerrilla war inaugurated by the remnants.

It may be that Aguinaldo is great—the Washington of the Orient—but he is now a fugitive, with no hope of ever organizing a government unless this Government takes hold of him and puts him in power. It is not likely to do this. Events have followed rapidly since the declaration of war. They have not shaped themselves as we wished. Results have followed that no one foresaw, and we are now confronted with conditions which we did not make, but which have come to us as all events in history come. Social and political forces move silently and as powerfully as the glacier. The crash may come, the valleys may be destroyed, but who could detect the silent disturbance of the equilibrium that carried death and destruction? So it is with the moving forces in history. We are unconscious at the time of some small but momentous fact, something that escaped the attention of the masses, but years after they become apparent to the historian. Who thought that the war with Spain would have brought such results? Who believed that when Dewey sailed with orders to destroy the Spanish fleet that from a single victory the world's history and geography would be changed, an empire dismembered, and a new one erected in its place; that the traditions of a liberty, home-government, loving people would be disregarded, the policy of a great Republic changed, with tendencies to erect it into an imposing empire? Who is now responsible? On whose conscience rests the war with Spain? for from that has resulted

the consequences which some of us now deplore, although we actually aided in bringing them about.

If the Filipinos were our allies and in haste and without cause inaugurated a war that is disastrous to their hopes of independence in the near future, who has helped to destroy the high hopes which these people once cherished? The Congress of the United States, irrespective of party, with unanimity declared war against Spain; with unanimity and with enthusiasm it voted supplies, raised money, and built ships, and with the same unanimity has voted supplies, ships, and money and men for the subjection of the Filipinos to the authority of the United States. Why, then, when we have voted all these requisites of war, should we interfere and prevent their effective use? Why embarrass an Administration that is endeavoring to carry out the will of Congress?

In my opinion, under existing circumstances, it is the duty of the Government to assert its authority over those islands. I do not know of any one in this Congress who asserts that we ought at this time to withdraw our troops from the Philippines. There is, I think, a disposition to vote all the supplies, men, money, and ships that are needed to establish the authority of the United States over the Philippines. I believe this to be the universal sentiment of the people of the United States.

I am opposed, Mr. President, to expansion. I am opposed to this Government annexing territory beyond its natural boundaries. I reiterate everything I said in my speech during the session of the Fifty-fifth Congress in opposition to receiving into our domain the Republic of Hawaii. Nature has set boundaries for nations. They are marked by oceans, rivers, and mountains. It has given them voice and language to mark also the distinctive places of their dwelling. They are homes set apart for them by the Almighty, and no nation has a right to trespass upon them. There is a relation between the land and the people in the character of their intelligence, their physical organization, and their faith. I do not think we have the right to dispossess the Filipinos of the home given to them by the Giver of all things. I do not think we ought to disturb their faith, destroy their intelligence, or alter their physical conditions. We are not, and no other nation is, the evangelist of the gospel of truth and justice. God made the world and the people in it according to His liking, and He has not commanded this nation to disturb His plans and purposes.

The moment the white man came in contact with this inferior race the assertion of his supremacy began, and it is only a question of time when he will exterminate and destroy the inferior. He has accomplished this in Hawaii. Three hundred thousand natives of those islands have dwindled to 40,000 of poor, diseased, helpless humanity. It will take a longer time to destroy eight or ten million of people, but time will efface them when in contact with the Anglo-Saxon race, and as it goes on disease and corruption will increase. The white man may get rich, his government from his accumulations may for a time be prosperous, as Spain was at the zenith of her colonial power, but the evils of foreign conquest, of crime and corruption, of debauchery and mismanagement, will sap the foundations of government, and the home people and government will, if not so corrupt and debauched, give way to indolence and indifference to the high and ennobling teachings of liberty and become a prey to the ambitious and the unscrupulous. Long possession of the Philippines, with an alien government over them, the inhabitants subjected to the arbitrary sway of a military dictator, preyed upon and defrauded by men who go there for that purpose and who make law the instrumentality for oppression, will not only affect those unhappy people, but in the course of time will become the rule of conduct of our own people.

The warning of this condition of affairs in those distant islands comes to us from the repeated assertion that their continuous possession by the United States is necessary for the enrichment of our people in the extension of trade. While adventurers there will thrive, prosper, and get rich, our home people will be the sufferers. They will export to the United States hemp, tobacco, rice, and cotton, and we will send nothing there that will profit us. They will raise everything and manufacture everything they eat and drink and wear. You may send to them reapers, plows, machinery, cotton gins, and sugar mills, but you will be furnishing them with the means of increased production of agricultural products which we produce here, and, with machinery and cheap labor, they will drive from the markets our farm products and manufactured articles. There are new phases to be introduced into our economic conditions by the annexation of foreign territory.

Free trade is to take the place of protection. Foreign possessions which will have unlimited agricultural products for export will destroy to a great extent the farming interests of the country. Fruits, tobacco, vegetables, sugar, and rice will be produced by the new territories and exported in quantities, and deprive the farmer of his share of the benefits under the tariff law.

Reciprocity treaties have already been negotiated which will injure the farmer and will favor some manufacturer. Reduced tariff with Puerto Rico against the interest of the farmer and for the protection of the manufacturer will extend to Cuba, to the Philippines, to all the possessions we may hereafter acquire in the Pacific and in China. I contend that the protection we offer the farmer under the system of protection will yield greater wealth than all the advantages that can be gained by free trade with the Tropics.

The cry of humanity will be raised in behalf of Cuba and the Philippines, as it has been done in the interest of Puerto Rico. Why go abroad to relieve distress while in doing so we bring it to our own doors? Our farmers would soon be calling for relief; vacant farms, idle hands, distressed sons and daughters will appeal for help in louder tones than come from across the sea.

Labor is unsettled, restless, and dissatisfied and threatening. The cities of the Union are crowded with the idle from no fault of their own. There is cold and hunger, disease and death, from want of work. It is in the power of the Government to give it. The sums which are expended for the military, for ships, for transportation, reach into the millions each year. This sum wisely expended would reclaim the arid lands of the country to an extent ten times the area of the Philippines, affording homes and employment for more than 42,000,000 people. The reclamation of the lands in the Mississippi Valley alone would bring greater wealth than all our foreign possessions. Fifty millions would accomplish this; but it is impossible to get an appropriation more than will suffice for temporary expedients, while we are going into foreign lands to reclaim them, to educate the people, to build for them schools and hospitals—in fact, everything that a maudlin sentiment of humanity can suggest, costing fifty times more, when we get through with it, than would give this country a prosperity and grandeur and a power the world never witnessed. With the small appropriations for our welfare we were rapidly becoming the greatest among nations. On land we are the strongest among nations. We are dividing our strength and transferring a part of it to the sea, neglecting home interests and home security. I do not object to the building of a great navy suitable to our needs, the protection of cities and coasts and commerce, but I think it unwise to go 7,000 miles away from home and float an immense navy to protect a country that will not give us in return the cost of the ships that anchor in its harbors.

The permanent annexation of the Philippines or any other territory beyond our natural boundaries is fraught with danger to this Republic. It will involve us in all the disputes and contentions of foreign governments. We can not be neutral. This danger has been emphasized in this Chamber more ably than I can describe it. On a former occasion, on July 24, 1896, I said on the joint resolution annexing the Hawaiian Islands:

> It was stated by the premier of England, speaking in the selfish interests of Great Britain, that an alliance with the United States would become a necessity on the part of Great Britain because of her complications with other European nations. That met with a response in this country, and the appeal of the premier was taken up from one end of the land to the other. The only sound which broke the acclaim was that which came from Irish voices denouncing any alliance with England as infamy. But it is bound to come if we get into any foreign complications, which we necessarily shall do if we acquire foreign territory. It will be unavoidable. France, Germany, Austria, all have their community of interest. Political interest will drive Russia into it. Her interests will be adverse to ours. Conflict may come, and we shall be antagonized by those great Empires, and our only hope and our only refuge will be in seeking an alliance with our kinspeople across the sea.
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> What then becomes of the bimetallic policy? What becomes of the cry of 16 to 1? It will be heard only in that dark abyss, in that gloom which will overhang this country, as a dirge, a moan, a weeping, for the loss of the liberties of the people and for the destroyed prosperity of the nation.

Events have come thick and fast since that time. There was no declaration then that we would add more territory to this country. It was urged that the annexation of Hawaii was necessary for military purposes, as a protection to our Pacific coast, and we thought the appetite for more domain, for further expansion, would be satisfied.

We have a great many serious questions at home to engage our attention—questions which must be solved and settled before we are sure of the permanent establishment of representative government. We passed through one great crisis, and the dismemberment of the Union was averted. That was section against section. Armies struggled not against liberty but in favor of liberty and democratic government. The contest was simply on one side to prevent the breaking up of the Union by States which adhered to democratic government. Every representative principle in the Federal Constitution was incorporated even with greater extension in the Confederate constitution.

In my opinion, greater issues are now at stake. Every day reveals some defect in our system of government which will require the ability and patriotism of statesmen to remedy. Contests for office, ending in force and violence; the reckless use of an army to sustain a contending faction; the dispersion of a legislature by military force; the dissatisfaction of the laboring

people, which more than once has broken into revolt and threatened revolution; the criminal organization of trusts controlling every product of field and factory, destroying industrial enterprise and the hopes of the young for advancement in life; the enslavement of the people by the aggregation of capital; the consolidation of great railroad enterprises, controlling legislation and the disturbance of economic conditions in trade and travel and transportation to the extent that the issue will be presented whether the state shall take charge of them and manage them in the interests of the people. Only as a last remedy will be this resort, but the issue will be forced.

All these matters demand the attention of the people of the United States, and foreign conquests will only serve to complicate the issues and make them more difficult of solution by the added strength given to great consolidated interests.

We do not yet thoroughly understand our own form of government beyond the fact that it is a representative government. Many constitutional questions remain undetermined. Matters pertaining to the operation of the Constitution are yet in their first stages of interpretation. Able constitutional lawyers in this Chamber are doubtful as to the mode and manner of filling vacancies in the Senate, one of the very essentials of the Constitution. Many are doubtful as to the extent of the powers of this Government; how far its laws and Constitution will extend to Territories acquired by the United States; the line of demarcation between State and Federal sovereignty in interstate commerce and matters affecting the welfare of the great body of the people in quarantine and sanitary regulations and laws. I might mention other questions which present themselves. Our form of government is not so firmly fixed, as it has experienced dangerous conditions, which may occur time and time again. We have passed through conditions which have repeatedly occurred, and which are not unlikely to occur again, of usurpation in office, a defiance of the public will, and the inauguration of a government directly opposed to all the teachings of democracy. We have arrived at that point in our history where corporations are exercising the functions of government and the masses of the people are helpless to protect themselves against corporate power with its share in government.

Would it not be wise statesmanship to straighten out and bring under the subjection of the people that power which now, by an almost universal belief, is oppressive; to establish our form of government on enduring principles; to have every constitutional dispute which has threatened its perpetuity definitely fixed; to adjust the differences between capital and labor; to educate and prepare for the exercise of self-government the vast number of ignorant and almost semisavage people in our midst before we rush to other lands to teach the principles of self-government, which, if we know, we do not fully practice; to undertake, through an indefinite time, the education of millions of barbarians and savages, when we have millions of the same class among us who demand all the attention we can give them?

The resolution under discussion is predicated upon the fact that the inhabitants of the Philippine Islands are not capable of self-government. The Government of the United States must of necessity, under the terms of the resolution, establish and maintain a government over these people until peace and order shall have been restored. And thereafter it is the intention of the United States, so soon as it can practically be done, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be independently exercised by them.

Section 5 of the resolution leaves it to the United States to exercise their discretion whether the government erected by the Philippine people shall be competent and worthy in the judgment of the United States to exercise the power of an independent government, etc. It is evident that the resolution contemplates an exercise of sovereignty over said islands until they are able to establish an independent government having the power to preserve order.

The resolution embodies the following ideas: That the people are now incapable of self-government, that they shall not be incorporated into the citizenship of the United States, and that the islands shall not be permanently annexed to the United States, and that the Government of the United States reserves the discretionary power to determine whether the government established eventually by the Filipino be competent and worthy to be independent.

The Democratic Senators almost solidly voted for this resolution in the Fifty-fifth Congress. As I interpret it, it embodies correct principles. Practically it is too restrictive in not allowing for future contingencies. No one can tell what the future may bring forth and what relations this Government will have to maintain toward the Philippine people. That they are unfit for self-government, as we understand republican institutions, I do not think admits of a doubt. That they can and will be fitted for self-government is a question to be yet answered. I do not think they will be unless it be in a distant age when their intellect and their racial condition shall undergo a change, not until they shall approach Saxon intellect and Saxon characteristics. There is in these islands no nationality; there are thirty different languages spoken by as many tribes who are at war with each other. There are savages and a partially christianized people. There are Mohammedans with polygamy and slaves. There are Chinese with chop sticks and joshes. There is all the sensualism, all the corruption of the East. There are conditions there which should never be incorporated into our national life.

No sentimentalism should enter into the discussion of these questions. Our love of liberty, law, and order should not drive us into relations with other people which will disturb, possibly destroy, our love of liberty, law, and order.

Reason should control in all questions affecting our interest, and no mawkish sentiment should carry us beyond our borders to meddle with the affairs of others which do not concern our material interest or affect our national honor.

During the Fifty-fifth Congress I introduced a resolution which passed the Senate. In its essential features it corresponds with the resolution offered by the senior Senator from Georgia.

In the discussion of the resolution he criticised the word "integral" because the word "integral," in his opinion, was a word of limitation, and the purpose was to commit us simply to the proposition that in holding the islands it was intended to hold them as an outside piece of property, not entitled hereafter to be admitted as one of the organized Territories of the country. If organized territory means a part of the United States, that part of his criticism is correct. I am not willing that the Philippine Islands shall, in any event, become a part of the territory of the United States—an "integral" part thereof.

The resolution adopted by the Senate during the last session is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States, but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

This resolution declared, and it was affirmed by the Senate, that there was no intention to make the Philippine Islands a part of the United States; that it was not the intention to incorporate the inhabitants of that country into the citizenship of the United States; that when armed resistance shall have ceased and peace and order shall have been restored it is the intention of the United States to establish a government suitable to the wants and conditions of the inhabitants, to prepare them for self-government, and in due time to make such disposition of them as will best promote the interests of both countries. The words "when peace shall have been restored," etc., are not in the resolution, but they are there by necessary inference, because the United States can not establish a government until those conditions shall happen. This resolution and the one introduced by the Senator are in many respects similar. Both extend the authority of the United States indefinitely. But in the resolution of the Senator from Georgia the United States, if it relinquished its sovereignty, must do so absolutely and unqualifiedly, with all the right of sovereignty of an independent people, and the United States guaranteeing the continued independence of the same.

But in the resolution adopted by the Fifty-fifth Congress the United States is authorized to dispose of them as will best promote the interests of the United States and the inhabitants of the islands. This is a check, and a salutary one. It gives the United States the power to prevent them from doing anything inimical to the interests of the United States. It gives the Government the power in its relinquishment of sovereignty to make any stipulation that will prevent injury to the commercial interests of the United States and to protect the citizens of the United States domiciled there. It is not likely that they will for more than a century have any kindly feeling for the United States. Many generations will pass away before the inhabitants of the Philippines can even be benevolently assimilated. During their unnatural connection with the United States I believe they should be kept away from us. These inhabitants should not be permitted to come here to disturb our labor and make it more restless because of the degradation that would be heaped upon it by the introduction of the cheap labor that the islands will send here. Our agricultural and manufacturing interests should be protected from the products of that country produced by cheap and degraded labor.

Mr. President, in discussing the problem of the Philippines I think that nothing can be gained by a recital of the facts that antedated the war now going on in the islands. What advantage, what profit, to us to inquire whether the Filipinos have a government when it is acknowledged that it has been overthrown and

destroyed and none now exists? What matters it whether Dewey recognized the flag of that government? Why argue that it is the declaration of the people of the United States that all government must rest upon the consent of the governed when we have imposed governments upon people in the past history of this country without their consent, and now impose a government upon Cuba to which the people have in no way given their consent, and we propose to establish one in Puerto Rico, where the people have had no opportunity of expressing an opinion? Why clamor for the protests of Aguinaldo when his voice has been hushed in the dreadful shock of battle? Why assert that we have no constitutional right to govern these people when we are governing them? These facts have gone into history. They may be recited hereafter in an arraignment of this country in the forum of public opinion and before the bar of nations.

In legislation we must deal with facts as they confront us. We are in the Philippine Archipelago and we ought to get away as soon as we can do so, just as soon as our interest and our honor and our obligations to the inhabitants of those islands will permit.

No sentimentalism can extricate us. We must deal with hard, unyielding facts and so direct them that the least possible injury can befall our people and inflict as little injury upon the people of the Philippines as a state of war and its horrible results will permit.

The members of the Senate in the Fifty-fifth Congress, voting for the resolution introduced by the Senator from Georgia and a resolution introduced by me, affirmed that it was not the purpose of the United States to permanently annex the Philippine Islands and to incorporate the inhabitants of these islands into the citizenship of the United States. The final disposition of the islands depends upon the subjection of the inhabitants to the authority of the United States. The establishment of law and order, the institution of civil government, are desired results which can only be brought about by force exerted by the United States. The most effectual way, in the economy of life and money, will be to sustain the Government in its active efforts to establish order by the employment of force, and when this shall have been accomplished, in the efforts to establish a civil order employing the military only in the exercise of the police power of the Government; until the final and complete subjection of these people to its authority I have no sympathy for them. They are now enemies of the United States, and there is no place for sympathy.

In the future, when they show capacity and ability to take care of themselves, then sympathy may play its part and a righteous judgment may demand the recognition of their independent existence. The inhabitants of these islands had formulated a government on paper. There was no evidence of nationality, no external or internal sign of sovereignty. They displayed force and overran territory. The mob has done and can do the same thing. If they had been left alone they could not have protected themselves. This is admitted, as they asked for the protection of the United States. They were helpless from attack from abroad, and, like all people of their race and their intelligence, they would have been the victims of internal strife, promoted by a few ambitious men possessing intelligence above the masses. In my opinion it is an absurd proposition to contend they are now, or will be for sometime to come, capable of maintaining an independent government. I wish it were so and that to-morrow they could be turned loose from any connection with the United States of a political character. The President is now endeavoring to organize a civil government in the Philippines. No one, I apprehend, doubts the wisdom of this effort.

Throughout the archipelago the government, I understand, is to be by communities and provinces, running through all local conditions, even to that of tribes. The early establishment of civil government may induce the inhabitants to go to peaceful pursuits. It will, if they appreciate the effort, bring them hope of an independent government.

I have no high appreciation of the intelligence and character of the people of the Philippines. From all that I can learn they are not above the negro on this continent in either morals or intelligence. The percentage of negroes, excluding former slaves, who can read or write is greater among the negroes in the United States. They have more learned men than the inhabitants of the Philippines. To say that the Filipinos are fit to be trusted with electoral power is to affirm that the negro is entitled to its exercise. We of the South know what the experience of the negro was in the science of government.

When aided by white men, and to some extent restrained by the presence of disfranchised whites, they made a farce of government. If they had been left exclusively to themselves they would have literally cut each other's throats, and would have wrought entire destruction, instead of partial ruin and devastation. It would be so with the Filipinos if intrusted immediately with the exercise of electoral power. No one can predict how long our political connections with the Philippines will last. So long as it does, I hope that the Government of the United States will treat them humanely, and, as affirmed by the Senate, endeavor to instruct them in self-government, in the institution of a civil order, suitable to their wants and conditions; but during this probation of the inhabitants I hope to see them and their products so treated as not to injure our own people and their industries.

Mr. President, it is contended by some that the instant the treaty of peace was ratified the Constitution of the United States immediately took effect in the islands which we required from Spain. If this be a fact, then there was not, nor is there, any occasion whatever to declare that it is the intention of this Government not to annex the Philippine Islands to the United States or incorporate their inhabitants into the citizenship of the United States.

If the Constitution of the United States took effect immediately on the ratification of the treaty of peace, as is contended, then the people of those islands can come here at liberty; Chinese who have gone there can not be restrained from coming to the United States any more than we can restrain Chinamen who are citizens or who are inhabitants of any other State or Territory of the Union in going from one section of the country to another. Therefore, I think it would be exceedingly unfortunate if those islands should be considered as being at this time a part of the territory of the United States.

If they are territory of the United States, as is contended, and the Constitution and laws of the United States operate there, then the United States is without power to transfer them or to place them beyond the jurisdiction of this Government. So, Mr. President, the contention against the resolution which I introduced, that the Government of the United States should dispose of those islands in a manner to promote the best interests of the people of this country and of the inhabitants of the Philippines, has no force or effect whatever, because if we intended to transfer them to a foreign people we necessarily would have to change our organic law by an amendment.

But, Mr. President, there is another danger. By incorporating this large number of an inferior race into citizenship of the United States a sentiment will spring up in this country, just as it did in the interest of the negro, which will demand for those people a protection from supposed abuses, and it will give them a protection and it will give them privileges which are denied to the white people of this country. You will find that the fourteenth amendment, under the tender consciences of our judges, will extend to those islands for their protection, and it will be interposed in order to prevent the due execution of justice. That has happened in the State of Louisiana.

The fourteenth amendment never intended to give the negro any additional privileges; it never intended to give him rights which were not accorded to the white people of this country; but by torturing that amendment it has been made to extend to the negro privileges under the law which are not accorded to the white people of this country. He can go into the courts of justice; he can employ some obscure lawyer, who is hunting up notoriety and who can get up a hypothetical case and carry it to the United States courts, and thus indefinitely postpone the execution of the criminal laws of the country.

Mr. President, the interruption of the execution of the criminal laws under the fourteenth amendment of the Constitution of the United States has repeatedly occurred. On more than one occasion criminals tried for the most serious and the vilest offenses have been saved from a just and merited punishment by the interposition of the Federal judiciary; and as an evidence of a case which has recently occurred in the State of Louisiana, I ask that the editorial from the New Orleans Picayune, dated February 10, 1900, which I send to the desk, shall be read by the Secretary and made part of my remarks.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

NEGRO RAVISHER SAVED FROM THE GALLOWS.

It has been a long time in this city since a negro criminal, condemned to capital punishment by the State courts, has been executed in accordance with law and the judgment of the courts, because the matter is commonly appealed to the Supreme Court of the United States on some pretense or other that in his trial and conviction the Constitution of the United States has been violated.

In this way the condemned criminal is able to secure a stay of proceedings, often amounting to years, and although, in all such cases in recent years, the cause has been finally sent back to the State courts, the result of such unnecessary interference with justice has been greatly to aggravate a distrust, already too common, of the efficiency of the State laws and the ability of the State courts to punish capital crimes committed by negroes, with the effect that such a popular distrust is at the bottom of all the lynching that is committed in the State.

Some time ago the people of the town of Gretna, in the suburbs of this city, were thrown into a fever of excitement at the announcement that, in the late hours of the night, the residence of a respectable citizen had been forcibly entered and a violent assault made upon his 12-year old daughter by a negro. The culprit was caught in the midst of his crime, and but for the fact that, at the hour when the crime was committed, the people who were aroused by the outcries of the victim did not know what had happened, the ravisher

would have been promptly done to death; but the sheriff's officer who appeared on the scene, fearing popular violence, hurried his prisoner to a place of safety, where he was beyond the power of a mob.

The case was then left to the courts, with the result that a conviction was had in the district court of Jefferson Parish, and appeals to the supreme court of the State finally ended in the affirmation of the judgment of the lower court. Yesterday was the time set for the execution of the law upon the criminal, and he was already on the gallows, with a noose around his neck, when an order from the United States circuit court, at the very last moment, saved the life of the man who had, under the laws of the State, forfeited all right to live.

Petition had been made to the United States court that the constitutional rights of the condemned had been violated in the fact that he had been convicted under the laws and constitution of Louisiana made in 1898, and that this constitution and these laws contravene the Constitution of the United States. The Constitution of the United States is so sacred a thing that every United States court is bound to protect it at every peril, and, under the circumstances, Judge Parlange had no alternative but to grant an appeal to the Supreme Court of the United States, and he affixed to the petition of the condemned the following order:

"The foregoing order is considered an appeal to the honorable United States Supreme Court, and is hereby granted the applicant, returnable according to law upon petitioner giving bond in the sum of $50.

"CHARLES PARLANGE,
"*United States Judge.*

"NEW ORLEANS, LA., *February 9, 1900.*"

This document was conveyed in the greatest haste to Gretna, where the execution was just about to take place, and it reached there barely in time to save the criminal's life. It is claimed that this order of the court had no authority to prevent the execution, and that it so operated was the result of a misapprehension, and that the governor of Louisiana can set another day for the execution, which can be consummated without further ceremony. The Picayune greatly doubts if any State official of Louisiana, from the governor down to the lowest, would undertake to carry out an execution for a capital crime when the subject of it was protected by an appeal to the highest court in the land. There is in this State a very profound respect for the mandates of the United States courts, and it not likely that State officials are going to set them at nought.

In the meantime the life of a ravisher is safe under the ægis of the United States, and, if his case should be fully gone into by the Supreme Court of the nation, it will involve an inquiry into the entire status of the constitution of Louisiana, and no man can say how it will end.

Altogether, the case is a very important one, and it may have very far-reaching consequences. No invidious or injurious reflections can refer to Judge Parlange, who is a Louisianian by birth and inheritance, a citizen of the highest character, a lawyer of distinguished ability, and a jurist who is devoted to the establishing of just and righteous judgment. He is here to enforce the Constitution and laws of the United States, and in a case calling in question the guaranties of the Federal Constitution he must give it consideration.

But the fact remains that the most hateful crime that can be perpetrated in Louisiana goes unpunished, although the perpetrator has been ascertained and brought home to his guilt by every ceremonial and precaution which the State has provided. And there would have been and could have been no question of the State law in this case if the perpetrator of a most hideous crime had been a white man; but, being a negro, the entire power of the United States can be invoked to save him. This is the case, not only in Louisiana, but in other States of the South also, and it is, therefore, not strange that the lynching of negro ravishers has become the rule in those States when an outraged people can work their will on them.

In States where there is a large negro population, and where the negroes are made to understand that they can secure from the United States Government special protection which is not available to the white population, it is not strange that the whites should resort to extraordinary means to secure some adequate protection from the criminality to which the negroes seem to be invited by the peculiarities of the laws. These are matters that should be taken into consideration in the discussion of race questions in the United States.

Mr. STEWART. Mr. President, no amount of fault-finding, protesting, or remonstrating will prevent the fulfillment of the manifest destiny of the United States. On the 11th of January, 1871, a resolution was pending in the Senate to appoint a commission to go to San Domingo and examine the condition of the country and the people and report as to the advisability of ratifying the treaty of annexation. In discussing that resolution I said:

> I believe that it is a part of the destiny of this country, whether for good or evil, to annex more territory. I do not believe in the power of any man, or of any set of men, or of any party, to prevent the accomplishment of that destiny. While this Republic grows it must expand, it must increase; it must extend its territory as its wealth and power increase. That has been the history of every country while it was attaining its destiny. History does not furnish us an example of any nation that has risen to power and prominence which has not during its growth expanded. It is one of the elements of growth for a nation to expand as much as it is the element of growth in the oak, which, as it grows, must have room to extend its trunk and multiply its branches.—*Congressional Globe*, Forty-first Congress, third session, Part I, page 427.

Subsequent events have strengthened me in the views I then expressed.

While it is true that the opposition to President Grant's Administration mustered over one-third of the votes of the Senate, and defeated the treaty, the parties who engaged in the defeat were overwhelmed at the next election. Their desperate effort to defeat President Grant's reelection, by a combination with the Democrats to elect Mr. Greeley President, illustrates the unpopularity of that partisan attempt to limit the growth of the Republic.

THE LOUISIANA PURCHASE.

Whatever of despotism, imperialism, or disregard of the consent of the governed there may be in the acquisition of the Philippines or any other territory which may add to the wealth and power of the country and furnish new and greater opportunities for our progressive and enterprising youth, the principle of such acquisition is Jeffersonian Democracy. When the author of the Declaration of Independence doubled the area of the United States, Louisiana alone contained a population of over 49,000, with an organized and established government, while the vast territory included in the purchase outside of Louisiana contained hundreds of thousands of Indians equally entitled to consideration with the savages in the interior of many of the islands of the Philippines. It never occurred to Mr. Jefferson that it was necessary for him to consult the people of Louisiana or the Indian tribes of the West before he made that vast area a part of the United States.

The government established for Louisiana by Jefferson has furnished the model for every Territorial government which the United States has since established, and the denunciation, forebodings, and warnings against what was termed imperialism and disregard of human rights which the Louisiana purchase inspired have also furnished a model for all subsequent denunciations whenever new territory has been acquired. There was nothing new in the ravings of the Whig party against the acquisition of California and New Mexico which had not been said against the Louisiana purchase. Polk was abused during his term of office with equally as much vehemence and acrimony for the annexation of New Mexico and California as Jefferson was for the Louisiana purchase.

The parallel did not stop there. The policy of the Federalists who opposed the Louisiana purchase destroyed that party, and it never again elected a President of the United States; but it secured the supremacy of the Democratic party for more than twenty years. The election of John Quincy Adams by the House of Representatives in 1825 was the first break in Democratic power after the narrow, anti-expansion policy of the Federal party was adopted.

THE ACQUISITION FROM MEXICO.

The Democratic party again came into power under Jackson in 1829, and continued in power under Jackson and Van Buren until 1841. So strong was the prejudice against the name of Federalist on account of its narrow and illiberal policy that a new name was adopted by Henry Clay and his associates, who were opposed to Jackson's Administration. They called their new organization the Whig party, and achieved power in the memorable contest of 1840 on account of the financial crash of 1837, which was attributed to the Democratic party.

William Henry Harrison was elected President, and on his death, a short time after his inauguration, Tyler became President. In 1844 Polk of Tennessee was elected President. Whatever may have been the merits or demerits of the Administration of President Polk, the acquisition of Texas, California, Nevada, Utah, New Mexico, Arizona, and part of Colorado attest the wisdom of its policy. The abuse against Polk's Administration by the leaders of the Whig party equaled, if it did not surpass, the efforts of the Federal party in the beginning of the century to destroy Jefferson for his alleged disregard of justice, humanity, and the rights of sovereign States of the East.

The disappointed ambition of the great leaders of the Whig party, on account of the disapproval of the people, embittered the last days of the great men of that party, whose brilliant oratory and matchless logic adorn the history of their time. No matter how brilliant or influential they were, they could not withstand the irresistible aspirations of the American people to expand, progress, and achieve.

THE ISLANDS ACQUIRED FROM SPAIN.

The acquisition of the Philippines and other lands from Spain, in a war waged for humanity and against the cruelties of a barbarous and decaying monarchy, is one of the most important additions to the territory of the United States since the adoption of the Constitution. The islands we have secured are essential to our financial independence. The people of the United States pay annually more than $250,000,000 to foreigners for tropical and semitropical commodities. The United States can never be thoroughly self-sustaining until the people can produce what they consume. The Philippines, Puerto Rico, and Cuba would mitigate to some extent the evils of the gold-standard folly.

With the acquisition of these islands everything consumed in this country might be supplied from our own natural resources. Such acquisition would enable us to enter upon the inevitable struggle for the commodity gold on equal terms with other countries. It might do more. It might give us some advantages which no other country would enjoy. The gold-gambling law under which we must live until we can break the chains of financial bondage with which the gold syndicate has bound us will compel the United States to buy the fluctuating commodity gold at any cost. If we can not supply ourselves with tropical and semitropical products in our own country, we must buy them of foreigners, who will demand gold in exchange. If we must pay $250,000,000 in gold to foreigners for commodities which we could produce with the acquisition of these islands, such acquisition is most important.

With the islands, the contest to save this country from impoverishment which must necessarily follow the contraction of the volume of the circulating medium to gold alone, will be sufficiently severe, but without them the struggle may become hopeless. But

if we can produce everything we consume and the Secretary of the Treasury will be merciful and not load us too heavily with foreign debt by the sale of bonds, we may suffer less for the fetich folly of the gold standard than other nations who bow down before this false god. We must be prepared to contend with the world at large for gold, because the ruling money syndicate will not allow the United States to stamp its legal-tender authority upon any other commodity. This struggle for gold upon which to stamp the law of legal tender, if the gold syndicate remains in power, will be a contest among the nations for the survival of the fittest. There is some hope that with the additions of these islands to our vast national resources, coupled with the skill and enterprise of our people, the evil day of serfdom may be postponed for a time, although the shadow of feudalism already visible in the Old World may in the near future become total darkness.

OPPORTUNITIES AFFORDED BY NEW POSSESSIONS.

The prognostications of evil arising from the annexation of territory so often repeated ought not to deprive the people of the United States of the opportunities held out to them by our new acquisitions. Why should not the present generation enjoy opportunities similar to those furnished our fathers by the acquisition of Louisiana, Florida, Texas, New Mexico, and California? Why should not the wealth, power, and enterprise of the American people be increased and encouraged? May not the acquisition of the islands of the Atlantic and the Pacific wrested from Spain place the United States in the near future foremost as a manufacturing, commercial, naval, and political power?

ACQUISITION OF TERRITORY NOT IMPERIALISM.

The suggestion that the acquisition of territory is imperialism is refuted by the fact that neither Jefferson, Monroe, Jackson, Polk, nor any of their associates are regarded as imperialists. The imperialism they advocated made homes for patriotic, liberty-loving, self-respecting citizens, whose loyalty to the Government of the United States is unsurpassed by the people of any of the thirteen original States.

If to assist the people of the Philippines to establish local self-government after the plan adopted by Jefferson is imperialism, then Jefferson was the pioneer imperialist of the United States. The Philippines will never be dependent colonies. They will be allowed to conduct their own affairs with the assistance of such officers as it may be necessary to appoint to aid them in establishing local self-government. They will not have a voice in the legislative councils of the nation until Congress shall ascertain and determine that their admission as States would be desirable. Notwithstanding the treaty of Guadalupe-Hidalgo promised to make States of the territories acquired from Mexico, New Mexico is still a Territory. The suggestion that we must not trust the future, that those who come after us will admit the Philippines as States, whether qualified or not, is an assumption that our system of republican government is a failure and that patriotism will become extinct when the seats in this Chamber are filled by our successors.

PAST FOREBODINGS OF CALAMITIES.

No person occupies a seat here to-day but myself who was a member of the Senate in the Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, and Forty-second Congresses. I was impressed during that time with the anxiety of many Senators for the future and their forebodings of calamities which they contended would necessarily follow if the opponents of the Union in the civil war were again allowed to participate in the government of the country. They assumed in their arguments that future Congresses could not be trusted and that the Government was in danger of being utterly subverted. How they misjudged the future let the heroic patriotism and valor of the soldiers from every State in the Union in the late war with Spain and in the far-off Philippines bear witness. The patriotism and fidelity to the interests of the whole country exhibited in both Houses of Congress by members from the South as well as from the North prove that a reunited people now enjoy a more perfect union than ever before. I have faith in my country and in the American people that they can extend a helping hand to the Filipinos and enable them to peacefully assemble and perfect in due time local self-government where life and property will be as secure as it now is in any State of this Union. I have seen order grow out of confusion in that vast territory acquired from Mexico, until the governments of the far West are as efficient in protecting life, liberty, and property as the best-governed State of the East.

EXTENSION OF FREE INSTITUTIONS OVER NEW ACQUISITIONS.

No one pretends that the Filipinos are now fit for statehood, but I repudiate the suggestion that they are not fit for just such government as Jefferson extended to the Louisiana purchase and Monroe to the acquisition of Florida. There may not be enough Americans in that country to organize a State government without Congressional or Executive action, as in the case of California; but if the same Congressional and Executive care that was extended to all other acquisitions of territory except California is extended to the Philippines, they will progress—it may be slowly, but they will progress in working out good government for themselves and security for life and property, which will bring prosperity and progress to them and great commercial and political advantages to us.

The history of the spread of our institutions over new acquisitions is most instructive in dealing with the Filipinos.

In the fall of 1803 President Jefferson appointed Governor Claiborne, of the Mississippi Territory, and General Wilkinson commissioners for receiving possession of the ceded territory from the commissioner of France, and gave Governor Claiborne a commission authorizing him provisorily to exercise within the ceded territory all the powers with which the Spanish governor-general and intendant were clothed, except that of granting lands.

President Jefferson took a common-sense view of the situation, and in accordance with the laws of nations administered and enforced the laws, customs, and regulations of the former government, with such changes only as were necessary to conform to the new conditions. Congress gave him all the power needed, and from time to time passed the necessary laws for the establishment of complete Territorial governments as fast as they were required.

HOW CALIFORNIA WAS GOVERNED.

The territorial contractionists, now finding the sentiment of the country in favor of expansion, are attempting to hedge by declaring that the acquisition of the Philippines is imperialism. They do not seem to recognize the distinction between extent of country and form of government. A country may be very small and its government very despotic, or it may be very large and its government very liberal. Free republican government is the birthright of the people of the United States, and wherever a necessity exists they organize self-government after the model of the free institutions with which they are familiar. They need not necessarily wait for Congressional action, or even Executive authority. When Commodore Sloat, at Monterey, in July, 1846, proclaimed California free from Mexican rule, he issued a proclamation to the people informing them of the change of government and assuring them that their political, civil, and religious rights would be protected. From that time until the arrival of Brigadier-General Riley, on the 12th of April, 1849, the country was governed by various military officers assuming both military and civil authority. These military officers caused the Mexican laws, so far as they were applicable, to be executed by the persons holding the local offices and such other persons as were elected by the people or appointed by the military authorities to fill vacancies.

On the 12th of April, 1849, Brigadier-General Riley arrived in San Francisco as military governor, with instructions from the War Department to administer civil affairs. He was unable to retain his military force because the soldiers left him and went to the mines, but he proceeded to organize a civil government and ordered an election on the 1st of August, 1849, for delegates to a constitutional convention to be held on the 1st of September of that year. The convention met, formed a constitution, and an election was held in November for members of the legislature and State officers. Peter Burnett was elected governor, and a full-fledged State government went into operation on the 1st day of January, 1850. The volume containing the legislation of the first session of the legislature, beginning January 1, 1850, will compare favorably with the system of laws in force in any State in the Union. Gwin and Frémont were elected Senators, and on the 9th of September, 1850, California was admitted into the Union. Congress legislated very little for the mining regions of the West, and no laws were passed for nearly a quarter of a century disposing of the mineral lands. Here again the American people who occupied the country made their own laws, rules, and regulations, which the courts adopted and enforced, and the reports of the supreme court of California and the surrounding Territories contain a system of common law which grew up among the miners themselves without any Congressional action. In 1866, just twenty years after the acquisition of the country, Congress passed an act legalizing the rules and regulations established by the miners and providing for the issuance of patents on compliance with the miners' laws.

THE PHILIPPINES.

Thus it will be seen that the American people carry with them their institutions wherever they go. The same will be true of the Philippines. Americans will go there and aid the natives in executing their local laws, and all that will be necessary in assisting the people of the archipelago in maintaining local self-government will be to appoint a few officers, make a few necessary changes in their laws to adapt them to the changed condition, protect them from foreign interference or domestic violence, and they will become useful and law-abiding people. They should also be allowed to send Delegates to Congress, not to legislate, but to advise; not to interfere with the institutions of our country, but to learn our form of government for the benefit of their constituents. The

whole matter is very simple. It will develop and can not be interrupted.

The President has acted wisely in selecting an eminent jurist in the prime of life to assist the natives of the Philippine Islands in establishing local self-government after the models which our country so abundantly furnishes. All liberty-loving people, when they attempt to establish a government, look to our country for models for their guidance. Constitutions similar to our own have been adopted in Mexico and in various States of South America. Although the Republics to the south of us frequently fall short of the high standard of legislation and administration prevailing in this country, still they are progressing in the right direction. The Filipinos themselves already look to the United States for models for constitutions and laws in their own country, as evidenced by the proclamations and publications which we read in the newspapers.

We want very little legislation for the Philippines. We want their leaders to come here and see how we govern ourselves, so as to enable them to do likewise. We wish for the Filipinos peace and good order, and they will have them with very little assistance from us. The absurd charge that there is any intention on the part of the Administration or the Republican or the Democratic party to govern the Philippines or any other territory which we have acquired or may acquire as colonies by the strong arm of the military power is entirely without foundation. There is no more doubt that the Philippines, with our assistance, will have good government, and that they will be beneficial to us, than there is that good government has been secured under the American flag wherever it has floated.

Besides, we have assumed the responsibility of establishing civil government in the Philippines for the protection of the lives and property of the foreign as well as the American residents there, and to see to it that the relations of the islands with foreign countries are such as the law of nations require.

PROTECTORATE INCOMPATIBLE WITH FREE INSTITUTIONS.

In the struggle to suggest something in opposition to the time-honored methods of treating new acquisitions, some advocate a protectorate and in the same breath proclaim against imperialism. They do not define what they mean by a protectorate—whether they mean to govern the islands by a Cromwell or a Warren Hastings, or whether they mean to subject the islands to the intrigues and aggressions of foreigners and go to war with all the world to maintain the rights of the Filipinos to violate the laws of nations. No protectorate has ever existed which was compatible with free institutions or in accord with the principles of our Government. After having undertaken to establish law, order, and good government in the Philippines, we can not abandon them without disgrace to the United States. If we allow them to set up their own local self-government under our Territorial system, we can guide and protect them without any danger of foreign complications.

When the opponents of the acquisition of territory meet a growing sentiment of the country in favor of doing our duty toward the Philippines, as we have in all other cases, they say that the Filipinos are not as enlightened as the people of Massachusetts or Vermont, and consequently we must abandon the acquisition. We reply that if such a rule had been adopted with regard to Louisiana, Florida, Texas, California, or New Mexico, the boundary of our country to-day would be the same as it was when the Constitution was adopted. It is very doubtful if any acquisition can be made hereafter if the rule is adopted that people of the land to be acquired must be equally intelligent with us to become a part of the United States. I have no doubt that the Filipinos are the most intelligent people we have ever annexed, although the barbarians in those islands are numerous. If we expand, we must take the world as it is and the people as they are, as we have always done.

IMPOST DUTIES ON PUERTO RICAN PRODUCTS PREGNANT WITH EVIL.

I am aware of the suggestion of an impost duty upon the products of Puerto Rico, which, of course, would be one of the worst forms of a colonial policy. This suggestion is pregnant with evil, and, if carried out, would furnish substantial groundwork for the charge of imperialism. It would be too much like the exactions which imperial Rome made upon her conquered provinces, and it might furnish a parallel to some extent of the imperial policy of monarchical countries in recent times. I am glad the President of the United States has not made that mistake. On the contrary, in his last annual message he says:

> Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

The recommendation of the Secretary of War, contained in his last annual report, describes in forceful language the injustice of erecting a tariff barrier against the products of Puerto Rico. Since the transfer of the island to the United States Spain has erected such a barrier; and if the United States does likewise, her markets will be cut off and the people will be in a deplorable condition. I will print as an appendix to my remarks a portion of the report of the Secretary of War and commend it to the careful consideration of Congress.

PRECEDENTS AGAINST TARIFF ON PRODUCTS FROM NEW ACQUISITIONS.

I am glad the President in his recommendation and the Secretary of War in his report are governed by the established policy of the United States in treating with the people of newly acquired territory. Their recommendations are in harmony with the following precedents:

On the 25th of November, 1803, and contemporaneously with taking possession of the Louisiana purchase, Congress passed an act removing restrictions of trade between the United States and the Territory of Orleans, thereby fully recognizing the new territory as a part of the United States entitled to the privileges of American customs and revenue laws.

On the 7th of May, 1822, the customs laws of the United States were extended over Florida.

The military officers governing California, previous to the passage of any law of Congress, enforced the customs laws of the United States and collected over $600,000 of duties on imports from foreign countries, and when Congress acted the customs laws of the United States were extended to all the territory obtained from Mexico.

It was never before suggested that any territory acquired by the United States should be treated as alien territory by imposing a customs duty on imports into the United States. I am glad to know that the President of the United States fully realizes the injustice of an attempt to treat any territory which we claim as our own as a foreign country. His advice against a duty on imports from Puerto Rico must be followed if we hope to have peace and prosperity there with its accruing benefits to the United States.

The colonial policy of greed, with discriminating duties against the products of our own territory, would breed dissatisfaction and discord. It might lead to militarism. It might require a large army to maintain order and force the people of the colonies to submit to such unjust and discriminating policy. It might do more. It might involve vast expenditures to maintain armies of occupation, which would be dangerous to the safety of the Republic.

If we treat Puerto Rico as we treated Louisiana, Florida, and California, the people of that island will learn to love the American flag and will soon be loyal Americans instead of a sullen and discontented people, suffering from discriminating laws. The mutual advantages of continuing the established American policy in the treatment of Puerto Rico will be very great. It will not only secure the friendship and loyalty of that island, but it will furnish an example which will be most beneficial in our dealings with Cuba. The great prosperity which Puerto Rico will enjoy will be an irresistible argument with Cuba in favor of joining her fortunes with the great Republic.

Our relations with Cuba are anomalous. We have no precedent for such responsibilities as we have assumed toward that country, but our relations to Puerto Rico are the same as they were to the people of all other territories which the United States have acquired and afford us an opportunity to furnish an object lesson to the people of Cuba.

PLENARY POWER OF CONGRESS OVER THE ISLANDS.

The discussion of the constitutional power of Congress in connection with these islands is unprofitable. There is no doubt that Congress has power to rob the territories in a thousand ways and render the people of our new acquisitions more miserable than they were under the horrible system of Spanish extortion which we undertook to abolish. There is no doubt that the people of the United States could amend the Constitution and reestablish slavery if they were wicked enough to do so. It would be just as profitable to discuss whether the people could, if they would, establish a monarchy in this country as it is to discuss the question whether Congress has the constitutional power to discriminate against the people of the new acquisitions by unequal revenue laws or any other system of extortion which greed may suggest.

But it is necessary for those who support and defend the continued possession of the vast acquisitions of territory which we have acquired from Spain to adhere to the Jeffersonian policy in our treatment of the people of these islands. Departure from that policy opens a wide field of discussion. While the opponents of annexation may give aid and comfort to Aguinaldo and his followers by their unpatriotic and intemperate ravings against the war now prosecuted at great cost and sacrifice of the lives of our brave soldiers, it is the plain duty of Jeffersonian expansionists to maintain our established policy in our treatment of the people inhabiting the new acquisitions. The country has a right to know that no imperialism or militarism is intended; that the people of the islands will be treated in the same manner that the people of Louisiana, Florida, and California were treated, and that no army will be necessary to make them submit to the local governments which we will assist in ordaining and establishing. It may be that there are savages in those islands, as in the case of every other acquisition, that will require military force to keep in subjection,

but the millions of people who occupy those islands who are not savages will furnish no excuse for militarism or imperialism.

TEACHINGS OF THE FATHERS FOLLOWED BY THE PRESIDENT.

Whatever mistakes may have been made in dealing with the Filipinos or in failing to fully acquaint them with the policy of our Government, the President's message recommending equal laws for Puerto Rico and the appointment of Judge Taft to commence the work of instructing and aiding the Filipinos to establish and maintain local self-government indicate very clearly that the President has no idea of departing from the teachings of the fathers or establishing an empire on the ruins of the Republic. It will be impossible for the opponents of progress to impress upon the minds of the people that the size of a country has anything to do with the form of government. If republics can only exist in small territories, the United States passed that limit ninety-seven years ago, when the Louisiana purchase was made. The truth is, that when the situation is understood and the value of these acquisitions realized, the people of the United States will be as unwilling to give up an inch of territory in the Philippine Islands as they are now to give up any part of Alaska. The United States would go to war with Great Britain and take the consequences rather than to have 10 miles square of Alaska taken from us, notwithstanding that when that country was acquired it was supposed to be nothing but an iceberg.

I hope the great financial issue, upon which the happiness of the human race depends, will not be buried beneath the rubbish of anti-expansion and fault-finding, as it was for many years beneath the tariff controversy, but that it will be kept before the people until the fetich worshipers of gold understand the money question as well as the descendants of the devotees of the flat-world theory now understand that the world is round.

APPENDIX.

[From the report of the Secretary of War for 1899, pages 32, 33.]

The question of the economic treatment of the island underlies all the others. If the people are prosperous and have an abundance of the necessities of life, they will with justice be easily governed, and will with patience be easily educated. If they are left in hunger and hopeless poverty, they will be discontented, intractable, and mutinous. The principal difficulty now in the island of Puerto Rico is that the transfer of the island from Spain to the United States has not resulted in an increase of prosperity, but in the reverse. The industry of the island is almost entirely agricultural. The people live upon the products of their own soil and upon the articles for which they exchange their surplus products abroad. Their production is in the main of coffee, sugar, and tobacco. The prosperity of the island depends upon their success in selling these products.

So long as the island was a part of the Spanish possessions there was substantially free trade with Spain and with Cuba. The total exports from Puerto Rico for the four years preceding 1897 averaged about $16,000,000, of which an average of less than one-sixth part ($2,630,000) was sold to the United States and an average of one-half ($8,025,000) was sold to Spain and Cuba. Immediately upon the transfer of the island from Spain to the United States, Spain erected a tariff barrier against the introduction of Puerto Rican products. The interests of Cuban agriculture led to the erection of a similar barrier in the tariff adopted for Cuba, so that Puerto Rico was debarred from the principal markets which she had previously enjoyed, and at the same time this country has maintained its tariff against Puerto Rican products just as it existed while the island was Spanish territory. The result is that there has been a wall built around the industry of Puerto Rico.

Even before the hurricane of August 8, 1899, two crops of tobacco lay in the warehouses of Puerto Rico, which the owners were unable to sell at prices equal to the cost of production. Their sugar shared the prevailing depression in that commodity, arising from the competition of bounty-fed beet sugar. Their coffee was practically unknown in the United States and had no market here. It is plain that it is essential to the prosperity of the island that she should receive substantially the same treatment at our hands as she received from Spain while a Spanish colony, and that the markets of the United States should be opened to her as were the markets of Spain and Cuba before the transfer of allegiance. Congress has the legal right to regulate the customs duties between the United States and Puerto Rico as it pleases; but the highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interests of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

THE FINANCIAL BILL.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERSTREET, Mr. BROSIUS, and Mr. COX managers at the conference on the part of the House.

Mr. ALDRICH. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill No. 1.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALDRICH. I move that the Senate insist upon its amendment and agree to the conference asked for by the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALDRICH, Mr. ALLISON, and Mr. JONES of Arkansas were appointed.

MEMORIAL ADDRESSES ON THE LATE SENATOR-ELECT HAYWARD.

Mr. THURSTON. Mr. President, I wish to announce that at the close of morning business on Friday, the 2d day of March, I will request that the legislative business be laid aside that Senators may pay fitting tribute to the memory of the late MONROE L. HAYWARD, Senator-elect from the State of Nebraska. I have consulted with some of the Senators having in charge the paramount business of the Senate, and I think that that time is agreeable.

TERRITORY OF HAWAII.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Calendar under Rule VIII is in order.

Mr. CULLOM. It is within a few minutes of 2 o'clock. As the preliminary work on the bill (S. 222) to provide a government for the Territory of Hawaii will be its reading, I ask unanimous consent to proceed to its consideration now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. PETTUS. I should like to have it written down. I did not hear what it is.

Mr. CULLOM. Does the Senator from Alabama refer to the bill which I propose to call up? If he did not hear the announcement, I will make it again.

Mr. PETTUS. I did not hear a word you said.

Mr. CULLOM. I am very sorry; it was my fault, I presume. As it is within a few minutes of 2 o'clock, I ask that the Senate now, by unanimous consent, proceed to the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. HALE. It will come up at 2 o'clock anyway.

Mr. CULLOM. It will come up at 2 o'clock as the regular order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. PETTUS. I do not object, but I am a little afraid of general consents that I do not hear.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 222) to provide a government for the Territory of Hawaii, which had been reported from the Committee on Foreign Relations with amendments.

Mr. CULLOM. In the reading of the bill by the clerks, I will ask that the few amendments which are reported by the committee may be considered and acted upon as they are reached, if that course is agreeable to the Senate.

The PRESIDING OFFICER. The Secretary will read the bill, and if there be no objection the amendments of the committee will be acted upon as they are reached.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Foreign Relations was, in section 1, page 1, line 9, after the word "force," to insert "on the 12th day of August, 1898;" so as to read:

That the phrase "the laws of Hawaii," as used in this act without qualifying words, shall mean the constitution and laws of the republic of Hawaii, including regulations having the effect of law and the decisions of the supreme court in force on the 12th day of August, 1898, immediately prior to the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

The amendment was agreed to.

The next amendment was, in section 5, page 2, line 25, after the word "That," to insert "except as herein otherwise provided;" and on page 3, line 2, after the word "applicable," to strike out "except as herein otherwise provided;" so as to make the section read:

That, except as herein otherwise provided, the Constitution, and all the laws of the United States locally applicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1850 and 1890 of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Mr. CULLOM. There seems to have been a word left out. The word "applicable" ought to be "inapplicable." The word "not" should be inserted between the words "States," in the first line of page 3, and "locally," and then "inapplicable" instead of "applicable" in the second line; so as to read:

The Constitution and all the laws of the United States not locally inapplicable shall have the same force, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to line 5 on page 8.

Mr. PLATT of Connecticut. I find myself compelled to be absent during the reading of the remainder of the bill and I wish to have some little understanding about it. I see that the amendments are being voted upon as we go along. Some of them might

meet my approbation and some might not. I should like to know whether it is intended to go further to-day than the reading of the bill and the amendments which the committee proposed. I suppose that after that the whole matter will be open to amendment and that the amendments which have been voted on will, when the bill comes into the Senate, be still open to consideration.

Mr. CULLOM. I understand that Senators are a little anxious for a tolerably early adjournment to-day on account of some matters, and I did not suppose that I would be able to get the Senate to consider the bill much beyond the reading and adoption of the amendments of the committee, and then some little amendments that I desire to offer myself in behalf of the committee, that will not be disputed, I think. They are rather corrections of the chapter that has just been read: that is to say, putting in the word "inclusive" in certain places where it ought to be inserted in order to make sure just what is meant.

Mr. PLATT of Connecticut. I simply wish to know that the bill will not pass to-day and will be open to amendment hereafter.

Mr. TELLER. Oh, it is not likely to pass to-day.

Mr. PLATT of Connecticut. There are some matters, as we come along in the bill, which, it seems to me, should receive more careful attention than has been given. This may all be premature, but, for instance, I find that we have repealed the law with regard to other Territories, requiring them to submit their laws to Congress.

Mr. HALE. Not in this bill?

Mr. PLATT of Connecticut. Yes; we have, in this bill.

Mr. HALE. That can not be.

Mr. TELLER. It would be the case if the bill passes in that shape. It is section 1850.

Mr. PLATT of Connecticut. We have already passed the proviso that section 1850 shall not apply to the Territory of Hawaii.

Mr. TELLER. Will the Senator allow me to make an inquiry?

Mr. PLATT of Connecticut. Certainly.

Mr. TELLER. I should like to inquire whether this bill is on its passage. I understood that it was simply the formal reading of the bill.

Mr. CULLOM. That is all at this time.

Mr. TELLER. I have several amendments that I propose to offer.

The PRESIDENT pro tempore. It was agreed that the committee amendments should be acted upon as they are reached in the reading of the bill.

Mr. JONES of Arkansas. The bill will be open for action by the Senate.

Mr. TELLER. I should like to know what are the committee amendments. This is a Senate bill?

Mr. CULLOM. Certainly.

Mr. TELLER. What are the committee amendments that we are to consider at this time? Are any amendments to be considered that did not come from the committee?

Mr. MORGAN. All the amendments of the committee are printed in italics.

Mr. CULLOM. The committee itself reported some amendments when they brought the bill back.

Mr. TELLER. There are no committee amendments except what the bill contains.

Mr. CULLOM. No, except——

Mr. TELLER. Then that is all right.

Mr. PLATT of Connecticut. There are other amendments, I understand, from the committee besides those which are printed in the bill.

Mr. CULLOM. I have stated that in the chapter which the Secretary has just been reading a number of sections have repealed the local laws, and there are places——

Mr. HALE. The local laws of Hawaii?

Mr. TELLER. The Hawaiian laws.

Mr. CULLOM. Yes, the Hawaiian laws. And there are sections cited here where the word "inclusive" ought to be inserted between certain numbers, and that I thought could be done this afternoon.

Mr. TELLER. Oh, there is no objection to that.

Mr. CULLOM. There is nothing in those amendments except to make that change.

Mr. PLATT of Connecticut. If we are going no further than that, the whole matter will be open another day. That is all I desire.

Mr. CULLOM. I wish to say that I am very anxious to get this bill passed as quickly as we can, and yet I do not desire to interfere with our friends on the other side this afternoon, who I understand wish to have a conference of their own.

Mr. TELLER. I wish to say a word to the Senator who has the bill in charge. I do not want to delay the passage of the bill, but there are some provisions in it that I am going to suggest some changes in.

Mr. CULLOM. The Senator will have ample opportunity to move to amend the bill.

Mr. TELLER. I have had some experience in living under Territorial law, and there are some things in the bill that I do not think ought to be enacted.

Mr. CULLOM. The Senator will have an opportunity to propose the changes he desires to have made.

Mr. TELLER. If the Senator is not going to railroad it through there will be time to examine it.

Mr. CULLOM. I am not seeking any special haste about it beyond what is reasonable in the premises, and I have not manifested any such disposition.

Mr. TELLER. No.

Mr. FORAKER. The understanding is simply that the bill shall be read and the amendments, as they appear in print before us, shall be acted upon as reached. That is as far as we shall get this afternoon.

Mr. CULLOM. I apprehend that by the time we get the bill read and the few amendments are acted upon which were made in the committee before the bill was reported from the Committee on Foreign Relations, it will be about the time when I had agreed, so far as I was concerned, to allow the Senate to adjourn.

Mr. WARREN. I desire to offer an amendment to the pending bill. I wish to offer it at this time, so that it may be printed and we may have printed copies at the earliest moment.

The PRESIDENT pro tempore. The amendment will be received and go to the table.

Mr. FORAKER. Let it be read, so that we may know now what it is.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. Insert, on page 25, after the word "language," in line 2, the following proviso:

Provided, however, That the legislature of the Territory of Hawaii may at any time after January 1, 1903, submit to the lawfully qualified voters of such Territory such changes and modifications in the qualifications for electors as they shall see fit, and the same being adopted by a majority vote, taken in the mode prescribed by the legislature, shall be valid and binding as law.

The PRESIDENT pro tempore. The amendment will be printed. The Secratary will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment was, in section 14, page 9, line 14, after the word "November," to strike out "1899" and insert "1900;" so as to make the section read:

That a general election shall be held on the Tuesday next after the first Monday in November, 1900, and every second year thereafter.

The amendment was agreed to.

The next amendment was, in section 17, page 10, line 7, after the name "Hawaii," to strike out "including notaries public and agents to take acknowledgments;" so as to make the section read:

SEC. 17. That no person holding office in or under or by authority of the Government of the United States or of the Territory of Hawaii shall be eligible to election to the legislature or to hold the position of a member of the same while holding said office.

The amendment was agreed to.

The next amendment was, in section 18, on page 10, line 25, after the words "convicted of," to strike out "larceny, bribery, grosscheat, or of;" and on page 11, line 3, after the word "exceeding," to strike out "two years" and insert "one year;" so as to read:

No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in or under or by authority of the government, unless the person so convicted shall have been pardoned and restored to his civil rights.

The amendment was agreed to.

The next amendment was, in section 42, on page 17, line 22, after the word "other," to insert "house," so as to make the section read:

SEC. 42. That neither house shall adjourn during any session for more than three days, or sine die, without the consent of the other house.

The amendment was agreed to.

The reading of the bill was continued to the end of section 62, on page 25, prescribing the "Qualifications of voters for senators."

Mr. MONEY. Would it be in order to make an inquiry for information about the qualifications of voters for senators, I ask the Senator who reported the bill?

Mr. CULLOM. I will state to the Senator that there is an understanding that nothing shall be done to-day except formally reading the bill and acting upon the amendments reported by the committee.

Mr. MONEY. Very well. I was not aware of that.

The reading of the bill was resumed. The next amendment of the Committee on Foreign Relations was, in section 73, on page 32, line 4, relative to the "Commissioner of public lands," after the word "*Provided*," to insert:

That all sales, grants, leases, and other disposition of the public domain and agreements concerning the same, and all franchises granted by the Hawaiian Government in conformity with the laws of Hawaii prior to the 11th day of September, 1893, are hereby ratified and confirmed.

The amendment was agreed to.

The reading of the bill was continued to the end of section 75, on page 33, relative to the "Investigation of land laws."

Mr. HANSBROUGH. I desire to ask the Senator from Illinois in charge of the bill if he does not think it would be more appropriate to place the charge of the public lands in Hawaii under the Secretary of the Interior, rather than the Secretary of Agriculture?

Mr. CULLOM. One or two Senators have made inquiries regarding the provisions of the bill, but I will say to the Senator there was an understanding that the bill should only be read this afternoon and the amendments of the committee acted upon. I should prefer to defer any explanation of the provisions of the bill until the reading shall have been completed and the Senate is more fully attended than it is at the present time.

Mr. HANSBROUGH. I just came into the Chamber, and was not aware that such an arrangement had been made.

The reading of the bill was resumed. The next amendment of the Committee on Foreign Relations was, in section 81, page 36, line 18, after the word "office," to strike out "during good behavior" and insert "for a term of nine years;" so as to read:

All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the chief justice and justices of the supreme court, who shall hold office for a term of nine years, and the judges of the circuit courts, whose terms of office shall be six years, and except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

Mr. PLATT of Connecticut. I ask that the amendment may be passed over. This whole section proposes to introduce into a Territory which we are creating an entirely new system of appointment of judges and some other officers.

Mr. CULLOM. This is only the reading of the section. It is not being adopted.

Mr. PLATT of Connecticut. I want this amendment to be passed over, because I do not want it even adopted now.

Mr. CULLOM. Very well.

Mr. JONES of Arkansas. What page is it?

Mr. CULLOM. Page 36.

The PRESIDENT pro tempore. Page 36, line 18.

Mr. PLATT of Connecticut. Section 81, to which I refer, commences on page 35.

Mr. President, we are giving to this new Territory of ours powers and privileges which we have given to no other Territory that has ever been organized in the United States.

In every Territory that has been organized we have reserved to the President, by and with the advice and consent of the Senate, the appointment of judicial officers—judges, marshals, and other officers of that character. Here we commit it entirely to the governor of the Territory. If this section passes, neither the President of the United States nor the Senate can have anything to say about who shall be judges in that Territory.

Now, one single thing more. We have provided that the judges of all our legislative courts should have a tenure of office of four years only. This bill not only takes entirely away from the President and the Senate the power of appointment of the chief justice and justices of the supreme court, but it continues in office by legislation the chief justice and justices of the supreme court for a term of nine years. We never had a Territory of the United States where judges had a tenure of office longer than four years. I merely speak of it now. I should like this amendment to be passed over. I do not want to go into the matter at length at this time.

Mr. CULLOM. Mr. President, I merely wish to say a word, inasmuch as the Senator from Connecticut is disposed to discuss the bill as we go along, which I have tried to avoid as we are only having it read now.

The commission which was sent to Hawaii found there a very good civil government. Of course there were many things not entirely satisfactory and which we propose to change, but the commission desired to recognize the situation as it was and, so far as we could, consistently with the interests of the United States, allow conditions to remain there that were not entirely out of harmony with the spirit of the Government of the United States at home. We found a supreme court there, not to administer United States statutes, but to administer the laws of the Territory, which is preserved in the bill and which is in harmony, as we thought, with the general principles and interests of the Government of the United States as well as of that Territory.

The plan of the bill is to retain the legislature, the system of local courts, purely to administer Territorial statutes, and to provide a United States judge to administer the United States laws. The commission believe that the wisest course for us to pursue is to retain in force the laws, so far as they are consistent with our ideas of government, and the courts to administer them; and we found there a life tenure of judicial officers. The Committee on Foreign Relations of the Senate thought perhaps that that was not exactly the right thing to do, and so we limit the terms of the judges of the supreme court to nine years and of the circuit judges of that Territory to six years.

We believe there is no occasion for changing everything there simply because we can and because in the Territories here in our own country we have United States judges to administer Territorial statutes as well as United States statutes. We believe it is wise to allow the judges of the local courts there to have entire control and jurisdiction over the local statutes of the Territory and a United States judge to administer the United States laws. I do not know whether in any of our States there is a life tenure. I do not remember any; but there are in different States different laws controlling the terms and qualifications of the officers. I believe myself that while it is a little different from what we have in New Mexico or Arizona, yet it is more beneficial to recognize the situation there as nearly as we can rather than tear up the whole system of their local government and create it anew.

As the Senator from Connecticut knows, the United States judges here, who are appointed to go to the Territories, in performing their duties there administer the local laws of the Territories as well as the United States statutes generally. But as to Hawaii, it seemed to the commission that we ought to adopt the plan they have there, supplementing it with a provision for a United States judge. The plan is to constitute the different islands into a Territory and have a judge administer United States laws, pure and simple, and officers to execute and administer them. That is all I want to say now. I did not care to discuss the matter at all.

Mr. FORAKER. Would it not be better to allow the amendment to be passed over, as the Senator from Connecticut suggested, until we can take up together all the points that are objected to. We may in that way be able to conclude the reading of the bill this afternoon.

Mr. CULLOM. The Senator from Connecticut insisted upon discussing it, and I was trying to answer him a little.

Mr. FORAKER. I understood the Senator from Connecticut to say that he did not care to discuss the matter now. He merely wanted to call attention to the point and to have the amendment passed over.

Mr. CULLOM. He has been discussing it.

Mr. PLATT of Connecticut. I was giving reasons why I thought the amendment should be passed over.

Mr. FORAKER. That was all.

Mr. PLATT of Connecticut. If the Senator from Illinois thought I was really discussing the matter, I will try to enlighten him hereafter as to why I think no such provision as he has in section 81 should be adopted.

The PRESIDENT pro tempore. Shall the amendment be passed over?

Mr. CULLOM. I have no objection to its being passed over, and had not in the first place.

The PRESIDENT pro tempore. The amendment will be passed over.

The reading of the bill was resumed. The next amendment was, in section 85, page 39, line 1, after the word "have," to strike out the words "either directly or through such relative;" so as to make the section read:

SEC. 85. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror may have any pecuniary interest. No judge shall sit on an appeal or new trial in any case in which he may have given a previous judgment.

The amendment was agreed to.

The next amendment was, in section 94, page 43, line 11, after the word "dollars," to insert "United States district judge, $5,000;" and in line 18, after the word "dollars," to insert "annually;" so as to make the section read:

SEC. 94. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, $5,000; the secretary of the Territory, $3,000; United States district judge, $5,000; the United States marshal, $2,000; the United States district attorney, $2,000. And the governor shall receive annually, in addition to his salary, the sum of $500 for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of $2,000 annually for his private secretary.

The amendment was agreed to.

The next amendment was, in the last paragraph of section 98, page 45, line 10, after the word "the," to strike out "governor" and insert "attorney-general;" in line 11, after the word "Hawaii," to strike out "may" and insert "shall;" in line 12, after the word "in," to strike out "a" and insert "such;" and in the same line, before the word "provided," to insert "as may be;" so as to make the paragraph read:

That if such fishing right be established, the attorney-general of the Territory of Hawaii shall proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the Treasury of the Territory of Hawaii not otherwise appropriated.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CULLOM. I desire, in behalf of the committee, to move to strike out sections 104 and 105 and to insert in lieu of those sections:

SEC. 104. That this act shall take effect sixty days on and after the date of the approval thereof.

The adoption of this amendment I will state is very important.

Mr. PETTUS. Is not the phrase "on and after the date" misleading?

The PRESIDENT pro tempore. It is wrong. If the Senator from Illinois will look at it he will see that it is wrong.

Mr. CULLOM. I took it out of the House print. Let it read "from and after its passage."

The PRESIDENT pro tempore. The Secretary will read the amendment as modified.

The SECRETARY. It is proposed to strike out sections 104 and 105, in the following words:

SEC. 104. That the legislature of the Republic of Hawaii may enact laws not inconsistent with the foregoing provisions prior to the taking effect thereof.

SEC. 105. That this act shall take effect on the 4th day of July, 1900, except section 104 hereof, which shall take effect immediately after the approval of this act.

And in lieu thereof to insert:

SEC. 104. That this act shall take effect sixty days from and after the date of the approval thereof.

The amendment was agreed to.

Mr. CULLOM. I believe it was understood that on the completion of the reading of the bill there would be an adjournment.

The PRESIDENT pro tempore. The Senator gave notice that he wished to insert the word "exclusive" in two or three places.

Mr. CULLOM. There are quite a number of those places, and as I think Senators are a little anxious that the Senate shall now adjourn, I will defer that for a future day. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, February 19, 1900, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 16, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate had passed, with amendments, the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska, transmitted by the Secretary of War, of which 1,500 shall be for the use of the Senate, 2,500 for the use of the House of Representatives, and 1,000 for distribution by the War Department.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 copies of the report of Capt. W. R. Abercrombie on the Copper River exploration expedition to Alaska, transmitted by the Secretary of War, of which 1,500 shall be for the use of the Senate, 2,500 for the use of the House of Representatives, and 1,000 for distribution by the War Department—

to the Committee on Printing.

THE FINANCIAL BILL.

Mr. OVERSTREET. Mr. Speaker, House bill No. 1, known as the financial bill, has just been returned to the House, and I ask unanimous consent that the House nonconcur in the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House nonconcur in Senate amendment to the House bill No. 1, fixing the standard of value, etc., and ask for a conference. Is there objection?

Mr. RICHARDSON. Mr. Speaker, I think the amendment of the Senate ought to be printed in the RECORD, and if the gentleman will accompany his motion with that request, I see no objection to it.

Mr. OVERSTREET. I think the amendment is already printed in the RECORD of this morning.

Mr. RICHARDSON. The gentleman thinks it is printed with the Senate proceedings of yesterday?

Mr. OVERSTREET. Yes

Mr. RICHARDSON. Is the gentleman sure that it is the same as it comes to the House?

Mr. OVERSTREET. I would not object to the request, Mr. Speaker, but I am under the impression that it is contained in the RECORD of this morning.

Mr. RICHARDSON. I think the RECORD shows the bill as it passed the Senate, and yet I thought it well to have the amendment printed separately as a part of the House proceedings.

Mr. OVERSTREET. I have no objection, Mr. Speaker.

The SPEAKER. The gentleman adds to his request that the Senate amendment be printed in the RECORD. Is there objection? [After a pause]. The Chair hears none. The Chair will announce the conferees during the day.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

Mr. SIMS. A parliamentary inquiry, Mr. Speaker. If this motion is voted down, will it be in order to move that the House resolve itself into Committee of the Whole to consider business on the Private Calendar, it being Friday?

The SPEAKER. It would be in order.

Mr. SIMS. Then I hope the motion will be voted down.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

The question was taken; and on a division (demanded by Mr. SIMS) there were 76 ayes and 54 noes.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union (Mr. SHERMAN in the chair) for the further consideration of the legislative, executive, and judicial appropriation bill.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the appropriation bill, the title to which the Clerk will read.

The Clerk read as follows:

House bill 8347, making appropriation for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

For superintendent, $1,800.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, $12,093.75.

Mr. HEPBURN. Mr. Chairman, I desire to make an inquiry of the gentleman from Indiana [Mr. HEMENWAY]. I want to inquire of the gentleman in charge of the bill if this is the total expense of the Botanic Garden? Is this bill the entire expense of that institution, or are there other items carried in some other bill?

Mr. HEMENWAY. I am informed by the clerk of the committee that on the sundry civil bill there is an appropriation of $5,000 for the buildings.

Mr. HEPBURN. Are not the appropriations for the Botanic Garden carried on still another bill, is not that the rule?

Mr. HEMENWAY. I understand on the sundry civil bill there is an appropriation of about $5,000 in addition to the appropriation carried here.

Mr. HEPBURN. And no other?

Mr. HEMENWAY. Not that I know of, and I think I am correct.

The Clerk, proceeding with the reading of the bill, read as follows:

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, $12,000.

Mr. PEARRE. Mr. Chairman, I move to strike out the last two words. If I thought that a motion to strike out the appropriation providing for the Civil Service Commission would put an end to that commission and its work, I would make that motion before this House, and ask for its consideration and a vote; but I am persuaded that even if this clause in the bill should be extirpated by a vote of this House, this commission would continue in existence and in the performance of its functions, and that the money needed for its payment and sustenance would be furnished out of other appropriations of the Government, or supplied subsequently by the presentation of a deficiency.

But, Mr. Chairman, I do desire, in the presence of this House and of the country, to register my unqualified and unequivocal opposition to every feature of the civil-service law of 1883, supplemented by the act of 1871 in its present application and administration. My reasons for the opposition to that law are fundamental. They go to the very foundation of the theory upon which the law is based.

I shall first, sir, consider the first objection that occurs, and that is that the passage and application of this law to the various branches of the public service without requiring examinations to test the fitness of the then incumbents in office of the public service was pernicious and vicious partiality. If this law can be justified upon any theory, it is upon the theory that in 1883 the Departments of the Government of the United States were filled

with incompetent people. If that were not true, then there was no necessity for the passage of the civil-service law.

If that were true, then the test of examination should justly have been applied to those who then filled the offices in the Executive Departments of the public service. That was not done; and therefore the inevitable conclusion is that hundreds, yea, thousands of incompetent clerks and other officials were kept in the public service by the civil-service law of 1883.

It is not necessary, Mr. Chairman, to rely upon inference alone for that statement, because it has been stated by those in charge of this bill that the public service to-day is filled with incompetent officials. That being the case, where, I ask, do you find the efficiency of this law? This law practically said, "The public service is filled with incompetent clerks"——

The CHAIRMAN. The time of the gentleman from Maryland [Mr. PEARRE] has expired.

Mr. HEMENWAY. I ask unanimous consent that the gentleman be allowed to continue five minutes.

Mr. PEARRE. I would like to have ten minutes more.

Mr. HEMENWAY. Then I ask that the gentleman be allowed ten minutes additional.

The CHAIRMAN. Is there objection? The Chair hears none, and the gentleman will proceed.

Mr. PEARRE. Those in favor of this law, its advocates, practically said to the people of the United States: "The public service is filled with incompetent clerks; we must have a law to put them out; we must have a law to purge the public service and make competency the test of eligibility to that service." Yet that law contained no provision which would test the qualification of the man who was in—whose incompetency must have been the reason and justification for the passage of the law—but only placed Congress in the inconsistent position of requiring a test of qualification for those who are trying to get in.

Now, Mr. Chairman, there is another reason why I am opposed to the civil-service law in its present operation and administration, and that is that its provisions apply solely to the lower offices in the public service. Heads of Departments, heads of bureaus, the men who control the affairs of those Departments, are subjected to no test of qualification. It is a discrimination against the poor, the humble, the uninfluential, and places a premium upon political favoritism or upon the political hack, who, by handling primaries or manipulating political conventions, has ingratiated himself into the favor of some political boss.

Mr. TERRY. Will the gentleman allow me one question?

Mr. PEARRE. Yes, sir.

Mr. TERRY. Is it not apparent from the gentleman's examination of this matter that the question of the efficiency of the civil-service law depends almost entirely on the head of the particular Department who undertakes to administer it?

Mr. PEARRE. I quite agree with the gentleman as to that, and that is my argument—that if you put at the head of the Departments men of proper qualifications, men of efficiency, men of probity, men of honesty, who are determined to see that the public service is purged and kept free from incompetent subordinates, you have every guaranty that the safety of this nation and the good of the public service requires.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow me a question?

Mr. PEARRE. I yield for a moment, but I do not want it taken out of my time.

Mr. FITZGERALD of Massachusetts. Is there any single Department of the Government where inefficiency has resulted from the operation of the civil-service system? Has any head of a Department ever complained that the inefficiency of clerks in his Department was due to the operation of the civil-service system?

Mr. PEARRE. I have heard numerous complaints in regard to clerks. But that would not make any difference so far as the argument of the gentleman is concerned unless he is prepared to state the instances of inefficiency arising before the passage of this law.

Mr. FITZGERALD of Massachusetts. There were thousands.

Mr. PEARRE. Yes; and there are thousands to-day.

Mr. FITZGERALD of Massachusetts. Where are they?

Mr. PEARRE. Where were they before?

Mr. FITZGERALD of Massachusetts. In every Department of the Government.

Mr. PEARRE. I reply to the gentleman in the same way. In every Department of the Government the complaints of inefficiency are so common that any specific or special cases are not necessary to be referred to. So far as that is concerned, the gentleman from Indiana said yesterday that in the Departments—in one Department, at any rate—there are to-day 10 per cent of incompetent clerks; and the complaint is made that it is impossible to get those incompetents out.

Mr. FITZGERALD of Massachusetts. I should like to ask the gentleman——

The CHAIRMAN. Does the gentleman from Maryland [Mr. PEARRE] yield?

Mr. PEARRE. Yes, if it is not taken out of my time.

The CHAIRMAN. It must be taken out of the gentleman's time.

Mr. FITZGERALD of Massachusetts. Is there anything in the civil-service law to prevent heads of Departments from discharging incompetent men?

Mr. GROSVENOR. Yes; in the Executive order.

Mr. FITZGERALD of Massachusetts. I am asking the gentleman from Maryland.

Mr. PEARRE. I will answer the gentleman from Massachusetts without any suggestion, although I am very glad to have suggestions from the gentleman from Ohio. The provision which interferes with the power of removal in the heads of Departments is in the order of the President, which says that they shall not be removed except upon charges made in writing and for just cause.

Mr. FITZGERALD of Massachusetts. As my colleague stated yesterday——

Mr. PEARRE. I do not yield further. I shall be ready to hear the gentleman fully on this subject when he has the floor.

Mr. FITZGERALD of Massachusetts. If the civil-service law were out of the way, the gentleman from Maryland, residing so near Washington, would just fill this town with Marylanders occupying public office.

Mr. PEARRE. I fancy that the patriotism of Massachusetts is not superior to that of other States, because I heard read in this House the other day a list of members of Massachusetts regiments that never smelt powder in the Spanish war and who are now asking pensions.

Mr. FITZGERALD of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield further?

Mr. PEARRE. No, sir.

The CHAIRMAN. The gentleman declines to yield further.

Mr. PEARRE. Sir, the Massachusetts regiment, that never got near Santiago, has filed to-day, according to the statement of a responsible member of this House, applications for pensions to the number of 500, or nearly half of their whole number.

Now, Mr. Chairman, I am further opposed to this law, because I do not believe that examination is a test of fitness for the particular work. It has gone into history, sir, that the valedictorian is never heard of after commencement day.

If you will go through the annals of the bar of this country—and I think this statement will commend itself to the recollection, judgment, and approval of every member of the bar in this House—you will find, sir, that those students of law who have given the best promise of success by standing high in their studies while at the law schools and passing the best examinations, in many instances, when brought to face the practical problems of the profession and apply the principles to the practice, have become absolute failures.

Look at the Army in every war in which this country has been engaged. Some of the most distinguished successes have been gained by men who had not the advantage of the technical training of the West Point Military School, the latest illustration of which, sir, is the magnificent career of that soldier of the people, taken from its loins, Lawton, who died so gloriously in the Philippines the other day. [Applause.]

Why, Mr. Chairman, look at the medical profession, and you will find that colleges are filled with professors who have scientific knowledge of the principles of their profession, who, when faced by the application of those principles to the ills of mankind, have proved utter and complete failures.

Mr. Chairman, it is not necessary to go that far, because it has been admitted in this debate that the temporary clerks provided by the deficiency acts of 1898 in the War Department have given as complete satisfaction in point of service and efficiency as any men taken from a certification of the Civil Service Commissioners, and better in many instances. If this be the case, where is the need for such a law?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEARRE. I should like to have five minutes more. I was interrupted several times.

Mr. FITZGERALD of Massachusetts. I have no objection——

Mr. HEMENWAY. I ask unanimous consent that the gentleman have five minutes' time.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent that the gentleman from Maryland may proceed for five minutes longer. Is there objection?

There was no objection.

Mr. PEARRE. Now, Mr. Chairman, that is admitted upon this floor in this debate, that the temporary clerks in the War Department have given ample satisfaction and have performed every duty the public service requires. Why, Mr. Chairman, as a further illustration that examinations are not conclusive tests of fitness, nor even reasonably good tests of fitness for the particular work, I may be pardoned for calling the attention of this House

to a case which came within my own personal observation. A lady applied for a position in the Census Office and was required to pass the examination. She was 50 years of age. She had been teaching school to my personal knowledge for twenty-five years and had been engaged in literary pursuits during her whole life, a woman of fine intellect, of great qualification, a woman who had devoted her life to the technical matters of education. Yet, sir, in the face of that examination she failed; whereas to-day I am prepared to say to this House that there is not one jot or tittle of doubt about her eminent qualifications for any position to which she might have been appointed had she passed that examination in that Bureau.

But, Mr. Chairman, these are not the only objections. This law is full of inconsistencies and inequalities in its operation. Why, there is an attempt made in the act of 1871 to lead the people in this country to believe that some sort of preference is shown to the old soldier in these civil-service laws, but if you will look at that law you will discover that in order to have that preference he must show an injury in the service, traceable to the service, and then the President's order requires that he shall pass the examination and attain a grade of 65, no matter what his service may have been, no matter how loyal he may have been to his country, no matter at what personal sacrifice of comfort and prospects he gave his services to his country. He has no preference unless he can trace his disability to the service. And yet, sir, in the succeeding section you will discover that those who were not injured in the service are kindly recommended to the tender mercies of the banker, the manufacturer, and the merchant for preference in securing employment.

If this be not a lie written upon the statute books of the United States, then repeal this law and give to every loyal soldier of the Government of the United States preference for employment to which he was entitled. [Applause.]

Mr. Chairman, this law is un-American and unnecessary. It reminds one and savors much of the old laws of primogeniture and entail in England. It is unnecessary, for the reasons that I have given.

During the whole period of this country's history it was never found necessary until all the issues between the parties seemed to have been thrashed over and fought out and statesmen were looking about for some sort of new political emotion. Then they turned to this grand reform in the civil service of the Government.

Why, sir, these colonies, when but 3,000,000 people, waged war against the strongest nation then upon the earth. All the civil Departments of the Government of those colonies were strained to the utmost, and yet, sir, the autonomy of their Government and their success was never interfered with by the fact that we had no such civil-service law.

In 1812, sir, this nation, a little bit stronger, got into a controversy with Great Britain again, and whipped out of that nation a recognition of the principle, which has since become a principle of international law, that the American flag on board an American ship protected any man who rested beneath the shadow of its folds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEARRE. I should like to have five minutes more. I will promise the gentleman from Indiana that I shall not ask for further time.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five minutes. Is there objection to the request?

There was no objection.

Mr. PEARRE. As I said, sir, in that war we whipped out of Great Britain the recognition of the principle, which has since become a principle of international law, that the American flag on an American ship protected any man who rested beneath the shadow of its folds. And, sir, at that time, as in every case of war, every civil Department of this Government was stirred and strained to excessive activity, yet no need was felt for reform in the civil service, and the success of our arms was in no way interfered with.

In 1848 we took into our arms appealing Texas, with her magnificent domain, and Florida afterwards. Prior to that time we had made the Louisiana purchase, and we have managed and administered the affairs of that vast territory, bringing portions of it in as States at different times, without destroying the autonomy of our Government or feeling the need for reform in the civil service.

In 1861, sir, brothers in this land were engaged in a controversy which could only be settled by the arbitrament of the sword. All the branches of the civil service of the Government were unusually stirred, and yet, sir, we went through that war and reached a satisfactory settlement of the enormous questions involved without the aid of a civil-service law and without feeling any necessity for it. During that war, sir, billions of money were spent and the armies of the United States were organized with more than a million of men. Yet the civil branches of this Government did not suffer by reason of the fact that we had no civil-service law.

The United States Government has been the pioneer, under God, in the progress of civilization, and to-day, sir, she has planted her flag in the Orient, which is the day star of hope and the pole star to the nations of the earth, to the haven of political regeneration and redemption. There we find the boys in blue and the boys in gray, under Grant and Wheeler, marching to the blended strains of Yankee Doodle and Dixie [applause] to advance the landmarks of civilization and to retain the flag of this nation where it has been once justly planted. [Applause.] That flag, sir, has ever been and will ever be the panoply of freedom and the talisman of equal rights to all men under the law.

Those boys who are fighting there to-day, sir, are considered capable by the people of this country to guard this nation's flag and honor and to advance the landmarks of civilization. If they are fit for that, in God's name, I ask, should they not be recognized as fit to administer, without examinations, at least the minor civil offices when that insurrection has been suppressed and civil government restored? [Loud applause on the Republican side.]

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I think there is some reason, judging from the criticisms we have seen in the public press at various times during the past four years of the manner in which the civil-service laws are administered by the present Administration, for the criticism of the civil-service laws in general which has just been made by the gentleman from Maryland. I think the real reason that actuates the gentleman in making this attack is the fact that Maryland is so close to Washington, if the civil-service law should be repealed, all the gentleman's constituents would flock here and take possession of the offices.

Mr. PEARRE. Will the gentleman permit me? I permitted the gentleman to interrupt me.

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. PEARRE. I just want to assign a reason, one reason only, on this subject. The Congressional platform upon which I was nominated declared for the repeal or modification of this law; and further than that, when an amendment to the constitution of Maryland was suggested and submitted to the people in 1873, providing for a civil-service law in Maryland, it was defeated by 60,000 votes.

Mr. FITZGERALD of Massachusetts. That only confirms the statement that I made, that the gentleman's constituents in Maryland, as a general rule, are in favor of the repeal of the law, so that they could get possession of offices in the District of Columbia, and the other portions of the country would not get their proper share.

Mr. WACHTER. I desire to say, as a member from Maryland, that it gives us more trouble also, by reason of being so close to the capital.

Mr. FITZGERALD of Massachusetts. I appreciate that fact.

Mr. WACHTER. But we are against it.

Mr. FITZGERALD of Massachusetts. You are so close that the rest of the country would not get recognition at all if the civil-service law is repealed. Now, Mr. Chairman, as I stated yesterday on the floor of the House, the civil-service law is carried out nearly to perfection, if I might put it that way, by those who are the responsible heads of the different departments of the National Government in the city of Boston; and, as I stated yesterday, for the past fifteen years, since Mr. Cleveland first assumed the office of President, the women and the men who have taken the examination for service under the National Government in that city are appointed in the order of merit. On the walls of the Boston post-office to-day is exposed a list of those men and women who have taken the examination in the past year, and I challenge the gentleman who has just taken his seat or any other member of this House to show where a single individual's name has been passed. Politics has not interfered in the appointment, and every man and woman who has been appointed can thank his own brains and industry rather than charge his appointment up to some one with a political pull.

I do not know, Mr. Chairman, how the law has operated in other sections of the country. I know that it is not lived up to in the city of Washington at the present time, and the Civil Service Commission has protested against its evasion more than once. I know it is not lived up to in other sections of the country, and the attention of the President has been called to that fact by the Civil Service Commission. The attention of the President of the United States has been called to the fact that the civil-service law has been violated in the matter of levying assessments upon officeholders for the success of the Republican party in the Ohio campaign last year. [Applause on the Democratic side.] It is a notorious fact, Mr. Chairman, that almost every postmaster and every employee under the United States Government, in our State at least, received a circular letter from the chairman of the Republican State committee of Ohio asking for an assessment to benefit the Republican campaign in the State of Ohio.

Mr. WACHTER. Will the gentleman allow me to ask him a question?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. WACHTER. Do you mean to say that that was not done under the Cleveland Administration?

Mr. FITZGERALD of Massachusetts. I never knew of any circular being sent around, and I do not believe any such practice was indulged in.

Mr. WACHTER. Do you mean to say that it was not done under the Cleveland Administration?

Mr. FITZGERALD of Massachusetts. Never done that I have heard.

Mr. WACHTER. It was done in the city of Baltimore.

Mr. FITZGERALD of Massachusetts. I challenge the gentleman to produce evidence in order. Now, Mr. Chairman, the records of the Railway-Mail Service here——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for ten minutes.

The CHAIRMAN. The gentleman asks unanimous consent that he be permitted to proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD of Massachusetts. The records of the Railway Mail Service here in Washington show the efficiency of the civil service in that branch of the Government work. The reports of that office tell us that since the civil service has been in operation that great department of the Government has increased its efficiency tremendously, to that extent, I believe, that only a very small fraction of 1 per cent of mistakes are made in that Bureau now.

When boys from my district and my State have written to me and asked me to do something toward getting them appointed, I have told them in every instance that the appointment would be made in the order in which they appeared on the list, and I believe there never has been an exception to that rule. Now, I do not know what State the lady who, according to the gentleman from Maryland, has been teaching school for twenty-five years came from, who could not pass a civil-service examination, but in my own State of Massachusetts we have the list crowded with the names of those who pass these examinations without any trouble twice every year, and I will cheerfully excuse the ignorance of my friend from Maryland upon this great question if that is the character of school-teaching that he has been compelled to submit to. [Applause on the Democratic side.]

Now, Mr. Chairman, the gentleman has chosen to go out of his way and attack the Massachusetts regiments. He made a statement that men in these regiments had applied for pensions who had never smelt gunpowder.

Mr. PEARRE. I did not make that statement. I referred to it as a statement made by a gentleman on the floor of the House.

Mr. GROSVENOR. I was just going to ask if the gentleman from Massachusetts heard the speech on his side of the House yesterday by the gentleman from Tennessee [Mr. SIMS].

Mr. FITZGERALD of Massachusetts. I did not hear the speech or I would have answered it on the spot. I was in my committee room, and I never knew anything about the matter until a few moments ago.

Mr. GROSVENOR. Would it not be well to answer the gentleman from Tennessee [Mr. SIMS]?

Mr. FITZGERALD of Massachusetts. I intend to do that. I will answer the gentleman from Tennessee before I take my seat.

Mr. GROSVENOR. He said that there were six or seven hundred applications for a pension from one regiment in your State that never heard a gun fired.

Mr. FITZGERALD of Massachusetts. I intend to answer that statement if the gentleman will give me time.

Mr. WACHTER. That was only a repetition of the statement of the gentleman from Tennessee.

Mr. FITZGERALD of Massachusetts. The gentleman from Maryland said that neither of these regiments smelt any powder. He seems to be as familiar with the records of Massachusetts soldiers as he is with the working of the civil-service law. Now, Mr. Chairman, I have the Spanish-American war record, taken from the Office of the Adjutant-General, in which the Second Massachusetts had 1 officer killed in action and 3 officers wounded; 4 enlisted men killed and 41 men were wounded, and 4 enlisted men died of wounds received in the service. Two officers and 86 men died of disease contracted in the service.

I will now present the record of the Ninth Massachusetts, the other regiment referred to by the gentleman from Maryland. I will say at this time that the gentleman from Tennessee who made the original statement concerning these regiments stated to me before I took the floor, when I asked him his authority for his facts, that the table which he read the other day was prepared by the Pension Bureau, and he gave out the statement just as it was presented to him from the Pension Bureau. This action of the Pension Commissioner confirms the charge that I made against him the other day in the House, that he is hostile to the just claim of the Spanish-American war veteran, and when he submits a table to this House in which it is stated that no deaths resulted from the service of the Ninth Massachusetts Regiment, he certainly displays a lamentable amount of ignorance or betrays an evident purpose to do a great injustice to this regiment. The record of the Ninth Massachusetts Regiment, taken from the Adjutant-General's Office, shows that there were 3 men wounded, 4 officers and 110 enlisted men died from disease contracted in the service.

Mr. WACHTER. From what cause?

Mr. FITZGERALD of Massachusetts. From disease contracted by the inefficiency and neglect of this Government. [Applause on the Democratic side.] Now, I wish the members of this House to understand that no other State in this Union has a prouder record than Massachusetts in this war, and when the gentleman says that neither of these regiments smelt powder he says what is not true. I wish to say that the Second Massachusetts was about the first, if not the first, volunteer regiment that landed in Cuba, and that the Ninth Massachusetts followed a short time afterwards, and that the State of Massachusetts has the proud record of being the only State that furnished two regiments in the memorable campaign of Santiago.

Now, Mr. Chairman, it was not necessary for men to die of wounds in the Santiago campaign to show that they were valiant and to entitle those depending upon them for support to apply for a pension. Disease in the Crimean war created more havoc among the English soldiers than bullets. We all know what occurred in the Santiago campaign, and we all know the conditions that existed there. I have seen it stated somewhere that when the British army, under the Earl of Albemarle, landed on the Cuban coast and attacked Habana in 1762 it lost nearly half of its efficiency by sickness in less than four weeks.

Mr. CORLISS. Will the gentleman allow me an interruption?

Mr. FITZGERALD of Massachusetts. Certainly.

Mr. CORLISS. I want simply to remind the gentleman from Massachusetts that Michigan had two volunteer regiments at Santiago.

Mr. FITZGERALD of Massachusetts. That is true. I accept that statement. The gentleman from Michigan is correct.

Mr. CLAYTON of New York. And the Seventy-first New York Regiment was there.

Mr. FITZGERALD of Massachusetts. The Second Massachusetts Regiment was on the firing line and participated in the fight at El Caney and San Juan, and the Ninth Massachusetts arrived just after these battles and indulged in slight skirmishing until the peace treaty was signed. This regiment held the trenches in front of the city of Santiago, and if hostilities had been resumed would have been directly in front of the enemy. Both these regiments were armed with Springfield rifles and used black powder, exposing them to the well-directed shots of the Spaniards, who, though fighting for a bankrupt Government, were provided with the most modern gun known to civilized warfare. Two of the three majors of the Ninth Massachusetts died on Cuban soil as a result of their service within a month of the landing of the regiment, and the colonel of the regiment, who was ordered north after contracting this insidious fever that prevailed there, died two days after his arrival in Boston.

It was the duty of this Government, the richest in the world, to provide these troops with every safeguard that medical science could suggest; but how lamentably the Government failed in this direction is known to the House.

When the reports of men dying by the score every day from diseases in Cuba was flashed to this country, our President, Mr. McKinley, telegraphed General Shafter for the reason. This is what General Shafter replied. General Shafter telegraphed that 75 per cent of his command had been disabled by fever, and eight general officers of the Fifth Army Corps were signing a round robin in which they declared that if the army was not immediately moved it must perish.

Shafter also said, "What put my command in its present condition were the twenty days of this campaign when they had nothing but meat (fat bacon), bread, and coffee, without change of clothes and without any shelter whatever." Shafter telegraphed August 3, "There has never been sufficient medical attendance or medicine for the daily wants of my command."

One of the magazine writers, speaking of the situation from personal observation, made this criticism of the campaign in Cuba: "The marines observed the laws of health and lived according to the dictates of modern sanitary science, while the soldiers, through no fault of their own, were forced to violate almost every known law of health and to live as though there was no such thing as sanitary science in existence."

I was at Montauk Point when the Second Massachusetts Regiment arrived from Cuba, and I saw those boys (the great majority of them not able to walk the short distance of half a mile to the detention camp) fall by the roadside—not by ones and twos, but by the tens—and I saw them ten days afterwards, just able to walk to the boat which conveyed them to Massachusetts and home.

I saw the Ninth Regiment land at Montauk Point a few days after the Second, and I helped them in every way that I could to get sustenance. The incapacity of the Government at that time to furnish these men food and rations was such that I was compelled to fight with the commissary down there before I could get those boys milk and bread and beef five or six hours after they had landed upon that island. There were no overcoats there; they were not provided with proper tentage; they had no stoves to cook food. And when I went to the Quartermaster-General and asked for overcoats and uniforms and stoves, he said they were not on hand. And those boys, after they came from Cuba—and I was with them for a week—lay in their tents upon the cold, damp ground.

But with all the care that was given by private individuals, to these boys, after their return, died by the hundred.

Now, Mr. Chairman, because these men did not receive wounds, because their legs were not shot off, because they were not hit with missiles fired from Spanish guns, is that any reason why they should be deprived of their right to a pension? If this Government, by its incapacity, its inability to furnish those men with food, with proper sustenance, rendered able-bodied men unfit for employment, made it impossible for them to support their wives and their children, their fathers or their mothers, is it to be said that they are not entitled to exact from the Government that which is theirs?

Mr. Chairman, I do not believe that the gentleman from Maryland holds any such doctrine as that. I can not believe the gentleman from Tennessee meant to make any charge against the patriotism of Massachusetts soldiers. The statement which he presented he took as a record given him by the Pension Department; and, as I stated a few moments ago, the Pension Commissioner of the United States has no sympathy at all with the Spanish-American war veterans. I know——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD of Massachusetts. I would like just two minutes more.

The CHAIRMAN. Is there unanimous consent that the gentleman from Massachusetts continue his remarks for two minutes more? The Chair hears no objection.

Mr. FITZGERALD of Massachusetts. I know that among 25,000 applications pending for pensions there are some that are not warranted, are not justifiable; but I know that there are hundreds of worthy claims lying in the Pension Bureau now, according to the statement of the Pension Commissioner himself, that have never been investigated, but await the first scrutiny of an official of the Pension Department.

I know of instances where these boys attempted to go to work, and did work for a few days, but they were compelled to give up. I have heard employers of these men say that they did not know what was the nature of this disease contracted in Cuba by these men—this malarial fever and typhoid fever and dysentery—but that the disease was more insidious than any of which they had had experience; it simply left these men unfit for duty.

They went away full of animal life and vigor—in the prime of manhood. They came back physical wrecks. I do not know what may be the number of pension claims that have been presented at the Department, but I will say on this floor, Mr. Chairman, that those boys from Massachusetts who served in the campaign in Cuba, Puerto Rico, and the Philippine Islands did their duty heroically, and that the Commonwealth of Massachusetts has every reason to be proud of the grand and noble record that her sons made in this struggle. [Applause.]

Mr. GILLETT of Massachusetts. Mr. Chairman, I was very glad that the gentleman from Maryland [Mr. PEARRE], who is a good lawyer, recognized the futility of making the usual annual motion to strike out this appropriation. I do not believe the House wishes to waste its time in debating this question, which we all see is not coming to any issue. I do not want to discuss the question generally. I would not say anything but for the fact that the gentleman from Ohio [Mr. GROSVENOR] made yesterday, in a confident and rather pugnacious way, a statement which I think demands a reply. He said that when the civil-service law was enacted nobody claimed that the existing service was poor, and that Senator Pendleton, who had charge of the measure, took the ground that it was introduced simply to make a division of offices between the two parties. "And," said the gentleman from Ohio, "I challenge any man on this floor to put his finger on any utterance of the character to which I have referred."

Now, unless somebody responded to that it might be thought that that statement was correct, and therefore I wish simply to read the following sentences from the debate at that time.

In the debate on the civil-service bill in the United States Senate in 1883, Senator Pendleton said:

> I repeat, Mr. President, that the civil service is inefficient, expensive, and extravagant, and that it is in many instances corrupt. Is it necessary for me to prove the facts, which are so patent that even the blind must see and the deaf must hear?

Senator Beck said:

> Secretaries have said officially to Congressional committees that they are obliged to take people they do not want; that they have to supply places to people for whom they have no use; and one Secretary came before a committee at the last session and said he was obliged to keep 17 persons in his Department whom he did not want, when one man would do the work better than the 17; and still such places are kept for political purposes.

It seems to me that that answers the challenge which the gentleman threw out yesterday.

And now one word concerning the remark that the two Massachusetts regiments in Cuba never smelt powder.

The Second Regiment came entirely from my section of the State. It was, I think, the first volunteer regiment in the whole country that was mustered into the United States service. It not only smelt powder—which the gentleman denied—but it smelt and used the old-fashioned powder on the firing line at El Caney all day beside the regulars with their smokeless powder and modern guns. It showed a gallantry and steadiness which have been repeatedly praised by the regular officers and of which we at our home are very proud. Just how many were killed I do not know, but I do know the number mentioned there is far too small, for we brought back from Santiago to my own city, where there were only three companies, the bodies of thirteen boys, and nearly fifty for the whole regiment; and I think it ill becomes any member of the House to sneer at the services or the losses or the requests for pensions from that gallant regiment.

Mr. COCHRAN of Missouri. Mr. Chairman, yesterday, in a speech defending the policy of the Administration in reference to the Filipinos and Puerto Ricans, the gentleman from Illinois [Mr. BOUTELL] discussed at length the constitutional prerogatives of the Federal Government. The burden of his speech was regret that anybody should call in question the absolute sovereignty of the Government of the United States. The gentleman seems to entertain the opinion that the Federal Government possesses the same powers as have immemorially been exercised by the monarchy, and to regard as anomalous the contention that in this country governmental agencies are restrained, limited, and circumscribed by the Constitution.

Why, Mr. Chairman, the fundamental difference between the republic and the monarchy is that in the republic the powers of the government are limited, while in the monarchy they are not. By our Constitution the Federal Government is invested with certain enumerated powers and prohibited from exercising others.

The Congress can not enact ex post facto laws. It can punish for treason, but can decree no attainder of blood. It can impose taxes, but taxes must be equal and uniform throughout the country. It can preserve the peace, but the people shall not be prohibited from bearing arms.

But evidently the framers of the organic law were unwilling to rely upon these specific curtailments of the sovereignty of the General Government. The amendment, which was doubtless intended to preclude the growth of the nation's doctrine of "inherent powers" and "absolute sovereignty," now for the first time preached by an American President, declares that all powers not delegated to the Federal Government are retained to the people or to the States. And yet we hear gentlemen express surprise that anybody should claim that this Government does not possess all the powers exercised by the governments of the Old World.

It is said that if we can not obtain and hold as vassal states populous islands thousands of miles from our shores, then this Government is shorn of a power exercised by all governments throughout the world's history. Why, Mr. Chairman, if we are to accept the history of the monarchy as a guide for our footsteps, if we are to accept as a criterion the powers exercised by foreign governments as the correct interpretation of the powers of our Government, this will be indeed the abandonment of the Constitution and the end of the Republic.

Mr. Chairman, the new and strange doctrine upon which the imperial policy of the Administration rests is at variance with the teachings of all the great statesmen of past generations and with a score of decisions of the Supreme Court of the United States. Even the Federalists of the generation that framed the Constitution, the earliest and sturdiest defenders of centralization and extension of the powers of the Federal Government, declared that it could only exercise the powers expressly or by fair implication delegated by the Constitution. Webster and his contemporaries were of the same opinion. And the decisions of the Supreme Court of the United States coincide with the views held on this side of the Chamber as to this as well as every other proposition upon which the Administration stands.

Mr. Chairman, not only in their interpretation of the Constitution, but in their demand for the establishment of arbitrary governments over distant colonies the President and his supporters are at variance with all the great statesmen who in the past have written or spoken upon the subject and with the decisions of the Supreme Court. If the Philippines are to be annexed, it must be with the understanding that then and thereby they will become a part of the United States, and as such entitled to the safeguards

of the Constitution. Over and over again the Supreme Court has unanimously affirmed that the Government of the United States extends to all territory belonging to the United States, no matter how acquired. It has held that the term "United States" means not merely the States of the Union, but all territory belonging to the United States. It has distinctly held that when territory is annexed to the United States the safeguards and all the provisions of the Constitution extend to that territory.

Alexander Hamilton, an avowed monarchist and most ultra advocate of centralization, laid down this rule for determining the constitutionality of proposed legislation:

If the end be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that end, and is not forbidden by any provision of the Constitution, it may safely be deemed to come within the compass of the national authority.

Chief Justice Jay announced the same doctrine, and Chief Justice Marshall, in the case of Martin *vs.* Hunter's Lessees (1 Wheaton, 304), declared:

The Government of the United States can claim no powers which are not granted to it by the Constitution; and the powers actually granted must be such as are expressly given, or given by necessary implication.

In Gibbons *vs.* Ogdon (9 Wheaton) he said:

This instrument contains an enumeration of the powers expressly granted by the people to the Government.

Daniel Webster asserted the same rule. In the "Reply to Hayne" he said:

The National Government possesses those powers which it can be shown the people conferred upon it, and no more. The people erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted.

It is a Government of strictly limited powers; of enumerated, specified, and particularized powers, and whatever is not granted is withheld.

In his argument in Gibbons *vs.* Ogden, he said:

In conferring powers it [the Constitution] proceeds by the way of enumeration, stating the powers conferred one after another in few words; and where the power is general or complex in its nature, the extent of the grant must necessarily be judged of and limited by its object and by the nature of the power.

Chief Justice Marshall thus compactly expressed the same views, saying of the Federal Government:

Its powers are unquestionably limited; but while within these limits it is as perfect a government as any other, having all the properties and faculties belonging to a government, with a perfect right to use them freely in order to accomplish the objects of its institution.

Daniel Webster said:

We mislead ourselves often by using terms without sufficient accuracy or terms not customarily found in the Constitution and laws. The term "sovereign" or "sovereignty" does not occur in the Constitution of the United States. It does not speak of the Government as a "sovereign government." It avoids studiously the application of terms that might admit of different views; and the true idea of the Constitution of the United States is that powers are conferred on the legislature, not by general vague description, but by enumeration. The Government of the United States holds no powers which it does not hold as powers enumerated in the Constitution or as powers necessarily implied.

And again:

The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in North America. Our governments are all limited. In Europe sovereignty is of feudal origin, etc. But with us all power is with the people. They alone are sovereign, and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign in the European sense of the word, all being restrained by written constitutions.

Chief Justice Taney also pointed out, in Scott *vs.* Sandford, the limited extent of the sovereignty of the United States Government, and in Ex parte Merryman, saying:

Nor can any argument be drawn from the nature of sovereignty or the necessities of government for self-defense in times of tumult and danger. The Government of the United States is one of delegated and limited powers. It derives its existence and authority altogether from the Constitution, and neither of its branches can exercise any of the powers of government beyond those specified and granted.

The leading writers, without exception, adhere to the doctrine that ours is a government of laws, administered by governmental agencies whose powers are enumerated and limited, and that the Congress possesses no powers except those conferred by the Constitution, and can enact no law obnoxious to the Constitution.

In Cooley's Constitutional Limitations (page 11) it is said:

The Government of the United States is one of enumerated powers, the national Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National Government assumes to possess. In this respect it differs from the constitutions of the several States, which are not grants of powers to the States, but which apportion and impose restrictions upon the powers which the States inherently possess.

In his Constitutional Law (pages 29-31) the same learned jurist states:

The Government created by the Constitution is one of limited and enumerated powers, and the Constitution is the measure and the test of the powers conferred. * * * It is manifest that there must be a difference in the presumption that attends an exercise of national and one of State powers. The difference is this: To ascertain whether any power assumed by the Government of the United States is rightfully assumed the Constitution is to be examined in order to see whether expressly or by fair implication the power has been granted, and if the grant does not appear, the assumption must be held unwarranted. To ascertain whether a State rightfully exercises a power, we have only to see whether by the Constitution of the United States it is conceded to the Union, or by that Constitution or by that of the State prohibited to be exercised at all.

Mr. Chairman, nothing new or novel is laid down in these authorities. This doctrine, approved by these leaders of the Federalists of a hundred years ago and followed by their successors, the Whigs of the last generation, has not until recently been called in question directly by the leaders of the Republican party. The doctrine that our Government possesses inherent sovereign powers, such as are exercised by kings and emperors pretending to divine appointment, is the hatchling and offspring of a Presidential policy which treats the Declaration of Independence as obsolete, regards the Bill of Rights as applicable only to American territory, and contends that Providence directs that this great Republic shall extend its dominion to foreign lands by force of arms. Mr. Chairman, under any circumstances territorial expansion beyond the confines of this continent would be madness, but when to obvious objections to such a policy, viewed solely from the standpoint of our own selfish interests, is added the manifest impossibility of doing so without overturning all preconceived theories of the meaning of the Constitution and the structure of our Government and institutions, certainly the gentlemen who are assuming this grave responsibility should hesitate to take this fatal plunge.

Mr. Chairman, I do not deny that the Government of the United States might not institute, in territories too sparsely settled to permit Territorial organization, governments essentially different from those existing in more favored sections, but even under such circumstances laws for their government would have to be provided by Congress, and such laws would have to conform strictly to the Constitution.

The chasm between this view of the constitutional question raised by the proposal of the Administration to establish and maintain unconstitutional governments in territory acquired by conquest is deep and wide.

We challenge and our opponents affirm the doctrine that this Government possesses powers not delegated by the Constitution. We contend that under the Constitution all the safeguards and immunities guaranteed by the Constitution appertain to every inch of territory owned by the United States, and may be invoked by all who dwell under the flag. Our opponents insist that our armies may conquer distant lands and that, reserving liberty and independence for ourselves, we may impose upon conquered millions any form of government that pleases us, regardless of the Constitution.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN of Missouri. I ask for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. The gentleman from Illinois [Mr. BOUTELL], referring to arguments that have been made against the policy proposed by the Administration, expresses surprise that we should deny the power of this Government to do things which may be done by all other governments. My understanding of the Constitution is that it was intended to limit the powers of Government. It was intended to deprive our Government of powers exercised by others. It provides that the writ of habeas corpus shall not be suspended except when, in case of rebellion or invasion, the public safety may require it.

Mr. GAINES. Will the gentleman from Missouri permit a question there?

Mr. COCHRAN of Missouri. I should be glad to yield, but I have not the time, and I can not do so.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. COCHRAN of Missouri. It provides that no bill of attainder or ex post facto law shall be passed. "That no capitation or other direct tax shall be laid unless in proportion to the census or enumeration herein directed to be taken." "That no tax or duties shall be laid on articles exported from any State."

I might mention other similar provisions contained in the Constitution as originally adopted. Passing to the amendments to the Constitution, we find other limitations upon the powers of government imposed. The Bill of Rights is a distinct negation of the doctrine of the absolute sovereignty of government; and, Mr. Chairman, even more significant than its specific limitations is the constitutional provision that—

The powers not delegated to the United States by the Constitution nor prohibited to the States are reserved to the States respectively or to the people.

Mr. Chairman, if the reigning politicians really hope to succeed in the programme mapped out at the White House, they must assume that the Supreme Court is going to reverse at least twenty adjudicated cases, in which every proposition laid down in the Administration policy as to Puerto Rico and the Philippines is declared unconstitutional. That this is their hope was shown early

in the controversy by the declaration of a prominent Republican Senator in a speech delivered in the Senate that the Dred Scott decision, in which the court unanimously concurred in denouncing as unconstitutional the very things now proposed by the Administration, long ago became "a hissing and a byword." The Senator was paving the way for an assault upon former decisions of the Supreme Court and took this method of disposing of one of them. The Dred Scott decision at the time of its enunciation was not criticised generally as illogical or contrary to law. The one feature of the decision which shocked the conscience of the nation was that it defined accurately the helpless condition of the slave. It challenged the attention of the American people to the fact that millions of human beings in this country had no civil rights which white men were bound to respect.

It served a purpose in the political discussions of the slavery question in this, that it did hold up to the American people the monstrous proposition that millions of human beings could live under the American flag without the right to resort to the courts created by the Constitution for the enforcement of human rights and the punishment of wrongdoers. Now, what is proposed? The leaders of the great party whose founders pointed to the Dred Scott decision as an adjudication, eloquently setting forth the enormity of human slavery in a Republic, propose to place 12,000,000 Filipinos and 1,000,000 Puerto Ricans under a government restrained by none of the safeguards of the Constitution. They have declared, and propose to proceed to the end upon the proposition, that the people of these islands have no constitutional rights which the American courts are bound to respect. The President proposes that, under such legislation as Congress, unrestrained by the Constitution, may enact, rulers by him appointed shall govern these peoples. They are to be treated as conquered peoples—their islands as vassal states. We are to have one standard for ourselves and our children and another standard for them and their children. Liberty in our own country—vassalage in our dependencies!

And this is not to be a temporary, but a permanent arrangement. These islands are to remain forever the property of the Republic, but are never to fully share its blessings. When I asked the gentleman from Illinois [Mr. BOUTELL] yesterday whether, if in the future the islanders should, by means of education, arrive at a standard of intelligence and morality justifying their admission as States, he would favor their admission, he replied that he would not. So say we all. Therefore, the proposition is that eternal slavery shall be fastened upon these people. Mr. Chairman, was such a proceeding ever dreamed of by the founders of our Government? Could such a system endure under the Constitution or laws of the United States? No wonder defenders of such a policy find it necessary to assail the decisions of the Supreme Court. No wonder the Senator who acts as the President's mouthpiece sought to evade the decision of the main question here involved, made by the Supreme Court in the Dred Scott decision, by appealing to prejudices arising out of the antislavery agitation of forty years ago.

It is not even strange that the Senator forgot to state that as to the question now under discussion—the powers of Congress in legislating for the government of the Territories—the court was, in the Dred Scott case, as it has been in half a dozen others in which the same question was under consideration, unanimous in declaring that in all the territory of the United States the Constitution applies; that Congress has no power to enact laws applicable to territories acquired by cession, treaty, or conquest which contravene in any respect the organic law. Ours is a Government of laws, and all governmental agencies are circumscribed, limited, and defined by enumeration in a written Constitution, which applies to every inch of the dominions of the Republic. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Chairman, that our discussions here sometimes take a very singular course has been illustrated this morning. Two or three days ago the gentleman from Tennessee [Mr. SIMS] made a speech which I find reported in the CONGRESSIONAL RECORD. I find two tables showing the casualties in 8 Northern volunteer regiments and 8 Southern volunteer regiments.

A MEMBER. What page is that?

Mr. HEPBURN. Page 1851. The gentleman states in his tables that the casualties in the regiments from the North aggregated 254, in the Southern regiments 185, and in another column the pensions that have been sought for were 3,588 from the Northern regiments and 761 from the Southern regiments, and he takes that as a basis justifying this language:

> There is but one general cause that can be assigned for this great and astounding difference in the number of pension applications from the North and from the South. It must be due to a wide and generally prevailing depraved, debauched, and corrupted public sentiment that exists throughout the North and does not exist throughout the South, due to education and environment.
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> Is it any surprise, then, that the brave young men from the North who lately volunteered to go and fight Spain, to liberate her oppressed and taxburdened subjects, are not restrained by the same noble sentiments when it comes to thrusting their hands into the pockets of American taxpayers and robbing them of their hard earnings by means of fraudulent and unjust pensions?

That language was used by the gentleman from Tennessee, a partisan friend of the gentleman from Massachusetts [Mr. FITZGERALD]; but the gentleman from Massachusetts sat in his seat silent when that assault was made——

Mr. FITZGERALD of Massachusetts. I was not present.

Mr. HEPBURN (continuing). Upon his constituents, on those regiments that he eulogizes, and never a word of dissent from him.

Mr. FITZGERALD of Massachusetts. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield?

Mr. HEPBURN (continuing). Or if the gentleman was not present, he has seen the RECORD, because he read from it here this morning.

Mr. FITZGERALD of Massachusetts. Mr. Chairman. I stated a few minutes ago, and the gentleman must have heard if he was here, that I was not present in the House when the gentleman from Tennessee [Mr. SIMS] made his charges.

Mr. HEPBURN (continuing). And when reading from that RECORD, holding it in his hand, he blandly stated to the gentleman from Tennessee, "Undoubtedly he secured his information from the Department."

Mr. FITZGERALD of Massachusetts. Mr. Chairman——

Mr. HEPBURN (continuing). The only rebuke he saw fit to make; and yet when the gentleman from Maryland [Mr. PEARRE], in the course of a speech in reply to a taunting suggestion from him, imputing an ignoble motive to him, made reference to what had been said by the gentleman from Tennessee, at once the wrath of the gentleman from Massachusetts is excited, and he calls that simple reference an attack upon the honor of the Commonwealth that he in part represents. Singular, is it not, to take without a word of rebuke the assault that is made by his partisan from Tennessee, solicitous to construe into affront and as offensive a mere allusion to that which has been said without the slightest pretense of indorsement?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. I would like to have five minutes more if the committee will indulge me.

The CHAIRMAN. The gentleman asks unanimous consent that he be permitted to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. And while I am upon this subject I want to call attention to the unfairness of the usually fair gentleman from Tennessee. I find in the tables that he has made this—in the tables relating to the 8 regiments from Northern States the headings, "Killed," "Wounded," "Missing," "Total." No mention of those who died: no mention of that. Yet the gentleman from Massachusetts tells us that those should have been numbered by the hundreds. The gentleman from Tennessee omits those and secures only the meager total of 254 out of those regiments. Yet when it comes to the other regiments, to which he invites comparison——

Mr. SIMS. Will the gentleman permit me a question?

Mr. HEPBURN. In a moment. When he gets to the casualties that have occurred in the 8 regiments from the South, he finds killed in action, 1; wounded, none; died—the number of deaths which he has omitted in the other table is here set out in full, and together with the 1 killed, no wounded, and the dead, he finds a total of 158. If the gentleman had been fair, if he had stated all the facts in regard to the Northern regiments, as he did with regard to the Southern regiments, he would have found no such disparity as seems to him to justify this harsh, harsh—other words would suit better than that—language.

> Is it any surprise, then, that the brave young men from the North——

Mr. SIMS. Will the gentleman permit me?

Mr. HEPBURN. I have told the gentleman once that when I got through I would yield to him.

> Is it any surprise, then, that the brave young men from the North who lately volunteered to go and fight Spain, to liberate her oppressed and taxburdened subjects, are not restrained by the same noble sentiments when it comes to thrusting their hands into the pockets of American taxpayers and robbing them of their hard earnings by means of fraudulent and unjust pensions?

Which is worse, to perpetrate a fraud upon the Pension Department or for a man in this House, under the protection that here is given him, to create by suppression of the facts an apparent condition that seems in his mind or might seem in the minds of other persons to justify such an assault?

Mr. SIMS. Will the gentleman allow me to make a statement? You are making an attack on me.

Mr. HEPBURN. I do not make any attack on you. I am calling attention to what you have done.

Mr. SIMS. Let me tell you what I have done. I want it to go in your remarks. These papers were furnished me; I did not write a figure of them; I did not make a figure; I simply wrote letters for information, and I got the information and the tables, and they were printed just as they came from the Pension Office. I did not select them; I did not leave out or put anything in.

Mr. HEPBURN. Did not the gentleman see that these two tables that he was holding up for the purpose of comparison, on which to base his remarks, were not alike? That from one table there was omitted the great aggregate of those who died from disease?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HEPBURN. Mr. Chairman, if the House will kindly yield me five minutes more, I think that will be sufficient.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

Mr. SIMS. Now, I want to state how I came to make this investigation. I started out to investigate and see what the difference was in pensions between the Regular Army and those volunteers of like service, and the two first tables were sent me because those regiments served in Cuba at the battle of Santiago, and, if the gentleman will notice, they are alike. Neither shows any deaths. Then I wrote for other regiments coming from farther south. I did not name them. There were eight of them, and three of them were not in battle. There were no killed, wounded, and died put in, and there were no columns of death in either table. I knew nothing about it only what appeared from the record.

Mr. HEPBURN. The gentleman's explanation has been made.

Mr. SIMS. I did not know there were any deaths in these other regiments. I did not intend to make any statement that was not true in every sense, and I will be glad to correct it, as far as possible, if there is error in it. I got the tables from the Pension Office and published them as I got them.

Mr. HEPBURN. Now that the gentleman's attention has been called to the matter, I shall expect the gentleman, and his associates will expect him, to correct it here on the floor to remove this condition——

Mr. SIMS. I will be glad to do it, if found to be wrong or incorrect.

Mr. HEPBURN (continuing). Of the wonderful disparity between the two regiments that he thought justified him in making that assault upon the Northern soldiery, the assault which the gentleman from Massachusetts listened to when it came from his colleague without a word of rebuke——

Mr. FITZGERALD of Massachusetts. That is not true, as I have repeatedly told the gentleman.

Mr. HEPBURN (continuing). And now in a honeyed way tries to apologize for and smooth the way without contradiction. [Applause on the Republican side.]

Mr. SIMS was recognized.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GROSVENOR. I did not know that the gentleman from Tennessee had been recognized.

Mr. SIMS. Mr. Chairman, if the gentleman from Ohio wishes to speak to this matter, I will yield to him, for I may want to refer to what the gentleman from Ohio says.

Mr. GROSVENOR. I shall only occupy a moment.

The CHAIRMAN. If the gentleman from Ohio proceeds now, it is in the time of the gentleman from Tennessee.

Mr. SIMS. Mr. Chairman, then I withdraw my request.

The CHAIRMAN. Then the Chair will recognize the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] has alluded to the fact that men on this side of the House, after the recent statement of the gentleman from Tennessee, were silent. He spoke of the fact that this was a debate. I never was able to see the opportunity of debating a question in the House of Representatives. Not only is a man limited in time, but he is not recognized unless he specially makes application for recognition, perhaps weeks ahead.

I simply want to say this: I received from the Commissioner of Pensions a statement that there were 27,000 applications for pensions from men who had served in the Spanish war; and I was not surprised at the statement. I say to you that in five years there will be a hundred thousand such applications. And you will find most of them to be honest claims. The situation of the Spanish war men has never been understood by you people who stayed here in Washington.

The gentleman from Massachusetts has given you a bird's-eye view of what happened to Massachusetts regiments. I happened to be in a particularly favored position—not at the front, but in readiness to go to the front. I happened to be with the Ninth Pennsylvania in the fever-stricken camp of Chickamauga. And what was the condition there? In the company I took down there, in four months 2 men were dead and 36 down with the typhoid fever, so sick that they had to be removed from camp. The total result was that in a regiment of originally 1,300 men at muster out there were 30 dead, 3 of them captains, and one-third of the regiment down with typhoid fever. This was the condition, irrespective of the usual casualties.

Now, gentlemen, this condition of things was due to some cause. These men were carefully examined in the early part of 1898. They were then men in the finest physical condition; for only such were allowed to go to the front. Yet, notwithstanding this fact, we found at the end of two or three months a regiment absolutely depleted, so far as its ability to do effective work was concerned—fully one-third down with disease. To whom should this be attributed? To the men in authority, the men who had charge of the United States Army, the men at the top, not the men who stood in the ranks and day after day, from 4 o'clock in the morning to almost 12 o'clock at night, were trying to keep their men in shape. You can not blame it on these humble men. The men in authority at the head of the military forces, whether of the Regular Army or of the volunteer service, knew nothing about the care of men—had not the least idea of ordinary sanitary arrangements—yet they supposed themselves to know so much, with their fine military education, that they could not listen to a civilian accustomed to caring for men by the hundreds and thousands in the manufacturing industries of the country.

And I say to you, gentlemen, do not be surprised—whether the gentleman from Tennessee has made a mistake or the gentleman from Maryland has made a mistake—they will soon find out their mistake. This is perhaps no place to say that because a man is a Republican or a Democrat he has not told the truth. I simply want to call attention to the fact that this great question will come up before you year by year; and I say that so long as you keep up this war in the Philippine Islands you will simply pile up hundreds and thousands of these pension claims, because these men are fighting under the most adverse climatic conditions that any army in the world, outside of the British army in Africa, ever fought.

So I say, gentlemen, open your eyes. This question will continue to come up, and you might as well prepare yourselves to meet it, and when you have hunted up your data be sure that it is correct.

Mr. GAINES. As I understand, the gentleman was in the volunteer service?

Mr. GREEN of Pennsylvania. Yes, sir.

Mr. GAINES. And had some experience down in Chickamauga?

Mr. GREEN of Pennsylvania. A very terrible experience.

Mr. GAINES. And the gentleman's observations are based upon what he saw there?

Mr. GREEN of Pennsylvania. Yes; upon what I saw there and what I know to be true.

Mr. GAINES. What was the cause of the condition of things the gentleman has described?

Mr. GREEN of Pennsylvania. Because the gentleman who had charge of the United States Army furnished nothing at all to prevent the troubles that arose there.

Mr. GAINES. The superior officers?

Mr. GREEN of Pennsylvania. From the top of the Administration down they had no conception of how to run an army of 250,000 men.

Mr. GAINES. When they should have had skilled physicians they had horse doctors?

Mr. GREEN of Pennsylvania. Oh, the horse doctor was one of the best men of our force. I will say nothing against him.

Mr. GROSVENOR. Mr. Chairman, the gentleman from Massachusetts, with his great zeal in this matter and his great capacity for searching through the records of the past, has found a declaration by the author of the civil-service law that something was wrong in the Departments. I never heard of it before. But I stand corrected by the gentleman, and congratulate him that he found that splendid statement. Now, I put up against that statement of Mr. Pendleton, referring back again to what I said yesterday—I put up against him the statement of Senator Morrill, the statement of Senator Morton, of Indiana; the statement of Mr. Richardson, Secretary of the Treasury; the statement of Senator Logan, the statement of Senator Hill, the statement of Senator MORGAN, and all the other gentlemen who participated in the debate. A brief statement of what they did say and whether the Departments were in good condition or not appears on page 1929 of the CONGRESSIONAL RECORD. I submit that upon a clear, overwhelming preponderance of evidence I am right in the statements I made, except that Mr. Pendleton did say what I did not think he said. I had a better opinion of him yesterday than I have to-day. But I honor him, dead or alive.

Mr. CUMMINGS. Mr. Chairman, I shall take the time of the committee but a minute. The gentleman from Massachusetts [Mr. FITZGERALD] inadvertently, without doubt, left out the name of a New York regiment that participated in the campaign at Santiago. I need not call the attention of this House to the fact that it was Captain Rafferty, of the Seventy-first New York, who led two companies up the slope and was the first man on the summit of San Juan. If dead heroes are required to testify to the

gallantry of New York troops, look at the grave of Sergt. Nicholas Fish, killed at Quasimas. Fish was the grandson of President Grant's Secretary of State, and one of the grandest men, physically and intellectually, that ever came from New York.

I might also point to the corpse of William Tiffany, whose doctor said that he was starved to death on a Government transport. Above all else we have a living witness of the gallantry of New York troops in the person of Theodore Roosevelt, leader of the Rough Riders, to-day the governor of that great State, nominated and elected because of his pluck, bravery, and endurance in the Spanish war [applause on the Republican side], and the only thing distasteful about him in my estimation is his politics. [Laughter.]

Now, Mr. Chairman, I deem it due to my State to make this statement, so that, neither by indirection nor imputation, any stain shall rest upon the gallantry of her soldiers, whether in the war of the Revolution, the war of 1812, the war with Mexico, the civil war, or the war with Spain. New York has always held her place in the line of battle when the interests of the nation were threatened.

Mr. PEARRE. Mr. Chairman, my courtesy to the gentleman from Massachusetts [Mr. FITZGERALD] rather led me to fancy that I might be permitted to interrupt him and ask a question or two and to set myself right about some wrong inferences which he had drawn.

The gentleman endeavored to impugn my motives of hostility toward the civil-service law by stating that I desired that law repealed in order that the people from Maryland might come here and gobble up all the offices, or words to that effect. In reply to that foul imputation, I suggested that if what was said by a Democratic member on this floor a day or two ago, referring to the gentleman from Tennessee [Mr. SIMS], were true, then there were also some patriots from Massachusetts who were glad to receive assistance from the Government.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, the gentleman from Maryland said that no Massachusetts soldier had ever smelt powder.

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Massachusetts?

Mr. PEARRE. No, I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FITZGERALD of Massachusetts. I ask the gentleman if he did not make that statement?

The CHAIRMAN. The gentleman declines to yield.

Mr. PEARRE. I will now read what the gentleman from Tennessee [Mr. SIMS] said, upon which I base my remarks or my reply to the remarks of the gentleman from Massachusetts:

> In the Ninth Massachusetts Infantry, killed, none; wounded, none; deaths, none; missing, none; applications for pensions, 645.

I cast no imputation upon any soldier from the North or from the South. If any imputation were cast, it was cast by the gentleman from Tennessee [Mr. SIMS], on the other side of this Chamber.

Mr. FITZGERALD of Massachusetts. That statement is the statement of the Republican Commissioner of Pensions, who is himself from the State of Tennessee, as the gentleman from Tennessee said at the time.

The CHAIRMAN. The gentleman has stated that he declines to yield.

Mr. PEARRE. That has been sufficiently replied to by the gentleman from Iowa [Mr. HEPBURN].

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maryland yield?

Mr. PEARRE. No, sir.

The CHAIRMAN. The gentleman declines to yield.

Mr. PEARRE. Mr. Chairman, I think after hearing the remarks of the gentleman from Massachusetts [Mr. FITZGERALD] this House was convinced that the center of the intelligence of the universe is Boston.

Mr. FITZGERALD of Massachusetts. There is no doubt about that.

Mr. PEARRE. And that the Athens of the world has at last found a new location.

I may also add, Mr. Chairman, that after the pathetic narration of the gentleman's patriotic services at Montauk Point, this House is also convinced that they have an unrecognized hero in the gentleman from Massachusetts. [Laughter.]

Mr. SIMS. Mr. Chairman——

Mr. PEARRE. Mr. Chairman, the men who went to war from Massachusetts or Maryland, whether wounded in the service or disabled in the line of duty, under pension laws passed by the Republican party, with no assistance from that side of this House, are entitled to their pensions, if the law so provides. And I call the gentleman's attention to the fact that were it not for the patriotism, fairness, justice, and devotion of the Republican party to the old soldier, the heroes from Massachusetts would not now draw pensions and never would.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland has repeatedly declined to yield.

Mr. SIMS. I wish to reply to something which the gentleman has said about me.

Mr. GAINES. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. PEARRE. No, sir; my time is so limited I can not yield.

Mr. Chairman, I will further call attention to something which the gentleman from Massachusetts [Mr. FITZGERALD] may desire to know, and that is that in the troublous times in 1776, when Boston was in danger, it was the regiments and the companies from Maryland, which afterwards distinguished themselves throughout the Revolutionary war as the Maryland Line, the Tenth Legion of the Armies of the United States, the Old Guard of the Continental forces, that marched to the rescue of Boston and saved her from attack. [Applause.]

[Here the hammer fell.]

Mr. SIMS. Mr. Chairman, I would not rise here to say anything had not my name been mentioned so often and the gentleman from Iowa [Mr. HEPBURN] come so near putting me in a hole.

Now, I want to say this, that in a list of 8 Northern regiments, to which reference has been made, there is no heading of "died." I am not responsible for the list. I knew nothing as to the figures, only as the list was turned over to me as sent from the Pension Bureau and turned over by me to the Official Reporters exactly as I received it from the Pension Bureau. Every word of it came from that source. But since looking into this, there is not so much in it after all.

Now, take these 8 regiments, and there are 3,588 applications for pensions, 80 of them for widows, 303 for dependents. Only 383 of the whole 3,588 could be on account of death, including killed and wounded. Now, there are invalid-pension applications, 3,175. And inasmuch as so much has been said of the Massachusetts regiment, the Ninth, I want to say about the Second that there were killed, 5; wounded, 40; and the applications are only 467; that in the First United States Cavalry the killed and wounded are 93, and the applications are only 241. In the Seventy-first New York there were 13 killed, 60 wounded, and their applications were only 305; but the other five of those regiments—the District of Columbia, the Ninth Massachusetts, the Thirty-third Michigan, the Thirty-fourth Michigan Infantry, and the Eighth Ohio—did not have a single man killed or wounded in those battles; and yet the table will show by investigation that the fewer killed and wounded the greater the number of applications; and in the Massachusetts regiment the invalid-pension applications are 552, and not one of those applications can be from a dead man. They must be from a live man.

Now, I will admit that possibly it is true that it makes a Northern man sicker to face bullets than a Southern man, and in all fairness I ought to say that perhaps regiments north of the Ohio River going to Cuba in the summer time might be more subject to climatic troubles than regiments from Southern States, which I have quoted, but it can not make up for the astounding difference in these applications. Either the soldiers of these Southern regiments have not applied in proportion to injuries received in the service or these Northern regiments have applied out of all proportion to injuries received in the service, because there are 3,175 invalid applications out of 8 regiments, while in the 23 regiments of the Regular Army and 2 batteries the invalid applications are only 2,403.

What is the matter with the soldiers of the Regular Army from the North? Does it not make them sick to go to Cuba in the summer time? Look at the applications of the 23 Regular Army regiments. The applications from the 8 Northern volunteer regiments exceed them all, and in the list of the 23 Regular Army regiments there is no list of "died" either. But I simply compare the applications of these 8 Northern regiments with the applications from the 23 regiments of the Regular Army. You need not refer to Southern regiments. You need not make a single calculation. You need not go further than to say at once that the applications of the volunteer regiments from the North far exceed the applications from the soldiers in the Regular Army, and I must submit that there is some cause other than military service to account for it, and I think it is due to education and environment.

We see here on Friday nights, and at all other times, that Democrats, Republicans, and Populists from the North are almost running over each other in their attempts to show their loyalty and devotion to the cause of pensions and pensioners.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. SHATTUC. How much time did you take up last Friday night talking upon a question with no pertinency to the question at issue?

Mr. SIMS. You will not ask me to pass on the pertinency of my own remarks?

Mr. SHATTUC. In my opinion, about half the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks for five minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Now, Mr. Chairman, I want to give all justice to these 8 Northern regiments. I did not call for them by name. They were sent to me. I want to get a list of the dead, not killed in battle, and when I get it I will be glad to insert it in my remarks. I will say in reference to the statement of the gentleman from Massachusetts that the widows and dependents of these Northern regiments are not knocking at the doors of the Treasury like those who are alive, the invalids. Further, I contend that it will show that my contention on another matter is right, and that on account of the abuse of the pension system, not wrong in itself, but on account of its abuse, it costs this country more money to fight a war with volunteers than it does by the Regular Army, including retirement pay and pensions. I am in favor of just pensions, but it is the abuse I object to. It will exist in the South as bad as in the North as soon as it has operated there as long as it has in the North. I asserted, and as I believe, it is due to education, environment, and surroundings, not that the people of the North are not just as good naturally as the people of the South.

I am going to say this to this House, and you shall have the benefit of it: I have applied for a list, Mr. Chairman, of every volunteer regiment in the Army that served in the war with Spain and that was called out by the Government; for a list of killed, wounded, and died, and a list of pension applications; and I assert now that when it comes in it will prove my assertions in the main are absolutely true.

Mr. GAINES. Will my colleague allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. GAINES. You received the tables that you published in the RECORD from the Commissioner of Pensions, did you not?

Mr. SIMS. I certainly did.

Mr. GAINES. And you never changed the tables, and they appear as you received them, do they not?

Mr. SIMS. I gave the originals in as I got them from the Bureau.

Mr. GAINES. Then they were not of your making.

Mr. SIMS. I do not want to do anybody injustice; I want to help save my own country and my own section of the country from the same trouble which must appear to every thinking mind afflicts that section of the country that is getting the great bulk of pensions. The taxes have got to be paid, and they are to be wrenched out of some people that are not able to support themselves; and while I have no objection to granting just and liberal pensions, I think this House ought to rise in its might, have a revision of these laws, and stop this abuse, because it looks that we are going to have rumors of wars and wars without end. These men come from every section of the country, and I ask you gentlemen on the other side to rise in your bravery and help combat these abuses and stand by an executive officer when he executes the law, and not hound him by trying to drive him out of a place which he honors, as you are attempting to do now.

Mr. MAHON. Mr. Chairman, I think this is a very unfortunate discussion which has been precipitated by the gentleman from Tennessee. I have examined these tables. I do not know what he asked the Commissioner of Pensions for. That request is not here. Probably he got exactly what he asked for. I want to say to the gentleman from Tennessee that if he wants a fair test let him ask the Commissioner for the number of applications for pensions on file for each regiment that served in the war with Spain. You talk about men dying of wounds——

Mr. SIMS. That is what I have done.

Mr. MAHON. Why, does not the gentleman from Tennessee know—and perhaps he was a soldier in the late unpleasantness——

Mr. PEARCE of Missouri. Not much.

Mr. MAHON. That a bullet may strike a young soldier not in a vital part, especially a young man, and that wound will easily heal and simply leave a mark, and he will remain a sound man the rest of his life. The history of all wars shows that it is not the bullet that leaves the disability that follows a young man from his early manhood to the grave. It is the disease from bivouacking, camping, and marching, and sleeping on the snow without shelter, and sleeping without blanket. Why, the gentleman from Massachusetts complained that these soldiers of that regiment did not have stoves. Why, the soldiers on both sides would have taken spasms if they had run across a stove in any tent in the great armies of the late war. You can get from the Pension Office what applications have been made and see how many there are and where they served. Take a regiment of the South that served in Camp Alger or at Camp Meade in my State, and a regiment from the North that served in Cuba, not acclimated, and it had a large number of men with fever put into their system; and of course the difference would be much larger between them and those born in the South in Cuba than in a regiment from the North, and it is not a fair test.

The gentleman from Tennessee speaks of the Regular Army, and the fact that so few applications have been made from that force. He forgets that they have been in the service for years, and they know how to take care of themselves; and therefore the percentage of disease, perhaps, is not one-half as large in those regiments as it is in the volunteer regiments.

Now, I say it is unfortunate that this question should be raised at this time in this country. Mr. Chairman, I am not complaining of our Southern brethern, but I am going to make this statement, that prior to 1878 the copperhead element of the North were too cowardly to sustain the Union and too cowardly to go South and join their Southern brethern. Their record upon the floor of this Congress is reeking with bitter, malignant opposition to the pension laws.

Since 1878, Mr. Chairman, there have been 14 great pension bills before this House. Some of the bills were for repealing all the limitations on arrears of pensions, increasing war widows' pensions from $8 to $12 a month, the amputation bill, widows' arrears giving pensions from the death of the husband, disabilities to parents, the dependent pension bill, and so on. Now, Mr. Chairman, the Democratic party on that side of the House cast in favor of these bills but 417 votes, and in the aggregate they cast against it 648 votes. The Republican vote in favor of the bills was 1,066, and during all these years from 1862 to 1898 not a solitary Republican vote has ever been cast against pension bills for the benefit of soldiers who saved this nation.

Mr. GAINES. Will the gentleman yield?

Mr. MAHON. No, I can not now; I will afterwards. Lincoln, the first great war President, never vetoed a pension bill. Johnson, who followed him, never did; Grant vetoed 5; Hayes, none; Garfield, none; Arthur, none; Harrison, none; McKinley, none, and your President Cleveland vetoed 560. [Laughter and applause on the Republican side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. MAHON. I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES. I want to ask the gentleman if he does not remember that when the pension appropriation bill was brought in here in the Fifty-fifth Congress it was passed in ten minutes without a solitary vote against it on either side?

Mr. MAHON. Yes; I am coming to that.

Mr. GAINES. Well, you did not mention that. You tried to give the impression that this side of the House was against all pension bills, which is not the truth.

Mr. MAHON. Now, I am saying that the Democratic party of this nation can not point with pride to that record which they have in regard to the care and welfare of the soldiers of the late civil war. When the great army came back from the field, when the Confederates had laid down their arms, when a great review was had, upon this Capitol was placed a piece of canvas 100 feet long and 20 feet wide upon which was written that this nation could never pay the debt that we owed to the veterans of the war who saved the nation. The Republican party has, in season and out of season, tried to keep that pledge. Now, I say it is unfortunate that when we had got to that point in this Congress during the last five years where this opposition had passed away that this debate should have sprung up, and I hope this will be the last.

I say it is unfortunate, when we were all joined as patriotic people, both great sections of this country under one flag, that any sectionalism should be raised here in regard to pensions or any other great question except a purely political one. Here to-day, with my approbation, the widow of that great war general, Jackson, is on the pension rolls, and there properly. We find on the pension rolls hundreds of men who served in the Confederate army, and they were put there by the votes of the Republican party under the law with reference to the Mexican war. I know, as I have stated before, that since I have been in this Congress the men on that side of the House have been generous to the old soldiers, and especially those who met them on the field of battle, and I trust that after this discussion ceases this is the first and last sectional discussion we shall have in regard to the pensions of the civil war or the Spanish war.

There are 69,000 men now who carried a gun forty years ago, and their cases are still before the Pension Bureau, undecided. The Pension Bureau has millions of applications here to-day, and it is trying to do the best it can with them. I am opposed to making any issue of this matter here in debate. If the pension laws are not right, let us correct them. There are many abuses I would like to correct, but it must be done by legislation. The Spanish-war soldiers should be cared for. It matters not to me whether it is a boy from Mississippi who presents a private pension bill here. If the evidence satisfies me that he was attacked

by fever in the South or in Cuba or in any of the Southern camps. I will vote him a pension as willingly as I will a boy from Pennsylvania. We will do justice to the Spanish soldier, and do it without any sectionalism, and when this debate closes I hope this is the last we shall hear of this matter.

Mr. ROBINSON of Indiana. Will the gentleman yield a moment to me?

Mr. MAHON. Yes.

Mr. ROBINSON of Indiana. Is there any remedy the gentleman can suggest by which we can avoid the unfortunate condition of 27,000 claims that have been filed and only 400 acted upon? What would be the gentleman's remedy for that?

Mr. MAHON. I want to say this, that I have from my own State 400 men, applicants for a pension because of the Spanish war, and I went to the Pension Office and I found that their cases were not completed. It is the same old story. Attorneys take the claims and leave them half finished. All they do is to take the $25 when the pension is granted.

Mr. CLAYTON of New York was recognized.

Mr. HEMENWAY. Mr. Chairman, a parliamentary inquiry. I want to ask if there is any amendment pending.

The CHAIRMAN. Literally none. The amendment and debate are exhausted if the gentleman from Indiana insists on applying the rule. We have been going on by unanimous consent for the last two hours.

Mr. HEMENWAY. We have had two days' general debate on this bill, and I think we should proceed with the bill.

Mr. GAINES. I ask unanimous consent to address the House for five minutes.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that the general discussion on this paragraph continue for twenty minutes longer and then we proceed with the bill.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] asks unanimous consent that the debate upon the Civil Service Commission clause of this bill be limited to the next twenty minutes. Is there objection? The Chair hears none.

Mr. CLAYTON of New York. Mr. Chairman, I deplore as much as any man on this floor any invidious comparison between regiments from different sections of this country. The gentleman from Tennessee [Mr. SIMS] has, I believe, unintentionally done a great wrong both to the regiments of the Northern section of our country and to the volunteers generally. If the gentleman, after he gets further information from the Pension Department, will make a similar comparison between the number of casualties, including all the deaths from sickness, wounds, and other causes, with the number of applications for pensions, he will find that there is no material difference whatever in this proportion due to different localities from which the volunteer regiments were raised. I know this to be a fact, because I have examined the matter; and I know that the figures all run about the same for the different sections, when you take into account all the circumstances of the service. The showing was magnificent from all sections of our common country.

Now, Mr. Chairman, this comparison of volunteer troops with the Regular Army is fully as misleading as the other which the gentleman has made use of. The regular soldiers are still in the service. Those of them who are sick are being taken care of by the Government. The volunteers, though sick and some of them have been in the hospitals and some of them have died as the result of that very sickness, have been mustered out of the service.

I had the honor in 1898 of commanding a troop of cavalry in Puerto Rico, and I know that as soon as I left the United States my sick list began to grow. I lost no man down there, but the proportion of sick men grew very rapidly after we got out into the field. We had no equipments; we could not have any. The trouble was not due to the incompetence of anybody; it was due to the necessities of the service. When I brought that troop of cavalry back, 60 per cent of them were sick, and at least 50 per cent of them had to go to hospitals afterwards or be taken care of by their families at home. Now, the regulars who went down there when they came back were taken care of and kept in the hospitals, while these other men—men of the volunteer service—had to be discharged, sick or well.

Mr. Chairman, an attack has been made upon the incompetence of our higher officers. I have no defense to make of any incompetent political appointee. I know there were a great many such. But I do say that our Regular Army, as it stood at the beginning of this war, and a large majority of our Volunteer Army would compare favorably with the army, regular or volunteer, of any country in the world. They show up well when compared with the British. Our people did not make so many mistakes as the British army make now in South Africa.

The battle of Santiago—I do not say anything about that general who stayed back behind and was not up when the battle was fought—I do say that the subordinate commanders and the soldiers, regular and volunteer, in that battle were the finest in the world; and that battle, regardless of the fact that the commanding general was not there, will go down in history as a very notable and a most successful battle.

The campaign in Puerto Rico is notable. It was a scientific campaign. We did not lose many soldiers down there as killed or wounded in battle; but it was because we had one of the best generals in the world in command there. And that campaign from beginning to end was planned and executed——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLAYTON of New York. I ask two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to continue his remarks for two minutes.

Mr. GROSVENOR. Five minutes.

The CHAIRMAN. Is there objection to the gentleman having an extension of time for five minutes?

There was no objection.

Mr. CLAYTON of New York. That campaign in Puerto Rico was planned scientifically and executed with the greatest intelligence and vigor, exactly as planned. In the first place, the general fooled not only the Spaniards, but fooled all the people in this country about where he was going to land. While the people were expecting him to land on the north side, he fooled them by going on the south side and thus got his landing without any losses. That general was General Miles—a great man, to whom we should all feel grateful.

Then by every successive movement of our troops toward the interior the Spaniards were fooled. Every movement on our side was a success from beginning to end. It was not because there was nothing to do that there were no losses on our side, but it was because of the superiority of General Miles and General Brooke and General Wilson and General Schwan and General Henry and other commanders on that island.

Mr. GAINES. May I interrupt the gentleman a moment?

Mr. CLAYTON of New York. I yield for a moment.

Mr. GAINES. Were the people there glad to have your troops come?

Mr. CLAYTON of New York. Oh, yes; the Puerto Ricans were; but there were some 8,000 Spaniards who did not welcome us very cordially.

Mr. GAINES. I said "the people:" I did not say the Spaniards.

Mr. CLAYTON of New York. Oh, yes; I believe the majority of the people were glad to see the Americans take the island, but they were not running any chances by taking any active part to help either army. There were a few ragamuffins who were ready to halloo for either the Spaniards or the Americans.

Mr. GAINES. I was asking as to the feeling of the people.

Mr. CLAYTON of New York. There has been much exaggeration on this subject. There were people there who were ready to shout for either the Spanish or the American side, according to which ever side might be on top. The conservative, intelligent part of the population were glad to become Americans.

Mr. GAINES. Did the people at large object to the invasion of the island by the army of General Miles? I was not asking whether the Spaniards objected; but my information is that upon the incoming of the army of General Miles, that army received a hearty welcome from the people who wished that the Spanish might be exterminated.

Mr. CLAYTON of New York. Yes, that is true; but they did not want to undertake the job.

We all know that in any country at any time there are two parties. Of course, when the American Army put down the Spanish, there were many people to welcome us; but one defeat would have turned the current the other way, and many would have joined the Spaniards to help put us out. All the people never welcomed us. Why, there were a great many Puerto Ricans in the Spanish army. They called them volunteers. Now, Mr. Chairman, I hope that gentlemen in talking about incompetents will not include all the high officers in our service. There may have been a few; but taking our Army as a whole, it compares favorably with any army in the world. And our soldiers of 1898, though the war was short, showed themselves, whenever opportunity was given, as worthy descendants of the men who waged the gigantic and terrific war of 1861–1865.

APPOINTMENT OF CONFEREES ON THE FINANCIAL BILL.

The CHAIRMAN. The committee will rise informally for a purpose which will be explained.

The committee accordingly rose informally; and the Speaker having resumed the chair announced as conferees on the bill H. R. No. 1, Mr. OVERSTREET, Mr. BROSIUS, and Mr. COX.

The SPEAKER also announced as Speaker pro tempore for the evening session Mr. HEPBURN.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session, with Mr. SHERMAN in the chair.

Mr. CORLISS. Mr. Chairman, I desire again to call public attention to the civil-service law. My experience is that the only

way to correct existing evils and abuses in the public service is to call attention to them.

I do not complain of the original civil-service law when properly interpreted. I do complain of the extensions of that law by President Cleveland and of the abuses of the law under all Administrations; and I want to point out one abuse that has been made apparent to certain members of this House during the last sixty days.

On the 16th day of December last a report from the Deep Waterway Commission was filed in this House and referred by the Speaker and ordered to be printed. That report was sent to the Public Printer. Sixty days have elapsed, and yet, at a hearing of the Committee on Rivers and Harbors on day before yesterday, that committee were unable to obtain the information contained in that report because of the incapacity of the Public Printer to print a document that in my city could be printed in five days. I am told that the failure to print is because the maps accompanying the report had to be sent out of the department to be prepared. If we have a Public Printer who is compelled to send his maps to some private institution to have them reproduced, I submit that he go West and obtain his printing in houses that can produce it within a reasonable time.

I call attention to the fact that the Government Printing Office is not legally under the civil-service law, and that the present Attorney-General has given his written opinion that that department was illegally placed within the civil service by the order of Grover Cleveland.

I believe, from my investigations, that 20 per cent of the employees in all Departments in the city of Washington are absolutely incompetent, are worthless to the public service, are really barnacles upon the ship of state, and unless Congress sooner or later remedies this evil the entire law should be and will be repealed.

I believe in upholding certain branches of the civil service. I think that the postal service throughout the country, the Railway Mail Service, the letter carriers, the postal clerks, and that class of employees from which the inefficient ones have been weeded out, should be upheld and continued; but I call attention to the fact that, in its present form, they are holding life positions, contrary to the spirit of our institutions. No man in this country should hold a life office, save possibly judges of the Supreme Court; and I think it would be better for our country if all of the judges were appointed for a tenure of office. I know some cases where there would be vacancies if such a law were in existence.

I want to call attention to another branch of the civil service, and that is the custodian service. I have had a little experience in that. I recommended for appointment certain men to be employed in the custodian service in my city. Among the appointees was an elevator man, who had run the elevator in the city hall at Detroit, where more people are carried up and down than in any other building in the city. He had been in charge of that elevator for four years. He was an efficient elevator operator, with experience. He was put in temporarily, through the courtesy, I suppose, of the Treasury Department, and served for eight months. He took the civil-service examination, passed, and was on the eligible list, and the custodian desired to appoint him permanently, but the Civil Service Commissioners objected because it was discovered in his application that he had stated that he had but one leg, having lost the other in the service of his country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORLISS. I ask for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. ALLEN of Mississippi. I shall have to object unless the time is also extended on this side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CORLISS. I was going to call special attention to this fact, that the Civil Service Commission put out of office a man who had lost his leg in the service of his country, a man who was perfectly competent to run an elevator, and who had been in charge of a public elevator for years. He was certified to be perfectly competent by the custodian in charge of the building, and the Civil Service Commission put him out simply because he had lost a leg. The Speaker of this House, under the civil-service laws of our country, could not become an elevator man.

Mr. GROSVENOR. Could he pass the examination?

Mr. CORLISS. He could pass the examination, and the man to whom I refer did pass the examination; but in his application he had to state whether he had two legs or not, and had lost one of them. He was perfectly competent to run an elevator, and yet under a rule of the Civil Service Commission he was compelled to leave his position for the reason stated.

Now, I submit that it is not right, and it is not legal, that the employees under the custodian of a public building should be under the civil-service law, and I call special attention to that case because I know personally about it. It illustrates the method in which the Civil Service Commissioners apply the law.

In my opinion there is another great evil in connection with this matter. We hear it constantly charged on this floor that there are in this country trusts and organizations of that character. The gregarious instinct of man seems at least to permeate the minds of the members on this floor when they are discussing that question; but I discover in examining the civil-service law and the rules applied by the Civil Service Commission that they reserve to themselves absolutely the power to appoint from the eligible list. Notwithstanding the fact that men are examined and pass the examination and are put upon the eligible list and are eligible for appointment, the Civil Service Commissioners reserve to themselves the right to select who shall be appointed by the heads of the Departments. I should like to ask the members of this House how they enjoy that part of it?

Mr. CLARK of Missouri. Will the gentleman from Michigan allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CORLISS. Certainly.

Mr. CLARK of Missouri. What is the reason we can not get a bill in here to repeal or modify the civil-service law? What is the use of making speeches about it when we can not get a vote on it?

Mr. CORLISS. I hope we will have an opportunity to-day; and if there is a member on the floor who objects, I am in favor of bringing in a bill that will fix a tenure of office and limit the power of the Civil Service Commission, and try to reform the Departments of our Government.

Mr. CLARK of Missouri. I want to ask one more question. From the speeches that I have heard delivered here I believe that a majority of the members, even on the Republican side, are opposed to this civil-service business as it exists. My friend from Iowa [Mr. HEPBURN] and the gentleman from Ohio [Mr. GROSVENOR] and the rest of them seem to be opposed to the existing condition of things. Now, what is the reason that you can not get an opportunity to consider a practical bill here to modify that law?

Mr. GROSVENOR. With the permission of the gentleman from Michigan, I will say that I stated on yesterday or the day before that since 1883 innumerable bills of all sorts for the repeal, for the extension, for the enlargement, for the modification, for the restriction of this law have been introduced here. They have gone to the committee, and no bill upon which an amendment could be placed has ever been reported.

Mr. CLARK of Missouri. We want to get something practicable.

Mr. CORLISS. That is practicable.

Mr. CLARK of Missouri. No; it is impracticable. The bills go to that committee and sleep until the day of judgment. What is the reason that this House can not make that committee report some bill, either favorably or unfavorably?

Mr. CORLISS. I think we can, and unless this amendment which we propose can be adopted, I am in favor of adopting a resolution ordering that committee to report a bill on this question.

Mr. STEELE. Will the gentleman allow me to ask the gentleman from Missouri a question?

Mr. CORLISS. Certainly.

Mr. STEELE. You had a Democratic Congress. Why did you not amend this law?

Mr. CLARK of Missouri. I will tell you. I was very young in that Democratic Congress and have learned a thing or two as well as you since then, and I may as well state it now. [Laughter.] I hope I am not to be held responsible for very many of the sins committed in that Congress, because I am one of those who helped to overrule the Committee on Rules, the first time it ever was done.

Mr. CORLISS. I simply want to say, in conclusion, I do not think the law in all its effects should be repealed, but this abuse should be set aside and the Departments of the Government placed in a condition to properly and economically perform the public service.

Mr. ALLEN of Mississippi. Mr. Chairman, I ask that the time limit be extended for ten minutes.

The CHAIRMAN. The gentleman from Mississippi asks that the time limited for debate be extended for ten minutes. Is there objection?

Mr. GAINES. I amend that by saying fifteen minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? The Chair hears none.

Mr. HEMENWAY. I object. The gentleman from Mississippi only wants ten minutes.

The CHAIRMAN. Objection is made. Is there objection to the request of the gentleman from Mississippi?

Mr. GAINES. Mr. Chairman, you declared the motion carried before the gentleman rose from his seat or said a word.

The CHAIRMAN. If the gentleman from Indiana rose for the

purpose of objecting, his objection would be admitted although a moment late.

Mr. GAINES. Do you object to extending the time for fifteen minutes?

Mr. HEMENWAY. I will state to the gentleman from Tennessee that the gentleman from Mississippi only wants ten minutes.

Mr. GAINES. I want five minutes.

Mr. HEMENWAY. You may ask it afterwards.

The CHAIRMAN. The Chair will again put the proposition of the gentleman from Tennessee, that the time limit for debate be extended fifteen minutes. Is there objection?

Mr. SHATTUC. I object.

The CHAIRMAN. Objection is made. Is there objection to the request of the gentleman from Mississippi that the time limit be extended for ten minutes? [After a pause.] The Chair hears none.

Mr. ALLEN of Mississippi. Mr. Chairman, I had not thought of speaking on this bill, but am prompted to do so now by statements that have been made about our civil service. The gentleman from Indiana in charge of this bill told us the other day of the great number of incompetent clerks and employees in the various Departments here. He read a letter from an Auditor of the Treasury, stating that there were a number of clerks in his department who were so low in proficiency that they should be dropped from the service. We have heard much of this before, and all of us know that this undesirable condition of things exists.

We all know that nearly all the Departments here are loaded down with deadwood, and that they could do their work with a less force if that force were efficient. And the heads of Departments are constantly coming to Congress and asking for an increase of their force because of the inefficiency of the clerical force already employed. While there is no law creating a civil pension list for these people, yet the Government is, by its practice, pensioning them by paying them for work they are unable to perform. I for one am opposed to the extension of the civil pension list.

I am aware that when these people in the Government service grow old and become incapacitated for the work they are employed to perform they excite our sympathy, as all old and needy people do.

But I know of no good reason why the people who have not had the benefits of Government employment should be taxed to support in their old age those who were fortunate enough to get Government positions when they were younger. You sometimes hear it said by those who advocate their retention and who advocate a civil pension that they have grown old in the service of the Government. While this is true, they have served the Government in positions they sought on salaries generally larger than are paid to those who do like service in the private walks of life.

Take the man who, instead of being able to secure a Government job, settles upon a farm and engages in agricultural pursuits. He makes a good citizen, pays his taxes, helps raise the products that feed and clothe our people at home and that go abroad to give us our great balance of trade, which makes our country rich and prosperous. He raises manly sons who help fight our battles, and daughters who go largely to make up our splendid womanhood.

He and his class are as essential to the welfare and prosperity of the country as any Government employee. When he grows old and incapacitated for work no one thinks of suggesting that the Government should pension him on a good salary. Then, with what sort of justice can it be claimed that he should be taxed to pay salaries to those who appeared to be more fortunate and secured Government positions at good salaries when they were younger after they have grown old and become incapacitated to fill those positions? By the retention of these incapacitated clerks we are indirectly pensioning them at large salaries. I am opposed to either directly or indirectly extending these civil pensions; and if I had my way I would knock out all civil pensions now recognized by law.

It is conceded by all who have spoken on this subject that it is a wrong that should be righted. But there seems to be some diversity of opinion as to who is responsible for this condition of things and how it should be righted. As representatives of the people it is our duty to see that the employees of the Government who are unfitted for service should not be borne upon the rolls for salaries. The heads of the Departments claim that when they attempt to discharge one of these superannuated or incapacitated clerks that Senators and Representatives come and insist that they should be retained, and by their importunities prevent the Department officials from doing their duty.

This, if true, is a reflection on the heads of the Departments and Senators and Representatives both. No Senator or Representative should insist that an incompetent person should be retained in the service, and no head of the Department should yield to any such pressure when it is brought to bear. The official who justifies his own wrongdoing, or the failure to do his duty, by claiming that he was influenced by those who have no power over him places himself, it seems to me, in a very unjustifiable position.

But the gentleman from Ohio [Mr. GROSVENOR] comes to the rescue and charges this condition of things to the civil-service law, and then he proceeds to berate the law and the commission. He admits that, as a member of the St. Louis convention, that nominated the head of the present Administration, he voted for the platform, one of the planks of which was that the civil-service law should be maintained and its provisions extended. He is the chief spokesman of the Administration on this floor; and while admitting that the President, both in his letter of acceptance and his inaugural address, pledged himself to the faithful execution of the civil-service law and the extension of its provisions, I believe no one pretends now that this promise of the Republican party and the Administration has been kept. I am not the champion of the civil-service law or the commission on this floor; but I am not disposed to sit here and hear either wrongfully accused when the guilty parties can be easily ascertained. I deny that the civil-service law or rules are responsible for the evil under discussion.

The rules promulgated by the Civil Service Commission, under the direction of the President in 1896, if enforced by the heads of Departments, would remedy itself the very evils of which the Departments complain and would do it in a way that importunate Senators and Representatives could not prevent. Rule 11 of the Civil Service Commission provides that a record shall be kept of the quantity and quality of work performed by the clerical force in the Departments, and that all promotions shall be made on the merits of the clerk as shown by an examination of this record, and it further provides that whenever an examination of the record of any clerk discloses the fact he has fallen below 70 in the quantity and quality of his work that he is to be dropped from the service.

Gentlemen have said that there should be some law to correct the abuse about which we have been talking. Here is the law already in existence that would correct the abuse if the Departments would enforce it, and would rid the Government service of every incompetent or incapacitated clerk in the Departments.

But one Department of the Government has enforced this rule, and in that Department the results have been entirely satisfactory. Yet all the other Departments are controlled by appointees of this pretended civil-service-reform Administration. They are under the control of the President, who has made so many pledges of his devotion to the civil-service law. As a member of this House I protest against the Departments complaining about this condition of things and then try to throw the responsibility off on Representatives and Senators, when the whole trouble comes from their failure to comply with the law; and I protest against the gentleman from Ohio trying to shift the blame from the shoulders of his Administration onto the civil-service law and the Civil Service Commission.

I am told there have been more than 1,100 reinstatements by this Administration of persons who had been dropped from the civil service.

Now, I am informed that the average age of these people who have been reinstated is over 60 years. The trouble mainly complained of is that the employees are too old to do the work.

They are paid their salaries and Congress asked to appropriate money to employ others to do the work; yet, in the face of this well-known fact, this Administration has reinstated more than 1,100 persons, whose average age is more than 60. What sort of a record is this for an Administration that went in with such fair promises?

I will not go into a discussion of the thousands of places that have been taken out from the operation of the civil-service rules by this Administration, nor do I believe in partisan and unfair criticism of all the acts of an Administration of the opposing party. But it does seem to me if there ever was an Administration convicted on its own showing of broken promises and bad faith this one is in its dealing with the civil service.

I believe the President is at heart a believer in the civil-service law. I think he thought he meant what he said when he promised to execute and extend it; but the only way I can account for his failure to see that it was done is that he has not been strong enough to resist the pressure of the spoilsmen of his party. I have thought it due, Mr. Chairman, that this statement should be made, lest the country might be misled by some of the speeches here as to where the true responsibility rests for an unpardonable condition of things.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois ask unanimous consent?

Mr. CANNON. No, Mr. Chairman; I think five minutes will suffice.

The CHAIRMAN. The committee has already limited the time of debate on this paragraph.

Mr. CANNON. Then I will not take any time, Mr. Chairman.

The CHAIRMAN. Without objection, then, the informal amendment will be withdrawn, and the Clerk will proceed with the reading of the bill.

The Clerk proceeded with the reading of the bill.

Mr. HEPBURN. Mr. Chairman, I thought the Clerk was still reading on some page earlier than page 28. I have been waiting here until the Civil Service Commission paragraph should be reached with a view of offering an amendment. Have we passed that?

The CHAIRMAN. Yes; we have passed that and have reached page 31.

Mr. HEPBURN. Then I ask unanimous consent that we return to page 28 for the purpose of offering an amendment.

Mr. LIVINGSTON. Will the gentleman indicate what the amendment is before we consent?

Mr. HEPBURN. I think it is an amendment that will be germane.

Mr. LIVINGSTON. Then I have no objection.

Mr. MOODY of Massachusetts. Mr. Chairman, I would request the gentleman from Iowa to withhold his request until my colleague [Mr. GILLETT of Massachusetts], the chairman of the Committee on Civil Service Reform, comes back to the Chamber. He has been here expecting the amendment, but has gone to luncheon.

Mr. HEPBURN. I will withhold it.

The CHAIRMAN. The Chair desires to state that by some inadvertence the debate on the Civil Service Commission provision was begun before that provision was, in fact, read, and as a matter of fact it never has been read. At the close of the debate, it having been limited by unanimous consent, the next paragraph was begun without having read the paragraph relating to the Civil Service Commission. That being so, there is no doubt but that the gentleman from Iowa can demand the Clerk to return to that paragraph and now read it, unless it be understood by unanimous consent that when the gentleman from Massachusetts [Mr. GILLETT] returns to the Chamber the Clerk will then return to that paragraph. That will be done if there be no objection. [After a pause.] The Chair hears no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 1) to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALDRICH, Mr. ALLISON, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 6267) to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk, proceeding with the reading of the bill, read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, $8,000; three Assistant Secretaries of the Treasury, at $4,500 each; clerk to the Secretary, $2,250; stenographer, $1,800; three private secretaries, one to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $1,800; one clerk of class 3; one clerk of class 2; two clerks of class 1; one clerk, $1,000; four messengers; three assistant messengers, and one laborer; in all, $45,530.

Mr. NORTON of Ohio. Mr. Chairman, I move to strike out the last word. Mr. Chairman, it is more in sorrow than in anger that I rise to-day to reply to a few of the insinuations, innuendoes, and assaults made upon men who are not upon this floor to defend themselves. I make no excuse for those on this side of the House, neither do I desire to cast any reflection upon that side, but I do say fearlessly here to-day that the most that has been said, I might say many things that have been said, are absolutely unnecessary to be expressed upon this floor; and I regret that men who wore the blue on that side, men who have reached distinction in the war of 1861–1865, men who participated in those bloody days, find it necessary now in attempting to do something here for the maimed and crippled should see fit to assault the Democratic party.

It has been charged here that the Democratic party has never placed a line on the statute books looking to bettering the conditions under the pension laws of the soldiers of 1861–1865. How unfair that statement is! Gentlemen here know that every line of those laws that has been placed on the statute books——

Mr. MAHON. Does the gentleman refer to any statement made by me?

Mr. NORTON of Ohio. I refer to a statement made on that side, not by the gentleman from Pennsylvania, but, I think, by the gentleman from Maryland.

The Democratic party had no power to place anything on the statute books; and when by the will of the people they came on this floor, the pension laws were already there, placed there by the Republican party; and for all that is good in them I take off my hat to the Republican party, and honor it for giving us those provisions. But when gentlemen assail the Democratic party as a body that has ever been hostile to the pension laws and to pensioners, I deny it. I want to call attention to the fact that it is not the Democratic party nor Democrats who are appearing before the Committee on Invalid Pensions and assailing the provisions of the pension laws in such bitter terms as almost to make one shudder at the details of outrages being committed. Who are the gentlemen that come before us? Is Corporal Tanner a Democrat? Is General Shaw a Democrat? Is Gen. Dan Sickles, who occupied yesterday the seat where I am now standing, a Democrat? They arraigned those pension laws and the administration of the pension system more bitterly than any Democrat on the floor of this House.

Why, sir, looking at my colleague across the way, let me say that I have heard him all over Ohio declaring on the stump, where he could be heard by the people in the excitement of a political campaign, that it was the Republican party alone that was the friend of the soldier and was maintaining his rights.

Now, gentlemen, you stand here a majority on this floor. I challenge you to the record. Remedy the evils that have been complained of, not by Democrats, but by your own illustrious men who wore the shoulder straps and fought in the front. Obey the appeals of the Grand Army of the Republic. Remedy the evils that now exist.

When I look to the gentleman from Tennessee [Mr. SIMS] I expect nothing. Why? Honoring him as I do, yet I have never seen him let an opportunity or an occasion go by without assailing, with all the vigor and vengeance of his power, the pension laws.

The CHAIRMAN. The gentleman's time has expired.

Mr. NORTON of Ohio. I ask unanimous consent to continue for a few minutes longer. I have not had much time on this subject.

The CHAIRMAN. Is there objection to the gentleman occupying five minutes additional?

Mr. HEMENWAY. I serve notice that when these five minutes have been occupied, I shall object to any further discussion that is not germane to this bill.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Ohio.

Mr. NORTON of Ohio. Now, Mr. Chairman, in response to the gentleman from Tennessee, let me say I am not here to defend the soldiers of the late war. A distinguished general who was in command of one of the regiments from Ohio in the Spanish-American war was upon the floor when the statement of the gentleman from Tennessee was made. It was for him to reply. General DICK might have taken up this defense. But I am here to defend the men who fought under General DICK, if he speaks no word for them. I say that the homes in Ohio of the men who made up that regiment are to-day virtually hospitals of the boys who returned from the military service in the Army of the Union.

I have no patience with any man who has not charity, generosity, patriotism enough in his soul to do something, if nothing but a kind word, for the men who defend the flag in the hour of my country's peril. [Applause.]

You glorify the South. So do I. Her people are taking care of their disabled soldiers and are doing it out of their own means—out of their hard-earned dollars. But, sir, you are getting tired of that; for before the Committee on Invalid Pensions to-day there is pending a bill introduced by the gentleman from Texas asking the removal of the restrictions on account of service in the Confederate army, in order that those who afterwards served in the Federal Army in the war of 1861 to 1865 and the Spanish-American war may get upon the pension roll of the Government. From the State of the gentleman from Tennessee more names are being presented for the pension list by the distinguished gentleman from that State [Mr. GIBSON] than by almost any man in the entire North. Read your record of the Pension Department and say whether you will assail the honor and courage and patriotism of the Northern soldier. Do you say that it makes him more sick to face bullets than it does the men of the South? I hurl that back.

Mr. SIMS. I did not say that.

Mr. NORTON of Ohio. I understood that to be your language. If it was not, I will take back my statement.

Mr. SIMS. I said that "maybe it made them sicker."

Mr. NORTON of Ohio. "Maybe!" Your people ought to know that at Stone River, Shiloh, and all along the line we left the record of the Northern soldier. It stands side by side with yours. I honor both the blue and the gray. May my tongue falter and

my lips tremble when I assail the patriotism and courage of any Southern soldier that ever fought in the field. But I deny your right to come here with statements fortified either by H. Clay Evans or yourself in order to cast an aspersion upon my comrades. Go look at the records you have brought here. I hold you blameless upon the statement you made that the Commissioner of Pensions gave you this list. If he did, and if he did so knowing its character, then he ought to be dismissed from his office this day and this hour.

Take the record—in 8 Northern regiments 17 claims for disease contracted in the service to 1 where the soldier had been killed or wounded. Take 8 Southern regiments, where there were 761 claims on account of disease to 1 where the soldier had been killed or wounded.

Mr. Chairman, civil service! Yes, I am looking across this aisle now. You cry out against us for what purpose? To make the people believe in the Republican districts of Ohio that you want to repeal that law for the purpose of giving out more offices. If it is true that you want to do it, you can do so. But you know that the pathway between the Executive Mansion and this building will be hot when you dare to attempt it. And I make this proposition now, that no such thing will be, no such thing dare be, in this Republican House. If it shall come, I will vote with you, because I look upon it as an arrant humbug, only exceeded in its monstrosity by the humbugs who pretend to want to get rid of that law when they know they dare not. [Applause.]

[Here the hammer fell.]

The Clerk read as follows:

Office of chief clerk and superintendent: For chief clerk, including $300 as superintendent of Treasury building, $3,000; assistant superintendent of Treasury building, $2,500; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, $1,900; 4 clerks of class 4; additional to 1 clerk of class 4, as bookkeeper, $100; 2 clerks of class 3; 3 clerks of class 2; 4 clerks of class 1 (1 as librarian); 1 clerk, $1,000; 1 messenger; 2 assistant messengers; storekeeper, $1,200; telegraph operator, $1,200; chief engineer, $1,400; assistant engineer, $1,000; 2 assistant engineers, at $720 each; 6 elevator conductors, at $720 each; 3 firemen; 5 firemen, at $660 each; coal passer, $500; locksmith, $1,200; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 58 watchmen; 6 special watchmen, at $720 each; foreman of laborers, $1,000; skilled laborer, male, $840; 3 skilled laborers, male, at $720 each; 26 laborers; 10 laborers, at $600 each; laborer, $480; 2 laborers, at $360 each; 90 charwomen; foreman of cabinet shop, $1,500; draftsman, $1,200; 11 cabinetmakers, at $1,000 each; cabinetmaker, $720; carpenter, $1,000; carpenter's helper, $660. For the Winder Building: Engineer, $1,000; 3 firemen; conductor of elevator, $720; 4 watchmen; 3 laborers, 1 of whom, when necessary, shall assist and relieve the conductor of the elevator; laborer, $480; and 6 charwomen. For the Cox Building, 1709 New York avenue: Three watchmen-firemen, at $720 each; and one laborer; in all, $175,700.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FITZGERALD] is recognized on the pro forma amendment.

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

The CHAIRMAN (Mr. PAYNE). The gentleman from Massachusetts asks unanimous consent that he may be allowed five minutes more. Is there objection?

Mr. HEMENWAY. Mr. Chairman, in order that we may proceed with the consideration of the bill, I shall have to object to any further extensions of time.

The CHAIRMAN. Objection is made. The Clerk will read.

The Clerk read as follows:

Office of Auditor for War Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; 6 chiefs of division, at $2,000 each; 16 clerks of class 4; additional to 1 clerk as disbursing clerk, $200; 42 clerks of class 3; 64 clerks of class 2; 51 clerks of class 1; 10 clerks, at $1,000 each; 5 clerks, at $900 each; skilled laborer, $800; 3 clerks, at $840 each; 1 messenger; 3 assistant messengers; and 8 laborers; in all, $297,300.

Mr. TALBERT. I move to strike out the last word.

Mr. HEMENWAY. I understand there is already an amendment pending to strike out the last word.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina in opposition to the pro forma amendment.

Mr. TALBERT. Mr. Chairman, I want to say that it is a strange statement to be made upon this floor that the head of a department should be relieved of his position and discharged because, forsooth, he has seen proper to send information here to this House in regard to the department over which he is placed. It seems to me that it is the duty of the heads of Departments to send such information here as will enlighten members upon questions relating to their several Departments, and it seems to me to be a strange thing that members here exhibit so much temper and so much feeling whenever they strike the subject of pensions. It seems to me that whenever you mention the word "pensions" they want to raise such a fuss as to drown out all attempts to throw on the light in regard to the granting of pensions in the Department as well as here upon the floor of the House.

Now, it seems to me that we ought to have arrived at a stage where we can stand up and discuss pensions as we do other propositions, in a dispassionate manner and as a business proposition, without boiling over and heating up in such a manner.

Now, no man has greater regard for the true and brave soldier than I have, and no man's heart goes out more than does mine toward our brave boys who have gone to Cuba and Manila; but we must recollect another fact, that the people at home who have these enormous expenditures to pay are as much entitled to consideration as the soldier or his family. You must recollect that the people must raise provisions, must furnish money to buy arms and ammunition, and to feed and clothe these soldiers, and when we come to consider a pension proposition we should consider it as a business proposition, and while we consider the bravery of the soldier, we should not, at the same time, lose sight of the people at home who are the taxpayers, who must foot the bills which are being piled up here in an enormous way. These pension propositions should be investigated as are other propositions.

I am glad that the gentleman from Tennessee [Mr. SIMS] had the courage to stand up here and make the speech that he did the day before yesterday. There is a great deal of information in it, and the Commissioner of Pensions deserves credit for giving it, instead of being removed, as some claim. He has opened the eyes of members on both sides of this House. I am glad he put that information before us, notwithstanding it has displeased Peter the Great and some others. I want to say that we should take it up and use it and consider it in the light in which it was intended. His investigation is an able one and has thrown great light upon the subject, and I stand here to defend the gentleman upon whom assaults are being heaped, and, while he is able to take care of himself, I think it is an injustice for everybody on that side and gentlemen on this side to jump upon the gentleman from Tennessee. He has given you nuts that you will never crack; he has asked you questions that you can not answer, and instead you hurl epithets at him. Let us take his speech and consider it, and I hope it will do some good in stopping the greyhound speed which some of you pension grabbers want to make in giving pensions to soldiers and even to some who never shouldered a gun or smelled gunpowder.

The Clerk read as follows:

Division of bookkeeping and warrants: For chief of division, $3,500; assistant chief of division, $2,400; estimate and digest clerk, $2,250; 2 principal bookkeepers, at $2,100 each; 10 bookkeepers, at $2,000 each; 11 clerks of class 4; 4 clerks of class 3; 2 clerks of class 2; 3 clerks of class 1; 1 messenger; 1 assistant messenger; and 1 laborer; in all, $67,170.

Mr. HEPBURN. Now, Mr. Chairman, I ask that we return to page 28, the Civil Service Commission.

The CHAIRMAN (Mr. PAYNE). The Chair understands that it was agreed to return to that paragraph. The Clerk will read the paragraph, which the Chair understands has not been read.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For 3 Commissioners, at $3,500 each; chief examiner, $3,000; secretary, $2,000; 8 clerks of class 4; 10 clerks of class 3; 13 clerks of class 2; 15 clerks of class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger; 2 laborers; engineer, $840; 2 watchmen; in all, $91,340.

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, $7,000.

Mr. HEPBURN. I offer the following amendment as an addition to the paragraph.

The Clerk read as follows:

Insert after line 2, page 29:

"That the term of service of all clerks, messengers, watchmen, skilled laborers, laborers, assistant messengers, and all other employees now employed in or by any of the Departments shall terminate as follows:

"One-fourth on the 30th day of June, 1900.

"One-fourth on the 30th day of June, 1901.

"One-fourth on the 30th day of June, 1902.

"One-fourth on the 30th day of June, 1903.

"For the purpose of carrying out the above provision the head of each Department shall divide the above-named clerks and employees into four classes, and shall designate the persons whose terms of service shall expire in each of the above-named years: *Provided*, That any person whose term of service is above limited, having the proper qualifications, may be reappointed by the head of the Department for a period of four years, which period shall thereafter be the term for which all clerks and other employees shall be appointed unless sooner discharged for cause, to be determined by the head of the Department."

Mr. LIVINGSTON. I ask the gentleman if he intends that to apply to all the Departments?

Mr. GILLETT of Massachusetts. I make the point of order that the amendment changes existing law.

Mr. HEPBURN. I hope the gentleman will not make that point of order.

Mr. GILLETT of Massachusetts. I will reserve the point of order.

Mr. HEPBURN. I do not want to simply discuss the paragraph.

Mr. LIVINGSTON. Then I will repeat my question.

Mr. HEPBURN. I will ask the gentleman to reserve the point of order, so that it may be discussed.

Mr. GILLETT of Massachusetts. Certainly.

Mr. HEPBURN. I think it is fair and right that this House should have an opportunity in some way, at some time, to vote upon a question like this. Heretofore through the legerdemain

of rules, through the stifling powers of committees, this House has never yet been permitted a square vote upon this question. When the people were demanding with almost unanimous voice an abolition of the civil-service law, at no time have the committee dared to let the people's representatives vote upon this question. There has not been a time, in my judgment, in the last five years that if the proposition could have come before us that we could not have settled this question by some kind of proper change or amendment that would give us a proper civil service.

Mr. LIVINGSTON. I will repeat my question. Does the gentleman mean his amendment to cover all the Departments?

Mr. HEPBURN. All the Departments.

Mr. LIVINGSTON. Then you will have to change your amendment, because you have mentioned none except the Civil Service Bureau.

Mr. WHEELER of Kentucky. Do I understand that the heads of the Deparments are to designate such clerks as they desire to retire?

Mr. HEPBURN. The amendment simply provides that the clerks and employees are to be divided into four classes by each head of the Department in his particular Department, and that he is to determine what force shall cease their official connection with the Government on the last day of this fiscal year, what force shall cease their connection with it on the last day of the next fiscal year, and so on until all are out.

Mr. WHEELER of Kentucky. Does not the gentleman think that it would be fairer if it were called a speedy method of ridding the Departments of Democrats?

Mr. HEPBURN. It is possible, in view, perhaps, of the next election, that a great many of them will go [laughter]; but I take it they will only because they were not fit for reappointment. There ought to be some settlement of the official term of these men. We have sought to secure a term of service for all of the employees.

Mr. WHEELER of Kentucky. I will vote to abolish the civil-service law if you will give me an opportunity to do it, and I know a number on this side will do so if an opportunity for such a vote is offered.

Mr. HEPBURN. I will join you in that.

Mr. WHEELER of Kentucky. Why not move to strike the paragraph out?

Mr. HEPBURN. Because it would only be an expression of the opinion of this House. Suppose we do not make an appropriation for a person in office. He could go to the Court of Claims and secure his judgment, and we have got to pay him.

Mr. RICHARDSON. I doubt that.

Mr. HEPBURN. We could not effect anything merely by the striking out of the provision for the commission. It would be simply an expression of our opinion. I am willing to have the gentleman move to strike it out, but it will not be effective other than as an expression of the opinion of the House.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. RICHARDSON. Now, your party has the Presidency, has the Senate, has the House of Representatives, and has the Committee on Rules. What is in the way of bringing your bill here repealing the civil-service law?

Mr. HEPBURN. Yet when your party was charged with the responsibility, they not only refused to do that, but their President went on and covered with the blanket of civil-service protection 80,000 employees.

Mr. RICHARDSON. I hope my friend will not charge us with that. [Laughter.]

Mr. HEPBURN. And yet you do not dare, when you have the power and responsibility, to repeal the law. The question of the gentleman from Tennessee is not answered by me, but I will submit to him that the reasons that have animated him to retain the service when his party had the power to abolish it are probably the reasons that control gentlemen on this side to the same action when they have the same power. If he will analyze his own feelings, and determine what has been the mainspring of motive with him when in the condition I have suggested, he will probably have some better understanding how gentlemen on this side are affected.

Mr. RICHARDSON. I do not think the gentleman can cite the time when the Democratic party had the presidents of both Houses of Congress.

Mr. HEPBURN. Well, thank God, it was a good while ago [laughter]; but the gentleman ought to remember that there was such a time.

The CHAIRMAN. The time of the gentleman from Iowa has expired. Does the gentleman from Massachusetts raise the point of order against the amendment?

Mr. GILLETT of Massachusetts. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MUDD. Mr. Chairman, I want to offer an amendment to this same section.

The Clerk read as follows:

Strike out all after line 13, page 28, down to and including line 2, on page 29, being the provision in regard to the Civil Service Commission.

Mr. MUDD. Mr. Chairman——

The CHAIRMAN. Debate on this proposition is exhausted by order of the committee.

Mr. MUDD. I understood that we came back to this section.

The CHAIRMAN. The section was considered and debate was limited by order of the committee, and debate has been exhausted.

Mr. HEPBURN. That was not the understanding of the committee, Mr. Chairman. I for one did not understand that. I had my amendment here and I wanted to make some observations upon the proposition.

Mr. FITZGERALD of Massachusetts. I think the gentleman from Iowa did make some observations.

The CHAIRMAN. The gentleman from Iowa made some remarks by unanimous consent. Whatever may have been the understanding, that was the order of the committee, but of course it may be modified.

Mr. MUDD. Mr. Chairman, I ask unanimous consent to be heard five minutes.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I reserve the point of order against the amendment.

Mr. RICHARDSON. If the gentleman from Maryland [Mr. MUDD] will add to his request five minutes on this side in which to reply, we will have no objection.

The CHAIRMAN. Does the gentleman from Maryland modify his request so as to ask that five minutes be allowed to each side?

Mr. HEMENWAY. Mr. Chairman, I shall have to object, for that means a civil-service discussion here of—we do not know how long.

The CHAIRMAN. The gentleman from Indiana objects. Does the gentleman from Massachusetts make the point of order?

Mr. FITZGERALD of Massachusetts. I raise a point of order against the amendment, Mr. Chairman.

The CHAIRMAN. What point of order does the gentleman raise?

Mr. FITZGERALD of Massachusetts. It is against existing law.

The CHAIRMAN. There is no doubt but that the committee can strike out a paragraph appropriating under existing law.

Mr. MUDD. Then I move to strike out the last word.

The CHAIRMAN. That can not be done. The Chair overrules the point of order raised by the gentleman from Massachusetts [Mr. FITZGERALD]. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. MUDD].

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that any order that may have been made by the committee be rescinded so far as this section is concerned. I think that is only fair.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the order limiting debate on this section be rescinded.

Mr. FITZGERALD of Massachusetts. I object.

Mr. CORLISS. Mr. Chairman, I ask that the amendment be again read.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. MUDD) there were 49 in the affirmative and 48 in the negative.

Mr. CANNON. I demand tellers, Mr. Chairman.

Tellers were ordered.

The question was again taken; and the tellers reported 68 in the affirmative and 66 in the negative.

So the amendment was agreed to.

Mr. CANNON. Mr. Chairman, in justice to the committee, I want to give notice now, so that gentlemen may understand, that when this bill is reported to the House and this amendment comes up for approval there will be asked a separate vote in the House upon it.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, $8,000; 3 Assistant Secretaries of the Treasury, at $4,500 each; clerk to the Secretary, $2,250; stenographer, $1,800; 3 private secretaries, 1 to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $1,800; 1 clerk of class 3; 1 clerk of class 2; 2 clerks of class 1; 1 clerk, $1,000; 4 messengers; 3 assistant messengers, and 1 laborer; in all, $45,350.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of this bill what provision, if any, has been made for appropriation of money to pay the rent of buildings which may have to be occupied by the Government in cases where other buildings which have been so occupied are being improved. For instance, in my own city provision has been made for an addition to a public building, and the making of this improvement will occupy probably ten or twelve months. Meanwhile the offices now in that building—the courts, post-office, etc.—will have to be removed. I would like to know

whether in this bill there is any provision for the payment of rent in such cases?

Mr. HEMENWAY. Improvements of that kind are carried in the sundry civil bill. There is nothing of that kind in this bill.

Mr. BARTLETT. Then, as I understand the gentleman, this is not the place to provide for a matter of that kind.

Mr. HEMENWAY. It is not.

Mr. BARTLETT. All right.

The CHAIRMAN. The pro forma amendment to strike out the last word will be considered as withdrawn.

The Clerk read as follows:

Office of Auditor for Treasury Department: For Auditor, $4,000; Deputy Auditor, $2,500; law clerk, $2,000; 4 chiefs of division, at $2,000 each; 17 clerks of class 4; 13 clerks of class 3; 10 clerks of class 2; 20 clerks of class 1; 3 clerks, at $1,000 each; 3 clerks, at $900 each; three assistant messengers; 4 laborers; and for continuing 3 clerks of class 1 and for 4 additional clerks of class 1 rendered necessary by increased work incident to the war with Spain; in all, $125,700.

Mr. BOUTELL of Illinois. Mr. Chairman, I move to amend by striking out the last word.

From the observations made this morning by the gentleman from Missouri [Mr. COCHRAN] it seems obvious that I failed yesterday to express myself with sufficient clearness. When he states that he inferred from my remarks that I was in favor of holding the people of Puerto Rico, Cuba, and the Philippines in perpetual servitude, it is evident, I think, that he failed to listen in the spirit in which I endeavored to speak. I tried to discuss from an entirely nonpartisan point of view and in an impartial spirit the fundamental principles of our institutions respecting the acquisition of territory.

If I was animated by any spirit at all, I was animated by the spirit of Jefferson, Madison, Monroe, and Jackson. And the spirit that animated them was not a partisan but a national spirit. As a result of my investigation of these principles, an examination of the opinions of our leading statesmen thereon, and a consideration of the interpretation put upon these principles by the people themselves during the past century, I was led to the conclusion that the United States has the right to acquire and hold territory, inhabited or uninhabited, without immediately incorporating it into the Union. I expressed no views concerning the final disposition of Puerto Rico, Cuba, or the Philippines. I did not understand the gentleman to ask me any question concerning Cuba or Puerto Rico. I will say now, however, in regard to Cuba and Puerto Rico, that whenever the people of those islands shall have shown a capacity for self-government and a desire to be incorporated into our Union, I would be in favor of annexing them to the United States as organized Territories and ultimately admitting them to statehood.

I understood the gentleman to ask me whether, when the Philippines were capable of self-government and were considered fit for annexation to the United States, I thought that ought to be done, and I replied no; that I did not think when that time came that it would be advisable; and my reason was, that when the time comes when the entire inhabitants of the Philippine Islands have shown that capacity for self-government which would entitle them to be incorporated into our Union they ought to be able to govern themselves as an independent republic. If after that the people of the Philippine Islands express a desire for union with the United States, I am fully in accord with President Monroe and President Jefferson and President Polk, who thought that the success of the system of local self-government, combined with Federal Union, did not depend on parallels of longitude or on isothermal lines, and should not oppose their admission.

The time at my disposal yesterday did not allow me to give full expression to these views. I wish now simply to say in general that in acquiring territory we can, as we have done, hold it without incorporating it into the Union. It should be so held as to extend as far as possible to the inhabitants of the territory in question the spirit of our institutions and the rights so far as possible which we enjoy; and whenever the people of any territory which we may acquire show capacity for self-government, they should either be given their independence or be incorporated into the Union. And during the time that we so hold them it should be our earnest effort to extend to them the principles of liberty and the spirit of freedom for which the wisdom of our sages and the blood of our martyrs have been given.

Mr. NOONAN. Will the gentleman yield for a question?

Mr. BOUTELL of Illinois. Certainly.

Mr. NOONAN. Does my colleague contend that the territory of the Philippines and of Puerto Rico is not territory of the United States?

Mr. BOUTELL of Illinois. It is not territory incorporated into the United States; it is territory belonging to the United States in the sense of the fourth section of the fourth article of the Constitution.

[Here the hammer fell.]

The CHAIRMAN. In the absence of objection, the pro forma amendment will be considered as withdrawn.

Mr. GAINES. I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] is recognized in support of the pro forma amendment.

Mr. GAINES. Mr. Chairman, several hours ago the gentleman from Maryland [Mr. PEARRE], I regret to say, took it upon himself to decry the Democratic party, saying that it was not in favor of promulgating a just pension system; that the Republican party had been the father of pensions and had perpetuated our pension system. Mr. Chairman, we all know that is not borne out by the facts, and I regret exceedingly that the gentleman should make any such statement. I have been endeavoring ever since that statement was made to get the floor, but my friend on the other side, who possibly knew that I was going to rise for the purpose of defending the Democratic party against any such false accusation, objected in a very eloquent voice to giving me unanimous consent, and I rise now simply for the purpose of doing justice to that party, and to say that I remember in the Fifty-fifth Congress it was the distinguished son of Mississippi, the Hon. JOHN M. ALLEN, who rose on the floor of this House when our last immense pension appropriation bill was being considered and moved that it be passed unanimously, saying that when Joe Wheeler was climbing the heights of San Juan it was not time to talk or parley about the payment of pensions. That bill was unanimously passed.

Since I have been in this Congress, Mr. Chairman, the Democratic party as a party has not opposed just pension laws, and the American people do not oppose a just pension law. The men who should not be pensioned are the men to whom we object. They are the men that the present Commissioner seems to be after now with a hot poker. The Commissioner of Pensions was opposed and criticised by the distinguished gentleman from Kansas [Mr. CURTIS], and my colleague from Tennessee [Mr. SIMS], as well as myself, rose in our seats here and defended him from his own party, because we believe that he is doing his duty, if the press reports and his own reports are true, and we must at least take the latter as being true. If that be so, he is trying to do his duty, as Cleveland did, Mr. Chairman, in cleaning the pension roll, in expurgating the pension roll, and instead of making it one of suspicion, making it one absolutely of honor.

Mr. Chairman, bear in mind another thing—and I want to state right here that the day my distinguished colleague [Mr. SIMS] made his speech on the floor of this House which has excited so much comment here that the gentleman from Massachusetts [Mr. FITZGERALD] who has to-day several times defended his State and her soldiery from a supposed attack, which I am sure was not malicious on the part of my colleague from Tennessee [Mr. SIMS], for I do not know a kinder, a more charitable, or a more just man upon the floor of this House than he—the distinguished gentleman from Massachusetts [Mr. FITZGERALD] was not in the House. I occupied his seat myself, and on the same occasion, a few minutes before or after the speech of my colleague, I spoke upon the floor of the House, and I spoke from the seat of the gentleman from Massachusetts [Mr. FITZGERALD], which is a good one, because I could speak with more ease from that seat than from my own. In justice to the gentleman from Massachusetts [Mr. FITZGERALD] I want to make this statement.

Now, Mr. Chairman, it remained for a distinguished son of Michigan [Mr. WM. ALDEN SMITH], when my colleague [Mr. SIMS] occupied the floor on a former occasion, to make a statement which corroborates the position that I have taken here. On page 1029 of the RECORD the gentleman from Michigan [Mr. WM. ALDEN SMITH] said the following to my colleague [Mr. SIMS]:

Mr. WM. ALDEN SMITH. I do not believe the gentleman from Tennessee represents the best sentiment of the Democratic party upon that side of the Chamber in that statement.

Mr. SIMS. I represent the cause of truth; and if the Democratic party does not sanction it, that is their fault, not mine.

Now, this is what I particularly desire to read:

Mr. WM. ALDEN SMITH. I will say to the gentleman from Tennessee that in the passage of pension bills here it has been to the eternal credit of members upon that side of the Chamber, many of whom were in the Confederate army, that they have thrown less obstruction in the way of a liberal administration of the pension law than they have ever been given credit for doing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. GAINES. And yet my young friend from Maryland [Mr. PEARRE], possibly, like myself, born and reared since the war, gets up here to-day and flaunts it in the face of Democrats upon the floor of the House that the Republican party and the Republican party only has been the friend of the honest pensioner, the heroic soldier, the deserving patriot, and has been the only party which has enacted just pension laws.

The fact is that the Republican party has been in control of this

House, with the exception of a few years, ever since the war, and during those few years we had a so-called Democratic President and a Democratic Senate and House which undertook to do the identical thing that the Commissioner of Pensions, Mr. Evans, is undertaking to do to-day, as I said a moment ago, to make the pension roll a roll of honor rather than one of suspicion. The very fact, as I said a few days ago, that there is opposition to the Commissioner's administration of the law, coming from his own party and not from the Democratic party, shows that that roll should at least be looked after with more particularity than it has been heretofore.

Mr. Chairman, the old Confederate soldier, the Southern people, yea, the American people, believe in an honest pension law and a just pensioner, nothing more and nothing less. It is in the matter of the unjust pensioner that the American people feel they are being outraged.

Now, some gentlemen on the other side, I believe the gentleman from Ohio, alluded to the fact that hundreds and hundreds of pension bills are before the Pension Committee, and called attention to the fact that the gentleman, I believe, representing the Second Tennessee district [Mr. GIBSON] had introduced so many bills. I want to say to him that that district is a Republican district, as the First district is. It was the "Union end of the State," the end that voted against secession in days gone by, and hence it is, aside from the great industry of the Representative from that district and his great love for his people, that the distinguished son of Tennessee who represents that district has introduced so many pension bills.

Now, finally, let me challenge the kind attention of this honorable body to this fact: I say to you that the old Confederates—of whom I am not one, born and reared as I was since the war, but my kindred, my people, my neighbors were Confederates, and for that I make no apology here or elsewhere—have unmurmuringly, as honest history portrays, stood up here in favor of a just and honest pension system. They have favored it upon the hustings. They have done so in face of the fact that there stands upon the statute books of this country the following section:

No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States. (Section 4716, Revised Statutes.)

That was passed in 1862, and it is the law to-day. This is true in the face of the fact that the colonel of the first Tennessee regiment that went to the Philippines and did such valiant service there was a distinguished Confederate officer, and one of the lieutenants was a distinguished soldier, Maj. W. J. Whitthorne, a brother of the distinguished Admiral Whitthorne, who was for so many years a member of this honorable body.

Yet our people have unmurmuringly borne protective tariffs and these heavy pension bills. And I was happy to see the spirit that characterized the Republican side of this House when I brought to the attention of this body last Friday night the fact that that statute, section 4716, is still in force, so that to-day Colonel Smith's widow is not pensionable, although her gallant husband fell on the firing line at the head of his regiment in the Philippines. Under that law, which the Republican party has allowed to remain upon this statute book for thirty years, we can not give her a pension. I have introduced this bill to repeal this law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I ask a minute more.

The CHAIRMAN. Without objection, the gentleman will be recognized for one minute more.

Mr. GAINES. I am glad to say that I do not believe that this House, nor this Congress, nor the President, will long let that law remain upon the statute books. I was happy to hear the mouthpiece of the Administration, the gentleman from Ohio [Mr. GROSVENOR], say that he would join with me in the repeal of that statute that does not represent the feeling, the judgment, or the heart of the American people of this day. I shall ask later to extend my remarks by printing my bill to repeal section 4716.

The bill referred to is as follows:

A bill (H. R. 8499) to equalize the pension laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws enacted and now in force relating to pensions for soldiers and sailors of the civil war of 1861 to 1865 be, and they are hereby, made equally applicable to soldiers and sailors of the Mexican war, without any distinction whatever as to age, participation in rebellion, or otherwise; and the same rates shall be paid in either case alike to officers, soldiers, widows, children, invalids, and dependents; and that all laws and parts of laws not in conformity herewith are hereby repealed.

That the Commissioner of Pensions is hereby directed to pay to Mexican war pensioners now on the roll the rates allowed in each respective case by the laws relating to the civil war, beginning with the date of the passage of this act.

That applicants for pension or increase, based upon service in the Mexican war, whose applications have been heretofore rejected because they were under age, or because they participated in rebellion, or because of any other requirement or condition that existed in the laws relating to Mexican war pensions which does not also exist in the laws relating to civil war pensions, shall, if they apply again, be paid from the date of the original application; and widows, invalids, and dependents who have applied for and been denied pensions or increase for any such reasons shall, upon reapplication, be paid at the rates herein fixed from the date of the original application. All persons who are now upon the Mexican war pension roll, and who now, under this act, become entitled to a disability rate, shall be paid that rate from the date of the original application if the disability then existed, or from the date of the occurrence of the disability.

Mr. DALY of New Jersey. Mr. Chairman, much criticism has been indulged in to-day against the party to which I belong upon this question of pensions. I desire to read for the benefit of the other side of this House the criticism of one of your members on the 19th of last month in reference to the conduct of the Pension Bureau. I do not suppose that there has been more attention given to this matter of pensions by any member than has been given by the distinguished gentleman from Kansas [Mr. CURTIS]. Here is what he says about the conduct of the Pension Department under Republican rule:

On the 4th of March, 1897, there was a change of Administration, and the soldiers of this country looked forward to a new Commissioner of Pensions and a change in the Bureau of Pensions. They looked for a change in the rules and regulations; they looked for a more liberal construction of the law; but, I am sorry to say, they were disappointed.

* * * * * * *

But the new Commissioner of Pensions, with the exception of the continuance of the board of revision, which I believe had completed its work, and the consequent stoppage of the reduction and dropping of pensioners, continued the same rules and practices as the former Administration.

Now, here is what he says about the Republican Commissioner of Pensions, Mr. Evans, who represents this Administration in the Department of Pensions:

He kept up the same false charges against the pensioners. He permitted himself to be interviewed and wrote articles for the press and did other things to attract the attention of the public to his Bureau.

Further on, let me read this record, coming from a Republican source, as to the conduct of this Department:

Mr. CURTIS. I charge it because I have examined the cases; I have a memorandum of them in my pocket, cases where I believe he has absolutely ignored the decision of Webster Davis. I want to call your attention to the fact that in 1897 he says he rejected, in round numbers, 107,000 cases—89,000 on medical grounds, 13,000 on legal grounds, 5,000 on the ground of no benefit.

I want to say here that I do not believe that 107,000 soldiers of the Union perpetrated falsehoods when they made their statements in reference to the contraction of disease or wounds in the war. I want also to say that the record of the Democratic party can be favorably compared with this record that was made by the Commissioner of Pensions, who represents the McKinley Administration. One hundred and seven thousand soldiers of the Union had their applications for pensions rejected, and when they were rejected it was an imputation that the 107,000 soldiers falsified.

Now, Mr. Chairman, I do not further desire to continue in this line of remarks, but I do ask permission to continue my remarks in the RECORD, in order that I may show the record of the Democratic party in Congress on this subject of pensions.

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn.

Mr. STEELE. If the gentleman will publish the whole record of the Democratic party, I would be glad for him to extend his remarks.

The CHAIRMAN. The gentleman asks unanimous consent that his remarks may be extended in the RECORD. Is there objection? [After a pause.] The Chair hears none. If there be no objection, the pro forma amendment will be withdrawn. The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Office of Auditor for Interior Department: For auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 8 clerks of class 4; 19 clerks of class 3; 35 clerks of class 2; 22 clerks of class 1; 11 clerks, at $1,000 each; 7 clerks, at $900 each; one clerk, $840; 1 assistant messenger; 10 laborers; and 1 female laborer, $480; in all, $160,640.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 40, line 12, strike out "twenty-two" and insert in lieu thereof "twenty-five;" in line 17 strike out "sixty thousand six" and insert "sixty-four thousand two."

The amendment was agreed to.

The Clerk read as follows:

Office of Auditor for Post-Office Department: For Auditor, $4,000; Deputy Auditor, $2,500; chief clerk, $2,000; law clerk, $2,000; 7 chiefs of division, at $2,000 each; 13 clerks of class 4; additional to 1 clerk as disbursing clerk, $200; 61 clerks of class 3; 76 clerks of class 2; 90 clerks of class 1; 70 clerks, at $1,000 each; 21 clerks, at $900 each; skilled laborer, $1,000; 25 money-order assorters, at $900 each; 31 money-order assorters, at $840 each; 23 money-order assorters, at $720 each; 2 messengers; 12 assistant messengers; 23 male laborers, at $660 each; 3 female laborers, at $660 each; and 15 charwomen; in all, $546,180.

For additional force for bringing up work of assorting and checking money orders one year or more in arrears, and for increased business, namely: For 5 clerks of class 4; 4 clerks of class 3; 5 clerks of class 2; 8 clerks of class 1; 12 clerks, at $1,000 each; and 5 clerks, at $900 each; in all, $48,500.

Mr. STEELE. Mr. Chairman, I desire to offer an amendment to that paragraph. In line 22, after the word "for," strike out the word "additional," on page 41.

The Clerk read as follows:

On page 41, line 22, after the word "for," strike out the word "additional."

Mr. STEELE. And insert the word "temporary."
The Clerk read as follows:

And insert the word "temporary."

Mr. STEELE. And on page 41, line 24, after the word "business," insert the words "incident to the war with Spain."
The Clerk read as follows:

On page 41, in line 24, after the word "business," insert the words "incident to the war with Spain."

Mr. GILLETT of Massachusetts. Mr. Chairman, I make the point of order that it changes existing law.
Mr. STEELE. It is providing for additional force, and it is a temporary force to be employed only during the war with Spain, as other provisions are in this bill.
Mr. GILLETT of Massachusetts. As I understand the amendment, it either means nothing or it means that this force is not to be appointed according to existing law; and of course if it means that, it is a change in the existing law. As I understand it, it leaves the number practically the same, but changes the method of appointment. I suppose that is the purpose of the gentleman from Indiana.
Mr. STEELE. I am not disclosing my purpose, Mr. Chairman, but I claim it is not in contravention of existing law. There are other amendments in the bill providing for the same service, and the employment was simply temporary throughout the Department.
Mr. FITZGERALD of Massachusetts. The law provides for that.
The CHAIRMAN. The Chair calls the attention of the gentlemen from Massachusetts to the fact that it does not change the existing law as the Chair understands it. There is no existing law upon this subject. Here is a provision providing temporarily for certain employees in one of the Departments. Surely it is within the power of the committee to perfect that system.
Mr. GILLETT of Massachusetts. There is a law to-day providing how additional appointments shall be made. I may not have caught the reading of the amendment, but as I understood it, all it does is to strike out the word "additional" and put in the word "temporary," which we all know has been so construed that they shall be appointed in a manner different from the regular method. If that is the proposition of the amendment, I submit that the Chair would hold that it was, of course, a change in existing law. If it does not mean by the word "temporary" a different method of appointment from that which the law now provides, I do not see what the pertinence of the amendment is.
The CHAIRMAN. The Chair is inclined to the opinion that it is obnoxious to the rule, if that is the intent of the amendment.
Mr. STEELE. The additional force is asked for, and it is supposed that they want them during the war with Spain, as it is required in other Departments. I am asking that they be appointed in the same way.
Mr. GILLETT of Massachusetts. I should like to ask if the bill before this amendment was offered did not provide for the additional force?
The CHAIRMAN. The Chair is inclined to sustain the point of order.
Mr. STEELE. Well, I am sorry the gentleman from Massachusetts made a second speech. [Laughter.]
The CHAIRMAN. The Chair sustains the point of order.
The Clerk, proceeding with the reading of the bill, read as follows:

Office of the Director of the Mint: For Director, $4,500; examiner and computer, at $2,500 each; assayer, $2,200; adjuster of accounts, $2,000; 2 clerks of class 4; 1 clerk of class 2; 4 clerks of class 1; translator, $1,400; 1 clerk, $1,000; 1 copyist; 1 messenger; 1 assistant in laboratory, $1,000; and 1 assistant messenger; in all, $29,360.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

On page 42, lines 18 and 19, strike out the words "one thousand" and insert "fifteen hundred."

Mr. HEMENWAY. Mr. Chairman, I make a point of order on that.
Mr. STEPHENS of Texas. That is the amount recommended by the Secretary.
The CHAIRMAN. The Chair will ask the gentleman from Indiana if there is any statute upon this subject?
Mr. HEMENWAY. There is no statute. In the last appropriation bill it was carried at $1,000.
The CHAIRMAN. The last appropriation bill carried it at $1,000?
Mr. HEMENWAY. At $1,000. This amendment seeks to make it $1,500.
Mr. STEPHENS of Texas. That is right; but the recommendation of the Secretary is that it should be $1,500.
The CHAIRMAN. The recommendation of the Secretary would not make any difference as far as the point of order was concerned. The Chair understands that it was carried in the last appropriation bill at $1,000; and there being no other statute on this subject, the Chair must sustain the point of order.

TRANSFER OF EVENING SESSION.

Mr. SULLOWAY. Mr. Chairman, on behalf of the Committee on Invalid Pensions and at the urgent request of many members on both sides of the House, I desire to give notice that when we get back into the House I will ask unanimous consent to substitute Monday night for pension business instead of to-night, on account of the storm.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Clerk, proceeding with the reading of the bill, read as follows:

Office of assistant treasurer at Chicago: For assistant treasurer, $3,000; cashier, $2,500; vault clerk, $1,800; paying teller, $1,800; assorting teller, and receiving teller, at $1,500 each; clerk, $1,000; bookkeeper, $1,500; 3 coin, coupon, and currency clerks, at $1,500 each; 15 clerks, at $1,200 each; messenger, $840; stenographer, $720; janitor, $900; and 3 watchmen at $720 each; and 2 watchmen at $840 each; in all, $44,020.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.
The Clerk read as follows:

In line 25, page 57, and line 1, page 58, strike out the words "and 2 watchmen at $840 each.

The amendment was agreed to.
The Clerk read as follows:

Office of assistant treasurer at St. Louis: For assistant treasurer, $4,500; cashier and chief clerk, $2,500; first teller, $2,000; second teller, $1,800; third teller, $1,600; fourth teller, $1,200; bookkeeper, $1,500; two assistant bookkeepers, and coin teller, at $1,200 each; assistant bookkeeper, $1,000; assistant coin teller, stenographer and typewriter, and messenger, at $1,000 each; two day watchmen, and coin counters, at $720 each; night watchman, $720; and janitor, $900; in all, $25,460.

Mr. HEMENWAY. On behalf of the committee I move the amendment which I send to the desk.
The Clerk read as follows:

On page 1, in line 17, insert "2 clerks, at $1,200 each;" and in line 23 strike out "twenty-five thousand four hundred and sixty" and insert in lieu thereof "twenty-seven thousand eight hundred and sixty."

The amendment was agreed to.

LEAVE TO PRINT.

Mr. COCHRAN of Missouri. I ask unanimous consent to add to my remarks made an hour ago matter which will make less than a page of the RECORD.
The CHAIRMAN. The gentleman from Missouri [Mr. COCHRAN] asks unanimous consent to extend in the RECORD his remarks made during the session of the Committee of the Whole to-day. Is there objection?
There was no objection.
Mr. FITZGERALD of Massachusetts. Mr. Chairman, as I was cut off and prevented from concluding what I desired to say, I make a similar request.
The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may extend his remarks in the RECORD. Is there objection? The Chair hears none.
Mr. GAINES. I ask the same privilege.
The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] makes a like request. Is there objection? The Chair hears none.
The Clerk read as follows:

Office of the Chief of Engineers: For chief clerk, $2,000; 4 clerks of class 4; 3 clerks of class 3; 3 clerks of class 2; 4 clerks of class 1; 1 clerk, $1,000; 1 assistant messenger, and 2 laborers; in all, $26,040.

Mr. HEMENWAY. I offer the amendment which I send to the desk.
The Clerk read as follows:

On page 76, in lines 8 and 9, strike out "4 clerks of class 4; 3 clerks of class 3; 3 clerks of class 2" and insert in lieu thereof "5 clerks of class 4; 4 clerks of class 3; 4 clerks of class 2;" and in line 11 strike out "$26,040" and insert "$30,840."

The amendment was agreed to.
Mr. HEPBURN. May I have the attention of the gentleman from Indiana [Mr. HEMENWAY] for a moment? In the second line of the note on page 22 of the report I read:

Net increase in the number of salaries estimated, 1901, over appropriations for 1900, 967.

Mr. HEMENWAY. That is the number of salaries estimated for; but of those some are for the temporary force that was expected to be put on the permanent roll.
Mr. HEPBURN. But that is the number required in the opinion of the heads of Departments—967 more than were appropriated for in the last appropriation bill.

Mr. HEMENWAY. No, sir. That includes a number of salaries of those who are now temporary clerks, but whom the heads of Departments expected to be put on the permanent rolls. Including these, the increase would be 967. If the gentleman will turn to the first page of the report, he will notice that this matter is there partially explained:

It is proper to state that of the 799 specific salaries estimated for in excess of those recommended in the bill 410 were for clerks and others in the War Department now employed and paid from a general appropriation made for the current fiscal year for additional employees rendered necessary in the War Department because of increased work incident to the war with Spain, which general appropriation it is proposed to continue during the next fiscal year in the same sum as was provided for the current year; and 188 of such specific salaries estimated for were in place of employments in the Navy Department now paid from appropriations for "Increase of the Navy."

Mr. HEPBURN. Possibly the last line of the note to which I have just called the gentleman's attention will explain:

Net increase in number of salaries in this bill over appropriations of 1900, 168.

That, I presume, is the number they call for in their estimates over and above those now employed.

Mr. HEMENWAY. They called for a larger increase in the estimates; but that is the number we have allowed in the bill.

Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN reported that the Committee of the Whole on the state of the Union, having had under consideration House bill No. 8347 (legislative appropriation bill), had come to no conclusion thereon.

TRANSFER OF EVENING SESSION.

Mr. SULLOWAY. I ask unanimous consent that on Monday next at 5 o'clock the House take a recess until 8 o'clock, the evening session not to extend beyond half past 10 and to be devoted to the consideration of such business as is in order at the regular Friday evening meeting.

Mr. PAYNE. And that the session of to-night be dispensed with?

Mr. SULLOWAY. Yes, sir. This request is made at the solicitation of members on both sides of the House. The reason is apparent to all.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the session for to-night be dispensed with and that on Monday next, at 5 o'clock, the House take a recess until 8 o'clock, the evening session to adjourn at half past 10 o'clock and to be devoted to the consideration of business that is in order at the regular Friday night session. Is there objection?

Mr. RICHARDSON. I suppose it is understood that we shall adjourn to-day at 5 o'clock. You do not propose to run this session beyond 5 o'clock?

Mr. SULLOWAY and others. Oh, no.

Mr. RICHARDSON. Then there is no objection.

The SPEAKER. Is there objection to the proposition of the gentleman from New Hampshire? The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MAHON, for four days, on account of sickness.

To Mr. RIDGELY, for one week, on account of important business.

CHANGE OF REFERENCE.

The SPEAKER laid before the House the following executive communication and Senate bill, the reference of which was changed as indicated:

Letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the pay of stenographers and typewriters employed by Indian inspectors and agents—from Committee on Appropriations to the Committee on Indian Affairs.

Senate bill for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.—from the Committee on Claims to the Committee on Military Affairs.

VISITORS TO NAVAL ACADEMY AT ANNAPOLIS.

The SPEAKER announced the appointment of Mr. GROUT, Mr. HEATWOLE, and Mr. BERRY as Visitors on the part of the House of Representatives to the Naval Academy at Annapolis.

VISITORS TO WEST POINT MILITARY ACADEMY.

The SPEAKER also announced the appointment of Mr. GROSVENOR, Mr. OLMSTED, and Mr. SLAYDEN as Visitors on the part of the House of Representatives to the Military Academy at West Point.

And then, on motion of Mr. HEMENWAY (at 4 o'clock and 57 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Acting Director of the Mint submitting an estimate of appropriations for new machinery and appliances at the Philadelphia mint, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5049) to settle the title to real estate in the city of Santa Fe, N. Mex., reported the same without amendment, accompanied by a report (No. 344); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KLEBERG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4730) to grant land to the State of Florida for the use of the normal college for white pupils at De Funiak Springs and for the use of the normal college at Tallahassee for colored pupils, reported the same with amendment, accompanied by a report (No. 345); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2351) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company, reported the same with amendment, accompanied by a report (No. 347); which said bill and report were referred to the House Calendar.

Mr. SNODGRASS, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the joint resolution of the House (H. J. Res. 1) proposing amendments to the Constitution disqualifying polygamists for election as Senators and Representatives in Congress and prohibiting polygamy and polygamous association or cohabitation between sexes, reported the same without amendment, accompanied by a report (No. 348); which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the House (H. R. 4303) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, reported the same with amendment, accompanied by a report (No. 346); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5504) for the relief of Lincoln W. Tibbetts—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 5547) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.—Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 8522) for the relief of Albert F. Wakefield—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5125) for relief of Ann Bart, widow of William G. Bart, deceased, a soldier in the civil war—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2621) granting pension to Ida Wiederhold—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4261) for the relief of J. W. Leigh, of California—Committee on the Public Lands discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DOLLIVER: A bill (H. R. 8625) to amend section 953 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. ESCH: A bill (H. R. 8626) to construct a pier for a harbor of refuge on the east shore of Lake Pepin, Mississippi River, near or at the village of Pepin, Pepin County, Wis.—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: A bill (H. R. 8627) relating to compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: A bill (H. R. 8628) to authorize the laying and maintaining of a pneumatic-tube system between the Capitol and the Government Printing Office, in the city of Washington, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 8629) for the protection of subsurface pipes, cables, wires, and other metallic constructions in the District of Columbia from danger by electrolysis, and for other purposes—to the Committee on the District of Columbia.

By Mr. SHATTUC: A bill (H. R. 8630) to modify an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. HULL (by request): A bill (H. R. 8661) for the recognition of services of a military nature rendered by certain civilians in the late war with Spain—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 8662) to provide for the expenses of United States district judges while going to, returning from, or holding courts at places other than their respective residences—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOUTELL of Illinois: A bill (H. R. 8631) granting a pension to Elizabeth Englehardt—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 8632) for the relief of the legal representatives of John Nelson, deceased, late of Lafourche Parish, La.—to the Committee on War Claims.

By Mr. BENNETT: A bill (H. R. 8633) for the relief of Mrs. Martha Stiff—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 8634) granting an increase of pension to George W. Caseday—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 8635) to confirm the title to certain land to the Indians of the pueblo of Zuni, in the Territory of New Mexico—to the Committee on Indian Affairs.

By Mr. CATCHINGS: A bill (H. R. 8636) for the relief of the heirs of William Freeman—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 8637) granting a pension to Mrs. Helen Harlow—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 8638) for the relief of George K. Bowen—to the Committee on Military Affairs.

By Mr. GAYLE: A bill (H. R. 8639) for the relief of James Miller, of Bourbon County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 8640) for the relief of Oldham County, Ky.—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 8641) granting a pension to George W. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8642) granting a pension to Elizabeth Brooks—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A bill (H. R. 8643) granting a pension to Euretta Eggleston—to the Committee on Pensions.

Also, a bill (H. R. 8644) granting a pension to Melissa Eggleston—to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 8645) directing the issue of a duplicate of lost check drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Breneman—to the Committee on Claims.

By Mr. NAPHEN: A bill (H. R. 8646) to remove the charge of desertion standing against the military record of Alonzo Cornell—to the Committee on Military Affairs.

Also, a bill (H. R. 8647) to place on the pension roll the name of Joseph Connell—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 8648) granting a pension to Henrietta Pollock—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 8649) granting a pension to Margaret Vorhees, widow of Capt. Jared F. Vorhees—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 8650) granting an increase of pension to William C. Whitney—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 8651) granting a pension to Rebecca Pratt—to the Committee on Pensions.

By Mr. RAY of New York: A bill (H. R. 8652) granting an increase of pension to Joseph Cannon—to the Committee on Invalid Pensions.

By Mr. STALLINGS: A bill (H. R. 8653) for the relief of W. S. McMillan, administrator of the estate of William Booth, deceased, late of Stockton, Ala.—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 8654) removing the charge of desertion from the military record of J. E. Getman—to the Committee on Military Affairs.

By Mr. THAYER: A bill (H. R. 8655) granting an increase of pension to Edgar H. Stevens—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 8656) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Bvt. Capt., Second Lieut. James Davison, United States Army, retired—to the Committee on Claims.

By Mr. WANGER: A bill (H. R. 8657) granting a pension to Barbara Ann Fox—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 8658) granting an increase of pension to Edwin G. Fay, late lieutenant, Company C, One hundred and seventh New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 8659) to increase the pension of Thomas P. McCracken—to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 8660) to increase the pension of Philip Lang—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of Irving M. Webber and other railway postal clerks of the Fifth Congressional district of Wisconsin, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Petition of the National Board of Trade, in favor of the passage of the bill for the organization of a national naval reserve force—to the Committee on Naval Affairs.

Also, resolutions of the Boston (Mass.) Merchants' Association, favoring a competing submarine cable line between Cuba and the United States—to the Committee on Insular Affairs.

By Mr. BURKETT: Resolutions adopted by the employees in the Bureau of Animal Industry stationed at Nebraska City, Nebr., for provision to grant them the usual leave of absence with pay—to the Committee on Agriculture.

Also, resolutions of the Kansas City Live Stock Exchange; also, of the St. Joseph Live Stock Exchange, State of Missouri, against increasing the tax on oleomargarine—to the Committee on Ways and Means.

By Mr. CAPRON: Petition of M. R. Newell and other employees of the Woonsocket (R. I.) post-office, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Additional evidence in support of House bill No. 8403, to refer the Pittsburg defense claims to the Court of Claims—to the Committee on War Claims.

By Mr. DOLLIVER: Resolutions of Baldwin Lodge, No. 273, International Association of Machinists, of Boone, Iowa, in relation to the care and disposition of the public lands—to the Committee on the Public Lands.

By Mr. GORDON: Petition of the publisher of the Bradford Sentinel, asking that white paper and wood pulp be placed on the free list—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of the Northeastern Pennsylvania Press Association, favoring the passage of House bill No. 5029, relative to the free entry of wood pulp imported for use in the manufacture of paper—to the Committee on Ways and Means.

Also, resolutions of the Chemung Valley Tobacco Grower's Association of the State of New York, in favor of maintaining the present tariff rates on cigar leaf tobacco from Puerto Rico and other island possessions—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolution of the Boston (Mass.) Marine Society, favoring the passage of House bill No. 64, to promote the commerce of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of the Dr. Blair Medical Company, of Freeport, Ill., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. JETT: Petitions of J. H. Sanner, W. H. Bohm, and others, of Edwardsville, Ill., and vicinity, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington (by request): Petition of the Woman's Christian Temperance Union of Olympia, Wash., to prohibit the manufacture and sale of intoxicating liquor in Hawaii—to the Committee on Alcoholic Liquor Traffic.

By Mr. LACEY: Memorial of John H. King and others, concerning the sale and other disposition of public lands, etc.—to the Committee on the Public Lands.

Also, petition of the Medical Society of Keokuk, Iowa, against the passage of the anti-vivisection bill—to the Committee on the District of Columbia.

By Mr. LOUD: Petition of Phillip Lang, of San Jose, Cal., for increase of pension—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of Post No. 5, Grand Army of the Republic, Department of New Jersey, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. McALEER: Petition of graduate women nurses to secure by act of Congress employment as nurses in the Army—to the Committee on Military Affairs.

Also, resolutions of the Kansas City (Mo.) Live Stock Exchange and the South St. Joseph (Mo.) Live Stock Exchange, against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, resolution of the New York Mercantile Exchange, indorsing House bill No. 7667, relative to the branding of cheese—to the Committee on Interstate and Foreign Commerce.

Also, petition of Freytag & Peeler Company, of Philadelphia, Pa., favoring the passage of the Russell bill, relating to the tax on alcohol used in the arts or in any medicinal compound—to the Committee on Ways and Means.

Also, petition of the League of American Sportsmen, urging the passage of House bill 6634, for the better protection of song and insectivorous birds, the game birds, and game animals—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLEARY: Resolutions of the Northwestern Manufacturers' Association, of St. Paul, Minn., indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. H. Meyer and other druggists of Sleepy Eye, Minn., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, letter of Noyes Brothers & Cutler, of St. Paul, Minn., favoring provision for irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MEEKISON: Papers to accompany House bill No. 7703, granting a pension to Lee Kuney—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 5441, granting a pension to Hugh Thompson—to the Committee on Invalid Pensions.

By Mr. OTJEN: Paper to accompany House bill for the relief of Henrietta Pollok, of Milwaukee County, Wis.—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of fourth-class postmasters of Rutland County, Vt., praying for the passage of the Cummings bill increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petition of Acme Grange, No. 498, of North Barton, N. Y., favoring a general free mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Resolutions of the Minneapolis (Minn.) Commercial Club, in favor of the proposed national park in nothern Minnesota—to the Committee on the Public Lands.

By Mr. TAWNEY: Resolutions of the State Agricultural Society of Minnesota, protesting against the passage of Senate bill "to promote commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and seamen for Government use when necessary," in its present form—to the Committee on Agriculture.

By Mr. THROPP: Paper to accompany House bill No. 8403 to confer jurisdiction on Court of Claims in the Pittsburg defense claims—to the Committee on War Claims.

By Mr. WADSWORTH: Petition of D. H. Harler and other citizens of the Thirtieth Congressional district of New York, in favor of the passage of House bill No. 3717, relating to oleomargarine and other dairy products—to the Committee on Agriculture.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill No. 8183, to remove the charge of desertion from the record of Michael Fitzgerald—to the Committee on Military Affairs.

By Mr. YOUNG of Pennsylvania: Resolution of the Northeastern Pennsylvania Press Association, urging the passage of House bill No. 5029, to put wood pulp and printing paper on the free list—to the Committee on Ways and Means.

Also, letter of Frank B. Rose, of Swarthmore, Pa., relating to section 11 of the naval personnel bill—to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 17, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment, as chairman of the Committee on Railways and Canals, of Mr. DAVIDSON.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NEEDHAM, for three days, on account of sickness.

To Mr. LIVINGSTON (at the request of Mr. MADDOX), for this day, on account of sickness.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2708. An act to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899—to the Committee on Military Affairs.

S. 2650. An act granting an increase of pension to Katharine Taylor Dodge—to the Committee on Pensions.

EULOGIES ON THE LATE REPRESENTATIVE BLAND.

Mr. DE ARMOND. I ask unanimous consent that Saturday, April 7, beginning at 1 o'clock, be set apart for the delivering of eulogies on the life and character of our late colleague, Mr. BLAND.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Saturday, April 7, commencing at 1 o'clock, be set apart for exercises in commemoration of the life, character, and death of the late Mr. BLAND, of Missouri. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

And then, on motion of Mr. HEMENWAY, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, with Mr. SHERMAN in the chair.

The CHAIRMAN. The Clerk will read from the point where he suspended last evening.

The Clerk, proceeding with the reading of the bill, read as follows:

Of the foregoing amounts appropriated under public buildings and grounds, the sum of $27,130 shall be paid out of the revenues of the District of Columbia.

Mr. MUDD. Mr. Chairman, I desire to make a point of order against the clause just read, from lines 20 to 23, inclusive. I do not know whether the gentleman who is in charge of this bill contends that that provision is in order or not.

Mr. HEMENWAY. I certainly do.

Mr. MUDD. Mr. Chairman, I want to be heard briefly. I will read the language against which I make the point of order:

Of the foregoing amounts appropriated under public buildings and grounds, the sum of $27,130 shall be paid out of the revenues of the District of Columbia.

It seems to me that there can be no doubt that this is squarely a change of existing law, inasmuch as it changes the fund out of which these expenses shall be paid.

I do not know that there is any permanent statute on this subject, but in the appropriation bill for the current year, passed at the last session, which I have before me and to which it is unnecessary to refer, everybody knows that these expenses were paid entirely out of the revenues of the General Government.

Now, these parks which are referred to here all belong to the General Government. The title to the land is in the General Government. It is just as appropriate and just as fair and proper that the expenses of policing this Capitol building should be paid one-half out of the revenues of the District of Columbia as to have the District pay one-half of the salaries of watchmen in the various parks hereinbefore enumerated. For instance, among the parks here enumerated as a part of the public grounds of this Government are the grounds about the Executive Mansion, the greenhouses, and nurseries, and other matters of that kind, with which the District has nothing whatever to do. It is just as appropriate and just as much in accordance with law that the Territory of Oklahoma should be made to pay one-half of these expenses as that the District of Columbia should be made to do so.

If there is no general statute upon this subject, Mr. Chairman,

then this is new legislation which changes the body of the law applicable to this subject-matter as it stands to-day. Therefore it is subject to the point of order.

Numerous decisions hold that anything which is in the nature of new legislation is a change of existing law.

Not only is this provision obnoxious to clause 2 of Rule XXI, as a change of existing law, but as to the District of Columbia and its revenues it is an expenditure not authorized by law, because everyone will concede that no such expenditure as this has ever been authorized or was ever sought to be authorized out of the revenues of the District of Columbia.

I think there can be no question, Mr. Chairman, that this is a plain, unequivocable, and incontestable change of existing law and, as to the District of Columbia, also unauthorized by previous law.

Mr. CANNON. Mr. Chairman, the gentleman's point of order is not, in my opinion, well taken, for the following reasons: Congress is the common council for the District of Columbia and has been from the time of its establishment. Its establishment is in pursuance of a provision in the Constitution. Now, it is a question of fact as to whether these are legitimate municipal expenditures. If so, then there is no doubt about the power to appropriate for the same by Congress.

The gentleman says that the District of Columbia does not own these parks. That is true. Nor does the District of Columbia own the fee in the streets. It owns the parks just as much as it does the streets.

Now, I apprehend it will not be controverted even by the gentleman from Maryland [Mr. MUDD] that it is competent to appropriate, either from the Federal Treasury or from the Federal Treasury as it is replenished by taxation upon property in the District of Columbia, to improve and care for the streets.

There is a great park system connected with the District. There is the Zoological Park; there is the Rock Creek Park; there are hundreds of little parks at the intersection of streets, at almost every street corner.

Now, it is true that in large part the appropriations for the care and preservation of the numberless little parks about the District have been made heretofore from the Federal Treasury alone. I mean the appropriations have been made from the Treasury as contradistinguished from the revenues of the District. But under the law of 1878, as well as under prior laws, all revenues collected in the District of Columbia are covered into the Treasury, and there is no way to get them out except to appropriate them. This bill does that, and it provides in substance, as is usual in District expenditures, that one-half shall be paid from the Treasury proper and one-half from the money that is in the Treasury from the revenues of the District of Columbia.

Now, if there is no authority to make this appropriation for policing these parks out of the revenues of the District, there is no authority to make it from the moneys belonging to the United States.

It is true that the act of 1878 does provide that it shall be the duty of the Commissioners of the District of Columbia to submit estimates to be transmitted through the Secretary of the Treasury to Congress for certain objects. I read now from section 3 of that act:

> The cost of maintaining public institutions of charity, prisons belonging to or controlled wholly or in part by the District, the expenses of the Aqueduct and its appurtenances, and also to submit an estimate of the amount necessary to defray the expenses of the government of the District of Columbia.

Now, this is to defray an expense of the government of the District of Columbia.

Then, if you go further on in this section, you find this provision:

> To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such estimates shall be levied and assessed upon the property of the District of Columbia.

The gentleman might say that as an estimate is provided for, unless the estimate comes, there could be no appropriation of one-half from the revenues of the District now in the Treasury. If the gentleman does say that, I will answer his proposition by saying that by virtue of the same language there could be no appropriation from the money of the United States in the Treasury, because the law applies to one as well as to the other; and if it applies to one, it necessarily applies to the other.

The true principle is that if this be a legitimate municipal expenditure for the District of Columbia, whether it is found in the estimates or not, under the law which creates the District and makes Congress the common council thereof, then from the bare fact of the existence of the District of Columbia, and Congress being the common council, and it being a municipal expenditure, it is in order.

Mr. BABCOCK. Mr. Chairman, I should like to ask the gentleman a question.

Mr. CANNON. Certainly.

Mr. BABCOCK. The parks, as I understand it, are under the control of the War Department, and not under the control of the District Commissioners?

Mr. CANNON. Precisely.

Mr. BABCOCK. Now, another question. Is the gentleman in favor of the pending proposition?

Mr. CANNON. Oh, undoubtedly.

Mr. BABCOCK. Another question. Does the gentleman think that it is wise that all expenditures in the District of Columbia for municipal affairs and improvements should be paid one-half by the District of Columbia and one-half by the General Government?

Mr. CANNON. Yes, and no; both, if the gentleman will allow me. I am fully in harmony with the proposition that when real-estate speculators desire to have streets extended they should pay the benefits, and I believe that is a District matter and that Congress has the power to provide for the extension, just as it did the other day in the legislation that the gentleman reported, to extend one of these avenues—perhaps Sixteenth street, I do not recollect—and that that should be at the exclusive expense of the District of Columbia and of the property benefited. Congress so legislated.

Mr. BABCOCK. That is the point that I wanted to develop. Does the gentleman understand that in these street-openings the District pays one-half and the abutting property pays one-half?

Mr. CANNON. Very well; that is quite in the power of Congress, and Congress has so exercised the power.

Mr. BABCOCK. The impression has gone out that the District is paying it all, and I desire here to correct that, and to call attention to the fact that the District of Columbia pays for one-half of the expense of opening all of the streets and the abutting property pays the other half, it being assessed against the property, payable in one, two, three, four, and five years.

Mr. CANNON. I understand that exactly; and that is quite in the power of Congress. Further, it would be in the power of Congress, if the Chair will indulge me in further answer to the gentleman's question, to assess the whole of the expense upon the property. We have plenary power in the premises, and we have exercised it. We have had such legislation, and we will have to do so in the future where proper cases are presented; but this is upon a different ground. Here are a hundred parks, created as much for the benefit of the District of Columbia and the whole people as the streets are created. The fee simple in the streets and in the parks are all in the United States. Now, the gentleman says because of that this provision is susceptible or amenable to a point of order that one-half of it shall not be from the revenues of the District that are in the Treasury of the United States. That point of order necessarily would run upon the same principle to improvements of the streets; necessarily so. It would necessarily run upon the same principle for the support of the local courts; it would necessarily, upon the same principle, run for the support of the hospitals.

Mr. STEELE. For the police.

Mr. CANNON (continuing). And many other municipal expenditures. So, I state again, as to the District of Columbia, Congress having plenary power, Congress has legislated by the organization of the District prior to 1878 and in 1878, and has plenary power to govern this city just the same as a common council of a city would; more than that, it has greater power than a common council, because a common council finds its warrant of authority in the act of the legislature which creates it. We find our warrant of authority in the Constitution, and are absolutely supreme in the exercise of that warrant of authority, limited only by the general provisions of the Constitution.

We have exercised that authority; we have organized the District; we have created the streets; we have created the parks; we have kept the fee simple in the hands of the United States for obvious reasons. We created the Zoological Park, which has been kept in the same way, for obvious reasons; and yet the gentleman says, because the bare legal title is in the United States, that we have not power to appropriate, or rather we have not authorized heretofore appropriations for municipal purposes where the United States holds the fee simple. Well, I would point to a long line of precedents in answer to that; I point to the necessity in answer to it; I would point to legislation in answer to it; not only the legislation of 1878, I would refer to legislation from the beginning.

Mr. MUDD. Mr. Chairman, I realize, and all admit, that Congress is the common council of the District of Columbia; but I also contend, and I think all will admit, that Congress, when acting in that capacity, must act in obedience to the law and the rules of this House. I do not contend that it is not within the power of Congress to provide that the District of Columbia shall be made to pay one-half of the expenditures for the maintenance of these parks. I do not contend that Congress can not provide that the District of Columbia shall pay all the expenses of these

parks, however inequitable and wrong that may be. I do not contend that Congress, in its absolute and unlimited power of legislation on the District of Columbia, can not provide that the District of Columbia should pay the expenditures for the maintenance of this Capitol building, because it is a public building in the same sense as those here enumerated are public buildings and public grounds. But everybody realizes that there is a difference in doing this by direct legislation and doing it upon an appropriation bill. We can bring in a bill here which is not subject to a point of order in such a way as direct legislation can appropriately get before this House and directly provide by law that such should be the case; but we have not done so——

Mr. CANNON. Will the gentleman permit me to ask him a question there?

Mr. MUDD. Yes.

Mr. CANNON. If we have not power to appropriate from the moneys in the Treasury, one half of it belonging to the people of the United States and the other half made by the District revenues, for this purpose, will my friend please put his finger on any legislation anywhere that would give us the power to appropriate it all from the moneys of the people of the United States? And I will say further that when he will put his finger on such legislation I will show him right along with it the same power to appropriate half and half.

Mr. MUDD. Mr. Chairman, I do not contend that there is a line upon the statute books specifically showing in ipsissimis verbis that you can appropriate for the general purposes and objects of the General Government. No such particular and express provision is necessary. I aver that Congress is clothed with the general power and with complete power to appropriate money generally for the expenses of the National Government, and among the objects of expenditure of the National Government is the maintenance of its public buildings, parks, and grounds.

The gentleman is unfortunate in his attempted analogy between the streets of Washington and these public parks. He replies, in response to a remark by me that on general principles outside of the law such expenditures should be paid from the Government revenues because the fee is in the Government, that the same argument would apply to the streets, and reads from the organic act of 1878. Now, Mr. Chairman, if I needed any confirmation of my contention, the gentleman has there supplied it. The organic act of 1878 does specifically provide that one-half of the expenditures for the maintenance of streets should be out of the District revenue. It goes further——

Mr. PUGH. Will the gentleman allow me an interruption?

Mr. MUDD. Certainly.

Mr. PUGH. In whose province is it to determine what constitutes the expenses for the District? Is it not solely within the discretion of Congress? And also tell me what the difference is between the principle involved in the expenses of the court of appeals, the supreme court, the Garfield Hospital, the Providence Hospital, the Zoological Park, and this.

Mr. MUDD. I understand it is in the province of Congress to determine what are the legitimate expenditures for the District of Columbia, but I understand just as well, and I apprehend that it is patent to everyone, that it is within the jurisdiction of the Chairman of this Committee of the Whole House—and it is to that jurisdiction I am now making my appeal—to determine whether or not in the case in point that function is being exercised in consonance with the law and the rules of the House.

The act of 1878 enumerates—and it is singular that the chairman should read from the act of 1878; he seems to have mistaken the application of it—I say the act of 1878 specifies the objects of expenditure for municipal purposes for which payment should be made on the half-and-half principle out of the two funds, those of the District of Columbia and the National Government. It states that the opening of streets shall be so paid——

Mr. CANNON. Oh, no. I will read it to my friend.

Also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

Mr. MUDD. Now, Mr. Chairman, I have not the act before me——

Mr. CANNON. Neither streets nor parks are mentioned.

Mr. MUDD. I have not the act before me, but my recollection is clear that somewhere in that act there is a general provision referring to the opening and construction and extension of streets. If that is not the case, everyone understands that the opening and extension and building of streets is an ordinary municipal function.

Mr. CANNON. Now, if my friend will allow me, because we both want to get at the right of it, take Pennsylvania avenue, down there by the market and Ford's old theater, there is a little park. Now, then, is it not both for the use of the Government and citizens of the District of Columbia, one as much as the other? If you find the authority to appropriate for one, have you not found the authority to appropriate for the other?

Mr. MUDD. Mr. Chairman, in the last Congress there was an act providing for the control by the District Commissioners of the little plats of ground at the intersection of streets which are generally denominated "parkings." I apprehend, in view of the passage of that act, if it should be the case now that there were any expenditure needed for watchmen in connection with the little places called parkings, which are not in any sense public parks, Congress might appropriate one-half out of the revenue of the District of Columbia. Now, sir, I do not feel it necessary to enter into a controversy with the gentleman as to whether or not the care of streets is especially enumerated as one of the objects of municipal concern and municipal expenditure. I know this, however, that Congress, the District Commissioners, the attorney for the District, and everybody else have heretofore so construed it to be a law; and if they have construed it to be the law and it is the law, it would require a change of existing law to appropriate for such proposition as is contained in this bill.

Nobody has ever contended that the maintenance of the public parks should be saddled on the District of Columbia. The mere fact that the citizens in this District, in common with persons temporarily residents of the District, members of Congress and others, people from all over the country, occasionally enjoy the parks is no reason why these parks should be maintained by the District of Columbia. It might just as well be contended that it was equitable and lawful that the State governments should pay one-half of the expenditure for maintenance of the great national parks that are scattered here and there throughout the country. Of course I understand that we can not make the States pay for them, but the principle, the equity, would be the same.

Mr. PUGH. Does the gentleman concede that the act of 1878 comprises all the law regulating this appropriation?

Mr. MUDD. No, sir; I understand that Congress has from time to time covered the statute book with laws regulating appropriations for the District of Columbia, but I understand just as well as the gentleman from Kentucky understands it——

Mr. PUGH. One moment.

Mr. MUDD. Let me answer the question. There is no provision in any of these laws, and the gentleman does not undertake to point to any provision requiring the expenditure by the District for this particular proposition, for the first time sought to be put through upon an appropriation bill.

Mr. PUGH. Will the gentleman——

Mr. MUDD. Mr. Chairman, I do not know that this matter will be further elucidated by any other interruption. I will therefore proceed to conclude my remarks upon it. The question here is not whether this may not be from a certain standpoint of observation a legitimate appropriation for the District of Columbia. I think it is not. But however that may be, the question and only question to be considered at present is whether this provision does not change existing law in that it proposes to change the method of appropriation—that we are to put this provision upon the statute books for the first time this year, making a departure from existing law and from the uniform custom of Congress with respect to the District for perhaps a hundred years.

The very title of this bill, "A bill making appropriations for the legislative, executive, and judicial expenses of the Government," shows its character and nature and purpose. Of course, it is not stated specifically in the title that the money appropriated by the bill shall come out of funds in the United States Treasury for National Government purposes——

Mr. HEMENWAY. The gentleman will allow me to say that the closing words of the title are "and for other purposes."

Mr. MUDD. Oh, I understand that; but it does not anywhere say that you are taking this money from other sources—from illegal sources.

Mr. HEMENWAY. Is not one-half of the pay of the Metropolitan police of this city to be paid out of the revenues of the District of Columbia?

Mr. MUDD. We will cross that bridge when we come to it. The question of the gentleman has no relation to this matter of the public parks, for which there is no provision under existing law.

Mr. HEMENWAY. Nine-tenths of this money is to be paid to officers who are clothed with the powers of the Metropolitan police.

Mr. MUDD. I do not think that is the case. If it were, it would not alter the situation. Mr. Chairman, I say again that the very title of the act in which we find this provision is a sufficient answer to the contention of gentlemen who think this proposition in order.

Let me read the first paragraph of the bill:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Of course, that does not specifically negative the idea that it may not refer to money in the Treasury to the credit of the District of Columbia; but I submit that by all fair rules of construction we have a right to have considered as superimposed upon and read into that language, after the word Treasury, the words "of the United States for United States Government purposes." The language as it stands in the bill constitutes, in my judgment, a fair intendment to that effect, and should be read and construed as a mandate that the moneys expended under the bill shall be drawn exclusively from funds belonging to the United States.

This is a very important question, Mr. Chairman. This provision of the bill makes a new departure. The amount of money involved is considerable. Our action upon this question will set a very important precedent, greatly affecting the welfare of the District of Columbia. Therefore, I have made the point of order, and I trust this matter will receive the very careful and serious consideration of yourself and of members of the committee.

The CHAIRMAN. As the Chair understands it, the point of order raised by the gentleman from Maryland [Mr. MUDD] is, that the provision to exclude which the point of order is invoked is a change of existing law. The gentleman confines his point of order to that.

Mr. MUDD. The Chair will allow me a moment. I contend that it is a change of existing law and quoad the District of Columbia provides for an expenditure not previously authorized. My point includes both grounds.

The CHAIRMAN. Well, that amounts to practically the same thing. Clearly this provision is for a work now in progress. The gentleman from Maryland does not contend, as the Chair understands, that it is not so. The parks, according to the understanding of the Chair, are not on a parity with the Capitol Grounds, but are rather similar to the streets of the city. The organic act of 1878 clearly intended, and in section 5 rather more clearly than in section 2 states, that Congress should charge one-half of all public expenses in the District to the District of Columbia. Section 5 of the act expressly names "streets and sewers and any other work." So that the Chair thinks it was clearly the intention of Congress, by that organic act, to provide that Congress should charge the District of Columbia with one-half of all public expenses in the District. And this, it seems to the Chair, is such an expenditure as Congress intended by the act of 1878 should be borne one-half by the District of Columbia. The Chair therefore overrules the point of order.

Mr. MUDD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "dollars," in line 19, page 79, down to and including "Columbia," in line 23.

Mr. MUDD. As a member of the District Committee, to whose hands have been committed in a special sense the interests of this District, and with what knowledge I have of the conditions obtaining here, I have felt it my duty to offer this amendment, which proposes to strike out this provision and leave the expenses for these parks to be paid hereafter, as heretofore, entirely out of the revenues of the General Government.

I do not intend to go into any lengthy discussion of this question. The House understands the nature of the provision and the nature of the amendment. Whatever may be the opinion of the Chair (to which, of course, I submit, though I protest very strenuously that it is not the correct construction as to the legality of the provision under our rules), the propriety of the provision stands on a different footing. Everybody admits—the gentleman in charge of this bill, in discussing the point of order, conceded—that the provision is at any rate a departure from the custom that has prevailed heretofore.

Now, I have seen it stated, and I have no doubt all members of this House have made careful observation of the statements of the newspapers within the last two or three days, that the District of Columbia is now approaching a very large deficit in its revenues that are needed for carrying on the ordinary expenditures of the government and for the ordinary, gradual, and average extension of streets, in response to the interests and necessities of this, as we hope, growing city. This provision is a departure from the spirit of the organic act of 1878. By that act Congress abolished the previously existing government of the District of Columbia, took the charge of it out of the hands of its people and established the system under which the District of Columbia was to be governed exclusively by Congress without having any say in its own concerns. Congress then said, and pledged the faith of the Government to the declaration, that thereafter the expenditures of the city, which were enumerated, and which did not embrace the parks, would be paid one half out of the revenues of the General Government and the other half out of the revenue of the District of Columbia.

Certainly it was never contemplated that the District should pay one-half of the expenses of these parks. It was never so stated; it was never hinted at. It appears nowhere upon the face of that act, either by express language or by any sort of implication. It has never been contended by anyone, from that time up to this hour, that the District should pay these expenses.

The District is not able to pay these expenses. It is imposing a hardship and a burden upon the District of Columbia that it can not bear. It will cripple the growth of the District; it will curtail its capacity for needed expenditures. It is, in my judgment, unwise legislation: it is unjust legislation, and I hope that amendment will prevail, and that we will leave this matter as it has been heretofore.

Mr. HEMENWAY. The gentleman has stated that this thing has never been before this House. At the last session of this Congress on the sundry civil bill a similar provision passed——

Mr. MUDD. Passed the House.

Mr. HEMENWAY. Passed the House.

Mr. MUDD. But it was stricken out in the Senate.

Mr. HEMENWAY. The gentleman says it is not enumerated in the act of 1878. Neither are the streets enumerated.

Mr. MUDD. I contend that they are.

Mr. HEMENWAY. So that if everything had to be enumerated the General Government would have to pay for maintaining the streets of the city of Washington.

Now, what is it we have here? We are providing for a lot of watchmen in the different parks in this city. They are men clothed with police powers. They are placed there in order to protect citizens of the District of Columbia, as well as visitors and members of Congress, who are passing through these parks at night. They are virtually policemen here in the District of Columbia. Then, there are laborers who take care of the flower gardens in parks around the city. Colonel Bingham, who has charge of the public buildings and grounds, recommends that this amount be paid out of the funds of the District of Columbia, and says it is a proper charge upon the funds collected from the taxpayers of the District.

Who is there in this House that can doubt for a moment that the maintenance of the streets and the pay of the Metropolitan police are proper charges to be paid one-half by the District of Columbia? If that is so, then this is a proper charge. There can certainly be no doubt about it.

The Government does not want the District of Columbia to pay a cent that it ought not to pay, and this is a charge, as I say, a great portion of it, for the police force to guard parks around the city.

Mr. MUDD. The little parks around the city do not have watchmen or laborers either.

Mr. HEMENWAY. The gentleman says the little parks around the city do not have watchmen or laborers either. I should like to ask who makes these flower gardens, if the laborers do not do it.

Mr. MUDD. I refer to the little parkings under the control of the District Commissioners. And, if the gentleman contends that the expenditures for these parks should be borne as ordinary municipal expenditures, to be paid out of the District revenues, like other municipal expenditures, ought not these parks then to be under the control of the District Commissioners, instead of under the control of the War Department?

Mr. HEMENWAY. Why, certainly not.

Mr. CANNON. They are all creatures of Congress.

Mr. HEMENWAY. Certainly not. The original act provides what shall be under the control of the Commissioners, and what under the control of the General Government.

Mr. MUDD. And what should be paid by them, too.

Mr. HEMENWAY. And there is no reason why a policeman on a beat down here, called a watchman, who is there to protect the lives of the people, the same as the Metropolitan policemen are here to protect their lives, should not be paid just as the Metropolitan policemen are paid, unless, as the gentleman says, he is under the control of some one else. What is the difference? Who is he under the control of? Congress has to make the appropriation, whether he is under the control of Colonel Bingham or under the control of the police board here in the city. He performs exactly the same duties, except that he performs the additional duty of a watchman in the park; and he certainly ought to be paid one-half from the funds of the District and one-half from the funds of the Government; and I hope, gentlemen, that there will be no great division upon this point. The committee are certainly right. This amount ought to be divided, and paid one-half out of the funds of the District; and I hope that the amendment will be voted down.

Mr. COWHERD. Mr. Chairman, I can not agree with my colleague on the Committee on the District of Columbia in support of his amendment. It seems to me that these are properly part of the expenditures of the District that legitimately come within the

provision which requires them to be paid one-half out of the revenues of the Government and one-half out of the revenues of the District.

But the particular point in which I wish to take issue with my colleague is the statement he makes in regard to a deficit in the revenues of the District of Columbia.

Mr. MUDD. I only state it from the newspapers. I do not know personally.

Mr. COWHERD. I am not taking issue as to whether there is or probably will be a deficit, but to as whether there ought to be a deficit.

I make the assertion that if the District of Columbia assesses and collects its taxes upon anything like the same basis that taxes are collected in all other cities in the United States, there would be no danger of any deficit in the revenues, and I wish to state that upon a hearing before a subcommittee of the Committee on the District of Columbia in the last Congress the gentleman in charge of the assessment and collection of taxes, when the question was put to him as to why certain property was omitted from taxation, made the statement that there was no need to collect additional revenues for the District of Columbia, because they collected more now than Congress would meet by appropriation.

Mr. MUDD. That is not sufficient now, though.

Mr. MOODY of Massachusetts. I would like to ask the gentleman from Missouri [Mr. COWHERD], who evidently is familiar with the subject, whether it is not a common practice in the District of Columbia to allow personal property to escape taxation?

Mr. COWHERD. That is the very proposition to which I was referring.

Mr. MOODY of Massachusetts. Does not the law provide that personal property in the District of Columbia shall be taxed?

Mr. COWHERD. I so understand it, excepting an exemption of, I think, $500 worth of personal property.

Mr. MOODY of Massachusetts. May I ask the gentleman why his committee does not report some measure which will make effective the law taxing property in the District of Columbia?

Mr. COWHERD. That is a question that I can not answer, as I am not in charge of the committee. The matter was under consideration in the last Congress, when a subcommittee was appointed; but the subcommittee, as I understand it, did not report.

Mr. MOODY of Massachusetts. I want to state to the gentleman an instance which came under my observation, of an estate which had existed in the District of Columbia for many years, an estate of over $300,000, and had never paid a cent of taxation upon its personal property; and I was told in that connection that the personal property taxation law in this District was a farce; that it was not enforced and was not intended to be enforced.

It is a matter which interests us as Representatives. We must appropriate for one-half of the expenses of the District out of the National Treasury, and then have gentlemen find fault because we ask the District of Columbia to pay one-half of the expenses of public parks, which are intended for the sole benefit of the District of Columbia, when we all over the country have to pay the whole of similar expenses.

Mr. COWHERD. I heartily agree with the gentleman from Massachusetts, and it was to voice that sentiment that I took the floor.

As I understand the situation in the District of Columbia, personal property practically escapes taxation, and it escapes taxation, as I understand it, as stated by the gentleman in charge of the assessment and collection of taxes in this District, because they do not believe they need any more revenues, for the reason that they have as much now as Congress will meet by appropriation.

Mr. MUDD. Do I understand the gentleman from Missouri [Mr. COWHERD] to state that there is anything approaching a general exemption of personal property from taxation by the Commissioners without warrant of law in this District?

Mr. COWHERD. I do not know whether it is by the Commissioners or by the action of the special officer in charge of that department, or how. But I do say that the practical effect is that personal property in the District of Columbia goes untaxed; that practically all the taxes are borne by real estate.

Mr. MUDD. I do not agree with the gentleman as to the matter of fact. I know that property of various forms escapes taxation in other places besides the District of Columbia; but I deny that it is a general proposition applicable to personal property in the District of Columbia.

The question being taken on agreeing to the amendment of Mr. MUDD, the amendment was rejected.

The Clerk read as follows:

Bureau of Supplies and Accounts: For chief clerk, $2,000; 3 clerks of class 4; 6 clerks of class 3; 2 clerks of class 2; 2 stenographers, at $1,200 each; 11 clerks of class 1; 5 clerks, at $1,000 each; 1 assistant messenger; 1 messenger boy, $420; and 1 laborer; in all, $40,200.

Mr. HEMENWAY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On page 88, in lines 10 and 11, strike out the words "forty thousand two hundred" and insert "forty-two thousand six hundred."

The amendment was agreed to.

The Clerk read as follows:

Indian Office: For the Commissioner of Indian Affairs, $4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, $3,000; financial clerk, $2,000; chief of division, $2,000; principal bookkeeper, $1,800; 5 clerks of class 4; 14 clerks of class 3; draftsman, $1,600; stenographer, $1,600; stenographer, $1,400; 10 clerks of class 2; 25 clerks of class 1; 14 clerks, at $1,000 each; 1 stenographer and 1 clerk to superintendent of Indian schools, at $1,000 each; 17 copyists; architect, $1,500; draftsman, $1,500; 1 messenger; 2 assistant messengers; 2 laborers; female messenger, $840; messenger boy, $480; and 2 charwomen; in all, $132,380.

Mr. MIERS of Indiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if you will pass H. R. No. 1, the proclaimed purpose being to firmly establish the gold standard, you should be willing that its defects be pointed out and so amended in other respects as to best meet the requirements of the people. This bill turns over to the banks the power to control the issue of bank notes. This should not be so; it should be reserved to the people and lodged with Congress.

When a bank is chartered to furnish the currency on which the people depend to do business, it should be required to issue the full limit of bank notes authorized, and then all power should be taken from it to reduce the circulation. If you grant, as this bill does, to the national banks the right to issue the currency, much or little, as they please, and the further power to withdraw and restrict the circulation at their own will and pleasure, you open up the most perfect opportunity for combinations, and self-interest will bring about these combinations, and you will find the powerful machinery of the national banks combined to control the amount of circulation when it is their pleasure to restrict the circulation and bring about hard times and panics, to the destruction of all business save that of the banks alone.

I say to you, my Republican brethren, who have this bill in charge and are responsible for it, in the passage of this bill you make it possible for one of the greatest combines ever entered into, and you will see a trust formed that will cause all others, as disastrous as they may be and have been, to pale into utter insignificance.

Trusts are to-day the menace of this Republic. Under Republican legislation a system of combines and trusts has grown up that controls all forms of business. I say under Republican legislation; yes, the natural and legitimate outgrowth of the legislation of the Republican party.

In 1898 there were new trusts of nearly $1,000,000,000 formed. There was in amount of stock issued the enormous sum of $873,263,000, and the companies issued bonds for $42,913,000 more; total, $916,176,000. The companies' names and their capitalizations are a matter of public record.

The trusts were greatly on the increase during the year 1899. On March 26 a list of the trusts, including 162, was published in the New York World, aggregating the enormous sum of $2,683,164,467.

Prior to this, J. Pierpont Morgan had succeeded in combining eight railroads in his gigantic coal trusts, with a capitalization of $889,108,756.

Mr. Whitney has also consolidated 22 street-car lines in New York in six years and made for the stockholders $119,000,000. He has also an electric monopoly in New York City with a capital of $25,000,000.

The trusts controlled by the Rockefellers are as follows:

Standard Oil	$97,250,000
Federal trusts	98,000,000
Cotton oil	30,435,700
Sugar refining	75,936,000
American tobacco	35,534,000
Copper	50,000,000
Glucose	37,085,900
Consolidated gas	36,230,000
Total	458,461,700

Meanwhile such men are constantly evading taxes, and thus doubly plunder the public. [Applause.]

With the opportunity for making millions without risk and with but small investment of capital, it is not surprising that when a political party came into power which allowed this wholesale system of robbery trusts should spring up as plentiful as blackberries in July. The first effect of these trusts is to create what appears to be prosperity. The owners of the mills and the stockholders have received cash for their holdings, and that cash is put into circulation. The people generally have money. At such times gilt-edged paper can be placed in the money centers at a small per cent. Profitable investment can not be found for money; it lies idle in the vaults. When the lines of business are well in the hands of the trusts and the individual competitors are driven from the fields of commerce and industry the reaction will come.

There will be no effort to increase trade, but all the effort will be directed toward keeping down the supply to the lowest possible point of consumption in order to secure the highest prices. A large proportion of the laboring men will be out of employment and its baneful effects do not stop with the labor class. When the avenues of individual efforts are closed and business is placed in the hands of corporations, a man with small capital can find no investment. Prices will range higher than now and the wage-earner's dollar will have less purchasing power. The man who sells his interest in a mill can no longer find profitable employment either for himself or his capital. When this condition is complete, the history of other nations teach us that the people of the country become dissatisfied and will rise in revolt.

The recent issue of the national-bank statement by the Comptroller of the Currency shows that between May 5, 1898, and April 5, 1899, there was an increase in individual deposits lying idle in the national banks of this country of $437,914,981.33. This is a large per cent of the entire circulating medium, including all forms of money. Thus a large per cent of the money lies idle in the banks because there is no longer any avenues for individual investment. The New York Journal makes the total capitalization of all the trusts in the country, May 27, $7,416,235,799. The capital invested in these combines increased more than 75 per cent in a little more than a month. It is more than any national debt in the world. It is seven times the bonded debt of the United States. It is $500 for every family in the country; $100 for every man, woman, and child in the land. The menace in these figures almost terrifies. There can be no evading the alternative before the people; either they must crush or be crushed.

Had the $5,000,000,000 for which trusts have been capitalized during the past eighteen months been applied to the opening of new mines and the erection of new mills we would now be enjoying the greatest era of prosperity in all history, for the reason that never before have the conditions in foreign countries been so favorable for the extension of American trade. While the returns of the Bureau of Statistics of the Treasury Department show an increase of about 20 per cent in the gross exports of manufactured articles, yet when these exports are analyzed, and those deducted which have been caused solely by the war with Spain, it is found there has been, in fact, an actual decrease in the export of manufactured products.

This is a condition of affairs which every man, no matter what may have been his past political affiliations, should exert his utmost efforts to remedy. It is a serious charge to make against any political party that it has opened the doors to this system of wholesale plundering. The Republican party seeks to repudiate the charge that it has fostered or encouraged these aggregations of pelf, but the facts of history point so conclusively to it as the creator of this condition that no sensible man can doubt that the leaders are chargeable with direct knowledge if not actual participation therein. In 1868 there were but three trusts formed. In 1889 but five. These created such a protest that Congress passed the anti-trust law. Within one year after the McKinley tariff law there were put into operation 34 new trusts. During the first year of the Wilson tariff law there were but four. When the Dingley bill became a law trusts immediately became the rage, and over 200 have been put in operation.

By this act you retire the greenbacks and place the national bank above the Government itself, by charging it with furnishing the currency of the country. Add to this the terrible crime and folly of granting the national banks the right to restrict the currency and bring about hard times and panics at their will, and you will thereby complete the most wonderful blunder of the age, for which the wrath of a long-suffering people will finally overtake you. [Applause.]

Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

In connection with what the gentleman from Indiana [Mr. MIERS] has so well and so eloquently said regarding the power and the sway of the trusts I concur and entirely agree, and I desire at this time to say a few words concerning trusts in this country.

On the 12th, 13th, and 14th of this month there was held in Chicago an anti-trust conference. At that conference there were representatives from almost every State and Territory in the Union. There were over 1,000 delegates to that conference. It was one of the most representative bodies of men and women that ever assembled in this country, and the work it did for the common weal and against the trusts will have a beneficial effect all over this country. The anti-trust conference was a great success.

There is no doubt that the trusts to-day are doing irreparable injury to the consumers, the toilers, and the taxpayers of the country. No one will dispute that proposition. I believe and I charge that the Administration is responsible for the sway, the growth, and the power of the trusts. If the Attorney-General would enforce the law now on the statute books, in my judgment every trust could be dissolved; and the gentleman from Ohio [Mr. GROSVENOR], the spokesman of the Administration, took that position at the beginning of this session and stated on the floor of this House that the enforcement of the law would crush the trusts. The McKinley Administration is responsible for the trusts. It is owned and controlled by the trusts; it stands sponsor for them, and refuses to do anything to curb their enormous power and their centralization and absorption of wealth.

The greatest trust, however, of all the trusts is the money trust, and the present currency bill which you are about to pass will create the greatest money monopoly and the greatest financial trust the world has ever seen. Its possibilities for plunder are unlimited. This conference at Chicago condemned that gold standard currency bill; this anti-trust conference at Chicago, composed of representatives of the Republican party, of the Democratic party, of the Populist party, and of every political party in the country, unanimously condemned that Republican iniquity, the gold standard currency bill, which intends to turn over to the national banks the money of the people, and creates the greatest national-bank trust the world has ever known. A committee was appointed to bear this protest to Washington and present it to this House.

I now send to the Clerk's desk the protest unanimously adopted against this outrageous bill, and ask the Clerk to read it as part of my remarks. I want it placed on record before the bill is finally passed and sent to the President.

The Clerk read as follows:

CHICAGO, ILL., *February 15, 1900.*

By authority of the resolution hereunto appended, I, M. L. Lockwood, chairman of the National Anti-Trust League, hereby appoint W. B. Fleming, WILLIAM SULZER, George Fred Williams, Mrs. Helen Gougar, F. R. Ridgeley, Willis J. Abbott, T. Carl Spelling, William Prentiss, J. B. Weaver, J. R. Sovereign, W. H. Harvey, J. B. Romans, J. W. Wilson, JOHN J. LENTZ, M. C. Wetmore, and C. A. Towne as said committee.

Witness my hand.

M. L. LOCKWOOD, *President.*

FRANKLIN H. WENTWORTH, *Secretary.*

Resolution unanimously passed by the anti-trust conference held at Chicago February 12, 13, and 14, 1900.

Whereas there has been passed by the House of Representatives a bill commonly known as the "currency bill," which is now pending in the Senate of the United States; and

Whereas it is proposed by said bill to further extend special and exclusive privileges to favored classes; and

Whereas said bill, if enacted into law, would surrender to the national banks the governmental function of issuing the currency; second, bestow an immense bonus upon the bondholders; third, give a bounty of many hundreds of millions of dollars to the national banks, convert standard silver dollars into mere credit money, and throw all forms of currency upon the Treasury for redemption in gold; fourth, make all debts now existing or hereafter contracted payable in gold; fifth, place in the hands of the banks the power to contract and expand the currency at will; sixth, in short, we believe the measure is calculated to establish a centralized money oligarchy, establish a powerful banking trust which will have the power to practically enslave the people, and in the end destroy the Republic: Now, therefore, be it

Resolved, That this nonpartisan anti-trust conference, assembled in Chicago and consisting of representatives from 32 States and Territories, hereby utters its most solemn protest against the passage of this measure; and be it further

Resolved, That the chairman of this conference is hereby instructed to appoint a committee of seven or more members of this body, whose duty it shall be to immediately visit Washington for the purpose of laying this protest before the members of both Houses of Congress; and be it further

Resolved, That we warn the people of the United States against this menace to their liberties and call upon them everywhere to come together and record their emphatic protests against all such legislation.

Mr. SULZER. Mr. Chairman, the committee duly came to Washington and instructed me to present to this House that protest. I concur in every word it contains. I know you laugh and sneer at it now, but it will bear fruit. I know it will not deter you from passing that outrageous bill for the national banks, but I believe in the end this mighty protest will be heard, and in the avalanche to come the cruel gold-currency bill you will soon enact will be swept from the statute books.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that my time be extended. This is an important matter, and I want to be heard. I will be as brief as I can.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Now, Mr. Chairman, I desire to say to the gentleman from Ohio [Mr. GROSVENOR] that at the time this resolution was unanimously adopted in the anti-trust conference over a thousand delegates from all over the Union were present, and the chairman of the conference was a distinguished son of Ohio, a Republican, former attorney-general, Frank S. Monett. He was turned down by the leader of the Republican party, MARK HANNA, at the last Republican State convention in Ohio, over which, I believe, the distinguished gentleman from Ohio [Mr. GROSVENOR] presided, because he had the courage of his convictions; because

he dared, as an honest, as a faithful, and as an upright attorney-general of the State of Ohio, to do his duty, and began an action against the Standard Oil trust for violating the law.

Now, Mr. Chairman, I agree with the gentleman from Ohio [Mr. GROSVENOR] about the anti-trust law. I think myself it is a fairly good law; but I differ with the gentleman from Ohio in regard to its enforcement. He says it is a good law; but apparently he does not believe in its enforcement. I want it enforced against every trust in the land.

In my opinion, if your Republican Attorney-General was brave enough to enforce that law, there would not be a trust in the country to-day; and if you had not turned down your honest and faithful attorney-general in Ohio, the Standard Oil trust, the greatest monopoly to-day in all the land, would be out of business and not paying 20 per cent dividends every three months on $100,000,000 capitalization. Twenty millions of dollars dividends every quarter of a year on its capital stock, and every dollar taken from the poor people of this country. Only the other day, not satisfied with receiving a profit of $80,000,000 every year on a capitalization of $100,000,000, and most of that water, the Standard Oil trust raised the price of oil 1 cent a gallon.

Mr. FITZGERALD of Massachusetts. Three cents a gallon.

Mr. SULZER. Yes, 3 cents a gallon within a short time, but 1 cent a gallon a few days ago. That means an additional profit to the Standard Oil trust of over $10,000,000 a year, and the Republican party stands sponsor for it. [Applause.]

The law on the statute books against trusts is clear and plain, and the highest court in the land has passed on its validity and sustained the constitutionality of its provisions. The anti-trust act of 1890 declares that every contract or combination in the nature of a trust in restraint of trade and commerce among the several States and Territories or with foreign nations is a conspiracy, illegal and void, and punishable by fine and imprisonment.

Under the law of our country trusts are criminal, and there is no distinction between a so-called good trust and a so-called bad trust, between a big trust and a little trust. Every trust is contrary to both the spirit and the letter of the law. To seriously contend otherwise as a legal proposition would be preposterous. If we did so, by analogy we might as consistently assert that there were good pirates and bad pirates. If robbery is criminal, it is immaterial, so far as the crime is concerned, whether the robbery is a big one or a little one. The violation of law is the same.

Under this anti-trust act it seems to me every trust in the United States can be prosecuted for violation of law, the charter annulled, and the men behind it punished for conspiracy. Every trust by its very nature is in restraint of trade and commerce and in violation of this law.

If you will read the anti-trust act of 1890 and the decisions of the United States Supreme Court in the trans-Missouri freight case and the Addyston Pipe Line case, the conclusion will be irresistible to the logical mind that the fault is not so much with the law as it is with the men who are sworn to enforce the law. The law so far as it goes is all right—the do-nothing Attorney-General is all wrong. The imperative mandate of the day is "Enforce the law, and every trust in the country will dissolve." Whenever the trusts have been brought before the courts, and their true character shown, they have been declared illegal.

In my opinion—and I say so advisedly—the Department of Justice under the present law can institute and successfully maintain actions against every trust doing business in the United States. The law is clear and plain, and the facts are within the knowledge of all and too obvious for controversy.

I am unalterably opposed to all trusts, especially the money trust, and I solemnly warn the American people against the money monopoly and the national-bank trust—the greatest of them all—created by this Republican currency bill.

The money monopoly and the national-bank trust menace our Republic to-day. Jackson waged the most bitter and relentless war of his life against the United States Bank and finally destroyed that gigantic monopoly. If he had not, it would have destroyed the Republic. One of the greatest acts of his life was the veto of the bill extending the charter of that bank trust. In the light of what is going on to-day, that veto message should be read by every citizen in our land. The bill now pending in Congress gives to the national banks of the country far greater powers and privileges than were ever enjoyed by the United States Bank. It is a Republican bill, and the Republican party stands sponsor for it and is committed to its passage.

When it becomes a law it will give the monopoly of issuing money to the national banks, and hence the right to expand or contract the currency of the people whenever it suits their convenience. No corporation should have this power to make or destroy. It would deprive the Government of one of its greatest attributes of sovereignty and give to the national banks the right to paralyze, at their own will, every industry in the country. It is the most daring attempt the banks have ever made by law to seize one of the greatest weapons for good or evil known to civilized man. For the Government to surrender this prerogative and delegate away this power is a crime against every citizen in this land and will work woe and misery to millions yet unborn.

I am opposed to the Government delegating away its powers to the national banks. We should vigorously oppose conferring any additional powers on or granting any greater privileges to the national banks. In my judgment they already possess entirely too much power. They are doing precisely to-day, only to a greater extent, what the United States Bank did in the days of Andrew Jackson. The right to coin and issue money is one of the greatest prerogatives of the Republic and one of the highest attributes of its sovereignty. It should not be transferred, assigned, or set over to any national bank, to any trust, or to any monopoly.

Now, Mr. Chairman, I am glad to welcome this opportunity to place on record the unanimous protest against the Republican currency bill of one of the largest representative, nonpartisan gatherings ever held in this country, and I say to you, pass your bank-currency bill, establish your money monopoly—your bank trust—turn the money of the people over to the national banks, to expand or contract the currency at their will, to make times good or to make times bad, and you will hear from the people on election day; you will hear from them in the coming campaign as they march to the polls to vote for that fearless and intrepid champion of the masses, that pure and irreproachable patriot, that stalwart and gallant leader of the people, William J. Bryan. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, I am not a candidate for the Vice-Presidency of the United States [laughter], and if I were I should have no opposition for that office in my own delegation. Therefore I am not excited about this trust question; but I want to point out now the sort of absurd statements that are being made by men claiming to be members of Congress and being intelligent citizens of the country.

Now, in the first place, I did talk in the beginning of this Congress a few words about the Sherman anti-trust law, and now comes the gentleman from New York [Mr. SULZER] and says that the attorney-general of Ohio undertook to enforce the Sherman anti-trust law and war was made on the attorney-general. I pause for the House to absorb the enormous ignorance involved in that statement. [Laughter and applause on the Republican side.] The Sherman anti-trust law is a law of Congress, to be enforced against violators of the interstate commerce under the provisions of that act, and to be enforced by district attorneys in the United States courts, and not by the attorneys-general of States, and my friend here who goes hippodroming over the country comes back loaded with such nonsense as that. [Laughter and applause on the Republican side.]

Now, next. The Republican legislature of the State of Ohio passed what is known as the Valentine anti-trust law, applicable to the operations of trusts in the State of Ohio. Mr. Monett, as he had a right to do, as it was his duty to do, brought suits under that law in the supreme court of Ohio, and the first step toward adjudication was raised by a demurrer to the petition, raising the question of the constitutionality of the law. It was argued on one side by Mr. Virgil Kline, of Cleveland, and Mr. Neal, of my own Congressional district, both eminent lawyers, and on the other side by the attorney-general and by his assistant; and the supreme court decided by a unanimous opinion upholding the constitutionality of the law, and decreeing its enforcement against the violators of it in the State of Ohio.

Mr. SULZER. Will the gentleman permit me an interruption?

Mr. GROSVENOR. Yes.

Mr. SULZER. I would like to ask the gentleman, who is a distinguished Republican from the State of Ohio, why you did not renominate Mr. Monett as attorney-general?

Mr. GROSVENOR. Well, the gentleman will find that he has got his foot into that worse than he did in the other. [Laughter.] Mr. Monett has been twice elected attorney-general of Ohio, and there is an unwritten law in the politics of Ohio that, with only one or two exceptions since the formation of the Republican party, has been enforced without any sort of objection, that no man shall be elected to one of these offices more than twice. I never knew an attorney-general of that State to be three times elected. Possibly it has been done, but I think not. I was in the convention; I was not a member, not even a delegate; I was not chairman of it, but I sat and listened and saw the whole of it. Mr. Monett was not a candidate. Think of that! And now the gentleman comes back from Chicago loaded with that sort of stuff. Mr. Monett distinctly refused to announce his name as a candidate, and he received a very few votes in the convention which were given by somebody as a sort of a compliment to a bright, intelligent, capable young man. There were six or eight candidates for the place.

Now, let me summarize and see how much we get out of one of these passionate harangues.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Now, let us summarize it. The Sherman anti-trust law was passed by a Republican Congress, signed by a Republican President, lay absolutely dead on the statute book during the term of the only full-fledged Democratic Administration we have had in thirty-odd years. The very moment this Republican Administration came in it was put into active motion, and under the instrumentality of the courts of the country the trans-Missouri combination was broken up, the traffic association in New York was broken up, and the court has made a decision that holds that this very law, this Sherman anti-trust law, applies to the manufacture and sale of every commodity that is manufactured in the United States for interstate commerce by a trust. Now, what does the gentleman propose to add to that?

Mr. DALY of New Jersey. Will the gentleman permit me a question?

Mr. GROSVENOR. Certainly.

Mr. DALY of New Jersey. What part did the Attorney-General take in the prosecution of these anti-trust cases?

Mr. GROSVENOR. He argued them in the Supreme Court of the United States. It is true, my friend, that the oral argument was presented by the gentleman from Ohio, John K. Richards, the Solicitor-General, a most able lawyer and ex-attorney-general of Ohio, but it is equally true that the Attorney-General, whom you are constantly shouting at, was instrumental in pushing that prosecution just as much as the law of the country requires him to. How often has the Attorney-General gone into the Supreme Court and argued orally? Very seldom; almost never. There is no one of the prosecutions that can be carried on without the approval and direction of the Attorney-General of the United States.

While I have no particular interest in this question, and the gentleman can attack his own citizen, if he sees fit—I do not say that he has—but I have this to say about Attorney-General Griggs: A better lawyer, a clearer-headed administrator of justice, never lived in the United States than John W. Griggs, and no man can put his finger on the time or place where he has hesitated to push forward, under the proper subordinates of his office, every one of these prosecutions. [Applause on the Republican side.]

Mr. FITZGERALD of Massachusetts rose.

Mr. GROSVENOR. Oh, this is not a case of the soldiers from Massachusetts. [Laughter.] So it comes about that every law on the statute book against trusts was put there by Republicans, every prosecution begun by a Republican officer, every prosecution that was ended was ended in favor of the Government, and yet the gentleman goes to Chicago and comes back loaded with that sort of stuff.

Mr. FITZGERALD of Massachusetts. Is it not a fact that all the trusts have increased immensely during the last three years of Republican administration?

Mr. GROSVENOR. The trusts and soup houses never prosper together. [Laughter.] You will never while you live see anything prosper but poverty under Democratic administration.

Now, so much for the national part of this question. Now, I ask, how many States of this Union have anti-trust laws that are not in the hands of the Republicans?

Mr. LACEY. And is it not true that the Democratic legislature of Ohio elected Mr. Payne, of the Standard Oil Company, a Senator from that State?

Mr. GROSVENOR. Oh, yes; but we do not charge them anything for that. They do not know yet how it was done. [Laughter.]

Now, then, about MARK HANNA having defeated Mr. Monett. MARK HANNA had no more to do with the nomination or non-nomination of Mr. Monett than any gentleman on the other side of the House had. He was not a delegate to the convention; he had no interest whatever in the question of the attorney-generalship. There were half a dozen able lawyers named for the place, and one of the best of them was nominated. This same attorney-general is to-day pushing forward under the Valentine act all the prosecutions that were begun under the administration of his predecessor. The New York anti-trust law, the Ohio law, the Illinois law, all the laws of that character that I know anything about in the United States, outside of Texas, are laws which were passed in Republican States by Republican legislatures, while the Democrats were crying——

A MEMBER. There were other States besides those which the gentleman has named.

Mr. GROSVENOR. Yes, there may be others.

Mr. COWHERD. Missouri, for instance.

Mr. GROSVENOR. Yes; Missouri had one of the earliest of such laws. I admit it.

Now, the matter comes right down to this: All the States of the Union where business activity has been felt and where the evils of these trusts have become manifest have joined together and passed these anti-trust laws.

Now, let me tell the gentleman something: The man who in the campaign of 1900 undertakes to run for Vice-President or anything else upon an outcry about the trusts—howling in the ears of the American people upon that subject—does not know what the American people are made of. The American people, Mr. Chairman, understand one thing, and there can be no dispute about it; they understand that for four years—from 1892 to 1896—business broke down; they starved; everything went to destruction and disaster all over this country. [Laughter and applause.] And they know that it was not twenty-four hours after the election of 1896 before business began to revive. And they will stand by the party that stood by them.

Mr. SULZER. Mr. Chairman, just a brief time to reply to the gentleman from Ohio [Mr. GROSVENOR].

Perhaps the country will accept the apology of the spokesman of the Administration for the failure of the Republican party in Ohio to renominate Attorney-General Frank S. Monett, but I doubt it. I am glad, however, to hear the spokesman of the Administration now say to the country that Frank S. Monett was an honest, a faithful, and a capable attorney-general; that he was doing his whole duty and bravely enforcing the law against the trusts.

And I desire also to say in this connection that so long as he was such a good man, such an honest official, and such a good Republican—so long as he was doing his duty so honestly, so faithfully, and so conscientiously enforcing the law against the trusts, it seems to me that the old precedent in Ohio referred to should have been turned down instead of Mr. Monett. I ask my friend to think this over carefully. It would have been better, in my opinion, for the people of Ohio and for the people of the country generally if an exception had been made in this case. The Republican party should have renominated Mr. Monett if it honestly was opposed to the Standard Oil trust and wanted the law enforced.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. SULZER. I have the floor, and I can not yield now. Perhaps, too, the country will accept the apology of the gentleman from Ohio in regard to the trusts, and MARK HANNA, the leader of the Republican party, the man who absolutely dominates it to-day, the man who believes in brute force, the man who does not believe in reason and persuasion, the man who believes that the American people ought to be driven hither and thither, the man who believes that all he has to do as the master is to snap the party whip and the Republicans from one end of the land to the other will march in serried ranks to the polls and vote as he dictates. But I doubt it.

Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] says I do not understand the American people. I think I do; I believe he does not. I know the great American heart. I believe I understand the nobler impulses of the great civilization on this hemisphere. I think I know the sentiment of the American people; I think I know what they are thinking about; I think I do know how they feel in reference to the imperial march of the Republicans under the leadership of MARK HANNA; I think I know how they feel as they witness your actions here—overriding the Constitution, trampling under foot the Declaration of Independence, and turning to the wall the picture of the great emancipator; and I prophesy now that the people of this country will never submit to the brutal dictation of either the gentleman from Ohio or his royalmaster—MARK HANNA. [Applause on the Democratic side.] I believe in the people, and I trust the people. Can you say that?

The protest which I offer to-day and which has just been read, coming from the source it does, coming from a large representative nonpartisan body, coming, I say, from as great a gathering of thinkers as ever assembled in this country, will have its effect. It will not stay your mad course in turning the money of the people over to the national banks and allowing them to create the greatest trust in all the world—a gigantic money trust. It will not stop you from enacting that bill into law, because you were sold to do it, sold body and soul to do that very thing by MARK HANNA, your imperial master in the campaign of 1896. He is simply keeping his promise now, and delivering the goods to the national bankers. You are the tools, the agents if you will, to register his decrees and do as he bids. What a spectacle of representative government!

Mr. Chairman, in 1896 MARK HANNA marched down Wall street, his hands stretched out like this [illustrating], collecting money from the Wall street bankers for the McKinley campaign. What a sight that was for honest people to witness. It marked a red-letter day in the history of the Republican party, the party of plutocracy.

He marched down Wall street, from Trinity Church to the Ferry, and every national banker bid him welcome, and every national banker gave most freely and most bountifully to the Republican

campaign fund—the largest by millions ever raised—to thwart the will of the people.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. I ask unanimous consent that I may proceed.

The CHAIRMAN. Unanimous consent is asked that the gentleman may proceed.

Mr. SHATTUC. Not unless he will answer a question.

Mr. SULZER. I will answer the gentleman's question. What is it?

Mr. SHATTUC. What business is it to you what we do in Ohio?

Mr. SULZER. Let me say to the gentleman——

Mr. SHATTUC. Let him catch his breath, Mr. Chairman. [Laughter on the Republican side.]

Mr. SULZER. There is an old saying that those who laugh last laugh best. The gentleman from Ohio asks what business it is to me what they do in Ohio. That question does the gentleman's intelligence justice. It should be remembered. I will tell him what concern I have. I want to see the imperial march of the Ohio syndicate checked and its corrupting influence crushed forever. I want to see a Democratic Representative returned in your place from Ohio next fall.

I want to see a man who laughs and sneers at the people like you beaten, because in a Government like this you deserve to be beaten. [Laughter and applause on the Democratic side.] I want to see Ohio cast its electoral vote for the Democratic nominee for President, because I believe it will be for the best interests of all the people, and if I can judge the future by the past, and if the last election is any criterion, it will be done, and you make no mistake, Mr. Interrupter, you will not be here in the next Congress. [Applause on the Democratic side.]

Now, sir, I want to say that the money MARK HANNA collected in Wall street in the campaign of 1896 was used to carry the country for the Republican party, and he to-day snaps the party whip over you and makes you vote for this iniquitous Republican currency bill to make good his promises in Wall street. He knows he could not pass the bill through this House unless he made you walk into a caucus and be bound by the caucus. Many of you hate to vote for the bill, but you dare not bolt the caucus of your party for fear of the vengeance of HANNA.

Mr. SHATTUC. He gets enough on your side to make up what we lose on this side.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. SHATTUC. How many have you got on your side that voted for the bill?

Mr. SULZER. You did not dare; you could not pass that iniquitous currency bill without making it a caucus matter. MARK HANNA whipped you Representatives into the caucus, and then whipped into line the men who had the courage to protest against its iniquitous features.

Mr. SHATTUC. The majority of your own New York delegation voted for it.

Mr. SULZER. You are mistaken. That is not so. You keep your own household clean. There are many Representatives on that side of the House who did not want to vote for the bill. It was an affront, and made them stultify their records in this House and their promises to their constituents.

A MEMBER (on the Republican side). Name them.

Mr. SULZER. They rebelled at first. They went to the President, begging and imploring him to save them, and bending the pregnant hinges of the knee. They appealed to the President not to pass the bill. They went to MARK HANNA and begged him not to pass the bill, but MARK HANNA, in effect, no doubt, told you, "We must keep our contract with the national bankers, and if we do not keep our contract with the national bankers and give the national bankers what I agreed to—the right to control the money of the people—they will not put up in 1900 as they put up in 1896." That is practically what MARK HANNA said. That is the reason this bill must pass ere this campaign begins.

Mr. SHATTUC. Whom did he say that to?

Mr. SULZER. And I imagine he said to you, "Without boodle, without the necessary wherewithal and plenty of it, we can not carry the country in 1900 any more than we could have done it in 1896."

Mr. SHATTUC. Which Congressman did he say that to?

Mr. SULZER. Now, that is the whole story, that is the secret for the passage of this gold standard currency bill, and I want you and others to read the protest I offered a little while ago carefully to-morrow. You have laughed at that protest. You have mocked the people in their misery, but the people will yet rise up and mock you. Louis XIV said——

Mr. SHATTUC. Who was Louis XIV?

The CHAIRMAN. The gentleman from Ohio is not in order.

Mr. SULZER. Mr. Chairman, I am not surprised at the gentleman's ignorance. [Applause and laughter on the Democratic side.] Louis XIV mocked the people; he laughed at them and scorned them as they begged and cringed. "The State!" said the King, "I am the State." But before the grass was green on his grave the same people rose up against long-continued wrong and usurpation and said: "The State! Nay, Sire, we are the State." They drew aside the royal curtain, and all the world saw the head of a King roll in the basket.

You laugh now; you scoff at petition, and you mock the people in their woe and their misery; but let me say to you, the time is not far distant when they will rise up and you will have to render an account of your stewardship. The Republican party, intoxicated with its power, puffed up with its royal swagger, and mad with its imperialistic sway, impudently spurns the people, and arrogantly declares: "The State! The Republican party is the State."

But in the coming fall the people will rise up against Republican wrongs and Republican usurpations, and in thunder tones declare, "The State! Nay, Mr. HANNA, we are the State." They will draw aside the imperial curtain of Republican corruption, and all the world will witness the triumphant election of a Democratic President. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I merely wanted to rise for a moment to ask if the object that is near to the heart of the gentleman from New York [Mr. SULZER] and of us all has not received sufficient attention, perhaps, for one day, so that we might progress with our bill?

Mr. SULZER. I am glad the gentleman agrees with me.

Mr. CANNON. I am not exactly on all fours with the gentleman from Ohio [Mr. GROSVENOR]. I must confess to more sympathy than he has with the gentleman from New York [Mr. SULZER]. Perhaps the gentleman from Ohio is not informed about the operation of a great trust. I am in it. The gentleman from New York [Mr. SULZER], who last addressed the House, is in it. He is trying to get all that side of the House in it, and I am trying to get all this side of the House in it, because it is absolutely patent that it would be a great combination.

Here is the gentleman from New York, who was created to look like the great commoner, Mr. Clay. The great commoner from Kentucky, dead and gone, has been reincarnated, so that we have my friend from New York as a foundation to go upon the ticket, to save the country, to save the party, to save the world. He comes, you know, from Tammany, and Tammany made him, and he jumps when Tammany pulls the string, and he has a tolerably hard road to travel. He has wicked Democratic colleagues from New York who were created by Tammany who did not vote with him on the "infernal, outrageous, evil-begotten, damnable" bill [laughter], and they have handicapped him, in part, because, while he jumps when Tammany pulls the string and takes much for granted in getting upon this national ticket with Mr. Bryan, he is handicapped by these gentlemen, and it is necessary for him to talk two or three times here and to go to Chicago to convince you gentlemen who are not in harmony with this wicked bill that he is not to blame for what his colleagues from New York City did, and it was necessary for him to go to Ohio, that is in the trust, to talk about trusts.

Why, this is the one trust—the nomination on the ticket with Bryan—perhaps, that ought not to come under the Sherman law or under the New York law. It is a great trust. It assembles here in the House, it runs over to New York, it journeys about with Bryan, it goes out to Chicago with Altgeld and Weaver and Mrs. Gougar, and they resolute, you know, and he bears the resolutions down and has read them to the House. Well, now, that is necessary, because he ought to go on the ticket. I am for him on the ticket. [Applause and laughter on the Republican side.] He and I have agreed about it. We are working to the same end, and I appeal to the gentleman from Ohio [Mr. GROSVENOR] never again to interrupt the operation of this agreement.

Mr. GROSVENOR. I promise that I never will. [Laughter.]

Mr. CANNON. Now, the gentleman from New York [Mr. SULZER] having made great progress and having got into the CONGRESSIONAL RECORD the sayings of that wise, nonpartisan body that met at Chicago, headed by Altgeld, Weaver, and Mrs. Gougar, and where my friend shone across the continent and the seas like a beacon in the storm, battling for the rights of humanity and of all the people and the rest of mankind, I think we have done enough for one day, and next Monday, immediately after the reading of the Journal, I will stand by the gentleman from New York in a demand for an hour and will hold up his arms in carrying out our agreement. But I think now it would not be apt to go on much longer to-day, because we had better do a little public business to fool the people. [Prolonged laughter and applause on the Republican side.]

Mr. SULZER. Mr. Chairman, just a word. I am not responsible for anyone on the floor of this House but myself. The gentleman from Illinois [Mr. CANNON] may laugh at the protest of the people, and his colleagues may spurn it with contempt, but

that protest will be heard when many of the gentlemen on that side of the House are retired to private life and meditating on the power of the people.

The Clerk read as follows:

For an additional force of 150 special examiners for one year, at a salary of $1,200 each, $165,000, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Mr. COCHRAN of Missouri. I move to strike out the last word.

Mr. Chairman, I suppose that the delightful witticism of the gentleman from Illinois——

Mr. HEMENWAY. I raise the point of order that the gentleman is not discussing the amendment pending. I want to serve notice now that we must transact the public business. We must read this bill, and so much time has been occupied that it will take almost the balance of the day to read it. I hope gentlemen will not insist upon further general discussion. We have had two days of general discussion, and nearly all of yesterday was taken by general discussion, and the bill must be read and passed.

Mr. COCHRAN of Missouri. I think the gentleman could well have afforded to withhold until at least a commentary had been made upon the remarks made by the gentleman from Ohio and the gentleman from Illinois.

Mr. HEMENWAY. I make the point of order.

The CHAIRMAN. If the point of order is insisted upon, the Chair must sustain it.

Mr. GAINES. I hope the gentleman will withdraw his point of order, or insist on it regularly and enforce it.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GAINES. To complain of the unfair administration of the rules of this House by the gentleman from Indiana [Mr. HEMENWAY]. The gentleman raises the point of order against general debate when a gentleman on this side of the House rises to address the House——

The CHAIRMAN. The gentleman from Tennessee is not in order.

Mr. GAINES (continuing). And when a Republican rises he does not object, but permits general debate. That is the point I make.

The CHAIRMAN. The gentleman from Tennessee at that time had no right to make any point, because the gentleman from Tennessee had not the floor for any purpose.

Mr. GAINES. It is the unfair administration of the rules that I protest against; the maladministration of even a bad rule.

The CHAIRMAN. The gentleman from Tennessee is not in order, and will take his seat.

Mr. GAINES. "The gentleman from Tennessee" will take his seat, but I do not propose that this side of the House shall be run over by anybody by an unfair administration of the rules of this House without a protest.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. COCHRAN of Missouri. I am at a loss to understand how the gentleman so speedily arrived at the conclusion that my remarks were out of order. I certainly had not uttered ten words when he made the interruption.

The CHAIRMAN. The gentleman from Indiana made his suggestion rather as a warning than otherwise.

Mr. COCHRAN of Missouri. I may take it that the ruling of the Chair was also a warning. I supposed that would have to be based upon something said by me.

The CHAIRMAN. It certainly would. The gentleman is correct.

Mr. COCHRAN of Missouri. I will say frankly that my purpose was to devote five minutes to some comments upon the remarks of the gentleman from Ohio and the gentleman from Illinois.

Mr. HEMENWAY. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment pending.

The CHAIRMAN. The gentleman will proceed in order.

Mr. TERRY. Why did you not make that point of order when your side was up?

Mr. COCHRAN of Missouri. It was a manifestation of that customary discretion of the person in charge of the bill to act as a rear guard to the wits of the Republican side of the House.

Mr. HEMENWAY. The gentleman certainly can not charge that I have been unfair, as his side of the House has done most of the talking.

Mr. COCHRAN of Missouri. I noticed on yesterday that the gentleman served notice that he would make the point of order, but he did not make it when the gentleman from Illinois was addressing the committee.

Mr. HEMENWAY. I wanted the other side to have their share.

The Clerk read as follows:

For surveyor-general of Nevada, $1,800; and for the clerks in his office, $1,500; in all, $3,300.

For rent of office for the surveyor-general, pay of messenger, fuel, stationery, post-office box rent, draftsmen's requisites, fuel, binding records, and other incidental expenses, $500.

Mr. NEWLANDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend, in line 25, page 106, and line 1, page 107, by striking out "one thousand eight hundred" and inserting "two thousand;" in line 2, page 107, by striking out "three hundred" and inserting "five hundred;" in lines 6 and 7, page 107, by striking out "five" and inserting "seven."

Mr. HEMENWAY. Mr. Chairman, I make the point of order that the amendment changes existing law.

Mr. NEWLANDS. I would like the gentleman to state in what respect it changes existing law?

Mr. HEMENWAY. It increases the salary; it increases the amount provided.

The CHAIRMAN. The Chair would inquire of the gentleman from Nevada, is there any statute other than an appropriation bill which provides this salary?

Mr. NEWLANDS. There is a statute—section 2210 of the Revised Statutes—which fixes the salary of the surveyor-general of the State of Nevada at $3,000. Since that time, by various acts of Congress, in appropriation bills only, the salary was reduced in 1880—or, rather, not reduced—but the appropriation was made in 1880 for only $2,500. In 1886 the appropriation was made for $1,800 only. There is authority of law for a salary of $3,000.

The CHAIRMAN. On the statement of the gentleman from Nevada, the point of order is not well taken.

Mr. HEMENWAY. This salary has been appropriated for at this amount ever since 1876. I want to call attention to the fact that the amendment of the gentleman from Nevada does not propose to make it the statutory amount. He proposes to raise the amount appropriated for this office.

Mr. NEWLANDS. It is within the statutory limit.

Mr. HEMENWAY. And inasmuch as it does not raise it to the statutory limit I think it is certainly a change of existing law.

Mr. RICHARDSON. Mr. Chairman, as I understand the law, this officer will be entitled to $3,000, upon the statement of the gentleman from Nevada that the Revised Statutes provides that salary; and it seems to me——

The CHAIRMAN. If the gentleman is correct the amendment is in order.

Mr. RICHARDSON. I suggest to my friend that he had better compromise at $2,000, because the point of order is made by him and it will result in the salary being raised to the statutory amount.

Mr. HEMENWAY. We decline to compromise, for the reason that when Mr. Randall was at the head of the Appropriations Committee in 1876 this salary was decreased to this amount. It is a sufficient amount for the services performed, and I make the point of order that the amendment changes existing law.

Mr. RICHARDSON. It was decreased only by the appropriation bills.

The CHAIRMAN. The Chair has before him section 2210 of the Revised Statutes, which provides that "the surveyors-general of Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona shall each receive a salary at the rate of $3,000 a year." That being so, the fact that in subsequent appropriation bills less than that sum was appropriated does not change the statute, and so far as it relates to Nevada the point of order is overruled.

Mr. NEWLANDS. The other portion of the amendment which I offered is in relation to the office rent and incidental expenses. I ask to have that raised to $700.

The CHAIRMAN. The Chair would suggest to the gentleman from Nevada that he divide his amendment.

Mr. NEWLANDS. I will do so.

Mr. HEMENWAY. I suggest that the point of order is made to the whole amendment, and ought to be sustained.

Mr. NEWLANDS. I will withdraw my amendment as offered.

The CHAIRMAN. The gentleman from Nevada can modify his amendment, which he now does.

Mr. NEWLANDS. Then, Mr. Chairman, I offer the first amendment read by the Clerk. Section 2210 of the Revised Statutes provides that the salary of these officers shall be $3,000 per annum, and to that amount the surveyor-general is clearly entitled by law. There is but one lawful way to reduce that salary, and that is to introduce a special act reducing the salary from $3,000 to $1,800. In the place of that, the Committee on Appropriations, arrogating to itself all the powers of legislation in this body, has sought to greatly reduce this salary and thus to set itself in plain opposition to the will of Congress as expressed in the act which created this office and authorized this salary. I do not ask for an increase to the amount authorized by law, simply because the surveyor-general of that State has not requested it. He does ask, however, that the salary of that office be increased to the amount now allowed to every surveyor-general in that region by the various appropriation acts that have been passed, namely, $2,000.

The Committee on Appropriations, in reducing these salaries authorized by law throughout the mountain region, have reduced the salaries of the surveyors-general in Montana, New Mexico,

North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and Colorado to $2,000, and the State of Nevada presents the only exception, and there the salary is fixed at $1,800. I will say in this connection that the appropriation for the State of Nevada for the general service is exceedingly small. The total appropriation provided by this act for Montana is $14,000; New Mexico, $13,000; North Dakota, $9,000; Arizona, $10,000; South Dakota, $8,500; Utah, $9,200; Washington, $12,800; Wyoming, $9,300, these appropriations covering salaries and office expenses. The total appropriation for the State of Nevada is only $3,800. Now, every gentleman knows how vast the area is within the borders of that State. Just now there is a revival of interest in the State of Nevada, and there is probably more prospecting in that State than there has been for twenty years. The surveyor-general of that State writes me that there are more inquiries for public land than there have been for years, and the sum total in the two amendments I ask amounts to only $400 additional appropriation—$200 for the surveyor-general's salary and $200 for the office expenses.

Mr. HEMENWAY. Mr. Chairman, I hope this amendment will be defeated. The State of Nevada has very little use for this official at all. It is a well-known fact that the population of that State has been decreasing for years, although it is probably at a standstill now. We have this condition, that the amount appropriated in the last bill for the fiscal year 1900 for the mints and for the land office out there amounts to $3 a head for every voter in the State. Think of it, you gentlemen who come from other States.

Mr. NEWLANDS. The mint is not under consideration here.

Mr. HEMENWAY. Now they seek to increase the salary and increase the office expenses to the extent of $400 in a State where there can be but very little business, and where there is but very little business.

We have this remarkable condition, that for every voter in the State we appropriated on the bills last year $3. And yet the gentleman comes in here and wants to increase this salary for some gentleman who occupies the position out there and who has been performing virtually no service for years and years. These officers at the mints and other public officers in the State of Nevada have been drawing salaries for years without performing hardly any service. We struck out the appropriation in the House for the mint at Carson City a number of times, but for some reason, on the Senate side, these appropriations are put back again, and I appeal to the House to vote down this amendment, because it is wrong. They certainly ought to be satisfied with the salary they are now receiving, and which they have been receiving since 1876, when the Appropriations Committee, under the lead of Samuel Randall, cut down the salaries, this among others. It is useless for me to stand up here and talk, for I have no doubt that the vote on this amendment will be almost unanimous against it.

Mr. NEWLANDS. Mr. Chairman, it would have been more in accordance with good taste and good judgment on the part of the gentleman from Indiana had he confined his remarks to the appropriation now under consideration. I accept his challenge, however, and follow him in the line of debate regarding the total appropriations for that State.

It is true that the population of Nevada is small. It is true that the largest community there now is only five or six thousand people, where there used to be two or three communities aggregating fifteen to twenty-five thousand people. It is true that the great industry on which the prosperity of that State depended has been destroyed by national legislation.

It is true that a mint was sustained there for years, and it is true that in the crucial period of the war over $600,000,000 of gold and silver came from Nevada, part of which was minted there, but the most of which was transported, in violation of the rights of that mint and that community, to the mint at Philadelphia to be there turned into coin. It is true that in every way the Appropriations Committee has sought to limit the appropriations for that State. It has sought to limit the employment of its people in industries belonging to the soil. It is true that silver now lying in the Philadelphia mint, which ought to have been coined in Nevada, has been taken for that purpose 3,000 miles away. It is true that that committee, by reducing the appropriations for the mint there from $45,000 to twelve or fifteen thousand dollars, has reduced it to a mere assay office.

Mr. HEMENWAY. If you should coin silver at Carson City, would you not have to bear the expense of shipping the bullion there and then sending the coined money away? And is not the cost $7 more on every thousand dollars coined?

Mr. NEWLANDS. What we complain of is that the bullion produced there was not left there. We claim that the millions of dollars' worth of bullion produced there ought to have been left there, and that those people ought to have been employed in minting the silver which was transferred to the Philadelphia mint.

The minting should have been done where the mining was done. It was a business belonging to that community which should not have been diverted to an institution 3,000 miles away.

The gentleman referred to the alleged large appropriations made in the past. He alludes to the time when we were appropriating for the mint at Carson. By the bill of last year they have reduced that mint, as I have said, to an assay office, and this year there is an appropriation of only $15,000 for that mint.

Now, I ask not only $200 additional salary for a gentleman who has had an insufficient office force and has by reason of that fact been compelled to do more than the other surveyors-general in adjoining States, but I ask also for $200 additional for the office force, to be expended in binding the records of that office, records which are now going to destruction and for the preservation of which the surveyor-general asked that an appropriation be made; and an estimate has been given by the Secretary of the Interior recommending this appropriation of $200.

Now, this State has a large area; the Government has extensive areas of public land there. Is it not to the interest of this Government to have that State settled? Is it not to the interest of the country to have its mines and public lands surveyed? Is it not to the interest of the United States to sustain this State, which has been kept down by the hand of legislation and which is now making an effort toward resuscitation? And will the House deny it the paltry sum of $400 in this work?

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

The question being taken, there were—ayes 48, noes 55.

Mr. NEWLANDS. I call for tellers.

Tellers were ordered; and Mr. NEWLANDS and Mr. HEMENWAY were appointed.

The committee again divided; and the tellers reported—ayes 65, noes 73.

So the amendment was rejected.

The CHAIRMAN. The Clerk will now report the other amendment offered by the gentleman from Nevada.

The Clerk read as follows:

In lines 6 and 7, on page 107, strike out "five" and insert "seven," so as to read "$700."

Mr. HEMENWAY. I make the point of order that this is a change of existing law.

The CHAIRMAN. Section 2227 of the Revised Statutes provides that—

There shall be allowed for office rent, fuel, books, stationery, and other incidental expenses of the several offices of surveyors-general, such sums as may be appropriated for the purpose by Congress from year to year.

It seems to the Chair that this provision makes it possible to appropriate on this appropriation bill for the purposes named whatever sum Congress may see fit to appropriate. Therefore the Chair overrules the point of order; and the question is on agreeing to the amendment offered by the gentleman from Nevada.

Mr. NEWLANDS. One word in reference to this amendment. It proposes to increase from $500 to $700 the appropriation for office expenses in the office of the surveyor-general of Nevada, this extra sum of $200 being desired for binding certain records in that office.

I read in this connection a letter from Mr. Hitchcock, Secretary of the Interior, to Mr. CANNON, chairman of the Committee on Appropriations:

DEPARTMENT OF THE INTERIOR, *February 16, 1900.*

SIR: I have the honor to call your attention to an item in the Book of Estimates of appropriations for the fiscal year ending June 30, 1901, on page 84 of said book, which item reads as follows: "Office of the surveyor-general of Nevada, for rent of office for surveyor-general, etc., $500." You will observe by the accompanying note to this item that this amount was intended to read $700, and I have the honor to recommend that the amount of $700 may be appropriated for this object in the legislative appropriation bill now under consideration by the House of Representatives.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Hon. JOSEPH G. CANNON,
House of Representatives.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Nevada.

The question was taken; and on a division there were—ayes 49, noes 63.

So the amendment was rejected.

The Clerk read as follows:

Office First Assistant Postmaster-General: For First Assistant Postmaster-General, $4,000; chief clerk, $2,250; Superintendent of the Money-Order System, $3,000; chief clerk Money-Order System, $2,000; Superintendent of Free Delivery, $3,000; 4 assistant superintendents of free delivery, at $2,000 each; Superintendent of the Dead-Letter Office, $2,500; 1 clerk of class 4, who shall be chief clerk of the Dead-Letter Office; chief of the salary and allowance division, $3,000; assistant superintendent of the salary and allowance division, $2,000; superintendent of post-office supplies, $2,250; assistant superintendent of the division of post-office supplies, $1,800; 1 clerk of class 4, chief of the correspondence division; 10 clerks of class 4; 18 clerks of class 3; 20 clerks of class 2; 42 clerks of class 1; 45 clerks, at $1,000 each; 37 clerks, at $900 each; 8 assistant messengers; 25 laborers; 2 pages, at $360 each, and 5 female laborers, at $180 each; in all, $266,280.

Mr. HEMENWAY. Mr. Chairman, I move an amendment to this paragraph of the bill.

The amendment was read, as follows:

Strike out, on page 110, in lines 8, 9, and 10, the words "chief of the salary and allowance division, $3,000; assistant superintendent of the salary and allowance division" and insert in lieu thereof: "superintendent of salaries and allowances, $5,000; assistant superintendent of salaries and allowances."

The amendment was agreed to.

The Clerk read as follows:

For furniture, including $1,500 for the office of the Auditor for the Post-Office Department, $2,500.

Mr. HEMENWAY. Mr. Chairman, I move the amendment I send to the desk.

The Clerk read as follows:

On page 115, line 4, strike out the words "five hundred."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

Mr. HITT. Mr. Chairman, I move to amend by inserting, after line 18 of section 4, the words of the amendment I send to the desk.

The amendment was read at length.

Mr. BROMWELL. Mr. Chairman, I make the point of order——

The CHAIRMAN. The gentleman from Ohio makes the point of order that this is new legislation.

Mr. BROMWELL. No; not new legislation. But I desire to offer an amendment which is germane to the section itself, and which should properly precede the amendment proposed by the gentleman from Illinois.

Mr. HITT. Then I will withhold my amendment for the present.

The CHAIRMAN. The gentleman from Illinois will withdraw his amendment for the present, if there be no objection.

There was no objection.

Mr. BROMWELL. I now offer the amendment I send to the desk.

The Clerk read as follows:

Amend by adding after the word "service," in line 18, page 124, the words: "For the purpose of carrying into effect the provisions of this section the head of each of the Executive Departments of the Government is hereby directed to certify from time to time to the Civil Service Commission the names of all persons employed in his Department or any of the branches of the public service subordinate thereto permanently incapacitated from any cause from performing the public service in which they are engaged, and upon receipt of said certification the Civil Service Commission shall strike the names of such persons from the classified service."

Mr. BROMWELL. The object of this amendment is to perfect the law as it now stands. We have been informed during the progress of this bill that the heads of Departments have absolutely refused to conform to the law, and are carrying upon their rolls and that the public money is being paid to persons who are permanently incapacitated from performing public service. Now, the object of this provision is to direct the head of any Department in which any of these permanently incapacitated clerks or other employees are engaged to certify the fact of the permanent incapacity of those persons to the Civil Service Commission, in order that their names may be taken from the classified service.

The amendment was agreed to.

Mr. HITT. Mr. Chairman, I offer the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will again report.

The Clerk read as follows:

Insert after line 18, page 124, the following:
"SEC. 5——"

The CHAIRMAN. The Chair desires to call attention to the fact that the section has been amended, so that it should read "at the end of the section."

Mr. HITT. "At the end of the section." It makes a new section and becomes section 5."

The Clerk read as follows:

Insert at the end of the section the following:
"SEC. 5. That permission is hereby granted to J. D. RICHARDSON to compile, edit, and publish, without expense to the Government, the state papers and diplomatic correspondence of the late Confederate States, and access to said papers and correspondence shall be given him for that purpose by the heads of the Executive Departments having such papers in charge, under such regulations as may be respectively prescribed by them."

Mr. HITT. The amendment explains itself. It is simply to facilitate this work which a member of the House is willing to undertake, one whom we know is amply qualified for the task, and it authorizes the officer in charge of these records, which are purely historical, to make them available for this purpose. The resolution provides that there shall be no expense to the Government.

Mr. DE ARMOND. Does this become a public document or a private publication?

Mr. HITT. It simply gives authority to the gentleman named——

Mr. DE ARMOND. Will it be a public document?

Mr. HITT. It will not necessarily. It will simply be what any of us could make if we chose to go there and prepare a historical work. If he will print it, we shall be glad to get it. If it is printed by Congress, we will get it gratuitously. If it is printed otherwise, we will get it as we can.

Mr. DE ARMOND. There ought to be something in the proposition, it seems to me, providing that this publication is not to preclude a similar publication by Congress, if Congress sees proper to undertake it. In other words, it ought not to be turned over to a private individual for individual use.

Mr. HITT. Authority now lies in all the Departments where records are to give access to documents as to scholars and students. This proposition or amendment is offered because I am told that the officer in charge of the records has said he would be glad to have such a resolution from Congress, to more emphatically enable him to put everything at the service of the investigating scholar.

Mr. RICHARDSON. It would not prevent the Government doing it.

Mr. DE ARMOND. Let us have a proposition to that effect, that this shall not be held in any way to interfere or hinder the Government in publishing the same thing as a public document.

Mr. HITT. I will accept that if the gentleman will put it in such form as he desires.

The CHAIRMAN. The Clerk will report the amendment to the amendment if the gentleman from Missouri will state it.

Mr. DE ARMOND. I can not very well do that without seeing the paper. My impression is that in cases where these documents belong to the Government, publication ought to be made by the Government as public documents for distribution among the people.

Now, I may say, incidentally to this, Mr. Chairman, that more or less of trouble has arisen with members of the House, over different parts of the country, consequent upon the turning over of the plates used in the publication of the Messages and Papers of the Presidents, and there is more or less talk about whether the Government ought to publish that work again as a public document, to be distributed among the people, and the suggestion is made sometimes that there is difficulty in doing that, and that great expense will be incurred because the plates have been parted with. There is no disposition on my part to antagonize this, because I have no personal interest in the matter at all, but my own opinion is that generally these things should belong to the public, and where the public has to bear the expense of furnishing the copies they ought to be published by the Government for the public.

Mr. CANNON. I desire to call the attention of the gentleman from Missouri to the fact that this in no way contemplates that the Government shall make any expenditure whatever.

Mr. DE ARMOND. I understand that. What I am talking about is this proposition of whether the effect of this kind of legislation is not practically to place these things out in private hands, so that the Government, if it sees proper to publish them as a public document, will find itself somewhat hampered in several ways.

Mr. HITT. I foresaw the gentleman's point, and I agree with him in it. No authority is conferred by that proposition to allow any paper to be removed from the Government records in its proper place in the files. It is simply to give authority to the custodian of the records to grant access to them by this gentleman for historical purposes. This is done now in the Departments, giving any scholar who goes there access to them. It is responsive to a suggestion from General Ainsworth himself, as I am informed.

Mr. FINLEY. Mr. Chairman, I would like to have the amendment read.

The CHAIRMAN. The gentleman from Missouri is preparing an amendment to the amendment. When it is prepared, the whole proposition will be reported.

Mr. DE ARMOND. I do not know that I care to offer any amendment.

The CHAIRMAN. The Clerk will again report the amendment

The amendment was again reported.

Mr. DE ARMOND. Mr. Chairman, I will move to strike out the word "authority" and insert the word "permission."

Mr. HITT. I will accept the amendment.

Mr. RICHARDSON. Mr. Chairman, I did not intend to say a word, but I want to say, so far as the statement of the gentleman from Missouri is concerned, there is no sort of idea of preventing the Government from printing these documents ad libitum. They can print as many as they wish at any time. This authority contained in the amendment will simply allow me to go to the Depart-

ment and get access to these documents and print them at my own expense and without a dollar's expense to the Government. That is all there is in this resolution.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. HILL. Mr. Chairman, I move to strike out the last word.

Mr. HEMENWAY. Pardon me just a moment. I suggest that the last section be changed to 6 instead of 5.

The CHAIRMAN. That will be done, in accordance with the rule, without a motion.

Mr. HILL. Mr. Chairman, I have been away a couple of days on account of business, and I find that my name has been called into question by the gentleman from Colorado [Mr. BELL] on a question of favoritism declared by the Administration in the case of certain banks given deposits, and in his efforts to fortify his side of the case he said that he had sent to each State treasurer in the United States and asked their custom in regard to the payment of interest on State deposits. I know nothing about the custom of other States, but in regard to the State of Connecticut I desire simply to explain——

Mr. HEMENWAY. I am compelled to make the point of order that the gentleman is not discussing the amendment.

Mr. HILL. Mr. Chairman, I am replying to a statement made concerning me during my absence.

The CHAIRMAN. The gentleman invokes the rule in opposition to the gentleman making a statement.

Mr. HILL. I ask unanimous consent that I may be allowed ten minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that he may be allowed to proceed for ten minutes. Is there objection?

Mr. HEMENWAY. Mr. Chairman, I regret exceedingly to be put to the necessity of insisting upon the rule.

Mr. HILL. I will endeavor to get some other time.

Mr. HEMENWAY. I move that the committee rise and report the bill to the House with a favorable recommendation.

The CHAIRMAN. The gentleman from Indiana moves that the committee rise and report the bill with amendments favorably to the House.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I had an understanding with the Chair that I was to be recognized to have a statement read.

The CHAIRMAN. The gentleman from Indiana has just invoked the rule, which shuts off all gentlemen.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8347, and had directed him to report the same back to the House with sundry amendments and with a favorable recommendation.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. HEMENWAY. A separate vote is demanded on the amendment striking out the provision for the Civil Service Commission.

Mr. MUDD. Mr. Speaker——

Mr. HEMENWAY. I do not yield the floor.

The SPEAKER. The question is on agreeing to the amendments with the exception of that striking out the provision for the Civil Service Commission.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the amendment striking out the provision for the civil service.

Mr. SHAFROTH. Mr. Speaker, I would like to have the amendment read.

Mr. HEMENWAY. Mr. Speaker, I move the previous question on the bill and amendment.

The previous question was ordered.

The SPEAKER. The gentleman from Colorado asks to have the amendment reported. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after line 13, on page 28, down to and including line 2, on page 29, as follows:

"CIVIL SERVICE COMMISSION.

"For 3 Commissioners, at $3,500 each; chief examiner, $3,000; secretary, $2,000; 8 clerks of class 4; 10 clerks of class 3; 13 clerks of class 2; 15 clerks of class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger; 2 laborers; engineer, $840; 2 watchmen; in all, $91,340.

"For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, $7,000."

Mr. MUDD. Mr. Speaker, I ask for the yeas and nays.

Mr. CANNON. Let the House divide first.

Mr. MUDD. I ask for the yeas and nays.

Mr. CANNON. I hope the yeas and nays will be given——

[Cries of "Regular order!" on the Democratic side.]

The SPEAKER. It is the sacred right of any member to demand the yeas and nays, and it is for the House to determine whether they shall be taken.

Mr. MUDD. I will waive for the present the demand for the yeas and nays, and will ask for a division.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. MUDD. Division, Mr. Speaker.

The House divided; and there were—ayes 48, noes 93.

Mr. MUDD. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. Thirty gentlemen have arisen, a sufficient number, and the yeas and nays are——

Mr. STEELE. Let us have the other side, Mr. Speaker.

The SPEAKER (after counting). Seventy-nine gentlemen have arisen in opposition to the demand for the yeas and nays—a sufficient number, and the yeas and nays are ordered. [Applause on the Democratic side.]

The question was taken; and there were—yeas 77, nays 123, answered "present" 17, not voting 136; as follows:

YEAS—77.

Allen, Ky.	Faris,	Lybrand,	Showalter,
Baker,	Finley,	McPherson,	Southard,
Barham,	Gardner, N. J.	Maddox,	Stokes,
Bartlett,	Gibson,	Metcalf,	Sulloway,
Berry,	Gordon,	Moon,	Swanson,
Boreing,	Griggs,	Mudd,	Talbert,
Brown,	Grosvenor,	Norton, Ohio	Tate,
Burleson,	Henry, Miss.	Otey,	Thomas, N. C.
Burnett,	Hepburn,	Pearce, Mo.	Turner,
Calderhead,	Hoffecker,	Pearre,	Van Voorhis,
Clark, Mo.	Johnston,	Pugh,	Wachter,
Cooper, Tex.	Joy,	Rhea, Ky.	Warner,
Crawford,	Kerr,	Rhea, Va.	Weaver,
Crump,	Kitchin,	Rixey,	Wheeler, Ky.
Cummings,	Kluttz,	Robb,	Williams, J. R.
Davenport, S. A.	Landis,	Robbins,	Williams, W. E.
Davey,	Latimer,	Roberts,	Williams, Miss.
Davis,	Lewis,	Rodenberg,	
Dick,	Linney,	Shelden,	
Epes,	Little,	Sheppard,	

NAYS—123.

Adams,	De Armond,	Lamb,	Robinson, Nebr.
Alexander,	Denny,	Littlefield,	Ryan, N. Y.
Allen, Me.	Dolliver,	Lloyd,	Ryan, Pa.
Babcock,	Driggs,	Long,	Scudder,
Barber,	Driscoll,	Loudenslager,	Shackleford,
Bartholdt,	Esch,	McCall,	Shafroth,
Bell,	Fitzgerald, Mass.	McCleary,	Shattuc,
Bishop,	Fletcher,	McCulloch,	Sherman,
Boutell, Ill.	Foss,	McLain,	Sibley,
Bowersock,	Fowler,	May,	Sims,
Brantley,	Gardner, Mich.	Miers, Ind.	Slayden,
Brick,	Gaston,	Miller,	Snodgrass,
Brosius,	Gillett, Mass.	Mondell,	Sperry,
Bull,	Glynn,	Moody, Mass.	Spight,
Burkett,	Graff,	Moody, Oreg.	Sprague,
Burleigh,	Graham,	Morris,	Stark,
Burton,	Green, Pa.	Naphen,	Steele,
Butler,	Grow,	Neville,	Stephens, Tex.
Cannon,	Hall,	Newlands,	Stewart, N. Y.
Carmack,	Hamilton,	Noonan,	Stewart, Wis.
Clayton, N. Y.	Haugen,	Otjen,	Sulzer,
Cochran, Mo.	Hawley,	Parker, N. J.	Sutherland,
Cochrane, N. Y.	Hedge,	Payne,	Taylor, Ala.
Cooper, Wis.	Henry, Conn.	Pierce, Tenn.	Terry,
Cousins,	Hill,	Phillips,	Thomas, Iowa
Cowherd,	Hitt,	Powers,	Wadsworth,
Crumpacker,	Hopkins,	Quarles,	Waters,
Curtis,	Howell,	Ray,	Wilson, N. Y.
Cushman,	Jones, Va.	Reeder,	Zenor,
Daly, N. J.	Kleberg,	Richardson,	The Speaker.
Dalzell,	Lacey,	Robinson, Ind.	

ANSWERED "PRESENT"—17.

Allen, Miss.	Burke, Tex.	Jett,	Olmsted.
Bellamy,	Dayton,	Lanham,	Packer, Pa.
Benton,	Dinsmore,	Loud,	
Bromwell,	Hay,	McClellan,	
Brundidge,	Hemenway,	Norton, S. C.	

NOT VOTING—136.

Acheson,	Cox,	Greene, Mass.	Mann,
Adamson,	Cromer,	Griffith,	Marsh,
Atwater,	Crowley,	Grout,	Meekison,
Bailey, Kans.	Cusack,	Harmer,	Mercer,
Bailey, Tex.	Dahle, Wis.	Heatwole,	Mesick,
Ball,	Davenport, S. W.	Henry, Tex.	Meyer, La.
Bankhead,	Davidson,	Howard,	Minor,
Barney,	De Graffenreid,	Hull,	Morgan,
Bingham,	De Vries,	Jack,	Muller,
Boutelle, Me.	Dougherty,	Jenkins,	Needham,
Bradley,	Dovener,	Jones, Wash.	O'Grady,
Breazeale,	Eddy,	Kahn,	Overstreet,
Brenner,	Elliott,	Ketcham,	Polk,
Brewer,	Emerson,	Knox,	Prince,
Broussard,	Fitzgerald, N. Y.	Lane,	Ransdell,
Brownlow,	Fitzpatrick,	Lawrence,	Reeves,
Burke, S. Dak.	Fleming,	Lentz,	Ridgely,
Caldwell,	Fordney,	Lester,	Riordan,
Campbell,	Foster,	Levy,	Robertson, La.
Capron,	Fox,	Littauer,	Rucker,
Catchings,	Freer,	Livingston,	Ruppert,
Chanler,	Gaines,	Lorimer,	Russell,
Clarke, N. H.	Gamble,	Lovering,	Salmon,
Clayton, Ala.	Gayle,	McAleer,	Small,
Connell,	Gilbert,	McDowell,	Smith, Ill.
Cooney,	Gill,	McRae,	Smith, Ky.
Corliss,	Gillet, N. Y.	Mahon,	Smith, H. C.

Smith, Samuel W.	Tawney,	Underwood,	White,
Smith, Wm. Alden.	Taylor, Ohio	Vandiver,	Wilson, Idaho
Spalding.	Thayer,	Vreeland,	Wilson, S. C.
Sparkman,	Thropp,	Wanger,	Wright,
Stallings,	Tompkins,	Watson,	Young, Pa.
Stevens, Minn.	Tongue,	Weeks,	Young, Va.
Stewart, N. J.	Underhill,	Weymouth,	Ziegler.

The SPEAKER. The Clerk will call my name.

The Clerk called the Speaker's name, and he voted in the negative.

The following pairs were announced:

During this session:

Mr. HULL with Mr. HAY.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Mr. WRIGHT with Mr. HALL.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WANGER with Mr. ADAMSON.

Mr. LOUD with Mr. DE VRIES.

Mr. LANDIS with Mr. MIERS of Indiana.

Until further notice:

Mr. BOUTELLE of Maine with Mr. RIDGELY.

Mr. CLARKE of New Hampshire with Mr. VANDIVER.

Mr. MAHON with Mr. OTEY.

Mr. LORIMER with Mr. SWANSON.

Mr. TAYLER of Ohio with Mr. LANHAM.

Mr. KETCHAM with Mr. MULLER.

Mr. BURKE of South Dakota with Mr. SMALL.

Mr. SOUTHARD with Mr. LENTZ.

Mr. CROMER with Mr. BURNETT.

Mr. HARMER with Mr. FITZPATRICK.

Mr. OVERSTREET with Mr. GRIFFITH.

Mr. LOVERING with Mr. SMITH of Kentucky.

Mr. BINGHAM with Mr. COONEY.

Mr. HENRY C. SMITH with Mr. FLEMING.

Mr. WEYMOUTH with Mr. S. W. DAVENPORT.

Mr. CAPRON with Mr. LEVY.

Mr. STEWART of New Jersey with Mr. STALLINGS.

Mr. FARIS with Mr. BRANTLEY.

Mr. NEEDHAM with Mr. NORTON of South Carolina.

Mr. ACHESON with Mr. KITCHIN.

Mr. MANN with Mr. JETT.

Mr. BAILEY of Kansas with Mr. BELLAMY.

Mr. YOUNG of Pennsylvania with Mr. BRADLEY.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MESICK with Mr. BURKE of Texas.

Mr. BISHOP with Mr. CAMPBELL.

Mr. BARHAM with Mr. BRENNER.

Mr. BARNEY with Mr. ALLEN of Mississippi.

For this day:

Mr. WATSON with Mr. UNDERHILL.

Mr. EDDY with Mr. BROUSSARD.

Mr. FORDNEY with Mr. SALMON.

Mr. GROUT with Mr. MCALEER.

Mr. KNOX with Mr. FOX.

Mr. JACK with Mr. CUSACK.

Mr. PRINCE with Mr. LIVINGSTON.

Mr. STEVENS of Minnesota with Mr. MOON.

Mr. TOMPKINS with Mr. FOSTER.

Mr. TAWNEY with Mr. UNDERWOOD.

Mr. OLMSTED with Mr. CONNELL.

Mr. FITZGERALD of New York with Mr. HENRY of Texas. If present, Mr. FITZGERALD of New York would vote "no," and Mr. HENRY of Texas would vote "aye."

Mr. THAYER with Mr. ATWATER. If present, Mr. THAYER would vote "no," and Mr. ATWATER would vote "aye."

Mr. JENKINS with Mr. DE GRAFFENREID.

Mr. GILL with Mr. HEMENWAY.

Mr. SMITH of Illinois with Mr. BREAZEALE.

Mr. GAMBLE with Mr. RUCKER.

Mr. LANE with Mr. BROWNLOW.

Mr. GREENE of Massachusetts with Mr. WILSON of Idaho.

Mr. LAWRENCE with Mr. CROWLEY.

Mr. S. W. SMITH with Mr. ELLIOTT.

Mr. O'GRADY with Mr. ROBERTSON of Louisiana. If present, Mr. O'GRADY would vote "no."

Mr. VREELAND with Mr. BANKHEAD.

Mr. MERCER with Mr. COX.

Mr. DOVENER with Mr. CATCHINGS.

Mr. LORIMER with Mr. YOUNG of Virginia.

Mr. CORLISS with Mr. MCRAE.

Mr. DAHLE of Wisconsin with Mr. DOUGHERTY.

Mr. HEATWOLE with Mr. MEEKISON.

Mr. MARSH with Mr. RANSDELL.

Mr. MINOR with Mr. RUPPERT.

Mr. MORGAN with Mr. CHANLER.

Mr. DAVIDSON with Mr. BALL.

Mr. SPALDING with Mr. RIORDAN.

Mr. THROPP with Mr. STOKES.

Mr. WEEKS with Mr. CLAYTON of Alabama.

Mr. KAHN with Mr. LESTER.

Mr. GILLET of New York with Mr. GAYLE.

Mr. FREER with Mr. HOWARD.

Until Thursday next:

Mr. FOWLER with Mr. BARTLETT.

Until Monday next:

Mr. REEVES with Mr. SPARKMAN.

Mr. MERCER. Mr. Speaker, I am paired with the gentleman from Tennessee, Mr. COX. I withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. STOKES. Mr. Speaker, I did not hear my name called, and I was giving attention to the call of the roll.

The SPEAKER. Was the gentleman in his seat?

Mr. STOKES. I was in the Hall.

The SPEAKER. Was the gentleman listening to hear his name called?

Mr. STOKES. I was.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. STOKES's name was called, and he voted "aye."

Mr. ALLEN of Mississippi. Mr. Speaker, I desire to know if a quorum has voted.

The SPEAKER. A quorum has voted.

Mr. ALLEN of Mississippi. Mr. Speaker, I withdraw my vote. I am paired with the gentleman from Wisconsin, Mr. BARNEY.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. BROMWELL. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. MCDOWELL. I did not hear the pair announced, but I would like to have my name recorded as "present."

The SPEAKER. Did the gentleman answer when his name was called?

Mr. BROMWELL. I announced the fact that I was paired with Mr. MCDOWELL.

The SPEAKER. Did the gentleman say "present" when his name was called?

Mr. BROMWELL. I was present and referred to the fact that I was paired with Mr. MCDOWELL. I did not say "present." I wish to be marked "present."

The SPEAKER. That can not be done.

Mr. BELLAMY. Mr. Speaker, when my name was called, I voted "aye." I find I am paired with Mr. BAILEY of Kansas, and I wish to withdraw my vote and be marked as "present."

The SPEAKER. Without objection, that will be done.

Mr. BARTLETT. It was announced from the Clerk's desk that I was paired with the gentleman from New Jersey, Mr. FOWLER. We have a general pair, but we both voted, and I desire to have the pair withdrawn.

The SPEAKER. The pair will be withdrawn.

Mr. DAYTON. Mr. Speaker, I am paired with the gentleman from Louisiana, Mr. MEYER. I voted "aye" on this question under a mistaken idea that Mr. MEYER was present. I find that he is absent, and I request that my vote be withdrawn.

The SPEAKER. Without objection, the request will be granted.

Mr. HEMENWAY. Mr. Speaker, I voted without knowing that I was paired. I have learned since that I was paired, and I therefore wish to withdraw my vote.

The SPEAKER. Without objection, the gentleman's vote will be withdrawn.

Mr. HAY. Mr. Speaker, I am paired with the gentleman from Iowa, Mr. HULL. If he were here, I would vote "aye."

Mr. EPES. Mr. Speaker, I have a general pair with the gentleman from Massachusetts, Mr. MCCALL. We are both present and both voted "aye."

Mr. PACKER of Pennsylvania. Mr. Speaker, I am paired with my colleague, Mr. POLK. I voted, and I desire to withdraw my vote.

The SPEAKER. The gentleman from Pennsylvania desires that his vote be withdrawn. The request will be granted, if there be no objection.

Mr. JENKINS. I am paired with the gentleman from Texas, Mr. DE GRAFFENREID. He is absent on account of sickness. If he were present, I should vote "no."

Mr. WHEELER of Kentucky. Mr. Speaker, the Clerk announced a pair between the gentleman from California, Mr. METCALF, and myself. I wish to withdraw the pair temporarily on this vote.

The SPEAKER. The pair will be withdrawn.

Mr. MCCALL. The gentleman from Virginia, Mr. EPES, through an error, announced that I had voted in the affirmative. I voted "no" on this question.

Mr. EPES. I understood the gentleman to say that he had voted "aye."

Mr. MCCALL. No; that is a mistake.

The SPEAKER. It will be understood that this pair is withdrawn.

Mr. LOUD. Mr. Speaker, did my colleague, Mr. DE VRIES, vote?

The SPEAKER. He did not.

Mr. LOUD. Then I withdraw my vote.

The SPEAKER. The vote will be withdrawn, without objection.

Mr. BROMWELL. Mr. Speaker, on the second roll call I was in the Hall of the House and was listening for my name, but did not hear it. On the first roll call I attempted to say that I was paired, and supposed that I was marked "present." I wish to be so recorded, as I am paired with the gentleman from Ohio, Mr. MCDOWELL.

Mr. MOODY of Massachusetts. I was announced as paired. I am not aware of having joined in any pair.

The SPEAKER. The pair will be withdrawn.

The result of the vote was then announced as above stated.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 6267. An act to amend an act entitled "An act to amend an act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. WILLIAM E. WILLIAMS of Illinois obtained leave to withdraw from the files of the House without leaving copies the papers in the case of Henry S. La Tourrette, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NAPHEN, for four days, on account of important business.

To Mr. BURTON, for Monday, February 19, on account of important business.

To Mr. RUCKER, for ten days, on account of important business.

To Mr. DOUGHERTY, for ten days, on account of important business.

To Mr. COONEY, for ten days, on account of important business.

To Mr. ATWATER, for one day, on account of sickness.

LEAVE TO PRINT BILLS AND REPORTS.

Mr. COOPER of Texas. I ask unanimous consent for the reprinting of House bill No. 4615 and report 214, upon the abandoned-property bill, as reported by the gentleman from Mississippi [Mr. HENRY] from the Committee on War Claims. The copies already printed of this report and bill have been exhausted.

There being no objection, the order for a reprint was made.

Mr. PAYNE. I ask unanimous consent for a reprint of House bill 8245, the bill relating to trade with Puerto Rico, and the report thereon. My information from the document room is that the entire edition of these documents is exhausted.

Mr. RICHARDSON. The gentleman's request includes the views of the minority?

Mr. PAYNE. Certainly.

There being no objection, the order for a reprint was made.

And then, on motion of Mr. PAYNE (at 3 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of expenditures in the United States Coast and Geodetic Survey for the year ended June 30, 1899—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Commissioners of the District of Columbia, replying to the resolution of the House relating to occupation of public property by railroads in the District of Columbia—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 8596) to appropriate $10,000 to inclose and beautify the grounds and repair the monument on the Moores Creek battlefield, North Carolina, reported the same without amendment, accompanied by a report (No. 349); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred House joint resolution 2, reported in lieu thereof a joint resolution (H. J. Res. 177) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., accompanied by a report (No. 350); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, reported the same with amendment, accompanied by a report (No. 351); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8659) to increase the pension of Thomas P. McCracken; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 8663) to provide a chaplain for each regiment in the United States service, and for other purposes—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 8664) to authorize the construction of an addition to the public building at Hartford, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street—to the Committee on the District of Columbia.

By Mr. MCCLEARY: A bill (H. R. 8666) to authorize the reimbursement of officers and men of the Army and Navy for medical expenses incurred during leave or furlough—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 8667) to authorize an increase in the limit of cost of the harbor improvement at Lorain, Ohio—to the Committee on Rivers and Harbors.

By Mr. STARK: A bill (H. R. 8668) approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas—to the Committee on Indian Affairs.

By Mr. FLYNN: A bill (H. R. 8687) authorizing the Washita Town Company to purchase certain lands from the Kiowa, Comanche, and Apache tribes of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. SHAFROTH (by request): A bill (H. R. 8688) relating to the administration of law and justice in the Navy—to the Committee on Naval Affairs.

By Mr. PIERCE of Tennessee: A resolution (H. Res. 153) relating to the number of United States troops sent to the Philippine Islands—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER: A bill (H. R. 8669) granting an increase of pension to Eliza A. Lake—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 8670) to increase the pension of Stephen J. Watts—to the Committee on Pensions.

By Mr. DINSMORE: A bill (H. R. 8671) for the relief of the Cumberland Presbyterian Church, at Mount Comfort, Washington County, Ark.—to the Committee on War Claims.

Also, a bill (H. R. 8672) for the relief of George T. Hammock—to the Committee on Appropriations.

Also, a bill (H. R. 8673) for the relief of James Baker and John W. Andrews—to the Committee on Appropriations.

By Mr. DE ARMOND: A bill (H. R. 8674) for the relief of William Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 8675) granting an increase of pension to Thomas M. Parkison—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 8676) granting a pension to Marcus Bain—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 8677) granting a pension to Harriet Belote—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 8678) for the relief of William H. Waers—to the Committee on Military Affairs.

By Mr. OTJEN: A bill (H. R. 8679) granting an increase of pension to Chauncey Sheldon—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 8680) granting a pension to James R. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8681) granting a pension to Samuel Clayton—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8682) to place upon the pension roll Louisa C. Germain, widow of Charles Germain—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 8683) granting a pension to Feuby Newby—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 8684) granting an increase of pension to John Rymond—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 8685) to correct the naval record of William Perkins—to the Committee on Naval Affairs.

By Mr. SNODGRASS: A bill (H. R. 8686) to grant a pension to James A. Tulloss, of Rhea County, Tenn., a soldier of the Indian wars—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 8689) granting an increase of pension to Isaac B. Hoyt—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Hon. George F. Edmunds and other leading lawyers, for relief for the law library of Congress—to the Committee on the Library.

By Mr. BURKE of Texas: Paper to accompany House bill for the relief of Mrs. Wyona A. Dixon—to the Committee on War Claims.

By Mr. BURKETT: Petition of James Livingston and other citizens of Sterling, Nebr., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. DOLLIVER: Resolutions of Baldwin Lodge, No. 273, International Association of Machinists, of Boone, Iowa, favoring the passage of House bill No. 4728, providing for leaves of absence to certain employees of the Government—to the Committee on Labor.

By Mr. GREEN of Pennsylvania: Resolution of the Fireman's Association of the State of Pennsylvania, in opposition to the passage of Senate bill No. 1743, establishing a division for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

Mr. GROUT: Petition of D. K. Simonds and 9 other fourth-class postmasters of Bennington County, Vt., praying for the passage of the Cummings bill, increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Boston (Mass.) Merchants' Association, in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. HAWLEY: Petitions of John Hoglund, John Clarke, and others, asking for an appropriation for the purchase of a site and the erection of a marine hospital at Galveston, Tex.—to the Committee on the Merchant Marine and Fisheries.

By Mr. HILL: Petition of George F. Keeler and other post-office clerks of Stamford, Conn., favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Remonstrance of J. E. Smith and other business men of Winterset, Iowa, against a parcel-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY: Remonstrance of A. C. Chittenden, of Marshall, Minn., against the parcel-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Commercial Club of St. Paul, Minn., urging the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Mercantile Exchange, in favor of a law placing all substances made in the semblance of butter under the police power of the several States into which they may be carried—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany House bill No. 5935, for the relief of Jeremiah Wilkie, of Heaton, Ind.—to the Committee on Military Affairs.

By Mr. SOUTHARD: Petition of the Port Clinton Lumber and Coal Company and others of Port Clinton, Ohio, for the improvement of the harbor at that point—to the Committee on Rivers and Harbors.

By Mr. SPRAGUE: Papers to accompany House bill No. 8102, for the relief of Eugene Hayden, United States Navy—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Petition of the classified civil-service employees of the military department at St. Paul, Minn., for the favorable consideration of a bill for the retirement of Government employees in the classified service—to the Committee on Reform in the Civil Service.

Also, resolution of the St. Paul Society of Homeopathic Medicine and Surgery, St. Paul, Minn., urging the passage of joint resolution No. 48, granting permission for the erection of a monument in Washington, D. C., in honor of Samuel Hahnemann—to the Committee on the Library.

Also, resolution of Coopers' Union No. 61, of St. Paul, Minn., protesting against the passage of a bill for the abolishment of one-sixteenth and one-eighth packages of beer—to the Committee on Ways and Means.

By Mr. STOKES: Papers to accompany House bills Nos. 2705 and 8462, extending free delivery of mail along star routes—to the Committee on the Post-Office and Post-Roads.

By Mr. WEYMOUTH: Petition of Samuel W. Harris and 29 other members of Post No. 19, Grand Army of the Republic, Department of Massachusetts, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill for the relief of Mrs. Truby Newby, of Mill Shoals, Ill.—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February 19, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, and was interrupted by

Mr. HANSBROUGH. I ask that the further reading of the Journal be dispensed with.

Mr. COCKRELL. I hope that will not be done. I think there are divers reasons why the Journal should be read. If the Senator will look around the Chamber he will see one reason why it should be read.

The PRESIDENT pro tempore. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d ultimo, a report from H. L. Marindin, assistant, Coast and Geodetic Survey, relative to the amount of work done since his last report on the outer bar of Brunswick, Ga., its cost, and its value to the Government, and an estimate as to the annual cost of maintaining the channel across that bar; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1899; which was referred to the Committee on Patents, and ordered to be printed.

CONSULAR CLERKS AT CITY OF MEXICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State recommending an increase in the allowances for clerks at the United States consulate at the City of Mexico from $1,200 to $2,400 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CONSUL AT TORONTO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State recommending an increase in the salary of the United States consul at Toronto, Canada, from $2,000 to $3,000 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CONSUL AT BOMBAY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State recommending an increase in the salary of the United States consul at Bombay from $2,000 to $3,500 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CONSUL AT WINDSOR, NOVA SCOTIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State recommending an increase in the salary of the United States consul at Windsor, Nova Scotia, from $1,000 to $1,500 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

J. A. WARE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th instant, a report of the Quartermaster-General of the Army relative to the amount found to be equitably and justly due J. A. Ware under his contract of October 14, 1896, on the part of the United States, by Maj. C. F. Humphrey, deputy quartermaster, United States Army, for expense of lumber and materials used on gravel road from Cache River to the Mound City National Cemetery in repairing damages caused by high waters in the spring of 1897, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

HARBOR OF REFUGE AT SANDY BAY, MASS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 9th instant, a letter from the Chief of Engineers, United States Army, together with copies of reports made by a board of engineers constituted in accordance with the requirements of the act of Congress approved March 3, 1899, relative to the project of improving the harbor of refuge, Sandy Bay, Cape Ann, Mass.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6267) to amend an act entitled "An act to amend an act to suspend the operation of certain provision of law relating to the War Department, and for other purposes;" and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a memorial of the Tobacco Growers' Society of Lancaster County, Pa., remonstrating against any modification of the present tariff law whereby the products of Puerto Rico, etc., may be admitted into the United States under any lower duties than those now imposed; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Williamsport, Pa., and a petition of sundry citizens of Tamaqua, Pa., praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

Mr. HANSBROUGH. I present resolutions adopted by citizens of Emmons County, N. Dak., expressing sympathy for the Boers. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas we believe that "all men are created free and equal, and are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness." Since the declaration of that memorable document, the Declaration of Independence, the idea that "might is right" has gradually lost ground, and the last hundred years of the history of nations have justified the statesmanship of the framers of our National Constitution. Hence the decline of despotism and the progress of liberty; and

Whereas we believe that an unnecessary, heartless, and cruel war of usurpation is destructive of moral progress and free institutions, beneath the dignity of a civilized nation, and contrary to the will of God; and

Whereas Great Britain to-day is waging war against two sister Republics, the Transvaal and Orange Free State, which might have been avoided by arbitration, as desired by President Kruger: Therefore, be it

Resolved, That we, citizens of Emmons County, N. Dak., without regard to religious bias and political affiliations, congratulate Her Majesty Queen Victoria on her former efforts to avert this war, and that we also congratulate those in England who are opposed to this conflict and are using their efforts to bring it to a speedy close; and

Resolved, That we condemn most emphatically the course of Great Britain in this war, because of her refusal to arbitrate; because of her apparent insincerity in the Hague peace conference; because of her hypocrisy in national policy; because of her greedy and tyrannical purpose; and

Resolved, That we heartily commend the course of Senator WILLIAM E. MASON, of Illinois, and Congressman SULZER, of New York, in their effort to obtain, through Congress, an expression of sympathy with the brave Boers, which expression can only demonstrate properly to the world the true patriotism of this nation; and

Resolved, That we express our profound admiration for the heroic struggle of the Boers in defense of their quiet, loved homes and their dearly-bought country; that we express our sincere sympathy with these patriots, and pray that their cause may prevail; and

Resolved, That these resolutions be published and a copy be sent to Senator MASON, of Illinois; Congressman SULZER, of New York; Senators HANSBROUGH and MCCUMBER, and Congressman SPALDING, of North Dakota.

Mr. HANSBROUGH presented a petition of the congregation of the Congregational Church of Oriska, N. Dak., praying for the enactment of legislation to limit absolute divorce in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented a memorial of Local Union No. 212, Cigar Makers' International Union, of West Superior, Wis., remonstrating against the adoption of any amendment to the tariff law admitting cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Trades and Labor Council of Racine, Wis., remonstrating against the passage of House bill No. 5067, concerning the boarding of vessels; which was ordered to lie on the table.

He also presented a petition of Local Union No. 85, Cigar Makers' International Union, of Eau Claire, Wis., and a petition of the Superior Trades and Labor Assembly of West Superior, Wis., praying that all the remaining public lands of the United States be held for the benefit of the whole people; which were referred to the Committee on Public Lands.

Mr. FORAKER presented a petition of Local Union No. 7420, Architectural Iron Workers' Union, of Cincinnati, Ohio, praying that no grants of public land be made except to actual settlers; which was referred to the Committee on Public Lands.

He also presented petitions of the Warder, Bushnell & Glessner Company, of Springfield; the A. C. Evans Manufacturing Company, of Springfield; the Foos Manufacturing Company, of Springfield; the Thomas Manufacturing Company, of Springfield; the Springfield Malleable Iron Company, of Springfield; the Avery Stamping Company, of Cleveland; the F. Muhlhauser Company, of Cleveland, and of Charles Patterson & Co., of Cleveland, all in the State of Ohio, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS presented a petition of sundry railway mail clerks of Vincennes, Ind., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Robinson & Co., of Richmond, Ind., and a petition of the O'Brien Varnish Company, of South Bend, Ind., praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented the petition of Joseph Emmert and sundry other citizens of Freeport, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 174, Cigar Makers' International Union, of Joliet, Ill., remonstrating against the cession of public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a memorial of the American Federation of Labor, of Carterville, Ill., remonstrating against the passage of the so-called subsidy bill and against the cession of public lands to the several States; which was referred to the Committee on Commerce.

He also presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Peoria County, Ill., praying for the enactment of legislation to provide protection for song birds; which was referred to the Committee on the Judiciary.

He also presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Peoria County, Ill., praying for the establishment of the rural free-delivery system throughout the country; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the National Live Stock Exchange, of Chicago, Ill.; of the Crystal Oil Refining Company, of Cleveland, Ohio; of the Pacific Lumber Exchange, of New York, and of the South Carolina railroad commission, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. MCMILLAN presented a petition of Local Union No. 330, Cigar Makers' International Union, of Alpena, Mich., praying that all the public lands be reserved for actual settlers, and for the construction by the Government of storage reservoirs and irrigation works on public lands wherever they are needed; which was referred to the Committee on Public Lands.

Mr. DANIEL presented a petition of the Chamber of Commerce of Richmond, Va., praying for the enactment of legislation to subsidize the merchant marine of the United States; which was referred to the Committee on Commerce.

Mr. FRYE presented a memorial of the Local Union No. 66, Cigar Makers' International Union, of Lewiston, Me., remonstrating against the adoption of any amendment to the present tariff law admitting cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of the Free Home League of Oklahoma Territory, praying for the enactment of a free-home law for the benefit of settlers on public lands; which was referred to the Committee on Public Lands.

He also presented the petition of Charles Schmiderer, of St. Louis, Mo., praying for the removal of the charge of desertion

standing against his name; which was referred to the Committee on Military Affairs.

RURAL FREE DELIVERY.

Mr. GALLINGER. Mr. President, a few days ago I presented several letters from the masters of subordinate granges in New Hampshire in favor of the rural free delivery of mails, and I now present several other letters from officers of granges on that same subject.

In this connection I will remark that an enterprising newspaper correspondent communicated to a leading paper in my State the remarkable information that I am opposed to the rural free delivery of mails, and I presume these letters are the result of that misinformation.

I have always supported every appropriation that has come before the Senate during my term of office here that proposed to carry on and to enlarge this good work, and I expect to continue to vote for such appropriations, which I trust will be liberal and adequate.

Mr. CHANDLER. I presume the criticism that has been made upon my colleague grew merely out of some request to the Post-Office Department that he might be informed as to the requests that were made there for rural free delivery. I have never had the slightest reason to suppose that my colleague was opposed to the extension of rural free delivery in New Hampshire just as fast as the Post-Office Department should find that it had funds applicable to that purpose.

Mr. GALLINGER. That, Mr. President, is precisely my attitude. I will, however, add that I have never made any request of the Post-Office Department such as my colleague suggests, and hence the dispatch certainly was based upon an entire misapprehension. I have had no communication whatever with the officers of the Post-Office Department in regard to this subject, except to send a messenger from my committee room with a certain gentleman from New Hampshire to ask that he might present a petition and be heard in regard to extending the service in his part of the State.

The petitions were referred to the Committee on Post-Offices and Post-Roads, as follows:

Petitions of Wesley Adams, district deputy, No. 1, New Hampshire State Grange, of Derry Depot; Daniel M. Spaulding, deputy, New Hampshire State Grange, of Keene; Charles S. Ford, master of Mascoma Valley Pomona Grange, of Lebanon, and of G. D. McDuffee, deputy in the Order of Patrons of Husbandry, of Dover, all in the State of New Hampshire.

VETERINARY SURGEONS IN THE ARMY.

Mr. GALLINGER. Mr. President, I present a letter signed by C. E. Burchsted, veterinary surgeon, of Exeter, N. H., and accompanying it I present a very numerously signed petition in favor of the establishment of a veterinary corps in the United States Army. This petition represents that ours is the only civilized government in the world whose army has not a veterinary corps or any proper provision for the care of the health of its animals and for the inspection of the animal food which its soldiers consume.

I think this is a very important matter, and I trust the Committee on Military Affairs will give it, as I doubt not they will, very careful consideration. I ask that the petition and accompanying letter be referred to the Committee on Military Affairs.

Mr. COCKRELL. I wish to correct one impression that was left by the petition presented in regard to veterinary service. That petition seems to state that there is no such provision already existing for veterinary surgeons. I beg to say that there are existing by law now two veterinarians to each cavalry regiment. It is true we have not created a corps with a brigadier-general and sundry lieutenant-colonels and majors under it, but we have organized a veterinary corps in each regiment of cavalry.

Mr. WOLCOTT. I should like to ask the Senator, if he will permit me, what rank the veterinarians hold? How are they ranked in the Army with the rest?

Mr. COCKRELL. I am not sure whether they were in the rank of lieutentant——

Mr. WOLCOTT. Oh, no; my impression is that they are noncommissioned officers.

Mr. COCKRELL. Well, I say I am not sure. That was in the legislation of the last Congress, but I do not think it was agreed to. But they are given the highest rank of noncommissioned officers.

Mr. WOLCOTT. My impression, from what I gathered from the letters and petitions I have received, is that the veterinary surgeon, who as a rule in these days is a college graduate, a man who has devoted his life to the study of diseases of the horse and their cure, finds that he is so labeled and so placed in the Army that it is impossible for him to accept the position, and that the good men, the best men, are never available for this most important branch of the service, because they are not recognized in the Army except in some very subordinate capacity. That was the impression I got from the petitions and letters which I have received on the subject.

Mr. GALLINGER. Mr. President, I desire to say simply one word more. I think the petitioners as well as the correspondent whose letter I filed for reference to the Committee on Military Affairs are well aware of the fact that some provision does exist for veterinary service in our Army, but their contention is, and I confess that after considerable investigation I think it is well grounded, that they ought to have higher rank and ought to have greater recognition than they are receiving at the present time, and be put on a practical equality with the veterinary corps of the armies of continental Europe.

Mr. HALE. I suppose all of us have been, to some degree, flooded by petitions upon this matter of the recognition of the rank of the veterinarians in the United States Army. I have been, for one, inclined to think that there is merit in it, and that to a limited degree such a recognition might be well in the Army as a part of its force.

But it does not stop with the veterinarians. I am now beginning, as I have no doubt other Senators are, to receive crowds of letters and petitions for Army dentists, to be made a part of the officer force of the Army; that there shall be a corps of dentists incorporated in the Army with rank, and with the significance that attends rank, the official recognition and the pay.

Mr. WOLCOTT. May I ask the Senator from Maine a question?

Mr. HALE. Certainly.

Mr. WOLCOTT. Does he think that there could be any more important adjunct to an army in the field than a dentist, who is also, in these late days, usually a university graduate, a specialist, and whose services, especially in an army in a remote country, are more vitally and more imperatively needed and in more instances than those of physicians, and can do more to alleviate human suffering?

Mr. HALE. I do not know but that that is true. I had not made up my mind about it, and I think there is force in what the Senator says. I do not know but that it applies, but I am going along gradually. I had not compassed as much speed as the Senator from Colorado has done. I had been rather converted to the need of improvement in the veterinary service, but it was a new idea to me that dentists should follow the Army. I do not know but that the Senator is right on that point.

Mr. CHANDLER. If the Senator will allow me, he could not have listened to a speech that I made here a year or two ago, when the Senator from Illinois reported, I think, a bill in favor of a corps of dentists, and I argued in favor of it on account of the kind of food we give our sailors and soldiers. We give them hardtack and tough meat, and if there is anything in the world we ought to do for our sailors and soldiers, it is to provide for their teeth. Now, the Senator omitted to read that speech.

Mr. HALE. I have no doubt I heard it, because almost any day I hear a very good speech from the Senator, and he must not expect me to segregate the speeches he makes on dentists from the speeches he makes upon other subjects. They are all good speeches. I do not know but that all of these innovations are right and are needed. Luckily, the Military Committee is rather a conservative committee, headed by my friend from Connecticut [Mr. HAWLEY], and they are not likely to embark in a very dangerous or wild project. But I hope they will consider all these subjects, and I am willing to announce now that for one, so far as the veterinary service goes, I am converted, not quite perhaps as to the dentists, but that will come later.

The PRESIDENT pro tempore. The letter and accompanying petition will be referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 4006) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. VEST. I move that the bill (S. 2258) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River which has been reported to the Senate from that committee and is now Order of Business 117 on the Calendar be indefinitely postponed, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 1393) for the relief of Thomas Paul, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, submitted a report to accompany the bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, heretofore reported by him.

Mr. CLAY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1806) for the relief of W. W. Riley, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Health and National Quarantine, to whom was referred the bill (S. 559) for the investigation of pollution of water supplies, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2870) concerning disbursing officers of the Subsistence Department of the Army, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 92) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse, reported it without amendment.

SUITS BY OFFICERS OF THE UNITED STATES.

Mr. HOAR. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887; and I ask for the immediate consideration of the bill.

Mr. COCKRELL. Let it be read for information.

The bill was read, as follows:

Be it enacted, etc., That no suit shall abate or be affected by the act of June 27, 1898, entitled "An act to amend sections 1 and 2 of the act of March 3, 1887," which was pending in any circuit court of appeals, circuit or district court of the United States at the time of the passage of said act; and all such suits which have been dismissed by reason of said act shall be restored to their places in such courts and proceeded with as if the same had not been enacted; and time within which an appeal or writ of error may be taken or prosecuted in any case affected by this act is hereby extended six months from the passage hereof.

Mr. COCKRELL. I should like to ask for information——

Mr. HOAR. I can state in one sentence the whole matter, if the Senator will permit me.

Mr. COCKRELL. I was going to ask if we have not already passed a bill similar to this measure?

Mr. HOAR. We did, but it did not get through the other House. That was at the last session, not at the present session. This is a House bill.

A few years ago, the date is given there, an act was passed authorizing suits to be brought in the several district courts for small sums against the United States. It was esteemed a great hardship to compel a claimant dwelling in California or Washington or Oregon to come to Washington before the Court of Claims for a claim under a thousand dollars.

Then, after that bill became the law, complaint was made from the Departments that that act was taken advantage of by officers of the Army to have their accounts settled in the courts, and to have suits against the United States instead of having them settled in the Departments; and accordingly the law referred to in this bill was passed, taking away the jurisdiction of the courts from suits brought by officers of the United States.

But that act did not except pending cases, so that under it, as the courts construed it, even matters where there had been adjudication below in favor of the official and an appeal had been taken, whether one was pending in the court of appeals by the United States or the reverse, the whole case was dismissed. This bill simply restores cases that were pending in the courts at the time of the passage of the law or cases which had been determined within the six months, when the right of appeal existed, from the operation of the act. It is a very plain case.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONTANA SENATORIAL INVESTIGATION.

Mr. CHANDLER. From the Committee on Privileges and Elections I report a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That there be printed and bound in one volume for the use of the Committee on Privileges and Elections 200 copies of the following documents:

1. Senate Document No. 2, Fifty-sixth Congress, first session, "Memorial of certain members of the Montana legislature;"
2. Senate Document No. 3, Fifty-sixth Congress, first session, "Memorial of citizens of Montana;"
3. An index giving the names of the witnesses included in the foregoing documents, with the paging;
4. Testimony taken before the Committee on Privileges and Elections prior to the time of printing; and
5. A temporary index of such testimony.

Mr. COCKRELL. Are those copies for the use of the committee solely?

Mr. CHANDLER. Solely for the use of the committee—200 copies.

Mr. COCKRELL. Would not the committee like to have other Senators have a copy?

Mr. CHANDLER. The committee, I think, do not care to print any more than that number at the present time, and they must have them in order to enable them to go on with their work properly.

Mr. COCKRELL. Is the evidence completed?

Mr. CHANDLER. It is all in type now. It is a mere matter of making 200 books and putting them together with an index.

Mr. HALE. The evidence is not completed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 3215) granting an increase of pension to Andrew F. Dinsmore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3216) granting an increase of pension to Moses F. Woods; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Moses F. Woods, with sundry affidavits and the record from the Pension Office and the War Department. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3217) granting a pension to Mary L. Jackson; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of the claimant, sundry affidavits, and the military record of James M. Jackson. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McMILLAN introduced a bill (S. 3218) to increase the pension of Elwin A. Scutt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3219) for the protection of subsurface pipes, cables, wires, and other metallic constructions in the District of Columbia from danger by electrolysis, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 3220) granting a pension to Helen Gillen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3221) establishing a clerical corps for the United States Navy and Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3222) relating to sundry officers on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McBRIDE introduced a bill (S. 3223) granting an increase of pension to W. R. McMaster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 3224) granting an increase of pension to Amos L. Hood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3225) to remove the charge of desertion from the military record of Michael Maher; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3226) to remove the charge of desertion from the military record of James A. Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3227) for the relief of the estate of Leroy C. Morris, deceased;

A bill (S. 3228) for the relief of the estate of Louis Delatte; and

A bill (S. 3229) for the relief of the estate of Abirie Duplantier or his legal representatives.

Mr. DEBOE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3230) granting an increase of pension to Margaret Davis;

A bill (S. 3231) granting an increase of pension to Hannah Markley;

A bill (S. 3232) granting an increase of pension to Alsie Robinson;

A bill (S. 3233) granting an increase of pension to Hans Castor;

A bill (S. 3234) granting an increase of pension to Mary Yowell (with an accompanying paper);

A bill (S. 3235) granting an increase of pension to Andrew Ferguson, of Louisville, Ky. (with accompanying papers); and

A bill (S. 3236) granting a pension to Russell M. Cole (with accompanying papers).

Mr. SIMON introduced a bill (S. 3237) to establish a mint of

the United States at Portland, in the State of Oregon; which was read twice by its title, and referred to the Committee on Finance.

Mr. DANIEL (by request) introduced a bill (S. 3238) for the relief of the St. George's Episcopal Church, of Fredericksburg, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 3239) for the relief of Richard Allston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HAWLEY introduced a bill (S. 3240) to increase the efficiency of the military establishment of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3241) fixing the rank of the Adjutant-General of the Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PERKINS introduced a joint resolution (S. R. 90) providing for the acquisition of certain lands in the State of California; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. McBRIDE submitted an amendment proposing to increase the salary of the superintendent of the Indian school at Salem, Oreg., from $1,800 to $2,000 per annum, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $20,000 for the erection of a brick dormitory at the Indian school at Salem, Oreg., and $1,000 for the erection of a cottage for the assistant superintendent at said school, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes; which was referred to the Committee on Pacific Islands and Puerto Rico, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment intended to be proposed by him to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes; which was referred to the Committee on Pacific Islands and Puerto Rico, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (S. 2571) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, cuttings, grafts, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment proposing to increase the allowance for support and civilization of Indians at the Mission Agency, Cal., from $1,500 to $10,000, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,600 for pay of Indian agent at the Mission Tule River Agency, Cal., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment directing the Secretary of the Interior to pay to Henry W. Lee $10,000 out of the moneys of the Winnebago Indians of Wisconsin, for services rendered by him to said Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to establish a consulate at Santillos, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment relative to the ratification and confirmation of all sales and conveyances of the lands of deceased allottees of the Peoria and Miami Indians by their heirs, which have been duly made and executed by such heirs, and duly approved by the Secretary of the Interior, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

TELEPHONE CHARGES IN THE DISTRICT OF COLUMBIA.

Mr. HALE. I submit a resolution, and ask for its consideration.

The resolution was read, as follows:

Resolved, That the Commissioners of the District of Columbia are hereby directed to send to the Senate all facts in their possession relating to the operation of the act of Congress which established rates for telephone service in Washington; what proceedings under said act have been taken in the courts; what decisions have been made therein, and whether legal proceedings have been carried by appeal in any case to the higher or highest courts.

Mr. HALE. Mr. President, in the last Congress, on the District of Columbia appropriation bill which was approved June 30, 1898, after a very close, animated discussion in this body, the provision was incorporated into that appropriation bill which I shall read. Senators will remember it, and they will remember the contest that took place on the floor:

Provided, That from and after the passage of this act it shall be unlawful for any person or any telephone company doing business in the District of Columbia to charge or receive more than $50 per annum for the use of a telephone on a separate wire; $40 for each telephone, there being not more than two on a wire; $30 for each telephone, there being not more than three on a wire, and $25 for each telephone, there being four or more on the same wire.

The provision that was put on in the Senate, passed the House, received the approval of the President, and became to appearance the law for these companies for the District of Columbia, which is legislated for by Congress. Congress is not only the legislative body, but the board of aldermen and councilmen and the law-making power for the District.

No provision of law could be plainer than that. It is not the first time that Congress has attempted to put on provisions controlling corporations and protecting the people. We tried it with reference to lights, to electrical appliances, and were impeded and our action destroyed by the courts, by some judge or other.

I see by the newspapers that this provision, not passed in a hurry, passed after full debate and ample consideration, has been seized and throttled by some judge, I do not know whom; I will not say, because I have not heard of him before, an obscure judge, for I will assume that he is a judge of some competent jurisdiction; but the action of Congress, I am told, has been arrested; the measure has been seized and the life of it struck out by some judge who has declared that Congress had no business to pass any such law, that it is unconstitutional. My resolution calls the attention of the District Commissioners, who are our representatives in the administrative part of this District, to these facts. I want to have reported to us what proceedings have been taken under that law; how much it was attempted to be made operative; how much the will of Congress was sought to be enforced, and if that will and the operation of that law was arrested at any time, by whom it was arrested, and, if in the courts, what proceedings were taken.

Did the District Commissioners direct the attorney of the Government, who represents the District and Congress, to appear in court and contest this case, or was it a case that went silently and easily and with a greased way to a decision which controverted and overthrew the act of Congress? Has an appeal been taken? Is the attorney of the District instructed to prosecute that appeal and to see whether, as to the government of this District, the protection of its citizens being lodged in Congress, as it has been, it is of any avail that Congress shall legislate upon the consideration of these matters or whether we may as well abandon all efforts in that direction?

The resolution is simple, and only calls for information. I hope nobody will object to it.

Mr. FORAKER. If the Senator will allow me to interrupt him, I ask him to what resolution he refers? I had not observed that a resolution had been introduced.

Mr. HALE. The resolution I have just introduced, and which has been read at the desk.

Mr. FORAKER. It has been introduced just now?

Mr. HALE. Just now.

Mr. FORAKER. I was not aware of that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine [Mr. HALE] for the present consideration of the resolution introduced by him?

Mr. GALLINGER. Mr. President, I do not rise to object to the resolution; in fact, I trust no objection will be made to it; I think we ought to have this information; but I do want to call the attention of the Senator from Maine to the fact that it is just possible that Congress in passing laws regulating corporations in the District of Columbia may go far beyond the line of propriety.

I have not read carefully the opinion of the judge to which the Senator from Maine alludes. I did casually glance at it, and I think the judge took the ground that the legislation in question was practical confiscation of the property of the company involved, and hence unconstitutional. I do not know that the judge ought to have decided the question as he did, even on that ground, and I am of the opinion that an appeal is to be taken—I have so read in the newspapers—to a higher court, where this matter will be again considered.

Mr. BERRY. Will the Senator permit me?

Mr. GALLINGER. Certainly.

Mr. BERRY. If the law be as it has been stated by the distinguished senior Senator from Connecticut [Mr. PLATT] who sits on the right of the Senator from New Hampshire [Mr. GALLINGER], I do not see how it is possible that a district judge here can

interfere. If I understand the Senator from Connecticut, he holds that the power of Congress in this District is absolute.

Mr. PLATT of Connecticut. I have said nothing about it.

Mr. BERRY. Not about this particular matter, but about something else.

Now, I am curious to know, if that be the case, how this judge has stopped an act of Congress which sought to restrict the telephone company in this District in its charges. I remember the bill very well, the fight we had upon the floor of the Senate regarding it, and the desperate efforts which were made to beat it; but, under the leadership of the distinguished Senator from Maine, we succeeded in ingrafting it into the law. If any judge has sought or attempted to stop the operation of that law, I think we ought to know his reason for it.

Mr. GALLINGER. I think, if the Senator will examine the opinion, he will find the decision was made on the ground of the unconstitutionality of the law; and I apprehend that is a valid ground.

Mr. BERRY. I certainly think so; but I say, according to the doctrine advocated by the Senator from New Hampshire and others on that side of the Chamber, you have asserted again and again that the power of Congress over the Territories is absolute and unrestrained by the Constitution. I say if the judge thought the law was unconstitutional, that was a valid ground for his decision; but I can not understand just how, holding the doctrine you hold, you can say so.

Mr. GALLINGER. We will discuss that later, when that question is up. It is not up now.

I simply rose to say that Congress does assume the right to legislate in regard to these matters. There is a great deal of agitation in regard to corporations in the District of Columbia, and I think a great deal of unwise and unjustifiable agitation. We have got the best street railroad system in the District of Columbia which can be found, perhaps, in the world, and the companies have spent millions upon millions of dollars to put their roads in the shape they are to-day; and yet almost every day, in one branch of Congress or the other, we hear of a bill which proposes to reduce the fare on those railroads to a point where, in all human probability, they could not be run even to make the stockholders whole. I suppose it is competent for us to say that 20 tickets shall be sold for 5 cents by those railroad corporations; but if we should do that, I hope there is, or will be, a judge somewhere or a court somewhere who would come to the protection of those corporations and say we have no right to confiscate their property. I think that is what was done in the decision in the telephone case. The decision may not be well grounded. On that point I can not speak advisedly, although I am inclined to think that the decision was a sound one. I trust the resolution will pass, and that we shall get from the District Commissioners all proper information on the subject.

The PRESIDENT pro tempore. The question before the Senate is, Is there objection to the consideration of the resolution at this time?

Mr. JONES of Arkansas. Let the resolution be read.

Mr. FORAKER. Inasmuch as the Senator from Maine has asked for the present consideration of the resolution, I should like to have it read.

Mr. HALE. Let the resolution be read, as some Senators, I find, have not heard it.

Mr. FORAKER. My attention was diverted for a moment. I did not hear it.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary again read the resolution submitted by Mr. HALE.

Mr. FORAKER. Mr. President, I wish to be indulged for a minute. Inasmuch as the resolution calls only for information, I have no objection to its being now considered and now adopted by the Senate; but I think it is opportune, in view of what the Senator from Maine [Mr. HALE] has stated, to call his attention to the fact, already stated by the Senator from New Hampshire [Mr. GALLINGER], that the decision of the court was placed on the constitutional ground that it was the taking of property without due process of law, amounting to confiscation, and that that was beyond the power of Congress to do.

In answer to the suggestion made by the Senator from Arkansas [Mr. BERRY], there is no difficulty whatever about this case, because by Congress the Constitution of the United States has been extended to and has been made to apply in the District of Columbia, as it has been to most of the Territories of the United States. But for that fact, Congress would be free to legislate with respect to affairs in the District without many, at least, of the limitations imposed by the Constitution according to the opinion of some Senators.

Mr. HALE. Does the Senator think that upon a matter where Congress has so plainly asserted its power and has made so plain a statute it should be countervailed by the decision of any inferior judge without taking an appeal to the higher or to the highest courts?

Mr. FORAKER. I think, Mr. President, in answer to the inquiry of the Senator from Maine, that it is not only competent, but it is the duty of any judicial officer in the District of Columbia having jurisdiction of the case to decide according to the law and the evidence; and if, according to the evidence adduced, the rates fixed by Congress would amount to the confiscation of property, it was his duty to so decide. It is a question for the district attorney, or the officer representing the Government, to determine whether or not he will appeal the case to a higher court. He may or he may not do that, according to his own judgment.

Mr. HALE. That is not my question.

Mr. FORAKER. I learn by reading the newspapers that the district attorney in this instance has taken an appeal to a higher court.

Mr. HALE. That I had not learned. That is part of the information I seek.

Mr. FORAKER. Of course, when the case gets to a higher court, so far as relates to the evidence it will be a question of fact for that court in so far as it will consider the testimony, as it was a question of fact in the court below to determine on the testimony adduced whether or not there was confiscation within the meaning of the constitutional provision in that regard.

Let me say further to the Senator from Maine that there is not anything unusual about this decision; on the contrary, our courts have been frequently called upon to decide the same question, and in many instances the same kind of decision has been rendered. This is not the first time in the history of legislation in the United States when legislative authority has gone farther in placing limitations upon the right of corporations of a quasi public character to make changes than it had a right in the judgment of the court to go; that they have gone so far as, in other words, to amount to confiscation, and that was held here.

Mr. HALE. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. HALE. If in a case like this——

The PRESIDENT pro tempore. The Chair would like the Senator from Maine to yield for one moment to have this question fairly before the Senate, as it is not before the Senate now. It is only a question of unanimous consent which is pending. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate. The Senator from Maine will proceed.

Mr. HALE. I do not want to take any more time of the Senate, but I wish to say that I concur in the view the Senator from Ohio [Mr. FORAKER] and the Senator from New Hampshire [Mr. GALLINGER] have stated, that in a case of this importance, where Congress has so clearly manifested its will, its purpose, the decision of no inferior judge should be allowed to arrest this law, to strangle it, and that the case should be carried to the highest courts. I have not read the decision, but lawyers who are about me here in the Senate say that it is an absurd decision. I would not pretend to pass upon that, Mr. President, if I had seen it; but the case ought to go to the farthest and highest courts. We want to know whether it is of any use for us here in Congress to legislate in that way for the inhabitants, the property, and the interests of this District against monopolies. If we can not, but if these monopolies can apply to a judge, and everything that we do is to be destroyed, we may as well know it. I shall not be content until the case is tried out in the last court of resort and we are there told that we can not pass any such act.

Mr. FORAKER. I certainly have no objection to the case being taken to a higher court, and I assume that it will be taken to a higher court if the officer charged with the defense of the case on the part of the Government judges that that is proper. No one has any objection to that, and in so far as this law is plain and there is no difficulty about interpreting it, that makes it all the more proper that it should be litigated to the end proposed; but that does not constitute any reason why the court should not render the decision it has rendered. The plainer the law the more important the decision and the more appropriate the decision, if the law amounts in its terms and provisions to a confiscation of property, as the court in this case has found.

Mr. PLATT of Connecticut. Mr. President——

Mr. FORAKER. I yield to the Senator.

Mr. PLATT of Connecticut. I thought the Senator was through. I do not wish to interrupt him.

Mr. FORAKER. I yield to the Senator.

Mr. PLATT of Connecticut. I do not think there is any valid objection to the passing of this resolution. I think the opinion called for ought to be laid before the Senate. It is entirely proper that we should be in the fullest possession of the facts. The only thing I take exception to is an inference which might be drawn from the remarks of the Senator from Maine [Mr. HALE], who wants to know whether a judge can arrest a law which has been passed by Congress relative to matters in the District of Columbia, and the Senator calls him "an inferior judge," as if some judges might have a right to do it, and others might not, dependent upon the character and standing of the judge.

Mr. CULLOM. And his rank.

Mr. PLATT of Connecticut. And the rank of the judge. This is a very plain matter, Mr. President. Congress passed a law—I do not know very much about the law and do not recollect about it—but I suppose all laws passed by Congress in reference to the District of Columbia are submitted to the courts when a case arises to determine whether those laws are valid or not; and if a judge, whether he be inferior or superior, thinks they are not constitutional, I suppose it is his duty to say so; and I do not think there should be any reflection upon him for saying so.

Mr. President, the courts of this country are the only thing that stands between us and confusion and anarchy, and I dislike to hear any reflection upon the decisions of a court. When a court decides that a law passed by Congress is constitutional or unconstitutional I submit my judgment to that decision, and I think all the people of the United States must submit their judgment to the conclusions of the courts. Some people did not agree with the conclusions of the high court which was created to determine whether or not a President had been elected; but, to the credit of the American people, they submitted to the decision of that court. I do not agree as a lawyer with the doctrine laid down in the Legal-Tender cases, but as a lawyer and an American citizen I submit, and submit cheerfully and gracefully, to the decisions of the Supreme Court of the United States or those of any other court which has final jurisdiction in the question of whether a law passed by Congress is or is not constitutional.

I agree, Mr. President, that the case in question ought to be appealed. If there is any question about whether the law was constitutional or not, I assume that the legal officers of the law will do their duty and appeal it, and that we shall finally have the decision of the Supreme Court of the United States as to whether the law passed by Congress was constitutional or not, but I do not see how we can complain of a judge, whether inferior or superior, whether learned or ignorant, because he has rendered a decision in a case presented to him that the law was unconstitutional; and it was with a view of taking exception to what I thought was an inference to be derived from the remarks of the Senator from Maine—that a judge had no right to pass upon the question of the constitutionality of a law passed by Congress, unless, indeed, he was a judge of superior rank and of high attainments—that I have made these remarks.

Mr. TILLMAN. Mr. President, our Republican friends seem to be divided here as to their opinion in regard to the power of judges. Sometimes they have great power and at other times they have none. I should like to ask the Senator from Ohio to answer me this question: Whether or not Congress can extend the Constitution over a District which the Constitution gives directly and exclusively to Congress—I mean the legislation controlling that District? I will read here the words in the Constitution in regard to the District of Columbia:

> To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

Now, if there is anything in this Constitution which gives Congress unlimited power anywhere, it seems to me it has got it in the District of Columbia.

Mr. SPOONER. Congress might have exclusive legislative power, but it has not power to enact unconstitutional legislation.

Mr. BERRY. That is what we say, but you all deny it.

Mr. TILLMAN. But you gentlemen contend, as I understand, that Congress has the power to go into a Territory and extend the Constiution there or not—that it shall never get there until we send it there.

Mr. SPOONER. I was not aware that that question was raised by the resolution. I am not referring to that.

Mr. TILLMAN. That question was not raised by the resolution itself, but we are simply discussing the constitutionality of the proposition of the Senator from Maine. He has asked why an act of Congress in regard to telephones in this District had been nullified by some little judge here in the District of Columbia, and it is said—I will not say boldly or brazenly; but, at least, it is not very clearly brought forward here—that some little District judge, a creature of Congress, can come forward and nullify that law and protect a monopoly in this District; and I want to ask you gentlemen who are contending that Congress has this omnipotent power how you are going to limit it here and then extend it everywhere else? You claim you have the power to extend it everywhere you please or limit it wherever you please.

Mr. FORAKER. Mr. President, the inquiry the Senator from South Carolina addressed to me is very easily answered. To begin with, the District of Columbia was originally part of the States of Maryland and Virginia, and the Constitution of the United States applied to this territory as a part of those States. There was never any act of Congress withdrawing the operation of the Constitution from the District of Columbia, but, nevertheless, by the act of February 21, 1871, establishing a government for the District of Columbia, it was thought proper by Congress to again specifically extend and apply the Constitution of the United States to the District of Columbia. I have the act before me, but am not able to point out at the moment the precise provision to which I refer. If, however, the Senator will take the trouble to examine the act, he will find the provision there as I have stated.

Now, Mr. President, the Constitution having been specifically extended and made to apply to the District of Columbia, there can not be any question about Congress being bound in the District of Columbia—I mean in the matter of legislating for the District of Columbia—by the limitations and provisions of the Constitution.

I do not agree, as suggested by the Senator, that when the Constitution has not been made to apply to territory by the United States the Congress is bound by it, except only by certain general negations which are found in the Constitution.

Mr. TILLMAN. The Constitution itself, which you say was extended over the District of Columbia by act of Congress, expressly extends the Congressional legislation without any limitation over the District.

Mr. FORAKER. That is very true. That made it competent for the Congress of the United States, in determining what should be the law of the District of Columbia, to say that the first law should be the organic law of the Union, the Constitution of the United States; and when the Congress of the United States extended the Constitution of the United States to the District of Columbia and made it apply it did nothing more than to say that the Constitution should be the law.

Mr. TILLMAN. It did not say so.

Mr. FORAKER. The Constitution of the United States provided that Congress should say what should be the law in the District of Columbia, and that made it constitutional for the Congress of the United States to say that the Constitution itself should be the law in the District of Columbia. When Congress saw fit to exercise that power and make the Constitution of the United States the law in the District of Columbia, it made all the provisions and limitations of that Constitution apply here to Congressional legislation.

Mr. TILLMAN. We contend that the Constitution applies to the District of Columbia the same as it applies to every other particle of territory belonging to the United States, and that it has always done so, and that this limitation applies only to laws under that Constitution. Now, you say that Congress can apply the Constitution or extend it over the Territories by legislative act.

Mr. FORAKER. Well, Mr. President, what I say is that the mere acquisition of territory by the United States does not make the Constitution applicable to it, but that it is a question for the Congress of the United States to determine whether or not the Constitution of the United States shall be extended to it and be made to apply. I know that this is a controverted question; but I want to say to the Senator and to others who have the same view he has expressed—and I know others do—that there is an abundance of precedent for both extending and withholding the Constitution. The Constitution of the United States was never extended by act of Congress to any Territory of the United States until we came to provide a Territorial government for New Mexico in 1850; and it was then in order that slavery might have recognition such as the Constitution gave in that and other territory that it was insisted and finally carried that the Constitution should be by express terms extended to that Territory.

Now, however, let me read, while I have it before me, the provision that I referred to a moment ago, found in the act of February 21, 1871, providing a government for the District of Columbia. It is found at the end of section 34 of that statute, and reads as follows——

Mr. TILLMAN. What year?

Mr. FORAKER. Eighteen hundred and seventy-one.

Mr. TILLMAN. How did the District get along from 1788 to 1871?

Mr. FORAKER. As I said a while ago——

The PRESIDENT pro tempore. Senators must not interrupt a Senator on the floor without first obtaining the recognition of the Chair. The Chair hopes that Senators will observe that rule.

Mr. FORAKER. As I said a while ago, the District of Columbia was originally part of the States of Virginia and Maryland. The Constitution applied to them, of course, as they belonged to the Union, and the Constitution was their organic law. After the District of Columbia was carved out of those States the Constitution was not withdrawn by any specific act of Congress, whether it remained in force or not.

Mr. TILLMAN. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I hope the Senator will allow me a moment until I conclude. I prefer not to be interrupted, at least until I finish the sentence.

Mr. TILLMAN. Just one moment.

Mr. FORAKER. No; I do not yield now.

No act of Congress was passed withdrawing the District of Columbia from the Constitution, and whether or not it was withdrawn by the fact that it was taken out from and no longer was a part of those States would be a question perhaps about which lawyers would differ, because it was recognized that there was ground for a difference of opinion. But when Congress came to legislate, in 1871, to create a government for this District, that provision, as I was about to read, at the end of section 34, is as follows:

And the Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said District of Columbia as elsewhere within the United States.

Subsequently, in 1874, when the government provided by that act was done away with, that act was repealed, except as to that provision and possibly some others, but that provision of the act was not repealed. It has continued in force ever since, and it is in force now. Because of that provision of that statute there is no room to question but that the Constitution of the United States stands first and foremost as a statute law of this District (if I may use that expression in that connection without being misunderstood), and it was competent for Congress, as the Senator has pointed out, by the Constitution itself to say what should be the law in the District of Columbia, and Congress saw fit to say in the District of Columbia the Constitution itself should be the law.

That being the case, we are bound, when we legislate here, by the limitations and restrictions of the Constitution; and if we undertake to pass a bill or make a law which interferes unjustly with property rights, we trespass and go further than we have a right to go under the Constitution, and it is the duty of the courts in construing that statute to decide as in their judgment may be right and just and equitable.

Mr. TILLMAN. Now will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield?

Mr. FORAKER. Yes, sir.

Mr. TILLMAN. How could the Constitution of the United States apply to this District or to any other district when it was not itself in existence?

Mr. FORAKER. When what "was not itself in existence?"

Mr. TILLMAN. When the Constitution itself was not in existence. The very first organic law which was framed was submitted to the people for ratification; it had no entity or being or life until it was ratified; and yet that provision there, you say, applied to the power of Congress, limited it and changed it—first gave it and then withheld it?

Mr. FORAKER. Well, Mr. President, I am unable to appreciate the difficulty which the Senator now seems to have. I do not understand that the District of Columbia was before the Constitution in the sense in which the Senator speaks.

Mr. TILLMAN. There was no District of Columbia at the time, and there was no Constitution either; but the Senator from Ohio said that this thing had applied to the District of Columbia, which was then a part of Maryland and Virginia, and that this corporation here is subject to our legislative jurisdiction.

Mr. FORAKER. However that may be, Mr. President, there can not be any question about the Constitution being in force here now.

Mr. TILLMAN. Nobody doubts that at all. The only question is whether this judge, who has a limited jurisdiction, has nullified the act limiting the telephone monopoly; whether this little fellow over here, whom we have created, has power to stop our legislation before the Supreme Court of the United States has declared it to be unconstitutional.

Mr. FORAKER. Only one word in answer to the Senator. I do not understand exactly what the Senator means. I do not know whether he intends to claim that the District of Columbia was constituted before the Constitution or not.

Mr. TILLMAN. No; I said the Constitution constituted the District of Columbia when it should be ceded to the United States, and it gave Congress omnipotent jurisdiction to legislate for such District.

Mr. FORAKER. But the District of Columbia was not ceded until after the Constitution was adopted and went into operation, and until it was ceded, from the time the Constitution was adopted, it applied and was in force in the District of Columbia.

Mr. TILLMAN. Then the rule of action in this District has been that of Congressional power and not of constitutional right up to 1871. Is that what the Senator intends?

Mr. FORAKER. It never has been withdrawn, and it was again by act of Congress made to apply in 1871, so that we have the Constitution in operation here. It is in operation here because Congress, which has plenary power under the Constitution to legislate for the District of Columbia, saw fit to make it apply.

Mr. RAWLINS. Will the Senator from Ohio yield to me?

Mr. FORAKER. I do.

Mr. RAWLINS. Do I correctly understand the Senator from Ohio to say that the Constitution in the District of Columbia, being extended thereto by an act of Congress, simply has the force of an act or a statute of Congress and may be repealed or modified at the pleasure of Congress? If I do so understand the Senator, how would it be possible for any court in the District of Columbia or elsewhere to hold that a recent, late act of Congress could be nullified by a prior act of Congress because inconsistent with it, it always being competent for Congress to repeal any statute that it may have enacted?

Mr. FORAKER. When I used the expression "the first statute," I remarked in that connection that I hoped I would not be misunderstood. I did not mean to have it understood that I regarded the Constitution when extended as nothing more than a mere statute; but what I meant to be understood as saying was that it is competent for Congress to extend it or not; and if Congress sees fit to extend the Constitution, of course Congress is bound by it as the first organic law of that territory, as it is the organic law of the Union, and all subsequent legislation of Congress, so long as the Constitution may remain the supreme law in the territory, must be measured by it.

Mr. RAWLINS. Will the Senator permit another question?

Mr. FORAKER. Certainly.

Mr. RAWLINS. If the Constitution in the District of Columbia or in a Territory outside a State has for its sole basis an act of Congress which Congress may at any time repeal, how can the creature be regarded as higher than the creator?

Mr. FORAKER. I do not know that I exactly understand the Senator.

Mr. RAWLINS. Does not the Constitution in every case rest upon the consent and authority of the people of the United States to be enforced as they intended it, to be enlarged or qualified only according to the methods which that instrument provides for its own amendment?

Mr. FORAKER. I understand that the Constitution is the organic law of the States in the Union, and it can be made the organic law of territory outside of the Union of States if Congress sees fit so to provide. Wherever the Constitution is extended and made to apply it is, of course, the rule of action.

Mr. CHILTON. Will the Senator from Ohio yield to me?

Mr. FORAKER. Certainly.

Mr. CHILTON. I did not understand the answer of the Senator from Ohio. Does the Senator contend that Congress can withdraw the Constitution?

Mr. FORAKER. It has not been necessary for anybody ever to consider the question whether or not, when the Constitution has once been extended, it can be withdrawn. I apprehend there would be some difficulties because of vested rights and other questions that might arise—vested rights, I mean, on account of what might be done under the Constitution while in force. I think the Constitution, having been once extended, would remain in force and in operation there. But that question has never arisen and it has never been passed upon. The other question has been, it seems to me, over and over again.

Mr. CHILTON. It seems to me to be a very important question, because if Congress has the right to push the Constitution into the District of Columbia, that power would carry with it the corresponding right to take it away, so far as future concerns were related.

Mr. FORAKER. I think it would, perhaps. It is a question I have never investigated. The other question I have. The relative right to take it away would seem, upon general principles, to go with the right to extend it.

Mr. CHILTON. It seems to me there is much force in the suggestion of the Senator from Utah, that if the Constitution came into the District of Columbia by virtue of an act of Congress, any subsequent act of Congress would pro tanto operate as a repeal of the constitutional jurisdiction over the District, and hence, that the Constitution would be wholly within the power of Congressional action under that theory.

Mr. FORAKER. Even if that were so, it would not make any difference in the case that led to this debate, because, according to general principles of equity and the spirit of our institutions, the Congress would be restrained from enacting a law that would take property without due process.

Mr. LINDSAY. Mr. President, this debate seems to be purely academic. The question whether or not an appeal shall be taken from the judgment of one of the courts of the District of Columbia declaring an act of Congress unconstitutional does not at all depend on the settlement of the question we have had under discussion.

Mr. CHILTON. Is not almost everything that comes up here academic?

Mr. LINDSAY. A great deal of it is.

I wish to state that my opinion is that the rule applicable to the District of Columbia rests on essentially different reasons from those applicable to the Territories acquired since the formation of the Federal Constitution. When nine States ratified the Constitution, the Constitution took effect in all those nine States

and in every inch of territory embraced by those nine States. Now, there was nothing in that Constitution which authorized Congress to withdraw the protection and limitations of the Constitution from any portion of those nine States in the exercise of the delegated power to acquire a district to be known as the Federal District.

Among the powers conferred on Congress was the power "to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States." The cession was to be made by a State or States. The district was to be within the boundaries of particular States, not in the Northwest Territory, not in any Territory that had not been organized into a State, but the cession was to be made by States, and Congress took what power? Not exclusive jurisdiction over that territory, independent of the constitutional protection and limitations that existed before. Congress took the power "to exercise exclusive legislation in all cases whatsoever over such district;" that is, it was to legislate independent of State constitutions. It was to take the place of the State legislatures. It was to exercise all the power of legislation that existed in the States, and the power of legislation was such as was not prohibited by the Constitution of the United States. The same rule is applied to other territory that Congress may acquire from the States for other purposes.

Congress is "to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;" and

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

So these provisions apply exclusively to territory within the States, the people of which were already entitled to the protection of the Constitution, and there is nothing in the grant which indicates that under any contingency, or by the consent of any legislature, authority was to be given to the Congress of the United States to exceed the powers conferred on it by the Constitution. The reason for that rule does not apply to territories is subsequently acquired by treaties with other nations. They stand upon a footing essentially different in point of fact. Whether the same rule applies or not I do not now propose to discuss, but I do say that the reasons for the rule and the facts upon which the rule is founded are essentially different.

In 1849 an amendment was proposed to an appropriation bill to extend the Constitution to the territories acquired under the treaty with Mexico, and Mr. Webster, who has been quoted here frequently upon the subject, made the point that the Constitution could not be extended to any Territory by act of Congress or otherwise; that the Constitution applied to States and not to Territories, and that the only way to apply the Constitution to any Territory other than that we held at the time the treaty of peace with Great Britain was made was to admit such Territory into the Union as a State, and to that extent the Constitution might be extended to new territory.

Mr. Calhoun denied the proposition in its fullness and claimed that the appropriate provisions of the Constitution applied to all territory within the dominion of the United States; but Mr. Calhoun did not pretend to say that all the provisions of the Constitution, all the limitations of the Constitution, all the guaranties of the Constitution extended over the Territories of the United States, but only those which were necessary or proper or appropriate, leaving at last to Congress to determine which are necessary, which are appropriate, which are proper to be extended.

Mr. VEST. May I ask the Senator from Kentucky a question?

Mr. LINDSAY. Certainly.

Mr. VEST. The Senator from Kentucky has correctly stated the positions of Mr. Webster and Mr. Calhoun in regard to New Mexico, but did not Chief Justice Marshall, in the case of Loughborough *vs.* Blake, in 5 Wheaton, decided long before the New Mexican question came up, emphatically decide that wherever the jurisdiction of the United States extended the Constitution went proprio vigore? Has that decision ever been reversed?

Mr. LINDSAY. I will say that the language of Chief Justice Marshall in the case to which the Senator has reference may bear the interpretation he puts on it, but that case arose in the District of Columbia, where the Constitution had been applied by its ratification by the States of Maryland and Virginia.

Mr. VEST. I ask the Senator's pardon for interrupting him again. I quote from memory, but I am entirely responsible for the accuracy of the statement. I have read that decision over and over again, and had it here in connection with the first speech I made during the last Congress upon the island question. Did not Chief Justice Marshall in that decision in 5 Wheaton use this language. I undertake to quote it nearly verbatim. I grant that the question in that debate was as to the District of Columbia, but did not the Chief Justice say the Constitution applies not only to the District of Columbia, but to all the territory west of the Mississippi River as much as it does to the States of Virginia and New Jersey?

Mr. LINDSAY. Now, as I remarked, I am willing to say that the language of the Chief Justice in that particular case will bear that construction.

Mr. VEST. Is not that the exact language?

Mr. LINDSAY. But what I mean to say is that the question there arose in the District of Columbia, a District to which the Constitution had always applied; to a people who had always been entitled to the protection of the Constitution, and all that Chief Justice Marshall said about the territories west of the Mississippi River was beyond the question before the court and not called for by the case in hand.

Mr. VEST. The Senator says it was obiter dictum?

Mr. LINDSAY. That Judge Marshall was a great jurist, that Judge Marshall was a great constitutional lawyer, no man will deny, but that every extrajudicial opinion expressed by Judge Marshall is to be conclusive on all posterity I absolutely deny.

Mr. RAWLINS. Will the Senator from Kentucky yield to me?

Mr. LINDSAY. In a moment. If Mr. Webster had any distinguishing character at all, it was as a constitutional lawyer, and Mr. Webster generally followed in the footsteps of Chief Justice Marshall; but long after that case had been decided Mr. Webster claimed that the Constitution applied to no territory and could be applied to no territory outside of the original limits of the United States except by admitting that territory into the Union as a State. Now I will yield to the Senator from Utah.

Mr. RAWLINS. I would ask the Senator how he explains these decisions made by the Supreme Court of the United States arising in territory acquired by treaty with Mexico—the decision holding that under the Constitution of the United States and by reason of its force in the territory Congress could not authorize the punishment of a man twice for the same offense; that Congress could not pass as applicable to that territory any bill of attainder; that Congress could not authorize in a case arising at common law, the value of the thing in controversy exceeding $20, a trial other than by a jury of twelve men; decisions of the Supreme Court of the United States holding that no man can be put upon trial for an offense committed in such territory except he was informed of the cause and nature of the accusation; that he was entitled to be confronted with the witnesses and to a trial before an impartial jury of twelve men? I ask the Senator how he can explain all these numerous cases involving the points which I have mentioned and others to which I could make reference if his contention now is correct.

Mr. LINDSAY. I stated at the outset that Territories occupied a relation to the General Government different from that occupied by the District of Columbia. The academic question we have under discussion is the power of the judge to decide that an act of Congress affecting the District of Columbia is unconstitutional. I have undertaken to show that the Constitution always applied to the District of Columbia and that no department of Government has ever undertaken to withdraw it, and that there was no delegation of authority to the Congress of the United States to withdraw it when the cession was made.

It is not my business to-day to answer all the points made by the Senator from Utah, but Congress has time and again held, and the Supreme Court has more than once decided, and in cases applicable to the Territory of Utah, that the power of Congress over the Territories is plenary, so far as any power can be treated as plenary.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. LINDSAY. Certainly.

Mr. RAWLINS. It has held in respect of the right of suffrage, the power of government, the franchise to vote, which were not conferred by the Constitution, that the power of Congress is plenary; but as to all civil and personal rights guaranteed by the Constitution Congress in legislating for a Territory is as much limited in that regard by all the provisions of the Constitution in a Territory as in a State.

Mr. HALE. Will the Senator from Kentucky allow me?

Mr. LINDSAY. Certainly.

Mr. HALE. Mine is only a practical suggestion, and that is that this resolution of mine, referring to telephone rates, shall be allowed to pass, and that then this wider debate shall be permitted to roll on by unanimous consent. Let my resolution be passed, and considerable of the interest I have in the occasion ceases.

Mr. TILLMAN. We will take care of the resolution.

Mr. LINDSAY. I feel that the request of the Senator from Maine is a little inopportune——

Mr. HALE. It may be.

Mr. LINDSAY. As I am put upon the duty of answering an inquiry made by the Senator from Utah. As soon as that is done I am willing to adjourn this debate until some time when it will be pertinent to a question pending before the Senate.

Mr. HALE. I am delighted to listen to the Senator from Kentucky, only I do not want my resolution to be wholly forgotten.

Mr. TURNER. Will the Senator from Kentucky yield to me?

Mr. LINDSAY. Certainly.

Mr. TURNER. I want to ask the Senator whether in any of the decisions of the Supreme Court holding that the Constitution applied to the District of Columbia they placed it upon the ground that he now places it?

Mr. LINDSAY. I am not prepared to say that they have.

Mr. TURNER. Has that ground ever before been discovered?

Mr. LINDSAY. There is one thing that seems to have been forgotten, and that is that the Supreme Court was not set apart by the Constitution to bind all the people of the United States by all disquisitions it may seem proper to make on a question of constitutional law. The case before the Supreme Court is the case the Supreme Court has the right to decide, and its judgment in that case binds all the people of the United States; but it does not take from the Senate of the United States or from the Congress of the United States or from the President of the United States the right to exercise his or their judgment as to what the Constitution is when we come to apply it to a new and independent state of facts.

In 1849 the Constitution was by act of Congress extended to the Territories acquired from Mexico, and I incline to the opinion, although the Supreme Court has not so decided, that once a people become entitled to the protection of the Constitution, once a Territory is brought under its beneficent provisions, it is not in the power of Congress afterwards to deny their benefits to that people, and that any legislation denying them that protection may be held to be invalid as against the Constitution. But in the case to which I refer the Supreme Court did not put its decision on the ground that it was bound by the Constitution, but held that certain things could not be done because they were against the spirit of free institutions.

I for one wish now to protest against the idea that our personal rights to life, liberty, or property grow out of any provision of the Federal or any provision of the State constitution. They were preexisting rights. We had them before we framed a constitution. We rebelled against Great Britain because the Government of Great Britain would not recognize those rights, and when we formed our State constitutions and when we formed our Federal Constitution, their guaranties were intended to protect and perpetuate preexisting rights, and we do not have to go to any constitution to find those rights.

Mr. HOAR. Before the Senator from Kentucky sits down, I should like to ask him a question. I was very much interested in what he said, and especially in his statement that the Constitution did not apply proprio vigore to any Territory and the inhabitants there could only get rights under it by an act of Congress and that Congress, having extended the Constitution by proper enactment to the Territory, could not afterwards repeal that act. Will the Senator be good enough, if he is willing, to state his reasons for that proposition, which is very interesting to me?

Mr. LINDSAY. I prefer at some future time to discuss that question, and I will then undertake to give what I think will be a satisfactory reason to the Senator from Massachusetts.

Mr. HOAR. It seems to be a great pity to have the matter go out under the great authority of my honorable friend, who is a great constitutional lawyer and jurist, without having the reason on which so interesting a proposition is based stated also, in a word or two, at least. Will not the Senator give us a hint of his reason?

Mr. LINDSAY. It will go out just as any opinion goes out in a purely academic discussion, and I prefer, as I expect in the future to discuss all these questions, to treat this matter as I think it deserves to be treated and not to give reasons at this time, which deserve more deliberate consideration.

Mr. HOAR. Academic discussions may be taken part in by freshmen or sophomores or juniors or seniors. Now, the Senator is a senior, a post-graduate of great distinction of the academy of which he is now a member. I wish before his graduation that he would expand that thesis of his a little, if he will.

Mr. LINDSAY. This has been a Government of expansion.

Mr. HOAR. Oh, yes. I thought that is what it would lead to. I am satisfied now.

Mr. LINDSAY. We have expanded and extended the application of constitutional law. Mr. Jefferson did not believe we could acquire any territory without an amendment to the Constitution. Yet all of the departments of Government have overruled his opinion. Mr. Jefferson did not believe we could create a State out of territory not included in the original boundaries of the United States, but we have advanced over that doctrine and have admitted a number of States out of territory acquired since the adoption of the Constitution. Mr. Webster did not believe that by act of Congress we could extend the Constitution over a territory except by admitting the territory into the Union. Mr. Webster was overruled in that regard, and the Constitution was extended, and now the only question is whether, its beneficent provisions having once been given to a people recognized as American citizens, the power exists in the Congress to withdraw it. I say from the very nature of the grant it is a grant which can not be withdrawn without a gross violation of faith, and it may well be held that Congress possesses no power to violate faith as between the Government of the United States and people once clothed with the citizenship of the United States.

Mr. FORAKER. Mr. President, I desire to say a word in answer to the inquiry addressed to the Senator from Kentucky by the Senator from Utah [Mr. RAWLINS], and also a word in answer to the inquiry addressed to him by the Senator from Washington [Mr. TURNER]. All the decisions recited by the Senator from Utah were involved in cases arising in territory to which the Constitution had been by express act of Congress extended and made to apply as the governing rule of action. It seems to me that distinguishes the cases quoted from everything else that has been said or contended for in this discussion by those who entertain the view opposed to that I have undertaken to present.

Now, in answer to the inquiry propounded by the Senator from Washington [Mr. TURNER], which contained a statement that this denial of the power of the Constitution ex proprio vigore to extend to newly acquired territory is newly invented, let me say to him that I happen to hold in my hand a very succinct account of the introduction into American politics of the idea that the Constitution does extend ex proprio vigore to newly acquired territory, and it is by an authority which Senators here will recognize as competent. I read from the second volume, page 713, of Mr. Benton's Thirty Years in the United States Senate. He says, speaking of the debate that occurred in the Senate in 1850 over the admission of California and the creation of Territorial governments for New Mexico and Utah, that—

> A new dogma was invented to fit the case.

It will be remembered that Mr. Calhoun was contending that the legislation should be such as not to deny to slavery the right to be extended into that Territory.

> A new dogma was invented to fit the case—

That, Mr. President, according to Mr. Benton, is the first time that this idea that the Constitution extended ex proprio vigore was ever heard in our political debates. He says:

> A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress; failing in those attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it. * * *
>
> History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress.

We at the same time, Mr. President, have a refutation in this language beyond that which was imputed by the inquiry of the Senator from Washington, and at the same time we have also a history of the introduction into American politics of the doctrine that the Constitution made for the States extends proprio vigore beyond the States. We have at the same time also a most excellent opinion from a very competent man as to the view that should be entertained with respect to the question. I will not delay the Senate longer.

Mr. CAFFERY. Mr. President, the point raised by my friend from Kentucky [Mr. LINDSAY] is a very interesting one, that the Constitution of the United States only existed in the District of Columbia prior to the act of 1871, because that Constitution was a part of the law, or was the organic law itself, of the States ceding to the United States the territory out of which the District was formed; and he holds that the Constitution, having once extended over the territory of the United States, it can not be withdrawn. He holds further that these personal rights guaranteed in the Constitution exist independently of all constitutions, and the United States Constitution guaranteeing them adds nothing to their force and effect.

Now, Mr. President, as a corollary from the first proposition, he holds that the Constitution of the United States does not extend to the Territories, because it was not there in existence when the United States acquired them and has to be extended there after the acquisition. Under the theory that I understand my honorable friend to hold, the Constitution, being a part of the organic law of Virginia and Maryland, extended to the District, proprio vigore, but all other enactments of Virginia and Maryland of a legislative kind did not.

Mr. LINDSAY. All remained in force until repealed by act of Congress.

Mr. CAFFERY. Very well. Congress could repeal any of the then laws of Virginia and Maryland, according to the Senator, but Congress could not itself withdraw the Constitution. That distinction is made with a view of holding to the principle that

as the Constitution has never extended to our other Territories, therefore its extension to them is a matter of legislative wisdom and legislative grant.

When Virginia and Maryland ceded to the United States, a distinct power from the States, a part of their territory, every vestige of the law of Virginia and Maryland ceased at that moment, unless the United States Government itself chose to reenact those laws or chose to adopt them. Why did the Constitution stay in the District of Columbia? It was by grace of the Congress of the United States under the theory that the Senator from Kentucky holds. Whenever a territory is ceded to a new sovereignty, the sovereignty of the old jurisdiction departs. The sovereignty of Maryland and Virginia was gone; the new sovereignty of the United States attached; and under the Constitution of the United States as interpreted here upon this floor the Congress of the United States is absolutely supreme in the Territories, unchecked by any constitutional provision. You could not get over the difficulty by saying that the District of Columbia brought with it the Constitution of the United States.

The District of Columbia did not, under the theory of some, bring with it the Constitution of the United States any more than it brought with it the laws of Virginia and Maryland; and if these laws could be repealed by the legislative action of Congress, the Constitution itself could have been withdrawn. What was to prevent it? How did the Constitution act ex proprio vigore in that instance and not act in all? The proponents of the theory of Congressional sovereignty are constantly met with this obstacle. They deny the action of the Constitution of the United States in extending itself, and in order to get the District of Columbia under the ægis of the Constitution they have to invent a theory, and that theory is counter to all law regulating the cession of territory to other States.

Now, so far as Virginia and Maryland are concerned, the United States is a distinct sovereignty, and the United States was no more bound by any organic or legislative law of those States than it is bound to-day in regard to the Philippines or Puerto Rico or any of its possessions; not a particle. They stand on the same basis.

And, Mr. President, what about these personal rights? The Declaration of Independence sets out broad principles of individual rights—that every man is entitled to life, liberty, and the pursuit of happiness. But would the Senator from Kentucky contend that ex proprio vigore trial by jury was to be had in the Territory to protect those rights? These rights exist independent of constitutions, but laws are made to execute these rights, to preserve these rights, to maintain these rights. If the Constitution proprio vigore carries these personal rights into the Territories, the Constitution goes as a whole into the Territories—the provision relative to personal rights and every other constitutional provision.

Mr. HALE. Mr. President, has the Senator from Louisiana finished?

Mr. CAFFERY. I have about finished.

Mr. HALE. I was going to suggest that he will be cut off, as everything will, at 2 o'clock and that this little resolution of mine that is waiting be adopted now.

Mr. CAFFERY. I will yield to the Senator.

Mr. HALE. I ask that a vote be taken.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HALE. Now, let the debate go on, Mr. President. [Laughter.]

HOUSE BILL REFERRED.

The bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

RESOLUTIONS PASSED OVER.

The PRESIDENT pro tempore. The Chair lays before the Senate three resolutions coming over from an earlier day and retaining their place by unanimous consent on account of the sickness of two Senators, the Senator from Nebraska [Mr. ALLEN] and the Senator from South Dakota [Mr. PETTIGREW]. What shall be done with them?

Mr. PLATT of Connecticut. That arrangement ought to be continued, I think, until the Senators are able to be in the Senate.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that these three resolutions retain their place, without prejudice, until the Senators return to the Senate. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the joint resolution (S. R. 83) increasing the limit of cost of the new building for the Government Printing Office, to meet the increased prices of building materials, and to permit of making the south end of the power-house extension of the same height as the main building.

TERRITORY OF HAWAII.

Mr. CULLOM. It is so nearly 2 o'clock that in the absence of anything else apparently that is ready for consideration, I will call up Senate bill No. 222, to provide a government for the Territory of Hawaii.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I ask leave to make a few formal amendments to the bill which I did not have made on last Friday. I ask that they be made now. These are simply to connect the statutes which are repealed.

On page 3, line 21, after the words "sections thirty to thirty-three," I move to insert "inclusive."

On page 4, line 1, after the words "sections one hundred and fifty to one hundred and fifty-six," I move to insert "inclusive."

On page 5, line 4, after the words "eleven hundred and seventy-eight," I move to insert "inclusive."

On the same page, line 8, after the words "thirteen hundred and fifty-four," I move to insert "inclusive."

On the same page, line 9, after the words "fifteen hundred and fourteen," I move to insert "inclusive."

On the same page, line 15, after the words "seventeen hundred and fifty-eight," I move to insert "inclusive."

On the same page, line 17, after the words "eighteen hundred and thirty-two," I move to insert "inclusive."

On the same page, line 19, after the words "sixty-seven," I move to insert "inclusive."

On the same page, line 21, after the words "three hundred and seventy-one," I move to strike out "to" and insert "and."

On the same page, line 23, after the words "four hundred and thirteen," I move to insert "inclusive."

On page 6, line 1, after the words "six hundred and five," I move to insert "inclusive."

On the same page, line 6, after the words "seven hundred and fifty-five," I move to insert "inclusive."

On the same page, line 7, after the words "eight hundred and nine," I move to insert "inclusive."

On the same page, line 10, after the words "eight hundred and fifteen," I move to insert "inclusive."

On the same page, line 12, after the words "nine hundred and six," I move to insert "inclusive."

On the same page, line 15, after the words "eleven hundred and seventy-nine," I move to insert "inclusive."

On the same page, line 16, after the words, "twelve hundred and nine," I move to insert "inclusive."

On the same page, line 17, after the word "seventy-six," I move to insert "inclusive."

These amendments are simply to make certain the chapters or sections that are to be repealed.

The amendments were agreed to.

Mr. CULLOM. Mr. President, I did not intend, when this bill was last before the Senate, to make any remarks at all, except as they might be called forth in the consideration of the different sections of the bill. But since that time I have concluded that perhaps I ought to say a few words in a general way in reference to the measure as a sort of introduction to the consideration of the bill itself. It is perhaps expected that some member of the Committee on Foreign Relations of the Senate should say something, in advance of its consideration by the Senate generally, about the bill reported to the Senate and which is now before this body; and as the distinguished Senator from Alabama [Mr. MORGAN] and myself were on the commission appointed by the President to recommend to Congress such legislation concerning the Hawaiin Islands as the commission should deem necessary or proper, it is perhaps expected of us especially to explain the bill.

Going back to a period beyond the passage of the joint resolution annexing the islands, it might be well to say that the joint resolution recited the language in part of the treaty of annexation concluded at Washington on the 16th of June, 1897, where the preamble to the resolution states that the Republic of Hawaii ceded absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also ceded and transferred to the United States the absolute fee and ownership of all public, government, or crown lands, public buildings, harbors, etc.

I desire to say that the language used in the joint resolution was the same language substantially as that used in the treaty which was ratified by the Hawaiian government, but finally not ratified by the Senate of the United States; but the joint resolution was taken up and passed in place of the treaty; so that when the joint resolution in its whereas recites what the Hawaiian government did, it relates to the treaty which had been ratified by the Hawaiian government.

The joint resolution declared also that said cession is accepted, ratified, and confirmed and that the islands and their dependencies are annexed as part of the territory of the United States and subject to the sovereign dominion of the United States. The joint resolution of annexation also provided that the laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but that the Congress of the United States should enact special laws for their management and disposition, and that all revenue from or proceeds of the same should be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. CULLOM. Certainly.

Mr. LINDSAY. With the Senator's consent, I will ask him whether the provisions of the joint resolution of the two Houses of the American Congress were ever ratified or accepted by any legislative action on the part of the government of Hawaii?

Mr. MORGAN. They were.

Mr. CULLOM. I think they did accept it.

Mr. MORGAN. Yes.

Mr. CULLOM. As I said, the joint resolution followed the voluntary cession by the Hawaiian government, as expressed in the treaty which we failed to ratify.

Mr. LINDSAY. The treaty failed?

Mr. CULLOM. The treaty failed here.

I will not discuss the other provisions of the joint resolution further than to say that the public debt of the Republic of Hawaii, existing at the date of the passage of the joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, should be assumed by the Government of the United States, but the liability of the United States in this respect should in no case exceed $4,000,000.

Mr. President, the commission charged with the duty of investigating and reporting to Congress undertook the duty imposed upon it by the act, and made their report, which is before the Senate, and a year and more ago reported the bill which was referred to the Committee on Foreign Relations, considered and reported to the Senate, but not acted upon by the Senate during that session, but which was reintroduced at the beginning of this session, acted upon by the Foreign Relations Committee, and reported again to the Senate.

The bill under consideration is the result, first, of the work in part by the commission, but subsequently amended in a number of particulars and reported to the Senate for consideration.

I will not undertake to call attention of the committee to each of the sections as they appear in the bill, because it would require more time than I deem necessary to claim at the hands of the Senate, and secondly, because I do not think there will be much opposition to many sections of the bill. The committee undertook to prepare a bill which would be most in the interest of the people of those islands and as near as possible, as we thought, satisfactory to the people of the States. In the first place, we regarded it as proper to name the islands as the Territory of Hawaii, the island of Hawaii being much the larger island of the group.

The bill under consideration provides substantially for a Territorial government, very largely in harmony with the governments of our Territories as they have existed in this country. There is, however, this difference: We found in Hawaii a very substantial, well-administered government existing, and which has existed for very many years. I desire that the Senate shall realize that the government over there, now called the republic, has existed very nearly as it is now for very many years, in other words, that that is an old country and an old government. It is true it has been most of the time under a monarchy, but it is now called the republic of Hawaii. As I said, it has existed for many years; first, under a monarchy and, secondly, under what was styled the republic of Hawaii, with a president and cabinet, with a legislature and constitution and a code of civil and penal laws, with a supreme court, and with circuit courts and other minor judicial offices.

When the commission visited those islands we found that, according to their last census, the population numbered from 110,000 to 120,000 people and that there is about 7,000 square miles of territory, much the larger island being the island of Hawaii and containing 4,210 square miles, the other islands ranging from 760 to about 100 square miles. The population of those islands is composed of about 31,000 native Hawaiians, about 8,000 half-castes, about 2,500 British, 1,400 or 1,500 Germans, between 3,000 and 4,000 Americans, 15,000 Portuguese, 24,000 Japanese, 21,000 Chinese, and then a few hundred from several other nations. It is believed now that there are perhaps 150,000 people in the Territory.

The commission and the committee deemed it wiser to prepare and report a measure disturbing conditions there as little as might be consistent with the best interests of both the islands and this country. Hence the bill under consideration recognizes the existence of their system of courts, recognizes their legislature, and provides for many local offices for administering the laws of the Territory.

The commission also made a pretty thorough examination of the laws then in force, and, in view of the change from an independent government to a Territorial government of the United States, propose to repeal in the bill before us such laws as we found in their statutes would necessarily have to be repealed either by their legislature or by the Congress of the United States; so that in the work which the commission performed the laws to be left in force, if the bill should pass, are embodied as an appendix to the report itself made to the President and laid before Congress.

Mr. President, I know it will be said that these laws referred to to be repealed and laws referred to to be continued are unknown as to exactly what they are by the Senate or by Congress or by anybody else outside, unless they have looked into them. But the laws to be retained are in a volume connected with the report, and the subject was thoroughly investigated by the commission, having on it two gentlemen, President Dole, of the republic, and Judge Frear, of the supreme court, both of them very familiar with the statutes, and both of them assisted largely, if they did not do most of the work, in selecting for repeal those laws which would evidently and plainly be in antagonism with the provisions of the bill which we reported; and most of them also are unnecessary in view of the changed condition of that government into a Territorial government belonging to the United States.

The bill also by its fourth section declares that all persons who were citizens of the republic of Hawaii on the 12th of August, 1898, are declared to be citizens of the United States, and in the fifth section it is declared that all the laws of the United States not locally inapplicable, except as specified, shall have the same force and effect within the Territory as elsewhere in the United States. The section provides, however, that section 1850 of the Revised Statutes of the United States shall not be applicable to the Territory. But it is provided in the sixth section that the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of the bill when it shall become a law shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

The question is raised whether, under that section, any act passed in the future would be subject to repeal or amendment by the Congress of the United States. That section ought perhaps to be amended so that it shall read that the laws of Hawaii now in force or hereafter to be enacted not inconsistent with the Constitution or laws of the United States shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Section 1890, referred to in the fifth section, provides that no corporation or association for religious or charitable purposes shall acquire or hold property valued at over $50,000. This section, if allowed to apply to the Territory of Hawaii, would interfere with the Kamehameha schools and the Young Men's Christian Association ownership of property, as either amounts to more in value than $50,000. Hence it was insisted by the friends of the school as well as of the Young Men's Christian Association that their educational and charity work should not be interfered with.

Mr. PLATT of Connecticut. Would it interrupt the Senator if I should ask him a question?

Mr. CULLOM. No, sir.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. CULLOM. I do.

Mr. PLATT of Connecticut. I inquire of the Senator whether he thinks that the right to hold property by such a corporation should be entirely unlimited or whether some other limit ought to be fixed?

Mr. CULLOM. I think, perhaps, there ought to be a limit, but this school is a great institution, founded many years ago. I suppose that the property came from the Kamehameha estate. I think it would be very unfortunate that such an institution should be interfered with by limiting the amount to the sum specified in the original statutes.

Mr. PLATT of Connecticut. I think the Senator is quite right about that, but the question arose in my mind whether there should not be some limitation as to the amount of property to be held. There is almost always such a limitation in Territorial bills.

Mr. CULLOM. That is true; and if I knew how much the institution held, I might be able to answer definitely as to what the limit should be; but I really do not know. I should be willing to limit the amount to what the institution now has.

The eighth section of the bill provides for the abolition of the offices of president, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and

deputy marshal of the republic of Hawaii. These offices were, of course, created as a part of the civil establishment of an independent government and, of course, ought to be abolished.

The bill recognizes the legislative department of the Territory, consisting of two houses—senate and house of representatives—after the fashion of our three great departments of government. It also provides that the senate shall be composed of fifteen members, who shall hold office for four years, but that of the senators elected at the first general election seven shall be elected for two years only and the eight for four years each, and the districts in which they shall be elected are as they now exist in the Territory under the republic of Hawaii. The commission thought they ought not to be disturbed at present.

The commission found that under the constitution of the republic of Hawaii the qualification of voters for Territorial senators and representatives, as also the qualifications of senators and representatives, were not the same. The qualification of a voter for a candidate for the senate required that the citizen desiring to vote for a candidate for the senate should own real property in the Territory of the value of $2,500—I think in the law it is $1,500—should pay his taxes on such valuation, etc., and that a candidate for the senate should also own the same amount of real property and pay his taxes, etc., while a voter for a candidate for the house of representatives should not be required to own any real estate, and the qualification of a voter for a senator or a representative was that he should, in addition to the property qualification named, be a male citizen, 21 years of age, and be able to speak, read, and write the English or Hawaiian language, etc.

Since I prepared this statement I have been furnished with a memorandum which I wish to have inserted. It is from the hearing before the commissioners, and is as follows:

Commissioner DOLE. Voters for members of the house are not required to have a property qualification, but the members themselves have a property qualification. The voters have an intelligence qualification.

Mr. COOPER. It is practically a free franchise for native-born people for the house of representatives. For the senate there is a qualification of an income of $600 per annum, or real estate equal to $1,500, or personal property equal to $3,000.

This question of property qualification in addition to educational qualification, I confess, gave me some trouble, and yet the condition existing there and the appeals to the commission for a retention of a property qualification in the bill convinced the commission, and I think the judgment of the Committee on Foreign Relations agreed with it, that some property qualification should be required of voters for senators in the Territorial legislature, while it was deemed unnecessary to be required of voters for members of the house of representatives or of the representatives themselves.

Mr. TILLMAN. Mr. President, would the Senator mind stating what those reasons are?

Mr. CULLOM. I will state them before I get through. I would rather the Senator would not interrupt me just now.

Mr. TILLMAN. I do not want to interrupt the Senator, but it is a very important matter he is discussing, and most of the Senators seem to be absent. I notice there is no quorum present, and I should like to get Senators here and have them listen to what is being said.

Mr. PLATT of Connecticut. I think that is a very good idea.

Mr. CULLOM. I think so, too.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Gallinger,	McEnery,	Rawlins,
Allison,	Hansbrough,	McMillan,	Ross,
Burrows,	Harris,	Martin,	Shoup,
Chilton,	Hawley,	Money,	Simon,
Clark, Wyo.	Heitfeld,	Morgan,	Spooner,
Clay,	Jones, Ark.	Nelson,	Stewart,
Cockrell,	Jones, Nev.	Penrose,	Tillman,
Culberson,	Kean,	Perkins,	Turner,
Cullom,	Lindsay,	Pettus,	Vest,
Davis,	McBride,	Platt, Conn.	Warren,
Deboe,	McComas,	Platt, N. Y.	Wetmore.
Fairbanks,	McCumber,	Quarles,	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. CULLOM. Mr. President, I am sorry that the Senate is not disposed to give attention to this subject. If I were permitted to do so, I should endeavor to have the bill passed in their absence, if the Senators present would vote for it. The pending subject is one of very great importance, and it seems to me the Senate of the United States ought to give to it a little attention.

The commission and the committee agreed that the amount of property required, however, by the constitution and laws of the Territory as they now exist ought to be reduced, and hence the bill provides only that the qualification of a senator and the qualification of a voter for a senator should be reduced to $1,000 in real property in the Territory, or to the amount of $600 income for the year previous to voting, and that the voter and senator should be required to pay their taxes, etc. This qualification, in the judgment of the committee, was regarded as proper for the time being, in the belief that in a little while, after matters became somewhat more settled in the Territory, such property qualifications could be safety gotten rid of.

I am not myself certain that such a provision is needed. On the contrary, I am somewhat inclined to the belief that it is not; but for the sake of being sure and safe I consented that this provision should be placed in the bill and retained for the present. The bill provides now for simply an educational qualification for voters who vote for members of the house of representatives and a receipt showing that they have paid their taxes, while a property qualification is required of the voter who seeks to vote for any candidate for the senate, and the same property qualification shall be required of any man who becomes a senator.

This question is perhaps one of as much importance as any other in the bill, and as likely to produce a difference in the minds of Senators as to what is the proper course to pursue on that subject.

I have a paper here, which was prepared by the late attorney-general of the Hawaiian Islands on this subject, which I intend to read, because I think it sets out as well and as fully that side of the question as it can be set out by anybody. It proceeds—

Mr. TILLMAN. Will the Senator state how long this property qualification, which now obtains, as I understood him to say, in the islands, has been in existence?

Mr. CULLOM. There has been a property qualification there for very many years.

Mr. TILLMAN. For how long?

Mr. CULLOM. I do not remember the number of years, but almost all the time.

Mr. TILLMAN. Did it exist under the former government?

Mr. CULLOM. It has always existed, under the monarchy as well as under the republic. The republic has only lasted, of course, for four or five years, as the Senator knows, but there was a property qualification before that time under different rulers.

Mr. TILLMAN. So that the innovation of a property qualification for voters is not new under the Dole administration?

Mr. CULLOM. No; it is not new.

Mr. CLARK of Wyoming. It is very much less than formerly.

Mr. CULLOM. The property qualification which now exists is to the effect that a representative shall own property as well as a senator, but it does not provide—and I think there has been no such provision for some time back—that a voter for a representative shall own any property, but that he shall simply be able to speak, read, and write the English language or the Hawaiian language.

Mr. PLATT of Connecticut. The members of the upper house were appointed by the monarchy?

Mr. CULLOM. Yes, sir.

Mr. SPOONER. Will the Senator allow me to ask a question, not particularly pertinent, perhaps, to what he is saying?

Mr. CULLOM. I yield to the Senator.

Mr. SPOONER. How many voters, if the Senator knows, are there now qualified under the laws of Hawaii?

Mr. CULLOM. I can answer that in a moment, if the Senator will allow me.

Mr. SPOONER. Certainly.

Mr. CULLOM. The statement continues:

Conceding that the foreign-born Chinese and Japanese will be hereafter, as they are now, excluded from the elective franchise, there remain as factors in the political problem the Americans, the British, the Germans, the Hawaiians, and the Portuguese.

Now I come to that which will answer in part the inquiry of the Senator from Wisconsin.

The last registration of voters under the monarchy was in 1891 as follows: Hawaiians, 9,554; Portuguese, 2,091; foreigners, 1,770; total, 13,415.

That answers the Senator's question partly.

Mr. SPOONER. Yes, partly.

Mr. CULLOM. I do not know that I can answer it more definitely without referring to the records.

Mr. SPOONER. Is the Senator able to tell me in the last registration under the monarchy how many qualified voters there were in Hawaii?

Mr. CULLOM. I can not do so for the reason that when the republic was established upon the ruins of the monarchy there was required a more rigid registration, and there has not been a very large vote of any kind since, nor a very large registration. Those who were not entirely satisfied to identify themselves fully with the republic declined to register, and therefore could not vote. Besides that, when there is no opposition the vote is very light, as is the case everywhere else.

Mr. SPOONER. Can the Senator tell me the largest vote under the republic?

Mr. CULLOM. I do not think I have the figures here, but I can furnish them to the Senator.

Mr. PLATT of Connecticut. Somewhere in the neighborhood of 3,000, was it not?

Mr. CULLOM. In the neighborhood of three or four thousand

votes. Ordinarily it was about that many, and it has been about the same under the republic.

Mr. CLAY. Mr. President——

Mr. SPOONER. Has the Senator any estimate of the number of people who would be voters under the provisions of this bill, if passed?

Mr. CULLOM. I have no doubt myself that if those who were entitled to vote should register and vote under this bill there would be anywhere from 10,000 to 15,000 voters.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia [Mr. CLAY]?

Mr. CULLOM. I do.

Mr. CLAY. The Senator has already answered the question I intended to ask.

Mr. CULLOM. My views on the question are partially on the information which has been furnished me. I am reading now from the paper of the attorney-general:

My views on the questions are partially based on the facts of this registration above given, which shows that the native and Portuguese vote is largely in excess of the "foreign" vote.

When he says "foreign vote" he means as against the natives of the islands.

This foreign vote included Americans, British, and Germans, but it may be considerably reduced, because the British generally and the Germans to a large extent will not become American citizens.

They seem to be unwilling to identify themselves with the United States to the extent of becoming American citizens.

The number of Anglo-Saxon voters may therefore be decreased, while, on the other hand, the Portuguese male inhabitants who can read and write are largely increasing.

That would give an indication that the vote would be other than that given in the estimate I read a while ago.

Under manhood suffrage with educational qualifications only, you will see that the native voters (9,554) will largely outnumber the white or Anglo-Saxon voters (1,770), and the Portuguese voters outnumber the Anglo-Saxon voters.

The Portuguese number some 15,000, while the Americans, Germans, and English number between six and seven thousand.

Unless some means are adopted to control the native vote the Territorial legislature would probably pass quickly into the hands of the natives, and the only check upon their acts would be the veto of the governor. There is no reason to believe that a single white person or American should be able to obtain a seat in either branch of the legislature if the natives combined, as they might, on racial grounds. Even the Portuguese, as against the Anglo-Saxon, could exclude the latter from taking any part in legislation.

Under the monarchy the upper house was composed of nobles appointed for life.

That is the way the senate would be established.

Under the new constitution of 1887, forced upon the king by the whites, and after the overthrow of the monarchy in 1893, a property qualification was imposed by the Republicans upon the electors for senators. This created a distinct class of conservative men, who held in check the lower house. Without this property qualification, the thrifty—those who had built up the country by their labor and capital, those who were properly regarded as the intelligent part of the community—would have been largely without representation.

Mr. TILLMAN. I understand, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. CULLOM. I want to say further—and then I will yield to the Senator—that what I have been stating is not my view, but the view of the ex-attorney-general of Hawaii.

Mr. TILLMAN. Was that the attorney-general under the republic?

Mr. CULLOM. Under the republic; yes, sir. He has resigned his office since the commission was in Hawaii, a year and a half ago.

Mr. TILLMAN. Is he an American?

Mr. CULLOM. No, sir; he is a native of one of the Hawaiian Islands, and his grandfather lived there before him, I think.

Mr. TILLMAN. I understand the Senator to say these are not his views, but yet he has adopted them in the bill he has presented.

Mr. CULLOM. No; I have not fully. I am giving the views, however, of a man who is familiar with the subject, so that the Senate may understand the whole case as it appears to a man who has identified himself with the islands and is now living in Honolulu. He was born on one of the other islands and is thoroughly interested in the prosperity of those people.

Mr. SPOONER. Mr. President, if it will not disturb the Senator, I should like to ask another question.

Mr. CULLOM. Certainly.

Mr. SPOONER. Is the Senator able to afford any estimate of the number of natives who would have the right to vote upon a fixed educational test?

Mr. CULLOM. Nearly all of them who are of age. The fact is that the native Hawaiians, except the very old, are able to speak, read, and even write the English language, and substantially all of them speak, read, and write the Hawaiian language.

Mr. MONEY. If the Senator will allow me, I will say, in response to the Senator from Wisconsin, that they have had a compulsory system of education there for many years. Everybody there was compelled to attend school.

Mr. SPOONER. I was aware of that; but I wish to know how many people who are capable so far as education is concerned would be disfranchised because of the want of property?

Mr. CULLOM. It would disfranchise a great many.

Mr. TILLMAN. Now, will the Senator permit me to ask him how many would be voters or eligible to vote for senators under the property qualification? Has he any data upon that point?

Mr. CULLOM. I have not. Does the Senator mean as to the natives?

Mr. TILLMAN. I simply want to know how many voters there would be who would have the property qualification necessary to vote for senators, and I would like to know what their nativity is?

Mr. CULLOM. So far as their nativity is concerned, I do not suppose I could very well answer the question.

Mr. TILLMAN. Or their nationality, I should have said.

Mr. CULLOM. Before we get through with this subject I shall furnish statistics on that point to the Senator or to the Senate, if that be agreeable.

The attorney-general proceeds as follows:

My own experience, as well as that of others who took part in public affairs, convinces me and them that with an excessively large native vote without property qualifications, the government of the islands would be in the control of the natives, to the great detriment of the interests of the whites and of the Territory.

The danger to be apprehended from the native voter: (1) They can cast about 4 votes to the Anglo-Saxon 1, and, under the new provisions of the bill regarding citizenship, may cast even a larger vote in proportion.

That is under the educational qualification.

Mr. PLATT of Connecticut. Natives?

Mr. CULLOM. Yes; natives. I may say this is not appropriate here, because the attorney-general is referring to the bill pending in the House of Representatives.

The statement continues:

This enormous power is of itself liable to great abuse. A party of Polynesians dominating over the Americans by 8,000 votes to 1,500 or less will not hesitate to use that power.

(2) The native has lived for one generation under the American system of jurisprudence and American institutions owing to the strong influence of the Americans who have resided in the islands, the most of whom are known as "missionaries." But the native is only one generation removed from serfdom, the despotic rule of the king and chiefs. He had little education or training in the practice of self-government. More than all, he has not acquired the habit of self-government, which is the safety and staying power of the Anglo-Saxon. If Polynesians, recently "civilized," were now capable of self-rule, they would stand as the most remarkable example in history of the rapid rise of a people, and utterly distance the Anglo-Saxon in the rapidity of their development of political wisdom.

(3) The natives yet remain "children of the Tropics," and have hardly parted with the economic ideas which the race has held for over a thousand years. They have had few wants, and a little labor supplied their wants.

I desire to say that so far as the natives are concerned they are a kindly, affectionate, docile, listless class of people, not desiring to give any trouble to anybody or to have any themselves, but wishing to be let alone; and if they could get rid of the demagogues they would always support the Government in its best interests.

Mr. President, I shall not take up the time of the Senate by reading further from this paper, but the end of it is that the substantial people there, who have been intimately identified with the government in its struggle for independence, in the effort to get rid of the monarchy, and to assist in the establishment of good government, believe that some property qualification ought to be provided for in the bill, so that, as an experiment, if you please, they would feel that they were safe in not having their statutes overturned and their government and the prosperity of their people destroyed.

Mr. TELLER. I wish to ask the Senator from Illinois a question.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. CULLOM. Certainly.

Mr. TELLER. Perhaps the Senator stated it at a time when I was not in the Chamber. Has there been a property qualification imposed there heretofore?

Mr. CULLOM. Yes, sir.

Mr. PLATT of Connecticut. Under the republic.

Mr. CULLOM. Under the republic. Under the monarchy, as I ought to have stated in the first place, the body equivalent to the senate was a council appointed by the monarch, so that it did not make much difference what the house did.

Mr. TELLER. The house was elected?

Mr. CULLOM. The lower house was elected. I think there was a property qualification for house members, but none for the voters, and that existed under the republic as it is now.

Mr. TILLMAN. As a matter of fact, was not the monarchy which instituted that property qualification under duress and was it not forced by the revolutionary party, led by Mr. Dole and others, to put that very provision in the decree?

Mr. CULLOM. I do not care to go into a discussion as to how the republic came to be established.

Mr. TILLMAN. I am not talking about the republic. I am

talking about the property qualification under the monarchy before the republic was established.

Mr. CULLOM. The council, which existed before the senators who are to take its place, was appointed by the monarch himself.

Mr. TILLMAN. Was not the monarch himself largely under the control of Mr. Dole and his associates?

Mr. CULLOM. Not at all.

Mr. CLARK of Wyoming. Not at all.

Mr. MORGAN rose.

Mr. CULLOM. Does the Senator from Alabama wish to say something?

Mr. TELLER. I want to ask one more question.

The PRESIDING OFFICER. The Senator from Illinois has already yielded to the Senator from Colorado.

Mr. TELLER. The question is whether he does not think that having an educational qualification for voters would enable them to dispense with the property qualification?

Mr. CULLOM. I answered that a moment ago.

Mr. TELLER. It must have been before I came in.

Mr. CULLOM. I said that personally I had been inclined so to believe, but that the commission and the Committee on Foreign Relations both thought a property qualification ought to be required, and so it is in the bill.

Mr. TELLER. I wish to say to the Senator who has charge of the bill that I should like very much to vote for this bill, but I think some corrections ought to be made. I do wish to hear some member of the Committee on Foreign Relations tell me why at this late hour we are to put in not only an educational qualification, but a property qualification also. I myself am unable to vote for any proposition of that character, and I do not intend to.

Mr. PLATT of Connecticut. I am not on the Committee on Foreign Relations, but I suppose the question which arises is just this: Under the old régime there had been friction between the native population and the American population, and bitterness and conflict, and the fear is that the native population, so largely outnumbering the American population or the Anglo-Saxon population, may conceive the idea that they can run that government by votes as against the Anglo-Saxon people and the Anglo-Saxon idea, and that they will be liable to be influenced by demagogues—people who still hold, in a way, to the old monarchy—and that there is great danger that all Anglo-Saxon influence there may be overturned. I suppose that must be the situation.

Mr. CULLOM. That is the whole story.

Mr. TELLER. I should like to debate that when I can do it without trespassing on the time of the Senator from Illinois.

Mr. CULLOM. Does the Senator from Alabama wish to say something?

Mr. MORGAN. I thought I could clear up this question a little by reading from the report of the committee made to the commission on the subject, in which the facts as to suffrage are stated.

Mr. CULLOM. Proceed, if you wish.

Mr. MORGAN. I will premise by saying that Kamehameha III, who was an educated man, drew with his own hand the first constitution of Hawaii while he was King, and had it ordained by an assembly that he brought around him, which he called the house of nobles and the commons or representatives. I have not understood historically that any person assisted him in the preparation of that draft of the constitution. Doubtless he advised with Dr. Judd, who was at that time his great friend and legal adviser, and who did not go out there as a missionary, but as a physician. He may also have advised with an Englishman, whose name I can not call, who was then a member of his cabinet. But Kamehameha wrote that constitution and ordained it, not by a vote of the people, but by the power of his supreme authority. In that constitution he created two houses for legislation; one was the nobles, and the other was the house of representatives. I forget the particular names they gave to those houses.

Mr. CULLOM. A council and a——

Mr. MORGAN. I mean the Hawaiian names.

Mr. CULLOM. I do not know, either.

Mr. MORGAN. The two houses sat together. The senators held their appointments for life. The members of the house were elected by the people after a while.

Mr. TELLER. Both houses?

Mr. MORGAN. The members of the house.

Mr. TELLER. I thought the Senator said "houses."

Mr. MORGAN. The subject was referred to a subcommittee of the commission which was sitting there, and they prepared a report on it. It is not long, and I think it will probably give the Senators a more distinct idea of the situation than perhaps could be derived in any other way:

> The question of the elective franchise and of representation in the legislative body is a delicate and most important question, as upon this depends the general character of the local government.
>
> Two classes of qualifications have been relied on chiefly in the past to preserve a fair standard of membership in the legislature. These are the educational and the property qualifications. The educational qualification merely requires members and voters for members of each branch of the legislature to be able to read, write, and speak the English or Hawaiian language. This qualification has long been required in Hawaii, and no objection has been offered to it from any quarter. Practically all the native Hawaiians possess this qualification.

That is the educational qualification.

> The property qualifications are more restrictive, and this subcommittee, while believing that the time will come when these can be removed entirely, are of the opinion that for the present they should be retained to some extent. The property qualifications should not, however, be increased. They might perhaps with safety be reduced. Conditions in this respect in Hawaii differ from those in the United States. The people of Hawaii have always been accustomed to restrictions in the matter of representation, especially in the upper branch of the legislature. A review of the past will show this clearly, and will show also that the recommendations of the commission are decidedly in the direction of extension rather than of restriction of the privilege of representation.
>
> Under the present constitution of Hawaii members of the lower branch of the legislative body are required to own property valued at not less than $1,000, or to have an annual income of not less than $600. It is recommended that these figures be now reduced to $500 and $250, respectively.

I believe those are the figures in the bill.

> Under the present constitution members of the upper house are required to own property valued at $3,000 or to have an annual income of $1,200. It is now recommended that these figures be reduced to $2,000 and $1,000, respectively.
>
> These restrictions upon membership in the two houses are good as far as they go, and yet they are not as effective as might at first appear, for there are always some men of every class who possess these qualifications. The only effective way to obtain a fairly conservative legislature under conditions such as exist at present in Hawaii is to require proper qualifications of the voters themselves.

That the committee has disregarded.

> For many years, under the monarchy, voters for members of the lower house were required to own property to the extent of $150, or a leasehold on which the annual rent was at least $25, or to have an annual income of $75. These restrictions were finally removed under the monarchy. There has been no property qualification whatever for voters for members of the lower house under the republic, and it is recommended that there shall be none in the future.

Mr. PLATT of Connecticut. And there are none in the bill.

Mr. MORGAN. No; none in the bill for the lower house.

> As to the upper house, the people were for many years not permitted to vote at all for its members. At first its members were appointed by the king, and membership was hereditary. Afterwards they were appointed for life. It was not until 1887, under the monarchy, that they were elected by the people, and then the voters were required to own property, real or personal, valued at $3,000, or to have an annual income of $600. Under the republic the amount of real property required was reduced to $1,500, the amount of personal property remaining at $3,000 and the annual income at $600. It is now proposed to remove the personal-property qualification altogether, to reduce the real-property qualification to $1,000, and to allow the income qualification to remain at $600. This seems to be as great a reduction as can safely be made at the present time. This is evident from the history of the past, especially during the last years of the monarchy, when the property qualifications were greater than it is now proposed to make them.
>
> The qualifications proposed are more liberal than have ever existed before in Hawaii, and under them a large portion of the native Hawaiians can vote for members of the upper house and practically all of them for members of the lower house. The suffrage has been extended in the past in Hawaii by degrees. It is believed to be wisest to continue this process of growth. To remove the property qualifications gradually is probably the quickest way to obtain their entire removal ultimately. To sweep them all away at the present time might prove so disastrous as to produce a reaction, by which the franchise might be restricted much more than it is at present, if not taken away altogether. The two houses sit separately, and by requiring a property qualification for voters for the upper house and no such qualification for voters for the lower house, all classes are fairly represented and each class may act as a check upon the other, since no bill can be passed without the concurrence of both houses.
>
> To materially reduce the qualifications below what it is now proposed to make them would be to practically turn the legislature over to the masses, a large portion of whom have not yet fully learned the meaning of representative government, and to practically deprive the more conservative elements and property owners of effective representation.
>
> Heretofore the two houses have been equal in membership, each containing fifteen members. It is now proposed to double the membership of the lower house. This will increase the representation of the masses and at the same time give the lower house greater protection from outside influences.

Mr. TILLMAN. Will the Senator tell us what report that is? Whose is it? Who made it?

Mr. MORGAN. A report by myself and Judge Frear, a subcommittee to the general commission.

Mr. TILLMAN. Is Judge Frear a native Hawaiian? Is he one of the commissioners appointed by President Dole?

Mr. CULLOM. He was appointed by the President of the United States.

Mr. MORGAN. He was appointed by the President of the United States.

Mr. TILLMAN. He is a native?

Mr. MORGAN. No; he is not a native. He was born——

Mr. TILLMAN. He is living there?

Mr. MORGAN. Yes, sir.

Mr. TILLMAN. He is interested?

Mr. MORGAN. He has been for years chief justice of the supreme court of Hawaii and is one of the ablest lawyers, I think, I ever knew.

Mr. CULLOM. Is the Senator from Alabama through?

Mr. MORGAN. I merely wished to read the extract I have read; that is all.

Mr. CULLOM. Mr. Frear is not chief justice, but he is one of the associate justices of the supreme court.

Mr. MORGAN. I thought he was chief justice.

Mr. CULLOM. No; Judge Judd was chief justice and recently resigned. Judge Frear may be chief justice now, perhaps, since I understand the chief justice tendered his resignation on account of ill health.

Mr. President, this goes upon all fours with what is talked here all the time, that these governments must be set up, so far as the United States has anything to do with them, as nearly as we can on a basis which will result in conserving the best interests of the people of that country as well as the United States generally. Hence, if it is thought best to impose a property qualification it is on the ground that the natives are not trained in civil government sufficiently to be trusted entirely with the control of the legislative department of the government. That is all I desire to say on that branch of the subject.

Mr. TILLMAN. Before the Senator leaves that part, I suppose the idea that the small minority of white people in Hawaii must be protected in their property and in their civilization against the ignorance of the majority of colored people meets his hearty approval?

Mr. CULLOM. The Senator need not suppose anything about it. I do my own supposing.

Mr. TILLMAN. I thought that was a fair interpretation of the bill which the Senator has presented here and which he is advocating.

Mr. CULLOM. I can not prevent the Senator's placing his own interpretation upon it. I will answer the Senator by saying I should be sorry to see any condition occur as the result of the passage of any act relating to that Territory which would result in confusion and the destruction of property and breaking down the great business interest of that country, which is as prosperous today as any Territory or section of this country.

Mr. TILLMAN. In other words, the Senator would object, and he is endeavoring to object, by legislation, to having ignorance and vice control intelligence and property.

Mr. CULLOM. I do not say that I want ignorance or vice to control, or that I believe in it. What I do say is that the commission and the Committee on Foreign Relations took into consideration everything they could think of connected with this subject, and the majority of the commission and the majority of the Committee on Foreign Relations believed that the provisions of this bill were necessary in the interest of the prosperity and the welfare of that people.

Mr. TILLMAN. I hope the Senator does not understand that I am arguing in favor of ignorance and vice controlling the white people over there.

Mr CULLOM. I do not say I understand anything of the sort.

Mr. MONEY. If the Senator from South Carolina will permit me, the Senator from Illinois, on behalf of the committee, submits the bill here which presents the best thought of the Committee on Foreign Relations as to the proper government to be provided for this new Territory. The report of the subcommittee has been read. The Senator has presented here a bill which, in the opinion of the committee, is necessary in its provisions to secure good government and order in those islands, and to attain that there is a necessity of making certain restrictions on account of the small number of white people.

Now, the Senator from Connecticut says there are seventeen hundred Anglo-Saxons. There are seventeen hundred white people, but a large number of them are Germans and French, as well as English and American; Anglo-Saxons from America as well as from England. But the white people were so outnumbered, as the Senator read from the statistics, that the committee did not think it was safe that the affairs of that Territory should be turned over to a body of voters who for any reason could take control and who would, as he read there, on account of racial prejudice, speedily unite to overthrow what was really the intelligent and dominating influence there even under the monarchy. It was the white influence that dominated then. Everybody will recollect that in the time of Kalakaua it was American interests for Kalakaua against the English interests, which advocated the election of Queen Emma to the throne. Since then American influence has been dominant. It led to the treaty and finally to the act of annexation.

So I take it the Senator from Illinois has presented here what the committee believe to be the very best thing to be done for these islands, and if these restrictions were not necessary they would not be put in the bill. But something had to be done under the peculiar circumstances surrounding that country, this small body of white men owning the land and the large number of natives—about 9,000—who have divested themselves of all they had, and 2,091 Portuguese voters, really not Portuguese but a mixed race from the Madeira Islands, hardly equal to the natives in character. So it was necessary that this provision should be put in.

Mr. TILLMAN. I will only interject right here the remark that I should like to have the Senator from Illinois give us some information as to how far it applies. The fifteenth amendment to the Constitution reads:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It looks to me like that is a very sweeping provision and covers all these people.

Mr. CULLOM. Does the Senator want to ask a question?

Mr. TILLMAN. Yes, sir. I should like to know whether this article applies to those Kanakas and others who are now being discriminated against?

Mr. CULLOM. There is no discrimination in this bill against any race of people. It simply provides a property qualification in addition to the intelligence qualification which there is in the bill also.

Mr. PLATT of Connecticut. That applies to all races and all colors.

Mr. CULLOM. To all colors and all conditions.

Section 10 provides that all obligations, contracts, rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this act shall continue to be as effectual as if the act had not been passed, etc.

I assume that Congress can not invalidate contracts, but Congress can prohibit the penal enforcement of labor contracts, and I certainly am in favor of doing so; but I think the extension of our labor laws over the Territory will prohibit any criminal prosecutions or penal proceedings for the enforcement of labor contracts that exist in that island to-day. The law of Hawaii permitting the securing of labor under contract has been in force in that island for forty or fifty years and arose from the shipping of men on the whaling ships going into Hawaiian ports, enabling masters to secure sailors for a definite period, to whom they paid an advance in view of a contract for service to be rendered. As we all know, sailors throughout the world are under similar restrictions to-day, and a master of a ship may resort to the law to compel fulfillment of seamen's contracts, even to the extent of imprisonment or other punishment. When the labor laws are extended over the Territory, of course there will be no further right to make contracts to bring in laborers by sugar planters or anybody else.

Mr. PLATT of Connecticut. I should like to ask one question for information. We commit the subject of making laws to the legislature of the Territory of Hawaii. Of course all our laws prohibiting the importation of alien laborers under contract will be enforced there, but will they have the right to continue their laws respecting laborers?

Mr. CULLOM. Certainly not. If our labor laws are extended over that Territory, they will prohibit bringing in labor under contract.

Mr. PLATT of Connecticut. But will that prohibit the passing of laws by their legislature after the laborers are there?

Mr. CULLOM. I should think so. If it does not, it ought to; I will say that. I think it does.

Mr. FORAKER. I understand section 5 of the bill contains the provision the Senator from Connecticut inquires about. That section extends and applies to Hawaii all the laws of the United States not locally inapplicable.

Mr. PLATT of Connecticut. Exactly; but there has been a great deal of talk here as to their laws regarding laborers after they get there, by which, if they refuse to labor, they may be punished.

Mr. CULLOM. What is the law of our country on that subject, now in force?

Mr. PLATT of Connecticut. We have no such laws. We have no laws relating to it, I understand. What I want to inquire about is whether there is anything which prohibits the Hawaiian legislature from making laws with reference to contracts which may be entered into in Hawaii between the laborer and his employer containing provisions which we would not think were in accordance with the spirit of our institutions?

Mr. FORAKER. Every law of that island in force now is repealed by this proposed act in so far as it may be inconsistent with the laws or Constitution of the United States. I suppose that will answer the Senator.

Mr. SPOONER. Not locally inapplicable.

Mr. FORAKER. I think there is still another provision.

Mr. CULLOM. I think the bill as it is will cover that question.

Mr. PLATT of Connecticut. It ought to, if it does not.

Mr. CULLOM. If it does not, it certainly ought to do so; and I shall be favorable to any amendment that will make it absolutely certain, if it is doubtful, that no such contracts shall be made as now exist.

Mr. TELLER. The Senator says he thinks the bill will do that. I have been over the bill with all the care I could bestow upon it. That is one of the things I want to inquire about. If he will indicate that provision, it will relieve me.

Mr. CULLOM. I had the impression that when we extended

the labor laws of the United States over that Territory the extension carried with it the prohibition, either directly or indirectly, of any such contracts as exist there now in respect of laborers.

Mr. TELLER. Let me say one word. The difficulty I found was that there are a great lot of Hawaiian laws repealed, nullified, and not having the laws before me I could not tell by the references in the bill whether the Hawaiian labor law, which is practically an enslaving law, is to be repealed or not.

Mr. CULLOM. I think the Senator will find that all such laws are repealed in the repealing sections which we have here.

Mr. TELLER. I hoped to find it, but I could not. I hope the Senator will look it up and let us know about it.

Mr. CULLOM. I will be glad to look it up and find out the exact fact, and bring in an amendment to cover the case if it is needed.

Mr. FAIRBANKS. I have had the same difficulty that the Senator from Colorado has had. I have examined the bill with some care, and have failed to find any provision which would prohibit the introduction of contract labor. I would be glad if some reference to the provision of the bill which guards against its introduction would be furnished.

Mr. PLATT of Connecticut. I think, so far as that is concerned, that extending the laws of the United States over those islands will extend our laws against the introduction of alien contract labor. I think that is so.

Mr. CULLOM. Undoubtedly it does that.

Mr. TELLER. Why not say so in an emphatic manner?

Mr. PLATT of Connecticut. I think that is provided for in the bill. The only trouble I have had about it is whether the legislature, dealing with contracts between laborers and employers in the islands, made in the islands, could pass obnoxious laws.

Mr. CULLOM. I see the force of the Senator's suggestion.

Mr. PLATT of Connecticut. I do not know what the fact is.

Mr. CULLOM. I confess that I have gone on under the impression all the time that the extension of those laws would wipe out all such contracts as now exist and prevent such contracts being made at all hereafter. But we will look at the bill more carefully later.

Mr. FORAKER. Before the Senator from Illinois leaves this point, if he will allow me, I will call the attention of the Senator from Connecticut to section 10 of the proposed act. There is a provision which preserves and continues in force all obligations, contracts, rights of action, etc., which have been entered into or have accrued prior to the taking effect of this act. It may be that under that section there would result the consequences which the Senator apprehends. I think that is the section to which we should turn our attention when we take that up.

Mr. CULLOM. I should like to ask the Senator from Connecticut a question, to see what answer he, as a lawyer, will give. There are contract-labor laws there now existing, made perhaps a year ago, to run for three years. Now, what I should like the Senator to answer is whether, if such a contract as that exists and has not yet terminated, when this law takes effect, it abolishes or wipes out the contract or not. I assume that it would prevent the prosecution or punishment penally of a contract laborer who violated it, but whether it annuls the contract civilly, absolutely, has been a question in my mind. I should like to have the Senator make a statement as to what he thinks about that.

Mr. PLATT of Connecticut. No, I think not; because section 10 provides that all obligations and contracts and judgments shall continue to be as effectual as if this act had not been passed.

Mr. CULLOM. Suppose that was not there?

Mr. FORAKER. I think it would be well to insert there an exception as to contract labor.

Mr. PLATT of Connecticut. If there is anything in their acts inconsistent with the laws of the United States, then their laws are so far repealed and modified?

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. But we have no laws on that subject.

Mr. CULLOM. Why have we not? Do we not prosecute people for——

Mr. FORAKER. We have laws prohibiting the importation of contract laborers.

Mr. PLATT of Connecticut. Exactly, and their laws of that sort are undoubtedly repealed.

Mr. FORAKER. But I ask the Senator, would it repeal such a law in view of the provisions of section 10, that every contract that shall have been entered into before this act takes effect shall remain in full force and effect as though this act had not been passed? That is a specific reference to that particular subject, and it seems to me it would control as against the general provision that the laws of the United States should take effect.

Mr. PLATT of Connecticut. If the contracts they have entered into there, running three years, with alien laborers brought in under contract are to be preserved to the end of the term——

Mr. CULLOM. Now, can they be annulled by a statute?

Mr. PLATT of Connecticut. Well, if they are to be preserved, I certainly want to know that the penal laws which they have passed punishing these contract laborers for not fulfilling their contracts shall in some way be abrogated and annulled.

Mr. CULLOM. In answer to that I desire to say that I have an amendment now attached to the bill, which I propose to insist upon being adopted, as to the penal portion of the law or the contract. Whether we could annul a civil contract by an act of Congress is more than I know.

Mr. PLATT of Connecticut. I have no doubt we could. Whether we ought to do it or not, whether it is policy to do it, or right and justice demand it, I do not know; but I suppose that we can interfere with the obligations of contracts if we choose to do so.

Mr. FORAKER. I suggest that we might amend section 10 without doing any violence to the vested rights, it seems to me, by excepting that class of contracts—certainly all such contracts belonging to that class that may have been entered into since the date when Hawaii was annexed—because if any such contracts have been made to run for a term of years they were made with knowledge to everybody concerned that they were in violation of the laws of the United States, which were shortly to be extended. They are certainly in violation of the spirit of our institutions, and such contracts ought to be abrogated if it is possible.

Mr. PLATT of Connecticut. What language does the Senator suppose there is in section 10 which operates to abrogate them?

Mr. FORAKER. No; I say it does not operate to abrogate, but it operates to confirm and to continue them; and I say in that section 10 I think there ought to be an amendment injected excepting the operation of section 10 from those contracts.

Mr. PLATT of Connecticut. I did not understand the Senator. I think he is quite right.

Mr. FORAKER. That is the point I make.

Mr. CULLOM. I have an amendment right here that I intended at the proper time to offer, and I will read it. It is to add to section 6, I believe, the following:

Provided, That none of said laws nor the decisions of any of the courts of the Republic of Hawaii shall be in force or effect so as to allow imprisonment for debt or for the nonfulfillment of a labor contract.

Mr. FORAKER. Is there anything in this act to the contrary notwithstanding, in view of section 10, that ought to be added?

Mr. CULLOM. The amendment is there, I think, as far as I have read.

Mr. PLATT of Connecticut. I think that is right.

Mr. CULLOM. Now, if Senators are satisfied——

Mr. NELSON. I suggest that the amendment ought to be inserted in section 10, "that all obligations, contracts, etc.," are ratified. There ought to be an amendment in that section excepting contracts for labor entered into subsequent to the time when the island was annexed to the United States.

Mr. CULLOM. I have got this amendment for that section. Perhaps that will help out some. On page 8, after section 10, add the following:

Provided, That no contract for labor or for personal service shall be in force, either by injunction or other legal process.

The PRESIDING OFFICER. Does the Senator desire to offer that amendment at this time?

Mr. CULLOM. I have no objection to both amendments being adopted now, if the Senate desire.

Mr. PLATT of Connecticut. I do not know that I want to have it adopted in that form.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Illinois.

Mr. PLATT of Connecticut. Which amendment?

The PRESIDING OFFICER. The amendment just read by the Senator from Illinois.

Mr. PLATT of Connecticut. I should like to be heard a little about that last amendment. I think we had better take those amendments up when we come to them.

Mr. CULLOM. All right.

The PRESIDING OFFICER. The Chair will state that the Senator from Illinois is in the midst of his speech, and it is by his tolerance that the question is presented.

Mr. CULLOM. My speech is more to get the attention of the Senate to the bill than for a set speech. I want the bill, in some form, adopted as quickly as we can, because it is needed exceedingly in that Territory, and I am ready, so far as I am personally concerned, to yield to any reasonable amendment that will perfect the bill; and of course the Senate has a right to that, whether I am willing or not.

Much complaint has been made against Hawaii because of the existence of these labor-contract laws. They have existed for many years back, and for the reason that it was difficult for sugar-plantation owners to secure labor for the islands adequate to the apparent emergency. That is the way it has come about.

Our laws in this country prohibit the importation of Chinese labor, but do not prohibit Japanese labor, and one of the effects of the labor laws of that country has been to keep out Japanese, who

would come there in great numbers if the government of the islands had not exercised authority to keep them out by virtue of labor-contract laws.

That seems to be rather an unusual statement, and yet I am told by men there identified with the business interests of the country that really in the beginning, after the republic was established, the fear was that they would be overrun by Japanese coming to that island, and the labor laws of that country seemed to act as a restraint upon the Japanese coming there except as they wanted to come for labor purposes.

Mr. TILLMAN. Has the Senator any figures as to the number of Japanese who have come there since the islands were annexed?

Mr. CULLOM. Yes; I have them somewhere here.

Mr. TILLMAN. I understand there are upward of 30,000 now.

Mr. CULLOM. I think between 25,000 and 30,000 have come in since the flag of the United States was raised over the government building in that island.

Mr. TELLER. How many are there all told?

Mr. CULLOM. There are nearly 40,000 Japanese there.

Mr. MORGAN. I think the Senator from Illinois is wrong about that, because at the expiration of these labor contracts the Japanese have all gone back. Since the contracts have expired they have gone back. They have not settled in the island.

Mr. CULLOM. That is true. They do go back generally when the contracts expire.

Mr. MORGAN. I should like to make one more observation about it. All those men retained their allegiance to Japan when they came to the islands and never had any idea of changing it at all, and many of them are alleged to be regular soldiers in the Japanese army.

Mr. TILLMAN. If the Senator will permit me, that was the plea under which the islands were annexed, that Japanese soldiers had come over there in disguise and would seize the islands for Japan.

Mr. CULLOM. Of course at the time of the annexation that was the fear of people in this country as well as on the islands. But we did not understand that to be the case.

Mr. TILLMAN. No one has any fear of that now?

Mr. CULLOM. I think not.

When our laws are extended over the islands it is somewhat questionable what the effect will be, and whether the islands will not fill up more rapidly with such laborers than they do now. The total number of laborers of the Hawaiian Islands is about 40,000, and about one-half that number is under contract, those under contract being mainly Japanese and Chinese. Very few, if any, of the Portuguese laborers are under contract. As a matter of fact, as I have stated, there have been no importations of Chinese into those islands since the annexation act was passed.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. CULLOM. Certainly.

Mr. RAWLINS. I should like to state to the Senator, from information I have—I was so informed by a man from those islands—that since the adjournment of Congress, on the 4th of March last, there have been imported into those islands some 18,000 Chinese.

Mr. CULLOM. That is an entire mistake, unless all the testimony that comes to me is untrue. But there have been somewhere between 25,000 and 30,000 Japanese who were brought into that country or who came in; I do not know whether they were brought in or not.

Mr. PLATT of Connecticut. And we have no law against the coming of Japanese.

Mr. CULLOM. They could come here just as freely as they go there, if they choose.

One of the important provisions of the bill which makes some legislation necessary without long delay is the fact that under the annexation act or joint resolution it was determined by the President, on the 11th of September last, that the authorities in the Republic of Hawaii had no power whatever to dispose of or make any agreements touching the disposition of the public lands in those islands.

Mr. President, before going on again with my remarks regularly, my attention has been called to the thirteenth amendment of the Constitution of the United States, and I call the attention of the Senator from Connecticut to it. It would seem to prohibit the sort of punishment that is provided over there for contract laborers in case they violate their contracts. It reads:

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Now, whether that would do away with it or not, I do not know.

Mr. FORAKER. I do not understand that that would do away with contract labor if a man wants to contract to labor for a term of years.

Mr. CULLOM. But it would do away, I think, with the penal portion.

Mr. FORAKER. I suppose he would have a right to do so.

Mr. SPOONER. It certainly would do away with the right to imprison him for violating a contract. It would do away with the penal part.

Mr. FORAKER. It would do away with the penal part of it.

Mr. CULLOM. That is what I said.

I was referring to the public-land business. The authorities there supposed that as the annexation act provided that until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in such islands should be vested in such officer or officers and should be exercised in such manner as the President of the United States should direct, and the Government of the United States took substantially the same view, but upon closer investigation the President came to the conclusion that there was no authority whatever left in the republic of Hawaii to deal with the question of the disposition of the public lands.

Senators will see upon reading the joint resolution of annexation that every vestige of power apparently (and that was the construction the Attorney-General and the President gave to it) was taken away from the authorities of those islands as to public lands, so that they could not under the annexation law do anything looking to the disposition or use of them even. So the whole territory there is held up by the condition that exists, so far as dealing in the lands is concerned, either for homesteads or for uses or leases or in any other way. Therefore it is important that something shall be done, in the first place, to pass a bill getting an organization there and establishing the Territory and putting somebody in authority, as well also as to validate the transactions that have been in good faith carried on there while the authorities in the island supposed that they had the power to go on and sell or lease land or make agreements about them as they chose.

Under this provision the President continued the establishment as it existed when the annexation act passed, and the result was that the authorities supposed that they could go right on as before in the disposition of lands as the situation might require. The result was that sales of land were made, though not to any very large extent, agreements were made, leases were made, contracts for homesteads were made, and on the date I have indicated—the 11th of September—an Executive order was made by the President notifying the Hawaiian republic that that government had no power to make any sale or disposition of the public lands in the islands; and that all contracts or agreements for such sale or other disposition of public lands should be discontinued, and that the purchaser should be notified that the same were null and void, and any consideration paid to the legal authorities on account thereof should be refunded.

This order put a sudden stop to all transactions touching in any way the public lands or realty of the islands, and greatly embarrassed the people thereby, so that the representatives of that government have strongly appealed to Congress to pass some act giving relief, and the committee has placed in the bill under consideration an amendment which reads as follows:

> That all sales, grants, leases, and other disposition of the public domain and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii prior to the 11th day of September, 1899, are hereby ratified and confirmed.

That is made for the purpose of curing the situation and confirming the contracts that have been made. Senators will find the document in the Document Room, I suppose, which gives in detail every single transaction that has been made by that government or its officers in reference to the lands referred to.

This provision is believed to be right for the reason that every transaction which has taken place on the part of the Government there has been examined, and the committee have found no reason against confirming the agreements which have been made in connection with the lands of that Territory.

Grants were made of 254 parcels of land, which included 15,334 acres, valued at seventy-eight thousand and odd dollars. Of this area, however, about 8,000 acres were granted for land patents made in pursuance of agreements entered into before the act of annexation, and 4,500 acres were granted under the right of purchase lease system, and the applicants for these lands were residents in nearly every case who desired to improve the lands and acquire homesteads, etc.

The committee therefore believed that the sales made after the annexation of the islands and before the President's order should be ratified, because they were all made in good faith and in the interest of the growth and increased wealth of the islands.

The annexation act relative to public lands, as the Senate will remember, provided that all revenue from or proceeds of such lands, except as regards such part thereof as might be used or occupied for civil and military or naval purposes of the United States, or assigned for the use of the local government, should be used solely for the benefit of the inhabitants of the Hawaiian

Islands for educational and other purposes, and while the Government has control of the subject whatever may be realized from the lands goes not to the United States generally, but to the islands, for the purposes of education or other public use.

There is no land to be sold for the benefit of the United States Treasury generally, because all the proceeds of it are to go into the treasury there for educational and other public purposes, determined, as I suppose, by that government when we set it up.

I have heard inquiry whether there are any lands really belonging to descendants of the crown. All the lands called crown lands, not now actually owned by individuals, obtained by deed or other conveyance, have been treated and held as any other public or government lands; and according to the record I have no doubt of the fact that whatever title to lands once belonging to the king existed, that title passed to other parties, and that there are no lands in the islands to-day subject to just claim by any descendant of the crown. Whoever may suppose he has a claim will have to go to the courts for its adjudication.

In my judgment, when in 1893 the monarchy ended, the lands reverted to the provincial government and then to the republic.

A word about the leases in connection with the real estate in the island. As the leases expire it is the policy of the Government to dispose of the lands as homesteads for the people as rapidly as it can be done. A large proportion of the sugar plantations belongs to the corporation or individual in fee. The general impression has seemed to be that the great sugar plantations were all government lands, but that is not correct. Some of them, perhaps, are, but the great body of them are lands owned by some individual or corporation having an actual title to them.

Mr. WARREN. Will the Senator allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. WARREN. I wish to ask the Senator what is to be the final disposition of the public lands and where the proceeds are to be applied. Are they, like the lands of the public-land States and Territories, the property of the United States, and are the proceeds to go into the General Treasury or are they to be the property of Hawaii?

Mr. CULLOM. I have just been stating, if the Senator will allow me, that under the annexation act, the joint resolution, all the public lands of those islands go to the islands for educational and other public purposes. I think the general impression there is that the great body of the money for that purpose will be for educational purposes and for the construction of highways over the island, so that the people can get about from one section to another.

Mr. HALE. Is there a special segregated fund provided for that absorbs this money?

Mr. CULLOM. How does the Senator mean?

Mr. HALE. From the sales of public land for the purpose of education. Where will it actually go?

Mr. CULLOM. It will go into the Hawaiian treasury, I suppose.

Mr. SPOONER. As a school fund?

Mr. CULLOM. As a school fund.

Mr. HALE. As a separate fund?

Mr. CULLOM. As a fund separate and distinct from anything else.

Mr. HALE. The Senator is pretty certain about that?

Mr. CULLOM. The annexation act requires it.

Mr. HALE. It provides for that?

Mr. CULLOM. It provides that it shall go for educational and other public purposes; that to be determined, as I suppose, by the authorities of the islands themselves.

Mr. HALE. That would not be an educational fund? However, I have not examined that act, and I do not know.

Mr. CULLOM. I will read the clause which refers to it.

Mr. HALE. Let us see what that says.

Mr. CULLOM. It is as follows:

> The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government—
>
> That is, portions of the land—
>
> shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

I suppose under that provision the Congress of the United States might perhaps control the use of the fund, provided it kept within those limits. I do not know whether that is so or not. It is a matter of construction.

Mr. HALE. The provision as to the educational fund does not seem to be very carefully guarded. I do not see but what that fund might be spoliated for almost any purpose, and under emergencies it might be taken for a great many other purposes. I have not examined as to that.

Mr. CULLOM. That is the joint resolution we passed for annexation.

Mr. HALE. My question led to this point: Whether this bill which the Senator has reported carries out what is evidently the intention and purpose of that act, and whether in form it guards and establishes an educational fund that shall not be spoliated for other purposes?

Mr. CULLOM. There may be some additional legislation necessary to what is in this bill or in the annexation act.

Mr. HALE. I should say so, for that purpose.

Mr. CULLOM. I am inclined to think there ought to be some additional legislation.

Mr. PLATT of Connecticut. The bill has this provision——

Mr. HALE. From what is the Senator reading?

Mr. PLATT of Connecticut. From the Hawaiian bill.

Mr. HALE. What page?

Mr. PLATT of Connecticut. Page 32, line 23:

> All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July 7, 1898.

The joint resolution says that Congress shall legislate with reference to the subject.

Mr. SPOONER. But the joint resolution does not dedicate the proceeds of the public lands to educational purposes.

Mr. HALE. It does not.

Mr. SPOONER. It says "for educational and other public purposes." It may all be devoted to educational purposes, or none of it.

Mr. PLATT of Connecticut. I think this provision needs some amendment.

Mr. HALE. I think so, too.

Mr. CULLOM. As a matter of fact, I think the authorities now in control of the islands regard education and the public roads and highways as the most important subjects for attention, and the probabilities are that, if left alone, they will divide that fund for those purposes.

Mr. HALE. That is quite likely; but I do not think we should leave this in the realm of probabilities. Here is to be a very considerable fund. It seems to be the purpose and the expectation that it shall be devoted to education. It consists of valuable tracts of lands; and everybody knows if you leave the disposition of any funds or the avails of any property without guarding it and tying it up for a special purpose, in emergencies it may be taken for anything, and the design will be thwarted.

Mr. SPOONER. Will the Senator from Illinois allow me to interrupt him?

Mr. CULLOM. Certainly.

Mr. SPOONER. It is perfectly plain from the provisions of the bill that that whole subject is remitted by Congress to the local legislature.

Mr. CULLOM. To their direction.

Mr. PLATT of Connecticut. But the resolution of annexation retains it in Congress.

Mr. SPOONER. Yes. The bill reads:

> All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July 7, 1898.

The joint resolution of annexation did not dedicate these funds or the proceeds of the sales of public lands to educational purposes.

Mr. CULLOM. Not fully.

Mr. SPOONER. Not at all.

Mr. HALE. But "to educational and other purposes."

Mr. SPOONER. "And other public purposes." Under this bill as it stands the Senator from Maine is perfectly right, it seems to me, in saying that the legislature of Hawaii may appropriate the proceeds of the public lands to any public purpose.

Mr. CULLOM. I am not raising any question on that.

Mr. PLATT of Connecticut. But there is an unrepealed act of Hawaii that you do not repeal by this bill:

> SEC. 202. All proceeds of sales of public lands shall be set apart as a special fund for the payment of the bonded indebtedness of the government or for the purchase of other lands, as provided by section 191.

Mr. CULLOM. That has been repealed.

Mr. PLATT of Connecticut. That has not been repealed.

Mr. CULLOM. It is repealed by the fifth and sixth sections of this bill, if in conflict with its provisions.

Mr. PLATT of Connecticut. It is not repealed specially, and many special repeals are made by the bill.

Mr. HALE. But still it would be clearly repealed by a subsequent law which makes other provisions. If the Senator will permit me—the bill, of course, will take some time, as it is important—I think his committee had better prepare an amendment to come in at the end of the section which specifically dedicates this fund for educational purposes, and not leave it subject to any previous determination.

Mr. CULLOM. And by that means amend the annexation act.

Mr. HALE. The annexation act is not so specific; and it is important that this matter should be provided for here.

Mr. CULLOM. It says, "for educational and other public purposes."

Mr. HALE. Even that is simply amending by way of limitation. I would add a provision which would make the intention of Congress certain.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WARREN] is entitled to the floor, the discussion having proceeded for some time by his courtesy.

Mr. WARREN. Mr. President, I have obtained some of the information I wanted to get. I should like to know something about the final disposition of the lands. I assume from what has been said that there will be some amendments offered, because we seem to be sadly out of line in the proposition contained in the bill, whichever way we turn it, with our own land policy. Take our Territories, and even our States. Local legislation as to public lands is not considered either safe or desirable, notwithstanding we have unrestricted suffrage.

If I understand the measure before us, the disposition of these lands will lie with the local legislature. I should like, before we get through with this discussion, to know just what the proposition is. Is the legislature of Hawaii to dispose of the lands, and how? I should also like to know what are the reasons, if there are such, for such a different departure from our present land laws, and why it is that the public lands there are to be handled so differently from the manner in which they are handled here. In that connection I hope Senators will consider the subject of what we are going to do eventually with our own United States Government public lands to relieve the situation between the United States and the several States and Territories.

Mr. TILLMAN. With the consent of the Senator from Illinois [Mr. CULLOM], I call the attention of the Senator from Wyoming [Mr. WARREN] to the provision in the joint resolution for the annexation of Hawaii, which is as follows:

> The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition.

Therefore, we are not going to turn them over to the Hawaiian local legislature unless we abrogate the implied contract we made with those people when we annexed them. We are doing, however, what we think is right in not turning them over to the selfish fellows there, who are going to steal the balance of the lands.

Mr. MORGAN. Mr. President, I dislike to interrupt the Senator from Illinois, even for a moment, because he has been interrupted until his speech is now scattered over many pages of the RECORD.

Mr. CULLOM. That does not make any difference. We want to get at the facts.

Mr. MORGAN. The question suggested by the Senator from Maine [Mr. HALE] and also by the Senator from South Carolina [Mr. TILLMAN] seems to make it necessary for me to enter into an explanation of some things which I think escaped the attention of the Senator from Illinois [Mr. CULLOM].

When the commission got to Hawaii they found a land system there which had sprung from the ancient customs of the Hawaiian people, the chiefs, who are the owners of all the soil. Some time after Kamehameha I established his dynasty there—I think it was in the time of Kamehameha II or III—the government undertook to divide the lands into three parts; one part for the people for homesteads, places to reside, who before that time had no title whatever, but only the mere right of occupancy at the will of the feudal lords; another for the Crown lands proper—lands that belonged to the Crown as an emolument of the Crown and descended with the Crown upon the royal family, or whoever might be inducted into the ruling office; and the other for the chiefs. Thereupon the government of Hawaii surveyed the lands that went to the people, and included in those surveys the homesteads on which they resided.

A Hawaiian plantation, a very good one, ranges all the way from 3 acres up to 20. A 20-acre Hawaiian plantation is a very large one. The people live almost entirely upon taro, a little root which grows in the water and furnishes them with bread. So a man with an acre of taro plant can keep a family of five or six persons supplied with food through the year, hire a Chinaman to do the work for him, and pay him out of the profits of the crop.

Those homesteads were located and the people were located upon the homesteads, plats were made, and title given to every individual who was the head of a family. For those who were not connected with families a separate provision was made. That left, then, the residue of the land to the government—that is to say, to the King and to the nobles and the chieftains.

By a later provision the King was prohibited from alienating the Crown lands, because speculators were going in there, getting the King drunk sometimes, and getting deeds from him for lands that ought not to be sold. So the people demanded of him, and he conceded very readily to that demand, that none of the Crown lands should ever be alienated. The nobles holding their lands in fee simple alienated them to different persons. Out of those lands have come the larger amount of the sugar estates in Hawaii—the lands that belong to the chieftains. Some of the smaller holders, the homestead holders, have sold their lands also; but the larger body of the people of Hawaii still live upon their homesteads and cultivate their taro patches, living as they did originally, having a fee simple title, each one of them, to his own tract of land. The government was benevolent and just in the distribution of the land among the people, and they have always been entirely satisfied with it.

Now, when we look at that situation and look at the fact that each one of those respective homesteads and all of those princely estates held by the chieftains had to be surveyed, mapped, and plotted, and when we come to the fact that they all have been regularly surveyed, mapped, and plotted, we find that a very great work has been done there by the white people who have been in their midst in distributing the land and giving them for the first time homes upon their own property and in their own country.

The government of Hawaii, commencing with the King, not having the right to alienate them, leased the Crown lands to sugar planters. The chiefs, however, sold their lands to the sugar planters. So there are two classes of owners of sugar lands in Hawaii—those who have leased from the government the Crown lands and those who have titles in fee simple derived from the chieftains.

Those Crown lands are assumed by the act of Congress annexing Hawaii to belong to the government and to have passed from the Crown when royalty was banished out of the island, to have passed from that royal government into the hands of the republic.

Mr. DAVIS. And became public domain.

Mr. MORGAN. Yes; became public domain. Off of that public domain the Hawaiian government has been selling lands in small quantities to actual settlers. It has not sold any land in large bodies at all, unless it may be a few pieces of land very far up on the heights of Mauna Loa, where there is nothing to be raised except cattle—sold in larger bodies for grazing purposes—but the arable lands, the agricultural lands, have been sold in very small bodies, particularly the coffee lands, to actual settlers, and they had not exactly a homestead right there, but one very similar to it. That was a very just and wise law.

In consequence of this, the number of titles, and the source of title, there has been a great deal of legislation and a great deal of judicial action in Hawaii upon which titles are now based. The Congress of the United States has, since its attention has been called to the subject by the Senator from South Carolina [Mr. TILLMAN], reserved to this Government the final right of the disposal of those lands and of the proceeds, with the qualification that whatever proceeds were realized from them should be given for the benefit of the people of Hawaii, but in what particular way is not designated in that statute.

There were some funds in the treasury when we got there, derived from the sale of the public lands, and the commission supposed, under the arrangement that was made under this act of Congress, that the local government there, having a general right of legislation and the powers of government, would proceed to sell those smaller parcels of this land and realize funds from those sales. The commission concluded, therefore, that the money that was received from such sales and the money that was in the treasury derived from such sales should be disposed of by the local government; but they provided in section 75 for the investigation of all of these land questions, hoping that Congress would provide for the investigation in this bill, and that it could be sooner accomplished and that we could have a thorough statement of the entire situation there, which, I think, is covered by section 75, which reads:

> SEC. 75. That the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, to enable the Secretary of Agriculture to examine the laws of Hawaii relating to public lands, agriculture, and forestry, the proceedings thereunder, and all matters relating to public lands, forests, agriculture, and public roads, bearing upon the prosperity of the Territory, and to report thereon to the President of the United States, which duties shall be performed with all convenient speed.

The first question that arises in the mind of everyone who hears this language is, Why do you propose to confer this power upon the Secretary of Agriculture instead of the Secretary of the Interior? The main reason is that the cultivation of trees in Hawaii is a necessary pursuit for the good of the people. That government now is cultivating large orchards of trees upon the heights of the different ranges of mountains and hills, where the land is very fertile but still high, and distributing those trees through the islands, and thousands and hundreds of thousands and millions of trees have been grown on the islands at places that were hitherto entirely barren.

I will give an illustration. There is a tree that is well known

in Texas, called the chaparral plant, or the chaparral bean. That used in Hawaii was introduced from Peru. It is not precisely like the Texas tree, but very like it, and is called the algaroba. It is a tree that bears a long pod, with very fine, rich seed in it. The pod, the hull itself, and all of its contents are as sweet as sugar. The tree bears very abundantly, throws off its pods every morning during the entire year, there being no frost in that country, and furnishes a large supply of most excellent forage for all kinds of industrial animals. The beeves get very fat. The fattest beeves I have ever seen in my life were in Hawaii. They were really disfigured with fat. They were fattened upon these pods.

Another very fine quality of the tree is that it is most excellent firewood, an article that is a little scarce in Hawaii, or was scarce when this new system was inaugurated; but all kinds of fruit, all kinds of flowering plants, and shrubs are cultivated in those mountain ranges by the government, and it is very essential that it should be done.

Agriculture, horticulture, floriculture in Hawaii are very important and very profitable lines of industry. Hawaii without roads, of course, is an impassable country, except to men upon mountain ponies, or to goats, or something of that kind.

That government has devoted itself and the proceeds of the sales of the public lands very largely to the making of roads, so that there is no country I know of now that is better supplied with very fine roads than Hawaii. One road from the volcano to the town of Hilo, 31 miles long, flanked with coffee plantations on either side, is the most beautiful road I think I have ever seen, almost if not entirely, worthy of comparison with Pennsylvania avenue for its solidity, for its grade, and everything else; so that a man can get on a bicycle, they tell me, at the mountain house on the mountain of Kilauea and run into Hilo, 31 miles, without putting his foot on the pedals of the bicycle, except to hold back, and he has not very much of that to do. That is a very beautiful road, and there are other roads of that kind.

The combination of agriculture and road making and the sale and disposal of the public lands are all put under this commission to be reported to the Congress of the United States, in order that we may enact legislation here intelligently, and in the meantime that the money which has been derived from the sale of lands, which was, before this commission reported, in the treasury, and that derived since, can be applied by that government there; that is to say, it will be applied, and no doubt has been applied, by that government to the making of these same roads and to these same purposes. It is to authorize and to justify that action on their part that the bill is in the form in which it is. It may be a little complicated, and I felt it was my duty to try to explain it.

Mr. CULLOM. I was myself quite anxious that the Senator from Alabama should make exactly the explanation he has made on the subject. I shall soon conclude what I have to say, if Senators will be kind enough not to interrupt.

Mr. TILLMAN. I do not want to interrupt the Senator unless the Senator is willing; but there are so many things in this bill which need explanation that I must be excused if I ask him a question.

Mr. CULLOM. I yield for a question.

Mr. TILLMAN. I notice on page 32 of the bill something that seems rather remarkable, and it is in italics, which makes it even more remarkable. It reads:

> That all sales, grants, leases, and other disposition of the public domain and agreements concerning the same and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii prior to the 11th day of September, 1899, are hereby ratified and confirmed.

We, in the joint resolution annexing the Hawaiian Islands, took the public domain—the lands—out of the jurisdiction of those people, and set them apart for a specific purpose—that is, for the use and benefit of those people, mainly for education. They may have granted or leased all the lands away. We do not know what has been done or is to be done with them, and yet we are asked to ratify in the dark, without any facts before us, the action of the government which has been in existence since the islands were annexed, now for over a year, without any appeal to our courts as to the justice of these grants or leases, or any statement as to the quantity of the land which has been thus disposed of.

Mr. CULLOM. The trouble with the Senator is that he was not listening when I went over that a while ago.

Mr. TILLMAN. How much land has been alienated?

Mr. CULLOM. I have stated that I believe some 54 tracts or parcels, as the case may be, were alienated; and I explained what some of them were.

Mr. TILLMAN. Will the Senator tell me, if he knows, how much land is involved in this legislation? I shall be obliged to him for that information.

Mr. CULLOM. What I was going to say to the Senator was this: There is a document, printed for the use of the Senate and the House of Representatives, giving, item by item, every land transaction which has taken place since the annexation of the islands, or since the flag went up there, to the time when the President of the United States made an order stopping any further dealing in lands by the government of those islands. The Senator can see that and look it over at his leisure.

Mr. TILLMAN. Mr. President, with a multitude of other matters that are piling in here every day, the Senator must not object to one who is not particularly charged with the subject-matter asking those in charge of a particular bill to explain its provisions.

Mr. CULLOM. I am not objecting to the Senator's question.

Mr. TILLMAN. The Senator seems to think that I am hypercritical.

Mr. CULLOM. I have not objected to any question of the Senator up to this minute, and I hope to continue in the same spirit.

Mr. TILLMAN. The Senator has always been courteous. I simply wanted to have some light on this remarkable matter.

Mr. CULLOM. I hope the Senator will secure the document to which I have referred and investigate it. I shall be glad to give him any information I have that will throw further light upon the subject.

Mr. TILLMAN. I thank the Senator, and I will avail myself of his kindness to ask him a great many more questions about this bill before we get through with it.

Mr. CULLOM. I have no doubt of it.

There have been questions raised as to the court system of those islands. I will leave the land business. We found in the republic a system of courts which seemed to be satisfactory to the substantial people of those islands and to everyone else, so far as I know. They have there a supreme court, composed of three members, who are appointed for life or during good behavior. The Americans in that country desire that the court system should not be disturbed, nor should the tenure of office of the judges. The committee, however, felt that a life-tenure office of a Territorial judge was not in harmony with our ideas in this country, and we determined to fix the term of the judges of the supreme court at nine years.

Mr. PLATT of Connecticut. If the Senator will permit me, as he submits to interruptions kindly, I should like to ask him a question.

Mr. CULLOM. Certainly.

Mr. PLATT of Connecticut. While the Senator is on this point, I should like to inquire of him how long a term the justices or judges of the supreme court will have after the nine years' term for which they are continued?

Mr. CULLOM. The purpose of the bill was to fix the term at nine years.

Mr. PLATT of Connecticut. But it does not do it, I think.

Mr. CULLOM. If it does not, it ought to do it. The further fact is, as I understand, that one of the judges of the supreme court, the chief justice—who is an American, by the way, I believe an American born—on account of ill health, has resigned, so that there are only two others.

Mr. PETTUS. Mr. President, on that very subject I desire to call the attention of the Senate to the last clause in that section, which seems to me to give the judges a life tenure; and that is in conflict with the other part of the section, which gives them a nine years' term, as the Senator will see if he will read the section.

Mr. CULLOM. There may be some little amendments necessary to that provision in the bill, so as to make its purpose entirely clear.

Mr. PETTUS. The bill says the judges are to hold office until there is a vacancy. I suppose it was intended to mean until their successors should be appointed and qualified.

Mr. CULLOM. Certainly.

Mr. PETTUS. That is what I am informed was the intention; but if you will look at the bill, you will see it reads "until there is a vacancy."

Mr. CULLOM. It ought to be until their successors are appointed and confirmed.

The committee believed, as I said, that it was in the interest of good government and in harmony with the wishes of the people of that Territory that we should not overturn their system of government either in the courts or otherwise where it could be avoided consistent with our ideas of republican government.

I want Senators to bear in mind that we are dealing now with an old government, a well-established government of a people, which has existed for many years, and not dealing with a few scattered settlements over the prairies or in a land which has not been settled, but with a government existing, which has been running for years, and a very good government at that, so far as order and honesty and everything of that kind can make it so.

Mr. SPOONER. Will the Senator allow me to ask him a question while he is dealing with the subject of the judiciary in Hawaii?

Mr. CULLOM. Certainly.

Mr. SPOONER. Is any appeal provided by this bill from any judgment of the supreme court?

Mr. CULLOM. Of the Territory?

Mr. SPOONER. Yes.

Mr. CULLOM. None whatever. There is a system of courts there.

Mr. SPOONER. That is peculiar, is it not?

Mr. CULLOM. It is peculiar to that country. It does not exist in our Territories, either in Arizona or anywhere else. There we have an appeal. But the theory of this bill is that they have a supreme court, a circuit court, and other inferior courts, and there are appeals from one to another of the territorial courts, and those judges, either of the circuit or supreme court, have nothing to do with decisions on other statutes than those local to the islands. They exist just as in a State.

Mr. SPOONER. The trouble is Hawaii is not a State.

Mr. CULLOM. No; it is not a State.

Mr. SPOONER. They have in the Territories, of course, the nisi prius judges in the courts, and then they have a supreme court, but there is in certain cases an appeal to the Supreme Court of the United States.

Mr. CULLOM. Yes.

Mr. SPOONER. In capital cases. For instance, a man is tried for a capital crime, and he believes that errors have intervened in the trial, or that he has been deprived of some rights under the Constitution, and he has a right to appeal. Why should not that right be given as to this Territory as well as to all the rest of the Territories?

Mr. CULLOM. Possibly it ought to be; but still there is a government which has existed with this system of courts for very many years, and so far as anybody knows justice has been meted out to the people in civil suits as well as in criminal proceedings.

Mr. SPOONER. The same thing may be said of some of our own Territories.

Mr. CULLOM. Possibly it may; but why is it necessary to provide for an appeal to the Supreme Court or a circuit court of the United States when there is a system there which already provides for appeals from one court to another and which seems to be satisfactory? The commission thought that all that was necessary was to maintain the condition as it exists there, it being thoroughly established and satisfactory to the people.

Mr. SPOONER. It seems to me, if the Senator will permit me to make the observation, that the difficulty is we are dealing with this as a Territory and at the same time as an independent government.

Mr. CULLOM. That is true, in a sense. Yet is there any reason in the Constitution why we should not have a system of courts in Hawaii just as there now exists?

Mr. SPOONER. Is there any reason in the Constitution why we should have a right of appeal from the courts in our Territories?

Mr. CULLOM. I do not know whether it is needed or not, but there is a system, and the people are familiar with it. They have been living under it for years and years, and they understand it, and it seems to answer all their purposes. Now, why upset that and establish a new system when that is entirely satisfactory to the people?

Mr. SPOONER. My suggestion does not contemplate upsetting it, but simply giving in the case of Hawaii as in other Territories the right of appeal in certain cases to the Supreme Court of the United States.

Mr. CULLOM. If it is the desire of the Senator to add that, I have no objection; but I do not think we ought to incur any additional expense unless it is necessary to good government.

Mr. TILLMAN. Will the Senator permit me to interrupt him again, to remark right here that so long as Hawaii was an independent government of course it was not going to appeal to any other jurisdiction, but now that those islands have become a Territory of this country, it does seem to me a remarkable proposition that their laws were so perfect and are so perfect now and their administration is so just and righteous that we would deny even our own citizens who go there the right to appeal to our court of last resort here?

Mr. CULLOM. When our citizens go there and identify themselves with that country they do not want any, so far as I know. They are very happy as they are, with their present system of courts.

Mr. TILLMAN. That must certainly be the garden of the gods. If it is such a happy place, we ought to emigrate there.

Mr. CULLOM. Let the Senator go there and see if they do not convert him to that system.

I am not going to take up the time of the Senate much longer. The fact is it is pretty difficult to speak here at all with any continuity of thought. I have been disposed to yield to everyone, because I want to bring out as a matter of fact whatever objections there are to the bill, so that we may know how to deal with it.

Mr. President, I believe an amendment is pending here to be offered, the purpose of which is to delay the extension of our customs laws over the Territory to some future time, and in meantime allow the present relation as to customs laws, treaties, and regulations to remain as they are. I am opposed to any such amendment to the bill. There has existed substantial free trade between the United States and the Hawaiian Islands for several years. The great product raised in the islands is sugar and has been for many years. Common sugar comes to the United States free under the reciprocity treaty.

There seems to me to be no reason for delaying the extension of our customs laws over the islands, the States making nothing by such a policy, but, as I believe, will lose; and besides, I am unable to sympathize with a policy of government that reaches out to annex new territory and when it is obtained to adopt a policy detrimental to the territory acquired, lest some interest in some of the States may be in some way affected by treating such territory as we deal with our Territories nearer to us. This Territory occupies a different relation to the United States from any of the acquired territory as the result of war. We may be said to have claimed it for fifty years. The people of the islands who have made the islands prosperous and happy are Americans and as intelligent and patriotic as can be found in any portion of this Union, and let us not deal with them as though they were vassals or unworthy of our confidence.

Mr. VEST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. CULLOM. Certainly.

Mr. VEST. Before taking up the question of customs and treaties, which will certainly give rise to much debate, I wish to ask the Senator from Illinois in charge of the bill to explain to me the provision on page 20 as to appropriations. It is a very important question. As I understand the provision, if the legislature of the Hawaiian Islands fail to provide the necessary sums to carry on the government and adjourn, the governor can call them in extra session. So far that is the ordinary course. There is nothing remarkable about it.

Mr. CULLOM. No.

Mr. VEST. But in the meantime, before the next legislature meets in extra session or the same legislature, the treasurer, with the advice of the governor, can proceed to expend the money in the treasury on the basis of the preceding year's appropriation.

Mr. SPOONER. It is declared to be reenacted.

Mr. VEST. Yes; for that purpose. I have never seen any such provision as that, and it seems to me it is liable to very serious objection, because there may be very large appropriations during one year which are not necessary in the next year.

Mr. CULLOM. That provision, as the Senator will observe, can only be brought into requisition after the governor, as I remember, has actually reconvened or made proclamation reconvening the legislature, and only for the time, after there is exhausted the appropriation which was made by a previous legislature, until a new legislature or the same legislature can make an appropriation. It is an unusual provision, I admit.

Mr. VEST. There can be no question of exhaustion about it, because it goes on specifically to provide that the treasurer shall advance the money—that is, take it out of the treasury—on the basis of the preceding year's appropriation, and expend it.

Now, the objectionable feature of it, as I was going to say, is to having this extraordinary power, which ought to be exercised alone by the legislature, vested in the treasurer, with the advice of the governor.

Mr. CULLOM. That power is in their constitution now, and it was insisted upon by the commissioners from Hawaii and finally yielded on the part of the commissioners from this side. It has been guarded as well as we could do, so that it will only be used when the governor convenes the legislature and until they can come together and make an appropriation.

Mr. PLATT of Connecticut. But it is until the legislature shall have acted?

Mr. CULLOM. Of course.

Mr. PLATT of Connecticut. If they never act, the treasurer will go on and expend the money.

Mr. CULLOM. Yes; the government has to live in some way.

Mr. VEST. I am not indulging in hypercriticism; I think this is a very good bill, but I do not see how this is practicable. I do not see how the treasurer can take appropriations which were necessary and right for one year as the basis for his expenditure when the legislature has failed to make appropriations for another year. That is the trouble. I never saw any such provision.

Mr. MORGAN. We do it all the time here with permanent appropriations.

Mr. VEST. Yes; but the amount is fixed, and we continue it.

Mr. MORGAN. It is fixed and continued by this proposed act.

Mr. CULLOM. Usually by joint resolution we extend the appropriations from month to month.

Mr. VEST. That is the ordinary provision.

Mr. CULLOM. We in that way extend the appropriations heretofore made.

Mr. VEST. That is the ordinary practice in Congress. It is entirely different from this.

Mr. CULLOM. I know it is.

Mr. VEST. Suppose we were to permit the Treasurer of the United States, or even the Secretary of the Treasury, when Congress had adjourned, and for good reasons to itself had not made an appropriation, to take the money in hand himself, and with the advice of the President go on and expend the tax money of the people on the basis of a year which was gone, and when certain circumstances prevailed and Congress had in its discretion made appropriations. Here is a case where the legislature fails or refuses to appropriate. The governor then calls an extra session. He does not know whether that extra session is about to make appropriations or not. And, without waiting for that legislature to act at all, the treasurer comes to the governor and says, "The legislature adjourned without making an appropriation, and I want to expend the money that is in the treasury." There is no case of exhaustion about it. He goes on and expends what is in the treasury. The governor says, "All right." The legislature meets and again refuses to appropriate. It may think that the condition of affairs does not justify an appropriation, and the treasurer in the meantime has expended the money.

Mr. FORAKER. Now, conceding that all that the Senator from Missouri suggests would occur in the contingency he supposes, would not that be better than a suspension of government? Would not the latter be the absolute consequence otherwise?

Mr. VEST. If the Senator will permit me, that thing has occurred frequently in Congress and in State legislatures, and there has been no suspension of government. If the government has credit and is a stable government, there is no trouble about existing upon credit or obtaining supplies upon credit. That occurs every year.

Mr. FORAKER. I make this inquiry because when this matter was considered in committee the same ideas occurred to me that have been expressed by the Senator from Missouri; but I thought it was better to incorporate this provision than to have the consequences which would inevitably result if there were not some way to meet the necessary expenses of the government. It did not seem to me a very dangerous provision, because it relates only to the current expenses of government.

Mr. VEST. I do not think it would stop the government. The government can always get money enough to pay.

Mr. FORAKER. It does not cover appropriations that may be made for unusual necessities or for improvements, but only the necessary current expenses of the government.

Mr. CULLOM. The provision reads:

> That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been reappropriated.

The treasurer will have no right to go outside of the lines specified and spend the money for a purpose for which an appropriation has not heretofore been made, so that if the provision is allowable at all, which I have always doubted a little, it is pretty well guarded, I think, so that there is no probable danger in allowing it to be done.

Mr. VEST. Mr. President, one objection to it, if the Senator will permit me, is that the money is to be expended by the treasurer in this emergency upon the basis of a former appropriation and not in view of the necessities of the government at the time the money is to be expended.

But the serious objection to it is that you take the power of appropriation away from the legislative department, where it ought always to rest, and put it into the hands of one man who is advised, not directed even, by another. It is hardly necessary to say that this power of appropriation and taxation has convulsed the civilized nations of the world from time to time. England was drenched in blood in 1688 over this very question of the power of the King in a monarchy to take the tax money of the people and spend it without the consent of Parliament. But I do not want to go into that.

Here is an entire departure from the American system of appropriations. Instead of the legislature fixing the amount to be expended, and whether anything shall be expended or not, if they in their legislative discretion refuse to appropriate and adjourn, here is a treasurer who may be the tool of the governor, and the governor himself not a very reliable person—it might happen, of course—and they take this extraordinary power in their own hands and on the basis of a former year exhaust the treasury.

My friend the Senator from Alabama says it is the same power that we exercise. I do not see that we exercise any such power. Has the Secretary of the Treasury ever had it or has the President ever had it? We have a provision that no money shall be taken out of the Treasury except by an act of Congress—not a dollar—and it is one of the wisest provisions we could possibly have.

Mr. MORGAN. What I referred to, if the Senator will allow me, is the fact that we have a number of permanent appropriations.

Mr. VEST. There is no doubt about that.

Mr. MORGAN. And whether Congress meets or does not meet, those appropriations stand and the Secretary of the Treasury can pay the money out on those appropriations, although they are not renewed.

Mr. VEST. But that is where Congress has acted.

Mr. MORGAN. That is all this provides for.

Mr. VEST. That is where Congress has acted. Here there has been no such action.

Mr. MORGAN. Oh, yes; the legislature has acted and fixed the basis of appropriations.

Mr. VEST. But for a different year, and have made no appropriation that year, and have adjourned.

Mr. MORGAN. It makes no difference what year it is for. It is a permanent appropriation.

Mr. VEST. I do not so understand it.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. CULLOM. Certainly.

Mr. MORGAN. I hope the Senator from Illinois will conclude his remarks this morning. I want to see them in the RECORD.

Mr. CULLOM. I want to make only one more remark about the situation.

Mr. TILLMAN. Please pardon me once more. Does the provision giving the governor and the treasurer the power to expend money as though it had been reappropriated carry with it the power to relevy taxes? We know that the power to appropriate money is limited by the amount of money in the treasury, and if there is no more there, this provision can do no harm; but I wish to know whether this gives the autocratic government by one man the power of levying taxes as well as appropriating money?

Mr. CULLOM. There is no power to levy extra taxes. So the Senator is safe on that.

Mr. TILLMAN. The treasurer can go no further than the bottom of the strong box?

Mr. CULLOM. Mr. President, the condition of affairs now in Hawaii is most deplorable. Unfortunately for those people, they are now being seriously afflicted and scourged by what is known as the bubonic plague. It broke out there some time ago in what was called Chinatown, and the authorities and people of the islands have been compelled to destroy some 30 acres of the city. The portion destroyed was thickly settled by Chinese, Japanese, and possibly some other nationalities. The whole tract was burnt, not perhaps entirely by order of the authorities, but in attempting to burn a portion of it the fire got beyond their control and the whole 30 acres were swept away. The result is that some 8,000 people are now in quarantine, their property, even much of their clothing, being destroyed. The people of the city of Honolulu are taking care of them largely at their own personal expense, giving up their various avocations of business to that work of humanity.

I understand as a matter of fact that a business man does not open his business door until he has spent two or three hours trying to do something for these unfortunate people, and they close their business houses at 3 o'clock and resume the work of caring for the unfortunate sufferers.

That government is appealing to the United States for action upon this bill, so that they may have as quickly as possible some legal authority for the expenditure of money and for putting the city in such condition as to prevent the further spread or breaking out of that terrible disease. I believe it is true that the President of the United States has authorized the president of the republic, Mr. Dole, to use such funds belonging to the Territory or the republic as may be necessary for the immediate care and protection of those suffering people and for the construction of temporary quarters for their use.

And also the President has authorized the president of the republic to appoint a commission to investigate and allow such amounts as those unfortunate people have suffered from the necessary destruction of their property. All this, however, is embarrassing to the Administration, embarrassing to the authorities of the islands, and call for action by this Government, so that their affairs may be conducted strictly according to law, and that they may know what their rights are in the premises.

I hope, therefore, Mr. President and Senators, that there may not be unnecessary delay in the passage of this bill. Humanity calls for immediate action, and I am sure that the history of the Senate and of Congress has shown their willingness to answer promptly such appeals.

Mr. PLATT of Connecticut. Mr. President, there is one point to which the Senator from Illinois failed to advert in his explanation of the bill which I wish he would think of over night. I will premise what I have to say about it by stating that I am as anxious to have a bill passed establishing a civil government for the Territory of Hawaii as he is, I think.

Mr. CULLOM. Certainly.

Mr. PLATT of Connecticut. But we ought at least to scrutinize it with a good deal of care. I know that is the intention of the committee, and therefore he will pardon me for referring to the matter to which I am about to refer.

Mr. CULLOM. I hope the Senator will realize from what has happened this afternoon that I am anxious for a free, full, and critical investigation and discussion of the bill, so as to make it as nearly right as we can before it goes out of this Chamber.

Mr. PLATT of Connecticut. I do appreciate that. But section 88 proposes to establish a court there which I do not think we have any power under the Constitution of the United States to establish in that Territory. We have been providing governments for Territories now for a hundred years, nearly. It is nearly a hundred years since we acquired Louisiana, and at an earlier period than that we provided a government for the Northwest Territory. But we have never yet established a constitutional court in a Territory. I have always supposed that the reason why we did not was because we could not under the Constitution.

The Constitution says:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

It has been the universal acceptation of judges and lawyers and legislators that that section of the Constitution referred to courts to be established in the States only. Consequently we have one Supreme Court and we have our circuit courts, more recently our circuit courts of appeal, and our district courts in the States. We have never established a constitutional court in a Territory. The courts which we have established in the Territories have been established under the provision of the Constitution which provides that—

Congress shall have power to * * * make all all needful rules and regulations respecting the territory or other property belonging to the United States.

Those courts have repeatedly been adjudicated to be not constitutional courts, but legislative courts. It has been the practice in constituting the legislative courts of the Territories to give them jurisdiction over cases arising under the laws of the United States and the Constitution of the United States. Admiralty jurisdiction has been conferred upon them, and a variety of jurisdictions, as relating to the laws of the United States. But I am very firm in my opinion that we can not do that which it is proposed to do in section 88. That proposes to establish a court in the Territory of Hawaii in all respects like the district and circuit courts of the United States in the States, and consequently says nothing about the tenure of the judge, as by the Constitution a judge of such a court has to be appointed during good behavior and with life tenure.

I will read the section to show how completely it is such a court as is contemplated by the Constitution, and called there an inferior court, and how completely it resembles and is like the district and circuit courts of the United States. Now listen. There is no escape from it. If it be said that the giving a term of office during good behavior takes it out of the category of constitutional courts, there is other language here which makes it impossible to take it out of that category.

That a judicial district of the United States is established for the Territory of Hawaii—

The judicial districts of the United States are the judicial districts referred to or authorized by article 3. They are judicial districts within the States, not within the Territories.

That a judicial district of the United States is established for the Territory of Hawaii, to be called the district of Hawaii, which shall be included in the ninth judicial circuit of the United States.

It never has been supposed before that you could extend a judicial circuit under the Constitution beyond the limits of the States.

The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district. The district court for the said district shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court.

So it gives it the power both of the district and circuit courts of the United States as organized in the States.

The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held, etc.

Mr. President, I do not wish to go into a further argument of this matter at the present time. I desire to point it out simply for the purpose of the consideration of the committee.

Mr. FORAKER. Mr. President, I have listened with very great interest and appreciation to what the Senator from Connecticut has said as to section 88. It is true, as the Senator has stated, that we have never yet in legislating for a Territory seen fit to create a constitutional court in a Territory.

Mr. SPOONER (in his seat). We can not do it.

Mr. FORAKER. I do not understand that there is any prohibition in the Constitution against our doing it. The practice has been that we have not. If the Senator will allow me to conclude the sentence I was about to utter, then he can interrupt me if he so desires.

Mr. SPOONER. I did not interrupt the Senator by rising, did I?

Mr. FORAKER. No; but the Senator did by a very proper injection. If it were true, as stated by him, that we have no power to do it, that would be the end of this debate. But where does the Senator get authority to say that we have no power in legislating for a Territory to create a United States district court proper there if we see fit to do so?

Mr. SPOONER. Does the Senator mean by that question the phrase as used in the Constitution, "in which shall be vested the judicial power of the United States?"

Mr. FORAKER. I do.

Mr. SPOONER. I get it from several decisions of the Supreme Court of the United States.

Mr. FORAKER. I have read the decisions of the Supreme Court of the United States, and I do not get any such conclusion therefrom. On the contrary, the decisions of the Supreme Court of the United States are simply to this effect, as stated by the Senator from Connecticut, that we have never yet seen fit to create a constitutional court, but only legislative courts, for the Territories. But the Supreme Court has nowhere said, so far as I am advised, that it would not be competent for Congress to do so if Congress should see fit.

Mr. SPOONER. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. SPOONER. I will read for just a moment from the decision of the Supreme Court of the United States in the American Insurance Company *vs.* Canter (1 Peters, 511).

Mr. FORAKER. Yes, sir; I have it before me.

Mr. SPOONER. The Supreme Court said:

These are not constitutional courts——

Mr. FORAKER. Certainly not.

Mr. SPOONER (reading)—

These are not constitutional courts in which the judicial power conferred by the Constitution on the General Government can be vested. They are created by virtue of the general right of sovereignty which exists in the Government; or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the Territories. The jurisdiction with which they are invested is not a part of the judicial power defined in this article of the Constitution.

Mr. FORAKER. Mr. President, that is true; but what the Senator reads does not meet the question at all. What the Senator reads has reference to the courts that were in fact created, but the Supreme Court does not say in the case of Canter that Congress might not have created a constitutional court in the Territory. If the Senator will bear with me a minute, he will see the point plainly. What Congress did there was to create a court with a limited tenure of office for the judge, and the court was also given a jurisdiction that did not belong to the interpretation of the Constitution of the United States and the laws of the United States, but local legislation as well. The Supreme Court said these are not constitutional courts, because created as they are they are incapable of receiving the jurisdiction that belongs to a constitutional court of the United States. Then they comment on the fact that they were not intended to be constitutional courts, because they were given a limited tenure instead of a tenure during good behavior, and that was conclusive in that case.

The courts as established in Florida, which were under consideration in the Canter case, have been continued with respect to our Territories, as the Senator from Connecticut said. Their tenure has always been restricted. It has never been a life tenure. The Supreme Court has simply said from that fact it is to be inferred that it was not the intention of Congress to create a constitutional court, but only a legislative court.

I invite the Senator's attention to the case which is the leading case on the subject, McAllister *vs.* United States, reported in 141 U. S., at page 174 et seq. All the decisions of the Supreme Court of the United States made prior to the giving of this decision are here reviewed, and the point I make with respect to them is recognized throughout in all that the court says.

They find that the courts in Utah and the courts in various Territories were not constitutional courts, because Congress had not made them so, had not sought to make them so, and cited as a fact supporting that proposition that they had limited the tenure, which it was incompetent for Congress to do if it was a constitutional court, and they cited the further fact that in all of these Territorial courts the courts were given not only the jurisdiction of the United States district and circuit courts, but the jurisdiction of State courts as well.

Now, there is no objection to Congress giving a life tenure and creating a court with district and circuit jurisdiction alone.

That is recognized in this case to which I have called attention. At page 186 the majority of the court, in discussing the proposition, say that in all of this legislation the significant fact is—I am trying to read the substance of it; I had better read the whole sentence, and that will put it in better form.

Mr. TELLER. That is better.

Mr. FORAKER. The court say:

> The significance of these enactments, as well as of the acts of 1867 and 1869, and of section 1768 of the Revised Statutes, is in the fact that Congress has uniformly proceeded upon the theory that the judges of Territorial courts were merely legislative courts, and were not entitled, by virtue of their appointment and the Constitution of the United States, to hold their offices during good behavior, unless it was so declared in the respective acts providing for the organization of such courts.

In other words, they come back right to the fact that Congress did not see fit in legislating to establish the court to give a life tenure, but they recognized that Congress might have done so if Congress had seen fit, for Congress in so legislating is without any limitations, as I understand it.

Mr. TELLER. Will the Senator from Ohio allow me?

Mr. FORAKER. Certainly.

Mr. TELLER. I wish to ask the Senator if that language was not used with reference to the question simply whether the President could remove within the term for which the appointment was made—four years?

Mr. FORAKER. No, Mr. President, the language which I have read was not used with reference to that alone. It is true that in this case the question before the court was as to the power of the President to remove a district judge of Alaska. That district judge had been appointed for a tenure of four years. He was removed without any cause except only that the President wanted to displace him and substitute another man. The Supreme Court say that the civil-tenure law which excepted judges of the United States courts did not except this judge, because Congress evidently intended that he should be only a legislative judge and not a constitutional judge, and they interpreted the civil-tenure act to have reference only to constitutional courts and constitutional judges. But, as I say, in disposing of it they recognized, by the quotation I have made from the opinion of the majority of the court, that Congress might have made that life tenure if Congress had seen fit to do so. In all these cases you will find the court is careful to point out that the reason why they are not constitutional judges is, as in the Canter case, that they have jurisdiction that does not belong to the United States courts, the constitutional courts, as well as that jurisdiction, and because their tenure is made for years instead of for life.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. FORAKER. Certainly.

Mr. PLATT of Connecticut. The Senator has evidently overlooked a portion of this opinion of the majority of the court. On page 184, after citing all the former decisions, Judge Harlan says:

> These cases close all discussion here as to whether Territorial courts are of the class defined in the third article of the Constitution. It must be regarded as settled that courts in the Territories, created under the plenary municipal authority that Congress possesses over the Territories of the United States, are not courts of the United States created under the authority conferred by that article.

Mr. FORAKER. Certainly. If the Senator will allow me, that is not at all inconsistent with what I am contending.

Mr. PLATT of Connecticut. I think it is.

Mr. FORAKER. They are speaking of Territorial courts as they have been by Congress created. They are not speaking about the power of Congress to create something different, but they say in every instance, reviewing every one of them, the Congress has not seen fit to create a constitutional court, but only a Territorial court.

Mr. TELLER. Will the Senator allow me?

Mr. FORAKER. Yes, sir.

Mr. TELLER. I wish to read what Judge Nelson says in the case of Benner *vs.* Porter (9 Howard). He will find it in the McAllister case, page 181.

Mr. FORAKER. Certainly.

Mr. TELLER. After citing the judicial clause of the Constitution, Article III, section 1, the court said:

> Congress must not only ordain and establish inferior courts within a State, and prescribe their jurisdiction, but the judges appointed to administer them must possess the constitutional tenure of office before they can become invested with any portion of the judicial power of the Union. There is no exception to this rule in the Constitution. The Territorial courts, therefore, were not courts in which the judicial power conferred by the Constitution on the Federal Government could be deposited. They were incapable of receiving it, as the tenure of the incumbents was but for four years.

Then the court cites the case of Marshall.

Mr. FORAKER. Certainly, the court give the reason why they are incapable of receiving them, because they are not constitutional courts. Congress did not design to make them such, and Congress evidenced that fact when it denied to them a life tenure and limited them to a term of years.

Mr. TELLER. Then the court quotes from Marshall, who declared that they were not, I think, very emphatically.

Mr. FORAKER. In the Canter case the court decided and gave the reason why they were not constitutional courts, assigning as the reason that they were given a different jurisdiction from that which belonged to United States courts and because the tenure was restricted to a number of years.

Mr. TELLER. If the Senator from Ohio will allow me, I agree the court gave the reason, but it did not by any means give the reason the Senator is giving.

Mr. FORAKER. I so understand it.

Mr. TELLER. The court said they were not appointed under that constitutional power to appoint courts, but they were appointed under another power.

Mr. FORAKER. What the court said was that these were courts created by Congress in the exercise of the power conferred upon Congress to legislate for the Territories, and that Congress in the exercise of that power had seen fit here to set up a court with a different jurisdiction from that which belonged to United States courts, and with a tenure limited to a number of years instead of a life tenure, and that was a conclusive fact to show that Congress did not design to make them constitutional courts.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. FORAKER. Certainly.

Mr. STEWART. I thought the Senator was through. I just wanted to say a word upon this subject. It seems to me to be too plain to have much controversy about it.

The constitutional courts provided have a limited jurisdiction; the State courts exercise large jurisdiction. It is a peculiar jurisdiction that is conferred upon the constitutional courts. The constitutional court is a peculiar court. It is a special court. Congress does not derive the power to legislate for the Territories under that provision at all. It derives the power, according to some of the authorities, in some places entirely from the power to dispose of the public property of a Territory, but most of the works on constitutional law say that the power to legislate for the Territories would exist independent of any provision in the Constitution. It is a sovereign power that necessarily belongs to the United States, and when Congress legislate for the Territories they do not create a special court. They create a court with general jurisdiction, covering all the jurisdiction that the States exercise and that the Federal Government exercises.

Mr. TELLER. That is it exactly.

Mr. STEWART. It is one complete jurisdiction. It is a different system altogether; and it may be just such a system as Congress may ordain and appoint. But when you come to constitutional courts, they are very different. They are limited, and by the Constitution a limited jurisdiction is prescribed, whereas a Territorial court may be endowed by Congress with all the jurisdiction, as it usually is, that the courts of the United States have in the States and that the State courts have.

It is all combined in one, and it results from the power to govern the Territories, whether that power be derived from the Constitution or from the very nature of the sovereignty. Most all the authorities refer it to the very nature of sovereignty possessed by the Government.

When you say you have got no constitution for the Territories I deny that. We have got a constitution for the Territories, one that has grown up by custom, and it ought to be as binding upon us as the English constitution is upon England. Ever since the formation of the Constitution we have legislated in one direction. We have given the Territories local self-government; we have given them all the freedom that we enjoy. Now, while you might have power to do almost anything to injure the Territories, you might have power to do wrong as any monarch with unlimited powers would have, we have a Constitution by precedent for a hundred years that tells us that we must be governed by the general principles of liberty, justice, and a republican form of government. We have done it in all instances, and that now is binding upon us without regard to the abstract power that Congress may have.

Congress has power to do wrong. So has any unlimited monarch. So far as the Territories are concerned we have that power, and Congress might exercise it if we were not governed by an unwritten constitution that has grown up, that we must give the Territories all the rights and privileges that we enjoy; that they must have republican government; that they must have local self-government; that they must be governed according to the laws of the most enlightened, being republican, as we are. That we have to do unless we violate every principle that governs us at all anywhere.

But there is no constitution for the Territories except that which has grown up by custom. That has become as binding upon us and as binding upon the consciences of Congress as the Constitution of the United States. We dare not violate it, and we are not

going to violate it. It is idle to talk about what Congress might do. Any power might do many wrong things; but in view of the constitutional precedents we have, in view of the custom that has grown up to do justice, to give them free government, Congress is not going to change its policy and become a monster and do wrong. It can not do wrong with regard to them unless we violate the unwritten law, the unwritten constitution that has governed this country from its foundation. There is no danger of Congress violating it. If it makes a departure from that we shall hear from the people.

Mr. FORAKER. I am much obliged to the Senator for the question, but he has so prolonged it I do not know just how to answer it.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. FORAKER. Certainly. I want to complete my reading, however.

Mr. SPOONER. I only want to get at the right of this thing.

Mr. FORAKER. Certainly.

Mr. SPOONER. There are some reasons why, if we can create a constitutional court in Hawaii, I think it might be wise to do it. I want to ask the Senator this question, if he will permit me. I suppose he will admit that in creating a constitutional court we have nothing whatever to do with the tenure of the judge.

Mr. FORAKER. No, sir.

Mr. SPOONER. It is fixed by the Constitution?

Mr. FORAKER. It is fixed by the Constitution.

Mr. SPOONER. And it can not be other than the constitutional tenure for life or good behavior?

Mr. FORAKER. Certainly not.

Mr. SPOONER. Now, does the Senator think that court a constitutional court as to the tenure of the judge of which we are not restricted by the constitutional provision at all, but are left entirely free to make it two years or four years or ten years or during good behavior?

Mr. FORAKER. I beg the Senator's pardon; I did not catch the point of his question, if he asked me one. Do I think what?

Mr. SPOONER. Does the Senator regard that court a constitutional court as to the tenure of the judge of which Congress is entirely free?

Mr. FORAKER. Yes.

Mr. SPOONER. To fix it at two years, or ten years, or during good behavior?

Mr. FORAKER. I think if Congress fixes it at anything less than a life tenure that is evidence that Congress did not intend to create a constitutional court. That is the very point I have been making. But if Congress wants to create a court and give the judge a life tenure it is within the power of Congress to do it.

Mr. SPOONER. No; but my point is this: Congress can not create a constitutional court without a life tenure.

Mr. FORAKER. Certainly not. That is what I have been contending.

Mr. SPOONER. Now, is any court as to which Congress may create a shorter than a life tenure a constitutional court?

Mr. FORAKER. Certainly not.

Mr. SPOONER. Is not this a court in regard to which we may make the tenure four years or ten years, if we choose?

Mr. FORAKER. Certainly it is; undoubtedly. Mr. President, after a very careful consideration of this question, and that is the reason why I am particular about it here, we propose in the bill providing a civil government for Puerto Rico that there shall be a United States district court; we call it by that name, but the tenure is only for four years. We limited the tenure for the sole purpose of making it clear that we do not intend to constitute a constitutional court, but only a territorial court within the meaning of all these decisions.

Now, Mr. President, there is no ground for controversy here, because in the case to which I have already alluded, at page 188, the Supreme Court expressly say as follows:

> The whole subject of the organization of Territorial courts, the tenure by which the judges of such courts shall hold their offices, the salary they receive, and the manner in which they may be removed or suspended from office, was left by the Constitution with Congress under its plenary power over the Territories of the United States.

And then, as I called attention a while ago, they say in effect, further on, that in all cases it will be regarded as an evidence that a constitutional court was not intended when the tenure comes under consideration unless Congress has seen fit to give the life tenure, indicating clearly that Congress is invested with plenary power and can make a tenure for life or for any number of years it might see fit. If Congress sees fit to give tenure for less than life, that is conclusive evidence that Congress does not intend to create a constitutional, but only a Territorial court.

But, Mr. President, the Supreme Court calls attention in all these cases to the fact that the jurisdiction given is such as also to show that not a constitutional, but only a legislative court was intended to be created. In the Territories they have the Federal side and the State side or the Territorial side, the one contradistinguished from the other, the one having jurisdiction of all local matters, the other having the jurisdiction that belongs to the courts of the United States. There is not, in my opinion, any question but that the Congress can constitute a court in a Territory and call it what it sees fit, and give the life tenure to that judge and invest him with such jurisdiction as Congress may see fit to invest him with.

Mr. President, there is a controlling reason in my mind why this court should be different from the ordinary Territorial court and should have the jurisdiction that belongs under the Constitution and the laws of the United States to district and circuit courts. That Territory is peculiarly situated from any other Territory that we have. It is away off yonder in the sea and must have an admiralty jurisdiction in its most pronounced sense.

I have only another word to add, and that is, conceding that the power is given, that Congress could create such a court there as it may see fit, the question of policy remains. The Supreme Court has said it has plenary power over and over again, as often as it has had occasion to say it. I have had some misgivings about the question of policy, and I yielded to my associates in the committee as to this bill, but when the committee considered this question in regard to Puerto Rico a few days ago, they took a different view as a matter of policy. There is no question about the matter of power to do it.

We thought it would be better to give to that judge in Puerto Rico but a four years' tenure and make it clearly a Territorial and not a constitutional court; but if we had seen fit to give it the jurisdiction that belongs to United States courts, and then to give it a life tenure, I do not see any reason why we should not have made a United States court and judge within the meaning of the Constitution.

Mr. ROSS. Will the Senator allow me a question?

Mr. FORAKER. Certainly.

Mr. ROSS. I understand the Senator to concede that if the tenure of a judge has been for four years, six years, twenty years, or forty years, it would not be a constitutional court, but a legislative court.

Mr. FORAKER. I do not concede any such thing. That is a truism under the Constitution, and there can be no argument about what the Constitution explicitly says.

Mr. ROSS. That is true; and it is true, is it not, because the legislature so fixes it?

Mr. FORAKER. No; it is true because the Constitution so fixes it.

Mr. ROSS. The Constitution so fixes it, and it becomes a legislative court. Now, if Congress in an act relative to a Territory fixes the term of office of the judge at life, it is no less fixed by Congress than it would be if it fixed it for two years or four years or ten years, and is it not just as much a legislative court within the terms of those decisions as if it had been fixed at two years or four years or ten years?

Mr. FORAKER. Not at all; not necessarily so, because the jurisdiction conferred might be such as to show it was designed to make only a Territorial court. There are two things to be taken into consideration, one of tenure and the other of jurisdiction. If the Congress confers upon the court which it creates jurisdiction which does not belong to a constitutional court of the United States, that is one evidence that it was intended within the meaning of the decisions to be only a legislative court; and if Congress saw fit, giving it the same jurisdiction as a United States court in one of the States would have, to limit the tenure to less than life, that would be another conclusive evidence that it was intended to be only a legislative court; and so the courts have held in every one of these cases, as I understand.

Mr. PETTUS. Could not Congress repeal the act the next day after the judge was appointed for life?

Mr. FORAKER. Undoubtedly.

Mr. ROSS. What was the question?

Mr. FORAKER. Could not Congress repeal the act after it was enacted and the judge had been appointed? Undoubtedly it could repeal the law.

Mr. SPOONER. Could Congress do that as to the judge of a constitutional court?

Mr. FORAKER. I am not speaking of what the effect would be on such a constitutional officer; but unquestionably Congress could repeal the law. Whether he has a vested right in his office is another question. He undoubtedly would have a vested right of some kind; I do not know to what extent.

Mr. PETTUS. The question I designed to ask was, could not the Congress abolish the office in a week after the judge was given a life tenure by Congress?

Mr. FORAKER. I think so. I do not think the creation of an office and the appointment of an official to hold it binds Congress for the life of the official who has been appointed and who has become the incumbent.

Mr. ROSS. I wish to ask the Senator another question, if he will yield for that purpose.

Mr. FORAKER. Yes, certainly; with pleasure.

Mr. ROSS. Does the court in a Territory get its jurisdiction from the act of Congress or does it get it from the Constitution?

Mr. FORAKER. It gets it from the act of Congress.

Mr. ROSS. Then, is it not a legislative court instead of a constitutional court?

Mr. FORAKER. It is a legislative court.

Mr. ROSS. It seems to me the Senator is confounding the matter, because the tenure is for life and the judge is given the same jurisdiction by the act of Congress that he gets under the Constitution. It is therefore not a constitutional court, but it is merely a legislative court, and gets its whole jurisdiction and term of office from the act of Congress.

Mr. FORAKER. The Senator did not follow me closely in the remarks I just made or he would not ask that question. I stated at the beginning that the decisions which have been cited, in which it has been held that the court under consideration was a Territorial court, were each and all cases where the Congress had evidenced by the character of the legislation creating the court that it did not intend a constitutional court, but only a legislative court, the court has pointed out that that intention is derived from the fact, first in the Canter case, and in all the other cases, I believe, without exception, that there was a limited instead of a life tenure. In other cases they pointed out the jurisdiction was different, and they have said, not being a constitutional court, the court was incapable of taking the jurisdiction conferred by the Constitution.

I do not know any reason why, therefore, where we extend the Constitution to a Territory, we may not there create a district court. We have here extended the Constitution of the United States, if we pass this bill, to Hawaii. I do not know of any reason why there should not be a district court established there, if we see fit to adopt the policy of establishing such a court, which of course remains after the question of power has been settled.

There is much to be said in favor of making the court in Hawaii a United States district court, and conferring upon it all the jurisdiction which belongs to district and circuit courts of the United States, because, as I was about to remark a moment ago, that is differently situated from any other Territory that we have yet legislated for. It has need for an admiralty jurisdiction, which does not belong to any interior Territory at any rate, and certainly not in the pronounced sense in which it belongs to that of Hawaii, and there is an abundance of work there for a court with that kind of jurisdiction to exercise.

What I rose to suggest was that a court that is given a clean-cut constitutional jurisdiction in a Territory belonging to the United States, to whom we have extended the Constitution, and the judges of which have been given a life tenure, as is the case here, ought not to be confounded with Territorial courts which have been under consideration in the decisions of the Supreme Court of the United States, which have been relied upon.

I now yield with pleasure to the Senator from Vermont.

Mr. ROSS. I was simply going to ask the Senator if he was not confounding the difference between the source from which the power comes in so characterizing the court, rather than the court itself, or the name of the court. The Senator called it a constitutional court.

Mr. FORAKER. Will the Senator define to me what jurisdiction a United States constitutional court gets from the Constitution proper?

Mr. ROSS. It gets just what is named in the Constitution, and it can not have any other given to it.

Mr. FORAKER. I will ask if it is not necessary to legislate with respect to the jurisdiction of constitutional courts just as much as it is with respect to Territorial courts; and if the term "constitutional court" means anything more than it is a court created by Congress within the contemplation of the Constitution, which authorizes Congress to establish courts?

Mr. ROSS. I understand a constitutional court, within the meaning of the decision, extends to the States only. When you go into the Territories and legislate, then with unlimited power you can give the same term of office to the judges of a court in the Territories and the same jurisdiction, or more or less of it, as Congress may please.

Mr. FORAKER. I do not agree with the Senator that a United States court can not be created except within the States. I do not know of any reason why a United States court may not be created beyond the States, to sit and have jurisdiction outside of the States, in the Territories of the United States, to which we extend the Constitution. I do not agree with the Senator that Congress can legislate for the Territories outside of the States without any limitation whatever.

I should like to ask the Senator what he would do were a measure proposed here prohibiting the freedom of speech or the freedom of the press in Hawaii? Would he, because it is outside of the States, vote for it in view of the fact that the first clause of the Bill of Rights says no law shall be passed by Congress doing any such thing?

I call the Senator's attention to that only to show that there are some positive prohibitions in the Constitution which rest upon us as Senators sitting under the Dome of the Capitol, which we can not disregard, which accompany all legislation that we enact, no matter for whom it may be or whether they are in the Union as an integral part of it or not.

I agree with the general proposition that we are unlimited in our power when legislating for Territories to which we have not extended the Constitution particularly, except only by the positive prohibitions which are laid by the Constitution upon every man who sits here as a legislator, no matter what his view upon the general subject may be. Therefore I say when we come to create courts, we simply say, by virtue of the authority conferred on us by the Constitution, there shall be a court here, and it shall have the jurisdiction we give it, or the jurisdiction of a United States district court proper, and we give it a tenure, which belongs to the judge. I do not know why it is not competent for us to do it. If it is competent for you to say that it is not a constitutional, but only a Territorial court, because it is outside of the States which constitute the Union, you can say that just as well with it having one jurisdiction and one tenure, as you can if it be given another tenure and another jurisdiction.

Mr. GALLINGER. If the Senator will permit me, it is evident that this interesting discussion can not be completed to-night; and, with the Senator's consent, I will move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I yield.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agree to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 20, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1900.

APPOINTMENT IN THE ARMY.

Subsistence Department.

First Lieut. Charles R. Krauthoff, Fourteenth Infantry (captain and assistant commissary of subsistance, United States Volunteers), to be commissary of subsistence, with the rank of captain, February 15, 1900, vice Brainard, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be commissary of subsistence with the rank of major.

Capt. Matt R. Peterson, commissary of subsistence, United States Army, February 15, 1900, vice Brainard, who vacates by promotion, to major and commissary of subsistence, United States Army.

To be quartermaster with the rank of major.

Capt. Isaac W. Littell, assistant quartermaster, United States Army, February 15, 1900, vice Robertson, honorably discharged.

PROMOTIONS IN THE NAVY.

Commander William C. Gibson, to be a captain in the Navy, from the 18th day of February, 1900, vice Capt. Peter A. Rearick, retired.

Lieut. Commander Richard G. Davenport, to be a commander in the Navy, from the 18th day of February, 1900, vice Commander William C. Gibson, promoted.

Medical Inspector John C. Wise, to be a medical director in the Navy, from the 7th day of February, 1900, vice Medical Director James M. Flint, retired.

Surg. Ezra Z. Derr, to be a medical inspector in the Navy, from the 7th day of February, 1900, vice Medical Inspector John C. Wise, promoted.

TO BE SECOND LIEUTENANTS IN THE UNITED STATES MARINE CORPS.

William C. Harllee, of Florida.
Richard S. Hooker, of Nevada.
Hugh L. Matthews, of Tennessee.

CONSUL.

James A. Mulkey, of Alabama, to be consul of the United States at Tuxpan, Mexico, vice Abraham B. Jones, deceased.

POSTMASTERS.

A. C. Cooke, to be postmaster at Truckee, in the county of Nevada and State of California, in the place of W. A. Bucknam, whose commission expires March 27, 1900.

John G. King, to be postmaster at New Castle, in the county of Newcastle and State of Delaware, in the place of W. J. Hunter, whose commission expired January 30, 1900.

William W. Lowry, to be postmaster at Auburn, in the county of Sangamon and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Alva Ross, to be postmaster at Virden, in the county of Macoupin and State of Illinois, in the place of E. P. Kimball, whose commission expires March 9, 1900.

Charles Q. Whallon, to be postmaster at Newman, in the county of Douglas and State of Illinois, in the place of William Heeb, whose commission expired February 11, 1900.

Lancetta L. Byram, to be postmaster at Liberty, in the county of Union and State of Indiana, in the place of S. D. Byram, deceased.

William Noble, to be postmaster at South McAlester, in the Choctaw Nation of Indian Territory, in the place of Mary A. Potter, whose commission expired December 18, 1899.

E. B. Dowell, to be postmaster at Indianola, in the county of Warren and State of Iowa, in the place of J. H. Watson, whose commission expired January 23, 1900.

Nathaniel A. Burnell, to be postmaster at Cumberland Mills, in the county of Cumberland and State of Maine, in the place of H. M. Raymond, whose commission expired February 1, 1900.

Isaac Dyer, to be postmaster at Skowhegan, in the county of Somerset and State of Maine, in the place of S. W. Gould, whose commission expires March 9, 1900.

George A. Herrick, to be postmaster at Madison, in the county of Somerset and State of Maine, in the place of C. A. Wilber, whose commission expired February 11, 1900.

Clarke P. Harding, to be postmaster at Medway, in the county of Norfolk and State of Massachusetts, in the place of J. A. Snow, whose commission expired January 15, 1900.

Edward Burroughs, to be postmaster at Metuchen, in the county of Middlesex and State of New Jersey, in the place of Nathan Robins, removed.

James W. Danser, to be postmaster at Freehold, in the county of Monmouth and State of New Jersey, in the place of J. N. Johnson, whose commission expired January 15, 1900.

Rufus Daggett, to be postmaster at Utica, in the county of Oneida and State of New York, in the place of E. P. Bailey, whose commission expires March 9, 1900.

Emil O. Ellison, to be postmaster at Lamoure, in the county of Lamoure and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Grant Coats, to be postmaster at Rockford, in the county of Mercer and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Charles H. Ellsworth, to be postmaster at Hudson, in the county of Summit and State of Ohio, in the place of W. W. Lewis, whose commission expired February 5, 1900.

John W. Grier, to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania, in the place of C. E. Williamson, whose commission expired January 7, 1900.

Cyrus E. Hipple, to be postmaster at Conshohocken, in the county of Montgomery and State of Pennsylvania, in place of John Casey, whose commission expired January 30, 1900.

Charles E. Welch, to be postmaster at Phœbus, in the county of Elizabeth City and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1899.

WITHDRAWAL.

Executive nomination withdrawn February 19, 1900.

Richard A. Hudlin, to be postmaster at Clayton, in the State of Missouri.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1900.

COLLECTOR OF CUSTOMS.

William H. Jordan, of Massachusetts, to be collector of customs for the district of Gloucester, in the State of Massachusetts.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. George E. McConnell, of the District of Columbia, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. John W. Howison, of the District of Columbia, to be a captain in the Revenue-Cutter Service of the United States.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Second Lieut. John Morrison, jr., Third Cavalry, to be first lieutenant, December 13, 1899.

Second Lieut. Harry O. Williard, Tenth Cavalry, to be first lieutenant, January 10, 1900.

Second Lieut. Lucius R. Holbrook, Fourth Cavalry, to be first lieutenant, January 23, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Thirty-fourth Infantry.

Hosp. Steward Frank A. Jernigan, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, February 7, 1900.

To be assistant surgeon with the rank of first lieutenant.

Raphael A. Edmonston, of the District of Columbia, acting assistant surgeon, United States Army, February 8, 1900.

POSTMASTERS.

Ella G. Nix, to be postmaster at Fort Payne, in the county of Dekalb and State of Alabama.

John P. Yockey, to be postmaster at Canal Fulton, in the county of Stark and State of Ohio.

Carlton A. Lafferty, to be postmaster in Bellville, in the county of Richland and State of Ohio.

John S. Ellen, to be postmaster at Willoughby, in the county of Lake and State of Ohio.

Frank L. Glass, to be postmaster at Martinez, in the county of Contra Costa and State of California.

James O. Coleman, to be postmaster at Sacramento, in the county of Sacramento and State of California.

James R. Gibson, to be postmaster at Hope, in the county of Hempstead and State of Arkansas.

Alfred E. Goddard, to be postmaster at Essex, in the county of Middlesex and State of Connecticut.

Matilda McCartney, to be postmaster at Silverton, in the county of San Juan and State of Colorado.

Preston Holbrook, to be postmaster at Blackhawk, in the county of Gilpin and State of Colorado.

Charles Laramore, to be postmaster at Knox, in the county of Starke and State of Indiana.

Napoleon B. La Paugh, to be postmaster at Chester, in the county of Randolph and State of Illinois.

George P. Johnson, to be postmaster at Payette, in the county of Canyon and State of Idaho.

Lyman D. Thurston, to be postmaster at Leicester, in the county of Worcester and State of Massachusetts.

John F. Mitchell, to be postmaster at North Grafton, in the county of Worcester and State of Massachusetts.

Charles G. Robinson, to be postmaster at Earlington, in the county of Hopkins and State of Kentucky.

Fred T. Jackson, to be postmaster at Caruthersville, in the county of Pemiscot and State of Missouri.

William Cordiner, to be postmaster at Princeton, in the county of Millelacs and State of Minnesota.

Zebedee G. Culver, to be postmaster at Reading, in the county of Hillsdale and State of Michigan.

Edward Quinn, to be postmaster at Gallup, in the county of Bernalillo and Territory of New Mexico.

W. G. Greenleaf, to be postmaster at Las Vegas Hot Springs, in the county of San Miguel and Territory of New Mexico.

Charles F. Hopkins, to be postmaster at Boonton, in the county of Morris and State of New Jersey.

J. J. Perkins, to be postmaster at Greenville, in the county of Pitt and State of North Carolina.

Eugene P. Strong, to be postmaster at Bay Shore, in the county of Suffolk and State of New York.

Hiram B. Odell, to be postmaster at Newburgh, in the county of Orange and State of New York.

Susan C. Cheatham, to be postmaster at Springfield, in the county of Robertson and State of Tennessee.

Arthur H. Johnson, to be postmaster at Drayton, in the county of Pembina and State of North Dakota.

Edmund K. Cavileer, to be postmaster at Pembina, in the county of Pembina and State of North Dakota.

Lotta J. Kintner, to be postmaster at Wyalusing, in the county of Bradford and State of Pennsylvania.

Iram Z. Merriam, to be postmaster at Whitewater, in the county of Walworth and State of Wisconsin.

Frederick A. Hollman, to be postmaster at Green Bay, in the county of Brown and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 19, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. WEEKS, leave was granted to withdraw from the House files, without leaving copies, the papers in the case of John H. Wilkinson, Fifty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LANE, for this week, on account of important business.

To Mr. DRIGGS, for three days, on account of illness.

To Mr. LIVINGSTON, indefinitely, on account of sickness.

To Mr. WARNER, indefinitely, on account of sickness.

INTERNAL-REVENUE TAX ON BEER.

Mr. DOLLIVER. Mr. Speaker, by direction of the Committee on Ways and Means, I move to suspend the rules and pass the bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors.

The SPEAKER. The gentleman from Iowa [Mr. DOLLIVER], by direction of the Committee on Ways and Means, moves to suspend the rules and pass a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That section 3339 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out of said section the following:

"In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than 63 gallons, shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified."

And by inserting in lieu thereof the following:

"In estimating and computing the tax imposed by law the fractional part of a barrel shall be halves, thirds, and quarters, and any fractional part of a barrel containing less than one-fourth shall be accounted one-fourth; more than one-fourth and not more than one-third shall be accounted one-third; more than one-third and not more than one-half shall be accounted one-half; more than one-half and not more than one barrel shall be accounted one barrel; and more than one barrel and not more than 63 gallons shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified."

SEC. 2. That section 9 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same is hereby, amended so as to read as follows:

"SEC. 9. That section 3341 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

"'SEC. 3341. The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, and quarters of a barrel of such fermented liquors (and shall also cause to be preparpe suitable permits for the purpose hereinafter mentioned), and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits and a supply of stamps equal in amount to two months' sales thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold and permits granted and delivered by such collectors only to the brewers of their districts, respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer.'"

Mr. MOODY of Massachusetts. Mr. Speaker, let us have a second.

Mr. RICHARDSON. I demand a second.

Mr. DOLLIVER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Massachusetts demands a second, and the gentleman from Iowa asks unanimous consent that a second be considered as ordered.

Mr. RICHARDSON. Who demanded the second, Mr. Speaker?

The SPEAKER. The gentleman from Massachusetts [Mr. MOODY].

Mr. RICHARDSON. I thought I demanded a second.

Mr. MOODY of Massachusetts. I realize the position of the gentleman from Tennessee, and if there is controversy about this bill I shall not feel like taking charge of one side of it by reason of my demand for a second.

Mr. RICHARDSON. Is the gentleman from Massachusetts opposed to the measure?

Mr. MOODY of Massachusetts. Not necessarily; probably not. Is the gentleman from Tennessee opposed to it?

Mr. RICHARDSON. I will say frankly that I shall not vote against the measure, but I demanded a second in order that the usual time for debate might be had, so that if any gentleman desires to be heard in opposition to the bill he can secure time. My object in asking for a second is merely to control the time.

Mr. MOODY of Massachusetts. Will the gentleman from Tennessee permit me five minutes in case I desire it?

Mr. RICHARDSON. Certainly.

The SPEAKER. The Chair understands the gentleman from Massachusetts [Mr. MOODY] to withdraw the demand for a second and the gentleman from Tennessee [Mr. RICHARDSON] to renew it. The gentleman from Iowa [Mr. DOLLIVER] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. DOLLIVER. Mr. Speaker, this bill affects two provisions of the internal-revenue laws—first, that section of the Revised Statutes which authorizes the manufacturers of beer to put up their product in packages as large as a hogshead and as small as one-eighth of a barrel.

In addition to that, it affects the section of the present internal-revenue law which requires the Commissioner of Internal Revenue to provide stamps of denominations applicable to all packages of wood, from the hogshead down to the one-eighth of a barrel of beer. The object of the bill is to abolish these minor packages of beer, to wit, packages of one-sixth of a barrel and one-eighth of a barrel.

I will be frank enough to say that the bill concerns the brewing industry of the country more than it does either the Treasury or the public at large.

The entire brewing interest of the United States, so far as the committee is advised, desires the privilege of putting up its products in packages larger than one-sixth of a barrel, and the object of this bill is to authorize them to do so and to relieve the Department of Internal Revenue of the necessity of providing the small denominations of revenue stamps applicable to the minor packages of beer.

Mr. PARKER of New Jersey. Do I understand the gentleman to say that the brewing industry desire the passage of the bill?

Mr. DOLLIVER. The committee is so advised.

Mr. PARKER of New Jersey. They desire the abolition of the small packages?

Mr. DOLLIVER. They do; and I will say to the House that they claim that the reason for it is the fact that these packages, together with the stamps, are practically more valuable than the contents of the package, and the trade for the last few years has found difficulty in getting the packages back after sending them out.

Mr. MERCER. Is there any opposition on the part of the Treasury Department?

Mr. DOLLIVER. The Treasury Department advises the committee that so far as the revenue is concerned, it will not affect the internal-revenue receipts in any calculable degree.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Iowa reserves the balance of his time.

Mr. McCLELLAN. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] asks me, in his momentary absence, to yield five minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. At this moment I will not avail myself of the gentleman's kindness, but possibly will later on.

Mr. McCLELLAN. Then I reserve the time of the gentleman from Tennessee [Mr. RICHARDSON].

The SPEAKER. The time of the gentleman from Tennessee [Mr. RICHARDSON] is reserved.

Mr. DOLLIVER. I will yield for a moment to the gentleman from Minnesota [Mr. FLETCHER].

Mr. FLETCHER. I desire to ask unanimous consent for the consideration of the amendment to the bill which I send to the Clerk's desk.

The SPEAKER. No amendments are in order except by unanimous consent.

Mr. FLETCHER. I so understand.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the consideration of an amendment which the Clerk will read.

The Clerk read as follows:

Add at the end of the bill the words "*Provided*, That this act shall not take effect until July 1, 1900."

Mr. DOLLIVER. Mr. Speaker, owing to the nature of the instructions by which I appear here, I am not at liberty to give consent to any amendments.

The SPEAKER. Objection is made.

Mr. RICHARDSON. I desire to yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. FLETCHER. I understood the gentleman from Iowa to yield to me for a moment.

Mr. DOLLIVER. I do not desire to prevent my friend from Minnesota from making any observations which he desires to make, although I reserve the right, owing to my instructions, to object to his amendment.

The SPEAKER. Objection is made.

Mr. DOLLIVER. I yield to the gentleman from Minnesota [Mr. FLETCHER] two minutes.

Mr. FLETCHER. The only object I have in offering this amendment to this resolution, Mr. Speaker, is on account of petitions which I have received from many of the coopers who are making these small packages by hand. They have a considerable amount of stock on hand, and it is a new proposition to them. If they had the opportunity—until the 1st of July—to work up their surplus stock, which will be entirely destroyed if this bill takes effect sooner than that, they might be saved from loss. For that reason I ask that it may go into effect on the 1st of July, in order to give these poor men, who are making these packages by hand, an opportunity to work up their surplus stock.

Mr. DOLLIVER. Mr. Speaker, in view of what my friend has stated, I withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the amendment offered by the gentleman from Minnesota?

There was no objection.

The amendment was agreed to.

The SPEAKER. The Chair understands the gentleman from Tennessee [Mr. RICHARDSON] to yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. RICHARDSON. Yes; I yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, there is not, so far as I know, and there should not be, in my judgment, any objection to the passage of this bill. I am in favor of it and shall vote for it. It will be of some convenience, I am informed, to the brewers of the country, and I hope no one will raise a single objection to the bill passing by unanimous consent.

The point I desire to make, however, is that this bill is not what the brewers want, because it does not reduce, and, according to the statement of the Commissioner of Internal Revenue, it will not reduce one cent the exorbitant tax now placed on beer. Beer is the poor man's drink, and it should not be taxed out of proportion to other commodities. The brewers of the country pay more taxes on what they manufacture than any other industry in the land. When the war-revenue bill passed this House the tax on beer was doubled. It was then increased from $1 a barrel to $2 a barrel, and under the war-revenue law the brewers of the country to-day are paying into the National Treasury over $75,000,000 of taxes every year, and every penny of this, remember, comes out of the pockets of the consumers—out of the pockets of the people who drink beer. The brewers make the consumers pay the tax, and the burden falls mostly on the toilers.

The war with Spain is over and has been concluded for some time, yet the Republican party continues to levy on the people of this country the enormous, exorbitant, and outrageous war taxes. When the Republican party passed the war-revenue bill at the beginning of the Spanish-American war, and to carry on that war, it promised, through its representatives on the floor of this House, that just so soon as the war was over the law increasing the taxes of the people would be immediately repealed. You have not repealed a single provision of the war-tax law, and, so far as I know and so far as the people of the country now know, you do not intend to repeal or to modify that enormous and unjust war-tax law in any particular. Tax the people into prosperity is one of the chief mottoes of the Republican party.

How long, I ask you now, in the name of all that is fair and just, do you intend to continue the burdens of this exorbitant, unnecessary, and outrageous war tax on the consumers, the taxpayers, and the people of the country? That is the question for you to answer, and that is the question the people intend to make you answer in the next campaign.

Do you intend to keep up the war taxes forever, piling up the people's money in the Treasury in order that your Standard Oil Secretary can loan the money out again to the Administration's pet national banks to charge the borrowers enormous rates of interest, and thus robbing the people coming and robbing them going? If that is the object, I would like to know it, and I think the people who are paying the taxes and bearing the frightful burdens of your imperialistic policy and expensive Government would like to have an answer to this very pertinent question. I pause for your reply. You can not answer, and I feel confident no Republican will have the courage to stand up here and give the desired information.

This bill is merely a little sop thrown to the brewers. You intend it to keep them in good humor. You have heard from them and you know they demand that the war taxes on beer be reduced to $1 a barrel, as it was before the Spanish-American war began. The brewers have sent several representative delegations here asking for the repeal of the war tax, and they have filed hundreds and thousands of petitions in favor of it. But if I know your intentions, and if I am any judge of your policy, their mission has been a failure, their work in vain, and the petitions have been thrown in the wastebasket.

You do not intend to grant the brewers any relief and you do not intend to repeal or to modify the war-tax law in any particular. You are keeping it up, compelling the people to pay these enormous taxes in time of peace, in order to carry out your nefarious schemes in the islands of the seas, in order to convince the people that times are prosperous, in order to pile up in the Treasury a great surplus, in order to maintain a large standing army, and last but not least, in order to deceive the people and cover up the deficiencies caused by the Dingley tariff law.

If it had not been for the Spanish-American war and this war-tax law incident thereto there would be a deficit in the Treasury to-day, caused by the failure of the Dingley tariff law, of over a hundred and fifty millions of dollars. You know that. There is no doubt about it. For one, I stand here and tell you that the people of this country demand a reduction of the war taxes; they demand their immediate modification or their entire repeal. They will not get it, however, from the Republican party. The people of the country can rest assured of this. When the Republican party once gets a tax on a thing it never takes it off. If the people get any relief from the exorbitant war taxes they are now paying, it must come from and through the agency of the Democratic party. The Democratic party will make this question an issue in the coming campaign, and the people can determine the matter.

You will deceive no brewer in this country by the passage of this bill. The brewers of the country know how the Republican party has betrayed them. They have not forgotten your promises in 1896, and I believe you will not get as much help from them in the coming campaign as you did in the last. If the brewers respond again to your cries for campaign funds, they are more foolish than I imagine and deserve to be robbed.

The war taxes the people are now compelled to pay to bolster up the imperialistic schemes, the royal swagger, and the plutocratic policy of the Republicans outrage American rights. In my opinion the war taxes must be repealed, and the people who are struggling under the unjust and oppressive burdens of extravagant government, in the name of justice and common sense and economy, must insist on their repeal. The poor people of the country pay more than three-quarters of all the war taxes.

The rich people practically escape with the payment of a very small part of the taxes, and they refuse to contribute their just share of the expense of Government by the payment of an income tax.

Mr. Speaker, if it were in order, I would offer an amendment to this bill to repeal all the war taxes; but as it is not in order under the rules you have adopted, I content myself with voting for this bill and at the same time entering against the exorbitant and outrageous war taxes the people are now paying my emphatic protest. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DOLLIVER. I yield two and a half minutes to the gentleman from Wisconsin.

Mr. OTJEN. Mr. Speaker, coming from the city of Milwaukee and representing that district, in which exist some of the largest brewing interests of this country, I desire to say a few words in favor of this bill. This bill is intended to do away with the one-sixth and one-eighth barrel package of beer, and it does not in the least affect the amount of the revenue of the Government. It is requested by the brewing interests as a matter of economy. The field that the sixth and eighth barrel once occupied is now filled by bottled beer, and much better. I have here a petition signed by the entire brewing interests of my district, ten large and small breweries, all of them asking for the passage of this bill. In fact, I think it is the almost unanimous request of the brewing interests of the country that this bill should be passed. When Congress placed upon beer a tax of $2 a barrel, the brewing interests of my district felt that it was a burdensome tax—heavier, perhaps, than the business ought to stand—but they are not here to-day hounding Congress for a reduction of that tax. They, as patriotic citizens, believe the condition of the country at the present time will not warrant a reduction of the tax, and are not asking it.

Mr. SULZER. Does the gentleman say the brewers——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from New York?

Mr. OTJEN. No. I would be glad to, but have only two and a half minutes.

The SPEAKER. The gentleman declines to yield.

Mr. OTJEN. I want to add this, that when an industry that pays such a vast revenue to the Government simply asks something which will be in the interest of economy in their business

and will not in the least reduce the revenue, Congress, it seems to me, ought to willingly and speedily grant that request. I hope this bill will be passed.

Mr. RICHARDSON. I yield five minutes to the gentleman from Arkansas.

Mr. TERRY. Mr. Speaker, I listened to the remarks of my friend from New York a few moments ago, in which he asked why gentlemen on the other side did not repeal the war tax. I thought if they would truly answer his question they would say they could not do it because the result of the Dingley bill without the war tax would leave a deficit in the Federal Treasury. That is the real fact; they are using the war tax to eke out the deficiencies of the Dingley bill that they have so greatly praised, and which has proved the most lamentable failure of any tariff measure that was ever enacted in these United States.

They can not repeal the war tax because of the secret understanding with England. They do not dare to abandon their policy of "criminal aggression." They do not dare to say a word of sympathy in behalf of two sister republics struggling for liberty and life against a monarchy. They do not dare to do it. They may prate as much as they please in their public prints, but the Republican—no, I will not say the Republican party—I will say the present Administration has turned its back ignobly even upon the principles of the Declaration of Independence; and they need money, they need much money, wrung out of the hard earnings of the toilers and taxpayers of this country, to carry on the policy that can only result to the benefit of syndicates, corporations, boodlers, and land grabbers, in attempting to annex to this country a section of land that no plain person of the United States can ever get any advantage of.

Mr. STEELE. Mr. Speaker, I rise to a point of order. There is so much confusion in the House that I could not hear the pathetic part of the gentleman's remarks. [Laughter on the Republican side.]

The SPEAKER. The gentleman from Arkansas will proceed.

Mr. TERRY. I thought I was in order, Mr. Speaker. With all the territory that has ever been annexed to the United States, under what they call "Democratic doctrine," the plain people could take their covered wagons, with the yellow dog tied under them, and move in and build up American States and American territory, but where can the plain people of this land get the benefit of the taxation that you are imposing upon them under your war-revenue tariff? They get absolutely none. It is only the rich, the very rich, that can ever derive a cent's benefit from your new policy of imperialistic expansion. When you want to expand, with an expansion on this continent, I am with you. But when you turn your backs on the Monroe doctrine, for the benefit of syndicates and millionaires, who sing, "God save the Queen" at the millionaire banquets in New York, although three-quarters of the American people are in favor of those who fight for liberty, when that is your policy I am against you to the death. [Applause.]

Mr. DOLLIVER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Iowa has twelve and a half minutes.

Mr. DOLLIVER. I yield two and a half minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, representing, as I do, one of the largest beer-producing districts of the country, I think it is proper for me to register my entire approbation of this bill. The brewers of my district are unanimously in favor of it for the reason that the losses resulting from the use of these small packages are enormous. There was a time in the history of that industry when the small packages were a necessity—that was when the bottling process was not yet invented; but to-day, Mr. Speaker, when beer is so cheaply furnished in bottles, and when the bottling process has been reduced to a science, these small packages are no longer a necessity. I have yet to hear a single protest against this bill. I wish to say to my friend from New York that he has no patent upon the idea that the beer tax should be reduced. It will be reduced, but at the present time it will be merely complicating this bill by bringing up the question of revenue. This bill does not affect the revenue in any way, and the question of revenue will, as it should, be taken up at another time. I hope this bill will pass.

Mr. DOLLIVER. Mr. Speaker. I now yield five minutes to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. BABCOCK. Mr. Speaker, I propose to vote for this bill for several reasons. The first is that the State which I have the honor to represent, Wisconsin, is largely interested in brewing. Another reason is that the brewing industry is carrying the greatest burden to-day of any industry in the whole Union. They paid a tax on barreled beer for six months ending December 31, 1899, of $38,000,000, which would be a tax of $76,000,000 a year, and they simply ask in this bill to be allowed to regulate the size of their own packages. There is another reason, Mr. Speaker, and one which with me is stronger than all the others, and that is that the abolition of these small packages, this one-eighth of a barrel, will be a greater step in the direction of good order and temperance, than any other proposition that is likely to come before this House. Under the present conditions the small package is not used for the ordinary distribution of beer; it is not used by saloon keepers and hotel keepers to tap and to sell to any great extent, but it is sold to boys, to those who want to take the kegs out into barns and bushes and for use Sundays, being sold largely at places where there is no license. This results in a great amount of drunkenness and disorder, and as a rule is beyond the control of the excise officers. I now yield back the balance of my time to the gentleman from Iowa.

Mr. DOLLIVER. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. I now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, doubtless this is a proper bill, and I shall not oppose it, but I desire to call the attention of the House to the fact that there are other evils and other onerous provisions in the war-revenue bill which ought to be remedied or repealed. While it may be just for the House to yield to the earnest demand of the great association of brewers in this country in order to give them the relief, partial though it may be, that they ask for, still, Mr. Speaker, we all know that the taxes on proprietary medicines, the tax upon the little mortgages and obligations that people over this country have to give yearly in farm transactions, is burdensome upon the people, and ought also to be repealed.

I need not tell the House, because every member has knowledge of the fact from the papers on file in the committee room or from the petitions and memorials which fill his mail, that there is an appeal from all parts of this country to Congress that this most burdensome tax on proprietary medicines now levied under the war-revenue bill be repealed. There are various small articles which the poor and humble are required to purchase which are subjected to this oppressive taxation, which the consumer has been obliged to pay, because the druggist who sells these articles is compelled to put the tax upon the man who buys them; and the latter is compelled to buy these articles of proprietary medicines because he is unable to employ a doctor. Besides, there are other small articles which the great mass of the poorer people of the country constantly use which are burdened with taxes under the existing law.

Every promissory note which the small farmer or the large farmer or the man in ordinary business gives in order to carry on his farming or his business operations, every mortgage, every check given to draw money from bank, is taxed. The taxgatherer stands at the elbow of every citizen who writes his name upon every promissory note, upon every mortgage, upon every check. The taxgatherer, too, stands at the elbow of the druggist when he sells those proprietary medicines, the tax falling, as I have said, upon the man who purchases these articles for himself, or for his sick wife or child. All over this country there come up from these dealers in drugs and from the poorer classes of people who suffer from this taxation (as the great association of brewers does not) an appeal, begging Congress to repeal this onerous tax.

It is not denied that the existing law in many respects may have been a necessary measure in view of the heavy expense thrown upon the Government by reason of the war. But the day will come when we shall heed the memorials and petitions of the people in the humbler walks of life as well as the demands of the rich—the great association of brewers who are able to contribute to campaign funds and to aid political candidates in their efforts to be elected. I make no charge, of course, that any member of the committee has been influenced by any such consideration—far be from me any such suggestion. But I mean to say that the humbler classes of our people are entitled to be relieved from these onerous taxes—taxes which were cheerfully submitted to while the country was engaged in a foreign war, but which no longer should be continued. The Ways and Means Committee ought to see to this matter soon; the House ought to see to it speedily, and Congress ought to hasten the day when this burden which has been put upon the country—upon the poorer classes as well as the rich—shall be removed and when we shall come back to that system of taxation which will be as little onerous as possible upon the toiling millions of the land. [Applause.]

Mr. RICHARDSON. Mr. Speaker, how much time have we remaining?

The SPEAKER. Five minutes.

Mr. RICHARDSON. I desire to ask the gentleman from Massachusetts [Mr. MOODY] whether he wishes to use his five minutes.

Mr. MOODY of Massachusetts. I think I will not use the time.

Mr. RICHARDSON. Then we will not use our time.

Mr. MADDOX. I should like to have two or three minutes.

Mr. RICHARDSON. I yield three minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. I wish to ask the gentleman from Iowa [Mr. DOLLIVER] a question.

I do not understand this bill exactly. I should like to know whether there is now any law compelling brewers to use these small packages.

Mr. DOLLIVER. There is authority for their use in the section of the Revised Statutes which this bill undertakes to amend.

Mr. MADDOX. If the brewers are in favor of discontinuing the use of these packages, can they not do so of their own accord without legislative action?

Mr. DOLLIVER. Well, they have had difficulty in regulating this matter by any business arrangement of their own, as long as the authority to manufacture these packages exists and as long as the Secretary of the Treasury furnishes the stamps applicable to such packages.

Mr. MADDOX. Is it a fact that this bill would tend to increase the revenue? To what extent would it do so?

Mr. DOLLIVER. The Internal-Revenue Department, in a communication which is printed in connection with the report of the committee, says that it will not.

Mr. MADDOX. It will not?

Mr. DOLLIVER. It will not.

Mr. MADDOX. That is all I desire to know.

Mr. GAINES. Then why do you want to change the law if this bill is to have no effect?

Mr. DOLLIVER. It is a mere matter of convenience to the industry interested. The public has no interest in it except that to which my friend from Wisconsin alluded, and the Treasury has no interest in it. The committee has made its report because under the circumstances, no public interest being involved, we think that this reasonable request of a great taxpaying industry ought not to be denied.

Mr. GAINES. As the gentleman seems to be interested in yielding to the demands of the taxpayers, I will ask whether taxes are reduced in any way by this bill?

Mr. DOLLIVER. Not at all.

Mr. GAINES. Why do you not reduce taxes?

Mr. DOLLIVER. We have not considered that question.

Mr. GAINES. Then you continue the war taxes unchanged?

Mr. DOLLIVER. We certainly do not intend to reduce taxes, if the statement of my friend from Arkansas is true, that there is a deficit in the Treasury but for the war-revenue receipts.

Mr. GAINES. I do not suppose there will be any deficit in the Treasury so long as the Secretary of the Treasury is allowed to sell as many bonds as he chooses.

Mr. BABCOCK. Will the gentleman allow me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. BABCOCK. Is this the unanimous report of the Committee on Ways and Means?

Mr. DOLLIVER. It is. Mr. Speaker, I ask a vote on the proposition.

Mr. RICHARDSON. I believe I have some time still remaining.

The SPEAKER. The gentleman has three minutes remaining.

Mr. RICHARDSON. I yield to the gentleman from Kentucky [Mr. BERRY] as much time as he desires.

Mr. BERRY. Mr. Speaker, I only desire to say a word upon this question.

I represent a district that makes a very large quantity of beer, as well as other drinkables, and I feel that this bill, coming as it does with a unanimous report from as cautious and able a committee as that of Ways and Means of this House, ought to meet the approval of all the members present.

When the late war broke out, the brewers of the country were paying a little over $33,000,000 annually as a tax to the Government. By reason of the war duties levied this tax was about doubled, and I understand from the report of the Commissioner of Internal Revenue that the tax now collected amounts to about $66,000,000 and upward on this single industry, which is more than is paid by any other industry, or any other single article, within the tax laws in the United States.

This bill is not presented with a view of lessening the tax paid to the Government, but is simply an accommodation to the brewing interest, which pays such an enormous proportion of the taxes, and it seems to me that a measure which would enable them to conduct their business more satisfactorily, as this bill proposes, ought to meet the approval of the House of Representatives without question.

I know how the brewers feel on this question. I know how they were imposed upon by reason of the doubling of their taxes because of the war revenue; and they have been clamoring for some little relief, even such as this bill provides for them. If, therefore, it meets their approval, it should meet the approval of the House and become a law.

That is all I desire to say upon the question.

The SPEAKER. The question is upon the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill passed.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and pending that, I desire to see if we can not arrange with gentlemen on the other side as to length of the debate.

I have already had some talk with the gentleman from Tennessee [Mr. RICHARDSON], in which he has substantially agreed that the debate is to be continued this week, that the general debate shall close on Saturday, and that on Monday the bill shall be taken up for amendment, in committee, under the five-minute rule, the amendments offered by the committee reporting the bill to be considered first, and that at 2 o'clock on that day the committee shall rise and report the bill to the House with such amendments as may have been agreed to.

I ask unanimous consent that this may be made the order of the House.

The SPEAKER. The gentleman asks unanimous consent that general debate be closed on Saturday next, that on Monday the bill shall be considered until 2 o'clock by paragraphs under the five-minute rule, and that at 2 o'clock the committee shall rise and report the bill, with such amendments as may have been adopted, to the House. Is there objection?

Mr. McCALL. Mr. Speaker, before that I would like to ask my colleague on the committee a question. Is it proposed to give to the House an opportunity to vote on the proposition recommended by the President in his message as an amendment in the nature of a substitute under this arrangement—that is to say, to vote on the proposition reported by the bill introduced by the gentleman from New York, which was in the language of the recommendation of the President in his annual message, that being the matter which gave the committee jurisdiction of the subject? I want to know if you propose to vote on that proposition as a substitute?

Mr. PAYNE. That would be for the House to determine. I will say to the gentleman, however, that I do not intend to offer any such amendment myself.

Mr. RICHARDSON. If the gentleman will allow me——

Mr. PAYNE. Certainly.

Mr. RICHARDSON. We can not consent to any agreement which would preclude the offering of a substitute that the minority want to offer. When the occasion arises, I want the privilege to have a vote on the substitute, and when the proper time comes we shall offer such a substitute.

Mr. PAYNE. As I have already stated, that would be for the House to determine.

Mr. RICHARDSON. That is all right. But I desire to give notice that we will offer the substitute when the proper time comes.

The SPEAKER. The Chair will state the question. Pending the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole House for the consideration of the bill to which he has referred, the gentleman from New York asks unanimous consent that general debate be closed on Saturday next, and that on Monday morning the bill be opened for consideration under the five-minute rule for debate and amendment, and that at 2 o'clock the committee shall rise and report the bill back to the House with any amendment which may have been agreed to——

Mr. RICHARDSON. And also coupled with the understanding that the minority may have an opportunity to submit a substitute for the bill.

Mr. PAYNE. I do not consent to that. That is a matter entirely within the jurisdiction of the House.

Mr. RICHARDSON. But we do not want the bill reported back without the opportunity to have a vote on the substitute.

Mr. PAYNE. It would be in order in the House, I suppose, unless the House had first ordered the previous question.

Mr. RICHARDSON. Well, if we can have an agreement that we may offer a substitute, that is all we desire. We do not want to be precluded by any rule or any agreement from offering a substitute.

Mr. PAYNE. Well, this only includes the reporting of the bill to the House.

Mr. RICHARDSON. But, as the gentleman knows, it must be reported with the pending propositions, and if there is no substitute pending there could be none offered in the House.

Mr. PAYNE. There could be, unless the previous question was ordered.

Mr. RICHARDSON. If the gentleman concedes that we may offer it that is all we ask.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. PAYNE] as stated by the Chair?

Mr. RICHARDSON. I object unless it is supplemented by the request which I make.

The SPEAKER. Objection is made.

Mr. RICHARDSON. I hope the gentleman will agree to it, because that will make our arrangement satisfactory. I ask the Chair to submit my request also, that the substitute of the minority may be pending also, with the report of the Committee of the Whole, on next Monday at 2 o'clock.

Mr. PAYNE. I can not consent to that at the present time.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill referred to.

LATE CONSUL TO TRANSVAAL.

Mr. HITT. Mr. Speaker, before the motion of the gentleman from New York is put, I should like to ask him if he will permit me to make a privileged report. It is unanimously agreed to and will take but an instant, and I suppose the Chair would have the right to recognize me for it anyhow. It is a report on a resolution of inquiry. If it is permitted, I will move the previous question, and have it passed in an instant.

Mr. PAYNE. I should like to accommodate the gentleman from Illinois, but I have asked several gentlemen who have been promised recognition to wait until to-morrow morning.

Mr. HITT. Am I not entitled to make a privileged report?

The SPEAKER. Pending the motion, the Chair will recognize the gentleman from Illinois.

The Clerk read as follows:

House resolution 149.

Whereas Charles E. Macrum, late a consul of the Government of the United States at Pretoria, in the Transvaal Republic, over his own signature, charges "When this (his) mail was finally forwarded to me after Colonel Stowe, the American consul-general at Cape Town, had secured its release, I had the humiliation, as the representative of the American Government, of sitting in my office in Pretoria and looking upon envelopes bearing the official seal of the American Government opened and officially sealed with a sticker, notifying me that the contents had been read by the censor at Durban:" and

Whereas he further states in the same article, "When I accepted my post as consul I knew nothing of any secret alliance between America and Great Britain:" Therefore, be it

Resolved by the House of Representatives of America, That the Secretary of State is directed to inform the House of Representatives if said Charles E. Macrum, as consul of the American Government, informed the State Department that his official mail had been opened and read by the British consul at Durban; and if so, what steps, if any, have been taken to obtain an explanation and apology from the British Government.

SEC. 2. That he is further directed to inform the House of Representatives what truth there is in the charge that a secret alliance exists between the Republic of the United States and the Empire of Great Britain.

The Committee on Foreign Affairs, to whom was referred House Resolution 149, beg leave to report the same back with the following amendments, and recommend its passage as so amended:

On page 2, line 1, strike out "consul" and insert in lieu thereof the word "censor."

On page 2, lines 2 and 3, strike out "to obtain an explanation and apology from the British Government" and insert in lieu thereof the words "in relation thereto."

Mr. HITT. Mr. Speaker, the amendments made by the committee are unanimously agreed to, and they are also in accord with the views of the gentleman who introduced the resolution [Mr. WHEELER of Kentucky], they having been submitted to him. The resolutions meeting everyone's view, I will move the previous question.

Mr. BERRY. I will ask the chairman of the Committee on Foreign Affairs if the gentleman who introduced the resolution is here?

Mr. WILLIAMS of Mississippi. That is all right.

Mr. HITT. I have submitted the amendments to him.

The SPEAKER. The gentleman from Illinois moves the previous question.

The previous question was ordered.

The amendments recommended by the Committee on Foreign Affairs were agreed to.

The resolution as amended was agreed to.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

TRADE OF PUERTO RICO.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. PAYNE].

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, with Mr. HULL in the chair.

The bill was read, as follows:

Be it enacted, etc., That the provisions of this act shall apply to the island of Puerto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which was ceded to the United States by the Government of Spain by treaty concluded April 11, 1899; and the name Puerto Rico, as used in this act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

SEC. 2. That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

SEC. 3. That on and after the passage of this act all merchandise coming into the United States from Puerto Rico and coming into Puerto Rico from the United States shall be entered at the several ports of entry upon payment of 25 per cent of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and, in addition thereto, upon articles of merchandise of Puerto Rican manufacture coming into the United States, customs duties equal in rate and amount to the internal-revenue tax which may be imposed in the United States upon the same articles of merchandise of domestic manufacture; and upon articles of United States manufacture coming into Puerto Rico customs duties equal in rate and amount to the internal-revenue tax which may be imposed in Puerto Rico upon the same articles of Puerto Rican manufacture.

SEC. 4. That the customs duties collected in Puerto Rico in pursuance of this act, less the cost of collecting the same, and the gross amount of all collections of customs in the United States upon articles of merchandise coming from Puerto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Puerto Rico until otherwise provided by law.

Mr. PAYNE. Mr. Chairman, an incident of the late Spanish war was the invasion of Puerto Rico by the Army of the United States. At that time it seemed to be almost the universal desire of our people that Puerto Rico should be added to the territory of the United States; but another incident of the war had put our Navy in command of the harbor of Manila and also a portion of the city; and when the commissioners met at Paris and negotiated a treaty the grave question that confronted them was not what was to be done with Cuba or Puerto Rico, but what was to become of the Philippine Islands.

It can not be denied that many of our people were not in harmony with the idea of annexing those islands, so distant from our shores; but as the question was investigated we found that the victory of Dewey at Manila Bay had carried with it grave consequences to those people and grave responsibilities to us. We found that while we had gone to war to give freedom to Cuba, as an incident of that war we had destroyed the Spanish power in the Philippine Islands. The question arose, What was to be done? Some said, "Let Dewey sail away with his fleet and leave the islands to their fate." But that would not settle the question; nor would it settle the duty of the people of the United States. It would have been moral cowardice; and when the treaty came out of the Paris conference, it came with a clause ceding not only Puerto Rico, but also the Philippine Islands to the United States, with a requirement that we pay out of our Treasury to Spain $20,000,000.

The treaty was not made in a corner. Its contents were known to the world, and all its provisions were known to all the citizens of the Republic. It could not be carried through by the President of the United States alone. It could not be ratified and put into force by any one political party. It needed the assent of other parties before it became binding upon the people of the United States. It went to the Senate. There was long deliberation there. In that body a majority were hostile to the Administration and hostile to the Republican party. Still, under the Constitution, the treaty required a two-thirds vote before it could be ratified. It was ratified. It was a matter also that was an open secret that the great leader of the Democratic party in the last campaign and the leader to be in the campaign to come came to Washington and personally urged his friends to vote for the ratification of this treaty.

The acquisition of Puerto Rico and the acquisition of the Philippine Islands was a matter, then, that was ratified by both the great political parties of the United States. But it did not stop here, Mr. Chairman. The House of Representatives had a duty to perform, a matter of discretion, and a matter of right. When a treaty came before the House of Representatives in 1796, a treaty with Great Britain, while there were among the members of the House of Representatives men who had helped to frame the Constitution, or who were contemporaneous with the framers of the Constitution, when the debates upon the subject were fresh in their minds, at a date to which we look back for our interpretations of the Constitution, the question of the duty of the House of Representatives in regard to a treaty came up for discussion in the House. This resolution was introduced in 1796, on the 1st day of April:

Resolved (as the opinion of this House), That when a treaty is made which requires a law or laws to be passed to carry it into effect that in such case the House of Representatives has a constitutional right to deliberate and determine the propriety or impropriety of passing such laws and to act thereon as the public good shall require.

That resolution was adopted. During its consideration speeches were made upon it, the power and the duty and the rights of the House of Representatives in such case were fully discussed, and it was determined by a decisive vote of 57 yeas to 35 nays that they had the rights set forth in the resolution, and they adopted it as an expression of the opinion and deliberate judgment of the House of Representatives.

This question came up again in 1804, and came up at a subsequent

period in the House of Representatives; and this determination of the House was received, accepted, and adopted as the opinion of the House. It is a precedent, as our friends would say, of a hundred years, and of course was binding upon them, and was binding upon us when we came to consider the question of the appropriation of $20,000,000 to carry this treaty into effect. It was not only ratified by the President and two-thirds of the Senate, but it came to this House for a vote.

The question was debated for a short time in the House. Debate ran fast and furious on the subject, but when we came to vote it was found that there were 219 yeas and only 33 nays; and among those who voted to carry this treaty into effect were three gentlemen in the minority of the committee, the gentleman from Tennessee [Mr. RICHARDSON], the gentleman from New York [Mr. MCCLELLAN], and the gentleman from Nevada [Mr. NEWLANDS], who have signed these minority views; and the then leader of the Democratic House, the gentleman from Texas [Mr. BAILEY], and the would-be leader of the Democratic party in this Congress, the gentleman from New York [Mr. SULZER], ratified, by their votes in the affirmative, the carrying of this treaty into effect.

Now, Mr. Chairman, all political parties have approved this treaty and accepted the cession of the Philippine Islands to the United States and the island of Puerto Rico to the United States. As patriots, instead of trying to make some political capital for the Presidential campaign, we should sit down with deliberate, dispassionate judgment and consider the questions that confront us with reference to these islands.

The island of Puerto Rico, with which the bill deals, is one of the richest islands of the West Indies, a small island, about 80 miles in length and 40 miles in width, in the form of a parallelogram, running east and west, with a mountain range running along the center, some 3,000 feet high at the summit, and cultivated from the summit clear down to the seashore, with level lands along the line of the sea at the foot of the hills averaging in width from nothing to 5 miles, on which sugar is raised, the higher lands adjoining fitted for the cultivation of tobacco and pasturage, and the higher lands of the mountains on which coffee is cultivated. It is said to be the most densely populated of any land in the whole world.

The citizens of Puerto Rico accepted the conditions. They could not very well do anything else. We had the consent of the governed, but the governed were too weak to yield up anything except consent to the powers of Spain and the powers of the United States. As the gentleman from New York said the other day, they received the troops with open arms, but whether, if Spain had come along the next day, they would not have received them still more gladly he was not able to say.

The superficial area of this island is about 2,000,000 acres, Mr. Chairman, of which 76,000 acres are used for the cultivation of sugar cane, 182,000 acres for coffee, 18,000 acres for tobacco, 185,000 acres for minor crops, 17,000, as the reports say, for "small items under cultivation;" pasturage, 1,148,000 acres—considerable more than one-half; underbrush, 140,000 acres; wood, 165,000 acres, and not classed, 65,000 acres. It is said that these last three items, containing 370,000 acres, are such that it will never be possible to bring them under cultivation.

Its population, estimated, now is 1,000,000 people, although the Spanish census in 1896 disclosed only 900,000 people. These were divided into negroes, 76,000; mulattoes, 242,000; whites, 582,000. The testimony before the Insular Committee was that the whites were generally full-blooded white people, descendants of the Spaniards, possibly mixed with some Indian blood, but none of them negro extraction.

Now, Mr. Chairman, we have acquired the control of the territory of Puerto Rico, what are we going to do with it? What is our first duty toward that island? It appears that of the whole population only 12 per cent can read and write, and 14½ per cent can read only. In other words, the number and proportion of illiterates is overwhelming. The educated reside mostly in the cities and the large towns, and in the country there is a dense mass of ignorance. Not that these people are not willing to learn, not that they are not apt to learn, for the testimony of our Army officers who went down there and citizens who went there is that they are quick to learn, eager to learn, and especially eager to learn and speak the English language. The difficulty has been that Spain has not provided schools for these children. No building was ever built for a schoolhouse in the island of Puerto Rico until about four months ago. They had schools scattered over the island, but they were rented places.

Mr. COCHRAN of Missouri. Will the gentleman allow me an interruption?

Mr. PAYNE. I will yield this time, but I do not like to be interrupted.

Mr. COCHRAN of Missouri. Is it not true that when the war between the United States and Spain broke out there was a university at Manila with in the neighborhood of 800 students in it?

Mr. PAYNE. I am not talking about Manila.

Mr. COCHRAN of Missouri. I understood you to say that there were no schools there.

Mr. PAYNE. I am talking about Puerto Rico. Now, Mr. Chairman, I will resume. Our people have increased the number of schools. As I said, the only schoolhouses were rented buildings, generally rented from the teacher himself. They were without school furniture, many of the children bringing a chair or stool to sit upon. They tell the story that in one schoolhouse there was a hammock thrown across the room, and when asked what it was for the teacher said that was where he reclined when school was in session.

Of course, under these difficult circumstances it is not to be wondered at that not more than 12 per cent of these people can read or write. When our people got control and possession of Puerto Rico they went to work to establish schools. They built a high school at San Juan, and they propose to build a normal school to instruct teachers how to educate children, because the Administration believes, and I believe, as every good citizen will believe, that the paramount duty of the United States is to educate these people, to furnish them schoolhouses for every part of the island; and I do not care if they put up the American flag over every one of them and teach patriotism as well as the English language. [Applause on the Republican side.]

Spain collected in taxes from these people over 5,000,000 pesos annually. A peso is a Spanish or Puerto Rican silver dollar, containing about 93¼ per cent as much silver as an American silver dollar. It is worth now in the market 41 cents; but by an Executive order it was made exchangeable in United States money at the rate of 60 cents for a peso. So it was worth 60 cents of our money. Spain collected these 5,000,000 pesos from these people. But instead of building schoolhouses or providing a school system they took about half of this money to support the Spanish army and navy and to help out poor Spain from year to year.

The exports of the island were about 17,000,000 pesos and the imports about the same amount. The three principal items of export were coffee, sugar, and tobacco, in the order named. About 60 per cent of the total exports was coffee, about 20 per cent sugar, and about 5 per cent tobacco. The market for the coffee was found principally in Spain, and also in Cuba. That which went to Spain found its way to France and Germany, and some of it to the United States, where it is sold for the best Mocha and the best Java, and I am told by competent experts that the best grades of it are fully equal if not superior to any Mocha or Java coffee that can be bought anywhere in the world.

When the war was over Spain put a prohibitive duty on coffee, as she did upon tobacco, and a corresponding duty upon sugar. Cuba, which we hold in trust, demanded of the United States that we put a duty upon Puerto Rican coffee and Puerto Rican tobacco. A large portion of the tobacco crop was brought to Cuba in the years gone by free of duty; and there it was made up into cigars, sometimes mixed with Habana tobacco and sometimes not, but most of it came to the United States in the shape of the best Habana tobacco. The better qualities of this were exported. There were some minor grades that went to Europe, principally to Germany, selling at 5 or 10 cents a pound.

The export of tobacco was 4,000,000 pounds annually. One year it went up to 6,000,000 pounds, but the normal average exports were 4,000,000 pounds. They raise a million or two pounds more, which are consumed in the island. These were made into cigars and cigarettes by the natives and sold there.

Of sugar about three-fifths came to the United States and two-fifths went to Spain. That is about the proportion that has been exported to the two countries for the last ten years. Some of the time perhaps we got two-thirds of it. So that a part of the sugar market was in Spain and the rest in the United States. Spain cut off the market for sugar, cut off the market for coffee, cut off the market for tobacco, which was 85 per cent of their exports, and left the people without a market for these commodities, save that they had in the United States.

In addition to that, Cuba demanded of the Government not only a duty on coffee which was prohibitory, but a duty of 35 a pound on tobacco, which was also prohibitory, and under which not a pound could be exported to Cuba.

Well, these Puerto Ricans began to feel as though they had been made the victims of misplaced confidence. When they saw the flag go up and knew that "prosperity followed the flag," as a matter of course they expected to get a little of that prosperity themselves. Instead of that, the first result was to cut off these markets. More than that, on the 8th of August last there occurred there a storm, or hurricane, which swept that island from end to end; such a storm as had not been known there since 1867. It occurred at a time when they were getting ready to harvest the crop of coffee, which bade fair to be a great crop.

One man, an extensive coffee planter, estimated that the entire output of coffee would exceed that of any previous year by 7,000,000 pesos in value. The normal crop is somewhere about

eight or ten million pesos. This crop, which was expected to be a double crop, was by this storm wiped out of existence, because the winds swept the berries from off the bushes, and then the rain descended, so that when the sun came out there was nothing left but the dry and shriveled part—of no use whatever. Not 10 per cent of the ordinary crop was harvested in consequence of the effect of that storm. And that was not the worst of it. The market had been tied up for a year by these adverse tariff rates in Cuba and Spain; the coffee crop of the year before was sheltered in their little huts and in crudely constructed buildings all over the land. The wind razed these huts to the ground, destroying the greater portion of the crop of the previous year. So a double calamity came upon these people.

The winds did great damage and occasioned great desolation. In addition to the damage to the sugar crop and the tobacco crop, more than 2,000 people perished in the storm, while hundreds of thousands were turned out of their rude homes, shelterless to the blasts that beat upon them.

This was the condition in August last. And these people who had begun to despair under what had come to them from the loss of markets had still more reason to despair because of the devastation of this terrible storm.

Mr. Chairman, after I had heard these representations from the gentlemen who appeared before the Committee on Insular Affairs, particularly the report of that honorable, able, and competent official, Brigadier-General Davis, who is now the military commander, it seems to me that Congress ought to afford some relief as quickly as possible to the people of these islands.

The President had recommended that we give them free trade with the United States. The Secretary of War had also recommended it in his report, and without consultation with anyone, on my own individual motion I introduced a bill and had it referred to the Committee on Ways and Means establishing customs ports in Puerto Rico, giving to the people of that island free trade with the United States, and between the United States and the ports of the island, and also extending the internal-revenue laws to the island and the islands adjacent to Puerto Rico. I wanted to relieve these people from the position in which they were placed.

My own sympathies were entirely enlisted in their behalf. I sympathized with their distress then as I sympathize with them to-day. They have not rebelled; they have not raised their arms against the Government of the United States; they have submitted quietly, and I wanted to do something for them for their relief. We could not help them with reference to their coffee, because coffee is free in the United States from whatsoever port it comes. It must depend therefore upon the good will of the United States to give them a market for their coffee. The War Department officially did give to these people, I agree, the right that coffee might be imported there free, and the order putting on a duty was rescinded.

But Cuba is only a market for the small remnant of coffee that is left over after the great storm of 1899, and the price of coffee has gone back to the old figure. If Puerto Rico only had enough coffee and the market for it, this would help at least to the extent of 60 per cent to the inhabitants of the island who are depending upon that industry for their support.

Mr. NORTON of Ohio. If the gentleman will permit me, I think I am in sympathy with the gentleman in the views that he has expressed, and I should be very glad if I could be able to vote for the bill; but I would like to be informed upon one point, and ask him to yield to me for a question.

Mr. PAYNE. Certainly.

Mr. NORTON of Ohio. I should be glad also to help the gentleman in helping the Cubans. But I think in giving the value of the peso, a few minutes ago, he said that it amounted to about 40 or 41 cents of our money.

Mr. PAYNE. No; the gentleman is mistaken. I said that 93½ per cent of the peso was silver, and that it was worth 41 or 42 cents in bullion; but by Executive order the value was fixed at 60 cents on the dollar.

Mr. NORTON of Ohio. This increase was made by Executive order? Now, if an Executive order can increase the value of the peso in the proportion the gentleman has stated, why can not an Executive order make it equal to a full dollar in value, and help the people in that way? [Laughter on the Democratic side.]

Mr. PAYNE. Well, Mr. Chairman, the gentleman is drifting off from the subject. But I will amuse him a little on my way. There are about $5,000,000, of pesos, in the Puerto Rican Islands in circulation, and when the United States gives 60 cents in good United States money for each of them it makes them worth that amount, of course.

Mr. GAINES. Will the gentleman allow me to ask him a question?

Mr. PAYNE. No, I can not yield; not even for the first gun fired in this war.

Mr. GAINES. Well, you are going to hear a good many fired before you get through with this question, I can tell you.

Mr. PAYNE. These questions, Mr. Chairman, are only taking up my time, and I do not desire to occupy very much of the time of the committee, as there are other gentlemen who desire to follow me, and I am already occupying more time than I had expected. The first thing that was to be considered in devising a plan for the revenues of the island—because the money was to be expended there—was to provide a government for the island. General Davis, a careful investigator, says that the expenditure would amount to $1,943,678.71 next year. It would only allow about $350,000 for the schools and about $300,000 for the highways. We must meet this question, therefore, and provide revenue for the support of the island. If we are to provide for these necessities it must be done by taxation in some way, or else we can not help the island. Where would it be best, then, to direct our attention in placing that taxation? That was the nature of the question that confronted us, and that we had to consider.

I sought General Davis. I sought other men who were acquainted with the circumstances, knew the imports, knew the revenues, knew all the surroundings in Puerto Rico, and I was assured that we could collect not exceeding $500,000 from the tariff and $500,000 from the internal revenue, in all a million dollars, to meet $2,000,000 of expenditures. Then I began to look around me and saw what effect the internal-revenue taxes would have upon the people of these islands.

They manufacture there annually a million and a half gallons of rum. It is sold all over the island. It is a necessity of life, or they think so, for the poor people of that island. These million and a half gallons retail at from 25 to 40 cents a gallon. The internal-revenue tax upon that, under the law that we were about to extend, would amount to $1.20 a gallon. The price to these people would be multiplied by four. How could they get their rum? We were cutting it off.

Well, now, some gentlemen may say they would be better off without the rum. I think that myself, that constitutionally and in the matter of laying up money they would be better off without the rum, but they have been used to it all their lives. They are poor people, and when a government comes along and arbitrarily cuts off rum from a community that has been accustomed to it, every man of whom wants it, why there is bound to be trouble, and there would have been trouble with those Puerto Ricans if we had passed that act in that way to cut off their supply of rum.

In addition to that, Puerto Rico has been importing from Cuba a million and a half pesos' worth of cigars from year to year. The Puerto Ricans have made a million pounds of their own tobacco up into cigars and cigarettes and sold them over the island each year.

General Davis says it will be very difficult to collect this tax on tobacco. "I suppose there are two or three thousand shops in Puerto Rico. A man has a hut in which he lives in one room, and in another sells a little rum, rolls cigarettes and sells them, and sells tobacco, and cigars, and fruits, and beans, and codfish, and has a general store, and he is in himself a tobacco manufacturer and retailer, saloon keeper and grocer."

Suppose we applied our internal-revenue taxes to these items? This is the cheap tobacco, cheaply made up, thrown together into cigars for the poor people of the island, these people whose coffee crop has been annihilated, and hundreds of thousands of whom have depended upon the charity of the good people of the United States to keep them from starving and to furnish them shelter, the only relief that they have received thus far from becoming a part of the territory of the United States.

Mr. TERRY. Will the gentleman permit me to ask him a question?

Mr. PAYNE. If it is on this subject, yes. If it is about something else, no.

Mr. TERRY. It would seem to me, from the logic of the gentleman's position, that he is in favor of giving these people cheap luxuries and high-priced necessities.

Mr. PAYNE. Well, the gentlemen will know more as he grows older. I am not to blame for what "seems to him" now.

Mr. Chairman, the taxation would simply have destroyed these industries and would not have given us any appreciable revenue, no money for schools, no money for highways, no money for anything except the hard, stern realities of governing those people. So as a revenue raiser the bill which I first introduced was a failure, and, as I understand it, the first and paramount thing in a tariff bill, under the idea of the Republican party, always has been to raise sufficient revenue to support the Government as we go along.

Then the further question came along, Mr. Chairman, how much we were giving to these producers of sugar under the bill as first introduced. It would only benefit a moderate percentage of the people. They had been selling and sending abroad 58,000 tons of sugar, on an average, annually.

According to the statistics, they have 76,000 acres in sugar plantations. Other gentlemen say that they average a production of a ton to an acre, and that it takes a man to cultivate an acre, or

60,000 people to cultivate this sugar during the season. These men would be benefited by free sugar, and the owners of the plantations, some of them small ones and some of them with 700 and the largest with 1,500 acre plantations, would receive the direct benefit. If the Puerto Rican is the shrewd man that they say he is, and I hope and trust he may prove so, the laborers on those sugar plantations would get a part of this benefit, but largely, of course, as we all know, it would go to the planter and to the factory and to the merchant.

I understand there are some 3,000,000 pounds of tobacco now in the hands of the merchants ready to be exported. Who will get the benefit of the reduction of the duty on tobacco? Why, the merchants in the first instance; afterwards the planter. Would it not be fair that these people who get the greatest benefits should pay the expenses of the government?

Suppose we cut off 75 per cent of the duty which they now have to pay to get into our markets and present it to them. How much does that mean to the producers of sugar and to the producers of tobacco in these islands?

The estimate is that they will produce and sell and export 45,000 tons of sugar this year. It must all come to our market, because the Spanish market is absolutely cut off. Suppose we remit this duty. What does it mean?

This will not injure our industries. We consumed 2,000,000 tons of sugar last year. We imported about 1,400,000 tons on which we paid duty. We also imported 300,000 tons from Hawaii, which came in free of duty. The balance was produced in this country. Our increased consumption amounts to from fifty to a hundred thousand tons annually. If this 60,000 tons comes in from Puerto Rico, it will be but a drop in the bucket. Even should it double in quantity it could have no influence on our market. Our sugar producers have nothing to fear if we stop with sugar from Puerto Rico at the duty in this bill.

Nor will this bill injure the tobacco industry. Their tobacco is quite different from ours. The best of it ranks with the Cuban or nearly so. Nearly all of it is filler tobacco and very little is fit for wrappers. My own impression is that it will add to the sale of wrappers in the United States and make a better market for our tobacco growers. I have yet to see the tobacco man who fears the introduction of the Puerto Rican product.

Their great fear is that if we should give free trade to Puerto Rico we should follow it with free trade with the Philippine Islands, and ultimately with Cuba. Neither they nor the sugar producers fear anything from Puerto Rico alone, and when Congress asserts its power under the Constitution to deal in the manner proposed by this bill with this territory, it gives them renewed confidence to believe that Congress has the power and can be trusted to care for their interests when we come to deal with the other islands.

I find from the Bureau of Statistics that the sugar imported into this country in 1898 under 16 Dutch standard of color brought an average price of 2 cents, and in 1899 an average price of 2.2; that the averege duty paid upon the sugar was 1.57 in 1898 and 1.63 in 1899—that is, $1.63 a hundred pounds, an average of $1.60 a hundred for the two years upon sugar such as these men would export to the United States. That makes a pretty figure if you remit all that duty of $1.60 a hundred pounds, or $35.84 for a long ton, a total of $1,600,000 on the 45,000 tons that they will export to the United States this year. Suppose we take a quarter of that and give them three-fourths.

Suppose we take $400,000, or rather give it into the hands of the President of the United States, in order to carry out the benevolent object of building roads and building schoolhouses for these Puerto Ricans; are we not dealing more generously with these whole people to do that—that is, to provide schools on the mountains and on the mountain sides, where the poor coffee planters are struggling along for an existence—than to give the whole of it to the sugar planters and let the schools go? [Applause.]

So with tobacco. I find that the whole duty on their 4,000,000 pounds of tobacco, at 35 cents a pound, would amount to $1,400,000. We might give this to the tobacco planters, because on all these articles, gentlemen, make no mistake, the price of sugar and the price of tobacco is made in the United States, and they have to pay these duties to get into our markets. And if we remit the duty, we remit for them. Suppose we say, then, we will divide with these people; that we will give them $1,000,000 out of their duty on tobacco, and take $350,000 and add it to the revenues to come from these islands.

Mr. PIERCE of Tennessee. Will the gentleman permit me to ask him a question?

Mr. PAYNE. If it is on this point.

Mr. PIERCE of Tennessee. These schools that are to be built—are they to be built by taxes raised off the people of the United States or are they to be made from taxes raised on the Puerto Ricans?

Mr. PAYNE. We are to raise the taxes under this bill on the products coming from Puerto Rico.

Mr. PIERCE of Tennessee. Then you are going to build them out of the taxes they have to pay?

Mr. PAYNE. If the gentleman can figure it out that we have to pay this tax, I can not. I suppose he is in favor of them having free trade with the United States?

Mr. PIERCE of Tennessee. Yes, I am.

Mr. PAYNE. Then he proposes to give them all of this.

Mr. PIERCE of Tennessee. Will the gentleman permit me to ask him another question?

Mr. PAYNE. We propose to reserve a portion of it to build schools with. That is the difference.

Mr. PIERCE of Tennessee. Will the gentleman permit another question?

Mr. PAYNE. Well, if you will not take all of my time.

Mr. PIERCE of Tennessee. Does the gentleman believe that as soon as the ratification of the treaty of peace was made that the Puerto Ricans were citizens of the United States or does he think that they fell outside of the Constitution?

Mr. PAYNE. Oh, well, now, I may possibly get down to that subject if you do not consume my time; but the gentleman from Tennessee ought to know that that is a question that has nothing to do with sugar.

Mr. PIERCE of Tennessee. I think there is a good deal of sweetness in it, and I thought it should be touched with this.

Mr. PAYNE. So, Mr. Chairman, I myself suggested this substitute to my colleagues on the committee. I called the Republican members of the committee together—I do not mind giving away secrets since they have been published in the newspapers—and we went over the whole field, and determined at that time that the better thing to do was to provide a sufficient revenue to run this government. Where are we going to get the balance? We expect to get a million dollars of customs duties paid on goods imported from foreign ports and from the United States into Puerto Rico. That will make $1,750,000. That is not all of it.

Mr. HENRY of Texas. Will the gentleman yield to me for a question?

Mr. PAYNE. I would rather that the gentleman did not ask me a question at this time.

Mr. HENRY of Texas. I want to ask it in reference to the revenue on sugar that you have spoken about, and to ask it for information. Is this tax levied in order to give schools to the Puerto Ricans, or is it levied for the purpose of giving the benefit to the producers of sugar in this country?

Mr. PAYNE. I do not see how any man could ask such a question as that—how a tax of 20 per cent is a protection to any sugar interest in this country.

Mr. HENRY of Texas. You introduced this bill giving the Puerto Ricans free trade with the United States. Now, was this bill introduced until the representatives of the beet-sugar producers and the tobacco producers and all other sugar producers in the United States had been before the Committee on Insular Affairs and stated that free trade would be disastrous to their interests?

Mr. PAYNE. I think it was; and right here, lest I forget it, I want to say that the gentleman who represents the beet-sugar industry, Mr. Oxnard, came before the Committee on Ways and Means and made a statement before the Ways and Means Committee.

Mr. HENRY of Texas. And before the Committee on Insular Affairs.

Mr. PAYNE. I was not present there, and I only heard him make it before the Ways and Means Committee. I made this inquiry: "Mr. Oxnard, do you fear the disastrous influence of the importation of sugar from Puerto Rico, bearing in mind the fact that the United States consumes 2,000,000 tons of sugar annually; that it is increasing by 100,000 tons every year; that we import 1,400,000 tons and pay duty upon it? Do you think the free importation of only 58,000 tons, and supposing it should be doubled to 120,000 tons, from Puerto Rico, would affect your industry?" He said, "No; that is not what I am afraid of. What I am afraid of is"——

Mr. HENRY of Texas rose.

Mr. PAYNE. Now, let me make that statement.

Mr. HENRY of Texas. I want to make a statement of what he said before the Insular Affairs Committee.

Mr. PAYNE. Well, you can not do it in my time. He said what he was afraid of was free sugar from the Philippine Islands, and he was afraid that when prosperity came to Puerto Rico under free sugar Cuba would be knocking at the door for admission, and that all sides of the Chamber, imperialists, expansionists, anti-expansionists, and every other kind, would vote to admit Cuba into the Union; and if we extended free trade to Cuba with her one thousand million tons annually, which she is capable of producing, it would break down all the sugar industries.

Mr. HENRY of Texas. Now will the gentleman permit me?

Mr. PAYNE. I think I shall have to decline to be interrupted, because the questions do not seem to elucidate the subject, and I want to get through with it.

Mr. GAINES. I rise, Mr. Chairman——

Mr. PAYNE. I am already taking the time that belongs to others now.

Mr. GAINES. I rise to a parliamentary inquiry.

Mr. PAYNE. I decline to yield, Mr. Chairman.

Mr. GAINES. I rise to a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from New York has the floor and declines to be interrupted.

Mr. GAINES. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Tennessee is out of order.

Mr. GAINES. Does the Chair rule that I can not rise to a point of order?

Mr. HENRY of Texas. Now, if the gentleman will allow me——

Mr. PAYNE. I can not yield any further; my time is being frittered away.

Now, Mr. Chairman, the beet-sugar industry has been something of a pet of mine since I have been in Congress. I have been as anxious as any man in the United States to see it succeed. I had something to do with framing the schedule of the Dingley bill and the McKinley bill and framing the bounty in the McKinley bill, and I have watched with interest in the past ten years the progress of this industry in the United States, commencing with the most feeble beginning and gradually growing year by year, until this year the crop will be more than 100,000 tons against the forty or fifty thousand tons a year ago.

It is increasing every year, and already they have made contracts to build 51 beet-sugar factories in the United States during the coming season. It will double, probably, this year. Farmers are getting interested in it, and the people of the United States are getting interested all over every section of the country, and, as I said in the debate on the conference report on the Dingley bill, Mr. Chairman, I look to this as the one means of meeting what gentlemen call an octopus, the sugar trust, because I believe there is nothing which will so tend to destroy the sugar trust as beet-sugar factories in every Congressional district in the United States; and if they get incidental protection against the future out of this bill, I am glad of it.

I want to go a step further than that and declare to the country and to the world that when we legislate for this island, when we propose a tariff, we have the duty and the power and the privilege, under the Constitution, of imposing a tariff on all articles going to the territory belonging to the United States from the United States, or coming to the United States from the territory belonging to the United States. I want to make a precedent that all men can read with reference to the Philippine Islands; and if Cuba shall come, I want to give notice to Cuba that we propose to protect this industry when it comes to the question of admitting the 1,000,000 tons that will come from Cuba. So I was glad to bring in this substitute, this new bill, that we might assert this principle, that we might give them incidental protection against a threatening future, and at the same time that we might furnish revenue and take care of the needs of that island.

A further thing: We could not extend the internal-revenue laws to that island for the reason that it would destroy other industries; and it occurred to me at once that if we allowed Puerto Rican cigars to come in here without paying an internal-revenue tax, it placed our people at a disadvantage. Our manufacturers would have to pay the 25 per cent of the duties under the Dingley law and in addition to that they would have to pay the internal-revenue tax. I thought the Cigar Makers' Union had a just grievance against the proposition. So we put it into the bill that in addition to that 25 per cent they must pay the amount of the internal revenue.

It occurred to me afterwards that these same people would have to put the internal-revenue stamps on the boxes of cigars whenever they were taken out of the custom-house for consumption; and that is the reason that I wanted to reserve the right to amend the bill if it should become necessary before we get through with it. But we want to give our people at least an equal chance with the people in Puerto Rico in making cigars; and we will do it by this bill.

Wages are cheaper there—30 cents a day in gold; 50 cents in pesos. Can our people compete with that? Well, not right off; but I am glad to hear that those people are learning to realize the value of themselves and the value of their labor. One gentleman who went down there to make cigarettes told me they got a sort of corner on him, and he had to pay $36 a month in gold for making cigarettes, while he could get similar labor in the United States for $1 a day.

I doubted both propositions, because I did not believe the last. Yet I did believe that those people were beginning to realize the worth of themselves and the worth of their labor; and if we put into the hands of these sugar planters the means of paying those people better wages, we have taken a long step in advance in giving prosperity to the poor people of those islands.

Thus we shall encourage them; we shall encourage the sugar planters; we shall encourage the coffee men in the island of Puerto Rico; we shall help to make the people there contented and happy; we shall help to build up a proper school system. And in doing this we are raising the money from those best able to stand it. Of course we might impose a tax of $1 an acre on the poor coffee planter whose land is now mortgaged, and might, perhaps, realize a considerable amount. We might squeeze the money out of some of those people. But why not stop part of it that flows into the coffers of the sugar planters and tobacco planters in Puerto Rico?

Mr. Chairman, I have here a table showing the tariff on various articles—ad valorem duties exacted by Spain and equivalent ad valorem duties under the present bill on those articles going from the United States to Puerto Rico. This table I will print as part of my remarks. It shows an increase in some items, but a great decrease in all items of food. The average Spanish tariff on articles of food was 20 per cent.

Under this bill the article rice paid a duty of 16 per cent. That is a pretty high duty; but you know we put that on to benefit your Georgia planters in raising rice. We did not have to do it. We did not get a vote from your side by reason of doing it. But out of our national spirit we put it on and forced you to take this tariff. But on the article of codfish, for instance, the duty, instead of 20 per cent, is 4.43 per cent under our bill; on flour, 6.25 per cent; on pork, 5 per cent.

[Here the hammer fell.]

Mr. RICHARDSON. I ask unanimous consent that the gentleman from New York [Mr. PAYNE] be allowed to continue and conclude his remarks.

There was no objection.

Mr. HILL. I would like the gentleman to state how the Spanish tariff on products of the island compares with the provisions of the present bill. I mean the general provisions, and I mean on products, not on imports.

Mr. PAYNE. It is very difficult to get at that. In the first place, they had an export tax from Puerto Rico, and then an import tax, and then a consumption tax, so that when you get all through you can not tell exactly what their tariff amounts to. But under our tariff and under the Spanish tariff, our tariff being nearly 80 per cent ad valorem on sugar, we imported from Puerto Rico two-thirds of their crop and Spain one-third. That shows comparatively what the tariff must have been.

Now, I was about to speak of the item of flour. The Spanish tariff on flour for 1897 was $4 for 92 kilograms, or 200 pounds. In addition to that there was a consumption tax of $2.30, making $6.30 on 200 pounds of flour coming from the United States. The tariff from Spain on flour was smaller than that. The tariff on wheat was $3.15 on 200 pounds. This was on a silver basis.

The idea was that no bushel of wheat should ever be ground in Puerto Rico. Spain bought American wheat, ground it in Spanish mills, and sent it to Puerto Rico at a little under the price at which American flour could be sold there. We got a part of the market even under that tariff of $6.30 upon a barrel of flour. We got a part of the market, but Spain got the most of it. Her tariff as against Puerto Rico, collected at Puerto Rico, was not large on flour.

The whole tariff on food products was 20 per cent. We furnished the most of them. Aside from flour it was not so high; but there was a tariff on our wheat going to Spain which was collected in Spain; and then there was an export duty; and then there was a consumption tax; and when they got through with all this they had pretty nearly equaled the $6.30 tariff that they exacted on American flour, but not quite, so as to hold the market. This bill gives them flour at 6½ per cent ad valorem—the tariff under the Dingley bill being 25 per cent ad valorem on flour.

But, Mr. Chairman, I have not time to go into all of the details of these figures. As I have said, I will have published a table which will give the information, if gentlemen desire to examine it. If the bill passes, it will give to Puerto Rico a better system and a better condition of things than anything they have ever dreamed of under the Spanish tariff rule, which was said to be a nominal tariff and ad valorem in its operation. They will have better trade relations with the rest of the world and cheaper food supplies than they have ever had before.

The rate on cotton cloth—an ad valorem rate—runs a little higher, it is true, than the Spanish rate. But then we consider the fact that the cotton cloth the island consumes is of a cheaper grade and comes in at a cheaper rate under our tariff bill—which is only about 10 per cent on cotton cloth where it is 7 under the Spanish—and Spain herself exported every yard of cotton cloth sent into the island, amounting to about $2,500,000 a year on the cotton cloth that went into Puerto Rico.

Some gentlemen who came here from Puerto Rico, some of them bankers and some engaged in other occupations, sought to induce the committee to authorize a loan to be issued by the island of Puerto Rico; that bonds should be issued and placed upon the market to the amount of some ten to fifteen millions of dollars.

They said, as an inducement to allow the issue of these bonds, that Puerto Rico was out of debt, which is a fact, excepting that there are some $600,000, perhaps, of municipal indebtedness existing; but the island itself is absolutely out of debt. Ten million dollars, these gentlemen said, could be floated as a loan at 7 per cent interest, and they were desirous of taking it up.

Then, if this indebtedness had been incurred and the money received, they could go on and build schoolhouses and roads and spend the money for the benefit of the people of the island, and everything would be glorious and prosperous until some time in the future some man would come around asking them for the 7 per cent interest and finally come around asking for the entire principal of indebtedness.

It seems to me, Mr. Chairman, that the last thing that we ought to do is to put this island under bonds against the future industries of their people and for the purpose of raising money for the necessities of the island.

Mr. WM. ALDEN SMITH. Are these municipal taxes to which the gentleman refers collected by our Government?

Mr. PAYNE. Yes; and I will say to the gentleman that they have been reduced to $552,000, including postal receipts. The estimated expenses for postal service is included in the estimate for expenses made by General Davis.

It is estimated that under the operation of the bill the total receipts of the first year will be in the neighborhood of $2,300,000 and the expenses about $1,900,000, giving a surplus of some three hundred and fifty or four hundred thousand dollars if we get the revenue that is contemplated to be raised by the bill. Of course there is a question as to the operation of the bill in the first year. But after that undoubtedly the amount would be increased, and we can reduce taxation.

I would rather await the operation of such a measure as this than to authorize the issuance of bonds and put that poor people in debt. The issuance of bonds is not at all necessary. Tax the man who can afford to pay the tax; that is not hurtful to anybody, and you will get money enough to run the government, to build your schoolhouses and roads, and do whatever is necessary for the convenience and comfort of these people.

Mr. PEARCE of Missouri. How much school fund comes out of that?

Mr. PAYNE. About $300,000 was estimated for this year. But there will be $350,000 of surplus, and General Davis has now about $500,000 on hand, much of which, I hope, will be available for school purposes.

Now, Mr. Chairman, I had designed to discuss the meaning of the Constitution of the United States——

Mr. LACEY. Before my friend goes on to that question, I should like to know what the arrangement now is by which the municipalities are obtaining the money to run their affairs?

Mr. PAYNE. By local taxation.

Mr. LACEY. And this does not propose to interfere with such system as they now have under the military government?

Mr. PAYNE. Not at all. But it is said that we have no power under the Constitution to discriminate and fix the duties between the United States and Puerto Rico under this bill. I do not propose to go into a discussion of the dicta of the Supreme Court, which are claimed by the minority to be against our contention in this case. In none of these cases is the question directly involved, and none of them were decisive.

The cases which bear out our contention, some of them directly and others indirectly, are cited in the majority report. I will add a reference to but a single case. That of Endleman et al. *vs.* United States (86 Federal Reporter, 458, 459), argued before Gilbert, Ross, and Morrow, circuit judges. Morrow, Chief Justice, said:

> In support of the first ground of demurrer it is contended that the law upon which the prosecution is based is unconstitutional, because, among other things, the Government of the United States can exercise only those specific powers conferred upon it by the Constitution; that the Constitution guarantees to the citizens the right to own, hold, and acquire property, and makes no distinction as to the character of the property; that intoxicating liquors are property and are subjects of exchange, barter, and traffic, like any other commodity in which a right of property exists; that, inasmuch as the power to regulate commerce was committed to Congress to relieve it from all restrictions, Congress can not itself impose restrictions upon commerce by prohibiting the sale of a particular commodity; that if Congress has the power to regulate the sale of intoxicating liquors within the Territories as a police regulation, it can only enact laws applicable to all the Territories alike.
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> The answer to these and other like objections urged in the brief of counsel for defendant is found in the now well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creations exclusively of the legislative department, and subject to its supervision and control. (Benner *vs.* Porter, 9 How., 235, 242.)
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> The United States having rightfully acquired territory, and being the only Government which can impose laws upon them, has the entire dominion and sovereignty, national and municipal, Federal and state. (Insurance Company *vs.* Canter, 1 Pet., 511, 542; Cross *vs.* Harrison, 16 How., 164, 193; National Bank *vs.* Yankton County, 101 U. S., 129, 133; Murphy *vs.* Ramsey, 114 U. S., 15, 44; 5 Sup. Ct., 747; Late Corporation of Church Jesus Christ of Latter-Day Saints *vs.* United States, 136 U. S., 1, 42, 43; 10 Sup. Ct., 792; McAllister *vs.* United States, 141 U. S., 174, 181; 11 Sup. Ct., 949; Shively *vs.* Bowlby, 152 U. S., 1, 48; 14 Sup. Ct., 548.)
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> Under this full and comprehensive authority Congress has unquestionably the power to exclude intoxicating liquors from any or all its Territories or limit their sale under such regulations as it may prescribe. It may legislate in accordance with the special needs of each locality and vary its regulations to meet the conditions and circumstances of the people. Whether the subject elsewhere would be a matter of local police regulation or within State control under some other power it is immaterial to consider. In a Territory all the functions of government are within the legislative jurisdiction of Congress and may be exercised through a local government or directly by such legislation as we have now under consideration.

It is now universally conceded that we have the power to acquire territory by conquest or by treaty. I find no limit in the Constitution to this power. It may be for the purpose of removing all fetters from the mouth of a great river, or for coaling stations, or for the building of an isthmian canal, the opening of guano beds, or the formation of States, or any other end which may suit the purpose of the American people.

Having acquired, the nation may dispose of territory. This is inherent to the right to acquire, and it is as broad as the right. We never lose these rights until we give to the Territory the attribute of a State or otherwise extend the Constitution over it. This right also comes from the express language of the Constitution:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

In governing the Territories, Congress has all the powers of the State and of the United States combined. Such has been the legislative construction of the Constitution for a hundred years.

Congress has always assumed that its power was supreme. By the act of October 31, 1803, in respect to Louisiana, "All the military, civil, and judicial powers exercised by the officers of the existing government of the same shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion." Here is an absolute government set up, without any provision for the right of habeas corpus, trial by jury, or any other guaranty of the Constitution to the citizens of the United States.

The act of March 26, 1804, in respect to Louisiana, was drawn by Madison, with the advice of Jefferson. It declares, "In all criminal prosecutions which are capital the trial shall be by jury of twelve good and lawful men of the vicinage, and in all cases, criminal and civil, in the superior court trial shall be by jury if either of the parties require it." What becomes of the guaranty of the Constitution that all criminal cases and all civil cases involving $20 or more shall be tried by a jury? If the fathers believed that the Constitution ex proprio vigore extended to a newly acquired Territory, solemnly annexed, of what use are these words?——

> The inhabitants of the said Territory shall be entitled to the benefits of the writ of habeas corpus, * * * and no cruel or unusual punishment shall be inflicted.

If the inhabitants of that Territory were entitled to self-government, why did they provide in the fourth section for a government consisting of a governor and thirteen councilors, to be called a legislative council, to be appointed annually by the President of the United States? Evidently the fathers believed that the Constitution did not extend to a Territory unless by an act of Congress, and that the Congress had full and absolute power to govern the Territories regardless of the restrictions of the Constitution limiting their powers as to the States.

Over the States they had only such powers as were granted under the Constitution, one of which was uniform duties, excises, etc. As to the territory belonging to the United States their power was unlimited. These various ordinances in regard to Louisiana are but a sample of those applied from time to time to other territory which afterwards belonged to the United States. Precisely similar legislation was enacted concerning the Territory of Florida in 1819 and again in 1822.

Mr. Roscoe C. Brown discusses this Florida case in an interesting manner in The Open Court, from which I quote:

> This same question came up with reference to Florida in 1822. The bill was modeled on that of Orleans in its administrative features, and contained a section forbidding the Territorial government to transgress the personal rights guaranteed to the people of the States by the Constitution. Mr. Montgomery, of Kentucky, tried to substitute a clause that all the principles of the Constitution and all the prohibitions to legislation, as well with respect to Congress as the legislatures of the States, be "declared to be applicable to the said Territory, as paramount acts." This was voted down, and the following is Benton's comment on the incident (Benton's Abridgment, Volume VII, page 295, note):
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> "This prompt rejection of Mr. Montgomery's proposition shows what the Congress of 1822 thought of the right of Territories to the enjoyment of any part of the Constitution of the United States. * * * The only question between Mr. Montgomery's proposition and the clause already in the bill was as to the tenure by which these rights should be held—whether under the Constitution of the United States or under a law of Congress and the treaty of cession. And the decision was that they should be held under the law and the treaty.
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> "Thus a direct issue was made between constitutional rights on one hand and the discretion of Congress on the other in the government of this Territory, and decided promptly and without debate (for there was no speech

after that of Mr. Rea on either side) against the Constitution. It was tantamount to the express declaration: 'You shall have these principles which are in the Constitution, but not as a constitutional right; nor even as a grant under the Constitution, but as a justice flowing from our discretion, and as an obligation imposed by the treaty which transferred you to our sovereignty.'"

Justice Story, in his Commentaries, section 1328, has thus stated this doctrine:

The power of Congress over the public territory is clearly exclusive and universal, and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions or by the ordinance of 1787, under which any part of it has been settled.

Cooley on Constitution, page 36, says:

The Constitution was made for the States, not for the Territories. It confers power to govern the Territories, but in exercising this the United States is a sovereign dealing with a dependent Territory according as in its wisdom shall seem politic, wise, and just, having regard to its own interests as well as to those of the Territories.

And he cites cases to support this proposition:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. (Const., art. 4, sec. 3.)

The power of Congress over the public territory is clearly exclusive and universal, and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions, or by the ordinance of 1787, under which any part of it has been settled. (2 Story—Const., 1328.)

It will be remembered that the original charter of the United States Bank, of February 25, 1791, authorized the directors to establish offices of discount and deposit "wherever they shall see fit within the United States." When Louisiana was annexed they desired to establish a branch in New Orleans. Believing that they had no right to do this, they sought the authority of Congress. On the 23d of March, 1804, the President approved an act authorizing the directors to establish branches on the terms of the original act in any part of the Territories or dependencies of the United States. This was another legislative construction of the meaning of the term "United States." It will be noticed also that the word "dependencies" is used in this act. They seem to have questioned whether the word "Territories" would authorize the establishment of this branch in New Orleans.

It is worthy of note that the first internal-revenue tax on spirits distilled in the United States, and which became a law on the 3d of March, 1791, directed "that the United States shall be divided into fourteen districts, each consisting of one State." No attention was paid to the Territories of the United States, although they were becoming populated and large towns existed in some portions of them. So, too, the original law for the collection of customs duties, of April 31, 1789, divided the States into districts, but did not extend over the Territories. Tennessee had no custom-house until it was admitted as a State, when Congress extended the customs laws to the State of Tennessee. Goods were admitted free into the Territories until 1799, when for the first time customs laws were put in force in any part of the Northwest Territory.

When Vermont was first admitted into the Union Congress did not believe that the tariff law extended over Vermont; hence a special enactment was passed extending these laws over the State of Vermont.

From time to time during the first half of the last century Congress was kept busy, by special enactments, in extending the Constitution over the United States. Finally the following general law, which became section 1928 of the Revised Statutes, was enacted:

The Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories and every Territory hereafter organized as elsewhere within the United States.

A part of the same joint resolution by which the Hawaiian Islands were annexed provided that they are—

Annexed as part of the territory of the United States and are subject to the sovereign dominion thereof, * * * and until legislation is enacted extending the United States customs laws and regulations to them the existing customs regulations of the Hawaiian Islands with the United States shall remain unchanged.

Yet no one charged that this legislation was unconstitutional, and no charge of imperialism was made. This happened only eighteen months ago. But it was some time before the treaty of Paris, and no one had thought to make political capital out of the false cry of imperialism.

During all these one hundred years no citizen of the United States, feeling aggrieved by these alleged imperial laws, has gone into the United States court and sought redress. This uniform interpretation of the Constitution by Congress has not been questioned by any citizen of the United States in any court.

In respect to Puerto Rico, we are not hampered by treaty stipulations or by act of Congress. There has been no law extending the Constitution over the island. In this it differs from the status of every formerly acquired territory. We have absolute power.

This principle for which we contend was claimed in the debate on the first Louisiana legislation and was enacted into the law. It has been repeated in the legislation as to each and every part of the territory belonging to the United States. No citizen claiming to be injured as to his rights has seen fit to question the power of Congress as absolute over the territory belonging to the United States, except in the few cases cited in the report. This principle has not only been ingrafted into the laws, but has been sanctioned through the century by the acquiescence of the people.

But now the opposition say this is imperialism. You are but reechoing the cry of the opposition of a hundred years ago. Still the majority moved on, and the American people approved their course. The Territory of Louisiana, in the plenary powers given to the President, survived and flourished until 1812, when part of it was organized into the Territory of Missouri, with a legislature at that late day composed of a legislative council appointed by the President and an assembly elected by the people. Here again we had "imperialism," but the fathers wisely waited until this people were fit for self-government before they extended the limitations and the privileges of the Constitution to them. The same is true of the Territory of Florida.

Only a year and a half ago Congress, by a two-thirds vote in the House and a two-thirds vote in the Senate, annexed Hawaii by an act modeled after the Florida and Louisiana acts, which was in these words:

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons, and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The debate was strong and furious, but according to my recollection no gentleman in the opposition raised the cry of imperialism against the manner in which Congress asserted the right to its absolute power to provide any sort of government for this new territory. Nor is there danger in all this. Congress, representing the American people, is ever swift to put the power of government into the hands of any people "of the territory belonging to the United States."

I want to make this further suggestion. Gentlemen who are lawyers are honestly divided on this question—this constitutional question. We believe that the United States means the United States, in the Constitution, and that the words that are added, giving us power to dispose of and make rules and regulations respecting the territory and other property belonging to the United States, refer to a different subject from the United States itself—to territory belonging to the United States. We believe that there is that plain distinction. Some gentlemen profess to believe otherwise.

If this bill is passed it will give the Supreme Court of the United States the first opportunity it has ever had to meet that question fairly and squarely and say whether the limitation for uniform taxation in the United States refers to the United States or to the United States and the territory belonging to the United States. It may be an important question to be considered in the future when we come to legislate for the Philippine Islands, when we come to legislate, if we have to, with respect to Cuba, and I think it would be a good proposition to submit that question now to the Supreme Court. If you are right, gentlemen, in your contention we shall have difficulty when we come to legislate for our other islands. We shall have difficulty in protecting the interests of the people, the manufacturers, the farmers of the United States. If we are right in our contention, our way is more simple.

As for the people of Puerto Rico, I would move as fast as their own good will warrant. Pass this bill, which even the gentleman from Massachusetts admits is a well-considered measure from a fiscal standpoint, and give them better markets and abundant revenue. Do not tie down their destinies to the whim of the 88 per cent illiterate or to the caprice of the 12 per cent of the educated, who have known no government except Spanish misrule. Keep them all in leading strings until you have educated them up to the full stature of American manhood, and then crown them with the glory of American citizenship. In the meantime give them all the rights accorded to our own people under the Constitution, consistent with their best interest and well-being.

Our duty now, Mr. Chairman, is, in the first place, to restore, nay, to give law and order in the Philippine Islands, then to investigate, then to legislate, remembering that these people are uneducated, remembering that it would be unsafe to give the full power of government to the illiterates or to those who can read and write.

The rights of neither would be preserved. The rights of either would be unsafe.

We can proceed as did the fathers a hundred years ago, who had no scruples on that question, but believed that Congress had the absolute power over the territory of the United States.

It is our duty to take these poor people and educate them and lift them up and give them the privileges of the Constitution and

the privileges of government as they shall grow in education and in knowledge.

And finally, whether we send them forth among the nations of the earth or annex them as States in this Union, we will bring them up to the full level and stature of American manhood. Wherever the flag is raised it shall not go down until it covers beneath its folds a people enjoying the blessings of civilization, of freedom, and of sovereign citizenship. [Applause on the Republican side.]

Table showing imports into Puerto Rico in 1897, in pesos, Spanish ad valorem rates collected, amount duties collected, estimated ad valorem rates collectible under substitute for H. R. 6883 at 25 per cent of rates under present United States law, and duties collectible if all imports shall be from United States.

Articles.	Imports.	Spanish ad valorem.	Spanish duties.	United States ad valorem.	United States duties.
	Pesos.	*Per ct.*	*Pesos.*	*Per ct.*	*Pesos.*
Earthenware	691,824.86	10	69,772.91	15	103,773.72
Metal and manufactures	675,747.58	18	124,431.13	11	74,332.23
Chemicals	651,947.78	10	66,096.36	8	52,155.81
Cotton and manufactures	2,540,293.87	7	180,725.36	10	254,029.38
Fibers and manufactures	512,094.46	13	66,389.01	10	51,209.44
Wool and manufactures	128,464.25	10	12,661.16	20	25,692.24
Silk and manufactures	50,581.84	12	5,871.54	13.5	6,828.54
Paper	368,211.55	6	22,449.92	4.5	16,569.62
Wood, etc.	818,952.71	10	78,176.26	4.78	39,134.77
Animals	1,196,377.39	2	28,046.46	6.25	73,773.61
Machinery	401,156.76	9	35,739.06	11.25	45,130.13
Alimentary substances.					
Rice	2,481,631.00	.....	.....	16	397,060.96
Codfish	1,461,751.00	.....	.....	4.43	64,755.69
Flour	960,642.00	.....	.....	6.25	60,002.50
Pork	1,304,935.00	.....	.....	5	69,746.75
Other	2,676,849.41	.....	.....	10	267,684.94
Total alimentary substances	8,984,808.41	20	1,750,856.54	9.6	859,850.84
Miscellaneous	189,557.83	14	27,185.98	10	18,955.78
Special	648,044.00	2	12,960.88	10	64,804.40
Total	17,856,063.29	14	2,481,962.57	9.5	1,686,240.51
Total in United States money	$10,714,837.97	.....	$1,489,177.54	.....	$1,011,744.30

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEFIELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 854. An act for the relief of Lieut. Horace P. McIntosh; and

S. 392. An act to pay the General Marine Insurance Company of Dresden the sum of $1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea on March 14, 1886.

The message also announced that the Senate had passed without amendment the bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887.

TRADE OF PUERTO RICO.

The committee resumed its session.

Mr. RICHARDSON rose and was recognized.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. RICHARDSON] may be permitted to conclude his remarks without interruption.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Tennessee may conclude his remarks without interruption. Is there objection?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, I am not an alarmist. Those on this floor who know me and have done me the honor to listen to what I have had to say on former occasions when speaking to pending measures will bear me witness that I have not been accustomed to indulge in extravagant statement or vehement denunciation. I endeavor at all times to be conservative, and I may add I am naturally inclined to optimism. With this much of preface of a personal character, I begin by saying that in my judgment the pending bill is more dangerous to the liberties of the people of this Republic than any measure ever before seriously presented to the American Congress. It will prove more far-reaching in its provisions and disastrous in the results that must of necessity follow if it should be enacted into law than any act ever passed by Congress. These statements are broad, I confess, but that they are true I do most solemnly assert, as the result of my best and most deliberate judgment.

The objects and purposes of this bill are as follows:

The first section declares that its provisions shall apply to Puerto Rico and its adjacent islands, ceded by treaty of April 11, 1899, by Spain to the United States.

Section 2 provides that all merchandise imported into Puerto Rico from ports other than United States ports shall pay the rate of tariff duties collected on merchandise from foreign countries imported into the United States.

Section 3 imposes a tariff tax on all merchandise coming into the United States from Puerto Rico, and into that island from the United States, at a rate equal to 25 per cent of the duties collected on merchandise imported into the United States from foreign countries; and further provides that duties collected in United States ports upon manufactured goods from Puerto Rico shall be equal in rate and amount to the internal-revenue tax imposed by the United States upon the same articles manufactured in the United States, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries, and that duties collected in the island upon manufactured goods from the United States shall be equal to the internal-revenue tax imposed in Puerto Rico upon articles manufactured therein, and in addition thereto 25 per cent of the duties now collected by law upon like articles of merchandise imported from foreign countries.

Section 4 provides that the net collections under this act in Puerto Rico and the gross amount collected on merchandise from the island into the United States shall be placed at the disposal of the President for the expenses of the island.

The bill is framed upon the idea and the assumption that Congress enters upon the government of Puerto Rico unrestrained by the provisions of the Constitution.

This assumption we deny. Those of us who oppose this measure, I believe without exception, maintain that the bill can not be enacted into law without a total disregard and violation of not simply the spirit but the express letter of the Constitution. In the report the majority of the committee say:

Upon the whole we conclude:

First. That upon reason and authority the term "United States," as used in the Constitution, has reference only to the States that constitute the Federal Union and does not include Territories.

Second. That the power of Congress with respect to legislation for the Territories is plenary.

Third. That under that power Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the United States.

The claim or contention thus made was never before set up on the floor of Congress in so far as I know. This country has grown from a small and feeble territory on the Atlantic Ocean, with about 827,000 square miles, to the mightiest republic of this earth, with an area of 3,500,000 square miles. It has increased in population from three to over seventy millions. This marvelous expansion to continental growth and grandeur has all taken place within about one hundred years. The Louisiana territory, Florida, Texas, California, New Mexico, Oregon, and Alaska have all been acquired under our Constitution without a jar or strain to any of its wise and beneficent provisions and without any demand for its amendment. This growth was natural expansion. Then these acquisitions were of desirable lands without people, but we should beware of the acquisition of undesirable people without lands. I am partisan enough to stop here a sufficient time to call attention to the fact that every foot of this vast domain was acquired and annexed under Democratic Presidents. [Applause on the Democratic side.]

An exception to this statement may possibly be taken by some so far as it applies to Alaska; yet it will not be denied that Alaska was acquired while Andrew Johnson, a Democrat, was President. These acquisitions of territory were wise and proper to be made. The Democratic party has always favored proper expansion. Here permit me to say with great emphasis that those of us opposing this measure are not basing our opposition to it on the ground that it is a measure for expansion. This is not a measure of expansion. Whether the Constitution of the United States is extended to the island of Puerto Rico, ex proprio vigore, or not, it must be admitted that when we enter upon legislation for the island, as Congress will do if it passes this bill, that question will be put at rest and the territory will then be a part of the United States.

The control of the President and of the military will have ceased and the expansion as to the island will have been completed. Legislation by Congress for the island at once makes it a part of the United States. If this bill passes, it must follow that it is then a part of the United States. This being true, the proposition which this bill carries for unequal taxation of the island as a portion of the United States is the baldest form of imperialism.

The opposition to this bill plants itself upon this ground. The measure is imperialism itself. In the former acquisitions to which I have referred no such measure as the pending one was ever proposed or deemed necessary. When the Louisiana territory was acquired, when Texas was annexed, when California and Arizona and New Mexico and other Territories were acquired, did any man rise in this House or the other body of this Congress and offer such a legislative proposition as the pending one? This effort, therefore, clearly marks the dividing line between all former acquisitions and that of Puerto Rico, if it be conceded that the enactment of the proposed bill into law is required.

All former acquisitions of territory were made in a constitutional way. It is true, as we were informed by the gentleman from Illinois [Mr. BOUTELL] a few days since in a most interesting speech, that the great founder of the Democratic party, Mr. Jefferson, at first doubted the constitutional right to acquire the Louisiana territory. But this doubt was soon dispelled, and all agreed that an amendment was unnecessary. All former acquisitions were first held as territory (except in the case of Texas, which was admitted into the Union as a State), and by easy and gradual steps were prepared for statehood. Nearly all such territory has been made into States.

Every provision of the Constitution, the grants of power as well as the limitations of that instrument, have been smoothly and regularly applied to these Territories, and in no instance has it ever been considered wise or necessary to make the slightest infraction of our great charter. Is it so now? Can we, in conformity with former rules and regulations and laws which controlled us in annexations of territory, do so now without violating our organic law? If not, the argument to my mind is strong, and perhaps unanswerable, that such annexation should not be made. They will cost us more if this be necessary than they can ever be worth. If we are determined to make such annexations, and if they can not be made and the territories governed without violating the Constitution, then as wise legislators and as patriots we should set to work to so amend the Constitution as to allow us to accomplish the desired end. We should not march to that end over the dead and mangled form of the fundamental law we have sworn to protect and defend.

I am not speaking here of the Philippine Islands, as they are not involved in the pending measure. As to Puerto Rico, we may be able to govern it as we have governed all territorial possessions in the past. I believe we can, though the task will not be free from difficulty. The territory is a small one in area. The population is not large. It is near by us. The inhabitants have given every assurance that they desire to be with us and a part of us, to enjoy our free institutions and our civilization. The chief objection to having the island annexed, to my mind, consists in the fact that there is so little room there for an increase in the population. It is already far more densely populated than our own territory, and there is no room or but little room for more people in the island. The population is about 300 to the square mile, or more than ten times as great as in the United States.

Being a part of our possessions as the result of a war which we did not, by our own declaration, wage for conquest, I might be willing to accept it and try the experiment of governing it as we have controlled all of the territory in the past. I can never agree to the plan of dealing with it as is proposed in the pending bill. Sir, this is but the beginning of our troubles if we enter upon the policy of imperialism. The box of unmeasurable evils fabled to have been presented to Pandora by Jupiter, from which, when opened, countless ills and diseases issued forth to afflict mankind, was as nothing as compared to the ills and diseases that will afflict us in our body politic when the policy of imperialism is developed. [Applause on the Democratic side.]

This is a tax measure. The power to tax is the power to destroy. This is the language of the Supreme Court, if it be not unlawful at this period of our history to quote the language of that high tribunal. All taxes are burdens to be borne. They are necessary burdens. They are borne without murmur and without complaint, no matter how high they may be and onerous they are, if they are only equal and uniform in their burden. Under our beloved Government, with a Constitution approaching perfection, all its blessings fall, share and share alike, on all its citizens everywhere, and all its burdens, great and small, are laid equally on the people. The wisest clause in it, perhaps, is that one which declares that all taxes shall be uniform throughout the United States.

Equality of taxation, equality of governmental exactions, equality of contributions to the nation's revenue are the privileges expressly guaranteed every citizen of the Republic. Upon no other principle or theory can we hope to raise the millions and hundreds of millions necessary for governmental purposes. When these exactions are equal and uniform none can complain or murmur. When they are unequal the complaints will be loud and long, and will eventually rend us and destroy the Government. Mr. Jefferson announced a great truth when he said that "all taxes to be just must be uniform."

The power of Congress to levy taxes is derived from section 8 of Article I of the Constitution, as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

In construing this section we must first decide what is meant by the term "United States" as here used. Does the term include simply the area actually included within the boundaries of the States, or does it cover all the territory belonging to the United States?

The committee in framing the pending bill proceed upon the idea and make the contention that the term "United States" as used in the Constitution has reference only to the States that constitute the Federal Union, and does not include Territories. They assert that the power of Congress with respect to legislation for the Territories is plenary, and that Congress may prescribe different rates of duty for Puerto Rico from those prescribed for the States.

I dissent in toto from this conclusion. I insist that the meaning of the term "United States" as here employed (whatever definition may be given to the term when used elsewhere) is the designation of the whole of the American Republic, which is composed of States and Territories.

I shall cite decisions of the Supreme Court of the United States which in my judgment are absolutely decisive of this question. As I read and understand our early history one of the leading objects in calling the convention which adopted the Constitution was to make duties and customs equal and uniform. When the Constitution was framed and adopted it was declared by its makers that "We do ordain and establish this Constitution for the United States of America." When this was done we then owned the great Northwest Territory, as large or larger in extent than the original States. It was expected and intended that this vast territory would be peopled by many who were then inhabitants of the thirteen old States and their descendants. The framers of the Constitution most assuredly did not mean that these people were not to enjoy its benefits and the blessings of liberty.

This Territory must have been, in the opinion of the framers of the Constitution, included within the term "United States" as they used it. I have just stated that one of the chief objects the framers of the Constitution had in mind was to make customs duties equal and uniform. The complaint was at that time that New York could lay and collect a different duty from that levied and collected at Boston, or Charleston, or other ports. The Northwest Territory was adjacent to Canada and the Great Lakes, and also was bounded by the Mississippi River, opening a market to the world by way of the Gulf. There were ports and landing places on these Great Lakes and the Mississippi River within this Territory, and, as stated, it bordered on Canada. It was not to be supposed that it was intended at that time that these ports would not be bound by the equality of rates of duties while in a Territorial condition. There could have been no reason for the requirement that uniformity should be observed at the ports within the thirteen States, with all the other ports and landing places in the Territory open to different rates.

It is not necessary for me, however, in attempting to make answer to the contention of gentlemen who favor the bill, to tax the patience of the House with arguments of my own. The question has been squarely met and passed upon by the Supreme Court. If I shall be able to adduce even one decision of that court defining the term "United States" as used, a decision that has never been overruled, it seems to me that the controversy should end. I shall offer the opinion of Chief Justice Marshall, possibly the greatest jurist who has ever adorned that high tribunal. In this case he spoke for the entire court.

The case referred to is Loughborough *vs.* Blake (5 Wheaton, page 319), and was decided in 1820. The decision has stood for eighty years as the solemn adjudication of the court upon a pending question, and has been acquiesced in by the bench, the bar, Congress, and the whole people of the land. I will not read all the case, but will submit so much of it as bears directly upon the matter in controversy.

Judge Marshall said:

> The eighth section of the first article gives to Congress the "power to lay and collect taxes, duties, imposts, and excises" for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are: "But all duties, imposts, and excises shall be uniform throughout the United States." It will not be contended that the modification of the power extends to places to which the power itself does not extend.
>
> The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises shall be observed in the one than the other. Since then the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises; and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

The United States, said Chief Justice Marshall, are a great Republic of States and Territories; and yet these gentlemen come to the lame and impotent conclusion in their report that the term "United States" means the original thirteen States and the States that have been added to the American Union, and no Territories. [Applause on Democratic side.]

I know, gentlemen who make other contention will insist that this opinion is obiter dictum, and therefore not binding. I can

not agree that this is true. The court was required to construe the word "taxes" in the clause quoted, and in doing so properly took into account the whole clause. If it were dictum it was such a declaration of opinion as has stood the test of time and has never been overruled. But it was not dictum.

I repeat, this opinion of Chief Justice Marshall has stood for eighty years. It was given in a case in which he was compelled to rule upon and give construction to the very language we are construing here to-day. He says that "the United States" means all the States and the territory of our great empire, and I wish no higher authority.

The committee, as authority for their action, quote clause 2, section 3, of Article IV of the Constitution, which reads as follows:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

What is meant by this provision of the Constitution? The friends of this measure say that this provision means "that the power of Congress with respect to legislation for the Territories is plenary."

The meaning of plenary in its largest sense is full, entire, complete.

If it be meant that the right to legislate for the Territories is full, entire, and complete within the limits of the Constitution, the position assumed is correct. If it be meant that Congress has the right to legislate for the Territories in contravention of the provisions of the Constitution and along the lines that are prohibited by that instrument, I can not agree that the position is correct. When it is asserted that this power to legislate is plenary by the advocates of the pending bill, they mean to say that there is no prohibition, no restriction, and no limitation on the power of Congress in legislating for the Territories. The language of the Constitution is that—

Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

This is a reasonable provision, and a highly proper one. It is necessary that the authority for the exercise of the power here given should be lodged somewhere, and very properly it was lodged with Congress. But I can not see where there is reason for the contention that the power given can be exercised contrary to the Constitution. If it be true, as is contended, that Congress has plenary power over the Territories to the extent claimed by the advocates of the pending measure, and as they attempt to apply that power to Puerto Rico in the bill, then it follows that Congress may enact laws which would be unconstitutional within the limits of the States of the Union, but which would be constitutional within the Territories.

This can not be true. The words they quote do not sustain them in their contention. It is monstrous to suppose that Congress is not restrained by the Constitution from passing laws imposing customs duties on the minerals and ores of the Territories of Arizona and New Mexico, the furs and fish of Alaska, the lumber of Oklahoma, and of all products of these Territories when imported into any of the States of the Union, and also upon all importations of products of every kind into the Territories from the States, or any one of them. If the action it is proposed to take by this bill in respect to Puerto Rico can be taken, it must inevitably follow that Congress can pass laws imposing customs duties affecting all the Territories as indicated above.

There are limitations upon governmental absolutism imposed by the Constitution upon the Government of the United States in all places over which it has territorial jurisdiction. Let us see where we will be placed by the contention of the advocates of the bill. There are limitations upon the Government in that part of the country in which "State" governments exist, but I am not discussing these limitations here. The constitutional limitations upon the Government of the United States which run with the Government in all places throughout the country I will in part enumerate, that the importance and magnitude and far-reaching effects of the contemplated legislation may be better realized and understood. The enactment of the bill into law means the abolition of these just limitations. They are:

The Congress shall pass no bill of attainder or ex post facto law, nor define treason to be anything but the levying of war against the United States or adhering to their enemies, giving them aid and comfort. No title of nobility shall be granted by the United States.

The trial of all crimes, except in cases of impeachment, shall be by jury.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

That the Government shall not arrest by general warrant; shall not suspend the writ of habeas corpus in time of peace; shall not require excessive bail; shall pass no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances, or respecting an establishment of religion, or prohibiting the free exercise thereof; shall not raise revenue except by bills originating in the lower House of Congress; shall not appropriate money except by a legislative act for a public purpose; shall not take property for a public purpose without making just compensation therefor; shall not prosecute for felonious crime except through the form of grand jury indictment; shall not authorize any unreasonable delay in the trial of a person held for crime; shall not deprive an accused person of the right to have counsel, nor deny to him information of the nature and cause of his arraignment, nor prevent him from confronting the witnesses against him, nor refuse him compulsory process for obtaining witnesses in his favor, nor prosecute him the second time for the same offense, nor compel him to give testimony in a criminal action against himself, nor impose excessive fines, or cruel or unusual punishments; shall not levy and collect any duties, imposts, and excises, except they be uniform throughout the United States; shall not seize property nor authorize its seizure by general search warrants; shall not quarter soldiers in any house in time of peace without the consent of the owner, nor in time of war, but in a manner prescribed by law; shall not deprive any person of life, liberty, or property without due process of law, nor deny the right of trial by jury in suits at common law.

Others might be mentioned. But with these limitations to be found in the Constitution, and the others that might be mentioned, it will appear that if the contention of the friends of the pending measure be allowed, the foregoing just limitations may or may not be applied in the Territories as the Congress may from time to time decide.

Mr. TERRY. I wish to suggest to the gentleman from Tennessee that the provisions he has just read are from the Bill of Rights.

Mr. RICHARDSON. That is true, the most of them are; and yet it will depend upon the whim of a Congress, shifting in politics from time to time, as to whether these just limitations shall be applied to the Territories that we own if this bill be passed.

It will be seen that one of the above limitations is that "Congress shall not levy and collect any duties, imposts, and excises except they be uniform throughout the United States." The contention made by those on the other side is that these taxes need not be uniform throughout the United States, and that Congress can make them unequal by virtue of clause 2, section 3, of Article IV of the Constitution. If this limitation does not restrain Congress in the enactment of law for a Territory, then, as stated, no one of the limitations will do so. It will follow that Congress can pass bills of attainder for the Territory, and that for certain crimes the penalty may be corruption of blood beyond the life of the criminal. It will also follow that Congress can pass laws in the Territories abridging the freedom of speech and of the press, and apply or refuse to apply any one of the limitations I have enumerated, or any other limitation in the Constitution.

But what I stated in respect to the proper construction of the term "United States" a little while gone, I now repeat as to the proper construction of the language quoted by the committee, and upon which they rely for the authority to pass the pending bill, and of the whole power of Congress to legislate under the clause of the Constitution they cite, to wit:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

I insist here again that the Supreme Court, if it be not unlawful to say so, has passed upon this question and has left us no doubt as to our power to deal with and govern the Territories of the United States. I shall quote some of the decisions of that court when considering the question before us.

I believe the true theory to be that the Constitution applies to the whole domain of the United States—that is, both States and Territories. The plenary power given Congress over the Territories is the control of their Territorial and municipal government and laws, but this power must be exercised under the limitations of the Constitution. The decisions of the Supreme Court, to which I will refer, and from which I will quote brief extracts, establish this principle beyond controversy.

In the case of National Bank *vs.* County of Yankton (101 U. S. Reports), after announcing that Territories are but political subdivisions of the domain of the United States, Chief Justice Waite said, with reference to the organic law of a Territory:

It is obligatory on and binds the Territorial authorities, but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

In Reynolds *vs.* United States (98 U. S. Reports) the court says:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Springville *vs.* Thomas (166 U. S. Reports) the court says:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In Thompson *vs.* Utah (170 U. S. Reports) the court, through Justice Harlan, says:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

In Murphy *vs.* Ramsey (114 U. S. Reports) the court says:

The people of the United States as sovereign owners of national Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

In Callan *vs.* Wilson (127 U. S. Reports) the court says:

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property, and especially of the privilege of the trial by jury in criminal cases. * * * We can not think that the people of this District have, in that regard, less rights than those accorded to the people of the Territories of the United States.

In the celebrated case of Dred Scott *vs.* Sanford (19 Howard's Reports) this territorial question is exhaustively discussed, and though there were dissenting opinions in the case, the discussion of that question is instructive. Upon the pending question, however, there was no difference of opinion by the learned judges, the majority of the court and the dissenting justices agreeing in the conclusion reached. The able Chief Justice, R. B. Taney, among other things, said:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character.

And, indeed, the power exercised by Congress to acquire territory and establish a government there according to its own unlimited discretion was viewed with great jealousy by the leading statesmen of the day. * * *

We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Justice McLean says:

In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

Justice Curtis gave especial attention to the language quoted, and said in respect to it:

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor; since these were the needs provided for; since it is confessed that government is indispensable to provide for those needs, and the power is to make all needful rules and regulations respecting the Territory, I can not doubt that this is a power to govern the inhabitants of the Territory by such laws as Congress deems needful until they obtain admission as States.

The same justice said:

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

Chief Justice Marshall, in the case I have already quoted, Loughborough *vs.* Blake, in discussing the government of Territories, used the following language:

The difference between requiring a continent, with an immense population, to submit to be taxed by a government having no common interest with it, separated from it by a vast ocean, restrained by no principle of apportionment, and associated with it by no common feelings, and permitting the representatives of the American people, under the restrictions of our Constitution, to tax a part of the society which is either in a state of infancy advancing to manhood, looking forward to complete equality as soon as that state of manhood shall be attained, as is the case with the Territories, or which has voluntarily relinquished the right of representation and has adopted the whole body of Congress for its legitimate government, as is the case with the District, is too obvious not to present itself to the minds of all.

The committee, in behalf of the contention they make, quote in their report on this bill the argument of Mr. Webster, in the case of the American Insurance Company *vs.* Canter, decided by the Supreme Court in 1828. Mr. Webster made the argument in the case which they quote, but it is proper to state that the court did not follow his argument. The opinion in that case was delivered by Chief Justice Marshall, who had eight years prior thereto delivered the opinion in the case of Loughborough *vs.* Blake. This great jurist did not overrule in the Canter case the judgment of the court in the Loughborough case. In the Canter case he discussed fully the provision in the Constitution which we are now discussing, which provides:

That Congress may make all needful rules and regulations respecting the territory or other property belonging to the United States.

He expressly held that the laws made by the Territorial legislature of Florida (that being one of the questions before the court) and all the laws made by Congress in respect thereto were not to be "inconsistent with the laws and Constitution of the United States."

But it is hardly fair, I submit, to that eminent lawyer, Mr. Webster, that his argument as an advocate in a lawsuit should be quoted against him as his solemn opinion on a great constitutional question. Such an argument, I think, can hardly be considered as authority, though it can not be shown that Mr. Webster in his argument cited, or ever at any time in his long and illustrious career put forth the claim, that the power given by the Constitution to Congress over the territory of the United States authorized the passage of such a bill as that now presented to us.

I challenge gentlemen on the other side of the question to show where and when the great expounder of the Constitution ever claimed for Congress the power to levy taxes in the States or Territories that were unequal and not uniform. I shall quote here a more mature and more reliable opinion of Mr. Webster. This opinion was not advanced by him as an advocate in a lawsuit, but was given by him from his high place which he so much adorned, his seat in the United States Senate. Speaking on the proposition we are now discussing, on the 23d of March, 1848, from his high place in the Senate, he said:

An arbitrary government may have territorial governments in distant possessions, because an arbitrary government may rule its distant territories by different laws and different systems. Russia may govern the Ukraine, and the Caucasus, and Kamchatka by different codes or ukases. We can do no such thing. They must be of us—part of us—or else estranged. I think I see, then, in progress what is to disfigure and deform the Constitution. * * * I think I see a course adopted that is likely to turn the Constitution under which we live into a deformed monster—into a curse rather than a blessing—into a great frame of unequal government, not founded on popular representation, but founded in the grossest inequalities; and I think if it go on, for there is a great danger that it will go on, that this Government will be broken up.

I submit, Mr. Chairman, if this was the opinion of Mr. Webster, I am warranted in the strong assertion I made at the outset, that this bill, if it passes, establishes imperialism in this country and nothing else, and it will be, in my judgment, the beginning of the end. I may be mistaken in the result it will have on the dominant party in the United States. The gentleman who preceded me [Mr. PAYNE] spoke of the great hurricane that swept over the unfortunate island of Puerto Rico in August, 1899, but I say to him and to the country that in my humble judgment if you pass this bill, if you take this step and plunge the country into imperialism, that that hurricane will be but a gentle zephyr compared to the mighty whirlwind which will follow and sweep the Republican party from power. [Applause on the Democratic side.]

The conclusion of the matter must be from all the authorities cited that the Constitution requires that taxation shall be uniform throughout the United States—that is, all the States and Territories of the United States. The object was to make permanent and effective and as unchangeable as the organic law can be, throughout the United States, the principle that all taxes imposed by the General Government upon the property of the people, except direct taxes, which, for political reasons, were required to be apportioned among the States, should be equal and uniform everywhere within its jurisdiction. There is nothing in the language of the Constitution, or in the history of the times, to justify the conclusion that the men who framed it, or the States and people when it was ratified, intended to deprive themselves and their posterity of the protection afforded by the well-settled rule requiring uniformity and equality in taxation.

The direct taxes were required to be apportioned among the States, without expressly requiring uniformity in the rates within each State; but not so as to all other taxes. The constitutional provision for the imposition of "duties, imposts, and excises," which include all other taxes, expressly required them to be uniform throughout the United States. Uniformity and inequality are incompatible terms, and consequently uniformity throughout the United States forbids inequality anywhere in the United States.

I come now to discuss another phase of the question presented

by this bill. The feature to which I shall now address myself is fraught with immense interest to the inhabitants of Puerto Rico.

If it be conceded that Congress has the power to legislate in accordance with the provisions of the pending bill, then the exercise of such power would be unwise. If we pass this bill it will be an act of bad faith toward the people of Puerto Rico. We were told that the inhabitants of that island gladly welcomed General Miles and the armies of the United States in July, 1898, when they invaded their territory and struck down the power of Spain. This they did because they were assured, and confidently believed, that as the tyrannous shackles of Spain were stricken from them they were to be admitted to the immunities and blessings of our liberal institutions, as well as our enlightened civilization.

We are told our soldiers were hailed as redeemers. Why were they hailed as redeemers? It was because of the alluring promises held out to the inhabitants of the islands by the United States. Speaking through our representative directly to those people, solemn promises were made. They are to be found in the proclamation of the Commanding General of the United States Army as that army under him invaded the island. Whatever ground of complaint we may have had against Spain to justify us in the war, no one will assert that we had any cause of war against the people of that island. We did not enter upon a war against them. They did not "welcome our soldiers with hospitable hands to bloody graves," but, on the other hand, hailed them as redeemers. We asked them to become our allies and they did so. Here is the proclamation of Major-General Miles:

HEADQUARTERS OF THE ARMY,
Ponce, P. R., July 28, 1898.

To the Inhabitants of Puerto Rico:

In the prosecution of the war against the Kingdom of Spain by the people of the United States in the cause of liberty, justice, and humanity, its military forces have come to occupy the island of Puerto Rico.

Mr. TERRY. Have that printed in big capitals. [Laughter.]

Mr. RICHARDSON. I call the attention of the Reporters to the remarks of my friend from Arkansas. [Laughter.]

The proclamation continues:

They come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours, and to destroy or capture all who are in armed resistance. They bring you the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold. Hence, the first effect of this occupation will be the immediate release from your former political relations, and it is hoped a cheerful acceptance of the Government of the United States. The chief object of the American military forces will be to overthrow the armed authority of Spain and to give to the people of your beautiful island the largest measure of liberty consistent with this military occupation.

We have not come to make war upon the people of a country that for centuries has been oppressed, but, on the contrary, to bring you protection, not only to yourselves but to your property, to promote your prosperity, and bestow upon you the immunities and blessings of the liberal institutions of our Government. It is not our purpose to interfere with any existing laws and customs that are wholesome and beneficial to your people so long as they conform to the rules of military administration of order and justice. This is not a war of devastation, but one to give to all within the control of its military and naval forces the advantages and blessings of enlightened civilization.

NELSON A. MILES,
Major-General, Commanding United States Army.

Mr. GAINES. Will the gentleman allow me to say that the other day, when I interrupted the gentleman from New York [Mr. CLAYTON], who, it will be remembered, was under General Miles in Puerto Rico, and I asked him, "Were the people there glad to have your troops come?" he replied: "Oh, yes; the conservative and intelligent part of the population were glad to become Americans."

Mr. RICHARDSON. The solemn pledge of our Government made by this great soldier to these weak people was that we came to occupy and take possession of their island in the righteous cause of liberty, justice, and humanity; that we came bearing the banner of freedom, to bring them the fostering arm of a nation of free people, whose greatest power is in its justice and humanity to all those living within its fold; that the object of America was to give the people of that beautiful island the largest measure of liberty; that they were not to be oppressed, but given protection in their property; that their prosperity was to be promoted, and they were to have bestowed upon them the immunities and blessings of the liberal institutions of our Government, and that they were to share with us the advantages and blessings of enlightened civilization.

The foregoing proclamation of General Miles was accepted as his invitation to the people there to unite their fortunes with our own. They accepted the invitation. Their acceptance was based on the word and honor of an American soldier. I am sure the great soldier would not violate any promise, expressed or implied, in that proclamation, and as the representative body of his country we should be reluctant to do so. A very intelligent witness, called to testify before a committee of this House on January 19, testified that the proclamation of General Miles was deemed an invitation extended to the people of Puerto Rico that they might be induced to become the allies of the United States and fight a common enemy.

The witness says in his testimony that the inhabitants of Puerto Rico fulfilled their part of the contract with General Miles, but, he adds, the United States has not carried out its part of the compact. He stated to the committee that the conditions in the island were no better now than under Spanish rule. Another witness, testifying before the same committee the same day, said:

Before the occupation of the United States, the conditions, although under a very bad form of government, were prosperous to a certain extent; but since the United States has had the occupation, I am sorry to say, we have gone backward; that two years ago we were certainly a great deal more prosperous than we are to-day. There is a great deal more poverty than there was two years ago, etc.

This witness is a resident of the island. General Davis has made a public declaration confirmatory of these statements.

If it be true, as these and other witnesses affirm, that the condition of the inhabitants of that island is worse now under our ownership than it was two years ago under Spain, there can be no question but that every effort we can constitutionally exert as a Congress should be put forth to ameliorate and improve their affairs. I am not here to ask for charity for the people of Puerto Rico, but is it not a sad thing to contemplate conditions there which are shown after two years of American freedom, liberty, humanity, and civilization, to be worse than they were under an effete old monarchy?

All of these things were known to the President. He has had his officers and commissioners in the island for nearly two years. They have submitted reports to him which have been laid by him before Congress. Delegations have come by authority of the residents of the island, some from boards of trade and other commercial organizations, and all of them agree in the story of the desolation and poverty of the island, and all unite in saying that the last condition there is worse than the first. The question presented to us is, What is Congress to do in consideration of the circumstances and surrounding conditions?

Shall we put a further burden on them by enacting the pending measure into law? The President and his Cabinet of advisers have had the benefit of all the information as to the conditions in the island. He has not only had the opportunity to read and digest the reports of the various agents sent there to investigate and report to him upon its affairs, but he has heard in person the statements and declarations of the numerous agents and representatives from that island to our country. He understands the conditions in the island, knows of the poverty prevailing there, and the difficulties and trade complications of those people.

These facts were all before him and no doubt constrained him, in pity for them, to make the recommendation to Congress which we find in his annual message sent us a little over sixty days ago. The Constitution imposes upon him a solemn duty "to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." In obedience to this injunction, the President, after long and serious deliberation and the amplest consideration of the condition of the people of Puerto Rico and their necessities, advised the Congress as to its duty to the island. Unless this House and the other branch of Congress intend to deliberately disregard the solemn advice of the President, made under his constitutional obligation, the pending bill can not pass. In his recent message, read to this House on the 5th day of December last, and enthusiastically applauded by its members, the President in his own felicitous style said:

It must be borne in mind that since the cession Puerto Rico has been denied the principal markets she had long enjoyed, and our tariffs have been continued against her products as when she was under Spanish sovereignty. The markets of Spain are closed to her products except upon terms to which the commerce of all nations is subjected. The island of Cuba, which used to buy her cattle and tobacco without customs duties, now imposes the same duties upon these products as from any other country entering her ports. She has therefore lost her free intercourse with Spain and Cuba without any compensating benefits in this market. Her coffee was little known and not in use by our people, and therefore there was no demand here for this, one of her chief products. The markets of the United States should be opened up to her products. Our plain duty is to abolish all customs tariffs between the United States and Puerto Rico and give her products free access to our markets.

I know it is in the power or discretion of the House to pass measures directly contrary to the decisions of the Supreme Court and also in open disregard of the advice of the Chief Executive; nevertheless, I feel it my duty before such action is taken to bring to the minds and attention of members the decisions of the court and the advice of the President. I shall not assume that if gentlemen are reckless enough to disregard the former, they will the latter. We have been fully informed as to the painful condition of the people in Puerto Rico by the President, by the testimony of officers of the Government who have been there, who have submitted their reports to Congress, and by the evidence of numerous witnesses who have testified as to these conditions before several committees of this body.

The sum of all the testimony is that great want exists there, that the people are in poverty by reason of the action of our Government, and that relief must come quickly to be available. Why,

then, should there be delay in enacting proper legislation? I would not go so far as to intimate, in view of what the President has told us, that if we utterly disregard his advice, such action on our part would by his act be defeated. But why take such risk? We have not been informed that there has been any change in the opinion so lately expressed by the President, or that he admits the unwisdom of the solemn advice so recently given us by him. It is well known that his opinions are not hastily formed, but that he acts upon the most mature consideration after the most careful thought and investigation.

Not only did the President give us the advice I have quoted, but it is also true that his opinion and advice were based upon the knowledge and information of his Cabinet advisers. The Secretary of War in his late annual report sustains the President in all he said in reference to this matter, as is shown by the following, which is taken from his report:

> The highest considerations of justice and good faith demand that we should not disappoint the confident expectation of sharing in our prosperity with which the people of Puerto Rico so gladly transferred their allegiance to the United States, and that we should treat the interest of this people as our own; and I wish most strongly to urge that the customs duties between Puerto Rico and the United States be removed.

Now I wish to speak of another matter, and I ask the attention of gentlemen on the other side. Then again, as late as the 19th of January, the distinguished gentleman, chairman of the Committee on Ways and Means, who has just addressed the House in favor of the pending measure, presented to this House a bill in accordance with the recommendations of the President. That bill was directly in opposition to the one to which he has just addressed himself and which he has asked the House to adopt.

Mr. MADDOX. And which he declined to let us introduce as a substitute.

Mr. RICHARDSON. Of course that gentleman has the right to change his opinion in the brief period since the 19th ultimo, and thereby admit that he was mistaken in asking the House to pass his bill; but I may be pardoned for questioning the right of that gentleman to ask his colleagues on this floor to go with him in his sudden change of mind. So rapid a change as this is indicative of fickleness on his part; and while I will not insist it reflects in any degree upon the gentleman's purity of purpose and integrity of action, I may be pardoned for saying that it is not calculated to enthusiastically inspire greater confidence in him as a wise and safe adviser of the House. [Applause on the Democratic side.]

The policy we are asked to pursue here will without doubt urther impoverish the island. It may serve to enrich some of the corporations and syndicates, and perhaps a few individuals, but I do not believe it will benefit our people as a whole. The great masses throughout the country believe in our free institutions, and above all things believe in that great fundamental doctrine, first enunciated by Mr. Jefferson, of equal and exact justice to all men of whatever state or persuasion and special privileges to none. They can not be brought while in the enjoyment of equal rights themselves, with equal chances in the race for life, to oppress the inhabitants of any territory belonging to the United States. The policy proposed is a robber policy, and will inevitably lead to a hatred of this country by the people of Puerto Rico as bitter and unrelenting as they ever could possibly have entertained toward the monarchy from which they have been wrested by us. In my humble judgment a most grave and serious mistake will be made if we enact this bill into law. The injury we will inflict on the island will be great, but this is nothing to be compared to the immeasurable wrong we do to the Constitution of our country.

Shall we not, then, do our plain duty? Let us vote down this most dangerous bill. I take pride in being able to say that in my opinion, when the roll is called on its passage, not a solitary Democratic vote in this Chamber will be recorded in its favor. [Applause on the Democratic side.] All will stand by the Union and the Constitution. We revere that instrument, because, while it is not perfect—for human perfection has never yet been attained—it is the best ever devised by the brain and intellect of man. It has been the hope and the stay of our people for more than a hundred years. They know that under it the poor man's child, if he have talent and genius and ambition, can reach the most exalted stations of earth.

The oppressed of all nations have sought protection under its powers and limitations. Its blessings have been showered like the gentle dews of heaven on all alike throughout the United States. Under its benignant rule heretofore the rich have been shielded in their palaces and fortune, the poor in their hovels and in their rags, the middle classes in their contentment and happy homes, and all have cheerfully and lovingly rendered obedience to its injunctions. It was not made for the last century, which gave it birth, nor for the present century now drawing to a close, which has seen conclusive evidences of its marvelous strength and protecting power, nor for the coming century, which, under Providence, I pray is to witness its grander triumphs, but for all centuries, for all the people, all the States, and all the Territories of the American Union. [Applause on the Democratic side.] We desire to live on under our great charter and bill of rights in the future, as we have in the past, a free and a united people, one in mind to render it cheerful obedience, one in sentiment to cherish it as the almost sum of human perfection, one in patriotism to die for, if need be, one in all that makes a republic great and its people free, happy, prosperous, and contented. [Prolonged applause.]

Mr. DALZELL. Mr. Chairman, by virtue of a treaty with Spain the islands constituting the Philippine Archipelago and the island of Puerto Rico became territory belonging to the United States. That treaty was made in the usual way, was ratified by the Senate, and is an accomplished fact. Whatever we may think as to its wisdom matters not now. Even if we were disposed to recede from its obligations, the time for so doing has long since gone by. The fact that stares us in the face is that by virtue of that treaty we have assumed certain responsibilities, certain relations with the inhabitants of those islands, certain relations with the nations of the world, and certain duties to ourselves from which there is no escape. Whatever may be our ultimate purpose, we can now do nothing but provide for these acquisitions in such way as shall best contribute to their welfare and our own.

Puerto Rico is a little island about 95 miles long and 45 miles wide, situated in the Caribbean Sea. It is the most densely populated piece of territory in the world. Only about 12 per cent of its population are capable of reading and writing. The people are such as you might expect to find after a domination of three or four hundred years by Spain. The Philippine Islands are distant from us in the neighborhood of 8,000 miles. They differ from Puerto Rico in extent of territory, in number and character of inhabitants, in civilization, in the products of their soil. They differ lagely in many respects from each other.

I read from the report of the Philippine Commission:

> The total number of inhabitants has been estimated at all the way from 6,000,000 to 12,000,000.
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> * * * * * * *
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> The inhabitants of the Philippines belong to three sharply distinct races—the Negrito race, the Indonesian race, and the Malayan race.
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> It is universally conceded that the Negritos of to-day are the disappearing remnants of a people which once populated the entire archipelago. They are, physically, weaklings of low stature, with black skin, closely curling hair, flat noses, thick lips, and large, clumsy feet. In the matter of intelligence they stand at or near the bottom of the human series, and they are believed to be incapable of any considerable degree of civilization or advancement.
>
> Centuries ago they were driven from the coast regions into the wilder interior portions of the islands by Malay invaders, and from that day to this they have steadily lost ground in the struggle for existence until but a few scattered and numerically insignificant groups of them remain. As a rule, they are to be met with only on the forest-clad sides of the higher mountains of Luzon, Panay, Negros, and Mindanao, although in the northeastern part of Luzon they are said to still inhabit the wooded lowlands near the coast. They lead a nomadic life, wandering almost naked through the forests and living on fruits, tubers, and such game as they can bring down with their bows and poisoned arrows. It is believed that not more than 25,000 of them exist in the entire archipelago, and the race seems doomed to early extinction.
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> Within a comparatively short time it has completely disappeared from several of the islands which it formerly inhabited, and it is said that the birth rate is now considerably below the death rate.
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> So far as is at present known, the Philippine tribes belonging to the Indonesian race are confined to the great island of Mindanao, the surface of which constitutes about one-third of the total land area of the archipelago. It is possible that a more careful study of the wild peoples of North Luzon will show that here also there exist Indonesian tribes, or tribes showing evidences of Indonesian origin; but this is a question which remains to be determined.
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> The Philippine representatives of this race are physically superior not only to the Negritos, but to the more numerous Malayan peoples as well. They are tall and well developed, with high foreheads, aquiline noses, wavy hair, and often with abundant beards. The color of their skins is quite light. Many of them are very clever and intelligent. None of the tribes have been Christianized. Some of them have grown extremely fierce and warlike as a result of their long struggle with hostile Malayan peoples. Others, more happy in their surroundings, are pacific and industrious.
>
> The great majority of the inhabitants of the Philippines are of Malayan extraction, although the race is not found pure in any of the islands, but is everywhere more or less modified through intermarriage with Chinese, Indonesians, Negritos, Arabs, and, to a limited extent, Spaniards and other Europeans.
>
> The individuals belonging to these Malayan tribes are of medium size, with straight black hair. As a rule, the men are beardless, and when they have a beard it is usually straggling and appears late in life. The skin is brown and distinctly darker than that of the Indonesians, although very much lighter than that of the Negritos. The nose is short and frequently considerably flattened.
>
> The representatives of these three races are divided into numerous tribes, which often differ very greatly in language, manners, customs, and laws, as well as in degree of civilization. In numerical importance they range from the Visayans, numbering more than 2,000,000, to the Calanganes, of whom but a bare 300 remain. The greater part of the tribes are wild and pagan, but the civilized and christianized peoples, although few in number, include the majority of the inhabitants.
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> That the Filipinos do not constitute "a nation" or "a people" will appear from the perusal of the following table, which gives the names of the various tribes so far as known, the regions which they respectively inhabit, and, where practicable, an estimate of the number of individuals composing each

Then follows a statement showing that there are 84 different tribes, differing in language, differing in customs, and differing in civilization.

Now, then, these people beyond all recall have fallen to our care. We are to give them peace and order, education, civilization, and possibly independence; but the immediate necessity of the

hour is that we govern them. It there is anything in the world clear it is that these eighty-four tribes require different modes of government, different kinds of laws, different treatment adapted to their respective needs. And yet, attempting now for the first time to legislate for one of our new possessions, we are met with the proposition that all of our new possessions, must be governed by one fixed, unvarying system, and that the system which applies to ourselves, the freest and most intelligent people on the face of the earth.

An amazing proposition, involving free trade with the Philippines, the extension to them of our navigation laws, and the incorporation into the body politic of from six to twelve millions of semisavages. How do you like the problem? Do you believe that you can carry civilization and ultimately independence to those people if your hands are tied by the limitations of the Constitution of the United States?

But are our hands so tied? By no means. My proposition is that the government of territory belonging to the United States is not subject to the limitations of the Constitution, but that Congress has power, absolute power, to govern, keeping only in mind those fundamental principles which, though they may be written in the Constitution, are not binding on us in this regard because they are so written, but because they are a part of our system of government.

Now, under the treaty the political status of the inhabitants of those islands is to be fixed by the Congress of the United States. Under a provision in the Constitution Congress has power to dispose of and make all needful rules and regulations respecting territory belonging to the United States. It would seem, therefore, that the power to pass this bill providing for customs duties in Puerto Rico and in the United States is unquestionably in Congress. But it is said that there exists a limitation upon that power; that the limitation arises out of that provision of the Constitution which says that—

> All duties, imposts, and excises shall be uniform throughout the United States.

Does the term "United States" include Puerto Rico as the framers of that instrument intended when they used that language? The first place that we ought to go for an answer to that question is to the Constitution itself. We ought to be able to ascertain from the language used what was the intention of the framers of that great instrument at the time when it was made. The term "United States" is used to express several different things. The United States, for instance, means the forty-five States that collectively constitute the Federal Union. "The United States" is used as a term of geographical description, just as we use "the British Empire" to cover all Great Britain's possessions.

But "the United States" is used in a political sense in the Constitution to indicate that corporation which is the result of the union of the original thirteen States, and it seems to me that a study of the language of the Constitution can not but lead any impartial seeker after the truth to come to the conclusion that the words "United States" as used therein have reference only, excepting where otherwise pointed out, to the thirteen original States and to those that under provision made should subsequently become a part of the Union.

Mr. HENRY of Texas. Will the gentleman allow me an interruption?

Mr. DALZELL. Without wishing to be uncivil, I ask as a favor that I be not interrupted.

Certainly no one would say from reading the preamble to the Constitution that anything but the thirteen States were referred to therein. "We, the people of the United States" could only mean the people of States that adopted the instrument. The people of the United States in framing that Constitution were engaged in setting up a working government, consisting of three separate departments—the legislative, the executive, and the judicial. Take the articles in the Constitution that relate to these three separate departments of the Government, and you must come to the conclusion that "the United States" means only those who participated in the making of that Constitution.

The legislative department is to consist of Representatives and Senators chosen by the States. The executive is the Executive of the United States, chosen by the electors of the States. The judiciary is the judiciary of the United States, and its powers, its jurisdiction, as has been held many times, as I shall show you, have uniformly been confined to the United States. The power of amendment is in the United States. The limitations upon the power of Congress are those imposed by the States; the sovereignty granted the United States is a sovereignty granted by the States. So that all through that instrument, except, as I say, where it is expressly stated to the contrary, it seems apparent that the only territory that was in the view of the framers of the Constitution at the time they made the Constitution was the thirteen original States.

Now, then, where it was intended that the Constitution should have extra State jurisdiction, that fact is made clearly to appear. Article IV, section 3, clause 1, provides that new States may be admitted by Congress into this Union. Article IV, section 3, clause 2, provides that Congress shall have the power to dispose of and make all needful rules and regulations respecting the Territories and other property belonging to the United States. And the thirteenth amendment provides that slavery shall not exist within the United States or any place subject to its jurisdiction. It seems to me that the inclusion of that term in the thirteenth amendment is significant. It is the only place in the Constitution where the jurisdiction of the United States is expressly provided for outside of the States. It was to get rid of slavery for all time to come and beyond all possibility of mishap that the clause was inserted. The same men that wrote these words into the thirteenth amendment drew the succeeding amendments, and made no reference at all to any extra State jurisdiction. That, therefore, is an argument to my mind in favor of the proposition that the States only are meant, unless something to the contrary be expressly stated.

The phrase "throughout the United States," which occurs in this paragraph relating to taxation, appears three times in the Constitution. In Article II, section 1, paragraph 2, it is provided that the day on which electors shall be voted for shall be the same throughout the United States. That, of course, could have no reference to any other territory than the United States, it being applicable only to electors. We have, therefore, in that instance, ascertained the meaning of the term "throughout the United States," and it is a fundamental rule of construction that having once ascertained the real meaning of a term in an instrument, that same meaning must accompany the term throughout, unless there be express reasons to the contrary.

In Article I, section 8, paragraph 4, it is provided that bankrupt laws shall be uniform throughout the United States. The first bankruptcy law was confined in terms to the United States. The subsequent bankruptcy laws were extended to the Territories by express provision thought to be necessary for that purpose.

Article I, section 8, provides that duties shall be uniform throughout the United States. That is the clause now under consideration. In the same sentence, paragraph 3, Congress is given power to regulate commerce—commerce of the United States and among the several States. This means, of course, the several States of the United States. It can hardly be assumed that the several States did not mean the United States. In point of fact, some of our earliest revenue laws were confined in terms to the United States.

It seems to me, therefore, that if we were confined to the Constitution itself for the meaning of this term "United States," we must necessarily come to the conclusion that what was in the minds of the framers of the Constitution was the original thirteen States and as many others as might be added under the terms of that instrument. If under the term "United States" all the territory under the jurisdiction of the United States was included, it was a useless performance to put into the Constitution an express provision that Congress should "have power to dispose of and make all needful rules and regulations respecting the territory of the United States."

Now, on the other side, as against this proposition, there is cited the case of Loughborough *vs.* Blake, decided in 1828 by Chief Justice Marshall, in which he answers the question "What does the United States mean?" by saying that it means all the territory of the great Republic—the District of Columbia, the Territories beyond the Missouri, and so on. It seems to me perfectly patent that what Chief Justice Marshall said upon that subject was a mere dictum and had no connection at all with the question involved in the case. In 1815 Congress passed a law levying a direct tax and apportioned it among the States, and in that law it named the particular States and apportioned the amounts respectively to those States. Subsequent to the passage of that act Congress passed another act and levied a direct tax upon the District of Columbia. One of the citizens of the District having refused to pay this tax, his property was levied upon, and in an action of trespass the question of constitutional power was raised. In delivering a decision the Chief Justice said:

> This case presents to the consideration of the court a single question. It is this: Has Congress a right to impose a direct tax on the District of Columbia?
>
> This question he answered in the affirmative.

Well, of course Congress had a right to impose a direct tax upon the District of Columbia, because under the Constitution Congress is given exclusive control over that District. No necessity arose for the court to define the term "United States." It does not, therefore, necessarily follow that in the disposition of that case anything was involved like the proposition that the United States covered both the United States and Territories, nor did the case decide any such thing. In effect it decided the exact opposite, because it decided that a tax which was uniform throughout the United States, but was not applied to the Territories at all, was a constitutional tax.

So that the case, as it seems to me, is an authority against those

gentlemen on the other side who cite it in support of their proposition. And when the framers of the Constitution provided in that instrument that "all duties, imposts, and excises shall be uniform throughout the United States," I put to you the question, by virtue of what authority do you write into the Constitution that which they left out, and say "shall be uniform throughout the United States and Territories?" But there are cases directly in point, some of them decided by this same Chief Justice. It is said that if this is a dictum it is the dictum of the great Chief Justice. And so, I grant you, it is. But when I place against the dictum of the great Chief Justice the decision of the great Chief Justice upon the very point at issue, I think I am justified in asking you to set aside the dictum and to follow the decision.

In a case in which the District of Columbia was again involved, reported in 2 Cranch—the case of Hepburn *vs.* Ellzey—the question arose as to whether or not a citizen of the District of Columbia was a citizen of the United States within the meaning of the term "United States" in the Constitution and therefore entitled to sue in the Federal courts. And now I read what Chief Justice Marshall said:

The question in this case is whether the plaintiffs, as residents of the District of Columbia, can maintain an action in the circuit court of the United States for the district of Virginia. This depends on the act of Congress describing the jurisdiction of that court. That act gives jurisdiction to the circuit courts in cases between a citizen of the State in which the suit is brought and a citizen of another State. To support the jurisdiction in this case, therefore, it must appear that Columbia is a State.

On the part of the plaintiffs it has been urged that Columbia is a distinct political society and is, therefore, "a State" according to the definition of writers on general law. This is true. But as the act of Congress obviously uses the word "State" in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a State in the sense of that instrument. The result of that examination is a conviction that the members of the American Confederacy only are the States contemplated in the Constitution.

The House of Representatives is to be composed of members chosen by the people of the several States; and each State shall have at least one Representative. The Senate of the United States shall be composed of two Senators from each State. Each State shall appoint, for the election of the Executive, a number of electors equal to the whole number of Senators and Representatives. These clauses show that the word "State" is used in the Constitution as designating a member of the Union, and excludes from the terms the signification attached to it by writers on the law of nations. When the same term which has been used plainly in this limited sense in the articles respecting the legislative and executive departments is also employed in that which respects the judicial department, it must be understood as retaining the sense originally given to it.

Upon the same line of argument that I suggested a few moments ago Chief Justice Marshall comes to the conclusion that when the framers of the Constitution said "United States," they did not mean "United States and Territories."

The same question substantially arose in the case of a Territory—the case of New Orleans *vs.* Winter, in 1 Wheaton. In this case the court said:

It has been attempted to distinguish a Territory from the District of Columbia, but the court is of opinion that this distinction can not be maintained. They may differ in many respects, but neither of them is a State in the sense in which that term is used in the Constitution. Every reason assigned for the opinion of the court that a citizen of Columbia was not capable of suing in the courts of the United States under the judiciary act is equally applicable to a citizen of a Territory.

Again, in the case of Barney *vs.* Baltimore, reported in 6 Wallace, and decided as late as 1867, the court said with respect to the rulings in these two cases that I have read in your hearing:

These rulings have never been disturbed, but the principle asserted has been acted upon ever since by the courts when the point has arisen.

And in the case of Texas *vs.* White, reported in 7 Wallace, where the question involved was as to the status of the State of Texas by reason of her having joined the rebellious States, the court undertake to define the word "States" as used in the Constitution, and they say:

A State, in the ordinary sense of the Constitution, is a political community of free citizens occupying a territory of defined boundaries and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed. It is the union of such States under a common constitution which forms the distinct and greater political unit which that constitution designates as the United States. It speaks of the people and States which compose it as "one people and one country." The use of the word in this sense hardly requires further remark. In the clauses which impose prohibitions upon the States with respect to the making of treaties, emitting of bills of credit, and laying duties on tonnage, and which guarantee to the States representation in the House of Representatives and in the Senate, are found similar instances of this use in the Constitution. Others will occur to every mind.

I say, then, that not only from the four corners of the Constitution itself, but from the decisions of the highest court of the land, we are led to believe that the term "United States" in the Constitution does not extend to and cover the Territories.

I ask, now, what was the judgment of the men who made the Constitution and of the men who were cotemporaries of the men who made the Constitution with respect to the power under the Constitution to legislate for Territories? And I say that both Federalists and Republicans agreed in the proposition that the Constitution related only to the States. Let me read you some of the opinions on this subject.

This discussion arose out of the proposition to acquire and out of the subsequent acquisition of the Territory of Louisiana.

Mr. Pickering, of Massachusetts, declared in the Senate that it was not in the power of the President or of Congress to incorporate the Territory into the Union, as the treaty demanded. He did not believe even that an amendment could be made to the Constitution so as to authorize it in the ordinary way, but only by the assent of each individual State, as in a commercial house the consent of each member would be necessary to admit a new partner into the company.

John Quincy Adams agreed with him, but had a remedy to propose. He said:

This is what your ministers, in the very case before you, have confessedly done. It is well known that their powers did not authorize them to conclude this treaty; but they acted for the benefit of their country, and this House, by a large majority, has advised to the ratification of their proceedings. Suppose, then, not only that the ministers who signed, but the President and Senate who ratified this contract, have exceeded their powers. Suppose that the other House of Congress, who have given their assent by passing this and other bills for the fulfillment of the obligations it imposes on us, have exceeded their powers.

Nay, suppose even that the majority of States competent to amend the Constitution in other cases could not amend it in this without exceeding their powers—and this is the extremest point to which any gentleman on this floor has extended his scruples—suppose all this, and there still remains in the country a power competent to adopt and sanction every part of our engagements and carry them entirely into execution. For notwithstanding the objections and apprehensions of many individuals, of many wise, able, and excellent men in various parts of the Union, yet such is the public favor attending the transaction which commenced by the negotiations of this treaty, and which, I hope, will terminate in our full, undisturbed and undisputed possession of the ceded territory, that I firmly believe if an amendment to the Constitution, amply sufficient for the accomplishment of everything for which we have contracted, shall be proposed, as I think it ought, it will be adopted by the legislature of every State in the Union. We can therefore fulfill our part of the conventions, and this is all that France has a right to require of us.

And Thomas Jefferson said:

This treaty must, of course, be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise probably never be in their power. But I suppose they must then appeal to the nation for an additional article to the Constitution, approving and confirming the act which the nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution.

The Legislature, in casting behind them metaphysical subtleties, and risking themselves, like faithful servants, must ratify and pay for it, and throw themselves on their country for doing unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian investing the money of his ward in purchasing an important adjacent territory and saying to him when of age: "I did this for your good; I pretend to no right to bind you; you may disavow me, and I must get out of the scrape as I can: I thought it my duty to risk myself for you." But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution by more strongly marking out its lines.

And when in the debate it was said that the powers conferred on the President were unconstitutional, the reply was made by the President's advisors that the Constitution was made for States, not for Territories.

Mr. Rodney, of Delaware, said:

It shows that Congress have a power in the Territories that they can not exercise in the States, and that the limitations of power in the Constitution are applicable to States and not to Territories.

And John Randolph, a Republican of Republicans, said:

Gentlemen will see the necessity of the United States taking possession of this country in the capacity of sovereigns to the same extent as that of the existing government of the provinces.

Now, no constitutional amendment was made, not because Mr. Jefferson, as my friend from Tennessee [Mr. RICHARDSON] said, came to the conclusion that none was necessary, but because it was held by statesmen, as it was subsequently held by the court, that the United States was a sovereign nation, having and entitled to exercise all the powers of any sovereign nation, the right to make war and peace, the right to acquire territory, and as a necessary consequence of that right, the right to govern it without limitation, save that in the discretion of the Congress, its agents in the government.

On the 13th of January, 1803, Mr. Gallatin wrote to Mr. Jefferson, saying with respect to the acquisition of Louisiana:

But does any constitutional objection really exist? To me it would appear, first, that the United States as a nation have an inherent right to acquire territory; second, that whenever that acquisition is by treaty, the same constituted authorities in whom the treaty-making power is vested have the constitutional right to sanction the acquisition.

But we have more than the opinions of the men who were contemporary with the making of this Constitution. We have their express acts, in the shape of legislation, declaratory of what they thought as to the limitations that existed in the ruling of territory acquired under the treaty-making or the war power of the Constitution. What limitations did Mr. Jefferson and his Congress feel binding upon them when they set up a government in Louisiana?

Will anyone contend that Louisiana was governed under a republican form of government and subject to the limitations of the Constitution? Why, Congress turned over to the President the dictatorial power to appoint officers, civil and military, and to

delegate to them the government of Louisiana. And Mr. Jefferson appointed one man as governor-general and intendant, two offices that had been filled under Spanish rule by different men. And this man had the power to make laws. He had the power to dispose of the finances. He had the power to review the decisions of the courts. There was no such thing as jury trial in Louisiana. There was an ecclesiastical establishment in Louisiana, and priests and curates were paid out of the Louisiana treasury.

There were the old mediæval laws, long since gone out of use amongst civilized peoples, such as cutting out a man's tongue for the offense of blasphemy, and all that sort of thing.

[Here Mr. WILLIAMS of Mississippi rose.]

I suppose my friend was going to say that that was merely the temporary government of Louisiana, and so it was; but what was the permanent government of Louisiana as a Territory? It was better in this respect, that despotic power was not placed in the hands of one man in Louisiana; but it was no better in this, that despotic power still remained in the hands of one man who occupied the Executive chair as President of the United States.

Let me read you what the historian Adams says with respect to this government, set up by the gentlemen who were contemporaries with the framers of the Constitution:

> It created a Territorial form of government in which the people of Louisiana were to have no share. The governor and secretary were to be appointed by the President for four years. The legislative council, constituted of thirteen members, was to be appointed by the President without consulting the Senate, and was to be convened and prorogued by the governor as he might think proper. The judicial officers, also appointed by the President, were to hold office for four years instead of the usual term of good behavior. * * * The bill—

Said the historian—

> seemed to set the new Territory apart as a peculiar estate, to be governed by the power employed in the right to acquire it.
>
> With the passage of this act and its twin statute for collecting duties in the ceded territory the precedent was complete. Louisiana received a government in which its people, who had been solemnly promised all the rights of American citizens, were set apart, not as citizens, but as subjects lower in the political scale than the meanest tribes of Indians, whose right to self-government was never questioned. By these measures the Executive and the Legislature recorded their decision in regard to the powers of government over national territory.

Was there ever a plainer declaration made under the solemn responsibilities of official duty that the limitations of the Constitution do not apply to the government of Territories than was made by the President and Congress in dealing with Louisiana?

Now, Louisiana came into the Union under the terms of a treaty with France known as the Louisiana treaty, of April 30, 1803, which provided:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of liberty, property, and the religion which they profess.

The inhabitants of Louisiana protested that this treaty obligation was not being observed; that they were not recognized as citizens of the United States; and they presented a memorial to Congress, and in that memorial and in the answer that Congress gave we may find another illustration of the opinion of the fathers as to whether or not the limitations of the Constitution apply to Territories. These gentlemen said:

> A governor is to be placed over us whom we have not chosen, whom we do not even know, who may be ignorant of our language, uninformed of our institutions, and who may have no connections with our country or interest in its welfare.
>
> This governor is vested with all executive and almost unlimited legislative power; for the law declares that, "by and with the advice and consent of the legislative body, he may change, modify, and repeal the laws," etc. But this advice and consent will no doubt in all cases be easily procured from the majority of a council selected by the president or governor and dependent on him for their appointment and continuance in office; or if they should prove refractory, the power of prorogation frees him from any troublesome interference until a more prudent selection at the end of the year shall give him a council better suited to his views. The true legislative power, then, is vested in the governor alone. The council operates as a cloak to conceal the extent of his authority, to screen him from the odium of all unpopular acts, to avoid all responsibility, and give us the faint semblance of a representative assembly, with so few of its distinguishing features that unless the name were inscribed on the picture it would be difficult to discover the object for which it was intended.

Now, how did Congress answer this protest of these people in Louisiana? Mr. John Randolph, from the committee appointed by the House to take into consideration the memorial, reported on January 25, 1805. I read only a short extract:

> They shall be incorporated into the Union and admitted—to what? To the enjoyment of all the rights, etc., of American citizens. When? As soon as it can be done in conformity with the principles of the Federal Constitution; meanwhile they are to be protected, etc.
>
> Could any doubt be excited of the soundness of this construction of the English context it would be instantly dissipated by a recurrence to its counterpart in the French language, if the manifest absurdity of the concluding words of the article, which would result from an opposite interpretation, should fail to remove it. For what necessity could exist for a provision securing to the inhabitants of Louisiana the temporary enjoyment of certain minor privileges, when their immediate admission to all the rights of American citizens was one of the conditions on which their country was transferred to the United States by France?
>
> Whether the words "as soon as possible, according to the principles of the Federal Constitution," be understood to refer to any change, which, in conformity with its own principles, might at some future period be made in that instrument, or to that provision of the Constitution which requires the rule of naturalization to be uniform, they are equally fatal to the claim urged by the memorialists of their right to an immediate participation of those benefits which they can not possess in their full extent, until admitted to their enjoyment by the principles of the Constitution. The imputation, therefore, of a want of good faith in the Government of the United States is not more unsupported by the language of the third article of the treaty of Paris than it is repugnant to the uniform tenor of the American character, from the commencement of the national existence.

So that to the complaint that those people occupying a Territory belonging to the United States had made, that they had no rights under the Constitution, Mr. Randolph made answer in the House of Representatives, telling them that it was true that they had no rights until the time should come when Congress should see fit to admit them into the Union.

Now, Mr. Chairman, I fear that I am spending too much time upon this particular branch of the case, but it seems to me that the history of the Louisiana purchase, the legislation, and the opinions of our statesmen with respect thereto, all furnish cogent arguments in favor of the proposition that the term "United States" in the Constitution does not carry the limitations of that instrument to the government of Territories.

Up to this time we have seen what construction the executive and legislative branches of the Government have put upon the Constitution in its relation to Territories.

I now advance a step further and say that the courts have adopted and indorsed that construction. In the case of Sere *vs.* Petot, reported in 6 Cranch, the court said:

> The power of governing and legislating for a Territory is the inevitable consequence of the right to acquire and hold territory. Could this position be contested, the Constitution of the United States declares that "Congress shall have power to make all needful rules and regulations respecting the territory of the United States."
>
> Accordingly, we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the Territory of New Orleans. Congress has given them a legislature, an executive, and a judiciary, with such powers as it has been their will to assign to these departments, respectively.

I shall show as my argument proceeds that this is the uniform doctrine of the courts upon this subject.

Now, we have had various acquisitions since that of Louisiana. Each and all of them have come to us by treaty, and in each and every case, except in that of Alaska, it was thought necessary to limit the unlimited power of the Congress to deal with these Territories belonging to the United States by treaty provision which should secure for them the right of ultimate admission to the United States, and in the meantime protection to their inhabitants in their life, liberty, property, and religion. All the legislation and all the cases decided by the courts with respect to these Territories are to be read in the light of those treaty provisions.

In the treaty with Spain known as the Florida purchase, in 1821, it was provided that—

> The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of the privileges, rights, and immunities of the citizens of the United States.

In the treaty with Mexico concluded in 1848 a substantially similar provision occurs.

And in the treaty with Mexico concluded in 1854, known as the Gadsden treaty, there was a substantially similar provision.

In the treaty with Russia, concluded in 1867, there was no provision for the incorporation of the Territory of Alaska into the Union, but there was a provision that the inhabitants, with the exception of uncivilized native tribes, should have the immunities of citizens of the United States and should be maintained and protected in the free enjoyment of their liberty, property, and religion.

As these treaties were under the Constitution the supreme law of the land, it will be observed that the unlimited power of Congress to deal with the territory ceded was expressly limited to the extent provided for by the treaties.

Had it not been for these treaty provisions the power of Congress to dispose of and make all needful rules and regulations—needful in its judgment, mark you—with respect to the territory belonging to the United States would have vested an unlimited power in the Congress.

In the case of the acquisition of the Philippines and of Puerto Rico by the terms of the treaty the political status of the native inhabitants of the islands is to be determined by Congress; and its power therefore with respect to them, whether that power be the result of our power to acquire or of the constitutional power to dispose of and make all needful rules and regulations, is unlimited.

As a matter of legislative history these acquisitions have always been governed by acts of Congress, made applicable to each in its turn, and they have been governed by such laws as Congress saw fit to prescribe, based upon the requirements of each individual case.

With respect to all of them the principle recognized in the case

of Louisiana has been affirmed, namely, the principle that Territorial laws are dependent entirely upon Congressional action.

If the provisions relating to any department created by the Constitution are inapplicable beyond the States, then the provisions of all its departments must be inapplicable beyond the States. It seems to me that this must be admitted. There is no distinction drawn in the Constitution between the jurisdiction of the executive, the legislative, and the judicial departments.

Article III, section 1, of the Constitution reads:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior.

It is then further provided that—

> The judicial power of the United States shall extend to all cases of maritime and admiralty jurisdiction.

Mr. Webster said that the legislature and judiciary of the Territories have always been established by a law of Congress, and the decisions of the Supreme Court from the earliest down bear him out in the assertion. The first case to which I call your attention is the case of Benner against Porter reported in 9 Howard, page 242. It is there said:

> The distinction between the Federal and State jurisdictions, under the Constitution of the United States has no foundation in these Territorial governments, and consequently no such distinction exists, either in respect to the jurisdiction of their courts or the subjects submitted to their cognizance. They are legislative governments and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of Territories, combining the powers of both the Federal and State authorities. There is but one system of government or of laws operating within their limits, as neither is subject to the constitutional provisions in respect to State and Federal jurisdiction.
>
> They are not organized under the Constitution, nor subject to the complex distribution of the powers of government as the organic law, but are creations, exclusively, of the legislative department and subject to its supervision and control.

Mr. TERRY. I would like to ask the gentleman a question.

Mr. DALZELL. All right, although I prefer not to be interrupted.

Mr. TERRY. I want to ask the gentleman if, under the logic of his contention, Congress could have instituted free trade with Arizona and high-protection tariff with New Mexico.

Mr. DALZELL. Yes.

Mr. TERRY. I only wanted to know where the gentleman's logic went.

Mr. DALZELL. I am not afraid of my logic. I say it could.

Now, in the case of Canter, Chief Justice Marshall said, upon this same subject, speaking of the courts of Florida:

> These courts, then, are not constitutional courts in which the judicial power conferred by the Constitution on the General Government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the Government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States.
>
> The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress in the execution of those general powers which that body possesses over the Territories of the United States. Although admiralty jurisdiction can be exercised in the States in those courts only which are established in pursuance of the third article of the Constitution, the same limitation does not extend to the Territories. In legislating for them Congress exercises the combined powers of the General and of the State governments.

The same doctrine is affirmed in Clinton *vs.* Engelbrecht (13 Wallace, 434). The court said:

> There is no supreme court of the United States, nor is there any district court of the United States in the sense of the Constitution, in the Territory of Utah. The judges are not appointed for the same terms, nor is the jurisdiction which they exercise part of the judicial power conferred by the Constitution of the General Government. The courts are the legislative courts of the Territories, created in virtue of that clause which authorizes Congress to make all needful rules and regulations respecting the Territories belonging to the United States.

In Reynolds *vs.* United States (98 U. S., 145) it was held that the laws relating to the number of grand jurors requisite depended upon the rule, not of the United States, but of the Territorial court.

In *The City of Panama* (101 U. S., 453) the courts of Washington Territory were held clothed by an act of Congress with admiralty jurisdiction.

In McAllister *vs.* United States (141 U. S., 174) it was held that the judge of the district court of Alaska was not a judge contemplated by the Constitution, and was subject to removal by the President.

And so I might multiply cases, but I refrain. It is perfectly clear, therefore, that so far as the judicial decisions go, there are at least two departments created by the Constitution where there are no limitations upon the power of Congress with respect to Territories—the legislative and the judicial.

Mr. HOPKINS. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be allowed to complete his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania have time to complete his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. DALZELL. But it is contended, Mr. Chairman, that immediately upon the acquisition of territory by the United States the Constitution ex proprio vigore is extended to that territory. That, Mr. Chairman, was the ground assumed in the argument of that great case which really, by its decision, covers all these questions and which has been affirmed over and over again—the case of the American Insurance Company *vs.* Canter.

It was contended in that case by the counsel for the appellant before the court, first, that the people in the Territories of the United States are citizens entitled to all the benefits derived from the laws and the Constitution of the United States and subject to all the provisions of the Constitution and the laws passed under it; second, that in principle there can be no difference between a Territory formed out of a country within the old limits of the United States and a Territory in a newly-acquired country, and, third, that therefore the people of Florida, immediately upon its cession, or at any rate upon the passing of the act instituting the Territorial government, became citizens of the United States, to whom the laws and Constitution extended.

On the other hand, Mr. Whipple, who was with Mr. Webster for claimant, said:

> Much argument has been used to show that the Constitution and laws of the United States are, per se, in force in Florida, and that the inhabitants are citizens of the United States.
>
> How the Constitution became of force in Florida has not been shown. Was it by the act of cession? Is there any principle in the law of nations which upon the act of cession or conquest gives to the ceded or conquered country a right to participate in the privileges of the constitution of the parent country? The usages of nations, from the period of Grecian colonization to the present moment, are precisely the reverse. Such a right never was asserted.
>
> The Constitution was established by the people of the United States for the United States. It provides for the future admission of countries into the Union, and expressly confers upon Congress the power of governing them as Territories until they are admitted as States.
>
> If the Constitution was in force in Florida, why was it not represented in Congress? Why was it necessary to pass an act of Congress entending several of the laws of the United States to Florida? Why did Congress designate particular laws, such as the crimes act, the slave trade and revenue acts, and introduce them as laws into Florida? Why enumerate particular rights secured to the people of the Unites Stated if the inhabitants of Florida were entitled to them on the act of cession?

Arguing upon the same side, Mr. Webster, in his argument, said:

> What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions. The Territory and all within it are to be governed by the acquiring power, except where there are reservations by treaty. By the law of England, when possession is taken of territories, the King, jure coronæ, has the power of legislation until Parliament shall interfere.
>
> Congress has the jus coronæ in this case, and Florida was to be governed by Congress as she thought proper. What has Congress done? She might have done anything; she might have refused the right of trial by jury and refused a legislature. She has given a legislature to be exercised at her will; and a government of a mixed nature, in which she has endeavored to distinguish between State and United States jurisdiction, anticipating the future erection of the Territory into a State. Does the law establishing the court at Key West come within the restrictions of the Constitution of the United States? If the Constitution does not extend over this Territory, the law can not be inconsistent with the national Constitution.

Now, what did Chief Justice Marshall say in deciding the case? He said, first and foremost:

> The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory either by conquest or by treaty.

And then, addressing himself to the doctrine that the Constitution is extended to ceded territory ex proprio vigore, and speaking of the inhabitants of Florida, he said:

> They do not participate in political power; they do not share in government until Florida shall become a State. In the meantime Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States."
>
> Perhaps the power of governing territory belonging to the United States which has not, by becoming a State, acquired the means of self-government may result necessarily from the fact that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

Now, let me say in this connection that when my friend from Tennessee, referring to Mr. Webster's argument in the Canter case, said that Mr. Webster had never as a public man affirmed the unlimited power of Congress, and that no particular regard was to be placed upon his argument as a lawyer, he was mistaken. I will show the gentleman later on that in the closing years of Mr. Webster's life, as a United States Senator, he affirmed, in one of the greatest speeches of his life, the same doctrine that as counsel he so ably argued before Chief Justice Marshall in the case of the American Insurance Company *vs.* Canter.

But I come now, Mr. Chairman, to a speech made by Mr. Webster upon this question as to the extension of the Constitution by its own power over ceded territory, an argument made by him in the great discussion that preceded the admission of California and

New Mexico into the Union. This speech will be found in the Congressional Globe, volume 20, page 273. Mr. Webster said:

It is of importance that we should get some conception of what is meant by the proposition in a law "to extend the Constitution of the United States to the Territories." Why, sir, the thing is entirely impossible. All the legislation in the world in this general form could not accomplish it. There is no cause for the operation of the legislative power in such a manner as that. The Constitution, what is it? We extend the Constitution of the United States to territory! What is the Constitution of the United States? Is not its very first principle that all within its influence and comprehension shall be represented in the Legislature which it establishes, with not only a right of debate and a right to vote in both Houses of Congress, but a right to partake in the choice of a President and Vice-President? And can we by law extend these rights or any of them to a Territory of the United States? Everybody will see that it is altogether impracticable. * * * Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States, and over nothing else. It can not be extended over anything except over the old States and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty are extended by force of the Constitution itself over every new Territory. The proposition can not be maintained at all. * * * Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.

The gentleman from Massachusetts [Mr. McCALL], my colleague on the committee, quotes from Mr. Webster, and the gentleman from Tennessee quoted from him again the same passage, about the powers of monarchies ruling distant colonies, and all that sort of thing. Why, Mr. Webster said that in a speech when he was questioning the right to continue the war against Mexico and when he denied that we could admit new territories into our Union without imperiling it. But when he came to discuss this subject—when he came to talk about the power of Congress in the Territories, in a speech made two years after that quoted, he made use of this language, and I call the attention of my from Tennessee to it:

As to the power of Congress, I have nothing to add to what I said the other day. Congress has full power over the subject. It may establish any such government and any such laws in the Territories as, in its discretion, it may see fit. It is subject, of course, to the rules of justice and propriety, but it is under no constitutional restraint.

[Applause.]

The same principle that as counsel he advocated in his early manhood he advocated in a still more emphatic and unqualified form in his maturer years, peerless statesman of the Republic as he was at that time.

Mr. WILLIAMS of Mississippi. Will not the gentleman allow me a single suggestion?

Mr. DALZELL. I hope the gentleman will not interrupt me. I shall have difficulty, at any rate, in getting through with my remarks within the time to which I must confine myself.

Mr. WILLIAMS of Mississippi. Will not the gentleman allow me to call his attention to the fact that the extract read by him from the language of Daniel Webster was a part of an argument made by Mr. Webster as an attorney?

Mr. DALZELL. The gentleman is mistaken. I read from a speech that Mr. Webster made in the Senate.

A MEMBER. In what year?

Mr. DALZELL. In 1848, I think. A gentleman near me says in 1849.

The truth is, Mr. Chairman, that this doctrine of the extension of the Constitution by its own strength was advanced by Mr. Calhoun in the interest of slavery.

Mr. Calhoun first announced the doctrine that Congress had no power to prohibit slavery in the territory; but when free-soil New Mexico and California were acquired, it became necessary for him to take a step in advance, and he therefore announced the new dogma that the Constitution ex proprio vigore extended to the newly acquired territory and that, slaves being property under the Constitution, slavery could exist in that new territory. Let me quote from Mr. Benton (Thirty Years in the United States Senate, volume 2, page 713):

A new dogma was invented to fit the case—that of the transmigration of the Constitution (the slavery part of it) into the Territories—overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and [maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress; failing in those attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it. * * *

History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself—not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress.

This vagary of a diseased imagination, this transmigratory power of the Constitution, has received the reprobation of some of the most distinguished statesmen in our history. I will not detain the committee by quoting from any but a few.

Henry Clay said in a speech in the Senate, on February 5, 1850, that—

The public law of the world, of reason, and of justice is that Congress has the right to legislate for the Territories from the very moment they are acquired by conquest or treaty; and this point has been settled by all the elementary authorities and by the uniform interpretation and action of every department of our Government.

Horace Mann, of Massachusetts, said in Congress in 1850:

The argument that by the cession of new Territories the Constitution, by some magical elasticity, extends itself over them does not rise to the dignity of a sophism. The Constitution is a compact between States, not Territories. Otherwise the people of the Territories would have all the rights under the Constitution that the people of the States have; for example, the right to choose electors for President and Vice-President and to be represented in Congress by a member who can vote as well as speak.

So late as 1850, in a speech in this House, in the Thirty-ninth Congress, Mr. Stevens, of Pennsylvania, discussed the question of the right of sovereignty of the United States over territory and people acquired by cession. In that discussion he said:

For sixty years and upward, after the passage of the ordinance of 1787 and the adoption of the Constitution, no one seriously doubted the right of Congress to control the whole legislation of the Territories, to establish Territorial governments, create courts, fix the tenure of the judges and other officers; in short, to exercise all acts of municipal as well as political legislation. For sixty years all that authority has been exercised over the Northwestern territory, the Southwestern territory, over Louisiana, Florida, and Oregon. In the meantime the question had been definitely and conclusively settled by all the branches of the Government—by Presidents, by Congresses, by repeated decisions of the Supreme Court of the United States. Elementary writers—Story, Rawle, and others—had so laid down the law.

By the law of nations, when a nation acquires territory, either by conquest or treaty, it becomes subject to the will of the acquiring power. The laws of such power, however, do not spread over it until some express legislation. In the meantime their own laws remain in full force. Not unfrequently such subject provinces are for a long time governed by very different laws from the country to which they become attached. Canada and other British provinces are to this day. But the very fact of acquisition gives to the sovereign power of the acquiring state all power to legislate for such acquisitions. It requires no constitutional or treaty provision. Wherever the legislative power of the new sovereign is placed, whether in king, parliament, or Congress, there is the whole and only power to govern them.

Our Constitution places the legislative power in Congress. Consequently, Congress has exclusive power over the territories newly acquired. The Constitution itself does not extend to them, and can have no influence upon them, except so far as it creates and defines the legislative organ of the sovereign will of the nation. None of the officers in the Territories hold by a constitutional tenure. No law of the United States was ever supposed to be extended to any of the Territories by the mere force of the Constitution. The provision for the return of fugitive slaves does not extend to the Territories. Any slave escaping or being taken into New Mexico or California would be instantly free. Hence, by the act of 1793 express provision for the subject was made with regard to the Territories which we then had.

But with respect to the particular subject that we are discussing, the subject of imposing duties, there are express decisions holding this same doctrine. The case of Fleming *vs.* Page (9 Howard, 603), to which I beg leave to refer for a moment, was this: The port of Tampico had been taken by the United States in the war with Mexico; duties were collected at the port of Philadelphia upon a cargo shipped from Tampico, and the question was whether or not those duties could be lawfully collected, Tampico being, as Philadelphia was, in the possession of the United States. The court held that Tampico was a foreign port within the meaning of the tariff law then existing, and that duties were properly levied upon goods imported into the United States from Tampico. The court said:

This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port. For after Florida had been ceded to the United States, and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district and authorizing the appointment of a collector were liable to duty; that is, that although Florida had, by cession, actually become a part of the United States and was in our possession, yet, under our revenue laws, its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned at the time by the Attorney-General of the United States, the law officer of the Government.

And although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports in Louisiana, after that province had been ceded to the United States, were both made on the same grounds. And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department in no instance that we are aware of since the establishment of the Government has ever recognized a place in a newly acquired country as a domestic port, from which the coasting trade might be carried on, unless it had been previously made so by act of Congress.

The principle thus adopted and acted upon by the executive department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is regarded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

And precisely the same doctrine was held in Cross *vs.* Harrison (16 Howard, 166), although that case is cited as an authority upon both sides of this question. The case was this: The port of San Francisco came into possession of the United States during the war with Mexico. A military governor, exercising belligerent rights, imposed a schedule of tariff duties. Subsequently California became a part of the United States by treaty; but without

regard to that treaty the military governor still continued to impose and collect duties until the time of the arrival of a collector appointed under an act of Congress.

The question was as to the power of this governor to collect those taxes before the cession to the United States, and his power to collect them afterwards, and that was the only question in the case. The court said:

Our conclusion, from what has been said, is that the civil government of California, organized as it was from a right of conquest, did not cease or become defunct in consequence of the signature of the treaty, or from its ratification. We think it was continued over a ceded conquest without any violation of the Constitution or laws of the United States, and that, until Congress legislated for it, the duties upon foreign goods imported into San Francisco were legally demanded and lawfully received by Mr. Harrison, the collector of the port, who received his appointment, according to instructions from Washington, from Governor Mason.

In other words, this case decided that the laws in operation in an acquired territory continue in operation until new laws shall be made by Congress.

Mr. Chairman, I must leave many of these points that I had intended to discuss, as time passes rapidly. I hasten on to say that there is not a single case in all of the cases decided by the Supreme Court that is at variance with the doctrine that I have sought to establish. Many cases have been cited in opposition, and you will find many dicta, but they are only dicta, against my position. The cases cited relate generally to territory where a treaty right existed—a compact with the United States securing to the inhabitants of the territory the rights of American citizens. These cases are substantially all reviewed by Mr. Justice Brewer in the case of the American Publishing Company *vs.* Fischer (166 U. S., 467). In that case Justice Brewer said:

Whether the seventh amendment of the Constitution of the United States, which provides that "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved," operates ex proprio vigore, to invalidate this statute may be a matter of dispute. In Webster *vs.* Reid (2 Howard, 437) an act of the legislature of Iowa dispensing with a jury in a certain class of common-law actions, was held void. While in the opinion, on page 460, the seventh amendment was quoted, it was also said: "The organic law of the Territory of Iowa, by express provision and by reference, extends the laws of the United States, including the ordinances of 1787, over the Territory as far as they are applicable;" and the ordinance of 1787, article 2, in terms provided that "the inhabitants of said Territory shall be entitled to the benefit of the writ of habeas corpus and of trial by jury." So the validity may have been adjudged by reason of conflict with Congressional legislation.

In Reynolds *vs.* United States (98 U. S., 145, 154) it was said, in reference to a criminal case coming from the Territory of Utah, that "by the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury." Both of these cases were quoted in Callan *vs.* Wilson (127 U. S., 540) as authorities to sustain the ruling that the provisions of the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in Mormon Church *vs.* United States (136 U. S., I, 44) it was said by Mr. Justice Bradley, speaking for the court:

"Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions." And in McAllister *vs.* United States (141 U. S., 174) it is held that the constitutional provision in respect to the tenor of judicial offices did not apply to Territorial judges.

And then, most significant of all, in this, the most recent of the cases, Judge Bradley, avoiding an express decision on the constitutional question, adds:

But if the seventh amendment does not operate in and of itself to invalidate this Territorial statute, then Congress has full control over the Territories, irrespective of any express constitutional limitations, and it has legislated in respect to this matter.

In Callan *vs.* Wilson the point at issue was whether a citizen of the District of Columbia was entitled to the provisions of the Constitution relating to trial by jury. Held that he was. It could hardly have been held otherwise, since the District of Columbia was carved out of Maryland and Virginia, two of the original parties to the Constitution, and since especially by act of Congress of February 21, 1871, the Constitution had been expressly extended to the District.

In Thompson *vs.* Utah (170 United States, 343) defendants committed grand larceny in 1895, when Utah was a Territory.

By the statutes of the Territory then in force they were entitled to be tried by a jury of twelve men.

When Utah became a State, its constitution provided for a trial by a jury of eight.

Held that this was an ex post facto law and infringed the Constitution of the United States. The provisions of the Constitution had been extended over Utah by act of Congress in 1850.

All of these cases were decided as to the law in places where the constitutional power of Congress had been limited.

That it is plenary and unlimited under the Constitution will appear from the decision in In re Ross (140 U. S., 453).

Ross, the petitioner, was one of the crew of an American ship, and when lying in the harbor of Yokohama made an assault upon and killed one of the officers of the vessel. He was arrested and tried before the American consul-general and four associates for murder. He was convicted, and, his death sentence having been commuted, was sent to the penitentiary at Albany. He sought release therefrom upon a writ of habeas corpus, and it was argued that his conviction was unlawful because he had not had the benefit of the constitutional provision which secures a common-law trial. The court that tried him was constituted by virtue of a treaty between the United States and Japan. The Supreme Court affirmed the finding of the consular court and held that Congress had power, irrespective of any limitations in the Constitution, to provide for the creation of the court contemplated by the treaty.

The court said:

By the Constitution a government is ordained and established for the United States of America and not for countries outside of their limits. The guaranties it affords against the accusation of capital or infamous crimes except by indictment and presentment by grand jury, and for the impartial trial by a jury when thus accused, apply only to citizens and others within the United States, or who are brought there for trial for alleged offenses committed elsewhere, and not to residents or temporary sojourners abroad. The Constitution can have no operation in any other country.

In the case of United States *vs.* Dawson (15 Howard, 467) it was held that the sixth amendment to the Constitution, which declares that—

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law—

did not apply to the case of the defendant, who was indicted in a Federal court in Arkansas for a murder committed in the Indian Territory. The district in which the trial was had had been created subsequent to the commission of the crime. Speaking of the constitutional provision, the court said:

It will be seen from the words of this amendment that it applies only to the case of offenses committed within the limits of a State; and whatever might be our conclusion, if this offense had been committed within the State of Arkansas, it is sufficient here to say, so far as it affects the proposition, that the offense was committed out of its limits and within the Indian Territory.

It seems to me that the conclusion is irresistible that the power of Congress with respect to trials outside of the United States, except when limited in terms, is plenary and unlimited.

With respect to the cases cited, involving the question of jury trials, it may be said further that even if they furnished decisions instead of opinions—mere obiter dicta—they would not be decisive of the question now under discussion. They related to an entirely different condition of things from that now presented.

(1) They all had to do with territory belonging to the United States acquired for the purposes of statehood and with respect to which the general and plenary power of Congress had been modified by treaty stipulations.

(2) They all had to do with territory over which Congress had legislated, provided a code of laws, and, so far as might be, extended the provisions of the Constitution.

With respect to Puerto Rico, on the other hand, we have not legislated, but are just about to do so. Unhampered by treaty or other stipulations or causes, Congress has both the constitutional "power to dispose of and make all needful rules and regulations," and also all the combined powers of both the State and Federal governments.

That in governing territory belonging to the United States the power of Congress is absolute has uniformly been asserted by writers on the Constitution and by the Supreme Court.

Judge Story is an authority who I am sure will command the highest respect. He says:

The power of Congress over the public territory is clearly exclusive and universal, and their legislation is subject to no control, but is absolute and universal, unless so far as it is affected by stipulations in the cession or by the ordinance of 1787, under which any of it has been settled.

And again, at section 1324:

As the General Government possesses the right to acquire territory, either by conquest or by treaty, it would seem to follow as an inevitable consequence that it possesses the power to govern what it has acquired. The territory does not, when so acquired, become entitled to self-government, and it is not subject to the jurisdiction of any State. It must, consequently, be under the dominion and jurisdiction of the Union, or it would be without any government at all. In cases of conquest the usage of the world is, if a nation is not wholly subdued, to consider the conquered territory as merely held by military occupation until its fate shall be determined by a treaty of peace. But during this intermediate period it is exclusively subject to the government of the conqueror. In case of confirmation or cession by treaty the acquisition becomes firm and stable, and the ceded territory becomes a part of the nation to which it is annexed, either on terms stipulated in the treaty or on such as its new master shall impose.

The relations of the inhabitants with each other do not change, but their relations with their former sovereign are dissolved, and new relations are created between them and their new sovereign. The act transferring the country transfers the allegiance of its inhabitants. But the general laws not strictly political remain as they were until altered by the new sovereign. If the treaty stipulates that they shall enjoy the privileges, rights, and immunities of citizens of the United States, the treaty, as a part of the law of the land, becomes obligatory in these respects. Whether the same effect would result from the mere fact of their becoming inhabitants and citizens by the cession without any express stipulation may deserve inquiry if the question should ever occur. But they do not participate in political power until they become a State and are admitted into the Union as such. Until that period the territory remains subject to the Government in such manner as Congress shall direct, under the clause of the Constitution now under consideration.

In the last section he follows and uses almost the exact language of Chief Justice Marshall in American Insurance Company *vs.* Canter.

And in the case of United States *vs.* Kagama (118 U. S., 375, 380) Justice Miller says:

> But this power of Congress to organize Territorial governments and make laws for their inhabitants arises not so much from the clause in the Constitution in regard to disposing of and making rules and regulations concerning the territory and other property of the United States as from the ownership of the country in which the Territories are and the right of exclusive sovereignty which must exist in the National Government and can be found nowhere else.

And Mr. Justice Bradley, in the case of Mormon Church *vs.* The United States, a very recent case, says:

> The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself, and from the power given in the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States.
>
> It would be absurd to hold that the United States had power to acquire territory and no power to govern it when acquired. The power to acquire territory, other than the territory northwest of the Ohio River, which belonged to the United States at the adoption of the Constitution, is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments.

But, Mr. Chairman, I shall not weary the committee with further citations. To my mind it is clear upon reason and authority that Congress has the unquestionable power to pass this bill.

Mr. Chairman, if we are compelled to legislate subject to the limitations of the Constitution, we can not, in my judgment, govern the Philippines and Puerto Rico so as to secure both their welfare and our own. We must let them go, or we must secure a constitutional amendment, or we must govern by that method which I have seen so many times suggested, and which seems to find favor in this House, by allowing the Executive to govern as he is governing in the Philippines and in Puerto Rico to-day. But when you suggest that method to me I ask you what limitations are there in the Constitution upon the power of Congress that do not exist upon the power of the President of the United States? [Applause on the Republican side.]

The President of the United States is in possession of the Philippines to-day because, as President, he is under a sworn obligation to see that the laws shall be faithfully executed, and he is in possession of Puerto Rico to-day, an island in a condition of peace, simply as the trustee for the American people, to hold that island until the Congress of the American people shall prescribe the method of its government. [Applause on the Republican side.]

Now, Mr. Chairman, I pass over the question as to the policy of this bill. I do not care to discuss at length what the gentleman who preceded me [Mr. PAYNE] has already discussed—the reasons why we should impose this duty upon Puerto Rico.

To my mind the great question presented by this bill rises above any material considerations. It is not with me a question of dollars and cents. It is a question of the constitutional power of Congress to deal with these possessions in such a way that that dealing shall inure to their advantage and to ours.

So far as Puerto Rico is concerned, it is not a question of sentiment. It is a plain, practical business question. I admire the loyalty of the Puerto Ricans; I sympathize with them in their misfortune; but their government can no more than any other government be administered without a revenue. There must be money for schools, for internal improvements, for general administration. We can get revenue only in one of three ways. By borrowing, by direct appropriations from the Federal Treasury, or by taxation. I do not believe that Congress would be justified in starting Puerto Rico on its new career mortgaged for the expenses of its current needs.

I do not believe, however strong may be the sympathy of the American people for the Puerto Ricans, that they will look with satisfaction upon direct appropriations of money out of the Federal Treasury for support of a people who do not themselves contribute thereto. Only one alternative, therefore, remains, namely, taxation. Indirect taxes are the least oppressive and easiest to be borne. They will fall on those who are best able to pay. It would be oppressive and burdensome beyond measure to extend our internal-revenue system to Puerto Rico, and yet if we are to treat Puerto Rico as we treat ourselves we must do that.

It must not be forgotten, Mr. Chairman, that we are conferring advantages upon these people far beyond what they have ever dreamed of. We have relieved them of the multiplied and oppressive Spanish taxes—export taxes, consumption taxes, transportation taxes, and others without number.

I find, for instance, from the report of Mr. Carroll, special commissioner from the Treasury Department to Puerto Rico, that in the year 1896 the producers of Puerto Rico paid export and cargo duties on sugar, molasses, coffee, and lumber to the amount of $351,624.40. We relieve them from all burdens of that kind. Their coffee comes into our markets free, and that is two-thirds of their exports. On sugar we reduce the duty from $30 per ton to $7.50 per ton. This will save them over $1,000,000 annually. We reduce the duty on tobacco from 35 cents per pound to between 8 and 9 cents, and this will save another million annually.

In 1898 a committee of prominent citizens, appointed to report upon desired changes in the Puerto Rican tariff system, made a report to the Club de Industriales of Ponce recommending certain changes, but particularly two. One was greater protection to their own industries and the other was an attempt to secure from the North American Republic a reduction of 20 per cent in duties on tobacco, sugar, molasses, and salt exported from Puerto Rico.

This bill more than satisfies the desires then expressed. We give them protection and, instead of a 20 per cent reduction, we give them a 75 per cent reduction.

But above all, Mr. Chairman, we give them the benefit of all the money collected. What they pay out with one hand they receive again with the other.

The question of free trade or protection with respect to this little island is one of absolutely no importance; but when you come to say that under the limitations of the Constitution you must give free trade to the Philippines, you must incorporate into the body politic 12,000,000 Malays as citizens of the United States, and must extend to that archipelago our navigation laws, I call a halt. In behalf of my own people I am not willing to see the wage-earner of the United States, the farmer of the United States, put upon a level and brought into competition with the cheap half-slave labor, savage labor, of the Philippine Archipelago. [Loud applause.]

I want to say before I conclude, Mr. Chairman, that I am not impressed with the argument that all government is by the consent of the governed. That is a proposition that, however nicely it looks theoretically, we have never adopted in practice in this country. We did not adopt it in Louisiana; we did not adopt it in Florida. For more than thirty years we have ignored it and are ignoring it to-day in Alaska, and for five years the Territory of New Mexico existed under a code prescribed by a military governor, a code as to which the inhabitants of the Territory had nothing at all to say.

The rule does not apply to republican representative government. This Government itself does not exist by the consent of the governed. Twelve million five hundred thousand voters in the last Presidential election determined the policy of the Administration for 75,000,000 people; and during four years of bloody warfare the people of the South were governed and for years after against their consent. The question we have to meet is a practical question, Mr. Chairman; it is not a question of theory.

Liberty does not find its definition in glittering generalities. It is practical in its scope and purpose. It is not the same at all times and in all places. It means the largest individual freedom consistent with the welfare of all. It is therefore limited by conditions. What would be liberty in one place, among one people, would be license in another place among a different people. There is a necessary relation of suitableness between the government and the governed.

The methods of government prescribed by the principles of Anglican liberty as practiced in the United States would be grotesque in the Philippine Islands and would bring to their people no advantage. They would be in point of fact impossible of exercise.

I am sorry that my friend from Massachusetts [Mr. MCCALL] seems to think with our friends on the other side that the American people can not be trusted to do justice unless they are tied down by the terms of a written instrument. My friend from Massachusetts says:

> But I regard it as a most inauspicious omen that our first legislative act should be framed on the theory that freedom does not follow the flag, but that the latter goes to those islands unattended by the great principles of liberty which have made it glorious. Who can measure the evils that will result from a denial of the fundamental muniments against oppression with which our Constitution surrounds the individual?

When and where will my friend tell me has the flag ever gone unattended by the great principles of liberty? Never anywhere. But it goes attended by those great principles not because they are written on any parchment, but because they are inscribed in the hearts of the American people. [Applause.]

The guaranties of liberty do not exist alone in the Constitution of the United States. They do not depend upon that great instrument for their strength and perpetuity. They would continue to live and flourish if that Constitution were annihilated. They are the indestructible heritage of humanity. They are our rich heritage, gained step by step through years of blood and struggle in a land of—

> Just and old renown
> Where freedom broadens slowly down
> From precedent to precedent.

They existed before the Constitution was framed. They landed at Jamestown in 1607 and at Plymouth Rock in 1620. The principles of Magna Charta, the Petition of Right, and the Bill of Rights—the three statutes which Edmund Burke called the Bible of the English Constitution—and their accretions in the battles for liberty throughout all the centuries furnish the rule of political action wherever the Saxon race assumes to govern. No

American Congress would dare to violate them in the face of the American people.

That people would brook no interference with the fundamental principles of liberty in the government of others any more than they would in the government of themselves. They will not unwrite their history. They will not dishonor their ancestry. Their flag shall be, as it has ever been, the flag of the free. And wherever it shall float, on land or sea, in sunshine or in storm, in the sky of the Occident or the sky of the Orient, every star shining from its field of blue and every stripe blazing from its field of white shall symbolize justice and the guaranty to every man of his full measure of liberty under law. [Loud and long-continued applause on the Republican side.]

Under the rule the committee rose, and the Speaker having resumed the Chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8245) and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 392. An act to pay the General Marine Insurance Company of Dresden the sum of $1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886—to the Committee on Claims.

S. 854. An act for the relief of Lieut. Horace P. McIntosh—to the Committee on Naval Affairs.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SPERRY obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of National New Haven Bank, Fifty-fourth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARTLETT, for to-night, on account of physical condition.

To Mr. YOUNG of Pennsylvania, for three days, on account of important business.

To Mr. ATWATER, for one day, on account of sickness.

To Mr. BROWN, for five days, on account of important business.

To Mr. SHELDEN, for ten days, on account of important business.

To Mr. MUDD, for this evening, on account of important business.

The SPEAKER. In pursuance of the order of the House making this evening the same as Friday evening, for the consideration of pension and other bills, the House will stand in recess until 8 o'clock; and the gentleman from Iowa [Mr. HEPBURN] will act as Speaker at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled and was called to order at 8 p. m. by Mr. HEPBURN, Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will read the rule under which the House is in session.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. GIBSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of the bills on the Private Calendar.

The question was taken; and on a division (demanded by Mr. TALBERT) there were 63 ayes and 1 no.

Mr. TALBERT. I make the point, Mr. Speaker, that there is no quorum present.

The SPEAKER pro tempore. It is evident that no quorum is present.

Mr. GIBSON. I would like to ask my friend from South Carolina [Mr. TALBERT] if there is not some way whereby we can arrive at some agreement. Anything he may propose we will agree to.

Mr. TALBERT. I have nothing to propose, Mr. Speaker, except to bring a quorum here to transact business legally, lawfully, and constitutionally.

Mr. GIBSON. Well, I will agree to that. [Laughter.]

Mr. NORTON of Ohio. A call of the House, Mr. Speaker.

The SPEAKER pro tempore. There is evidently no quorum present. The Clerk will read section 4 of Rule XV.

The Clerk read as follows:

Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote, and his vote shall be recorded.

If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns all proceedings under this section shall be vacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

Mr. NORTON of Ohio. Under that rule, Mr. Speaker, I demand a call of the House.

Mr. TALBERT. Mr. Speaker, I move that we adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BISHOP. I demand the yeas and nays, Mr. Speaker.

Mr. NORTON of Ohio. I demand the yeas and nays.

The SPEAKER pro tempore. The question is on the motion to adjourn.

Mr. GROSVENOR. Mr. Speaker, the yeas and nays have been demanded.

The Clerk began the call of the roll.

Mr. GROSVENOR. Mr. Speaker, I did not demand the yeas and nays; the demand was made by the gentleman from Michigan [Mr. BISHOP], and the Chair has not submitted the question to the House.

The SPEAKER pro tempore. The Chair has not submitted the question.

Mr. CRUMPACKER. Mr. Speaker, I understand the motion to adjourn was defeated under viva voce vote, and under the rule it is the duty of the Speaker to call the House.

The SPEAKER pro tempore. The motion to adjourn has not been determined, and upon this question the yeas and nays have been demanded. Does the Chair understand that the demand for the yeas is withdrawn?

Mr. BISHOP. I withdraw the demand for the yeas and nays.

Mr. NORTON of Ohio. I demand the yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays, and 6 members voted in the affirmative.

The SPEAKER pro tempore. Six members voting in the affirmative—not a sufficient number. The noes have it, and the motion to adjourn is not agreed to. The question is on the motion of the gentleman from Tennessee, that the House resolve itself into Committee of the Whole House for consideration of bills on the Private Calendar. The yeas and nays are ordered, and gentlemen in favor of the motion when their names are called will say "aye," and those opposed say "no." The doors will be closed and the Sergeant-at-Arms will bring in absentees.

Mr. MOODY of Massachusetts. Mr. Speaker, a parliamentary inquiry. I desire to ask if this call is being had under section 4, Rule XXV?

The SPEAKER pro tempore. It is.

Mr. MOODY of Massachusetts. Is it the ruling of the Chair that that rule is applicable to this session?

Mr. LACEY. I call the attention of the Chair to the fact that this is expressly eliminated from the rule.

The SPEAKER pro tempore. This is not Friday night; this is Monday night.

Mr. LACEY. Monday night was substituted for Friday.

Mr. NORTON of Ohio. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NORTON of Ohio. Will it be necessary now for any further motion to the Chair to issue his warrant to bring in the absentees, or will it be done as the matter now stands?

The SPEAKER pro tempore. It will be done as the matter now stands, under the rule. The Clerk will call the roll.

The question was taken; and there were—yeas 155, nay 1, answering present 13, not voting 183; as follows:

YEAS—155.

Allen, Me.	Boutell, Ill.	Burkett,	Cooper, Tex.
Baker,	Bowersock,	Burnett,	Crawford,
Barham,	Brenner,	Butler,	Cromer,
Bartholdt,	Brick,	Calderhead,	Crump,
Bell,	Bromwell,	Caldwell,	Crumpacker,
Bellamy,	Brownlow,	Capron,	Cummings,
Berry,	Brundidge,	Clarke, N. H.	Curtis,
Bishop,	Bull,	Cochran, Mo.	Cusack,
Boreing,	Burke, Tex.	Cochrane, N. Y.	Cushman,

Dahle,	Hedge,	Miers, Ind.	Smith, H. C.
Davenport, S. A.	Hemenway,	Miller,	Smith, Samuel W.
Davidson,	Henry, Conn.	Minor,	Smith, Wm. Alden
Davis,	Hepburn,	Moody, Mass.	Snodgrass,
Dayton,	Hill,	Moody, Oreg.	Southard,
Dick,	Hoffecker,	Moon,	Stark,
Dolliver,	Howell,	Neville,	Steele,
Dovener,	Jack,	Noonan,	Stephens, Tex.
Eddy,	Jenkins,	Norton, Ohio	Stevens, Minn.
Esch,	Johnston,	Norton, S. C.	Stewart, Wis.
Finley,	Jones, Wash.	Otjen,	Stokes,
Fitzgerald, N. Y.	Kahn,	Packer, Pa.	Sutherland,
Fletcher,	Kerr,	Parker, N. J.	Talbert,
Fordney,	Lacey,	Pierce, Tenn.	Tate,
Foss,	Lamb,	Phillips,	Tawney,
Fowler,	Landis,	Quarles,	Thomas, Iowa
Gardner, Mich.	Lentz,	Ray,	Thomas, N. C.
Gardner, N. J.	Linney,	Reeder,	Tompkins,
Gaston,	Little,	Rhea, Va.	Underhill,
Gibson,	Littlefield,	Robb,	Van Voorhis,
Gill,	Lorimer,	Roberts,	Wadsworth,
Glynn,	Loudenslager,	Robinson, Ind.	Waters,
Graff,	Lybrand,	Robinson, Nebr.	Watson,
Grecne, Mass.	McCleary,	Rodenberg,	Weaver,
Grosvenor,	McDowell,	Ryan, N. Y.	Weeks,
Grout,	McLain,	Ryan, Pa.	Williams, J. R.
Hall,	McPherson,	Salmon,	Williams, W. E.
Hamilton,	May,	Shafroth,	Wilson, Idaho
Haugen,	Meekison,	Shattuc,	Wright.
Heatwole,	Mercer,	Showalter,	

NAY—1.

Jones, Va.

ANSWERED "PRESENT"—13.

Burleson,	Griggs,	Marsh,	Sheppard.
Carmack,	Jett,	Ransdell,	
Driscoll,	Lanham,	Shackleford,	
Fitzpatrick,	Lloyd,	Shelden,	

NOT VOTING—183.

Acheson,	Davey,	Lester,	Rucker,
Adams,	De Armond,	Levy,	Ruppert,
Adamson,	De Graffenreid,	Lewis,	Russell,
Alexander,	De Vries,	Littauer,	Scudder,
Allen, Ky.	Denny,	Livingston,	Sherman,
Allen, Miss.	Dinsmore,	Long,	Sibley,
Atwater,	Dougherty,	Loud,	Sims,
Babcock,	Driggs,	Lovering,	Slayden,
Bailey, Kans.	Elliott,	McAleer,	Small,
Bailey, Tex.	Emerson,	McCall,	Smith, Ill.
Ball,	Epes,	McClellan,	Smith, Ky.
Bankhead,	Faris,	McCulloch,	Spalding,
Barber,	Fitzgerald, Mass.	McRae,	Sparkman,
Barney,	Fleming,	Maddox,	Sperry,
Bartlett,	Foster,	Mahon,	Spight,
Benton,	Fox,	Mann,	Sprague,
Bingham,	Freer,	Mesick,	Stallings,
Boutelle, Me.	Gaines,	Metcalf,	Stewart, N. J.
Bradley,	Gamble,	Meyer, La.	Stewart, N. Y.
Brantley,	Gayle,	Mondell,	Sulloway,
Breazeale,	Gilbert,	Morgan,	Sulzer,
Brewer,	Gillet, N. Y.	Morris,	Swanson,
Brosius,	Gillett, Mass.	Mudd,	Tayler, Ohio
Broussard,	Gordon,	Muller,	Taylor, Ala.
Brown,	Graham,	Naphen,	Terry,
Burke, S. Dak.	Green, Pa.	Needham,	Thayer,
Burleigh,	Griffith,	Newlands,	Thropp,
Burton,	Grow,	O'Grady,	Tongue,
Campbell,	Harmer,	Olmsted,	Turner,
Cannon,	Hawley,	Otey,	Underwood,
Catchings,	Hay,	Overstreet,	Vandiver,
Chanler,	Henry, Miss.	Payne,	Vreeland,
Clark, Mo.	Henry, Tex.	Pearce, Mo.	Wachter,
Clayton, Ala.	Hitt,	Pearre,	Wanger,
Clayton, N. Y.	Hopkins,	Polk,	Warner,
Connell,	Howard,	Powers,	Weymouth,
Cooney,	Hull,	Prince,	Wheeler,
Cooper, Wis.	Joy,	Pugh,	White,
Corliss,	Ketcham,	Reeves,	Williams, Miss.
Cousins,	Kitchin,	Rhea, Ky.	Wilson, N. Y.
Cowherd,	Kleberg,	Richardson,	Wilson, S. C.
Cox,	Kluttz,	Ridgely,	Young, Pa.
Crowley,	Knox,	Riordan,	Young, Va.
Daly,	Lane,	Rixey,	Zenor,
Dalzell,	Latimer,	Robbins,	Ziegler.
Davenport, S. W.	Lawrence,	Robertson, La.	

Before the result of the vote was announced the following proceedings took place:

Mr. HILL. My colleague, Mr. RUSSELL, has been sick for a week, and I ask that he be excused.

The SPEAKER pro tempore. In the absence of objection, the gentleman from Connecticut will be excused.

There was no objection.

Mr. SOUTHARD. Mr. Speaker, I understand that the gentleman from New York, Mr. KETCHAM, is not well, and I ask unanimous consent that he be excused.

The SPEAKER pro tempore. In the absence of objection, the request will be granted.

There was no objection.

Mr. SHATTUC. The gentleman from Kentucky, Mr. PUGH, is unavoidably detained from the House this evening, and I ask that he be excused.

There was no objection; and Mr. PUGH was excused.

Mr. SHATTUC. The gentleman from Missouri, Mr. BENTON, had an appointment to-night with a delegation from Missouri, which he could not very well waive, and he asked me to call him up by telephone in case of a roll call. The roll call was going on when I came in, and therefore I could not notify him in time. I ask that he be excused for to-night.

There was no objection; and Mr. BENTON was excused.

Mr. HILL. The gentleman from Pennsylvania, Mr. BROSIUS, is absent to-night on account of attendance upon a conference committee. I ask that he be excused.

There being no objection, Mr. BROSIUS was excused.

Mr. SHOWALTER. I ask that my colleague, Mr. OLMSTED, who has been called away on important business, may be excused.

The SPEAKER pro tempore. In the absence of objection, the gentleman from Pennsylvania will be excused.

There was no objection.

Mr. TATE. Mr. Speaker, I ask that my colleague, Judge MADDOX, be excused on account of sickness.

The SPEAKER pro tempore. In the absence of objection, the gentleman from Georgia will be excused.

There was no objection.

Mr. GRIGGS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. It is moved that the House do now adjourn. This motion must be seconded by a majority of those present.

The question being taken, the Speaker pro tempore announced 15 members rising to second the motion, and, 15 not being a majority of those present, 169, that the motion was not seconded.

Mr. HILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HILL. I understand that the Chair, at the beginning of the session this evening, ruled that this is not a Friday night session. Am I correct?

The SPEAKER pro tempore. This is a meeting on Monday night to transact the business which would be done on Friday night.

Mr. HILL. And therefore we do not adjourn at half past 10 under the rule of Friday night sessions?

The SPEAKER pro tempore. The Chair thinks the special order requires an adjournment at that hour.

Mr. HILL. If the special order applies in that case, why does it not apply in the other case?

The SPEAKER pro tempore. The special order authorizing the business of Friday night to be transacted to-night——

Mr. HILL. Then a point of order against adjourning at half past 10 would be sustained by the Chair?

The SPEAKER pro tempore. The Chair will determine that when we reach it.

Mr. LENTZ. Mr. Speaker, would it be in order now to move to take a recess until to-morrow evening at 8 o'clock?

The SPEAKER pro tempore. That motion would not be in order.

Mr. LOUDENSLAGER. I move that the House do now adjourn.

The SPEAKER pro tempore. It is moved by the gentleman from New Jersey that the House do now adjourn.

Mr. GROSVENOR. Mr. Speaker, I make the point of order that that motion is not in order. A motion to adjourn has just been voted down, and there has been no intervening business.

The SPEAKER pro tempore. The point of order is overruled. There has been intervening business. The Chair responded to a parliamentary inquiry of the gentleman from Connecticut. The gentleman from New Jersey moves that the House do now adjourn. This motion must be seconded by a majority of the members present.

The question being taken, the Speaker pro tempore announced 28 members rising, not a majority.

Mr. LOUDENSLAGER. The other side, Mr. Speaker.

The SPEAKER pro tempore. There is no other side on this motion.

Mr. GIBSON. Mr. Speaker, if it be in order, I ask that the gentleman from New Hampshire, Mr. SULLOWAY, chairman of the Committee on Invalid Pensions, be excused to-night. I know of my own personal knowledge that he has been in very bad health for a week and is utterly unable to be present to-night. So I ask that he be excused.

The SPEAKER pro tempore. Without objection, the gentleman from New Hampshire will be excused.

Mr. GROSVENOR. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will state his parliamentary inquiry.

Mr. GROSVENOR. Before I waive an objection to that request, I desire to ask what would have been the penalty if the motion of the gentleman from Tennessee had not been made?

The SPEAKER pro tempore. The Chair scarcely regards that as a parliamentary inquiry.

Mr. GIBSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House do now adjourn. This motion must be seconded by a majority of those present.

The question being taken, the Speaker pro tempore announced 64 members rising to second it, not a majority of those present.

Mr. ROBINSON of Indiana. Mr. Speaker, I demand tellers on that.

The SPEAKER pro tempore. The Chair declines to appoint tellers, because under this rule the Speaker has to ascertain whether the motion has been seconded.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the gentleman from Texas, Mr. BALL, be excused on account of illness.

The SPEAKER pro tempore. Without objection, the gentleman from Texas [Mr. BALL] will be excused.

There was no objection.

Mr. CARMACK. Mr. Speaker, I ask unanimous consent that my colleagues, Mr. RICHARDSON, Mr. GAINES, Mr. COX, and Mr. SIMS, be excused.

The SPEAKER pro tempore. Without objection, the gentlemen will be excused.

Mr. NORTON of Ohio. I object.

The SPEAKER pro tempore. Objection is made.

Mr. GIBSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House do now adjourn. This motion must be seconded by a majority of those present.

The question being taken, the Speaker announced 90 members, a majority of those present, seconding the motion.

The question being taken on the motion of Mr. GIBSON, it was agreed to.

Accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Commissioner of Patents, transmitting his annual report for the calendar year 1899—to the Committee on Patents, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Light-House Board submitting a draft of proposed legislation relating to traveling expenses of civilian members of the Board—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect increasing the estimate of deficiency appropriation for vaults, safes, and locks for public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Long Bridge across the Potomac—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Turtle Bayou, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5065) to extend the laws relating to commerce, navigation, and merchant seamen over the Hawaiian Islands ceded to the United States, reported the same with amendment, accompanied by a report (No. 375); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 6071) to amend the postal laws relating to second-class mail matter, reported the same with amendment, accompanied by a report (No. 376); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1458) for the relief of John E. Whinnery, reported the same with amendment, accompanied by a report (No. 352); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1201) granting to James McNutt a pension, reported the same with amendment, accompanied by a report (No. 353); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1989) for the relief of Marie Wiersang, reported the same with amendment, accompanied by a report (No. 354); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 153) for the relief of Elizabeth Johns, reported the same with amendment, accompanied by a report (No. 355); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5126) granting an increase of pension to James J. McMains, reported the same with amendment, accompanied by a report (No. 356); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3863) granting a pension to Alfred Dyer, reported the same with amendment, accompanied by a report (No. 357); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6092) granting a pension to Louisa Stearns, widow of Lewis Stearns, deceased, reported the same with amendment, accompanied by a report (No. 358); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5882) granting an increase of pension to John Fairchild, reported the same with amendment, accompanied by a report (No. 359); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4836) for the relief of Wilbur F. Loveland, late of Company E, Seventh Pennsylvania Cavalry Volunteers, reported the same with amendment, accompanied by a report (No. 360); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 857) for the relief of James Chapman, late surgeon Eighth New York Cavalry, assistant surgeon Nineteenth New York Infantry, and sugeon One hundred and twenty-third New York Infantry, reported the same with amendment, accompanied by a report (No. 361); which said bill and report were referred to the Private Calendar.

Mr. COCHRANE of New York, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 856) for the relief of Mary McCarthy, mother of John E. McCarthy, Sixth Company, First Battalion New York Sharpshooters, reported the same with amendment, accompanied by a report (No. 362); which said bill and report were referred to the Private Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6250) extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado, reported the same with amendment, accompanied by a report (No. 364); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4335) granting a pension to Sarah Robinson, guardian of William H. Edmonds, helpless and idiotic minor of Joseph C. Edmonds, reported the same with amendment, accompanied by a report (No. 365); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7323) granting an increase of pension to Harrison Canfield, reported the same with amendment, accompanied by a report (No. 366); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 8397) for the relief of John White, reported the same with amendment, accompanied by a report (No. 367); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3202) granting a pension to Catherine E. O'Brien, reported the same with amendment, accompanied by a report (No. 368); which said bill and report were referred to the Private Calendar.

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7445) granting a pension to Emma B. Reed, reported the same with amendment, accompanied by a report (No. 369); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7594) granting a pension to Amelia Taylor, reported the same with amendment, accompanied by a report (No. 370); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3085) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 371); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1768) granting an increase of pension to George J. Stealy, of Clarksburg, W. Va., reported the same with amendment, accompanied by a report (No. 372); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 156) granting a pension to Lena E. Patterson, reported the same with amendment, accompanied by a report (No. 373); which said bill and report was referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6356) to grant an increase of pension to Lewis R. Armstrong, reported the same with amendment, accompanied by a report (No. 374); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8670) to increase the pension of Stephen J. Watts; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GORDON: A bill (H. R. 8690) for the erection of a memorial building or monument at Fort Recovery, Ohio—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 8691) to amend the laws relating to the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. STARK: A bill (H. R. 8692) to improve the armament of the militia—to the Committee on the Militia.

By Mr. PEARRE: A bill (H. R. 8693) for widening and extending Warder avenue, opening a highway through Whitney Close, along Soldiers' Home grounds, and for other purposes—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine: A bill (H. R. 8694) to acquire balance of square 636 and erect thereon a building to be used by the House of Representatives for committee rooms, document and folding rooms, storage of archives, and other purposes—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Michigan (by request): A bill (H. R. 8695) to relieve pensioners and Congress by the establishment of a court of pension appeals, and for other purposes—to the Committee on Invalid Pensions.

By Mr. WHITE (by request): A bill (H. R. 8696) prohibiting bone or fertilizing factories to be operated in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HULL: A bill (H. R. 8697) to increase the efficiency of the military establishment of the United States—to the Committee on Military Affairs.

By Mr. HARMER: A bill (H. R. 8698) to provide for payment of 50 per cent additional for all work in excess of eight hours per diem for certain per diem employees of the Government—to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 8699) to provide for the erection of a public building in the city of Georgetown, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. RIXEY: A joint resolution (H. J. Res. 178) asking for estimates for the improvement of Aquia Creek, in Stafford County, Va.—to the Committee on Rivers and Harbors.

By Mr. LANDIS: A joint resolution (H. J. Res. 179) donating a condemned captured cannon to the Commandery in Chief of the Sons of Veterans, United States of America—to the Committee on Military Affairs.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 180) prohibiting the transportation of sugar from one State to another—to the Committee on the Judiciary.

Also, a joint resolution (H. J. Res. 181) to admit free of duty sugar, molasses, and everything entering into the manufacture of sugars from Puerto Rico and Cuba—to the Committee on Ways and Means.

By Mr. LACEY: A resolution of the legislature of the State of California, favoring the completion of surveys in California—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRENNER: A bill (H. R. 8700) granting an increase of pension to Charles B. Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8701) to remove charge of desertion from record of Thomas Ready, alias Thomas O'Maley—to the Committee on Military Affairs.

By Mr. CATCHINGS: A bill (H. R. 8702) for the relief of Mrs. Virginia Grant, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8703) for the relief of the estate of Ann Lum, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. COWHERD: A bill (H. R. 8704) granting a pension to Lois D. Moon—to the Committee on Invalid Pensions.

By Mr. DAHLE of Wisconsin: A bill (H. R. 8705) to provide compensation for injuries received by George E. Giles, of Watertown, Wis., at the Ford's Theater disaster, which occurred June 9, 1893—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 8706) granting an increase of pension to Thomas Reed—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 8707) for relief of John Fuller, member of Company C, Eighth Wisconsin Volunteer Infantry—to the Committee on Military Affairs.

By Mr. EMERSON: A bill (H. R. 8708) granting a pension to Susan A. Jackson and her minor child—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 8709) granting an increase of pension to Lewis H. Sanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8710) granting a pension to Sarah K. Adams—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 8711) to correct the military record of George Moltz—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 8712) for the relief of the estate of Christopher Armat, deceased, late of Spottsylvania County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 8713) for the relief of J. A. Shackelton, of Lunenburg County, Va.—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 8714) to increase the pension of Joseph Steel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8715) granting a pension to Lewis Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8716) to increase the pension of Emily Murdock—to the Committee on Pensions.

Also, a bill (H. R. 8717) to increase the pension of Catherine Bowsher—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 8718) for the relief of Mrs. S. A. Penniman—to the Committee on War Claims.

By Mr. MARSH: A bill (H. R. 8719) to remove charge of desertion from naval record of Thomas Dunlop—to the Committee on Military Affairs.

Also, a bill (H. R. 8720) to grant an honorable discharge to W. H. H. Hardin—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: A bill (H. R. 8721) for the restoration of pension to Amos L. Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8722) granting a pension to Ann Eliza Bever—to the Committee on Invalid Pensions.

By Mr. RIXEY (by request): A bill (H. R. 8723) granting a pension to Ann S. Harvey—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8724) for the relief of the estate of Sarah G. Smith, deceased, late of Stafford County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 8725) for the relief of legal representative of John Souder, deceased, of Loudoun County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 8726) for relief of James T. Smith, of Alexandria, Va.—to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 8727) granting an increase of pension to Daniel Fraser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8728) granting an increase of pension to Eugene Leahey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8729) granting an increase of pension to George E. Bump—to the Committee on Invalid Pensions.

By Mr. SWANSON: A bill (H. R. 8730) for the relief of Kate Winter—to the Committee on the District of Columbia.

By Mr. WATERS: A bill (H. R. 8731) granting an increase of pension to Andrew J. Malcomb—to the Committee on Invalid Pensions.

By Mr. TOMPKINS: A bill (H. R. 8732) for the relief of Frances G. Elderkin—to the Committee on Pensions.

By Mr. TURNER: A bill (H. R. 8733) granting an increase of pension to Ernestine Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8734) granting a pension to Mary Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8735) granting an increase of pension to Annie B. Sharrard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8736) granting a pension to Marium Barton—to the Committee on Pensions.

Also, a bill (H. R. 8737) granting a pension to Kate Forrester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8738) granting an increase of pension to Frederick Gournerlo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8739) granting an increase of pension to Lavina Rosenbery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8740) granting a pension to Caroline Commandeur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8741) granting a pension to Samuel O. Hancock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8742) granting a pension to Andrew Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8743) granting an increase of pension to Henry Schaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8744) granting a pension to Elizabeth Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8745) granting an increase of pension to John W. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8746) granting an increase of pension to Valentine Lloyd—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8747) for the relief of Henry S. Saunders—to the Committee on War Claims.

Also (by request), a bill (H. R. 8748) for relief of Catherine E. Jones—to the Committee on War Claims.

Also (by request), a bill (H. R. 8749) for the relief of Adelaide B. Lindenberger—to the Committee on War Claims.

Also, a bill (H. R. 8750) for the relief of Anthony McAndrews—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of Coopers' Unions Nos. 72 and 29, of Dubuque, Iowa, protesting against the passage of a bill for the abolishment of revenue tax on one-eighth barrels of beer—to the Committee on Ways and Means.

By Mr. ALLEN of Mississippi: Resolutions of the Board of Trade of Vicksburg, Miss., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. BABCOCK: Petition of Christian Monson, of Five Points, Wis., and other fourth-class postmasters, favoring the passage of House bills Nos. 4930 and 4931—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: Petition of Boulder (Colo.) Trades and Labor Assembly, against the ceding of public lands to States and Territories—to the Committee on the Public Lands.

By Mr. BELLAMY: Resolutions of the Chamber of Commerce of Charlotte, N. C., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the members of the bar of Charlotte, N. C., Gastonia, N. C., and of the Chamber of Commerce of Charlotte, N. C., to provide for the appointment of a resident clerk of the circuit and district courts of the United States at Charlotte, N. C., to accompany House bill No. 6968—to the Committee on the Judiciary.

By Mr. BURTON: Petition of J. A. Bartlett and other druggists, of Cleveland, Ohio, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. CALDWELL: Resolutions of Abraham Lincoln Regiment, No. 22, Army of Illinois, Union Veterans' Union, in opposition to the passage of House bill No. 3988, for a reorganization of the Weather Bureau—to the Committee on Agriculture.

By Mr. CATCHINGS: Petition of Francis Seiglie and others, of Sagua la Grande, Cuba, for relief—to the Committee on Insular Affairs.

By Mr. COWHERD: Petition of S. F. Scott and other post-office clerks in the Fifth Congressional district of Missouri, favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill for the relief of Mrs. Lois D. Moon—to the Committee on Invalid Pensions.

By Mr. DAYTON: Papers to accompany House bill granting an increase of pension to Thomas Reed—to the Committee on Invalid Pensions.

By Mr. EMERSON: Petition of W. H. Foster and other citizens of Malone, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of Fred E. Smith and 8 other citizens of Montpelier, Vt., for the passage of House bill No. 1144, relating to the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARMER: Petition of Vandegriff & Price and other druggists of Philadelphia, Pa., for the repeal of the stamp tax on medicines—to the Committee on Ways and Means.

By Mr. HENRY of Mississippi: Paper to accompany House bill relating to the claim of Matthew Broome, of Hinds County, Miss.—to the Committee on Claims.

By Mr. JONES of Virginia: Petition of A. B. Yates and other clerks in the post-office at Fredericksburg, Va., asking for the passage of House bill No. 4351, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of N. Hebard and others, of America, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petitions of Local Union No. 178, United Mine Workers of America, of Beacon, Iowa, and Retail Clerks' International Protective Association, No. 87, of Ottumwa, Iowa, in relation to eight-hour law and prison labor—to the Committee on Labor.

Also, petition of Christian Endeavorers of the Methodist Protestant Church of Ottumwa, Iowa, protesting against the sale of liquor by canvassing agents—to the Committee on Alcoholic Liquor Traffic.

By Mr. LITTAUER: Petition of A. M. Conkly and other citizens of Canton, N. Y., praying for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. McALEER: Resolutions of the Philadelphia Drug Exchange, of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New York Board of Trade and Transportation, of New York City, for competing cable facilities between the United States and Cuba, etc.—to the Committee on Insular Affairs.

Also, petition of the Letter Carriers' Fraternal and Benevolent Union of Cincinnati, Ohio, favoring retirement of letter carriers after a specified number of years—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Philadelphia Drug Exchange, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the New York Board of Trade and Transportation, favoring the appointment of a commission for extending trade with China and Japan—to the Committee on Foreign Affairs.

Also, petition of Boericke & Tafel, pharmacists, of Philadelphia, Pa., relating to regulations for the use of alcohol in the arts and medical compounds—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolutions of the Commercial Club of Minneapolis, Minn., favoring the conversion of the Chippewa Indian Reservation, at the head waters of the Mississippi River, into a national park—to the Committee on the Public Lands.

Also, petition of Coopers' Union, No. 62, of St. Paul, Minn., against the passage of House bill amending the revenue law, making a quarter barrel of beer the smallest package of beer that can be stamped—to the Committee on Ways and Means.

By Mr. NORTON of Ohio: Protests of the Engels & Krodwig Wine Company and 9 other business firms of Sandusky, Ohio, against the ratification of the treaty with France—to the Committee on Foreign Affairs.

Also, petitions of A. L. Flack, of Tiffin, Ohio; E. W. Laughlin, of Carey, Ohio; E. R. Tarr, of Crestline, Ohio, and Louis Dueronisch, of Sandusky, Ohio, favoring House bill No. 2944, for an independent telephone plant in the city of Washington and the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions adopted by Cigar Makers' Local Union No. 79, of Sandusky, Ohio, in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

Also, resolutions of Born & Co., the L. Hoster Brewing Company, and N. Schlee & Son, brewers, of Columbus, Ohio, favoring the passage of House bill No. 4727, amending the revenue law making a quarter barrel of beer the smallest package of beer that can be stamped—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of E. V. Putnam and other employees of the Bureau of Animal Industry, of Milwaukee, for provision to grant them the usual leave of absence with pay—to the Committee on Agriculture.

Also, petition of railway postal clerks in the Fourth Congressional district of Wisconsin, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Herm Nelsen and other druggists, relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. POWERS: Petition of the Vermont Maple Sugar Makers' Association, asking for the passage of a pure-food law that will prevent the adulteration of sugar—to the Committee on Agriculture.

Also, resolutions of the New York Board of Trade and Transportation, favoring the passage of House bill No. 4909, to create a China-Japan industrial commission—to the Committee on Foreign Affairs.

Also, resolutions of the New England Shoe and Leather Association, favoring free trade with Puerto Rico—to the Committee on Insular Affairs.

By Mr. RIXEY (by request): Paper to accompany House bill granting a pension to Ann S. Harvey—to the Committee on Invalid Pensions.

Also (by request), papers to accompany House bill for the relief of James T. Smith, of Alexandria, Va.—to the Committee on Claims.

Also, letter of Gill & Gill, of Garrisonville, Va., to accompany joint resolution for an appropriation for dredging certain parts of Aquia Creek, Virginia—to the Committee on Rivers and Harbors.

By Mr. ROBERTSON of Louisiana: Petition of Augustine Seizan (Pierre Saizan), for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUSSELL: Resolutions of the directors of the Connecticut State prison, opposing House bills 19, 5450, and 7519, relating to interstate transportation of prison-made products—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Thames Union, No. 137, of United Brotherhood of Carpenters and Joiners, of Norwich, Conn., opposing grants of public lands to any parties but actual settlers, and favoring irrigation of arid lands—to the Committee on the Public Lands.

Also, resolutions adopted at a meeting of the citizens of New London, Conn., expressing sympathy for the peoples of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petitions of James Sweeney and other citizens of Little Falls, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Petition of the Wisconsin Branch of the Railway Postal Clerks, favoring a bill providing for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: Petition of citizens of Port Huron, Mich., in regard to divorce laws in the Territories and the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of the Merchants and Manufacturers' Exchange of Detroit, Mich., relative to the passage of House bill in aid of the Philadelphia Commercial Museum, Senate bill creating a department of commerce and industries, and Senate bill providing for the improvement of the United States consular service—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Pennsylvania: Petition of the Philadelphia Drug Exchange, indorsing House bill No. 887, to provide for adding to and completing specimens and productions, etc., to be exhibited in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of William Ayres & Sons, of Philadelphia, Pa., favoring the improvement of Trinity River from its mouth to the city of Dallas, Tex.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Association of Knit Goods Manufacturers and Ziegler Brothers, Philadelphia, Pa., urging amendment of the treaty with France—to the Committee on Ways and Means.

SENATE.

TUESDAY, *February 20, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

EXCHANGE OF DENUDED LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 5th instant, a letter from the Commissioner of the General Land Office, relative to the legislation necessary to protect the Government in the exchange of denuded lands in Government reservations for other lands on the public domain, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

CREDENTIALS.

Mr. PERKINS presented the credentials of Thomas R. Bard, chosen by the legislature of California a Senator from that State for the term beginning March 4, 1899; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

The message also announced that the House had passed a bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors; in which it requested the concurrence of the Senate.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that after the routine morning business forty minutes be devoted to the consideration of unobjected pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire, from the Committee on Pensions, asks that after the routine morning business forty minutes may be given to consideration of pension cases on the Calendar. Is there objection? The Chair hears none.

Mr. HALE. I ask that after that, until 2 o'clock, the Calendar may be taken up under Rule VIII.

The PRESIDENT pro tempore. The Senator from Maine asks that after the completion of this order the Calendar may be taken up under Rule VIII until 2 o'clock. Is there objection? The Chair hears none. It is so ordered.

Mr. GALLINGER subsequently said: A moment ago unanimous consent was given that at the conclusion of the routine morning business a certain time should be devoted to the consideration of pension bills. My attention has been called to the fact that the Senator from Delaware [Mr. KENNEY] had given notice that after the routine morning business to-day he would submit some remarks on Senate joint resolution No. 45. I now ask that the unanimous-consent agreement be modified so that the consideration of pension bills will follow the remarks of the Senator from Delaware. I make that request.

The PRESIDENT pro tempore. The Senator from New Hampshire now asks unanimous consent that the unanimous consent previously given be reconsidered, and asks unanimous consent that after the completion of the speech by the Senator from Delaware forty minutes may be given to the consideration of pension cases. Is there objection? The Chair hears none. It is so ordered.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Harlem Board of Commerce, of New York City, praying for the enactment of legislation to provide for the deepening, widening, and opening of the Kills between Harlem River and the Sound; which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 1, Ship Masters' Association, of Buffalo, N. Y., praying for the enactment of legislation relative to the employment period of service, salary, etc., of

men in the Life-Saving Service on the rivers and lakes of the United States; which was referred to the Committee on Commerce.

He also presented memorials of Local Union No. 89, Cigar Makers' International Union, of Schenectady; of Local Union No. 132, Cigar Makers' International Union, of Brooklyn, and of Local Union No. 283, Cigar Makers' International Union, of Geneva, all in the State of New York, remonstrating against the enactment of legislation admitting cigars free of duty from Puerto Rico; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of 36 citizens of Ithaca, Gainesville, Rock Glen, Warsaw, Castile, Perry, and Geneva, all in the State of New York, and a petition of 51 citizens of Port Jefferson, Long Island, praying for the establishment of an Army veterinary corps; which were referred to the Committee on Military Affairs.

He also presented a petition of the Central Trades Labor Assembly of Watertown, N. Y., and a petition of Local Union No. 24, United Brotherhood of Carpenters and Joiners, of Batavia, N. Y., praying that all the remaining public lands of the United States be held for the benefit of the whole people, etc.; which were referred to the Committee on Public Lands.

He also presented petitions of the Trade and Labor Council of Peekskill; of Local Union No. 289, United Brotherhood of Carpenters and Joiners, of Rockport; of Local Union No. 24, United Brotherhood of Carpenters and Joiners, of Batavia, and of Local Union No. 177, Journeyman Barbers' Association, of Lockport, all in the State of New York, praying for the enactment of legislation to limit the hours of daily service of laborers, etc., upon public works of the United States, and also for the protection of free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented the petition of Hatch & Foote, bankers, and 100 other citizens of New York, praying for the enactment of legislation to authorize the Secretary of War to contract with Charles Stoughton and his associates for the construction of the Harlem Kills Canal; which was referred to the Committee on Commerce.

Mr. PENROSE presented a petition of sundry members of the bar of the Supreme Court of the United States, praying that better accommodations be provided for the law library of Congress; which was referred to the Committee on the Library.

Mr. GALLINGER presented a petition of Post No. 7, Department of New Hampshire, Grand Army of the Republic, praying for the enactment of legislation to provide for the detail of active and retired officers of the Army and Navy to assist in military instruction in public schools; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of the Ramsey County Medical Society, of St. Paul, Minn., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented the petition of S. C. Saunders and sundry other citizens of Rutland County, Vt., and the petition of A. Davis and sundry other citizens of Washington County, Vt., praying for the enactment of legislation to fix the salaries of fourth-class postmasters; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Vermont Maple Sugar Makers' Association, praying for the passage of a pure-food bill, so as to protect producers and consumers from fraudulent adulteration of food products; which was referred to the Committee on Manufactures.

Mr. DANIEL presented a petition of the Business Men's Association of Hampton, Va., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the board of supervisors of Rockbridge County, Va., praying for the enactment of legislation to provide for the continued free distribution of cattle vaccine matter; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the board of trustees of the Virginia Penitentiary, Richmond, Va., remonstrating against the enactment of legislation requiring convict-made goods to be labeled, stamped, or branded as such, and regulating the transportation of the same; which was referred to the Committee on Education and Labor.

He also presented a petition of the army-nurse committee of the Johns Hopkins Alumnæ Association, of Baltimore, Md., praying for the enactment of legislation to provide for the employment of graduate nurses for the Army; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Pemberton S. Hutchinson and 19 other citizens of Philadelphia, Pa., praying for the enactment of legislation to assure the inhabitants of the Philippine Islands that it is not the purpose of the United States to subject them to its authority against their will, but only to carry out the provisions of the treaty of peace with Spain pending the establishment of a permanent constitutional government in the islands under the protection of the United States; which was referred to the Committee on the Philippines.

Mr. CULLOM presented a petition of the Dr. Blair Medical Company, of Freeport, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Farmers' Institute, of Champaign County, Ill., praying that an appropriation be made for the extension of rural free mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National League of Commission Merchants, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petition of S. M. Blunt and 24 other citizens of Chicago, Ill., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. HAWLEY presented a petition of the Billings & Spencer Company, of Hartford, Conn., and a petition of the Pratt & Whitney Company, of Hartford, Conn., praying that an appropriation be made for the construction of a new Patent Office building, including a hall of inventions; which were referred to the Committee on Public Buildings and Grounds.

EFFICIENCY OF THE ARMY.

Mr. HAWLEY. I present a letter from the Secretary of War, relating to Senate bill No. 3240, being a bill to increase the efficiency of the military establishment of the United States. I move that the letter be printed as a document and referred to the Committee on Military Affairs, to accompany the bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2993) granting an increase of pension to Edward Madden, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 259) granting a pension to Lizzie Breen, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 2451) granting a pension to Jennie P. Stover, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4698) granting an increase of pension to John C. Fitnam, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 4090) granting an increase of pension to Henry H. Brown, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 304) providing for the erection of a public building at the city of Tacoma, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 3189) for the relief of Leonard I. Brownson, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3127) granting an increase of pension to Major A. Northrop;

A bill (S. 2881) granting a pension to Mary A. Parker;

A bill (H. R. 4652) granting an increase of pension to Charles Perkins;

A bill (H. R. 3260) granting a pension to Susan M. Button;

A bill (H. R. 232) granting a pension to John Vars; and

A bill (H. R. 2391) granting a pension to Elizabeth R. Holt.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 289) granting a pension to John B. Turchin;

A bill (S. 3004) granting an increase of pension to James H. Stevens;

A bill (S. 474) granting an increase of pension to Isaac Patterson;

A bill (S. 2280) granting a pension to Horatio N. Cornell;

A bill (S. 1608) granting a pension to Eleanor R. Sullivan; and

A bill (S. 2463) granting an increase of pension to Ellen Leddy.

Mr. GALLINGER (for Mr. BAKER), from the Committee on Pensions, to whom was referred the bill (S. 817) granting an increase of pension to Julia A. Taylor, of Pratt, Kans., reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 2597) granting an increase of pension to Charles Kauffung, reported it with an amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 3186) granting a pension to Margaretha Lippert, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Puerto Rico, to whom was referred the amendment submitted by him on the 19th instant, intended to be proposed to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes, reported favorably thereon; and the amendment was ordered to be printed.

NAVAL INTELLIGENCE PUBLICATIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom the subject was referred, to report a joint resolution authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department, and I ask for its immediate consideration.

The joint resolution (S. R. 91) authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized to print, in excess of the 1,000 copies authorized by the act of January 12, 1895, such extra copies of the publications of the Office of Naval Intelligence as may be necessary for distribution to the naval service and to meet other official demands: *Provided*, That in no case shall the edition of any one publication exceed 2,000 copies.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF PHILIPPINE COMMISSION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. LODGE on the 13th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the United States Commission to the Philippine Islands 1,500 copies of volume 1 of their report recently submitted to the Senate by the President.

REPORT ON THE ISLAND OF LUZON.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Iowa [Mr. GEAR] on the 14th instant, to report it favorably without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to furnish for the use of the Senate 1,000 copies of the report of Paymaster Willis B. Wilcox, United States Navy, on the island of Luzon.

Mr. GALLINGER. I suggest the substitution of the word "directed" for "requested."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

DEPARTMENT OF AGRICULTURE YEARBOOK.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899, to report it with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Printing was, in line 9, before the word "thousand," to strike out "ten" and insert "five;" so as to make the joint resolution read:

Resolved, etc., That there be printed of part 2 of the Annual Report of the Department of Agriculture for 1899, issued in accordance with section 73, paragraph 2, chapter 23, Statutes at Large, 1895, issued under the title of "Yearbook of the United States Department of Agriculture," a special edition of 5,000 copies, on sized and supercalendered paper, to be bound in best quality of book cloth, subject to the approval of the Secretary of Agriculture, for distribution abroad, and especially during the Universal Exposition at Paris, 1900, to agricultural, educational, and other public and scientific foreign institutions and libraries, and to public men especially engaged in work beneficial to agriculture: *Provided*, That in the distribution of this edition abroad, paragraph 79 of said section 73, of chapter 23, volume 28, Statutes at Large, 1895, is hereby suspended.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIAN CHRITZMAN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to the Sergeant-at-Arms of the Senate, the sum of $549.32; and the said Sergeant-at-Arms is hereby directed to apply said amount to the payment of the funeral expenses and the expenses of the last sickness of Christian Chritzman, deceased, late messenger to the Committee on Appropriations of the Senate, including the sum of $100 loaned to him by C. L. Reynolds to meet expenses of his last sickness, and also to provide a suitable headstone to mark his grave in the cemetery at Harrisburg, Pa., at a cost not to exceed $50; the sum herein provided to be in lieu of the usual allowance on the death of an employee of the Senate, and the voucher for payment of the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ADDITIONAL CLERK TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALLISON on the 14th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Appropriations have authority to employ an assistant clerk, to be appointed by the chairman, and to be paid at the rate of $1,200 per annum out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3242) granting an increase of pension to Edwin Mattson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3243) to create a new Federal judicial district in Pennsylvania, to be called the middle district; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3244) to correct the military record of Levi Sheetz; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3245) granting an increase of pension to John C. Lloyd (with an accompanying paper);

A bill (S. 3246) granting an increase of pension to Wesley C. Pryor;

A bill (S. 3247) granting per diem pension service to honorably discharged officers and enlisted men of the Union Army in the civil war; and

A bill (S. 3248) granting an increase of pension to Reid McFadden.

Mr. ROSS introduced a bill (S. 3249) to remove the charge of desertion from the naval record of Charles C. Lee; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GEAR introduced a bill (S. 3250) to protect the fresh-water mussels in the rivers of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Fisheries.

Mr. BATE introduced a bill (S. 3251) for the relief of Mrs. H. B. Clay; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3252) to establish a branch soldiers' home at or near Johnson City, Washington County, Tenn.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3253) granting a pension to Harriet H. B. Wales; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3254) to amend section 953 of the Revised Statutes of the United States, relating to the signing of a bill of exceptions; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 3255) to increase the pension of Zenith R. Prather; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3256) to increase the pension of James B. Logan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 3257) to legalize and maintain the iron bridge across Pearl River at Rockport, Miss.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3258) for the relief of the estate of James Spiars, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3259) for the relief of the estate of Lemuel R. Hanks, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 3260) granting an increase of pension to W. H. H. Kennedy; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT of Connecticut submitted an amendment proposing to appropriate $2,220 for salary of clerk to the Committee on Relations with Cuba, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment increasing the number of pressmen in the office of the Treasurer of the United States from four to five and increasing their compensation from $1,200 to $1,400, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to increase the appropriation for the removal of the Indian school now located at Perris, Cal., to a new and more suitable site at or near Riverside, Cal., from $75,000 to $100,000, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PROCTOR submitted an amendment proposing to place under Class V the consulate at Milan, Italy, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. DAVIS submitted an amendment proposing to place under Class V the consulate at Chihuahua, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,000 to be expended under the direction of the Secretary of State, to compensate the United State delegate, commissioned by the Secretary of State, to the Seventh International Congress of Navigation, held at Brussels, Belgium, July 28, 1898, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations, and ordered to be printed.

EXTENSION OF COLUMBIA ROAD.

Mr. FOSTER submitted an amendment intended to be proposed by him to the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BRUNSWICK (GA.) HARBOR IMPROVEMENT.

Mr. CLAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the report, or a copy thereof, made by H. L. Marinden, the officer of the Coast and Geodetic Survey, detailed by the Secretary of War under the provisions of the river and harbor acts of 1894, 1896, and 1899, to make survey of the outer bar of Brunswick, Ga., filed in the War Department December 4, 1899, together with the report supplemental thereto.

NEW PANAMA CANAL COMPANY OF FRANCE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate:

I transmit herewith in response to the resolution of the Senate of January 23, 1900, copies of the communications received by the President and by the Secretary of State from the New Panama Canal Company of France, or any of its officers or attorneys.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, February 20, 1900.

HOUSE BILL REFERRED.

The bill (H. R. 8620) amendatory of sections 3339 and 3341 of the Revised Statutes of the United States, relative to internal-revenue tax on fermented liquors was read twice by its title, and referred to the Committee on Finance.

POLICY REGARDING THE PHILIPPINE ISLANDS.

Mr. KENNEY. Mr. President, I ask that Senate joint resolution No. 45, known as the Bacon resolution, may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution. Does the Senator from Delaware desire to have it read at length?

Mr. KENNEY. I do not desire to have it read at length.

The SECRETARY. A joint resolution (S. R. 45) declaring the purpose of the United States with reference to the Philippine Islands.

Mr. KENNEY. Mr. President, I am one of those Senators who voted for the ratification of the treaty of Paris, believing that ratification meant the end of the war we had commenced for humanity's sake, and that the $20,000,000 awarded Spain was the act not only of a magnanimous victor, but as well a tribute placed on Liberty's altar by a people who knew the value of freedom. Are there any who know the history of the last two years who will contend that if at the time the vote on the treaty was taken it had been stated on the floor of this Senate that war in the Philippines was to go on and that the millions awarded to Spain was the purchase price for a people to be held in perpetual vassalage that instrument would have been ratified? I do not think there are any such.

I do know, Mr. President, that of the influences which moved members of this Senate to vote for the treaty the most powerful were the desire to end the war and commence the work of liberty and freedom in those far islands. It was believed the intentions of our Government as to the Philippines were not different from those which had been declared as to Cuba, and that the establishment of peace meant an earlier and easier solution of the Philippine problem. To continue the war conditions, fearing unjust treatment by the United States of those who had aided us in the overthrow of the Spanish arms in those islands, seemed unreasonable and without foundation; certainly so in the face of assurances made by those who should have been able to speak on the subject.

I believe, Mr. President, that there are Senators to-day who are supporting the policy outlined by the junior Senator from Indiana, and which we are told is the policy of the Administration, who at the time of the vote on the peace treaty never dreamed that now they would be advocating territorial and foreign policies for this Government which are as strange to its institutions and traditions as they are unjust and iniquitous. But under the lash and spur of party policy and expediency they have wheeled into line and now stand ready, not merely as passive agents, but as active workers, to consummate that which must then have been the hidden purposes of persons who dared not that the light of public discussion should shine on their nefarious schemes.

That which has occurred in the Philippines since the Senate ratified the treaty of peace is as little chargeable to that act of the Senate as it is to those who voted against ratification. The peace with Spain entailed no war with the Filipinos nor change in one country's foreign policy. The war in Luzon may or may not havr been avoided under a different policy by the Administration. Certain it is there is no article in the treaty declaring war on Aguinaldo and his people, and there can be found therein no authority for the retention of the Philippines as a dependent colony, nor does the Administration's purpose in this regard find warrant in that instrument. The reason for the war with the Filipinos and the imperalistic policy of the Republican Administration must be sought for outside of the treaty of Paris, for in it there will be found authority for neither. Those who are wont to charge all the evils of the present war, and those which may follow, to the ratification of the treaty are indeed "running a hant." The war and its evils are chargeable to other causes which should be too clear not to be seen by those who so much deplore them.

Among these causes, Mr. President, is the greed of those of our countrymen who set self above honor and country; and who for wealth and power will use the miseries and misfortunes of others; who for their own selfish ends are willing to reestablish slavery within the domain of this country and withhold the Constitution from a part of the people. The horrors of war are to them but a means to accomplish their sordid ends. National honor and justice to the Filipino is to them of no concern so long as they are the beneficiaries of dishonor and injustice. It is here, Mr. President, that the evils which have followed the treaty and which are so often charged to it can in part at least be found.

THE ISLANDS ARE TERRITORY OF THE UNITED STATES.

That the islands are territory of the United States and the inhabitants thereof citizens of this Government there can be no doubt. Whether they came to us by conquest of arms or by treaty with Spain, there can be no difference. That title and possession has passed to us is beyond dispute, and with title and possession to us the Constitution has gone to them.

In 1859 Stephen A. Douglas, in an article published in Harpers' New Monthly Magazine, Volume XIX, pages 519–537, entitled "Popular sovereignty in the Territories," says:

Thus it appears that our fathers of the Revolution were contending not for independence, in the first instance, but for the inestimable right of local self-government under the British constitution; the right of every distinct political community—independent colonies, territories, and provinces, as well as sovereign States—to make their own local laws, form their own domestic institutions, and manage their own internal affairs in their own way, subject only to the constitution of Great Britain as a paramount law of the Empire.

Speaking of the "charter compact," he said:

It is important that this Jeffersonian plan of government for the Territories should be carefully considered for many obvious reasons. It was the first

plan of government for the Territories ever adopted in the United States. It was drawn by the author of the Declaration of Independence, and revised and adopted by those who shaped the issues which produced the Revolution and formed the foundations upon which our whole American system of Government rests. It was not intended to be either local or temporary in its character, but was designed to apply to all territory ceded or to be ceded, and to be universal in its application and eternal in its duration wherever and whenever we might have territory requiring a government. It ignored the right of Congress to legislate for the people of the Territories without their consent, and recognized the inalienable right of the people of the Territories when organized into political communities to govern themselves in respect to their local concerns and internal polity.

Let us pause at this point for a moment and inquire whether it be just to those illustrious patriots and sages who formed the Constitution of the United States to assume that they intended to confer upon Congress the unlimited and arbitrary power over the people of the American territories which they had resisted with their blood when claimed by the British Parliament over British colonies in America? Did they confer upon Congress the right to bind the people of the American territories in all cases whatsoever, after having fought the battles of the Revolution against a preamble declaring the right of Parliament to bind the colonies in all cases whatsoever? If, as they contended before the Revolution, it was the birthright of all Englishmen, inalienable when formed into political communities, to exercise exclusive power of legislation in their local legislatures in respect to all things affecting their internal policy, did not the same right after the Revolution, and by virtue of it, become the birthright of all Americans, in like manner inalienable when organized into political communities, no matter by what name, whether colonies, Territories, provinces, or new States?

The principle under our political system is that every distinct political community loyal to the Constitution and the Union is entitled to all the privileges and immunities of self-government in respect to their local concerns and internal polity, subject only to the Constitution of the United States.

In his contention Mr. Douglas is in line with the decisions of the Supreme Court of the United States, which have never been overruled directly or indirectly. In the case of the American Insurance Company *vs.* Canter (1 Peters, page 511) Chief Justice Marshall, in delivering the opinion of the court, said:

CHIEF JUSTICE MARSHALL.

The Constitution confers absolutely on the Government of the Union the power of making war and of making treaties; and that consequently Government possesses the power to acquire territory, either by conquest or by treaty. The usage of the world is, if a nation be not entirely subdued, to consider the land of the conquered territory as mere military occupation until its end shall be determined at the treaty of peace. If it be conceded by treaty, the acquisition is confirmed and the conceded territory becomes a part of the nation to which it is annexed, either by the terms of stipulation in the treaty of cession or under such as its new master shall impose.

And he also said:

The right to govern is the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

Later, in the case of Scott *vs.* Sanford (20 Howard, 107), the Supreme Court held to the same opinion and in the following language:

CHIEF JUSTICE TANEY.

This brings us to examine by what provisions of the Constitution the present Federal Government, under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States, and what powers it may exercise therein over the person or property of a citizen of the United States while it remains a territory and until it shall be admitted as one of the States of the Union.

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State and not to be held as a colony and governed by Congress with absolute authority, and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States must rest upon the same discretion.

All we mean to say on this point is that as there is no express regulation in the Constitution defining the power which the General Government may exercise over the person or property of a citizen in a Territory thus acquired, the court must necessarily look to the provisions and principles by which its decision must be guided. Taking this rule to guide us, it may be safely assumed that citizens of the United States who emigrate to a Territory belonging to the people of the United States can not be ruled as mere colonists dependent upon the will of the General Government, and to be governed by any laws it may think proper to impose. The Territory being a part of the United States, the government and the citizen both enter under the authority of the Constitution with their respective rights defined and marked out, and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

The right to acquire territory is certainly an inherent right of a nation, and to govern it necessarily follows, but its government must be by and under its constitution and laws. In case of the United States, the Constitution applies at the same moment title and possession passes to them, and there is nor can be no part of the domain of the United States an exception wherein a different or limited citizenship exists from that of other portions of the country. There is no such warrant in that instrument.

Both Chief Justice Marshall and Chief Justice Taney agree that territory acquired by the United States becomes a part of the nation and must be governed under the Constitution, and that no power is thereby given to govern or rule as mere dependencies at the pleasure of the Federal Government.

At no time in our history has there been acquired territory by the United States except with an ultimate view of statehood, through, of course, the regular and necessary step first of Territorial probation. Of all the millions of square miles heretofore acquired, to-day there are left out of the federation of States only Alaska, Oklahoma, Arizona, and New Mexico, all of which are looking to ultimate statehood. There can be no excuse for the permanent retention of the Philippines based on the former action of the United States in acquiring Louisiana and the other territory on this continent. No one can successfully contend that the reason for the acquisition of the latter can be urged in support of the former.

FORMER ACQUISITIONS.

In the case of Louisiana much trouble had been experienced for years by the inhabitants of the western regions of the country by reason of the impositions and tribute levied by Spain upon their commerce on the Mississippi River. The vital point was the restriction necessarily consequent upon the navigation of the Mississippi River while the mouth of the river was in possession of any foreign power.

There had been a treaty made between Spain and the United States prior to 1802 which nominally opened the Mississippi to the commerce of the United States; but this was indirectly violated in various stealthy ways and was thereby virtually annulled. No redress seemed possible, and Spain refused to sell her possessions. However, in that year negotiations arose between Spain and France involving the transfer of Louisiana. Pending these negotiations, Mr. Livingston, our minister to France, addressed a letter to the French Government in which he protested against the proposed transfer for reasons which afterwards furnished the chief motive for our purchase.

Nearly seventeen years afterwards Florida was ceded by Spain, thus freeing us from a barrier along the northern coast and the eastern part of the Gulf of Mexico. This was also urged as a paramount necessity.

In 1827 Henry Clay, Secretary of State, offered to purchase Texas from Mexico and give $1,000,000 for the cession. In 1829 Martin Van Buren, Secretary of State, offered to purchase at $5,000,000. Both offers were rejected. Annexation was effected after the Texas war of independence, not by treaty, but by the action of the Congress of each country, and may be said to have been the mutual act of the people. Daniel Webster said in regard to the proposed treaty for Texas:

I have, on the deepest reflection, long ago come to the conclusion that it is of very dangerous and doubtful consequences to enlarge the boundaries of this country or the Territories over which our laws are now established. There must be some limit to the extent of our territory if we would make our institutions permanent.

After the war with Mexico resulting from the annexation of Texas, a portion of the territory of Mexico was demanded by our Government on the ground of indemnity for the past and security of the future. By the treaty signed February 2, 1848, a tract of Mexican territory was annexed. The treaty was bitterly denounced by Daniel Webster and other Senators on the ground that it was equivalent to a robbery enforced by the insolent power of a rapacious conqueror. The price paid for the territory thus taken was $15,000,000, and besides the United States assumed claims of American citizens against Mexico; and, in addition, afterwards paid Texas $10,000,000 for the portion of New Mexico lying east of the Rio Grande. The Gadsden treaty settled disputes with Mexico as to the southern part of Arizona. Thereby the United States secured the disputed territory at the price of $10,000,000, and with it a right of transit for troops, mails, and merchandise over the isthmus of Tehuantepec. The treaty of purchase from Russia was of date March 30, 1867; price paid, $7,200,000. There had been unofficial correspondence concerning it from the year 1859. The treaty was ratified in May, and proclamation made June 30. Mr. Sumner said, in his speech in the Senate April 9, 1867, that it was a visible step in the occupation of the whole North American Continent. "We dismiss one other monarch from the continent. One by one they have retired—first France, then Spain, then France again, and now Russia."

In all former cases the lands acquired were a part of the North American Continent, and by nature intended as a part of one great country. In every case the territory was practically uninhabited, and by climatic and other conditions suited for the uses of the people of the United States. There was no congested population, such as is the case in the Philippines. There was indeed room and reason for expansion in all these former cases. The taking of none of these territories entailed shocking changes in our foreign and territorial policies, nor the burdens of great standing armies. Then we carried civilization into the uninhabited wildernesses, and prepared places for our growing population suited to their needs. Then no free and independent people were driven into mountains and their homes made waste places. No lands nor peoples were taken for other government than under the Constitution—citizenship and equal rights for all.

I hold that the title and possession of the Philippine Archipelago having been perfected in the United States, and no matter whether by treaty or by force of arms, there is left but one of two courses open to this Government as to their disposition. The one is that they be retained as a Territory, with the ultimate and certain

purpose of admission as a State or States into the Union. The other, that they be given to the people of the islands themselves, to be erected into a republic as free as ours, and so under the guidance and protection of the United States.

STATEHOOD IMPOSSIBLE.

That the first course is impossible there can be little doubt when we take into consideration the character of the people and understand the great differences which exist between them and the people of the United States. Imagination can not be invoked so wild as to contemplate an addition to our present statehood of the State of the Philippines.

All the traditions, manners, and customs of the Filipinos, their racial extraction, affiliations, and tendencies, to say nothing of their location, being separated from us by thousands of miles of ocean, have erected a barrier too high and strong to be passed in making them a State of the American Union. Notwithstanding their love for free institutions and their enlightenment, these reasons alone must forever preclude them from membership in the Union of American States. The distinguished senior Senator from Kentucky, in an address before the American Bar Association on August 28 last, said:

We have extended our domain into and across the Pacific, but we have not changed the nature of our Government or the character of our institutions. Ours is still a Union of American States and will so remain to the end. The bond of union by which the States are held together was ordained and established as the "Constitution for the United States of America." Our policy, our traditions, our interests, and our glory alike forbid the admission into the Union of any other than a North American State.

In that statement he fully expressed what I believe are the real sentiments of all true Americans, certainly of all who hold sacred the traditions of our country and love its institutions.

So, Mr. President, we have in honor left us but the latter course, to give the islands back into the hands of their own people, and in doing this we must be satisfied that there is in them and their leader, Aguinaldo, fitness and ability for self-government.

THE FILIPINOS ARE FITTED FOR SELF-GOVERNMENT.

The proofs of this are overwhelming. In August, 1898, Major Bell reported to the Government that the foreign residents at Manila all felt that a native government would be better than Spanish rule.

In that same report he says that he has arrived at the following conclusions as to the principal leaders among General Aguinaldo's following:

Baldomero Aguinaldo, a first cousin of Don Emilio, is secretary of state, and is a swelled dunce and was once a schoolmaster.

Mariano Trias, an educated, honest man, is secretary of treasury. He was vice-president of a former revolution, and of all the insurgent leaders he stands next to Aguinaldo in popularity with the people.

Leandro Y. Barra, a lawyer and good, honest man, is secretary of the interior.

One Estefan de la Rama, a rich and educated man, who speaks English, is commandante de marina, or commander in chief of the navy. He is reported honest and capable.

Aguinaldo's interpreter and secretary is one Escamilla, a good linguist, speaking Latin, French, Spanish, and English—Spanish fluently and English well, to my personal knowledge. He was a teacher of the piano in Hongkong, and is one of the best interpreters I have ever seen.

One Malabini, a student of law and notary public, honest, but not especially talented, is one of his councilors. There is a prominent and wealthy citizen of this city who is also a councilor, but I prefer not to mention his name. He is an avowed annexationist, and sincerely hopes the Americans may remain here.

Don Felipe Agoncillo is a highly respected lawyer, and has for some time been the Filipino agent in Hongkong. I understand it is he who has been designated by Aguinaldo to go to Paris and America to represent the insurgent cause.

C. Sandico, a skilled and well-educated machinist, who speaks English quite well, is a prominent man, and coadjutor of Aguinaldo. His present commission is to appear on behalf of political prisoners before the officer charged with investigating such cases. He has been generally useful to Aguinaldo as a delegate and negotiator with Americans.

Lieut. Gen. Emiliano Riego de Dios, the military governor of Cavite, is said to be an honest man, but with little education.

Major-General Ricati, in command of operations along the southern zone of trenches, appears and is said to be a well-meaning, honest man, with a fair education.

Maj. Gen. Panteleon Garcia, in command of operations along the northern zone, is not educated very well, but is an able, honest, polite, and agreeable man, who has been a schoolmaster of the primary grade.

Brig. Gen. Pio Del Pilar, a vicious, uneducated ignoramus and highway robber.

General Estrella, commanding the military forces in Cavite, has the credit of being an honest man with little education.

Brigadier-General Mascardo, fairly educated and honest, but possesses little ability.

Gen. Gregorio Del Pilar is young, well educated, and honest, but with little experience. He belongs to a wealthy family of Nueva Ecija.

General Noriel, an honest, fairly educated, well-meaning, reasonable, and agreeable fellow, who has done good service and gained the reputation of a good soldier.

Colonel Montenegro, a very conciliatory fellow to meet. Young, small, and well educated. Speaks French, English, and Spanish, the latter fluently; the others very well. He is a considerable of a "talk a heap." Is "kinder" honest and was a clerk in Lalla's hotel, where he received his lessons in honesty.

There are other leaders of lesser grade who it is hardly necessary to mention here. Aguinaldo has many adjutants, most of whom are young, smart, and well educated.

Mr. President, this is what was said of the principal men of the Philippines by an officer of the American Army, and on the whole is testimony most favorable to them. No better would have been said of General Washington and his principal following and associates during the days of our Revolution by General Howe or the others of the British army.

Admiral Dewey, in June, 1898, cabled the Navy Department:

These people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

And then in August of that year, in response to a telegram asking for his views on the general subject of the Philippines, he referred to his cable message of June and added:

Further intercourse with them has confirmed me in this opinion.

In June, 1898, Consul Williams's opinion of Aguinaldo and the Filipinos was as follows:

U. S. S. BALTIMORE,
CONSULATE OF THE UNITED STATES,
Manila, Philippine Islands, June 16, 1898.

I have the honor to report that since our squadron destroyed the Spanish fleet on May 1 the insurgent forces have been most active and almost uniformly successful in their many encounters with the Crown forces of Spain. Gen. Emilio Aguinaldo, the insurgent chief, who was deported late in 1897, returned recently to Cavite and resumed direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements. He told me to-day that since his return his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom were Spaniards, and all of whom had rifles when taken.

General Aguinaldo has now about 10,500 rifles and 1 fieldpiece, with 8,000 more rifles, 2 Maxim guns, and a dynamite gun bought in China and now in transit. The insurgents have defeated the Spaniards at all points except at fort near Malate, and hold not only North Luzon to the suburbs of Manila, but Batanges Province also and the bay coast entire, save the city of Manila.

While the Spaniards cruelly and barbarously slaughter Filipinos taken in arms, and often noncombatants, women, and children, the insurgent victors, following American example, spare life, protect the helpless, and nurse, feed, and care for Spaniards taken prisoners and for Spanish wounded as kindly as they care for the wounded fallen from their own ranks.

OSCAR F. WILLIAMS,
United States Consul.

General Whittier testified that—

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind of the most brutal revenge, I have heard of no instance of torture, murder, or brutality since we have been in the country.

In an interview in a New York paper he is quoted as saying:

There is a wide ignorance of the wealth of the Philippines and the character of the Filipinos. The natives are not ignorant; they are not savages. They are adept at manufactures and as accountants, mariners, and railroad operatives. They are quiet, most temperate, and have shown great ability in their military affairs.

An Englishman, Mr. Wray, who has lived for seventeen years among the Filipinos, says:

"The people are the most enlightened and vigorous branch of the Malay race, and have been Christians for centuries; in fact, longer than the principles of the Reformation have been established in Great Britain, and are the nearest akin to Europeans of any alien race." Professor Worcester says that they are as industrious as the Japanese, and less criminally disposed. General Whittier stated to the peace commissioners at Paris that he had never seen a drunken Filipino, notwithstanding the example of our soldiers, whom they imitate in everything else, and that in their treatment of their Spanish prisoners they have been "deserving of the praise of all the world;" that with every justification to a savage mind for the most brutal revenge, he had heard of no instance of torture, murder, or brutality since he had been in the country.

A late writer in the Independent, speaking of their intellectual attainments, says that 83 per cent of them can read and write. This seems hardly possible, for, if true, the proportion of literates is almost that of the United States. General Greene told the Paris commissioners that he had been unable to obtain statistics, but that the majority could read and write. When we bear in mind that only 58 per cent of the Italians and only 31 per cent of the Russians can do this, and, according to the census of 1887, only 2½ per cent of the Spaniards, it is apparent that the Filipinos occupy no mean position in this respect. Many of them have attended the high schools and colleges in the islands and the university at Manila, and a considerable number have been educated in Europe. They have attained the first rank among lawyers and physicians at Manila.

Gen. Charles King after serving in the Philippines, in a letter to the Milwaukee Journal, speaks of them in the following terms:

SAN FRANCISCO, *June 22, 1899.*

To the editor of the Journal, Milwaukee, Wis.:

DEAR SIR: Thinking over your telegram and request of June 7, I find myself seriously embarrassed. As an officer of the Army, there are many reasons why I should not give my "views of situation in the Philippines, how long fighting is likely to continue, and thoughts as to America's part in future of islands."

The capability of the Filipinos for self-government can not be doubted. Such men as Arellano, Aguinaldo, and many others whom I might name are highly educated; nine-tenths of the people read and write; all are skilled artisans in one way or another; they are industrious, frugal, temperate, and, given a fair start, could look out for themselves infinitely better than our people imagine. In my opinion, they rank far higher than the Cubans or the uneducated negroes to whom we have given the right of suffrage.

Very truly, yours,

CHARLES KING, *Brigadier-General.*

No better or more conclusive evidence of the patriotism and ability of General Aguinaldo could be had than is furnished by his letter to Mr. Williams. It is dated August 1, 1898. It will be found in Senate Document No. 62, Part I, page 397, and is as follows:

AUGUST 1, 1898.

Mr. WILLIAMS.

DEAR SIR AND DISTINGUISHED FRIEND: Impressed by the note of July 8 past, I can only confess that the people of North America have excited, and now excite, the universal admiration not only for the grade of progress and culture to which they have arrived in a very short time, but also for their political constitution, so admirable and inimitable, and for the generosity, honesty, and industry of the men of the Government who have so far ruled the destinies of that great people without an equal in history.

Above all, I thank you sincerely for the kind words which you express in your note quoted above, and I congratulate you with all sincerity on the acuteness and ingenuity which you have displayed in it in painting in an admirable manner the benefits which, especially for me and my leaders, and, in general, for all my compatriots, would be secured by the union of these islands with the United States of America. Ah! that picture, so happy and so finished, is capable of fascinating not only the dreamy imagination of the impressionable Oriental, but also the cold and calculating thoughts of the sons of the North.

This is not saying that I am not of your opinion. I am fully persuaded that the Filipinos will arrive at the height of happiness and glory if in future they can show with raised heads the rights which to-day are shown by the free citizens of North America. These islands will be in effect one of the richest and pleasantest countries of the globe if the capital and industry of North Americans come to develop the soil.

You say all this and yet more will result from annexing ourselves to your people, and I also believe the same since you are my friend and the friend of the Filipinos and have said it. But why should we say it? Will my people believe it?

I, with true knowledge of the character and habits of these people, do not dare assure you of it, since I have only wished to establish a government in order that none of those powers which you call ambitious should be able to take advantage of our good faith, as has been done in the past by the Spaniards. I have done what they desire, establishing a government in order that nothing important may be done without consulting fully their sovereign will, not only because it was my duty, but also because acting in any other manner they would fail to recognize me as the interpreter of their aspirations and would punish me as a traitor, replacing me by another more careful of his own honor and dignity.

I have said always, and I now repeat, that we recognize the right of the North Americans to our gratitude, for we do not forget for a moment the favors which we have received and are now receiving; but, however great those favors may be, it is not possible for me to remove the distrust of my compatriots.

These say that if the object of the United States is to annex these islands, why not recognize the government established in them in order in that manner to join with it the same as by annexation?

Why do not the American generals operate in conjunction with the Filipino generals and, uniting the forces, render the end more decisive?

Is it intended, indeed, to carry out annexation against the wish of these people, distorting the legal sense of that word? If the revolutionary government is the genuine representative by right and deed of the Filipino people, as we have proved when necessary, why is it wished to oppress instead of gaining their confidence and friendship?

It is useless for me to represent to my compatriots the favors received through Admiral Dewey, for they assert that up to the present the American forces have shown not an active, only a passive cooperation, from which they suppose that the intention of these forces are not for the best. They assert, besides, that it is possible to suppose that I was brought from Hongkong to assure those forces by my presence that the Filipinos would not make common cause with the Spaniards, and that they have delivered to the Filipinos the arms abandoned by the former in the Cavite Arsenal in order to save themselves much labor, fatigue, blood, and treasure that a war with Spain would cost.

But I do not believe these unworthy suspicions. I have full confidence in the generosity and philanthropy which shine in characters of gold in the history of the privileged people of the United States, and for that reason, invoking the friendship which you profess for me and the love which you have for my people, I pray you earnestly, as also the distinguished generals who represent your country in these islands, that you entreat the Government at Washington to recognize the revolutionary government of the Filipinos, and I, for my part, will labor with all my power with my people that the United States shall not repent their sentiments of humanity in coming to the aid of an oppressed people.

Say to the Government at Washington that the Filipino people abominate savagery; that in the midst of their past misfortunes they have learned to love liberty, order, justice, and civil life, and that they are not able to lay aside their own wishes when their future lot and history are under discussion. Say also that I and my leaders know what we owe to our unfortunate country; that we know how to admire and are ready to imitate the disinterestedness, the abnegation, and the patriotism of the grand men of America, among whom stands preeminent the immortal General Washington.

You and I both love the Filipinos; both see their progress, their prosperity, and their greatness. For this we should avoid any conflict which would be fatal to the interests of both peoples, who should always be brothers. In this you will acquire a name in the history of humanity and an ineradicable affection in the hearts of the Filipino people. (From General Aguinaldo to Mr. Williams, United States consul.)

RETENTION NOT WARRANTED.

If from any point of view it should be contended that the Philippines should be held for the present as a colony no matter what may be the ultimate disposition of them, is it not a self-evident fact that such retention would entail on this nation a task far greater than any possible benefits could justify? Assuming, for the sake of the argument, that this Government will hold the islands as dependent colonies and govern them by such means as the Congress and the President shall elect, would not the sacrifices which must be made by the United States be too great to warrant the attempt? Certainly so, if we are to judge the future by the past. The retention of the Philippines up to this time has cost the United States many millions of dollars and the lives of thousands of our soldiers, to say nothing of the thousands of them who, by reason of their services in the Tropics, have been made invalids for life. And worse than death itself, hundreds have lost their reason and are to-day inmates of the abodes of the mad. Only the other day the Post of this city published the following:

ABOUT 450 OF OTIS'S MEN HAVE LOST THEIR REASON.

SAN FRANCISCO, CAL., *February 13, 1900.*

Eleven insane soldiers were to-day sent from this city to the Government hospital at Washington, D. C., and it is probable that about thirty more will go East during the week. During the last three months nearly 250 demented soldiers have been sent across the continent, and it is said that over 200 more will soon arrive here from Manila. In nearly all cases the men are violently insane.

Now, Mr. President, in the face of these facts, who is there that will insist that these islands shall be retained on any grounds or for any reasons? Are not the burdens of our people heavy enough, and has not our experience in this matter already drawn enough of blood and tears from the American people? I think so, and for one I am ready that the end shall come and at once. To retain them as American territory on any conditions means a continuation of these sacrifices and increase of our burdens. There can never be had from them compensation equal to their cost. Already the people of Germany are learning what their colonial policy is costing in life and treasure. Germany went to East Africa as it is proposed we shall remain in the Philippines, the ruler of a dependent people, and all for the sake of extending commerce. In one of her districts alone during 1899 the population has diminished from over 100,000 to less than 70,000. Following in the wake of her commerce has gone to her colonies famine, sickness, and death. The cost of governing her dependencies is many times greater than all the trade benefits she derives from them. What has been the experience of Germany will be ours if we go into the business of extending our commerce through the method of dependencies. No people worth being Americans will submit to vassalage.

ROME FOUND HER END IN IMPERIALISM.

Mr. President, does not this cry for conquest take us back through the centuries until we find ourselves in that time of the Roman Republic, when by the ambition and greed of some of her sons was begun her conquest of the world—the beginning of her end? In that history can we not see ourselves and read our future? New territories were conquered and their people enslaved. Military governors were sent to rule over them. Strange laws were enacted for their government and alien judges sent to administer them. The religion and manners of the conquerors were enforced; in a word, all the miseries which follow in the train of the conqueror and oppressor came to the peoples to whom Rome brought the blessings of her civilization. Rome then thought herself trusted of the gods for the civilizing of mankind throughout the world, but soon was taught her mistake. In her struggle to destroy the liberties of others she lost her own. Man's unalienable rights—life, liberty, and the pursuit of happiness—then, as many times since, asserted itself and the conquered became the conquerors, the slave the master. And Rome, the mistress of the world, repudiated and despised, passed—a page in history. In imperialism she found her end.

There are those who would treat this question by no ordinary rules. They find new definitions and meanings for our laws. They produce strange rules for the interpretation of our Constitution. They find virtue in absolutism and see freedom where once slavery was. For commerce's sake they would obliterate the Declaration of Independence. For the imagined riches of the East, honor and justice are to be set aside. The cost and sacrifices to secure the prize are not to be counted—only the glitter of the gem is the moment's concern.

Let our dealings with these people be in justice, not only to them, but to ourselves. If there be doubt as to our agreement with them touching their independence, let them have the benefit of that doubt. The distinguished senior Senator from Massachusetts has described us as—

> The American people, the brave and just people, who made the immortal Declaration and who maintained it with life and fortune and sacred honor, who established our wonderful Constitution, to whose Monroe doctrine is due the freedom of the American continent from the Rio Grande to Cape Horn, have not changed their character or their principles in the twinkling of an eye under the temptation of any base motive or personal advantage or under the excitement of war. They are subject, doubtless, as all masses of men are subject, however intelligent or however upright, to great waves of passion.
>
> But their sober second thought is to be trusted. Their deliberate action will be wise and just. The great passions by which they are stirred and by which their judgment is now clouded are generous, noble, and humane. Reason will resume its rightful sway and the great Republic will remain a Republic still.

Therefore let us so demean ourselves that that which he has said of us shall be true.

Mr. President, the American people are too great and free to be unjust. They are too rich and strong to be mean. Justice alone should govern us in our action with the Philippines, so that in the years to come no blush of shame shall be ours. We should now and at once say to those brave men of the Pacific, "Our war with you is not for conquest, but that peace in the islands may be restored; and so soon as peace does come, American duty and honor will be the American policy and the freedom and independence of the Philippine Islands guaranteed, if need be, for all time by American arms." Let it not be said of the American people that they who first wrested freedom from a crown and proved to the world that a people could govern themselves, in the zenith of their greatness, flushed with victory, forgot what liberty meant and the cost at which it was obtained and acted the part of a king.

Mr. DEPEW. Mr. President, I desire to give notice that upon this resolution and similar ones in regard to the Philippines I wish to submit a few remarks on Tuesday, the 27th instant.

Mr. ALLISON. Mr. President, the Senator from Massachusetts [Mr. LODGE] gave notice a few days ago that on Wednesday (tomorrow) he desired to speak on the various measures relating to the Philippine Islands, but he has been suddenly called away and

will not be able to be present to-morrow. I therefore ask leave to state that he will defer making the speech until some other time, of which he will give notice.

CONSIDERATION OF PENSION BILLS.

The PRESIDENT pro tempore. The Secretary will state the first pension bill on the Calendar.

Mr. NELSON. I do not see the Senator from New Hampshire [Mr. GALLINGER] in his seat, but he agreed to yield to me to ask consent to call up at this time Order of Business No. 408, being the bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

Mr. COCKRELL. Let us go to the Calendar under the unanimous-consent agreement.

The PRESIDENT pro tempore. Objection is made, and the Secretary will state the first pension bill on the Calendar.

ROBERT BLACK.

The bill (S. 62) granting a pension to Robert Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Eighth," to insert "Regiment of;" and in line 7, before the word "Heavy," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Black, late a private in Company C of the Eighth Regiment of New York Volunteer Heavy Artillery, and pay him a pension of $24 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert Black."

HENRY FRANK.

The bill (S. 1769) granting an increase of pension to Henry Frank was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Thirty-ninth," to insert "Regiment of;" in the same line, after the word "Illinois," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 8, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Henry Frank, late of Company G, Thirty-ninth Regiment of Illinois Volunteer Infantry, and pay him a pension of $15 per month in lieu of the pension he is now receiving.

The amendments were agreed to.

Mr. GALLINGER. I move to further amend in line 8, after the word "pension," by inserting "at the rate of;" so as to read, "and pay him a pension at the rate of $15 per month," etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

B. H. RANDALL.

The bill (S. 667) granting a pension to B. H. Randall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. H. Randall, late sutler at Fort Ridgely, Minn., during the Sioux Indian outbreak, and pay him a pension at the rate of $12 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. ALLEN January 30, 1900, as follows:

The Committee on Pensions, to whom was referred the bill (S. 667) granting a pension to B. H. Randall, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-fifth Congress, favorably reported by this committee, and passed the Senate.

The report was as follows:

"During the Sioux outbreak in 1862 claimant was a sutler at Fort Ridgely, a military post in Minnesota. This post was attacked by the Indians, and being but inadequately garrisoned, claimant, in company with some twenty other private citizens, was mustered into service, and was put in command of the company thus formed. During the siege claimant rendered good service, and was ordered by the lieutenant commanding to see that the entire roof of the commissary building was covered with earth and sand, in order to prevent its being fired. During the completion of this work claimant suffered a hernia. In addition to the hernia, in consequence of the arduous and unceasing work to which he was subjected, claimant contracted a serious illness, a fever, which has enfeebled him, and from the effects of which he has never recovered.

"The facts in the case are shown by medical and other affidavits.

"There is no general law under which the claimant can apply for pension.

"The bill is reported back with the recommendation that it pass."

Your committee adopt the foregoing report and recommend the passage of the bill with the following amendment:

Strike out all after the enacting clause and substitute therefor the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. H. Randall, late sutler at Fort Ridgely, Minn., during the Sioux Indian outbreak, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID HUNTER.

The bill (S. 645) granting a pension to David Hunter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "lieutenant," to strike out "and adjutant of the" and insert "and adjutant;" in line 7, before the word "Wisconsin," to strike out "of;" and in line 9, before the word "he," to strike out "the rate" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Hunter, late first lieutenant and adjutant Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David Hunter."

JERUSHA W. STURGIS.

The bill (S. 677) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Sturgis," to insert the initial "W.;" and in the same line, after the word "of" where it occurs the second time, to strike out "Brig. Gen. Samuel Davis Sturgis, and pay her a pension of $100 per month from and after the passage of this act" and insert "Samuel D. Sturgis, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerusha W. Sturgis, widow of Samuel D. Sturgis, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jerusha W. Sturgis."

ANNIE A. GIBSON.

The bill (S. 2742) restoring to the pension roll the name of Annie A. Gibson was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Annie A. Gibson, widow of James Walters, of Company E, Thirty-eighth Regiment Massachusetts Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. EUDORA S. KELLY.

The bill (S. 2220) granting an increase of pension to Mrs. E. S. Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eudora S. Kelly, widow of James R. Kelly, late captain, Third Artillery, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eudora S. Kelly."

ANNIE B. GOODRICH.

The bill (S. 1419) to increase the pension of Annie B. Goodrich was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie B. Goodrich, widow of Amos B. Goodrich, late second lieutenant of Company A, Twentieth Massachusetts Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Annie B. Goodrich."

THOMAS JORDAN.

The bill (S. 1228) granting a pension to Thomas Jordan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Sixty-third," to insert "Regiment," and in line 7, after the word "him," to strike out "dollars a month" and insert "a pension at the rate of $30 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Jordan, late of Company G, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the sate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Jordan."

RHODA A. FOSTER.

The bill (S. 239) granting a pension to Rhoda A. Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Massachusetts," to strike out "Volunteers, in the war of the rebellion, and pay her a pension of — dollars a month," and insert "Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Rhoda A. Foster, widow of Albert H. Foster, late captain of Company D, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Rhoda A. Foster."

PATRICK LAYHEE.

The bill (S. 241) granting a pension to Patrick Layhee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations of the pension laws, the name of Patrick Layhee, invalid and dependent son of William Layhee, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

Mr. GALLINGER. I move to amend the amendment in line 10, before the word "limitations," by inserting "provisions and," so as to read "subject to the provisions and limitations of the pension laws," etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Patrick Layhee."

FLAVEL H. VAN EATON.

The bill (S. 2008) granting a pension to Flavel H. Van Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flavel H. Van Eaton, of Olympia, Wash., and that he be granted a pension of $30 per month in lieu of $12 per month now granted him.

The amendment was agreed to.

Mr. GALLINGER. I move to further amend, in line 6, after the name "Van Eaton," by striking out "of Olympia, Wash., and that he be granted" and inserting "and to pay him;" in line 7, after the word "pension," by inserting "at the rate of," and in line 8, after the word "month," by striking out the words "now granted him" and inserting "that he is now receiving."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA DE PEYSTER BLACK.

The bill (S. 209) granting an increase of pension to Cornelia De Peyster Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "colonel," to strike out "in the;" and in the same line, after the word "and," to strike out "to pay the said Cornelia De Peyster Black a pension of $60 per month in lieu of the pension she is now receiving" and insert "pay her a pension at the rate of $50 per month in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia De Peyster Black, widow of Henry M. Black, late colonel, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE I. OFFLEY.

The bill (S. 208) granting a pension to Josephine I. Offley, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 7, after the word "Infantry," to insert "and pay her a pension;" in line 8, before the word "dollars," to strike out "sixty" and insert "fifty;" in line 9, before the word "which," to strike out "the pension to," and insert "that;" and in the same line, after the word "now," to strike out "entitled by law" and insert "receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine I. Offley, widow of Robert H. Offley, late colonel of the Tenth United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that which she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Josephine I. Offley."

CONSOLACION VICTORIA KIRKLAND.

The bill (S. 1919) granting a pension to Consolacion Victoria Kirkland, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Consolacion Victoria Kirkland, widow of William A. Kirkland, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Consolacion Victoria Kirkland."

ELI J. MARCH.

The bill (S. 1960) granting an increase of pension to Eli J. March was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Wisconsin," to insert "Volunteer;" in line 7, after the word "Cavalry," to strike out "Volunteers;" in the same line, after the word "pension," to

insert "at the rate;" and in line 8, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli J. March, late of Company I, Third Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN PIEL.

The bill (S. 1309) granting an increase of pension to Herman Piel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "he," to insert "is;" in the same line, after the word "hereby," to strike out "is;" in line 6, after the word "late," to strike out "a private in" and insert "of;" in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman Piel, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. OSCAR TAYLOR.

The bill (S. 1298) granting a pension to Capt. Oscar Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Minnesota," to insert "Volunteer," and in the same line, after the word "Cavalry," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Taylor, late captain Company D, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Oscar Taylor."

CASPER MILLER, JR.

The bill (S. 994) granting an increase of pension to Casper Miller, jr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to strike out "of;" in the same line, after the word "Pennsylvania," to strike out "Volunteers" and insert "Volunteer Infantry, and pay him a pension;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Casper Miller, jr., late first lieutenant Company E, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK HIGGINS.

The bill (S. 2209) granting an increase of pension to Frederick Higgins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Higgins, late of Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $25 a month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. After the word "dollar," in line 8, let the article "a" be stricken out and the word "per" substituted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN C. ABBOTT.

The bill (S. 1331) granting an increase of pension to Ellen C. Abbott, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen C. Abbott, widow of Joseph C. Abbott, late colonel of the Seventh Regiment New Hampshire Volunteer Infantry and brevet brigadier-general, United States Volunteers, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. RUSSELL.

The bill (S. 2375) granting a pension to Mary A. Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Russell, helpless and dependent daughter of Herbert C. Russell, of Company C, Sixty-eighth Regiment of Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. BOURNE.

The bill (S. 819) granting an increase of pension to Benjamin F. Bourne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Indiana," to insert "Regiment;" in the same line, after the word "Indiana," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bourne, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY ATKINSON.

The bill (S. 833) granting an increase of pension to Henry Atkinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Atkinson, late of Company G, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNA M. DEITZLER.

The bill (S. 820) granting an increase of pension to Mrs. Anna M. Deitzler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Anna," to strike out "Mrs.;" in the same line, before the word "widow," to strike out "of Berkeley, Cal.;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" and in line 9, before the word "she," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Deitzler, widow of George W. Deitzler, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anna M. Deitzler."

MARIA A. THOMPSON.

The bill (S. 2622) granting a pension to Maria A. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 6, before the name "Charles," to strike out "Doctor;" in line 7, before the word "surgeon," to insert "assistant;" in the same line, after the word "and," to insert "surgeon;" and in line 9, before the word "dollars," to insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria A. Thompson, widow of Charles A. Thompson, assistant surgeon, Thirteenth, and surgeon, Ninetieth Regiments Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE L. NIXON.

The bill (S. 345) granting a pension to Catherine L. Nixon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine L. Nixon, widow of Andrew Nixon, late of Company A, Oregon Mounted Volunteers, Indian war of 1855 and 1856, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE E. REDFIELD.

The bill (S. 1250) granting a pension to Mrs. Hattie E. Redfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the article "a;" in line 7, before the word "company," to strike out "in;" in line 8, before the word "Wisconsin," to insert "Regiment;" in the same line, before the word "Infantry," to insert "Volunteer;" and in line 9, before the word "of," to insert "at the rate;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie E. Redfield, widow of Charles E. Redfield, late second lieutenant Company A, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Hattie E. Redfield."

CELIA A. JEFFERS.

The bill (S. 1251) increasing the pension of Celia A. Jeffers to the sum of $30 per month was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celia A. Jeffers, widow of Aaron Jeffers, late of Company F, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Celia A. Jeffers."

CATHERINE E. O'BRIEN.

The bill (S. 1254) granting a pension to Catherine E. O'Brien was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine E. O'Brien, widow of George M. O'Brien, late major, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. SIMERAL.

The bill (S. 1255) granting an increase of pension to James M. Simeral was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" in line 7, before the word "Iowa," to insert "Regiment;" in the same line, before the word "Cavalry," to insert "Volunteer;" in line 8, before the word "of," where it occurs the first time, to insert "at the rate;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Simeral, late first lieutenant Company L, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN C. PLANTZ.

The bill (S. 2167) granting an increase of pension to Franklin C. Plantz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin C. Plantz, late corporal, Company C, Fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. SKELTON.

The bill (S. 2351) granting a pension to Joseph W. Skelton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Skelton, late first lieutenant, Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph W. Skelton."

ALICE V. COOK.

The bill (S. 2344) granting a pension to Alice V. Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice V. Cook, invalid and dependent daughter of John Y. Cook, late of Company D, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. RITZMAN.

The bill (S. 1194) granting a pension to John B. Ritzman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Ritzman," to strike out "of Burlington, Iowa;" in line 7, after the word "Iowa," to strike out "Cavalry Volunteers" and insert "Volunteer Cavalry;" and in line 9, before the word "he," to strike out "which;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Ritzman, late of Company F, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John B. Ritzman."

SARAH E. STUBBS.

The bill (S. 1202) granting a pension to Sarah E. Stubbs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Stubbs," to strike out "of Hedrick, Iowa;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Stubbs, widow of Martin D. Stubbs, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah E. Stubbs."

AMOS H. GOODNOW.

The bill (S. 1721) granting an increase of pension to Amos H. Goodnow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "private" and insert "of;" in line 7, after the word "Iowa," to insert "Volunteer;" and in the same line, after the word "Infantry," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos H. Goodnow, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER J. LYON.

The bill (S. 1729) granting an increase of pension to Oliver J. Lyon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Iowa," to insert "Regiment;" in line 8, before the word "Iowa," to insert "Regiment;" and in line 10, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver J. Lyon, late of Company K, Twenty-fifth Regiment Iowa Volunteer Infantry, also of Company G, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN BUCKNER.

The bill (S. 320) granting an increase of pension to Allen Buckner, of Baldwin, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Allen Buckner, late colonel Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Allen Buckner."

JAMES A. SOUTHARD.

The bill (S. 1264) granting a pension to James A. Southard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "Infantry," to strike out "at the rate of $24 per month, the same to be in lieu of the pension he is now receiving under the act of June 27, 1890," and insert "and pay him a pension at the rate of $24 per month in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Southard, late of Company K, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and Captain K, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James A. Southard."

ELENDER HERRING.

The bill (S. 1265) granting a pension to Elender Herring, of Elsmore, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elender Herring, mother of George W. Herring, late of Company I, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. GALLINGER. In line 1, page 2, I move that the word "dependent" be inserted before the word "mother;" so as to read "dependent mother."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Elender Herring."

JACOB SALADIN.

The bill (S. 1266) granting a pension to Jacob Saladin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to insert "Battalion;" in line 7, after the word "Missouri," to strike out "Battalion," and in the same line, after the word "and," to strike out "rate him at $12 per month" and insert "pay him a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Saladin, late of Company E, First Battalion Gasconade Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH R. BURRELL.

The bill (S. 1268) granting a pension to Sarah R. Burrell, of Wichita, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Burrell, widow of Andrew J. Burrell, late captain Company A, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sarah R. Burrell."

FELIX G. SITTON.

The bill (S. 2441) granting a pension to Felix G. Sitton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Felix G. Sitton, late of Company H, First Regiment Doniphan's Missouri Mounted Volunteer Infantry, in war with Mexico, and to pay him a pension of $12 per month.

Mr. GALLINGER. Let "the" be inserted in line 7 before the word "war," so as to read "in the war."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. THOMAS.

Mr. GALLINGER. I ask unanimous consent that the remaining few minutes be given to Senators to call up bills in which they are interested. The Senator from South Carolina [Mr. TILLMAN] is especially interested in one bill. I ask unanimous consent to that effect, and I hope no Senator will object.

Mr. TILLMAN. I am much obliged to the Senator from New Hampshire. I ask unanimous consent that the bill (S. 2432) granting an increase of pension to James A. Thomas may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments. The first amendment was, in line 6, after the word "Company," to fill the blank by inserting the letter "B;" so as to read "Company B."

The amendment was agreed to.

The next amendment was, in line 8, before the word "dollars," to strike out "forty-five" and insert "thirty-six."

Mr. GALLINGER. I hope the amendment will be nonconcurred in and that the amount as originally proposed will be allowed to stand.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA M. EDIE.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3017) granting an increase of pension to Julia M. Edie.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia M. Edie, widow of John R. Edie, late captain, Ordnance Department, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY M'MILLEN.

Mr. GALLINGER. I ask unanimous consent to call up at this time the bill (S. 3129) granting an increase of pension to Henry McMillen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Henry McMillen, late of Company I, Third Regiment Vermont Volunteer Infantry, and to pay him a pension of $72 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I think the time allotted to the committee has expired.

RAILROAD BRIDGES IN LOUISIANA.

Mr. CAFFERY. I ask unanimous consent to call up House bill 4473 and also House bill 5487, bills providing for bridges across rivers in my State.

Mr. McBRIDE. I desire to state that there was a unanimous-consent agreement that after the expiration of the forty minutes allotted for the consideration of pension bills the unobjected Senate bills on the Calendar should be taken up; and after the bills of the Senator from Louisiana have been disposed of, I shall ask that that agreement be carried out.

The PRESIDENT pro tempore. There was such an agreement. The Secretary will read the first bill called up by the Senator from Louisiana.

The SECRETARY. A bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in line 7, page 1, after the word "through," to strike out "their" and insert "its;" so as to read:

That the Natchitoches Railway and Construction Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain, by itself or through its assignees, a railway and traffic bridge across Red River at a point suitable to the interest of navigation, at Grand Ecore, parish of Natchitoches, State of Louisiana.

The amendment was agreed to.

The next amendment was, in line 1, page 3, after the word "displayed," to strike out the words "on said bridge;" so as to read:

And if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed, from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CAFFERY. I ask the Senate now to proceed to the consideration of the bill (H. R. 5487) authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou, near Shreveport, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER COMMISSION.

Mr. VEST. I ask the Senate to consider the bill (S. 419) amending the act providing for the appointment of a Mississippi River Commission, and so forth, approved June 28, 1879.

Mr. WARREN. I do not want to be discourteous, but I hope there can be a time when we can take up the Calendar. I have not yet asked for the consideration of a single bill because we have been upon the Calendar, and I have some matters at the head that have been passed over, I think, eight times.

Mr. VEST. We could do very little with the Calendar now in five minutes. We have been on the Calendar all morning.

Mr. WARREN. I do not wish to object and I shall not object to the Senator's bill, but I want to observe that I shall have to interpose an objection hereafter.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill (S. 419) amending the act providing for the appointment of a Mississippi River Commission, and so forth, approved June 28, 1879.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to amend the act by adding thereto the following section:

SEC. 8. That the headquarters and general offices of said commission shall be located at some city or town on the Mississippi River, to be designated by the Secretary of War, and the meetings of the commission shall be held at said headquarters and general offices, the times of said meetings to be fixed by the president of the commission, who shall cause due notice of such meetings to be given members of the commission and the public.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Under the unanimous agreement the Calendar will be taken up now.

The bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to grant 50,000 acres of the unappropriated nonmineral public lands within the State of Wyoming unto the State, to be selected by the proper authorities thereof, to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home. But such portion of the granted lands as may not be found necessary for the purpose specified shall be applied to the support of such public, benevolent, reformatory, or other educational institution as the legislature of the State may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL subsequently said: I ask that the report which accompanied the bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home may be printed in the RECORD in connection with the passage of the bill this morning. I intended to make that request at the time, but my attention was diverted for a moment.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). That order will be made, in the absence of objection.

The report, submitted by Mr. NELSON January 22, 1900, is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 200) granting to the State of Wyoming 50,000 acres of land to aid in continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home, having considered the same, beg to report it back with the recommendation that it do pass.

That such an institution deserves support must be admitted. No National Soldiers' Home is situated anywhere near the Wyoming State Home. A thousand miles or more of expensive, fatiguing travel must be taken by a Wyoming veteran to reach the nearest regular Government Home. The altitude of Wyoming at the points most thickly settled is from 6,000 to 8,500 feet, and to change the old and feeble from the high, dry climate to a lower and more humid one is usually injurious.

The men who are becoming inmates of the Wyoming Home are those who spent their best years in other parts of the United States. They not only offered their lives in defense of the country's flag, but for many years after the war they were busy with the upbuilding of other Commonwealths. Wyoming being a new State, and that locality containing no white man's settlement for many years after the war, she necessarily received these veterans in the declining years of their lives. Nevertheless, that State, with

commendable benevolence, has established a home and appropriates every year for its maintenance. It is true the Government pays the regulation sum ($100 per capita per annum), but in that sparsely settled country, higher cost of living, and a not large number of regular inmates, the expense bears too heavily on that young State, where the United States Government owns in public lands, Indian and military reservations, over fifty-seven and one-half million acres out of a total sixty-two and one-half million acres of the State's surface, and therefore on the over 87½ per cent of all its land no tax can be collected because of Government ownership.

Wyoming has received no donations of swamp lands, as have many of the older States, and her total acreage under the act of admission was much less than one-half of what Congress granted to the State next admitted in the Union at a later date, though the State later admitted had but about four-fifths of Wyoming's area.

The whole of Wyoming is within the arid belt, and the lands can not be productive without irrigation. The nonmineral and nonforest lands are worthless without irrigation excepting for grazing, and the sparse, thin grass requires a great many acres to support each single head of live stock. Therefore the land is worth virtually nothing, or but a few cents an acre, until its reclamation. The value to the United States of this grant of land is almost nil, and would be so to the State except as it is improved and utilized. The State, in selecting these lands for grazing near to the ranches of homesteaders and in selecting pieces worthless in themselves, but which in connecting up with the other lands settled upon and to be settled upon, will render irrigation and reclamation possible, and therefore be ultimately of value to the State and bring a considerable income to the Soldiers' Home.

On the other hand, the Government secures through the selection of these lands, not exceeding a section in a place, and their occupancy by lessors, the improvement of the Government's remaining lands, not only through the general development and settlement of the country but by bringing them near to irrigating ditches which have been or may be constructed and from which water can be procured for a portion of the lands.

In this way the proposed grant, while slightly lessening the 87½ per cent of the United States ownership in Wyoming and increasing slightly the 12½ per cent owned by the State and the settlers, will really add to the value of the Government's holdings. The State, while receiving but little income from rental at first, may increase that income later, and thus in some degree will provision be made for the increasing expenses for care and maintenance of aged soldiers and sailors.

Wyoming, in its constitution, which Congress incorporated in the law admitting the State, provides fully for the protection of these lands, and so do the laws later enacted. A full land board was provided for and every necessary restriction seems to have been made.

The article on public lands and donations reads as follows:

"The State of Wyoming hereby agrees to accept the grants of lands heretofore made or that may be hereafter made by the United States to the State for educational purposes, for public buildings and institutions, and for other objects, and donations of money, with the conditions and limitations that may be imposed by the act or acts of Congress making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than $10 per acre: *Provided*, That in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres, at a sum not less than the appraised value thereof, and in making such appraisement the value of improvements shall not be taken into consideration. If at any time hereafter the United States shall grant any arid lands in the State to the State on the condition that the State reclaim and dispose of them to actual settlers, the legislature shall be authorized to accept such arid lands on such conditions, or other conditions, if the same are practicable and reasonable.

"The proceeds from the sale and rental of all lands and other property donated, granted, or received, or that may hereafter be donated, granted, or received from the United States, or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grant or gifts."

Other sections follow equally protective on the one hand and preventive on the other. The laws of Wyoming seem to cover every contingency, the intent being made plain that State lands shall be selected only for the beneficiary named in the act making the donation.

As donated lands, with rare exceptions, never reach the value of $10 per acre, they are not sold, but remain the property of the State and are leased under carefully guarded rules and regulations.

Of the many provisions of Wyoming's land law we quote as follows:

"The board may lease any legal subdivision of the lands of the State at an annual rental not less than 5 per cent on the valuation thereof, fixed by the board, except as hereinafter provided.

"State lands may be leased for periods of not more than five years.

"All water rights which shall have become appurtenant to the lands leased aforesaid shall, upon the expiration of the leases thereto given to the lessee who made the irrigation and improvements thereto, become the property of the State."

Wyoming's total acreage was reported on June 30, 1897, by the Secretary of the Interior as 62,433,000 acres, of which only 4,925,415 acres had been appropriated; of the remainder, 8,166,002 acres were in reservations—Indian, military, etc.—while 49,341,583 acres were reported as vacant public lands. Granted to Wyoming for all purposes, 668,000 acres.

Referring to swamp lands, the same report records as donated swamp lands to that date—

	Acres.
Florida	22,247,502
Louisiana	11,769,450
Arkansas	8,656,372
Michigan	7,290,150
Minnesota	4,949,278
Missouri	4,843,676
Iowa	4,570,172
Wisconsin	4,560,712
Illinois	3,981,784
Mississippi	3,604,471
California	1,889,377
Indiana	1,377,727

and various other States smaller amounts. Not one of the above, excepting California, is as large in area as Wyoming, while most of the States to which these grants were made have but one-half to one-third as much area as Wyoming.

The arid lands in Wyoming must be reclaimed to be of value, much the same as swamp lands require reclamation. In one case there was too much water, and too little in the other.

PENSIONS TO SOLDIERS OF INDIAN WARS.

The bill (S. 340) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GALLINGER. That bill has been read.

The PRESIDENT pro tempore. The bill has been read through. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. GALLINGER. There are amendments of the committee to be acted on.

The PRESIDENT pro tempore. The amendments of the Committee on Pensions will be stated in their order.

The SECRETARY. On page 2, line 4, after the word "military," insert the word "State;" so as to read:

That the act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same is hereby, amended and extended so as to include the names of the surviving officers and enlisted men who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of 1817 and 1818.

The amendment was agreed to.

The SECRETARY. On page 2, line 14, after the words "eighteen hundred and fifty-eight," insert the word "inclusive;" so as to read:

The Florida wars with the Seminole Indians from 1842 to 1858, inclusive.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, in line 20, page 2, after the words "eighteen hundred and fifty-three," to insert the word "inclusive;" so as to read:

The Utah Indian disturbances of 1850 to 1853, inclusive.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert the following additional proviso:

And provided further, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT PEMBINA MILITARY RESERVATION LANDS.

Mr. TILLMAN. Are we going on with the Calendar regularly?

The PRESIDENT pro tempore. That was the unanimous-consent agreement.

Mr. HANSBROUGH. I trust the Senator will not interpose.

Mr. TILLMAN. No, I am not going to interfere at all.

The bill (S. 157) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota was announced as next in order.

Mr. RAWLINS. I ask the Senator in charge of this bill if there is any objection to making the provision general, making lands within abandoned military reservations subject to be selected to satisfy grants made to States where they are located within the State?

Mr. CULLOM. Mr. President, I must call the attention of the Senate to the fact that the hour of 2 o'clock has about arrived.

Mr. HANSBROUGH. Of course I knew if there was to be any discussion of the bill it would have to go over. The hour of 2 o'clock having arrived, I will postpone my answer to the Senator from Utah.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is the bill (S. 222) to provide a government for the Territory of Hawaii.

JOHN M. GUYTON.

Mr. CULLOM. The Senator from South Carolina [Mr. TILLMAN] has asked me to yield to him for the purpose of enabling him to have a bill passed, and I have agreed to do so if it takes no debate.

Mr. TILLMAN. It will take no debate, I am sure, because it has already passed the Senate twice before, and I am only anxious to get it on its way to passage through the other House. I ask the Senate to proceed to the consideration of the bill (S. 1017) for the relief of John M. Guyton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $484.79 to John M. Guyton, former postmaster at Blacksburg, S. C., being the amount deposited by him to cover a deficiency arising in his office in the year 1890, which deposit was made to meet a loss by the embezzlement of a clerk on or about the 30th day of January, 1890, without blame or fault on the part of John M. Guyton.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM.

Mr. NELSON. Mr. President——

Mr. CULLOM. I have also consented to yield to the junior Senator from Minnesota on the same terms. I hope that I shall not be asked to yield to any others.

Mr. NELSON. I desire to have a local bill relating to a matter in Minnesota placed on its passage. I ask the Senate to proceed to the consideration of the bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3 of the act so as to read:

SEC. 3. That this act shall be null and void unless said dam herein authorized be commenced within two years and completed within four years from the date hereof.

Mr. HAWLEY. I shou d like to make an inquiry. Has this bill passed the approval of the War Department?

Mr. NELSON. It has been approved by the War Department. It is recommended by the Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL LANDS IN ALABAMA.

Mr. PETTUS. Mr. President——

Mr. CULLOM. For what purpose has the Senator risen?

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (S. 1175) to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College, at Florence, Ala.

Mr. CULLOM. I yield if the bill which the Senator desires to have passed requires no discussion.

Mr. PETTUS. It will require none, sir.

Mr. CULLOM. I desire to say to the Senator from Alabama—I do not know whether he understood me—that if the bill the Senator desires to call up for consideration or passage requires no discussion, I have no objection to yielding.

Mr. PETTUS. I understand you, sir, perfectly. The bill is one that passed the last Senate and has received the unanimous report of the committee of this Senate. I ask the Senate to proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1175) to grant lands to the State of Alabama for the use of the Agricultural and Mechanical College of Alabama, for negroes, and the State Normal College, at Florence, Ala., which has been reported from the Committee on Public Lands with an amendment, after line 12, page 2, to strike out the proviso in the following words:

And provided further, That this grant to the State Normal College shall be in full settlement and payment for all property belonging to said State Normal College, or its predecessors, destroyed by Federal troops during the war, and shall be received by said State Normal College in full satisfaction of all such claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I desire to make two or three little formal amendments to the bill. On page 11, line 22, I move to strike out the words "ayes and noes" and insert "yeas and nays;" and in line 23, same page, I move to strike out "ayes and noes" and insert "yeas and nays." That is the form that is used in this country more particularly.

The amendment was agreed to.

Mr. CULLOM. On page 18, line 22, I move to strike out "ayes and noes" and to insert "yeas and nays," and wherever those words occur I desire that they should be stricken out and the words "yeas and nays" inserted.

The amendment was agreed to.

Mr. CULLOM. I move the same amendment on page 19, lines 22 and 23.

The amendment was agreed to.

Mr. CULLOM. Mr. President, I have nothing further to say at this moment.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). This bill is in Committee of the Whole, and open to amendment.

Mr. PLATT of Connecticut. There was an amendment passed over.

Mr. CULLOM. Yes.

Mr. NELSON. I desire to offer an amendment in section 10, line 22, page 7, after the word "contracts," by inserting "except contracts for labor entered into since Hawaii was annexed to the United States." I desire to except all labor contracts which have been entered into since the Territory was annexed.

The PRESIDING OFFICER. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. In section 10, on page 7, line 22, after the word "contracts," it is proposed to insert "except contracts for labor entered into since Hawaii was annexed to the United States."

Mr. NELSON. I will briefly state the object of the amendment.

Mr. CULLOM. I have no objection to the amendment.

Mr. NELSON. Very well.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Minnesota [Mr. NELSON].

Mr. FORAKER. I suggest to the Senator from Minnesota that, instead of the expression, "since Hawaii was annexed to the United States," he adopt the date which has been adopted in this bill, August 12, 1898.

Mr. NELSON. Very well; that is satisfactory.

The PRESIDING OFFICER. The amendment will be stated as modified.

The SECRETARY. On page 7, section 10, line 22, after the word "contracts," it is proposed to insert "except contracts for labor entered into since August 12, 1898."

The amendment was agreed to.

Mr. VEST. On page 23, in section 55, line 8, I move to insert:

Nor shall any such bonds or indebtedness be incurred until approved by the President of the United States.

This bill provides that 3 per cent upon municipal assets may be issued in the way of bonds—not exceeding 3 per cent. Three per cent is a very large indebtedness, and our experience in Missouri has been so fearful about municipal indebtedness that I am always anxious to curtail the power as much as possible. The people of Missouri to-day pay $20,000,000 on fraudulent bonds issued by county courts under old charters, which nobody had paid any attention to, for railroads that never were constructed and never will be constructed, and there is no more possibility of their being constructed than there is of me carrying off this Capitol. Under the decision of the Supreme Court of the United States in the Iowa cases, any bonds issued by lawful authority and negotiated before maturity to an innocent holder for value assume the status of commercial paper and must be paid.

Mr. CULLOM. Do I understand that the bonds are not to be issued beyond a certain per cent?

Mr. VEST. The percentage is already fixed in the bill at 3 per cent.

Mr. CULLOM. Does the Senator mean by that that no indebtedness shall be incurred without the approval of the President or beyond such an amount?

Mr. VEST. I say "any such indebtedness." That retains the limitation of 3 per cent. I think that is too much. I think it ought to be 2 per cent. Any such indebtedness or loan, I assume, would retain the limitation of 3 per cent.

Mr. CULLOM. I am inclined to accept that amendment, so far as I am individually concerned.

The PRESIDING OFFICER. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to insert, on page 23, line 8, at the end of section 10, after the word "thereof," the words "nor shall any such bonds or indebtedness be incurred until approved by the President of the United States."

The amendment was agreed to.

Mr. NELSON. I offer an amendment to section 10, page 8, line 7, after the word "offenses," to insert "except for violation of labor contracts." The clause if so amended will read:

All offenses which by statute then in force were punishable as offenses, except for violation of labor contracts, against the republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii.

It is to prevent the enforcement by criminal punishment or to prevent criminal punishment for the mere violation of labor contracts.

Mr. MORGAN. I will say to the Senator that all the laws of Hawaii relating to punishment predicated upon labor contracts are repealed by this bill.

Mr. CULLOM. In so many words.

Mr. MORGAN. They are all repealed.

Mr. CULLOM. I have the penal laws of Hawaii in my hand, and that particular provision in the repealing section repeals all of the statutes pertaining to labor, servants, masters, etc.

Mr. HALE. I wish the Senator would state that to the Senate.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Maine?

Mr. CULLOM. I yield, of course.

Mr. HALE. I thought we were considering the amendment.

Mr. CULLOM. We are.

Mr. HALE. I wish the Senator would state for our benefit the theory upon which this bill proceeds as to the entire question of

contracts for labor. The situation is and has been peculiar in Hawaii and in marked contrast to our conditions here. I have not been able to find—because I have not examined the volumes of the statutes referred to—just what is the theory of the committee with reference to this subject, and what the bill contains and carries.

Mr. CULLOM. Mr. President, to begin with, as I stated yesterday, there are about 40,000 laborers in those islands, about half of whom are supposed to be under contract, and who were brought there under contract.

Mr. HALE. Under existing contracts?

Mr. CULLOM. Under contracts now existing in the republic, so called. This bill goes upon the theory that when the labor laws of the United States are extended over these islands by the passage of this bill nothing more can occur in the way of the importation of contract labor. Then, in addition to that, we go forward and repeal all the penal laws which justify the punishment in any way of a violation of labor contracts. So that, as the committee think, and as I think, the whole question is put beyond the control of the islands in undertaking to make any further labor contracts.

Mr. HALE. If the Senator will allow me, what troubled me was the repeal of all legislation which punishes the violation of the labor-contract provisions. As I understand the Senator, the bill proceeds upon this proposition, that there shall be no future contracts for the importation of foreign labor.

Mr. CULLOM. There can not be after our laws are extended over the islands.

Mr. HALE. The operation of this bill is to extend our laws, which provide, just as they do for Illinois or for Maine, that there shall be no importation of foreign labor by contract.

Mr. CULLOM. Yes.

Mr. HALE. And those laws which make that provision also provide punishments for their violation. The Senator does not mean that there is anything in this bill which prevents the operation of the penal force of our laws or permits any violation of the labor-contract laws that we have.

Mr. CULLOM. Certainly not. We have just adopted a provision which I offered here—as I stated yesterday, and I desired to do so specifically—requiring by this bill that all prosecutions for violation of labor contracts should be prohibited. In addition to that, we repeal all the local laws which in any way authorize such things.

Mr. HALE. All prosecutions not for the violation of labor laws, but labor contracts, so that they can not be enforced.

Mr. CULLOM. They can not be enforced.

Mr. HALE. Now, what does the Senator believe is the condition of the contracts which are now subsisting?

Mr. CULLOM. That raises a constitutional question, I might say, as to whether Congress or any other body can legislate rightfully, thereby invalidating a civil contract.

Mr. PLATT of Connecticut. No doubt they can.

Mr. HALE. I think they can; but does this bill attempt to do that?

Mr. PLATT of Connecticut. No, it does not.

Mr. HALE. Then this bill excludes that in so many words.

Mr. PLATT of Connecticut. I so understand. This bill in terms permits those contracts to exist and to run until they expire. Now, from the Senator's examination, what does he think is the actual operation of existing contracts for labor upon persons who have been brought in under those contracts, as to what numbers and what time, and how long they will continue? I do not know anything about that myself.

Mr. CULLOM. Those contracts run usually, I think, three years. That is my impression; but after the passage of this bill, the repeal of the laws authorizing labor contracts to be made, and the prohibition of an attempt to punish anyone for violating such contracts, what the result will be I do not know; but my judgment is it will result in the entire abolition of the contract system there.

Mr. HALE. The Senator believes that. Then, certainly in not more than three years it will all pass away.

Mr. CULLOM. My judgment is that it will pass away in less than one year, because they can not enforce such contracts by punishment as they have been doing heretofore. So I think in a very short time the result will be that the contract laborers in those islands will be a thing of the past.

Mr. HALE. The Senator thinks that it is practically abolished by this bill?

Mr. CULLOM. Yes.

Mr. PLATT of Connecticut. Will the Senator read the laws which are repealed?

Mr. CULLOM. If I should read all the laws which are repealed by this bill, I would be reading nearly all day.

Mr. PLATT of Connecticut. I mean the penal laws with regard to the punishment of contract labor.

Mr. CULLOM. I have the chapter here before me. Here is the chapter with the title "Masters and servants." I shall not undertake to read all of that.

Mr. PLATT of Connecticut. That is repealed.

Mr. CULLOM. A part of that is repealed, I see. Here is one of the provisions:

TO REGULATE CONTRACTS BETWEEN MASTERS AND SERVANTS.

SEC. 1368. All contracts for service between masters and servants, where only one of the parties is a native Hawaiian, shall be written or printed in both the Hawaiian and English languages. No such contracts shall have any effect in law when executed in one language only: *Provided*, That nothing herein contained shall be held or construed to prevent any such contracts being written or printed in the Hawaiian language only where both parties thereto are native Hawaiians.

SEC. 1369. The minister of the interior is hereby authorized to prepare, in both languages, printed forms of contract, as provided for in the foregoing section, in blank as to place, time, and service, wages, name, place where engaged, and place of residence.

SEC. 1370. Every contract for service authorized by section 1382 shall, in order to its validity, be acknowledged by the master or his duly empowered agent, and the servant before the agent to take acknowledgments of contracts, as hereinafter provided, and the certificate of acknowledgment shall be substantially as follows:

And so it goes on here for pages.

By this proposed law we will wipe that entirely out, so that there will be no statute in the Territory of Hawaii that pertains to the importation of labor or labor contracts such as we understand to be now in existence.

Mr. TILLMAN. But if the Senator will permit me, do not the penalties attaching to the breaking of a labor contract still obtain? Are they not left?

Mr. SPOONER. They are eliminated by the amendment offered by the Senator from Illinois.

Mr. TILLMAN. If you will read it, you will see that they are not eliminated.

Mr. CULLOM. I did not hear it read distinctly.

Mr. TILLMAN. They apply to contracts made since the islands have been in our possession, and not all the time.

Mr. NELSON. If the Senator from Illinois [Mr. CULLOM] will allow me a moment, I want to say to him that the amendment I offered can do no harm. It covers the exact case which he intends to reach. Here is the phraseology of the bill, commencing in line 5, on page 8:

All offenses which by statute then in force—

That means in August, 1898—

were punishable as offenses against the republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this act or shall be repealed or changed by law.

It may be that your repeal covers the case; but should there be any question about it, it will do no harm to insert this clause, as I suggested, after the word "offenses," in line 5; so that it will read:

All offenses except for the violation of labor contracts.

There can be no harm in that, and it "makes assurance double sure" on this point.

Mr. MONEY. Will the Senator from Illinois allow me to say a word to the Senator from Minnesota?

Mr. CULLOM. Certainly.

Mr. MONEY. If the statute which defines the crime and provides the penalty is repealed, then how can it be in force?

Mr. NELSON. That may be true, technically.

Mr. MONEY. It is absolutely so.

Mr. NELSON. I have not had time to examine it.

Mr. MONEY. All of those statutes are repealed by this bill. If a part of a statute falls, everything else goes with it.

Mr. NELSON. Is the Senator sure that the repeal will affect all of those laws?

Mr. MONEY. They are named by sections in the bill itself; and if the Senator will compare that—I suppose he has the penal statutes of Hawaii before him, has he not?

Mr. NELSON. No; I have not.

Mr. MONEY. I thought perhaps the Senator had a copy of the penal statutes. He will find that those statutes are repealed by this bill.

Mr. PLATT of Connecticut. I think they are.

Mr. MONEY. If they are repealed, there can be no offense and no punishment; and therefore the amendment would be entirely unnecessary.

Mr. CULLOM. The committee thought and believed that the bill had been so framed that it would get rid entirely of the contract-labor system which has prevailed in Hawaii.

Mr. PLATT of Connecticut. Chapter 78, if the Senator will permit me, which relates to masters and servants, reads:

If any person lawfully bound to service shall willfully absent himself from such service, without the leave of his master, any district magistrate of the republic, upon complaint made, under oath by the master or by anyone on his behalf, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained, the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.

That has all been repealed, and those were the objectionable features, as I understand.

Mr. CULLOM. On page 6 of the bill the Senator will find that

chapter 78, in relation to masters and servants, will be repealed by the passage of this bill.

Mr. TILLMAN. But, if the Senator from Illinois will permit me, while they repeal those statutes which are for the punishment of contract laborers who break their contracts, section 10 provides that "all obligations, contracts, rights of action, suits at law," etc., shall be continued as effectually as if this act had not been passed.

Mr. PLATT of Connecticut. Those are contracts.

Mr. TILLMAN. Is not a contract for labor a contract?

Mr. FORAKER. That has been amended.

Mr. CULLOM. I proposed yesterday the following amendment:

Provided, That no contract for labor or personal service shall be enforced either by injunction or by legal process.

Mr. TILLMAN. That applies to all contracts. Make it a little more sweeping, so as to apply either before or after annexation.

Mr. CULLOM. It applies back to the beginning of time, so far as that is concerned.

Mr. HALE. It applies to all contracts that are subsisting at the time of the passage of this bill.

Mr. CULLOM. To all contracts.

Mr. HALE. Yes. Is that in the bill?

Mr. CULLOM. It is in an amendment which I propose, and which I referred to yesterday.

Mr. TILLMAN. You have not put it in the bill.

Mr. CULLOM. No; it is not in the bill, but I will offer it.

Mr. SPOONER. I should like to ask the Senator from Illinois if we do not by this bill confirm some labor contracts?

Mr. CULLOM. I think not.

Mr. SPOONER. Are there none entered into prior to 1898 still in force?

Mr. CULLOM. I suppose there are. I do not know about that; but if any Senator can draw an amendment which will close out those contract-labor importations and the enforcement of such contracts afterwards, and show that his proposition is constitutional, I shall be glad to vote for it.

Mr. SPOONER. I have not any doubt about the constitutionality of it. The inhibition against the passage of laws impairing the obligation of contracts is upon the States. It is not quite enough to eliminate punishment by the court after the fashion of the violation of some criminal act. The provisions themselves may be of a character which are offensive to our sense of what is just and what is right. That is what led me to ask the Senator if we are expressly affirming here and continuing any alien-labor contracts in Hawaii; and if so, to what extent? I wanted to follow that question by another, which perhaps I have not any need to ask, as to the general character of these contracts.

Mr. HALE. The statute covers that.

Mr. SPOONER. No; it does not.

Mr. CULLOM. I have a document which shows that. I have it not on my table at present, but I can get it in a little while. It shows copies of numbers of contracts, the exact contracts in letter and terms. I have not that here, but I will furnish it to the Senator, so that he can see exactly what the terms of the contracts are.

Mr. SPOONER. My recollection of these contracts, growing out of the debates on the annexation of Hawaii, is that they were brutal contracts that would not be tolerated at all in this country.

Mr. TILLMAN. Here are some provisions which are on a par with the black codes of some of the Southern States, and you gentlemen of the Republican party are in honor bound not to leave the people of Hawaii in the same condition in which the former slaveholders wanted to put their ex-slaves. If it is intended to repeal the provisions regarding these contracts and to annul them, why not say expressly that the contracts for labor heretofore existing, punitive in their character, are annulled, so as to make assurance double sure that you do not intend to leave those people over there in slavery?

Mr. CULLOM. That is just what we are trying to do, if the Senator will take notice. In the amendment which I propose to offer it is provided that no contract for labor or personal service shall be enforced. That comes pretty near annulling such contracts.

Mr. PLATT of Connecticut. Where does that come in?

Mr. CULLOM. I propose to offer it at the end of section 10, which is the section which proposes to keep alive all obligations, contracts, rights of actions, etc., as Hawaii passes from one form of government to another. I inquire of the Senator from South Carolina whether he does not think that amendment would accomplish just what he wants?

Mr. TILLMAN. Will the Senator indicate where he proposes to put his amendment?

Mr. CULLOM. At the end of section 10.

Mr. TILLMAN. I hope the Senator will offer the amendment.

Mr. CULLOM. I will move to add to section 10 the following:

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

Mr. NELSON. You ought to insert "criminal process."

Mr. CULLOM. This refers to any legal process. If the Senator thinks he can help the amendment or strengthen it in any way, I shall be glad to have him do so.

Mr. HAWLEY. Would that forbid a citizen to bring a civil suit against a person violating an ordinary contract for labor?

Mr. CULLOM. It is a question with me whether that does not go so far as to interfere with civil contracts which are legitimate. There ought to be some way of enforcing contracts other than by imprisonment.

Mr. HAWLEY. Does the Senator mean contracts for labor made before the person contracted for arrived in that Territory?

Mr. CULLOM. I mean contracts growing out of the importation of those men to that country.

Mr. HAWLEY. That can be easily defined, so as to leave all innocent contracts under the law.

Mr. HALE. In other words, the Senator proposes to leave the contracts as civil contracts existing and to strike out all penal regulations and laws for enforcing them.

Mr. PLATT of Connecticut. No; Mr. President.

Mr. HALE. Is not that so?

Mr. PLATT of Connecticut. The effect of the Senator's amendment is, I think, to prevent the enforcement by law of all contracts in the islands relating to labor.

Mr. HALE. Any kind of enforcement, not only the penal provisions and punishments, but a civil suit or a civil process can not be maintained.

Mr. CULLOM. Yes.

Mr. HALE. Well, that in effect abolishes it in toto, does it not?

Mr. PLATT of Connecticut. I think it goes too far.

Mr. CULLOM. As I said a while ago, my judgment is that if we repeal the penal provisions affecting such contracts the result will be that the whole business will break down, because it can not be enforced.

Mr. HALE. What does the Senator leave standing?

Mr. CULLOM. The Senator leaves, then, all in the bill, in the hope that the insertion of a provision preventing criminal prosecutions for violating contracts is all that is necessary to be done by Congress.

Mr. PLATT of Connecticut. Mr. President, if I can have the attention of the Senator from Maine, it is proposed, at the end of page 8, to insert:

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

If that means simply that no action shall be brought to compel a laborer to perform his contract either by injunction or application for specific performance, I do not know that I have any objection to it; but if it goes so far as to prevent an employer bringing a suit against a person who may have entered into a contract for labor to recover damages, I do not think that ought to be done.

Mr. HALE. Will not the Senator read that again?

Mr. PLATT of Connecticut.

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

Mr. HALE. It seems to me that, in connection with the repeal of the penal provision, is extirpation of the whole thing, is it not? Does it not go to the root?

Mr. PLATT of Connecticut. It does.

Mr. HALE. It seems to me it does.

Mr. PLATT of Connecticut. I do not know but that it goes too far.

Mr. HALE. It seems to me it is extirpation of the whole thing, and there is under that proviso no process that anybody on the other side can invoke in criminal form, or any injunction or by suit for breach of contract, for damages.

Mr. CULLOM. I appreciate that, but it seems difficult to adopt an amendment that goes far enough and does not go too far. I think myself, and I believe everybody will agree, that if a business man, for instance, in this country or in Honolulu, makes a contract with another citizen there to perform work, building a house or what not, if the man does not do it the other man ought to have the right to bring a suit against him, and I do not know but that this would interfere with that. If it does, it would go too far. If not, it does just what I want to have done.

Mr. HALE. I suppose the committee intended that it should apply only to contract-labor matters, affecting the importation of foreign outside labor, and nothing more than that.

Mr. CULLOM. I am satisfied to have that adopted, and if on further investigation it seems to go too far, we can modify it.

Mr. FAIRBANKS. Read it again.

Mr. HOAR. Have it read at the desk.

Mr. NELSON. I suggest to the Senator from Illinois that he change it to "criminal prosecution," so as to limit it to injunction and criminal prosecution. That would leave the matter of the validity of the contracts to stand.

Mr. CULLOM. The amendment which is being discussed more or less referring to contract labor is as follows——

Mr. PLATT of Connecticut. No; it does not refer to that.

Mr. CULLOM. It does not refer to it in so many words, but the purpose of this amendment, while its phraseology may not exactly state it, is to prevent a criminal prosecution against a violator of a contract after he is brought into Honolulu from Japan, if you please, under a contract, and then violates it. We do not want him sent to jail.

Mr. HALE. It goes much further than that.

Mr. CULLOM. We do not want him prosecuted.

Mr. HOAR. The Senator was going to have the amendment read at the desk or read it himself, as he prefers.

Mr. CULLOM. I will read it myself. It is proposed to add to section 10:

Provided, That no contract for labor or personal service shall be enforced either by injunction or other legal process.

Mr. HALE. Why do you not say contract for foreign labor?

Mr. CULLOM. It means about the same thing, because they are all pretty much foreign who are laborers there.

Mr. PERKINS. I wish to ask the Senator from Illinois a question. While in the islands investigating the question of labor, did the commission hear any testimony as to the abuse of contract laborers, the manner in which labor was performed, and the penalties imposed for violations of their contracts? I should also like to inquire if they ascertained whether there were any large contracts for the construction of canals or railroads or aqueducts on the islands. We made every effort in the last session to extend to the islands our laws relating to contract labor and immigration, and it failed by reason of an objection upon this floor near the closing hours of the session. It is a notorious fact that since Congress adjourned many thousands of laborers have been brought into the islands of the Hawaiian group under contract for labor. I certainly think this amendment should be so framed that there can be no ambiguity whatever in its language and so that it will not require a judicial body to construe its meaning.

Both of the Senators on this floor who are members of the commission are thoroughly conversant with these great abuses, and I trust they will so formulate the amendment that there can be no question or doubt about it.

Mr. HOAR. I suggest to the Senator from Illinois this phrase, which I think will accomplish all Senators desire and which goes as far as we ought to go:

Provided, That there shall be no remedy for the specific performance of any contract for labor, and that the failure to comply with the same shall not be punished criminally.

Those are the things you want to do, leaving an ordinary action for damages for breach of contract.

Mr. HALE. Would the Senator make that apply to general contracts for labor?

Mr. HOAR. I think so.

Mr. HALE. Not only foreign labor, but ordinary contracts?

Mr. HOAR. We lived in Massachusetts without any remedy to compel the specific performance of ordinary labor contracts down to within a very few years, and I suppose they did in most of the other States.

Mr. HALE. A contract for labor sometimes involves a large transaction, like the building of structures.

Mr. HOAR. That is not a contract for labor.

Mr. HALE. It may be.

Mr. HOAR. Say "personal service."

Mr. HALE. I do not understand that the committee intends to go into that large domain of regulating contracts and controversies about labor outside of foreign contract labor.

Mr. CULLOM. That is all.

Mr. HALE. Why not, then, limit this by terms so that it shall only apply to the subject the committee intend to take up, and not take up that larger domain the Senator from Massachusetts suggests, which we have not had up? Let it apply only to contracts for labor.

Mr. HOAR. I have an impression that we have passed, certainly through the Senate, and I think through both Houses, a general domestic statute containing that provision so far as the United States courts go. I do not believe, in other words, that it is expedient that labor contracts shall be enforced by specific performance. Any other contract where specific performance is enforced is discharged by the payment of a sum of money, by the making of a deed of conveyance, or something of that kind, but holding a man to labor or service by law is repugnant to the genius of our institutions, whether it be holding him to the labor or service of a slave or any other form. In the description of slavery in our Constitution by a euphemism they avoided the term "slave" or "slaveholding" or "slaveholder," and the Constitution speaks of it as a person held to labor or service.

Now, when the immigrant comes over from a foreign country and gets to Hawaii, he is to a certain extent rather helpless if he has made an improvident contract. It is taking the body for the supreme court to say to a man, "You go and work for A B on his farm and stay there six months." It seems to me that wherever we have the legislative power we should say that the right of a man to himself shall not be interfered with by law in consequence of any alleged or any actual contract. You may come upon him for damages, if you can, but you shall not take him by the ear and lead him out to a day's work under the order of any court.

I will take the responsibility of moving the amendment I propose, and let the Senate do with it as it pleases. I move to insert:

Provided, That no proceeding shall be maintained for the specific performance of any contract for labor or service, and there shall be no criminal proceeding for the breach thereof.

Mr. SPOONER. I hope the Senator from Illinois will accept that amendment.

Mr. CULLOM. I think I will accept it, so far as I am concerned.

Several SENATORS. Say "personal labor."

Mr. HOAR. Insert the word "personal," so as to read "personal labor." I intended to put that in.

Mr. CULLOM. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. My amendment is to insert the following words——

Mr. SPOONER. On what page?

Mr. NELSON. On page 8. I think, however, that the amendment offered by the Senator from Massachusetts will cover it, and if that is adopted mine will be unnecessary.

Mr. CULLOM. Withdraw it.

Mr. NELSON. I withdraw the amendment if the other amendment is to be adopted. I withdraw it for the time being at least.

Mr. CULLOM. The amendment of the Senator from Minnesota is withdrawn.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. HOAR. The Senator from Illinois has accepted my amendment to his amendment.

Mr. CULLOM. I accept the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. CULLOM] as modified by the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. HALE. Let that as finally modified and offered by the Senator from Massachusetts be read, stating where it comes in.

The SECRETARY. It is proposed at the end of section 10 to insert:

Provided, That no proceeding shall be maintained for the specific performance of any contract for personal labor or service, and there shall be no criminal proceeding for the breach thereof.

Mr. HALE. Certainly that goes very far. It goes a great way beyond what the committee contemplated. It does not in any way confine itself to the evil which the committee sought to remedy, the continuance of contract labor and the enforcement of those contracts. That, I take it, was the only subject with which the committee intended to deal.

Mr. CULLOM. It was the only subject it seemed to be necessary to deal with in connection with labor, so far as we heard over there. Hence it was that we desired to break up the importation of laborers and contracts with laborers.

Mr. HALE. That, of course, is foreign imported labor.

Mr. CULLOM. I have no objection to the amendment to the amendment.

Mr. HALE. Now, the Senator from Illinois accepts this amendment to the amendment, and I think the Senate ought to understand that it is incorporating a very far-reaching, a very wide provision, touching not only labor imported by contract, which we have forbidden here and mean to forbid in Hawaii hereafter, but contracts touching any kind of business that involves personal labor. It declares that no proceeding shall be instituted to enforce it. I think that is the language. What is the language?

Mr. HOAR. I beg pardon. I suggested to the Senator's ear, "No." I said it not with reference to his statement, but his language was "any kind of business that involves personal labor."

Mr. HALE. That has been accepted. "Personal" has been incorporated.

Mr. HOAR. "Anything that involves personal labor" is not the language.

Mr. HALE. Let us have it exact.

Mr. HOAR. "Any contract for personal labor."

Mr. HALE. Any contract that involves personal labor, and no proceeding——

Mr. HOAR. The words "involving personal labor" are not there.

Mr. HALE. Well, for the enforcement of any contract for personal labor. It would apply to any large contract.

Mr. NELSON. Mr. President, will the Senator from Maine yield to me?

Mr. HALE. As a Senator suggests to me, it would apply not simply to a contract of a day laborer to perform work upon any building or any farm or any estate, but a contract for larger services, for the superintendency of an estate, of a plantation, of a mill.

Mr. SPOONER. Will the Senator from Maine allow me?

Mr. HALE. Certainly.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. NELSON. Will the Senator allow me one word here?

Mr. SPOONER. I thought the Senator from Maine yielded to me.

Mr. HALE. I yield to all.

Mr. NELSON. I think the Senator from Maine misapprehends the effect of the amendment. The effect of the amendment of the Senator from Massachusetts is simply to prevent the enforcement of certain contracts by specific performance and to prevent criminal prosecution. That is exactly the law all over the country, in every State in this Union. It has always been so. You can never enforce by specific performance a contract for personal labor in any case, from the President of the United States down to the commonest laborer. Neither can you prosecute it criminally. This leaves the law, I want to say to the Senator from Maine, just as it is in respect to remedies for breach of civil contracts. That is all.

Mr. HALE. I understand. I do not know so well as the Senator from Minnesota that there are not anywhere in any State provisions or laws or decisions which authorize the enforcement of a specific contract for labor of any kind. Certainly this strikes all that out, and I think Senators should understand that it is a very wide-reaching, far-stretching provision. It may be right. It may be that other States have such laws. I do not think we have in Maine. But it ought to be understood how far this provision does go.

There are plenty of things in this bill I can see as plain as day that will come up to perplex us hereafter. The relations are new. It is bringing into our system something about which none of us have any knowledge or experience—the application of laws to these people, the sustaining and upholding of certain other laws of theirs in part and making them remain in the future. All the complications in this bill, as I look at it and as I hear discussion upon it, grow in my mind, and I am afraid we will find, with all the care the committee has bestowed upon it and the scrutiny which Senators have given it, that when we get through in operation we will find a bill that will come back to trouble us in a great many ways, and that we are going very far in certain directions and not far enough in certain other directions. Therefore I call attention to this provision, which may be all right. It may be all right that every kind of contract involving personal labor shall only be enforced by a suit for damages; but everybody knows that a suit of that kind in most cases is of no avail and has nothing on which it can base a judgment. But it may be better to apply it here. We ought to understand it, of course, and I think we do understand the extent of the amendment of the Senator from Massachusetts.

Mr. HOAR. Mr. President, as is very well known, I have not been in favor of undertaking the government of subject populations, and all the reflection I have given to the matter increases my opinion that it is not desirable, either for such populations or for us, that we should do it. But I am in favor of giving a code of laws to a people whom I hope and expect some time may become a prosperous and strong American State; and it seems to me that when we are legislating for Hawaii, in regard to which I have such a hope and expectation, we ought, when we deal with any subject, to make our legislation perfect as far as possible in that particular.

Now, if it be sound public policy, in the judgment of the Senate, to prohibit a court from ordering anybody, humble or not humble, to be taken by the power of a sheriff or a marshal and led out to his work in the morning and sent back, not exactly like a galley slave scourged to his dungeon, but sent back, confined and bound and held in duress, I can not for the life of me see why that doctrine ought not to be applied now to the island of Hawaii by proper enactment while we are dealing with the specific subject. They are not going to make a law on the subject this year or next year. We are making a code which involves other large relations, and we are going to say something in that code about the legal remedy on contracts to labor. We have the subject up. The question is, having the subject up, whether we shall do the work or only half do the work. I am in favor of doing the work and not stopping when we have half done it. As the Senator from Minnesota has so well said, we are only enacting in this code what other States, some of which have codes and some have not, have for their law now.

Mr. CULLOM. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Illinois as modified by the Senator from Massachusetts.

Mr. RAWLINS. I ask that the amendment may be stated.

The SECRETARY. It is proposed at the end of section 10 to insert the following:

Provided, That no proceeding shall be maintained for the specific performance of any contract for personal labor or service, and there shall be no criminal proceeding for the breach thereof.

Mr. HALE. Would that description, no "contract for personal labor," cover the contracts that the committee originally intended to provide for—foreign labor? I do not know enough about it to know whether they are made with the persons who labor or whether they are made with parties who agree to furnish contract labor. In providing on the general ground that the Senator stated so strongly, I should not want to have this enacted and find that there slipped out the very provision that we started to put in affecting contracts for imported foreign labor. I do not know whether the contracts are made with those persons or with agents.

Mr. CULLOM. If the Senator will allow me, I have before me a document containing a contract.

Mr. HALE. The Senator from Illinois knows about that.

Mr. CULLOM. I will read a contract.

Mr. HALE. Read a portion of it.

Mr. CULLOM. Very well.

AGREEMENT BETWEEN JACOB COERPER AND CERTAIN JAPANESE WORKMEN.

This agreement made and entered into this 16th day of February, A. D. 1898, by and between Jacob Coerper, party of the first part, of Kahului, North Kona, Hawaii, and Koroyama (k), Yakoyama (k), Iwata (k), and Takista (k), of the second part, of Kahului 2, North Kona aforesaid, witnesseth:

That the said parties have agreed and do agree by these presents as follows: The said parties of the second part will plant and properly cultivate under and by the advice of said party of the first part, commencing within ten days from date, all that portion of land situate in Kahului 2, aforesaid——

Mr. HALE. The Senator need not go on. It appears that it is a contract made with each of the persons who are to perform the labor.

Mr. CULLOM. Who are to perform the labor.

Mr. HALE. And is signed by each of them personally?

Mr. CULLOM. It does not say how it is signed.

Mr. HALE. I suppose it must be.

Mr. CULLOM. I suppose it is.

Mr. HALE. In some of the California contracts the persons who performed the labor never signed any contract.

Mr. CULLOM. The Senator will see that this contract is not only to labor, but it involves a sort of partnership by which these men are to raise sugar at certain figures, and so on. You can scarcely say, in fact, that it is a personal labor contract, because it is an agreement between these parties to raise sugar on certain terms.

Mr. HALE. The last observation of the Senator from Illinois, that this does not come up to the legal description of a personal contract, raises a doubt. Has the Senator any doubt that the amendment which he has accepted does entirely cover the system of foreign-labor contracts?

Mr. CULLOM. I have no doubt it will destroy the business, and my own judgment is that without this amendment, the Constitution and the laws of the United States being extended over those islands, it will break up the whole thing, and there will be no more of it than there is in the United States.

Mr. PERKINS. I should like to ask the Senator from Illinois if, in his opinion, the amendment will cover a contract made by a certain Japanese company represented by its officers for a certain number of Japanese. As a matter of fact, thousands and thousands of Japanese workmen have been imported into the Hawaiian Islands. They come there under contract made with the managers of those companies. As evidence of that fact, permit me to read an extract from the report of Commissioner Powderly, made one year ago to our committee:

Detailed information of a confidential nature has been received, showing that since the passage of the joint resolution annexing the said islands immigration thereto has been greatly stimulated; as many as 7,000 Japanese have been contracted for by residents and 250 Italians engaged to work on sugar plantations. These figures, by a comparison with arrivals prior to the passage of the said act, indicate that interested parties are exerting themselves to land in said islands as many immigrants as possible of such classes as would be excluded if the operation of our immigration laws were extended so as to embrace arrivals in Hawaii.

It is a notorious fact that since this, one year ago——

Mr. JONES of Arkansas. I wish to ask the Senator what is the date of that report? I believe he said it was a year ago.

Mr. PERKINS. February, 1899.

Mr. JONES of Arkansas. How many of these Japanese laborers have been imported into Hawaii since that time?

Mr. PERKINS. The report is dated February 13, one year ago. I was about to say—I have it unofficially—that there have been fully 15,000 immigrants into the island since that time.

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. PERKINS. Certainly.

Mr. CULLOM. I stated yesterday what seemed to be as far as

I could learn the fact, that there are about 40,000 laborers in the Hawaiian Islands now.

Mr. PLATT of Connecticut. Including Japanese?

Mr. CULLOM. Including Japanese and others.

Mr. PERKINS. And my friend was there a year ago or more.

Mr. CULLOM. A year ago last September.

Mr. PERKINS. My friend was there a year and a half ago.

Mr. CULLOM. But what I wanted to say is that the statement made by those who seem to know about it is that about one-half of the 40,000 have been brought there under contract, and about 25,000 of them perhaps, or a few more, have been brought there since the annexation.

Mr. PERKINS. It seems to me the point made by the Senator from Maine is worth our consideration. If this can only apply to personal contract and will not apply to companies, the very object we have in view will be frustrated. It is a question of great importance to the honor of this country and to Congress in legislating. The amendment proposed by the Senator from Massachusetts gives no more nor no less to the islands than applies to labor in other States and Territories of this Union. As I said before, the language should be so clear that he who runs may read. If the phrase "personal labor contracts" does not apply to companies, then the amendment should be reformed so that it will do so.

Mr. HALE. Mr. President, right in line with what the Senator is saying, to confirm the doubt that arose in my mind as to the application of the amendment, the danger in our scheme of larger benevolence of missing what is wanted in Hawaii, I have just been called out by a representative of that people, who is here with some official recognition, I do not know just what. He is an active, practicing, experienced lawyer, and he has just told me at the door that he is satisfied, as a lawyer familiar with their statutes and provisions, that this language, "personal labor," will not in any way affect the emigrant companies who have made these contracts and assigned them from time to time in bulk. So I think before we pass it we had better include both the larger scheme for labor and also the plan that the committee had originally of striking at this distinctive evil, so that it shall apply to personal labor and to all contracts involving imported foreign labor—something of that kind.

Mr. HOAR. I have all the respect for the gentleman named. I do not know whether my honorable friend gave his name or not in the Senate.

Mr. HALE. I have his name.

Mr. HOAR. I have all the respect for him which is due to the indorsement of the Senator from Maine, and that is very great respect indeed; but I must beg leave to suggest that the criticism comes from a very hasty and superficial notion of the matter. We are talking about contracts for specific performance and punishments by criminal process. You ought not, I believe every Senator will agree, to have a remedy by specific performance or a remedy by criminal process for the failure by a man to keep his engagement for personal labor and service. That, as has already been said, is the policy of most or all of the States of the American Union. Now, then, that, it is said, does not interfere with one man's contract to deliver the labor of another.

Mr. HALE. Or of many others.

Mr. HOAR. Or of many others. But it certainly does if the man who has agreed to deliver the labor of a thousand coolies or a thousand Japanese could not have any remedy against the man whose contract is to be delivered. The latter man is left free forever, and the other man, of course, can not have a remedy. There can not be a remedy for a specific performance against him that would be of any value, and there could not be before. There is no reason why he should not be liable in damages if he has made an imprudent contract of that kind which the man whom he undertakes to act for can not execute. In other words, what more do you want in regard to these contracts for the delivery of a thousand workmen and furnishing their service for a certain fixed time after they arrive in the island than a provision that the men whose service is sought are absolutely free in the matter, so far as these two proceedings go?

Mr. HALE. Now, let me put what might be an actual occurrence. An emigrant society—they call them that—signs a contract with A B to furnish the labor of 500 coolies for three years or five years. The contract is signed by the society upon the one side, by A B, who employs the society, on the other, and not one of the 500 persons either signs with the emigrant society personally, or with A B, who is to get the benefit of the labor; but it is a general sweeping contract to furnish labor, not the personal labor of the emigrant society, for it has none, but the labor of 500 different persons. Now, if we include in the operation of the bill nothing but contracts for personal labor, notwithstanding the great authority and experience of the Senator from Massachusetts, I should doubt whether, upon a question coming up between A B, who takes this labor, and the emigrant society, who contracts for it, the courts would decide that that was, under the language here, a contract for personal labor.

Mr. HOAR. Suppose they will not. What harm would then happen?

Mr. HALE. Then we are doing nothing.

Mr. HOAR. You have made it absolutely impossible for this man to perform that contract except by the voluntary consent of the men who want to be employed. Nobody objects to that.

Mr. HALE. It does not come up between the men who are employed and the society.

Hr. HOAR. Suppose it does not.

Mr. HALE. It comes up between the man who is to use the labor and get the benefit of it and the original society.

Mr. HOAR. Suppose it does; what happens?

Mr. HALE. He may enforce it.

Mr. HOAR. How can you enforce it?

Mr. HALE. Because we do not prohibit it.

Mr. HOAR. Yes; we have taken it out. The Senator fails to get my point, undoubtedly owing to my failure in stating it.

Mr. HALE. No; it is my failure to comprehend it.

Mr. HOAR. I can not for the life of me see what, if you have said that these laborers are free from all legal constraint whatever except a suit against them for damages, which nobody thinks is worth the paper on which the writ was printed, how the whole of this mischief is then cut up by the roots. In other words, the contract of the man to furnish 500 laborers is a contract which he is left utterly powerless to perform, and there is no remedy against him, of course, except the suit for damages.

Mr. HALE. But, like any process, there are other things and there are other results. It may be an entirely responsible company. Do you want these processes? If the Senator says, "Why, I have got as far along, in that I have exempted these persons and that nobody can trouble them, and these other parties may fight it out with the contract for a specific performance just as they choose," that is an answer; the Senator does not care anything about that.

Mr. HOAR. You have taken all. What is the mischief? Suppose the Senator from Maine and I make a contract that one shall furnish to the other 500 laborers in the State of Maine. Now, what is the mischief of that contract? The mischief is that 500 men, who are not free agents by reason of their poverty, have put themselves in a position where they have got to be compelled to labor by a civil or criminal process for the specific performance, by an indictment, against their will. Of course, if the contract between the Senator and myself is not enforced at all, it does not do any public harm or mischief. If it is enforced merely by a suit, it is not against me in the sum of damages due to the Senator, but men who are not laborers. That does not do any public mischief at all. Neither of us would undertake to enter into such a contract. He is only a public sufferer, but the public mischief of having involuntary labor kept to its task in that way is utterly gone by the result of this amendment, and there is nothing left which can do any public harm. That is the answer to it.

Mr. HALE. In a contract such as I have stated I do not think that these 500 individuals would have anything to do with it anyway. They have not made any contract. The bill does not apply to them at all.

Mr. HOAR. They could if they had made the contract.

Mr. HALE. But they have not made it.

Mr. HOAR. The trouble is this: The Senator from Maine agrees with somebody to furnish him 500 laborers for twelve months the 1st of next January; and thereupon when the 1st of next January comes, he goes and gets the 500 laborers in a condition of poverty and distress, and brings them across the sea; and he has got them where he can scourge them to that labor. I do not mean that he can literally scourge them, but he can compel them by criminal and civil process both; and that is the mischief, that he should have 500 men compelled to labor at his terms in competition with 500 free laborers.

Now, that is the whole mischief. The fact that he has agreed to furnish me a certain amount of labor does not do any harm. This law comes in and says, in other words, the man who has made that contract with you shall have no legal power whatever to help him to keep it. You can only enforce it by the voluntary action, voluntary all through the time up until the twelve months are over, of the men whom he expects to do the work. Therefore, that being right, we say that can not be enforced, and nothing has happened except that one rich man has made a contract with another, which he can not keep by any legal power and which he ought to be permitted to keep if the workmen are free all through the time, because there is no constraint on them, if they are willing to help him to keep it. The only mischief, then, that has happened is that one rich man, a well-to-do man, has got a claim for damages against another rich man, and we do not care anything about that at all. That is the whole of it.

Mr. HALE. I have been looking at this in a different way from what the Senator has. He has been looking at it at the end of the contract that is made by the party furnishing the laborers. The contractor brings them over here. I have been looking at it, and

I supposed the committee was looking at it, from the other end, whether the party in the island who hires the men to do his work can enforce it.

Mr. HOAR. We have cut off the other end altogether by this law.

Mr. HALE. I do not know whether you have. I have not been looking at rights on the part of the individual who brings the poor creatures over here and sells their labor. I do not care whether he is protected or not. I do not think he would come in. I think the committee has been looking, as I was, at the other side, at the man on the island who is conducting the works, who is running a manufactory or a plantation, who hires the men from the contractor. That is the side I have been considering, not the side the Senator from Massachusetts has considered.

Mr. TILLMAN. I ask the Senator from Maine, how would the contractor who had agreed to furnish 500 men have any hold on them unless he had a contract?

Mr. HALE. That is a contract which is made outside of this country; I do not know.

Mr. TILLMAN. But under the penal laws of Hawaii, which we are discussing, that contract made in Japan or China has been enforceable in Hawaii, and punishable by imprisonment and scourging, so to speak.

Mr. HALE. That entire provision has been abolished in another way.

Mr. TILLMAN. We have repealed the Hawaiian statutes, and now we are trying to let loose the people under contract.

Mr. HALE. Now we are dealing with the other end. We are dealing with the relation of this labor and the man who contracts to furnish the employment, as I understand it.

Mr. LINDSAY. I will ask the Senator from Maine whether, in the absence of a statute, the contract made by either the contractor or the laborer could be specifically enforced under any principle of equity?

Mr. HALE. I do not know that it can.

Mr. LINDSAY. I do not think there can be any enforcement of either one of these contracts unless there be a statute, and I understand the Hawaiian statute is to be repealed.

Mr. HOAR. Will the Senator allow me?

Mr. LINDSAY. Certainly.

Mr. HOAR. Then this statute, to make it clear and plain, is an American law for Hawaii and can not be enforced here; whether necessary or not is another question.

Mr. TILLMAN. I will call the attention of the Senator from Kentucky to the fact that this bill as framed and brought in here expressly excepted the existing contracts and only repealed the statute to take effect hereafter, and we are now trying to get the people loose from the contracts that have been made in the past.

Mr. SPOONER. I move to amend the amendment, if I may do so. Has the amendment been accepted?

Mr. CULLOM. Yes.

Mr. SPOONER. I move to amend the amendment of the Senator from Massachusetts by inserting after the word "contract" the words "heretofore or hereafter entered into."

Mr. HOAR. I accept that amendment.

Mr. CULLOM. So do I.

The PRESIDING OFFICER. The Senator from Massachusetts accepts the proposed amendment. The amendment offered by the Senator from Massachusetts will be read as modified.

The SECRETARY. As modified the amendment will read as follows:

Provided, That no proceeding shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, and there shall be no criminal proceeding for the breach thereof.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Massachusetts.

Mr. RAWLINS. I ask if that would cover cases involving a relation of confidence—for instance, contracts with agencies where there might be embezzlement? Would that exclude a transaction of that kind?

Mr. HOAR. I suppose that would be like larceny, and that class of services is not usually spoken of in law. "Personal labor or service" is a well-understood legal term in the statutes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 25, after the word "language," in line 2, insert:

Provided, however, That the legislature of the Territory of Hawaii may at any time after January 1, 1903, submit to the lawfully qualified voters of such Territory such changes and modifications in the qualifications for electors as they shall see fit; and the same being adopted by a majority vote, taken in the mode prescribed by the legislature, shall be valid and binding as law.

Mr. CULLOM. I think that provision is entirely unnecessary. I think the bill already provides for it; but I have no objection to it myself. They can have that privilege anyway.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Wyoming [Mr. WARREN].

The amendment was agreed to.

Mr. HALE. On page 29, line 3——

Mr. CULLOM. What section?

Mr. HALE. It is chapter 3, under the head "The executive." It is the appointment of a governor, the executive power; that the executive power of the government of Hawaii shall be vested in a governor, etc. He shall not be less than 35 years of age; shall reside within the Territory. If it is intended that a resident of the Territory shall be appointed, I should prefer the words "be a resident" to the word "reside," because the governor may be appointed anywhere and reside in the Territory after he is made governor. I suppose the design is to appoint an actual resident at the time of his appointment. How is that?

Mr. CULLOM. I think that is a fair construction of the language as it is in the bill.

Mr. HALE. Then there certainly will be no harm, and it would make it more clear, to strike out the word "reside" and insert the words "be a resident of."

Mr. CULLOM. I have no objection to that.

Mr. HALE. I move that amendment.

Mr. CLARK of Wyoming. If the Senator from Maine will allow me, I have an amendment prepared upon that same line, which proposes to strike out all of the words "shall reside within the Territory and be a citizen of the Territory of Hawaii." I believe that all of these offices should be filled from citizens of Hawaii, but this is a limitation upon the power of the President to appoint Territorial officers. Both political platforms in late years have declared that it is the policy of both parties to appoint residents of the Territories to office, but ofttimes conditions have arisen when the President could not, with justice to the people or with justice to himself or the people of the whole country, appoint a resident of that particular locality.

I have no fear that the President of the United States would abuse his power of appointment, and I think there ought not to be a limitation upon him, but that he should be allowed to make these appointments from whatever part of the United States he should see fit under the special circumstances which might arise at that time. For one, having lived in a Territory, I have always insisted that appointments should be made from the citizenship of that Territory. But conditions, as I say, have often arisen in special cases where this limitation imposed on the President would work harm, not only upon the country at large, but upon the particular Territory to which the appointment was made. I think the Senator from Maine can see circumstances and conditions which might arise where there might be a quarrel of factions and where the President could not appoint an officer from the locality in which he is to serve.

Therefore I have prepared an amendment to strike out even the part which the Senator from Maine seems to think is too weak.

Mr. HALE. Then I suggest to the Senator to let my amendment be adopted, which goes to a certain extent—it does not interfere with his—and then he can move to strike out the whole clause as amended and insert his substitute. There is no objection to that.

Mr. CLARK of Wyoming. I certainly have some objection to that, because I think the committee provision goes far enough, and certainly the amendment of the Senator from Maine goes a great deal further. So I should prefer that the committee provision should stand, if either is to be made a part of the bill.

Mr. HALE. Well, let my amendment be voted down, if that is the view of the Senate. I have assumed that the intention was to appoint some one who at the time of the appointment is a resident. There might be some doubt under the language whether anybody might not be appointed and sent there and move there and reside afterwards. "The governor shall reside." I make it more certain, if it is the intention that he shall when appointed be a resident, by substituting the words "be a resident" for the word "reside." I move that amendment. If that feature is incorporated, then the Senator comes in with a much larger proposition, which leaves it open to anybody.

Mr. CLARK of Wyoming. It leaves it open to the discretion of the President.

Mr. HALE. Yes; it leaves it to the discretion of the President. Of course that is for the Senate to determine. It opens up a much wider question. But my amendment does not open as wide a question. So I move that amendment.

Mr. CLARK of Wyoming. I hope the Senator will remember that this is going much further in the appointment of governors of this new Territory than the Senate or either House of Congress has ever ventured to go in regard to the appointment of governors of our own Territories. We have enacted in the platforms of both the political parties the same thing that is proposed here; but none of our political platforms in words have been enacted in the organic acts of any of the Territories.

Mr. HALE. No; but I offered the amendment under the impression I had gained from distinguished men, like the Senator, who for years represented a Territory in the other House, that it was much better in all these cases that the officials should be taken from men residing in the Territories. That has so operated upon me; there were so many evils in the old arrangement, and so many men were foisted upon the Territories who were incompetent and who added nothing to the life or the prosperity of the Territories, that I think it has worked better where residents have been appointed; and while we have not crystallized that principle into law, it has been done with few exceptions by both parties appointing residents. My impression is, if all is true that has been said about the intelligence of the people of Hawaii, their brightness, their capability of enacting and observing laws, we should do much better if we provided for the appointment of distinguished residents, actual residents, at the time of the appointment.

I am rather more hopeful than some of our friends. I think there are Senators who have looked at this matter personally who are rather hopeless, and who say that we shall have to send our own people out to govern the people of Hawaii. I did not vote for the bill which annexed the islands with that view, and I should not have voted for it if I had had that opinion, but I should have said, "Wait a while." But, going on the proposition that those people are very intelligent, that we are going to restrict the suffrage, that not much harm can come during the time of their remaining as a Territory, I still think that the appointment of their chief executive should be restricted to those who are actual residents of the Territory at the time of the appointment. It was with that view that I offered the amendment; but, of course, the Senate may vote it down.

Mr. FORAKER. I should like to have the amendment which has been offered read at the desk.

The SECRETARY. On page 29, line 3, after the word "shall," where it last occurs, it is proposed to strike out the word "reside" and insert the words "be a resident," so as to read "shall be a resident within the Territory," etc.

Mr. CLARK of Wyoming. Mr. President, I do not want the Senator from Maine or any other Senator to misunderstand my position in this matter. I believe and I know that the people of the proposed Territory of Hawaii are as capable of self-government as the people of any State or Territory in this Union. But we are not giving them self-government under this bill; we are not giving them the right to select their governors; we are simply giving them right to have a governor appointed by the President of the United States, and the appointment should be made in the same manner as that of the governor of any other Territory.

Mr. HALE. We are giving them a very considerable measure of self-government.

Mr. CLARK of Wyoming. We are giving them more than we have given any other Territory ever admitted to the Union; and I am glad of it. They should have the highest measure of self-government. But where we limit them, we ought not to limit the exercise of the discretionary power of the President. If they should go into elections and elect their governor, that would be one question; but here we have a condition of affairs arising where the President of the United States is called upon to make the selection.

As the Senator from Maine says, I have lived in a Territory; I have advocated home rule for the Territories, and have insisted that the officers of the Territories should be appointed from their citizenship, because I have always contended that the men who go into a country to make new Territories have as much brains and know the conditions of those countries as well as any who live outside.

But the Democratic party and the Republican party, while favoring home rule in the Territories, never insisted that the President of the United States should be deprived of his authority to go outside of the people of a Territory to make appointments if he should deem it expedient or necessary. If the Senator had lived in a Territory as long as I have, he would know that there are conditions sometimes arising, where, for instance, there are contending parties for a given office, where partisanship runs much higher than it does in a general election in one of the States, and where if the head of one of the contending parties should be appointed by the President it would result in "confusion worse confounded." In such cases in our Territory since 1888, when the principle of home rule was first adopted by both political parties, the President has found it necessary to go outside of the limits of the Territory and appoint the governor and judges of the courts.

While I say I do not apprehend for a moment that the people of Hawaii would not select a just and proper person among their own citizenship for the governorship, yet a condition of affairs might arise where the best interests of the whole community would be subserved by the President going outside of the limits of those islands. Therefore, I say I think that Territory ought to be left in exactly the same situation as any other; not that I think the President without cause would go outside and foist unpleasant appointments upon the people, but because I say a condition might arise when, for the best interests and the good order of a community, he would be compelled to make appointments from outside a Territory. I think the discretion ought to be unlimited in Hawaii the same as it is in the Territories on the mainland.

Mr. TILLMAN. I hope the amendment of the Senator from Maine will not prevail, for it appears to me from the information I have been able to gather that we already have an oligarchy in Hawaii, and to perpetuate it by prohibiting the President from sending some new men there who might inject some Americanism into that country would be a calamity. I therefore think that the proposition that the President shall be limited in his appointment to a resident of those islands is pernicious in policy and will tend to accentuate the existing evils there.

Mr. CULLOM. I think this bill as it stands on that question is good enough, and an important feature is that the man who is appointed governor shall reside in the Territory during his term of office. My own opinion is that the President of the United States, whoever he may be, will find men in the Territory who are just as well qualified for the office of governor, or any other office, as anybody outside of the Territory. I hope the bill will stand just as it is.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. HALE].

The amendment was rejected.

Mr. SPOONER. Mr. President——

Mr. CLARK of Wyoming. I want a vote on my proposed amendment.

The PRESIDING OFFICER. The Chair did not understand that the Senator from Wyoming had offered an amendment.

Mr. CLARK of Wyoming. I had not offered it, but I intended to offer it. It was right on this same proposition, Mr. President. I move to strike out, in lines 3 and 4, on page 29, the words "shall reside within the Territory," for the reasons I have mentioned.

Mr. MORGAN. If that motion prevails, we shall endanger those islands, I think, by having a nonresident governor, who may reside in California and govern the Territory of Hawaii.

Mr. CLARK of Wyoming. I will say to the Senator from Alabama that my object is simply to provide for residence at the time of the appointment. Of course it is supposed the governor of a Territory or a State will reside in the Territory or State during his incumbency of the office.

Mr. MORGAN. As I understand the object of the bill, it was to require the governor to reside there and not to restrict the President as to the appointment of a person who at the time of the appointment resided in the islands. There are some very strong reasons for requiring the governor to reside in the Territory.

Mr. CLARK of Wyoming. If I could understand the bill in that way, I should not object; but I think it is capable of a different construction.

Mr. MORGAN. I think it is; but the committee intended to leave the President at liberty to make his appointment from where he chose.

Mr. HALE. I understood it the other way. I thought when I appealed to the Senator from Illinois that he would sustain me in that view, and that is why I offered the amendment.

Mr. CLARK of Wyoming. That is exactly the way I understood it.

Mr. HALE. I understood the committee intended that the governor should be a resident of the Territory, and that there was no need of my amendment, and therefore I did not make much point about enforcing it. Now, however, the Senator from Alabama comes in and says the committee meant the other thing, just the opposite—meant that the governor might not be a resident. I do not know who is right about it, whether the Senator from Illinois or the Senator from Alabama. It now seems that it means either.

Mr. CULLOM. I think the bill is all right as it is on that point. There is nothing before the Senate, I believe, in the way of an amendment, Mr. President?

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. SPOONER] was recognized.

Mr. SPOONER. Mr. President, there may be something in the peculiar situation in Hawaii——

The PRESIDENT pro tempore. The Senator will pardon the Chair for a moment while he inquires if the Senator from Wyoming has offered an amendment.

Mr. CULLOM. He has not.

Mr. SPOONER. Did the Senator from Wyoming offer an amendment?

Mr. CULLOM. He withdrew it, if he offered it.

Mr. CLARK of Wyoming. I withdrew it under the statement that was made.

Mr. TILLMAN. What was the statement of the Senator from Illinois?

Mr. CLARK of Wyoming. Under the statements of the Senator from Alabama and the Senator from Illinois, who are both

members of the committee and who cooperated in the preparation of the bill, that it meant exactly what I said and argued for, I withdrew the amendment.

Mr. SPOONER. Mr. President, there may be something peculiar in Hawaii and the situation of the people there which not only justifies, but requires a departure in some instances from the governmental methods which are fundamental in this country. If there be, I do not wish to make any motion to strike out section 15; if there be not—and I ask the Senator who has charge of the bill [Mr. CULLOM], or the Senator from Alabama [Mr. MORGAN], who is very familiar with the situation in Hawaii to explain it—I shall make that motion. The section is as follows:

SEC. 15. That in case any election to a seat in either house is disputed and legally contested, the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

Of course, under our system of government, without any exception, so far as I remember, each house has been made, and is made, the sole judge of the elections, qualifications, and returns of its members. There may be some situation in Hawaii which demands this change, this peculiar provision.

Mr. MORGAN. I do not know of any situation in Hawaii that makes it exceptional on this subject. I can only say that if Kentucky had such a provision in her constitution now, we would not have the row that is going on there, but we should have the means of settling the question in dispute as to the title to the office of representative or senator, to be determined by the supreme court of the State. I think it would be a great relief to this country now if we had such a provision. I do not remember—perhaps the Senator from Illinois [Mr. CULLOM] can remind me—whether this provision was in the constitution of the republic. I rather think it was.

Mr. CULLOM. It was in that constitution.

Mr. MORGAN. I will say, Mr. President, that it has been observed here by a Senator who knows all about Hawaii, who has studied the system very fully, that that is a government which is equal in all respects in its political economy, in the wisdom of all its constitutional and other provisions—and he might have added in the fruits of government—to any State government in the American Union.

When the commission went out there the circumstances under which they were required to act were altogether the reverse of those which attended the action of any committee of either House of Congress in the formation of a Territorial government for our young and growing Territories. In the formation of the Territorial governments in the United States, which have been very numerous and very diverse, we have commenced with a community that was unorganized, speaking in a legal sense, and have undertaken to build it up really into statehood, especially in regard to those areas of territory which are on this continent. The purpose has always been distinct and perfect that the ultimate result of our work in giving them government republican in form, as is required by the fourth section of the fourth article of the Constitution, has been that they should be admitted as States into the Union. No such definite purpose as that was expressed in the act of annexation; and perhaps it is in the contemplation of Senators now that it will be a long time before Hawaii can be admitted into the Union, if ever. The honorable Senator from Connecticut [Mr. PLATT] remarked this morning that he hoped it would not be a long time before a great and prosperous State would be found there in the heart, I may call it, of the Pacific Ocean.

Mr. PLATT of Connecticut. The Senator is mistaken. It was the Senator from Massachusetts [Mr. HOAR] who said that.

Mr. MORGAN. I beg pardon. It was the Senator from Massachusetts.

Mr. PLATT of Connecticut. I entertain a different idea about it.

Mr. MORGAN. When I went out there under commission from the President, in company with my colleagues, one from the Senate, one from the House of Representatives, and two from Hawaii, after I had studied the system there during that visit and also the year previously, I became satisfied of the perfect truthfulness of the observation that those people had built up a government that was at least equal in all respects to any government in the American Union. My first proposition was that we should recommend that the people of the Hawaiian Islands should hold a convention, adopt a constitution, and apply for admission into the American Union. None of my colleagues on the commission agreed with me about that. I still adhere to that as the opinion which I think is best entitled to be followed.

But what work had we to do there? We were not preparing to build up a Territorial government step by step, through such processes as we are now carrying on, for instance, in Alaska; starting in one session of Congress to do one thing, and at another session of Congress, when matters are a little advanced, to do another, and we have not yet in the case of Alaska got so far as to authorize the people there to have a legislature. They are governed by a code of laws which we borrowed from the State of Oregon, and by a United States court, or a Territorial court, that is now established there for the purpose of executing those laws and also the laws of the United States. Alaska is in a very nebulous condition as yet as to government; but it is among that class of efforts we have been making to ripen up a condition of affairs in the Territories, so that they can finally be prepared to attain to statehood.

When we got to Hawaii we found a state in full operation; we found a republic there. It had been an independent republic. We found that that republic had been ingrafted upon a monarchy; that it had excluded all of the monarchic features of government, but still retained many of the constitutional features which had been inaugurated there by the monarchs themselves, beginning with Kamehameha I or Kamehameha II and running down through that dynasty. Our duty was dangerous and disagreeable, the difficult duty of tearing down a state government, a perfect system of government, with its constitution and laws, with its supreme court, with 11 volumes of supreme court decisions of very high grade and character, tearing all that fabric of government down, attended, as it was, with a great many institutions of renown really, such as colleges and hospitals, and the like of that, and substituting for it a Territorial government. Naturally our affections turned to the best forms of Territorial government in the United States, which I may say now are possessed by Arizona and New Mexico.

Now, to describe those advantages for a moment, and to borrow from the Senator from Nevada a statement which I think is entirely correct, we find in New Mexico and in Arizona complete systems of Territorial government, in which they have their courts, their supreme court, their governors, appointed by the President, and some of the other officers appointed by the President; their legislature elected by the people; their codes of laws which they have enacted from time to time, very few, if any, of which Congress has ever exercised the right of repealing or amending. The whole civil code of New Mexico and Arizona stands upon the will of the people out there, just as the civil code that was built up in Hawaii stood there upon the will of the people, expressed not only during the time of the republic, but antecedent to that, during the time of the monarchy, with principles perfectly well settled; institutions thoroughly established; laws that were approved by the people, and the fruits of which have not been surpassed, I believe, by any civil government in any country in the world.

We had all that to tear down, and our natural disposition and our natural inclination was to preserve to those people as many of their own institutions and as many of their laws as we could that were consistent with the laws and institutions of the United States and those principles of government which obtain in the United States.

So that in going upon this very difficult work we had to take the entire code of laws—the civil code and the penal code, which are embodied in two volumes which I have upon my desk here, very ably compiled and codified by Mr. Ballou, and the subsequent session statutes of 1888—and incorporate them into a new system. We naturally, as I observed before, left as much of those laws standing as we thought we could leave standing, to have the system there comport with the laws and policy of the Government of the United States. In doing that we arrived at the conclusion that what they had adopted in what is here presented in section 15, and which they had adopted in their constitution, was a wise provision of law and tended to prevent those outside controversies of a political kind which arise in Congress here, or in the States, and which have frequently given rise to very serious difficulties involving the Government of the United States in interference between the belligerents or at least the highly irritated parties in the States.

I believe that is a good provision of law. It has worked in the government of Hawaii and has really suppressed those controversies which have arisen so frequently in the States, where a political majority could unseat a man for the mere purpose of gaining a majority in either house in order to carry out some other distinct purposes, such as the election of a Senator of the United States. Pretty nearly all these controversies we have had in the United States have related to the election of Senators to this body. I think that is a sound and wise provision of law, and that it would be a good thing and a wise thing in the constitution of every State in this Union. It would promote the peace of the country and its security against those political controversies which arise in the legislatures of the States, and have reference, as I have observed, chiefly to the election of Senators of the United States. It is as follows:

SEC. 15. That in case any election to a seat in either house is disputed and legally contested, the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

The contrary provision was put into the Constitution of the United States, and has been followed, I think, without any particular reason or necessity for it, by the different States of the American Union. It was originally adopted in England for the

purpose of preventing the Crown from having the power to unseat members of Parliament, so as to give to the House of Commons the power to determine its own membership. When we arrived at the proposition here to set up an independent government, those provisions were in almost all of the old continental constitutions, or, as we called them, charters; and they were incorporated in the Constitution of the United States. I have no disposition to change the provision that each House of the Congress of the United States shall be the sole and exclusive judge of the elections, returns, and qualifications of its own membership; but at the same time, when we come to the subordinate tribunals in this great imperial affair we have got here, republics united into a confederation, I think it is a wise thing to have the provision that is inserted in the fifteenth section of this bill. If it goes out, I do not know that it would ever make any difference in Hawaii or that it would in Alabama or in any other State of the Union, but I believe the principle of it is correct.

Mr. SPOONER. Mr. President, I move to strike out the fifteenth section of the bill and to insert in lieu of it:

Each house shall be the judge of the elections, returns, and qualifications of its own members.

I have listened to the statement of the Senator from Alabama [Mr. MORGAN], but I can not persuade myself that this departure from our theory in this instance, or in any other, as to the government of a Territory is a wise one. Our theory has been that the various departments of the Government should be independent of each other—the executive, the judicial, and the legislative—each, of course, being supreme within its own sphere. I am too old-fashioned to like the proposition that the courts shall become involved in any way in the constitution of the legislative bodies. This is a very small senate provided for here, a senate of thirteen, if I recollect.

Mr. MORGAN. Fifteen.

Mr. SPOONER. Fifteen. Under the provisions of this bill the chief justice and the two associate justices who constitute the supreme court are not to be appointed by the President of the United States. They are to be chosen over there; and they are impeachable. They are not to be removed by the President of the United States, but they are subject to impeachment. They are subject to impeachment before the senate. The senate is the impeaching body or tribunal. The house of representatives, of course, presents the articles of impeachment. I do not myself take kindly to the notion that the judges of the supreme court, who may be tried, one or more of them, should be given power to decide who should be or who should not be, in a contest, members of the senate. Under this it might happen, perhaps it is not probable, but it might happen, that the leading members of the senate at least would owe their seats in that body to a decision of the supreme court. The supreme court are not only to pass upon the validity of the election, but they are also to be the sole judge as to who has been elected.

I believe it is a bad provision. It is utterly out of harmony with our theory. It does not maintain the independence absolutely of the three departments of the government, and no reason has been given, at least none that I have heard, which ought, I think, to commend it to the judgment of the Senate. If that is an intelligent people, as the Senator says it is, if they have not only capacity for self-government, but for a fine government, I can conceive of no reason why each house should not be, as the houses here all are, from the Congress down, the judges of the election, returns, and qualifications of their own members. It seems to me to be rather a vicious departure from our theory that the judges who are to be tried by a senate should have had a voice in seating the members of that body. I am willing to take the judgment of the Senate upon it.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed, on page 9, line 17, to strike out section 15, as follows:

SUPREME COURT JUDGE OF QUALIFICATIONS OF MEMBERS.

SEC. 15. That in case any election to a seat in either house is disputed and legally contested, the supreme court of the Territory of Hawaii shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

And in lieu thereof to insert:

SEC. 15. Each house shall be the judge of the elections, returns, and qualifications of its own members.

The amendment was agreed to.

Mr. CLARK of Wyoming. I propose, as an amendment, to strike out all of section 56 and insert in lieu thereof:

That the legislature at its first session shall create counties for the Territory of Hawaii and provide for the government thereof.

Mr. HALE. What section?

Mr. CLARK of Wyoming. Section 56.

I will say in explanation of the amendment that a very peculiar condition of affairs exists within the republic of Hawaii. There is there a central government, consisting of a president and his cabinet. There are no municipalities. There are no county organizations. There is no place, as I understand—and if I am wrong I hope I will be corrected—in the island of Hawaii where even a deed, or a mortgage, or a bill of sale, or any other legal instrument can receive registry except at the city of Honolulu.

Mr. MORGAN. I think the Senator is mistaken about that. There are registrars in all the islands.

Mr. CLARK of Wyoming. Are there registrars in the islands who have the authority to register and keep records?

Mr. MORGAN. I so understand.

Mr. CLARK of Wyoming. I do not so understand it. If I am mistaken, I should be glad if the Senator will correct me, because that is the sole object of this amendment, so that the people may have access to the records.

Mr. TILLMAN. Do you not provide for local punishment by local courts?

Mr. CLARK of Wyoming. There are local courts. There are circuit courts—five of them.

Mr. TILLMAN. What about warrants?

Mr. CLARK of Wyoming. I suppose they have means to get those, but what I refer to is the registration of deeds. There should be counties created there, so that within each county there would be a county clerk and register of deeds.

Mr. TILLMAN. And a sheriff.

Mr. CLARK of Wyoming. Yes; whatever form of government they may provide, so that the Senator from South Carolina, for instance, if he lived on the island of Hawaii and wanted to register a deed, would not be compelled to put it off four or five days till he could take a vessel and go over to the city of Honolulu, on the island of Oahu.

The PRESIDENT pro tempore. The Senator from Wyoming proposes an amendment, which will be stated.

The SECRETARY. On page 23, section 56, line 10, after the word "legislature," it is proposed to strike out "may" and insert "shall at its first session;" and after the word "counties," to strike out "and town and city municipalities;" so that if amended the section would read:

SEC. 56. That the legislature shall at its first session create counties within the Territory of Hawaii and provide for the government thereof.

Mr. PLATT of Connecticut. I was called out for a moment. Does the Senator from Wyoming by his amendment propose to prevent the legislature from creating municipal governments there?

Mr. CLARK of Wyoming. No; I suppose they have the right to do that by virtue of their being a legislative power. The only object I had in view was that they should at least create the county governments at their first session.

Mr. SPOONER. As it is now it is only permissive.

Mr. CLARK of Wyoming. As it is now it is only permissive. They might go on as they are at the present time. Every State and every Territory here has county governments.

Mr. MORGAN. Mr. President, it is probably necessary to confer upon the legislature of Hawaii the power to create counties, because that is a part of the organic government there which would naturally come under the jurisdiction of Congress to grant. Permission is therefore put into the proposed act to enable them to organize counties. I confess I have never heard any complaint made of the operation of the laws of Hawaii, as they are, about the registration of deeds or anything of that kind; but the subject came up before the commission and was discussed there, and my understanding is, although I may be in error about it, for I have not the statutes here and can not refer to them, that a registration system is provided in each county.

Mr. CLARK of Wyoming. There are no counties.

Mr. MORGAN. I mean in each island, and that it is connected with the district court of the respective districts. I will explain in a moment what the system there is.

Mr. SPOONER. Will the Senator from Alabama permit me to ask him a question as he goes along?

Mr. MORGAN. Certainly.

Mr. SPOONER. Have there ever been counties there?

Mr. MORGAN. No. The entire group of islands is governed by the legislature, of course, from Honolulu, and that has led to some jealousy, particularly on the part of Hawaii, which is the largest island and the richest in the group. The town of Hilo is an aspiring town, and some of these days will be an important place. They have a very good anchorage in front, and there is a great deal around it to give promise of great success as a town.

I have no doubt the legislature will organize counties there and they will probably do it at the first session, but to do that they have to reorganize a great deal of the administrative system of the islands of Hawaii. For instance, they have no magistrates, no justices of the peace, in Hawaii. The district judge has all the jurisdiction and functions that we give to a justice of the peace and certain larger ones. I forget the number of districts. There are some ten or twelve, perhaps fifteen, in the islands. Sometimes two islands are put into one district. Those courts, as I understand, are courts of record and have the power to accept

the registration of deeds. In that I may be mistaken, but I think not.

Now, in regard to the sheriff, there is a head sheriff, we call him in the proposed act a high sheriff, who has under his jurisdiction a number of deputy sheriffs, or sheriffs of the different judicial districts in the islands. There is a sheriff for each judicial district, and so there is a clerk for each of these district courts and clerks for the circuit courts and a clerk for the supreme court. The clerk of the supreme court has the clerks of the circuit courts and the district courts under his jurisdiction, not as to appointment, but as to keeping up the functions and dispatching the business of his office. The system in regard to sheriffs was found to be very valuable indeed, because the sheriff has a right under the order of the high sheriff to summon a posse comitatus whenever it is necessary in any part of the islands.

The whole force of the sheriff's office in the islands can be brought to bear at once upon any particular part of those islands, and sometimes it has been found absolutely essential for the safety of property and life that it should be done, especially in the quarrels that are continually fomented and are sometimes exceedingly bitter and fierce between the Japanese and the Chinese and sometimes the Portuguese. That is part of the police establishment. The sheriff's office is a very important one for the preservation of the peace. When this system is all disrupted and counties established, of course there must be a sheriff for each county, and this unity of power, which, up to the present time, has been effective in preserving peace and order in Hawaii will be broken up.

I think we had better go a little slow about this and not force them at the first session of the legislature to take upon themselves the organization of the counties. The first session of the legislature in Hawaii will have a great deal to do. Its time is limited. It will require a very able and very industrious body of men in that first session of the legislature to provide for all the wants of the islands. Here, for instance, is the bubonic plague, which is already upon the islands, and which has cost them an expenditure of some hundreds of thousands of dollars and has resulted in the exhibition for the second time or the third time of the very highest efficiency in the preservation of the health of the islands. No people have had greater danger to contend with, and none have met it with more resolution or more perfect dedication to the public welfare, than the people of Hawaii. I have a letter on my table here now from a lady in Hawaii, who was then with her husband on guard for the purpose of protecting the country against the spread of bubonic plague, which was brought in there on ships from China.

The whole system of administration in Hawaii will be changed whenever counties are established, and there will be a great multiplication of offices and a great addition to the expense of Hawaii. Up to the present time it has been, and according to the estimates of this commission, for all time to come Hawaii will be a self-sustaining community. Although it gives up entirely its revenues on imports, or will do so whenever this bill is passed, it is still a self-sustaining community; and I must say that I think the burdens of taxation in Hawaii seem to rest as lightly upon those people as any country I was ever in. There is no complaint of any taxation in Hawaii. I saw no evil effects of the pressure of government upon those people. On the contrary, they are a happy, decent, well-ordered, cleanly, nice-appearing people.

I do not remember ever to have seen a patch on the garment of a Hawaiian, great or small, and I do not remember to have seen one whose clothes were out of order, except a workman employed about a ditch or furnace, or something of that sort. I do not remember ever to have seen a beggar there. I am satisfied there is not one in the islands. They are all cared for. There are no exhibitions of persons in pauperism or in distress on the streets of the islands, and everybody there seems to be prosperous, and, as far as I could judge, everybody seemed to be happy. The burdens of government, therefore, are not heavy upon those people, and they are perfectly self-sustaining and will be self-sustaining. Those are very fertile islands; there is great prosperity in all industries, and there is a great invitation for new industries to go there, and a great influx of population has gone there. I think there have been thirty or forty thousand people added to the population of Hawaii since the act of annexation.

Under these circumstances I think we ought not, for the purpose of getting deeds registered, if they are not authorized now to be registered, to compel them at the first session to organize into counties and take upon themselves the payment of a very large additional number of officers, with, of course, an increase of taxation. I think we had better be indulgent with those people and let them work their way. I am sure, Mr. President, there is not a State in the American Union whose people have shown a higher degree of patriotism than the people of Hawaii have shown. They have had the entertainment of our soldiers as they passed over to the Philippines, and all stopped there—nearly every soldier who ever went there. I myself have attended feasts laid out by the people of Hawaii, at which a king might be pleased to sit down, where three or four thousand soldiers were assembled at one time and fed entirely by the kindness and hospitality of the people of Hawaii. So I think it is not necessary to crowd them at all. They are a wise, generous, and just people, and their institutions and their success in government show it.

I think we had better leave this matter as it is, so that the legislature shall have the authority and the power to organize counties, but not force it upon them immediately. The necessity is not great enough to undertake such a radical scheme of legislation.

Mr. SPOONER. A county government and county officers mean a pretty large burden of expense.

Mr. MORGAN. Yes; very large.

Mr. CLARK of Wyoming. Mr. President, I have the highest regard for the extensive observation that was made by the Senator from Alabama [Mr. MORGAN] during his two visits to those islands, but I think perhaps he fails to comprehend some of the conditions there. I myself have spent three months in those islands during the past year, making two visits. Perhaps twenty days of that time were spent in the city of Honolulu. The entire remainder of the time was spent among the people for whom the Senator has such genuine affection. Some of his remarks would lead me to believe that he thought, possibly, I had not the welfare of that people at heart.

Mr. MORGAN. Oh, no; not by any means.

Mr. CLARK of Wyoming. What I desire to do more than anything else by the passage of this bill is to assist the Hawaiian people to form a government that shall be best adapted for them and shall meet their needs.

The Senator says he heard no complaint of lack of registration facilities. I heard it in hundreds of places where I went, both from those who are selling and those who are buying. The Senator knows very well that the apportionment for the legislature as made by this bill puts the legislature into the hands of those who would want few if any places of registration other than Honolulu. I am fearful that if the simple authority is given in the bill and nothing commanding the legislature to take this action, it will be many, many years before it is taken. I think that Territory should be compelled, as the Territories of the United States and the States of the United States do, to divide the Territory into counties, that shall be as convenient to the inhabitants thereof as may be.

Now, it is true that a large part of the transfers on the islands are made on the island of Oahu, upon which Honolulu is situated, but it will not be many years, as perhaps it is even now, when the transfers on the island of Hawaii equal it. Those people, who are divided by straits, divided by the ocean, 300 miles away, should not be compelled to take a trip to Honolulu or take the time to send the papers to Honolulu. The Senator from Alabama says the burden of taxation there is very light. That is one of the reasons why they can afford to assume this expense. My recollection is that the rate of taxation in the entire islands is about 1 per cent—less, perhaps, than in any county or State or Territory in this Union. They can very well afford, then, with the $2,000,000 which they now have in their treasury to bear this additional expense, if there be any.

I hope this motion will prevail. I do not care about the special language of the amendment. I am willing to insert "at the first regular session of the legislature" or anything else that will make it mandatory on the Territorial government and the legislature to create counties.

Mr. CULLOM. I happened to be out of the Chamber when the amendment was offered, and I should like to have it read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming will again be stated.

The SECRETARY. It is proposed to amend section 56, on page 23, in line 10, after the word "legislature," by striking out the word "may" and inserting "shall at its first session," and after the word "counties," by striking out the words "and town and city municipalities;" so as to read:

That the legislature shall at its first session create counties within the Territory of Hawaii and provide for the government thereof.

Mr. CULLOM. I do not suppose the Senator from Wyoming desires to strike out that portion which allows the legislature to create towns and cities?

Mr. CLARK of Wyoming. No, indeed; I want to avoid compelling them to do it.

Mr. CULLOM. You strike it all out, apparently, according to that amendment.

Mr. CLARK of Wyoming. That is not what I intended.

Mr. CULLOM. So far as I am concerned, I know something about the importance of creating counties with offices for records, especially on the Hawaiian Islands. If the language is to remain as it is, I think the words "at their first regular session" would do exactly what this provision intimates ought to be done. Personally I have no objection to striking out the word "may" and inserting "shall at its first regular session create counties."

Mr. CLARK of Wyoming. I will modify the amendment, if

the Senator will allow me, so that I think it will meet all his objections. It will then read:

That the legislature at its first regular session shall create counties, and may, from time to time, create town and city municipalities within the Territory of Hawaii and provide for the government thereof.

Mr. CULLOM. I myself have no objection to that. I think it is tolerably important that the people of the island of Hawaii, on which the town of Hilo is located, shall have some records there, so that they will not be required to go to the island of Oahu or to the city of Honolulu, taking a day by water, in order to record deeds or transact such business as the people of every county have to transact. I have no objection to the amendment as the Senator now proposes it.

The PRESIDENT pro tempore. The Secretary will state the amendment of the Senator from Wyoming as proposed to be modified.

The SECRETARY. In section 56, page 23, line 10, after the word "legislature," it is proposed to strike out "may" and insert "at its first regular session shall," and before the word "town," in line 11, to insert "may from time to time;" so that if amended the section will read:

SEC. 56. That the legislature at its first regular session shall create counties, and may, from time to time, create town and city municipalities within the Territory of Hawaii and provide for the government thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wyoming as modified.

The amendment was agreed to.

Mr. CLARK of Wyoming. I should like to ask if any amendment was offered or adopted or rejected yesterday to section 75. The matter was up for discussion, but I think it was not determined.

Mr. CULLOM. There has been no amendment to that section.

The PRESIDENT pro tempore. The Chair is informed that no amendment was made to that section.

Mr. CLARK of Wyoming. I desire to offer an amendment to section 75.

I regret, Mr. President, that I feel compelled to propose this amendment. I believe it is right. It is with no desire to interfere with the passage of the bill or the object of the committee. I think it will cover two sections. The section provides that an amount shall be appropriated to allow the Secretary of Agriculture to investigate the laws of Hawaii relating to public lands, agriculture, and forestry. Now, so far as agriculture and forestry are concerned, I think it quite proper that the Secretary of Agriculture should have that investigation under his charge, but so far as the laws relating to the public lands are concerned, which is going to be the great question in that country, a question which is going to be harder to solve than the labor question, they ought to be investigated by the department of the Government which is especially charged with the administration of the land laws. It seems to me that the only proper way is for the investigation, if any, into the land laws of Hawaii to be made under the Land Department of our Government. This section, perhaps, might be divided, so that two investigations should be had.

What I want is that the lands of Hawaii, which constitute and will constitute the greatest problem over there, will be, if they are to be investigated, should be investigated under the department of Government which should have and will have the administration of those laws afterwards and has in every other Territory.

Mr. CULLOM. I did not quite understand the amendment of the Senator from Wyoming. If the Senator simply proposes for the present that the Secretary of the Interior instead of the Secretary of Agriculture shall make the investigation, and stops there, I have no objection to his amendment.

Mr. CLARK of Wyoming. That is all I care for.

Mr. CULLOM. But I do not desire that we shall adopt a land system for those islands until we know more about them.

Mr. CLARK of Wyoming. That is all I want.

Mr. CULLOM. The fact is that surveys such as we have in this country are not applicable to the conditions over there, as the Senator knows.

Mr. CLARK of Wyoming. That is right.

Mr. CULLOM. I have no particular concern as to who makes the examination, but I do object to anything beyond that being done at the present time.

Mr. CLARK of Wyoming. I have no desire to do anything else, but I think the Senator is a little hasty, perhaps, in saying the Secretary of the Interior should make the entire investigation in respect of those lands, because the investigation includes matters relating to agriculture and forestry, which, I think, properly come under the Secretary of Agriculture.

Mr. CULLOM. So do I. What I mean to say is that, so far as concerns the condition of the islands as to the present surveys and the policy to be pursued with reference to surveys hereafter, I should be willing to let the Secretary of the Interior control that question and make the report.

Mr. CLARK of Wyoming. And of course when the Senator speaks of surveys he means the survey and disposition of public lands.

Mr. CULLOM. Of course.

Mr. CLARK of Wyoming. That is all that the amendment is intended to cover.

Mr. CULLOM. Now, let us see what the amendment is as offered.

Mr. TELLER. I suggest to the Senator from Wyoming that he should strike out all about agriculture and let the inquiry pertain simply to public lands and forestry. I do not see that there is any objection, inasmuch as the Secretary of the Interior has control over the forest reservations, but he might strike out agriculture and forestry both, if he wants, and let it be simply an inquiry. I do not think we need to institute two inquiries of this character just now.

Mr. CLARK of Wyoming. I will say further to the Senator, by way of apology, that one reason why I offered the amendment was because I believed that the investigation in regard to the lands should be made immediately, while possibly the other investigation might have remained.

Mr. CULLOM. I think that is right.

The PRESIDENT pro tempore. The Senator from Wyoming has not yet offered any amendment.

Mr. CLARK of Wyoming. I will offer the amendment to section 75. At the end of lines 17 and 18 I move to strike out the word "Agriculture" and insert the words "the Interior."

Mr. TELLER. I think I would strike out "agriculture, and forestry" wherever it occurs. In line 19 strike out the words "agriculture, and forestry," and in line 20 strike out "forests, agriculture."

Mr. CULLOM. "And public roads," too. I do not see that the Secretary of the Interior has anything to do with that.

Mr. TELLER. Strike out, in line 20, "forests, agriculture, and public roads."

Mr. CLARK of Wyoming. Then my amendment will be to strike out, in lines 17 and 18, the word "Agriculture" and insert "the Interior;" and in line 19, to strike out "agriculture, and forestry;" and in lines 20, 21, and 22, to strike out the words "forests, agriculture, and public roads, bearing upon the prosperity of the Territory."

Mr. TILLMAN. Before that amendment is put, I wish to suggest to the Senator from Wyoming that the information sought here is as to the character of the lands there, both the public domain and all the other, especially that left in charge of the Government. Now, if the Secretary of the Interior is charged with that survey and he undertakes to do it, they will simply give you the area, whether it is woods, or mountains, or valley land; whereas if left in charge of the Agricultural Department it is more than likely we will get some facts as regards the products that are grown on similar lands and we will get some facts as to the agricultural possibilities there.

Mr. CLARK of Wyoming. I will say to the Senator, if he will allow me, that he may not be fully familiar with the manner in which the Interior Department conducts its surveys. This does not provide for any survey or anything of that sort, I will say to the Senator. It simply is to be an investigation. When the Secretary of the Interior makes public-land surveys those facts exactly are stated.

Mr. TILLMAN. You do not propose under a $15,000 appropriation to expect a survey of all those islands?

Mr. CLARK of Wyoming. I do not expect any survey at all.

Mr. TILLMAN. You want a reconnoissance, so to speak.

Mr. CLARK of Wyoming. It is simply to gain information.

Mr. TILLMAN. Would the Secretary of the Interior give it to us better than the Secretary of Agriculture?

Mr. CLARK of Wyoming. Certainly, because under the Secretary of the Interior it has been the special duty of that Department, and is now, to have supervision over all the public lands of the United States and over all the surveys of the United States except the geological and the coast surveys. That is the Department which is especially charged not only with the administration, but with the recommendation of all laws that are passed by Congress relative to the public lands.

Mr. TILLMAN. Of course, I understand that, but the question is whether this special work, which seems to be to obtain information in regard to the agricultural possibilities of that country, can be better done through the Department of the Interior than the Department of Agriculture.

Mr. CULLOM. That part is to be stricken out.

Mr. TILLMAN. But the provision as you presented it in the original bill provided that this survey or reconnoissance should be under the Department of Agriculture.

Mr. CULLOM. That is true.

Mr. TILLMAN. And I can not see any reason why you should change it.

Mr. CLARK of Wyoming. Because the Department of Agri-

culture has no jurisdiction whatever, and never has had, over the public lands of the United States.

Mr. TILLMAN. I understand that.

Mr. CLARK of Wyoming. If the Senator will read my amendment, or have it read from the desk, he will find that it refers only to the public-land laws of Hawaii and an investigation into them, with certain recommendations to be made as to what laws of ours should be applied there; and it contemplates, not in words but in that report, the formation of some system of laws by which we can deal with those lands. It does not propose surveys.

Mr. TILLMAN. As I gather the meaning of the clause as it was in the bill, it provided for a kind of reconnoissance which would give us some definite information as to what kind of land the public domain there consists of.

Mr. CULLOM. That was the meaning of the provision.

Mr. TILLMAN. And now the Senator from Wyoming is providing for a survey or reconnoissance by the Land Office here for an entirely different purpose.

Mr. CLARK of Wyoming. The amendment provides for one of the purposes, I will state to the Senator, that was provided by the committee bill. It leaves out some of the others, and is for one particular purpose.

Mr. TILLMAN. It seems to me that the disposition of these lands in the future might well be left to the Land Office here, and they might, therefore, investigate the land laws of Hawaii and provide some scheme by which those lands should be open for preemption or homesteads or whatever other method of disposition may be determined.

Mr. CLARK of Wyoming. Yes, sir; and that is exactly what my amendment proposes to do.

Mr. TILLMAN. I know, but I want the other information as to what those lands are fit for.

Mr. CLARK of Wyoming. That may neither be the Secretary of Agriculture nor any other person——

Mr. SPOONER. If the Senator from Wyoming will permit me, why not draw an amendment which will cover both?

Mr. TILLMAN. Let both do it. Let the Secretary of Agriculture, who deals with agriculture and is supposed to know something about farming, being a farmer himself, send over there and tell us what kind of lands those are and what kind of farm products they produce, and let the land laws governing the disposition of those lands be in charge of the Secretary of the Interior.

Mr. CLARK of Wyoming. I have no objection to that.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. The Chair is uncertain as to who has the floor.

Mr. CULLOM. I do not know; we all have it, apparently.

Mr. FORAKER. Mr. President——

Mr. CULLOM. I want to say a word about the amendment.

Mr. FORAKER. Allow me to suggest to the Senator, who wants information about agriculture and forestry, that this bill provides for a commissioner of agriculture as one of the officers of Hawaii in the government to be established there, and it seems to me we ought to be able to get from him all the information that it is necessary to have to enable us to know what those lands are worth or what they can be used for.

Mr. TILLMAN. The only trouble I have in this matter is in trusting everything to the Hawaiians. They are a very enlightened and educated people, so the Senator from Alabama [Mr. MORGAN] tells us; but still they are not thought worthy to manage their own affairs, and we have limitations as to property in voting there and other conditions which point to the creation or maintenance of an existing condition in the happy family over there. They do not want to be disturbed by outside interlopers. I think it is very well for the United States to have some say-so in this business and send somebody over there from here who will report back the facts. But this change does not propose to give us the facts. The Senator from Ohio tells us that this commissioner of agriculture of Hawaii will give us the facts here. Why, some of our people might want to emigrate over there and not have all these good things left in charge of the little coterie of capitalists who have gone over there and preempted and taken everything that is good in sight.

Mr. FORAKER. I have no objection to the Secretary of Agriculture being authorized by the bill to make investigation and report, but I supposed that we should rely upon the commissioner of agriculture to be appointed as a part of this governing affair, to give us all the information that the Senator wanted. I was only suggesting it to save time and avoid further amendment.

Mr. MORGAN. Mr. President, I think Senators have entirely mistaken the purport of the seventy-fifth section. No one has referred to what it ought to be or what it really is, except the remark of the Senator from South Carolina, that our people need information upon this question. There is a disposition among small farmers, laboring men, to emigrate to Hawaii, and they could do exceedingly well by going there and cultivating a small farm in coffee and make very large profits. It is quite a beautiful industry and a very convenient one in every respect. It occurred to the commission that the situation in Hawaii was very difficult to be understood by a person who had never seen it and who had never seen an accurate and official report about it. So this provision was put in here for the purpose of enabling the Secretary of Agriculture to do what? "To examine the laws of Hawaii relating to public lands, agriculture, and forestry"—for there are laws relating to all of them—"the proceedings thereunder and all matters relating to public lands, forests, agriculture, and public roads bearing upon the prosperity of the Territory, and to report thereon to the President of the United States, which duties shall be performed with all convenient speed." That is all of it. It is to get a report of a certain situation or state of facts there relating to agriculture, the laws upon the disposal of the public lands, forestry, and public roads.

Public roads is perhaps one of the most important of the elements of investigation that are presented here, for the reason that until you have built a road through one of those forests you can not establish coffee plantations or any other kind of plantations, bananas or anything of that kind, all of which are very profitable, because you can not get your wagons and teams into the vicinity of the land. Hawaii herself has demonstrated the value of this by building the road which I referred to yesterday, from Hilo to the volcano of Kilauea, and various other public roads in Hawaii. As fast as the roads have been built, coffee plantations and other plantations of small area have been established on either side.

Now, why do we select the Secretary of Agriculture? Because agriculture is the only pursuit in Hawaii. Outside of fishing there is no other pursuit in Hawaii but agriculture, and none possible. There are no minerals there. There is not enough wood there to make it an object to run steam machinery, and agriculture is the whole story in regard to the present and future prosperity of Hawaii.

I must confess that so far as I was personally concerned my attention was drawn to this subject and the necessity of having this report made by the Secretary of Agriculture because he is a man for whose ability and enterprise and industry and scientific knowledge I have the greatest possible respect. He would love to undertake a matter of this kind and have it carried through in a proper way; and when he made his report, Congress and the people also would understand exactly what the situation was.

Now, this is merely to get information. Can it make a matter of very great difference as to whether it is done by the Secretary of Agriculture or the Secretary of the Interior, except that the Secretary of Agriculture is to deal with the most important part of it? We are not undertaking to find out what changes ought to be made in the laws of Hawaii as to land, but to understand what they are, what the system is, how a man can go and make an entry, and the methods through which he can get possession.

Mr. TILLMAN. If the Senator from Alabama will permit me, can not that investigation be made right here on the spot by the Secretary of the Interior or the Commissioner of the General Land Office, and all the information be obtained that we can obtain in Hawaii? What we want is an investigation by trained farmers and agriculturists—men who are familiar with that business—as to the possibilities of those lands. The laws and the method of the disposition of the lands can be found out right here in Washington. If we just call on the Secretary of the Interior to report to Congress the present laws in regard to public lands in Hawaii and what change, if any, he suggests and the disposition of those lands, we can get it without a dollar being expended.

Mr. CLARK of Wyoming. If the Senator had ever been to Hawaii, he would know that nobody could ever suggest a sensible change in those laws unless he had gone there and investigated the matter.

Mr. TILLMAN. So I am confronted with a man who has been on the ground and says he knows something about it. I am willing always to yield to that kind of wisdom.

Mr. CLARK of Wyoming. I do not know anything about it, and that is the reason why I want the information.

The PRESIDENT pro tempore. The Senator from Alabama is entitled to the floor.

Mr. MORGAN. I concur in the proposition that it is necessary, in order to have this investigation complete and really reliable, that an investigator should be appointed to go there and examine that country. It is not like any other country that I ever saw, and I do not believe it is like any other country in the world. It may be, but it is very peculiar. To group all the different items together is to constitute the picture that people want to see. They want to know, so far as they can ascertain it, what Hawaii is, from a careful investigation of what the lands are—that is to say, the elevation above the sea, which is an important matter, because you start at the level of the sea there and for 4 or 5 miles or for 6 or 7 miles out you have rice farms and sugar estates. Then, as you ascend on the mountain slopes you come to a coffee country. You can still go higher and you come to a corn and wheat country—a country that in the early settlement of California furnished flour

for the Californians, as well as education for their children, when the gold diggers went out to California.

When you get still above that you have got a grazing country. When you get still above that you have got a country that abounds in berries and ground fruits, such as raspberries, strawberries, and huckleberries, and the like of that, and a number of konahberries and various kinds of very delicious fruits that grow spontaneously on the earth. So, as you ascend to a height of 15,000 feet, in some places, you have several latitudes in the different altitudes producing different kinds of crops.

Well, I can say that it would take an expert agriculturist to examine into this subject and present to the people the facts that would induce them to go there and raise sugar, bananas, rice, wheat, corn, melons. Fruits, of course, of various kinds grow all the year through. The ohia apple is wild there and grows on a tree as large as an ordinary oak. It bears a delicious apple and is in great abundance all through the country. There are many other fruits that grow spontaneously in the country, such as oranges, lemons, and limes. It is a country which abounds in fruits.

I think our people would like to know exactly the situation there, and I think Congress would like to know it, because when propositions are brought in here for the disposal of the public lands, when we have to enact laws to dispose of those public lands, we want to know what is the best system on which to proceed; whether the gridiron system of rectangular surveys which obtains here or surveys that accommodate themselves to the particular business in hand. An area of land that is sufficient for a coffee plantation would not be enough, for instance, for a wheat farmer or a corn farmer. But all of these particulars are of such a peculiar character that it occurred to the committee that it was better to have the Agricultural Department take charge of it than the Interior Department, which would deal with nothing, as has been observed here, but the land and perhaps something about its quality and the method of survey and disposal. That is the whole matter.

Mr. TELLER. Mr. President, it seems to me that all this matter touching the land laws ought to be left to the Interior Department. We can not afford to begin to divide up these questions in different Departments. Unless we are disposed to turn over the lands to the Agricultural Department all these things ought to be left to the Secretary of the Interior.

Then, I suggest, if I may be allowed, to the Senator who has just taken his seat, who knows all about this subject, if he will draft a provision that will cover his suggestion, I shall be very glad to vote for it, and let that go to the Secretary of Agriculture and let him do those things which he can do. Let us confine the question of the laws to the proper Department, and it certainly will be proper then to turn over those questions of the character of the lands and the products that the country will raise and all that to the Secretary of Agriculture.

I believe if the Senator will draft by to-morrow morning a provision of that kind, there will be no trouble about adopting it. There is money enough here, because, as the Senator from South Carolina says, the work of the Secretary of the Interior can be practically done here so far as the law is concerned, and then the Secretary of Agriculture can carry out the other idea on the ground.

Mr. CULLOM. I merely want to say in connection with the Senator's remark that it is very important that the Secretary of Agriculture should report on the condition of those islands, the possibilities of the land.

Mr. TELLER. That is exactly what I want him to do; but I do not want him to invade the province of the Secretary of the Interior.

Mr. CULLOM. The Secretary of the Interior ought to look into the question of how the best interests of agriculture can be served by dividing those lands, parceling them out so as to suit the conditions of agriculture. If a man wants to raise coffee or if he wants to raise taro he has got to have an opportunity of selecting coffee or taro land, if you please. I think it would be proper and right for the Secretary of Agriculture to look into the condition of the surveys over there and determine whether they are made in harmony with the necessities of agriculture.

Mr. TELLER. That is exactly what I think the Secretary of Agriculture may properly do. But I think whenever this land is to be surveyed, if we are to survey it, it will have to be surveyed under the direction of the Secretary of the Interior.

Mr. CULLOM. I myself think so.

Mr. TELLER. And the Interior Department will avail itself of the information. Now, we shall have to survey that country on the rectangular system unless we should find, when the report comes in, that the character of the country is such that we must introduce a different system and cut up the country into smaller lots, 40 acres being the smallest subdivision of the Government surveys. I learn that 20 acres there is a very respectable farm, in some places. In some places you might need a hundred.

Mr. CULLOM. And 2 acres make a respectable patch or farm for a native, for instance, who is raising taro. That would be all he would want and no more.

Mr. TELLER. I am sure if we confine the legal question and those things to the Interior Department and turn the other things over to the other Department we shall get at it in better shape than if we were to have either Department do it alone.

Mr. CULLOM. After this discussion with the Senator from Colorado, it is left to the Senator from Alabama to prepare an amendment.

Mr. PLATT of Connecticut. Some Senators desire an executive session and there are some amendments to be proposed to the bill which will take some time in discussion. The Senator from Alabama is to prepare an amendment on the subject which he has just been discussing. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 21, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1900.

SURVEYOR OF CUSTOMS.

William Vincent, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois, to succeed Richard S. Bostwick, resigned.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Puerto Rico Regiment.

Maj. James A. Buchanan, Fifteenth United States Infantry, to be lieutenant-colonel Puerto Rico Regiment, United States Volunteer Infantry, February 19, 1900, to fill an original vacancy.

SECOND LIEUTENANTS IN THE UNITED STATES MARINE CORPS.

Yandell Foote, of California.
C. T. Wescott, jr., of Maryland.
Sidney W. Brewster, of Michigan.
Paul E. Chamberlin, of Virginia.
Douglas C. McDougal, of California.
Albert N. Brunzell, of Idaho.
Presley M. Rixey, of Virginia.
T. Edward Backstrom, of Mississippi.

ASSISTANT PAYMASTER IN THE NAVY.

Ray Spear, a citizen of Washington, to be an assistant paymaster in the Navy, from the 19th day of February, 1900, to fill a vacancy existing in that grade.

COLONEL IN MARINE CORPS.

Lieut. Col. William S. Muse, to be a colonel in the United States Marine Corps, from the 31st day of January, 1900, vice Col. Charles F. Williams, deceased.

WITHDRAWAL.

Executive nomination withdrawn February 20, 1900.

Alva Ross, to be postmaster at Virden, in the State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1900.

CIRCUIT JUDGE.

Henry F. Severens, of Michigan, to be United States circuit judge for the Sixth judicial circuit.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Capt. David L. Brainard, commissary of subsistence, to be commissary of subsistence with the rank of major, February 12, 1900.

Corps of Engineers.

Maj. William S. Stanton, Corps of Engineers, to be lieutenant-colonel, February 7, 1900.

Capt. George W. Goethals, Corps of Engineers, to be major, February 7, 1900.

First Lieut. Charles Keller, Corps of Engineers, to be captain, February 7, 1900.

Second Lieut. Frank C. Boggs, jr., Corps of Engineers, to be first lieutenant, February 7, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY—THIRTY-SIXTH INFANTRY.

To be second lieutenants.

Battalion Sergt. Maj. John M. Craig, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

First Sergt. Israel F. Costello, Company K, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Sergt. John A. Huntsman, Company E, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Q. M. Sergt. George F. Young, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Sergt. Maj. George J. Oden, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

Twenty-seventh Infantry.

Lieut. Col. Albert S. Cummins, Twenty-seventh Infantry, to be colonel, February 4, 1900.

Maj. George L. Byram, Twenty-seventh Infantry, to be lieutenant-colonel, February 4, 1900.

Capt. Louis C. Scherer, Twenty-seventh Infantry, to be major, February 4, 1900.

First Lieut. Zan F. Collett, Twenty-seventh Infantry, to be captain, February 4, 1900.

Second Lieut. Richard H. Brewer, Twenty-seventh Infantry, to be first lieutenant, February 4, 1900.

Thirty-sixth Infantry.

Second Lieut. Edward McGowan, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, February 7, 1900.

COMMISSIONERS TO INTERNATIONAL EXPOSITION.

William G. Thompson, of Michigan, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

William M. Thornton, of Virginia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Arthur E. Valois, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Henry M. Putney, of New Hampshire, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Alvin H. Sanders, of Illinois, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Louis Stern, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Calvin Manning, of Iowa, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Franklin Murphy, of New Jersey, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Henry A. Parr, of Maryland, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

William L. Elkins, of Pennsylvania, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Ogden H. Fethers, of Wisconsin, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Peter Jansen, of Nebraska, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Brutus J. Clay, of Kentucky, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Charles A. Collier, of Georgia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Michael H. De Young, of California, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Thomas F. Walsh, of Colorado, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

James Allison, of Kansas, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

POSTMASTER.

Asa H. Faulkner, to be postmaster at McMinnville, in the county of Warren and State of Tennessee.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 20, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE RED RIVER OF THE NORTH AT DRAYTON, N. DAK.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 160, being the same as the bill H. R. 4167.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman in charge of the bill if it carries any appropriation at all?

Mr. SPALDING. It carries no appropriation at all. The bill is drawn in accordance with the regulations of the War Department, and is indorsed by that Department.

Mr. TALBERT. Has it been fully considered by a committee?

Mr. SPALDING. It was reported by the Committee on Interstate and Foreign Commerce.

Mr. TALBERT. Unanimously?

Mr. SPALDING. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SPALDING. I move that the bill H. R. 4167, on the same subject, lie on the table.

The SPEAKER. Without objection, that order will be made. There was no objection.

NICARAGUA CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that two weeks from to-day may be set apart, immediately after the reading of the Journal, for the consideration of House bill 2538, a bill providing for the construction of a canal connecting the waters of the Atlantic and Pacific oceans. [Applause.]

The SPEAKER. The gentleman from Iowa asks unanimous consent that Tuesday, two weeks from to-day, be set apart for the consideration of the Nicaragua Canal bill.

Mr. RICHARDSON. Mr. Speaker, I desire to ask the gentleman, as I have not had time to read the bill, if there is anything in it that deprives the United States of the absolute control of the canal, or do we have to acknowledge that the Clayton-Bulwer treaty is still in operation by virtue of anything in this bill?

Mr. HEPBURN. By the terms of this bill, if the canal shall be constructed, the United States will have absolute control over it.

The SPEAKER. Is there objection?

Mr. CANNON. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Iowa asks unanimous consent to set apart Tuesday, two weeks from to-day, for the consideration of the bill known as the Nicaragua Canal bill.

Mr. CANNON. In the state of the public business, it seems to me that when two weeks from to-day comes, we can better tell about it.

The SPEAKER. Objection is made.

Mr. RICHARDSON. There is no objection on this side, I will state.

The SPEAKER. Objection is made.

Mr. HEPBURN. Well, Mr. Speaker, I do not understand that to be an objection. If the gentleman wants to take the responsibility of objecting to it, let him say so.

Mr. CANNON. For the present. As to two weeks hence, I do not know what I may do two weeks from now; but at this time, forecasting for two weeks, I do not know what we should do.

Mr. HEPBURN. In order to obviate in part the objection, I would ask that a week from to-day be set apart for the consideration of the bill.

The SPEAKER. The gentleman asks that Tuesday, one week from to-day, be set apart for the consideration of the bill.

Mr. CANNON. I am not ready at this moment to agree to either one or two weeks from to-day. There is quite time enough to consult about this in either one or two weeks.

Mr. RICHARDSON. There is no objection to Tuesday one week on this side.

The SPEAKER. Objection is made.

Mr. HEPBURN. By the gentleman from Illinois.

Mr. CANNON. Oh, yes; by "the gentleman from Illinois," standing ready to confer with the gentleman touching the matter between this and then.

Mr. RICHARDSON. Regular order.

The SPEAKER. The regular order is demanded.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Puerto Rican bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8245.

Mr. NEWLANDS. Mr. Chairman, as a result of a humanitarian war, inaugurated not for the purpose of conquest, but for the purpose of freeing Cuba from the oppression and cruelty of Spain, the United States finds itself to-day in the qualified possession and control of Cuba, in the unqualified possession and control of Puerto Rico, and in the disputed possession of the Philippine Islands. This possession and control are maintained to-day by the Army of the United States, under the direction of the President as Commander in Chief. With reference to them Congress is now called upon to act, and we must consider three questions. First, what duty prompts; second, what self-interest requires; third, what our constitutional obligation imposes upon us regarding them.

The answer to all these questions largely depends upon the relations which they will bear to us in the future, whether temporary or permanent, and every phase of obligation, duty, and right which can be suggested to us by any conquest or cession of territory is presented in the three classes of acquisitions thus secured.

CUBA.

As to Cuba, there is no contention between the opposing parties as to the policy to be pursued. Our sovereignty, jurisdiction, and control over that island were declared by the war resolutions to have in view only its pacification. That being accomplished, our solemn obligation to Cuba and the world was given to leave the government of the island to its people.

In pacification is necessarily included the erection of a stable government, a government built up from below, not imposed from above; a government capable of establishing order, maintaining peace, and performing its international obligations. Municipal government, provincial government, insular government must be organized in order to create a body politic capable of assuming and maintaining sovereignty. Such a process is necessarily slow. The future peace of that island, the maintenance of good order, and the establishment of peaceful relations with this country, as well as the security of our trade and business relations, all demand that this work should be accomplished not in a rapid, loose, and perfunctory manner, but with deliberation and judgment.

As to whether or not economic considerations will later on compel Cuba to seek the benefit of the commercial union and enlarged markets which incorporation with this country will afford is a question of the future, depending upon the consent of both parties, and only to be accomplished after a full consideration of mutual advantages. Cuba will in the future probably be more anxious about this than the United States, for time will demonstrate to Cuba the great advantages of annexation. Whilst her products will seriously compete with the products of certain sections of our country, yet annexation of Cuba is in line with the traditional policy of our country, which includes expansion over contiguous territory and adjacent islands controlling our defensive line. Annexation of Cuba depends on her initiative and our consent after due deliberation. Meanwhile we will carry out in good faith the guaranty of the war resolutions.

PUERTO RICO.

As to Puerto Rico, no complications exist unless they are created by the maladministration of Congress. Its area is small, its people can be easily absorbed, and we are in the unqualified and undisputed possession of that island with the consent of its people, who are ready, willing, and eager to share with us the benefits and the burdens of our Government. Their industrial competition will not be serious, even though they are taken inside of our tariff wall. Doubtless the disposition of the dominant party is to establish there a Territorial form of Government and to extend our Constitution and our laws to them. Their fear is the establishment of a precedent which will be invoked to control our action regarding the Philippines later on; such action, embracing not simply one island near our coast, easily governed, its people friendly and peaceful, but embracing an archipelago of seventeen hundred islands 7,000 miles distant, of diverse races, speaking different languages, having different customs, and ranging all the way from absolute barbarism to semicivilization.

It is evident, therefore, so far as Puerto Rico is concerned, whatever present objections there may be upon the part of the dominant party to establishing freedom of trade between that island and the Union, such trade will not be long deferred, as apart from the contentions raised by a discriminating tariff, which will doubtless be only temporary, it is evident that both of the political parties of the country are now in substantial agreement that Puerto Rico will become a part of the Union.

The dominant party, however, is losing sight of the possibility that the unrest and dissatisfaction created by inequality of laws may make our problem of government in Puerto Rico much more difficult than it now seems. Whether these newly acquired islands are to be regarded as dependencies or Territories, unless freedom of trade, freedom of migration, and equality of right and burthen are established, each community discriminated against will regard itself as the victim of American prejudice or greed.

THE PHILIPPINE ISLANDS.

The Puerto Rico question is thus linked with the Philippine question. The latter presents the only difficulty in the way of the solution of the relations of our newly acquired islands, and it is necessary therefore to ascertain what duty, interest, and constitutional obligation require with reference to the Philippines. In doing so it is unnecessary to engage in crimination or recrimination as to the past. The fact is that the United States has destroyed the Spanish Government and has also destroyed the Filipino government.

The only government which exists there to-day is the military government of the United States. It is as clearly our duty to pacify these islands as it is to pacify Cuba. In this pacification the organization of a stable government is necessarily involved. A slow and tedious process must be entered upon of organizing municipal, provincial, and insular government, and later on, possibly, a confederated government or governments, including either all the islands or groups of islands related to each other by race or interest. This can only be accomplished by the recognition of the sovereignty of the United States for that purpose.

Back of all government lies force, and the only government that exists in these islands to-day is the Government of the United States, and its power must, as a matter of necessity, be recognized and obeyed. Thus far, therefore, both imperialists and anti-imperialists agree that the Philippine Islands must be pacified; that force is essential for that purpose; that the military power of this country must be asserted there in the interest of order and good government; that the people must be for a time in the condition of tutelage, their duty being to obey and ours to control, but with the corresponding obligation upon us to gradually and progressively instruct them in the science of self-government.

The only difference, then, between the imperialists and the anti-imperialists is as to our future purpose. The imperialists contend that we shall hold them for all time as subject dependencies, with such system of autonomy as they are capable of exercising; the anti-imperialists contend that we shall hold the Philippine Islands, not for the United States, but in trust for the people of those islands, with a present positive promise that when a stable government shall be organized, capable in the judgment of the United States of maintaining order and performing international obligations, the independence of the islands shall be assured. We must create a government there to which we can transfer the sovereignty transferred to us by Spain.

ULTIMATE INDEPENDENCE.

I contend that good faith, self-interest, and constitutional obligation compel us to the latter course, which will result in the pacification of the islands, the identification of the insurgents with building up the fabric of the new government, the establishment of order, the security of business interests, and the advancement of trade.

Meanwhile, the friendship of the people being assured, our commercial interests can be rapidly developed there and a commercial hold on the islands will be secured to an extent impossible of realization so long as the people maintain their present hostile attitude. Naval stations and coaling stations can be secured during the process of establishing the new system of government, a process necessarily of long duration, and currents of trade with this country will be created which can not be deflected. This process means the expansion of trade in the Orient without the annexation of oriental territory and oriental peoples, and saves us from the perilous undertaking of changing our theory of government, and abandoning our traditions as well as the contradictions which are involved in asserting an interstate republic and an extra-state despotism.

The Philippine Islands can never occupy to us the same relation as the territory gained from France, Spain, Mexico, and Russia. From this territory the majority of the States of the Union have

been created, and the small balance remaining is certain of admission into the Union as States. No such contingency as the admission of the Philippines into the Union as States is possible. The very argument of the imperialists is based upon this impossibility, and the new theory of government now asserted has its foundation in the acquisition of territory thickly populated by people absolutely unfitted for association with us in government.

Their admission into the Union would also mean an industrial readjustment in this country, for if free trade is established between the Philippines and this country, the inclusion of 9,000,000 people possessing a considerable degree of alertness and industrial capacity accustomed to the cheapest wage and the lowest standard of living will make itself felt not only in our agricultural, but also in our manufacturing industries.

What, then, does self-interest require regarding those islands? Does self-interest prompt us to maintain a perpetual war with millions of people, the continuance of which depends not upon our power but upon their volition; for it is generally conceded that this contest, partaking of the nature of guerrilla warfare by millions of people against an invading and possessory force of only 60,000 men, can last as long as the Filipinos wish it to last. Or shall we secure the friendly cooperation of those people and meanwhile secure the great commercial advantages to be obtained by the retention of naval stations and coaling stations and creating currents of trade which can not be changed?

The course of the anti-imperialists entirely frees us from the danger either of the immigration of those people or the free admission of their products into our markets; whilst the policy to be pursued by the imperialists (provided the Constitution extends over those islands) absolutely compels free migration and freedom of trade.

It is unfortunate that we should go into a great Presidential contest over a question involving extra territorial policy. It is the sentiment of the American people that with reference to our foreign relations the entire country should stand united; and that patriotic sentiment might control now were it not that the question involved includes a change in our own Government under the Constitution—at all events a change of our Government as heretofore administered.

I will not enlarge upon the disadvantages from the standpoint of self-interest in holding those islands as a part of the United States. We all agree, imperialists and anti-imperialists, as to these evils. Imperialists propose to protect us against these changes by making those islands not a part of the United States, but territory of the United States—colonies of the United States, under our absolute and unqualified dominion—our government there unrestrained by the great principles involving personal and property rights contained in the Constitution; while anti-imperialists are solicitous to avoid these very evils of free migration and freedom of trade by absolutely preventing those islands from becoming in any way a part of the United States and by advocating the policy of holding them in trust for their own people, self-government to be ultimately established there and independence absolutely secured.

CONSTITUTIONAL QUESTION.

The question then arises next, apart from the question of self-interest, as to what our constitutional obligations are regarding these islands. The treaty of Paris transfers them to the United States. The sovereignty of Spain has been broken. The sovereignty of the United States has been established. But the treaty provides that the political and civil status of the people of those islands is to be determined by Congress. Thus far we have not made them a part of the United States by any enactment of Congress. They are ceded to us by a treaty of peace; but the very terms of the treaty indicate that the determination of the future of these islands is to be left to the Congress of the United States.

We will soon be called upon to legislate regarding them, and I contend that unless we declare our purpose of holding the Philippines in trust for their own people until a stable government can be erected, the necessary presumption from the cession of the islands to us will be that they are territory belonging to the United States, and the Constitution applies to them, with all its privileges and immunities. No other presumption can be indulged regarding them unless an express declaration is made to the contrary.

The Constitution is the organic law of the United States, absolutely controlling all the branches of the Government in their functions. The United States which governs consists of the States composing the Union, but the United States which is governed under the Constitution consists of the entire domain of the Republic, Territories as well as States, and the "United States" referred to in that provision of the Constitution which declares for uniformity of taxation is the "United States" which is governed, not the United States which governs. The pending tariff as to Puerto Rico, therefore, raises the question as to whether the limitations and prohibitions of the Constitution control the action of Congress as to territories ceded and belonging to the United States. The claim that any part of the territory of the United States can be governed by Congress outside of the Constitution is without solid foundation, either of reason or authority. The Congress of the United States is the creature of the Constitution; all its powers are created by the Constitution, and the limitations upon its power must be applied to all legislation which it originates.

The Congress of the United States can not be a despotism in some parts of the Union and a body of limited constitutional powers in other parts. The Constitution of the United States was the compact of thirteen States, formerly colonies of Great Britain, which had revolted against the mother country. Equality of rights, the right to life, liberty, and the pursuit of happiness, the right of representation where taxation was involved, were the essential principles to vindicate which the Revolution was inaugurated and free government established.

The framers of the Constitution had in view the acquisition of the Northwest Territory, out of which five States were to be carved. They were framing an organic act which was to apply to the entire domain of the Republic. Jealous of individual rights they granted certain powers to the General Government, reserved certain powers to the people and the States, limited other powers, and prohibited others. They organized a government capable of indefinite expansion. They provided for the admission of new States and for the acquisition of territory out of which States could be made. The Territories were to be regarded as infant States.

It is impossible to believe that they intended that the Congress of the United States should be a limited sovereignty in the States and a despotism in the Territories, and that they proposed that the people of the Territories should not enjoy the personal and property rights for which they had fought and which they protected by the prohibitions and limitations of Congress.

It can not be contended for a moment that they deliberately designed to give Congress the power in the Territories to pass bills of attainder and ex post facto laws, grant titles of nobility, work corruption of blood or forfeiture, convict of treason on the testimony of one witness, or that they designed that the people of the Territories should not be secure in the freedom of speech or of the press, the right to assemble and petition the Government for the redress of grievances, the right to keep and bear arms, the right to be secure in their persons, houses, and effects, or that they should be deprived of life, liberty, or property without due process of law, or be deprived of private property for public use without just compensation, or should be deprived of the right of trial by jury, or should be subject to cruel or unjust punishment; and yet all these rights were absolutely secured by the Constitution, and Congress was forbidden to invade any of them.

It is clear that if the prohibitions of the Constitution relating to the rights of individuals were to be enforced wherever the jurisdiction of the Republic extended, the limitations of the Constitution relating to the power of taxation must be similarly enforced. The Constitution demands uniformity as the rule of customs duties throughout the United States, which term covers the entire domain of the Republic.

Now, the term "United States" can of course be used in two senses—the political sense, which means the States composing the Union; the geographical sense, which means the entire domain of the Republic. The United States, in a political sense, means the States composing the Union; they are the source of all governmental power. The people of those States elect the President of the United States. The people of those States elect Representatives in Congress. The people of those States elect the State legislatures which elect our Senators. The lawmaking and the law-executing branches of the Government thus elected by the people of the States composing the Union provide for the judiciary, which sits in judgment upon our laws.

The political United States consists of the States composing the Union—the "United States" which governs is the "United States" consisting of the States composing the Union. The United States, however, which is governed is the entire domain of the Republic, Territories as well as States; and with reference to the larger United States, the United States governed, the Constitution is the organic law, defining the powers of the President, of Congress, of the Supreme Court over the entire domain of the Republic, Territories as well as States.

It is impossible to believe that the framers of our Constitution could have had any other view. The States that originally formed this Union were certain colonies which had revolted against the oppression of the mother country—oppression involving, as this tariff does, the question of taxation, the question of taxation without representation, the question of unfair taxes, the question of imposition upon the natural rights and liberties of the colonists.

After many years of protest the men of that time, men of wonderful wisdom and sagacity, framed the Declaration of Independence, which was the assertion of the natural rights of man.

It was in itself the precursor of the Constitution. The very purpose of the Constitution was to establish a limited sovereignty upon this continent.

They were distrustful of absolute and unrestrained power. They had been the victims of the absolute power of Parliament, just such power as it is contended to-day we may exercise, under the Constitution, with reference to these new possessions; and they determined to frame a system of government which would put the representatives of the people and the people themselves in a strait-jacket so far as the exercise of absolute power was concerned. They framed a limited sovereignty, consisting of the United States of America, an indestructible Union of indestructible States, a Union organized for general protection and defense and the common welfare.

And so thirteen colonies of Great Britain, revolting against taxation by the mother country without representation in the taxing body, revolting against invasion of their rights of personal liberty and individual property, declared their independence of Great Britain, and later on formed a Union called the United States of America, the purpose being to leave local government in the hands of the States and to intrust all matters of general welfare, such as matters involving war, foreign relations, and Federal legislation, to the Federal Government, the source of which was to be the people of the States composing the Union.

They provided in their Constitution for expansion by the admission of new States, entitled to the same rights of local self-government, yielding the same allegiance to the Union and receiving the same benefits from it. Connected with this expansion by the admission of new States was necessarily involved the acquisition of territory, ultimately, when population permitted, to be admitted as States. Thus the scheme of government was formed, a union of States, expansion and growth by the admission of new States, expansion and growth by the acquisition of territory for the purpose of forming new States, everywhere maintaining the dual form of government—State sovereignty as to local matters and Federal sovereignty as to matters of general welfare.

Certain powers were granted to Congress. Certain of the powers so granted were limited. The exercise of certain other powers was prohibited. All powers not granted were reserved to the States or to the people of the United States. Combine all of the powers—the powers granted to the Federal Government, the powers reserved to the State government, and the powers reserved to the people—and you have all of the elements of absolute power. The very purpose of the organization of this Government was to combine them nowhere, but to create a government of checks and balances not capable, perhaps, of moving with the energy and efficiency and quickness of absolutism, but a government of limitations, of prohibitions, of checks and balances, so framed as to protect the individual rights, the individual lives, and the individual property of the people against absolute and unrestrained power.

Now, in framing this system of government is it possible to believe that these great liberty-loving, God-fearing, humanity-loving men could be so selfish as to intend to frame a government whose blessings were intended only for the States composing the Union, regardless of the rights and liberties of the people occupying territory belonging to the United States, that as to such people they intended Congress should have and exercise the omnipotent power which Parliament asserted and exercised regarding the Colonies?

EXTENSION OF THE CONSTITUTION.

Mr. Chairman, the very scheme of government involved in itself not only expansion of territory but expansion of the Constitution, expansion of the protection of the Constitution over all parts of the domain of the Republic. It provided for the admission of new States, and in the same section provided for the government and disposition of territory belonging to the United States.

They then had in view the acquisition of the great Northwest Territory, subsequently ceded to the United States by the States of Virginia and Maryland, out of which not less than three nor more than five States were to be incorporated into the Union.

The entire history of the framing of the Constitution indicates that the purpose of its makers was to organize a union of States; to permit the admission of new States, and to permit the acquisition of territory for the purpose of organizing new States; and that over the entire country, both the States and the infant States, the Constitution was to be the organic law, charter of their liberties, governing and controlling the action of the Federal Government.

As the colonists had fought for the principle that taxation and representation must go together, they contemplated in no contingency the denial of this principle.

The portion of the Constitution providing for a District of Columbia, over which Congress should have exclusive jurisdiction, contemplated the acquisition of a limited area without population, whose population thereafter was to be made up of citizens from the various States, who could maintain their right of representation by maintaining their citizenship in the respective States, and who, by coming to an unoccupied territory, whose government was already vested in a Congress, must be deemed to have consented to that form of government.

As to the Territories, the right of representation was practically admitted by conceding the right to be admitted into the Union when the population sufficed to fit them for the assumption of the burdens of statehood. They were regarded as infant States, to be controlled during infancy by the Federal Government, just as individuals are controlled during infancy. But with reference to the District of Columbia and the Territories all practical guaranties as to life, liberty, and property were secured by the provisions of the Constitution relating to personal liberty, and by the provision securing uniformity as to indirect taxes and apportionment as to direct taxes.

The powers of Congress, then, as created in the Constitution, must be viewed in the light of the Declaration of Independence and the principles for which the war of independence was fought, and it is impossible to believe that any limitations put upon the legislative power, otherwise despotic, in favor of individual rights, individual liberties, and individual lives, and for the purpose of securing equality of rights and uniformity of burdens, were intended to be applied only to that favored portion of the American people residing in the States and to be denied to that portion residing in the Territories.

The character of the Revolutionary fathers, the principles for which they contended, and the history of the times all prove that while their purpose was to make the people of the States the source of government, the Government itself was to be equal and just and to extend over the entire American people, whether living in States or in Territories.

Under such a system of government indefinite expansion over uninhabited territory fitted to the development of our race or over populated territory containing peoples capable of assimilation and of sharing with us the blessings of free government and of maintaining their liberties is possible. The difference between the imperialists and the anti-imperialists on this question is that the imperialists wish to expand our territory and to contract our Constitution. The anti-imperialists are opposed to any expansion of territory which, as a matter of necessity, arising from the ignorance and inferiority of the people occupying it, makes free constitutional government impracticable or undesirable.

PRINCIPLES OF LIBERTY.

The gentleman from Pennsylvania [Mr. DALZELL] remarked that the guaranties of liberty were the heritage of the Anglo-Saxon race; that we required no written constitution, no parchment upon which the great principles of liberty should be written; that these principles landed at Jamestown and Plymouth Rock with our colonial fathers, and were written upon the hearts of the American people.

What were these principles? The principles of Magna Charta and the Bill of Rights. Now, our forefathers were part of the great English people. The heritage which they had was the heritage of Magna Charta and the Bill of Rights. The principles which were written upon their hearts were the principles of those great instruments. But were those principles written upon the heart of George III, a kinsman, an Englishman? Were they written upon the hearts of the British Parliament, against whose oppressions and exactions our colonial forefathers rebelled? And did not the lesson of that experience imprint itself upon their hearts and compel them, in shaping a government in this country, to write in parchment, in the permanent law of the country, only to be changed after long effort, careful deliberation, and supreme consideration, the great principles regarding individual rights and property for which they had contended?

And is it not possible that history may repeat itself and that our subjects in the Philippine Islands may find that those principles of liberty are not so written upon the hearts of the members of the American Congress as to prevent them from exercising the harsh and oppressive power which the gentlemen must admit is inherent in absolutism, whether exercised or not?

CHECKS AND BALANCES.

Now, I said that we had organized a system of checks and balances, with absolute power nowhere. The framers of the Constitution in creating that instrument expressed a distrust not only of the representatives of the people but their distrust of the people themselves. They put not only the representatives of the people but the people themselves in chains by that organic act. They proposed thereby to protect the people not only from the uncontrolled power in their representatives but from their own violence.

By the creation of a House of Representatives which could negative the action of the Senate, by the creation of a Senate which

could negative the action of the House, by the creation of an Executive who could veto the action of both, they put limits everywhere upon inconsiderate action; and then by limiting certain powers, prohibiting others, and reserving to the States and to the people of the United States the remaining powers of sovereignty, they secured a Government intended to guard the rights of a strong people, not to crush the liberties of a weak people. A strong Government because of the individualism and strength of its people, not strong because of its absolutism over a weak people.

THE CANTER CASE.

Now, I wish to review for a few moments the decisions to which the gentleman from Pennsylvania [Mr. DALZELL] alluded in his argument yesterday. Thus far I have taken only a general view of the Constitution, and have considered it in the light of history, in the light of the experiences of our fathers, in the light of their contention for human liberty everywhere.

The gentleman from Pennsylvania relies mainly upon the case of the American Insurance Company against Canter (1 Peters, 511), upon the Tampico case, and one or two other cases of similar import.

In the Canter case certain bales of cotton contained in a vessel wrecked off the coast of Florida were seized by the salvors under the law of the Territory of Florida, and were sold under the decree of an inferior court organized by the legislature of that Territory. And the question was whether the decree changed the property to the purchaser under that salvage sale. It was contended on the one hand that the judicial power of the United States extended to admiralty cases; that the judicial power of the United States was to be exercised only by certain courts provided for by the Constitution, the tenure of office in which should be during good behavior; and it was contended that jurisdiction in an admiralty case could be given only to a constitutional court.

The Supreme Court met this contention by declaring that these inferior courts were not constitutional courts; that their judges held for a term of years and not for life; that they were inferior courts, organized by the Territory of Florida, acting under the sanction of Congress, which in itself was acting either under the general powers of sovereignty, to be inferred from the right to acquire, or under that provision of the Constitution which gives to Congress the power to make needful rules and regulations regarding the territory of the United States.

It is true that these inferior courts, though organized under the authority of the United States, were not constitutional courts. They were local courts, for in the Territories, of course, the Federal Government has not only the powers of the Federal Government but the powers of a State and municipal government. It can act directly with reference to the Territories, or it can delegate its powers to a legislature to be organized under the laws of the United States in the Territories. There is no question of the power of the United States to organize, in a Territory, inferior courts of local jurisdiction. The only question is whether an admiralty case is under the exclusive jurisdiction of the United States, and whether jurisdiction in such a case can be conferred upon or exercised by any but a constitutional court, a court of the United States organized under the Constitution with judges enjoying life tenure.

Now, I admit that case bears against us, if a case of salvage is a case of exclusive Federal jurisdiction. I have not been able to look into the question whether jurisdiction in a case of salvage can be exercised concurrently by the United States courts and by the State courts. If it can be exercised concurrently, then clearly the case does not bear against us.

THE TAMPICO CASE.

The next case was the Tampico case (Fleming *vs.* Page, 9 How., page 603). There, during the Mexican war, the possession and control of Tampico was secured by our arms.

The Supreme Court in that case, involving the right of a collection port of the United States to exact duties upon goods imported from Tampico, then in the possession of the United States military authorities as conquered territory, declared that the genius and character of our institutions were peaceful; that the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the General Government to vindicate by arms its own rights and the rights of its citizens; that a war declared by Congress could not be presumed to be waged for the purpose of conquest; nor could the law declaring the war "imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's territory;" that the boundaries of the United States could not be enlarged by mere military occupation, and so the court held in that case that Tampico was a foreign port even though it was under the control of our military authorities and had been conquered in war; that it could not become a domestic port except through the action of the treaty-making power or the legislative power; that the duty of the President was merely military, and that whilst he might invade a hostile country and subject it to the sovereignty of the United States, his conquest did not enlarge the boundaries of the Union nor extend the operation of our institutions or laws beyond the limits before assigned to them by the legislative power.

The whole reasoning of the case was that the boundaries of the United States could not be enlarged by conquest, but only by the action of the treaty-making power or the legislative power, and confirms our contention that when territory is ceded to the United States by treaty it then becomes domestic, not foreign; that the boundaries of the United States are enlarged so as to include it; that the Constitution of the United States applies to it. It will be observed that the court said that conquests do not enlarge the boundaries of the United States, but that cession through the treaty-making power does. What United States? The political United States, consisting of the States composing the Union; the United States that governs, or the geographical United States, consisting of States and Territories, the United States that is governed? Clearly the latter.

The boundaries of the political United States can only be enlarged by the admission of a new State; the boundaries of the geographical United States can be enlarged by the acquisition of territory as the result of the treaty-making power or the legislative power; and it is in that sense that the term "United States" is used in all portions of the Constitution relating not to the source of government but to the powers of government.

Mr. WILLIAMS of Mississippi. The United States in the aggregate, and not the several States?

Mr. NEWLANDS. Yes.

So also in other cases the courts have recognized the doctrine that ports in ceded territory are not to be regarded as domestic ports until Congress extends the customs laws to them. Was this doctrine declared because they were not part of the territory of the United States, or was it because the machinery for collecting duties was lacking? Clearly the latter. With reference to newly acquired territory, the municipal law in existence there is maintained until the country to which the cession is made exercises the power of sovereignty. There can be no such thing as collecting revenue in ceded territory unless the machinery of the law is there, and the machinery of the law can only be introduced there by the creation of collection districts by Congress, and until then these ceded ports are not regarded by the administrative department as domestic ports.

CROSS VS. HARRISON.

And yet the Supreme Court in the case of Cross against Harrison (16 Howard, page 164), a later case, takes from the gentleman even the contention which he bases upon the Tampico case, and the administrative action regarding ports in ceded territory, in which the machinery of collection has not been established. The case of Cross against Harrison arose whilst California was under military rule. It was under military rule before the cession as a result of its conquest. It was under military rule after its cession, simply because the United States Congress had not chosen to legislate regarding it.

The collector of that district was an appointee of the military commander, who, under the military law and as an incident of military occupation, could himself construct such a system of revenue and such a system of imposts and duties as to himself seemed fit.

Mr. WILLIAMS of Mississippi. Will the gentleman from Nevada excuse me for an interruption one moment to call his attention to the fact that in none of those cases did the military power set up a tariff different from that already enacted by the laws of the United States. They merely put into existence the same local laws of the ports of the country.

Mr. NEWLANDS. I was about to make that remark. The military governor there had, prior to the cession, imposed, if I recollect aright, certain duties upon imports, and after the cession and before the collection district was organized, and before the machinery of the law had been extended to San Francisco by the Federal authorities, he arbitrarily established other duties, the duties then imposed by the laws of the United States upon goods coming to the ports of the United States from foreign countries; and in that case the Supreme Court of the United States declared that immediately upon the cession the Constitution and laws of the United States, so far as they can be enforced, extended to the territory ceded.

Mr. GAINES. Will the gentleman from Nevada allow me an interruption?

Mr. NEWLANDS. I will.

Mr. GAINES. Is it not an historical fact that before the Constitution was formed, and while it was being formed, but before it was ratified, territory was ceded by several States to the United States?

Mr. NEWLANDS. Yes. Now, I was referring to the case of Cross against Harrison. There the military commander, after the cession, had fixed the duties provided by the laws of the United States, and the Supreme Court of the United States held

that immediately upon cession, and without the action of Congress at all, the Constitution and the laws applied to the ceded territory, and held that, as the Constitution itself provided that the duties throughout the United States should be uniform, it was the constitutional duty of the President of the United States to enforce the Constitution, and that the collection of the duties by the military collector, under the military commander, was entirely legal. Justice Wayne said:

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be in violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. * * * As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it is only necessary to say that if he did not do so it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

California, then a ceded territory, was declared by Mr. Justice Wayne to be "within the United States" and subject to the provision of the Constitution which provides for uniformity in customs duties "throughout the United States." Does it not, therefore, follow that Puerto Rico, a ceded territory, is also within the United States and is protected by the same provision of the Constitution?

TERRITORIES AS INFANT STATES.

Now, let me refer to the authorities which are confirmatory of the position which I have assumed, that the United States was organized with all the elements of expansion in it, that expansion to take the form of admission of new States and of territory regarded as infant States, later on to become sovereign States of the Union when able to sustain the burdens of statehood.

You have already heard both the controlling and dissenting opinions in the case of Scott against Sanford (19 Howard, page 432). I am aware that it is a malodorous case for the reason that it led to our civil war, and yet it has never been overruled; and certainly as not only the judges rendering the decision, but the dissenting judges agree as to our theory of government, it is both controlling and persuasive. In all these opinions, in the utterances of Chief Justice Taney for the majority, in the utterances of Justice McLean and Justice Curtis for the minority, no variance of opinion, but, on the contrary, unanimity of opinion is expressed on this subject.

Chief Justice Taney said:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

* * * * * * *

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Justice McLean, of the minority, said:

In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

Mr. Justice Curtis said:

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor; since these were the needs provided for; since it is confessed that government is indispensable to provide for those needs, and the power is to make all needful rules and regulations respecting the Territory, I can not doubt that this is a power to govern the inhabitants of the Territory by such laws as Congress deems needful until they obtain admission as States.

Justice Curtis adds—remember this is the opinion of Justice Curtis, of Massachusetts, the leader of the minority in that great case—

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

Now, what are these prohibitions? The prohibited powers of Congress are:

No bill of attainder or ex post facto law shall be passed.
No title of nobility shall be granted by the United States.
The trial of all crimes, except in cases of impeachment, shall be by jury.
No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.
No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

These prohibitions, then, apply to the action of Congress wherever it acts, whether with reference to Territories or with reference to area of the States composing the Union.

Now, let us look at a few amendments, to the right secured by the first eight amendments.

The first eight amendments to the Constitution secure freedom of religion, freedom of speech and of the press, freedom of the right of the people to assemble and to petition the Government for redress of grievances, the right of the people to keep and bear arms, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

They also provide for presentment or indictment by a grand jury; that no person shall be twice put in jeopardy for the same offense; that no person shall be compelled in a criminal action to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor be deprived of private property for public use without just compensation. They secure the right of a speedy and public trial by an impartial jury, and the preservation of the right of trial by jury in suits at common law. They provide that excessive bail shall not be required, nor excessive fines imposed, nor cruel or unjust punishment inflicted.

Mr. Justice Curtis says:

If, then, this clause does contain the power to legislate respecting the territory, what are the limits to that power? To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions of Congress not to do certain things.

Then I ask you, if the prohibitions are operative to control Congress, will not the limitations of power control it? A limitation of power is a prohibition of power, except to the extent to which that power is granted.

What is the limitation with reference to duties? The limitation of uniformity. The Constitution says, "All duties, imposts, and excises shall be uniform throughout the United States." No law regarding duties shall be ununiform. Is not this as emphatic a prohibition as "No bill of attainder or ex post facto law shall be passed?" Are the words "United States" words of contraction or of emphasis? Do they mean the whole or a part only of the national domain? Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheaton, page 317), says in construing this clause of the Constitution, in an opinion which our opponents declare to be dictum:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories.

This would be sufficient to condemn the pending bill; but I have preferred to take the larger view of the question, which includes our policy as to all our new possessions, my contention being that our Constitution is one of restricted powers; that it applies to every inch of territory upon which it is intended that our flag shall permanently fly; that it involves the ultimate incorporation in the Union and the participation with us in the exercise of the powers of government of all annexed territories, and that the annexation of inferior peoples of lower capacity and cheaper labor involves not only danger to our institutions but to our whole industrial system, dangers sure to lead to unrest, civil disturbance, and internal war.

OMNIPOTENCE OF CONGRESS.

I contend that there is no basis for this new theory that Congress is omnipotent as to Territories, and have endeavored to show both by consideration of the provisions of the Constitution, as well as by the history antedating and contemporaneous with its formation, that the very purpose was to prevent that omnipotence assured to Parliament by the British constitution. We speak of the British constitution. No such constitution exists. Parliament is unlimited in its powers. It can, if it chooses, pass bills of attainder, ex post facto laws, laws depriving people of their property for public use without just compensation. There is no limitation upon the powers of Parliament save such as the good judgment and wisdom of the members themselves may impose.

The sovereign there would not dare to exercise the power of veto; it would involve a revolution. Our forefathers were escaping from the omnipotence of Parliament, and they determined that in organizing a representative body here they would put in the organic act those prohibitions and limitations which would prevent Congress from becoming omnipotent, as Parliament had been. One of these amendments prohibits Congress from interfering with freedom of religion. In the case of Reynolds *vs.* United States (98 U. S., 162) the court said:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

Now, the gentleman from Pennsylvania says: "But with reference to all the territories that have hitherto been acquired by the United States, the custom of Congress has been, by the organic act creating certain territory, to extend to them the Constitution and the laws." And he claims that the Constitution has

operated in such territories not by reason of its own strength, but by reason of the acts of Congress extending it. If that be true, then the act of Congress extending the Constitution, being merely statutory law, can be amended or repealed by Congress at any time.

If Congress can extend the Constitution by law, it can withdraw the Constitution by law. But you will observe that in this very case, a case relating to Utah, the court does not base its decision upon the fact that the Constitution had been extended to that Territory by Congress and was therefore operative not as the Constitution, but as a statutory enactment in the form of the organic act of the Territory; but it says that "Congress"—not the Territorial legislature, but Congress itself—"can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment of the Constitution expressly prohibits such legislation."

In the case of Springville *vs.* Thomas (166 U. S., 707), involving the operation of the Constitution in a Territory, the court says:

> In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

The seventh amendment secured unanimity; and Congress itself in dealing with a Territory—in making an organic law for a Territory—can not impart to the legislative body of that Territory power to change the constitutional rule. If Congress itself regarding a Territory could act regardless of the constitutional rule, could it not impart that power to a legislature created in a Territory by this act for the purpose of local government?

And in Thompson *vs.* Utah (170 U. S., 346), Justice Harlan said:

> That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

It will thus be seen that the provisions of the Constitution are extended, not as an act of grace on the part of Congress, but as a matter of constitutional right, the Constitution itself being the organic law controlling the entire Territory, limiting the powers of Congress itself in its action upon such Territory.

And in Murphy *vs.* Ramsey (114 U. S., 15) the court says:

> In the exercise of this sovereign dominion——

"This sovereign dominion"—just as the dominion of a legislature may be called a sovereign dominion over the State; but that does not imply that it is an absolutism. The sovereignty spoken of is the limited sovereignty to which I have referred.

> In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

In the case of the American Publishing Company *vs.* Fisher (166 U. S., 464), Justice Brewer declared that the question as to whether the seventh amendment to the Constitution of the United States, regarding the right of trial by jury, "operates ex proprio vigore to invalidate this statute may be a matter of dispute."

That language was used in 166 United States; and Justice Brewer probably bases this statement upon the loose language used by Mr. Justice Bradley, in which he declared that the limitations in favor of personal rights which are formulated in the Constitution and its amendments—

> would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.

Mr. DOLLIVER. Why does the gentleman call the language of Justice Brewer "loose language?"

Mr. NEWLANDS. Simply because it is loose language to speak of limitations by inference, restrictions by implication, when the Constitution itself, by its express limitations and prohibitions, restrains the power of Congress, and nothing whatever is left to implication or inference.

Now, then, Justice Brewer says that it "may be a question of dispute;" but recollect that in the case of Springville *vs.* Thomas, decided by the same court and after this case in which Justice Brewer declared that it might be a matter of dispute as to whether the Constitution operated ex proprio vigore, the court says the act of Congress could not impart to a Territory the power to change the constitutional rule.

A MEMBER. That was in the Utah case?

Mr. NEWLANDS. Yes.

EXPANSION UNDER THE CONSTITUTION.

Now, in support of my contention that the Constitution contemplated the admission of new States, and as incidental thereto the acquisition of new territory from which new States could be created, I refer again to the opinion of Chief Justice Marshall in the case of Loughborough *vs.* Blake (5 Wheaton, 317), wherein, speaking of the restrictions of the Constitution, he says:

> The difference between requiring a continent, with an immense population, to submit to be taxed by a government having no common interest with it, separated from it by a vast ocean, restrained by no principle of apportionment, and associated with it by no common feelings, and permitting the representatives of the American people, under the restrictions of our Constitution, to tax a part of the society which is either in a state of infancy advancing to manhood, looking forward to complete equality as soon as that state of manhood shall be attained, as is the case with the Territories, or which has voluntarily relinquished the right of representation and has adopted the whole body of Congress for its legitimate government, as is the case with the District, is too obvious not to present itself to the minds of all.

Chief Justice Marshall was meeting the contention that no Federal tax could be imposed in the District of Columbia because the people of the District were not represented in the taxing body, and insisted that such contention could not be maintained. The District of Columbia was a very limited area of unoccupied territory, ceded by Virginia and Maryland as the seat of the Federal Government, the people of which could, if they wished, secure representation in government by maintaining their citizenship in the adjoining States, and who would be deemed by reason of living here under such conditions to have consented to government by Congress. Chief Justice Marshall draws the distinction between taxation under such conditions and the taxation of a colony by the mother country. Then, referring to the Territories, he finds justification for imposing taxes without representation in the fact that the Territory was in a state of infancy advancing toward manhood, afterwards to be admitted into the Union with the right of representation as a sovereign State.

Then in another case, in Weber against Harbor Commissioners (18 Wallace, 65), Justice Field said:

> Although the title to the soil under tide waters of the bay was acquired by the cession from Mexico equally with the title to the upland, they held it only in trust for the future States.

And in the case of Knight *vs.* United States Land Association (142 U. S. Reports, page 183) Justice Lamar said:

> Upon the acquisition of the territory from Mexico the United States acquired the title to the tide lands equally with the title to the upland, but with respect to the former they held it only in trust for the future States that might be erected out of such territory.

And in the case of Shively *vs.* Bowlby (152 U. S. Reports, 48) Justice Gray held the same doctrine.

What did they hold? That upon the cession of territory the United States acquired the title to soil under the tide waters equally with the title to the uplands; but that they held the title to the tide lands in trust. For whom? For the people of the United States? For this absolutism which, it is now contended, exists? For the States composing the Union? By no means. But in trust for the future States to be erected out of such territory, such trust to be sacredly maintained until the manhood of the cestui que trust was attained.

This, then, Mr. Chairman, is what we contend for in reference to these islands: That if they are acquired as a part of the territory of the United States we hold that territory, with its population, as infant States to be hereafter admitted into the United States, and we hold the tide lands in such territory for the future States to be created out of them. And, sir, the only way we can escape bringing this people within our tariff laws, within our body politic—the only way, I repeat, to keep them outside of our political and industrial system—is to declare now that we hold them not as territory of the United States—as infant States hereafter to be admitted as sovereign States—but that we hold these islands in trust for the people of those islands, to be turned over to them with complete independence when a satisfactory government shall be organized there capable of accepting the transfer of Spain's sovereignty, through the United States as intermediary, and capable of maintaining order and fulfilling international obligations.

HAWAII.

Mr. GROSVENOR. If it would not interrupt the gentleman from Nevada, I would like to make a suggestion to him in this connection.

Mr. NEWLANDS. Certainly.

Mr. GROSVENOR. I understand the argument of the gentleman to be that upon the acquisition of territory, as in the case of Puerto Rico or the Philippines, the Constitution at once extends itself and operates by its limitations upon the legislation of Congress?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. I hold in my hand a resolution introduced by the gentleman from Nevada [Mr. NEWLANDS] in the last Congress, which afterwards passed into law, in which I find the following:

> Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Now, if the Constitution, of its own motion, proceeded to Hawaii when the treaty was ratified, the limitation in the matter of customs regulations and the assessment of customs duties at once operated and forbade Congress to make a different rate of duty in the Hawaiian Islands from that which is enforced against other foreign countries. And yet I find that the gentleman, in a very able speech made in the last Congress, defended the very proposition and insisted upon the right of Congress to legislate upon that very question in the Hawaiian Islands.

Mr. NEWLANDS. Will the gentleman hand me the resolution?

Mr. GROSVENOR. I will take great pleasure in doing so.

Mr. GAINES. Did not that resolution provide that the local laws should continue, save those which conflicted with the Federal Constitution?

Mr. GROSVENOR. Now, will the gentleman from Tennessee let me fight this out myself?

Mr. GAINES. You did not read all the resolution.

Mr. GROSVENOR. I read every word that related to that subject.

Mr. GAINES. It was provided that that should be the law unless it interfered with the Constitution.

Mr. GROSVENOR. Not at all.

Mr. GAINES. You will find that the law of the treaty.

Mr. NEWLANDS. I am very familiar with the resolutions.

Mr. GROSVENOR. It is verbatim in the act as passed. There was not a single amendment to the original resolution—not a single word.

Mr. NEWLANDS. In the first place, I will say to the gentleman that if there is anything in these resolutions inconsistent with the contention which I now make, it is because I was not as well informed when these resolutions were drawn as I am now. [Applause on the Democratic side.]

Mr. GROSVENOR. That is a very successful answer.

Mr. NEWLANDS. But I will say, in further explanation of this clause—

That until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged—

That there are two classes of opinions in the decisions of the United States Supreme Court regarding this question, some contending that the ports in ceded territory, until the machinery of the customs laws of the United States is extended to them, must be regarded as foreign ports, and the other, as in the case of Cross against Harrison, contending that the territory, as soon as it is ceded, becomes subject to the Constitution and the laws and that it is the duty of the President of the United States to see that the customs laws of the United States are enforced there. These resolutions were resolutions of annexation, not an act for the government of Hawaii. The object was to maintain all existing laws and revenues until Congress should have an opportunity of acting.

Mr. GROSVENOR. I do not want to take up the gentleman's time, but the precise question which he is discussing will now arise upon an entry of goods from Puerto Rico into the custom-house at New York and an attempt to levy the same duty upon those goods as would be levied if they came from the port of London?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. And you hold what? That there could be no duty levied upon those goods now?

Mr. NEWLANDS. On the goods from Puerto Rico?

Mr. GROSVENOR. Yes.

Mr. NEWLANDS. I do.

Mr. GROSVENOR. You say that they have a right to come in now without the payment of duty?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. And, secondly, that Congress has no power to affix any duty at all?

Mr. NEWLANDS. I do.

Mr. WILLIAMS of Mississippi. That is, if they were the products of Puerto Rico and not foreign goods that had passed through Puerto Rico?

Mr. GROSVENOR. Of course.

Mr. NEWLANDS. Of course; and the only exception to that which could be justified would be the exception indicated in some of these opinions, which are evidently based upon the fact that the customs laws can not be enforced simply because the machinery of the law is lacking. Now, with reference to Puerto Rico, as to goods coming from San Juan to New York, there is to-day no collector of customs under the United States customs laws. I understand that as between domestic ports, vessels going from one port to the other, a clearance is made in one port by the collector there and entry is made in the other port by the collector there, and the machinery of the law being lacking the Constitution and the laws can not be enforced.

Now, when I say that the Constitution applies ex proprio vigore to the territory of the United States, I do not mean to say that if is self-executing. I mean to say that it is the organic law controlling the action of the Government there. The Government could neglect its duty; nothing could compel the Congress of the United States to organize the Supreme Court or to organize the interior judicial courts of the United States. It could absolutely neglect its plain constitutional duty, and for this there would be no remedy. Thus the Constitution would be made inoperative; and so in reference to the machinery of the law regarding the collection of customs, Congress might possibly, by a failure to appoint a collector in the ceded Territories——

Mr. GILBERT. May I ask the gentleman a question?

Mr. NEWLANDS (continuing). By failing to create the machinery make the Constitution inoperative; but in doing so Congress violates its plain constitutional duty.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. NEWLANDS. I will.

Mr. GILBERT. Now, assuming that the argument of the other side is right, that the Constitution of the United States does not act ex propria vigore in the islands and that there are no laws of this Government in force except such as Congress may enact; assuming that their major premise is sound; I want to know what authority there is in this statute to impose any punishment for a violation of this act. This bill of the majority contains this provision—extending the laws relating to the customs, including those relating to the punishment for crime in connection with the enforcement of such law, over the island of Puerto Rico and of adjacent islands.

Now, I wish you, while you have the floor, as your time has been extended unlimitedly, to point out in this bill where there are any punishments provided for a violation of this proposed bill and whether there is any provision in this bill establishing a collector's district, as indicated by the majority report.

Mr. NEWLANDS. I do not catch the gentleman's question.

Mr. GILBERT. Assuming, now, that the majority report contains the correct law, and that the Constitution of the United States does not extend to Puerto Rico, and the Federal statutes do not extend there, and common law is not in force there, where, under this law, can there be any punishment inflicted for a disregard of it, and where, in the provisions of this law, do you find any establishment of a collector's district? Where is there any kind of machinery to put this bill into operation?

Mr. NEWLANDS. I submit to the gentleman that it would be much better to present that question to one of the gentlemen who favor the bill. [Laughter.] I am opposed to the bill, and I think that a reply would come with better grace from the other side.

Mr. GAINES. Will the gentleman permit me an interruption on account of the question that was propounded to him by the gentleman from Ohio a few moments ago?

Mr. NEWLANDS. I will yield, Mr. Chairman, but I wish to be considerate of the rights of others in this debate, and I would not like to occupy the floor too long.

Mr. GAINES. I read from our treaty, so called, by which the Hawaiian Islands were annexed to the United States:

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

I had this in mind when the gentleman from Ohio [Mr. GROSVENOR] interrupted you. I ask these questions for the opposition to answer, if they will. If the Constitution did not apply or extend to Hawaii, why did Congress insert in this treaty the clause or limitation found in these words, "nor contrary to the Constitution of the United States?" If a municipal or local law of those islands "contrary to the Constitution" was null and void by the very words, as you see, of this treaty, then the Constitution did and does extend to those islands. I now ask this: Can Congress pass a law for these islands, or for Puerto Rico, that is binding, which is "contrary to the Constitution?"

Can Congress say what shall not be "contrary to the Constitution?" Of course not. That task is for the courts. It has been repeatedly held by our highest courts that a law passed by Territorial legislatures "contrary to the Constitution of the United States is void," which goes to prove that Congress is without power to enact laws beyond the limitation of or its powers granted. It will be noticed that the gentleman from Ohio [Mr. GROSVENOR] did not read the language I here quote.

CONTENTION UNNECESSARY.

Mr. NEWLANDS. Now, Mr. Chairman, I wish to say, in conclusion, that we are engaged, in my judgment, in an unnecessary contention regarding the future of these islands. We agree as to Hawaii. That is an outpost in the Pacific, controlling our defensive line from the Aleutian Islands to San Diego, and in the possession of a hostile power it could be made the base of an attack upon our entire coast, involving pernaps the destruction of our coast marine.

The annexation of Hawaii also involved absolutely the acquisition of the only intermediate port between the Orient and our country. It involved the defense of our coast. It involved economy in the military and naval expenditure of the country. There were no complex problems in regard to the people occupying those

islands. Only 100,000 people occupied them. They had been practically assimilated and were in sympathy with our institutions and our whole system of government. Their acquisition involved no industrial derangement in this country, for they had practically, by reason of the reciprocity treaty, been incorporated into our industrial system.

We also agree as to Cuba. We propose to carry out in good faith our plan of pacification and turn over that island to a government of its own people.

We also agree we will consider in the future, when economic conditions compel Cuba to knock at our door for admission into the Union, as to whether it is wise, safe, and advantageous to do so.

With reference to Puerto Rico we all agree that no great danger to the industrial system of this country can come from the acquisition of Puerto Rico. It lies there on a line to the Gulf, on the route to the future Nicaragua Canal, and comes legitimately within our scheme of expansion involving continental territory on the northern hemisphere and adjacent islands. Hawaii, Puerto Rico, and Cuba, we all—both imperialists and anti-imperialists—agree, constitute a part of legitimate expansion of both our territory and our Government.

As to these islands in the Philippine group, 7,000 miles away, we all agree, whatever may have been the mistakes of commission or omission in the past, that as the Government of Spain has been destroyed, as the government of the Filipinos themselves has been destroyed, and they present unending complications arising from the diverse nature of the tribes, differences in language, differences in customs, that we must slowly build up the fabric of self-government there, that our army must be maintained there, that the sovereign power of the United States must be sustained there, and we only differ as to the ultimate disposition of those islands, as to whether they shall remain permanently a part of the United States or whether we shall hold them in trust for their own people and ultimately grant them independence. This is the only contention.

Do the advantages, unascertained and unknowable, to be gained by the retention of these islands compensate us for abandoning our theory of government, the traditions of our people, and the constitutional government which we exercise? Do they warrant us in abandoning all the teachings of the past? Do they warrant us in the contention that this Government is a limited sovereignty here and can be absolute despotism elsewhere? Are we warranted by any of these advantages, unknown and unascertainable, that are so indefinitely suggested, in marching into this maze of intricacies and complications?

The lines of action which the anti-imperialists suggest will give us a commercial hold upon the islands; will give us coaling stations and naval stations as part of our naval and commercial machinery; will secure the establishment of currents of trade which can not be deflected. The people of this country do not want territorial expansion in the Orient; they want commercial expansion, and they want commercial expansion which will not endanger the political or industrial system of this country. The labor of this country is now on stilts, away above the labor level of the rest of the world, and however people may differ in theory as to the advantages and benefits of free trade or protection, that man would be a courageous man in this country who would knock the stilts from under labor and throw it to the ground writhing and struggling.

Remember the industrial disturbances created in 1894 by the Pullman strike, the result purely of economic conditions brought about by readjustment in our financial and industrial system. The country was upon the verge of a civil war. Economic changes are the most serious changes that any government can contemplate. However justified they may be in theory, they always result in temporary derangement and disorder to the labor and finances of the country. So far as I am concerned I wish to maintain the present level of wages in this country. I would not do anything that would diminish the price of the product which the American laborer makes, when that price is essential to the maintenance of the wage he receives.

And here to-day, after years of legislation in protecting ourselves against the products of the cheap labor of other countries, in protecting ourselves by immigration laws, intending to exclude the inferior and cheaper classes of labor throughout the world, we deliberately take the step which upon our contention will, and even upon your contention may, include within this Union 9,000,000 people with absolute freedom of access to your capital, with absolute freedom of access to the mother country, with absolute freedom of access to every part of our country, who will be invited here in swarms by speculators in labor, as were the Chinese to this country and as are the Japanese to Hawaii.

What would be thought to-day of the proposition of annexing China and Japan and bringing them within our tariff wall? Why, the thinking men for years have dwelt upon the danger of arousing the productive capacity of the Orient. The Chinese were invited to California under laws which protected their coming, and the people of that State welcomed them. At first the feeling against them was regarded as a low and vulgar race prejudice. The Chinese gradually advanced and captured the different industries on that coast, first the boot and shoe industry, the woolen industry, the cigar industry, and as they advanced upon the vineyards and orchards and into the field, thinking men realized that American civilization was in danger, and we passed laws prohibiting the immigration of these people into our country.

To-day the Japanese are coming into our country, they are rushing into Hawaii, and they will doubtless migrate to this country in large numbers. I heard an intelligent manufacturer from New England, the present minister to Italy, say four years ago that if he were a young man and proposed to establish a manufacturing industry he would go to Japan for its location. The cheapness, intelligence, and efficiency of the labor there would make its competition most potent, if taken within our tariff walls.

FILIPINO COMPETITION.

Now, I have seen in a very thoughtful review of the Philippine Islands, in a statistical abstract presented by the Treasury Department, the statement that the Philippine Islands, with the quickness and adjustability of that race, and with their great resources, will reach out and surpass Japan.

Mr. CARMACK. Will the gentleman please state from what source he derives the statement to which he has just referred?

Mr. NEWLANDS. It is in the abstract of the Bureau of Statistics regarding the Philippine Islands. I have it here. I will read a sentence. It states:

The Philippines will also play a part in the industries of the future equal to, if not surpassing, Japan

Such information as we can gather points to the conclusion that the natives of the Philippines possess a high degree of intelligence, alertness, and industrial adaptability. They are quick with their heads and their hands, in this respect resembling the Japanese.

Following the annexation of the Philippines there will be a great influx into these islands of American capital, which will be employed partly in the production of sugar and tobacco, affecting thus our own interests in the raising of these staples and partly also in manufacturing industries. At first such industries will be intended only to supply the local demand in the archipelago, but as the aptitude of the natives for pursuits of this kind is developed and the advantages of cheap labor are realized, the business of manufacturing for export to the United States will begin to grow, assuming that there is free trade. Once started, there will be no doubt that it will advance rapidly, trans-Pacific rates of transportation being so low as to offer little hindrance.

The danger will be, under the conditions suggested, that whilst the sugar and tobacco of the Philippines will compete with ours in our own markets, we shall have no compensating opportunity to sell our products there. Probably, instead of buying our manufactures, the Filipinos will ship theirs to us; and if so, the balance of trade will turn largely against us. From our point of view to-day we can hardly imagine the possible extent of this industrial competition or prescribe its limits.

It is probable that at first the natives of the archipelago, if taken inside of our tariff wall, will turn to the production of cotton goods and possibly silk fabrics, but the quickness of their heads and hands will soon enable them to adapt themselves to almost any kind of manufactures.

They may also become dangerous competitors in the growing of cotton, as the islands are well adapted in respect to soil and climate for the production of that staple. For reasons of her own, Spain made it a part of her policy to discourage cotton growing in the Philippines; otherwise it is probable that this industry would already be flourishing in the archipelago. The expectation of the Southern States that the Philippines will open a market for American cotton may never be realized. It is much more likely that they will become rivals in the business of cotton growing, and besides this, if the Constitution applies, the Filipinos will have access to the United States. It has been urged that being accustomed to a tropical climate they will not want to come here, but it must be considered that a large portion of this country has a climate sufficiently warm for the Filipinos, who would not suffer from a change of residence to California, Arizona, New Mexico, and the Southern States.

American labor has been able to maintain itself at its present elevation by the laws limiting and restraining the importation of the products of cheap foreign labor and preventing the wholesale migration of cheap labor into this country from abroad. It can be easily imagined what will be the effect of putting inside of our governmental and industrial system 9,000,000 people possessing a high degree of industrial aptitude and accustomed to a scale of wages and mode of living appropriate to Asiatics.

Such are the evils of incorporating the Philippines into our governmental and industrial system; but let us assume that there are

no constitutional objections to the plans of the imperialists; assume that we can pass discriminating laws restricting the entry of their products and the migration of their peoples to this country, but facilitating the entry of our products and the migration of our people to theirs. Can such a system, founded on injustice, last?

It is contended by no one that there is room for the occupation of these islands by an American population. The climate is unsuited to them, and, besides, the ground is already occupied, not by a barbaric people, such as the Indians, but by semicivilized people owning the land, cultivating the soil, and enjoying the rights of property. Their land can not be occupied by us; it is already occupied by them. All that we can acquire is the right to govern. Do we wish to govern simply for the sake of governing? Our Government, it is clear, can get no advantage, there will be nothing but expense. We can never divert any portion of the revenue of a subject country into our Treasury; that is a system which England herself has long since abandoned. Assuming that the islands will pay their own expenses we will then have the responsibility without profit.

Who, then, will profit? Perhaps the carriers of goods and of immigrants; perhaps those who go there to exploit the cheap labor of the country. How will they exploit it? Simply by raising products in that country with cheap labor that we raise in this country with expensive labor. Their profit will come out of the consumers of this country and at the expense of our domestic producers. If we wish to sell wheat, corn, and agricultural implements, and manufactured goods, is it not better to sell them to sugar producers and tobacco producers upon our own soil rather than pass them by and send such products 7,000 miles away to sugar producers and tobacco growers there?

It should be recollected that we can never buy anything without giving something in return. We lose as much wealth as we acquire. We certainly can not expect to sell more than we buy very long, for if we sell to the Philippines for any great length of time more than we buy, the result would be that the Philippines would be denuded of their money and would be without purchasing power of any kind.

Duty, interest, and constitutional obligation, therefore, all point to the advantage of maintaining the integrity of our governmental and industrial system; of adhering to the humanitarian purpose with which we started out in the war; of pacifying the Philippines as we are pacifying Cuba; of erecting there a stable government under a constitution and laws which will protect the welfare of the Filipinos; of retaining there necessary coaling and naval stations; of cultivating the friendly feeling of the Filipinos, and thus building up an enduring commerce in the Orient upon the solid foundation of justice and peace. [Loud applause.]

Mr. HOPKINS. Mr. Chairman, the bill under consideration provides:

That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

It does not provide for free trade between the islands and the United States, but fixes the rate of duty that shall be paid on all imports from Puerto Rico into the United States at 25 per cent of the duties charged on like articles from other foreign ports, and provides also that all articles imported into Puerto Rico from the United States shall only pay 25 per cent of the rate of duty imposed there upon like articles from other foreign countries, with this proviso, that on all articles imported from Puerto Rico into the United States where internal-revenue duty is imposed in this country that the custom duty shall be 25 per cent of the duty imposed on like articles from foreign countries plus the revenue tax levied and collected on the articles produced or manufactured in this country. It will thus be seen that under this bill the question is presented as to whether Puerto Rico and the Philippine Islands, under the treaty of peace entered into between this Government and Spain, become integral parts of the United States or whether they can be treated as territory, and separate and distinct custom laws and internal-revenue laws imposed there from what are levied, collected, and paid in the United States. The issue presented in this bill, as thus briefly stated, is of paramount importance to the people of this country.

The treaty of peace negotiated between the United States and Spain was a great triumph of American diplomacy and American statesmanship. It fixed the terms of settlement at the conclusion of a war the most brilliant of any in the history of our country. There is a destiny that shapes the affairs of nations as well as of men. The American Republic in all of its splendid career has had the favoring countenance of an allwise and just God. Never in its history, however, has the interposition of Divine Providence been more manifest than in our relations with Spain in the late war.

I have neither the time nor the inclination to review in any detail the circumstances which led to the declaration of war against Spain. This is all familiar history, known to every member on the floor, and a subject with which the great mass of our fellow countrymen are entirely familiar. The war was declared by our Government in obedience to an almost universal demand of the American people. Party lines were obliterated, sectional differences forgotten, factional disturbances were laid aside, and the people, almost with the voice of one man, demanded of the Government of the United States not only a declaration of war but the expulsion of Spanish authority from the Western Hemisphere.

In the accomplishment of this great purpose the fortunes of war took Admiral Dewey, in the early hours of the morning on the 1st day of May, 1898, into the harbor of Manila. The brilliant naval engagement which followed eclipsed in splendor any sea fight of ancient or modern times. Lord Nelson, the great British admiral, in all of his wonderful career on the sea, never achieved so brilliant a victory as the one gained by Dewey over the Spanish fleet in Manila Harbor. That great naval battle not only placed Dewey's name among the immortals, but it fixed duties and responsibilities upon the Government of the United States so momentous, so far-reaching, that the wisest and ablest in our midst are unable to agree as to their proper solution. Four problems faced our commissioners when they assembled in Paris to negotiate the treaty of peace with the Spanish commissioners as to what disposition should be made of the Philippine Islands:

First, our Army and Navy could be withdrawn from the islands and Spain again be given the power and authority she was exercising at the time Admiral Dewey's fleet first sailed into Philippine waters. Second, the islands could be given over to the inhabitants themselves. Third, the islands could be taken and divided among European nations. Fourth, the islands could be held by the United States under the terms and stipulations expressed in the treaty of peace. The reasons that were urged by the people of this country for the expulsion of the Spaniards from Cuba were equally potent against our commissioners allowing Spain to reassert her sovereignty over the Philippine Islands. Our duty to humanity, to our own citizens, and the people of those islands demanded that the strong arm of this Government should be maintained there to provide against anarchy, bloodshed, and riot that would inevitably follow the turning of them over to the people themselves under present conditions. No self-respecting American, no lover of his country, ambitious for its future on land and sea, could for a moment think of that great archipelago, with its future possibilities, being turned over to the grasping ambition and avarice of the European nations, who are to-day attempting to absorb the greater part of the Asiatic and oriental trade from America. There was but one thing left for the American commissioners to do, and that was to provide for the cession of those islands to the United States.

The consensus of opinion in this country to-day, Mr. Chairman, approves the wise action of these able and distinguished commissioners. The people of this country unite in their approval of the President's course in all our relations with Spain; and history, I am sure, will vindicate also the wisdom of his course. When war was declared no one dreamed that the far-off Orient would witness the first scenes of hostilities between the two nations. Our thoughts, our expectations, and our hopes were all centered in the fleet that was to blockade Cuban ports, and in the army that was to invade Cuban soil.

The god of war ordained it otherwise, and placed under our naval and military control the islands which are to-day inhabited by millions of people representing various stages of political development, from savagery to civilization. I approve with my whole heart the cession of these islands to the United States, and I do not join with those who indulge in dark forebodings of the future because of the problems which have arisen on account of their acquisition.

I believe that the American Republic is destined to grow in all the elements that make a great nation more rapidly in the future than in the past and that its influence will be marked and potent among all the nations of the earth. I believe that these great results can be brought about without endangering our domestic institutions or without impairing those great principles of liberty and free government that are the heritage of every American citizen. I thank God that I was born an optimist instead of a pessimist; that I can see something good in men rather than evil; that political organizations are formed for the betterment of the people of our country rather than for corrupt purposes and the spoils of office, and that in our Government we can go on increasing our trade, our commerce, our population and wealth, and in all the elements that go to make up a great sovereignty, without impairing any of those conditions so sacred to the fathers of the Republic and so important a factor in the perpetuation of republican institutions.

I believe that the Constitution of the United States is broad enough and elastic enough to enable us to control the inhabitants of those islands and give them a larger liberty and a higher civilization than they have heretofore enjoyed without impairing in

the least the integrity of our domestic institutions or entailing upon our people any additional taxation. I recognize the fact that it would be inopportune to engage in a long and elaborate argument to show what the powers are of our Government and the manner in which they should or can be exercised. I take it, Mr. Chairman, that these questions have been sufficiently discussed to satisfy every fair-minded man that the United States Government has the constitutional power to acquire these islands. If there is any doubting Thomas among us at this late day I would call his attention to the remarks of Chief Justice Marshall in the case of American Insurance Company *vs.* Canter (1 Peters, 542), in which case, speaking for the court, he said:

> The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently, that Government possesses the powers of acquiring territory, either by conquest or treaty. * * * If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession or on such as its new master may impose.

There are many other decisions of the Supreme Court of the United States which confirm the doctrine here announced. This is practically only asserting the sovereign power of the United States. When England recognized our independence, and we took a place among the sovereign nations of the earth, we took it with all the power and authority that can be exercised by any other independent sovereignty in all this world. The power of acquiring and of disposing of territory is an incident of sovereignty itself.

It could be exercised by the United States Government if there were nothing in the Constitution relating to the subject, but, as this great and eminent Chief Justice said, under the Constitution which unites the separate States into one grand Republic the article which provides for the declaration of war and the making of treaties carries with it the power to either acquire or dispose of territory at the sovereign will of the United States Government. Therefore the President, in authorizing his commissioners to enter into the articles of the treaty of peace between this Government and Spain, to acquire by cession from the Spanish Government Puerto Rico and the Philippine Islands, was simply exercising the sovereign rights inherent in our Government.

No man conversant with international law and familiar with the Constitution of the United States will contend for a moment that the acquisition of those islands was unconstitutional or beyond the power of the Government. As to what our relations to those islands shall be under the treaty of peace is, however, quite a different question. I have been greatly interested in the discussion which has been carried on in this House and in the Senate on this subject. Men whom I believe are honest in their convictions differ widely; some contend that by the very acquisition of those islands they become an integral part of the United States and that the inhabitants, varying as they do from savagery to semicivilization and perhaps to civilization, are guaranteed under our Constitution all the rights, privileges, and immunities that form the sacred inheritance of every American citizen. I have given very careful and anxious thought to that subject, and, speaking only for myself, I am entirely clear as to the status that will be held by the people of those islands and the relations that the islands themselves will bear to the Government of the United States under the Constitution.

You will note, Mr. Chairman, that in the treaty of peace itself our commissioners, with a wise forethought and a display of statesmanship that is creditable indeed, have provided in the ninth article of that treaty that "The civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress," thus leaving the whole question open to be determined by the legislation that shall be enacted by this or future Congresses. I have very pronounced convictions on this subject. I believe that territory acquired by the United States as Puerto Rico and the Philippine Islands have been acquired, under this treaty of peace between our Government and Spain, becomes the property of the United States Government and not a part of it, and that under the Constitution Congress can make such disposition of the islands as the members of the House and Senators may deem for the best interest of the people of this country and the inhabitants of the islands.

I believe, further, that under the reservation in the treaty by which the civil rights and the political status of the native inhabitants are to be determined by Congress we can make such legislation regarding them as we shall see fit, consistent with the principles of our free Republic. I am aware, sir, that in announcing this position I take issue with the great mass of the gentlemen who are opposed to the present Administration and who are seeking to embarrass the Government. But, sir, in assuming the power of the Government both over these islands and the people as well, I am announcing no new doctrine of constitutional law and am asserting no new principle of legislation. These principles which I maintain have been asserted by abler men and maintained by more cogent reasons than I can express. Chancellor Kent, in speaking on this very subject, said:

> It would seem from these various Congressional regulations of the Territories belonging to the United States (Territorial regulation acts) that Congress has supreme power in the government of them, depending on the exercise of their sound discretion. That discretion has hitherto been exercised in wisdom and good faith and with an anxious regard for the security of the rights and privileges of the inhabitants as defined and declared in the ordinance of July, 1787, and in the Constitution of the United States. "All admit," said Chief Justice Marshall, "the constitutionality of a Territorial government." But neither the District of Columbia nor a Territory is a State within the meaning of the Constitution or entitled to claim the privileges secured to the members of the Union. This has been so adjudged by the Supreme Court. Nor will a writ of error or appeal lie from a Territorial court to the Supreme Court unless there be a special statute provision for that purpose. * * * If, therefore, the Government of the United States should carry into execution the project of colonizing the great valley of the Columbia or Oregon River, to the west of the Rocky Mountains, it would afford a subject of grave consideration what would be the future civil and political destiny of that country. It would be a long time before it would be populous enough to be created into one or more independent States; and in the meantime, upon the doctrine taught by the acts of Congress, and even by the judicial decisions of the Supreme Court, the colonists would be in a state of the most complete subordination and as dependent upon the will of Congress as the people of this country would have been upon the King and Parliament of Great Britain if they could have sustained their claim to bind us in all cases whatsoever.—*Commentaries*, Vol. I, 385.

Judge Story, one of the ablest judges who ever sat upon the bench of the Supreme Court of the United States, and whose work on the Constitution is a recognized authority in this country and in England, said:

> The power of Congress over the public territory is clearly exclusive and universal; and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions, or by the ordinance of 1787, under which any part of it has been settled.—*Commentaries*, section 1328.

I think, sir, that a careful analysis of the decisions of the Supreme Court of the United States will support my contention that the ceded islands become the property of, and not an integral part of, the United States. In support of that position I desire to briefly call the attention of members of the House to what Mr. Justice Bradley said in the case of Mormon Church *vs.* United States (136 U. S., page 42):

> The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property of the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory * * * is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory, by treaty and by cession, is an incident of national sovereignty. The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, has seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them.

Long prior to the date of this decision Mr. Justice Nelson, speaking for the Supreme Court of the United States in the case of Brenner *vs.* Porter (9 How., 242), said:

> They (speaking of Territories) are not organized under the Constitution nor subject to its complex distribution of the powers of government, as the organic law, but are the creations, exclusively, of the legislative department and subject to its supervision and control.

As late as February, 1898, this question was before the circuit court of appeals of the United States for the ninth district, and the doctrine here announced by the Supreme Court in the decisions to which I have referred was reaffirmed by that court. Mr. Justice Morrow, who delivered the opinion of the court, evidently reexamined the whole question and carefully considered all the authorities cited on the subject by the lawyers on both sides of the case and came to the conclusion which I have maintained here to-day, and which has been so tersely and beautifully expressed by Mr. Justice Bradley in the decision to which I have adverted. Mr. Justice Morrow, in speaking for the court, used the following language:

> The answer to these and other like objections urged in the brief of counsel for defendant is found in the now well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation exclusively of the legislative department and subject to its supervision and control. (Benner *vs.* Porter, 9 How., 235, 242.) The United States, having rightfully acquired the territory, and being the only Government that can impose laws upon them, has the entire dominion and sovereignty, national and municipal, Federal and State. (Insurance Co. *vs.* Canter, 1 Pet., 511, 542; Cross *vs.* Harrison, 16 How., 164; National Bank *vs.* Yankton Co., 101 U. S., 129, 133; Murphy *vs.* Ramsey, 114 U. S., 15, 44, 5 Sup. Ct., 747; Late Corporation of Church of Jesus Christ of Latter-Day Saints *vs.* U. S., 181, 11 Sup. Ct., 949; Shively *vs.* Bowlby, 152 U. S., 1, 48, 14, Sup. Ct., 548.) * * * It may legislate in accordance with the special needs of each locality, and vary its regulations to meet the conditions and circumstances of the people. Whether the subject elsewhere would be a matter of local police regulation or within State control under some other power it is immaterial to consider.

In a Territory all the functions of government are within the legislative jurisdiction of Congress, and may be exercised through a local government or directly by such legislation as we have now under consideration. (Endleman *vs.* United States, 86 Fed. Rep., 456.)

This, I think, is the latest expression on this subject by the courts. Gentlemen will see that it is in line with the spirit of the law as originally announced by Mr. Chief Justice Marshall and later by Mr. Justice Bradley. The members who are interested in the study of this question and who take any pleasure in examining the authorities will find that not only is the opinion rendered by Mr. Justice Morrow correct, but will also find that Mr. Justice Bradley, in the opinion on this subject rendered by him, collects and reviews all the intervening decisions from 1 Peters to the one which was rendered by him and which is published in 136 U. S. Reporter; so that I hazard nothing in saying that the Supreme Court of the United States has held that the acquisition of territory where it is held as territory is the property of the United States. The Supreme Court in 18 Wallace, page 320, said:

During the term of their pupilage as Territories they are mere dependencies of the United States. All political authority exercised therein is derived from the General Government.

Indeed, Mr. Chairman, my examination of this subject has caused me to express feelings of surprise that men question the constitutional status of these people under the treaty of peace, or question the status of the islands themselves, so far as the power and authority of the Congress of the United States over them is concerned. They may rely, however, upon the decisions of the Supreme Court of the United States relating to the right of trial by jury in the Territories, to citizenship, and the apportionment of taxes, etc.

Mr. COCHRAN of Missouri. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. I will yield to the gentleman.

Mr. COCHRAN of Missouri. I want to inquire of the gentleman if he believes that had that part of the treaty for the purchase of Louisiana with France been omitted, could Congress have passed a law interfering with the religious liberty of the people of the Louisiana purchase?

Mr. HOPKINS. I want to say to the gentleman that if there had been no provision of that kind, the power of Congress would have been as unlimited as England in treating her colonies before the war of the Revolution, in the language of Judge Kent, and one as great as she exercises over her other provinces at the present time.

Mr. COCHRAN of Missouri. One further question.

Mr. HOPKINS. I can not yield further.

Mr. COCHRAN of Missouri. It will be very brief.

Mr. HOPKINS. Now, Mr. Chairman, when I was interrupted by the gentleman from Missouri I was attempting to show that under this constitutional provision the treaty of cession became the supreme law of the land, and enabled a person living within the limits of the Territory to invoke the powers of the Constitution in his behalf precisely as he would if he had lived within the limits of a State.

When we come to understand this, we can readily see that the Supreme Court of the United States in passing upon the question as to the right of trial by jury would use language that may be found in those decisions; that when they came to pass upon any of the questions relating to police powers they would use such language as they do without ever assuming the grave proposition that has been announced by the gentlemen on the other side of the Chamber in this debate.

I am well aware that expressions can be found in a number of cases decided by that great tribunal which give color to the position assumed by gentlemen on the other side of the Chamber, who contend that the Constitution ex proprio vigore extends to the Philippine Islands and Puerto Rico. I have carefully studied each of these decisions, and I think when they are properly considered they are in harmony with the position I assume and in harmony with the decisions of the courts which I have cited above in support of the doctrine that these newly acquired possessions are the property of the United States and subject to such legislation as Congress may see fit to enact respecting them. To properly understand those decisions it may be necessary to call the attention of the members of the House to the different treaties negotiated by this country with foreign countries in the acquisition of territory.

The first territory we acquired by treaty was during the year 1803, and is known as the Louisiana purchase. Article III of the treaty negotiated between this country and France reads as follows:

The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

When it is remembered that by Article VI of the Constitution "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land," it becomes apparent at once that when the treaty from which I have just quoted was approved by the President and the Senate it became the supreme law of the United States and extended to the citizens living within the limits of the Louisiana purchase the rights and privileges of citizens of the States. It is also apparent that this vast territory was acquired by the Government of the United States for the purpose of being incorporated into the Union and giving the inhabitants thereof all the rights, privileges, and immunities of the people of the thirteen original States.

Florida was ceded to the United States by Spain in 1819 under a treaty containing a similar provision to the one just quoted relating to the Louisiana territory. And the treaty by which New Mexico, California, Utah, and the other territory acquired from Mexico was ceded by that country to the United States contained a provision similar to that contained in the treaties concerning Florida and the province of Louisiana. You thus see that by the treaty, which under the Constitution becomes the supreme law of the land, certain rights under the Federal Constitution were conferred upon the inhabitants of the ceded territory. In none of these cases has the court said, independent of any treaty arrangement or act of Congress, that the Constitution ex proprio vigore extends to newly acquired possessions. When we acquired the Alaskan territory, a somewhat different agreement was entered into with Russia with reference to the territory itself and to the people living therein. That treaty, among other things, provided as follows:

But if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized tribes, shall be admitted to the enjoyment of all rights, advantages, and immunities of citizens of the United States, and shall be protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country.

From this it is apparent that, aside from the acquisition of the Hawaiian Islands, all of the territory which we acquired prior to the cession of the Philippine Islands and Puerto Rico was under the treaty stipulations which extended to the inhabitants certain of the rights, under the Constitution, of American citizens.

Loughborough *vs.* Blake (5 Wheaton, 317) is the leading case relied upon by those who argue that the Constitution ex proprio vigore extends to all of our newly acquired possessions. That case was decided in 1820. The opinion was delivered by Chief Justice Marshall. It arose out of substantially the following facts: January 9, 1815, Congress passed an act laying an annual direct tax of $6,000,000 upon the several States that formed the United States Republic, naming the States, eighteen in all. The amount was apportioned among them as provided by the Constitution. February, 27, 1815, Congress passed another act which in effect extended the first act to the District of Columbia. A resident of the District of Columbia resisted payment on the ground that the act extending the original act to the District of Columbia was unconstitutional. His property was seized and he brought trespass against the officer making the seizure.

The judgment of the court can be sustained fully on the grant of full legislative power found in Article I, section 8, subsection 17, of the Constitution. In delivering the opinion of the court, however, Chief Justice Marshall used language which implies that the "United States" means the States and Territories. This part of the opinion is conceded by all lawyers to be dictum, and that it is so regarded by the Supreme Court of the United States is apparent from the language of Mr. Justice Gray in the case of Gibbons *vs.* The District of Columbia (116 U. S. Rep., 407). In speaking of the case of Loughborough *vs.* Blake he said:

The point there decided was that an act of Congress laying a direct tax throughout the United States in proportion to the census directed to be taken by the Constitution might comprehend the District of Columbia; and the power of Congress, legislating as a local legislature for the District, to levy taxes for District purposes only, in like manner as the State legislature of a State may tax the people of a State for State purposes, was expressly admitted and has never since been doubted.

Chief Justice Marshall, in his opinion, did not make the distinction which clearly exists that the term "United States" has a dual meaning. One, international, which means the empire of the United States, including the States that exist under the Constitution and all the territory as well. This term is conventional. It is a term that is used the same as we speak of the German Empire, and has no relation to the Constitution itself, which unites the forty-five States into one Federal Republic. In its constitutional meaning the term "United States" relates entirely to the States forming the Federal Republic, and it is in that sense in which it is used in the different provisions in the Constitution itself. As I have already shown, it was unnecessary for the Chief Justice to have used the language he did in upholding the constitutionality of the act in question, and it is apparent also that he did not give the significance to that language which has been given to it by our Democratic friends, from the fact that he was the judge who wrote the opinion in the Canter case, reported in 1 Peters. The Canter case, while it does not in express terms

overrule the dictum of Chief Justice Marshall in Loughborough *vs.* Blake, uses language which is entirely inconsistent with the idea that a Territory, as such, is comprehended within the limits of the Constitution of the United States.

Indeed, Chief Justice Marshall himself, in the case of Hepburn *vs.* Ellzey (2 Cranch, 445), fully determined that a Territory is not a State and not comprehended within the limits of the Constitution. In that case a resident of the District of Columbia brought suit in the United States court for the district of Virginia against a citizen of Virginia. The defendant contended that as a citizen of the District of Columbia he had no authority under the Constitution to bring such a suit. In determining that question Chief Justice Marshall said:

> On the part of the plaintiffs it has been urged that Columbia is a distinct political society and is therefore a State according to the definitions of writers on general law. That is true. But as the act of Congress obviously uses the word "State" in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a State in the sense of that instrument. The result of that examination is a conviction that the members of the American Confederacy only are the States contemplated in the Constitution.

Again, in the case of New Orleans *vs.* Winter (1 Wheaton, 92), Chief Justice Marshall uses this language:

> It has been attempted to distinguish a Territory from the District of Columbia; but the court is of opinion that this distinction can not be maintained. They may differ in many respects, but neither of them is a State in the sense in which that term is used in the Constitution.

Scott *vs.* Sanford (19 Howard) is another case which is much relied upon by those who hold that our newly acquired possessions must be controlled, if at all, under the provisions of the Constitution. A mere statement of the issue involved in that case, as it seems to me, will determine the fact that it can not be urged as an authority to guide us in the determination of our action in legislating for Puerto Rico and the Philippine Islands. Scott was a slave, and his master took him from Missouri, where he was then a resident, into the State of Illinois and resided there for two years, and then into the Territory of Minnesota and resided there for two years. He then went back into the State of Missouri with his slave, and after he had become again domiciled in the State of Missouri Scott sued in the State courts for his freedom.

The supreme court of Missouri held that it did not possess jurisdiction beyond the territorial limits of the State and that it could not invoke the laws of Illinois or of the Territory of Minnesota to establish his freedom. The case was then taken into the Federal courts, and the only issue presented there and the only issue decided by the Supreme Court of the United States was as to whether that court had jurisdiction of the case. The decision of the court was that it did not possess jurisdiction. Whatever was said outside of that one issue was the dictum of the judge and not the decision of the court. We all know under what political excitement the opinions of the Chief Justice and his associates were delivered. They were simply the expression of political opinions and are not entitled to any weight as judicial expressions. That I am correct in this is apparent from the fact that it has never been relied upon by the courts and rarely has it been referred to in judicial opinions.

American Publishing Company *vs.* Fisher (166 U. S., 464), the Slaughter House Cases, Springville *vs.* Thomas (166 U. S., 707), Thompson *vs.* Utah (170 U. S., 343), and many other cases that I might speak of have been referred to in this debate as supporting the doctrine that our newly acquired possessions have become an integral part of the United States and that the inhabitants thereon are entitled to the protection guaranteed to citizens under our Constitution. Those cases when properly analyzed do not support that contention. That issue was not before the court in any of these cases. The language that has been relied upon is simply the dictum of the justice who prepared the decision for the court. Every person familiar with the decisions of our courts can readily understand that even the judge himself preparing the opinion would not wish to be bound to the exact and literal interpretation of every expression used in the way of illustrating the issue that is determined in the opinion.

All of these cases arose under such different conditions from those that now confront us that it is preposterous to hold that all or any of them are authorities to guide us in legislating for Puerto Rico or the Philippine Islands. I venture the assertion that none of these decisions would have any weight with the Supreme Court, or at the most very little weight, when called upon to decide the constitutionality of the bill which we are now considering. We are confronted in this legislation with the acquisition of territory under different terms from any previous acquisition in the history of the Republic. The location of the islands, climatic conditions, the inhabitants themselves and their known incapacity at the present time for self-government will all have a powerful influence with the court in determining the constitutionality of our action.

> It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case they must be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care and considered in its fullest extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated.

This is the language of Chief Justice Marshall in the case of Cohens *vs.* Virginia (6 Wheaton, 264).

In re Ross (140 U. S. Rep., 453) the Supreme Court of the United States upheld a consular court established by Congress in Japan, consisting of a consul and four associates. A person charged with murder on an American vessel in Japanese waters was tried before this consular court without a jury and without any of the safeguards provided by the Constitution. He was found guilty and sentenced to be executed. The sentence, however, was commuted by the President to life imprisonment, and he was sent to the penitentiary at Albany, N. Y., to serve out his life sentence. While he was serving out his life sentence he sued out a writ of habeas corpus and raised the question as to the constitutionality of the court which had tried him, claiming that under the Constitution of the United States he had a right to trial by jury. The court held him to have been properly convicted, and upheld the act of Congress creating the court. This case is in harmony with those which I have already cited in support of the doctrine that Congress is supreme in the territories we have just acquired, and that the civil rights and the political status of the people of those islands can be fixed by Congress independent of any of the provisions or limitations in the Constitution.

In the first case to which I have referred in my remarks here to-day—the Canter case, reported in 1 Peters—Daniel Webster was of counsel in the case. It was a case that arose out of the sale of cotton by order of a Territorial court in the Territory of Florida. Mr. Webster, in his argument, went into a full exposition of the relations of the Territories to the Government of the United States. This, mark you, was in 1828, more than seventy years ago, and only a few years, comparatively speaking, after our Government had been organized under the Constitution. None of the decisions to which I have here referred had been rendered, but Mr. Webster, with that marvelous analytical ability which he possessed, with that knowledge of the Constitution and its proper construction which he always displayed when discussing these questions, contended that the Constitution did not extend over acquired territory; that territory itself was the property of the United States, and that Congress was the supreme power in legislating for such territory.

The treaty of cession by which the United States became possessed of the Territory of Florida was so worded that the Supreme Court was not required to specifically and in exact language determine the proposition as Mr. Webster presented it to the court, but the spirit of that decision was along the line of the argument presented by Mr. Webster. Later decisions, as I have clearly shown here to-day, are all in harmony with the position that that great constitutional lawyer maintained. How comes it, then, that in the closing days of the nineteenth century, and after more than a hundred years of constitutional government, we find men apparently learned in the law who take the opposite position, and who insist that the acquisition of the Philippine Islands under the treaty of peace with Spain makes them an integral part of the United States and gives to the inhabitants there all of the rights, privileges, and immunities of American citizens?

I think I can explain it, Mr. Chairman. These men are resurrecting a doctrine that ought to have gone down forever in the smoke and battle of the civil war. This principle, which has been resurrected for the purpose of creating trouble for this Administration and the Republican party, is simply a doctrine, clothed in a new garb, that was invented by John C. Calhoun, a brilliant intellect, but perverted by disappointed ambition into the narrowest of a State-rights advocate, and the inventor of the nullification doctrine of 1832—the principle upon which the people of the South in 1861 sought to establish a Confederate government. It is one of the old cries for the extension of slavery, resurrected in this arena and at this time to frighten the people of this country in the great emergency which confronts us.

In speaking as I do, Mr. Chairman, of Mr. Calhoun being the father of this doctrine, and that it was a dogma invented in support of slavery, I am following the beaten path that was prepared for all who came after by the most distinguished Senator Missouri ever had in the Senate of the United States, namely, Thomas H. Benton. I crave the indulgence of the House while I read to my Democratic friends what he said. I read from the second volume of Mr. Benton's work, page 712, entitled "Thirty Years' View:"

> The resolutions of 1847 went no further than to attempt to deny the power of Congress to prohibit slavery in a Territory, and that was enough while Congress alone was the power to be guarded against, but it became insufficient, and even a stumbling block, when New Mexico and California were acquired, and where no Congressional prohibition was necessary, because their soil was already free. Here the dogma of 1847 became an impediment to the territorial extension of slavery, for in denying power to legislate upon the subject the denial worked both ways, both against the admission and exclusion.

It was on seeing this consequence as resulting from the dogmas of 1847 that Mr. Benton congratulated the country upon the approaching cessation of the slavery agitation; that the Wilmot proviso being rejected as unnecessary, the question was at an end, as the friends of slavery extension could not ask Congress to pass a law to carry it into a Territory. The agitation seemed to be at an end and peace about to dawn upon the land. Delusive calculation! A new dogma was invented to fit the case, that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress. Failing in these attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it.

In this exigency Mr. Calhoun came out with his new and supreme dogma of the transmigratory function of the Constitution in the ipso facto and the instantaneous transportation of itself in its slavery attributes into all acquired Territories. This dogma was broached by its author in his speech upon the Oregon Territorial bill. History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself, not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress. Slavery, as a local institution, can only be established by local legislative authority. It can not transmigrate, can not carry along with it the law which protects it; and if it could, what law would it carry? The code of the State from which the emigrant went? Then there would be as many slavery codes in the Territory as States furnishing emigrants, and these codes varying more or less, and some of them in the essential nature of the property—the slave in many States being only a chattel interest, governed by laws applicable to chattels; in others, as in Louisiana and Kentucky, a real estate interest, governed by the laws which apply to landed property. In a word, this dogma of the self-extension of the slavery part of the Constitution to a Territory is impractical and preposterous, and as novel as unfounded.

I desire to emphasize the fact that in the whole history of our legislative government no man before Mr. Calhoun, in either branch of Congress, had ever asserted that doctrine. You will mark this, that prior to this time we had acquired the Louisiana territory, Florida, New Mexico, and California; in fact, we had extended our territory from the circumscribed limits of the thirteen original States until we had reached from ocean to ocean; we had acquired an empire in territorial extent, and yet none of the leaders in either of the great political parties ever dreamed for a moment that the Constitution extended itself over it ex proprio vigore as is contended by our Democratic friends to-day. Fortunately for us in the elucidation of this question and the proper construction of the Constitution, Daniel Webster, the great expounder of that instrument, was living and a member of the Senate of the United States when Mr. Calhoun gave utterance to that doctrine which has been so strongly condemned by Mr. Benton.

This was more than twenty years after Mr. Webster had presented his views to the Supreme Court of the United States in the case of Insurance Company *vs.* Canter (1 Peters). It was after his life had been enriched by his experience in the courts of his country, in the Senate, and as Secretary of State. Mr. Webster refuted Mr. Calhoun's position in language to which I desire to call the attention of my fellow-members. His exposition is so lucid and so profound that, in my judgment, it does not leave anything to be said by others.

Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States and over nothing else. It can not be extended over anything except over the old States and the new States that shall come hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible construction. It is said that this must be so, else the right of habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.

Sir, if the hopes of some gentlemen were realized, and Cuba were to become a possession of the United States by cession, does any body suppose that the habeas corpus and the trial by jury would be established in it by the mere act of cession? Why more than election laws and the political franchises or popular franchise? Sir, the whole authority of Congress on this subject is embraced in that very short provision that Congress shall have power to make all needful rules and regulations respecting the territories of the United States. The word is territories, for it is quite evident that the compromises of the Constitution looked to no new acquisitions to form new territories. But as they have been acquired from time to time, new territories have been regarded as coming under that general provision for making rules for territories. We have never had a territory governed as the United States is governed. The legislature and the judiciary of Territories have always been established by a law of Congress. I do not say that while we sit here to make laws for these territories we are not bound by every one of those great principles which are intended as securities for public liberty.

But they do not exist in Territories till introduced by the authority of Congress. These principles do not proprio vigore apply to one of the Territories of the United States, because that territory, while a territory, does not become a part and is no part of the United States. * * * One idea further upon this branch of the subject—the Constitution of the United States extending over the Territories and no other law existing there. Why, I beg to know how any government could proceed without any other authority existing there than such as is created by the Constitution of the United States? Does the Constitution of the United States settle titles to land? Does it regulate the rights of property? Does it fix the relations of parent and child, guardian and ward? The Constitution of the United States establishes what the gentleman calls a confederation for certain great purposes, leaving all the great mass of laws which is to govern society to derive their existence from State enactments. That is the just view of the state of things under the Constitution. And a State or Territory that has no law but such as it derives from the Constitution of the United States must be entirely without any State or Territorial government. * * * How did we govern Louisiana before it was a State? Did the writ of habeas corpus exist in Louisiana during its territorial existence? Or the right to trial by jury? * * *

Well, I suppose the revenue laws are made in pursuance of its provisions; but, according to the gentleman's reasoning, the Constitution extends over the Territories as the supreme law, and no legislation on that subject is necessary. This would be tantamount to saying that the moment territory is attached to the United States all the laws of the United States as well as the Constitution of the United States become the governing will of men's conduct and the rights of property, because they are declared to be the law of the land, the laws of Congress being the supreme law as well as the Constitution of the United States. Sir, this is a course of reasoning that can not be maintained. The Crown of England often makes conquests of territory. Whoever heard it contended that the Constitution of England, or the supreme power of Parliament, because it is the law of the land, extended over the territory thus acquired until made to do so by a special act of Parliament? The whole history of colonial conquest shows entirely the reverse. Until provision is made by act of Parliament for a civil government the territory is held as a military acquisition. It is subject to the control of Parliament, and Parliament may make all laws that they may deem proper and necessary to be made for its government; but until such provision is made the territory is not under the dominion of English law. And it is exactly upon the same principle that territories coming to belong to the United States by acquisition or cession, as we have no jus coloniae, remain to be made subject to the operation of our supreme law by an enactment of Congress.

I have referred to the manner in which this doctrine was first suggested in this country, and I have not only shown to you the decisions of the Supreme Court of the United States bearing on this subject, but the views of the most distinguished expounder of our Constitution since the formation of the Federal Republic. Let me now call your attention to an able article on this subject from a historical standpoint written by historian McMaster. It is in the December number of the Forum, 1898. The article is well worthy the perusal of every student of American institutions and especially of every man desiring to obtain light on the subject now under consideration. It is written with all the facility of expression and profound research of that able historian. The conclusion he reaches is as follows:

A review of the history of suffrage in the Territories thus makes it clear that foreign soil acquired by Congress is the property of and not part of the United States; that the Territories formed from it are without, and not under, the Constitution, and that in providing them with governments Congress is at liberty to establish just such kind as it pleases with little or no regard for the principles of self-government; that in the past it has set up whatever sort was, in its opinion, best suited to meet the needs of the people, never stopping to ask how far the government so created derived its just powers from the consent of the governed, and that it is under no obligation to grant even a restricted suffrage to the inhabitants of any new soil we may acquire unless they are fit to use it properly.

If my contention be true, Mr. Chairman, that these islands are only the property of the United States and that the inhabitants only acquire such rights as we may give them by legislation, it follows that we can have separate customs and internal-revenue laws for the islands, and navigation laws applicable to that country and distinct from our own, and, in fact, any legislation that will be for the well-being of the people of those islands and of the people of the States. I dissent in toto from the doctrine contended for by some, that our tariff laws and internal-revenue laws must be the same in these islands as they are in the United States. In addition to what I have already said on this subject, I desire to call the attention of the House to the case of Fleming *vs.* Page. (9 Howard, page 603.) Mr. Webster, who was of counsel in that case, in his argument said:

That there was a difference between the Territories and the other parts of the United States. Judges were there appointed for terms of years, which the Constitution forbade as to other parts of the country. Hence the part of the Constitution which directs that duties must be equal in all the ports of the United States does not apply to Territories.

Mr. Chief Justice Taney, in delivering the opinion for the court in that case, said:

This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port. For after Florida had been ceded to the United States and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district and authorizing the appointment of a collector were liable to duty. That is, although Florida had, by cession, actually become a part of the United States, and was in our possession, yet under our revenue laws its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned by the Attorney-General of the United States, the law officer of the Government.

And although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports of Louisiana, after that province had been ceded to the United States, were both made upon the same grounds. And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department in no instance that we are aware of since the establishment of the Government has ever recognized a place in a newly acquired country as a domestic port from which the coasting trade might be carried on unless it had been previously made so by act of Congress.

The principle thus adopted and acted upon by the executive department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is re-

garded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

The enemies of national expansion have created in their imagination a bogy man and with him are trying to frighten the laboring people of this country; they are assuming that the people of that distant and tropical climate will come to the cold regions of the North and drive out our laboring men with their cheap labor. A more groundless argument was never urged. It is almost fantastical when you consider it in its true light. There is not a Malay in this country to-day, and there will not be one an hundred years from now. Why? Because the climatic conditions are such that they will prefer to stay in their own country; they will secure a larger liberty under the administration we shall give them in their own islands than they have heretofore enjoyed, and will remain there instead of coming here to compete with American labor.

But, as I have stated, the treaty of peace under which we have acquired this territory leaves it with the Congress of the United States to provide against any of the contingencies that have been conjured up by the ingenuity of these Democratic speakers who are seeking to throw a stumbling-block in the way of this Administration in the discharge of the responsibilities which it has had thrust upon it by the fortunes of war. We can provide a system of government that will be adapted not only to the conditions of the islands from a climatic standpoint, but adapted to the state of political development of the people. What is important for us now is to demonstrate to them and to the world that America is united in her efforts to maintain peace and order in this territory. They in time will come to understand, as will all the world, that the form of government that we establish in these islands will start the people on an era of progress which has been unknown in their history.

While this is being done it will be necessary for us, in the interest of humanity and the people themselves, to have a stable form of government there and an army sufficiently large to police the islands and drive out freebooters, whether under the leadership of Aguinaldo or any other military or political adventurer. I have grown tired, Mr. Chairman, in listening to the arguments of gentlemen on the other side of the Chamber when they talk about "imperialism," and that an increased Regular Army will stifle the liberty of our countrymen. But when I reflect on the history of my country and note the arguments of ill omen that have ever been addressed to the people when new territory has been acquired, I content myself in the belief that the notes of alarm sounded by the Democrats will fall on deaf ears, as they did on the deaf ears of the fathers of our country, who believed that the acquiring of new and additional territory, instead of weakening, would strengthen the Republic and aid it in its manifest destiny in the elevation of mankind. While these arguments of the pessimists have ever found ready expression with a certain class of public men from the time of the acquisition of the Louisiana territory to that of the Hawaiian Islands, it certainly sounds strange coming from the lips of Democrats.

The patron saint of the Democratic party is Thomas Jefferson, and yet, Mr. Chairman, he was the greatest territorial "expansionist" this Government has ever known. When the opportunity was presented to him by the first Bonaparte to acquire that magnificent empire known as the Louisiana Province, out of which have been carved some of the richest and most populous of our States, did he hesitate? Not a moment! He believed then, as we know now, that the acquisition of that territory would raise the American Republic from the condition of a fourth-rate power to that of a first-class power among the great nations of the world. In our youth and weakness, with an impoverished Treasury, with small means for raising revenue, he authorized his commissioners to pay the French Government the sum of $15,000,000 for this territory. Is there a man within the sound of my voice to-day who believes that Mr. Jefferson made a mistake in the acquisition of that territory? Is there a man to-day, in the light of our history, who believes that the principles of free government were weakened by the acquisition of this new territory, containing as it did a population who were strangers to our constitutional Government and enemies to our free institutions? And yet, Mr. Chairman, some of the best minds of that day believed as fully as our Democratic friends profess to believe to-day that the acquisition of the Louisiana Territory would work the destruction of the American Republic.

Let me read to you a few sentences from Fisher Ames, one of the most distinguished Federalists of New England, one of the most accomplished men of his time, and one of the most brilliant and fascinating orators that ever addressed an audience:

> Now, by adding an unmeasured area beyond that [the Mississippi] river we rush like a comet into infinite space. In our wild career, we may jostle some other world out of its orbit, but we shall, in every event, quench the light of our own. * * * Having bought an empire, who is to be emperor? The sovereign people, and what people? All, or only the people of the dominant States, and the dominant demagogues in those States, who call themselves the people? As in old Rome, Marius, or Sylla, or Cæsar, Pompey, Antony, or Lepidus will vote themselves provinces and triumphs. * * * But surely it exceeds all my credulity and candor on that head to suppose even they can contemplate a republican form as practicable, honest, or free, if applied when so manifestly inapplicable to the Government of one-third of God's earth.

Mr. Josiah Quincy, of New England, at one time president of Harvard University, and at another time one of the most distinguished men of this body, had this to say in opposition to the acquisition of the Louisiana Territory:

> Under the sanction of this rule of conduct, I am compelled to declare it as my deliberate opinion that if this bill passes the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must. * * * Do you suppose the people of the Northern and Atlantic States will or ought to look upon with patience and see Representatives and Senators from the Red River and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard 1,500 miles at least from their residence, and having a preponderancy in councils into which constitutionally they could never have been admitted? I have no hesitation on this point. They neither will see it nor ought to see it with content. * * * Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this Constitution. * * * I have no concealment of my opinion. The bill, if it passes, is a deathblow to the Constitution. It may afterwards linger, but, lingering, its fate will at no very distant period be consummated.

This language of Fisher Ames and Josiah Quincy is as doleful in character as the prophecies which have been expressed by gentlemen on the other side of this Chamber in relation to the Philippine Islands. Mr. Chairman, it is my deliberate opinion that their statements and their prophecies are as ill-timed and their forebodings as little likely to prove true as were those of the opponents of the acquisition of the territory of Louisiana at the period of which I have just spoken. I believe that the United States Government is entering upon a new era of greatness, of expansion, and of glory. The Constitution possesses the elasticity of the fabled tent of the Arab. It was framed and adopted for the government of the thirteen original States, yet it has expanded over a continent. The 75,000,000 people who now live within its borders have the same liberty, the same sacred rights, and the treasured inheritance of free government that were guaranteed by the framers of the Constitution to the people of the thirteen original States.

Under the interpretation that has been given to it by the great legislators of our country and the Supreme Court, the Constitution will enable us to acquire this territory in the Orient, and if we are as wise as those who have preceded us, will enable us to give those people rights of free citizens without infringing in the least upon the privileges and immunities of our own people. I maintain, as I have already stated, that a government can be formed in the Philippine Islands that will be self-supporting through the customs laws that we shall give them and the internal-revenue laws that will follow; and instead of having a standing army of American soldiers there, we can follow the wise example of Diaz in Mexico, who has taken the brigands from the mountains and made them soldier citizens, and has thereby secured the best police officers in the world. We can take native inhabitants for whatever soldiers may be needed and officer them with men trained in our Regular Army and thus insure peace and tranquillity in the islands. By this method, Mr. Chairman, the United States Government will place no new burdens upon our people. Our acquisition of those islands and our government of them will open a wider avenue for our trade. The surplus products of our farms and factories will find a market there and in the far east which would otherwise remain closed to us were the reactionary doctrine advocated by Democratic members of this House and the Senate to be adopted and followed.

Mr. Chairman, the President of the United States has stood forth through all of the great crises of the war and the problems that have followed it as one of the greatest statesmen of his time. He has shown qualities that have not only aroused the admiration of his political enemies, but that have even surprised his personal and political friends. From the first notes of war to this blessed hour every step that he has taken has been so well timed as not only to represent the prevailing sentiment of the Republic, but has been so wisely taken that history will vindicate his every action. [Applause on the Republican side.] Men may stand on this floor and denounce him, but when the grave of oblivion shall have closed over them his name will be recorded in the brightest pages in the history of our Republic. It falls to the lot of those who hold exalted positions to have detractors. He is only experiencing what was meted out to the sainted Lincoln during his Administration from the venomous lips of the political enemies of his party and policy.

History almost repeats itself in many of the expressions that have been indulged in by gentlemen on this floor in their discussion of the questions now under consideration. For the benefit of those men who to-day are denouncing President McKinley and insisting that his attitude is indefensible, I wish to call their attention to some of the expressions that their Democratic predecessors used during the dark and stormy period of the civil war. Senator

Polk, on the 10th of July, 1861, in the Senate of the United States, said, in discussing war measures:

That war has been brought on by the President of the United States of his own motion and of his own wrong; and under what circumstances?

Mr. Vallandigham, on the same day, in the House, said:

I will not now venture to assert what may yet some day be made to appear, that the subsequent acts of the Administration and its enormous and persistent infractions of the Constitution, its high-handed usurpations of power, formed any part of a deliberate conspiracy to overthrow the present form of Federal republican government and to establish a strong centralized government in its stead.

Senator Breckinridge, in the Senate, said:

Then, Mr. President, the Executive of the United States has assumed egislative powers. The Executive of the United States has assumed judicial powers. The executive power belongs to him by the Constitution. He has, therefore, concentrated in his own hands executive, legislative, and judicial powers, which in every age of the world has been the very definition of despotism, and exercises them to-day.

Mr. Burnett, in the House, on July 16, 1861, said:

I say the Republican party will be held responsible for the unhappy condition of our country to-day. I say, in my place here now, that the only disunionists per se this country has ever been cursed with are the leaders of the Republican party.

Again, on July 24, 1861, he said:

You are writing, by indorsing and ratifying the illegal acts of this Administration, one of the saddest, blackest pages in the history of this country.

Mr. Voorhees, of Indiana, on February 20, 1862, said:

A stupendous fraud has been practiced on the nation, and the Army of the United States has been obtained by fraud.

On May 21, 1862, Mr. Voorhees said:

Is this the age of republican simplicity, or are we transported to the days of fraudulent usurpers, to the unhallowed scenes of the Roman Cæsars?

Senator Davis, on February 16, 1864, said:

But in our free and limited government of a written constitution, President Lincoln and his party, in utter disregard of its limitations and restrictions, are making for him the same boundless and despotic powers * * * which the Plantagenets and Tudors and first Stuarts contended for in England.

I read these extracts from speeches made by Democrats of a former generation to show to the Republicans of this House that in pursuing the policy that has been outlined by our party and in sustaining the Administration we are subjecting ourselves to no fiercer criticisms than those hurled against the first President the Republican party gave to this country. We have nothing to fear from these base and groundless charges. Our duty, in my judgment, is clear, and that is, to fearlessly and conscientiously provide for the great emergency that has been placed upon us by this war with Spain. [Applause on the Republican side.] Let us discharge our duty with a firmness and intrepidity that characterized the action of our fathers when the dark cloud of civil war overhung our national horizon, and the people of to-day will as surely approve our conduct as did the people of a generation ago approve the conduct of President Lincoln and his advisers when they were exercising every power of the Constitution for the maintenance of the Union and the integrity of our Federal Republic. [Prolonged applause.]

Mr. SWANSON. Mr. Chairman, the President, in his annual message to Congress, told us that it was "our plain duty to abolish all customs tariff between the United States and Puerto Rico, and to give to her products free access to our markets." He forcibly pointed out the reasons that made this duty imperative.

Following this, Mr. PAYNE, the chairman of the Committee on Ways and Means and the leader of the Republican majority of this House, introduced a bill carrying out the recommendations of the President. At that time there was practical unanimity in both the Democratic and the Republican party that the reciprocal benefits of free trade should exist between Puerto Rico and this country. But in the last few weeks the entire policy of the Republican party in dealing with this matter has been reversed. The "plain duty" so pointedly presented by the President has ceased to exist, and a different idea of justice, of right, and of wisdom seems now to possess him and his party.

Mr. POWERS. Will the gentleman yield for a question?

Mr. SWANSON. I will.

Mr. POWERS. I understand the gentleman to intimate that the President had changed his attitude.

Mr. SWANSON. I simply say that those in authority have made the statement that he has changed it. I hope he has not.

Mr. POWERS. Has any authorized statement come from him?

Mr. SWANSON. I have seen none emanating from him.

There has been no change in the conditions of Puerto Rico or of this country to produce this change in the President's mind or in that of his party. The unfortunate people of that island are still immersed in poverty and in wretchedness and still have denied to them the markets of the world for the sale of their products. Every reason assigned in the President's message for free trade with Puerto Rico exists with redoubled force to-day. If at that time it was "our plain duty" to extend them free trade, it is doubly so to-day.

Why, then, sirs, this sudden change of policy in dealing with Puerto Rico? Why is our acknowledged "plain duty" now abandoned and this oppressive bill sought to be forced upon a helpless people? Is it a patriotic or is it a political condition that has wrought this wonderful change?

There is not an intelligent or a candid mind in this country that does not know that this change has been induced by the political necessities of the coming Presidential election.

We are told by the inspired and the well informed that this measure is not intended to be permanent and that in the not far distant future free trade with Puerto Rico will be established.

We are told that this bill is intended as a precedent to establish the doctrine that Congress has the power to create different custom duties in our new possessions from those existing in this country.

We were told by those representing the sugar and the tobacco interests, when they appeared before the Committee on Ways and Means, that they insisted upon the custom duties on the products of Puerto Rico not because any serious evils could accrue to this country through any importations from there, but because they are afraid that unless duties are imposed upon Puerto Rican products, it will be used as a precedent for granting free trade with the Philippine Islands, which they greatly fear.

We are told by Republican politicians and newspapers that unless these custom duties are imposed upon Puerto Rico, it will be argued during the Presidential campaign with force and effect that the same policy will be pursued with the Philippine Islands, and that this might result in the loss of a great many votes to the Republican party.

Thus, Mr. Chairman, it is evident that this bill has its inspiration not in justice, not in right, but in selfishness and in petty partisan politics.

A "plain duty" is to be abandoned for a supposed party advantage. One million of unfortunate people whom the fate of war has placed completely at our mercy are to be sacrificed and denied justice and right because it is thought by some that the exigencies of the Republican party require it.

Mr. Chairman, when this bill passes it will be the first chapter in the legislative history of our new possessions, and be it said to the disgrace of the Republican party that that chapter was written in wrong and in injustice for the purpose of carrying a Presidential election.

If we are to extend our possessions and inaugurate a colonial system, wisdom dictates that it should begin in justice, liberality, and equality. But if our colonial policy must be dominated by partisan party politics, as this bill indicates, it can but commence in disgrace and terminate in disaster.

And we are told, again, that the bill must be passed to establish a certain principle.

What is that principle so dear that this bill must pass to vindicate? Is it proposed to establish the doctrine that Congress has unlimited power of legislation for the new possessions, unrestrained by any of the provisions of the Federal Constitution, and that it can entirely disregard the provision of the Constitution requiring uniformity of custom duties throughout the United States, and that it can establish any rate of duty it sees fit between the States and the territories or possessions?

In short, the doctrine claimed is that the inhabitants of Puerto Rico and of the Philippine Islands are slaves of the imperial will of Congress, and in life, in liberty, and in property are entirely subject to its decrees.

This is the pernicious doctrine proposed and sought to be established by the Republican party.

Mr. Chairman, this is no new doctrine in American history. This Republic owes its birth to the effort on the part of the British Parliament to establish precisely the same principle.

The principles here maintained by the opposition are in every respect similar to those contended for at the time of the American Revolution by George III. The issues are the same. The reasons given are the same.

At that time it was claimed that the British Parliament was absolute sovereign in America; that Parliament had a right to impose any tax it wished in America; that it could regulate the conditions upon which American goods should enter the British markets, and also the conditions upon which British goods should enter the American markets.

It was contended that the British constitution, with its safeguards and its inestimable privileges, did not extend to America; that the Americans were but absolute subjects of the British Parliament.

To carry into effect these pernicious principles, the British Parliament passed the infamous stamp act. The speeches in Parliament in advocacy of that measure bear a striking resemblance to those delivered by the opposition in behalf of this bill.

Lord Grenville, in that debate, said that the purpose of the stamp act was "to establish the undoubted authority of the British legislation in all cases whatsoever."

The advocates of this bill claim that its purpose is to establish

in our possessions the undoubted authority of the American Congress in all cases whatsoever.

But the similarity does not cease here. To make the iniquitous stamp act tolerable to the Americans, it provided that the revenue derived from it should not be remitted to England, but should be retained and expended in America.

So this bill provides that the sum collected under it shall be expended in Puerto Rico. Hence the Puerto Ricans are told, as were our forefathers, that this makes the bill eminently just and wise.

The person who drew this bill must have had before him the infamous stamp act and must have used it as a prototype for this iniquitous measure.

The able gentlemen who have argued in favor of this measure and of the power of Congress must have had their minds illumined and their views strengthened by reading the speeches of Lord Grenville, of Lord North, and of Charles Townshend in speaking in advocacy of the stamp act and of the power of the British Parliament.

Mr. Chairman, in contradistinction to these pernicious British contentions, our forefathers maintained that taxation and representation went hand in hand; that all government derived its just powers from the consent of the governed, and that they were British subjects, entitled to all the benefits of the British constitution.

The two great leaders in this contention were George III on the one side and George Washington on the other.

It was thought that at least in America the fight was forever and finally settled in favor of George Washington and of his inestimable principles, but it seems that those who believe in the principles of George III are to-day in authority and in power in the United States. His iniquitous doctrines, his pernicious principles of parliamentary despotism, reappear in the American Congress to-day in this bill, which is sanctioned and supported by the Republican party. When the roll is called upon this bill every Representative must answer whether he is a follower of George III or of George Washington. [Applause.]

Mr. Chairman, the injustice of this bill is equal to that sought to be inflicted by the British upon the Americans at the time of the Revolution. This bill fixes the terms upon which the goods and products of Puerto Rico can be offered for sale in the markets of this country and also the terms upon which the people of Puerto Rico must purchase our goods. Thus we claim the power of controlling their sales to us and also their purchases from us. This is a dangerous power which no nation should possess over another and one which will always be abused for the enrichment of the nation possessed of the power. This bill itself furnishes a striking instance of how such power will invariably be used.

Now, tobacco is one of the chief products of Puerto Rico. While Puerto Rico was a Spanish possession the markets of Cuba and of Spain were open to her and consumed the entire product of Puerto Rican tobacco. Since her annexation to this country the markets of Cuba and of Spain have been closed to her products, and now Puerto Rico can look to this country alone for a market for her 4,000,000 pounds of tobacco. This tobacco is used entirely in the making of a good grade of cigars. By this bill a duty of 8½ cents will be imposed upon each pound of her tobacco that is brought here in a raw or unmanufactured state. Under this bill, if this same tobacco is manufactured into cigars, cheroots, or cigarettes in Puerto Rico and imported into this country, it will be compelled to pay in customs duties and internal-revenue taxes $3.13 per pound. Thus by this bill thirty-five times more is charged in customs duties and taxes on cigars than on the raw leaf. Thus the bill, if it gives any protection, gives scarcely any to the farmers and producers of tobacco in this country, but extends it all to the cigar manufacturers.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. SWANSON. Yes.

Mr. LACEY. Is not that simply the internal-revenue tax?

Mr. SWANSON. No; I will explain that to you.

Mr. LACEY. I should like to have the gentleman explain it.

Mr. SWANSON. They charge 25 per cent under the Dingley bill as a customs duty, and the bill provides in addition to that that they shall pay the internal-revenue tax as a customs duty, and then it has to pay the internal-revenue tax as an internal-revenue tax when it comes into this country, making $3.13 per pound.

Mr. LACEY. I do not understand it in that way.

Mr. SWANSON. The purpose of this is plain and evident. The clear intention of the bill is to force all of the leaf tobacco raised in Puerto Rico to be imported into this country and to be here manufactured into cigars. Its purpose is to close every cigar, cheroot, and cigarette factory in Puerto Rico and to transfer them to this country. The sinister motive behind this bill is to discourage and to destroy any manufacturing developments in that island. It intends to confine the 1,000,000 people in that unhappy island to raising raw materials to be imported here for the purposes of manufacturing.

Mr. Chairman, this is an outrage. It is precisely the same iniquitous policy that Britain sought to inflict upon the American colonies when we rebelled and refused to submit.

In Puerto Rico there are about 300 people to every square mile, and the island will be powerless to support its vast population unless permitted to embark in manufacturing enterprises. The clear purpose of this bill and of the Republican party is to prohibit this.

While this bill will require the payment of $3.13 for every pound of their cigars seeking our markets, yet it opens their markets to our cigar makers on the payment of only $1.13 per pound. This is such an inequality that it should shock every person's sense of justice and right. The shame becomes deeper when we reflect that the act is directed against a helpless people who can only protest, but must submit.

We are told by the eloquent advocates of the new imperialistic policy that we hold "a trusteeship under God" to care for, develop, and direct the destiny of these people. What a splendid illustration is here given of the discharge of this high trust. At the very first opportunity the so-called "divinely appointed trustees" despoil the dependent wards. [Applause.]

Sir, this Government interfered in Cuba and in Puerto Rico because Spanish injustice and despotism had become intolerable. So, if I mistake not, the American people consented to shed the precious blood of their sons and to spend vast treasures to relieve an oppressed people, and not to become heirs of the vicious Spanish system.

What has been the conduct of our Government toward the inhabitants of Puerto Rico? We found there a peaceful community and comparatively a prosperous people. They possessed in Cuba and in Spain ample markets at which to sell, at a remunerative price, their three chief products—coffee, sugar, and tobacco. They enjoyed a large share of local self-government and had representatives in the Spanish Cortes.

To-day all the markets of the world are closed to them and they are deprived of all the opportunities by treaty or otherwise of securing them. Their products can find no sale. To-day discontent and depression everywhere pervades the island. Debts aggregating more than $50,000,000 burden these people. All industries are destroyed; all business paralyzed. Thousands of people are in the depths of starvation, and all are on the verge of bankruptcy. For nearly two years we have deprived this people of all civil government and held them by the stern iron hand of military rule alone.

Amid all these privations there was one hope that illumined the darkness and gave these people patience. They felt that they were a part and parcel of this great Republic and that they would soon receive its blessings and benefits. They relied implicitly upon being treated with justice and liberality. With the passage of this bill must come disappointment, bitter and deep. By this bill, in their trade and commerce, they are treated as foreign territory and not as a part of the Union. By it they are made not citizens of a republic but creatures of a Congressional despotism. By it they perceive that, being deprived of uniformity in taxation and customs duties with the rest of the Union, all of their earnings and products will be subject to the depredations of any selfish interest that may have political pull sufficient to influence Congress.

Behold what a contrast is presented between the proposed treatment of Hawaii and that of Puerto Rico. There is scarcely any objection from any source to extending free trade to Hawaii. In other words, the 300,000 tons of sugar produced in Hawaii by Spreckles, the sugar king, with his contract laborers or slaves, shall have free and open sale in our markets yet the 60,000 tons of sugar produced in Puerto Rico by thousands of small farmers and laborers can be sold in our markets only by the payment of heavy duties.

What causes this great difference? Certainly it can not be inspired by any principle of protection, for there is greater danger to the sugar interests of this country from the 300,000 tons of Hawaii than from the 60,000 tons of Puerto Rico.

No, Mr. Chairman, be it said to the shame of the Republican party, the difference arises from the fact that the sugar interest of Hawaii is owned by a few millionaires, whose voice is potential in the councils of the Republican party, while that of Puerto Rico is owned by thousands of poor, dependent persons without political influence. [Applause.] This favoritism must produce great dissatisfaction and discontent in Puerto Rico, and justly so. But, say the opposition, the inhabitants of Puerto Rico should acquiesce. Why, say they, are we not their imperial masters? Have we not, in exercise of our despotic power, the right to give to some and to withhold from others? As divine sovereigns, say they, have we not the right to select favorites and to shower them with all the favor and benefits and at the same time make others feel the crushing hand of our power?

This is imperialism. This is the new mission and the aspiration

of the Republican party. Sirs, those who are behind this bill and who imagine that they can induce the American people to adopt this policy by the opportunities afforded to despoil the people of our new possessions, do not read aright the American character and are forgetful of the glorious traditions of our history.

Mr. Chairman, the people of this great Republic are a broad-minded, generous-hearted people, with an acute sense of justice and of right. They will visit with severe condemnation any party or set of men who wantonly oppress a helpless people.

They embarked in the Spanish war to become the liberators of an oppressed people and not the despoilers of a dependent people. They cling with filial affection to their Federal Constitution, which with its broad justice insures to all parts of this great Republic uniformity and equality of burdens, uniformity and equality of benefits. [Applause.]

But, Mr. Chairman, it is said that this bill is intended more to establish a precedent to control us in our future dealings with the Philippine Islands than anything else.

This being true, it is eminently wise that this bill should be promulgated there among the insurgents as a measure of pacification. I have no doubt that the sweet justice of this bill would make a profound impression upon Aguinaldo and his followers, and that it would give them a higher conception of the noble purposes of the American people toward them. No doubt all resistance there would cease when they are told that they are chattels of the American Congress, subject in life, in liberty, and in property to its imperial will; that they are possessed with none of the safeguards of the Constitution with which all other citizens are endowed. No doubt the few friends we now have in the Philippine Islands will have their affections further cemented when they are informed that the American Congress will fix the terms upon which their products are sold here, and also the terms upon which they must purchase ours. I have no doubt that there will be an immense acclaim in those islands for America when it is understood that the justice and equality administered under this bill to Puerto Rico is mild in comparison with what they may expect for themselves.

Mr. Chairman, in all seriousness, to at this time push a bill of this kind and character is the supreme of folly.

We are endeavoring to overthrow an insurrection in the Philippine Islands. We are seeking to make friends there to our cause by profuse promises of justice and of fair dealing. With these promises on our lips, we deal with our strong arm a grievous wrong to a helpless and an unoffending people in Puerto Rico, a people who during the late Spanish war received us with open arms and to whom we promised all the benefits and blessings of our institutions.

This bill, Mr. Chairman, will do more to fire anew the smouldering flames of insurrection in the Philippine Islands than anything else that has happened since we first put foot upon her soil.

How can we expect a people to yield when they are told that they will be possessed of none of the privileges of our Constitution, none of the guaranties of our Bill of Rights, none of the benefits of our institutions, but that they are slaves of our imperial will and must bear such burdens as our selfishness or caprices may impose?

Mr. Chairman, the Republican party has been responsible for many political heresies; it has promulgated many pernicious principles; but nothing in its past history can transcend in dangerous import its new doctrine of "government without the Constitution."

The Republican party is tired of the Federal Constitution, and desires to exploit our new possessions without its restraints. Hence this party stands to-day committed to the doctrine that the Federal Constitution applies only to the States of the Union, and not to its Territories or other possessions.

It contends that section 3, Article IV of the Constitution, providing that "Congress shall have power to dispose of and make all needful regulations respecting the territory and other property belonging to the United States," gives Congress unrestricted power of legislation for the Territories. But this contention can not be maintained. The Supreme Court has repeatedly held that while the power of Congress to legislate for the Territories is full and plenary, it must be subject to the guaranties, restraints, and provisions of the Federal Constitution.

Chief Justice Taney, in the Dred Scott case, says:

> The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers nor lawfully deny any right which it has reserved.

Chief Justice Waite, in National Bank *vs.* Yankton (101 U. S., 132), in discussing the power of Congress over territory, says:

> But Congress is supreme, and for the purpose of this department of its governmental authority has all the power of the people of the United States, except such as has been expressly or by implication reserved in the prohibitions of the Constitution.

In Reynolds *vs.* United States (98 U. S., 162) the court said:

> Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In Springville *vs.* Thomas (166 U. S., 707), a case from the Territory of Utah, the court said:

> In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In Thompson *vs.* Utah (170 U. S., 346) Justice Harlan says:

> That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

In Murphy *vs.* Ramsey (114 U. S., 15) the court says:

> The people of the United States as sovereign owners of the National Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

If there were further doubt that the Constitution of the United States extends to all territory subject to the authority of the United States, it would be removed by the case of Callan *vs.* Wilson. (127 U. S., 550.) Congress had passed an act permitting justices in the District of Columbia to inflict punishment in certain cases without providing for jury trial, as guaranteed in the Federal Constitution. It was insisted by Callan that the act was void, being repugnant to the Federal Constitution. It was insisted by the Attorney-General that Congress had unlimited power over the District, and that the provisions of the Federal Constitution could not restrain it, since section 8, Article I of the Constitution, in enumerating the powers of Congress, provided—

> To exercise exclusive legislation over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

Yet the court held that Congress did not have power to legislate for the District, unrestrained by the Federal Constitution, but that the Constitution extended over the District, and that the act of Congress in permitting the infliction of punishment without jury trial was contrary to the sixth amendment, hence void.

The doctrine that the Constitution extends to the Territories is further settled by decisions upon section 8, Article I of the Constitution, which provides:

> But all duties, imposts, and excises shall be uniform throughout the United States.

The meaning of this provision and the extent of its application have been fully determined by the Supreme Court of the United States. Chief Justice Marshall, in Loughborough *vs.* Blake (5 Wheat., 317), in rendering the opinion of the court upon the question, says:

> The eighth section of the first article gives Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereinafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. These words are, "but all duties, imposts, and excises shall be uniform throughout the United States."
>
> It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does the term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

The case of Cross, etc., *vs.* Harrison (16 Howard, 164) is equally as decisive in determining that in our new possessions the imposts, duties, and excises collected there must be uniform with those in the States. The facts in that case are as follows: The treaty of peace was made between the United States and Mexico on the 3d of February, 1848. By that treaty California was ceded to the United States. As soon as this was done the Government authorities at Washington directed their subordinates in California to at once collect the customs duties there on goods from foreign countries, as provided by the laws of the United States.

Congress did not pass the act extending the custom laws of the United States to California and designating therein a port of entry until the 3d of March, 1849. Between the 3d of February, 1848, and the 3d of March, 1849, Cross brought to the port at San Francisco goods upon which Harrison, the Government subordinate, demanded payment of duties under the laws of the United States. Cross paid under protest and afterwards brought suit to recover the amount paid. His contention was that the custom laws of the United States did not extend to California until the act of Congress extending them was passed; hence the amount was illegally collected, having been paid before the act was passed. The courts held that the custom laws extended to California as soon as it was ceded, and therefore the amount was properly collected.

In delivering the opinion in this case Justice Wayne says:

To permit these goods to be landed in the port at San Francisco would be a violation of that provision of the Constitution which enjoins that all duties, imports, and excises shall be uniform throughout the United States. Indeed, it must be clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other parts of the United States. * * * That the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

Mr. Chairman, the overwhelming weight of authorities and of decisions of our Supreme Court maintain the proposition that all territory belonging to the United States is held under and subject to the Constitution; that Congress has not despotic power in legislating there, but that it must be controlled by the constitutional limitations and restraints.

Besides being the legal interpretation, it is decidedly the wisest interpretation. If the doctrine of the opposition prevails, there can be no enlargement of our territory except by force of arms. No nation will willingly consent to unite her destiny with ours when they clearly understand that they are possessed of none of the privileges and immunities of our Constitution, but are mere chattels, subject to the despotic will of Congress. Hence, if this doctrine prevails, there can be no expansion of this country except by conquest. All additions to it will consist of unwilling subjects, held by military power, which will be a source of loss and of weakness, and not of profit or strength.

If our contentions prevail, it will be understood that wherever the American flag waves, wherever American power or jurisdiction prevails, there goes with it the Federal Constitution, with its justice, equality, and protection of life, liberty, and property. Then many nations will be anxious and willing to unite their destiny with ours. Thus our doctrine will mean expansion like that of Texas, like that of Louisiana and of others, where brave and high-spirited people would be glad to share with us the blessings of our institutions.

Besides, I for one am unwilling to make a part and parcel of this country of any people to whom the Federal Constitution would be a curse instead of a blessing. I am unwilling to clothe the executive power of this country with all the vast powers with which it would have to be vested in order to govern our new possessions without having that power restrained by the just restrictions of the Federal Constitution. That Constitution can work no evil anywhere to those whose intentions are good and whose purposes are right.

Whether in Puerto Rico or in the Philippine Islands, with that Constitution overshadowing and protecting the people, we have assurances that there will be no abuse of power and that the inhabitants of these islands will have guaranteed to them the blessings of free and liberal institutions.

The Constitution is a hindrance only to those who seek to despoil their people and who would make slaves of them for their selfish purposes.

Mr. Chairman, no empire can endure long which is composed of subdivisions of which some are rulers and the others ruled. In such an empire there is ceaseless discontent, ceaseless turmoil, ceaseless jealousies, which in the couse of time produce civil war, insurrection, and finally disintegration. This condition has been the chief cause of the downfall of all of the great empires of the world.

If we are a wise people we will have no expansion except that which is solid and natural, that which is composed of a homogeneous people, or at least of a people who can ultimately be made so.

If we will take the broad and sensible ground that our Constitution covers all the territory belonging to us and that Congress in legislating for our territory has full and plenary powers, but that these powers must be exercised under the Constitution, then we will adopt a system which in the long run will and must produce a united, solid, and homogeneous nation without bickering, without jealousy, and without discontent.

I view with profound apprehension this new doctrine which proposes to make a vast distinction in the rights, in the privileges, and in the immunities between the citizens of the States and of the Territories.

It makes the States that constitute the Republic the head of an empire, which empire is subject entirely to the despotic will of the States. Special interests in these States will be desirous of enriching themselves at the expense of the empire, and political parties will bid for the support of these special interests in the States by offering greater opportunities to despoil the people of the Territories.

The very bill before us shows how the cigar-manufacturing interest of this country has been sufficiently potential with the Republican party to induce it to force this iniquitous bill upon Puerto Rico.

In the course of time there will happen in this country the same that happened to Rome, where the votes of citizens were obtained by allowing depredations upon the unhappy people of the outlying provinces.

When we adopt this system—this new proposed system—we are simply returning to the old colonial system of Rome, of Spain, of Portugal, and of other nations, that has been discarded and proved to be fertile in disaster only.

I am opposed to any permanent retention of the Philippine Islands. I believe that our wisest policy is to leave them as quickly as we can with honor and with safety. But if we are to remain there permanently, I believe the wisest course to pursue is to let the people of those islands understand that they are American citizens, and as such are entitled to all of our privileges, immunities, and blessings. Let them understand that they have in the Federal Constitution a safe guaranty of justice, of equality, and of protection of life, liberty, and property, which no power of Congress and no power of the Executive can alienate or destroy.

It is only by such a course and by a liberal, just, and equitable government that we can ever expect them to be reconciled or to transform them into friends instead of our enemies.

Mr. Chairman, to my mind this is one of the most dangerous bills that have ever been offered in Congress since the formation of our Government.

It will end the history of the Republic and open the history of the empire.

It dethrones the Goddess of Liberty and elevates the demon of power.

It destroys constitutional government and creates a Congressional despotism.

It is but the forerunner of countless other bills to follow in order to inaugurate the new imperialistic régime.

It is antagonistic to all the traditions of our country, to all the principles of our Government, and will, I believe, be the commencement of much disgrace and of much disaster. [Applause.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 5493. An act for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. LACEY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Mahala A. Dahliman, Fifty-fifth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. PEARCE of Missouri, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John Dinsbeer, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PARKER, for one day, on account of necessary absence from the city.

To Mr. BALL, for three days, on account of illness.

To Mr. FORDNEY, for one week, on account of important business.

To Mr. ATWATER, for three days, on account of sickness.

CONSIDERATION OF NICARAGUA CANAL BILL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the 6th day of next month be set apart for the consideration of the bill H. R. 2538.

Mr. BROSIUS. What is that bill?

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] asks unanimous consent that March 6 be set apart for the consideration of the bill H. R. 2538, being the Nicaragua Canal bill.

Mr. HOPKINS. Mr. Speaker, I do not want to object to that, but I want to make this suggestion. I am for the Nicaragua bill, but my colleagues seem to have some views on that, and owing to the absence of many members from the House I wish to suggest that it seems to me the request ought to be submitted when there is a full attendance. I make that not in the way of an objection, but an appeal to my colleague.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, unless there is an understanding between the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Illinois [Mr. CANNON], chairman of the Committee

on Appropriations, in regard to this bill, I shall have to object to it.

Mr. HEPBURN. Take your own responsibility.

Mr. RICHARDSON. We should like to hear what gentlemen are saying. It is impossible to hear over here.

The SPEAKER. Does the gentleman from New York object?

Mr. PAYNE. I do.

The SPEAKER. Objection is made.

And then, on motion of Mr. PAYNE (at 4 o'clock and 58 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for service of the fiscal year ending June 30, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting a request for transfer of an appropriation for certain expenses for the year 1899—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction of barracks at proving ground, Sandy Hook—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GAMBLE, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 7725) to establish mining experiment stations to aid in the development of the mineral resources of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 381); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RANSDELL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 6767) to grant an American register to the steamer *Windward*, reported the same without amendment, accompanied by a report (No. 382); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4795) granting an increase of pension to John O'Connor, reported the same with amendment, accompanied by a report (No. 377); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the Senate (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans., reported the same without amendment, accompanied by a report (No. 378); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers, reported the same without amendment, accompanied by a report (No. 379); which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 6749) for the relief of Mary A. Swift, reported the same without amendment, accompanied by a report (No. 380); which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2232) for the relief of Louis Weber, reported the same without amendment, accompanied by a report (No. 383); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3767) granting a pension to John W. Hartley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4537) for the relief of William Wheeler Hubbell—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4538) to pay just compensation to Willian Wheeler Hubbell for his invention of high-power steel guns, and improvements in other guns made and adopted by the United States for its military service and Navy at the present time—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5340) granting an increase of pension to John Brown—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 8751) to amend section 13 of the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899—to the Committee on Naval Affairs.

By Mr. BOWERSOCK: A bill (H. R. 8752) to prevent the selling of or dealing in beer, wine, or any intoxicating drinks in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 8753) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad, property, and franchises, and for other purposes—to the Committee on Pacific Railroads.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8754) to define renovated butter, and to impose a tax upon and to regulate the sale of the same—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 8755) for the erection of a public building at Ellicott City, Md.—to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: A bill (H. R. 8756) to place the civil clerical force at headquarters of the United States Marine Corps on an equal footing with the clerical force of the Navy Department—to the Committee on Naval Affairs.

By Mr. MUDD: A bill (H. R. 8757) for the erection of a public building at Laurel, Md.—to the Committee on Public Buildings and Grounds.

By Mr. BERRY: A bill (H. R. 8758) to increase limit of cost of post-office building at Carrollton, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 8774) to equalize and regulate the duties of the judges of the district courts of the United States in the State of Alabama—to the Committee on the Judiciary.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 182) prohibiting the transportation of wood pulp, printing paper, and so forth, from one State to another—to the Committee on the Judiciary.

By Mr. JOY: A resolution (H. Res. 155) relative to the one hundredth anniversary of the purchase of the Louisiana Territory by the United States—to the Committee on Rules.

By Mr. HEPBURN: A resolution (H. Res. 156) relating to the consideration of H. R. 2538 on March 6, 1900—to the Committee on Rules.

Also, a resolution (H. Res. 157) relating to the amendment of clause 6, Rule XXIV, of the rules of the House—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 8759) granting a pension to Adda Tubbs—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 8760) granting a pension to Pias Hayton, of Idaho Springs, Colo.—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 8761) to remove the charge of desertion from the military record of William H. Moore, alias William Moorey—to the Committee on Military Affairs.

By Mr. GASTON: A bill (H. R. 8762) granting a pension to Joseph W. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8763) granting a pension to Abraham Levison—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 8764) granting an increase of pension to Robert C. Rogers—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 8765) for the relief of John C. Smith—to the Committee on the Public Lands.

By Mr. KERR: A bill (H. R. 8766) granting a pension to Margaret Newcomb—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 8767) granting an increase in pension to H. P. Mann—to the Committee on Pensions.

Also, a bill (H. R. 8768) granting increase in pension to B. F. Shirt—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 8769) to carry out the findings of the Court of Claims in the case of the estate of Frances King—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 8770) granting a pension to Hannah Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 8772) to carry out the findings of the Court of Claims in the case of Arrington Purify, administrator of Thomas Purify, deceased—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8773) to carry out the findings of the Court of Claims in the case of Penelope Auzburn—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of Anna M. Ross Camp, No. 1, Sons of Veterans, Division of Pennsylvania, protesting against the passage of House bill prohibiting the use of uniforms or semblance of uniforms worn by United States soldiers or State militia—to the Committee on Military Affairs.

Also, resolutions of the Philadelphia Drug Exchange, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTHOLDT: Petition of late members of Missouri militia regiments of St. Clair, Mo., asking that the names of soldiers who served in the Missouri State Militia be placed on the pension rolls—to the Committee on Invalid Pensions.

Also, resolutions of the National Building Trades Council, protesting against the passage of a bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Central District Medical Society of Missouri, against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, petition of the Latin-American Club of St. Louis, Mo., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. BARTLETT: Petition of Letter Carriers' Fraternal and Benevolent Association, relative to the retirement and pay of civil employees—to the Committee on Reform in the Civil Service.

Also, resolutions of the Medical Association of Georgia, asking that the Surgeon-General of the United States have the rank and pay of major-general—to the Committee on Military Affairs.

By Mr. BELL: Resolutions of the Board of Trade of Leadville, Colo., against leasing of public lands—to the Committee on the Public Lands.

By Mr. BOWERSOCK: Petition of the Topeka (Kans.) Academy of Medicine and Surgery, against the passage of House bill No. 1144, relating to the prevention of further cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BULL: Resolution of the New England Shoe and Leather Association, in favor of free trade with Puerto Rico—to the Committee on Ways and Means.

By Mr. BURKETT: Resolutions of Cigar Makers' Union, No. 143, of Lincoln, Nebr., against the admission free of duty or the lowering of the duty on cigars imported from Puerto Rico—to the Committee on Ways and Means.

By Mr. CAPRON: Statement of John W. Cass, in support of the bill for the erection of a public building at Woonsocket, R. I.—to the Committee on Public Buildings and Grounds.

Also, resolution of the New England Shoe and Leather Association, in favor of free trade with Puerto Rico—to the Committee on Ways on Means.

By Mr. CALDWELL: Remonstrance of J. C. Stanner & Co. and others, of Pana, Ill., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Texas: Petitions of the Chamber of Commerce, bar pilots, and citizens, all of Sabine Pass, Tex., for an appropriation to establish light and fog-signal station on Sabine Bank, Texas—to the Committee on Interstate and Foreign Commerce.

By Mr. DAHLE of Wisconsin: Petition of G. E. Swan, of Beaver Dam, Wis., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of Chemung Valley Tobacco Growers' Association, relative to Puerto Rican tariff—to the Committee on Ways and Means.

Also, petitions of members of the select and common councils of Pittsburg and Allegheny, Pa., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill to increase the pension of Joseph L. Thomas—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Resolutions of the Cotton Exchange of Charleston, S. C., favoring the passage of Senate bill No. 728 and House bill No. 5499, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolutions adopted by Cigar Makers' Local Union No. 61, of La Crosse, Wis., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

By Mr. GROUT: Resolutions of the National Board of Trade at their thirteenth annual meeting, held in Washington, D. C., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring the appointment of a commission for extending trade with China and Japan—to the Committee on Foreign Affairs.

Also, memorial of N. O. Murphy, governor of Arizona, with reference to arid-land reclamation and water storage—to the Committee on Irrigation of Arid Lands.

Also, resolution of the New York Mercantile Exchange, indorsing House bill No. 7667, relative to the branding of cheese—to the Committee on Interstate and Foreign Commerce.

Also, petition of Alonzo O. Bliss, Washington, D. C., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, resolutions adopted by the Grand Lodge of Vermont, Independent Order of Good Templars, E. M. Campbell, secretary, praying for more stringent legislation against the sale of liquors in the Army canteens—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the Chamber of Commerce of the State of New York, for the better government of the Territory of Alaska—to the Committee on the Judiciary.

Also, resolutions of the National Building Trades Council of America, H. W. Steinbiss, St. Louis, Mo., secretary, protesting against the passage of bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring the establishment of an uptown branch of the New York City post-office—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Mrs. Lena P. Cowdin, of New York City, favoring the passage of House bill No. 6879, relative to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. HALL: Petitions of George T. Henry, A. W. Niederriter, and other citizens of Clarion County, Pa., favoring the passage of a bill imposing a tax upon oleomargarine, butterine, etc.—to the Committee on Ways and Means.

By Mr. HITT: Papers to accompany House bill No. 5134, granting increase of pension to J. F. Allison—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Local Union No. 152, United Mine Workers of America, of Ottumwa, Iowa, in relation to eight-hour law and prison labor—to the Committee on Labor.

By Mr. MERCER: Resolutions of the Nebraska Beet Sugar Association, with reference to duties on sugar—to the Committee on Ways and Means.

By Mr. PUGH: Papers to accompany House bill No. 3871, granting a pension to W. J. Worthington, of Greenup County, Ky.—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Papers relating to the claim of James M. Catlett, of Fauquier Station, Va.—to the Committee on War Claims.

By Mr. SHERMAN: Petition of C. W. Porter and other citizens of Rome, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. STARK: Petition of C. P. Metcalf and 42 others, of Carlton and vicinity, and F. H. Porter and 31 others, of Ware, all in the Fourth Congressional district of Nebraska, urging a clause in the Hawaiian constitution forbidding the manufacture and sale of

intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WEEKS: Petition of Michigan Dairymen's Association, favoring the passage of House bill No. 3717, relative to oleomargarine—to the Committee on Agriculture.

By Mr. WEYMOUTH: Petition of George A. Howe and 41 other members of Post No. 29, Department of Massachusetts, Grand Army of the Republic, and citizens of the Fourth Congressional district of Massachusetts, in favor of House bill No. 4742, for military instruction in the public schools—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *February 21, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SEWELL, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887; and it was thereupon signed by the President pro tempore.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. By authority of joint resolution relating to the Memorial Association of the District of Columbia, approved June 14, 1892, I appoint as members of said association, each for the full term of three years, Hon. John Hay and Judge Walter S. Cox; Gen. Nelson A. Miles, vice J. C. Bancroft Davis, resigned, for the unexpired term of two years.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of sundry druggists of Burlington County, N. J., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Daughters of the Society of the Revolution of New Jersey, praying for the enactment of legislation fixing the pay of letter carriers in all cities; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a memorial of Local Union No. 246, Cigarmakers' International Union, of Salamanca, N. Y., remonstrating against the enactment of legislation admitting cigars free of duty from Puerto Rico or the Philippine Islands; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. COCKRELL presented a memorial of the Commission Merchants and Game Dealers' Association of Missouri, remonstrating against the enactment of legislation to regulate the shipment of wild game from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Industrial Council of Kansas City, Mo., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of title to any of the lands be made to any but actual settlers and home builders on the lands; which was referred to the Committee on Public Lands.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., and a petition of the Manufacturers' Association of St. Louis, Mo., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which were referred to the Committee on Commerce.

Mr. DANIEL presented the memorials of John B. Bowers, of Catletts, Va.; of Craig & Doyle, of Craigville, Va., and of J. T. Oliver, of Ivy Depot, Va., remonstrating against the enactment of legislation to provide for the regulation of shipments of game from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Business Men's Association of Manchester, Va., praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States, etc.; which was referred to the Committee on Commerce.

Mr. HOAR. I present resolutions of the legislature of the Commonwealth of Massachusetts, relative to an appropriation by Congress for the improvement of Boston Harbor. I ask that the resolutions may be read in full and referred to the Committee on Commerce.

There being no objection, the resolutions were read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year 1900.

Resolutions relative to an appropriation by the Congress of the United States for the improvement of Boston Harbor.

Whereas large sums of money have been expended by the Commonwealth in the development of a system of docks in Boston Harbor; and

Whereas to obtain the full benefit of the said system it is necessary that the channel of Boston Harbor shall be widened and deepened; and

Whereas this improvement would be of advantage not only to Boston and Massachusetts, but also to all New England: Be it

Resolved, That the Congress of the United States is hereby requested to appropriate a sum sufficient for this purpose; and that the Senators and Representatives in Congress from this State are requested to use all reasonable endeavors toward this end.

Resolved, That properly attested copies of these resolutions be sent to the presiding officers of both branches of Congress and to the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, *February 6, 1900.*

Adopted: Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *February 9, 1900.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk of House of Representatives.

Mr. HOAR presented the petition of William S. Flint and 99 other druggists of Worcester, Mass., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of the Ramsey County Medical Society of Minnesota, praying for the establishment of homes or colonies where lepers can be segregated; which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Stone Masons' Union No. 4, of Duluth, Minn., remonstrating against the cession of public lands to the States and Territories; which was referred to the Committee on Public Lands.

Mr. GALLINGER. I present a protest from about 30 farmers in Cheshire County, N. H., most of whom, I think, if not all, are producers of tobacco. Their protest is against the free importation of tobacco and agricultural products from any part of the world. I ask that the memorial go to the Committee on Finance. The Puerto Rican bill having been reported, the memorial would ordinarily lie on the table, but I should like to have it go to the Committee on Finance.

The PRESIDENT pro tempore. It will be so referred.

Mr. PERKINS presented a petition of the Board of Trade of Los Angeles, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Sacramento County Humane Society of California, praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Fresno, Cal., and a petition of the Chamber of Commerce of San Diego, Cal., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the improvement of the inner harbor at San Pedro, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Iroquois Club of San Francisco, Cal., remonstrating against the ratification of the proposed Hay-Pauncefote treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition signed by the senators and assemblymen of the California State legislature, praying that an appropriation be made to continue the Mission Tule River Indian Agency at San Jacinto, in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Trades Union of Vallejo, Cal., praying for the enactment of legislation to enable the workingmen employed in the navy-yards, naval stations, etc., to secure an annual leave of absence with pay; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Los Angeles, Cal., praying for the enactment of legislation to increase the merchant marine of the country; which was referred to the Committee on Commerce.

He also presented a memorial of Local Union No. 36, Carpenters and Joiners, of Oakland, Cal., remonstrating against the cession of the public lands to any other than actual settlers and home builders; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of San Francisco, Cal., praying for the passage of the so-called ship-subsidy bill; which was referred to the Committee on Commerce.

Mr. KYLE presented a memorial of the Commercial Club of Sturgis, S. Dak., remonstrating against the enactment of legislation authorizing the leasing of public lands to individuals; which was referred to the Committee on Public Lands.

He also presented the memorial of John P. Tenold and 21 other citizens of Flandreau, S. Dak., remonstrating against the enactment of legislation to provide for the consolidation of third and fourth class mail matter and for the establishment of a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Club of Sturgis, S. Dak., praying that all the remaining public lands be held for actual settlers, that grazing lands should be leased only to actual settlers on adjoining lands, and that reservoirs be built for flood waters and irrigation works for the reclamation of arid lands; which was referred to the Committee on Public Lands.

Mr. FOSTER. I present resolutions adopted by the Trades Council of Tacoma, Wash., relative to the so-called ship-subsidy bill, and also to the proposed abolishment of the Money-Order Department of the postal service. I ask that the resolutions be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

TACOMA, WASH., *February 16, 1900.*

Be it resolved by the Tacoma Trades Council, of the city of Tacoma, That it is the sense of this council—

First. That the benefits that would accrue to the public through the enactment and operation of the Hanna-Payne ship-subsidy bill now before Congress would be insignificant in comparison with the expenditure involved, and that the direct result of such legislation would be the diversion of a large amount of public money into the hands of a few private corporations or individuals without any adequate return therefor.

Second. That the Money-Order Department is the most useful and important adjunct to the postal service, affording a cheap, convenient, expeditious, and safe method of transferring money; that the interests of the public at large are vastly superior to the interest of the banking class, and that the abolishment of the Money-Order Department, as recommended by the Auditor, upon the ground that this department is encroaching upon the business of the banks, or upon any other similar ground, would be a gross violation of the rights of the people and an intolerable discrimination against the many in favor of the few.

Third. That the establishment of a system of savings banks in connection with the postal service would be of incalculable benefit to the wage-earners of the country by affording them a convenient and absolutely safe repository for their surplus earnings; that the experience of other nations has proved the practicability of the postal savings banks, and that the interest of a vast majority of the citizens demands the establishment of postal savings banks in the United States.

Resolved, therefore, That the sentiment is hereby declared to be opposed to the enactment of the Hanna-Payne ship-subsidy bill and to the suggested abolishment of the Money-Order Department of the postal service, and in favor of the establishment of a system of postal savings banks.

Resolved further, That the Senators and Representatives from the State of Washington are hereby urged to wield their influence and cast their votes in Congress in accordance with these resolutions, and that a copy of the same be sent to each of said Senators and Representatives.

TACOMA TRADES COUNCIL,
[SEAL.] By GEORGE V. HILL, *Secretary.*

Mr. CHANDLER presented the petition of Charles Marseilles, John Templeton, J. T. Perry, and 102 other citizens of Exeter, N. H., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented the petition of Tebbetts & Soule, Z. T. Campbell, A. S. Prescott, The William Eames Drug Company, and 28 other druggists of Manchester, N. H., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented the petition of George G. Towle and sundry other railway mail clerks of Dover, N. H., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FAIRBANKS presented a petition of Local Union No 652, Carpenters and Joiners of America, of Elwood, Ind., and a petition of the Trades Council of Muncie, Ind., praying that the remaining public lands be held for the benefit of the whole people for actual settlement, and that no title be granted to any of these lands except to actual settlers and home builders; which were referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 742) for the relief of Larrabee & Allen, of Bath, Me., reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 2345) to restore the pensions of widows in certain cases, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 393) to construe an act entitled "An act to authorize a retired list for private and noncommissioned officers of the United States Army," etc., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. BURROWS on the 15th instant, proposing to increase the allowance for salary of minister resident and consul-general to Siam from $5,000 to $7,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th instant, proposing to place under Class V the consulate at Chihuahua, Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PROCTOR on the 20th instant, proposing to place under Class V the consulate at Milan, Italy, intended to be proposed by him to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (H. R. 2666) granting a pension to John M. Laughlin, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 1094) for the relief of Greenwood Rushing, of Shelby County, Tenn.;

A bill (S. 1099) for the relief of the estate of Ann Lum, deceased, late of Warren County, Miss.;

A bill (S. 1105) for the relief of Margaret Champion, of Scott County, Miss.;

A bill (S. 1106) for the relief of Mary Ann Nagle, of Vicksburg, Miss.;

A bill (S. 1114) for the relief of the estate of Samuel Stowers, deceased, late of Warren County, Miss.;

A bill (S. 1180) for the relief of Mrs. C. L. Robinson, of Madison County, Ala.;

A bill (S. 1140) for the relief of Thomas V. Brady, of Shelby County, Tenn.;

A bill (S. 1149) for the relief of the estate of Elizabeth Burke, late of Memphis, Tenn.;

A bill (S. 1156) for the relief of estate of B. B. Neville, deceased, of Shelby County, Tenn.;

A bill (S. 1158) for the relief of S. L. Carpenter, of Fayette County, Tenn.; and

A bill (S. 1660) for the relief of the board of education of Bolivar district of Jefferson County, W. Va.,

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 1094) entitled "Greenwood Rushing," (S. 1099) entitled "Ann Lum," (S. 1105) entitled "Margaret Champion," (S. 1106) entitled "Mary Ann Nagle," (S. 1114) entitled "Samuel Stowers," (S. 1180) entitled "Mrs. C. L. Robinson," (S. 1140) entitled "Thomas V. Brady," (S. 1149) entitled "Charles C. Burk, administrator Elizabeth Burk, deceased," (S. 1156) entitled "Estate of B. B. Neville," (S. 1158) entitled "S. L. Carpenter," (S. 1660) entitled "Board of education, Bolivar district," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2835) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Bvt. Capt. Second Lieut. James Davison, United States Army, retired, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1167) for the relief of the legal personal representatives of Henry H. Sibley, deceased, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 3210) authorizing the appointment and retirement of David McMurtrie Gregg as a captain in the United States Army, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 576) for the relief of the State National Bank of New Orleans, La., submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 576) entitled "A bill for the relief of the State National Bank of New Orleans, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2017) for the relief of Herbert O. Dunn, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Claims, to whom was referred the bill (S. 1634) for the relief of the owners of the steamer *Leesburg*, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 1634) entitled "A bill for the relief of the owners of the steamer *Leesburg*," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. FRYE, from the Committee on Foreign Relations, reported an amendment proposing to increase the allowance for clerk hire at the consulate at Naples, Italy, $520, intended to be proposed to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also, from the same committee, reported an amendment proposing to place under Class V the consulates at Port Hope and Orillia, Ontario, intended to be proposed to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 2922) for the relief of Rinaldo P. Smith, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2680) for the relief of the widow and children of John Hamilton, deceased, reported it with amendments, and submitted a report thereon.

REPORT ON THE ISLAND OF LUZON.

Mr. PLATT of New York. I am directed by the Committee on Printing to move a reconsideration of the vote by which the resolution was passed yesterday directing the Secretary of the Navy to furnish the Senate with copies of the report of Willis B. Wilcox on the island of Luzon, and to substitute the resolution which I send to the desk.

The motion to reconsider was agreed to.

Mr. PLATT of New York. I move that the resolution reported yesterday be indefinitely postponed.

The motion was agreed to.

Mr. PLATT of New York. I ask for the present consideration of the resolution now reported, in the place of the one indefinitely postponed.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate a copy of the report of Paymaster Willis B. Wilcox, United States Navy, on the island of Luzon.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3261) granting an increase of pension to Emery Stone; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 3262) to remove the charge of desertion against George Adams; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 3263) to remove the charge of desertion against George W. Posey; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KYLE introduced a bill (S. 3264) granting an increase of pension to William J. Cannon, alias James Cannon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3265) to correct the military record of Joseph G. Best, alias Albert E. Anderson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 3266) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Brig. Gen. E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Va.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. MONEY introduced a bill (S. 3267) for the benefit of industrial institutes and schools with State charters for the education of women; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. KENNEY introduced a bill (S. 3268) granting an increase of pension to Elisha F. Barton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 3269) to fix the compensation of certain officers of the customs of the port of New York; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3270) for the relief of Nathan S. Jarvis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3271) appropriating the sum of $250,000 for the reconstruction, repair, and improvement of the Government building in Boston; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SEWELL introduced a bill (S. 3272) for the preparation of a site and erection of a pedestal for statue of late Maj. Gen. George B. McClellan; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3273) granting a pension to Melvina Bottles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 3274) granting a pension to Samuel S. Beaver; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3275) for the relief of M. J. Edwards; which was read twice by its title, and referred to the Committee on Claims.

Mr. McBRIDE introduced a bill (S. 3276) granting an increase of pension to Joseph S. Maxwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3277) granting an increase of pension to Solon Cooper; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3278) to authorize the laying and maintaining of a pneumatic-tube system between the Capitol and the Government Printing Office, in the city of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAIRBANKS introduced a bill (S. 3279) for removal of charge of desertion standing against Peter Netz; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3280) granting an increase of pension to Henry Keene; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 3281) granting an increase of pension to Juliet E. Nichols; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3282) granting a pension to Sara Hayes Miley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3283) for the relief of Isaac R. Dunkelberger; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 3284) for the relief of Eugenie Baptiste, sole surviving heir of Francisco Krebs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. KYLE introduced a bill (S. 3285) to provide permanent buildings for the military post at Fort Meade, near Sturgis, S. Dak.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3286) to diminish the number of appraisers at the ports of Philadelphia and Boston; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3287) making an appropriation for the purchase of a bust of Lafayette, by David; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3288) to correct the military record of Daniel J. Coonan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DEBOE introduced a joint resolution (S. R. 92) providing for the appointment of a committee to consider and report the propriety of establishing a home for all honorably discharged soldiers and sailors who served in the war of the rebellion and with Spain who may be disabled in any way or dependent, resulting from said service; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced a joint resolution (S. R. 93) for the relief of the heirs of Capt. W. W. Withenbury, deceased; which was read twice by its title, and referred to the Committee on Claims.

GOVERNMENT FOR PUERTO RICO.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (S. 2264) to provide a government for the island of Puerto Rico, and for other purposes; which were ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment proposing to increase the salary of the officer in charge of the Bureau of Statistics from $3,000 to $4,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.